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

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Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, Editors; Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States; Board on Children, Youth, and Families; Committee on Law and Justice; Institute of Medicine; National Research Council

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

Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

Board on Children, Youth, and Families

Committee on Law and Justice

Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, *Editors*

INSTITUTE OF MEDICINE *AND*
NATIONAL RESEARCH COUNCIL
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The committee could not have done its work without the support and guidance provided by the National Research Council and Institute of Medicine (NRC/IOM) project staff: Patti Simon, study director; Alejandra Martín, research associate; Tara Mainero, research associate; and Pamella Atayi, administrative assistant. The committee gratefully acknowledges Kimber Bogard of the Board on Children, Youth, and Families and Arlene Lee and Jane Ross of the Committee on Law and Justice for their guidance on this study.

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Reviewers

This report has been reviewed in draft form by individuals chosen for their diverse perspectives and technical expertise, in accordance with procedures approved by the National Research Council's Report Review Committee. The purpose of this independent review is to provide candid and critical comments that will assist the institution in making its published report as sound as possible and to ensure that the report meets institutional standards for objectivity, evidence, and responsiveness to the study charge. The review comments and draft manuscript remain confidential to protect the integrity of the deliberative process. We wish to thank the following individuals for their review of this report:

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Although the reviewers listed above provided many constructive comments and suggestions, they were not asked to endorse the report's conclusions or recommendations, nor did they see the final draft of the report before its release. The review of this report was overseen by **Georges Benjamin**, American Public Health Association, and **Kristine Gebbie,** Flinders University School of Nursing and Midwifery. Appointed by the Institute of Medicine, they were responsible for making certain that an independent examination of this report was carried out in accordance with institutional procedures and that all review comments were carefully considered. Responsibility for the final content of this report rests entirely with the authoring committee and the institution.

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Preface

It is important to understand that commercial sexual exploitation and sex trafficking of minors are manifestations of child abuse. By doing so, one can gather valuable insights from the nation's work on child abuse and neglect over the past several decades and gain a better understanding of the challenges that must be overcome to confront these crimes.

Children have been abused and neglected for millennia. Examples of abuse and neglect of children are explicitly described in Ancient Egyptian, Greek, and Roman writings (Lynch, 1985). Physical abuse of children leading to death was described in France in 1860 and in several articles in the U.S. pediatric literature between 1946 and 1960. These early articles elicited what Christopher Ounsted referred to in 1975 as "gaze aversion," a collective indifference to child abuse that contributes to the failure to confront the problem directly and effectively (Ounsted, 1975). For centuries, and even now, many individuals and societies have turned away from recognizing and addressing the maltreatment of children because it is either too distressing or distasteful, because it is thought to be something that cannot be dealt with effectively or prevented, or because it is viewed as a family matter.

There have been waves of public interest in the abuse and neglect of children in American history. In 1874, in response to the case of Mary Ellen McCormack in New York City, the first child protective agency—the New York Society for the Prevention of Cruelty to Children—was founded. Through the 1920s, such societies created shelters or orphanages for children who were being abused or neglected in their homes. Interest was reignited by C. Henry Kempe's publication of "The Battered Child

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Syndrome" in the *Journal of the American Medical Association* in 1962, in which he estimated that there might be as many as 749 battered children in the United States (Kempe et al., 1962). The media attention to this paper helped lead all 50 states to implement a policy of mandatory reporting of child abuse. By 1969, there were 60,000 reported cases nationwide; by 1979, there were 669,000 reported cases; and by 1990, there were more than 3 million reports to social service agencies and 1.2 million confirmed cases. Also in 1990, the U.S. Advisory Board on Child Abuse and Neglect declared that the failure to address the problem adequately had led to "a national emergency."

The field of child maltreatment has expanded over the years to encompass sexual abuse, emotional abuse, physical abuse, educational neglect, and inadequate medical care. Sexual abuse of children, while, like child abuse generally, in existence for millennia, emerged as a public issue in the United States coincident with and in part as a result of the women's movement. Kempe described the sexual abuse of children as "the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend, to which they are unable to give informed consent, or that violate the social taboos of family roles" (Kempe, 1978, p. 382). Sexual abuse can occur within and outside the family and, depending on the developmental age of the child, will have different forms and consequences. Intrafamilial abuse (incest) was the initial focus of activity in the 1980s. Unlike the response to physical abuse of children (which was dealt with primarily by child welfare and juvenile [civil] court systems), the sexual abuse of children has been the purview primarily of law enforcement and the criminal justice system.

Fifty years after Kempe's landmark publication, the Institute of Medicine convened a committee to study the commercial sexual exploitation and sex trafficking of minors in the United States. At its core, commercial sexual exploitation and sex trafficking of children in the United States represent the organized sexual abuse of young children and adolescents, who, as this report demonstrates, often were previously victims of abuse and neglect in their home settings and escaped from that unsafe environment to an external environment on streets and in neighborhoods where they have been exploited.

This report reveals that the complex needs of these young people are not being adequately met by either criminal justice or child protection systems. Further, mandatory reporting of suspected cases will not help these youth if the resources they need are unavailable. It is time to refocus the perspective on these problems and direct efforts toward preventing commercial sexual exploitation and sex trafficking of minors; identifying youth at risk and those who have become ensnared; and developing effec-

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tive, evidence- and trauma-informed approaches that can enable them to reclaim their lives.

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Co-Chairs
Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States
Institute of Medicine and National Research Council

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Summary

Commercial sexual exploitation and sex trafficking of minors in the United States are commonly overlooked, misunderstood, and unaddressed forms of child abuse. Their consequences are far-reaching:

- Victims and survivors of these crimes face immediate and long-term social, legal, and health consequences.
- Exploiters and traffickers, who often operate undetected or without serious penalties, contribute to and benefit financially from the exploitation and abuse of minors.
- People who purchase or trade for sex with underage individuals engage in and help fuel demand for exploitation and abuse of minors.
- Individuals and businesses that look the other way or actively facilitate commercial sexual exploitation and sex trafficking of minors enable and perpetuate these crimes.
- A nation that is unaware of these problems or disengaged from solutions unwittingly contributes to the ongoing abuse of minors and all but ensures that problems of commercial sexual exploitation and sex trafficking of minors will remain marginalized and misunderstood.

Despite the gravity of commercial sexual exploitation and sex trafficking of minors in the United States, moreover, few professionals and systems responsible for protecting and serving children and adolescents are adequately prepared to prevent, identify, and respond to these problems.

Commercial sexual exploitation and sex trafficking of minors refer to

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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 [e.g., shelter, food, 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 or him perform in sexual venues (e.g., peep shows or strip clubs).

This report focuses primarily on trafficking for purposes of prostitution, exploitation of a minor through prostitution, and survival sex.

Numerous factors—at the individual, community, and systems levels—contribute to a lack of understanding and awareness of commercial sexual exploitation and sex trafficking of minors in the United States. For example, these crimes may be overlooked and underreported because they frequently occur at the margins of society and behind closed doors. Victims often are vulnerable to exploitation. They include children and adolescents who are, or have been, neglected or abused; in foster care or juvenile detention; or homeless, runaways, or so-called thrown-away children (i.e., children and adolescents that are asked or forced to leave home). In addition, the absence of specific policies or protocols related to commercial sexual exploitation and sex trafficking of minors, coupled with a lack of specialized training, makes it difficult for professionals from a range of sectors to identify and assist victims and survivors of these crimes.

Further, 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. Finally, a lack of awareness among individuals who routinely interact with victims and survivors ensures that these crimes are not identified and properly addressed. As a result, there is no reliable estimate of the incidence or prevalence of commercial sexual exploitation and sex trafficking of minors in the United States, and many victims go without help.

Although a modest amount of research and noteworthy practices and

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programs have emerged, far more needs to be known before it will be possible to adequately understand and respond to commercial sexual exploitation and sex trafficking of minors in the United States. This report is designed to provide a more complete picture of the problems by connecting the dots between more established fields of research and practice and the emerging body of work on commercial sexual exploitation and sex trafficking of minors in the United States. This report also aims to provide the scientific underpinnings for future practice, policy, and research efforts and help raise awareness and encourage action on problems of national importance with serious health and safety implications. The report identifies opportunities—through the expansion and enhancement of current efforts and the introduction of new strategies—to advance understanding of and improve the nation's response to commercial sexual exploitation and sex trafficking of minors.

STUDY CHARGE

In fall 2011, with support from the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, the Institute of Medicine and the National Research Council formed the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States to conduct a study of these problems as they affect U.S. citizens and lawful permanent residents of the United States under age 18. Based on its review of the evidence, the committee was asked to make recommendations encompassing strategies for responding to commercial sexual exploitation and sex trafficking of minors in the United States, new legislative approaches, and a research agenda (see Box S-1).

GUIDING PRINCIPLES AND OVERALL CONCLUSIONS

To guide its deliberations, the committee began with three fundamental principles:

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

These principles are woven throughout the text of this report and are fundamental to the committee's recommendations.

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BOX S-1
Statement of Task

The U.S. Department of Justice has requested that the Institute of Medicine and the National Research Council convene a committee of experts to conduct a study on the commercial sexual exploitation and sex trafficking of children who are citizens or lawful permanent residents of the United States. The study will be conducted by a committee of independent experts who will review relevant research and practice-based literatures that will inform future policy and practices within law enforcement, human services, and health care agencies.

As part of its work, the committee will examine the following topics:

1. What is known about the scope and severity of commercial sexual exploitation and sex trafficking of U.S. citizens or lawful permanent residents of the United States (under age 18);
2. Data on causes and consequences for victims and offenders, including the gateways to commercial sexual exploitation and sex trafficking for both populations, as well as the impact of these experiences on future criminal behavior and health outcomes;
3. Experiences with commercial sexual exploitation and sex trafficking among populations served by child welfare and juvenile justice systems;
4. Evidence associated with selected efforts in human services, health care, education, and law enforcement settings to prevent commercial sexual exploitation and sex trafficking of minors and to intervene with victims and offenders;
5. Identify lessons learned through international, national, state, and local advocacy efforts that contribute to successful intervention and prevention strategies; and
6. Assess the adequacy of current state and federal laws for addressing the commercial sexual exploitation and sex trafficking of minors and recommend new legislative approaches, if necessary, to address this issue.

Based on its examination of the preceding topics, the committee will make recommendations in the following areas:

1. Strategies to respond to commercial sexual exploitation of U.S. minors, including policies and practices for human services, health care agencies, juvenile justice agencies, law enforcement, and the judiciary;
2. New legislative approaches, if necessary; and
3. A research agenda to guide future studies in this field.

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After reviewing the evidence, the committee came to the following overall conclusions:

- There is substantial and compelling evidence that commercial sexual exploitation and sex trafficking of minors in the United States are serious problems with **immediate and long-term adverse consequences** for children and adolescents, as well as for families, communities, and society as a whole.
- Efforts to **prevent** the commercial sexual exploitation and sex trafficking of minors in the United States are essential but largely absent.
- Efforts to **identify and respond** to the commercial sexual exploitation and sex trafficking of minors in the United States are emerging, with some noteworthy examples, but efforts to date are largely undersupported, insufficient, uncoordinated, and unevaluated.
- Efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States require **collaborative approaches** that build upon the core capabilities of people and entities from a range of sectors.
- Efforts to address commercial sexual exploitation and sex trafficking of minors in the United States need to **confront demand** and the individuals who commit and benefit from these crimes.

These conclusions reflect the need for coordinated action to develop effective, multisector efforts to prevent and respond to the commercial sexual exploitation and sex trafficking of children and adolescents in the United States.

RECOMMENDATIONS

The committee's recommendations are designed to provide practical strategies for increasing awareness; for advancing understanding; and for supporting efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. They call for multiple and diverse actions at a variety of levels by a wide range of individuals and governmental and nongovernmental entities. (Box S-2 provides suggested actions that can be taken by a range of actors to support the implementation of the committee's recommendations.) If acted upon in a coordinated and comprehensive manner, the committee's recommendations can help advance and strengthen the nation's emerging efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. Finally, the committee recognizes the numerous challenges related to engaging in new work and committing

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additional resources to any problem in a time of serious fiscal constraints. Therefore, the committee highlights strategies for leveraging existing resources whenever possible.

Increase Awareness and Understanding

Many professionals and other individuals who interact with youth, such as teachers, health care providers, child welfare professionals, and law enforcement professionals, either are unaware that commercial sexual exploitation and sex trafficking of minors occur in their communities or lack the knowledge and tools to identify and respond to victims, survivors, and minors at risk of being victimized. In not recognizing children and adolescents at risk for commercial sexual exploitation and sex trafficking and the victims/survivors among the young people they serve, professionals fail to connect individuals in need to appropriate and timely services. In addition, minors' lack of awareness of commercial sexual exploitation and sex trafficking increases their vulnerability to these crimes.

A number of efforts now under way are aimed at training service providers and raising public awareness with respect to commercial sexual exploitation and sex trafficking of minors in the United States. Such efforts are essential to prevention and identification of and response to these crimes. Broadening the reach of these existing efforts could help increase understanding and recognition of these crimes. Therefore, the committee makes the following recommendation:

Recommendation 1: The Department of Justice, the Department of Health and Human Services, and the Department of Education, working with other partners, should increase awareness of commercial sexual exploitation and sex trafficking of minors by supporting the development, implementation, and evaluation of

- **national, regional, state, and local evidence-informed training for professionals and other individuals who routinely interact with children and adolescents;**
- **national, regional, state, and local public awareness campaigns; and**
- **specific strategies for raising awareness among children and adolescents.**

All training activities and public awareness campaigns should be carefully designed to engage the public and service providers to act on the behalf of victims and survivors without doing further harm.

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Training Activities

Training activities need to target and reach a range of audiences in a variety of settings (e.g., urban and rural; tribal lands and states). Specific audiences include, but are not limited to,

- parents and caregivers,
- teachers and other school personnel,
- students,
- physicians and other health care providers,
- child welfare professionals,
- community- and faith-based organizations,
- law enforcement personnel,
- attorneys in juvenile and criminal courts,
- judges in juvenile and criminal courts,
- mental health professionals, and
- social workers.

Training activities also need to be ongoing to ensure that training levels are sustained among professionals in fields that experience high rates of turnover and/or transfers. To be maximally effective, efforts to address the commercial sexual exploitation and sex trafficking of minors should build on the core capacities of various people and entities. Therefore, the Office of Juvenile Justice and Delinquency Prevention will need to work in partnership with the Departments of Education and Health and Human Services to engage relevant sectors in developing, implementing, and evaluating training activities that use evidence-based methods to promote learning. Broad engagement will help ensure that the necessary training is available, accessible, and acceptable for multiple audiences. Further, each sector will need to be consulted to determine the best methods for providing the training, recognizing that needs may vary, for example, between focused task forces and rural providers and between law enforcement personnel and health care providers. Strategies might include leveraging existing programs and expanding current efforts within the Departments of Justice, Education, and Health and Human Services to provide a range of training opportunities for an array of professionals.

Public Awareness Campaigns

A lack of public awareness about all aspects of commercial sexual exploitation and sex trafficking of minors in the United States is a significant barrier to preventing, identifying, and responding to these crimes. Public awareness campaigns addressing these problems need to be devel-

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oped, including special efforts to increase awareness among children and adolescents to help them avoid becoming victims. The Office of Juvenile Justice and Delinquency Prevention and the Departments of Education and Health and Human Services could partner with the commercial sector, foundations, and nongovernmental organizations, including journalists and other media that reach the public, to leverage resources and to reach the broadest possible audience.

Strengthen the Law's Response

Minors who are victims of commercial sexual exploitation and sex trafficking in the United States often are arrested and treated as perpetrators under state criminal and juvenile delinquency laws that make a wide variety of sexual offenses illegal. Although victims themselves, these children and adolescents may be subject to arrest, detention, adjudication or conviction, commitment or incarceration, and having permanent records as offenders. 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 the child welfare system 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 committee believes 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. Therefore, the committee makes the following recommendation:

Recommendation 2: All national, state, local, tribal, and territorial jurisdictions should develop laws and policies that redirect young victims and survivors of commercial sexual exploitation and sex trafficking from arrest and prosecution as criminals or adjudication as delinquents to systems, agencies, and services that are equipped to meet their needs. Such laws should apply to all children and adolescents under age 18.

In addition, despite laws in every state that enable the prosecution of individuals who purchase sex with a minor, function as exploiters/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. Understanding the need for a strong legal response to perpetrators of commercial sexual exploitation and sex trafficking, the committee makes the following recommendation:

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Recommendation 3: All national, state, local, tribal, and territorial jurisdictions should 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.

New laws (e.g., safe harbor and strict liability laws) and emerging law enforcement strategies (e.g., wiretapping and other enhanced investigation techniques) warrant additional examination and evaluation. In addition to reviewing, strengthening, and implementing laws that respond to victims/survivors and exploiters after crimes have occurred, the committee urges state, local, tribal, and territorial jurisdictions to consider how laws can be used to help prevent commercial sexual exploitation and sex trafficking of minors.

Strengthen Research to Advance Understanding and to Support the Development of Prevention and Intervention Strategies

The committee's review of commercial sexual exploitation and sex trafficking of minors in the United States was constrained by the extremely limited evidence base related to these crimes, particularly in the areas of prevention and intervention strategies. In addition, the committee found considerable variability in the quality of current research in these areas. Therefore, the committee makes the following recommendation:

Recommendation 4: The Department of Justice, the Department of Health and Human Services, and the Department of Education should collaborate and partner with others to implement a national research agenda focused on

- **advancing knowledge and understanding of commercial sexual exploitation and sex trafficking of minors in the United States;**
- **developing effective, child- and adolescent-centered, multisector interventions designed to prevent children and adolescents from becoming victims or exploiters and to assist those who have been exploited; and**
- **developing strategies and methodologies for evaluating the effectiveness of prevention and intervention laws, policies, and programs.**

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A Shift from Counting Generally to Counting Specifically

Many research efforts to date have focused on collecting prevalence data on commercial sexual exploitation and sex trafficking of minors in the United States. Based on difficulties entailed in measuring crime in general and in measuring commercial sexual exploitation and sex trafficking of minors specifically, however, the committee concluded that it would not be useful to devote substantial resources to refining estimates of the problems' overall prevalence. At the same time, more needs to be known about the prevalence of these crimes among and the associated needs of certain vulnerable populations, including but not limited to boys; lesbian, gay, bisexual, and transgender (LGBT) youth; homeless youth; rural youth; systems-involved youth; and racial and ethnic minority populations, including Native Americans. Many of these children and adolescents have specific risk factors and needs that have not yet been adequately recognized or examined.

Priority Areas for Research

In addition to emphasizing the importance of addressing the needs of vulnerable youth, the committee suggests the following priority areas for immediate examination:

- development of evidence-based prevention strategies;
- identification of risk and protective factors;
- development and evaluation of short- and long-term intervention needs and strategies;
- gender- and ethnic-responsive delivery of services (including physical health, mental health, legal, housing, and education) and support to difficult-to-reach populations;
- comprehensive, multisector approaches; and
- demand and its reduction.

Publication and Dissemination of Research Findings

Developing and implementing a national research agenda with clearly defined priority areas could help build an evidence base for understanding and identifying promising and best practices for the prevention and identification of and response to commercial sexual exploitation and sex trafficking of minors in the United States. Broad dissemination of the research findings through publication in the peer-reviewed literature would help build a much-needed critically reviewed evidence base to inform future programs, policies, and practices.

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Support Multisector and Interagency Collaboration

Commercial sexual exploitation and sex trafficking of minors are complex problems that cannot be fully understood or addressed effectively through any one sector, discipline, or area of practice alone. An adequate response to the problems will require participation from numerous individuals and entities, including victim and support service providers, health and mental health care providers, legislators, law enforcement personnel, prosecutors, public defenders, educators, and the commercial sector. An adequate response will also require ongoing collaboration among many individuals and entities.

Models for multisector and interagency collaboration exist for crimes that share related and overlapping characteristics with commercial sexual exploitation and sex trafficking of minors in the United States (e.g., child abuse, domestic violence, sexual assault). Task forces also provide a model for collaboration among sectors and across agencies, but they are too few in number, are distributed unevenly across the country, and lack needed evaluation. Thus, specific guidelines and technical assistance will be necessary to facilitate effective multisector and interagency collaboration on these problems and to support the development of new efforts throughout the country. Therefore, the committee makes the following recommendation:

Recommendation 5: The Coordinating Council on Juvenile Justice and Delinquency Prevention, in collaboration and partnership with national, state, local, tribal, and territorial governmental and nongovernmental entities, should develop guidelines on and provide technical assistance to support multisector collaboration and information sharing.

Guidelines and technical assistance could help individuals and entities ensure that their multisector approaches create a structure and/or a network of participants that is efficient, conducive to collaboration, and responsive to the needs of all partners and to the young people with whom they interact. Guidance might be provided on

- identifying and engaging essential partners;
- developing memoranda of understanding and/or formal agreements on roles and responsibilities;
- establishing data- and information-sharing protocols; and
- creating formalized channels of communication.

Multisector approaches will necessarily take a variety of forms and include a range of partners based on need, the availability of resources, and

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the social and legal context in which the approaches take shape. All efforts will need to be evaluated to identify promising practices and effective strategies for collaboration among sectors and across agencies, understanding that collaborations are most effective when all the participants understand and use evidence-based approaches.

Create a Digital Information-Sharing Platform

One of the most significant barriers to action by systems, agencies, and individuals to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors is a lack of reliable, timely information. While a number of organizations maintain lists of services available to child and adolescent victims of commercial sexual exploitation and sex trafficking, the committee was unable to identify an exhaustive list of national-, state-, local-, and tribal-level resources for victim and support services. The limited information that is available is diffuse and unvetted. Challenges in locating essential information on commercial sexual exploitation and sex trafficking present very real obstacles for children and adolescents who seek to access services and for professionals and caregivers who try to help them. Therefore, the committee makes the following recommendation:

Recommendation 6: The Office of Juvenile Justice and Delinquency Prevention should 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.

To make this information-sharing platform maximally effective, the Office of Juvenile Justice and Delinquency Prevention should partner with an independent, unbiased entity with robust technological capabilities to create and maintain a platform that can continuously adapt to next-generation technologies.

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BOX S-2
Summary of Key Implementation Strategies for the Committee's Recommendations

Congress

- Authorize and appropriate funds for demonstration and pilot projects designed to cultivate sustainable multisector collaboration to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. Require demonstration and pilot projects to include work with particularly vulnerable populations, such as lesbian, gay, bisexual, and transgender (LGBT) children and adolescents; racial and ethnic minority populations (including Native Americans); homeless/runaway children and adolescents; rural children and adolescents; and multisystem-involved children and adolescents. (Recommendation 4)
- Require the implementation, enforcement, and evaluation of laws, policies, and practices designed to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States through federal legislation. (Recommendations 2 and 3)

State Legislatures

- Direct states to conduct needs assessments to inform appropriate planning, implementation, evaluation, and resource allocation for strategies designed to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 4)
- Direct states to review and amend, as appropriate, state laws addressing commercial sexual exploitation and sex trafficking of minors in the United States to ensure that exploited and trafficked children and adolescents are treated as victims/survivors, not criminals, and to promote reduction of demand. (Recommendations 2 and 3)

Administration for Children and Families

- Develop and disseminate an annual *Domestic Trafficking in Persons* report. Require states to submit reports annually on specific prevention, protection, prosecution, and partnership activities for inclusion in this report. (Recommendations 1 and 6)

National Institute of Mental Health and National Institute of Child Health and Human Development

- Support research on the root causes and prevention of commercial sexual exploitation and sex trafficking of minors in the United States, including commercial sexual exploitation and sex trafficking of boys, risk and protective factors for *all* children and adolescents, short- and long-term intervention needs and strategies, and the delivery of services and support to difficult-to-reach populations. (Recommendation 4)

continued

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BOX S-2 Continued

National Institute of Justice

- Support research on laws, policies, and practices that reduce demand for commercial sexual exploitation and sex trafficking of minors in the United States and on the individuals who commit and benefit from these crimes. (Recommendation 4)

Office of Safe and Healthy Schools and Institute of Education Sciences

- Provide technical assistance to school districts for conducting school needs assessments on the prevention and identification of and response to commercial sexual exploitation and sex trafficking of minors within the school district, at individual schools, and in the immediate community. Produce and disseminate needs assessment reports that serve as benchmarks against which future gains can be measured.
- Support research to evaluate implementation strategies for meeting needs identified in these school assessments. (Recommendation 4)

National, State, and Local Bar Associations

- Examine and report on the impact of existing and emerging federal, state, and local laws addressing commercial sexual exploitation and sex trafficking of minors in the United States. Particular attention needs to be focused on new laws that redirect young victims and survivors of commercial sexual exploitation and sex trafficking from arrest and prosecution as criminals or adjudication as delinquents to systems, agencies, and services equipped to meet their needs. (Recommendations 2 and 3)
- Support laws, policies, and practices that reduce demand for commercial sexual exploitation and sex trafficking of minors in the United States, and punish the individuals who commit and benefit from these crimes. (Recommendation 4)
- Conduct reviews of laws, policies, and practices in consultation with other law-related professional organizations, including associations of prosecutors and law enforcement, and publish the results of these reviews every 3 years to support the development and refinement of laws and policies. (Recommendations 2 and 3)

Academic and Research Institutions

- Establish formal relationships with victim and support service providers, especially nongovernmental organizations, to develop studies, to collect

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data, and to evaluate the effectiveness of prevention and intervention activities. (Recommendation 4)

- Provide guidance and technical assistance to the Office of Juvenile Justice and Delinquency Prevention on the delivery of reliable, real-time information about how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 5)

Foundations and Nongovernmental Organizations

- Support and disseminate national, regional, state, and local public awareness campaigns, including specific strategies for raising awareness among children and adolescents. (Recommendation 1)
- Develop, support, and evaluate effective prevention and victim and support service strategies for underage victims and survivors of commercial sexual exploitation and sex trafficking. (Recommendation 4)
- Support the development and maintenance of a digital information-sharing platform that can deliver reliable, timely information about how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 5)

Commercial Sector

- Provide technical expertise to the Office of Juvenile Justice and Delinquency Prevention on the development and maintenance of a digital information-sharing platform that can deliver reliable, real-time information about how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 5)
- Leverage core capacities (e.g., big data, new media) to create and disseminate national, regional, state, and local public awareness campaigns, including specific strategies for raising awareness among children and adolescents. (Recommendation 1)
- Leverage core capacities to support prevention, identification, and response efforts of law enforcement, social services, and other governmental and nongovernmental organizations working to address commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 1)

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CONCLUSION

This report aims to provide a comprehensive review of current knowledge about and approaches for addressing commercial sexual exploitation and sex trafficking of minors in the United States. The report demonstrates that, with the exception of several noteworthy efforts, the United States is in the very early stages of recognizing, understanding, and developing solutions for these problems.

Fortunately, the release of the report occurs at an opportune time, amid growing attention to and calls for action to respond to commercial sexual exploitation and sex trafficking of minors in the United States at all levels—from the grassroots to the Executive Office of the White House. The committee's intent is for this report to provide a clear path forward by offering recommendations designed to increase awareness, to advance understanding, and to support efforts to prevent and respond to the commercial sexual exploitation and sex trafficking of the nation's children. Failure to act to prevent, identify, and respond to these problems would all but ensure that children and adolescents in the United States will continue to be overlooked and suffer needlessly and that exploiters will continue to perpetrate abuses without suitable consequences. The human cost of the status quo is simply unacceptable.

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Part I

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

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1

Introduction

Commercial sexual exploitation and sex trafficking of minors in the United States are frequently overlooked, misunderstood, and unaddressed domestic problems. In the last decade, they have received increasing attention from advocates, the media, academics, and policy makers. However, much of this attention has focused internationally—the media tell stories of girls being exploited on the streets of Cambodia or sold as mail order brides from Russia. 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 are not only 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 commercial sexual exploitation and sex trafficking of minors will remain marginalized and misunderstood.

Although a modest amount of research and noteworthy practices and programs have emerged, far more needs to be known if commercial sexual exploitation and sex trafficking of minors in the United States are to be adequately addressed. This report aims to offer a comprehensive picture of what is currently known about these problems by connecting the dots between more established fields of research and practice and the emerging body of work on commercial sexual exploitation and sex trafficking of minors in the United States. This information can provide the much-needed scientific underpinnings for future practice, policy, and research efforts and

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help raise awareness on an issue of national importance with serious health and safety implications.

STUDY CONTEXT

Despite the gravity of commercial sexual exploitation and sex trafficking of minors in the United States, these problems 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 often are 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, runaway (i.e., children who leave home without permission), or so-called thrown-away (i.e., children and adolescents who are asked or told to leave home). 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 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. Moreover, 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. Finally, 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, the true scope of commercial sexual exploitation and sex trafficking of minors within the United States is difficult to quantify.

Despite the challenges of identifying these youth, a number of efforts are under way to serve child and adolescent victims and survivors of commercial sexual exploitation and sex trafficking. This report highlights several noteworthy and emerging, albeit isolated, examples. The report also underscores how a lack of research on commercial sexual exploitation and sex trafficking of minors hampers work in this area. For example, little is known about how much trauma is sustained by victims and survivors of these crimes and the mental, physical, educational, and financial implications of such trauma over time. Furthermore, few studies have evaluated the effectiveness of treatment programs. As a result, evidence-based prevention or intervention programs are lacking, as is consensus on specialized services for victims and survivors of these crimes.

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In addition, the current evidence base (i.e., research published in peer-reviewed journals) has notable limitations. These include, among others, few evaluations of interventions and services for victims and survivors of commercial sexual exploitation and sex trafficking (e.g., to determine the essential components and duration of treatment and other services), limited analysis of the adequacy of laws (e.g., to assist victims, deter demand, or prosecute offenders), few longitudinal studies (e.g., to demonstrate the long-term impact and effectiveness of interventions), a lack of baseline data, and an overreliance on unsubstantiated findings and numerous competing estimates (e.g., numbers cited to describe the extent of commercial sexual exploitation and sex trafficking of minors in the United States). Moreover, research on commercial sexual exploitation and sex trafficking of minors necessarily spans a variety of disciplines and lacks a well-defined or common peer-reviewed literature. These limitations are exacerbated by inconsistent use of terminology. Finally, divergent social and political perspectives on many of the issues underlying commercial sexual exploitation and sex trafficking of minors may influence the approach to conducting and reporting research on these topics. It is in this context that the committee conducted its study.

STATEMENT OF TASK AND STUDY SCOPE

Recognizing the challenges of addressing commercial sexual exploitation and sex trafficking of minors in the United States, the Department of Justice's Office of Juvenile Justice and Delinquency Prevention requested an in-depth, independent examination of these problems in the United States. In fall 2011, the Institute of Medicine and the National Research Council, through collaborative efforts between the Board on Children, Youth, and Families and the Committee on Law and Justice, formed the Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States. The committee's statement of task is shown in Box 1-1.

In the course of its deliberations, the committee identified a number of necessary caveats on the charge shown in Box 1-1. First, the committee's charge specifically states that the focus of its study was to be "on the commercial sexual exploitation and sex trafficking of children who are *citizens or lawful permanent residents of the United States* [emphasis added]." The focus on U.S. citizens and legal permanent residents was specified in the committee's charge to ensure that commercial sexual exploitation and sex trafficking of minors would be examined, recognized, and understood as *domestic* as opposed to international issues with domestic implications and solutions. More to the point, the charge directed the committee to examine what is known about children in the United States—whether they are living at home, in protective custody, on the streets, or in some other

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BOX 1-1
Statement of Task

The U.S. Department of Justice has requested that the Institute of Medicine and the National Research Council convene a committee of experts to conduct a study on the commercial sexual exploitation and sex trafficking of children who are citizens or lawful permanent residents of the United States. The study will be conducted by a committee of independent experts who will review relevant research and practice-based literatures that will inform future policy and practices within law enforcement, human services, and health care agencies.

As part of its work, the committee will examine the following topics:

1. What is known about the scope and severity of commercial sexual exploitation and sex trafficking of U.S. citizens or lawful permanent residents of the United States (under age 18);
2. Data on causes and consequences for victims and offenders, including the gateways to commercial sexual exploitation and sex trafficking for both populations, as well as the impact of these experiences on future criminal behavior and health outcomes;
3. Experiences with commercial sexual exploitation and sex trafficking among populations served by child welfare and juvenile justice systems;
4. Evidence associated with selected efforts in human services, health care, education, and law enforcement settings to prevent commercial sexual exploitation and sex trafficking of minors and to intervene with victims and offenders;
5. Identify lessons learned through international, national, state, and local advocacy efforts that contribute to successful intervention and prevention strategies; and
6. Assess the adequacy of current state and federal laws for addressing the commercial sexual exploitation and sex trafficking of minors and recommend new legislative approaches, if necessary, to address this issue.

Based on Its examination of the preceding topics, the committee will make recommendations in the following areas:

1. Strategies to respond to commercial sexual exploitation of U.S. minors, including policies and practices for human services, health care agencies, juvenile justice agencies, law enforcement, and the judiciary;
2. New legislative approaches, if necessary; and
3. A research agenda to guide future studies in this field.

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situation—who are at risk of or victims or survivors of commercial sexual exploitation and sex trafficking. Over the course of the study, however, the committee found that examining the commercial sexual exploitation and sex trafficking of minors as an issue focused exclusively on U.S. citizens and legal permanent residents would be challenging and potentially counterproductive. For example, the committee found that researchers do not routinely differentiate in their research between undocumented minors and those who are legal permanent residents. Similarly, health care and victim service providers may not make such distinctions among victims and survivors in need of assistance; therefore, it is difficult—if not impossible—to determine the residence or citizenship status of the populations they serve or study. Moreover, the committee was uncomfortable with the idea of examining the best evidence available and reserving its findings and solutions for a subset of victims and survivors. Therefore, this report and the recommendations offered herein focus on the commercial sexual exploitation and sex trafficking of minors who are citizens or lawful permanent residents of the United States and its territories, as directed by the committee's charge. However, it is the committee's consensus opinion that all instances of commercial sexual exploitation and sex trafficking of minors that occur within the United States deserve equal attention and that all victims and survivors of these crimes deserve the same protections and services. Therefore, it is the committee's strong desire that readers of this report consider the broader implications of its recommendations as they apply to *all* children and adolescents.

Second, while its charge limits the focus of this study to minors, or individuals under age 18, the committee faced considerable scientific, ethical, and practical difficulty in limiting its examination to this age group. The emphasis on minors in the committee's charge was meant to ensure that the study would focus on the systems that are responsible for or interact with minors (e.g., child welfare and juvenile justice). However, the committee faced ethical and scientific considerations in examining commercial sexual exploitation and sex trafficking exclusively with respect to individuals under age 18. For example, evidence from recent studies demonstrates that brain development continues beyond traditionally accepted notions of adolescence well into an individual's 20s (Casey et al., 2008; Steinberg, 2008); investigators often did not limit their studies to individuals age 18 and younger. Further, the range of ages used to determine when adolescents are treated as minors and when they are treated as adults—which varies considerably from state to state—raised a number of ethical questions for the committee. For example, if a 17-year-old being sold for sex is a victim of commercial sexual exploitation or sex trafficking, is he or she no longer a victim on the day that he or she turns 18? Or if a 16-year-old who trades sex for food, shelter, or something of value is a victim, is a 19-year-old

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engaged in the same behavior a criminal? While questions of this nature go beyond this committee's charge, they underscore the complexity of addressing commercial sexual exploitation and sex trafficking exclusively as they affect minors. The committee therefore urges readers to consider the broader implications of its recommendations—not just as they apply to children and adolescents who are minors, but also as they apply to young adults.

Third, other important activities, populations, and efforts related to human trafficking fall outside the scope of this study. For example, labor trafficking is another form of human trafficking that has both international and domestic victims, some of whom are minors. Similarly, some portion of sex trafficking *into* the United States involves minors. However, labor trafficking and international sex trafficking are beyond the scope of this study. Therefore, the committee did not include labor trafficking or international sex trafficking in its examination except in cases where it was impossible to separate them from commercial sexual exploitation and sex trafficking of minors in the United States (i.e., the relevant research or organization addressed all forms of human trafficking). As directed by the committee's charge, lessons learned from international efforts to prevent and address commercial sexual exploitation and sex trafficking of minors are included as examples, but were not a primary focus of this study. In addition, the committee was not charged with examining issues related to prostitution or sex work in general, and recommendations on prostitution or sex work would go beyond the scope of this study.

Fourth, child pornography—the sale or trade of sexually explicit images or videos of children under age 18—is a serious form of child sexual abuse and exploitation that warrants attention and action, but this study does not focus on it. While child pornography and sex trafficking can occur together (e.g., pornographic images are used to coerce a child to engage in sexual servitude), the committee determined child pornography to be beyond the scope of its charge. This determination was made for a number of reasons. First, the committee learned that, with limited exceptions, the majority of child pornography for sale or trade originates overseas (Holman, 2012), and the committee's charge did not encompass non-U.S. jurisdictions. Next, the committee found that the law enforcement response to child pornography and commercial sexual exploitation and sex trafficking of minors differs greatly. For example, victims of child pornography are not arrested, whereas many victims of commercial sexual exploitation and sex trafficking are. The often punitive response to victims of commercial sexual exploitation and sex trafficking of minors was one of the key issues that the Department of Justice asked the committee to address in this study. Therefore, the committee decided to focus primarily on the exploitation of children and adolescents through prostitution.

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Fifth, while an examination of mandatory reporting was not part of the committee's official charge, it is an important issue with complex legal, ethical, and practical implications that are directly related to the committee's review of commercial sexual exploitation and sex trafficking of minors in the United States. Box 1-2 provides a detailed explanation of the complexities of mandatory reporting of commercial sexual exploitation and sex trafficking of minors in the United States in the context of the current practices of the legal, health care, and support service sectors.

Sixth, the committee was charged with examining only commercial forms of child sexual exploitation and sex trafficking. Therefore, other forms of child sexual abuse, including incest and rape, are included as risk factors for commercial sexual exploitation and sex trafficking of minors, but are not a primary focus of this study.

Seventh, although men, women, and children may all be trafficked for a range of purposes, commercial sexual exploitation and sex trafficking often are described as gender-based crimes, inextricably linked to the larger issues of violence against women and girls. Because the committee was charged with studying commercial sexual exploitation and sex trafficking against both male and female victims (under age 18), these crimes are discussed in this report as acts of abuse and violence against children and adolescents (see the committee's guiding principles below). This frame is not meant to diminish the important role that gender may play in commercial sexual exploitation and sex trafficking, both domestically and internationally. In addition, this report includes discussion of gender-specific research (focused primarily on girls and women) and the role of sexualization of children and adolescents (particularly girls).

Finally, this committee was not charged with estimating the prevalence of commercial sexual exploitation and sex trafficking of minors in the United States. Chapter 2 of this report describes a number of data collection efforts and reviews the difficulties, in general, of measuring crimes of a hidden nature to address the question of what is known about the "scope" of these problems. However, readers should note that the focus of this study with respect to victim identification relates to service provision and prevention as opposed to census.

GUIDING PRINCIPLES

To guide its deliberations, the committee began with three fundamental principles:

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

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BOX 1-2
Mandatory Reporting

Mandatory reporting is an important tool for responding to acts of violence and abuse. A report to police (in the case of domestic violence) or to child welfare (in the event of intrafamilial child abuse or neglect) can activate responses to both victims and offenders. Ideally, a report will interrupt violence and protect the safety and well-being of the victim. Yet while mandatory reporting facilitates appropriate interventions in many instances, unfortunately that is not always the case.

While an examination of mandatory reporting was not part of the committee's official charge, the issue was an important consideration for the committee for several reasons. First, the committee recognizes that the commercial sexual exploitation and sex trafficking of minors are forms of child abuse. If treated as such, they would trigger a legal requirement to make a report to either child welfare or law enforcement; indeed, some states are amending reporting requirements to include these cases. The current response to such a report, however, is uncertain and potentially ineffective or even harmful. In many states, a report of commercial sexual exploitation or sex trafficking of a minor to child protective services would be considered outside the purview of child protective services if the abuse were extrafamilial in nature. A report to law enforcement, on the other hand, might lead to a victim's arrest or some form of detention. As this report demonstrates, the systems charged with protecting and serving children and adolescents (e.g., juvenile justice and child welfare) are not designed to support and assist victims and survivors of commercial sexual exploitation and sex trafficking effectively. Under these circumstances, mandatory reporting may do more harm than good to victims and survivors (Flaherty et al., 2006).

Reporting of suspected child abuse and neglect, domestic violence, and dating violence is riddled with legal, ethical, and practical complexities. For example, current reporting of suspected child abuse and neglect—even among mandated reporters—is inconsistent. Significant percentages of primary care clinicians either fail to recognize child abuse and neglect or do not make reports in some cases even when they do recognize or suspect that a child is abused or neglected (Flaherty et al., 2008; Sedlak et al., 2010). Reasons for not reporting include anticipation or experience of negative consequences—such as lack of effective intervention, lack of benefit, or actual harm—for children or their families when a report is made (Flaherty et al., 2006; Jones et al., 2008). Also, mandatory reporting by health care providers could compromise the patient-provider relationship and patients' perception of health care professionals as supportive, trustworthy caregivers (Gielen et al., 2000; Rodriguez et al., 1999).

2. Minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals.
3. Identification of victims and survivors and any intervention, above all, should do no further harm to any child or adolescent.

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As with mandatory reporting of child abuse and neglect generally, professionals who suspect that a child or adolescent is a victim of commercial sexual exploitation or sex trafficking may choose not to make a report if they anticipate negative consequences to the child or adolescent. During its site visits and public workshops, the committee heard testimony that mandatory reporting of commercial sexual exploitation and sex trafficking of minors can have serious, harmful unintended consequences for victims and survivors (Sherman, 2012; Westmacott, 2012).

Thus, laws and policies will need to be clear about how professionals should proceed when they identify a victim of commercial sexual exploitation or sex trafficking and what will happen when a case is reported. Laws and policies will also need to ensure that appropriate services are in place to address the needs of victims and survivors who are identified and reported. In addition, professionals will need to be reassured that reporting commercial sexual exploitation or sex trafficking of a minor will do no further harm to any child or adolescent. This reassurance can be realized only through clear and thoughtful planning and strengthening of services for victims and survivors.

In sum, as of this writing, and in the absence of laws, policies, systems, and services designed and equipped to meet the needs of victims and survivors of commercial sexual exploitation and sex trafficking, the committee found that it lacked the information needed to make definitive statements or recommendations regarding mandatory reporting of commercial sexual exploitation and sex trafficking of minors. The committee recognizes that reporting of child abuse is required by law, and does not condone nonadherence when current legal mandates encompass cases of commercial sexual exploitation and sex trafficking. At the same time, the committee believes that the evidence that reporting often fails to benefit and can harm victims of commercial sexual exploitation and sex trafficking of minors undermines the ethical foundation of mandatory reporting. As part of its responsibility to identify challenges on the horizon for individuals and entities working to address the commercial sexual exploitation and sex trafficking of minors, the committee underscores the complex issues related to mandatory reporting in the relevant sections of this report (e.g., as applied to laws, see Chapter 4; as applied to specific sectors, see Chapters 6-9). It is the committee's strong desire that individuals and entities working to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States will take these issues into consideration as they plan and implement laws, policies, systems, and services. Finally, the committee strongly urges that any developments related to mandatory reporting of commercial sexual exploitation and sex trafficking of minors in the United States be based on the principle: "Do no further harm."

These guiding principles were shaped by the expert judgment of the committee (i.e., based on its members' collective legal, ethical, and practice-based knowledge), by expert testimony to the committee, and with the support of the study sponsor. These principles provide an important foundation

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for understanding commercial sexual exploitation and sex trafficking of minors in the United States.

STUDY APPROACH

The study committee was comprised of 13 members with expertise in women's, adolescent, and pediatric health; criminal and juvenile justice; law; child welfare; human services and victim services; statistics and measurement; psychology; sociology; nursing; social work; public health; health disparities; and technology. (See Appendix E for biographical sketches of the committee members.)

Since 2000, scholarly interest in commercial sexual exploitation and sex trafficking of minors has increased dramatically. An emerging, albeit immature, evidence base reflects a need to advance knowledge and understanding of these problems. Research in a variety of disciplines and fields, such as social work, nursing, child and adolescent health, law, and criminology, is described in this report.

Despite the increase in scholarly interest, numerous challenges to conducting research on commercial sexual exploitation and sex trafficking of minors exist. These challenges include, among others, considerable ethical issues (e.g., the assignment of subjects to experimental and control groups), legal issues (e.g., privacy, confidentiality, autonomy), and practical issues (e.g., failure to identify victims, misidentification of victims, reluctance of victims to seek assistance, incomplete or inconsistent data collection and reporting). As a result, research on commercial sexual exploitation and sex trafficking of minors in the United States is underdeveloped.

Recognizing the challenges presented by the paucity of research on commercial sexual exploitation and sex trafficking of minors, the committee developed a plan for conducting its review of the literature. The focus of the review was primarily research published in the peer-reviewed scientific literature and law reviews. The committee found considerable variation in the quality of such studies but, given the early stage of development of this field of research, determined that even studies of limited strength could provide some useful information. This report includes appropriate qualifications when such research is cited. In addition, the committee made every effort to include the most up-to-date research. However, strong evidence sometimes was found in older studies, which, not having been replicated in recent years, were the only available sources of data on certain topics. In other cases, large-scale studies are lacking, and so the committee relied on available data from smaller-scale studies. Finally, the committee looked to related fields of research for insights into this emerging field. Ultimately, the committee included in this study what it judged to be the best empirical evidence available.

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Given the limitations of the published evidence base, the committee used a variety of sources to supplement its review of the literature. The committee met face to face six times and held two public workshops to obtain from a broad range of relevant stakeholders vital input that could not be derived from the published literature. (See Appendix D for the workshop agendas.) In addition, small groups of committee members and study staff participated in a series of regional site visits to learn about the efforts of a range of organizations and individuals working on issues related to commercial sexual exploitation and sex trafficking of minors in different parts of the country with broad range of populations. These site visits included in-depth discussions of local challenges and noteworthy practices. (See Appendix C for the site visits' methodology and summaries.) The committee readily acknowledges that this report cannot include all noteworthy activities currently under way to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. However, the committee made every attempt to learn about and document a broad array of strategies, programs, policies, and laws for this study. Any omissions should not be viewed as intentional, but as a function of the time and resources of the committee and the visibility of various activities across the nation.

It is important to note that there are precedents at the National Academies for studying topics on which the amount of published research in peer-reviewed journals is limited (see, for example, *The Health of Lesbian, Gay, Bisexual, and Transgender People* [IOM, 2011] and *Understanding Child Abuse and Neglect* [NRC, 1993]). Studies of this nature—challenging as they may be—can make a significant contribution by shining a light on critical and understudied topics and by outlining future research and policy agendas. The committee intends this report to represent a significant step forward in advancing research, policy, and practice on underexamined and overlooked issues related to commercial sexual exploitation and sex trafficking of minors in the United States. In the chapters that follow, the committee evaluates the available relevant data, identifies gaps in the literature, and in its recommendations addresses the need for additional research.

DEFINITIONS OF KEY TERMS

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 problems—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*).

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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. Chapter 2, for example, notes that the lack of agreement on clear and reasonable definitions directly contributes to the difficulty of estimating the nature and extent of commercial sexual exploitation and sex trafficking of minors in the United States. Chapters 4 through 10 note how inconsistent terminology can introduce challenges to successful investigation, prosecution, and provision of assistance to victims and survivors. For example, a child or adolescent victim identified as a prostitute may have access to significantly fewer resources than a child or adolescent identified as a sex trafficking victim, although services and support for the latter are scarce; the former child or adolescent may be treated as a criminal and detained as opposed to being referred for a range of health and protective services to which he/she is legally entitled. In addition, inconsistent terminology can be a source of confusion. For example, although the term *sex trafficking* may sound as though the crime involves movement of some kind (e.g., the crossing of an international border or the transportation of a victim from one location to another), the federal definition of the term does not require movement. The language used to describe commercial sexual exploitation and sex trafficking of minors also can influence how individuals, behaviors, and events are perceived. For example, whether perpetrators of commercial sexual exploitation and sex trafficking of minors are called *pimps*, *johns*, *exploiters*, or *offenders* may affect how society views them. Likewise, victims of commercial sexual exploitation or sex trafficking are referred to as *victims*, *slaves*, *survivors*, or *prostitutes*, terms that may carry different connotations for different audiences. Finally, Chapter 10 describes how the lack of a common language can inhibit collaboration among sectors or create tension between natural and necessary partners. In sum, clarity on the language used to describe the commercial sexual exploitation and sex trafficking of minors is important because it can influence comprehension of the problem and have an impact on engagement and action.

In the sections that follow, the committee explains how some of the more common terms used to describe the commercial sexual exploitation and sex trafficking of minors in the United States are defined in this report. In addition, given the importance of terminology and the range of perspectives that influence how terms are defined and used, the report includes an in-depth discussion of definitions and their sources (e.g., advocacy organizations, laws, government agencies) in Appendix A.

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Commercial Sexual Exploitation and Sex Trafficking of Minors

Commercial sexual exploitation and *sex trafficking of minors* refer to 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).

As noted above, the committee found that the terms describing these crimes and abuses often are used inconsistently in the law, by advocates, and in the scholarly literature on these issues. The committee understands that commercial sexual exploitation and sex trafficking of minors are overlapping but distinct terms, and in this report identifies how these distinctions are important for law, for research, and in other contexts. Appendix A details the significance of these distinctions and how the two terms overlap. In its review, however, the committee found that disentangling commercial sexual exploitation from sex trafficking was impossible in many instances, given both the inconsistent use of terminology and, equally important, the fact that the two terms involve many of the same crimes.

As established above in the discussion of the study scope, this report focuses on trafficking for purposes of prostitution, prostitution, and survival sex, with less emphasis on pornography, sex tourism, mail order bride trade, stripping, and performing in sexual venues. Except when referring generally to commercial sexual exploitation of children as a range of crimes, then, *commercial sexual exploitation* and *sex trafficking of minors* are used in this report primarily to refer to trafficking for purposes of prostitution, prostitution, and survival sex. The report notes specific types of exploitation when appropriate and/or possible. The committee recognizes that including survival sex in its definition of commercial sexual exploitation and sex trafficking of minors may introduce additional challenges to designing programs, policies, and practices. For example, including survival sex in the definition of commercial sexual exploitation and sex trafficking means that a third party need not be involved for the exploitation to be

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considered "commercial" in nature (e.g., if sexual activity is exchanged for something of value). However, the needs of a child or adolescent exploited by a third party may be different from the needs of a child or adolescent engaging in survival sex. It follows that programs designed for victims and survivors will need to account for a range of experiences and needs among the individuals and populations the programs serve. It is the committee's intent that by calling attention to the challenges that exist, this report will inform the development of the range of programs, policies, and practices required to respond adequately to these crimes.

Finally, as noted in the earlier discussion of its guiding principles, the committee also emphasizes the importance of recognizing and understanding the issues addressed by this study as part of a broader pattern of child abuse (as illustrated by Figure 1-1).

FIGURE 1-1 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.

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Individuals Involved in Commercial Sexual Exploitation and Sex Trafficking of Minors

This section defines the terms used in this report for the various individuals involved in commercial sexual exploitation and sex trafficking of minors. It also provides the committee's rationale for using each of these terms.

Minors

The term *minor* is used to refer to individuals under age 18, the designated focus of this study (see the discussion of the statement of task and study scope earlier in this chapter). Other age-related terms, such as *child*, *adolescent*, and *youth*, are used to refer to minors in this report as appropriate (e.g., in discussing laws that use these terms); however, *minor* is the term used in the committee's charge. It is important to note that this is an age-related term and does not convey lesser importance (e.g., "domestic minor sex trafficking" is not a negligible violation).

Victims Versus *Survivors*

The terms *victim* and *survivor* both are used to refer to minors who are commercially sexually exploited or trafficked for sexual purposes. The committee determined that both terms are important, and they need not be considered mutually exclusive. Rather, the terms could be applied to the same individuals 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 committee also recognizes that the term *survivor* has therapeutic value and that the label *victim* may be counterproductive at times. Therefore, this report uses both terms to refer to minors who have been commercially sexually exploited or trafficked for sexual purposes.

Prostituted Child, Not *Child Prostitute*

Some victims of commercial sexual exploitation and sex trafficking are referred to as *child prostitutes*, *juvenile prostitutes*, or *adolescent prostitutes*. Prostitution is illegal in nearly all jurisdictions in the United States, and individuals who engage in prostitution are considered criminals. Therefore, the terms *child prostitute*, *juvenile prostitute*, and *adolescent prostitute* suggest that prostituted children are criminals; that is, victims and survivors of commercial sexual exploitation and sex trafficking may be viewed as

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willing participants in an illegal activity. As stated in its guiding principles, the committee firmly asserts that these young people should be recognized as victims, not criminals, and that commercial sexual exploitation and sex trafficking are forms of child abuse. Therefore, this report uses the terms *prostituted child* (*juvenile, adolescent*) and *prostitution of children* (*juveniles, adolescents*) as opposed to *child* (*juvenile, adolescent*) *prostitute* to describe victims of commercial sexual exploitation and sex trafficking.[1] This usage is consistent with the committee's definition and understanding of commercial sexual exploitation and sex trafficking of minors.

Offenders

A variety of terms—including *traffickers*, *exploiters*, and *pimps*—are used to describe individuals who exploit children for financial or other gain. While the word *pimp* originally was used to describe an individual who sells prostitutes, its meaning and use have evolved. In slang, *pimp* often is used to describe something as positive or glamorous. Therefore, the committee decided to use the terms *trafficker* and *exploiter* rather than *pimp* to describe individuals who sell children and adolescents for sex.[2] 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.

Solicitors and *purchasers* are individuals who pay for sex with minors and thus represent the demand for commercial sexual exploitation and sex trafficking of minors. These individuals may actively seek to purchase sex with underage individuals or may be unaware of or uninterested in their age. Solicitors and purchasers often are referred to as *johns*. Over the course of the study, the committee heard from experts and practitioners who consider the term *john* to be problematic. They argue that the term sounds innocuous and that its use contributes to the perception that the prostitution of minors is a victimless crime. Using a term with such connotations is inconsistent with the committee's other definitions. Therefore, this report uses the terms *solicitors* and *purchasers*, rather than *johns*, to describe individuals who buy sex with children.[3]

[1]In certain instances, notably in the chapter on laws (Chapter 4), the committee uses terms such as *prostitute* and *pimp* when they reflect the language of a statute.

[2]Again, the language used, especially in Chapter 4, may vary from this usage to accord with that of a statute.

[3]Again, specific usage may reflect the language of a statute.

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Facilitators

Facilitators are individuals or businesses that are complicit in or benefit from the commercial sexual exploitation and sex trafficking of minors. Examples of facilitators include limousine and taxi drivers, hotel and motel operators, landlords, and advertisers, among others. While facilitators enable and support commercial sexual exploitation and sex trafficking of minors—actively or passively—they are not the purchasers or sellers of sex with minors. Therefore, the committee does not consider the term *facilitator* to be synonymous with traffickers, exploiters, solicitors, or purchasers. It should be noted that many of the same individuals and businesses that could act as facilitators are well situated to help prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors. This report includes a number of examples of such efforts in Chapter 9.

NOTABLE PAST WORK

While this report is the first in-depth examination of commercial sexual exploitation and sex trafficking of minors conducted by the National Academies, the Institute of Medicine (IOM) and the National Research Council (NRC) have a long history of studying issues related to child abuse and neglect, the prevention of violence in families, and vulnerable youth. Earlier reports by the IOM and the NRC that informed the committee's work include *Understanding Child Abuse and Neglect* (NRC, 1993); *Understanding Violence Against Women* (NRC, 1996); *Violence in Families: Assessing Prevention and Treatment Programs* (NRC, 1998); *Confronting Chronic Neglect: The Education and Training of Health Professionals on Family Violence* (IOM, 2002); *Youth, Pornography, and the Internet* (NRC, 2002); *Advancing the Federal Research Agenda on Violence Against Women* (NRC, 2004); and the recently released *New Directions in Child Abuse and Neglect Research* (IOM/NRC, 2013). The NRC also has examined issues related to crime data and research (*Measurement Problems in Criminal Justice Research* [NRC, 2003] and *Strengthening the National Institute of Justice* [NRC, 2010]) and issues related to juvenile justice (*Juvenile Crime, Juvenile Justice* [NRC, 2001] and *Reforming Juvenile Justice: A Developmental Approach* [NRC, 2012]).

In addition to this earlier work of the National Academies, the committee drew important lessons from the collection of efforts and research aimed at addressing commercial sexual exploitation and sex trafficking of minors and related issues by a range of engaged stakeholders. This report reviews their work in the chapters that follow.

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ORGANIZATION OF THE REPORT

This report is organized into three parts and 11 chapters. Part I, which includes Chapters 1-4, provides a foundation for understanding the commercial sexual exploitation and sex trafficking of minors in the United States. Part II, which includes Chapters 5-10, examines current and emerging strategies for preventing and identifying commercial sexual exploitation and sex trafficking of minors, for assisting and supporting victims and survivors, and for addressing exploiters and traffickers. Part III offers a path forward through recommendations designed to increase awareness; advance understanding; and support efforts to prevent, identify, and respond to the commercial sexual exploitation and sex trafficking of minors in the United States. Each chapter is described briefly below. (See Box 1-3 for a note to readers on the organization of this report.)

Chapter 2 provides an overview of the nature and extent of commercial sexual exploitation and sex trafficking of minors in the United States. The chapter examines current estimates of commercial sexual exploitation and sex trafficking of minors, reviews the major challenges to measuring crime in general and these two crimes in particular, identifies current sources of relevant data, and explains the implications of insufficient data collection and analysis.

Chapter 3 focuses on the risk factors and consequences of commercial sexual exploitation and sex trafficking of minors across the life course. To convey the complexity of these risk and protective factors over time, the chapter describes the developmental, ecological, and transactional contexts and relationships in which these factors are relevant. The chapter also details the individual health, public health, legal, and social consequences

BOX 1-3
A Note to Readers About the Organization of This Report

This report is organized in a way that the committee hopes will be maximally useful to a wide array of readers from a variety of sectors. To that end, the report includes a number of sector-specific chapters. However, this organization is not meant to imply that any one sector can fully address the range of issues related to commercial sexual exploitation and sex trafficking of minors in the United States. Therefore, the committee strongly urges readers to consult not only the chapters specifically related to their own field of practice or research but also those related to other disciplines and domains. Reading the report in this way should increase understanding of the overall picture of current and emerging practices and reveal complementary efforts, similar challenges, and abundant opportunities.

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of commercial sexual exploitation and sex trafficking of minors, including both long- and short-term consequences and possible prevention and intervention points.

Chapter 4 reviews current and emerging laws that address the commercial sexual exploitation and sex trafficking of minors in the United States. The chapter includes a description of the historical legal context for such laws and a summary of current federal and state laws. It also provides a discussion of the interpretation and use of the laws, as well as their strengths and limitations, and highlights specific challenges and opportunities.

Chapter 5 examines current and emerging practices in the legal system to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. It describes the strengths and limitations of efforts by police, prosecutors, defense attorneys, the juvenile justice system, and the judiciary to assist victims and survivors and to investigate and prosecute exploiters and traffickers.

Chapter 6 describes a broad range of actors and approaches at the federal, state, and local levels involved in providing supportive services to victims and survivors of commercial sexual exploitation and sex trafficking of minors. The chapter reviews current and emerging practices in child welfare and child protective services agencies, within the federal and state governments, and in nongovernmental organizations. It reviews the strengths and limitations of existing and emerging practices, including the state of current research and the challenges and opportunities for involvement of victim and support services.

Chapter 7 describes how the health care sector can identify and assist individuals who are at risk of or are victims and survivors of commercial sexual exploitation and sex trafficking of minors. The chapter describes the current resources, persistent challenges, and opportunities for health care professionals seeking to prevent, identify, and respond to commercial sexual exploitation of and sex trafficking of minors.

Chapter 8 examines how schools and the education sector can use their expertise, resources, and daily interaction with school-aged children to help prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors on their campuses and in their communities. The chapter describes a number of noteworthy practices, including the development of district-wide policies and partnerships, the leveraging of established school and community resources, and efforts to raise awareness among members of the education community.

Chapter 9 describes how commercial-sector companies have the capacity both to facilitate commercial sexual exploitation and sex trafficking of minors and to be involved in solutions. The chapter describes roles for the commercial sector, including applying industry innovation to the problems

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of commercial sexual exploitation and sex trafficking of minors and adopting policies that can reduce their occurrence.

Chapter 10 describes the value of current interagency approaches, multisector responses, and collaborative efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. The chapter includes a discussion of different models of collaboration among sectors and points to both opportunities and the challenges that remain.

The report culminates with the committee's recommendations in Chapter 11. The chapter includes specific actions that various stakeholders can take to achieve a coordinated, multisector response to commercial sexual exploitation and sex trafficking of minors in the United States. It includes examples of victim- and survivor-centered legislation and other strategies for preventing these crimes, for assisting victims and survivors, for deterring and prosecuting offenders, for training professionals, for leveraging existing resources, for raising awareness among people who routinely interact with children and adolescents, and for engaging essential partners. The chapter also provides guidance for implementing, evaluating, and replicating efforts and identifies opportunities for additional research and evaluation.

The report includes a number of appendixes. Appendix A offers an in-depth discussion of terminology related to commercial sexual exploitation and sex trafficking of minors. Appendix B provides selected examples of international efforts to address commercial sexual exploitation and sex trafficking of minors. Appendix C describes the methodology for and summarizes the committee's site visits. Appendix D includes meeting agendas and lists of participants in the committee's public workshops and site visits. Finally, Appendix E provides biographical sketches of the committee members and study staff.

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The Nature and Extent of Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

Despite a growing literature on commercial sexual exploitation and sex trafficking of minors in the United States, reliable estimates elude the field. When estimates are presented, they are generally accompanied by qualifiers and caveats. For example, Stransky and Finkelhor (2008) reviewed extant estimates of the number of juvenile prostitutes in the United States and found that the estimates ranged from 1,400 to 2.4 million. Indeed, following the recitation of these estimates, Stransky and Finkelhor implore readers, "PLEASE DO NOT CITE THESE NUMBERS [emphasis in original]" (Stransky and Finkelhor, 2008, p. 1). This chapter explains why such a caveat may be appropriate for all extant estimates of commercial sexual exploitation and sex trafficking of minors in the United States and why obtaining such estimates is so challenging. The chapter describes the current state of research focused on estimating commercial sexual exploitation and sex trafficking of minors in the United States. It includes examples of data collection efforts at the local, state, and federal levels and their relative strengths and limitations. It describes the difficulties inherent in counting crime in general and in counting commercial sexual exploitation and sex trafficking of minors in particular. The information presented illuminates why the estimates available today do not offer a full accounting of the incidence or prevalence of commercial sexual exploitation and sex trafficking of minors in the United States and why a full accounting of these problems may never be accomplished. The committee's review offers insights into the complexities of different research strategies, and also underscores the challenges posed by current estimates for policy makers, practitioners, advocates, and researchers. At the same time, the committee explains that, while

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perfect estimates of commercial sexual exploitation and sex trafficking of minors in the United States may not be attainable, improving the estimates is a worthy and attainable goal.

EXISTING ESTIMATES OF COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS IN THE UNITED STATES

Scholarly interest in commercial sexual exploitation and sex trafficking of minors has been increasing, especially since the Trafficking Victims Protection Act was passed in 2000.[1] Still, this area of research is underdeveloped and uneven. Estimates of the incidence and prevalence of commercial sexual exploitation and sex trafficking of minors in the United States are particularly 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). As Best (2012) notes, no estimate is perfect, but some are more perfect than others. How perfect are extant estimates of commercial sexual exploitation and sex trafficking of minors in the United States?

Incidence and Prevalence

One of the most widely cited estimates of the commercial sexual exploitation of children comes from the research of Estes and Weiner (2002). That research, using data gathered from January 1, 1999, to March 31, 2001, indicates that between 244,000 and 325,000 children are *at risk* of commercial sexual exploitation in the United States, in addition to the estimated "105,000 children who are substantiated or indicated to be victims of other types of child sexual abuse annually in the United States" (Estes and Weiner, 2002, p. 46). Estes and Weiner's 27-month study gathered data from a variety of sources in 17 U.S. cities, as well as cities in Canada and Mexico. These sources included, but were not limited to, interviews with key stakeholders, commercial sexual exploitation customers, law enforcement representatives, and human service representatives. In addition, the authors gathered information from 124 sexually exploited runaway and thrown-away street children and 86 sexually exploited children under the care of human service and law enforcement agencies.

The limitations of Estes and Weiner's (2002) estimates are well documented (see, e.g., Stransky and Finkelhor, 2008) and are clearly acknowledged by the authors. First, these estimates focus on youth "at risk" for

[1]Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386, Division A, 114 Stat. 1464.

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commercial sexual exploitation as opposed to actual victims; a distinction between actual victims and those at risk for exploitation is not made. A second issue is that the at-risk numbers do not take into account individuals who may belong in multiple risk categories (Stransky and Finkelhor, 2008). For instance, if a child were homeless, lesbian, gay, bisexual, transgender, or questioning, and the victim of child sexual abuse, he/she would belong in three of the risk categories and might have been counted three (or more) times in the estimates. While Estes and Weiner (2002) describe how their research corrects for possible duplicate counts in some categories, the extent of duplicate counting, if any, is unknown. The authors acknowledge that with greater resources, a different methodological approach might be taken that could yield improved estimates. Specifically, they note that "a different type of study from ours—one that used a different methodology and a higher investment of resources—is needed to carry out a national prevalence and incidence survey that could produce an actual headcount of the number of identifiable commercially sexually exploited children in the United States" (Estes and Weiner, 2002, p. 143). Even with these limitations, however, Estes and Weiner's estimates are the most widely cited national-level estimates of commercial sexual exploitation of minors.

Subsets and Subpopulations of Victims

In an effort to understand the nature and extent of commercial sexual exploitation and sex trafficking of minors in the United States, some have examined specific subpopulations or subsets of victims. For example, Greene and colleagues (1999) focus on the prevalence of survival sex among a shelter sample and a sample of street youth. The shelter youth participants were selected using a multistage sample methodology to derive nationally representative data on youth in shelters. The street youth participants were selected as a convenience sample from 10 U.S. cities. Aggregated, these data, gathered in November and December 1992 and focusing on youth aged 12 to 21, revealed that 9.5 percent of the shelter youth and 27.5 percent of the street youth had engaged in survival sex during that year (Greene et al., 1999). While this work did not yield an estimate of the prevalence of minors who are victims or survivors of commercial sexual exploitation and sex trafficking, it demonstrates that shelter and street youth may be at high risk for being subject to these crimes given their involvement in survival sex. Nonetheless, a limitation of this research for purposes of understanding the extent of commercial sexual exploitation and sex trafficking of minors is that the samples included only youth aged 12 to 21. Unfortunately, the study does not disaggregate minors (under age 18) from others in the samples, and it does not offer information on minors under age 12. This

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limitation is not uncommon as much research in this area combines a range of ages encompassing children, adolescents, and young adults.

Arrest Records

Yet another approach used to understand the extent of commercial sexual exploitation and sex trafficking of minors in the United States is to examine arrest records. Using 2009 data from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) program, Puzzanchera and Adams (2011) estimate that 1,400 youth were arrested for prostitution and commercialized vice in the United States during that year. In this work, the authors define juveniles as persons younger than age 18[2] and detail the characteristics of those juveniles arrested. Fully 78 percent of the 1,400 arrests involved a female, 12 percent involved a juvenile under age 15, and 40 percent involved a white juvenile (Puzzanchera and Adams, 2011). Arrest statistics, however, while informative, are no substitute for prevalence rates. One cannot know, for example, whether the 1,400 arrests were of unique individuals or included individuals who were arrested on multiple occasions for the same offense. Furthermore, the number of arrests is not equivalent to the number of incidents of commercial sexual exploitation and sex trafficking of minors; one incident may have involved multiple juveniles who were arrested for prostitution and commercialized vice. Further, this estimate includes only arrests for prostitution of minors and does not offer insight into the number of juveniles engaging in other related activities. And finally, arrest numbers cannot convey the number of minors being prostituted who escaped detection from police; were arrested for a different offense (e.g., drug related); or were handled in ways not involving arrest at the discretion of the officer or other criminal justice official, including those who were recognized as victims and treated accordingly. Therefore, the use of prostitution arrest numbers offers a highly conservative and incomplete estimate of commercial sexual exploitation and sex trafficking of minors in the United States.

Victim Identification

Another approach used to estimate commercial sexual exploitation and sex trafficking of minors in the United States is to quantify known victims by groups such as service providers, health care providers, school personnel, and law enforcement, among others. An example is estimates derived from

[2]The authors note that their definition of *juvenile* (i.e., under age 18) conflicts with the legal definition of the term in 13 states. In 10 states, juveniles are defined as persons aged 16 and younger and in 3 states as those under age 16.

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the FBI's Innocence Lost National Initiative, indicating that the program has led to the "recovery"[3] of more than 2,100 children being prostituted since its inception in 2003 (FBI, 2012). This number, while indicative of the FBI's success in helping victims of commercial sexual exploitation and sex trafficking of minors, must be viewed as a highly conservative estimate as well. First, the number of children recovered from prostitution includes only those victims of commercial sexual exploitation and sex trafficking who come to the attention of law enforcement. Further, as with arrest records, one cannot know whether this estimate includes some minors who have been recovered multiple times. And finally, the estimate is limited to those minors who have been prostituted; it does not include minors involved in survival sex or other forms of sexual exploitation.

Human Trafficking Task Force Data

The Bureau of Justice Assistance requires its human trafficking task force grantees to collect data and enter them into the Human Trafficking Reporting System. This system was developed and is maintained by researchers at Northeastern University and is designed to track the performance of federally funded human trafficking task forces. It is currently the only source of information from state and local law enforcement agencies involved in human trafficking investigations. Investigations are guided by the definition of human trafficking found in the Trafficking Victims Protection Act of 2000.

The data reported to the Human Trafficking Reporting System include incidents of labor and sex trafficking of minors and adults investigated by Bureau of Justice Assistance human trafficking task forces. Data in this system have been examined by analysts at the Bureau of Justice Statistics. That research indicates that from January 2008 through June 2010, federally funded human trafficking task forces identified 1,016 alleged incidents of prostitution or sexual exploitation of children (Banks and Kyckelhahn, 2011). While this number encompasses both prostitution and sexual exploitation of children, it is limited. First, it reflects only those cases that came to the attention of the 45 federally funded task forces, which are not geographically representative of the nation (Banks and Kyckelhahn, 2011). Second, data were entered into the system only if an investigator spent more than 1 hour on the alleged case. Third, the data represent alleged cases only and thus include cases that may subsequently have been determined to be unfounded. Fourth, an analysis of the data indicated that data entry was incomplete as a result of variation in reporting by individual task forces

[3]The FBI offers no definition of "recovered" children.

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(Banks and Kyckelhahn, 2011).[4] While these data offer some insight into the commercial sexual exploitation and sex trafficking of minors in the United States, then, they are imperfect and incomplete.

State-Level Data

A number of states have conducted prevalence studies of commercial sexual exploitation and sex trafficking of minors within their borders (Gragg et al., 2007; Ohio Trafficking in Persons Study Commission Research and Analysis Sub-Committee, 2012; Quin et al., 2011). These studies were conducted at the request of different offices and agencies (e.g., the state attorney general, state legislatures). The studies used different research methods and different definitions and produced—understandably—notably different findings.

In New York, a study that included as one of its purposes estimating the prevalence of commercial sexual exploitation was conducted for the state's Office of Children and Family Services at the request of the New York State Legislature. This study defined sexually exploited children as those younger than 18 who "have engaged or agreed or offered to engage in sexual conduct with another person in return for a fee, traded sex for food, clothing or a place to stay, stripped, been filmed or photographed performing or engaging in sexual acts, or loitered for the purpose of engaging in a prostitution offense" (Gragg et al., 2007, p. i). The authors gathered data for July 15 to September 15, 2006, from a broad range of stakeholders and agencies in a nonprobability sample of upstate counties and New York City boroughs. The study used a multimethods approach that included multiple mail surveys, qualitative interviews, and focus groups. The mail surveys were sent to 159 entities (e.g., law enforcement and probation agencies, detention facilities, child advocacy centers, shelters, rape crisis centers) in areas known to have high rates of prostitution arrests and reports of child sexual abuse. Qualitative interviews were conducted with numerous stakeholders. Focus groups involved survivors/victims of commercial sexual exploitation in New York City. Survivors were asked about their "perception of their home environment when they entered 'the life' and (in a few cases) when they returned to it; how they became involved in sexual exploitation; their experience on the street, particularly regarding violence and involvement with exploiters and solicitors; leaving the life; and supports needed to succeed" (Gragg et al., 2007, p. 43). The researchers also used arrest records and information from Office of Children and Family Services intake records to provide an annual

[4]For more information on the methodology used for the Human Trafficking Reporting System, consult the user's manual for the system at https://www.humantrafficking.neu.edu (accessed April 24, 2013).

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prevalence estimate of commercial sexual exploitation. Prevalence data were gathered using mail surveys sent to children known to be survivors of commercial sexual exploitation.

In total, this study identified 2,652 victims of commercial sexual exploitation on an annual basis in New York State (Gragg et al., 2007). The authors, however, note limitations associated with this research, including that the estimates are based on identified victims only and cannot account for those who have been victimized but not identified. In addition, the research focuses on a relatively short time frame (2 months in 2006). Also, two large law enforcement agencies failed to participate, and the authors believe that "participation from these agencies would have increased the prevalence counts" (Gragg et al., 2007, p. 16). Germane to present purposes, this research has additional limitations. First, it utilizes a broader definition of commercial sexual exploitation than that used by the committee, so its estimates will be higher than those derived from work using a narrower definition. Second, the findings pertain to parts of New York State only; they cannot be generalized statewide (given the methodology used), and they cannot provide nation-level information.

National-Level Data

While some research offers estimates based on state- and city-level data (Curtis et al., 2008), at least one example of research focused on commercial sexual exploitation uses a nationally representative sample. In an examination of the national incidence and utilization of social networking-facilitated commercial sexual exploitation, Mitchell and colleagues (2010) estimate that law enforcement made between 440 and 669 arrests for this crime in 2006 in the United States. That this estimate is so low is not surprising given the study's narrow focus on Internet-facilitated commercial sexual exploitation and resulting arrests. One cannot know from this work how many Internet-facilitated commercial sexual exploitation incidents did not come to the attention of law enforcement or the extent to which those that did come to attention resulted in an arrest.

ISSUES IN DEVELOPING ESTIMATES OF COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS IN THE UNITED STATES

Efforts to measure commercial sexual exploitation and sex trafficking of minors in the United States confront virtually every challenge associated with measuring crime. This section identifies elements of "good" estimates and points out challenges associated with generating "good" crime estimates.

Best (2012) identifies five necessary elements of a valid estimate. First,

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the estimate must be based on more than guessing. As Best notes, sometimes a guesstimate or the inclusion of some guessing is the best option available for a social problem. Nonetheless, while a good guess may be a starting point, it rarely produces a good or valid estimate. Second, the estimate must be based on a clear and reasonable definition. As discussed in this report, definitions of commercial sexual exploitation and sex trafficking of minors in the United States are inconsistent (see Chapter 1 and Appendix A). Without a clear and reasonable definition, what exactly is to be measured is unclear. Without clarity, measurement is muddled, and this directly influences the quality of the resulting estimate. Third, the estimate must come from clear and reasonable measurement. That is, the measurement method (e.g., survey questions, interviews with service providers, observations) must gather information based on the clearly outlined definition. Fourth, a good estimate is one based on data from a quality sample. Finally, a good estimate is more than a number; in addition to the number, information must be provided about the definition, measurement, and sample used to generate this estimate so the reader can understand the estimate's limitations. A surprising number of estimates related to commercial sexual exploitation and sex trafficking of minors in the United States are accompanied by no information on the methods used to generate them (Stransky and Finkelhor, 2008). Even with these five elements present, there may be disagreement regarding the quality of an estimate; using these basic guidelines, however, interested parties can work toward producing improved estimates.

The following sections outline the measurement and sampling issues and other methodological challenges associated with measuring crime. These issues directly affect efforts to measure commercial sexual exploitation and sex trafficking of minors in the United States. Understanding these challenges provides insight into the difficulties involved in estimation of such crimes and points to strategies for addressing them.

Definition

Definitions drive measurement. As discussed above, without a clear and reasonable definition, clear and reasonable measurement (and estimation) of a crime is impossible. A clear definition makes clear the elements of the crime. For example, stalking is defined in part as being something that is "repeated." Thus during measurement, one ascertains whether the behavior in question occurred two or more times. A reasonable definition is one that makes sense. For example, defining sex trafficking of minors as "children transported without their parents' presence" is not reasonable because it means that when a child rides a school bus, is picked up by a nanny for an after-school event, or is taken by a friend or nonparent relative to a birthday party, sex trafficking has occurred. A reasonable definition

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is not overly broad or unnecessarily narrow. While it may not be possible to achieve total agreement on what a reasonable definition is, a definition should be understood by most interested parties as reasonable.

Efforts to define commercial sexual exploitation and sex trafficking of minors in the United States are characterized by disagreement. For example, agreement is lacking on whether a third-party exploiter is necessary for a situation to be considered commercial sexual exploitation or sex trafficking. (See Chapter 1 for the committee's discussion of key terms and additional definitions.)

The lack of consensus on clear definitions of commercial sexual exploitation and sex trafficking of minors in the United States contributes directly to the difficulty of measuring and estimating the extent and nature of the problems. In addition to technical difficulties, the lack of consensus creates measurement challenges because it fosters a lack of understanding among a variety of actors that has real consequences. For example, if commercial sexual exploitation and sex trafficking of minors were clearly defined and if those definitions were widely accepted and publicized in a way that could reach minors, a victim might be better able to self-identify. At present, victims may instead view themselves as criminal offenders and fail to cooperate with entities seeking to assist them. Similarly, without clear and widely accepted definitions of commercial sexual exploitation and sex trafficking of minors, individuals in a position to provide assistance to victims (e.g., law enforcement agents, health care providers, teachers, social workers, foster parents) may not do so because they may see these minors as offenders, promiscuous adolescents, or difficult juveniles rather than the victims of a crime. Until agreement is reached on clear and reasonable definitions of both commercial sexual exploitation and sex trafficking of minors, measurement will remain difficult, and, as a result, it will not be possible to derive valid estimates.

Measurement

Measuring crime is not easy, and in some cases, such as commercial sexual exploitation and sex trafficking of minors in the United States, it is very difficult. This section describes discusses several measurement issues associated with measuring crime.

Unit of Analysis

Before any measurement or the calculation of any estimate is conducted, one first must determine *who* or *what* is being studied, or the "unit of analysis." Numerous units of analysis may be used in measuring crime. One may be interested in understanding the incident (which may have

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multiple victims and even more victimizations), the victim (the people offended against), or the victimization (the crime committed during an incident). Different national data sources utilize different units of analysis. For example, the unit of analysis that forms the basis of official FBI estimates depends on the crime of interest: robbery and burglary counts focus on incidents, whereas rape counts focus on victimizations. In contrast, official estimates from the National Crime Victimization Survey (NCVS) focus on victimizations.

Lack of clarity about the unit of analysis can contribute to misreporting and distortion of research findings and estimates. In 2010, for example, the Bureau of Justice Statistics estimated that there were 15 violent *victimizations* per 1,000 people in the United States. It would not be surprising to find this statistic repeated as 15 *victims* of violent victimizations per 1,000 people in the United States. Though similar, these statements convey two very different findings: the first counts the number of *victimizations*, while the second counts the number of *victims*. It is theoretically possible, as conveyed by the latter finding, that each victim experienced one violent victimization during the year, making the two statements equivalent. This is unlikely, however, given the well-documented phenomenon whereby individuals who are victimized tend to be victimized repeatedly over time (Dodge and Balog, 1987; Pease, 1998). Attention to the unit of analysis is therefore critical.

In terms of commercial sexual exploitation and sex trafficking of minors in the United States, it is important to determine what one wishes to estimate (e.g., current victims, individuals at heightened risk of being commercially exploited and trafficked, victimizations, former victims, incidents, exploiters, abettors). And when reading published estimates, it is important to note what exactly has been estimated.

The Hierarchy Rule

Determining how to count crime is complex even when the unit of analysis is clearly identified. Imagine that an offender walks into a crowd of 20 people; takes everyone's wallet; and hits one individual with a pipe on the head, leaving a gash that requires hospitalization. How many crimes were committed? There are multiple ways to count the number of crimes associated with this event, one of which involves the "hierarchy rule." The hierarchy rule counts only the most serious type of victimization committed during an incident. Focusing on violence only, the UCR program[5] ranks

[5]The newer-generation National Incident-Based Reporting System (NIBRS) uses the hierarchy rule in few cases, so it would count all of these crimes in this single incident. The NCVS could be used to count all of these crimes as well. Rarely, however, do researchers use the

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homicide as the most serious type of crime, followed by rape, robbery, and aggravated assault. The NCVS ranks rape/sexual assault as the most serious type of violent crime, followed by robbery, aggravated assault, and simple assault.[6] Returning to the above example, both the UCR and the NCVS would count the robberies as the most serious victimization in this incident; the aggravated assault (i.e., being hit on the head) would not be counted. Given the differences in the unit of analysis used by each data collection effort, the UCR would record a single robbery incident, while the NCVS would record 20 robbery victimizations.

Series Victimizations

Many crimes (e.g., burglary and robbery) are discrete events with a clear beginning and end. Others (e.g., intimate partner violence and bullying) are continuous in nature and have no clear beginning or end. The latter are referred to as series victimizations, and they pose additional challenges to counting crime. How one handles series victimizations has an enormous impact on resulting estimates. Commercial sexual exploitation and sex trafficking of minors appear to be a form of series victimization, which further complicates attempts to estimate these crimes in the United States.[7]

There is no agreement on how series victimizations should be counted. One possibility is to count such a victimization as a single (ongoing) crime, carrying the same weight in crime estimates as a single 1-minute discrete crime. Another option is to count a series victimization according to the number of days on which it has occurred. Thus, a boy bullied every day for a year would be included in official statistics as 365 victimizations. Some argue that this approach fails to capture the essence of the violence and artificially inflates resulting estimates. A third option is to ask the victim (if possible) how many times he/she thinks the violence occurred and include that number in the estimate. This approach leads to rounding and imprecision in estimates. Thus, series victimizations can be handled in a number of ways, none of which is perfect.

Asking Questions to Gather the Data

After determining the unit of analysis and making decisions about the hierarchy rule and series victimizations, investigators must ascertain how

data without the hierarchy rule. For one exception, in which researchers examined rape and its co-occurring crimes, see Addington and Rennison (2008).

[6]Because the NCVS interviews victims, it does not collect data on homicide.

[7]For additional information on approaches to counting series victimization and how the choice of approach influences estimates, see Lauritsen et al. (2012) and Rand and Rennison (2005).

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to measure the phenomenon at hand. One might observe individuals in public to measure the presence of commercial sexual exploitation and sex trafficking of minors in the United States. One might choose to count ads on Backpage.com. Or one might interview service providers. While identifying the many possibilities is beyond the scope of this study, it is valuable to point out useful approaches for asking questions to elicit data with which to estimate commercial sexual exploitation and sex trafficking of minors in the United States.

Returning to the point made earlier that definitions guide measurement, a successful practice is to ask the respondent about *elements* of the definition of commercial sexual exploitation and sex trafficking of minors.[8] An understanding of those elements can guide the types of questions used to measure the problems. Extant research indicates that asking victims whether they were subjected to commercial sexual exploitation or sex trafficking (or some other crime or event) is a poor substitute. An example illustrates this point.

The designers of the National Crime Survey, the predecessor of the NCVS, devised a methodology focused on asking about elements of an event. In the NCVS, for example, an "aggravated assault is defined as an attack or attempted attack with a weapon, regardless of whether or not an injury occurred and attack without a weapon when serious injury results" (Child Trends, 2012, p. 7). This definition indicates that when an offender brandishes a weapon, an aggravated assault has occurred. In addition, the definition makes clear that if there was no weapon but the victim sustained a serious injury (broken bones, lost teeth, loss of consciousness, stab wounds, gunshot wounds, internal injuries, or any unspecified injury requiring 2 or more days in the hospital), an aggravated assault took place (Bureau of Justice Statistics, 2013). This definition indicates exactly what needs to be asked of respondents during an interview. They are asked whether an offender threatened them or attacked them with any weapon. They are asked if they sustained any of the following injuries: broken bones, lost teeth, loss of consciousness, stab wounds, gunshot wounds, internal injuries, or any unspecified injury requiring 2 or more days in the hospital. If respondents answer affirmatively, an aggravated assault is recorded. An option is to ask respondents whether they were a victim of aggravated assault. This approach is problematic as individuals have different understandings of what an aggravated assault is. If respondents have no idea or differing ideas of what an aggravated assault is, the data gathered will be of little value. Asking clear questions about elements of a crime avoids this problem.

In addition, asking respondents about elements of a crime minimizes

[8]See Fisher et al. (2010) on the importance of screening questions in estimation.

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misreporting by victims who may not view themselves as such or do not understand what constitutes a particular victimization. If questions used to measure a particular type of crime are carefully constructed, respondents are more likely to reveal information indicating that they are a victim of that crime without experiencing fear of retaliation or shame—a significant concern for crimes such as commercial sexual exploitation and sex trafficking. Such careful measurement, based on clear and reasonable definitions, can lead to more accurate revelations and as a result, better estimates.

Sampling

A crucial aspect of generating valid statistics such as estimates is the sample used. Even if researchers have a clear and reasonable definition, well-designed methods for identifying victims (or victimizations or incidents), well-trained interviewers, and access to adequate resources, the use of a poor sample will produce poor data and unreliable estimates.

One of the major goals of generating an estimate of a crime such as commercial sexual exploitation or sex trafficking of minors is understanding how much of this activity (or how many victims or incidents or victimizations) occurs over a particular time period. To best accomplish this goal, researchers gather a sample they hope will inform them about the larger population of interest. Because time and financial constraints make obtaining information from every member of the population of interest unlikely, a sample is drawn, and the information gathered from that sample is used to draw inferences about the larger population. Sampling is simply the process of selecting observations from that larger population. There are two major forms of sampling—probability and nonprobability sampling.

Probability Sampling

Data collected using probability sampling allow one to generalize findings back to the population of interest. Generating a probability sample requires a sampling frame, which is a list of all elements in the population of interest. Thus to generate a probability sample for estimating the number of minors involved in commercial sexual exploitation and sex trafficking of minors in the United States, one would need a list of all minors in the United States. Using that list and one of numerous probability sampling approaches, a sample would be selected. Each element in the sample would have to have a known nonzero chance of being drawn into the sample. Then, all of the selected sample elements would be approached and interviewed (e.g., by phone, in person, by computer, or by mail) about their experiences to ascertain whether they are at risk of or are or were victims of commercial sexual exploitation or sex trafficking.

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While a probability sampling approach offers many advantages, it has several limitations. First, it can be extremely expensive (depending on the population of interest). Drawing a probability sample of all minors in the United States—assuming that a sampling frame of all minors exists—would be extraordinarily expensive. For instance, the NCVS surveys a nationally representative sample of households in the United States. Fielding this survey on crime victimization costs approximately $30 million annually. The survey is only this "affordable" because it does not include individuals under age 12, homeless people, and persons in institutions, whose inclusion would greatly increase the cost and complexity of the sampling.

Even if cost were of no concern and a sampling frame of minors in the United States were available, this approach would pose the difficulty of locating and interviewing all the minors drawn into the sample. This would include finding those who had run away, who had been asked to leave home, and who were hiding or being hidden. Further, because the sample would comprise minors, the need to obtain parental permission to participate might be an issue under current federal research regulations.[9]

Nonprobability Sampling

A second option is the use of nonprobability sampling. Nonprobability sampling entails gathering a subset of the population of interest; however, there is no known probability associated with the selection of each element into the sample. There are many ways to draw a nonprobability sample.[10] One can find a person with the characteristic of interest (e.g., a minor known to have been commercially sexually exploited or trafficked for sex) and ask him/her to direct the researcher to other minors with that characteristic. Or one can go to an area where one believes these individuals congregate and gather information there. Or one can select respondents because they are convenient and available. These sorts of approaches are used widely and are responsible for an abundance of valuable information on a wide range of actors, such as burglars, runaways, robbers, drug dealers, and drug users.

Like all aspects of research, nonprobability sampling has its limitations. One limitation is that findings based on a nonprobability sample should not be generalized to the larger population of interest. Thus, even if one identified 10,000 or 100,000 commercially sexually exploited or trafficked minors using a nonprobability sampling approach, one could not be sure that the findings accurately described the population of *all* minors. Even if

[9]45 C.F.R. § 46.

[10]Again, a review of these methods is beyond the scope of this report; a multitude of books on the subject are available.

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a researcher believed that his/her nonprobability sample was representative of the population, this could not be known for sure, limiting the value of findings derived from the research.

Still, nonprobability sampling can be useful, especially for issues on which little is known. And methods are available for enhancing the usefulness of nonprobability samples, which could lead to better estimates of commercial sexual exploitation and sex trafficking of minors in the United States. One such approach is the capture-recapture method. In general, this approach has two stages. As applied to human subjects, the first, the "capture stage," entails gathering information from as many subjects as possible in a given area. The second stage involves attempting to "recapture" as many of the same subjects as possible for follow-up interviews, examinations, and so on. The data from the nonprobability sample are adjusted to derive a more precise estimate of the total population of interest, using judgments regarding how many of the same subjects were "recaptured" relative to the initial "capture."

Another approach used to adjust to address issues encountered with traditional nonprobability samples is respondent-driven sampling (Gozdziak, 2008; Heckathorn, 1997; Tyldum and Brunovskis, 2005). With this approach, modeling techniques are used to weight data from a nonprobability sample to arrive at more precise estimates. It is argued that this approach minimizes some of the problems associated with traditional nonprobability sampling (Tyldum and Brunovskis, 2005). For example, Curtis and colleagues (2008) used this approach to conduct research on commercial sexual exploitation and sex trafficking of minors in New York City. The authors gathered their sample by beginning with initial research subjects (i.e., "seeds"), each of whom was paid $20 and given three coupons to pass to others who participated in the commercial sexual exploitation market.

Lastly, representative sampling can be used to attempt to extrapolate information from a small sample to a larger population. Study results can then be generalized to the larger population. For example, Svedin and Priebe (2007) used this approach to estimate the number of Swedish adolescents who were selling sex as a form of payment, in addition to identifying demographic and psychosocial variables associated with selling sex. The authors ensured that a proportional sample was obtained by applying a sampling procedure design.

While these and similar approaches may represent improvements over traditional nonprobability sampling, they are not substitutes for probability sampling, and the generalizability of the findings of such research remains questionable. Still, these approaches may offer the best opportunity for generating estimates of commercial sexual exploitation and sex trafficking of minors in the United States.

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Additional Methodological Challenges

As is evident from the committee's review of the commercial sexual exploitation and sex trafficking literature, as well as knowledge gained from general victimization research, challenges beyond definition, measurement, and sampling are encountered in measuring crime. One such challenge is dealing with what is known as the "dark figure of crime" (Biderman and Reiss, 1967), a phrase referring to the amount of unreported or undiscovered crime. The term was developed in response to the limitation of crime estimates based on official police reports that much crime is not discovered, and much that is discovered is not reported to the police. Researchers cannot say for certain how much crime this represents, just that it exists. The dark figure has many contributors, including individuals' not reporting to the police, police officers' not documenting crimes, crimes that are committed and never discovered, bodies that are never found, and failure to recognize that a crime has occurred.

Prior to 1972, the United States' only national estimates of crime were calculated using data collected directly from law enforcement agencies. Researchers and policy makers understood that these estimates omitted crime that was not reported to the police, raising the question of just how much crime was being missed. This was a primary—if not the primary—reason that the NCVS was created. The fielding of the NCVS has demonstrated that the dark figure can be very large. For example, about 50 percent of all violent crime is not reported to the police or reflected in police estimates of crime (Truman, 2011). This rate of nonreporting is even higher for some crimes, such as rape (Hart and Rennison, 2003; Rennison, 2002).

Estimating commercial sexual exploitation and sex trafficking of minors is complicated by the dark figure of crime. Perhaps the greatest challenge of estimating these crimes is their hidden nature. Finkelhor and Ormrod (2004b) found, for example, that juvenile prostitution was more likely than adult prostitution to occur indoors, where it is less likely to be identified by police. Therefore, gaining a better understanding of the dark figure can be especially difficult for commercial sexual exploitation and sex trafficking of minors. Not only is commercial sexual exploitation and sex trafficking of minors generally hidden, but it affects hidden populations—populations whose size and boundaries are unknown. Because hidden populations have no sampling frames, the generation of estimates involving these populations is further complicated.

Uncovering the dark figure of commercial sexual exploitation and sex trafficking of minors in the United States is made even more difficult because their victims, even when located, may not cooperate with officials, service providers, and others who can assist them (Bales and Lize, 2007; Moossy, 2009). They may provide false information about themselves,

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their ages, and their activities (Moossy, 2009). They themselves often fail to recognize that they are victims (Bales and Lize, 2007; Moossy, 2009). Their lack of cooperation can be due to a myriad of reasons, such as fear of retaliation, abuse, or force; language barriers; coercion; and fear of arrest, deportation, or entrance into the criminal justice system as an offender (Moossy, 2009; Rieger, 2007).

The hidden nature of commercial sexual exploitation and sex trafficking of minors is an issue with which the national crime data collection systems cannot fully contend. The UCR and the NCVS measure crimes selected because they are deemed to be serious, common, and relatively easy to measure. Commercial sexual exploitation and sex trafficking of minors in the United States, while serious, are not easy to measure. Thus both of these data collection systems as currently implemented are limited in their ability to offer estimates of the commercial sexual exploitation and sex trafficking of minors in the United States, and the degree to which these crimes occur remains largely unknown. More on these and other national crime measurement programs follows.

EXISTING CRIME MEASUREMENT PROGRAMS

This section describes the UCR program, the National Incident-Based Reporting System (NIBRS), the Supplemental Homicide Reports, and the NCVS, and explains how these programs can and cannot assist in providing estimates of commercial sexual exploitation and sex trafficking of minors in the United States.

UCR Program

The UCR program began in the 1920s and continues today, making it the nation's oldest unified national crime data collection effort. Currently, the UCR program gathers crime reports from approximately 17,000 (of the more than 18,000) law enforcement agencies in the United States and its territories (FBI, 2013b). The purpose of the program was originally and continues to be to serve the needs of law enforcement agencies. Initially, this was done by gathering information on a broad range of nonfatal personal and property criminal offenses occurring to a person of any age or to any business. With the introduction of the NIBRS (see page 59), the UCR began being referred to as the Summary Reporting System (UCR/SRS) because it offers only counts for each category of crime; with very few exceptions, it does not gather information on characteristics of the crimes. This lack of detail and the use of the hierarchy rule limit what can be learned from the UCR/SRS data. For example, one could not determine the victim and of-

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fender relationship in an assault; whether a weapon had been used during a rape; or a myriad of other characteristics of the event, victim, or offender.

Beginning in January 2013, the UCR/SRS started collecting data on human trafficking. In response to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008,[11] the FBI is required to gather offense and arrest data related to human trafficking. A change of this magnitude is highly unusual in the UCR program. The last time a crime was added was in 1982, when arson became a permanent Part I crime in the system. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 mandates that:

> (a) The Director of the Federal Bureau of Investigation shall—(1) classify the offense of human trafficking as a Part I crime in the Uniform Crime Reports; (2) to the extent feasible, establish subcategories for State sex crimes that involve—(A) a person who is younger than 18 years of age; (B) the use of force, fraud, or coercion; or (C) neither of the elements described in subparagraphs (A) and (B); and (3) classify the offense of human trafficking as a Group A offense for the purpose of the National Incident-Based Reporting System.
>
> (b) ADDITIONAL INFORMATION.—The Director of the Federal Bureau of Investigation shall revise the Uniform Crime Reporting System and the National Incident-Based Reporting System to distinguish between reports of—(1) incidents of assisting or promoting prostitution, which shall include crimes committed by persons who—(A) do not directly engage in commercial sex acts; and (B) direct, manage, or profit from such acts, such as State pimping and pandering crimes; (2) incidents of purchasing prostitution, which shall include crimes committed by persons who purchase or attempt to purchase or trade anything of value for commercial sex acts; and (3) incidents of prostitution, which shall include crimes committed by persons providing or attempting to provide commercial sex acts.

In accordance with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the UCR/SRS added two Part I crimes beginning on January 1, 2013: human trafficking/commercial sex acts and human trafficking/involuntary servitude. The newly included crime of human trafficking/commercial sex acts is defined as "inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age."[12] As a result, once enough data have accumulated, the UCR/SRS will offer estimates of the extent and nature of perpetrators who were arrested

[11] William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457 § 237, 28 U.S.C. § 534 note (2004).

[12] William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457.

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for engaging in these crimes. The act requires that data on age, sex, and race be gathered on persons arrested for engaging in (1) prostitution, (2) assisting or promoting prostitution, and (3) purchasing prostitution.

Supplemental Homicide Reports

The FBI has gathered Supplemental Homicide Reports annually since 1980. These incident-based reports include demographic information about the victim and offender in a homicide, as well as the victim and offender relationship, the type of weapon used, and the circumstances of the homicide (FBI, 2013a). Like all FBI crime data, these data are available at a variety of geographic levels. In addition to the changes in the UCR/SRS discussed above, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 requires the inclusion of human trafficking as a circumstance code in the FBI's Supplementary Homicide Reports.

NIBRS

Given the limitations of the UCR program and the success of the Supplemental Homicide Reports, calls were made for an enhanced data collection effort. The result was the creation of the NIBRS. Like the original UCR and the UCR/SRS, the NIBRS is a voluntary program and reflects only crimes known to the police. It augments the UCR/SRS by gathering detailed incident information about crimes, "including the nature and types of crimes in each incident, victim(s) and offender(s) characteristics, type and value of stolen and recovered property, and characteristics of arrested individuals" (Rennison, 2009, p. 385). There are a number of additional differences between the UCR/SRS and the NIBRS. The NIBRS measures crime using new definitions in some cases. Most notably, it redefines forcible rape[13] to include male victims as well as incidents involving objects. The NIBRS also includes a new crime category—crimes against society—which comprises drug/narcotic offenses, pornography/obscene materials, prostitution, and gambling offenses (Rennison, 2009). Another important difference between the UCR/SRS and the NIBRS relates to the hierarchy rule. In the NIBRS, use of the hierarchy rule is seriously curtailed except for a limited number of crimes (e.g., motor vehicle theft, personal property theft, justifiable homicide). Still, the near elimination of the hierarchy rule in the NIBRS means that far more crime information is gathered in that system than in the UCR/SRS. The NIBRS and the UCR/SRS also differ in that the NIBRS distinguishes between an attempted and a completed crime. Unlike the UCR/SRS, the NIBRS allows one to link attributes of a crime.

[13]The UCR/SRS has since redefined rape in the same way.

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For instance, "using the traditional system, with the exception of homicide, one could not link offender information, victim information, and incident information for a single incident. With NIBRS, for many crimes, one can link data on victims to offenders to offenses to arrestees" (Rennison, 2009, p. 386).

Like the UCR/SRS, the NIBRS is being changed in response to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. Specifically, the NIBRS is now required to gather data on human trafficking/commercial sex acts and human trafficking/involuntary servitude, to be housed among Group A offenses. In addition, the NIBRS will provide data on incidents involving assisting or promoting prostitution, purchasing prostitution, and prostitution.[14] While the NIBRS previously included categories for prostitution and assisting or promoting prostitution, purchasing prostitution is newly added. The modernization, enhancements, and improvements to the NIBRS produce data that better serve the needs of its primary constituency—law enforcement. In addition, the information gathered using the NIBRS has the potential to better inform the public and policy makers about victimization risk and related topics.

NCVS

In 1965, the United States was experiencing high and rapidly increasing levels of violent and property crime. At that time, the only crime data available were those from the UCR program, and it was clear that these data were limited for answering pressing questions regarding crime in the United States. The consensus was that a new measure of crime in the United States was needed to compensate for the limitations of the UCR program. In July 1991, the National Crime Survey (later renamed the NCVS) was launched.

The NCVS is one of the nation's primary sources of information about the frequency, characteristics, and consequences of victimization of individuals aged 12 and older and their households in the United States. NCVS crime data come from surveys administered by field representatives to a representative sample of households in the United States throughout the year, in person and over the phone (Rennison, 2009). Households are selected through a stratified, multistage, cluster sampling process (a type of probability sampling). The NCVS uses a rotating panel design in which people are interviewed every 6 months for a total of seven interviews. Households in the sample are designed to be representative of all households as well as noninstitutionalized individuals aged 12 or older in the United States (Rennison, 2009). The sample size is very large. In recent years, approxi-

[14]William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457.

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mately 70,000 persons in 40,000 households have been interviewed twice a year as part of the NCVS (Truman, 2011).

Using the UCR/SRS, Supplemental Homicide Reports, NIBRS, and NCVS for Estimating Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

While each of the data collection efforts described above performs well for the purposes for which it was designed, each is limited in its ability to offer estimates of commercial sexual exploitation and sex trafficking of minors in the United States.

Historically, the UCR/SRS could not inform estimates of commercial sexual exploitation and sex trafficking of minors as it included no categories for these offenses. It included a category for prostitution; given the nature of the UCR/SRS, however, it provided no detail on the victim (even assuming that the prostituted minor and not the purchaser is the victim), including the victim's age.

A shift in the way UCR/SRS data are being collected, begun in January 2013, will better enable identification of commercial sexual exploitation and sex trafficking of minors in the United States. Even with these improvements, however, an important limitation remains in that FBI crime data reflect only those crimes of which the police became aware, that they recorded as commercial sexual exploitation or sex trafficking of minors, and that they submitted voluntarily to the FBI. If the police are not notified or the crime is not recognized, it will not appear in the FBI crime data.

Similarly, the Supplemental Homicide Reports historically could offer no information regarding the homicide of minors resulting from commercial sexual exploitation and sex trafficking. The changes made to the Supplemental Homicide Reports in accordance with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 do not allow the estimation of commercial sexual exploitation and sex trafficking of minors resulting in homicide. The act calls for the identification of homicides resulting from human trafficking and does not allow one to disaggregate sex trafficking from the broader trafficking category.

The NIBRS has historically shared some of the same limitations of the UCR/SRS with respect to estimating the commercial sexual exploitation and sex trafficking of minors in the United States. In the past, it included no categories for these crimes. It did include categories for those arrested for prostitution and pornography, which provided some useful information. Using these data, however, one could not disaggregate prostitution from pornography. These are the data used by Finkelhor and Ormrod (2004a,b) to study pornography and prostitution involving juveniles. As these authors note, while useful, the NIBRS has limitations that preclude its use for mak-

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ing valid or reliable estimates (Finkelhor and Ormrod, 2004a,b). First, the NIBRS treats prostitution offenses as "crimes against society" rather than crimes against individuals, meaning one cannot obtain information on the *victims* of prostitution. Second, information about solicitors and purchasers also is masked as it is aggregated into the category "all other offenses."

Much of this criticism is subject to change as the NIBRS was also required, beginning in January 2013, to include information pertinent to the estimation and understanding of commercial sexual exploitation and sex trafficking of minors in the United States. Like most NIBRS data, these new categories are not subject to the hierarchy rule. The greatest limitation of these new data is that they are subject to police reporting. Like all official data sources (including the UCR/SRS), the NIBRS is dependent on accurate recording of an event to and by a police officer. If an officer encounters a commercially sexually exploited 12-year-old who has committed another crime (e.g., shoplifting), the incident may not be recorded in a way that identifies commercial sexual exploitation or sex trafficking. And because the NIBRS (and UCR/SRS) are voluntary, estimates depend upon an agency's submitting the data to the FBI, and not all agencies do so. Currently, NIBRS data are not collected from a representative set of law enforcement agencies in the nation; only a fraction of the nation's agencies submit data to the system, and participating agencies tend to be smaller in size (Lynch and Addington, 2007). No jurisdiction with more than 1 million citizens reports data to the NIBRS; thus, commercial sexual exploitation and sex trafficking that occurs in large metropolitan areas will not be identified by the system.

Unlike the UCR/SRS and NIBRS, the NCVS is not limited by police practices or policies. However, it is characterized by limitations germane to the estimation of commercial sexual exploitation and sex trafficking of minors in the United States. First, the NCVS does not collect data on the crimes of sexual exploitation, sex trafficking, survival sex, kidnapping, prostitution, pornography, or a myriad of others; it collects information on a relatively restricted list of street and property crimes (e.g., rape, sexual assault, robbery, aggravated assault, simple assault, purse snatching, pocket picking, burglary, motor vehicle theft, property theft). Even if a category for commercial sexual exploitation and sex trafficking of minors were added to the NCVS, problems related to estimation would remain. Recall that the NCVS interviews only persons aged 12 or older. This means that commercial sexual exploitation and sex trafficking of persons aged 11 or younger would not be counted in the NCVS. Another limitation is that the NCVS is based on a household sample; that is, one must be living in a household to be eligible to participate. This methodology means that homeless persons are not reflected in the NCVS data. The literature strongly suggests that gathering information from the homeless population is vitally important in

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understanding commercial sexual exploitation and sex trafficking of minors in the United States.

EXISTING NON-CRIMINAL JUSTICE MEASUREMENT PROGRAMS

Numerous data collection efforts outside of the criminal justice system have the potential to advance understanding of the commercial sexual exploitation and sex trafficking of minors in the United States. This section includes brief descriptions of selected efforts that gather data relevant to commercial sexual exploitation and sex trafficking (e.g., child sexual abuse) or vulnerable populations (e.g., homeless youth) and risk behaviors (e.g., substance use/abuse). While data of this nature may not contribute to a more accurate accounting of victims of commercial sexual exploitation and sex trafficking, they may be a crucial source of information regarding risk and opportunities for prevention and intervention.

Youth Risk Behavior Survey (YRBS)

The YRBS is a national school-based survey that examines heath-risk behaviors among students in grades 9-12. The YRBS, developed by the Centers for Disease Control and Prevention (CDC) in 1990, is conducted biennially to monitor behaviors that "contribute to the leading causes of morbidity and mortality among youth and adults, often are established during childhood and adolescence, extend into adulthood, are interrelated, and are preventable" (CDC, 2012b, p. 1). State and local education and health agencies are permitted to supplement the national survey to meet their individual needs. The large sample size and relatively long history of the YRBS allow for trend analysis of health-risk behaviors, as well as comparisons among states. However, the data captured by the national YRBS are limited to voluntary self-reporting by students enrolled in grades 9-12 of public or private schools. The survey collects information on sexual behaviors (e.g., having four or more sexual partners and first sexual intercourse prior to age 13) that increase the risk for unintended pregnancies, HIV, and other sexually transmitted infections.

The YRBS may provide the ability to identify risk for commercial sexual exploitation and sex trafficking of minors, as well as potential prevention and intervention points. Like all the data sources discussed here, however, it is limited in its ability to support comprehensive estimates of these crimes in the United States. While the survey offers access to minors at risk of or currently victimized by commercial sexual exploitation and sex trafficking, the data have important limitations for better understanding these crimes. First, YRBS data reflect a limited population. The survey does not gather information from some populations that are at increased risk for

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commercial sexual exploitation and sex trafficking of minors, such as youth who are not enrolled in school for any reason, those housed in a juvenile detention facility, those enrolled in alternative schools, and those who are home-schooled. Second, while the YRBS gathers information from adolescents approximately aged 14 to 17, it offers no information on younger children and adolescents. Yet extant findings indicate that commercial sexual exploitation and sex trafficking can and do affect younger persons. Third, like all surveys, the YRBS depends on respondents' recognizing commercial sexual exploitation and sex trafficking and revealing sensitive information associated with this victimization. As noted earlier, research indicates that victims of commercial sexual exploitation and sex trafficking often are unable to recognize themselves as victims of these crimes, and that victims often refuse to share this information when they know it. The ability of the YRBS to elicit responses related to commercial sexual exploitation and sex trafficking is further compromised by the absence of direct questions regarding these crimes. While the YRBS offers some advantages for understanding commercial sexual exploitation and sex trafficking of minors in the United States, these limitations are significant.

National Longitudinal Study of Adolescent Health (Add Health)

The National Longitudinal Study of Adolescent Health, referred to as Add Health, currently is the most comprehensive longitudinal study of the factors influencing adolescent health and the associations between adolescent experiences and social, behavioral, and health outcomes in adulthood (Harris, 2011). Data collection for Waves I and II of Add Health began in 1994 and included in-school questionnaires administered to adolescents, peers, and administrators; in-home interviews of adolescents, parents, siblings, and other members of the household; and community data sources such as the U.S. Census and the National Center for Health Statistics (Harris et al., 2009). Questionnaires and interviews elicited information regarding the adolescents' individual traits, personal relationships (family, peer, and romantic), sexual experiences, delinquency, exposure to violence, physical health, and mental health. In 2001-2002, when participants were between the ages of 18 and 26, Wave III examined how experiences and behaviors in adolescence influenced the transition to adulthood. For example, data were collected on participants' income, spirituality, involvement with mentoring, and family relationships. In 2007-2008, 15,701 original Add Health participants between the ages of 24 and 32 were interviewed for Wave IV "to study developmental and health trajectories across the life course of adolescence into young adulthood using an integrative approach that combines social, behavioral, and biomedical sciences in its research objectives, design, data collection, and analysis" (Harris, 2011, p. 9). The Add

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Health data sets have resulted in a proliferation of research across multiple disciplines. Researchers have studied how adolescent experiences and outcomes in young adulthood are associated with multiple factors, including the impact of mentoring relationships, the influence of peer networks, the roles of family members, sexual experiences, substance use, mental health, education, and religion.

While Add Health data are widely used and extremely valuable, the data are limited in their ability to support estimates of commercial sexual exploitation and sex trafficking of minors in the United States. The clearest limitation in this regard is that Add Health is a panel study, and in-sample respondents are currently 28 to 36 years of age. Therefore, obtaining information about commercial sexual exploitation and sex trafficking from these respondents would require adding to the next wave of interviews questions about possible experiences with these crimes that occurred in the mid-1990s. Add Health currently includes no questions focused specifically on commercial sexual exploitation and sex trafficking of minors. The Wave III, Section 16, portion of the questionnaire does focus on sexual experiences. Among the questions asked are whether the respondent paid to have sex with someone else or was paid to have sex with another. Each of these questions is asked with an "ever" reference period and with an "in the last 12 months" period (Harris et al., 2009). While responses to these questions may include instances of commercial sexual exploitation and sex trafficking of minors, there is no way to parse these cases. Moreover, no follow-up questions are asked about the age at which these events happened. Given that these questions were asked of people aged 18 to 26, even the shorter reference period of 12 months cannot assist in identifying commercial sexual exploitation and sex trafficking of minors in the United States.

Wave IV asked questions of respondents aged 24 to 32 regarding sexual activity. Included was a question asking, "In the past 12 months, how many times have you paid someone to have sex with you or has someone paid you to have sex with them?" (Harris et al., 2009). Unfortunately for purposes of estimating commercial sexual exploitation and sex trafficking of minors, this question conflates those who paid for sex with those who were paid for sex in the last 12 months. Because of the 12-month retrospective nature of the question, moreover, this item captures behavior of adults aged 23 to 31. While questions explicitly asking whether the respondent was paid to have sex while a minor or paid to have sex with a minor could theoretically be added in the future, there currently is no indication that this will occur. And if questions were asked about commercial sexual exploitation and sex trafficking that may have occurred to respondents when they were minors, it is important to recognize that responses would be subject to memory errors. Finally, even if the Add Health respondents were used to

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gather retrospective information on commercial sexual exploitation and sex trafficking that occurred when they were children and adolescents, it is important to reiterate that those participating in Add Health were listed on school rosters in the mid-1990s; children and adolescents who were not in school for any reason, including being housed in a detention facility or being home-schooled at that time, were ineligible for inclusion in the survey, and their experiences are not reflected in the data.

Runaway and Homeless Youth Management Information System (RHYMIS)

The Runaway and Homeless Youth Management Information System (RHYMIS) is an automated data collection tool that collects information from grantees in three federal programs that provide support to homeless and runaway youth in the United States: the Basic Center Program, the Transitional Living Program, and the Street Outreach Program (ACF, 2012). The Family and Youth Services Bureau in the Administration on Children, Youth and Families awards and administers federal grants in these programs. Collectively, these programs support homeless and runaway youth in need of emergency services (e.g., referrals to emergency shelters, hygiene products, crisis intervention services, counseling) and longer-term services (e.g., stable living arrangements [up to 21 months], General Educational Development preparation, vocational training, parenting skills, assistance with substance abuse, routine physical health care). The Reconnecting Homeless Youth Act of 2008[15] (the most recent amendment to the original authorizing legislation, the Runaway Youth Act of 1974) directs grantees to collect, maintain, and provide to the Department of Health and Human Services, to the maximum extent possible, statistical data on the youth served by each of the three programs. The information submitted to RHYMIS includes demographic characteristics of youth served, types of services provided, living arrangements prior to entering the program, and aftercare plans upon exit from the program. A child or adolescent may enter a program, receive services, exit the program, and then subsequently reenter the program. Each entry into a program is recorded in RHYMIS by grantees in all three programs. During fiscal year (FY) 2011, the Basic Center Program recorded 36,859 entrances, the Transitional Living Program recorded 3,880 entrances, and the Street Outreach Program recorded 772,732 outreach contacts to youth (ACF, 2012). In addition to youth served, RHYMIS records the number of youth turned away; in FY 2011, this number was 2,484 for the Basic Center Program and 4,619 for the Transitional Living Program (ACF, 2012).

[15]Public Law 110-378.

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An accurate, current national estimate of homeless and runaway youth does not exist. Available data sources, such as RHYMIS, likely underrepresent the actual number of children and adolescents who are homeless or living in unstable housing. This population of youth is highly vulnerable to significant health risks, including survival sex, sexually transmitted infections, substance abuse, depression, and suicide (Kaestle, 2012).

RHYMIS has the advantage of offering access to a portion of a difficult-to-reach population: homeless and runaway youth. Access to this population is crucial for improved estimation of commercial sexual exploitation and sex trafficking of minors in the United States. However, RHYMIS also is characterized by limitations for estimation purposes. First, as noted above, RHYMIS does not offer a representative accounting of all homeless and runaway youth, which limits its utility for estimating commercial sexual exploitation and sex trafficking of minors in the United States. To the extent that minors who are victims of these crimes do not obtain services that report to RHYMIS, those minors will not be represented in these data. Second, RHYMIS data offer counts of services provided, not prevalence or incidence information. The same individual may obtain services multiple times for multiple incidents of commercial sexual exploitation or sex trafficking. Third, RHYMIS includes only children and adolescents who are runaways or are homeless. While extant research documents the vulnerability and victimization of runaway, thrown-away, and homeless children and adolescents, findings also indicate that many who are at risk and many who are being victimized have not run away and are not homeless.

Adverse Childhood Experiences (ACE) Study

The ACE Study was a longitudinal study that examined the impact of early life experiences on future health risk behaviors. It was developed by CDC and conducted at Kaiser Permanente's Health Appraisal Clinic in San Diego, California. Between 1995 and 1997, more than 17,000 individuals who underwent a comprehensive physical examination voluntarily completed anonymous surveys regarding childhood experiences, if any, with abuse (emotional, sexual, and physical), household dysfunction (e.g., mental illness of a caregiver or incarceration of a household member), and neglect (physical and emotional) (CDC, 2012a). The total number of adverse childhood experiences reported by a study participant represents the individual's ACE score. The major findings of the ACE Study suggest that the higher the ACE score, the greater is the risk for developing behaviors that contribute to the leading causes of illness, death, and poor social outcomes in adulthood, including alcoholism, drug abuse, and depression (Anda et al., 2006). The study's data sets are available to researchers and have resulted in numerous scientific publications regarding the association

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of adverse childhood experiences with various poor health and social outcomes in adulthood. For example, victims of childhood sexual abuse are more than twice as likely to attempt suicide and are at a significantly higher risk for interpersonal problems than adults who did not experience such abuse (Dube et al., 2005). CDC and Kaiser Permanente continue to track the health and social outcomes of the study participants in order to assess the associations with earlier adverse childhood experiences.

Although the study sample was large (n = 17,337), it was not demographically representative. For example, the sample comprised 74.8 percent Caucasians, and more than 90 percent of those surveyed had graduated from high school. In addition, all participants were over the age of 18, and nearly half were over age 60 (CDC, 2012a). The demographic characteristics of the sample raise questions about the generalizability of the study's findings to broader populations, as well as the accuracy of recollections of childhood experiences.

The limitations of the ACE Study mirror those of Add Health: The study is not accepting new participants, and there is no evidence of plans to contact original participants for future waves of questions. A second issue is that the study did not gather data specifically on the commercial sexual exploitation or sex trafficking of minors. Since these crimes are forms of child sexual abuse, however, the study findings regarding the association between child sexual abuse and increased risk for poor health and social outcomes in adulthood likely are applicable to these victims of exploitation. As discussed in Chapter 3 of this report, the adverse childhood experiences tracked by the ACE Study are believed to be risk factors for commercial sexual exploitation and sex trafficking of minors; therefore, child and adolescent victims of these crimes are likely at increased risk for the poor health and social outcomes identified by the ACE Study and related research.

National Child Abuse and Neglect Data System (NCANDS)

The NCANDS is an electronic data collection and analysis system that examines child abuse and neglect reports made to state child welfare agencies in all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (Children's Bureau, 2011). The Child Abuse Prevention and Treatment Act,[16] which authorized this national data collection and analysis system, defines the minimum threshold of child abuse as "any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act, which presents an imminent risk of serious harm" (Children's Bureau, 2011, p. vii). The information collected and analyzed

[16] 42 U.S.C. § 5101.

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through NCANDS includes the number of child abuse and neglect reports made to the state child welfare agency; the source of the report (e.g., service professional or neighbor); the type of maltreatment reported (e.g., neglect, physical or sexual abuse); the relationship between the perpetrator and the victim; demographic characteristics of the victim (e.g., age, race/ethnicity); demographic characteristics of the perpetrator; risk factors identified for the child and the family (e.g., substance abuse, physical disability, domestic violence); services, if any, that were rendered as a result of the report; and the size and responsibilities of the workforce responsible for managing reports of child abuse and neglect (Children's Bureau, 2011). All jurisdictions voluntarily submit agency-level data to NCANDS, and nearly all states submit case-level data, referred to as the Child File, which tracks information for a specific child. Federal agencies use the NCANDS data to inform policies relating to child abuse and neglect, and the data also are available to independent researchers. In FY 2011, approximately 3.4 million reports of child abuse and neglect were made to state child welfare agencies, involving an estimated 6.4 million children (Children's Bureau, 2011). Of those referrals, 1.7 million were screened in, and an investigation was initiated.

Victims of child abuse and neglect are at increased risk for commercial sexual exploitation and sex trafficking. NCANDS therefore provides an opportunity to identify risk, as well as potential for prevention and intervention.

Like all the data sources discussed here, NCANDS has advantages and disadvantages for purposes of measuring commercial sexual exploitation and sex trafficking of minors in the United States. An important advantage is that the data are based on child abuse and neglect reports and capture experiences of all children and adolescents, regardless of whether they are in school, living in a housing unit, or homeless. A limitation of the data pertains to dependence on the perception of a reporter. The data are focused on child abuse and neglect, so to the extent that a person witnessing the maltreatment mistakes a child or adolescent for an adult, the incident may go unreported. This issue is problematic for commercial sexual exploitation and sex trafficking of minors as research shows that many of the young people being exploited and trafficked appear older than 18. A second limitation is that the system gathers data only on acts committed by a parent or caretaker. While there is evidence that parents and caretakers commit acts of commercial sexual exploitation and sex trafficking involving their own children, evidence also suggests that these crimes often are committed by persons other than parents and caretakers. The latter instances would not be reflected in the NCANDS data.

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CHALLENGES AND OPPORTUNITIES

Estimates of a social problem are important. They inform interested parties about the extent of the problem, they lead to attention to the need to address the problem and the funding required to do so, and they offer a baseline for evaluating policies. In addition, estimates provide information for policy makers, identify the need for education, point to where assistance is needed, and help direct assistance toward victimized populations. As this chapter has explained, however, generating crime estimates is not an easy task and in some cases is extraordinarily difficult. Commercial sexual exploitation and sex trafficking of minors in the United States are social problems that are characterized by numerous challenges to estimation. The population of interest is difficult to identify and locate and at times uncooperative. The sampling strategies available for estimating these problems are limited. Consensus is lacking on the definitions of the problems. Measurement of the problems is costly, time-consuming, and extremely difficult. It is not surprising, then, that extant estimates are imperfect.

Best (2012) notes that all statistics are imperfect, but some are less perfect than others. This is an important point. First, it highlights the costs of basing decisions on poor estimates. If an estimate is wildly inaccurate and grossly inflates the extent of a problem, scarce resources (time and money) will be misallocated, and other, more prevalent problems will go unaddressed. Best's comment also indicates that a perfect estimate is unlikely. While identifying the limitations of an estimate is easy, identifying what is needed to improve it is more difficult. Certainly, the use of a probability sample of all minors in the United States would be useful, but it may not be feasible for many reasons. At some point, one must ask whether the available national estimates are *good enough*. Do extant estimates suggest that the problems are large enough to warrant attention and resources? Would slightly higher estimates than those already obtained change the approach to the problems or alter their importance? Is there value in seeking more perfect estimates in an environment of scarce resources?

The committee identified two potential opportunities to enhance measurement and understanding of commercial sexual exploitation and sex trafficking of minors in the United States: (1) leverage existing measurement efforts that collect data on related issues or populations, and (2) shift focus and resources from exclusively national-level counting to more targeted counting.

As noted in this chapter, two existing crime measurement efforts (NIBRS and UCR/SRS) have begun to collect data related to all forms of human trafficking, including sex trafficking of minors (as of January 2103). Although existing non-criminal justice measurement efforts do not currently collect data on commercial sexual exploitation and sex trafficking, a

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number of these efforts that collect information on related issues and potential risk factors and from relevant populations could be adapted to do so. For example, the YRBS and Add Health collect data on related issues and potential risk factors, such as dating violence, sexually transmitted infections, substance use/abuse, and mental health status from national samples of adolescents. In addition, the RHYMIS collects data from a national sample of runaway, "thrown-away," and homeless youth, populations that are at risk for commercial sexual exploitation and sex trafficking. Like the NIBRS and UCR/SRS, these measurement efforts could add specific questions and data elements related to commercial sexual exploitation and sex trafficking to enhance measurement and understanding of these problems. Additional research would be needed to determine specific questions to add to the various data collection efforts.

While changes to current data collection efforts could enhance measurement and understanding of commercial sexual exploitation and sex trafficking of minors in the United States, as discussed earlier, these efforts would still yield insufficient estimates of these problems. As noted in this chapter, efforts to estimate the overall occurrence of commercial sexual exploitation and sex trafficking of minors in the United States have been largely unsuccessful given the difficulties inherent in measuring these crimes. As a result, insufficient attention, research, and resources have been devoted to resolving these problems. It is the position of the committee that a continued focus on obtaining better national incidence and prevalence estimates of commercial sexual exploitation and sex trafficking of minors in the United States may detract from progress on other important aspects of these problems.

Other fields of research and practice demonstrate that it is possible to make progress on issues even in the absence of strong evidence on their nature and extent. For example, the scope and severity of sexual violence, intimate partner violence, and child abuse and neglect were viewed with skepticism and were characterized by poor estimates during the early stages of work on these problems. (For a more detailed discussion of estimates of child abuse and neglect, see the recent Institute of Medicine [IOM]/National Research Council [NRC] publication *Child Maltreatment Research, Policy, and Practice for the Next Decade: Workshop Summary* [IOM/NRC, 2012].) Although debates regarding estimates of sexual violence, intimate partner violence, and child abuse and neglect continue, these issues are now accepted as legitimate problems that have benefited from greater public attention, improved funding, and research. Ideally, work on commercial sexual exploitation and sex trafficking of minors in the United States will follow suit. Therefore, the committee does not suggest that efforts to obtain better estimates of commercial sexual exploitation and sex trafficking of minors in the United States be abandoned. Rather, the committee urges

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that efforts to measure the scope and severity of these problems not inhibit other important work.

Focusing on better prevalence and incidence estimates is challenging and expensive. Devoting additional resources exclusively to further national-level counting efforts may not be the best strategy to advance work on commercial sexual exploitation and sex trafficking of minors in the United States. An alternative strategy is to shift focus and resources from national-level counting to more targeted counting (e.g., regional or subpopulation estimation). In this scenario, there are a number of possible benchmark measures that can be used to better understand commercial sexual exploitation and sex trafficking of minors in the United States, including counting

- survivors from a specified region or subpopulation receiving services,
- charges brought forth by prosecutors, and
- successful convictions of exploiters and traffickers.

Finally, valuable lessons regarding difficult-to-measure problems can be drawn from the above-mentioned IOM/NRC report *Child Maltreatment Research, Policy, and Practice for the Next Decade: Workshop Summary* (IOM/NRC, 2012) and the forthcoming NRC report *Estimating the Incidence of Rape and Sexual Assault*.

In sum, based on its review of the available evidence, the committee maintains that, despite the current imperfect estimates, commercial sexual exploitation and sex trafficking of minors in the United States clearly are problems of great concern and worthy of attention. Therefore, this report and the committee's recommendations go beyond counting 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.

FINDINGS AND CONCLUSIONS

This chapter has emphasized that efforts to generate estimates of commercial sexual exploitation and sex trafficking of minors in the United States are characterized by many difficulties. Given the inherent challenges, no approach will result in perfect—or perhaps even nearly perfect—estimates. Still, attempts to provide better, more targeted estimates are warranted. The committee finds that

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2-1 No reliable national estimate exists of the incidence or prevalence of commercial sexual exploitation and sex trafficking of minors in the United States.

2-2 Definitional issues inhibit the measurement of these problems.

2-3 Clear and reasonable definitions of commercial sexual exploitation and sex trafficking of minors are needed to generate better estimates.

2-4 Reliable estimates of numbers of exploiters and traffickers and solicitors and purchasers do not exist for commercial sexual exploitation and sex trafficking of minors in the United States.

2-5 Estimates that rely solely on interactions with law enforcement, crime victim surveys, and arrest records are inherently underinclusive.

2-6 Specific data fields related to commercial sexual exploitation and sex trafficking of minors have been added to existing crime measurement efforts (e.g., UCR/SRS and NIBRS) to enhance estimates of these crimes; similar changes could be made to existing non-criminal justice measurement efforts (e.g., YRBS and Add Health) to enhance estimates of commercial sexual exploitation and sex trafficking of minors that may not involve law enforcement (e.g., instances in which police are not notified or the crime is not recognized).

2-7 Increased awareness and understanding of commercial sexual exploitation and sex trafficking of minors in the United States can improve data collection efforts and estimates.

2-8 While some research methods (e.g., capture/recapture and respondent-driven sampling) look beyond simple reporting of known incidents to generate estimates, the methods currently used to gather national-level data (i.e., UCR/SRS, NIBRS, NCVS) cannot capture the full extent of commercial sexual exploitation and sex trafficking of minors in the United States. The limited information available from the UCR/SRS, NIBRS, and NCVS needs to be combined with data from other sources or circumstances in which victims are identified.

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2-9 Devoting additional attention and limited resources to the extremely difficult task of counting victims of commercial sexual exploitation and sex trafficking of minors is unnecessary.

The next several chapters describe an array of settings and stakeholders that—knowingly or not—interact with underage victims of commercial sexual exploitation and sex trafficking and individuals who are at risk for these forms of victimization. Chapter 11 includes the committee's recommendations for strategies for future measurement efforts.

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3

Risk Factors for and Consequences of Commercial Sexual Exploitation and Sex Trafficking of Minors

Identifying risk factors for commercial sexual exploitation and sex trafficking of minors is necessary to understand the etiology of these problems and to inform interventions for preventing and addressing them. Understanding the various short- and long-term consequences of commercial sexual exploitation and sex trafficking of minors also is necessary to guide future prevention and intervention strategies. This chapter describes what is known about individual, family, peer, neighborhood, and systems-level risk factors associated with victims and offenders of commercial sexual exploitation and sex trafficking of minors. In addition, to clarify the impact of these crimes, the chapter describes what is known about their physical, emotional, and behavioral health consequences, as well as their developmental, social, health, and legal implications. Because the existing evidence base for these subjects is extremely limited, the discussion draws heavily on related research literatures (e.g., on child maltreatment, sexual assault/rape, and trauma), as well as evidence from secondary source materials (e.g., the committee's workshops and site visits). Finally, this chapter aims to connect the dots between these sources of evidence to provide guidance for future research efforts on commercial sexual exploitation and sex trafficking of minors in the United States.

RISK FACTORS

Commercial sexual exploitation and sex trafficking of minors are multiply determined with causes at several levels, ranging from individual characteristics to family, peer, and neighborhood factors. Community and

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societal norms and expectations about sexual behavior and coercion, as well as societal and cultural standards and expectations regarding minors, gender, sexual orientation, race/ethnicity, and power, also contribute to commercial sexual exploitation and sex trafficking of minors. Adding to this complexity, each of these factors interacts within and across levels to increase risk or protection. Because of the multiple forces involved, prevention and intervention efforts targeting only single risks may have limited utility. Moreover, a comprehensive understanding of risk factors for commercial sexual exploitation and sex trafficking of minors requires awareness that the processes associated with these problems, from beginning to end, are dynamic (see Figure 3-1).

The ecological model depicted in Figure 3-1 highlights the complex and interconnected forces that contribute to initial and continued commercial sexual exploitation and sex trafficking of minors. It should be noted, however, that the factors included in this schematic are likely only a subset of the risk factors for these problems. Moreover, some of those factors may be necessary but not sufficient contributors to the commercial sexual exploitation and sex trafficking of minors. For example, the presence of risk factors would not result in the commercial sexual exploitation and sex trafficking of minors without the presence of an exploiter or trafficker. Of note, the contributing and maintaining factors depicted in Figure 3-1 may function independently 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. Because many of the factors in Figure 3-1 also may be risks for other types of adverse youth outcomes, readers are cautioned not to assume that the presence of any single risk factor necessarily signals commercial sexual exploitation and sex trafficking of minors. Instead, the presence of one or more of these factors should be considered as part of a more comprehensive assessment to determine youth at risk of or involved in commercial sexual exploitation and sex trafficking. Each domain included in Figure 3-1 is detailed in the following sections.

Risk Factors for Victims

Individual-Level Factors

At the individual level, a number of factors may increase boys' and girls' vulnerability to commercial sexual exploitation and sex trafficking. These include sexual abuse, physical abuse, and other forms of maltreatment; disruptions in normative development; the experience of running away or being homeless or thrown away; being placed in foster care or otherwise systems involved; being lesbian, gay, bisexual, or transgender (LGBT); substance use/abuse; psychogenic factors and impaired cognitive

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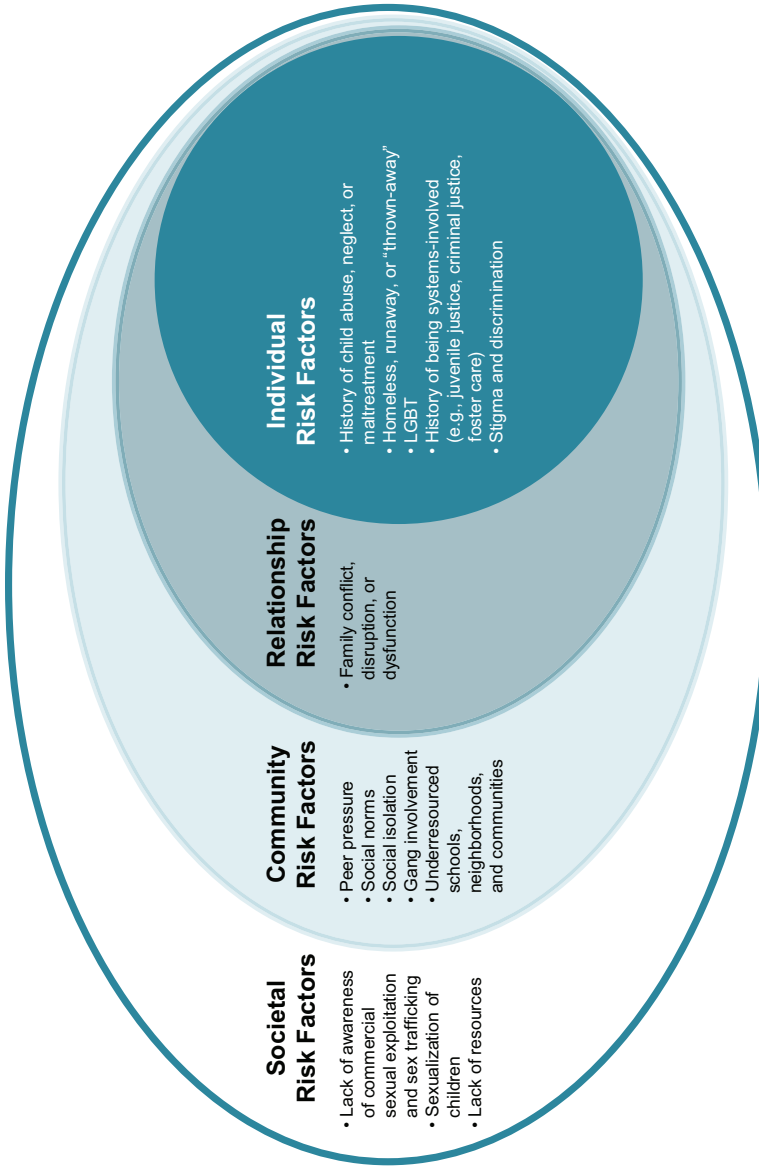

FIGURE 3-1 Ecological model adapted to illustrate the possible risk factors for commercial sexual exploitation and sex trafficking of minors.
NOTE: LGBT = lesbian, gay, bisexual, or transgender.

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function; having a disability; earlier pubertal maturation; and the experience of early adversity.

Child maltreatment Child neglect, physical abuse, and sexual abuse are commonly thought to be risk factors for commercial sexual exploitation and sex trafficking of minors (Dalla et al., 2003; Williams and Fedderick, 2009). Support for this perspective originates in studies reporting that youth identify the sexual abuse they experienced as a child as a major influence on their becoming involved in commercial sexual exploitation. For example, 70 percent of the subjects in a U.S. study conducted by Silbert and Pines (1981) and 73 percent of those in a Canadian study conducted by Bagley and Young (1987) reported that childhood sexual abuse affected their path to involvement in commercial sex work. Silbert and Pines (1981) found that 78 percent of the 200 San Francisco prostitutes in their sample were prostituted as juveniles. In that study, the majority of those interviewed were under age 21, and one subject was only 10 years old. Sixty percent of the sample reported that they had been or were being sexually exploited; 67 percent reported sexual abuse during their childhood by a father figure (33 percent by their biological father), 28 percent by a brother, and 31 percent by friends of the family. In 82 percent of the episodes of abuse, some sort of force was used. Because the results of these studies are based on retrospective data, however, one cannot conclude that child maltreatment played a causal role in the youth's commercial sexual exploitation.

In one of the few prospective studies on this subject, Widom and Kuhns (1996) examined the relationship between childhood maltreatment and promiscuity, prostitution, and teen pregnancy. The study used a prospective cohort design in which victims of child maltreatment were matched with nonabused children and followed into adulthood. Child neglect and sexual abuse were found to be associated with later prostitution among females. Although male victims of child abuse and/or neglect had a higher prevalence of being prostituted (12.54 percent) than females (8.93 percent), the study did not find an association with later prostitution for males. In another prospective study, Wilson and Widom (2010, p. 18) found that victims of maltreatment were more than twice as likely as nonvictims to report involvement in prostitution as adolescents or adults, as assessed through participants' positive response to a question about whether they had "ever been paid for having sex with someone." Stoltz and colleagues (2007) found a significant association between child maltreatment (sexual abuse, physical abuse, emotional abuse, physical neglect, and emotional neglect) and later involvement in prostitution among a sample of 361 drug-using, street-involved youth in Canada. On the other hand, Nadon and colleagues (1998) compared a sample of 45 female adolescents involved in prostitution and recruited from service organizations in areas known for prostitution

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with a sample of 37 female adolescents not involved in prostitution and recruited from the same service organizations. Surprisingly, the adolescents involved and not involved in prostitution did not differ in terms of child sexual abuse: rates of child sexual abuse were similar in the two groups, as were the circumstances surrounding the abuse, including the relationships between perpetrators and victims. Notably, the commercially sexually exploited youth had significantly higher rates of running away from home (see the discussion of this factor below); this finding suggests that it may not be the child sexual abuse alone but its consequences that heighten the risk for commercial sexual exploitation and sex trafficking of minors. In fact, Jesson (1993) and Nadon and colleagues (1998) argue that early maltreatment, family dysfunction, and running away are so closely linked that it may well be the running away that puts youth directly at risk. Thus the literature suggests that there are multiple possible indirect pathways to commercial sexual exploitation and sex trafficking of minors.

A number of researchers have offered explanations for why child maltreatment may create vulnerability to commercial sexual exploitation and sex trafficking of minors. Stoltz and colleagues (2007, p. 5) suggest that some "children who are sexually victimized develop psychologically and emotionally in ways that make them vulnerable to continuing sexual predation." For example, survivors of child sexual abuse may display sexualized behaviors (Putnam, 2003). In addition, according to Stoltz and colleagues (2007), victims of child sexual abuse may have the tendency to engage in risk-taking behaviors (i.e., drug and alcohol abuse, running away from home) that may lead to circumstances in which they perceive survival sex as one of the few remaining resources available to them. While suggesting that child sexual abuse creates a susceptibility to becoming involved in trading sex, the authors emphasize that the abuse does not *cause* commercial sexual exploitation and sex trafficking. Rather, they posit that the abuse is one component of a generally traumatic negative developmental experience that may weaken resiliency. Similarly, Steel and Herlitz (2005) suggest a possible pathway from child sexual abuse to sexual risk behavior, with psychological symptoms such as depressive mood, poor self-esteem, lack of assertiveness, poor self-worth, and posttraumatic stress disorder (PTSD) leading to future risk behavior (Stein et al., 2002; Swanston et al., 2003). Noll and colleagues (2003) suggest that stigma associated with child sexual abuse may make it difficult for victims to experience nonsexual or emotional rewards from relationships, thereby making victims more likely to engage in risk behaviors and more vulnerable to sexual exploitation (Lalor and McElvaney, 2010; Stoltz et al., 2007). According to several researchers, victims of child sexual abuse may experience poor affect regulation (i.e., how an individual controls his/her experience and/or expression of emotion), experience difficulty in forming relationships, and possess poor coping abilities (Arata, 2002;

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Cloitre et al., 1996, 2001; Gold et al., 1999; Lalor and McElvaney, 2010; Polusny and Follette, 1995). These outcomes can result in a number of negative consequences for victims of such abuse later in life. For example, victims may engage in emotional avoidance behaviors such as self-harm and substance abuse (Lalor and McElvaney, 2010). These behaviors, in turn, may increase a victim's risk of future victimization (Gold et al., 1999). Taken together, these propositions highlight emotional and behavioral consequences of child sexual abuse that are associated with commercial sexual exploitation and sex trafficking of minors, suggesting mechanisms that may link child abuse to these crimes.

In support of the above propositions regarding the indirect pathways through which child maltreatment increases the risk for commercial sexual exploitation and sex trafficking of minors, ample evidence documents associations between child sexual abuse and outcomes that have been linked with these crimes. For example, victims of child sexual abuse may begin to engage in sexual activity at earlier ages than nonvictims (Fergusson et al., 1997; Lodico and Diclemente, 1994; Noll et al., 2003; Springs and Friedrich, 1992; Wilson and Widom, 2010). Earlier onset of consensual sexual activity is in turn associated with increased risk for truancy, dropping out of school, and running away, as well as for gang membership (Unger et al., 1998), each of which has been associated with commercial sexual exploitation and sex trafficking of minors. Several studies have found that sexually abused adolescents are likely to have higher levels of alcohol and drug abuse, risky sexual behaviors, depression, trauma, anxiety, and suicidality, as well as poorer sense of self (Negrao et al., 2005; Noll et al., 2006; Sickel et al., 2002). Children and adolescents who experience abuse and/or neglect may use drugs to cope with a negative home environment (Harrison et al., 1989), to enhance self-esteem (Cavaiola and Schiff, 1998), or to relieve symptoms of depression (Allen and Tarnowski, 1989). In older adolescents, child abuse has been found to be associated with heightened sexual risk taking and heightened risks for other adverse behavioral outcomes (Fergusson et al., 1997; Noll et al., 2009). According to Kelley and colleagues (1997), adolescents with a history of child maltreatment were at least 25 percent more likely to experience problems with juvenile delinquency, teen pregnancy, low academic achievement, drug use, and symptoms of poor mental health than those without such a history, which together could increase the risk for commercial sexual exploitation and sex trafficking of minors.

Few studies have examined indirect pathways between child maltreatment, hypothesized mechanisms, and commercial sexual exploitation and sex trafficking in prospective studies. One exception is the work of Wilson and Widom (2010), who explored whether behavioral sequelae of child maltreatment (i.e., early sexual initiation, running away, juvenile crime,

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school problems, and early drug use) were precursors of commercial sexual exploitation of minors. Each type of child maltreatment (i.e., neglect, physical abuse, sexual abuse) was significantly associated with early sexual initiation, running away, juvenile crime, and school problems; these problems, in turn, were linked with prostitution by adulthood. Initiation of sexual behavior before age 15 emerged as the strongest link between child maltreatment and later prostitution. Other possible mediating factors (e.g., parental conflict, parental psychopathology) that may link child maltreatment with high-risk behavior and/or victimization by commercial sexual exploitation and sex trafficking are discussed below.

While the above studies suggest that child maltreatment, particularly child sexual abuse, may be associated with commercial sexual exploitation and sex trafficking of minors, it should be noted that findings of the few prospective studies available suggest that only an extremely small proportion of children who are sexually abused subsequently become involved in trading sex for money or something of value (Lalor and McElvaney, 2010; Lamont, 2010). For example, while Flowers (2001, p. 82) notes that "nearly all girl prostitutes have been sexually molested, assaulted, or physically abused before entering the profession," the reverse does not hold. In a study of 2,810 Swedish citizens, Steel and Herlitz (2005) found that very few of the individuals who were victims of child sexual abuse (n = 268) reported having engaged in "sex work" (n = 1). This finding does not suggest a strong predisposition to involvement in prostitution among victims of child maltreatment. Moreover, while child maltreatment, and child sexual abuse in particular, appears to increase the risk for later high-risk behaviors and revictimization for some children and adolescents, this is not the case for all victims of child maltreatment. For example, Widom's previously described longitudinal studies (Widom and Kuhns, 1996; Wilson and Widom, 2010) found no differences in teen pregnancy or promiscuity between individuals who experienced childhood maltreatment and those who did not. Reasons for such resilience after experiencing child maltreatment are unknown, as studies indicating what may make some victims of child abuse more or less resilient are lacking.

In addition to a limited understanding of factors associated with resilience in victims of child sexual abuse, several factors limit understanding of the overall impact of child maltreatment on the risk for commercial sexual exploitation and sex trafficking of minors. In many studies, the timing of involvement in prostitution is unclear, nor is it possible to distinguish between prostitution and commercial sexual exploitation and sex trafficking of minors. Moreover, studies have examined associations between child sexual abuse and later engagement in high-risk sexual behavior, including having multiple sexual partners, engaging in commercial sex work, and being sexually promiscuous; however, methodological issues—such as sam-

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pling women and girls already involved in commercial sex work, relying on retrospective reports of maltreatment, and using instruments that have not been psychometrically tested—limit the conclusions that can be drawn from this research. Other methodological problems include failure of most studies to distinguish among different types of maltreatment, as well as vast differences in definitions of abuse, differences in methodologies for identifying abuse, and the fact that most studies fail to measure the intensity and duration of the abuse or the relationship between perpetrator(s) and victim (Briere, 1992; Hastings and Kelley, 1997; Hulme, 2004; Kelley et al., 1997). These types of problems limit the ability to make comparisons across studies with regard to type of abuse, prevalence, and sequelae, in turn making it difficult to determine the risks associated with each form of abuse. Furthermore, Lalor and McElvaney (2010) report that nonresponse rates of 30 percent are common in surveys on abuse, calling into question the generalizability of the responses of the 70 percent of people who typically agree to participate. In attempting to establish associations between child sexual abuse and commercial sexual exploitation and sex trafficking of minors, moreover, it is important to recognize that, like other forms of abuse, child sexual abuse is an extremely complex phenomenon (Hulme, 2004). The individual experiences of victims, including the number of incidents, the age at onset, the frequency and duration of the abuse, and the relationship between perpetrator(s) and victim, vary greatly (Hulme, 2004, 2007). In some cases, the boundaries between child abuse and commercial sexual exploitation are blurred, as when a parent or other family member coaches a child to be sexually involved in return for money (Saphira, 2001).

Despite these methodological concerns, because commercial sexual exploitation and sex trafficking of minors are extreme forms of child sexual abuse, it is widely assumed that their victims will exhibit behaviors similar to those of victims of child sexual abuse. However, additional prospective, longitudinal research is needed to demonstrate more explicitly whether causal links exist between child sexual abuse and commercial sexual exploitation and sex trafficking of minors.

Disruptions in normative development The terms *disrupted development* and *disrupted transitions* have been used to describe precocious transitions to adulthood, or the "rush to adulthood" perspective developed by Wickrama and other researchers (Wickrama and Baltimore, 2010; Wickrama et al., 2003, p. 63, 2005a,b). Disrupted transitions can be defined as life events that either interrupt normative developmental patterns or occur prematurely. For example, Wickrama's work demonstrates links between precocious transitions, such as early sexual activity, teenage pregnancy, early cohabitation, and early marriage, and negative long-term emotional, behavioral, and physical health outcomes. Similarly, earlier oc-

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currence of physical maturation (e.g., puberty) has been associated with greater health risks occurring in adolescence (Fergusson et al., 1997; Noll et al., 2003). Explanations for this association include the greater stress experienced by early maturers, the short-circuiting of certain developmental tasks of early adolescence, and the greater social pressure to which early developers may be exposed (Tschann et al., 1994). Wickrama and Baltimore (2010, p. 3) summarize the impact of these early transitions as follows:

> Certain early life events may create "damages" that may multiply and continue into the young adult years. For example, youths who engage in early sexual activities get a "head start" and are more likely to engage in other unhealthy behaviors (Browning et al., 2008; Steinberg, 2005; Tubman et al., 1996).

Research has not yet focused on early transitions as predictive of commercial sexual exploitation and sex trafficking of minors. However, a number of studies have identified adolescent life experiences that may be potential precursors to commercial sexual exploitation and sex trafficking of children and adolescents. Regardless of race or class, for example, those who become involved in the commercial sex trade (both juveniles and adults) are more likely to have a history of parental abuse and neglect, incest, rape, interrupted school activity (including early dropout), running away, and early sexual experiences (including early first intercourse) (Adlaf and Zdanowicz, 1999; Bracey, 1982; Chesney-Lind and Shelden, 1992; Gibson-Ainyette et al., 1988; Hernandez et al., 1993; Kidd and Kral, 2002; Macvicar and Dillon, 1980; Newman et al., 1982; Raj et al., 2000; Schaffer and Deblassie, 1984; Silbert and Pines, 1981; Vigil et al., 2005). It should be noted, however, that most studies of victims of commercial sexual exploitation and sex trafficking are based on retrospective reports, which are subject to errors of memory and are not verifiable; the result may be underreporting or overreporting of experiences such as sexual abuse and other maltreatment (Hulme and Agrawal, 2004). Additionally, associations between childhood experiences and commercial sexual exploitation and sex trafficking of minors do not necessarily indicate a causal link; other factors may account for the commercial sexual exploitation and sex trafficking of minors. Thus, care must be taken in concluding which, if any, of these factors may be predictive of involvement in these crimes.

Runaway, thrown-away, and homeless youth Of the many factors that may increase vulnerability to commercial sexual exploitation and sex trafficking of minors, especially among adolescents, homelessness is widely considered the most direct contributor (Estes and Weiner, 2001). Homeless youth may include runaways (i.e., children who leave home without permission) and so-called thrown-away children (i.e., children and adolescents

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who are asked or told to leave home). According to the U.S. Interagency Council on Homelessness, approximately 5 to 7 percent percent of U.S. youth under age 18 (about 1.6 million) may experience an episode of homelessness each year (Ringwalt et al., 1998; USICH, 2010). The experiences of these youth vary widely, ranging from being in adult shelters to sleeping outdoors, in abandoned buildings, or with strangers (Gilmore, 2012; Greene et al., 1999; Holzman, 2012; Ringwalt et al., 1998). Causes of homelessness vary widely as well. For example, youth who have been in foster care are at particularly high risk for becoming homeless (NAEH, 2009). Approximately 40 to 60 percent of homeless youth have experienced physical abuse, and 17 to 35 percent have experienced sexual abuse. Once homeless, young people experience greater risk for violence, sexual assault (NAEH, 2009), and commercial sexual exploitation and sex trafficking (Barnardo's, 2002, 2012; Estes and Weiner, 2001). The risk of commercial sexual exploitation and sex trafficking among homeless youth increases with a prior history of sexual abuse, as does greater sexual risk taking (e.g., having multiple partners, having unprotected sex) (Raj et al., 2000; Rotherham-Borus et al., 1996) (see also the section on child maltreatment above). Once homeless, young people are at significant risk of commercial sexual exploitation and sex trafficking for reasons ranging from a lack of resources for basic needs, such as food and shelter, to the need for social connection when separated from the family unit and other social supports. Not only are homeless youth victims of commercial sexual exploitation and sex trafficking, but older homeless male youth may recruit their peers into involvement in these crimes (Rotherham-Borus et al., 1992). In addition, homeless and thrown-away youth are at particularly high risk for substance abuse (Gleghorn et al., 1998), which has been linked with involvement in commercial sexual exploitation and sex trafficking.

A number of studies have examined engagement in the commercial sex industry and transactional or survival sex among homeless youth (Curtis et al., 2008; Estes and Weiner, 2001; Greene et al., 1999; Gwadz et al., 2009; Miller et al., 2011). While estimates of such engagement vary greatly (between 2 percent and 46 percent), a cluster of studies suggest a figure of 15 to 30 percent (Adlaf and Zdanowicz, 1999; Greenblatt and Roberson 1993; Greene et al., 1999; Kipke et al., 1995, 1997; Milburn et al., 2006; NAEH, 2009; Rotherham-Borus et al., 1992; Unger et al., 1998; Wagner et al., 2001; Yates et al., 1991). In another example, a study in Seattle by Wagner and colleagues (2001) found that 41 percent of a sample of 272 Seattle homeless youth had been sexually exploited through survival sex and/or commercial sex work, and that 47 percent of females and 37 percent of males had been propositioned to sell sex. Estes and Weiner (2001) research found that homeless youth "are subject to an extraordinary range of risks of engaging in commercial sex that are not experienced by 'at risk'

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housed youth" (Estes and Weiner, 2001, p. 63). They suggest that homelessness puts young people at "special risk" for commercial sexual exploitation, not only because life on the streets puts them at greater risk from those who might prey on them, but also because homelessness among young people often is a result of other risk factors, such as family poverty, family dysfunction, or serious mental illness (Estes and Weiner, 2001).

The United Kingdom's Barnardo's, a social service organization with a long and deep involvement in working with homeless and thrown-away youth and victims of commercial sexual exploitation and sex trafficking, notes that commercial sexual exploitation and sex trafficking of minors occur gradually and incrementally, not suddenly (Barnardo's, 2012). Young people at risk become more vulnerable simply if they are spending a great deal of time away from home, from their care placement, or from school, even for short episodes (Barnardo's, 2012). Similarly, Gwadz and colleagues (2009) found that initiation into the "street economy" is a gradual process and that many homeless youth reveal connections to both the conventional economy and the street economy, but that over time, the conventional economy becomes viewed as foreign. It is important to note that not all homeless youth are involved in prostitution or engage in survival sex, however. Yates and colleagues (1991) found that among homeless youth, those involved in prostitution were more likely to live on the street, more likely to have dropped out of school, less likely to be involved in sports, more likely to have been sexually abused, and more likely to have engaged in survival sex.

Greene and colleagues (1999) criticize many studies of survival sex among homeless and shelter youth because they are based on extremely small sample sizes. To address this gap, they conducted a nationally representative study of homeless and sheltered youth across both urban and nonurban settings, and found that 27.5 percent of street and homeless youth and 9.5 percent of youth in shelters engaged in survival sex. Research on adolescent survival sex remains difficult, however, given the constantly changing circumstances surrounding such activity, as shown by an extensive study conducted in New York City (Curtis et al., 2008). This study found constant variations in the neighborhoods in which survival sex occurred, as well as who "controlled" the market—for example, with increasing gang involvement in recent years. Frequent displacement of sexually exploited youth also was found in a study by Miller and colleagues (2011), which showed that young people involved in survival and exchange sex may move into and out of homelessness over time.

Foster care placement and other systems involvement During its San Francisco site visit, the committee heard that young people who are placed in foster care have backgrounds that include many of the factors thought to contribute to the risk for commercial sexual exploitation and sex traf-

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ficking of minors, including fragmented families, poor parental supervision, and poverty, as well as neglect, physical abuse, and sexual abuse. Therefore, children in foster care should be considered at high risk for commercial sexual exploitation and sex trafficking. In a San Francisco study of 149 youth identified as commercially sexually exploited children, Brantley (2009) found that 55 percent were foster care youth from group homes, and 82 percent had previously run away from home multiple times. In the United Kingdom, the experience of youth in residential placement has been linked with vulnerability to commercial sexual exploitation for boys as well as girls (Mathews, 2000). Some studies have indicated that children placed in nonkinship foster care are more likely to experience physical punishment and be sexually abused and less likely to feel safe in their placement compared with children placed in kinship foster care (Benedict et al., 1996; Fanshel et al., 1990; Wilson and Conroy, 2001). Other studies have shown an association between child sexual abuse and polyvictimization and transactional sex among adolescents in foster care (Ahrens et al., 2012; Turner et al., 2010). Further studies are needed to determine whether commercially sexually exploited minors also are at increased risk of being reexploited or revictimized when placed in foster care or otherwise systems involved.

Lesbian, gay, bisexual, and transgender youth Evidence suggests that LGBT youth may be at increased risk for commercial sexual exploitation and sex trafficking. A number of factors contribute to this potential vulnerability. Among samples of youth who are homeless, for example, as many as 20 to 40 percent are sexual minority youth (Ray et al., 2006), whereas fewer than 10 percent of youth in the general population identify as sexual minority (CDC, 2011). Given that, as discussed above, homelessness is considered one factor contributing to commercial sexual exploitation and sex trafficking of minors, it is not surprising that studies show both a disproportionate experience of homelessness and a disproportionate experience of commercial sexual exploitation among LGBT youth (Adams, 2012; Eastman, 2012; Gilmore, 2012; NAEH, 2009; Polenberg and Westmacott, 2012; Westmacott, 2012). While homeless, LGBT youth are at higher risk for sexual victimization than heterosexual homeless youth (Cochran et al., 2002; Rew et al., 2005; Whitbeck et al., 2004). Yates and colleagues (1991) report that among homeless youth, commercially sexually exploited youth were five times more likely to identify as LGBT. Even prior to homelessness, rates of physical and sexual victimization are higher among LGBT youth than among youth in general (IOM, 2011). Several studies have found that after disclosing their sexual orientation, LGBT youth experience physical and emotional abuse and family rejection (IOM, 2011), both of which are risk factors for these youth becoming homeless. Yates and colleagues (1991) report that the emotional and physical abuse often experienced at home and

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in school frequently causes LGBT youth to feel isolated and alone, leading them to run away. LGBT adolescents also are at higher risk of being "thrown away" by their families (Palmer, 2001).

Substance use/abuse Research shows that substance use/abuse makes young people extremely vulnerable to a range of poor outcomes. Because substance use/abuse is highly interwoven into the sex trade, it is difficult to determine whether it is a cause or effect of sex work; nonetheless, substance use/abuse itself is one of the main reasons cited by adult women for entering into commercial sex work (Gossop et al., 1994; Kuhns et al., 1992; Weeks et al., 1998). British studies provide evidence that youth who are commercially sexually exploited and trafficked for sexual purposes have higher levels of drug use than other youth (Cusick et al., 2003).

While the connection between substance use/abuse and commercial sexual exploitation and sex trafficking of minors has yet to be demonstrated in the peer-reviewed literature, substance use/abuse may be a major obstacle to finding an exit for both minors involved in commercial sexual exploitation and adults involved in commercial sex work. Researchers describe the complex interrelationship between drug use/abuse and sexual exploitation of young people. For example, some exploiters use young people's dependency on drugs to control them by managing their drug supply in return for "payment" through commercial sex work (Barnardo's, 2012; Chase and Statham, 2004; Cusick et al., 2003). Another means of coercion is generating a dependency on highly addictive drugs as a means of controlling youth and ensuring their involvement in commercial sex work. Other reports suggest that substance use/abuse may be a pathway to engaging in survival sex (Chettiar et al., 2010; Edwards et al., 2006; Estes and Weiner, 2001; Greene et al., 1999) or may be used as a coping strategy by victims of commercial sexual exploitation (Cusick and Hickman, 2005; Stoltz et al., 2007).

Psychogenic factors and impaired cognitive function Psychogenic factors, such as poor self-esteem, chronic depression, and external locus of control, in addition to low future orientation, may be individual risk factors for commercial sexual exploitation and sex trafficking of minors (Estes and Weiner, 2001). That child sexual abuse has been shown to have a significant impact on these psychological factors, as described earlier, further supports a potential link between child sexual abuse and risk for commercial sexual exploitation and sex trafficking of minors. Evidence from research with otherwise physically healthy adult women shows that victims of child sexual abuse have long-term impairments in memory and other cognitive and neuropsychological functions (Beers and De Bellis, 2002; Carrey et al., 1995; Perez and Widom, 1994), including deficits in inhibitory capacity directly related to the duration of the abuse. Other cognitive deficits include

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"lower levels of intellectual ability, academic attainment, abstract reasoning, and executive function" (Navalta et al., 2006, p. 50). Further, research supports the hypothesis that child maltreatment has a deleterious effect on brain development (Bremner et al., 1997; Carrion et al., 2001; De Bellis et al., 1999, 2000, 2002a,b; Driessen et al., 2000; Schiffer et al., 1995; Stein et al., 1997; Teicher et al., 1997, 2004; Vythilingam et al., 2002). Although not enough is known about the direct relationship between impaired cognitive functions and later involvement in commercial sex work, there is some evidence that impaired cognitive functions may increase vulnerability to high-risk sexual behaviors in adult women (Brewer-Smyth et al., 2007). While there is evidence demonstrating an association between child sexual abuse and mental health conditions, further research is needed to help understand potential links among psychogenic factors, impaired cognitive functioning, and mental health conditions as risk factors for commercial sexual exploitation and sex trafficking of minors in the United States.

Disability The sexual abuse of children with learning disabilities is a relatively undeveloped area of research (Blum et al., 2001; Cooke, 1989; Gunn, 1989; Sullivan and Knutson, 2000), and estimates of its prevalence are unclear. Studies suggest that one in three U.S. adolescents and one in four U.S. young adults with learning disabilities have a history of sexual abuse (Baker and Duncan, 1985; Chamberlain et al., 1984; Gunn, 1989). Children with learning and intellectual disabilities likely are overrepresented among those who have been physically abused, neglected, or sexually abused (Glaser and Bentovim, 1979; Horner-Johnson and Drum, 2006). Thus, vulnerability to sexual abuse among children with learning and intellectual disabilities may reflect their vulnerability to all types of abuse. According to Westcott (1993), children with disabilities are particularly at risk of sexual abuse when they experience physical or social isolation, as in the case of institutionalization; are dependent on others for their personal care; or have difficulty communicating. Despite the lack of studies focused on the association of disability with commercial sexual exploitation and sex trafficking, disability should be considered a vulnerability for involvement in these crimes given its association with child sexual abuse, which in turn is a risk factor for commercial sexual exploitation and sex trafficking of minors and also is associated with school dropout, another factor that may increase risk for victimization by these crimes.

Earlier pubertal maturation There is evidence that sexually abused girls tend to have earlier pubertal maturation relative to nonabused girls (Trickett et al., 2011a; Turner et al., 1999). In addition, the timing of physical maturation may play a role in the earlier initiation of health-risk behaviors among adolescents, although the reasons for this relationship remain

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unclear (Herrenkohl et al., 1998; Hulanicka, 1999; Kendall-Tackett and Simon, 1988; Kim and Smith, 1998; Romans et al., 2003; Tschann et al., 1994). One hypothesis for this relationship, related to the literature on precocious transitions discussed earlier, is that adolescents who experience earlier puberty are under considerably more stress than their peers and are subjected to increased peer pressure to engage in sexual activity, for which they may be ill prepared (Tschann et al., 1994). One organization reports that the age at which commercial sexual exploitation and sex trafficking typically begin is between 12 and 14 (Shared Hope International, 2009), the same age at which many girls have physically entered or completed menarche. Thus, the early age at which commercial sexual exploitation and sex trafficking may occur is not surprising given the known timing of both physical and sexual development.

Early adversity In the mid-1990s, the Centers for Disease Control and Prevention (CDC) funded the Adverse Childhood Experiences (ACE) Study in Southern California's Kaiser Health System (CDC, undated) (see also the discussion of this study in Chapter 2). Spearheaded by researchers Anda and Felliti, the study was designed to assess the impact of early childhood adversity on future health (Felitti et al., 1998). Researchers surveyed more than 18,000 participants in the Kaiser Health System—most of whom were white, over the age of 50, and with some college education—about their experience of various forms of childhood exposure prior to age 18, including physical or emotional abuse by parents; sexual abuse by anyone; physical or emotional neglect; growing up in a home with a family member with mental illness, an incarcerated parent, or a family member with substance abuse; seeing one's mother treated violently; and marital separation or divorce. The researchers also had access to all of the participants' medical records, including pharmacy, physical health, and mental health services.

The researchers found that only 36 percent of the participants reported no childhood adversity, 38 percent had experienced two or more forms of adversity, and more than 12 percent had experienced four or more (Felitti et al., 1998). They also found that 28 percent of the women and 16 percent of the men had suffered sexual abuse as children. Beyond these prevalence data, the researchers found a direct dose-response relationship between the number of adverse childhood experiences and the following chronic behavioral or medical problems:

- adolescent pregnancy,
- alcoholism and alcohol abuse,
- chronic obstructive pulmonary disease (COPD),
- depression,
- early initiation of smoking,

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- early initiation of sexual activity,
- fetal death,
- poor health-related quality of life,
- illicit drug use,
- ischemic heart disease,
- liver disease,
- multiple sexual partners,
- sexually transmitted diseases,
- risk for intimate partner violence,
- smoking,
- suicide attempts, and
- unintended pregnancies.

These findings are relevant to commercial sexual exploitation and sex trafficking of minors. Victims of chronic abuse and neglect are at higher risk for multiple sexual partners, smoking, and substance use (e.g., Hahm et al., 2010; Rogosch et al., 2010; Topitzes et al., 2010), behaviors that predispose to chronic disease. Because childhood adversity, and sexual abuse in particular, is a risk factor for commercial sexual exploitation and sex trafficking of minors, victims of these crimes also may be at heightened risk for these outcomes.

When considering the findings of the ACE Study, it is important to note that the findings regarding early adversity likely can be generalized only to samples with similar demographic backgrounds (e.g., white, over the age of 50, with some college education). For example, the adverse outcomes reported by the participants in the ACE Study may represent an underestimate of the adverse outcomes experienced by individuals who are racial minorities and have less educational attainment. Future longitudinal research is necessary to determine whether these findings can be applied to different populations.

A note on male victims A challenge cutting across the literature on individual-level risk factors for commercial sexual exploitation and sex trafficking of minors is the notable scant attention to male victims. The overwhelming majority of research with young samples focuses on females, and retrospective studies similarly often sample adult women. The available research suggests that males and females share several risks for involvement in commercial sexual exploitation and sex trafficking, including a history of child maltreatment, family violence, and out-of-home residential placement (Barnardo's, 2002; Chase and Statham, 2004; Mathews, 2000; Palmer, 2001). One study of commercial sexual exploitation of boys and young men in the United Kingdom found that boys and young men who sold or traded sex were far less visible than their female counterparts, potentially

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because of greater secrecy due to the added stigma of homosexuality (Chase and Statham, 2004). As a result, the males were less likely to be identified than the females.

Palmer (2001) describes two categories of boys who are victims of commercial sexual exploitation. Vulnerable young boys may be singled out and "conditioned" into prostitution by a "caring figure." These individuals may have an elevated risk of developing an abusive lifestyle in their late teens and adult life, including exploiting or abusing other vulnerable young people (Palmer, 2001). Boys and young men who become victims of commercial sexual exploitation to escape unsafe or poor living situations, on the other hand, generally end up on the street trying to survive (Curtis et al., 2008).

Family-Level Factors

As discussed earlier, child maltreatment, including child sexual abuse, physical abuse, and neglect, is consistently cited as a primary risk factor for commercial sexual exploitation and sex trafficking of minors (e.g., Flowers, 2001). Several studies have found that youth unable to tolerate the family environment because of child maltreatment, other family conflict, or family disruption are more likely to run away (Flowers, 2001). Runaway youth and those without stable housing as a result of family conflict, disruption, or other dysfunction may exchange sexual activity for something of value, often as a means of survival (Nadon et al., 1998), and are at an elevated risk of commercial sexual exploitation and sex trafficking (Barnardo's, 2002; Estes and Weiner, 2001; Sereny, 1984). In fact, Cobbina and Oselin (2011) note that 60 percent of their sample of female prostitutes (ages 20-60, mean age 36.5) who were prostituted as adolescents were motivated by a desire to feel in control of their sexuality and escape abuse. In their sample of adolescents aged 10-18, Nadon and colleagues (1998) found that, compared with adolescents not engaged in commercial sexual exploitation, juveniles who were prostituted were more likely to be runaways and homeless and reported lower family cohesion, greater parental alcohol abuse, and more interparental conflict.

Although homelessness is considered a potent risk for commercial sexual exploitation and sex trafficking of minors, Estes and Weiner (2001) note that commercially sexually exploited children living in their own homes also are at substantial risk of exploitation and revictimization. Those risks are greater in families in which the exploitation remains undetected, and no external intervention by either law enforcement or child protective authorities has occurred. In a report on commercial sexual exploitation of minors in London, Barnardo's notes that more than one-third of young people involved in such exploitation in the United Kingdom and having

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received that organization's services since 1995 lived at home with their parents (Barnardo's, 1998, 2002). Other family risks for commercial sexual exploitation and sex trafficking of minors include domestic violence, drug use, serious mental illness, and sexual promiscuity in other family members, perhaps given their association with child maltreatment and neglect. Some children may be victimized repeatedly in their own homes. Thus, it should not be assumed that living at home always protects against commercial sexual exploitation and sex trafficking of minors (Lew, 2012).

Adequate parental monitoring and supervision may protect against commercial sexual exploitation and sex trafficking of minors by limiting opportunities for involvement in risky behaviors. Walker (2002) suggests that, while it is common for adolescents to question their parents' values and to experiment with behaviors consistent with the norms of their peers, the risks involved are often mitigated by adequate parental supervision. Walker suggests that through such supervision, parents can discourage adolescents from engaging in high-risk behaviors in several ways: by administering punishment, by limiting opportunities to engage in such behaviors, and by discussing the consequences of engaging in these behaviors. On the other hand, deterrents to engaging in high-risk behaviors may not exist without adequate parental or adult supervision, and as a result, adolescents may make decisions about such behaviors without being cognitively prepared to do so. Along similar lines, in a study of young people involved in commercial sexual exploitation, Jesson (1993) identifies a pattern that often emerges when victims' families lack structure. When adolescents lack family structure or adequate supervision, they may receive minimal guidance on how to spend their free time or how to define themselves, they may lack consistent guidance on boundaries or limits to their behavior, or they may be treated as adults before being cognitively or developmentally ready for such responsibility (Jesson, 1993; Walker, 2002). These young people may be vulnerable because an exploiter may provide them with a simulated family structure that they lack. Walker (2002, p. 183) posits that the young person first being initiated into commercial sexual exploitation under the "protection" of an exploiter may be able to leave behind a "confusing lack of control and gains protection in return, together with the promise of safety in a caring and structured relationship" (see also Jesson, 1993).

Findings regarding the role of family financial resources in commercial sexual exploitation and sex trafficking of minors are mixed. In one study, for example, family socioeconomic status did not differ between adolescents who were prostituted and those who were not (Nadon et al., 1998). Yet other research supports the assumption that low-income children are at risk because of the lure of money or material possessions they desire (McClain and Garrity, 2011), or because family members may knowingly exploit their own children out of financial necessity (Flowers, 2001). On the other hand,

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some research suggests that many trafficked minors are from middle-class families (Estes and Weiner, 2001).

It is important to note that the familial risk factors described above also apply to many youth who do not become victims of commercial sexual exploitation or sex trafficking. This observation suggests that other factors, including peer, neighborhood, social, and situational factors, interact with family characteristics. These factors are discussed in the following sections.

Peer- and Extrafamilial-Level Factors

Davis (1971) proposes an exposure model to explain women's motivations for entering prostitution. According to this model, women enter prostitution as a result of interpersonal contacts and "inducement" from others involved in prostitution (see also Cobbina and Oselin, 2011). Likewise, contagion and epidemic models highlight the significance of peer influence for youth's involvement in risk behaviors. These models highlight peer pressure and modeling as the processes through which peers exert their influence on youth's entry into or avoidance of commercial sexual exploitation.

Peer pressure can sway individuals' decision making to be consistent with a social norm (Zwane, 2000). Burgess and colleagues (1981) found that peer pressure was one of the factors associated with initiation into a child sex ring among their sample of 6- to 14-year-old boys and girls. Likewise, some studies have found that peer pressure often is a risk factor for entry into prostitution (Bao et al., 2000; Ennett et al., 1999). Raphael and Shapiro (2002), for example, report that nearly one-third of prostitutes in their sample were encouraged to enter prostitution by another individual. At the same time, however, peer pressure can promote adaptive behaviors, including healthy sexual behaviors and avoidance of risk involvement, leading some to propose peer education programs as one means of preventing risky sexual behavior and sexual exploitation of minors (Zwane et al., 2004).

Youth may model peer behaviors, especially when they observe peers being reinforced for those behaviors. In the present context, youth may copy the behavior of others involved in commercial sexual exploitation in order to obtain desired objects (e.g., money, clothing). Thus, peer modeling may be relevant for entry into and persistence of commercial sexual exploitation. Taylor-Browne and colleagues (2002) and Palmer (2001) report that peers' involvement in prostitution is one of the reasons some young people find it difficult to end their own involvement in prostitution; the significance of peers appears to increase with the amount of time youth have been involved in prostitution as connections with family and prosocial/mainstream peers weaken or become increasingly strained (Chase and Statham, 2004).

Some peer relationships also are associated with other risks for com-

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mercial sexual exploitation and sex trafficking of minors, thus having an indirect effect on involvement in these crimes. For example, negative peer pressure and social isolation from peers have been identified as risks for youth's running away from home (Flowers, 2001), which as discussed earlier is associated with involvement in commercial sexual exploitation and sex trafficking. It also is possible that after running away or being expelled from their homes, youth may encounter peers who are involved in deviant or delinquent behaviors. The influence of these peers may exacerbate the effects of running away on the risk for commercial sexual exploitation and sex trafficking of minors at different or multiple points along the pathway to involvement in these crimes.

The role of peers as exploiters of children also is important to consider. Lloyd (1992) notes that the use of physical violence or sexual abuse and coercion may be encouraged or sanctioned by the peer group. Gillen (2003) reports that "peer-to-peer" exchanges of children also are common among exploiters. In addition, there is increasing evidence of gang members' involvement in human trafficking and prostitution as an additional source of revenue. For example, according to a recent report by the Federal Bureau of Investigation's National Gang Intelligence Center on emerging gang trends (National Gang Intelligence Center, 2011), gang members may operate as pimps, using force, coercion, or false pretenses, including transporting underage females across state lines, to lead victims into prostitution or forced labor. In some cases, gangs have combined human trafficking and drug trafficking with female victims being used as couriers and for prostitution.

Neighborhood-Level Factors

Several models propose links between the neighborhood context and youth risk behaviors. Collective socialization and collective efficacy models highlight the role of neighborhood adults as role models and enforcers of social controls (Sampson et al., 2002). More socially organized neighborhoods and those with more trust, cohesion, and shared beliefs about appropriate behaviors for youth are more likely to institute formal and informal controls to curb risk among adolescents. When neighborhood control mechanisms are lacking, residents may be more tolerant and accepting of delinquency and criminal behavior among youth, including violence in general and males' violence against females in particular, as well as of sexual exploitation (Popkin et al., 2010). According to Sampson (2001), the degree to which adult neighborhood residents institute informal social controls against particular adolescent risk behaviors depends in part on their having shared values. Therefore, community norms about sexual behavior and what constitutes consent and coercion likely influence youth's involvement in commercial sexual exploitation and sex trafficking. Community

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norms regarding sexual conquest and bravado (Anderson, 1999; Bourgois, 2002; Warner et al., 2011) also may be relevant. McLeod (1982) highlights as important for understanding commercial sexual exploitation of minors such local factors as the existence of a number of commercial sex workers already working near the area; the presence of exploiters or sex establishments, such as saunas and massage parlors; and the demand factor of men who will pay for sex. Likewise, communities characterized by crime, police corruption, adult prostitution, and high numbers of transient males (e.g., truckers, members of the military) appear to have an increased risk for commercial sexual exploitation (Clawson et al., 2009; Estes and Weiner, 2001).

As noted by Satcher (2010), research has not thoroughly examined the role of neighborhood characteristics and public and private disinvestment in commercial sexual exploitation and sex trafficking of minors. However, the available research reveals that the neighborhood context has important implications for sexual activity among young people, including sexual risk behaviors and sexual victimization. The main variables of interest appear to be collective efficacy, poverty, community cohesion and support, and community norms and expectations.

Collective efficacy Collective efficacy refers to mutual trust among neighbors and neighbors' willingness to intervene when problems arise (Sampson et al., 1997). While the level of collective efficacy has not been directly linked with commercial sexual exploitation and sex trafficking of minors, collective efficacy has been found to reduce the likelihood of dating violence (Jain et al., 2010) and may have relevance for other types of victimization, including commercial sexual exploitation and sex trafficking. For instance, communities characterized by high collective efficacy may have less tolerance for sexual coercion, or victimized youth may find resources for help in these settings. It should be noted, however, that the benefits of collective efficacy depend upon the perception that a problem exists. In communities with high rates of deviant behavior, including crime and gang activity, community norms about appropriate and inappropriate behaviors likely differ from those of communities in which crime and gang presence are less prevalent. Thus, a high level of collective efficacy may not always be protective against commercial sexual exploitation and sex trafficking of minors. For example, collective efficacy within gang communities, particularly those in which gang involvement includes prostitution and sexual coercion of minors, could have adverse effects with respect to commercial sexual exploitation and sex trafficking.

Poverty Living in poverty and disadvantaged conditions has been linked to girls' risky sexual behaviors and earlier onset of sexual activity (see Leventhal et al., 2009), both of which appear to be risks for commercial

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sexual exploitation and sex trafficking. Other research suggests that girls growing up in neighborhoods characterized by high poverty are at increased risk of intimate partner violence and sexual assault and are more likely to face sexual harassment and pressure to become sexually active at a young age compared with girls in other types of neighborhoods (Popkin et al., 2010). In fact, among urban girls, the risk of sexual victimization is higher among those in high-risk neighborhoods (Popkin et al., 2010). For example, Menard and Huizinga (2001) found that 38 percent of girls in high-risk neighborhoods were exposed to some type of sexual victimization, including being threatened or hurt by someone trying to have sex with them forcibly; moreover, most girls reported repeated victimization. In those neighborhoods, the fear of sexual harassment, coercion, and assault, described by Gordon and Riger (1991) as the "female fear," may be common and realistic. Of note, girls who moved from impoverished, high-risk neighborhoods reported less female fear (Popkin et al., 2010), and their actual encounters with these feared events may have occurred less frequently after moving. Neighborhood poverty may not be a risk factor in and of itself. Rather, the correlation may be attributable to other, co-occurring conditions (e.g., violence, drug availability and sales) that together increase the risk of commercial sexual exploitation of minors.

Community cohesion and support Some socially isolated communities are characterized by increased pressures for sexual activity, more threats of violence, and higher risk for victimization (see Popkin et al., 2010; Raphael and Shapiro, 2002; Raphael et al., 2010; Renzetti and Edleson, 2008). A lack of neighborhood cohesion and support can lead to increased family strain and its negative consequences. Community cohesion in support of sexually exploitative behaviors is problematic, while community cohesion in support of prosocial behaviors for youth can be protective. For example, communities' collective or shared socialization of youth can reduce early-onset sexual behavior and the risk for commercial sexual exploitation and sex trafficking by supplementing the supervisory capacity of parents. Several studies link appropriate supervision and monitoring of youth behavior with less involvement in risky behaviors and more adaptive behaviors; a similar process may be at work for commercial sexual exploitation and sex trafficking of minors.

Community norms and expectations Neighborhoods can shape perceptions of the types of opportunities available for social mobility, ideas about legitimate means of employment, and ideas about the acceptability of sexual behaviors and for whom. These norms can influence the behaviors of traffickers and victims, as well as other community residents. In terms of economic opportunities, for example, there may be real and/or perceived

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barriers to employment based on characteristics of the neighborhood, and there may be few role models using legitimate means to earn money. Cobbina and Oselin (2011) report that 40 percent of their sample of prostitutes (n = 40) described prostitution as "normal" in their neighborhood and a viable option for obtaining income.

Systems-Level Factors

Multiple systems may be involved in the response to victims of commercial sexual exploitation and sex trafficking of minors. These systems include child protection agencies, law enforcement, health care providers, schools, and nongovernmental agencies that serve victims and their families. During its deliberations, the committee heard from a number of organizations that provide services to victims and survivors of commercial sexual exploitation and sex trafficking. The committee learned about barriers that exist within and among these systems that may impede their ability to protect youth from exploitation and help victims rebuild their lives. Involvement with these systems, particularly child protection, often is an appropriate protective response to prior abuse, neglect or maltreatment, poverty, homelessness, and many of the other risk factors for commercial sexual exploitation and sex trafficking of minors documented above. In some cases, however, involvement with these systems may actually pose additional risk for involvement in commercial sexual exploitation or survival sex for vulnerable youth. The following sections review possible risk factors associated with a range of systems. Current and emerging practices, challenges, and opportunities within each of these systems are discussed in greater detail in Chapters 5-10 of this report.

The child protection system Child protection systems are public systems, funded by federal, state, county, and sometimes local resources. These systems are not uniform from state to state, but essentially all are charged with responding to reports of suspected child abuse and neglect. Within the child protection system, the highest premium is placed on protecting the child, whether in the home or in an out-of-home placement. The next priority is provision of services to the child and family to keep the child in the family or reunify the family if the child has been removed from the home for some period of time (Waldfoegel, 2009). Chapter 6 provides additional detail on the roles of child protection systems with respect to child victimization.

In 2011, according to a U.S. Department of Health and Human Services (HHS) report on child maltreatment (ACF, 2010), child protection systems across the United States, including Puerto Rico and the District of Columbia, responded to more than 3.4 million reports of child maltreatment and identified 676,569 children who were victims of maltreatment in

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the United States, for a unique victim rate of 9.1/1,000 children in the U.S. population (ACF, 2011). Of these victims, 78.5 percent were found to have suffered neglect, 17.6 percent physical abuse, 9.1 percent sexual abuse, 9.0 percent psychological maltreatment, 2.2 percent medical neglect, and 9.6 percent some other form of maltreatment. In the 44 states for which data are available, about one-fifth of all victims were removed from their homes, while approximately two-fifths received in-home services (ACF, 2011).

The child protection system clearly plays a critical role in removing children from adverse circumstances that can serve as risk factors for commercial sexual exploitation and sex trafficking, such as sexual and physical abuse and maltreatment. In this way, the child protection system intervenes to interrupt abuse, even if the abuse was not prevented. Once a child has been removed from the home and placed in foster care or a group home, however, he or she may be subjected to ongoing abuse. The HHS report on child maltreatment notes that fewer than half of the 49 states reporting met the standard of 99.68 percent of children not being maltreated while in foster care (ACF, 2011). In addition to the ongoing risk of abuse while in foster care, such placements may constitute a risk for commercial sexual exploitation and sex trafficking. As Shalita O'Neale, executive director of the Maryland Foster Youth Resource Center, explained to the committee:

> A lot of people feel that once they are removed from that situation and they are placed into foster care that it's a better situation for them, that they're safe now and that everything is okay. And that may be the case for a lot of foster youth, but for many that isn't the case.... There's a lot of sexual, physical, and emotional abuse within foster care itself.

Despite their shortcomings, group homes or foster placements may still be preferable to returning the child to the home. Thus, it is worrisome that participants in the committee's site visits in Chicago and New York revealed that increasing numbers of reports and caseloads, combined with funding cuts, have caused the child protection system to be overwhelmed (Ashai, 2012). Case managers faced with mounting caseloads often are forced to give priority to the youngest and most vulnerable children while being encouraged to promote family unification or reunification over removal (Ashai, 2012; Polenberg and Westmacott, 2012).

One particularly challenging issue is whether reunification is desirable or even possible. Among the social issues facing youth involved in commercial sexual exploitation and sex trafficking are difficulties with primary social support systems (e.g., family, friends), including interrupted or intermittent contact with their primary social supports, changes in social network dynamics, and challenges in trying to reengage family and social partners as the result of commercial sexual exploitation and sex trafficking. Busch-Armendariz and colleagues (2011) note that reuniting victims

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of commercial sexual exploitation with their families, social networks, and schools is enormously stressful to both victims and their families, especially after long periods of separation. They suggest that a case management approach is required to help manage all the points and stresses of reconnection and to evaluate whether reunification is in the best interest of the victim.

Law enforcement and the criminal justice system Law enforcement agencies have a critical role in responding to reports of commercial sexual exploitation and sex trafficking of minors, apprehending exploiters, and identifying and rescuing youth on the streets who may be victims. Nonetheless, victims may actively refuse to cooperate with law enforcement or other service providers for a number of reasons, including ambivalence about leaving the exploiter, confusing an exploiter's caretaking activities (e.g., provision of food and shelter) with true caring, or fear of retaliation from the exploiter for engaging with law enforcement. Without sufficient education and training about the multiple factors that contribute to the behavior of victims of commercial sexual exploitation and sex trafficking, victims' deep mistrust for law enforcement and other systems, and their fear of further victimization while detained, law enforcement personnel may have difficultly knowing best practices for intervening in cases of commercial sexual exploitation and sex trafficking of minors. Further, without training regarding the complex set of forces that perpetuate commercial sexual exploitation and sex trafficking and those that prevent minors from experiencing continued victimization, law enforcement personnel and the law enforcement system may fail to understand what is needed to disengage youth from involvement in these crimes. As described further in Chapter 5, there are two areas of concern: conceptualization of minors who are commercially sexually exploited and trafficked for sexual purposes as criminals/delinquents rather than victims, and the arrest and/or detention of victimized minors.

Law enforcement officers may struggle to conceptualize youth involved in commercial sexual exploitation as victims rather than offenders. Research reviewing case files from six U.S. police agencies found that 60 percent of youth involved in commercial sexual exploitation were conceptualized as victims by the police, while 40 percent were seen as offenders (Halter, 2010). Halter identifies five characteristics associated with a youth's being regarded as a victim by police: greater levels of cooperation, the presence of identified exploiters, the absence of a prior criminal record, coming to police attention through a report, and being from the local area. Biases regarding these characteristics may be shaped by police practices in dealing with adult prostitution as a crime for which individuals are processed as offenders. In some cases, law enforcement personnel may see few options

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for intervening other than secure detention. For example, law enforcement officials have described detaining victims as a way to protect them from further exploitation or because they lack appropriate services and shelter for the victims they encounter (Fassett, 2012). Detention may be perceived as a better alternative when other options have failed, or officers have limited community resources for placing victims safely. Halter (2010) found that police often were likely to process youth as offenders in an effort to use criminal charges to "protect" youth whom they viewed as uncooperative, resistant to help, or reluctant to give information about their exploiter or who had a prior record.

Unfortunately, actions and policies that support detention for victims of commercial sexual exploitation and sex trafficking may serve to further traumatize the young victims, even if the intent is to protect them from further harm. As David Nielsen, senior social science analyst in the Office of the Assistant Secretary for Planning and Evaluation at HHS, noted during the committee's May 2012 workshop:

> I think the frustration from our law enforcement officers down in Los Angeles is a lot of times they'll pick the girls up because they don't want them on the street, and they'll take them home. Well, home is where they've been running away from. Call Child Welfare and they'll come pick them up, and on the way to the Command Post for Child Welfare the kid jumps out of the car.

Victims and survivors of commercial sexual exploitation and sex trafficking may distrust official systems and services (e.g., child welfare, law enforcement, hospitals, and shelters) and experience institutional violence (i.e., violence or abuse perpetrated by institutions as opposed to individuals) (Sherman, 2012). For example, qualitative research conducted by Iman and colleagues (2009) found that the individual violence experienced by victims and survivors was exacerbated by the institutional violence they experienced from systems and services. Respondents reported "emotional and verbal abuse as well as exclusion from, or mistreatment by, services" (Iman et al., 2009, p. 30). In addition, respondents reported that they were often denied help by professionals and systems that are responsible for protecting and serving children and adolescents because they were involved in the sex trade, because they were perceived as gender nonconforming, or because they used drugs (Iman et al., 2009).

The health care system While involvement with the health care system is not a risk for commercial sexual exploitation and sex trafficking per se, victims and potential victims of these crimes are likely to have contact with that system, most often in emergency departments, walk-in clinics, or other episodic care locations (Cohen, 2005; Macy and Graham, 2012). The

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type and quality of care received by victims can have implications for their future or continued involvement in commercial sexual exploitation and sex trafficking. Problems relating to sexually transmitted infections, the need for contraceptives, or treatment for injuries due to violence should alert health care providers to the possibility of commercial sexual exploitation or sex trafficking when the patient is a minor; is in the company of a non-family member guardian; or has other known risk factors for commercial sexual exploitation and sex trafficking, such as homelessness, involvement with the child protection or juvenile justice system, or being LGBT. Health care providers who fail to recognize, report, or address commercial sexual exploitation and sex trafficking of minors may unknowingly contribute to additional exploitation and abuse.

A health care workforce—including school-based nurses, community health center providers, and community health workers as well as physicians and nurses—that is adequately trained can recognize and address at-risk youth to prevent possible commercial sexual exploitation and sex trafficking of minors and intervene with, report, and treat victims to help prevent further exploitation or health consequences (e.g., Goldblatt Grace et al., 2012). Chapter 7 provides a comprehensive discussion of the role of the health care system in assessment and treatment of victims of commercial sexual exploitation and sex trafficking and youth at risk of such victimization.

The education system School staff, including educators, administrators, and health service providers, are uniquely familiar with the range of normative development in youth, including not only academic adjustment but also emotional, behavioral, and physical adjustment, given the vast numbers of students they encounter in their work. Consequently, school personnel can be instrumental in noticing changes in student behavior that may indicate risk for or involvement in commercial sexual exploitation and sex trafficking of minors. The degree to which school personnel are adequately trained about these crimes and are knowledgeable about how to proceed when the crimes are suspected or disclosed can therefore contribute to or mitigate the risk for their occurrence. In addition, most children and adolescents spend a majority of their school days at school; thus, the school is an ideal setting in which to offer education, prevention, and intervention programming for students and families. Additional benefits of providing such services through schools are that it is possible to reach large numbers of youth, less stigma is associated with these services than is the case in other settings, and schools are familiar and generally easily accessible settings for students and families.

Goldblatt Grace and colleagues (2012) suggest that schools should be responsible for increasing staff awareness of commercial sexual exploitation

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of minors, increasing student and parent awareness, and creating policies for dealing with cases in which students disclose that they are involved in commercial sexual exploitation. For example, the National Center for Missing and Exploited Children (NCMEC) recommends that any individual with access to children in schools receive training in commercial sexual exploitation of minors. In addition, NCMEC urges comprehensive programming on the topic that is grounded in educational theory; developmentally appropriate for students; repeated for multiple years (versus just once); and delivered through multiple components and formats, including role playing, rehearsal of behaviors, feedback, and active participation of students. Schools also should regularly assess their physical structures and surroundings to ensure that they are safe for children, with proper supervision and security in classrooms and throughout the campus and school grounds. Procedures should be in place as well for screening visitors to the school. These efforts should include parents' and guardians' role in ensuring that their children are safe while traveling to and from school. Accordingly, NCMEC provides back-to-school safety tips for children and caregivers (NCMEC, 2013). As Bolling and Harper (2007) note, however, there may be barriers to implementing school-based programs focused on sexual health and sexual exploitation as a result of local, state, and federal policies that may limit the discussion of these issues at school. Chapter 8 includes an in-depth discussion of current and emerging practices in the education sector as well as challenges to and opportunities for preventing, responding to, and addressing commercial sexual exploitation and sex trafficking of minors.

Macro-Level Factors

Beyond individual characteristics and circumstances and the immediate settings in which youth live their lives, it is important to consider the broader contexts that surround individuals, families, peer groups, neighborhoods, and systems. Aspects of the macro environment influence standards regarding the types of behaviors that are acceptable and expected from victims, as well as from traffickers and exploiters. Cultural norms and expectations are primary macro-level influences on commercial sexual exploitation and sex trafficking of minors.

The sexualization of children, particularly girls, and its adverse consequences may play a role in the risk for commercial sexual exploitation and sex trafficking of minors. Concerns about the increasing availability and promotion of products intended to make girls look "sexy" at increasingly younger ages focus on the numerous adverse developmental, social, cognitive, and physical consequences for girls (Egan and Hawkes, 2008). Sexualized images and messages appear in television programming, movies,

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computer games, and print media, as well as toys, clothing, makeup, and other products marketed to both adults and children. Merskin (2004) and others argue that the messages underlying these products suggest that girls should be sexually available, be willing to be gazed upon, and be willing to be dominated and in some cases recipients of sexual aggression. Given these media messages and their implicit societal sanctioning, girls may perceive benefits to appearing "sexy" (e.g., being more popular, getting more attention) without understanding the potential negative consequences (Murnen and Smolak, 2012). The American Psychological Association's Task Force on the Sexualization of Girls (2010) notes that the media communicate cultural norms, expectations, and values, and media featuring sexualized images of girls and women normalize sexualization. According to the task force, moreover, sexualized images of girls may reflect "social tolerance of sexual violence and the exploitation of girls and women" (p. 2), as well as contribute to these issues. Thus, the sexualization of girls may place them at risk for commercial sexual exploitation and sex trafficking by shaping their own and others'—including potential traffickers' and exploiters'—expectations for how girls and women should be treated.

In addition, online and digital technologies, such as the Internet, online classified sites, social networking sites, chat rooms, and mobile phones, are parts of a complex social system that can be used by children and adults in ways that can impact both risk and protective factors for the commercial sexual exploitation and sex trafficking of minors in the United States. The committee includes a discussion of online and digital technologies as risk and protective factors for the commercial sexual exploitation and sex trafficking of minors in the United States in Box 3-1.

A Note About Race/Ethnicity

The interactions among race/ethnicity, victimization, and criminalization are important to consider in relation to risk for commercial sexual exploitation and sex trafficking of minors. Given the current state of evidence, however, the committee was unable to draw conclusions about these interactions. As in other areas, such as the child welfare and juvenile justice systems, in which minority youth are disproportionately represented, it is extremely difficult to disaggregate race/ethnicity from many other complex, multilevel, and interrelated factors, including poverty, constricted educational opportunities, and other structural inequities (NRC, 2013). (For an in-depth discussion of these topics, see the National Research Council [NRC] report *Reforming Juvenile Justice: A Developmental Approach* [NRC, 2013]). The committee strongly believes that the intersections between race/ethnicity and commercial sexual exploitation and sex trafficking of minors in the United States warrant further examination.

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BOX 3-1
Online and Digital Technologies as Risk and Protective Factors for the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

Digital technologies pervade the lives of young people today (Lenhart et al., 2010), and research on children's use of online technologies is abundant (Ito et al., 2009). Recently, debates have emerged about whether digital technologies, such as the Internet, online classified sites, social networking sites, chat rooms, and mobile phones, are exacerbating commercial sexual exploitation and sex trafficking of minors in the United States. While there is little evidence-based research specifically measuring the effect of technologies on risk or safety in relation to these crimes, the literature provides some early indications and lessons on this issue. The findings of this research generally indicate that, as with technology generally, online and digital technologies, combined with other social factors, can facilitate both negative and positive consequences—i.e., both risks and benefits—to children.

Recent studies from the University of Southern California Annenberg Center on Communication Leadership & Policy provide preliminary evidence that the Internet and other digital networked technologies are being used to facilitate the commercial sexual exploitation and sex trafficking of minors in the United States (Latonero, 2011, 2012). Choo (2009) likewise found that exploiters are using online and digital technologies for recruiting, grooming, and advertising victims for the purposes of commercial sexual exploitation and sex trafficking. Researchers at the Crimes Against Children Research Center have produced a series of empirical studies on how technology facilitates specific aspects and instances of commercial sexual exploitation of children (Mitchell et al., 2010, 2011; Wells et al., 2012). For example, Wells and colleagues (2012) examined law enforcement sources and found that domestic cases of technology-facilitated sex trafficking of minors involved younger juveniles and were more likely to involve a family member or acquaintance compared with non-technology-facilitated cases. Researchers at Microsoft have recently explored these issues and have funded a number of forthcoming studies examining the role of technology in domestic sex trafficking of minors (Boyd et al., 2011). However, little to no extant evidence-based research measures or estimates the overall scale, prevalence, or impact of online and digital technologies with respect to the commercial sexual exploitation and sex trafficking of minors in the United States.

Risk Factors for Offenders

This section examines the individual risk factors associated with those who exploit victims of commercial sexual exploitation and sex trafficking of minors. The focus is on two types of exploiters: traffickers and solicitors/purchasers of commercial sexual exploitation (as defined in Chapter 1). Traffickers' primary role in commercial sexual exploitation and sex traf-

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In their survey of risk and safety factors for children on the Internet, Livingstone and Haddon (2009, p. 5) state, "today these risks . . . are more available and more accessible, readily crossing national borders to reach children anywhere, anytime, too easily escaping local and national systems of child welfare and law enforcement." Yet not all minors are equally at risk online. Palfrey and colleagues (2009, p. 5) contend that "the psychosocial makeup of and family dynamics surrounding particular minors are better predictors of risk than the use of specific media or technologies."

It is important to note as well evidence indicating that Internet technologies are being used to identify, monitor, and combat the commercial sexual exploitation and sex trafficking of minors in the United States (Latonero, 2011, 2012). In addition, research suggests that youth's use of online technology, in conjunction with other social factors, including parents, families, and friends, can become a positive force in their lives (Livingstone and Helsper, 2007, 2008, 2010). According to researchers at the Berkman Center for Internet and Society, a "combination of technologies . . . in concert with parental oversight, education, social services, law enforcement, and sound policies by social network sites and service providers may assist in addressing specific problems that minors face online" (ISTTF, 2008, p. 6). The Internet also offers a number of opportunities for both risk reduction and empowerment for youth. For example, online technologies provide venues that enhance youth education, civic participation, and social connection (Livingstone and Haddon, 2009). However, little to no research has examined how youth can use these opportunities in ways that might prevent or protect against the commercial sexual exploitation and sex trafficking of minors in the United States. Moreover, the available research indicates that technology cannot serve as a panacea for any social ill, including online risks to safety for youth and the commercial sexual exploitation and sex trafficking of minors.

Taken together, the available research suggests that the Internet, online technologies, and digital networks are a major component of the lives of children and adolescents, yet these technologies in and of themselves likely are not the only determinants of positive or negative effects. Instead, technologies are part of a complex social system that can be used by children and adults in ways that can impact both risk and protective factors. Clearly, more direct empirical and evidence-based research is needed to examine specifically how digital technologies are used in ways that increase or decrease the risk and safety of youth in relation to commercial sexual exploitation and sex trafficking of minors in the United States.

ficking of minors is recruiting and maintaining control over victims for purposes of profit and other gain. Traffickers may use several factors, such as housing, food, and income, to control their victims, and these manipulative behaviors may make it extremely difficult for victims to exit their situation (Polaris Project, undated; Shively et al., 2012; Westmacott, 2012). Purchasers are essential to commercial sexual exploitation and sex traffick-

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ing of minors as these crimes would not exist were there no demand. Thus, just as important to inform focused prevention efforts as examining factors that contribute to becoming a victim of commercial sexual exploitation and sex trafficking is examining what is known about why people become offenders.

Rigorous studies examining factors associated with the risk of becoming or being an exploiter are extremely difficult to conduct given the hidden nature of commercial sexual exploitation and sex trafficking of minors. Moreover, despite recognition that understanding the risk factors for becoming an exploiter is critical to inform prevention and intervention efforts, the vast majority of research examining risk factors for commercial sexual exploitation and sex trafficking of minors focuses on victims. The limited available research examining exploiters (i.e., traffickers and solicitors) is primarily descriptive in nature, not peer reviewed, and not focused specifically on the exploiters of victims under age 18. In addition, much of the available research describes international but not domestic commercial sexual exploitation and sex trafficking of minors.

Traffickers

Among studies describing traffickers, many rely on data from secondary sources, such as child survivors, service providers, and law enforcement reports, and a large proportion of these data is anecdotal. In terms of demographic characteristics, Shared Hope International's descriptive report on demand indicates that a growing number of traffickers in the United States are boys or young men who may work with older men (Shared Hope International, 2006). Similarly, most national and international reports indicate that traffickers are primarily men (Busch-Armendariz et al., 2009a,b; Farley et al., 2011; Mitchell et al., 2010; Raphael and Myers-Powell, 2010; Spindle et al., 2006). However, there is some evidence that women engage in trafficking as recruiters (Raphael and Myers-Powell, 2010; Siegel and de Blank, 2010). For example, a study that examined 89 court files in the Netherlands found that women who had become traffickers reported doing so to stop being victimized themselves (Siegel and de Blank, 2010). Comparable evidence in the United States indicates that female traffickers are or once were victims and became recruiters for such reasons as obtaining protection or gaining favor from their traffickers (Busch-Armendariz et al., 2009a,b; Mitchell et al., 2010; Siffermann, 2012; Turner and Kelly, 2009). Unfortunately, no research has examined specific sex differences in the risks associated with becoming traffickers, nor is there information regarding whether the potential pathways to becoming a trafficker may be different for males and females.

With respect to other risk factors associated with becoming a trafficker,

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many law enforcement and child welfare agencies, as well as nongovernmental organizations serving victims, report that traffickers and victims of commercial sexual exploitation and sex trafficking share several life factors, including coming from a poor economic background; having a history of physical and/or sexual abuse, domestic violence, family prostitution, or family drug and alcohol abuse; and having been a former victim of these crimes (Goldblatt Grace, 2012; Holzman, 2012; Ring, 2012; Siffermann, 2012). A recent review of cases prosecuted in the United States and of existing literature focused on traffickers revealed that some traffickers participate in activities that can contribute to becoming a trafficker, such as gang and/or organized crime activities that may include sex trafficking (Busch-Armendariz et al., 2009a,b). However, no studies have examined whether the risk factors associated with becoming a trafficker are similar to those associated with becoming a gang or organized crime member. Given that some traffickers are involved in gangs and/or organized crime networks, examining the risk factors associated with individuals becoming involved in those activities might reveal information about risk factors for trafficking.

No studies to date have prospectively examined factors that contribute to becoming a trafficker of domestic minors. The few studies examining risk factors for becoming a trafficker are descriptive in nature. For example, interviews of a convenience sample of 25 former traffickers (18 male, 7 female) from the Chicago area revealed that risk factors for becoming a trafficker were similar to those identified for becoming a victim of commercial sexual exploitation (Raphael and Myers-Powell, 2010). Specifically, the majority of participants reported a history of physical abuse (88 percent), sexual assault (76 percent), domestic violence (88 percent), drug and alcohol abuse in the home (84 percent), family members' involvement in prostitution (60 percent), personal use of alcohol as a child (84 percent), and running away from home because of abuse (48 percent). The similarities in risk factors associated with becoming a trafficker and becoming a victim may have been driven, at least in part, by the traffickers' previous victimization histories. In this study, 68 percent (n = 17) of the traffickers reported that they had been a victim of prostitution before becoming a trafficker. All of the women who were traffickers had a previous history of being exploited, providing further evidence that women who are exploited often go on to become traffickers (Raphael and Myers-Powell, 2010). However, results of this study should be interpreted cautiously and warrant replication given the small convenience sample.

One descriptive report describes three profiles of traffickers—"business pimps," "boyfriend pimps," and "guerilla pimps"—to demonstrate the variation in how traffickers use force, fraud, or coercion to control their victims (Mones, 2011). The business pimp approaches victims from a purely economic perspective, promising victims careers in modeling or acting and

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help in earning money quickly, but often not committing to these promises. Instead, the business pimp creates a sort of debt bond with victims by forcing them to continue to make money to pay off a debt that is unachievable and unrealistic. The boyfriend pimp, described as one of the more common types of traffickers, leads victims to believe they are in love and develops a romantic relationship with them, often described as a trauma bond. The boyfriend pimp promises victims a better life, but begins to isolate them as he "grooms" them for exchanging sex for money. The guerilla pimp uses physical force and fear to manipulate victims, and commonly kidnaps and physically abuses them to maintain control (Goldblatt Grace, 2012; Mones, 2011; Ring, 2012). Future research needs to examine specific factors associated with each of these profiles.

Because some traffickers use sexual and physical assault as forms of force and coercion to control their victims, studies focused on factors contributing to the commission of sexual assault and sexually coercive behaviors are relevant to understanding risk factors associated with trafficking. Although little is known about specific factors that contribute to sexually coercive behaviors such as rape, previous research has shown that experiencing abuse (both physical and sexual) in childhood is associated with the development of sexually aggressive behaviors later in life (Malamuth et al., 1995; Nagayama Hall et al., 2005; Simons et al., 2002; White and Smith, 2004). Two studies examined childhood predictors of sexually coercive behavior using data from the National Longitudinal Study of Adolescent Health (Add Health), a national longitudinal sample of youth in the United States who were in grades 7-12 during the 1994-1995 school year and have been followed into young adulthood (Harris, 2011; Harris et al., 2009) (see Chapter 2 for discussion of this study). Casey and colleagues (2009) found that boys who experienced childhood sexual or physical abuse were at greater risk of perpetrating sexual coercion against a partner later in life compared with nonabused boys. Respondents reporting both childhood physical and sexual abuse had a 450 percent greater risk of perpetrating sexual coercion against a partner later in life. It is important to note, however, that of the men who reported coercive sexual behaviors, 55.3 percent had no previous experience of physical or sexual victimization in childhood.

Different behaviors accounted for these associations between child maltreatment and sexually coercive behavior during adulthood. Specifically, these investigators suggest that the effect of child sexual abuse on sexually coercive behavior later in life was partly accounted for by early sexual initiation; on the other hand, the effect of child physical abuse on sexually coercive behavior was accounted for by delinquent behaviors during adolescence (Casey et al., 2009). That the pathways linking child maltreatment and sexually coercive behavior included behaviors (i.e., early sexual initiation and delinquency) but not beliefs (i.e., impersonal sex beliefs) or alcohol

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use is inconsistent with other research suggesting the importance of these latter factors in sexual coercion. Additional longitudinal research is needed to clarify the multiple possible pathways linking child maltreatment with sexually coercive behavior and the sexual exploitation of children.

Given the overlap of risk factors for victims and traffickers as well as the finding that some victims become traffickers, it is possible that programs focused on early intervention to prevent victimization by commercial sexual exploitation also could prevent individuals from becoming traffickers. Similarly, those factors known to be protective for adolescents, such as having a supportive nurturing adult, may also be factors that can protect children from becoming traffickers. Unfortunately, however, there have been no studies examining factors that are linked to a decreased likelihood of becoming a trafficker. Research is needed to examine the relationship between factors associated with sexually assaultive and coercive behaviors and those associated with the potential for becoming a trafficker. Such research could help support the development of prevention interventions for those at risk of becoming exploiters.

Solicitors/Purchasers

Existing estimates of the percentage of men who purchase sex vary greatly, ranging from 16 to 69 percent in the United States (Farley et al., 2011). A more recent national finding on the rate of adult men in the United States who admit to purchasing sex is 10 to 20 percent of all men (Shively et al., 2012). Given these estimated rates, and if in fact the majority of men do not purchase sex, it is argued that solicitation of sex cannot be considered a normative or intractable problem, but can be addressed by preventive measures (Shively et al., 2012). Unfortunately, most of what is known about solicitors is based on research on purchasers of adults, not minors, for sex. In addition, the majority of research on solicitors has been conducted internationally, not domestically. Nonetheless, the available research does highlight some important factors that may be associated not only with solicitors of sex with adults but also with solicitors of sex with minors in the United States.

Regarding some demographic factors associated with solicitors, a Norwegian study examining solicitors of sex among a random sample of 1,000 men found more demographic similarities than differences between men who have and have never purchased sex (Hoigard and Finstad, 1992). In a 2008 study, the National Council for Crime Prevention conducted 53 international interviews with professionals knowledgeable about human trafficking, including government authorities, law enforcement personnel, representatives of nongovernmental organizations, and social services personnel, as well as facilitators, such as taxi drivers and hotel staff (Englund

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and Korsell, 2008). According to the descriptive report on this study, sex buyers were a heterogeneous group. While the solicitors described in the report ranged in age, the majority were between 30 and 50 years old, had regular employment, and had a college education; almost half were married or in a long-term relationship and had children.

A few descriptive reports examine solicitors' behaviors and motivation for purchasing sex. Farley and colleagues (2011) studied the attitudes, behaviors, and demographic characteristics of 110 men who were seeking prostitutes in Scotland. These men, recruited through newspaper advertisements seeking men who were clients of prostitutes, were interviewed about their frequency of purchasing sex and then categorized into those who purchased sex frequently (i.e., more often than once a month) and those who did so less frequently (i.e., once a month or less). Results revealed that men who purchased sex more frequently were more likely to report having committed sexually aggressive acts against nonprostituting women; used pornography more often; and accepted the "rape myth," or the belief that prostitution prevents rape of nonprostituting women (Farley et al., 2011). Another descriptive study examined the motives and sexual preferences of 584 U.S. men who were seeking an online female service provider for paid sex acts (Milrod and Monto, 2012). Although limited by convenience sampling, this study found that the most of those men were married or partnered (66.3 percent) and had engaged sexually with a prostitute more than once during the last year (66.3 percent). The reasons for seeking prostitutes varied, including "I like to be with a woman who really likes sex" (98.7 percent); "I am excited by the idea of making contact with a prostitute" (86.4 percent); "I like to have a variety of sexual partners" (86 percent); and "I want a different kind of sex than my wife or regular partner does" (66.9 percent) (Milrod and Monto, 2012). Given the variation in characteristics of men who purchase sex, more studies are needed to better understand personal motivations as well as other factors that contribute to men's soliciting sex, including sex with minors.

Some reports argue that those designing preventive measures to address solicitors must acknowledge that individual factors contributing to the solicitation of sex are strongly associated with societal and cultural attitudes and beliefs about sex and that demand cannot necessarily be addressed at the individual level alone (Claude, 2010; The Schapiro Group, 2009; Shively et al., 2012). Specifically, a review by Ben-Isreal and Levenkron (2005) points out that in some cultures, purchasing sex is a normal sexual behavior of men. In Thailand, for example, it is common for men to have sex for the first time with a prostitute (Ben-Israel and Levenkron, 2005). Similarly, a U.S. study examining the online culture of men purchasing sex found a subculture of men purchasing sex who justify doing so as a normal, nondeviant behavior of men (Blevins and Holt, 2009). In another U.S. study, Milrod and Monto

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(2012) found that men who solicited sex online were seeking not just sex but companionship and an emotional relationship, which they called "the girlfriend experience." This finding suggests that some men may be motivated in their exchange by normative relationship qualities rather than just a sex act (Milrod and Monto, 2012). Given the broad range of factors associated with men purchasing sex, additional research is needed to help support or refute the reasons currently proposed for why men buy sex and more important, the motivators for purchasing sex with minors, to better explain the biological, social, and cultural influences on this behavior.

With respect to U.S. demographics, findings are contradictory regarding the differences between men who buy sex and those who do not. One study, conducted in Chicago, included 129 men, 81 percent of whom were classified as "users" who had patronized a sex trade venue at least once in their lifetime, and 18 percent of whom were classified as "nonusers" who had never patronized a sex trade venue or exchanged anything of value for sexual services (Chicago Coalition for the Homeless, 2004). There were no demographic differences between the two groups; however, those who were described as more frequent solicitors (i.e., more than 10 times in their life) were more often married and older than those who solicited sex less frequently (i.e., fewer than 10 times in their life). Those who had purchased sex at all had attitudes reflecting indifference to the risk and harm to women who were prostituted (Chicago Coalition for the Homeless, 2004). In contrast, in a study that compared men who had purchased sex in the United States with a nationally representative sample of men, the former men were significantly less likely to be married and were more likely to be unhappy in their marriage if they were (Monto and McRee, 2005).

Although most of the demographic characteristics of men who solicit are not measurably different from those of the general population of men who do not purchase sex (Farley et al., 2011; Shively et al., 2012), one study did find differences in attitudes toward women, toward relationships, and toward commercial sex. Monto and McRee (2005) found that men who had solicited sex were more likely to have liberal attitudes toward sex (e.g., to support premarital sex), to think about sex more often, to have participated in the sex industry, to have served in the military, to have been sexually molested as children, or to have forced women into sexual acts. Further research is necessary to clarify some of these demographic variations.

Most of the research examining demographic characteristics of solicitors (e.g., Shared Hope International's [2006] summary report; the Department of Justice's *A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts: Final Report* [Shively et al., 2012]) stresses that a primary reason for understanding solicitors is to inform the development of focused prevention efforts and to shift some emphasis toward the solici-

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tors of sex with minors, one of the essential drivers of the problem of commercial sexual exploitation and sex trafficking of minors (Claude, 2010; Shared Hope International, 2006, 2012; Shively et al., 2012). Although a handful of reports focus on solicitors more broadly, few peer-reviewed studies examine specific risk factors that contribute to the solicitation of minors for sex or explore why men may want to purchase sex from underage victims. One exception is the Georgia Demand Study, an attempt to quantify and describe the demand for commercial sexual exploitation of children in Georgia (The Schapiro Group, 2009). Volunteer participants (n = 218) responded to online advertisements for sex with a "young female," posted on media commonly used to advertise sex services (e.g., Craigslist.com, Backpage.com), and a member of the research team posed as an "operator" to broker the purchase. Respondents were not aware that they were part of a research project. Nearly half of the men who wished to purchase sex were aged 30-39, and just under half expressed willingness to pay for sex with a young female even when they were certain she was an adolescent. Based on these findings, the authors conclude that most men who exploit adolescent females may not know or may be willing to ignore the possibility that they may be having sex with an underage victim. Further, based on the results from their sample, the authors estimate the number of men who purchase sex with females under 18 (The Schapiro Group, 2009).

Several methodological concerns suggest extreme caution in evaluating the conclusions of this study. In addition to being based on a convenience sample of volunteers, the study provides no details about the respondents; thus the generalizability of this research is unclear. The authors note that the sample showed diversity in terms of age, geographic location, experience with purchasing sex, and sex purchase preferences; however, they give no specifics regarding these sample characteristics (The Schapiro Group, 2009). In addition, the interview protocol is not presented; therefore, whether or the degree to which the interviewers' questions may have encouraged callers to make purchases is unclear. While the study respondents expressed a willingness to pay to the telephone operator (i.e., research confederate), one also cannot know how many would have actually completed the purchase and followed through. Finally, because the method used to estimate the number of men who purchase sex from underage women is not presented, the assumptions underlying the estimate are unknown, and the reliability of the estimate cannot be evaluated.

Evidence indicates that the overwhelming majority of individuals who solicit minors for sex are not pedophiles (i.e., those who have a sexual attraction to prepubertal individuals) or hebephiles (i.e., those who have a sexual attraction to adolescents). Instead, reasons for soliciting sex may be "situational," and some may be seeking sex with "younger" individuals and not know they are soliciting sex with a minor. Research describing

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motivations for soliciting sex from younger victims reveals a broad range individuals, including those who perceive a lower chance of contracting sexually transmitted infections, including HIV, with younger individuals; those who do not care about the age of their victims; and those who solicit sex indiscriminately (Ben-Israel and Levenkron, 2005; Shared Hope International, 2006).

A few reports suggest the need to examine potential deterrents to buying sex, but none describe deterrents to soliciting sex with minors. In particular, it is critical to examine the impact of deterrents already in place, such as laws against purchasing sex, existing laws on arresting purchasers, and "Johns' schools" (i.e., deterrence programs focused on education or treatment for men arrested for soliciting sex [Shively et al., 2012]), as well as deterrents addressing any known risk factors that lead men to purchase sex with minors (e.g., potential deterrents for those who may be soliciting sex with minors unknowingly or indiscriminately) (Chicago Coalition for the Homeless, 2004; Shared Hope International, 2006). Further discussion of laws related to the solicitation and purchase of sex with minors is provided in Chapter 4.

In sum, there is a clear need for additional research examining factors that may contribute to men's buying sex that can provide guidance on how to focus prevention as well as early intervention efforts to curb demand. In addition, none of the available research conducted nationally or internationally examines women as potential solicitors. Thus, the degree to which factors contributing to behaviors related to soliciting sex are due to biological, social, or cultural factors or a combination thereof is unclear.

CONSEQUENCES

A 1996 report resulting from the first World Congress Against Commercial Sexual Exploitation of Children points out that, although direct scientific data are sparse, there is little doubt that the sexual exploitation of children results in serious, often life-long, and sometimes life-threatening consequences for the physical, psychological, and social health and development of the child (see World Congress Against Commercial Sexual Exploitation of Children, 2002). The report also asserts that the health of victims of commercial sexual exploitation should be defined in terms of complete physical, mental, and social well-being, not just the absence of disease (see http://www.csecworldcongress.org/PDF [accessed April 24, 2013]). Thus, a comprehensive understanding of the impact of commercial sexual exploitation and sex trafficking of minors includes health, developmental, and legal consequences, as well as the risks of reexploitation and further victimization. In addition, commercial sexual exploitation and sex trafficking are themselves a health problem given the physical and emo-

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tional abuse and the neglect that are inherent in these crimes (Estes and Weiner, 2001). However, a comprehensive understanding of the impact of these crimes remains elusive.

For example, Heilemann and Santhiveeran (2011) conducted a content analysis of existing research on experiences and coping strategies among prostituted female adolescents. Their analysis reviewed 31 quantitative and qualitative studies in 22 countries published between 1997 and 2006. Many characteristics of the studies varied considerably, including sample size, country of origin, and methodologies. Of the 31 studies included in the content analysis, only 5 included U.S. citizens in their samples. The authors identified a range of physical health (e.g., sexually transmitted infections, injuries) and mental health (e.g., depression, PTSD, anxiety) consequences and a number of "social hardships" (e.g., homelessness, social isolation) among the prostituted adolescents studied (Heilemann and Santhiveeran, 2011). In addition, about half of the studies in the content analysis described positive coping strategies (e.g., reliance on social support) and negative coping strategies (e.g., drug and alcohol use, self-mutilation) used by the prostituted adolescents studied. It should be noted that for some of the studies included in the analysis, the samples were small and that, overall, there is no discussion of the statistical strength of the individual study findings. While this analysis offers insights into the experiences and needs of prostituted adolescents and can help inform future research, it also underscores the limitations of the current evidence base on the consequences of commercial sexual exploitation and sex trafficking of minors in the United States.

Physical Health Consequences

Because the few domestic studies of the impact of commercial sexual exploitation and sex trafficking of minors focus primarily on psychological trauma, it is necessary to examine research from related fields to understand the potential physical health implications. For example, research on the impact of child abuse on the developing brain shows an association with mental health problems (i.e., depression, PTSD, suicidality) and behavioral risk taking (i.e., early smoking and sexual activity, illicit drug use) (see IOM/NRC, 2012, 2013; NRC, 2013). Related and relevant research also includes studies of the impact of commercial sexual exploitation and sex trafficking, studies of adults who are or have been involved in the commercial sex trade and survival sex, and international studies of sex trafficking victims. However, care must be taken not to overgeneralize the findings of this research.

In one study, 50 percent of adult women involved in commercial sex work reported having a physical health problem: 14 percent reported arthritis or nonspecific joint pain; 12 percent cardiovascular symptoms; 11

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percent liver disorders; 10 percent reproductive system symptoms; 9 percent respiratory symptoms; 9 percent neurological symptoms, such as numbness or seizures; and 8 percent HIV infection (Farley and Barkan, 1998). Muftic and Finn (2013) interviewed domestic (n = 22) and international (n = 16) women who had been or were currently involved in the U.S. sex industry; some of the women had been trafficked, and some had not. Women trafficked for sex in the United States had poorer health outcomes than women trafficked internationally and nontrafficked sex workers. While it is difficult to draw any conclusions about underage victims of commercial sexual exploitation and sex trafficking from this research, the long-term health consequences appear to be severe for adult victims who experience continued exploitation (Farley and Barkan, 1998). In addition, many victims of these crimes are subjected to high rates of violence. As a result, victims of these crimes may have many of the same physical health problems associated with beating and rape, including broken bones and the need for wound care (Clawson and Goldblatt Grace, 2007).

Research shows that women who were sexually abused as children experience more negative health outcomes in adulthood than women without such a history (Bonomi et al., 2008; Flaherty et al., 2006). These outcomes can include physical symptoms such as cardiovascular problems, impaired physical functioning, pain, gastrointestinal symptoms, headache, pain syndromes, eating disorders, and disorders characterized as somatization (Arnow, 2004; Drossman et al., 1995, 1996; Fuller-Thomson et al., 2012; Kendall-Tackett, 2000; Leserman, 2005; Leserman et al., 1990; McCauley et al., 1997; Moeller et al., 1993; Sanci et al., 2012; Scarinci et al., 1994; Talley et al., 1994, 1995; Tietjen et al., 2010; Walker et al., 1999). In men, childhood sexual abuse has been associated with cardiovascular problems (Fuller-Thomson et al., 2012). More research is needed to understand whether similar problems will be found for some victims of commercial sexual exploitation and sex trafficking of minors.

Psychosexual dysfunction and reproductive health problems also have been reported among women with a history of sexual abuse, including gynecological disorders, chronic pelvic pain and sexual dysfunction, and sexually transmitted infections (Browne and Finkelhor, 1986; Kinzl et al., 1995; Neumann et al., 1996; Rohsenow et al., 1988; Sarwer and Durlak, 1996; Sutherland, 2011; Talley et al., 1994; Walker et al., 1988, 1997; Williams et al., 2010). Research focused specifically on victims of commercial sexual exploitation has identified health problems that include infectious diseases, reproductive health problems, premature births, and the physical impacts of violence (McClain and Garrity, 2011). In an international study of victims of commercial sexual exploitation, researchers found that these victims are at high risk of many infectious diseases and their sequelae (Willis and Levy, 2002), including sexually transmitted infections and HIV. In a report on

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domestic trafficking of minors, Clawson and Goldblatt Grace (2007) note that reproductive health problems, including exposure to HIV and other sexually transmitted infections, unplanned pregnancies, and fertility issues, are common among victims of commercial sexual exploitation. The risk of HIV infection in victims of commercial sexual exploitation of minors depends, however, "on several factors, including the local prevalence of HIV infection in sex workers, access to condoms, and attitudes of clients towards their use" (Willis and Levy, 2002, p. 1418).

Mental Health Consequences

Brown and colleagues found that adolescents and young adults with a history of childhood sexual abuse were three times more likely to become depressed or suicidal than individuals without such a history (Brown et al., 1999). Similarly, Schilling and colleagues (2007) found increased rates of depression in young women who had experienced childhood sexual abuse. Studies of adult women who were victims of childhood sexual abuse have shown higher levels of a range of mental health problems and problems in social functioning, including increased rates of PTSD, depression, anxiety, and substance abuse (James and Meyerling, 1977; Rohsenow et al., 1988; Walker et al., 1999); higher rates of promiscuity (Luster and Small, 1997; Wilson and Widom, 2008); and involvement in commercial sex work (Lankenau et al., 2005; Marcus et al., 2011; Stoltz et al., 2007) among victims as compared with nonvictims. Childhood sexual abuse also has been shown to be associated with earlier initiation of injection drug use among adolescent intravenous drug users (Ompad et al., 2005). Evidence indicates that multiple instances of maltreatment, rather than specific types of maltreatment (i.e., neglect, physical abuse, sexual abuse), are more predictive of psychological and psychosocial sequelae (see Berzenski and Yates, 2011).

Given documented associations between child sexual abuse and commercial sexual exploitation of minors, this research suggests that victims of commercial sexual exploitation may be at risk for depression, suicide, and PTSD (Jeffreys, 2000). Indeed, studies of the psychological impact of commercial sexual exploitation among women and adolescents highlight problems that are similar to the aforementioned problems noted in studies of child sexual abuse (Brannigan and Van Brunschot, 1997). Adolescent victims of commercial sexual exploitation experience more emotional and mental health problems than nonvictims, and several studies indicate that victims of commercial sexual exploitation have long-term psychological sequelae that persist into adulthood (Trickett et al., 2011b), such as low self-esteem, affective disorders (including depression, trauma, anxiety, and panic attacks), suicidality, and attempted suicide (Sickel et al., 2002; Trickett et al., 2011b). In addition, service providers report that victims of commercial

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sexual exploitation show extremely high rates of fear and anxiety; altered relationships with others, including the inability to trust others; and self-destructive behaviors, including suicidality (Willis and Levy, 2002). They report that victims of commercial sexual exploitation also show changed feelings about themselves, including "profound guilt and shame" (Clawson and Goldblatt Grace, 2007, p. 1).

Addiction and substance abuse are higher among victims of commercial sexual exploitation and sex trafficking as well. Adolescents and young adults who are victims of commercial sexual exploitation have significantly increased rates of nicotine disorder (Al Mamun, 2007) and substance abuse (Diaz et al., 2002). While prior substance use or abuse is a risk factor for some victims of commercial sexual exploitation, for others it may be a coping mechanism or self-medication for their exploitation (Marshall and Hendtlass, 1986). In addition, as discussed earlier, drugs may be used by those exploiting victims of commercial sexual exploitation as a way of increasing their control and the victim's dependency (Walker, 2002).

Developmental and Social Consequences

A widely accepted clinical literature on adolescents focuses on psychological development and the acquisition of social skills and personal attributes that are necessary to achievement of adult competencies (Feldman et al., 2004; Parker and Asher, 1987; Rutter, 1989). The emphasis is on developmental tasks that should be mastered during adolescence, in particular, the acquisition of greater independence in social functioning and decision making. A typical example of a developmental task is the gradual acquisition of the skills with which to manage one's own health care.

Failure to achieve key developmental tasks on time may interfere with youth's ability to navigate subsequent tasks and role expectations successfully, possibly resulting in further adjustment difficulties and compounding the difficulty of successful intervention later in the course of development. For example, research suggests that youth who experience problems in the academic, conduct (i.e., behavioral), and social developmental tasks and expectations of adolescence have difficulty in successfully negotiating the transition to adulthood (Schulenberg et al., 2004).

Schilling and colleagues (2007) found compromised social functioning in such areas as work, education, and intimate relationships in young women who had experienced childhood sexual abuse. They also found that adolescent victims of commercial sexual exploitation were more likely than nonvictims to have difficulties in their relationships, including the ability to trust others.

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Consequences for Access to and Utilization of Health Care and Support Services

Research has demonstrated the numerous obstacles to accessing health care and support services among all adolescents (IOM/NRC, 2011). These obstacles may be especially pronounced for youth involved in commercial sexual exploitation and sex trafficking. The stigma associated with commercial sexual exploitation and sex trafficking of minors and the criminalization of victims pose significant barriers to victims' ability to obtain needed services (Clawson et al., 2012; Estes and Weiner, 2001), increasing the likelihood that they will continue to be exploited and likely untreated. In addition, the way the commercial sexual exploitation and sex trafficking of minors are defined and understood affects which young people have access to support services and legal protections and how victims of these crimes are perceived. Phoenix (2002) describes a dichotomous perspective on victims of commercial sexual exploitation. Specifically, young victims who are forced or coerced by third-party exploiters are more likely to be perceived as victims worthy of services and legal protection, while young people who exchange sex for survival are often viewed as willing participants and perceived as unworthy of services and legal protection (Chase and Statham, 2004; Phoenix, 2002). In states where young people aged 16-18 are deemed adults for purposes of the application of criminal laws and transfer to adult criminal court, the risk of a prostitution arrest may serve as a barrier to a young person's access to health care and support services. Homeless youth face additional challenges in accessing health care and support services. As they often are older adolescents, they are vulnerable to not being offered social services. This vulnerability is compounded by the likelihood that, through being homeless, they may have crossed state or jurisdictional boundaries, so that many social welfare agencies and other entities, including schools, may not accept responsibility for them (Barnardo's, 2002).

Societal Consequences

Continued involvement in commercial sex work and reexploitation among youth with a history of victimization may increase other youth's exposure to such victimization through modeling or peer influence, and may overwhelm systems attempting to address commercial sexual exploitation and sex trafficking of minors and their adverse outcomes. It is also possible, at the extreme, that youth's continued involvement in commercial sexual exploitation and sex trafficking will be taken as suggesting that the problems are chronic and not amenable to intervention because of either

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characteristics of individuals that appear to be voluntary or a perception of the ease of exploitation by exploiters and traffickers.

Danger of Continued Involvement in Commercial Sex Work

A number of studies highlight the difficulties faced by young people trying to exit commercial sexual exploitation and sex trafficking, including financial difficulties and debt; drug dependency; single parenthood; a lack of education, qualifications, and training for gainful employment; housing problems; criminal convictions (e.g., prostitution); and abusive partners and exploiters (Chase and Statham, 2004; Taylor-Browne et al., 2002). For example, research suggests that the longer young people are commercially sexually exploited, the more intractable the patterns of behavior that contributed to their vulnerability to exploitation become, making it difficult for them to find a way out. This phenomenon is particularly evident among women and girls who have lost contact with family and friends, whose most direct peer groups also are involved in commercial sexual exploitation (Palmer, 2001; Taylor-Browne et al., 2002), and who have an ongoing drug dependency (Cusick et al., 2003).

Risk of Reexploitation

According to Estes and Weiner (2001), the risk of reexploitation for victims of commercial sexual exploitation varies for those still living in their own homes and those who have left home as either runaways or "thrown-away" youth. The former victims are at substantial risk of reexploitation in cases in which families are complicit and in which the commercial sexual exploitation has not been identified by social service agencies, schools, police, or health systems and in which, therefore, no child protection intervention has occurred. Estes and Weiner (2001) note that the risks of reexploitation are especially high in families that move frequently to avoid detection by law enforcement and child protection. In families with high levels of domestic violence, substance abuse, mental illness, and risky sexual behaviors, the risks are even higher, especially for postpubescent girls, who become sexual targets for male family members, family associates, and strangers.

For runaway and homeless youth, the risks of continued exploitation have different sources, arising in part from the influence of peer networks and predatory groups of older adolescents and adults. These youth also are highly vulnerable to various forms of violence. Estes and Weiner (2001) note that children living on the streets "are subject to an extraordinary range of social, emotional, physical, health and economic risks not experienced by other children" (p. 63), including poverty, hunger, and illnesses

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caused by exposure to the weather and eating garbage. Sexually transmitted infections also are common, especially among street youth who exchange sex for money, food, transportation, and other basic survival needs.

Legal Consequences

The legal consequences for commercially sexually exploited children and adolescents can be multifaceted, long-lasting, and severe. Although this report strongly recommends that these youth be treated as victims and directed away from criminal prosecution and toward effective, long-term, multidisciplinary interventions, these youth may face a variety of criminal charges, including prostitution, delinquency, abuse of illicit substances, burglary, curfew violations, and pandering (Adelson, 2009; Annitto, 2011; Clawson et al., 2009). These charges may result in their involvement with the juvenile justice and child welfare systems, and in some cases, transfer to the adult criminal justice system, none of which may be optimally suited to addressing their complex and long-term needs, and some of which may result in their having permanent records that impede their ability to transition back into normal adolescent social participation. These youth often face a number of legal hurdles independent of criminal charges, including difficulty in obtaining access to benefits available under a number of state and federal programs, such as the Trafficking Victims Protection Act and the Violence Against Women Act. One commonly observed barrier to services for these youth is a lack of adequate identification.

Victims of commercial sexual exploitation often need safe housing and protection from their exploiters (Clawson and Dutch, 2008). Unfortunately, placement with their families of origin may not be optimal given the correlation between early abuse within the home and youths' subsequent engagement in commercial sexual exploitation, as well as the risks of reexploitation and the stresses of reunification noted above. Victims who feel that they are bound by "contracts" they have signed with their exploiters need to be reassured that such agreements are legally unenforceable (Williamson et al., 2009). Minors who were born in the United States but whose parents are present in this country illegally may be particularly reluctant to seek help for fear of causing their parents to be deported. As a result of these and other complex legal challenges, all victims of commercial sexual exploitation need access to informed and effective counsel, typically working in conjunction with case managers. This sort of assistance, however, is rarely available.

Little research has addressed the specific question of whether child victims of commercial sexual exploitation and sex trafficking are more likely than nonvictims to engage in criminal behavior as adults. However, some research suggests an association between commercial sexual exploitation

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and future criminal behavior. Research has demonstrated, for example, that after controlling for gender, race, and ethnicity, victims of child sexual abuse are more than twice as likely to be arrested for violent crimes (English et al., 2002). And a recent systematic review of 20 empirical studies focused on child sexual abuse and juvenile and adult offending by victims of commercial sexual exploitation revealed that victims of child sexual abuse are more likely than the general population to be arrested as adults, albeit more for sex crimes than for violent crimes (McGrath et al., 2011).

Summary

In summary, 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 adult victims and that among adolescent victims, health risk behaviors and mental health problems are increased. 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.

FINDINGS AND CONCLUSIONS

The committee's review of the literature and its careful consideration of expert testimony revealed several themes related to what is known about individual-, family-, peer-, neighborhood-, and systems-level risk factors associated with victims and offenders of commercial sexual exploitation and sex trafficking of minors in the United States. The summary of the evidence in this chapter draws heavily on related research literatures to complement what is known about commercial sexual exploitation and sex trafficking of minors in the United States. Based on its review of the best available evidence, the committee formulated the following findings and conclusions:

3-1 There is a lack of peer-reviewed evidence focused on the causes of commercial sexual exploitation and sex trafficking of minors and consequences for victims, particularly boys. Also scarce is evidence on factors that protect against exploitation and revictimization.

Despite this overall lack of peer-reviewed evidence on causality, the committee found numerous associations of note, including the following:

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3-2 Child sexual abuse is strongly associated with commercial sexual exploitation and sex trafficking of minors.

3-3 While an unknown proportion of victims of child sexual abuse experience commercial sexual exploitation and sex trafficking, a majority of teenage victims of commercial sexual exploitation report a history of child sexual abuse.

3-4 Off-schedule developmental tasks (e.g., sexual participation, school transitions, work initiation) have negative consequences for youth.

3-5 While commercial sexual exploitation of minors can affect youth across the board, some are groups at higher risk, including those who lack stable housing 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 of young people.

3-6 Child and adolescent victims and survivors of commercial sexual exploitation and sex trafficking may not view themselves as victims. In addition, children and adolescents who are at risk for these kinds of exploitation may not recognize their individual risk.

3-7 Substance use is a risk factor for commercial sexual exploitation and sex trafficking of minors and also may perpetuate exploitation.

3-8 The multiple systems that engage youth (e.g., health care, education, juvenile justice) have few models for intervening with youth at risk of commercial sexual exploitation and sex trafficking of minors.

3-9 In general, an integrated public institutional response to commercial sexual exploitation and sex trafficking of minors is lacking.

3-10 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.

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3-11 Online and digital technologies are part of a complex social system that includes both risk factors (i.e., recruiting, grooming, and advertising victims) and protective factors (i.e., identifying, monitoring, and combating exploiters) for the commercial sexual exploitation and sex trafficking of minors in the United States.

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4

Legal Framework

Law provides the foundation and legal mandate for a response to human trafficking, including sex trafficking, and to commercial sexual exploitation of minors. Legislation can help advance prevention strategies, empower prosecutors and law enforcement to apprehend traffickers and other exploiters of minors, and ensure that services are available to minors who are victims and survivors of commercial sexual exploitation and sex trafficking. This chapter begins with a brief historical discussion to provide context for a review of current laws aimed at addressing commercial sexual exploitation and sex trafficking of minors in the United States. It then reviews relevant federal and state law, focusing primarily on legislation and regulations. Commercial sexual exploitation and sex trafficking of minors in the United States implicate numerous fields of law, including criminal law, juvenile justice, child welfare law, health law, education law, housing law, employment law, constitutional law, and others. While a comprehensive analysis of all laws and regulations at the federal level (including the laws of the District of Columbia) and in the 50 states and the U.S. territories for all of these areas is beyond the scope of any single chapter, the aim of this chapter is to describe the federal and state laws that are most relevant to addressing commercial sexual exploitation and sex trafficking of minors in the United States. The chapter also includes discussion of the interpretation and use of these laws, their strengths and limitations, challenges and missed opportunities, and promising legal interventions. The final section presents findings and conclusions.

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HISTORICAL LEGAL FRAMEWORK AND CONTEXT

Commercial sexual exploitation and sex trafficking of minors in the United States have been regulated by a mix of federal, state, and local laws. Relying on its Commerce Clause powers as enumerated in the U.S. Constitution, the federal government has promulgated laws in this area limited to crimes involving interstate and foreign commerce. Federal law has addressed both sex trafficking of minors and transportation for purposes of sexually exploiting children. State and local laws have long regulated prostitution and other forms of commercial vice, but states have only recently adopted antitrafficking laws.

U.S. federal law on sex trafficking of minors dates back to the early 1900s. The White Slave Traffic Act of 1910, commonly known as the Mann Act, criminalized the transportation of women or girls in interstate or foreign commerce for prostitution, debauchery, or other immoral purposes.[1] In its early years, the Mann Act came to be used not only to police the transportation of women and girls for prostitution but also to criminalize actions deemed immoral.[2]

From 1910 until the 1990s, federal law changed very little in this area except for updating language, for example, to make it gender neutral and acknowledge situations in which men or boys are victims. In the 1990s, public awareness of the problems of commercial sexual exploitation and sex trafficking of minors increased, spurring U.S. government action. The Violent Crime Control and Law Enforcement Act of 1994 included a provision criminalizing sex tourism.[3] This provision enabled prosecutors in the United States to prosecute Americans who traveled abroad for the purpose of engaging in illegal sexual activity, including sex with minors.

In 1998, President Clinton issued a *Memorandum on Steps to Combat Violence against Women and Trafficking in Women and Girls*, which committed the U.S. government to undertaking a review of current efforts to address human trafficking and identifying steps needed to strengthen efforts to prevent human trafficking globally.[4] This increased interest in and concern over human trafficking ultimately resulted in the adoption of the Trafficking Victims Protection Act of 2000 (TVPA).[5] The TVPA subsequently

[1]White Slave Traffic (Mann) Act, Ch. 395, 36 Stat. 825 (1910) (codified as amended at 18 U.S.C. §§ 2421-2424 (2006)).

[2]See Caminetti v. U.S., 242 U.S. 470 (1917); see also Michael Conant, Federalism, the Mann Act, and the Imperative to Decriminalize Prostitution, 5 Cornell J.L. & Pub. Pol'y 99 (1996).

[3]Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, sec. 160001, 108 Stat. 1796.

[4]President William J. Clinton, Memorandum on Steps to Combat Violence Against Women and Trafficking in Women and Girls, 1 Pub. Papers 358, 359 (Mar. 11, 1998).

[5]Trafficking Victims Protection Act of 2000, Public Law 106-386, 114 Stat. 1464 (codified as amended at 22 U.S.C. § 7101 (2006)).

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was reauthorized in 2003, 2005, 2008 and 2013.[6] Early iterations of the TVPA focused primarily on international trafficking and foreign victims/survivors who end up in the United States (Huckerby, 2007). It was not until the 2005 reauthorization of the TVPA that U.S. victims of trafficking were fully recognized and addressed.[7] Through the reauthorizations of the TVPA and other related laws, including the Providing Resources, Officers, and Technology to Eradicate Cyber Threats (PROTECT) Our Children Act of 2008, federal law has been further strengthened in several respects, including increases in penalties for perpetrators of child trafficking and related crimes and expansion of services for victims/survivors.

Although federal law on trafficking and sex tourism is well developed with respect to commercial sexual exploitation of minors, federal law has no direct provision prohibiting prostitution, as prostitution historically has been considered a local crime to be regulated by state and local authorities. Federal law regulates child pornography, but as noted in Chapter 1, a review of child pornography laws is beyond the scope of this study.

States and selected cities have a long history of regulating prostitution and related commercial sex activities. Every state and some localities have laws prohibiting or regulating prostitution and related offenses.[8] State laws typically prohibit prostitution, solicitation of a prostitute, obtaining a person to be used in prostitution (often referred to in state laws as "pandering"), and benefiting financially from prostitution of another (often referred to in state laws as "pimping").[9]

With the more recent attention given to human trafficking, states also have adopted antitrafficking laws in recent years. In 2003, the State of Washington adopted the first state antitrafficking law. Today, all 50 states and the District of Columbia have antitrafficking laws, and a number of states have further amended their laws in this area (Polaris Project, 2012).

Although most antitrafficking law is relatively new, these laws as applied to minors should be viewed in the broader context of child protection laws. An extensive body of federal and state laws is aimed at protecting children from abuse and exploitation. All states, for example, have provisions in their criminal statutes, often referred to as "age-of-consent" and

[6]Trafficking Victims Protection Reauthorization Act of 2003, Public Law 108-193, 117 Stat. 2875 (codified as amended in scattered titles of the U.S.C.); Trafficking Victims Protection Reauthorization Act of 2005, Public Law 109-164, 119 Stat. 3558 (codified as amended in scattered titles of the U.S.C.); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, 122 Stat. 5044 (codified as amended in scattered titles of the U.S.C.A. (West, 2010)).

[7]Trafficking Victims Protection Reauthorization Act of 2005, Public Law 109-164, 119 Stat. 3558 (codified as amended in scattered titles of the U.S.C.).

[8]73 C.J.S. Prostitution and Related Offenses § 1 (2012).

[9]73 C.J.S. Prostitution and Related Offenses § 1 (2012).

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"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 (Glosser et al., 2004). Federal law on sex trafficking similarly recognizes children as victims (as noted below, for example, "consent" of a child is not a defense for sex trafficking charges under federal law). In contrast, 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 discussed in detail below in the section summarizing state laws, nine states have 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 committee believes 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 and 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.

SUMMARY OF FEDERAL LAWS

Since 2000, when the TVPA was enacted, the federal government has adopted a number of significant pieces of legislation related to commercial sexual exploitation and sex trafficking of minors. Key federal legislation adopted since 2000 in these areas includes successive reauthorizations of the TVPA in 2003, 2005, 2008, and 2013; the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003; the Adam Walsh Child Protection and Safety Act of 2006; the PROTECT Our Children Act of 2008; and the Child Protection Act of 2012.

The federal government continues to consider other measures aimed at addressing commercial sexual exploitation and sex trafficking of minors in the United States. President Obama issued an Executive Order ("Strengthening Protections against Trafficking in Persons in Federal Contracts") in September 2012 aimed at bolstering prevention and early intervention efforts. In addition, as noted above, the TVPA was reauthorized in 2013, further strengthening the federal government's response and extending important programs through 2017.

Law can be used to address various aspects of commercial sexual exploitation and sex trafficking of minors through means that include crimi-

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nalization of these acts and prosecution of perpetrators, protection of and assistance to victims and survivors, and prevention. The subsections below examine provisions of federal law in each of these three areas. Federal law adopted to date has focused primarily on criminal law provisions, although it also has addressed protection of and assistance to victims/survivors. In contrast, the law has incorporated comparatively few prevention measures. Also discussed below is the range of entities implicated by efforts to address commercial sexual exploitation and sex trafficking of minors and federal measures designed to enhance coordination among these entities.

Criminalization/Prosecution

With respect to sex trafficking of minors, federal law provides that "whoever knowingly . . . recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or . . . benefits, financially or by receiving anything of value, from participation in [such] a venture" in order to compel a person to engage in a commercial sex act shall be guilty of sex trafficking.[10] "Commercial sex act" is defined as "any sex act, on account of which anything of value is given to or received by any person." When the victim is a minor, force, fraud, or coercion need not be proven if the victim is trafficked for sex (although force, fraud, or coercion still must be established when a minor is trafficked for forced labor or other forms of exploitation).[11] For sex trafficking of a minor, the penalty is a fine and a sentence of 10 years to life in prison.[12] If the child was under 14 years of age or "if the offense was effected by means of force, threats of force, fraud, or coercion," the penalty is a fine and a sentence of 15 years to life in prison.[13]

Amendments to federal law also have been aimed at enhancing prosecutorial efforts to enforce the law and secure convictions of traffickers and other perpetrators of these crimes. For example, federal law on sex trafficking has been amended so that the prosecution need not prove that the defendant knew the victim was under the age of 18 if the defendant had "a reasonable opportunity to observe the [victim]."[14]

Federal law provides for mandatory restitution for the "full amount of

[10] 18 U.S.C. § 1591 (2012).

[11] 18 U.S.C. § 1591 (including a separate rule for trafficking of minors); 18 U.S.C. § 1590 (labor trafficking provision, which does not make any distinction for labor trafficking involving minors).

[12] 18 U.S.C. § 1591.

[13] 18 U.S.C. § 1591.

[14] 18 U.S.C. § 1591.

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the victim's losses"[15] as determined by the court,[16] and the court shall order forfeiture of any proceeds obtained by the defendant and of any property used in commission of the crime.[17]

The U.S. government also has sought to criminalize acts that increase vulnerability to or facilitate sex trafficking. For example, confiscation of identification documents with intent to engage in sex trafficking is a crime punishable by a fine or a sentence of up to 5 years or both.[18]

With respect to commercial sexual exploitation of minors, there is, as noted earlier, no federal law specifically governing prostitution, as it historically has been deemed a state or local crime. In the Mann Act, however, federal law criminalizes travel in interstate and foreign commerce for the purpose of sexually exploiting a minor.[19] The transportation of a minor in interstate or foreign commerce "with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense" is punishable by a fine and a sentence of 10 years to life in prison.[20] Similarly, persuading, inducing, enticing, or coercing a minor to travel in interstate or foreign commerce to engage in prostitution is subject to a fine, a sentence of up to 20 years, or both.[21] Also, any individual who "arranges, induces, procures, or facilitates" such travel for "commercial advantage or private financial gain" shall be subject to a fine, imprisonment of up to 30 years, or both.[22] Finally, travel in interstate or foreign commerce for the purpose of engaging in illegal sexual conduct with another person is subject to a fine and a sentence of up to 30 years or both.[23] All of these provisions have application in cases of commercial sexual exploitation when interstate commerce is implicated. Federal law also provides for criminal forfeiture of property used to commit or facilitate transporting or coercing a person to engage in prostitution.[24]

[15] "Full amount of victim's losses" includes (1) medical services relating to physical, psychiatric, or psychological care; (2) physical and occupational therapy or rehabilitation; (3) necessary transportation, temporary housing, and child care expenses; (4) lost income; (5) attorneys' fees, as well as other costs incurred; and (6) any other losses suffered by the victim as a proximate result of the offense. Losses shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act. 18 U.S.C. §§ 1593(a)(3) and 2259(b)(3).

[16] 18 U.S.C. § 1593.

[17] 18 U.S.C. § 1594.

[18] 18 U.S.C. § 1592.

[19] 18 U.S.C. §§ 2421-2423.

[20] 18 U.S.C. § 2423(a).

[21] 18 U.S.C. § 2422.

[22] 18 U.S.C. § 2423(d).

[23] 18 U.S.C. § 2423(b).

[24] 18 U.S.C. § 2428.

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It bears noting that the provisions of the Mann Act—which criminalize transportation of minors for illegal sexual activity and travel with intent to engage in such activity—provide an affirmative defense for individuals charged with traveling in interstate or foreign commerce to engage in illicit sexual conduct with a minor: "the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years."[25] The committee notes that this provision is inconsistent with federal antitrafficking law—which does not require prosecutors to prove that the defendant knew the victim was a minor—and therefore the protections of the Mann Act are not as strong as those of federal antitrafficking law. Overall, however, federal law has been strengthened significantly in the past dozen years to facilitate prosecutorial efforts and ensure lengthy sentences for perpetrators of such exploitation of minors.

Protection of and Assistance to Victims/Survivors

Federal law provides a number of measures designed to protect and assist both domestic and foreign victims of human trafficking. Victim and support services are discussed in detail in Chapter 6. This section briefly describes the legal framework related to assistance programs for victims and survivors. In accordance with the committee's statement of task, this section focuses on services provided or available to minors who are U.S. citizens or lawful permanent residents and are victims of commercial sexual exploitation or sex trafficking. The committee recognizes that in addition to foreign children trafficked into the United States, there are undocumented children, many of whom have resided in this country for years, who are vulnerable to or victims of commercial sexual exploitation or sex trafficking within the United States. All minors are deserving of protection, and these other populations of minors merit further study, although they are beyond the scope of this study (see Chapter 1 for a discussion of this and other aspects of the study scope).

The federal provision of services and the funding of state or local services for victims are managed through a number of federal agencies. The Department of Justice, the Department of Health and Human Services, and other agencies each play a role in U.S. efforts to identify, protect, and respond to child and adolescent victims of commercial sexual exploitation and sex trafficking.

In the course of this study, the committee identified no resource that provides a comprehensive detailing of all federal programs or federally funded programs available to minors who are victims of commercial sexual

[25] 18 U.S.C. § 2423(g).

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exploitation and sex trafficking. The committee asked a number of professionals working on these issues whether such a source is available, but it appears that such a source either does not exist or has not been made available to key stakeholders. The committee observes that this difficulty in ascertaining services and programs available to child victims presents potential obstacles for children and adolescents seeking to access services after the trauma of sexual exploitation or sex trafficking and for professionals and caregivers attempting to help them.

Federal law provides for services for minors who are victims of commercial sexual exploitation and sex trafficking. It does not establish a uniform response, but supports programs in various states. This section provides examples of such programs.

The Department of Justice's Office for Victims of Crime funds a number of programs in various states that provide a range of services for victims of human trafficking generally, including "the victim's basic needs for shelter, food, and clothing as well as case management, information and referral, legal assistance and advocacy, medical and dental services, mental health assessment and treatment, job skills training, transportation, and interpretation services" (Office for Victims of Crime, 2013). A number of challenges are associated with the delivery of and access to all of these services, as discussed later in this chapter. Another program available to victims of human trafficking generally is the U.S. Domestic Notification Pilot Program, established by the Department of Health and Human Services' In-Reach Campaign. This program notifies suspected trafficking victims who are U.S. citizens and lawful permanent residents of the benefits and services for which they may be eligible (U.S. Department of State Office to Monitor and Combat Trafficking in Persons, 2008). As descriptions of and data on these and other federal programs are not always disaggregated by age, it is difficult to know the extent to which minors who are victims are able to access and benefit from these services. The committee heard consistently from victim and support service providers that many, or perhaps even most, minors who are victims of commercial sexual exploitation or sex trafficking do not access or benefit from these services.

Federal law also includes a number of other measures aimed specifically at assisting minors. The committee was unable to ascertain whether these other measures are actually made available to all minors in all cases of commercial sexual exploitation and sex trafficking or how effective these measures have been. The 2008 reauthorization of the TVPA authorized the Department of Health and Human Services to appoint independent child advocates for child trafficking victims. More generally, federal law provides alternatives to live testimony for child victims and witnesses in order to

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minimize trauma and retraumatization.[26] In certain cases, guardians ad litem can be appointed for child victims or witnesses to help ensure that their best interests are accounted for during proceedings. Also, the Child Abuse Prevention and Treatment Act (CAPTA) authorizes states to create citizen review panels to review cases of child maltreatment.[27] The U.S. government identifies these and other measures as part of the safety net available to child victims of sex trafficking (U.S. Department of State Office to Monitor and Combat Trafficking in Persons, 2012). However, the extent to which these measures are utilized in child trafficking cases is unclear, and it is therefore difficult to gauge their overall impact.

More recently, the TVPA reauthorization of 2013 authorized the Department of Health and Human Services (specifically the Assistant Secretary for Children and Families) to issue up to four grants to entities (i.e., states or units of local government) that "[have] developed a workable, multidisciplinary plan to combat sex trafficking of minors," with the requirement that two-thirds of the funding be used for residential care and services for minor victims and survivors of sex trafficking provided by nongovernmental organizations.[28] The committee views this as a positive step in support of pilot programs to serve the needs of victims and survivors of commercial sexual exploitation and sex trafficking of minors.

Overall, a range of services and legal protections for victims of commercial sexual exploitation and sex trafficking of minors appear to be supported by federal law. Accessing these services is complex, however, because many of the services for minors are made available through general social services programs, rather than being explicitly identified as available to minors. Moreover, a dearth of monitoring and evaluation of these laws and related programs makes it difficult to determine what percentage of victims access which services, the extent to which services meet the needs of individual victims, and the impact of such services on exploited minors' short- and long-term recovery.

Finally, although not related to direct services, federal law now includes a civil remedy for victims of trafficking.[29] This law enables a victim of sex trafficking to pursue a civil action against a perpetrator. Whether a victim pursues a civil lawsuit depends on a number of variables, including concern about the potential for retraumatization of the victim. Additional challenges exist for minors, who need an adult to file any civil claim on their behalf. To date, there have been very few civil lawsuits against traffickers on behalf

[26] 18 U.S.C. § 3509.

[27] The Child Abuse Prevention and Treatment Act, including Adoption Opportunities and The Abandoned Infants Assistance Act, Public Law 111-320.

[28] Violence Against Women Reauthorization Act of 2013, § 1241 (2013) (the TVPA Reauthorization of 2013 was attached as an amendment to VAWA).

[29] 18 U.S.C. § 1595.

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of sex trafficking victims. The committee believes that civil lawsuits merit further exploration and that efforts to identify and remove barriers faced by child and adolescent victims in bringing such claims against those who exploited them are warranted.

Prevention

As noted earlier, federal law has focused less on prevention than on prosecution and victim services. The federal government's response to human trafficking in general and trafficking of minors in particular has relied in part on the deterrent effect of criminal law (Clawson et al., 2006). Aside from the threat of criminal sanction, most federal law and programs targeting prevention center on public awareness campaigns. Federal law and programs aimed at the root causes of commercial sexual exploitation and sex trafficking of minors have focused primarily on other countries.

Federal law has established a limited number of programs that target prevention. These programs can be grouped into two categories: (1) programs aimed at raising awareness about the problem of human trafficking among both key stakeholders and the general public, and (2) measures aimed at enhancing the government's and other stakeholders' capacity to identify potential cases of human trafficking, thereby facilitating early intervention and prevention of future cases.

In the first category, a number of federal measures are aimed at raising awareness about the problem of human trafficking generally. In 2000, the TVPA established the State Department's Office to Monitor and Combat Trafficking, which, among other things, produces an annual *Trafficking in Persons Report* that assesses countries' progress in addressing human trafficking. Although the primary focus of the Office to Monitor and Combat Trafficking is international, since 2010 the *Trafficking in Persons Report* has included a section reviewing U.S. government efforts to address human trafficking within its borders and territories (U.S. Department of State, 2010a). In addition, the federal government, including both the Department of Justice and the Department of Health and Human Services, funds training programs for law enforcement personnel, social service providers, health professionals, and other stakeholders. In 2004, the Department of Health and Human Services launched the Rescue and Restore Campaign, which established local groups in a number of cities to help raise awareness (ACF, 2012).

The U.S. government also has funded state- and local-level task forces to coordinate on-the-ground responses (OJJDP, 2013; U.S. Department of State Office to Monitor and Combat Trafficking in Persons, 2012). Finally, in 2010, the Department of Education published a Fact Sheet providing the education community an overview of the trafficking of minors and its effect

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on U.S. schools (U.S. Department of Education Office of Safe and Healthy Students, 2007); describing how to identify, report, and help victims; and listing resources and publications that schools can use to raise awareness.

Together, all of the above strategies are intended to enhance awareness and understanding of human trafficking. Some of these programs specifically address minors, while others are more general in their focus.

In the second category, the federal government has supported programs aimed at early intervention and prevention. Federally funded coordinated task forces, including the Internet Crimes Against Children Task Force Program, facilitate information sharing among law enforcement to help identify potential traffickers and possible victims (OJJDP, 2013). The federal government has collaborated with Polaris Project to establish the National Human Trafficking Resource Center, which operates a national hotline for reporting potential human trafficking cases (Polaris Project, 2013b). This hotline has the potential to facilitate early intervention in cases and prevent further exploitation of minors. The center also serves as a clearinghouse to help survivors connect with services.

In September 2012, President Obama issued an Executive Order that "expressly prohibits Federal contractors, contractor employees, subcontractors, and subcontractor employees from engaging in [various] types of trafficking-related activities," including misleading and fraudulent recruitment practices; charging of recruitment fees; and confiscation or destruction of identity documents, such as passports.[30] The Executive Order also requires contractors and subcontractors to develop compliance plans, inform their employees of rules about not engaging in trafficking-related activities, and provide a means for employees to report trafficking activities without fear of retaliation.[31] Although the Executive Order is intended primarily to advance prevention and early intervention efforts aimed at labor trafficking, its language is not limited to labor trafficking. Moreover, these regulations might suggest other legislative approaches that could engage commercial-sector entities as partners in addressing commercial sexual exploitation and sex trafficking of minors.

More broadly, few programs have been adopted at the federal level specifically to address the root causes of commercial sexual exploitation and sex trafficking of minors in the United States. One example is the Street Outreach Program of the Department of Health and Human Services' Youth Development Division. The aim of this program "is to prevent the sexual

[30]Obama, B. 2012. Strengthening protections against trafficking in persons in federal contracts. Executive Order § 2(1)(a), (September 25, 2012). http://www.whitehouse.gov/the-press-office/2012/09/25/executive-order-strengthening-protections-against-trafficking-persons-fe (accessed December 17, 2012).

[31]Executive Order § 2(1)(a).

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abuse or exploitation of young people living on the streets or in unstable housing" (ACF, 2013). The congressional mandate of the Street Outreach Program requires the Family and Youth Services Bureau to serve sexually exploited runaway and homeless youth who are vulnerable to sex trafficking (U.S. Department of State, 2010b). As part of this program, the Family and Youth Services Bureau provides funding to support organizations that offer a range of services aimed at reducing vulnerability to exploitation, including street-based outreach to youth, counseling and treatment, emergency housing, and follow-up support (ACF, 2013). Opportunities exist for further development of programs aimed at addressing both children's and adolescents' vulnerability to sexual exploitation and sex trafficking, as well as programs aimed at reducing demand.

Stakeholders and Coordination

Efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors involve numerous sectors of society. Multisector and interagency coordination is discussed in detail in Chapter 10. This section briefly describes how the law in this area implicates numerous sectors and aims to foster interagency collaboration.

The federal legislative framework delegates responsibilities for human trafficking-related activity to a number of agencies, including the Department of Justice, the Department of Homeland Security, the Department of Health and Human Services, the Department of Labor, the Department of Defense, the Department of State, and the Department of Education, as well as the U.S. Postal Inspection Office, the Federal Trade Commission, and the U.S. Probation Office (U.S. Department of State, 2010b). Numerous state and local agencies also are involved in efforts to address commercial sexual exploitation and sex trafficking of minors. The high number of agencies involved in such efforts highlights the importance of effective coordination and collaboration across agencies at the federal level, as well as among federal, state, and local entities.

Coordination within agencies also is an important issue.[32] Within the Department of Justice alone, for example, numerous offices are involved in efforts to address sex trafficking of minors, including the Office of the Deputy Attorney General; the Federal Bureau of Investigation, including the Crimes Against Children Unit and the Innocent Images National Initiative; the U.S. Marshals Service; Interpol Washington; the U.S. Attorney's Offices; the Criminal Division's Child Exploitation and Obscenity Section;

[32]See, e.g., California Alliance to Combat Trafficking and Slavery Taskforce (2007) (finding that within the state of California, "the delivery of and access to victim services are not always well coordinated").

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and the Office of Justice Programs (including the Office of Juvenile Justice and Delinquency Prevention; the National Institute of Justice; the Office for Victims of Crime; the Bureau of Justice Statistics; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking) (DOJ, 2010).

To facilitate coordination of antitrafficking efforts, Executive Order 13257, issued in February 2002, established a cabinet-level President's Interagency Trafficking Task Force, which is tasked with coordinating implementation of the TVPA and other related activities.[33] This task force is not focused specifically on addressing trafficking of minors; its scope includes all forms of human trafficking and U.S. efforts to respond both domestically and internationally.

Subsequently, the PROTECT Our Children Act of 2008 established a mandate to create and implement a national strategy for preventing child sexual exploitation. In August 2010, the Department of Justice issued its first national plan, the *National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress* (DOJ, 2010). This plan reviews the Department of Justice's work to date and establishes broad goals for improving government responses to child sexual exploitation. It represents a starting point for coordination of related efforts, although a comprehensive strategy would incorporate all agencies working to address commercial sexual exploitation and sex trafficking of minors.

In addition, the TVPA requires the U.S. attorney general to develop a model state antitrafficking law, which could help close gaps in various state laws and facilitate coordinated responses to cases involving multiple jurisdictions. Of note, the TVPA reauthorization of 2013 amended that mandate to require that such model state laws include "safe harbor" language that "treat[s] an individual under 18 years of age who has been arrested for engaging in, or attempting to engage in, a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons; prohibits charging such minors with the crime of prostitution; and requires that they be referred for comprehensive services."[34] (Safe harbor laws are discussed in greater detail later in this chapter.)

SUMMARY OF STATE LAWS

All states have laws addressing various aspects of commercial sexual exploitation and sex trafficking of minors. A large number of state laws

[33]Executive Order 13257—President's Interagency Task Force to Monitor and Combat Trafficking in Persons, effective date February 13, 2002.

[34]Violence Against Women Reauthorization Act of 2013, Sec. 1243 (2013) (the TVPRA of 2013 was attached as an amendment to VAWA).

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have either a direct or indirect bearing on the commercial sexual exploitation and sex trafficking of minors without necessarily mentioning those terms. A much smaller subset of these laws contains specific provisions that address sexual exploitation or sex trafficking of minors or the particular situation and needs of those minors who have been victimized. As discussed earlier in this chapter, many of the relevant laws were enacted before the problem of minors being sexually exploited or trafficked was recognized, but nevertheless are being or could be used to address cases of commercial sexual exploitation or sex trafficking of minors. Other laws, especially those that address the problem more explicitly, were enacted or amended more recently. The various laws that are relevant directly or indirectly at the state level, which are discussed in this section, include those pertaining to human trafficking; prostitution; juvenile delinquency; status offenses and runaway and homeless youth; criminalization of sex with a minor; child abuse reporting; health care; child welfare and foster care; education, housing, and employment; and safe harbor. Additional state laws may also be relevant, such as those that criminalize the depiction of minors in advertisements for commercial sex acts in print or on the Internet,[35] but they are beyond the scope of the discussion in this chapter. Also, although a full discussion of the laws of the U.S. territories and Puerto Rico with respect to commercial sexual exploitation and sex trafficking of minors is beyond the scope of this chapter, there is no question that the problem is an important one in these places as well and that their local laws are relevant and evolving (Hernández and Angueira, 2010). Additionally, although the problem of commercial sexual exploitation and sex trafficking is important for Native American populations (Pierce and Koepplinger, 2011), a discussion of the relevant laws that are applicable on Indian reservations is beyond the scope of this chapter.

Finally, salient characteristics of the state laws relevant to commercial sexual exploitation and sex trafficking of minors include both wide variations and strong similarities. This is true in virtually all of the categories of laws discussed in this section. The committee notes that although some generalizations are possible, the existing variations make it difficult or impossible to characterize what states have done in a singular way. Throughout this section, examples of state laws that represent the range of approaches to each issue are cited. Where it is possible to describe trends or indicate how many states generally have enacted a particular type of law, terms such as "many," "several," "a few," or "a very few" are used.

[35]E.g., Wash. Rev. Code § 9.68A.104.

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Human Trafficking

Every state has enacted one or more statutes that address human trafficking with respect to the criminalization, prosecution, and punishment of perpetrators; the provision of civil remedies for victims; and/or the provision of services to victims and survivors. Statutes address either labor trafficking or sex trafficking or both. As of March 1, 2013, 49 states and the District of Columbia had enacted anti-human trafficking criminal statutes that encompass sex trafficking offenses (Polaris Project, 2012).[36] Most states' human trafficking laws have specific provisions related to sex trafficking of minors. Several organizations have created databases to track enacted human trafficking laws or pending legislation (Polaris Project, 2012); in addition, at least one database of human trafficking case law has been created (University of Michigan Law School Human Trafficking Clinic, 2013). It is noteworthy that the vast majority of the state human trafficking laws are new enough that their implementation is very much a work in progress, as discussed later in this chapter. Indeed, not all anti-human trafficking activities authorized by state law have necessarily been funded, thus hampering full implementation.

Provisions of state human trafficking laws addressing the prevention of human trafficking, including sex trafficking of minors, are scarce. The main prevention-oriented provisions that do exist relate to human trafficking task forces,[37] training of various state law enforcement personnel and other state employees,[38] and public awareness campaigns.[39] These laws often include nothing specific about trafficking victims who are minors, but there are a few exceptions. For example, Maryland requires that its Department of Education, "in collaboration with the Department of Health and Mental Hygiene, shall provide awareness and training for Directors of Student Services in local education agencies on human trafficking, including strategies for the prevention of trafficking of children."[40]

A much more extensive array of prosecution-related provisions appear in state human trafficking laws. The laws criminalize a variety of acts, in-

[36]As of July 31, 2012, Wyoming was the only state that had not adopted a human trafficking law. Effective February 27, 2013, Wyoming enacted a law that includes sex trafficking offenses. 2013 Wyo. Sess. Laws 91, adding Wyo. Stat. Ann. §§ 6-2-701–6-2-710. Pennsylvania's human trafficking law does not include sex trafficking, but an amendment to that law has been introduced that includes sex trafficking offenses. S.B. 75, 197th Gen. Assem., Reg. Sess. (Pa. 2013).

[37]E.g., Conn. Gen. Stat. § 46a-170 (multidisciplinary Trafficking in Persons Council addresses issues for adult victims and their children, but not child victims).

[38]E.g., Cal. Penal Code § 13519.14(c) (training should include measures for identifying and communicating with victims, but there is no specific mention of child victims).

[39]E.g., Tex. Gov't Code § 402.035.

[40]Md. Education Code Ann. § 7-432.

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cluding, in some cases, "sexual servitude of a minor"[41] or "sex trafficking of children."[42] For example, Delaware's human trafficking law provides that "a person is guilty of sexual servitude of a minor when the person knowingly . . . recruits, entices, harbors, transports, provides or obtains by any means, a minor under 18 years of age, knowing that the minor will engage in commercial sexual activity, a sexually explicit performance, or the production of pornography; or . . . causes a minor to engage in commercial sexual activity or a sexually explicit performance."[43] Delaware defines "commercial sexual activity" as "any sex act on account of which anything of value is given, promised to, or received by any person."[44] This definition is similar to that used in federal antitrafficking law, as discussed earlier in the section on federal laws, as well as in other state laws.[45] Similar to federal law, some state laws do not require coercion or deception to establish sexual servitude as a sex trafficking violation when the victim is a minor.[46]

Other violations that can be prosecuted under state human trafficking laws include "patronizing a human trafficking victim" or "patronizing prostitution."[47] These provisions overlap with those of other state criminal laws, such as those discussed below in the section on prostitution. The interaction between the different provisions of state laws and similar or overlapping provisions of federal law may create challenges with respect to enforcement, as discussed below in the section on interpretation and use of laws.

Penalties vary across jurisdictions and may include fines, incarceration, asset forfeiture, restitution, and other payments to victims. For example, Idaho's law includes a provision requiring that "in addition to any order for restitution . . . , the court shall order the defendant to pay an amount determined by the court to be necessary for the mental and physical rehabilitation of the victim or victims."[48] Not every penalty is included in every state's trafficking law. The remedies provided for in those laws, especially the criminal penalties, may be in addition to or higher or lower than those imposed under other state criminal statutes, such as those outlawing prostitution or criminalizing sex with a minor. In Alabama, for example, the crime of human trafficking in the first degree, which includes sexual servitude of a minor, is a Class A felony and carries the penalty of imprisonment

[41] E.g., Ala. Code § 13A-6-152; 11 Del. Code Ann. § 787(b)(2).
[42] E.g., D.C. Code § 22-1834.
[43] 11 Del. Code Ann. § 787(b)(2).
[44] 11 Del. Code Ann. § 787(a)(2).
[45] E.g. Al. Code 13-A-6-151(b)(2); 7 DC Code 22-1831(4); 38 Mo. Rev. Stat. 566.200(4); R.I. Gen. Laws § 11-67-6.
[46] E.g., Ga. Code Ann. 16-5-46.
[47] E.g., Vt. Stat. Ann. § 2654.
[48] Idaho Code Ann. 18-8604(2).

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for life (or for not more than 99 years or less than 10 years),[49] whereas the crime of promoting prostitution, which includes profiting from prostitution of a minor under age 16, is a Class B felony and carries the penalty of imprisonment for not more than 20 years or less than 2 years.[50] Enhanced sentencing may apply if a violation includes rape, violence, multiple victims, or victims who are children.[51] As discussed in Chapter 3, the harms resulting from sex trafficking and commercial sexual exploitation of minors of all ages have not been fully documented; there is at least reason to believe, however, that adolescents of any age, as well as younger children, may suffer severe harm. This likelihood is reflected in state laws that impose increased penalties when a victim is under age 18, whereas other laws provide for increased penalties only in the case of younger victims. In Arizona, for example, the crime of sex trafficking carries a higher penalty if the victim is under age 18 (versus being an adult), but even greater penalties if the victim is under age 15 or under age 12.[52]

Some state laws provide that victims of human trafficking are not criminally liable for sex acts performed as a result of their victimization.[53] These provisions are especially likely to be found in the safe harbor laws discussed below.

When they do address the protection of victims, state human trafficking laws adopt varied approaches. They may delegate to the attorney general and/or the department of health and welfare responsibility for addressing the protection of victims of human trafficking and responding to their needs.[54] At least some state laws include procedures for protecting and accommodating the needs of child witnesses who testify when traffickers are criminally prosecuted, although such protection may be limited to young children.[55] In some states, crime victims' compensation funds may be used for victims of trafficking, including children.[56] A few state human trafficking laws require or authorize the state to develop a plan for providing comprehensive services to trafficking victims, although they do not necessarily speak to the specific needs of victims who are minors even if minors may be part of the eligible target population.[57] In Minnesota, for example, the com-

[49] Ala. Code §§ 13-A-5-6, 13A-6-152.

[50] Ala. Code §§ 13-A-5-6, 13-A-12-11.

[51] E.g., Cal. Pen. Code § 236.1(c); 11 Del. Code Ann. § 787(b)(2).

[52] Ariz. Rev. Stat. §§ 13-705, 13-1307.

[53] E.g., Iowa Code § 710A.3; Mass. Gen Laws ch. 272, § 57; Or. Rev. Stat. § 163.269.

[54] E.g. Idaho Code § 18-8605; Neb. Rev. Stat. § 28-832.

[55] E.g., Ky. Rev. Stat. § 421.350 (protection limited to children age 12 or younger).

[56] E.g., Rev. Code Wash. § 7.68.060 (entitlement for victims of commercial sexual abuse of minors).

[57] E.g., Minn. Stat. § 299A.795; Rev. Code Wash. § 7.68.360 (development of protocols for services to trafficking victims).

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missioner of public safety "may review the existing services and facilities to meet trafficking victims' needs and recommend a plan that would coordinate the services including, but not limited to: (1) medical and mental health services; (2) housing; (3) education and job training; (4) English as a second language; (5) interpreting services; (6) legal and immigration services; and (7) victim compensation."[58] This Minnesota statute contains a broad list of services, but does not specifically mention children or adolescents.

Further research is needed to determine the extent to which comprehensive plans have been developed and implemented, particularly in states that only authorize but do not mandate such programs. Apart from states with safe harbor laws,[59] discussed below, few if any states have enacted a requirement for such a plan that is specific to minors who are victims of sex trafficking. A few states have adopted procedures, such as a victim-caseworker privilege, to protect the privacy of victims and the confidentiality of information about them and the services they have received.[60]

Prostitution

Every state and many localities have laws prohibiting prostitution, including both the sale and purchase of sexual acts, as well as the facilitation of prostitution by "pimps" and brothel owners.[61] These prostitution laws contain widely varying penalties for "prostitutes," "customers," pimps, and brothel owners. Many of these statutes are old and contain relatively minor penalties; others have been amended recently to increase the penalties. In Maryland, for example, the crime of prostitution is punishable by up to 1 year in prison or a fine of $500,[62] "pandering" (or causing another to engage in prostitution) carries a penalty of up to 10 years in prison or a fine of up to $5,000,[63] and "receiving earnings of a prostitute" is punishable by up to 10 years in prison or a $10,000 fine.[64] Penalties vary widely from state to state. In Louisiana, the crime of prostitution is punishable, for a first offense, by a fine of up to $500 and up to 6 months in prison.[65] In an atypical example, however, if the offense in Louisiana includes a child

[58]E.g., Minn. Stat. § 299A.795.

[59]E.g., N.Y. Soc. Serv. Law § 447-b.

[60]E.g., Ky. Rev. Stat. § 422.295.

[61]A significant number of cities and towns have municipal codes or ordinances regulating prostitution. A review of those local laws is beyond the scope of this study, but they can play an important role in the response to prostitution generally and the sexual exploitation and sex trafficking of minors specifically. The problem of overlapping jurisdictional authority regarding enforcement is discussed below in the section on interpretation and use of laws.

[62]Md. Crim. Law Code Ann. § 11-306.

[63]Md. Crim. Law Code Ann. § 11-303.

[64]Md. Crim. Law Code Ann. § 11-304.

[65]La. Rev. Stat. § 14:82.

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who is under age 14, the punishment is a fine of up to $75,000 or a prison term of 25 to 50 years.[66]

Laws that prohibit soliciting prostitution or patronizing a prostitute can be used to prosecute individuals who engage in commercial sex acts with minors, sometimes with heightened penalties because of the minor's age. Massachusetts law, for example, provides that "Whoever pays, agrees to pay or offers to pay any person with the intent to engage in sexual conduct with a child under the age of 18, or whoever is paid, agrees to pay or agrees that a third person be paid in return for aiding a person who intends to engage in sexual conduct with a child under the age of 18, shall be punished by imprisonment in the state prison for not more than 10 years, or in the house of correction for not more than 2 and one-half years and by a fine of not less than $3,000 and not more than $10,000, or by both such imprisonment and fine, whether such sexual conduct occurs or not."[67] Despite the extensive laws on the books in every state supporting the prosecution of individuals who purchase sex with a minor or function as pimps or operate brothels engaged in the sale of sex with young females and males, these individuals have largely escaped accountability for many years (DOJ, 2010). More recently, however, such prosecutions have increased in frequency, although many perpetrators still go unpunished, as discussed in Chapter 5.

As noted earlier, prostitution statutes in most states can be, and often are, applied to minors who engage in sex acts. Prosecution of minors for the commission of commercial sex acts can occur either under adult criminal statutes in adult court—in states that treat some individuals under age 18 as adults for purposes of criminal prosecution, transferring them to adult court—or in juvenile court, as discussed further in the section below on juvenile delinquency. Arrest and prosecution of minors for prostitution can occur even though other laws of the state provide that minors cannot legally consent to sex, and minors are, at least in common-sense terms and in the view of the committee, victims rather than perpetrators. As the committee learned through expert testimony at its site visits and workshops, the scenario in which minors engaged in commercial sex acts are treated as perpetrators rather than victims has been a recurrent one (Fassett, 2012; Guymon, 2012; Nasser, 2012), although it is slowly being supplanted in some states by an alternative approach. A recent trend away from treating minors as perpetrators is represented by new legislation in several states, discussed below in the section on safe harbor laws. In lieu of or in addition to being arrested or prosecuted for prostitution, minors who engage in commercial sex acts may be arrested and charged with lesser offenses,

[66]La. Rev. Stat. § 14:82.
[67]Mass. Gen. Laws Ch. 272 § 53A.

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such as loitering or truancy, and related offenses that are incident to their exploitation, such as drug possession. These arrests introduce victims of commercial sexual exploitation and sex trafficking to the juvenile court or criminal court system and can establish or expand their criminal record. Understanding the consequences of arrest and prosecution for victims, some organizations have urged states and jurisdictions to refrain from charging minors with prostitution or lesser and/or related offenses. For example, the American Bar Association's Child Trafficking Policy calls for "not charging children under the age of 18 with the crimes of engaging in prostitution or soliciting themselves, loitering with the intent to engage in prostitution, or status offenses that are incident to their trafficking situation" (ABA, 2011).

Juvenile Delinquency

Juvenile delinquency laws are the mechanism for arresting, prosecuting, and adjudicating most offenses that would be crimes for adults. In contrast, status offenses are crimes for juveniles only and would not be crimes for adults. Juvenile delinquency offenses are prosecuted under the jurisdiction of the juvenile court, which is where minors charged with prostitution or other related offenses usually are processed. However, some states have either lowered the age generally at which an individual is considered an adult for purposes of the criminal law or established procedures for transfer of some cases from juvenile to adult court for specific offenses. The age at which juveniles can be prosecuted as adults or transferred to adult court varies among states and in many states is younger than 18. Since the 1990s, the trend in a number of states has been to prosecute youth at younger ages, including automatic transfer to adult court, direct file options, and use of prosecutorial discretion.[68] The transfer of minors to adult court has increasingly been criticized (Mathis, 2007).

A 2013 National Research Council report on juvenile justice reform explains the importance of understanding adolescent development when crafting juvenile justice policies (NRC, 2013). The report succinctly summarizes the disadvantages of the punitive approach that has become prevalent in juvenile justice systems in recent decades:

> the juvenile justice system's heavy reliance on containment, confinement, and control removes youth from their families, peer groups, and neighborhoods—the social context of their future lives—and deprives them of the opportunity to learn to deal with life's challenges. For many youth, the lack of a positive social context during this important developmental period is further compounded by collateral consequences of justice system

[68] See Jonathan Todres, Maturity, 48 Houston L. Rev. 1107, 1134, n. 128-132 and accompanying text.

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> involvement, such as the public release of juvenile records that follow them throughout their lives and limit future educational and employment opportunities. (NRC, 2013, p. 2)

Many of the findings and recommendations presented in the National Research Council's report are relevant to understanding both how the juvenile justice system has treated victims of commercial sexual exploitation and sex trafficking and the principles that should guide future juvenile justice responses.

Minors can be prosecuted for prostitution offenses, or as customers of prostitutes, either in juvenile court or in adult court if they are above the age for transfer. However, transfer to adult court typically occurs in cases involving violent crimes and felonies (National District Attorneys Association, 2012), and the frequency with which juveniles are transferred to adult court for prostitution offenses is not well documented. Nevertheless, minors are charged with prostitution under the juvenile delinquency laws in many states, although an emerging trend is to move away from doing so, as evidenced by the enactment of safe harbor laws, discussed later in this chapter.

Status Offenses and Runaway/Homeless Youth

Juvenile courts also have jurisdiction over status offenses—those offenses that are crimes for children only (Steinhart, 1996). "Runaway," "beyond parental control," and "child in need of supervision" are status offenses that can bring a minor under the jurisdiction of the juvenile court. As discussed in Chapter 3, many minors who are victims of commercial sexual exploitation and sex trafficking have run away from home or are homeless. Thus the laws relating to runaways and status offenders may be used to detain minors, bring them under state control, commit them to a residential facility, and/or provide them with services. This is a mechanism that is sometimes used to provide a way for victims to be confined "for their own protection" for a limited period of time without being charged with a criminal offense. Secure detention and incarceration of status offenders has increasingly been criticized; as of 2011, however, 35 states permitted secure detention of status offenders pursuant to a valid court order (Szymanski, 2011). In some states, youth who are deemed status offenders may not receive court-appointed legal counsel. Federal law and corresponding laws in most states require that states keep detained status offenders separate from delinquent youth (Steinhart, 1996), which could in some cases help avoid exposure of victims of sexual exploitation and sex trafficking to violent youth in detention. Nevertheless, detained status offenders often are not kept separate from delinquent youth (Coalition for Juvenile Justice, 2012; Sedlak and McPherson, 2010). The committee believes that using secure

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detention to "protect" sexually exploited and trafficked children is potentially harmful to minors, but also recognizes the significant need to develop alternative means and corresponding policies for providing the necessary protection to vulnerable children and adolescents.

Not all homeless youth are "runaways," although many fall technically within the definition of status offenders under their states' laws. Fewer state laws directly address the situation of homeless youth who are not technically status offenders, although some states have statutes that address the question of whether runaway and homeless youth under age 18 can stay overnight in a shelter without parental permission.[69] Without legal authorization to be sheltered without parental permission, many minors who are victims of commercial sexual exploitation and sex trafficking confront an insurmountable barrier to securing a safe place to stay. (See Chapter 6 for a more detailed discussion of shelter availability.)

Criminalization of Sex with a Minor

Every state has statutes that criminalize some sex acts with a minor (Glosser et al., 2004). Wide variation exists among these state laws with respect to the specific sex acts that are criminalized, the ages of minors with whom specified acts are illegal, and the age differences between victim and perpetrator that are either required for acts to be criminal or applied in determining the penalties for violations. Misunderstanding of these laws is widespread. For example, the term "age of consent" often is used to refer to a single age in state law below which a minor cannot legally consent to sex, and having sex with a minor is illegal. In reality, many states have more than one age threshold in their laws, depending on the specific circumstances in question (Glosser et al., 2004). In Maine, for example, it is generally illegal to have sex with a minor under age 16; however, consensual or voluntary sex with a minor who is younger than 16 but at least 14 is not illegal if the defendant (partner) is less than 5 years older than the victim (Glosser et al., 2004, p. 59).

Statutes that criminalize sexual intercourse with a minor often are referred to, in colloquial terms, as "statutory rape" laws, although very few statutes use that specific terminology. The statutes that could be considered as falling under that umbrella vary widely. Some, but not all, of the acts involving sex with a minor that violate a state's criminal code would also trigger a requirement to report the acts as child abuse, as discussed below. This requirement also is widely misunderstood: it is often assumed that if an act involving sex with a minor is illegal under a state's criminal code, it is automatically reportable as child abuse, but this is not always the case. In

[69]E.g., Cal. Fam. Code § 6924.

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California, for example, all sex with a minor under age 18 is illegal under the criminal code; however, the act may be reportable only if the victim is under age 16 and the defendant is more than 5 years older (Glosser et al., 2004, p. 11). The discrepancies are myriad and lead to considerable confusion among mandated reporters and other professionals coming into contact with children and adolescents who are victims of commercial sexual exploitation and sex trafficking.

The laws that criminalize sex with a minor do not necessarily, and indeed frequently do not, require that there be a commercial element involved in the act. Nevertheless, these laws often are applicable in cases that do involve a commercial element. Among state laws that criminalize sex with a minor, the penalties vary widely, and some are severe. Arizona, for example, provides for a life sentence in cases of "sexual assault" of a minor under age 12.[70]

Virtually all states have established sex offender registries (FindLaw, 2013) in which both adults and minors convicted of engaging in sex with a minor may be included as registered sex offenders, in some states for life. Federal law requires states to include minors convicted of sex offenses in their sex offender registries in certain specified circumstances.[71] The committee believes that minors who are prosecuted for engaging in prostitution should not be registered as sex offenders.

Child Abuse Reporting

All states have child abuse reporting laws, as they are required to do under CAPTA.[72] The Department of Health and Human Services has established a searchable database of these state child abuse reporting laws (Child Welfare Information Gateway, 2013).

The terms of child abuse reporting statutes vary with respect to who is required to report; whether reports are made to child welfare, law enforcement, or both; which types of abuse are reportable; and whether extrafamilial abuse (by third parties) is reportable. In about one-third of states, for example, acts are reportable under the child abuse reporting law only if they are committed by a parent, guardian, custodian, or other person responsible for the child; thus sexual acts with a minor may violate the state's criminal laws, but not be reportable as child abuse unless committed by a parent or responsible caretaker (Glosser et al., 2004, p. 10). Even in states where sexual acts with a minor may be reportable if committed by someone other than a parent or caretaker, the other requirements vary

[70]Ariz. Rev. Code §§ 13-705, 13-1307.
[71]Adam Walsh Child Protection and Safety Act of 2006, 42 U.S.C. §§ 16901-16929.
[72]42 U.S.C. § 5106a(b)(2)(B).

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widely, which may limit the application of child abuse reporting laws to instances of commercial sexual exploitation and sex trafficking of minors. For a discussion of the legal and ethical complexities of including commercial sexual exploitation and sex trafficking in mandatory child abuse reporting laws, see Box 1-2 in Chapter 1.

Every state includes some categories of sexual abuse or sexual assault in its child abuse reporting laws. Almost all states explicitly include within their definition of child abuse or sexual abuse the term "sexual exploitation," which often encompasses inducing or enticing a child into prostitution (Child Welfare Information Gateway, 2013); however, the definitions of this term vary. Thus in some states, the definitions of reportable abuse cover most or all forms of commercial sexual exploitation and sex trafficking of minors, and in some they do not. In at least one state, Massachusetts, the definitions applicable to the child abuse reporting law recently were amended to include a broad definition of "sexually exploited child." This definition incorporates a wide range of state and federal crimes, including sexual servitude and sex trafficking, along with such acts as offering to "engage in sexual conduct with another person in exchange for a fee . . . or in exchange for food, shelter, clothing, education, or care."[73]

In many states, not all sexual acts with minors that are illegal under the criminal code fall within the definition of sexual abuse or sexual assault and are reportable under the child abuse reporting law. This is the case most commonly in states where child abuse reporting is mandated only for acts of parents, guardians, or caretakers.

The application of child abuse reporting laws to the sexual conduct of minors may discourage them from seeking health care that is essential to address the adverse health consequences of their sexual activity (see Chapter 3), or discourage traffickers and other exploiters from bringing exploited children and adolescents with health care needs to an emergency room or other medical facility or otherwise allowing them to access health care (English and Teare, 2010). Similar questions about the implications for victims and health care providers have been raised in connection with domestic violence, so resources from the domestic violence field could be instructive in addressing such concerns (Futures Without Violence, 2013).

In recent years, reporting of the sexual activity of minors has become a program requirement for the federal Title X Family Planning Program (IOM, 2009). This requirement has raised both potential conflicts with medical confidentiality laws that protect children and adolescents and ethical conflicts for health care professionals (American Academy of Family Physicians, 2004). Every state, as discussed below, has laws that allow minors to seek health care related to sexual issues such as sexually transmit-

[73]Mass. Gen. Laws Ch. 119 §§ 21, 51A.

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ted infections or contraception. Their treating health care professionals are generally required to keep information about such visits confidential as a matter of law and ethics. However, conflicts may arise if, in taking a comprehensive health history, health care professionals learn information about an adolescent patient's sexual activity that they are also legally required to report as child abuse.

Health Care

Victims and survivors of commercial sexual exploitation and sex trafficking have extensive needs for health care services, as discussed in Chapters 3 and 7. Their access to health care is influenced by a variety of state laws, including both those related to the funding of health care and those related to consent and confidentiality. Many of those state laws are affected in turn by the Patient Protection and Affordable Care Act of 2010 (ACA)[74] and its implementation (English and Teare, 2010). For example, many victims and survivors are financially eligible for Medicaid or the Children's Health Insurance Program (CHIP) (Heberlein et al., 2012), especially following expanded eligibility resulting from implementation of the ACA, but they will have difficulty applying without considerable assistance, especially if they are disconnected from their families (English and Halley, 2009). Medicaid and CHIP eligibility rules and other requirements are determined by a combination of federal and state statutory and regulatory provisions. Victims and survivors who have been in foster care are likely to be eligible for and enrolled in Medicaid, but that eligibility may lapse if they run away from foster care or age out, although the ACA includes a provision requiring states to extend Medicaid coverage to former foster children up to age 26 beginning in 2014 (English, 2010). Even if their eligibility does not lapse, enrolling in Medicaid or CHIP or maintaining their Medicaid or CHIP enrollment status can require frequent interactions with a state or local agency, a challenging task for a young victim/survivor. The ACA also includes provisions requiring states to conduct special outreach and enrollment efforts for vulnerable populations,[75] but without significant assistance, minors who are victims/survivors of commercial sexual exploitation and sex trafficking are still likely to encounter significant challenges to enrolling.

Not all victims and survivors are enrolled in Medicaid or CHIP, and those who are not must rely for health care on programs that serve vulner-

[74]Patient Protection and Affordable Care Act (PPACA, Public Law 111-148, March 23, 2010), as amended by the Health Care and Education Reconciliation Act (Recon. Act, Public Law 111-152, March 30, 2010).

[75]42 U.S.C. § 1397aa.

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able and uninsured populations. Some states use moneys from the state general fund to pay for health care services for vulnerable populations. In other situations, state funds are used to supplement or complement federal block grant funds. Thus some health care services delivered at the local level—including Title X family planning programs, community health centers, and Health Care for the Homeless sites, among others—are funded in whole or in part under federal funding statutes in combination with state funding statutes.

Laws allowing minors to consent for their own health care exist in every state, but the terms of those laws vary among states (English et al., 2010). The specific terms may affect the ability of victims and survivors to receive the health care they need. For example, about a dozen states explicitly allow minors to consent for their own health care on the basis that they are living apart from their parents, but other states do not. Also, every state has laws allowing minors to consent for specific services, such as diagnosis and treatment of sexually transmitted infections or substance abuse problems, but to be effective, these consent laws must dovetail with the laws that ensure financial access to needed services.

Confidentiality protections for the health information of minors are determined by a complex combination of federal and state laws. The federal laws include the privacy regulations issued under the Health Insurance Portability and Accountability Act,[76] the confidentiality regulations for the Title X Family Planning Program,[77] and the privacy rules for federal drug and alcohol programs.[78] The state laws include a wide range of medical privacy laws, evidentiary privileges, and funding statutes.

The specific provisions that are applicable in individual states may affect the willingness of victims and survivors to seek care and/or their ability to receive care with protection of their privacy. For example, a survivor may be able to consent for diagnosis and treatment of a sexually transmitted infection, but the medical history taken may result in reporting of the sexual activity in which she/he was involved under the child abuse reporting laws, thus abrogating confidentiality protection for the care received.

Child Welfare and Foster Care

Every state has statutes that establish juvenile court jurisdiction over abused and neglected (dependent) children. Dependency statutes generally apply in cases that have come to the attention of child welfare/child protection through a child abuse report, although voluntary surrender of children

[76] 45 C.F.R. Parts 160 and 164.
[77] 42 U.S.C. §§ 300 et seq. 42 C.F.R. Part 59.
[78] 42 C.F.R. §§ 2.11 et seq.

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by their parents and other mechanisms may apply. Once a juvenile court has issued an order that a minor falls under the court's dependency jurisdiction, the disposition may be to return the minor to her/his home with supervision, or place her/him in a foster or group home. For older adolescents, beginning at about age 16, "independent living" arrangements—in which foster youth live in more loosely supervised settings, such as an apartment, to begin the transition to discharge from foster care—may be the "placement." Some states end dependency jurisdiction at age 18, but some extend it beyond age 18 to age 19, 20, or 21; foster care placement beyond age 18 usually depends on the voluntary agreement of the young person and a finding by the court that continued placement is in the youth's best interest (Peters et al., 2008). The option of remaining in foster care beyond age 18 may be important for some young survivors to provide them with needed support while they are establishing a stable life apart from the "sex trade," but only if the child welfare system is prepared to meet their specific needs (Hobson, 2012). (See the discussion in Chapter 6.)

Child welfare and dependency statutes were not designed to address commercial sexual exploitation or sex trafficking of minors. As a result, many state and local child welfare agencies are unprepared to respond appropriately to victims and survivors and provide them with the services they need. Nevertheless, many victims of commercial sexual exploitation and sex trafficking may already be in the child welfare system, and with the enactment of safe harbor laws, increasing numbers of victims may be entering the child welfare system.

A few states have begun to enact laws that require their child welfare agencies to address the needs of sexually exploited children. For example, Massachusetts' human trafficking law, enacted in 2011, requires the Department of Children and Families, in collaboration with the Department of Mental Health and other state agencies, to provide for the child welfare service needs of sexually exploited children, including requiring that these children have access to an advocate.[79] The Massachusetts law also requires the Department of Children and Families to recognize that sexually exploited youth have separate and distinct service needs according to gender and to make appropriate services available while ensuring that a continuum of services exists.[80] This Massachusetts statute is noteworthy yet atypical among current state human trafficking laws in the extent to which it details specific responsibilities of the state child welfare system deemed necessary to meet the needs of sexually exploited and trafficked children. It may be indicative of an impending trend as increasing numbers of states enact safe harbor laws, as discussed later in this chapter.

[79]Mass. Gen. Laws ch. 119 § 39k.
[80]Mass. Gen. Laws ch. 119 § 39k.

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Education, Housing, and Employment

The long-term prospects for young victims and survivors of commercial sexual exploitation and sex trafficking almost certainly depend not only on the outcome of their direct encounters with the legal system but also on the extent to which they can access a range of essential services, as discussed in other chapters of this report. These services include, among others, health care (discussed above and in Chapter 7), education (Chapter 8), housing (Chapter 6), and employment. Very few state laws directly address the provision of these services to minors who are victims and survivors of commercial sexual exploitation and sex trafficking. Also limited in number are state laws addressing the education, housing, and employment needs of vulnerable youth generally. The committee notes that further attention is needed to the intersection of laws and the education, housing, and employment needs of both minors vulnerable to commercial sexual exploitation and sex trafficking and minors who have been exploited and trafficked. This attention could include further research aimed at understanding the role of these services in preventing commercial sexual exploitation and sex trafficking of minors and in ensuring positive outcomes for victims and survivors, as well as enactment of state laws to support the delivery of these services to at-risk and exploited minors.

Safe Harbor Laws

As discussed earlier, minors in the United States who are victims of commercial sexual exploitation and sex trafficking often are arrested and treated as perpetrators under state criminal and juvenile delinquency laws that make a wide variety of sexual offenses illegal (Fassett, 2012; Guymon, 2012; Nasser, 2012). Although victims themselves, these youth may be subject to arrest, detention, adjudication or conviction, commitment or incarceration, and permanent records as offenders. A small but growing number of states have enacted laws designed to redirect young victims of sexual exploitation and sex trafficking away from the criminal or juvenile justice system and into the child welfare system or to other agencies to receive supportive services. Several states have enacted laws that to a greater or lesser degree fall under the umbrella term “safe harbor” laws.

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These states include Connecticut,[81] Florida,[82] Illinois,[83] Massachusetts,[84] Minnesota,[85] New York,[86] Vermont,[87] and Washington.[88] Texas has followed suit through judicial decision, with the Texas Supreme Court having stated that the notion "that the juvenile justice system is the only portal to such services for children [who are commercially sexually exploited] . . . is simply not true."[89] A growing number of states are considering the enactment of safe harbor laws and some pending bills may have been enacted prior to publication of this report. As of April 2012, such legislation was pending in Hawaii and New Jersey. Some states in addition to this group have enacted specific provisions in their statutes that offer one or more of the same protections to minor victims as are contained in some of the safe harbor laws (e.g., coercion as an affirmative defense for a charge of prostitution). Because those provisions were not enacted as part of an overall safe harbor framework, they are not discussed here.

There is no fixed legal definition of a safe harbor law. The term emerged when New York enacted the first such law in 2008 and has been applied to several other state laws enacted since then. Several organizations have developed guidelines for drafting legislation of this type. One such set of guidelines recommends that any safe harbor law at a minimum do at least three things: prevent minor victims of sex trafficking from being prosecuted for prostitution, ensure that coercion is not required to prosecute sex traf-

[81]An Act Providing a Safe Harbor for Exploited Children, 2010 Conn. Public Act 10-115, (Feb. Session), Jun. 7, 2010, amending Conn. Gen. Stat. §§ 53a-82, 53a-84, 53a-86, 53a-87.

[82]Florida Safe Harbor Act, 2012 Fla. Ch. No. 2012-105, April 13, 2012, amending Fla. Stat. §§ 39.001, 39.01, 39.401, 796.07, and adding Fla. Stat §§ 39.524, 409.1678.

[83]"Illinois Safe Children Act" (not official legislative title), Ill. Public Act 96-1464, Aug. 20, amending, *inter alia*, 325 Ill. Comp. Stat. 5/3; 705 Ill. Comp. Stat. 405/2-3, 2-18; 720 Ill. Comp. Sat. 5/11-14, 11-14.1, 11-14.2, 11-15, 11-15.1, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 14-3; and adding 720 Ill. Comp. Stat. 5/11-19.3.

[84]An Act Relative to the Commercial Exploitation of People, 2011 Mass. Acts Ch. 178, Nov. 21, 2011, amending, *inter alia*, Mass. Gen. Laws ch. 6 § 178C; ch. 119 §§ 21, 51A, 51B, 51D, 55B, 58; ch. 265 § 24C; and adding Mass. Gen. Laws ch. 119 §§ 39K, 39L; ch. 265 §§ 26D, 49-57; ch. 272 §§ 8 (new), 53A (new).

[85]Sexually Exploited Youth, 2011 Minn. Chapter Law 1, Art. 4-5, Jul. 20, amending, *inter alia*, Minn. Stat. §§ 260B.007(6), (16); 260C(6), (11); § 609.3241, § 626.558(2a).

[86]Safe Harbour (sic) for Exploited Children Act, 2008 N.Y. Laws, Ch. 569, § 1, adding N.Y. Soc. Serv. Law §§ 447-a and 447-b, and amending N.Y. Fam. Ct. Act, §§ 311.4, 712, 732.

[87]An Act Relating to Human Trafficking, 2010 Vt. Act No. 55, adding Vt. Stat. Ann., tit. 13, ch. 60; and amending, *inter alia*, Vt. Stat. Ann., tit. 13 §§ 9, 3255, 4501, 5301, 5401, 7043.

[88]An Act Relating to Sex Crimes Involving Minors, 2010 Wash. Laws Ch. 289, Apr. 1, 2010, amending, *inter alia*, Wash. Rev. Code §§ 13.32A.030, 7.68.070, 13.40.070, 13.40.213, 988A.140, 9.68A.100, 9.68A.101, 9.68A.105, 9.68A.110, and 43.63A.740; reenacting and amending Wash. Rev. Code § 9.94A.515; adding new sections to Wash. Rev. Code Ch.13.32A; adding new sections to Rev. Code Wash. Ch. 13.40; adding a new section to Wash. Rev. Code Ch. 74.15.

[89]In the Matter of B.W., 313 S.W.3d 818, *; 2010 Tex. LEXIS 446, **; 53 Tex. Sup. J. 854.

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ficking of children, and protect child victims of sex trafficking by providing them with special services (Polaris Project, 2013a).

The safe harbor laws that have been enacted vary with respect to a wide variety of factors, including, for example, who is covered under the law and up to what age; what type of protection the law provides (e.g., automatic diversion or referral to services on proof of age, or an affirmative defense that the adolescent has the burden to establish); how the treatment of adolescents differs based on whether the law applies to them; the relationship that is established among juvenile justice, criminal justice, and child welfare laws and agencies; the services, if any, that the law provides for; and whether the law includes any new funding for services. Table 4-1 provides a comparison of the provisions of the various safe harbor laws.

As discussed earlier in the section on federal law, the TVPA reauthorization of 2013 contains a mandate to include safe harbor provisions in a model state law. This step may add further impetus to state efforts to adopt safe harbor laws and ensure greater consistency among state safe harbor provisions.

While recognizing that additional time and research are needed to assess the effectiveness of specific state safe harbor laws, the committee believes that the core principle underlying such laws—that children and adolescents who are survivors of sexual exploitation and sex trafficking must be treated as victims and not criminals—should be advanced without delay. In doing so, a variety of approaches should be considered. For example, the committee believes that careful consideration is warranted of alternative approaches to arrest and prosecution, including not only diversion, but also decriminalization of prostitution for young victims. The committee believes further that, in light of the trauma typically suffered by minors who are victims of these crimes, states should consider carefully the appropriateness of imposing certain burdens on these minors (e.g., making minor status an affirmative defense that the victim must establish), work to ensure that adequate shelters and services are available for victims/survivors who are diverted from the criminal justice system, and provide appropriate training to relevant personnel.

INTERPRETATION AND USE OF LAWS

As reviewed in this chapter, a plethora of federal and state laws can be useful in addressing commercial sexual exploitation and sex trafficking of minors. Some of these laws directly address an aspect of the problem, while the relevance of others is indirect but potentially quite significant. For example, federal and state laws that criminalize sex trafficking of minors and provide for the prosecution and punishment of perpetrators obviously are central to any societal response. Less clearly applicable are laws allowing

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minors to consent for their own health care or providing Medicaid coverage for vulnerable youth, although these laws could play an important role in efforts to provide comprehensive services to victims and survivors.

Some of these laws are overlapping, or even conflicting, and gaps exist between others. Overlaps and conflicts are especially possible with the criminal laws: relevant laws exist at the federal, state, and local levels. In cross-border sex trafficking cases that involve more than one state, for example, the interpretation and use of state or federal law can raise difficult questions—sometimes jurisdictional issues exist between agencies in two or more states, and the child slips through the cracks and ends up back with his or her trafficker or exploiter. Jurisdictional issues may arise even within a single state—violations of state law are prosecuted by local district attorneys, and a child may have been trafficked or exploited in more than one county. Questions also arise with respect to whether it is more advantageous to prosecute a case under federal or state law or which of several potentially applicable laws should be applied.

Resolving these issues will entail considerations of cost and resources, as well as which laws are more likely to lead to a conviction or the imposition of higher penalties. The committee recognizes that in some jurisdictions, agencies at the federal, state, and local levels have worked together on these issues in recent years, but emphasizes the importance of ensuring that every jurisdiction addresses these coordination issues to ensure effective responses to the commercial sexual exploitation and sex trafficking of minors. (See discussion in Chapter 10.)

Other issues of interpretation arise with respect to the application of laws that were not originally enacted to apply to cases of commercial sexual exploitation or sex trafficking of minors. In approximately one-third of states, for example, the child abuse reporting laws apply only to intrafamilial abuse, and thus would not appear to encompass exploitation or trafficking by a non-family member. Even when the reporting laws apply to abuse by non-family members, the consequences of a report may or may not be well tailored as a response in sexual exploitation or trafficking cases, such as when a report is required to go to a child welfare agency, but the state's child welfare laws are not structured for an appropriate response to these cases. Additional challenges arise in the context of mandatory reporting, and studies of compliance with child abuse reporting laws have documented the complex reasons why professionals who are mandated reporters sometimes do not make required reports. (Additional discussion of mandatory reporting is included in Chapter 1 [see Box 1-2].)

Further research is required on states' child abuse reporting laws and child welfare agency services to examine whether child welfare agencies have the necessary resources and are adequately prepared to meet the needs of minors who are victims and survivors of commercial sexual exploitation

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TABLE 4-1 State Safe Harbor Statutes

State (Title of Law)	Year Enacted	Age/Eligibility	Definitions
Connecticut (An Act Providing a Safe Harbor for Exploited Children)	2010	Covers minors under age 16; limited application to minors aged 16 and 17	
Florida (Florida Safe Harbor Act)	2012	Covers minors under age 18 who meet the definition of dependent child and who are not under arrest or being prosecuted for certain prostitution-related offenses that involve the exploitation of other minors	Definition of "dependent child" is amended to include sexually exploited child and sexually trafficked child

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Type of Protection	Services Provided	Other Requirements
No prosecution for prostitution of minors under age 16; coercion is an affirmative defense to a charge of prostitution for individuals of any age; coercion is presumed for minors aged 16 and 17, and prosecution must prove beyond a reasonable doubt that the minor was willing and not coerced in order to override the defense	Pursuant to a child welfare agency protocol (not part of the Safe Harbor for Exploited Children Act), law enforcement informs child welfare when a child is suspected of being a victim of commercial sexual exploitation; law enforcement and child welfare collaborate on investigation, and child welfare determines next steps re placement and services	Penalties of 1 to 20 years in prison for "promoting prostitution" of minors aged 17 and younger, including a provision that 9 months of the prison sentence may not be waived or reduced; perpetrators of promoting prostitution, patronizing a prostitute, or permitting prostitution cannot assert defense based on the child's inability to be prosecuted
Sexually exploited minor to be treated as a dependent child and not as a delinquent	Law enforcement to refer a child suspected of being sexually exploited to child welfare; placement in a "short-term safe house" pending determination of whether the child has been sexually exploited; short-term safe house to provide shelter, food, clothing, medical care, counseling, and crisis intervention; child found to be sexually exploited is placed in a safe house if determined appropriate after comprehensive assessment; safe house to provide a broad range of comprehensive services	Penalties for individuals selling sex with others (pimps) increased from $500 to $5,000, to be used primarily for safe houses; sexually exploited children are eligible for victim compensation funds

continued

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TABLE 4-1 Continued

State (Title of Law)	Year Enacted	Age/Eligibility	Definitions
Illinois ("Illinois Safe Children's Act") (not official title of legislation)	2010	Covers minors under age 18	Definition of "abused child" in the child abuse reporting law and Juvenile Court Act is amended as follows: "'Abused child' means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent: . . . (h) commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services"

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Type of Protection	Services Provided	Other Requirements
No prosecution for prostitution for minors under age 18; length of "reasonable detention" of an exploited or trafficked minor by law enforcement for investigative purposes is limited to 48 hours (per prior case law and regulations); thereafter, a sexually exploited or trafficked minor may be placed in "temporary protective custody" in a medical facility or other child welfare placement, such as a foster home or group home, but shall not be placed in a jail or place of detention for other criminal offenders (per previously existing statutory definition)	Notification of child welfare is required when law enforcement takes a minor into custody for a prostitution offense; funding for services is provided from vehicle impoundment fees to survivors of human trafficking and prostitution	Increased penalties for various offenses by purchasers of sex and other exploiters and traffickers ("pimps"); for offenses of keeping a place of juvenile prostitution or juvenile pimping, no affirmative defense is allowed that the accused believed the victim was at least age 18 unless the accused did not have an opportunity to observe the victim

continued

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TABLE 4-1 Continued

State (Title of Law)	Year Enacted	Age/Eligibility	Definitions
Massachusetts (An Act Relative to the Commercial Exploitation of People) (comprehensive human trafficking law)	2011	Covers minors under age 18	Definition of "sexually exploited child" includes a victim of sex trafficking under federal law or sexual servitude under state law, or one who has engaged in an act of prostitution under state law or is a victim of inducing a minor into prostitution; definition of "child in need of services" is amended to include a sexually exploited child; list of abuses subject to mandatory reporting is amended to include sexually exploited children; "appropriate services" are defined as assessment, planning, and care, including food, clothing, medical care, counseling, and appropriate crisis intervention services provided by an agency, organization, or entity with expertise in providing services to sexually exploited children or children who are human trafficking victims
Minnesota (Sexually Exploited Youth)	2011	Covers minors under age 16; limited application to minors aged 16 and 17	Definition of "delinquent child" is amended to exclude sexually exploited children under age 16 (effective 2014); definition of "dependent child" ("child in need of protection or services") in the child protection code is amended to include sexually exploited youth, who are defined as children alleged to have engaged in prostitution, sex trafficking victims, and other categories of exploited youth (effective 2011)

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Type of Protection	Services Provided	Other Requirements
Coercion is an affirmative defense for a charge of prostitution when the defendant is a victim of human trafficking; a minor may be charged with prostitution, but in a delinquency or criminal proceeding against a minor for prostitution, it is presumed that a "child in need of services" petition* (applicable to minors aged 6-18 who are runaways, beyond parental control, or truants) will be filed on behalf of the child (which will redirect the child away from the delinquency/ criminal justice system); a care and protection petition can be filed by a minor or any person; a child in need of services petition can be filed by a police officer or parent	Requirement that "appropriate services" be provided following a child abuse report for a child suspected of being sexually exploited or trafficked or when a sexually exploited child is taken into custody by law enforcement; a sexually exploited child shall have access to an advocate; multidisciplinary service teams with appropriate expertise shall recommend a service plan for a sexually exploited child	Penalties of imprisonment of up to 10 years and a fine of up to $10,000 for buying or selling sex with a minor under age 18; penalties of imprisonment from 5 years (mandatory minimum) to life for trafficking a minor for purposes of sexual servitude
Diversion to a service program for 16- and 17-year-olds alleged to have engaged in prostitution for the first time (effective 2014); prosecutorial discretion as to whether to continue diversion for subsequent offenses; children who are involved in prostitution as purchasers or traffickers remain subject to delinquency jurisdiction; sexually exploited children under age 16 no longer are subject to delinquency jurisdiction for prostitution	Commissioners of public safety, human services, and health and other stakeholders are charged with developing a victim services model to address needs of sexually exploited and at-risk youth (dependent on donation of sufficient funds from outside sources); multidisciplinary outreach to sexually exploited and at-risk youth is authorized	Penalties for buyers of adult prostitution are increased to between $500 and $750, with 40 percent of penalties going to a "Safe Harbor for Youth" account to pay for services for sexually exploited youth

continued

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TABLE 4-1 Continued

State (Title of Law)	Year Enacted	Age/Eligibility	Definitions
New York (Safe Harbor for Exploited Children Act)	2008	Covers minors under age 18; limited protection for minors ages 16 and 17	Definition of "sexually exploited child" includes minors under age 18 who are victims of sex trafficking, are victims of the crime of compelling prostitution, or engaged in prostitution offenses
Vermont (An Act Relating to Human Trafficking) (comprehensive human trafficking law)	2011	Covers minors under age 18	

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Type of Protection	Services Provided	Other Requirements
Minors under age 18, including minors ages 16 and 17, suspected of prostitution may be diverted to Family Court; Penal Code allows minors ages 16 and 17 to be prosecuted for prostitution in criminal court as adults; protection from prosecution limited to first-time offenders who meet federal criteria for a severely trafficked person and cooperate with law enforcement; if a minor is charged with prostitution, it is presumed that the minor meets federal criteria for a severely trafficked person; a "person in need of supervision" petition is substituted for a delinquency petition unless the minor does not meet criteria	"Safe houses" (as defined) to be available for sexually exploited youth; an advocate is to be provided for a sexually exploited youth in a safe house; safe houses are to assist sexually exploited youth in securing needed services; social services districts are to develop consolidated plans for addressing the needs of sexually exploited youth	
Minors have immunity from prosecution for prostitution in criminal court but may be subject to either a delinquency or dependency petition; being a victim of trafficking is an affirmative defense for sex-related offenses; force, fraud, or coercion is not required to establish that a minor is a victim of trafficking; a minor who is a victim of sex trafficking shall not be found to be in violation as delinquent of the offense of prostitution	Vermont Center for Crime Victim Services may convene a task force to develop a statewide protocol for providing services for victims of human trafficking; may enter into contracts to develop services	Mandatory minimum sentence of 20 years for sex trafficking of a minor

continued

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TABLE 4-1 Continued

State (Title of Law)	Year Enacted	Age/Eligibility	Definitions
Washington (An Act Relating to Sex Crimes Involving Minors)	2010	Covers minors under age 18	Abuse or neglect defined to include sexual exploitation by any person; "child in need of services" defined to include a sexually exploited child; "sexually exploited child" defined to include a minor under age 18 who is a victim of commercial sex abuse of a minor, promoting commercial sex abuse of a minor, or promoting travel for commercial sex abuse of a minor

NOTES: Texas addressed this issue through a judicial decision, In the Matter of B.W., 313 S.W.3d 818 (Tex. 2010). Every state has statutes providing for juvenile court jurisdiction over children who are "dependent" or "delinquent." The specific terms used to refer to these categories vary significantly from state to state. The term "dependent" generally refers to children

or sex trafficking in states that have adopted, or are considering adoption of, a requirement for universal or widespread reporting of cases of commercial sexual exploitation or sex trafficking of minors under child abuse reporting laws. The committee cautions that adopting a universal reporting requirement without ensuring the adequate preparation of child welfare agencies may have unintended consequences that are harmful to the vulnerable children that the laws are designed to assist, as discussed in Chapter 1.

Even before issues of the use and interpretation of laws can be identified and resolved, other obstacles must be overcome. The committee has noted the absence of a comprehensive source at the federal or state level for identifying all the relevant services available to address the needs of victims and survivors of commercial sexual exploitation and sex trafficking of minors. If the committee had difficulty identifying the laws providing for

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Type of Protection	Services Provided	Other Requirements
Mandatory diversion for first prostitution-related offense by a minor; "child in need of services" petition may be used to detain a sexually exploited child in a secure or semisecure crisis residential center with staff experienced in working with sexually exploited youth for up to 15 days without criminal charges being filed	Prostituted minor may receive compensation from a victims fund, which can be used to pay for needed services even if the minor is also charged with prostitution	Not knowing victim's age is not a defense for buyers and traffickers; increased fines for buyers and traffickers of minors to be deposited in a "Prostitution Prevention and Intervention Account," which can be used to fund programs that provide mental health and substance abuse counseling, housing relief, education, and vocational training for youth who have been diverted for a prostitution offense; services are provided to sexually exploited children in secure and semisecure crisis residential centers with staff trained to meet their specific needs; other services are provided for sexually exploited children

who have been abused or neglected; the term "delinquent" generally refers to children who have committed acts that would be crimes for adults.

*Legislation passed in 2012 that changed "child in need of services" to "child requiring assistance" mistakenly failed to include "sexually exploited child" in the definition of "child requiring assistance"; corrective action is pending.

such services, minors and their service providers and advocates are likely to have equal or greater difficulty in doing so.

STRENGTHS AND LIMITATIONS OF CURRENT LAWS

The current federal and state laws reviewed in this chapter have both strengths and limitations. Federal law on sex trafficking of minors has been strengthened significantly since 2000. A number of challenges that arose in early cases have been addressed in the law. Federal law now allows for substantial sentences for perpetrators of such exploitation of minors, although actual sentences vary significantly. In addition, amendments to relevant law have facilitated prosecutors' ability to secure convictions of traffickers and others who commercially sexually exploit minors.

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The federal Department of Justice's Office for Victims of Crime funds a number of programs in various states (see the discussion in Chapter 6). Although this is a positive step, these are not national programs, but more in the nature of pilot projects in limited locations. Even in those specific locations, the issues that will inevitably arise with respect to delivery of these services are enormous, and the laws themselves often provide little guidance on the particulars of how service delivery will be accomplished effectively.

In addition, not all state human trafficking laws address commercial sexual exploitation or sex trafficking of minors, or when they do mention minors, they may not do so in an optimal way. In the vast majority of states, minors who are victims of commercial sexual exploitation and sex trafficking can still be arrested and prosecuted as criminals, rather than being assured of being treated as victims. Even in instances where charges are reduced to status offenses, responses still fall short of recognizing and treating such children as victims of exploitation rather than as offenders. In addition, existing state criminal laws sometimes are poorly suited to addressing these problems because of definitional, jurisdictional, and procedural issues, as well as other factors. Child welfare, foster care, and dependency statutes are not designed to meet the needs of victims and survivors of commercial sexual exploitation and sex trafficking of minors—a growing concern as safe harbor laws being enacted in an increasing number of states redirect some victims and survivors to the child welfare system. The majority of safe harbor laws are too new for much to be known about how they are working, but early implementation efforts have revealed some issues, such as the limitation of the laws' protection in some states to minors who are under age 16 rather than age 18.

Finally, it is important to note that many laws, particularly at the state level, are still in the process of being implemented, in part because most state-level antitrafficking laws were adopted only in the last several years. The committee believes it is critical to ensure that the laws adopted are implemented fully and that legislatures take steps to appropriate the funding that has been authorized for survivors' services under existing law. State laws also need to be assessed to identify gaps and weaknesses, particularly in how they address the needs of minors, or fail to do so.

CHALLENGES AND MISSED OPPORTUNITIES

Many challenges and missed opportunities can be identified with respect to the past and future implementation of federal and state laws related to commercial sexual exploitation and sex trafficking of minors. The absence of reliable data on the national prevalence of commercial sexual exploitation and sex trafficking of minors (see Chapter 2) makes it difficult to know what is required to fully implement the laws and take programs

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to scale. The Office of Juvenile Justice and Delinquency Prevention is funding a national prevalence study aimed at addressing this gap. Other gaps in data exist. For example, data frequently are not disaggregated by age, sex, and other criteria that are important to understanding the problem and developing effective responses.

Very little monitoring and evaluation of laws, policies, and programs promulgated at the federal level or supported through federal law has been undertaken. The Government Accountability Office has criticized the federal government for the lack of evaluation of its global programs, but similar issues exist in federal responses to domestic sex trafficking (GAO, 2006, 2007). The same is true of many state-level laws, policies, and programs.

Assistance to victims continues to be challenged by two significant issues. Because commercial sexual exploitation and sex trafficking are clandestine activities, identifying victims is an ongoing challenge. Moreover, additional resources are needed to ensure that all survivors receive the services necessary to recover fully and reintegrate back into the community. The committee heard repeated comments about the lack of sufficient resources from stakeholders during its workshops and site visits.

Federal law provides funding to train law enforcement, social services, and other professionals who work with children. Although the federal government has provided some data on total numbers of individuals trained, it is unclear what those numbers mean in terms of overall progress in training key personnel. No data are provided on the percentage of individuals trained in various agencies, what the training consisted of (reports from the field suggest that most training programs are basic human trafficking 101/raising awareness and little more), what individuals who attended the programs learned, and the impact of turnover rates on training levels in law enforcement departments and social services agencies (Myles, 2012). The lack of monitoring and evaluation of training makes it virtually impossible to answer these questions. Further research is needed to determine whether and how federal law could be modified to ensure the training of all key personnel and to provide for monitoring and evaluation of training initiatives. (Training of key personnel across various sectors is discussed in the sector-specific chapters that follow.)

Other efforts have had mixed results at best. *The National Strategy for Child Exploitation Prevention and Interdiction* (DOJ, 2010) has been criticized as having "no specific objectives, measurable indicators or operational impact" (ECPAT-USA, 2012, p. 8). Also, the Rescue and Restore Campaign is largely decentralized, and thus the productivity of its various chapters differs dramatically among the various cities and states that have chapters.

For the most part, the state laws that address commercial sexual exploitation and sex trafficking of minors most directly—human trafficking and safe harbor laws—are too new to know where the greatest challenges

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will lie and where missed opportunities are most likely to occur. In efforts to improve the implementation of existing state laws that may be beneficial or to replicate those laws in other states, at least three challenges are likely to be salient. The first will be to overcome the persistent perception that exploited youth are "bad kids." This challenge was repeatedly identified by service providers and other experts in presentations during the committee's workshops and site visits. Second is the need for funding to support new and innovative services for this population of youth and to take those services to scale, especially as responsibility shifts from law enforcement and juvenile justice agencies to child welfare and other agencies. Third, to the extent that safe harbor laws or similar provisions are enacted to shift responsibility for sexually exploited and trafficked youth from juvenile justice to child welfare agencies, extensive efforts ultimately will be required to prepare a child welfare system that is not currently equipped to respond to the needs of these youth.

PROMISING LEGAL INTERVENTIONS

This section summarizes promising legal interventions that the committee identified in the course of this study. The focus is on the committee's examination of federal, state, and local laws relevant to commercial sexual exploitation and sex trafficking of minors in the United States. Given that the committee's statement of task also included identifying lessons learned from international responses to these problems, this report also includes an appendix (Appendix B) identifying selected examples of international laws containing noteworthy provisions that address commercial sexual exploitation and sex trafficking of minors. One such example is a law that mandates a "recovery and reflection" period of at least 30 days for any individual who may be a trafficking victim, during which he or she is provided services but not required to make any decision regarding cooperating with law enforcement.[90]

Identifying promising legal interventions in this area is challenging given that many such laws (particularly at the state level) are relatively new, and little evaluation of their effectiveness has been conducted. The committee believes that federal law on the criminalization of traffickers and others who commercially sexually exploit children is quite strong, with significant penalties that reflect the nature of the offenses. The committee also believes that safe harbor laws have the potential to reorient how vulnerable and exploited youth are treated in the system. More research is needed to assess the effectiveness of these laws over time, but the committee believes

[90]Council of Europe Convention on Action against Trafficking in Human Beings, art. 13 (2005).

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their core principle—that children and adolescents who are survivors of commercial sexual exploitation and sex trafficking must be treated as victims and not criminals—is fundamental and should guide the development of law and policy in this area. In the meantime, the committee 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 U.S. (federal, state, and local) response to commercial sexual exploitation and sex trafficking of minors is in the very early stages with respect to the development of legal interventions to prevent these crimes from occurring. Training is one aspect of this response. A legal mandate to ensure that personnel who come into regular contact with minors have been trained in these issues, including training in identifying vulnerable or exploited minors and in responding appropriately once such a minor has been identified, would appear to have potential value. To date, however, many relevant personnel have yet to receive any or adequate training.

Additionally, the legal mandate for a national strategy has several potential benefits, including facilitating more effective coordination and collaboration among agencies, fostering the development of monitoring and evaluation programs, and improving the government's capacity to apprehend perpetrators and provide services for victims. To date, however, the *National Strategy* has not been developed or implemented to the point that this potential has been realized. Correspondingly, legal requirements at the state level to develop comprehensive plans for services to victims, survivors, and at-risk youth through a collaborative approach among different sectors, including diverse public agencies and nongovernmental organizations, could be beneficial (see Chapter 10 for discussion of such approaches). To date, however, these efforts, to the extent they exist, are too nascent to permit conclusions about their effectiveness.

Finally, the committee recognizes that the law has a significant role to play in supporting promising interventions identified in other chapters of this report. Legislation can provide the legal mandate to compel agencies in all sectors of society to adopt and implement promising practices that address commercial sexual exploitation and sex trafficking of minors.

FINDINGS AND CONCLUSIONS

The committee's review of the literature and its careful consideration of expert testimony provide a picture of the current legal framework for commercial sexual exploitation and sex trafficking of minors in the United States. Based on its review of the best available evidence, the committee formulated the following findings and conclusions:

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4-1 The body of federal and state human trafficking laws enacted over the past dozen years emphasizes prosecution, provides for some services to victims and survivors, but pays only limited attention to prevention.

4-2 The development of legal interventions to prevent commercial sexual exploitation and sex trafficking of minors in the United States is in the very early stages.

4-3 State laws and regulations that can be used to address the commercial sexual exploitation and sex trafficking of minors form a diverse and complex array. Only a limited number directly address commercial sexual exploitation or sex trafficking, but many are nevertheless potentially important elements of a comprehensive response to these problems.

4-4 The absence of a comprehensive source of information identifying the services for victims and survivors established or funded by federal and state law presents obstacles for children and adolescents seeking to access services after experiencing the trauma of sex trafficking or sexual exploitation and for professionals and caregivers who try to help them.

4-5 Despite laws in every state that enable the prosecution of individuals who purchase sex with a minor, function as pimps, operate brothels engaged in the sale of sex with young females and males, or otherwise sexually exploit children and adolescents, and despite the hard work of prosecutors and law enforcement personnel in many jurisdictions, individuals who sexually exploit children and adolescents have largely escaped accountability.

4-6 Secure detention often is used as a means of "protecting" children and adolescents who have been sexually exploited and trafficked from future contact with and pressure from their exploiters and traffickers. Although the protection of victims and survivors is an important imperative, the use of secure detention can expose these youth to violence and other harms from those with whom they are detained, highlighting the need to develop alternative means of protection.

4-7 Child welfare laws in most states do not establish an adequate framework for the legal interventions and supportive services

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necessary to respond to the needs of minors who are victims and survivors of commercial sexual exploitation and sex trafficking.

4-8 Monitoring and evaluation of the implementation of laws, policies, and programs that have been promulgated at the federal and state levels or supported through federal and state law has been sparse and inadequate, and at times completely absent.

4-9 The law has a significant role to play in supporting promising interventions identified in this report. Legislation can provide both the legal mandate to compel agencies and other entities in all sectors of society to adopt and implement promising practices that address commercial sexual exploitation and sex trafficking of minors and the funding necessary to support them in doing so.

4-10 Further research is needed on an ongoing basis to identify gaps and weaknesses in federal and state laws (including the implementation of these laws) and in understanding of how and the extent to which they address, or fail to address, the needs of minors who are victims of commercial sexual exploitation or sex trafficking.

4-11 Further research is needed to examine whether child welfare agencies have the necessary resources and are adequately prepared to meet the needs of minors who are victims and survivors of commercial sexual exploitation or sex trafficking in states that have adopted, or are considering adoption of, a requirement for universal or widespread reporting of cases of commercial sexual exploitation or sex trafficking of minors under child abuse reporting laws.

4-12 Further attention is needed to the intersection of laws and the education, housing, and employment needs of both children and adolescents who are vulnerable to and those who have been victimized by commercial sexual exploitation and sex trafficking to ensure that their needs are met.

4-13 Existing provisions of state laws criminalizing prostitution have been used to arrest and prosecute minors whose actions fall within the technical ambit of these laws even when these children and adolescents are in fact victims of commercial sexual exploitation or sex trafficking.

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4-14 Children and adolescents exploited in the commercial sex industry or through sex trafficking are victims of crimes. Further attention is required to the continued arrest and prosecution of these youth for prostitution or other sexual offenses related to their exploitation, which has the potential to exacerbate the harm they have suffered. Safe harbor laws and principles merit further consideration in all federal, state, and local jurisdictions.

4-15 Further research is needed to identify and address any obstacles in law or its enforcement that inhibit the prosecution of customers, traffickers, and other exploiters of children.

4-16 Civil lawsuits merit further exploration as a strategy for creating effective remedies for commercial sexual exploitation and sex trafficking of minors. Efforts to identify and remove barriers faced by child and adolescent victims in bringing such claims against the traffickers and other exploiters who have victimized them are warranted.

4-17 It is critical to ensure that, once adopted, laws are implemented fully and that legislatures take steps to appropriate funding that has been authorized for survivor services under existing law.

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Part II

Current and Emerging Strategies

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5

The Legal System

The legal system responsible for addressing the victims, survivors, and offenders of sexual exploitation and sex trafficking of minors comprises 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. The adult criminal justice system encompasses the individuals and systems responsible for the detection and apprehension, prosecution and defense, and punishment and rehabilitation of individuals who are suspected or convicted of criminal offenses. In contrast, although the juvenile justice system performs some functions parallel to those of the adult criminal justice system with respect to juvenile offenders, it was originally established to respond to the developmental differences between adolescents and adults, specifically to focus on treatment as the means for rehabilitation rather than enforcement and punishment (NRC, 2013). Thus, the actors in the adult and juvenile systems often bear the same labels but have different albeit related functions and roles.

As part of its charge, the committee was asked to review selected efforts in law enforcement to prevent commercial sexual exploitation and sex trafficking of minors and to intervene with victims and offenders. This chapter describes how the legal system—specifically law enforcement personnel, attorneys, the juvenile justice system, and in some instances the adult criminal justice system—interacts with the victims and survivors of commercial sexual exploitation and sex trafficking. It also describes what

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is known about how traffickers, exploiters, and purchasers interact with law enforcement and the adult criminal justice system. Since law enforcement often is the first point of contact with the legal system for the victims, survivors, and offenders of commercial sexual exploitation and sex trafficking, the chapter includes noteworthy examples of current law enforcement practices and describes existing challenges and opportunities. The chapter concludes with the committee's findings and conclusions about the role of law enforcement in preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors in the United States.

This chapter should be read with some caveats in mind. First, several of the studies, reports, and efforts cited in this chapter (Clawson et al., 2006; Farrell et al., 2008, 2012) describe law enforcement responses to human trafficking broadly, and are not specific to commercial sexual exploitation and sex trafficking of minors. Second, while this chapter describes a range of law enforcement task force models and activities, it should be noted that participation in task forces is only one way for law enforcement agencies to address human trafficking. Finally, multisector and interagency task forces are covered in greater detail in Chapter 10.

CURRENT LAW ENFORCEMENT PRACTICES WITH VICTIMS

Law enforcement personnel often are the first to respond to commercial sexual exploitation and sex trafficking cases. Their knowledge and ability 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 in the United States. Law enforcement personnel at all levels—local, county, state, and federal—may encounter these cases and need to be prepared to respond appropriately.

Federal Law Enforcement Practices

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 this level. The Federal Bureau of Investigation (FBI), for example, responds to commercial sexual exploitation and sex trafficking of minors in several ways. Three significant areas of FBI activity are described briefly in the subsections that follow: the Innocent Images National Initiative Unit, the Crimes Against Children Unit, and the Innocence Lost National Initiative.

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Innocent Images National Initiative Unit

The Innocent Images National Initiative Unit, part of the FBI's Cyber Division, started in 1995. Its focus is on crimes against children that are facilitated through the use of technology such as computers, digital cameras, and audio equipment, including 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 (DOJ, 2009, 2010; FBI, 2012a, undated). More than 300 FBI special agents work on cyber crimes against children and participate in a number of multisector efforts aimed at fostering federal, state, and local interagency cooperation and collaboration. These efforts include the Project Safe Childhood Initiative and the Department of Justice–funded Internet Crimes Against Children Task Forces, described in more detail below. (See Chapter 10 for further discussion of multisector and interagency efforts to address commercial sexual exploitation and sex trafficking of minors.)

Crimes Against Children Unit

Established in 1997, the FBI's Crimes Against Children Unit, housed within the agency's Violent Crime Section, has oversight over a variety of crimes against children, including child abduction and interstate transportation of and obscene matter involving children (DOJ, 2009). A further responsibility of this unit that is germane to this report is oversight over the sexual exploitation and sex trafficking of children. More than 100 special agents in the FBI's 56 field offices are designated as crimes against children coordinators. It is from this unit that the Innocence Lost National Initiative, described below, originated (DOJ, 2009).

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 (FBI, 2012a). The task forces generally are headed by an FBI special agent and 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. Those participating in the groups receive regular training provided by the National Center for Missing and Exploited Children in conjunction with the FBI regarding the nature of sex trafficking, including

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characteristics and behaviors of victims and related topics. In addition, task force members and working groups share information gathered that is suggestive of sex trafficking of minors. Leads on sex trafficking of minors also originate from local law enforcement operations and observation, Internet monitoring, and tips reported directly to the National Center for Missing and Exploited Children's 24-hour CyberTipline (see Box 5-1). If appropriate, a federal-level investigation of domestic sex trafficking of minors may be initiated as a result of these collaborations and leads (DOJ, 2009).

An important tool used by Innocence Lost is a database of information on both children who have been exploited through force and/or coercion and exploiters, first deployed in 2008 (DOJ, 2009). Data are available to authorized local law enforcement agents and FBI personnel only through the shared Law Enforcement Online network. This database provides information on interstate movement, names, aliases, and physical characteristics

BOX 5-1
Use of Tips from the Public and Electronic Service Providers to Enhance the Law Enforcement Response to Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

The National Center for Missing and Exploited Children's (NCMEC's) CyberTipline is an Internet-based reporting tool operated in partnership with the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement, the U.S. Postal Inspection Service, the U.S. Secret Service, military criminal investigative organizations, the U.S. Department of Justice, and the Internet Crimes Against Children Task Force program, as well as other state and local law enforcement agencies (Allen, 2012). Reports to the CyberTipline are made by the public and by U.S.-based electronic service providers (i.e., companies that provide electronic communication services or remote computing services to the public) as required by federal law* (NCMEC, 2013). CyberTipline reporting categories include, among others, possession, manufacture, and distribution of child pornography; online enticement of children for sexual acts; child prostitution; and sex tourism involving children (NCMEC, 2013).

According to the National Center for Missing and Exploited Children, since 1998 the CyberTipline has received more than 1.6 million reports of suspected child sexual exploitation. Information gathered via the CyberTipline is shared with law enforcement and prosecutors to assist them in detecting, investigating, and prosecuting child sexual exploitation crimes.

*18 U.S.C. § 2258A.
SOURCES: Allen, 2012; NCMEC, 2013.

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BOX 5-2
The Innocence Lost National Initiative's Operation Cross Country: A Federal, State, and Local Law Enforcement Response to Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

In June 2012, the Federal Bureau of Investigation (FBI) announced that the Innocence Lost National Initiative's Operation Cross Country, a 3-day law enforcement effort, had led to the recovery of 79 victims of commercial sexual exploitation and sex trafficking of minors (see www.fbi.gov; www.justice.gov; or www.ncmec.org for more detail about the Innocence Lost National Initiative). In addition, local and state law enforcement had arrested 104 exploiters and traffickers on a variety of prostitution-related charges (FBI, 2012b). This effort was the sixth such nationally coordinated law enforcement operation conducted to respond to commercial sexual exploitation and sex trafficking of minors in the United States (FBI, 2012b).

Through Operation Cross Country, local law enforcement officers gather information on and make arrests for violations of local and state laws related to prostitution and solicitation in their respective jurisdictions. FBI agents, in partnership with U.S. Attorney's Offices and the U.S. Department of Justice's Child Exploitation and Obscenity Section, use information gathered from these local arrests to file federal charges, as appropriate (FBI, 2012b).

Through Operation Cross Country and the Innocence Lost National Initiative, the FBI has worked with more than 8,500 local, state, and federal law enforcement officers and agents representing more than 400 separate agencies (FBI, 2012b). According to the FBI, these efforts have led to the identification of and assistance to more than 2,200 minors exploited through prostitution and sex trafficking (FBI, 2012b). Investigations of these crimes have led to 1,017 convictions of exploiters and traffickers and the seizure of more than $3.1 million in assets (FBI, 2012b).

SOURCE: FBI, 2012b.

of identified exploiters and victims. It includes images and audio files (DOJ, 2009).

The Innocence Lost National Initiative often is seen as successful in providing a federal law enforcement-based mechanism for responding to cases of commercial sexual exploitation and sex trafficking of minors. As of June 2012, more than 2,100 children had been removed from exploitive circumstances such as sex trafficking; more than $3.1 million of real property, money, and vehicles had been seized; and approximately 1,010 convictions (including life sentences) of exploiters and others engaged in and benefiting from the sex trafficking of minors had been secured (FBI, 2012a). The Innocence Lost National Initiative also conducts periodic law enforcement activities in collaboration with state and local law enforcement agencies. (See Box 5-2 for a description of one such activity.)

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State and Local Law Enforcement Practices

As discussed in Chapter 4, law enforcement has found 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) (Farrell et al., 2008). The committee is encouraged that 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 (Fassett, 2012; Gavin, 2012; Goldfarb, 2012). A review of case files from six police agencies in major U.S. cities indicates that police viewed 60 percent of youth involved in prostitution as victims and 40 percent as offenders (Halter, 2010). Similarly, researchers determined from a survey of case investigators that police considered 69 percent of youth involved in prostitution to be victims rather than offenders (Wells et al., 2012). Police were more likely to consider a youth to be a victim if she or he cooperated, if police identified an exploiter, and if the youth came to the attention of police through a report rather than through an arrest (Halter, 2010).

The committee heard anecdotal evidence from several sources that police struggle to balance treating youth involved in trafficking as victims and ensuring that the youth will cooperate in investigations of traffickers and purchasers. Police report that their greatest challenge in investigating trafficking cases is lack of victim cooperation (Clawson et al., 2006; Farrell et al., 2008). As noted in earlier chapters, youth involved in sex trafficking often do not identify themselves as crime victims (Fassett, 2012), which may make them hesitant to cooperate with police investigations. Some police agencies and officers have responded to this hesitation by detaining youth to ensure their cooperation (Bortel et al., 2008; Brickhead, 2011; Bryan, 2012; Puig-Lugo, 2012). However, secure detention deprives youth of opportunities that are vital to healthy development, including access to activities that lead to self-efficacy and critical thinking, connections with peers who exhibit prosocial behavior and value academic success, and adequate health and mental health care (NRC, 2013). In addition, during its site visits and public workshops the committee heard expert testimony that secure detention can be an additional trauma and is therefore especially harmful to minors who are victims of commercial sexual exploitation and sex trafficking (Puig-Lugo, 2012; Serita, 2012; Sherman, 2012). As discussed in Chapter 4, some police agencies believe that detaining youth has the additional benefit of protecting them from further involvement in trafficking (Farrell et al., 2012; Fassett, 2012; Letot Center, 2012). Other police agencies have stopped arresting juveniles for prostitution, and instead work to build cases against traffickers with the voluntary participation of victims or without victim participation (Gavin, 2012; Hersh, 2012; Hooven et al.,

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2012). Neither of these approaches has been evaluated for effectiveness from the perspective of either advancing police investigations or protecting victims' interests. However, an approach that addresses youth consistent with the developmental characteristics of adolescents and focuses on treatment as opposed to punishment is consistent with the science behind and the purpose of the reform efforts under way in the juvenile justice system (NRC, 2013).

Police agencies vary widely in their perception of the prevalence of trafficking. Among a random sample of state, county, and municipal law enforcement agencies, nearly 60 percent thought domestic sex trafficking was nonexistent, and only 6 percent thought it was a widespread or occasional problem (Farrell et al., 2008). Respondents to surveys of larger agencies and those with experience with trafficking are more likely to view domestic sex trafficking as a problem. Respondents from only 25 percent of agencies serving 75,000 or more people (Farrell et al., 2008) or within cities with known human trafficking activity (Clawson et al., 2006) viewed domestic sex trafficking as nonexistent. Even more dramatic, among respondents from agencies participating in a human trafficking task force, none perceived domestic sex trafficking to be nonexistent, while 38 percent viewed it as a widespread or occasional problem (Farrell et al., 2008).

Police agencies can take several steps to prepare to handle cases of commercial sexual exploitation and sex trafficking of minors: dedicating a unit or personnel to handle cases, training officers about trafficking, developing protocols for trafficking cases, and participating in human trafficking task forces. In a multivariate regression model, whether an agency had specialized personnel, training, and protocols was among the strongest predictors of whether the agency had investigated a case of human trafficking (Farrell et al., 2008).

Agencies with a dedicated unit or personnel appear to be more likely to investigate cases of human trafficking, although the causal relationship between dedicated staff and cases is not clear. In a random sample, nearly 44 percent of agencies with dedicated staff had investigated a human trafficking case, compared with 5.7 percent of agencies without a specialized unit (Farrell et al., 2008). However, the officers most likely to contact trafficking victims are patrol officers rather than those in specialized units (Farrell et al., 2012), highlighting the importance of educating all officers about trafficking.

Despite their importance for dealing with commercial sexual exploitation and sex trafficking of minors, few agencies have dedicated human trafficking units or personnel. Only 4 percent of a random sample of agencies reported having such specialized units or personnel, although that number increased to 16 percent for agencies serving 75,000 or more people and to 77 percent for those involved in a trafficking task force (Farrell et al.,

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2008). Of the four cities the committee visited, only Chicago and Boston have dedicated units. However, 37 percent of agencies in a nonrandom sample indicated they had a unit whose duties would include addressing human trafficking cases; these units included vice, narcotics, organized crime, special victims/sexual assault, crimes against persons, child exploitation, and detective bureaus (Wilson and Dalton, 2008; Wilson et al., 2006).

Agencies whose officers receive training in human trafficking also appear to be more likely to investigate such cases, although the causal relationship between training and cases likewise is not clear. Approximately 20 percent of agencies with trained officers had identified a human trafficking case, compared with 4.4 percent of agencies without such officers (Farrell et al., 2008). Agencies increasingly are training officers to address human trafficking. This was the case for approximately 18 percent of agencies in a random sample, increasing to 39 percent of agencies serving 75,000 or more people and more than 90 percent of agencies involved in a trafficking task force (Farrell et al., 2008). Police reported that training was most needed on the following topics: methods for identifying and responding to trafficking, methods for identifying victims, and understanding trafficking laws (Clawson et al., 2006). As mentioned previously, police report that their greatest challenge in investigating trafficking cases is lack of victim cooperation (Clawson et al., 2006; Farrell et al., 2008), and many officers report challenges in communicating with victims (Clawson et al., 2006; Farrell et al., 2012); therefore, training needs to include a significant focus on working with victims of trafficking (Farrell et al., 2012). Local law enforcement officers may also need training in the roles of federal law enforcement and victim services providers in trafficking investigations; 90 percent of a convenience sample of local and state investigators indicated that they did not understand those roles. A nonrepresentative sample of federal stakeholders indicated that local law enforcement needs training in obtaining victim testimony, corroborating stories, obtaining physical evidence, and following paper trails (Clawson et al., 2006). Officers can be trained in a variety of ways, including events sponsored by the federal government, victim service providers, and local and state law enforcement (Clawson et al., 2006). The committee is unaware of evaluations of any police training curricula related to commercial sexual exploitation and sex trafficking of minors; however, the need for and value of such training was consistently mentioned in testimony before the committee.

Agencies with a policy or protocol for trafficking cases appear to be more likely to investigate cases of human trafficking, although the causal relationship between having a policy or protocol and cases again is not clear. Approximately 26 percent of agencies with such a policy or protocol had identified a human trafficking case, compared with 5.6 percent of agencies without one (Farrell et al., 2008).

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Several sources suggest that police would benefit from having protocols for investigating human trafficking cases (Clawson et al., 2006; Farrell et al., 2008). Approximately 9 percent of a random sample of law enforcement agencies reported having a policy or protocol for responding to human trafficking. The percentage with such a policy or protocol increased to 13.2 percent among agencies that serve populations of 75,000 or more to 100 percent among agencies that participate in a trafficking task force (Farrell et al., 2008).

Police have a number of ways to learn about instances of trafficking and build cases against traffickers. A review of sex trafficking case files indicated that nearly 40 percent of cases originated with a tip to law enforcement, 18 percent with an ongoing investigation, and 12 percent with a law enforcement sting operation (Farrell et al., 2012). Agencies that have investigated cases of trafficking indicated that they are most likely to learn about trafficking cases during the course of other investigations or undercover operations and from calls for service (Farrell et al., 2008). Agencies participating in federally funded task forces were more likely to perceive information from different investigations as a strong source of information about trafficking cases (Clawson et al., 2006; Farrell et al., 2008). Those agencies listed an alert from victim services as the second most likely source of information about trafficking cases, indicating that they may have a stronger relationship with the victim services community (Farrell et al., 2008). For example, the Boston Police Department, as part of a federally funded human trafficking task force, developed protocols that included monitoring police reports to identify potential victims of commercial sexual exploitation and sex trafficking proactively and maintaining partnerships with social service and other law enforcement agencies to facilitate referrals when appropriate (Farrell et al., 2008).

These data may indicate that police most often take a reactive approach to sex trafficking cases, relying on tips or other investigations rather than originating new cases. When trafficking victims are encountered during the course of another investigation, 81 percent of agency respondents indicated that the individual's demeanor—acting fearful or noncooperative—is very important or important as an indicator that she or he is a trafficking victim. Other indicators frequently mentioned include not having control over identification or travel documents, makeshift living quarters, and frequent movements (Farrell et al., 2008).

Challenges

Regardless of whether law enforcement operates at the local, state, county, or federal level, many of the challenges associated with identifying, investigating, and effectively responding to commercial sexual exploitation

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and sex trafficking of minors are the same, as discussed at length in the preceding section. This section summarizes some of the major challenges for law enforcement in efforts to respond to the victims and survivors of these crimes.

One barrier to responding appropriately and effectively to victims and survivors of commercial sexual exploitation and sex trafficking of minors is the failure of law enforcement personnel to recognize these crimes as pressing criminal offenses (Clawson et al., 2009). As noted above, many law enforcement officials, especially those in smaller agencies and those whose agency is not involved in a task force devoted to this issue, do not identify commercial sexual exploitation and sex trafficking of minors as a problem affecting their communities.

Law enforcement officials often have a difficult time identifying minors involved in commercial sexual exploitation and sex trafficking. They are likely to rely on an individual's demeanor (acting fearful or noncooperative), as well as the indicators of not having control over identification or travel documents, makeshift living quarters, and frequent movements, to identify trafficking victims. Criminology research indicates that adolescents of color often do not trust the legal system, believing that they and members of their racial/ethnic group will not be treated fairly (NRC, 2013). This lack of trust complicates the challenges of relying on victim cooperation as a means of determining whether or how to proceed with a case. As noted above, uncooperative behavior may be indicative of trafficking/exploitation, yet lack of cooperation is the main feature that discourages law enforcement from working with victims and pursuing trafficking cases. Halter (2010) identifies characteristics that are associated with law enforcement personnel viewing a child or adolescent as a victim. Specifically, if the victim cooperated, if police identified an exploiter, and if the victim came to the attention of police through a report rather than through police action, police were more likely to regard the child or adolescent as a victim. While the movement toward viewing these youth as victims rather than offenders is promising, this is a high threshold that most victims would not meet.

Responses to identification also vary widely. The committee is encouraged that an increasing number of law enforcement agencies are moving away from arresting youth suspected of engaging in prostitution toward treating them as victims, connecting them with services, and focusing on investigation and prosecution of those who exploited them (Gavin, 2012; Goldfarb, 2012). Yet clearly improvement is sorely needed as many law enforcement personnel continue to view these youth as offenders and to arrest them as such (see the discussion of this issue in Chapter 4). A review of case files from six police agencies in major U.S. cities indicated that 40 percent of law enforcement personnel continue to perceive such youth as offenders (Halter, 2010). Others may arrest victims to "encourage" them

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to assist in prosecution—this despite current efforts in some states and jurisdictions to work with prosecutors to pursue cases against exploiters that are "victim-driven, not victim-built" or "evidence-based," an approach that entails relying on voluntary participation of victims or building cases that do not require victim participation (Gavin, 2012; Hersh, 2012).

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. A nonrepresentative sample of federal stakeholders indicated that local law enforcement needed training in investigating cases of commercial sexual exploitation and sex trafficking of minors in the United States. Specifically, officers needed training in obtaining victim testimony in ways that do not coerce or further harm the victim, corroborating stories, obtaining physical evidence, and following paper trails (Clawson et al., 2006). As discussed earlier, training in these areas is vitally important and is associated with an investigation's being launched at all.

Opportunities

Each of the challenges described above suggests opportunities to improve understanding of and response to commercial sexual exploitation and sex trafficking of minors in the United States. These opportunities relate to perceiving the urgency of these problems, identifying victims, deciding whether to arrest victims, addressing a lack of victim cooperation, and handling cases of these crimes appropriately.

Training

As discussed above, law enforcement agencies increasingly are training their personnel to recognize and respond to human trafficking. 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 circumstances, such as massage parlors, brothels, escort services, and strip clubs, not just on the street (Walker, 2012).

One area in which training is vital is recognizing the existence and seriousness of commercial sexual exploitation and sex trafficking of minors in the United States. Such training can change departmental culture and response to these crimes. In Dallas, for example, each of the 3,700 officers in the police department has received 3 hours of training in how to recognize and identify "high-risk" victims—children and adolescents most likely to become victims of commercial sexual exploitation or sex trafficking. This training was credited with changing departmental culture and increasing

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awareness of commercial sexual exploitation and sex trafficking of minors among front-line officers (Fassett, 2012).

Training also is imperative to better equip officers to identify victims (Clawson et al., 2006). As noted earlier, a challenge described by many front-line responders is the difficulty of identifying victims, especially given their reluctance to self-identify or even acknowledge they are victims. Although any child or adolescent can be a victim of commercial sexual exploitation or sex trafficking, risk is not evenly distributed throughout the population of minors. Chapter 3 outlines evidence-based factors associated with the risk of victimization by these crimes.

Training to enhance the ability to identify victims of commercial sexual exploitation and sex trafficking is available online. Examples of such training include that offered by Polaris Project (2013) and the Department of Homeland Security (U.S. Department of Homeland Security, 2013). Both offer information on how to recognize human trafficking, how to assist victims, and how to initiate investigations.

Research indicates that law enforcement personnel often feel unprepared to initiate an investigation into commercial sexual exploitation and sex trafficking of minors. This is due in part to a failure to understand the rapidly changing laws on trafficking (Clawson et al., 2006). Training is imperative for officers to feel confident in initiating a well-conducted investigation, and again, research indicates that without training, investigations are unlikely to be conducted.

Clawson and colleagues (2006) also point to the need for training that extends beyond identification of victims to focus on how to respond to trafficking. This training is important to equip officers to follow through and conduct successful investigations, as well as to make appropriate referrals for services. Specifically, local law enforcement officers need training to better understand the roles of victim services and federal law enforcement in trafficking investigations.

Lessons Learned from Related Crimes and Practice

Instructive and encouraging lessons regarding changes in culture and perceptions may be found in changes in the law enforcement response to domestic violence over the last 40 years. As noted in Chapter 3, there are many parallels between domestic violence and commercial sexual exploitation and sex trafficking of minors, including similar power and control dynamics, reluctance of victims to self-report or cooperate with the investigation and prosecution, and complex cases that necessitate the involvement of a number of diverse agencies to provide needed services.

As is commonly the case today with commercial sexual exploitation and sex trafficking of minors, law enforcement was initially skeptical of

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and unmotivated to address domestic violence as a criminal issue. However, the law enforcement response to domestic violence changed dramatically in the United States beginning in the early 1970s. Before this time, police used their discretion to determine whether an arrest should be made and frequently ignored victims' requests for assistance (Buzawa and Buzawa, 1996; Phillips and Sobol, 2010; Townsend et al., 2005). Domestic violence was viewed as a private and personal matter best left to the parties involved (see, e.g., Wilt et al., 1977). The police response failed to improve as dispatchers and officers purposely delayed responding to these calls in the hope that the violent situation would resolve prior to their arrival (Oppenlander, 1982; Townsend et al., 2005). "Noninterference" and mediation were the preferred responses to domestic violence calls (Flemming, 2003; Morley and Mullender, 1992; Reuland et al., 2006). With increased political pressure and social awareness, the approach to domestic violence started to change. A number of police chiefs lost lawsuits that held them accountable for failing to provide equal protection under the law for these victims (Belknap, 1995; Dichter et al., 2011; Dobash and Dobash, 1984; Niemi-Kiesilainen, 2001). Millions of dollars in damages were awarded to victims and their families, which resulted in the implementation of mandatory or presumptive arrest policies (Townsend et al., 2005).

Careful consideration of changing law enforcement responses to domestic violence, sexual assault, and other offenses may offer insights into approaches to interacting with victims who may be reluctant to cooperate with law enforcement investigations. Additional research would help identify effective approaches used with victims of sexual assault and domestic violence. Some research suggests, however, that traditional approaches to working with victims may not translate to victims of commercial sexual exploitation and sex trafficking of minors (Ryon et al., 2012) because the typical survivor or victim of the latter crimes is characterized by an additional set of needs. Most victims of these crimes have a history of drug/alcohol abuse, have had difficulties in school (or have dropped out completely and ended their education prematurely), and have experienced severe difficulties in their homes (see Chapter 3). They require assistance for substance abuse, education, and housing. Therefore, applying what has been learned from domestic violence is valuable, but victims of commercial sexual exploitation and sex trafficking require additional attention to deal with their even more complex set of needs. Further, many victims and survivors of commercial sexual exploitation and sex trafficking who are minors experience legal limitations not faced by adult victims of sexual assault and domestic violence.

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CURRENT LAW ENFORCEMENT PRACTICES WITH OFFENDERS

Strengthening and improving the law enforcement approach to victims and survivors is crucial, but it is only one part of the overall law enforcement response to commercial sexual exploitation and sex trafficking of minors in the United States. Equally important is how law enforcement—at all levels—responds to exploiters and traffickers.

Research on the law enforcement response to exploiters and traffickers is quite limited. The committee was unable to find much evidence beyond the testimony of law enforcement personnel who participated in the committee's public workshops and site visits. However, the committee was able to draw lessons from a handful of research efforts, government reports, and testimony regarding isolated efforts across the country. For example, data from a national sample of law enforcement agencies reveal the following for the period 2000-2006:

- a 21 percent increase in arrests of individuals soliciting children and adolescents online;
- a 381 percent increase in arrests of individuals who solicited undercover investigators posing as minors online;
- increased arrests of offenders aged 18-25; and
- 4 percent of those arrested for pursuing minors online having been registered sex offenders (Wolak et al., 2008).

The authors conclude that online undercover techniques are a particularly successful tool used by law enforcement to apprehend these offenders.

Other research suggests that exploiters and traffickers perceive criminal sanctions for engaging in commercial exploitation and sex trafficking of minors as less significant than the potential benefits. For example, one study estimates that a trafficking victim may earn for her exploiter $75,000 to $250,000 annually (Hughes, 2005). Because of the hidden nature of commercial sexual exploitation and sex trafficking of minors, exploiters, traffickers, and purchasers may perceive the risk of arrest as minimal. Finally, purchasers in many states may successfully claim ignorance of the actual age of the victim and consequently not be held accountable (see Chapter 4).

The following sections document what is known about current law enforcement practices related to exploiters and traffickers and—to the extent possible—the effectiveness of such practices.

Federal Law Enforcement Practices

As noted earlier in this chapter, several federal law enforcement agencies—most notably the FBI—engage in activities and operations fo-

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cused on the detection, investigation, and prosecution of crimes against children at the federal level, including the commercial sexual exploitation and sex trafficking of minors. As previously described, these practices rely on specialization, interagency collaboration, and targeted resources and are believed by many to produce not only improved outcomes for victims but also increased accountability and consequences for exploiters and traffickers. The steady increase in the number of federal prosecutions and convictions documented since passage of the Trafficking Victims Protection Act (TVPA) in 2000 provides some support for this belief, but further evaluation is warranted (Small et al., 2008).

Federal Support for State and Local Law Enforcement Efforts

In addition to providing support for the pursuit of criminal cases against exploiters and traffickers in the federal system, federal agencies and initiatives typically involve state and local law enforcement personnel in their investigations and task forces, with the goal of building stronger cases at those levels as well. One example of a federal initiative explicitly aimed at supporting state and local law enforcement efforts to investigate and hold perpetrators accountable is 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 coordination among and enhance the investigative responses of state and local law enforcement to offenders who use the Internet, online communication systems, or computer technology to sexually exploit children. These resources include investigative and forensic resources, as well as training and technical assistance designed to promote and enhance both proactive and reactive investigations and prosecutions of offenders engaged in technology-facilitated sexual exploitation of children. The program started in 1998 in response to the mandate in the fiscal year (FY) 1998 Justice Appropriations Act[1] to develop a national network of state and local law enforcement cyber units to investigate cases of child sexual exploitation. The program has since 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 and have a presence in every state. In the Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children (PROTECT Our Children) Act of 2008,[2] Congress officially established the National ICAC Task Force Program within the

[1]Public Law 105-119.
[2]Public Law 110-401.

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Department of Justice to continue and strengthen the program's efforts, and designated the program as a participant in the Department of Justice's Project Safe Childhood Initiative.

Since it began, the ICAC Task Force Program has trained more than 338,000 law enforcement officers, prosecutors, and other professionals, and ICAC Task Forces have reviewed more than 280,000 complaints of alleged child sexual victimization, resulting in more than 30,000 arrests. Historically, the ICAC Task Forces have focused their efforts on child pornography and online enticement of children by sexual predators. Since trafficking of children for sexual purposes also is included within the definition of technology-facilitated child sexual exploitation used by the ICAC Task Force Program, ICAC Task Forces across the country recently have become involved with these cases to varying degrees (Gersh, 2012). Although still a small percentage of the total number of complaints reviewed by the ICAC Task Forces, documented complaints of commercial sexual exploitation of children were reported to have more than tripled from 458 in FY 2010 to 1,493 in FY 2011 (OJJDP, 2010).

The experience of the ICAC Task Forces may make them especially well suited to becoming more involved in these cases since, as pointed out in workshop presentations to the committee, the sale of children for sexual purposes has moved "behind closed doors" because of the Internet instead of occurring primarily "on the streets" (Allen et al., 2012; Gavin, 2012). 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.

State and Local Law Enforcement Practices

Several noteworthy practices used by state and local law enforcement to intervene with offenders and gather corroborative evidence for criminal cases have been used and recommended by experienced investigators for cases of commercial sexual exploitation and sex trafficking of minors and were also described in presentations to the committee (Clawson and Dutch, 2008; Gavin, 2012; Gentile Long and Garvey, 2012; Greene, 2012; Hersh, 2012; Knowles-Wirsing, 2012; Nasser, 2012; Walker, 2012).

Investigations undertaken by the Boston Police Department's Human Trafficking Unit 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 (Gavin, 2012). In Chicago, police work closely with staff from the Salvation Army's

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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 (Greene, 2012; Knowles-Wirsing, 2012; Nasser, 2012). To date, only Illinois and Massachusetts authorize the use of wiretapping for child sex trafficking cases; wiretapping as an investigative technique has previously been allowed only rarely and in other types of cases, such as suspected terrorism or drug investigations. This technique may merit further consideration by other states willing to pursue changes in legislation to allow its use.

Also mentioned as possible sources of evidence are the following:

- 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 (Clawson and Dutch, 2008; Gentile Long and Garvey, 2012; Greene, 2012; Knowles-Wirsing, 2012; Koch, 2012; Nasser, 2012; Walker, 2012).

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.

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ATTORNEYS AND VICTIMS/SURVIVORS

Prosecutors work with law enforcement to develop sex trafficking cases and charge traffickers, while defense attorneys represent both victims and perpetrators of trafficking.

Prosecutors

Recently, several national legal organizations, including the American Bar Association, the National District Attorneys Association, and the National Association of Attorneys General, have turned their attention to sex trafficking, indicating growing attention and concern within the legal community. Yet trafficking prosecutions appear to be rare, with only 7 percent of a nonrandom sample of state and local prosecutors responding that they had prosecuted a human trafficking case (Clawson et al., 2008). Further, in many states that have sex trafficking legislation, prosecutors are unaware of the law (Clawson et al., 2008).

As described in Chapter 4, 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 and prosecutors; 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 overcoming the barriers to effective collaboration discussed in Chapter 10 can be challenging. In a survey of federal prosecutors who worked in districts that had prosecuted human trafficking cases under the TVPA (sex and labor trafficking of adults and children), 91 percent of cases involved collaboration with other local, state, or federal authorities (Clawson et al., 2008). Approximately 71 percent of federal prosecutors responded that they had a positive working relationship with local law enforcement, 63 percent had a positive working relationship with federal law enforcement, and 29 percent had a positive working relationship with state law enforcement (Clawson et al., 2008). Federal prosecutors reported working with nongovernmental organizations in 57 percent of cases and reported having an excellent to very good relationship with those organizations in 43 percent of cases. A nonrandom survey of state and local prosecutors indicated that they collaborated with federal, state, and local law enforcement in approximately two-thirds of cases (Clawson et al., 2008).

Prosecutors noted several challenges and barriers to prosecuting human trafficking cases: length of investigations, lack of knowledge about trafficking issues, lack of victim cooperation, unavailability of victims and wit-

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nesses, lack of collaboration, lack of training, lack of institutional support, and lack of funding (Bortel et al., 2008; Clawson et al., 2008). Presentations to the committee echoed these concerns and revealed additional obstacles. Presenters pointed out that working these cases is difficult because of the extended time and effort required, which takes a toll on investigators and prosecutors (Gelber, 2012). In addition, turnover, whether due to stress or to rotation of experienced personnel, was cited as creating the need for additional training and as detrimental to developing and maintaining the professional relationships and expertise required to be successful (Gelber, 2012; Holman, 2012; Ormberg, 2012). Professionals in Dallas have responded to the challenge of uncooperative 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 prioritize cases so as not to subject victims to more than one trial (Fassett, 2012).

Prosecutors mentioned the lack of precedent on human trafficking case law as a major barrier to charging cases (Farrell et al., 2012). They were particularly concerned about the lack of clarity in the salient statutes as to elements they would be required to prove and evidentiary standards (Farrell et al., 2012). Several prosecutors reported that when they prosecuted their first trafficking case (sometimes the first under state law), they had no guidance on prosecutorial techniques, common defense tactics, or jury instructions. 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 (Farrell et al., 2012). Indeed, an analysis of federally prosecuted cases involving commercial sexual exploitation of children since passage of the TVPA in 2000 found that, while the number of federal prosecutions and convictions has steadily increased since then, assistant U.S. attorneys declined to file charges in nearly 60 percent of cases presented to them (Small et al., 2008). While about a quarter of these declined cases were reported to have been prosecuted by other authorities (presumably at the state level), almost as many appear to have been declined because of weak or insufficient evidence.

One federal prosecutor's description of a recent trial during a presentation to the committee suggested another challenge that may be present for prosecutors in a number of these cases—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 (Nasser, 2012). While mistake of age is no longer a defense for federal trafficking charges, it may be possible to prevent this defense at the state level through legislation that makes it clear that crimes involving the commercial sexual exploitation and sex traffick-

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ing of minors are strict liability offenses, that is, that mistake of age is not allowed as a defense. (See the discussion in Chapter 4.)

The lack of knowledge about elements, evidentiary standards, and effective prosecution techniques indicates that prosecutors at all levels would benefit from further training in this area. Yet several state prosecutors mentioned that most of this training, while useful, is led by federal prosecutors whose cases appear to differ significantly from local cases (e.g., they include foreign victims with immigration-related issues) (Farrell et al., 2012).

Defense Attorneys

Criminal defense attorneys, and juvenile defense attorneys in particular (in delinquency, status offense, and child protection cases), may come into contact with victims of commercial sexual exploitation and sex trafficking. Given their unique role and the attorney-client privilege, defense counsel may be instrumental in identifying and assisting young people (Bryan, 2012). 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 commercial sexual exploitation and sex trafficking of minors (Sherman, 2012). (See Chapters 6 and 10 for more detailed discussion of the SEEN Coalition.)

With appropriate training, defense attorneys may be well positioned to identify victims of commercial sexual exploitation and sex trafficking among individuals who have been arrested for prostitution and other offenses. One former public defender suggests that all defendants arrested for prostitution should be considered potential victims of commercial sexual exploitation or sex trafficking (Bryan, 2012). In some jurisdictions, victim and support service providers have partnered with defender organizations to provide training to defense attorneys (Bryan, 2012; Los Angeles County Juvenile Court, 2011; Sherman, 2012). Such training can support an attorney's ability to screen defendants, identify victims, provide referrals for services, and prepare robust legal defenses on behalf of victims. In addition to training for attorneys, opportunities exist to train and educate law students about commercial sexual exploitation and sex trafficking of minors (see Box 5-3).

PROSECUTORS AND OFFENDERS

As is evident from the review in Chapter 4, a myriad of laws at both the state and federal levels are potentially applicable to commercial sexual exploitation and sex trafficking of minors. Moreover, prosecutors have the option of charging defendants not only under these statutes but also with a

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BOX 5-3
University of Michigan Law School: Providing Legal Services to Victims/ 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 (University of Michigan Law School, 2013a).

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 (University of Michigan Law School, 2013a). This database includes federal and state human trafficking cases, both criminal and civil, within the United States since 1980.* 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.

*According to the Human Trafficking Law Project (HTLP) 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 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" (University of Michigan Law School, 2013b).

SOURCE: University of Michigan Law School, 2013a.

number of other crimes in addition to or instead of those specific to commercial sexual exploitation and sex trafficking. In a review of trafficking cases from 12 counties, charges included human trafficking, sex trafficking, compelling/promoting prostitution, kidnapping, sexual exploitation of a minor, and transport for purposes of prostitution (Farrell et al., 2012). Prosecutors reported using laws other than those on trafficking because these other laws had lower evidentiary standards, and judges were more familiar with them (Farrell et al., 2012). Prosecution under these other laws, however, may result in more lenient sentences (Farrell et al., 2012), although sometimes sentences can be more substantial. Testimony before the

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committee stressed the importance of prosecutors being fully aware of all options and making creative use of existing laws—for example, considering use of statutory rape laws to charge perpetrators so that proving knowledge of the victim's age is not a concern (although, as discussed in Chapter 4, the specifics of these so-called statutory rape laws can be quite complex) or approaching trafficking as organized crime (Gelber, 2012; Greene, 2012).

The array of potentially applicable laws can be a benefit, as indicated above, but can also create confusion, conflict, and a lack of accountability in the absence of strong law enforcement and prosecution participation on multiagency, multijurisdictional task forces (discussed in Chapter 10). Presentations before the committee illustrated how prosecutors in Boston, Alameda County (California), and Chicago have led efforts to improve cross-system collaboration that include task forces bringing federal and state prosecutors together. In Boston, the Child Advocacy Center of the Suffolk County District Attorney's Office created the aforementioned SEEN Coalition (Gavin, 2012). In Alameda County, the district attorney wanted to improve investigations and aggressively prosecute traffickers, and was the driving force in establishing the H.E.A.T. (Human Exploitation and Trafficking) Watch Program—an overarching network of agencies, programs, and services (H.E.A.T. Watch, 2013). In Chicago, the Cook County State's Attorney's Office launched its Human Trafficking Initiative (described in greater detail in Chapter 10). In partnership with the U.S. Attorney's Office for the Northern District of Illinois, the Law Enforcement Working Group was created to bring all interested law enforcement agencies together to exchange information and strategize about the best ways to approach trafficking cases (Greene, 2012; Nasser, 2012). As part of this effort, the U.S. Attorney's Office and State's Attorney's Office agreed to "cross-designate" assistant state's attorneys and assistant U.S. attorneys so they could appear at and pursue cases in both federal and state courts (Greene, 2012). Cross-designation of prosecutors also has been implemented by the FBI's Innocence Lost National Initiative (described earlier in this chapter) (Pauley, 2012).

The committee learned from several sources that 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 (see also Chapter 4 and the discussion of this approach earlier in this chapter). 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 (Farrell et al., 2012; Hersh, 2012). This approach is widely supported since, as work by Adams and colleagues (2010) indicates, testifying often is difficult for victims of these crimes and can make them feel criminalized. This approach, however, requires prosecutors to be innovative

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(Ryon et al., 2012). They must obtain and effectively present corroborative evidence, which often takes time and resources that some agencies may not have (Farrell et al., 2012). Examples of some of the most common types of corroborative evidence that may be used in trafficking cases were listed earlier in this chapter.

As noted in Chapter 4, prior to the enactment of the TVPA (2000), prosecutors addressed commercial sexual exploitation and sex trafficking of minors using the Mann Act of 1910.[3] This act made it a felony to transport a person younger than age 18 knowing that the person would engage in prostitution or any sexual activity for which the minor could be charged with a criminal offense.

The TVPA provided federal prosecutors with more tools with which to charge purchasers and exploiters. Yet the Cook County (Illinois) State's Attorney, Anita Alvarez, acknowledged in testimony before the United States Senate[4] that these cases often are unsuccessful. Further, testimony and other evidence reveals that prosecutors must approach these cases differently from more traditional criminal cases since victims may be unavailable, unwilling, or in too much danger to testify. Adams and colleagues (2010) conducted an analysis to identify characteristics of successful federal prosecutions of traffickers and purchasers involved in commercial sexual exploitation and sex trafficking of minors. One predictor of successful prosecution is cases tried after passage of the TVPA in 2000. Clearly, this act offers prosecutors better tools with which to prosecute offenders. A second predictor of success is cases with longer processing time. While resource-intensive and costly, cases with longer processing time are more likely to end in conviction. Although the reasons are unclear, research indicates that cases based on U.S. Customs (Immigration and Customs Enforcement) investigations of international sex trafficking are more likely than FBI investigations to result in conviction. Research also shows that having a single defendant leads to a higher probability of conviction than having multiple defendants. Finally, Adams and colleagues (2010) found a higher likelihood of conviction for offenders charged with possessing or distributing child pornography than for those charged with child prostitution or exploitation.

Another approach to improving offender accountability is to prosecute exploiters under the Racketeer Influenced and Corrupt Organizations (RICO) Act,[5] a federal law that specifies severe criminal penalties and forfeiture for acts committed as part of a criminal enterprise. Using

[3]White Slave Traffic (Mann) Act, Ch. 395, 36 Stat. 825 (1910) (codified as amended at 18 U.S.C. §§ 2421-2424 (2006)).

[4]U.S. Senate, Committee on the Juniciary, Subcommittee on Human Rights and the Law, *In our backyard: Child prostitution and sex trafficking in the United States*. 111th Congress, Second Session. February 24, 2010.

[5]18 U.S.C. § 1961-1968.

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BOX 5-4
Tools for Prosecutors to Improve Accountability of Offenders

A toolkit was created 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. The Barton Child Law and Policy Center at Emory Law School developed this toolkit "to send a strong message" that the State of Georgia takes the crimes of commercial sexual exploitation and sex trafficking of minors seriously (Lynch et al., 2012, p. 2). Strategies in the toolkit include how to build a case, including obtaining 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 (Lynch et al., 2012).

This 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 (Lynch et al., 2012). 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 for other states that are interested in developing similar guidance for their prosecutors.

SOURCE: Lynch et al., 2012.

the RICO Act to prosecute offenders requires demonstrating that several exploiters/traffickers worked together and that they protected one another to maximize profit (see Cornell University Law School, undated). Prosecutors in Chicago, for example, have been successful in using this approach to prosecute cases of commercial sexual exploitation and sex trafficking of minors as criminal enterprises.

As mentioned at the beginning of this section, other options for prosecutors include charging exploiters and traffickers under traditional state and local laws (e.g., pimping, pandering, and solicitation; sexual assault; and kidnapping) in addition to the more recent laws on commercial sexual exploitation and sex trafficking of minors. Box 5-4 describes a toolkit developed to assist prosecutorial efforts related to commercial sexual exploitation and sex trafficking of minors.

Prosecutors can use additional creative strategies to help prove these

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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 (Clawson et al., 2008; Gentile Long and Garvey, 2012; Greene, 2012; Knowles-Wirsing, 2012; Koch, 2012; Nasser, 2012; Walker, 2012).

THE JUVENILE JUSTICE SYSTEM AND VICTIMS/SURVIVORS

As noted in a recent National Research Council report on the juvenile justice system (NRC, 2013), 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. In practice, this approach has resulted in a subset of the legal system that draws on civil as well as criminal law and attempts to blend child protection values with responses to potential criminal behaviors. In fact, involvement in the juvenile justice system as a delinquent specifically requires as an act that (1) is committed by a person below the age of jurisdiction of the criminal justice system, (2) would be criminal if committed by an adult, and (3) results in the juvenile justice system's assuming jurisdiction over the youth (NRC, 2013).

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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 can all influence whether and how youth proceed through the system. The discretion and preferences of each of these actors often are driven by their role or 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 (NRC, 2013). In addition, decisions by each of these actors "about the status of juveniles as delinquents are determined not just by the characteristics of the offense, but also by the personal characteristics of the juveniles" (NRC, 2013, pp. 3-20). It is also noteworthy that in some states, youth who are deemed status offenders may not receive court-appointed legal counsel. Therefore, it is important to consider each actor separately. This section focuses on aspects of the juvenile justice system other than police, prosecutors, and the judiciary, which are covered in other sections of this chapter.

Victims of commercial sexual exploitation and sex trafficking of minors interact with the juvenile justice system because they are detained for prostitution-related offenses or other, unrelated offenses. The juvenile justice system needs to be prepared to identify and provide services for exploited youth both when they encounter the system because of their exploitation and when they enter the system on unrelated charges. 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 prostitution 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 Chapter 4 for a full discussion of these laws) had adopted the second approach, essentially deeming juvenile prostitution a status offense, so that sexually exploited youth are eligible for services through the juvenile justice or child welfare system.[6] 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

[6]Status offenders are sometimes called persons, children, or minors in need of supervision (PINS, CHINS, or MINS).

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BOX 5-5
Los Angeles County Probation Department: An Example of a Juvenile Justice Response to Sex Trafficking

The Los Angeles County Probation Department provides one example of a juvenile justice response to sex trafficking in a state in which juvenile prostitution is deemed a crime, so that a prostituted youth will enter the juvenile delinquency system. This program has not been evaluated, so the committee does not intend to endorse it, but it highlights some promising practices in the juvenile justice field.

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 (Guymon, 2012). Although most juvenile suspects are not detained upon arrest, girls arrested for prostitution spent, on average, 25 days in custody between arrest and adjudication (Los Angeles County Juvenile Court, 2011). 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 (Guymon, 2012; Herz and Ryan, 2010).

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 (Powers, 2012). 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 (Guymon, 2012; Powers, 2012). The department also is working to prevent trafficking within the county by offering a 10-week My Life, My Choice curriculum (see Chapter 6) in four communities and a 5-week workshop within the detention center (Guymon, 2012).

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. The juvenile justice system also 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 (Castro Rodriguez, 2012; Guymon, 2012; Siffermann, 2012; Taniguchi and White, 2012). See Box 5-5 for an example of a juvenile justice response to sex trafficking.

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THE JUDICIARY AND VICTIMS/SURVIVORS

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. As discussed in detail in Chapter 4, the committee recognizes that many states continue to criminalize juvenile prostitution, and therefore judges may continue to see youth charged with prostitution in their courtrooms. But judges have considerable discretion over how they approach these cases. The committee was encouraged to hear about three examples of courts that treat youth charged with prostitution as crime victims in need of services. These programs have not been formally evaluated, so the committee does not intend to endorse them by including them here. Nonetheless, these programs appear to be a positive development worthy of evaluation and further exploration.

Midtown Community Court 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.[7] Judges and attorneys noticed that girls and women[8] arrested for prostitution often had significant service needs that were not being met as they cycled between the street and the legal system. More than 80 percent of them reported past victimization, including childhood sexual abuse and sexual and physical assault, and many of the adults had been trafficked as children (Schweig et al., 2012). The court recognized that these past victimizations had led many women and girls into trafficking and prostitution, and that instead of treating the women as criminals, the court should help them receive services.

In conjunction with the Center for Court Innovation, the Midtown Community Court developed the Services to Access Resources and Safety (STARS) program to address the physical, sexual, and emotional trauma experienced by defendants with a history of abuse and trafficking. Through

[7]In New York State, everyone over age 15 is considered an adult who can be tried in criminal court. Therefore, 16- and 17-year-old youth arrested for prostitution in Manhattan are taken to Midtown Community Court. The New York safe harbor law, described in Chapter 4, does not apply to 16- and 17-year-olds. According to the Center for Court Innovation, at least 300 16- and 17-year-olds were arrested in New York State for prostitution or loitering for the purpose of prostitution during 2005-2010; at least 50 percent of those youth were convicted of a crime or violation (Bryan, 2012).

[8]Boys and men can also be arrested for prostitution and related offenses; however, the director of the Midtown Community Court noted to the committee that in the past year, the court saw no males for prostitution-related offenses.

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the STARS 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) and other off-site service providers (Bryan, 2012). Successful completion of the STARS program serves as an alternative to adjudication or detention. The director of the Midtown Community Court credits collaboration among the presiding judge, the Legal Aid Society defense attorney who represents many of the girls and women, and the district attorney for the success of the STARS program (Bryan, 2012).

Queens County Prostitution Diversion Court

The Queens County Prostitution Diversion Court provides alternatives to incarceration for people arrested for prostitution-related offenses in Queens County, New York. In 2010, the Diversion Court heard 66 percent of prostitution cases in the county (Serita, 2012). Like the Midtown court, the Queens County court hears cases for people over age 16. 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 (Schweig, 2012). He partnered with GEMS (see above) to provide services to girls under age 21 and with the Mount Sinai Sexual Assault and Violence Intervention Program for women over age 21 (Bryan, 2012; Serita, 2012), 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.

Los Angeles County STAR Court

In 2011, the Los Angeles County Juvenile Court received funding for the Succeed Through Achievement and Resilience (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.[9] 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 pro-

[9]The probation portion of the program is described in more detail above in the section on juvenile justice.

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viders (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 (Los Angeles County Juvenile Court, 2011). After successful completion of a treatment program, the court dismisses prostitution charges.

The court's grant includes funding for evaluation. Criteria for evaluation include number of days in custody and/or placement; number of redetentions, rearrests, and violations; successful completion of counseling; and school attendance and grades. Outcomes for participants in the STAR program will be compared with those for other youth arrested for prostitution who do not receive special services (Los Angeles County Juvenile Court, 2011).

CRIMINAL JUSTICE AND OFFENDERS

The TVPA appears to have provided the judiciary with additional methods for dealing more harshly with those convicted of commercial sexual exploitation and sex trafficking of minors. For example, research indicates that the passage and reauthorizations of the TVPA resulted in increased prison sentences for those convicted of these crimes. Adams and colleagues (2010) found that the average sentence given following a conviction of commercial sexual exploitation or sex trafficking of minors in 1999 (prior to passage of the TVPA) was 53 months, while the average sentence following reauthorization of the TVPA in 2005 was 80 months.

Adams and colleagues (2010) also offer insight into characteristics of cases that lead to longer prison sentences for offenders involved in commercial sexual exploitation and sex trafficking of minors. Findings indicate that offenders who went to trial instead of taking a plea bargain were sentenced to an average of 61 more months in prison. It was also found that nonwhite offenders received sentences that were an average of 16 months longer than those received by similarly situated white offenders. In addition, offenders with less than a high school education were sentenced to longer terms in prisons than those with some college completed. Finally, Adams and colleagues (2010) found that sentences received by offenders charged with child sexual exploitation were an average of 47 months longer than the sentences of those charged with child prostitution or child pornography.

A study of men who purchased sex (Durchslag and Goswami, 2008) found that they viewed the following as deterrents:

- being embarrassed in front of their families,
- being embarrassed in front of their work colleagues,

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- being fined, and
- having their property (e.g., automobile) confiscated.

In addition, Cedeno (2012) notes 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.

While the information yielded by these studies is helpful, 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 (Yen, 2008).

FINDINGS AND CONCLUSIONS

The committee's review of the literature and its careful consideration of expert testimony revealed several themes related to the role of the legal system in preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors in the United States. This chapter has highlighted a range of noteworthy and emerging efforts and drawn lessons from approaches to related and overlapping problems. The chapter also has highlighted a number of opportunities represented by current and emerging practices at various points in the legal system. However, the committee emphasizes that evaluation of these and future efforts is crucial. In addition, the committee formulated the following findings and conclusions:

5-1 Law enforcement personnel at all levels often are the first to respond to commercial sexual exploitation and sex trafficking cases involving minors. Consequently, their knowledge and ability to identify victims, investigate cases, and make appropriate referrals is an important part of developing an overall response to these problems.

5-2 Many law enforcement personnel and agencies continue to arrest and charge minors with prostitution.

5-3 Few law enforcement agencies have specific protocols to follow when commercial sexual exploitation and sex trafficking of minors are suspected or disclosed.

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5-4 Many law enforcement personnel do not recognize commercial sexual exploitation and sex trafficking of minors as serious problems. As a result, they may fail to identify victims of these crimes and may be uncertain about how to handle these cases.

5-5 Task forces are one approach used by the legal system to identify and respond to commercial sexual exploitation and sex trafficking of minors. Additional research is needed to identify specific task force strategies and components that can increase the reach and effectiveness of this approach.

5-6 Although efforts to train personnel within the legal system to address human trafficking have increased, the majority of personnel in the system have not been trained to recognize and respond to suspected or confirmed cases of commercial sexual exploitation and sex trafficking of minors.

5-7 Pursuing cases that are "victim-driven, not victim-built" can reduce the need for the legal system to depend on cooperation by victims and survivors of commercial sexual exploitation and sex trafficking.

5-8 Juvenile justice personnel need training in identifying 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.

5-9 Diversion programs need to be established so that youth identified as victims of commercial sexual exploitation and sex trafficking can receive treatment as part of their rehabilitation or in lieu of punishment.

5-10 The judiciary, juvenile justice agency personnel, and prosecutors should refer youth identified as victims of commercial sexual exploitation and sex trafficking to appropriate treatment services.

5-11 The Trafficking Victims Protection Act and new state laws have provided prosecutors and judges with additional tools for investigating, prosecuting, and sentencing exploiters, traffickers, purchasers, and solicitors in cases of commercial sexual exploitation and sex trafficking of minors. In addition, prosecutors can use a range of existing laws to pursue convictions and more substantial sentences.

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5-12 Research on the effectiveness of the overall response of the criminal justice system to exploiters and traffickers and to solicitors and purchasers is limited. Therefore, additional research is needed to determine effective punishments for both exploiters and traffickers and solicitors and purchasers who engage in the commercial sexual exploitation and sex trafficking of minors.

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6

Victim and Support Services

Victim and support services include a collection of services provided by an array of government agencies and nongovernmental organizations to individuals in need of assistance. Providers of these services to victims and survivors of commercial sexual exploitation and sex trafficking of minors include

- individuals (e.g., case managers, social workers, child protection workers);
- agencies and systems (e.g., child welfare, child protective services, the Department of Justice's Office for Victims of Crime);
- programs specifically designed to address commercial sexual exploitation and sex trafficking of minors (e.g., direct care/service providers, advocacy organizations);
- programs that provide services to victims without recognizing their circumstances (e.g., runaway/homeless youth shelters);
- programs that serve victims but lack a clear plan for responding (e.g., domestic violence shelters and runaway/homeless youth shelters); and
- programs that are aware of commercial sexual exploitation and sex trafficking of minors but believe that serving these victims is beyond their scope of practice.

By the very definition of their work, all victim and support service professionals are working with vulnerable and victimized youth. As described in Chapter 3, victims/survivors of and minors at risk of commercial sexual

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exploitation and sex trafficking may be vulnerable to or have experienced other forms of abuse. Further, these youth frequently are systems-involved and/or in need of or currently receiving some form of support services. As a result, these youth may come into contact with victim and support service professionals. Therefore, these professionals need to be prepared to recognize and address risk for or past or ongoing victimization by commercial sexual exploitation and sex trafficking among the children and adolescents in their care. Failure to do so increases the possibility that those at risk will become victims and that victims will remain vulnerable to further exploitation and abuse and miss opportunities for assistance.

This chapter begins with an overview of current practices in victim and support services designed to prevent, identify, and respond to the commercial sexual exploitation and sex trafficking of minors in the United States. The discussion highlights several noteworthy practices for assisting and supporting victims and survivors, including direct care and services, training and education of personnel, and protocols for assisting victims/survivors, among others. The chapter describes work at the federal, state, and local levels by both government agencies and nongovernmental organizations. The chapter then reviews the state of existing research on victim and support services. Next is a discussion of challenges and opportunities related to these services. The chapter concludes with the committee's findings and conclusions on the role of victim and support service programs and professionals in addressing the commercial sexual exploitation and sex trafficking of minors in the United States.

CURRENT PRACTICES IN VICTIM AND SUPPORT SERVICES

Nationally, a number of efforts are aimed at providing victim and support services to victims and survivors of commercial sexual exploitation and sex trafficking of minors. These include

- curriculum development and education for at-risk children and adolescents, victims and survivors, and service providers;
- training for victim and support service professionals;
- direct care and support services for victims and survivors;
- outreach and public awareness initiatives;
- programs designed to prevent commercial sexual exploitation and sex trafficking of minors; and
- hotlines (or help lines).

The specific goals, target populations, sources of funding, ideology, and designs of these efforts vary significantly. Examples of each are provided later in this section.

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The committee learned about current practices in victim and support services from a variety of sources, including published research on commercial sexual exploitation and sex trafficking of minors, research in related fields of practice and study, and testimony during the committee's workshops and site visits. The information thus gathered is summarized in this section. While some of the examples given are part of broader initiatives that involve other sectors (e.g., law enforcement, health care), this chapter focuses primarily on those aspects of this work related most directly to victim and support services. Multisector approaches are mentioned here, but are covered in greater detail in Chapter 10. This review is not meant to be an exhaustive accounting of such services, but to illustrate a range of current efforts and actors and to call attention to areas that require additional consideration. Finally, it should be noted that most of these activities have not been empirically evaluated; as a result, the committee does not intend to imply that it is endorsing any specific approach.

Child Welfare

Victims and survivors of commercial sexual exploitation and sex trafficking of minors may come to the attention of child welfare professionals. In addition, child welfare agencies may already be working with victims and survivors of these crimes but not recognize them as such (Adams, 2012; Walts et al., 2011). Because the ability of these professionals to identify victims and respond to their needs is essential to developing an overall response to commercial sexual exploitation and sex trafficking of minors, they need to be prepared to carry out these roles. Child welfare is well positioned to assume two important roles: (1) preventing commercial sexual exploitation and sex trafficking among populations already involved in child welfare, and (2) identifying and assisting victims and survivors of these crimes in their care.

Child welfare is a "group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to care for their children successfully" (Child Welfare Information Gateway, 2013). Child welfare encompasses public and private child welfare agencies; out-of-home care, such as group homes, residential treatment facilities, and foster care; and in-home care, such as family preservation services (Child Welfare Information Gateway, 2013).

While one of the primary roles of child welfare is to prevent the abuse, neglect, and exploitation of children, this role traditionally has not been applied to extrafamilial victimization. According to the Department of Health and Human Services' Administration for Children and Families, "in general, child welfare agencies do not intervene in cases of harm to children caused by acquaintances or strangers. These cases are the responsibility of

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law enforcement" (Child Welfare Information Gateway, 2013, p. 2). As a result, child welfare historically has not been actively involved in addressing the commercial sexual exploitation and sex trafficking of minors. This lack of involvement presents a number of problems for victims and survivors of these crimes and the range of professionals who encounter them. First, as described in Chapter 1, commercial sexual exploitation and sex trafficking of minors, at their core, are forms of child abuse, and child welfare agencies therefore should have a responsibility to assist victims and survivors of these crimes as part of their overall charge. In addition, child welfare caseworkers may serve an important role as "gateway providers" to supportive services for victims/survivors of abuse (Dorsey et al., 2012). In this capacity, child welfare professionals can help ensure that victims of commercial sexual exploitation and sex trafficking of minors have access to needed services.

As noted in Chapter 3, involvement in the child welfare system, including out-of-home placement, such as in group homes and foster care, may be a risk factor for commercial sexual exploitation and sex trafficking of minors. Understanding the potential risks related to involvement in the child welfare system can help child welfare professionals recognize and address both risk and ongoing or past exploitation among the children and adolescents in the state's care. Failure to do so increases the likelihood that these youth will remain vulnerable to further exploitation and abuse.

The committee learned about several noteworthy models for intervention by the child welfare system: creating a specific "allegation of harm" for commercial sexual exploitation and sex trafficking of minors to improve case management, requiring reporting to child protective services, raising awareness and building capacity in child welfare, and developing state guidelines and tools for child welfare professionals. Examples of each are described below.

Creating an "Allegation of Harm" for Commercial Sexual Exploitation and Sex Trafficking of Minors

Several states, including Connecticut, Florida, and Illinois, have taken the step of designating human trafficking as a specific abuse allegation. For example, the Illinois Safe Children Act includes "human trafficking of children" as an allegation of harm in the Statewide Automated Child Welfare Information System (SACWIS), a state-based intake and case management tool for alleged child maltreatment (State of Illinois Department of Children and Family Services, 2011).[1] This system serves as a central data collection point that helps maintain a complete case management history of child

[1]Illinois Safe Children Act, August 20, 2010.

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maltreatment (Children's Bureau, 2012). The law stipulates that victims of commercial sexual exploitation and sex trafficking of minors should be considered "abused" under the Abused and Neglected Child Reporting Act and the Juvenile Court Act.[2] As a result, when an individual under age 18 is taken into custody for a prostitution offense, law enforcement must notify the Illinois Department of Children and Family Services of the allegation of human trafficking. The Department of Children and Family Services, in turn, is required to open an investigation into the abuse within 24 hours of the initial report (State of Illinois Department of Children and Family Services, 2011). In fiscal year 2012, the Department of Children and Family Services conducted 103 investigations of reports of human trafficking of children, 14 of which revealed credible evidence that the abuse had occurred (State of Illinois Department of Children and Family Services, 2013). As discussed in Chapter 2, however, these reporting rates significantly underrepresent the actual number of underage victims of commercial sexual exploitation and sex trafficking.

This new allegation of harm also helps ensure that suspected cases of commercial sexual exploitation and sex trafficking of minors are categorized within the SACWIS system as "human trafficking," as opposed to other reported types of child maltreatment (e.g., domestic violence, sexual abuse, incest, or other forms of physical abuse). In addition, the allegation can help officials collect and analyze state-level data and coordinate case management for victims (Children's Bureau, 2012).

Requiring Reporting to Child Protective Services

In Massachusetts, all suspected cases of commercial sexual exploitation and sex trafficking of minors must be referred to child protective services.[3] A report to child protective services prompts referral to a case coordinator, which in turn activates a comprehensive, coordinated response to the victim/survivor. (See Chapter 10 for a detailed discussion of the role of child protective services in a multisector response to commercial sexual exploitation and sex trafficking of minors in Suffolk County, Massachusetts.)

Raising Awareness and Building Capacity in Child Welfare

Although the committee learned about a handful of examples of antitrafficking work that involve child welfare, child welfare overwhelmingly is perceived as underrepresented or absent in such efforts (Brittle, 2008; Fong

[2]Abused and Neglected Child Reporting Act.

[3]Massachusetts HB 3808, An Act Relative to the Commercial Exploitation of People, February 19, 2012.

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and Berger Cardoso, 2010; Walts et al., 2011; Wilson and Dalton, 2008). Reasons for a lack of child welfare engagement include inadequate training, insufficient resources, high caseloads, and the perception that victims of commercial sexual exploitation and sex trafficking of minors should be handled in the juvenile justice system as opposed to child welfare (Walts et al., 2011; Wilson and Dalton, 2008). In an attempt to address the need to respond to victims and survivors of these crimes who are in the state's care, the International Organization for Adolescents and the Center for the Human Rights of Children at Loyola University Chicago developed a handbook for child welfare agencies—*Building Child Welfare Response to Child Trafficking Handbook* (Walts et al., 2011). This handbook was developed in partnership with the Illinois Department of Children and Family Services to help child welfare agencies meet their responsibility of identifying and serving trafficking victims as required by the Illinois Safe Children Act.[4]

Developing State Guidelines and Tools for Child Welfare Professionals

Some states have taken additional steps to strengthen the capacity of child welfare and child protection professionals to respond to the commercial sexual exploitation and sex trafficking of minors. For example, the State of Florida's Department of Children and Family Services has developed specific guidelines to assist child welfare and child protection professionals with reporting allegations of human trafficking of children (State of Florida Department of Children and Families, 2009b). In addition, the state developed a tool to assist child protection investigators in identifying victims of human trafficking (State of Florida Department of Children and Families, 2009a). Currently, guidance of this nature is lacking at the federal level and within most states.

Federal and State Government

Numerous federal agencies are charged with and engaged in responding to human trafficking. To help coordinate these various federal efforts to address the problem, the Trafficking Victims Protection Act (TVPA) of 2000 created the President's Interagency Task Force to Monitor and Combat Trafficking. Members of the task force include the Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Education, and Department of Homeland Security, among others. Each agency is responsible for responding to different (and sometimes complementary

[4]Illinois HB 6462, Safe Children Act, August 20, 2010.

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or overlapping) aspects of human trafficking within its jurisdiction. (See Chapter 10 for a more detailed discussion of this task force.)

The committee learned about several noteworthy models for intervention within federal and state government: at the federal level, making federal benefits and services available to victims of trafficking, funding service organizations, and providing employment and job training to trafficking victims; and at the state level, using a statewide coordinated care approach to the provision of victim and support services. Examples of each are described below. The primary focus of this section is on the efforts of federal and state agencies whose work on human trafficking relates directly to the provision of victim and support services to victims/survivors of commercial sexual exploitation and sex trafficking who are U.S. citizens or lawful permanent residents under age 18.

Making Federal Benefits and Services Available to Victims of Trafficking

According to its report to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, the Department of Health and Human Services engages in a number of efforts focused on preventing, identifying, and responding to human trafficking. These efforts include regional training and meetings; outreach efforts to raise public awareness (e.g., the Rescue and Restore Victims of Human Trafficking campaign); technical assistance to program grantees who work with victims of human trafficking; and funding for the National Human Trafficking Resource Center, a national resource for victims of human trafficking and the public (U.S. Department of State, 2012).

In addition, the Department of Health and Human Services developed a guide to federal benefits and services available to victims of trafficking (HHS, 2012). This resource provides program-by-program information on benefits and services and includes eligibility requirements. Domestic victims/survivors of human trafficking (both U.S. citizens and legal permanent residents) may be eligible for, among others, Temporary Assistance for Needy Families; Medicaid; the Children's Health Insurance Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; and selected Substance Abuse and Mental Health Services Administration and Health Resources and Services Administration programs. However, the extent to which these services and benefits are accessed by domestic victims/survivors of human trafficking is unknown, as is the extent to which victim and support service providers are aware of services and benefits available to domestic victims/survivors of human trafficking.

In April 2013, the President's Interagency Task Force to Monitor and Combat Trafficking in Persons released a federal strategic action plan on

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services for victims of human trafficking in the United States (President's Interagency Task Force to Monitor and Combat Trafficking in Persons, 2013).[5] This 5-year plan envisions "that every victim of human trafficking is identified and provided access to the services they need to recover and rebuild their lives through the creation of a responsive, sustainable, comprehensive, and trauma-informed victim services network that leverages public and private partners and resources effectively" (President's Interagency Task Force to Monitor and Combat Trafficking in Persons, 2013, p. 12). Among its goals, the plan calls for expanding access to services for victims of human trafficking throughout the United States. While the plan describes specific strategies for a range of agencies to increase access to victim and support services, it will be important to assess the extent to which this occurs in the plan's implementation over time.

Funding Service Organizations

The Department of Justice provides funding to victim services organizations through grants made by the Office for Victims of Crimes. According to its report to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, the Department of Justice, through its Office for Victims of Crime, provided funding to "eleven victim service organizations with a demonstrated history of providing trauma-informed, culturally competent services to male and female victims of sex trafficking and labor trafficking" (U.S. Department of State, 2012). This funding supports the provision of services at the local, regional, and national levels. The 2013 reauthorization of the TVPA has supplemented these programs by authorizing the Department of Health and Human Services (specifically the Assistant Secretary for Children and Families) to issue up to four grants to entities (i.e., states or units of local government) that "[have] developed a workable, multi-disciplinary plan to combat sex trafficking of minors," with the requirement that two-thirds of the funding be used for residential care and services for minor victims and survivors of sex trafficking, to be provided by nongovernmental organizations.[6] In addition, funds are used to develop interagency partnerships (described in Chapters 5 and 10) and public outreach and awareness campaigns (U.S. Department of State, 2012). This small number of grantees and programs may not be surprising given that work on commercial sexual exploitation and sex trafficking of minors in the United States is in the early stages, but it does suggest how

[5]As of this writing, this plan was open to public comment. The final plan may be revised to reflect that input.

[6]Violence Against Women Reauthorization Act of 2013 (VAWA) § 1241 (2013) (the TVPA Reauthorization of 2013 was attached as an amendment to VAWA).

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much additional work and funding would be required to bring these services to scale.

Providing Employment and Job Training to Trafficking Victims

The Department of Labor offers employment and training services to victims of severe forms of trafficking, as required by the TVPA. In addition, the TVPA stipulates that victims of convicted traffickers are entitled to full restitution for the labor they performed (U.S. Department of State, 2012). The extent to which these services and benefits are available to domestic victims/survivors of commercial sexual exploitation and sex trafficking of minors is unknown, as is the extent to which victim and support service providers are aware of job training and/or restitution available to domestic victims/survivors of human trafficking.

Using a Statewide Coordinated Care Approach to the Provision of Victim and Support Services

Georgia Care Connection was established by Georgia's Governor's Office for Children and Families to serve as a central, statewide hub for victims and survivors of commercial sexual exploitation and sex trafficking of minors and for professionals (e.g., law enforcement personnel, school personnel, child welfare professionals, health care providers) seeking to help them (Georgia Care Connection Office, 2013). Through a broad network of state and local service providers and professionals, Georgia Care Connection coordinates a "comprehensive care plan" for victims and survivors (Georgia Care Connection Office, 2013). This comprehensive plan integrates and coordinates prevention, intervention, and treatment services (e.g., legal, mental and physical health, housing) that are guided by the specific the needs of each victim/survivor.

Nongovernmental Organizations

Nongovernmental organizations (NGOs) serving victims and survivors of commercial sexual exploitation and sex trafficking of minors include specialized direct service providers, faith-based organizations, service providers and community resources that serve other populations, advocacy organizations, and private foundations, among others. Some NGO efforts to address commercial sexual exploitation and sex trafficking of minors are integrated into broader service portfolios, while others focus exclusively on these crimes. Some NGO efforts are national or international in scope, while others focus their efforts regionally or locally. Finally, some NGOs focus on all forms of human trafficking (e.g., labor and sex) and the range

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of populations affected (e.g., minors and adults), while others focus on specific subpopulations (e.g., lesbian, gay, bisexual, and transgender [LGBT] individuals; minors; U.S. citizens; legal permanent residents).

The committee learned about several noteworthy models for involvement by NGOs: curriculum development and education, training for victim and support service professionals, direct care and services, outreach and public awareness initiatives, prevention efforts, and hotlines. Examples of each are described below. While many of the organizations and efforts described in this section provide a range of services that fit within multiple categories, the discussion highlights specific program elements of note for each.

Curriculum Development and Education

A number of NGOs have developed and implemented curricula designed to reach individuals at risk for and/or victims/survivors of commercial sexual exploitation and sex trafficking of minors. One example is the My Life, My Choice (MLMC) curriculum, an educational curriculum developed by the Boston-based My Life, My Choice initiative, which works to identify and intervene with adolescent girls who are vulnerable to commercial sexual exploitation and sex trafficking (My Life, My Choice, 2012).

The MLMC curriculum consists of 10 sessions led and facilitated by trained staff, typically a licensed clinician and a survivor of commercial sexual exploitation or sex trafficking (Goldblatt Grace, 2012). The curriculum can be delivered in a variety of settings (e.g., group homes and residential facilities, child protective services offices, juvenile justice facilities, community-based organizations). The curriculum was developed for girls aged 12 to 18 who are at risk for or are victims/survivors of commercial sexual exploitation and sex trafficking. Thus, the goals of the curriculum include preventing commercial sexual exploitation and sex trafficking among at-risk adolescents and preventing revictimization among those previously exploited. The MLMC curriculum was designed to alter participants' behavior by changing their attitudes, knowledge, and skills (i.e., improving attitudes regarding sexual health and self-esteem, increasing knowledge of the relationship between substance use and commercial sexual exploitation and sex trafficking, and developing skills to access resources and recognize potential exploiters) (Goldblatt Grace, 2012).

Facilitators of the MLMC curriculum administer pre- and posttest measures to evaluate participants' progress across the 10-week curriculum. Participants are asked to report on their attitudes and knowledge regarding commercial sexual exploitation and sex trafficking and their skills to avoid future exploitation (Goldblatt Grace, 2012).

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Training for Victim and Support Service Professionals

In addition to curricula designed to reach individuals at risk for or victims/survivors of commercial sexual exploitation and sex trafficking, a number of NGOs have developed and implemented training for victim and support service professionals, among others.

For example, Girls Educational and Mentoring Services (GEMS)—a New York City–based nonprofit organization that provides services to girls and young women (aged 12 to 24) who have experienced commercial sexual exploitation and sex trafficking—has developed and implemented two curricula for organizations working with victims/survivors of these crimes. The first, the Office of Juvenile Justice and Delinquency Prevention's Commercial Sexual Exploitation of Children Community Intervention Project (CCIP) Train-the-Trainer curriculum, is designed to provide an overview of issues related to commercial sexual exploitation and sex trafficking of minors for victim and support service providers, law enforcement personnel, health care professionals, child welfare professionals, legal professionals (e.g., prosecutors, legal aid/public defenders, family court officials), school personnel, and first responders. Specific topics include prevention and identification strategies, assessment and counseling techniques, and investigation and interviewing strategies, among others. Second, the Victim, Survivor, Leader™ curriculum is designed to assist organizations interested in developing and providing "specialized services" for female victims and survivors of commercial sexual exploitation and sex trafficking. In addition to these two curricula, GEMS offers technical assistance to organizations seeking additional guidance on the design and delivery of services to victims/survivors of commercial sexual exploitation and sex trafficking (GEMS, 2013).

Other examples of organizations that conduct training for an array of victim and support service providers (among other sectors) include Motivating, Inspiring, Supporting, and Serving Sexually Exploited Youth; Polaris Project; Standing Against Global Exploitation; and Shared Hope International.

Direct Care and Services

A number of organizations provide direct care and services to victims and survivors of commercial sexual exploitation and sex trafficking of minors. Examples include temporary and longer-term shelter, intensive case management, victim outreach, support groups, counseling and therapeutic services, mentoring, and legal assistance.

For example, Courtney's House is a survivor-run organization that provides services to victims and survivors of commercial sexual exploitation

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and sex trafficking of minors in the Washington, DC, metropolitan area (Frundt, 2012). Courtney's House provides case management; educational assistance; survivor-led support groups for boys, girls, and transgender victims/survivors; mentorship programs; counseling; group therapy; and academic tutoring (Frundt, 2012). In addition, it conducts an overnight street outreach program to identify victims, survivors, and minors who are at risk of commercial sexual exploitation or sex trafficking. Finally, Courtney's House maintains a hotline staffed by victims and survivors of commercial sexual exploitation and sex trafficking (Frundt, 2012).

Another example is the Salvation Army's STOP-IT Program, which provides services to victims of human trafficking in 11 counties in Illinois. The STOP-IT program works with both adults and minors and both men and women who are victims/survivors of sex and labor trafficking and are U.S. citizens, non-U.S. citizens, or lawful permanent residents. In 2011, the STOP-IT program served 70 victims/survivors of human trafficking, 43 of whom were U.S. citizens and 26 of whom were minors (Knowles-Wirsing, 2012). Referrals to the STOP-IT program are made by a range of individuals and organizations, including local and federal law enforcement, the Cook County Human Trafficking Task Force (described in detail in Chapter 10), hospitals, the Illinois Department of Child and Family Services, and the National Human Trafficking Resource Center, among others. The STOP-IT program creates individualized service plans for victims and survivors and provides referrals for shelter and housing, transportation, legal services, medical care, mental health services, education, and employment services (Knowles-Wirsing, 2012).

Several direct care service providers also focus on specific vulnerable populations, such as boys/adolescent males, LGBT youth, and homeless youth. As noted in Chapter 3, boys/adolescent males and LGBT youth often are overlooked as populations at risk for commercial sexual exploitation and sex trafficking. As a result, victim and support services for these populations are especially scarce. Their need for services is increasingly being recognized (Clawson et al., 2009b), and a handful of efforts are under way, with still more emerging, to meet this need. For example, Larkin Street Youth Services is a San Francisco–based nonprofit organization that provides a range of support services to homeless and runaway youth aged 13 to 24. Between July 2010 and June 2011, 66 percent of the youth served by Larkin Street were male or transgender, and 35 percent were LGBT or questioning (LGBTQ) (Larkin Street Youth Services, 2011). Many of the boys and LGBTQ youth served by Larkin Street report that they have been involved in some aspect of sex work or sexual exploitation and have a history of family violence, child sexual abuse, childhood abuse, or childhood neglect (Adams, 2012). Larkin Street provides underage emergency shelter, transitional living programs, primary medical care, case management, edu-

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cation and employment services, HIV prevention information and testing, mental health services, and substance abuse intervention (Adams, 2012). In addition, Larkin Street collaborates with other area service providers that serve primarily girls and women to make services available to populations that they may be unable to assist. Other examples of organizations that serve boys and LGBTQ youth include the Center on Halsted, Courtney's House (discussed above), and Boston Gay and Lesbian Adolescent Social Services (Boston GLASS, 2013).

Outreach and Public Awareness Initiatives

Some of the most visible efforts to address commercial sexual exploitation and sex trafficking of minors in the United States have been carried out by NGOs that have developed and implemented outreach and public awareness campaigns. Three national-level examples include the work of Shared Hope International, Polaris Project, and ECPAT-USA. Each of these organizations has employed multiple strategies to raise awareness of commercial sexual exploitation and sex trafficking of minors in the United States.

Shared Hope International, a nonprofit organization that works to eliminate sex trafficking, has conducted a number of campaigns to educate and inform service providers and the public about commercial sexual exploitation and sex trafficking that occur domestically. To that end, Shared Hope International has released a series of reports focused on demand (Shared Hope International, 2006), domestic sex trafficking of minors (Smith et al., 2009), and state-by-state legal responses to commercial sexual exploitation and sex trafficking of minors in the United States (Shared Hope International, 2012). In addition to disseminating its publications, Shared Hope International uses media (e.g., billboard campaigns and YouTube videos) and holds national conferences and public events to raise public awareness of commercial sexual exploitation and sex trafficking of minors in the United States.

Polaris Project is another national organization that engages in concerted public awareness and outreach activities. A nonprofit organization that operates the National Human Trafficking Resources Center, Polaris Project engages in activities designed to raise public awareness of human trafficking (including sex trafficking of minors) and the resources and services available to victims and survivors. Specifically, the Polaris Project website includes downloadable resources for the public, a range of service providers and professionals, victims and survivors, and individuals at risk for human trafficking. These resources include information on existing and pending federal- and state-level legislation on human trafficking, downloadable flyers that publicize the National Human Trafficking Resources

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Center's hotline number (translated in 20 languages), an online directory of selected state-by-state resources, and general information about commercial sexual exploitation and sex trafficking of minors.

Like Shared Hope International and Polaris Project, ECPAT-USA engages in a range of activities designed to raise public awareness of commercial sexual exploitation and sex trafficking of minors in the United States. In addition to providing resources on its website, ECPAT-USA organizes a youth-led educational outreach program, the Youth Committee, that engages high school students in efforts to address commercial sexual exploitation and sex trafficking of minors (ECPAT-USA, 2013b). Participants in the Youth Committee design their own projects and disseminate them in their communities (e.g., a video to teach other young people about risk factors associated with commercial sexual exploitation and sex trafficking of minors) (ECPAT-USA, 2013b). Another initiative to raise public awareness of commercial sexual exploitation and sex trafficking of minors is ECPAT-USA's Tourism Child-Protection Code of Conduct (The Code) (ECPAT-USA, 2013a). The Code, described in greater detail in Chapter 9, is a set of principles that encourage domestic travel and tourism companies to adopt policies addressing commercial sexual exploitation and sex trafficking of minors within the United States (Smolenski, 2012).

Finally, other nonprofits and NGOs, state and local foundations, faith-based organizations, and student groups also engage in outreach and public awareness campaigns. These groups use a range of strategies to increase awareness, including testimony before Congress, print and media campaigns, and presentations to community-based groups. The committee did not conduct an exhaustive review of these activities and groups, as doing so was beyond the scope of this study. However, the committee believes it is important to call attention to these efforts and organizations, which represent natural partners in the prevention and identification of and response to commercial sexual exploitation and sex trafficking of minors in the United States.

Prevention Efforts

The majority of current prevention efforts focus on raising awareness of the problems of commercial sexual exploitation and sex trafficking of minors and improving capacity to identify children and adolescents at risk of victimization by these crimes and thereby prevent them from occurring. Additional prevention strategies include efforts to deter and eliminate demand by promoting victim- and survivor-centered law enforcement strategies and laws. For example, End Demand Illinois, a statewide campaign of the Chicago Alliance Against Sexual Exploitation (CAASE), supports the creation of new laws and resources for law enforcement to facilitate

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the arrest, filing of charges against, and prosecution of exploiters (e.g., traffickers and customers) who create the demand for commercial sexual exploitation and sex trafficking of minors (End Demand Illinois, 2013). (See Chapter 4 for further discussion of legislative strategies and Chapter 5 for discussion of law enforcement efforts.) Other organizations' prevention work is focused primarily on assisting and supporting individuals who are at risk for commercial sexual exploitation and sex trafficking (GEMS and My Life, My Choice, discussed above, are examples). At least one other organization has focused on preventing commercial sexual exploitation and sex trafficking of minors by educating adolescent males about these issues. CAASE created Empowering Young Men to End Sexual Exploitation, a prevention program for adolescent males that is implemented in Chicago-area high schools (Dunn Burque, 2009). The program is designed to raise awareness about commercial sexual exploitation and sex trafficking of minors, underscore the role of men in driving demand for the commercial sex trade, and challenge misconceptions that perpetuate and normalize these crimes. (See Chapter 8 for a more detailed description of the CAASE curriculum for boys.)

The dearth of current efforts focused on preventing commercial sexual exploitation and sex trafficking of minors is the result of a field in its infancy, and underscores the need for additional work in this area. However, these early efforts focused on preventing commercial sexual exploitation and sex trafficking of minors can inform future approaches for victim and support services and can help move the field beyond raising awareness to additional prevention strategies.

Hotlines

A number of hotlines (or help lines) are operated to assist victims of human trafficking; provide referrals; and, to the extent possible, connect individuals with support services in their communities. As in other areas of crisis intervention (e.g., suicide and runaway prevention) and criminal activity (e.g., sexual assault, domestic violence, and missing/abducted children), human trafficking hotlines vary in staffing, size, locality, resources, and accessibility. Through site visits and workshop presentations, the committee learned about a number of human trafficking hotlines (Frundt, 2012; Knowles-Wirsing, 2012; Myles, 2012).

One example is the National Human Trafficking Resource Center (NHTRC), a 24-hour national hotline funded by the Department of Health and Human Services' Office of Refugee Resettlement. This hotline, which is operated through a cooperative agreement with Polaris Project, answers crisis calls (e.g., from trafficking victims in need of immediate assistance), provides referrals to local victim and support services, receives tips related

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to human trafficking, and responds to inquiries for general information and technical assistance (Polaris Project, 2013). The NHTRC hotline is answered by paid staff and uses tele-interpreter services to field calls in 170 languages. The NHTRC collects, analyzes, and summarizes call and caller characteristics and reports this information annually. The 2011 annual report notes that the hotline has experienced a steady increase in calls over time. Since 2008, the total number of calls received has increased 338 percent (from 5,748 to 19,427 unique calls) (Polaris Project, 2012a). According to the 2011 report, 4 percent of the calls to the NHTRC hotline were "crisis calls," that is, calls from victims of human trafficking who required immediate assistance or emergency services, and more than half (54 percent) of the calls placed to the hotline were for general information on human trafficking or for information and requests beyond the scope of the NHTRC services (Polaris Project, 2012a).

Other examples include state and local human trafficking hotlines. For example, the Colorado Network to End Human Trafficking maintains a 24-hour, statewide human trafficking crisis and referral hotline. In Chicago, the Salvation Army's STOP-IT program, discussed earlier, operates a 24-hour hotline. Both of these hotlines help connect callers with local service providers. Finally, there are hotlines that exist exclusively to assist commercially sexually exploited youth. One example is a hotline operated by Courtney's House, also discussed earlier. This hotline, which connects victims with local resources, is answered by survivors of commercial sexual exploitation.

Neither the best model for human trafficking hotlines nor their overall effectiveness has been determined. While there is some evidence that crisis hotlines can result in positive short-term outcomes for potential victims of suicide (King et al., 2003) and victims of domestic violence (Bennett et al., 2004), no evidence currently exists on the benefits of human trafficking hotlines. In addition, research suggests that youth may not readily access this source of assistance (Gould et al., 2006). For example, a recent study of adolescents found that, even though they had high rates of awareness of hotlines, very few in this sample (2.1 percent) reported ever using them (Gould et al., 2006). The authors also found that those adolescents who appeared to have the greatest needs also found hotlines to be unacceptable (Gould et al., 2006). The two primary reasons given for nonuse of hotlines were shame and self-reliance. Additional barriers to hotline use may exist among commercially sexually exploited youth. As noted in Chapter 3, victims may not self-identify and therefore may not view a hotline as a needed resource. In addition, as noted in Chapter 5, commercially sexually exploited youth may be worried about personal safety and/or legal consequences of calling a crisis hotline or may not have the freedom to place such a call. Additional research is necessary to determine the overall effectiveness

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of human trafficking hotlines, strategies that can improve their acceptability and relevance, and their appropriate attributes.

Foundations

Private foundations and philanthropic organizations can play an important role in raising awareness, advancing research, supporting prevention and intervention activities, and strengthening public policies related to a range of health problems, such as tobacco use, obesity, domestic violence, depression, and child abuse and neglect. A number of private foundations and philanthropic organizations have made sex trafficking and commercial sexual exploitation of minors a significant part of their work. The committee learned about several recently implemented foundation-led strategies: using big data to understand and disrupt human trafficking, providing direct support to state and local organizations, and using challenge grants to promote and scale innovative approaches. Examples of these strategies are described below. While many of the organizations and efforts described in this section support a range of activities that fit under multiple categories, the committee highlights specific strategies of note for each.

Using Big Data to Understand and Disrupt Human Trafficking

In 2012, Google awarded a $3 million grant through its foundation, Google Giving, to support the development of a Global Human Trafficking Hotline Network. This grant is designed to support collaboration and information sharing among three antitrafficking organizations: Polaris Project (in the United States), Liberty Asia (in Southeast Asia), and La Strada International (in Central and Eastern Europe). Each organization operates a human trafficking hotline, provides assistance to hotline callers, and collects data related to the calls received by the hotlines. Traditionally, this information has been "siloed from organization to organization, and region to region" (Google Giving, 2013). Therefore, the stated goal of the Global Human Trafficking Hotline Network is "to aggregate global data to help anti-trafficking organizations assist more victims of human trafficking and to identify larger, global trends that can inform broader strategic intervention" (Google Giving, 2013).

Providing Direct Support to State and Local Organizations

The Women's Foundation of Minnesota is one example of statewide community foundations that support efforts to prevent and respond to commercial sexual exploitation and sex trafficking of minors, in this case girls, in their state (Women's Foundation of Minnesota, 2011). In 2011,

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the Women's Foundation of Minnesota launched the "Minnesota Girls Are Not For Sale" campaign, a 5-year, $5 million campaign to support services, research, and public education on commercial sexual exploitation and sex trafficking of girls. Grantees have included local government (e.g., the St. Paul Police Department and the Ramsey County Attorney's Office) and nonprofit organizations (e.g., the American Indian Community Housing Organization). Grants are designed to "[support] legislative action to change state laws to recognize girls under age 18 who have been trafficked for sex are victims of a crime, not criminals; pursue sustainable housing and comprehensive treatment for sex-trafficked girls; and decrease the demand through effective law enforcement and policies" (Women's Foundation of Minnesota, 2011).

Using Challenge Grants to Promote and Scale Innovative Approaches

The Partnership for Freedom is an example of a public-private initiative that supports innovative solutions to prevent and respond to human trafficking, including sex trafficking and the commercial sexual exploitation of minors (Partnerships for Freedom, 2012). The Partnership, which includes two private foundations (Humanity United and the Goldman Sachs Foundation), the Department of Justice, and other federal agencies, will establish and distribute $6 million in Innovation Awards to Stop Human Trafficking. These awards are designed to support local communities to create "collaborative and comprehensive solutions to human trafficking survivor care that can be evaluated and expanded nationally and internationally through federal policies and programs" (Partnerships for Freedom, 2012). According to the Partnership for Freedom, grants will focus on "sustainable housing and shelter solutions for all types of trafficking survivors, comprehensive care and case management for survivors who are minors, and law enforcement engagement with survivors" (Partnerships for Freedom, 2012).

Private foundations and philanthropic organizations have the ability and resources to galvanize efforts to prevent and respond to pressing social problems. This role can be especially important in relation to emerging issues. Therefore, the committee believes that foundations are essential partners in a collaborative approach to preventing and responding to commercial sexual exploitation and sex trafficking of minors in the United States. (For suggested strategies for foundations, see Box 11-1 in Chapter 11.)

CURRENT RESEARCH ON VICTIM AND SUPPORT SERVICES

As in many domains of victim and support services, providing direct services for victims and survivors of commercial sexual exploitation and

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sex trafficking often takes priority over evaluating the effectiveness of services. Resources for evaluation are limited, and as noted in Chapter 1, numerous challenges arise in conducting research on services for victims and survivors of these crimes. These challenges include ethical issues (e.g., the assignment of subjects to experimental and control groups), legal issues (e.g., privacy, confidentiality, and autonomy), and practical issues (e.g., the safety and well-being of victims and survivors), among others. As a result, evaluation and other research on victim and support services for victims and survivors of commercial sexual exploitation and sex trafficking of minors is underdeveloped.

This section summarizes the current state of evaluation of victim and support services for victims/survivors of commercial sexual exploitation and sex trafficking of minors. It also summarizes what is known about the broad range of methods and approaches that have been incorporated into the provision of these services. Because this is an emerging area of research, the discussion includes evidence from related fields of practice and research (e.g., domestic and intimate partner violence, sexual assault). The examples in this section are not meant to be exhaustive. In fact, the committee's examination of research on and evaluation of victim and support services was constrained by the extremely limited number of published reports on the subject. The examples provided are meant to be illustrative and to call attention to areas that require additional evaluation.

Evaluations of Victim and Support Services

While many victim and support service providers routinely collect data on the individuals they serve and the specific services they provide, very few evaluations of specific victim and support services have been conducted, and there are few published reports and even fewer peer-reviewed studies on these services. As a result, victim and support service professionals and programs lack a critically reviewed evidence base for practice. However, the committee learned about a handful of recent and forthcoming efforts to evaluate victim and support services for victims and survivors of commercial sexual exploitation and sex trafficking in the United States.

For example, the National Institute of Justice funded an independent evaluation of LIFESKILLS, an intervention program for victims/survivors of and individuals at risk of commercial sexual exploitation and sex trafficking (under age 18) in San Francisco. The authors found that participation in the program reduced contact with the criminal justice system (Cohen et al., 2010). In addition, participants reported increased self-efficacy, increased educational aspirations, and a more positive attitude toward employment from baseline to follow-up interviews (Cohen et al., 2010). However, the program was found to have no significant effect on other outcomes of

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interest, including substance abuse, commitment to school, and social support for participants (Cohen et al., 2010). While informative, the findings from this evaluation should be viewed with some caution. First, the sample was very small at baseline (n = 32) and experienced considerable attrition at 3-month follow-up (n = 23). Further, the sample consisted of victims/survivors and high-risk individuals who were referred to the program (i.e., a sample of convenience), and parental consent to participate was required. Finally, because fidelity to the curriculum was uneven during implementation, it is difficult to pinpoint specific program effects (Cohen et al., 2010). Despite the limitations of this research, the evaluation offers some insights into the challenges of conducting research on the problems of commercial sexual exploitation and sex trafficking of minors in the United States.

Another effort to evaluate programs that serve victims and survivors of sex trafficking of minors in the United States is an independent evaluation of three victim and support service providers participating in the Office for Victims of Crime's Domestic Minor Demonstration Project (see Chapter 10 for a more detailed description of this project). Although currently unavailable, findings from this research will document components of program implementation among three grantees serving domestic minor victims of human trafficking and identify promising practices (e.g., critical elements of the service delivery program, fidelity to program design, and approaches to making services acceptable to program participants) (National Institute of Justice, 2009). In addition, the four block grants authorized in the 2013 reauthorization of the TVPA for providing services to victims or survivors of sex trafficking of minors require an annual evaluation of these programs by an academic or nonprofit institution with experience in issues related to this crime (Violence Against Women Act sec. 1241).

Conducting research on victim and support services can help build a much-needed evidence base for understanding promising and best practices for providing such services to victims and survivors of commercial sexual exploitation and sex trafficking of minors in the United States to inform future work. Further, the committee supports broad dissemination of the findings of this research through publication in the peer-reviewed literature so that this evidence base will be critically reviewed.

Research on Approaches to the Provision of Services

Victim and support service providers employ a range of approaches to provide services to children and adolescents at risk of and to victims and survivors of commercial sexual exploitation and sex trafficking. These approaches include, among others, trauma-informed care, trauma-specific treatment, and trauma-focused services; case management; and survivor-led

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and survivor-informed models. The following sections briefly describe what is known about each of these approaches.

Trauma-Informed Care, Trauma-Specific Treatment, and Trauma-Focused Services

Advocates, victim and support services providers, governmental and nongovernmental entities, and other groups that deal with commercial sexual exploitation and sex trafficking of minors in the United States increasingly are calling for the use of trauma-informed care for victims and survivors of these crimes. For example, a recent Department of Justice report on children exposed to violence cites trauma-informed care, trauma-specific treatment, and trauma-focused services as central to the department's strategies for assisting and supporting victims and survivors of violence and abuse (DOJ, 2012). Similarly, many of the providers and organizations that serve victims and survivors of commercial sexual exploitation and sex trafficking informed the committee that trauma-informed care is their standard practice (Goldblatt Grace, 2012; Holzman, 2012; Knowles-Wirsing, 2012; Piening and Cross, 2012; Ring, 2012; Westmacott, 2012a). Given the nature of abuse and violence experienced by victims of commercial sexual exploitation and sex trafficking (i.e., exposure to repeated physical, sexual, and in some cases psychological abuse or witnessing violence), it follows that services specifically designed to address trauma represent an appropriate approach.

Experiences with trauma can exceed a person's ability to cope and often lead to adverse impacts on health and behavior that can persist long into the future (Hopper et al., 2009). Individuals who have experienced trauma may exhibit such symptoms as depression, anxiety, anger, disassociation, fearfulness, hopelessness, poor self-image, distrust of the environment, and difficulty maintaining healthy interpersonal relationships (Fortier et al., 2009). Recent developments in neuroscience research demonstrate that without treatment, traumatic experiences can lead to changes in the brain that may create an inherent sense of distrust toward all individuals, including those in a helping role, such as direct service providers and law enforcement personnel (DOJ, 2012). Further compounding a distrust of authority, youth who experience trauma may feel a sense of betrayal and resentment toward the society that did not protect them (DOJ, 2012). The literature provides evidence of trauma symptoms in response to multiple forms of trauma. For example, a study of 275 female college students found an association between sexual trauma and risky sexual behavior and substance use (Johnson and Johnson, 2013). In addition, a study measuring trauma symptoms in a sample of children exposed to domestic violence found that these children were more likely to experience a range of poor social outcomes, including

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aggressive behavior, depression, and low self-worth, compared with children who had not undergone such exposure (Zerk et al., 2009).

Trauma-informed care is a systems-level approach that recognizes and responds appropriately to trauma symptoms. According to the Substance Abuse and Mental Health Services Administration (SAMHSA, 2012), the design of trauma-informed systems is "based on an understanding of the vulnerabilities or triggers of trauma survivors that traditional service delivery approaches may exacerbate, so that these services and programs can be more supportive and avoid re-traumatization." Hopper and colleagues (2009, p. 133) define trauma-informed care as "a strengths-based framework that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control and empowerment." Elements of a trauma-informed system include ongoing training in trauma for staff and leadership, use of trauma assessment tools and provision of trauma-specific services, an environment that is physically and psychologically safe, and meaningful participation by both consumers of services and staff in the design and operation of the organization (Guarino et al., 2009). In addition, individuals at all levels of a trauma-informed organization realize the potential impact of trauma on consumers of services and staff; recognize the ways in which trauma symptoms can manifest, such as behavioral and substance abuse disorders; and respond to trauma symptoms in a way that facilitates healing (SAMHSA, 2012).

Evidence supports the effectiveness of trauma-specific services for victims and survivors of childhood sexual abuse and complex trauma and for women with criminal justice involvement. For example, evidence indicates the effectiveness of trauma-focused cognitive-behavioral therapy (TF-CBT) in reducing trauma symptoms among children who have experienced sexual abuse (Schneider et al., 2013) and youth who have experienced complex trauma (Cohen et al., 2012). Specific trauma symptoms effectively reduced by TF-CBT include depression, anxiety, low self-esteem, sexual risk behaviors, and unhealthy beliefs about sexuality (Olafson, 2011). In addition, a randomized controlled study of the impact of a trauma intervention program for adjudicated and at-risk youth found statistically significant reductions in trauma symptoms among adjudicated adolescents in residential treatment, including reductions in depression, anxiety, and rule-breaking behaviors and improvements in emotional regulation (Raider et al., 2008). Trauma-specific services also have been evaluated and found to be effective for women experiencing co-occurring disorders, including substance abuse and depression (Conradi and Wilson, 2010). For example, Helping Women Recover and Beyond Trauma are trauma-informed, gender-specific services that have been empirically evaluated and found to be effective

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in reducing trauma symptoms in women with criminal justice system involvement. Outcomes include decreases in depression, substance use, and self-destructive behaviors, with increases in healthy coping mechanisms (Covington et al., 2008). The effectiveness of trauma-specific services for victims and survivors of commercial sexual exploitation and sex trafficking of minors, however, has yet to be evaluated. Given the growing support for and implementation of trauma-informed care, trauma-specific treatment, and trauma-focused services for victims and survivors of commercial sexual exploitation and sex trafficking, a more thorough evaluation of their effectiveness is warranted.

Case Management

Through case management, an individual in need of assistance receives support from a professional—often a case manager—who develops a service plan and serves as a central point of contact for a range of service providers and systems. This professional can assess an individual's needs and identify and coordinate services on his or her behalf. Case management can be especially beneficial when an individual has complex needs (e.g., health care, mental health services, legal services) or must interact with multiple systems (e.g., criminal/juvenile justice, child protective services, foster care). As noted in Chapter 5, case management is a common component of a multidisciplinary team approach to assisting victims and survivors of domestic abuse, child abuse, and sexual assault.

Clawson and Dutch (2008) describe the benefits of case management for international victims of human trafficking based on their synthesis of key informant interviews. The authors found that case management helps victims/survivors of human trafficking navigate complex systems and achieve self-sufficiency. The authors suggest that, in addition to being beneficial to the victim/survivor, case management helps law enforcement and prosecutors. By connecting victims/survivors with needed assistance, case managers help stabilize them, making them better able to assist with investigation and prosecution of a trafficking case (Clawson and Dutch, 2008). Finally, the authors suggest that case management would likely be as beneficial to victims and survivors who are U.S. citizens and legal permanent residents as it is to international victims/survivors (Clawson and Dutch, 2008).

The committee learned from a variety of sources—most notably from testimony during its site visits and public workshops—that many victim and support services for victims/survivors of commercial sexual exploitation and sex trafficking use and/or support the use of case management (Adams, 2012; Baker, 2012; Knowles-Wirsing, 2012; Nelson, 2012; O'Malley, 2012; Ring, 2012). In addition, a handful of researchers have begun to exam-

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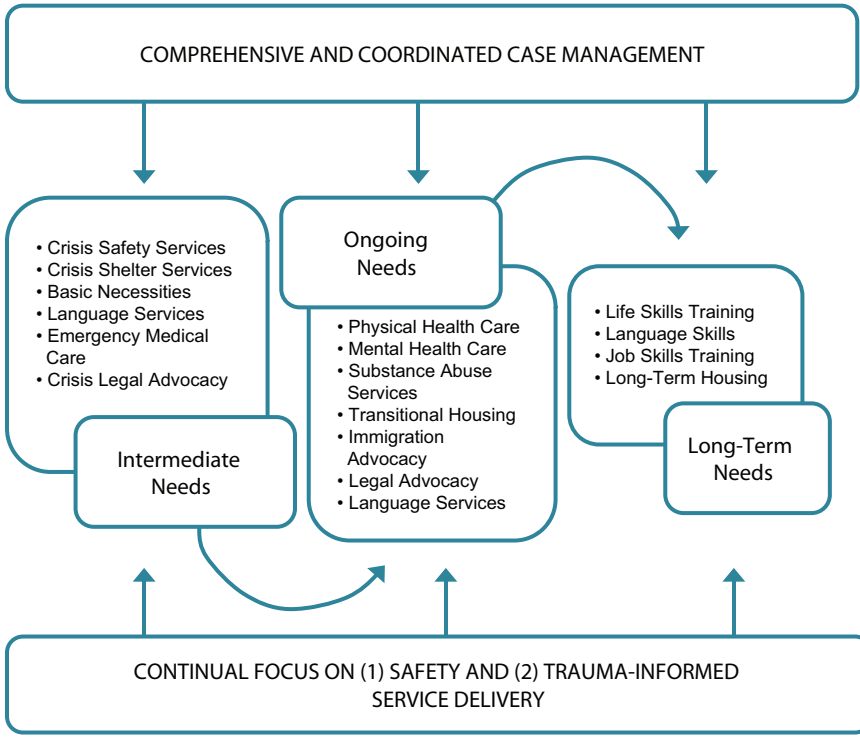

FIGURE 6-1 Framework for a continuum of aftercare services to address international sex trafficking survivors' changing needs.
SOURCE: Macy and Johns, 2011.

ine the benefits of case management for victims/survivors of these crimes (Macy and Johns, 2011). (See Figure 6-1 for an example of how "comprehensive and coordinated case management" can be used as part of an overall strategy for providing services to victims/survivors of international sex trafficking.) Understanding that this is a field of research in its early stages, the committee urges additional evaluation of the effectiveness of case management for victims/survivors of commercial sexual exploitation and sex trafficking.

Survivor-Led and Survivor-Informed Models

The committee likewise learned from a variety of sources—most notably from testimony during its site visits and public workshops—that many victim and support services for victims/survivors of commercial sexual

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exploitation and sex trafficking use and/or support the use of survivor-led and survivor-informed approaches (Frundt, 2012; Goldblatt Grace, 2012; Holzman, 2012; Phillips, 2012). For example, survivor-led services and programs are central to GEMS (discussed earlier in this chapter and in Chapter 5). To document its participants' perception of the importance of survivor-led services for victims and survivors of commercial sexual exploitation and sex trafficking, GEMS conducted interviews with 11 girls and young women (aged 18-24) who were GEMS participants. The participants reported that youth leadership by survivors of commercial sexual exploitation and sex trafficking was important to their personal growth and development (Lloyd, 2008). As one service provider stated at the committee's public workshop in San Francisco, "It is also such a testament to the youth to be able to see people, and have tangible conversations, and interact with people who can say, 'Yes I have been there. It is possible to get out. It doesn't always have to be this way'" (Phillips, 2012).

While anecdotal evidence from participants and organizations that use a survivor-led or survivor-informed approach to services for victims and survivors of commercial sexual exploitation and sex trafficking of minors can offer insights into the approach's effectiveness and acceptability, additional research is needed to establish evidence-based practice. Therefore, the committee urges the evaluation of this approach to providing services for victims and survivors of these crimes.

Lessons Learned from Related Fields of Practice and Research

As noted in Chapter 3, domestic violence, intimate partner violence, sexual assault, and commercial sexual exploitation and sex trafficking of minors are related and overlap in a number of ways (e.g., violence and victimization, trauma, and social isolation, among others). Thus, examining and understanding how victim and support services have addressed domestic violence, intimate partner violence, and sexual assault through prevention and intervention efforts can be informative. In addition, the committee recognizes the potential to expand existing related services to address commercial sexual exploitation and sex trafficking of minors.

The Mount Sinai Sexual Assault and Violence Intervention (SAVI) Program is one hospital-based violence prevention and intervention program that has expanded its scope of work to include services and support to victims and survivors of commercial sexual exploitation and sex trafficking (Lattimer, 2012). This expansion is based on SAVI's recognition of the associations among sexual abuse, intimate partner violence, and commercial sexual exploitation/sex trafficking. SAVI offers individual trauma-informed counseling, group and family counseling, and case management to victims/survivors of commercial sexual exploitation and sex trafficking. It also con-

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nects victims/survivors with community resources to provide support for education and job training, assistance in the process of applying for public benefits, legal advocacy and services, and health care services. SAVI clinicians coordinate services with partners in the Mount Sinai Medical Center, including the Mount Sinai Adolescent Health Center, and with community-based resources, such as GEMS (Lattimer, 2012).

CHALLENGES AND OPPORTUNITIES

Despite the number of efforts currently under way to provide victim and support services, broad consensus exists among professionals in each sector that serves victims/survivors of commercial sexual exploitation and sex trafficking that too few services are available to meet current needs. In addition, the services that do exist are unevenly distributed geographically, lack adequate resources, and vary in their ability to provide specialized care to victims/survivors of commercial sexual exploitation and sex trafficking. This section describes some of the overarching challenges to providing victim and support services to minors exploited through commercial sexual exploitation and sex trafficking and points to a number of opportunities to reach those in need of assistance.

Lack of Adequate Shelter and Housing

In a survey of law enforcement personnel familiar with sex trafficking cases, 65 percent identified shelter and housing as the most needed service for victims (Clawson et al., 2006). According to a number of reports, emergency, short-term, and long-term housing for victims of commercial sexual exploitation and sex trafficking is limited, and in many parts of the country is nonexistent (Aron et al., 2006; Clawson and Goldblatt Grace, 2007; Clawson et al., 2009a; Ferguson et al., 2009; Finklea et al., 2011; Giardino and Sanborn, 2011; Gragg et al., 2007; Shared Hope International, 2012). For example, a recent survey of 68 organizations providing shelter services to victims of human trafficking in the United States and U.S. territories found that 2,173 beds were available to human trafficking victims for at least one overnight stay (Polaris Project, 2012b). Of these, 678 were shelter beds exclusively designated for victims of human trafficking, and 525 were designated for victims of sex trafficking. Minors were eligible for shelter beds at 38 of the 68 organizations surveyed, representing a total of 1,196 shelter beds available to minor victims of human trafficking (Polaris Project, 2012b). Another survey, of 341 individuals from 117 programs funded by the Department of Health and Human Services, found that most female victims of commercial sexual exploitation and sex trafficking were placed in shelters that traditionally served victims of domestic violence and sexual

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assault, that shelter stays were time limited, and that housing for male victims of commercial sexual exploitation and sex trafficking was lacking (Clawson et al., 2009b). This lack of housing for victims/survivors of commercial sexual exploitation and sex trafficking was echoed by participants in the committee's workshops and site visits (Phillips, 2012). Participants in the New York City site visit noted that appropriate and acceptable shelter options are in particularly short supply for individuals who may face additional discrimination (Holzman, 2012; Westmacott, 2012b). For example, transgender youth may not be given the opportunity to designate the sex-specific housing with which they identify, potentially exposing them to violence and/or discrimination. Although the New York City Department of Homeless Services developed a policy to allow shelter placements to be determined by an individual's stated identity (New York City Department of Homeless Services, 2006), it is unclear how well and how often this policy is implemented in practice (Westmacott, 2012b).

Few Victim and Support Services for Boys

As noted earlier in the chapter, few victim and support service providers work with male victims and survivors of commercial sexual exploitation and sex trafficking. This deficiency is noted in the literature (Clawson et al., 2009a) and also was cited in testimony to the committee during its site visits and public workshops (Frundt, 2012; Goldblatt Grace, 2012; Phillips, 2012; Westmacott, 2012b). Given the growing recognition among researchers and service providers that boys and young men are victims and survivors of commercial sexual exploitation and sex trafficking, greater attention is needed to preventing and identifying these crimes committed against these youth. In addition, more work is needed to ensure that gender-specific services are available to meet the needs of male victims of commercial sexual exploitation and sex trafficking.

Lack of Awareness Among Service Providers

Victim and support service providers working with vulnerable youth may lack an understanding of commercial sexual exploitation and sex trafficking, and therefore may not recognize youth in their care who are at risk of or are victims/survivors of these crimes. As a result, they fail to connect youth in need to appropriate and timely services. As described earlier in this chapter, a number of efforts are under way to train service providers in and raise public awareness of commercial sexual exploitation and sex trafficking of minors in the United States. Broadening the reach of these existing efforts is one strategy for increasing understanding and recognition of these crimes. Ideally, as individuals and entities work to enhance the availability

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and accessibility of training for victim and support service professionals, they will engage in the evaluation of programs, practices, and policies and will explore innovative strategies for delivery and dissemination of this training (e.g., the use of technology).

Lack of Information Sharing and Communication Among Victim and Support Service Providers

As noted earlier in this chapter, victims and survivors of commercial sexual exploitation and sex trafficking may require a range of victim and support services (e.g., mental health and substance abuse services, housing/shelter). As a result, victims and survivors are likely to interact with a number of agencies and professionals. Ensuring that victims and survivors receive all the services they need requires communication and coordination among victim and support service providers. Unfortunately, mechanisms that support information sharing and communication may not exist among service providers and systems of care that interact with victims and survivors of commercial sexual exploitation and sex trafficking. As noted earlier in this chapter, some of the challenges related to information sharing and communication among multiple service providers and systems of care can be addressed by case management. Multisector collaboration, described in Chapter 10, also can address challenges related to information sharing and communication.

Impact on Service Providers of Working with Victims and Survivors

A significant body of research suggests that professionals working with vulnerable and traumatized populations may experience negative effects from their support role, also known as vicarious victimization, secondary trauma, or vicarious trauma (Cornille and Meyers, 1999; Pearlman and Mac Ian, 1995; Salston and Figley, 2003). One recent qualitative study found that working with victims/survivors of sex trafficking has an impact on the physical and psychological health of health care and victim and support service providers (Kliner and Stroud, 2012). Study participants reported experiencing burnout (e.g., compassion fatigue) and secondary traumatic stress (e.g., sleep disturbance). Although the study sample was small (n = 12), these findings support the testimony of participants during the committee's public workshops and site visits. Those involved in efforts to evaluate and provide victim and support services for victims and survivors of commercial sexual exploitation and sex trafficking need to examine the impact of this work on service providers. Findings from this research can inform strategies for supporting both victims/survivors and the professionals who work with them.

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Lack of Consensus on Services and Service Delivery

A number of national and international efforts have been undertaken to define comprehensive services or a "continuum of care" for victims of human trafficking (Aron et al., 2006; Chicago Alliance Against Sexual Exploitation, 2012; Clawson et al., 2009b; Macy and Johns, 2011; Piening and Cross, 2012). For example, the Chicago Alliance Against Sexual Exploitation recently proposed a statewide system of specialized services for survivors of prostitution and sex trafficking, including services specifically for minors (Chicago Alliance Against Sexual Exploitation, 2012). Components of this proposed system include shelter, physical and mental health services, street outreach, transportation assistance, legal advocacy, employment and education resources, and referrals for other services (e.g., substance abuse treatment) (Chicago Alliance Against Sexual Exploitation, 2012). The proposal calls for all services to be provided by "both survivors and professional staff who are trained in the provision of trauma-specific services" (Chicago Alliance Against Sexual Exploitation, 2012, p. 12).

While there is some agreement on specific services needed, consensus currently is lacking on the range of services that should be available to assist and support victims and survivors of commercial sexual exploitation and sex trafficking effectively over time. Consensus also is lacking on the most effective or efficient model of service delivery for victims and survivors of these crimes. Additional research is needed to determine the range of services needed and to evaluate the delivery of services to populations in need. Finally, it should be noted that the delivery of comprehensive services cannot be accomplished through victim and support services alone. The need for a multisector response to commercial sexual exploitation and sex trafficking of minors is discussed in detail in Chapter 10.

FINDINGS AND CONCLUSIONS

Given their unique perspective, expertise, and resources and the likelihood that they are already working with youth vulnerable to and victimized by commercial sexual exploitation and sex trafficking, victim and support services have a responsibility to recognize these crimes and to address the needs of these youth in their care. The committee's review of the literature and its careful consideration of expert testimony revealed several themes related to the provision of victim and support services to these youth. This chapter has highlighted a range of noteworthy and emerging efforts to provide these services. However, the committee emphasizes the urgent need to evaluate these and future efforts. The committee formulated the following findings and conclusions regarding the provision of victim and

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support services to victims/survivors of commercial sexual exploitation and sex trafficking of minors:

6-1 Victims and survivors of commercial sexual exploitation and sex trafficking are frequently in need of services, often including out-of-home placement.

6-2 Advocates, victim and support service providers, governmental and nongovernmental entities, and other groups that deal with commercial sexual exploitation and sex trafficking of minors in the United States increasingly are calling for the use of trauma-informed care for victims and survivors of these crimes.

6-3 Given the growing support for and implementation of trauma-informed care, trauma-specific treatment, and trauma-focused services for victims and survivors of commercial sexual exploitation and sex trafficking, a more thorough evaluation of the effectiveness of these approaches is warranted.

6-4 Given the growing support for and implementation of case management and survivor-led and survivor-informed services for victims and survivors of commercial sexual exploitation and sex trafficking, a more thorough evaluation of the effectiveness of these strategies is warranted.

6-5 Broad consensus exists among professionals in each sector that serves victims/survivors of commercial sexual exploitation and sex trafficking that there are too few services available to meet current needs, and that services that do exist are unevenly distributed geographically, lack adequate resources, and vary in their ability to provide specialized care to victims/survivors of these crimes.

6-6 Emergency, short-term, and long-term housing for victims/survivors of commercial sexual exploitation and sex trafficking is limited, and in many parts of the country is nonexistent.

6-7 Few victim and support service providers work with male victims and survivors of commercial sexual exploitation and sex trafficking. More work is needed to ensure that gender-specific services are available to meet the needs of these youth.

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6-8 Professionals working with vulnerable and traumatized populations may experience negative effects of their support role, also known as vicarious victimization, secondary trauma, or vicarious trauma.

6-9 Research on victim and support services can help build a much-needed evidence base for promising and best practices for victims and survivors of commercial sexual exploitation and sex trafficking of minors in the United States to inform future work. Broad dissemination of the findings of this research through publication in the peer-reviewed literature is needed so that this evidence base will be critically reviewed.

6-10 With few exceptions, current victim and support services for victims and survivors of commercial sexual exploitation and sex trafficking of minors lack plans and mechanisms for evaluation and outcome measurement.

6-11 Additional research is needed to determine the range of services needed to assist and support victims and survivors of commercial sexual exploitation and sex trafficking of minors and to evaluate the delivery of services to populations in need.

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7

Health and Health Care

Health care providers, such as physicians, nurses, advanced practice nurses, physician assistants, mental health professionals, and dentists, see children and adolescents for prevention and treatment of illness and disease. At any of these encounters, these providers can have an opportunity to identify and assist young people who are victims of commercial sexual exploitation and sex trafficking (Clawson et al., 2009a,b; Irazola et al., 2008; Logan et al., 2009; Macy and Graham, 2012; Williamson et al., 2009). Front-line practice settings in which these providers work and where victims of commercial sexual exploitation and sex trafficking may present for services include, among others, emergency departments, urgent care, primary care clinics, adolescent medicine clinics, school clinics, shelters, specialty clinics (obstetrics/gynecology, psychiatry), community health centers, health department clinics, free-standing Title X clinics, Planned Parenthood, and dental clinics (Cohen, 2005).

Ideally, health care providers would be involved in efforts focused on the prevention of victimization by these crimes and work to identify and provide treatment/referral for victims. Yet despite the potential opportunities for intervention, health care professionals often overlook or fail to identify victimized youth. The result can be missed opportunities for intervention and the continued perpetration of crimes against these youth. The first section of this chapter describes the key barriers to identification of victims among health care professionals. The chapter then describes the current and emerging roles of health care providers in preventing, recognizing, and addressing commercial sexual exploitation and sex trafficking of minors in the United States. Examples of current models of care are

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discussed, including the potential contributions of using a public health approach to examine and provide services to child and adolescent victims of commercial sexual exploitation and sex trafficking. Public health program models are described as examples of how health care providers and communities have taken such an approach. The chapter concludes with the committee's findings and conclusions regarding the roles of health care providers in addressing commercial sexual exploitation and sex trafficking of minors in the United States.

Victims and survivors of commercial sexual exploitation and sex trafficking of minors may experience a variety of physical and mental health illnesses and injuries. Thus, they might be expected to present for treatment at some point during their victimization. If each of these encounters is viewed as a potential opportunity to assist victims, it would follow that health care providers must be prepared to identify victims and provide this assistance. Yet little is known about how often these opportunities arise and how health care providers can fulfill this role. To date, only two published studies have examined how often victims of human trafficking were taken to health care providers during their victimization. Both of these study samples included victims of all ages, of both domestic and international trafficking, and of all forms of human trafficking (including labor and sex trafficking). One study entailed interviews with 21 victims of trafficking aged 12-53 (FVPF, 2005). The authors found that 28 percent of victims had seen a health care provider at least once during their victimization. In the second study, a qualitative study of women aged 22-63, 6 of the 12 victims of sex trafficking interviewed reported a visit to some type of health care provider, including a curandera or traditional Latina healer (Baldwin et al., 2011), for treatment of sexually transmitted infections, testing for pregnancy, and abortion services. The findings of these two small, qualitative studies suggest that human trafficking victims may seek treatment by health care providers, but they reveal little about the role of the health care providers visited in identifying and assisting victims. Both studies also have limitations that underscore some of the inherent challenges entailed in research on vulnerable populations such as victims of human trafficking. First, the sample sizes were small, which is not unexpected when one is trying to recruit and study victims who may be unwilling to self-identify and volunteer. Also, it is reasonable to question whether youth who are victims of domestic sex trafficking would report different patterns of interaction with the health sector and providers from those of adults who are trafficked for other purposes, even though some factors associated with age and legal status might make accessing health care more difficult for them. Still, despite the lack of scientific data with which to fully appreciate the role of health care providers in identifying and assisting victims of commercial sexual exploitation and sex trafficking, there are lessons to be drawn from

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the little research that has been done and from reports of clinicians in the field.

BARRIERS TO IDENTIFICATION OF VICTIMS

Although no currently available studies specifically examine the unique challenges faced by health care providers, a number of reports describe a range of factors that contribute to a failure to recognize and identify victims of commercial sexual exploitation and sex trafficking of minors (Clawson and Dutch, 2008a; Crane and Moreno, 2011; Lillywhite and Skidmore, 2006; Smith et al., 2009). Several of these factors are similar to those found to contribute to a failure to identify victims of child abuse (IOM, 2002). These factors include, but are not limited to, a lack of understanding of commercial sexual exploitation and sex trafficking of minors (by both professionals and victims), a lack of disclosure by victims, potential and perceived complications related to mandated reporting, and a lack of policies and protocols related to these crimes to assist health care providers in assessing and treating victims.

Lack of Understanding of Commercial Sexual Exploitation and Sex Trafficking of Minors

The need for education and training of health care providers on the topic of commercial sexual exploitation and sex trafficking of minors has been identified as a barrier faced by these professionals in identifying and providing services to victims (Clawson and Goldblatt Grace, 2007; Fong and Berger Cardoso, 2010; Okech et al., 2011). Health care providers not only need to be aware of the issue of commercial sexual exploitation and sex trafficking of minors but also need to have the knowledge and skills necessary to provide care to victims. In a survey of 159 service providers across the United States, including health care providers, who work with victims and survivors of human trafficking, the lack of adequate training was identified as a key barrier to providing services (Clawson et al., 2013). The survey identified a number of specific training needs, including training in confidentiality issues, in gaining victims' trust, in victim identification, in collaboration and networking, in outreach methods, in medical and mental health issues, in cultural and religious issues, and in staffing challenges.

Three recent studies examine knowledge, attitudes, and beliefs regarding human trafficking among health care providers. The first, a survey of 262 Canadian medical students, assesses awareness of and attitudes toward human trafficking (Wong, 2011). In this study, 48.5 percent (n = 127) of respondents reported not being knowledgeable about human trafficking, 45.4 percent (n = 119) said they were somewhat knowledgeable, and only

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5.7 percent (n = 15) reported being knowledgeable. When asked when they first learned about human trafficking, the majority of the medical students (69.8 percent, n = 183) said it was before they entered medical school. Although no students reported learning about human trafficking within the medical school curriculum, 76 percent (n = 199) said they perceived human trafficking as an important community health issue (Wong, 2011).

The second study was cross-sectional with a two-part design (Chisolm-Straker et al., 2012). The first part was a survey designed to assess the knowledge and comfort level of emergency department providers in identifying and treating victims of human trafficking; the second part entailed development and testing of an intervention designed to train providers in the emergency department in identifying and treating victims. The sample for part one consisted of 180 health care providers from four different hospitals, including attending physicians (20.6 percent), emergency medicine residents (27.2 percent), physician assistants (2.8 percent), registered nurses (13.9 percent), social workers (14.4 percent), and medical students (13.9 percent). The majority of participants in part one (79.4 percent) reported knowing what human trafficking is, yet very few (2.2. percent) had received any formal training in identifying victims, and few (5 percent) had knowingly treated victims (Chisolm-Straker et al., 2012). Among the participants, confidence in their abilities to identify and treat victims of trafficking was very low. Only 4.8 percent reported feeling confident in their ability to identify victims and 7.7 percent in their ability to treat victims. Immediately following the educational intervention, 90.3 percent (n = 164) of the participants reported being very confident/confident in their abilities to identify and treat victims of trafficking (Chisolm-Straker et al., 2012).

The third study focused on the topic of domestic sex trafficking of minors, examining physicians' knowledge, attitudes, and training (Reinhard et al., 2012). The authors surveyed physicians practicing in Kansas via an online questionnaire. Unfortunately, the response rate was very low (4 percent); however, findings from the 69 participants are consistent with those of the two studies discussed above. The majority of the physicians (86 percent, n = 59) identified domestic sex trafficking of minors as a problem in the United States, yet 76.8 percent (n = 53) said they did not feel comfortable with identifying victims in their own practice. Screening and identification of possible or suspected cases of domestic sex trafficking of minors presented challenges to this group of respondents. Only 8 of the 69 reported screening patients for victimization by this crime, and while 42 (61 percent) reported encountering patients with possible signs of victimization, very few reported suspecting domestic sex trafficking of minors (Reinhard et al., 2012).

Five of the respondents had encountered a total of 24 victims of domestic sex trafficking of minors in their practice setting and reported 22

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of those cases (Reinhard et al., 2012). Barriers to reporting identified by respondents included being unsure whether the patient was a victim (73.9 percent, n = 51), not knowing how to report (30.4 percent, n = 21), victims not acting like they needed help (4.3 percent, n = 3), and not having time to report (2.9 percent, n = 2). As in the other two studies, very few of the physicians participating in this study had received training in domestic sex trafficking of minors (5.8 percent, n = 4), but the majority said they would like to receive such training (66.7 percent, n = 46).

These three studies highlight that, although many health care providers have some cognizance of human trafficking and domestic sex trafficking of minors in particular, they lack confidence in their abilities to identify and assist victims. In addition, the intervention study of Chisolm-Straker and colleagues (2012) demonstrated that their educational intervention was successful in increasing the knowledge and confidence of emergency department providers not only in identifying but also in treating victims of trafficking. There is a clear need for training for health care providers on the topic of human trafficking, including domestic sex trafficking of minors; victim identification; and assistance to victims, including reporting and referrals to other agencies. These findings are consistent with reports and testimony of health care providers during the committee's site visits and public workshops. Yet a number of barriers to the training of health care providers in these areas exist, including stereotypes and misperceptions about commercial sexual exploitation and sex trafficking of minors, limited availability of evidence-based training/educational programs, funding constraints, and competing priorities for health professionals' time and educational efforts.

Stereotypes and Misperceptions

Stereotypes and misperceptions surrounding commercial sexual exploitation and sex trafficking of minors may contribute to health care providers' inability to identify and assist victims effectively. A recent report describes two persistent stereotypes, in particular, that may inhibit victim identification (Clawson and Dutch, 2008b; Clawson et al., 2009b; Farley and Kelly, 2000). An exploratory study by the Department of Health and Human Services found that some health care providers stereotypically view victims of commercial sexual exploitation and sex trafficking as young, adolescent girls from foreign countries who are brought to the United States and coerced into prostitution (Clawson and Dutch, 2008b). This stereotype may prevent health care providers from recognizing as victims other youth in their care, including those who are U.S. citizens or who are male or transgender. In addition, victims of commercial sexual exploitation and sex trafficking of minors often are labeled as "child prostitutes" or perceived

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as being willingly engaged in criminal behavior. This misperception may prevent health care providers from recognizing these youth as victims of sex crimes rather than criminals (an issue addressed in detail in Chapter 5) (Clawson et al., 2009b; Farley and Kelly, 2000).

Contrary to these stereotypes, victims of commercial sexual exploitation and sex trafficking of minors include a broad range of individuals, including girls, boys, and transgender youth of different races and ethnicities and from both domestic and international backgrounds (Eastman, 2012; Kotrla and Wommack, 2011; Lillywhite and Skidmore, 2006; Miller et al., 2007; Ring, 2012; Smith et al., 2009). Therefore, it is important to determine what if any stereotypes and misperceptions health care providers hold regarding victims of these crimes, how widely held those beliefs are among these professionals, to what extent those beliefs influence health care providers' behaviors, and how they can be overcome (Williamson et al., 2009).

Lack of Training Opportunities

Health care providers may face challenges in identifying appropriate, well-designed training/education offered by individuals qualified to facilitate or provide it. As previously noted, data are lacking with which to evaluate the effectiveness of current educational efforts in enhancing providers' ability to identify and assist victims. Although limited research has examined how health care providers receive training in domestic violence and child abuse, these fields of study entail issues that are similar to or overlap with those encountered with commercial sexual exploitation and sex trafficking of minors (see Chapter 3). Therefore, the training of health care providers in the former fields in medical and nursing schools, in residency, and during fellowships may provide an opportunity for improving training in the latter. Furthermore, many national health care organizations can help promote provider awareness through continuing medical education and sponsored training and meetings designed to educate those whose disciplines make them most likely to encounter victims of commercial sexual exploitation and sex trafficking of minors. Further research is needed to help determine the most effective means of educating health care providers in how best to identify and assist victims of these crimes.

Funding Constraints

As in other areas of health care, limited funding is available with which to develop, provide, and evaluate curricula and training on commercial sexual exploitation and sex trafficking of minors for providers in the health care sector. The committee heard from agency representatives and front-line health care providers who described health care budgets that are already

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stretched thin and could not support such efforts (Chang, 2012; Goldblatt Grace et al., 2012; Siffermann, 2012). A number of these individuals described how they have developed education and training for a variety of service providers and community members but lack the expertise, time, and/or personnel to evaluate their programs.

Competing Priorities

Agencies and providers in the health care sector may face challenges in implementing training because of competing priorities. Health care providers often are overburdened with mandatory training and education within their practice environments. It is important to note that simply adding another required educational topic, whether through in-person training or computer-based module, may not result in a more informed provider; education and training must be thoughtfully designed.

Lack of Disclosure

As discussed in earlier chapters, an additional challenge to identifying victims is their lack of disclosure of being commercial sexually exploited or sex trafficked. The committee learned from both service providers and health care providers that lack of disclosure may be due to victims' fear or distrust of professionals and the systems with which they interface (Chang, 2012; Nguyen, 2012). Victimized youth also may be fearful of the consequences of disclosure from their exploiter (Crane and Moreno, 2011; Holzman, 2012; Miller et al., 2007; Ring, 2012; Smith et al., 2009). They may be coached by their exploiter in how to answer questions from authority figures or health care providers so as not to draw attention to their victimization. For those victims of commercial sexual exploitation and sex trafficking who are living in the United States and are not fluent in English, language barriers are confounded by a lack of ready access to culturally competent interpreters. Another potential explanation for a lack of disclosure from victimized youth is that they may not perceive themselves as victims or may believe that they are responsible for their victimization and so feel that there is nothing to disclose (Clawson et al., 2009b; Crane and Moreno, 2011; Smith et al., 2009; Williamson et al., 2009).

Although no studies have examined to what extent lack of disclosure contributes to nonidentification of victims, it is of interest that some organizations have begun to address this potential barrier through use of a model screening protocol for domestic violence, adapted to help victims of commercial sexual exploitation and sex trafficking. For example, representatives of Asian Health Services in Oakland, California, described to the committee how they ensure that all patients are interviewed alone

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and use interpreters of patients' native language to interview them instead of interviewing family members who may speak English (Chang, 2012). Given the similar issues of nondisclosure faced by victims of commercial sexual exploitation and sex trafficking and domestic violence, the use of strategies for addressing domestic violence would appear to hold promise for overcoming lack of disclosure as a barrier to identification of victims of commercial sexual exploitation and sex trafficking of minors.

Potential and Perceived Complications Related to Mandated Reporting

As noted in Chapter 1, mandatory reporting of commercial sexual exploitation and sex trafficking of minors is complicated and presents several challenges. For providers who are mandatory reporters of child maltreatment, the added complexities of commercial sexual exploitation and sex trafficking of minors can present unique challenges to victim identification and referral for services. In all 50 states and the District of Columbia, health care providers are mandated reporters and therefore are required to report all cases of suspected child abuse. Yet in a significant number of states, child abuse is subject to mandatory reporting only when the suspected abuser is a family member or caregiver. In those states, therefore, most commercial sexual exploitation and sex trafficking of minors does not fall within the mandatory reporting requirements.

Moreover, the child welfare system typically addresses child victims whose perpetrators are family members, assessing the victims' living environment to determine whether they need to be removed and placed in foster care. In contrast, the perpetrators of commercial sexual exploitation and sex trafficking of minors are not always family members, and the victims often are not living at home; in fact, many have left their home because of a history of neglect and abuse there. For this reason, several states, including Florida, Georgia, and Massachusetts, have passed legislation that includes commercial sexual exploitation and sex trafficking of minors by non-family members as reportable forms of child abuse.

However, the solution to identifying and assisting victims of commercial sexual exploitation and sex trafficking of minors may not be as simple as mandatory reporting. Mandating reporting of extrafamilial child abuse such as commercial sexual exploitation and sex trafficking of minors may place further strain on the child welfare system. In addition, as discussed in Chapters 1 and 6, the child welfare system may not be adequately prepared to provide the unique services required by victims of these crimes. Therefore, two states that now mandate reporting of these crimes, Georgia and Massachusetts, have developed systems to handle the unique challenges entailed in reporting and providing services to these victims.

In addition to the potential extra burden placed on the child welfare

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system if health care providers are required to report commercial sexual exploitation and sex trafficking as a form of child abuse, there is reason to believe that mandated reporting could undermine health care providers' willingness to screen for these crimes or to respond to victims' voluntary disclosure (Dovydaitis, 2010; Durborow et al., 2010; Williamson et al., 2009, 2010b). The committee heard from health care providers that mandatory reporting is a concern and a potential barrier to victim identification (Steever, 2012). Clinicians may worry that reporting could impede their ability to create trust with and obtain sensitive information from their patient. They also may worry that reporting may place victims at greater risk from their traffickers, especially if the response from the child welfare system fails to provide adequate protection. Moreover, mandatory reporting laws can be a deterrent for victims, who may not disclose their victimization if they know or suspect that a health care provider will report it to the authorities. That clinicians have reservations about mandatory reporting is supported by published data demonstrating that mandated reporting of child abuse and intimate partner violence makes health care providers more reluctant to screen and intervene in these areas (Davidov et al., 2012; Flaherty and Sege, 2005; Flaherty et al., 2006, 2008; Vulliamy and Sullivan, 2000; Warner and Hansen, 1994).

As with child abuse and intimate partner violence, the perceived barrier for health care providers regarding mandated reporting of commercial sexual exploitation and sex trafficking of minors arises when a provider must balance the protection of a patient's confidential information, often necessary to facilitate disclosure of sensitive information, with the obligation to report abuse knowing that in some cases, doing so could put victims at greater risk for harm, particularly from their exploiters and traffickers. Providers may decide not to ask specific questions related to possible exploitation or trafficking because they want to avoid the unintended consequences of being compelled to notify child protective services and/or other authorities (Dovydaitis, 2010; Durborow et al., 2010; Williamson et al., 2009, 2010b).

Lack of Policies and Protocols

No rigorous, evidence-based studies examining the most effective policies for helping health care providers identify and assist victims of commercial sexual exploitation and sex trafficking of minors are currently available. In contrast with intimate partner violence and child abuse, moreover, few health care settings have established screening practices, policies, and protocols related to commercial sexual exploitation and sex trafficking of minors.

Screening for any health condition or behavior presents challenges to

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health care providers (e.g., the time required to screen effectively for a condition or behavior; the level of experience, training, or comfort a provider has with respect to a condition or behavior; the need to understand what to do about positive responses). For example, engaging in broader and better identification of commercial sexual exploitation and sex trafficking of minors entails the risk that identification of victims and survivors will outpace the availability of services to assist them. Moreover, conducting assessments or screening in the absence of established policies or protocols could be detrimental to children and adolescents in need of assistance. This challenge is not unique to commercial sexual exploitation and sex trafficking of minors. Similar challenges exist in screening for depression, substance abuse, and cancer, for example. Thus, training programs for health care providers and other professionals responsible for assessing children and adolescents for risk of or current exploitation need to include guidance on developing plans for referrals and treatment. One example of a protocol developed for the education sector is included in Chapter 8. In addition, given the early stages of work on commercial sexual exploitation and sex trafficking of minors, there will be some degree of overlap between the development of tools for identification of victims and the implementation of interventions. Under these circumstances, health care and other professionals may have to rely on national-level resources for guidance and referrals until additional local-level resources are established.

Despite the inherent challenges related to screening, experts and providers have advocated for health care agencies to establish clear policies and protocols on commercial sexual exploitation and sex trafficking of minors to assist in the identification of and response to victims (Asian Health Services and Banteay Srei, 2012a; Crane and Moreno, 2011; Dovydaitis, 2010; Goldblatt Grace et al., 2012; Isaac et al., 2011; McClain and Garrity, 2011; Todres, 2011; Williamson et al., 2009, 2010a). Doing so, it is argued, would help health care providers recognize risk factors, signs, and symptoms and provide treatment/referrals for victims (Crane and Moreno, 2011; Dovydaitis, 2010; Hossain et al., 2010; McClain and Garrity, 2011; Zimmerman et al., 2008). Ideally, policies and protocols should be evidenced based and evaluated for their effectiveness in assisting providers with identification and treatment. Some experts and professionals working in the field have suggested that screening for commercial sexual exploitation and sex trafficking of minors should be similar to that for intimate partner violence (Pearce, 2006; Williamson et al., 2010b). In fact, during its San Francisco site visit, the committee learned about one agency's development of its own screening protocol for commercial sexual exploitation and sex trafficking of minors that was modeled after its domestic violence screening protocol (Chang, 2012).

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CURRENT PRACTICES AND OPPORTUNITIES

The health care response to commercial sexual exploitation and sex trafficking of minors in the United States and research on specific health care practices are considerably underdeveloped compared with work in other health domains. It is therefore difficult to assess the strengths and limitations of current practices. The committee had little more to consider than the experience and testimony of health care and other service providers. However, certain themes and current practices emerged from those sources that warrant discussion and further examination.

Models of Care

Given the lack of evidence-based models for use by health providers in identifying and assisting victims of commercial sexual exploitation and sex trafficking of minors, the committee examined other models of care, including those for intimate partner violence, child maltreatment, sexual assault services, and public health, which face similar challenges and barriers to the identification and management of victims. The committee heard testimony from representatives of several agencies that have adapted and modified these models in their efforts to provide health care services to victims of commercial sexual exploitation and sex trafficking of minors.

Intimate Partner Violence and Child Maltreatment

Some reports suggest that health care approaches to commercial sexual exploitation and sex trafficking of minors could benefit from the use of well-established models of care for intimate partner violence and child maltreatment (Chang, 2012; Lalor and McElvaney, 2010; Latimer, 2012; Pearce, 2006; Williamson et al., 2010b). These models of care may be especially relevant given that victims of commercial sexual exploitation and sex trafficking and of intimate partner violence share similar risks, signs, and symptoms, as well as emotional and social consequences of their victimization. Because some health care providers have been trained to recognize victims of intimate partner violence and child abuse, these skills could potentially be adapted to address commercial sexual exploitation and sex trafficking of minors (Pearce, 2006; Williamson et al., 2010b).

Sexual Assault Nurse Examiner (SANE)

Since many victims of commercial sexual exploitation and sex trafficking have a history of childhood sexual assault and are repeatedly sexually abused as part of their exploitation, intervention programs for victims

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of these crimes could potentially use the Sexual Assault Nurse Examiner (SANE) program as a model. SANE providers evaluate cases referred by their local jurisdiction using forensic interviews and forensic medical exams as part of a sexual assault investigation.

Because the SANE examiners are already working in a system of care that is victim centered and collaborates with many of the same agencies likely to be encountered by a victim of commercial sexual exploitation or sex trafficking of minors (e.g., child protective services, law enforcement, prosecutors), it has been suggested that they could provide the same kind of care to victims of these crimes (Williamson et al., 2009, 2010b). This type of forensic evaluation and management of victims is already occurring at a few sites across the country (Greenbaum, 2012; Latimer, 2012).

Authors of a recent prospective study examined the prevalence of human trafficking victimization in adults presenting to an urban emergency department for sexual assault exams, considering whether providers in emergency departments who see sexual assault patients should be using these encounters to assess trafficking and provide assistance to victims (Slattery et al., 2012). The authors report the prevalence of human trafficking in patients presenting for sexual assault exams over a 15-month period. The primary measure used by SANEs to screen for human trafficking was asking the patient, "Have you ever exchanged sex for money, drugs, housing, transportation, clothes, food?" Of the 644 patients presenting for a sexual assault exam, 296 were screened, and of those, 73 (31 percent) met the criteria for human trafficking (Slattery et al., 2012). It is unclear why all of the patients presenting for sexual assault exams were not screened; among those screened, however, the prevalence of human trafficking was high. Therefore, this approach may give providers opportunities to assist trafficking victims.

Sexual Assault and Violence Intervention Program

Agencies also have increased their attention to the identification, assessment, and even management of victims of commercial sexual exploitation and sex trafficking of minors by integrating services and resources focused on these victims into established child abuse and/or intimate partner violence programs. For example, the Sexual Assault and Violence Intervention (SAVI) program at Mount Sinai Hospital in New York City (described in Chapter 6) has begun serving trafficking victims identified through the court system; referrals from other clients; and disclosure from a sexual assault evaluation, including such an evaluation in the health care setting (Latimer, 2012). Those victims of commercial sexual exploitation and sex trafficking are provided free and confidential services, including case management, medical care, crisis shelter, legal assistance, and trauma therapy services,

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all of which are already provided to other sexual assault victims. Similarly, Asian Health Services in Alameda County, California, noted parallels between the identification and management of victims of commercial sexual exploitation and of interpersonal violence (Chang, 2012). The organization has modified its screening tool for interpersonal violence for use in identifying victims of commercial sexual exploitation. It also has worked with those who deal with victims of interpersonal violence, including police investigators and health and mental health care providers, to serve victims of commercial sexual exploitation as well as domestic violence victims.

Child Advocacy Centers and Sexual Assault Response Teams

Child advocacy centers (CACs) and sexual assault response teams (SARTs) may also serve as models for addressing the needs of victims of commercial sexual exploitation and sex trafficking of minors, as collaborators, or as sources for referral. (See Chapter 10 for a more extensive discussion of the multidisciplinary and interagency aspects of CACs and SARTs.)

The SAVI program demonstrates the expansion of services provided to sexual assault victims by a SART center to include victims of commercial sexual exploitation and sex trafficking of minors. Some have suggested that, given the multidisciplinary needs of victims of these crimes, as well as the overlap with service providers who assess and manage them, CACs and SART centers are another potential model for identification, assessment, and management of these victims (Mitchell et al., 2010; Williamson et al., 2010b). This approach may offer important advantages, particularly in those jurisdictions that lack specialized services for victims of commercial sexual exploitations and sex trafficking of minors. At the same time, however, care must be taken to ensure that the special needs of these victims, which may exceed or differ from those of other youth served by CACs and SARTs, are met.

Public Health

Commercial sexual exploitation and sex trafficking of minors present several public health concerns for local communities. These include, but are not limited to, domestic violence, child abuse and neglect, HIV and other sexually transmitted infections, unwanted pregnancies, basic unmet primary preventive health care needs of adolescents (e.g., immunizations, tuberculosis screening), drug and alcohol abuse and addiction, and numerous other often unmet medical and mental health needs (Williamson et al., 2009; Zimmerman and Watts, 2007; Zimmerman et al., 2011). A recent Institute of Medicine/National Research Council report on child abuse and neglect (IOM/NRC, 2012) describes a public health approach to intervention pro-

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grams and surveillance systems for child maltreatment. This approach has improved overall understanding of the consequences and possible risk factors of child maltreatment. Further, using a public health approach has enabled work on child abuse and neglect to move from secondary and tertiary prevention/intervention programs to primary prevention. (For further discussion, see IOM/ NRC, 2012.) Several authors have described the importance of applying a public health approach in addressing the health consequences of commercial sexual exploitation and sex trafficking of minors because of the focus on population-level prevention and early intervention inherent in such an approach (Farley and Kelly, 2000; Mercy et al., 1993; Todres, 2011; Williamson et al., 2009).

The committee was unable to identify focused programs of public health agencies that comprehensively address commercial sexual exploitation and sex trafficking of minors specifically, as these entities focus primarily on addressing the various health consequences resulting from these crimes, such as HIV in prostitutes (Farley and Kelly, 2000). Recognizing the population-level health consequences of commercial sexual exploitation and sex trafficking of minors, however, some health care providers and local communities have developed integrated programs to address these problems through a public health model of care. In so doing, they are attempting to broaden the reach of their interventions within their communities and shift attention toward prevention at all levels, recognizing that different interventions will be required at the primary, secondary, and tertiary levels of prevention in addressing commercial sexual exploitation and sex trafficking of minors.

For example, Asian Health Services developed several programs based on a public health model to focus community efforts on early primary prevention (e.g., education on healthy relationships for the younger adolescent population); secondary prevention (identification of those at high risk for commercial sexual exploitation and sex trafficking of minors and their referral to local service provider Banteay Srie [Asian Health Services and Banteay Srei, 2012b], which provides resources to prevent them from becoming victims); and tertiary prevention (e.g., a program to help those identified as victims and provide services to assist them in transitioning out of their victimization) (Chang, 2012). Others have described a public health model for basing primary, secondary, and tertiary levels of prevention on the stage of trafficking of victims (Crane and Moreno, 2011; Zimmerman et al., 2011). As yet, however, none of these public health approaches have been examined for their efficacy in preventing or addressing commercial sexual exploitation or sex trafficking of minors.

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Telehealth/Telemedicine

Telehealth may be a useful strategy to support rural or underserved providers who identify victims of commercial sexual exploitation and sex trafficking of minors in their practice environments. Since the release of the Institute of Medicine report on telemedicine (IOM, 1996), the field has continued to expand to meet the diverse health care needs of patients who may be unable to access services in their communities. Health care providers who may lack the resources for evaluation, referral, and/or assistance for victims of commercial sexual exploitation and sex trafficking within their own communities may be able to utilize telehealth to access those resources. Telehealth has been used successfully to deliver care for sexually abused children in rural, underserved areas (MacLeod et al., 2009; Thraen et al., 2008), for adolescents and children needing psychiatric services (Myers et al., 2007, 2010), and for victims of domestic violence and sexual assault in rural communities (Hassija and Gray, 2011).

Education and Training of Health Care Providers

During the course of this study, the committee identified a growing number of organizations providing services to victimized or at-risk youth that are offering education and training programs for health care professionals. Testimony provided to the committee by representatives of several of these organizations revealed that these programs came about in response to a high volume of calls received from members of their own communities and then, as word traveled, from people in other states (Phillips, 2012; Ring, 2012; Steever, 2012). However, the vast majority of training developed for health care providers focuses on the broader topic of human trafficking, and although content on commercial sexual exploitation and sex trafficking of minors may be included, programs specific to these issues are lacking. Those programs the committee was able to identify through the published literature or testimony provided for this study were designed to help health care providers recognize the signs and symptoms of commercial sexual exploitation and sex trafficking, provide tools for screening, and highlight reporting requirements and how/when to refer victims for additional services (Chang, 2012; Dovydaitis, 2010; Goldblatt Grace, 2012; Goldblatt Grace et al., 2012; Greenbaum, 2012; Phillips, 2012; Polenberg and Westmacott, 2012; Ring, 2012; Steever, 2012).

Current programs offering education and training for health care providers on human trafficking and more specifically on commercial sexual exploitation and sex trafficking of minors vary greatly, and an evidence base and outcome data indicating the effectiveness or success of any particular programs are lacking. Nonetheless, this section presents examples of note-

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worthy education/training practices and activities. It should be noted that this discussion is not intended to imply that the committee is endorsing any specific program or approach. Additional research is needed to evaluate the effectiveness of these and future education and training programs and approaches.

The Houston Rescue and Restore Coalition is a nonprofit organization in Houston, Texas, focused on raising awareness of the broader topic of human trafficking. In collaboration with the University of Texas School of Public Health, it developed a curriculum on human trafficking for front-line health care providers and health care organizations (Isaac et al., 2011). An evidence-informed strategy was used to provide health care professionals with not only the information and knowledge but also the skills necessary to identify and refer victims of human trafficking. The curriculum, Health Professionals and Human Trafficking: "Look Beneath the Surface, H.E.A.R. Your Patient" consists of two main components. Component A is an in-person 1-day training session for health care providers and hospital/clinic administrators. The content of this training is focused on the topic of human trafficking and the steps required to identify and assist victims. H.E.A.R. is the acronym used to help providers in the patient care setting assess and assist (H = Human trafficking and health professionals; E = Examine history, examine body, examine emotion; A = Ask specific questions; R = Review options, refer, report). Component B includes a newsletter that is sent out to hospital/clinic administrators, as well as follow-up technical support. The program is in the pilot phase, and as of this writing, no outcome data have been published.

In another example, Children's Health Care of Atlanta, along with the Georgia Governor's Office for Children and Families, developed and provided training for medical professionals via a webinar/computer-based training series. The five-session series provides an overview of commercial sexual exploitation of minors, the medical evaluation of suspected victims, extended medical history, special related topics, and a victim/survivor-centered approach to working with these youth. The program has had 260 participants to date, and outcome data have yet to be published (Greenbaum, 2012).

Finally, Polaris Project offers free online training and online webinars that provide education and training on various topics related to human trafficking and sex trafficking in particular (see http://www.polarisproject.org/what-we-do/national-human-trafficking-hotline/access-training/online-training [accessed April 11, 2013]).

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Tools for Identification of Victims

A search of the Internet and the published literature produces a variety of tools, instruments, or lists of questions designed to assist health care professionals in identifying victims of commercial sexual exploitation and sex trafficking (see Box 7-1). However, it is important to note that those tools were developed based not on empirical data but on the experiences of providers and experts working in the field. In addition, none of the screening tools, instruments, or questions have been evaluated to date for their ability to correctly identify victims of trafficking.

BOX 7-1
Examples of Tools for Identifying Victims/Survivors of Commercial Sexual Exploitation or Sex Trafficking

The following tools have been developed to assist health care providers in identifying victims of commercial sexual exploitation and sex trafficking:

- Rapid Screening Tool for Child Trafficking and Comprehensive Screening and Safety Tool for Child Trafficking: Two screening tools developed by the International Organization for Adolescents for use as a guide in identifying minors that are potentially being trafficked (Walts et al., 2011).
- Commercial Sexually Exploited Children Screening Procedure Guideline*:* A screening tool developed and used by health care providers at Asian Health Services in San Francisco that is used with patients aged 11-18 exhibiting high risk factors for sexual exploitation (Asian Health Services and Banteay Srei, 2012a).
- Rescue and Restore: A screening tool developed by the Department of Health and Human Services and used by health care providers, social workers, and law enforcement to determine potential victims of human trafficking (Administration for Children and Families, Office of Refugee Resettlement, 2012).
- Comprehensive Human Trafficking Assessment: A screening tool developed by the National Human Trafficking Resource Center and adapted by Polaris Project and its partners for assessing potential signs of a client's having been a victim of human trafficking (Polaris Project, 2012).
- Home, Education/employment, peer group Activities, Drugs, Sexuality, Suicide/depression (HEADSS) (Goldenring and Cohen, 1988): A screening tool developed for assessing an adolescent's psychosocial development. Mount Sinai Adolescent Clinic has adopted HEADSS, integrating specific questions into its regular assessment to screen for the potential of commercial sexual exploitation among patients seen in the clinic (Steever, 2012).

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The agencies and providers that work with victims of commercial sexual exploitation and sex trafficking and have developed these screening tools emphasize the need for health care providers to be aware of the unique experiences of victims of these crimes (e.g., repeat and/or chronic sexual victimization, potential stigma and shame associated with victimization, possible negative interactions with authority figures and support systems), as these often are chronic and ongoing traumatic experiences. Specifically, it is recommended that screening tools be used by providers who are trained in or who understand the nature of the trauma these particular victims suffer, with an emphasis on the importance of being trauma-aware when working with identified victims and screening for commercial sexual exploitation (Clawson et al., 2008; Hossain et al., 2010; Lebloch and King, 2006; Smith et al., 2009; Williamson et al., 2009, 2010b). For instance, a victim may have developed trauma bonds with his/her exploiter or may experience some form of Stockholm Syndrome, a condition in which a victim feels bonded to his/her abuser, similar to what has been described in sexually abused children who continue to bond with their offenders (Julich, 2005; Smith et al., 2009). Several reports highlight that being trauma-aware or providing trauma-informed care (discussed earlier in this chapter) may be particularly useful when working with victims of commercial sexual exploitation, particularly because, as noted earlier, they may not see themselves as victims and may refuse assistance when it is offered (Clawson and Goldblatt Grace, 2007; Crane and Moreno, 2011; Holzman, 2012; Ring, 2012; Smith et al., 2009).

Health Care of Victims: Management and Treatment

Regardless of how victims are identified, it is essential that health care providers recognize and treat the myriad acute and chronic medical and mental health needs of minors who are victims or survivors of commercial sexual exploitation and sex trafficking. Unfortunately, little research has focused on how the medical and mental health needs of victims and survivors of these crimes, particularly those who are minors, are being met. As noted in Chapter 3, a few studies have examined the health and mental health consequences for adult victims of sexual exploitation and sex trafficking and the types of health services they receive. For example, an international study examined the physical and psychological health status of 192 women receiving posttrafficking services (Zimmerman et al., 2008). That study found that 63 percent of the women reported at least 10 concurrent physical health problems, and 39 percent reported suicidal thoughts within the past 7 days. Participants also reported significantly higher rates of depression and anxiety symptoms compared with the general U.S. population (Zimmerman et al., 2008).

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Another international study examined the global health consequences of child prostitution by estimating the potential global morbidity and mortality associated with commercial sexual exploitation and sex trafficking. The authors calculated global estimates for associated medical conditions including sexually transmitted diseases (HIV, hepatitis B and C, and human papilloma virus), as well as rates of pregnancy and its associated complications (e.g., maternal death, spontaneous abortions) (Willis and Levy, 2002). Estimates also were derived for mental health conditions including posttraumatic stress disorder; suicidality; substance abuse; and other effects of violence, including homicide. Although this study did not examine U.S. minors specifically, the authors emphasize the need for health care providers not only to provide direct service to victims, but also to collaborate with local organizations to assist victims with these complex health conditions (Willis and Levy, 2002).

Another study, conducted in Bristol, England, examined access to health care services by 71 female "sex workers," some of whom were as young as 16 years old. The researchers found that, although 83 percent had seen a general practitioner, a majority (62 percent) had not disclosed their involvement in sex work. Only 46 percent had been screened for sexually transmitted infections during the previous year, 24 percent had been vaccinated for hepatitis B, and only 38 percent had undergone cervical cancer screening according to national guidelines (Jeal and Salisbury, 2004).

A more recent small study (n = 38), conducted in the United States, examined health outcomes among adult women trafficked for sex both domestically and internationally. The researchers found that the domestic trafficking victims had poorer health outcomes than the international victims (Muftic and Finn, 2013).

Although more work has been done on the mental health needs than on the physical health needs of victims, including the U.S. Department of Health and Human Services' brief on *Evidence-based Mental Health Treatment for Victims of Human Trafficking*, the authors of this brief recognize the limitations of attempting to address the specific needs of child victims of sex trafficking given the lack of available evidence (Williamson et al., 2010a). This brief does, however, emphasize the need to provide trauma-informed services to victims of human trafficking, including children who are victims of sex trafficking, given the high levels of trauma they have endured. These services need to address, among others, the following mental health conditions: posttraumatic stress disorder, anxiety disorder, panic disorder, obsessive-compulsive disorder, dissociative disorder, major depressive disorder, and substance abuse disorder (Williamson et al., 2010a). The authors acknowledge the limitations of available research on effective mental health treatments for victims of commercial sexual exploitation, and encourage mental health practitioners to base their current treatment options on "ex-

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isting research and interventions found to be successful with other similarly victimized populations" (Williamson et al., 2010a, p. 9). In addition, during many of its site visits with service providers currently caring for survivors of commercial sexual exploitation and sex trafficking, the committee heard about the need for long-term mental health services for victims, particularly given issues of reintegration into mainstream life and the need to help those who may have reentered "the life" of commercial sexual exploitation (Latimer, 2012; Phillips, 2012; Ring, 2012; Steever, 2012).

As noted, victims' physical health and mental health needs are complex and include not only basic primary preventive care services but also specialized services such as substance abuse treatment, chronic illness management (e.g., HIV, hepatitis B and C, diabetes, asthma, depression, anxiety), ongoing assessment and refilling of essential prescriptions, and overall and specific dental care (Dovydaitis, 2010; Sabella, 2011; Zimmerman et al., 2008). Health care providers who identify victims of commercial sexual exploitation and sex trafficking of minors will likely need to refer patients to other specialists, including mental health providers and local nongovernmental organizations/agencies that can meet the specific mental health needs of these victims, and should be active in the development and implementation of multisector approaches (as discussed in Chapter 10).

FINDINGS AND CONCLUSIONS

The challenges of identifying victims of commercial sexual exploitation and sex trafficking of minors and connecting them with timely and appropriate services may seem overwhelming to communities and to individual providers. Consistent themes across the limited health care research on commercial sexual exploitation and sex trafficking of minors and the testimony to the committee of health care and service providers are a lack of awareness (at both the community and provider levels); a lack of clarity on how often commercial sexual exploitation and sex trafficking of minors occur, on characteristics of exploited youth, and on how to identify victims of these crimes; and a lack of appropriate, evidence-based services for these youth.

As demonstrated in Chapter 3, the needs of minors who are victims of commercial sexual exploitation and sex trafficking are highly complex, necessitating comprehensive health services and treatment that span a continuum of care from emergency to short-term to longer-term assistance. Current efforts to address commercial sexual exploitation and sex trafficking of minors suggest that the duration and types of services needed may vary greatly among victims.

The committee's review of current practices in the health care sector underscores the need for greater awareness and for additional training

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among health care providers. In addition, the committee noted a lack of evidence-based or evaluated screening and assessment tools for health care providers, few policies and protocols for responding to commercial sexual exploitation and sex trafficking of minors, and an extremely limited number of service providers to whom health care providers can refer the victims they encounter. This chapter also has highlighted noteworthy and emerging efforts and approaches in the health care sector. The committee reminds readers that the need to evaluate these and future programs for addressing commercial sexual exploitation and sex trafficking of minors is great. In addition, the committee formulated the following findings and conclusions:

7-1 Future research needs to focus on the roles of the health sector and health care providers in both prevention of and treatment for victims of commercial sexual exploitation and sex trafficking of minors.

7-2 Education and training programs for health care providers need to be evidence-based and have outcome data to support their effectiveness.

7-3 Assessment and screening tools and intervention programs for use by health care providers in identifying and assisting victims of commercial sexual exploitation and sex trafficking of minors in the United States need to be developed and evaluated.

7-4 Professionals and researchers can look to lessons learned and potential best practices from the health sector's response to similar and overlapping public health issues, such as domestic violence and child abuse, as examples of the health care provider's role in addressing and responding to commercial sexual exploitation and sex trafficking of minors in the United States.

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8

The Education Sector

Five days a week, most of the nation's school-aged youth spend 6 to 8 hours at school (U.S. Department of Education, 2012). While some of the most vulnerable youth may no longer participate regularly in school, many continue to attend. As a result, schools are a potentially promising environment for a variety of prevention and intervention activities for the young people in their care.

School settings provide educators and school personnel with a unique window into and opportunity to influence the health and development of their students. For example, school personnel are uniquely positioned to recognize changes in behavior and appearance among the youth with whom they interact each day, changes that may be indicative of underlying problems (e.g., food insecurity, abuse and/or neglect, substance abuse). In addition, problems at school, such as numerous unexplained absences, academic decline, or disciplinary issues, may be signs of other problems. With appropriate training and established protocols, school personnel are well positioned to identify and intervene early with vulnerable youth.

This role for school personnel is reflected in how schools traditionally have supported the health and wellness of their student populations. In addition to educating young people in the traditional sense, schools promote and support their healthy physical and emotional development. School-based health education initiatives have been used, among other purposes, to promote physical activity (Franks et al., 2007), to reduce tobacco use (Franks et al., 2007), to promote healthy sexual behaviors (Coyle et al., 2004, 2006; Tortolero et al., 2010), to prevent adolescent dating violence (Foshee et al., 2004; Miller et al., 2012; Wolfe et al., 2009), and to reduce

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alcohol-impaired driving (Elder et al., 2005). Support for such activities is well founded. Based on a recent systematic and rigorous review, for example, the Community Preventive Services Task Force recommended comprehensive risk reduction interventions delivered in school settings, finding these interventions to be effective in promoting behaviors that prevent or reduce the risk of pregnancy, HIV, and other sexually transmitted infections (Chin et al., 2012). Schools also may serve as the primary source of health care for many of their students. School-based health centers, for example, provide a range of primary care services (e.g., comprehensive health assessments, vision and hearing screenings, immunizations, treatment of acute illness) for children and adolescents who may lack a usual and consistent source of health care (Allison et al., 2007; Soleimanpour et al., 2010). While commercial sexual exploitation and sex trafficking of minors currently are not addressed broadly by the education sector, schools are beginning to recognize these problems—and the potential risk they pose—within their school communities.

This chapter provides an overview of the roles of schools and the education sector more generally in preventing, identifying, and responding to child maltreatment and interpersonal violence (e.g., adolescent dating violence and bullying), problems that, as discussed in earlier chapters, share related and overlapping aspects with the problems of commercial sexual exploitation and sex trafficking of minors. It then describes the roles of schools and the education sector in preventing and addressing commercial sexual exploitation and sex trafficking of minors. Next, the chapter describes a number of noteworthy efforts on the part of educators, schools, and the education sector to address commercial sexual exploitation and sex trafficking of minors. Because this is an emerging area of research and practice, the committee used its public workshops, site visits, and key informant interviews to learn about such efforts at the federal, state, and local levels. The descriptions of these efforts in this chapter are meant to complement and supplement the limited published research. It should be noted that these activities have not been empirically evaluated. Thus, while the committee does not intend to imply that it is endorsing these approaches, it does endorse additional examination of their effectiveness. These examples are included to illustrate ways in which the education community can capitalize upon its expertise, resources, and daily interaction with school-aged children and adolescents to prevent, identify, and respond to exploitation on their campuses and within their communities. Following the description of these efforts is a discussion of challenges and opportunities for schools and the education sector in responding to commercial sexual exploitation and sex trafficking of minors. The final section presents findings and conclusions.

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ROLES OF SCHOOLS AND THE EDUCATION SECTOR IN PREVENTING AND ADDRESSING VIOLENCE AND ABUSE

To be effective in promoting student success, schools must create and maintain safe and supportive environments that are conducive to teaching and learning. Doing so includes supporting the physical, mental, and emotional well-being of all members of the school community (e.g., educators and other school personnel, students, and families). This is a complex and demanding responsibility that requires strong leadership, preparation, and engagement that extends beyond the boundaries of the school day and the schoolyard.

One aspect of this responsibility, and an especially important role for the education sector, is ensuring the physical safety of students and the school community. Examples of laws, policies, and programs to support student safety abound. The following sections describe the roles of schools and the education sector in preventing and responding to child maltreatment and interpersonal violence. Lessons from research and practice in these areas can inform the education sector's role in preventing and responding to commercial sexual exploitation and sex trafficking of minors.

Child Maltreatment

Teachers and other school personnel are among the groups of individuals who are required to report suspected child abuse or neglect in virtually every state (HHS, 2011). In 2010, education personnel were among the most common reporting sources for child maltreatment (HHS, 2011). Results from the National Survey of Children's Exposure to Violence revealed that "school authorities are more likely to find out about victimizations experienced by children and adolescents than other authorities" (Finkelhor et al., 2011, p. 14).

To comply with mandatory reporting requirements, school districts have developed specific protocols and policies for school personnel to follow when child maltreatment is suspected or disclosed. These protocols and policies, which build on state statutes, ensure that school personnel understand their responsibilities and know how to make a report to child protective services or other authorities. Many schools and school districts also provide special training to help their employees recognize signs and report instances of child maltreatment.

In addition to reporting child maltreatment that has already occurred, many schools engage in a variety of prevention strategies to address both child maltreatment and interpersonal violence (e.g., bullying and adolescent dating violence) in their school communities (Henry et al., 2012; Vreeman and Carroll, 2007; Wolfe et al., 2009). These programs take many forms,

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and while some have shown great promise, only a fraction have been rigorously evaluated.

Strong evidence indicates that school-based interventions are a successful primary prevention strategy in a variety of domains. Based on a recent systematic and rigorous review, for example, the Community Preventive Services Task Force found strong evidence that universal school-based programs are effective for the prevention of violent and aggressive behavior (Hahn et al., 2007). Evidence regarding the effectiveness of prevention programs for child maltreatment is less conclusive. A 2009 systematic review of reviews of child maltreatment prevention interventions found that school-based prevention programs for child sexual abuse are effective in increasing knowledge and disclosure of child sexual abuse among both students and teachers (Mikton and Butchart, 2009). Despite these encouraging findings, however, evidence is insufficient to determine whether school-based programs designed to prevent child maltreatment reduce or prevent abuse.

Interpersonal Violence

Because school-based interpersonal violence and commercial sexual exploitation and sex trafficking of minors share related and overlapping aspects (e.g., violence and victimization, social isolation), examining how the education sector has sought to address interpersonal violence through prevention and intervention efforts can be informative. The following sections provide a brief overview of the nature and extent of bullying and adolescent dating violence among students in the United States, and of strategies used by the education sector to prevent and respond to these problems.

Bullying

Public concern about bullying behavior and bullying victimization has been growing, in part as a result of highly publicized cases of bullying that have led to extreme violence and suicide. These events have heightened awareness and galvanized support for school-based bullying prevention efforts.

Bullying includes aggressive and unwanted verbal, social, and/or physical behavior (typically among school-aged children and adolescents) that involves a real or perceived imbalance of power. Recent research suggests that bullying is a common experience for many children and adolescents. In one study, for example, 28 percent of students aged 12-18 reported having been bullied at school during the 2009-2010 school year, and 23 percent of public schools reported that bullying had occurred among students on a daily or weekly basis during that same period (Robers et al., 2012). Another recent study, using data collected by the National Survey of Children's

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Exposure to Violence, found that physical bullying had been experienced by 13 percent of the sample in the previous year and that teasing and emotional bullying had been experienced by nearly 20 percent of the sample in that same period (Finkelhor et al., 2009).

Regardless of how pervasive physical and emotional bullying behaviors may be, research suggests that they are far from benign. Recent research has found that bullying "has serious implications for victims of bullying and for those who perpetrate the bullying" (Swearer et al., 2010, p. 38). For example, one recent study of a nationally representative sample of U.S. students in grades 6-10 (n = 15,686) found that, instead of being a benign aspect of youth development, bullying was strongly and consistently associated with future more serious violent behaviors among its perpetrators, including carrying weapons, frequently fighting, and sustaining injuries related to fighting (Nansel et al., 2003). Similar research has found the perpetration of school bullying to be a predictor of the perpetration of adult intimate partner violence (Falb et al., 2011). Finally, other research suggests that being victimized by bullying is associated with depression (Brunstein Klomek et al., 2007; Gini and Pozzoli, 2009) and suicidal ideation (Cleary, 2000; Kim et al., 2005). Given the serious implications of both the perpetration of and victimization by bullying for current and future health outcomes, a compelling health and safety case can be made for developing and implementing bullying prevention and intervention efforts. Because the majority of bullying occurs at schools and among students, the education sector can play a significant role in such efforts.

Schools have used a number of strategies to prevent and respond to bullying. Examples include

- increasing awareness about bullying among students, families, and school personnel (e.g., teachers, coaches, guidance counselors, others);
- increasing understanding among students, families, and school personnel that bullying is a form of youth violence with serious consequences for victims, perpetrators, and the school community;
- training school personnel to recognize settings (e.g., lunch, recess, after-school programs) and individuals that may be vulnerable to bullying;
- increasing adult supervision in areas where bullying takes place;
- establishing school-wide policies that include clear and consistent consequences for bullying;
- enlisting students as partners in responding to bullying behaviors; and
- promoting communication among school personnel and between schools and the families and communities they serve.

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Despite the widespread implementation of bullying prevention and intervention efforts in the nation's schools, few such efforts have been rigorously evaluated. Yet while research on preventing and addressing bullying is still emerging, findings from two recent systematic reviews of school-based interventions to prevent and reduce bullying offer insight into the effectiveness of various strategies.

In a review of 26 rigorously evaluated international school-based interventions, Vreeman and Carroll (2007) found considerable variation in effectiveness. Overall, interventions that employed a "whole-school approach" to bullying prevention—an approach aimed at changing the school climate with respect to violence by engaging all members of the school community and by addressing school policies and practices—more often reduced victimization by bullying than interventions consisting of classroom-based curriculum or targeted social skills training (Vreeman and Carroll, 2007). The degree to which school-wide interventions were found to be effective depended largely on the fidelity of implementation and participation of school personnel. The authors conclude that the evidence suggests that "children's bullying behavior can be significantly reduced by well-planned interventions" (Vreeman and Carroll, 2007, p. 87).

In a separate systematic review and meta-analysis of 44 school-based bullying prevention programs, Ttofi and Farrington (2011) found that such programs were often effective. They identified specific program elements associated with a decrease in bullying and victimization, including meetings with parents, firm disciplinary methods, and increased supervision on school playgrounds (Ttofi and Farrington, 2011). Based on their review, the authors conclude that bullying prevention efforts should extend beyond the school setting to include families and communities. The committee believes that examples of effective bullying interventions that employ systematic and comprehensive approaches can be particularly instructive for the development of strategies for preventing and responding to other threats to student safety and well-being.

Adolescent Dating Violence

Adolescent dating violence (also known as teen dating violence) is a form of physical, sexual, or emotional violence that occurs in the context of an adolescent dating relationship (CDC, 2013). Adolescent dating violence, like other forms of intimate partner violence, is a preventable public health problem that, left unaddressed, can have considerable short- and long-term consequences for both victims and perpetrators.

Evidence suggests that adolescent dating violence is not an uncommon experience among the nation's youth. For example, findings from the 2011 Youth Risk Behavior Survey (YRBS), a national school-based health surveil-

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lance survey, indicate that 9.4 percent of students had experienced dating violence (e.g., were hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend) during the previous year (CDC, 2012). (See Chapter 2 for a more detailed description of the YRBS.) In addition, 8 percent of students reported having "been physically forced to have sexual intercourse" against their will (CDC, 2012, p. 66). Another survey of 14- to 17-year-olds found that 5.6 percent had experienced dating violence in the previous year, and 8.8 percent had ever experienced such violence (Finkelhor et al., 2009). Researchers who rely on survey data to estimate adolescent dating violence and other forms of youth violence and victimization are quick to note potential limitations of their findings due to methodological issues (e.g., recall bias, selection bias, survey design). Finkelhor and colleagues (2009), for example, note that not all surveys of children and adolescents include a broad spectrum of victimization experiences. In particular, dating violence is an "important and common" form of victimization that is frequently omitted from questionnaires (Finkelhor et al., 2009, p. 1,417). As a result, the prevalence of adolescent dating violence is likely to be underestimated.

Despite the inherent challenges entailed in estimating the occurrence of adolescent dating violence, substantial and growing evidence suggests the serious and long-term consequences associated with this form of violence. For example, a recent longitudinal study of a nationally representative sample of U.S. students aged 12-18 (n = 5,681) found that victimization by adolescent dating violence was associated with "adverse health outcomes in young adulthood" (Exner-Cortens et al., 2013, p. 75). Specifically, the authors found that 5 years after their victimization, females who had experienced adolescent dating violence reported heavy episodic drinking, depressive symptoms, suicidal ideation, smoking, and victimization by adult interpersonal violence; 5 years after their victimization by adolescent dating violence, males reported increased antisocial behavior, suicidal ideation, marijuana use, and victimization by adult interpersonal violence (Exner-Cortens et al., 2013). These findings are supported by those of previous research examining specific health risks associated with victimization by dating violence (physical and sexual violence) among female adolescents. One study, for example, examined data from two consecutive representative state-level surveys of female students in grades 9-12 (n = 1,977 and n = 2,186). Data from both surveys indicated that 18 to 20 percent of respondents had experienced adolescent dating violence (Silverman et al., 2001). Further, the authors found an association between female respondents who had experienced adolescent dating violence and an increased risk of substance use, unhealthy weight control behaviors, sexual risk behaviors, pregnancy, and attempted suicide (Silverman et al., 2001).

Given the range of adverse health consequences associated with perpetration of and victimization by adolescent dating violence, programs to

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prevent and address this form of violence are clearly needed. Because adolescent dating violence affects youth from middle school to high school, and many early dating experiences develop at school and among classmates, the education sector can play an important role in preventing and responding to adolescent dating violence and supporting the understanding and development of healthy relationships.

While research on adolescent dating violence has steadily increased over the last 20 years, recognition and understanding of this form of violence as a significant student health problem remains unclear. One recent study, for example, surveyed a national sample of school guidance counselors to determine whether they perceived adolescent dating violence to be a serious problem (Khubchandani et al., 2012). Of the 523 respondents, approximately one-fourth (28 percent; n = 85) considered adolescent dating violence to be a minor issue compared with other student health issues. Fully 81.3 percent of respondents reported that their school lacked policies and procedures to follow when adolescent dating violence was reported (Khubchandani et al., 2012). On the other hand, there are numerous examples of efforts within the education sector—at the individual school level, and in some instances, district-wide and/or statewide—to prevent and address adolescent dating violence in schools. In addition, a number of federal agencies, including the Centers for Disease Control and Prevention and the Office of Adolescent Health at the U.S. Department of Health and Human Services, have acknowledged the significance of adolescent dating violence and healthy relationships by supporting efforts to prevent and address this form of violence (CDC, 2006, 2012, 2013; Office of Adolescent Health, 2013).

Findings from a growing number of school-based interventions designed to prevent and reduce dating violence demonstrate the education sector's increasing engagement and offer insight into the effectiveness of various strategies (Foshee et al., 2004; Miller et al., 2012; Wolfe et al., 2009). One study, for example, examined the long-term effects of a school-based intervention aimed at preventing and reducing adolescent dating violence (Foshee et al., 2004). This randomized controlled trial included baseline data on 957 8th graders from 10 public schools and follow-up data on 460 of the original study participants 4 years postintervention. (Because of the number of participants lost to attrition, the authors conducted an attrition analysis. They determined that "the amount of attrition did not differ for treatment and control groups" [Foshee et al., 2004, p. 20].) These investigators found that adolescents who received the intervention reported 56 to 92 percent less victimization by and perpetration of dating violence (e.g., physical, serious physical, and sexual violence) compared with members of the control group 4 years postintervention.

Another recent study examined the effectiveness of a school-based

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intervention designed to reduce adolescent dating violence and increase intentions to intervene, targeting coaches and male athletes (Miller et al., 2012). This cluster randomized controlled trial included 16 randomly assigned high schools, 1,798 male athletes, and their coaches. The authors found that the program participants were more likely than members of the control group to intervene in instances of dating violence (estimated intervention effect = 0.12; 95 percent; confidence interval: 0.003-0.24) (Miller et al., 2012).

School-based programs focused on promoting healthy relationships and preventing adolescent dating violence give educators and school personnel an opportunity to discuss and educate about commercial sexual exploitation and sex trafficking of minors as another form of violence against adolescents that requires the attention and response of all members of the school community.

ROLES OF SCHOOLS AND THE EDUCATION SECTOR IN PREVENTING AND ADDRESSING COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS

As work on commercial sexual exploitation and sex trafficking of minors progresses in a variety of sectors and as public awareness of these problems increases, the roles of the education sector and school personnel are coming into sharper focus. Currently, most school districts lack an organized response to commercial sexual exploitation and sex trafficking of minors. However, schools can be important actors in addressing these problems for a number of reasons. First and foremost, as stressed throughout this report, commercial sexual exploitation and sex trafficking of minors are forms of child abuse. Because schools are responsible for the health and safety of the students in their care, school personnel need to be prepared to help prevent, recognize, and respond to suspected or confirmed commercial sexual exploitation and/or sex trafficking of students. In addition, schools may serve as recruitment sites for commercial sexual exploitation and sex trafficking of minors. For example, the defendant in a 2012 federal case involving sex trafficking of children and adolescents pleaded guilty to operating a prostitution ring that recruited underage girls directly from their high schools in suburban Virginia.[1] Similar allegations are emerging in sex trafficking cases in other parts of the country. Therefore, schools have a responsibility to recognize commercial sexual exploitation and sex trafficking of minors and to make appropriate referrals to address the needs of these youth.

[1]U.S. District Court, Eastern District of Virginia, Alexandria Division. Affidavit in Support of a Criminal Complaint and Arrest Warrants. Case No. 1:12mj 172. March 26, 2012.

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Schools and school districts need to develop specific protocols and policies for school personnel to follow when commercial sexual exploitation and sex trafficking of minors are suspected or disclosed. Fortunately, policies and protocols developed to address other forms of child maltreatment can help inform such policies and protocols.

In addition, schools have the opportunity to raise awareness of these issues and engage in prevention activities. These efforts can be informed by evidence-based school-based prevention programs. Similar to work in other health domains, a comprehensive school-based prevention strategy might include primary, secondary, and tertiary prevention approaches for all members of the school community. For example, primary prevention strategies would include raising awareness of commercial sexual exploitation and sex trafficking of minors among all members of the school community to ensure that they recognize students at heightened risk of being victimized by these crimes. Secondary prevention efforts would include training school personnel and student peer groups to recognize and respond to exploited students. Finally, tertiary prevention strategies would include creating specific policies and protocols for identifying and responding to commercial sexual exploitation and sex trafficking of minors and linking victims and families to services. Box 8-1 gives examples of primary, secondary, and tertiary prevention programs for commercial sexual exploitation and sex trafficking of minors.

A variety of members of the school community can be engaged in efforts to prevent, identify, and address commercial sexual exploitation and sex trafficking of minors. The necessary training can be provided to teachers, school nurses, school-based health centers, guidance counselors, physical education teachers, attendance personnel, school safety officers, staff of after-school and enrichment activities, and other school personnel who regularly interact with students.

Like all such programs, school-based interventions and prevention programs for commercial sexual exploitation and sex trafficking of minors, such as those described in the next section, will need to be evaluated to assess their effectiveness. Future studies on these programs will need to include strong research designs and adequate sample sizes to enable conclusions about their overall effectiveness to be drawn.

Finally, none of these efforts will be maximally effective if they are undertaken in isolation. Chapters 10 and 11 describe the education sector's integral role in multisector efforts to prevent and respond to commercial sexual exploitation and sex trafficking of minors.

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BOX 8-1
Examples of Primary, Secondary, and Tertiary Prevention Programs for Commercial Sexual Exploitation and Sex Trafficking of Minors

- Primary prevention programs are directed at the general population in an effort to prevent or reduce the risk of an event or a condition before it occurs.
  Example: A public awareness campaign that provides information on how to recognize risk and protective factors for commercial sexual exploitation and sex trafficking of minors.
- Secondary prevention programs target high-risk or vulnerable individuals among whom an event or condition is more likely to occur.
  Example: Education programs, located in high schools, for individuals who have one or more risk factors associated with commercial sexual exploitation and sex trafficking of minors, such as poverty, substance abuse, or mental or developmental health concerns.
- Tertiary prevention programs are directed at families in which an event(s) has already occurred or a condition(s) already exists.
  Example: Availability of short- and long-term mental health services for children affected by commercial sexual exploitation and sex trafficking of minors to improve functioning.

SOURCE: Adapted from *Framework for Prevention of Child Maltreatment* (HHS Administration for Children and Families, 2012).

EFFORTS OF SCHOOLS AND THE EDUCATION SECTOR TO ADDRESS COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS

Through its public workshops, site visits, and key informant interviews, the committee learned about several noteworthy efforts to address commercial sexual exploitation and sex trafficking of minors by schools and the education sector. These efforts include developing district-wide policies and partnerships, leveraging established school and community resources, and raising awareness among members of the school community.

Developing District-Wide Policies and Partnerships

Grossmont Union High School District (GUHSD) serves more than 24,000 students in grades 9-12 in California's East San Diego County. The arrest of a high school student for prostitution—for a second time—

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brought the issues of commercial sexual exploitation and sex trafficking of minors to the attention of the school district (Littrell, 2012). In partnership with local law enforcement, health and human services, child welfare, and probation agencies, GUHSD developed a collaborative approach to addressing commercial sexual exploitation and sex trafficking of minors within the greater school community. Global Oversight Analysis Linking Systems is an interagency information-sharing and tracking program that creates comprehensive profiles of selected at-risk youth (e.g., youth with ties to gangs, those with suspected or confirmed involvement in commercial sexual exploitation and sex trafficking of minors, dropouts). Through a formal memorandum of understanding, participating agencies provide information on school suspensions, arrest records, abuse history, and family income. The profiles are used to coordinate support services for students and their families.

In addition to working with partners in the community, GUHSD learned as much as it could about the nature and extent of commercial sexual exploitation and sex trafficking of minors on its school campuses so it could develop a consistent, comprehensive, student-centered response (Littrell, 2012). Interviews with students revealed different forms of recruitment and varying levels of exploitation. In response, GUHSD trained all of its school personnel to recognize signs of commercial sexual exploitation and sex trafficking of minors and developed a protocol for responding to suspected or confirmed victims and instances of suspected or confirmed recruitment (see Figure 8-1). The protocol was developed in partnership with the interagency initiative to help ensure seamless communication and a coordinated response.

Leveraging School and Community Resources

The Oakland High School Wellness Center is 1 of 14 school-based health centers in the Oakland Unified School District in Oakland, California. It works in partnership with Alameda County, the City of Oakland, and community-based organizations to provide students with medical, mental health, and health education services. The center uses a case management model to build relationships with students and to coordinate services. This includes convening regular meetings with school personnel and community providers so as to provide comprehensive support to students.

The Wellness Center, in collaboration with its community partner, Asian Health Services, has trained its school personnel to identify victims of commercial sexual exploitation and sex trafficking and to recognize minors who are at risk of exploitation (Nguyen, 2012). School personnel are encouraged to refer these students to the Wellness Center so the center can engage its case management services to provide students with an appropri-

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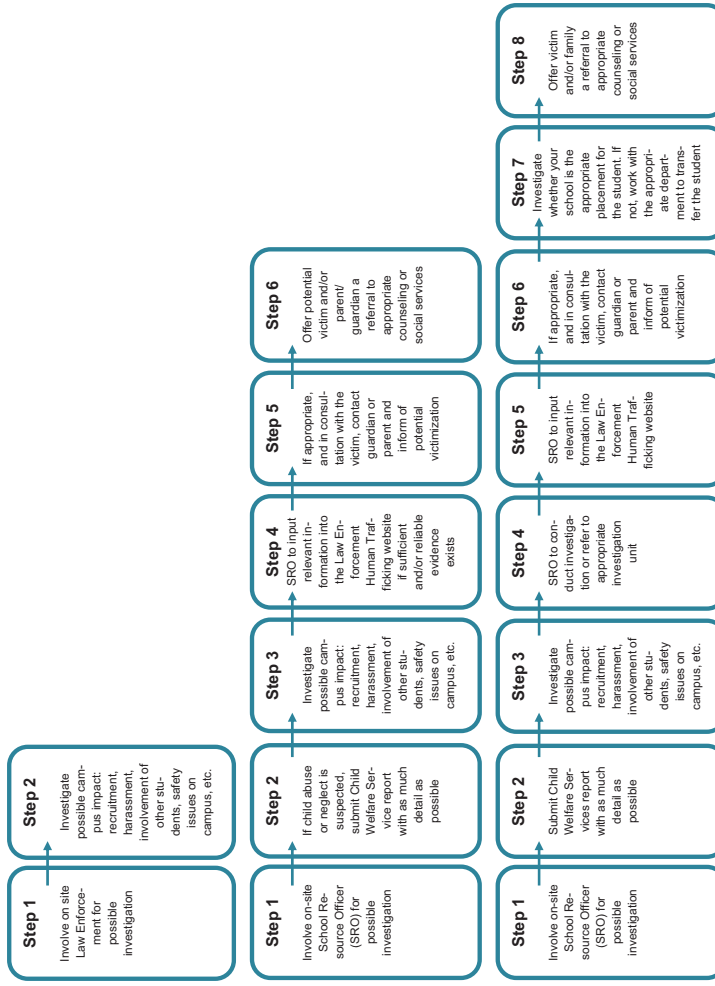

FIGURE 8-1 Grossmont Union High School District's protocol for responding to commercial sexual exploitation and sex trafficking of minors.
NOTE: CSEC = commercial sexual exploitation of children.

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ate and timely response. The Wellness Center also provides the students with education on "healthy relationships," with the goal of preventing exploitation.

In addition to serving youth at Oakland High School, the Wellness Center has provided training and information to school nurses and behavioral health providers in the Oakland Unified School District and to a consortium of school-based health center leaders in Alameda County (Nguyen, 2012).

Raising Awareness Among Members of the School Community

In 2007, the U.S. Department of Education's Office of Safe and Healthy Students (OSHS) created a fact sheet for schools on human trafficking of children in the United States (U.S. Department of Education Office of Safe and Healthy Students, 2007). The two-page document provides an overview of human trafficking and its impact on schools, and offers guidance to school personnel on identifying and reporting this crime.

In addition, OSHS has included "the prostitution of children and forced child labor or human trafficking" among its emerging issues in emergency management efforts for schools. OSHS's Readiness and Emergency Management for Schools (REMS) technical assistance website includes resources for the education community on human trafficking and its impact on schools, including information on federal offices and agencies that provide assistance for victims and survivors and those tasked with policing and preventing human trafficking. In 2010, OSHS conducted an informal poll of its listserv members regarding the nature and extent of human trafficking within their jurisdictions and posted a summary of the results to the REMS technical assistance website (U.S. Department of Education Office of Safe and Drug-Free Schools, 2010). While the results of this nonscientific poll cannot be generalized, it can be viewed as another example of OSHS's interest in the education community's role in addressing human trafficking.

In 2012, the Chicago Alliance Against Sexual Exploitation created Empowering Young Men to End Sexual Exploitation, a prevention program for adolescent males that is implemented in Chicago-area high schools (Dunn Burque, 2009). The program is designed to raise awareness of commercial sexual exploitation, to underscore the role of men in driving demand for the commercial sex trade, and to challenge misconceptions that perpetuate and normalize commercial sexual exploitation. The four-part curriculum was developed based on social norms and popular education theories, with special attention to the role of media in influencing perceptions and behaviors. Each session of the overall curriculum identifies the specific Illinois State Board of Education goals for physical development and health and social emotional learning that it meets (Illinois State Board of Education, 2012). Upon completion of the course, for example, students should be able to

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analyze the roles of public health policies, laws, and the media in gender-based violence and commercial sexual exploitation and understand how social norms influence decisions and behaviors related to these problems.

CHALLENGES AND OPPORTUNITIES

This chapter has described a number of current and emerging practices within the education sector designed to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors. However, the committee found that this limited collection of efforts is representative of a sector that is in the very early stages of recognizing the problems and engaging in solutions. This section describes some of the overarching challenges that must be overcome by educators, schools, and the education sector to address commercial sexual exploitation and sex trafficking of minors effectively and points to a number of opportunities to reach students in need of assistance.

Challenges

Despite the existence of noteworthy, isolated efforts, the education sector's current response to commercial sexual exploitation and sex trafficking of minors is insufficient. A number of factors contribute to this situation. As discussed in earlier chapters, for example, students may be reluctant to disclose victimization or may not self-identify as victims. In addition, schools and school districts may be reluctant to acknowledge that this form of abuse occurs among their student populations. Specifically, schools may fear that they will be perceived as failing to provide a safe environment for students as opposed to assisting them and addressing an existing need (Littrell, 2012).

Another challenge to addressing commercial sexual exploitation and sex trafficking of minors in the education sector is the nation's current approach to school-based sexual health education in public schools. School administrators and educators may feel pressure—real or perceived—to avoid teaching controversial subjects, particularly those related to sex. Strong leadership from senior education officials and greater public awareness will be needed to ensure that commercial sexual exploitation and sex trafficking of minors are recognized more as issues of violence and abuse than as issues of sex and delinquency. This necessary shift in understanding may help reduce either the reality or the appearance of controversy in educating students about this kind of abuse.

As noted previously, providing students with support services requires close coordination of schools and the education sector with other agencies and programs. Certain protections and regulations, however, such as the

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Federal Education Records Protection Act and the confidentiality of juvenile court, family court, and medical records, may inhibit the sharing of personally identifiable information about students. (See Chapter 4 for a more detailed discussion of laws that regulate the sharing of student records/information.) While such protections are generally beneficial to students and their families, the information whose sharing they prevent may be critical, increasing the likelihood that an individual will fall through the cracks. Therefore, schools will need to have relationships and, potentially, special information-sharing arrangements with agencies outside the school community (e.g., law enforcement, child welfare, probation) to overcome communication barriers and coordinate services (Littrell, 2012).

Finally, current efforts of the education sector are directed almost exclusively at the high school level. As noted in Chapter 3, however, evidence suggests that risk and protective factors for commercial sexual exploitation and sex trafficking of minors emerge well before high school age and that some youth become involved in these crimes before or during middle school. Thus, the education sector has an opportunity to address commercial sexual exploitation and sex trafficking of minors earlier and with a life-course approach (i.e., using developmentally appropriate strategies, which change over time).

Opportunities

Despite the above challenges, schools and the education sector are well positioned to play a pivotal role in preventing, identifying, and addressing commercial sexual exploitation and sex trafficking of minors. The committee identified a number of opportunities in a range of settings for a variety of members of the school community. The committee recognizes that numerous and varied demands are placed on schools to promote the health and safety of the students in their care (e.g., promoting healthy eating and physical activity, addressing substance abuse and mental health). Therefore, the opportunities described below are meant to enhance and expand upon existing efforts. These opportunities include enhancing training for educators, taking advantage of school nurses, utilizing alternative schools and programs, and engaging students as partners (Tharp et al., 2012).

Enhancing Training for Educators

Most states require current and prospective teachers to receive some form of training in identifying and reporting child maltreatment. The frequency (e.g., annually, one-time training at the start of employment, at the discretion of school administrators), content (e.g., identification, intervention, prevention, laws, mandatory reporting), and audience (e.g.,

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instructional personnel, student services staff, administrators, others) vary considerably by state and school district. In some instances, required training is linked to initial teacher certification, licensure, and license renewal. The State of Virginia, for example, requires that all individuals seeking initial teacher licensure/certification and teacher license renewal complete a course on child abuse recognition and intervention (Virginia Department of Education, 2011). The Virginia Department of Education does not require any additional training or professional development in the area of child abuse and neglect beyond initial teacher certification and teacher license renewal. However, individual schools and school districts may elect to provide additional training for school personnel.

Information on commercial sexual exploitation and sex trafficking of minors could be integrated into existing child maltreatment training for educators. Locating this subject within broader child maltreatment training for educators could reinforce that commercial sexual exploitation and sex trafficking of minors are forms of child abuse. For example, the State of Florida's Child Abuse Source Book for Florida School Personnel was updated to include "child trafficking" as a category of abuse with which its school personnel should be familiar (Florida Department of Education, 2011).

Opportunities exist to provide training in commercial sexual exploitation and sex trafficking of minors at a number of levels, including undergraduate and graduate education, internships, postgraduate training, or as part of continuing education and professional development. Educators well prepared to identify and address commercial sexual exploitation and sex trafficking of minors could enhance the education sector's overall response and function as an integral part of multisector approaches.

Taking Advantage of School Nurses

As on-site providers of health care and preventive services in schools (AAP, 2008), school nurses are an important resource within the education sector who can help prevent, identify, and address the commercial sexual exploitation and sex trafficking of minors. Understanding commercial sexual exploitation and sex trafficking of minors as forms of child abuse can help school nurses recognize their critical role in recognizing risk and providing assistance to students in need. This role is well within the scope and standards of practice of school nurses (ANA and NASN, 2011; NASN, 2003). According to the position statement of the National Association of School Nurses on child maltreatment, for example, school nurses should be able to recognize signs and symptoms of child maltreatment, support victims, connect victims and their families to support services, educate other school personnel regarding the signs and symptoms of child maltreatment,

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and work with others to raise awareness and reduce the incidence of child maltreatment (Gibbons et al., 2012). Broadening the understanding of child maltreatment to include commercial sexual exploitation and sex trafficking of minors is an important first step in engaging school personnel, including school nurses, in dealing with these problems.

Numerous opportunities exist to capitalize on the expertise and experience of school nurses in preventing, identifying, and addressing commercial sexual exploitation and sex trafficking of minors. Indeed, with appropriate training, school nurses can play a leadership role in the school's overall response to these problems. Such training exists in Massachusetts, where the Massachusetts Department of Public Health and the Northeastern University School Health Institute provide continuing education—specifically designed for school nurses—on the commercial sexual exploitation and sex trafficking of minors (Goldblatt et al., 2012). This type of preparation can, in turn, help school nurses teach other school personnel to recognize risk for exploitation and refer students who may be in need of assistance. In addition, school nurses can use their experience in developing individualized health care plans and emergency care plans for students (NASN, 2003) in their response to student victims of commercial sexual exploitation and sex trafficking. This strategy is similar to the case management elements of the model used by the Oakland High School Wellness Center, described previously.

Utilizing Alternative Schools and Programs

Alternative schools and programs (also referred to as alternative education programs) are designed to address student needs that typically cannot be met in the traditional school environment. Students enrolled in these programs are referred for special services by school personnel (e.g., teachers, administrators, school counselors), by student or parental request, as a result of behavioral assessment, or by the criminal justice system, among others. These students are considered to be at risk of educational failure for such reasons as poor academic achievement, disciplinary issues (e.g., disruptive behavior, chronic truancy, continual academic failure), criminal activity (e.g., arrest or involvement with the criminal justice system), or physical and mental health needs (e.g., pregnancy/teen parenthood, mental health issues) (Carver and Lewis, 2010). A national survey of 1,806 public school districts for the 2007-2008 school year (the most recent year for which data are available) identified 10,300 district-administered alternative schools and programs serving an estimated 646,500 youth in grades K-12 (Carver and Lewis, 2010).

In addition to being at risk of educational failure, children and adolescents who attend alternative schools and programs often have or are at

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risk for acute and chronic health problems (Escobar-Chaves et al., 2002; Grunbaum et al., 2001; Johnson and Taliaferro, 2012; Tortolero et al., 2008). A comparison of national survey data on health risk behaviors found that students in alternative high schools and programs were at significantly greater risk for violence-related injuries, suicide, HIV infection or other sexually transmitted infections, and pregnancy than their traditional high school counterparts (Grunbaum et al., 2001). Because many of these risk factors and reasons for placement overlap with risk factors for and reasons for involvement in commercial sexual exploitation and sex trafficking, alternative education programs may be in an ideal position to help identify and address individuals at risk and victims/survivors of commercial sexual exploitation and sex trafficking in these settings. Finally, because these students are still attending school, they may be more receptive to prevention and intervention efforts—or at the very least be easier to reach—than individuals who no longer attend school.

Alternative education programs, then, can play an important role in preventing, identifying, and addressing commercial sexual exploitation and sex trafficking of minors. Although the composition of these programs varies greatly, several common characteristics make them especially well suited to recognizing and responding to suspected and/or disclosed exploitation, including

- a student-centered, strengths-based approach;
- small teacher-to-student ratios;
- personal development activities;
- special teacher training; and
- high levels of collaboration.

In particular, the extent to which alternative schools and programs collaborate with various community agencies to provide services for enrolled students is noteworthy. In a national survey of public school districts with district-administered alternative schools or programs, for example, 77 percent worked with child protective services, 78 percent with community mental health services, and 80 percent with the criminal justice system (Carver and Lewis, 2010). The same survey revealed that 60 percent of the alternative schools and programs worked with drug and/or alcohol clinics, 46 percent with community organizations (e.g., Boys and Girls Clubs of America and United Way), and 46 percent with job placement centers.

As noted earlier in this chapter, an established body of research supports school-based health education and prevention initiatives in traditional school settings. However, similar research within alternative education programs is scarce. Findings from a handful of recent studies provide some support for interventions in these settings (Carswell et al., 2012; Coyle

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et al., 2006; Tortolero et al., 2008). For example, researchers have adapted Safer Choices—a rigorously evaluated school-based prevention intervention targeting HIV, other sexually transmitted infections, and pregnancy—for alternative schools (Tortolero et al., 2005). Safer Choices 2 has collected baseline data that demonstrate the need for such interventions for students attending alternative schools (Tortolero et al., 2008).

Implementing and evaluating interventions in alternative school settings is not without considerable challenges. Tortolero and colleagues (2008, p. 70) note that, "while alternative schools provide a point of access to high-risk adolescents, they also give the researcher several challenges in designing and evaluating health promotion programs using a randomized trial design" (e.g., significant loss to follow-up and selection bias). Yet despite the apparent challenges, the committee considers alternative schools and programs to be important and underutilized settings. There is a real opportunity to draw lessons from school-based interventions and the burgeoning research on alternative schools and programs to provide programs that can help decrease the prevalence of risk-taking behaviors associated with commercial sexual exploitation and sex trafficking of minors and train school personnel to recognize and respond to these problems.

Engaging Students as Partners

As noted throughout this report, each sector that is or should be engaged in preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors has inherent resources and capabilities that can be leveraged to help address these problems. While leadership in the education sector and school personnel are essential to these efforts, students can be valuable partners. Peer- and student-led interventions (including peer mentoring and peer education) have been found to be effective in other health domains, such as reproductive health care (Brindis et al., 2005) and smoking prevention in adolescence (Campbell et al., 2008). In addition, evidence suggests the value of having the population affected by an issue (e.g., adolescents, young adults) engaged in addressing it (Miller et al., 2012). The violence prevention and intervention program for male athletes described earlier in this chapter is a good example of how engaging peers can be an effective strategy for addressing a school-based problem (Miller et al., 2012). Thus the education sector has an opportunity to capitalize on the interest of students in working to prevent and address commercial sexual exploitation and sex trafficking of minors.

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FINDINGS AND CONCLUSIONS

The committee's review of the literature and its careful consideration of expert testimony revealed several themes related to the role of the education sector in preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors in the United States. This chapter has highlighted a range of noteworthy and emerging efforts and drawn lessons from school-based approaches to related and overlapping problems. The chapter has also described a number of opportunities that exist within current education settings and through emerging practices. However, the committee reminds readers that the need to evaluate these and future efforts is crucial. In addition, the committee formulated the following findings and conclusions:

8-1 School personnel have a unique opportunity to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors.

8-2 Schools can build upon current policies, programs, and resources that promote student health and well-being, many of which have proven efficacy, to develop effective, evidence-based programs to prevent, identify, and address commercial sexual exploitation and sex trafficking of minors.

8-3 Current and future efforts in the education sector will require additional examination to determine their effectiveness.

8-4 Collaboration with other sectors may often be important in assisting victims of commercial sexual exploitation and sex trafficking of minors.

8-5 An essential step is training school personnel to recognize commercial sexual exploitation and sex trafficking of minors and to make appropriate referrals to address the needs of these youth.

8-6 Senior education officials, such as U.S. Department of Education administrators and school superintendents, need to acknowledge the role of the education sector in addressing commercial sexual exploitation and sex trafficking of minors and provide leadership and support for meaningful responses within schools.

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9

The Commercial Sector

The commercial sector, also referred to as the private sector, is that portion of a country's economy that includes most for-profit companies and industries. Commercial-sector companies have the capacity both to facilitate commercial sexual exploitation and sex trafficking of minors and to be involved in solutions. Traffickers and other exploiters of children often rely on Internet transactions, transportation, hotels, and other goods and services provided by the private sector. More broadly, minors frequently are portrayed as objects of sexual desire in the commercial media, which may reflect or contribute to tolerance of sexual exploitation.

Some companies, however, are attempting to mitigate their involvement by engaging in efforts to address commercial sexual exploitation and sex trafficking of minors. Recognizing that exploiters and traffickers often sell prostituted children in hotel rooms, for example, a hotel may agree to implement policies that make it more likely that staff will identify and report commercial sexual exploitation and sex trafficking of minors to police. Other companies realize that, although they do not contribute directly to the problem, they have unique products or skills that can contribute to solutions. This chapter describes several of these efforts that have been made by the commercial sector to address commercial sexual exploitation and sex trafficking of minors. Because this is an emerging area of research and practice, the committee used its public workshops, site visits, and key informant interviews to learn about such commercial-sector initiatives. The descriptions of these efforts within this chapter are meant to complement and supplement the limited published research. As with such efforts described in other chapters, these initiatives have not been empirically

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evaluated, so the committee does not intend to imply that it is endorsing these approaches. In addition, this is not meant to be an exhaustive review of commercial-sector involvement. The goals of the chapter are to identify ways in which the commercial sector contributes to commercial sexual exploitation and sex trafficking of minors and to illustrate potential opportunities to leverage its resources, expertise, and position to prevent, identify, and respond to these crimes.

The chapter starts with a brief discussion of some of the ways in which commercial-sector entities facilitate commercial sexual exploitation and sex trafficking of minors. It then reviews selected initiatives by commercial-sector entities to contribute to and support efforts to prevent, identify, and respond to these crimes. Next, the chapter examines the role the law can play in fostering such positive contributions by commercial-sector entities. The final section presents findings and conclusions.

THE COMMERCIAL SECTOR'S CONTRIBUTION TO THE PROBLEM

In many ways, the functioning of the "market" for commercial sexual exploitation and sex trafficking of children and adolescents is like that of other legal and illegal markets: when and where demand for a product or service exists, a market will emerge to respond. Because there is demand for commercial sex with young persons, including minors, individuals and criminal organizations have found ways to sexually exploit children and adolescents for profit. The committee acknowledges that readers may find this explanation to be both oversimplified and objectionable (i.e., the "product" or "service" in question is sex with a minor). The committee also recognizes that the root causes of demand may differ for children and adolescents of different ages, and as noted in Chapter 3, further research is needed to understand demand better. However, the committee believes that considering commercial sexual exploitation and sex trafficking of minors in this way can advance public understanding of the commerce of human trafficking. Further, this explanation underscores how the commercial sector can both contribute to and inhibit the commercial sexual exploitation and sex trafficking of minors.

Commercial sexual exploitation and sex trafficking of minors are profitable endeavors. A number of sources suggest that human trafficking (for sex or labor) generates billions of dollars worldwide each year and is a rapidly growing criminal enterprise (Belser, 2005; Kara, 2011; Small et al., 2008; U.S. Department of State, 2005). While exact figures are difficult to discern and are an area in which consensus is lacking (see, e.g., Jordan and Burke, 2011), human trafficking, like drug and arms trafficking, can be a lucrative criminal activity. According to a recent report by the Federal

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Bureau of Investigation's (FBI's) National Gang Intelligence Center on emerging gang trends in the United States, commercial sexual exploitation of women and children is a major source of revenue for many gangs (FBI, 2011). In addition, in areas where commercial sexual exploitation and sex trafficking of minors are unrecognized or can otherwise avoid the attention of law enforcement, engaging in these crimes may carry little legal risk.

Facilitating Commercial Sexual Exploitation and Sex Trafficking of Minors

As noted in Chapter 1, a range of actors in the commercial sector are involved—either complicitly or unwittingly—in facilitating the commercial sexual exploitation and sex trafficking of minors. For example, businesses that are actively involved in these crimes may allow or provide structures for their occurrence. Examples include hotels/motels that accept cash for rooms and fail to check identification and taxi drivers who receive a fee for driving victims to hotels or other locations. The Internet, especially sites that provide a forum for the posting of advertisements for escorts and other sex work, can facilitate commercial sexual exploitation and sex trafficking of minors by relocating victims from the street to private spaces, thereby reducing risk for exploiters. Other business entities, such as banks and other financial service providers, landlords, airlines, railroads, and bus lines, may be used by an exploiter without their direct knowledge or detection.

Contributing to Demand and Exploitation Through Sexualization

A recent report from the American Psychological Association's Task Force on the Sexualization of Girls compiles evidence that girls often are sexualized in U.S. society and that media play a major role in this process. While demonstrating that sexualization has many adverse consequences, the task force is careful to note that research on the connection between sexualization and exploitation is "virtually nonexistent" and asserts that such research is urgently needed (APA, 2010). The task force nonetheless makes a number of observations relevant to this committee's examination of commercial sexual exploitation and sex trafficking of minors. For example, the task force states that images of prematurely pubertal girls "may serve to normalize abusive practices such as child abuse, child prostitution, and the sexual trafficking of children" (APA, 2010, p. 34). In terms of demand, the task force suggests that "the sexualization of girls may also contribute to the trafficking and prostitution of girls by helping to create a market for sex with children through the cultivation of new desires and experiences" (APA, 2010, p. 34). These comments suggest that the commercial sector, specifically media and entertainment enterprises, may be

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complicit in normalizing the sexualization of children. It is important to underscore that the task force's report does not identify evidence confirming such potential links and that additional research is needed to determine the extent to which the sexualization of girls is associated with sexual exploitation broadly and with commercial sexual exploitation specifically.

OPPORTUNITIES TO ADDRESS THE PROBLEM IN THE COMMERCIAL SECTOR

Many of the same individuals and businesses that can contribute to the problems of commercial sexual exploitation and sex trafficking of minors also are well situated to help prevent and address these problems. This can be seen in recent experiences related to the commercial sector's response to labor trafficking. As the 2012 *Trafficking in Persons* report notes, there is growing awareness within the commercial sector regarding the role businesses can play in prevention by working to ensure that the production of their products does not use forced labor or involve exploitation of children (U.S. Department of State, 2012). Furthermore, public awareness and the work of human rights organizations have pressured the commercial sector to adopt more responsible business practices (Interfaith Center on Corporate Responsibility et al., 2011). This development illustrates the potential of existing market forces to influence and engage the commercial sector.

This section describes some models for how the commercial sector can contribute to solutions. Further research is needed to determine the extent to which responsible and innovative practices addressing the commercial sexual exploitation and sex trafficking of minors are likely to be adopted voluntarily by all businesses or whether legislation is required to provide appropriate incentives and/or sanctions to motivate the adoption of such practices. The committee supports commercial-sector efforts as one essential part of a multisector response to commercial sexual exploitation and sex trafficking of minors.

The committee observed two promising roles for the commercial sector: applying industry innovation to identify commercial sexual exploitation and sex trafficking of minors and adopting policies that reduce the occurrence of these crimes. Examples of each are described below.

Applying Industry Innovation

Computer Software Industry

Microsoft, in partnership with Dr. Hany Farid at Dartmouth University, developed technology called PhotoDNA that can be used to identify copies of pornographic images of minors. Microsoft uses the technology in its

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e-mail, cloud computing, and search services. It also donated PhotoDNA to the National Center for Missing and Exploited Children, which is using the technology to locate child pornography and remove it from the Internet (Microsoft, 2009). In addition, Facebook has licensed the software and uses it to search for child pornography among photos uploaded to its site (Richmond, 2011). Microsoft believes PhotoDNA technology also can be used to combat human trafficking, and in June 2012 announced six grants to study the intersection of technology and trafficking (Doerr, 2012; Microsoft, 2012).

Financial Industry

JPMorgan Chase, a global financial services firm, has worked with law enforcement and prosecutors to develop a set of indicators of financial transactions that can be used to help identify traffickers (Koch, 2012). Law enforcement personnel explained to JPMorgan the typical habits and patterns of traffickers, such as posting numerous ads on classified ad websites, traveling on well-known trafficking routes, and renting movies for victims to watch when they are not working. JPMorgan used this information to create a set of financial transaction indicators (a "financial footprint") that, taken together, can help identify traffickers. These indicators include repeated small-dollar payments to Internet classified ad providers, travel to high-risk jurisdictions, foreign wires, late-night credit card swipes, certain road tolls, payments related to immigration, payments at DVD kiosks, and Internet provider logins from high-risk jurisdictions. Using this financial footprint to search its database of credit card transactions, JPMorgan can identify individuals who are potentially using the firm's financial services to engage in human trafficking.

Information Industry

LexisNexis is a legal information company that primarily provides access to legal documents to government, corporate, and academic clients. Several years ago, as part of its corporate social responsibility program, LexisNexis began supporting several antitrafficking nongovernmental organizations and educating its customers about the issues surrounding human trafficking (Goswami, 2012). In the course of its work educating clients, LexisNexis learned from prosecutors' offices that one challenge in investigating human trafficking cases is organizing and making accessible to various law enforcement investigators and prosecutors the pieces of evidence (e.g., a photograph of a suspect's tattoo) needed for a successful trafficking case. Given that many trafficking cases involve multiple investigators in different departments or jurisdictions, prosecutors also expressed interest

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in making those pieces of information accessible to other investigators and prosecutors both within and outside their jurisdiction.

Recognizing an opportunity to strengthen relationships with clients and provide them with needed services by drawing on one of its core capabilities—organizing legal information into easily searchable databases—LexisNexis developed a secure online database that allows law enforcement to compile and share information about suspected trafficking cases within and across jurisdictions. The company has provided this database pro bono to several jurisdictions that are pilot testing the software.

Adopting Policies to Reduce the Incidence of Commercial Sexual Exploitation and Sex Trafficking of Minors

Tourism Industry

The tourism industry intersects frequently with victims and facilitators of commercial sexual exploitation and sex trafficking of minors. For example, exploiters and traffickers rent hotel rooms where victims are forced to have sex. Seeing an opportunity to engage the tourism industry in preventing commercial sexual exploitation and sex trafficking of children, End Child Prostitution and Trafficking (ECPAT) Sweden developed the Code of Conduct for the Protection of Children from Sexual Exploitation Travel and Tourism ("the Code") (ECPAT International, 2012). Companies that sign the Code agree to take six steps: (1) establish an ethical policy regarding commercial sexual exploitation of children; (2) train personnel about commercial sexual exploitation of children; (3) introduce a clause in contracts with suppliers that states a common repudiation of commercial sexual exploitation of children; (4) provide information to travelers about commercial sexual exploitation of children through, for example, brochures, films, or websites; (5) provide relevant information to key people in tourist destinations; and (6) report annually to ECPAT (ECPAT International, 2012).

The Code began as a way to reduce exploitation of children in sex tourism destinations (e.g., Cambodia), but has evolved toward encouraging domestic companies to adopt policies that address commercial sexual exploitation and sex trafficking of minors within the United States (Smolenski, 2012). As of July 2012, eight U.S. companies had signed the Code. Within the United States, Carlson (owner of Radisson, Park Plaza, and Country Inn & Suites hotels, among other hospitality companies) has taken a lead role in promoting the Code and addressing sex trafficking in the tourism industry (Smolenski, 2012). Other hotel chains also have signed on to the Code more recently, as has Delta Airlines.

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Socially Responsible Investing

Socially responsible investing groups invest only in companies they consider ethical and socially responsible. They actively advocate for companies to adopt policies that meet the group's socially responsible investing standards, and indirectly encourage companies to become more socially responsible by withholding investment funds from companies that fail to meet their standards. Recently, several socially responsible investing groups have taken an interest in leveraging their investing power to address human trafficking. For example, the Interfaith Center on Corporate Responsibility, a group of both faith-based and secular institutional investors, called on companies to take many of the same steps outlined in the ECPAT Code, such as including a clause on trafficking in contracts with suppliers (Interfaith Center on Corporate Responsibility, 2011). The Interfaith Center on Corporate Responsibility also encouraged companies in the travel and tourism industry to adopt the Code. In addition, recognizing the need for multidisciplinary and multistakeholder collaboration to address human trafficking, the Interfaith Center on Corporate Responsibility called on companies to partner with other companies, governments, and nongovernmental organizations to raise awareness of human trafficking and confront the issue.

Transportation Industry

Various components of the transportation industry have a role to play in responding to commercial sexual exploitation and sex trafficking of minors. These crimes often occur at truck stops, likely because of their remote locations and social isolation. In 2004, an FBI investigation of truck stops and call centers in Oklahoma City identified more than a dozen trafficked children and resulted in 11 federal arrest warrants and 3 federal search warrants (U.S. Congress et al., 2005). Truckers Against Human Trafficking, a nonprofit organization, educates truckers and truck stop employees about the dangers and warning signs of human trafficking through training, posters, and wallet cards (Truckers Against Human Trafficking, 2012). In 2011, the National Human Trafficking Resource Center hotline received 185 calls from truckers reporting 62 sex trafficking cases (National Human Trafficking Resource Center, 2011). More than one-third of the callers had learned about the hotline from Truckers Against Human Trafficking.

The railroad system also offers an opportunity for intervention. On October 4, 2012, the Secretaries of Homeland Security and Transportation joined with the president of Amtrak to announce a campaign to fight human trafficking more generally (U.S. Department of Homeland Security, 2012a). Amtrak employees are to be trained using tools developed by the

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Department of Homeland Security (U.S. Department of Homeland Security, 2012b) "on potential indicators of human trafficking and how to identify potential victims."

Industry Partnerships

The Global Business Coalition Against Human Trafficking (gBCAT) was launched on September 25, 2012 (gBCAT, 2012b). Founding members include Carlson, The Coca-Cola Company, Delta Air Lines, ExxonMobil, LexisNexis, ManpowerGroup, Microsoft, NXP, and Travelport. The coalition aims to address all forms of human trafficking, including labor trafficking and sex trafficking and prostitution of children. Its initiatives will include developing training and education programs for company employees, vendors, and subcontractors; raising awareness of company policies to combat sex trafficking, notably in travel and tourism; identifying and preventing forced labor in supply chains and operations; conducting outreach to businesses; and sharing promising practices (gBCAT, 2012a). Although it is too early to evaluate any initiatives of gBCAT, partnerships among private-sector entities could help facilitate the development and dissemination of responsible business practices that both minimize the role of the private sector in fostering conditions conducive to commercial sexual exploitation and sex trafficking of minors and help prevent such exploitation.

Media

Media also can play a positive role by shining a spotlight on commercial sexual exploitation and sex trafficking of minors. Media can facilitate public awareness and contribute to efforts to press policy makers to act.

THE ROLE OF LAW IN FOSTERING POSITIVE COMMERCIAL-SECTOR INVOLVEMENT

The State of California's Transparency in Supply Chains Act, New York City's civil penalty for taxi and limousine drivers convicted of using a vehicle to facilitate sex trafficking, and an executive order and legislation at the federal level illustrate the role of law in fostering positive commercial-sector involvement in dealing with the problems of commercial sexual exploitation and sex trafficking of minors.

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California's Transparency in Supply Chains Act

In 2010, California enacted the Transparency in Supply Chains Act,[1] which requires any retailer or manufacturer doing business in the state with annual worldwide gross receipts exceeding $100 million to disclose efforts it is undertaking to eliminate human trafficking from its supply chains. The California law took effect on January 1, 2012. A similar bill has been introduced at the federal level that would apply to all publicly listed companies.[2]

The California law is limited to requiring disclosure of policies and steps a company has taken to address human trafficking in supply chains; it does not mandate that companies undertake such action. Certain companies have responded to the law by disclosing detailed policies and procedures, and others have announced that they will commence particular actions; still others have made clear that they are doing very little. The hope is that the law will encourage companies to compare their actions with those of others and take proactive steps to reduce human trafficking in their supply chains (Interfaith Center on Corporate Responsibility et al., 2011; Todres, 2012), whether their motivations for change are driven by ethical principles, brand management, consumer relations, or other concerns (Todres, 2012).

The California law is intended primarily to address labor, not sex, trafficking. However, such laws potentially could be used for sex trafficking or suggest other legislative approaches to encouraging commercial-sector entities to take steps to address commercial sexual exploitation and sex trafficking of minors.

New York City's Civil Penalty for Taxi and Limousine Drivers

In 2012, the New York City Council enacted a law that creates a $10,000 civil penalty for taxi and limousine drivers convicted of using a vehicle to facilitate sex trafficking.[3] With respect to sex trafficking of minors, using a vehicle to facilitate sex trafficking is using a vehicle licensed by the Taxi and Limousine Commission to advance or profit from prostitution of a person under 19 years old.[4] Other potential penalties include loss of driver's license and loss of vehicle license. In addition, the law requires the Taxi and Limousine Commission to create and implement a program of instruction for drivers that explains the new law and provides information about resources available to assist victims of sex trafficking. The law

[1]California Transparency in Supply Chains Act of 2010, S.B. 657, 2010 Reg. Sess. (Ca. 2010) (codified at CAL. CIV. CODE § 1714.43).

[2]Business Transparency on Trafficking and Slavery Act, H.R. 2759, 112th Cong. (2011).

[3]N.Y.C. Law No. 2012/036 (June 22, 2012).

[4]N.Y.C. Law No. 2012/036 (June 22, 2012).

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mandates that drivers complete this training as a requirement for initial licensure and renewal.[5]

Federal Law and Regulations

On September 25, 2012, President Obama issued an executive order (Strengthening Protections Against Trafficking in Persons in Federal Contracts) to strengthen the U.S. government's response to human trafficking. The executive order "expressly prohibit[s] Federal contractors, contractor employees, subcontractors, and subcontractor employees from engaging in [various] types of trafficking-related activities,"[6] including misleading and fraudulent recruitment practices; charging of recruitment fees; and confiscation or destruction of identity documents, including passports.[7] It also requires contractors and subcontractors to develop compliance plans, inform their employees of rules regarding not engaging in trafficking-related activities, and provide a means for employees to report trafficking activities without fear of retaliation.[8] Like the California law discussed above, the executive order is intended primarily to address labor, not sex, trafficking, but potentially could be used to address sex trafficking or suggest other legislative approaches to encouraging commercial-sector entities to take steps to address commercial sexual exploitation and sex trafficking of minors.

On March 8, 2013, President Obama signed the Trafficking Victims Protection Reauthorization Act of 2013 (TVPRA). The TVPRA includes a requirement that the federal government "promote, build, and sustain partnerships" between the U.S. government and "private entities, including foundations, universities, corporations, community based organizations, and other nongovernmental organizations to ensure that . . . United States citizens do not use any item, product, or material produced or extracted with the use and labor from victims of severe forms of trafficking; and . . . such entities do not contribute to trafficking in persons involving sexual exploitation."[9] Although it is too early to evaluate the impact of this new provision, it provides a basis for expanding efforts to collaborate with commercial-sector entities to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. Fur-

[5]N.Y.C. Law No. 2012/036 (June 22, 2012).

[6]Obama, B. 2012. Strengthening protections against trafficking in persons in federal contracts. Executive Order § 2(1)(a), (September 25, 2012). http://www.whitehouse.gov/the-press-office/2012/09/25/executive-order-strengthening-protections-against-trafficking-persons-fe (accessed December 17, 2012).

[7]Executive Order § 2(1)(a).

[8]Executive Order § 2(2)(a).

[9]Violence Against Women Reauthorization Act of 2013 (VAWA) § 1202 (2013) (the TVPA Reauthorization of 2013 was attached as an amendment to VAWA).

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ther research is needed to determine the effectiveness of these and other laws and regulations aimed at addressing these crimes.

FINDINGS AND CONCLUSIONS

The committee's review of the literature and its careful consideration of expert testimony revealed several themes related to the role of the commercial sector in preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors in the United States. This chapter has highlighted a range of noteworthy and emerging efforts and drawn lessons from commercial-sector approaches in related fields of practice. However, the committee reminds readers that evaluation of these and future efforts is a crucial need. In addition, the committee formulated the following findings and conclusions:

9-1 The commercial sector currently plays a role in facilitating commercial sexual exploitation and sex trafficking of minors.

9-2 Certain commercial-sector companies are well positioned to address commercial sexual exploitation and sex trafficking of minors, both independently and in collaboration with prosecutors and other government entities. At a minimum, commercial-sector companies' businesses should not facilitate harm to children.

9-3 Companies that have been most successful in addressing commercial sexual exploitation and sex trafficking of minors have drawn on their core capabilities to create a response.

9-4 Depending on its expertise and core capabilities, a particular company might be best positioned to help address commercial sexual exploitation and sex trafficking of minors through prevention, assistance to law enforcement, or victim assistance.

9-5 Further research is needed to evaluate the effectiveness of existing commercial-sector initiatives aimed at supporting efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors, with a view to developing models or best practices for commercial-sector entities seeking to address these crimes.

9-6 Both civil and criminal law can be used to provide incentives for companies to apply their existing capacities or develop new

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capacities to help address commercial sexual exploitation and sex trafficking of minors, or at least minimize the likelihood that their business will be used by traffickers and others to exploit children and adolescents.

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10

Multisector and Interagency Collaboration

Previous chapters have demonstrated that commercial sexual exploitation and sex trafficking of minors are intrinsically multifaceted such that they cannot be understood or addressed effectively through any one sector or discipline alone. Rather, an adequate response requires participation from numerous actors, including victim and support service providers, health and mental health care providers, legislators, law enforcement personnel, prosecutors, public defenders, educators, and the commercial sector. These actors work within different sectors, such as the nonprofit, health care, legal, and commercial sectors, and at different levels of government, including local, state, and federal. Individuals, groups, and organizations working within these systems can become "siloed," gaining expertise by working primarily within their individual domains or specific areas of expertise, and can have differing goals, missions, and perspectives on how commercial sexual exploitation and sex trafficking of minors should be handled. This can create barriers to collaborating effectively to address these problems.

In the health context, multisector and interagency collaboration refers to various governmental, nongovernmental, social, and public organizations, groups, and individuals coalescing around a shared common focus with the potential to affect current and future health (Armstrong et al., 2006; Nowell and Froster-Fishman, 2011). (Note that while the committee uses the terms "multisector" and "interagency," the literature and various fields of practice use the term "multidisciplinary" synonymously.) In a report on the future of public health in the 21st century (IOM, 2002), the Institute of Medicine cites the need for planned interaction among all

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relevant community-related organizations (government, nongovernmental organizations [NGOs], businesses, schools, media, and health care delivery systems). Multisector and interagency collaborative approaches can become catalysts for the design and implementation of strategies and policies with a good chance of being timely, effective, relative, and sustainable (Buffardi et al., 2012).

This chapter focuses on the growing emphasis on multisector and interagency collaborative approaches to addressing the systemic issues of commercial sexual exploitation and sex trafficking of minors. These approaches range from formal relationships based on memoranda of understanding (MOUs) to ad hoc and case-by-case arrangements drawing on networks of informal personal contacts. The chapter begins with an explanation of the value of such approaches. Next, because multisector and interagency work on commercial sexual exploitation and sex trafficking of minors in the United States has been underexamined, the chapter presents lessons from related fields of practice and areas of research, including child maltreatment, domestic violence, and sexual assault. The chapter then describes a number of noteworthy multisector and interagency efforts in the area of commercial sexual exploitation and sex trafficking of minors, including task force models and other state- and county-based collaborations. The committee used agency and organization reports, its public workshops, and its site visits to learn about these efforts; the descriptions of these efforts are meant to complement and supplement the limited published research. It should be noted that these models and activities have not been empirically evaluated. Thus, while the committee does not intend to imply that it is endorsing these approaches, it does endorse additional examination of their effectiveness. After reviewing these efforts, the chapter describes continuing challenges to multisector and interagency collaboration and identifies opportunities for additional collaboration. The final section presents findings and conclusions.

VALUE OF MULTISECTOR AND INTERAGENCY RESPONSES AND COLLABORATION

Collaboration among multiple sectors, agencies, and organizations has the potential to help diverse entities gain a mutual understanding of commercial sexual exploitation and sex trafficking of minors, which may enable them to address the crimes themselves, as well as the needs of victims/survivors, more effectively (Clawson et al., 2006; Piening and Cross, 2012). Through regular meetings and other information-sharing mechanisms, agencies and organizations from different sectors can formalize networks and forge institutionalized relationships among actors and across siloes. Collaboration can engender intervention at various levels,

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such as awareness raising, information sharing, resource sharing, and coordinated response to real-time situations. According to the Department of Justice's Office for Victims of Crime:

> The advantage of multidisciplinary anti-trafficking Task Forces is in the maintenance of a strategic, well-planned, and continuously fostered collaborative relationship among law enforcement, victim service providers, and other key stakeholders. A multidisciplinary response to human trafficking raises the likelihood of the crime being discovered, provides comprehensive protection of the victim, and increases coordinated investigative and prosecutorial efforts against the perpetrator. (OVC and BJA, 2011, Sec. 3.2)

Noting the promise of multisector and interagency collaboration, the Department of Justice has provided funding for communities to establish anti-human trafficking task forces, which include "state and local law enforcement, investigators, victim service providers, and other key stakeholders" (Office of Justice Programs, 2013, p. 1). Other multisector and interagency efforts to address commercial sexual exploitation and sex trafficking of minors have been established without direct federal funding. As a result of the influence and goals of different funding sources, as well as the needs and strengths of communities, different sectors take lead roles in organizing and catalyzing action in collaborative networks. Thus, one task force might be led by law enforcement, while another might be more NGO driven. Also variable is the extent to which a particular task force includes representatives from multiple sectors. And in addition to multisector collaborations, intrasector and specific cross-sector collaborations are possible.

In some cases, information and communication technologies facilitate connectedness and information sharing among collaborators (Stoll et al., 2012), although sharing of information is complicated by trust, privacy, legal, and data security concerns. In other cases, a formal MOU is helpful to designate the roles and parameters for collaboration and partnership (Piening and Cross, 2012). While this chapter focuses on a few models of multisector and interagency collaboration, the committee does not advocate a one-size-fits-all approach to collaboration and acknowledges a variety of formulations, strategies, and mechanisms that support collaboration. As noted, few of these approaches have been evaluated, so the committee does not intend to endorse or promote any particular model of practice. It merely notes that communities that have established channels for collaboration among people who work in diverse sectors appear to have had some success in addressing commercial sexual exploitation and sex trafficking of minors.

Ideally, multisector and interagency approaches to commercial sexual exploitation and sex trafficking of minors in the United States would include all groups necessary to adequately address the needs of victims and the prosecution of exploiters, traffickers, and purchasers. A robust litera-

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ture evaluating the components of a multisector response to human trafficking or what individuals, organizations, and systems should be included does not exist. Nevertheless, the committee views the individuals, organizations, and systems listed in Box 10-1 as important components of a multisector response to commercial sexual exploitation and sex trafficking of minors (Clawson et al., 2006; Gonzales et al., 2011; Nair, 2011; OVC and BJA, 2011; Piening and Cross, 2012; Polaris Project, 2012).

Perhaps as important as involving the relevant individuals, organizations, and systems is the process for collaborating. The committee learned from site visit participants, workshop presenters, and published reports that multisector and interagency collaboration benefits from having a co-

BOX 10-1
Components of a Multisector Response to Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

- Local law enforcement
- State law enforcement
- Federal law enforcement
- State social service agencies
- Nongovernmental social service agencies
- Nongovernmental advocacy organizations
- Local prosecutors
- State and county prosecutors
- Federal prosecutors
- Defense attorneys
- Judges
- Victims/survivors
- Media
- Private sector
- Researchers and academics
- Child welfare
- Juvenile justice
- Health care providers, including mental health care providers
- Faith-based groups
- Public officials
- Social activists
- Homeless advocates
- Lesbian, gay, bisexual, and transgender (LGBT) advocates
- Educators

SOURCES: Clawson et al., 2006; Gonzales et al., 2011; Nair, 2011; OVC and BJA, 2011; Piening and Cross, 2012; Polaris Project, 2012.

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ordinator or coordinating agency, frequent formal and/or informal communication, personal commitment from individuals, consensual (rather than top-down) decision making, and organizational support (Nicholson et al., 2000).

LESSONS LEARNED FROM MULTISECTOR AND INTERAGENCY APPROACHES TO CHILD MALTREATMENT, DOMESTIC VIOLENCE, AND SEXUAL ASSAULT

While little published research exists on multisector and interagency responses to the commercial sexual exploitation and sex trafficking of minors, the literature indicates that coordinated multidisciplinary approaches have long been endorsed as an effective way to respond to the related and overlapping areas of child abuse and neglect (Alexander, 1993; Hochstadt and Harwicke, 1985; OJJDP, 1998). Key features of successful child maltreatment multidisciplinary teams noted in the literature include

- commitment from the ground up, as well as from leaders (mandating adoption of the multidisciplinary team approach will not succeed unless those responsible for its implementation are committed to its success and believe it is worthwhile);
- clear definitions of (and mutual respect for) the roles of each of the involved agencies and professionals;
- creation and adoption of a clear mission statement (representing shared values and commitment);
- development of written agreements (MOUs and/or joint protocols for child abuse investigation and intervention) specifying the ways in which team members will communicate and coordinate regarding cases and victims;
- a regular process for honest review and discussion of cases and issues (for example, regular case reviews) and a culture that allows for respectful disagreement and questioning of one another;
- open and respectful communication and ongoing relationships; and
- joint training and team social activities.

Examples of multidisciplinary teams and interagency approaches created to address child maltreatment and domestic violence include children's advocacy centers (CACs) and family justice centers (FJCs). Examples of multidisciplinary teams and interagency approaches that have been used to address sexual assault include sexual assault response teams (SARTs). Each of these models is described in the sections that follow.

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Children's Advocacy Centers

A range of multidisciplinary team models have been used to respond to child maltreatment cases. Facility-based CACs are one such model. The purpose of a CAC is to provide a child-friendly environment and to centralize and coordinate the investigation of child abuse cases and related social, physical, and mental health care, as well as advocacy services (Cross et al., 2008). CACs require the use of multidisciplinary teams (which include law enforcement investigators, child protection workers, prosecutors, and mental health and other health care professionals, among others) to coordinate forensic interviews, medical evaluations, therapeutic interventions, and victim advocacy in connection with case review and case tracking. First developed in 1985, CACs now number more than 900 nationwide; 750 of these centers meet national accreditation standards set and administered by the National Children's Alliance (2013). Despite the existence of these standards, individual CACs vary greatly in how they were created, how they are organized, and how services are administered. Leadership within CACs comes from a variety of distinct traditions and perspectives, including prosecution, law enforcement, and physical and mental health. Collocation of various professionals and victim services is a feature of most CACs, although the specific agencies and services at a CAC facility vary significantly from jurisdiction to jurisdiction.

Studies comparing the efficacy of CACs with that of other approaches to multidisciplinary and interagency coordination have yielded mixed results, underscoring the complexity and difficulty of evaluating such efforts (Cross et al., 2008; Faller and Palusci, 2007). For example, Cross and colleagues (2008) conducted a multisite evaluation of CACs, collecting data between 2001 and 2004 on more than 1,000 cases of sexual abuse. Outcome data from four CACs were compared with outcome data from communities without CACs. The authors found that

- there was significantly more evidence of coordinated investigations for the CACs;
- more children involved with a CAC received a forensic medical examination;
- a referral for mental health services was made in 72 percent of CAC cases, versus only 31 percent of comparison community cases;
- parents and caregivers in the CAC sample were more satisfied with the investigation than those in the comparison sample (although the only difference found for children was that they were less frightened if they were interviewed at a CAC than at a non-CAC site);

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- all of the CACs in the study were regarded as community leaders and experts in the area of child abuse; and
- only CACs with strong involvement from law enforcement and district attorneys' offices showed an impact on criminal justice outcomes.

Cross and colleagues (2008) note several limitations of their research, including the small sample size and the absence in the sample of specific types of CACs (e.g., smaller CACs in suburban or rural locations and CACs based in prosecutors' offices), making it difficult to generalize their findings to all CACs.

Other studies have demonstrated more clearly the value and effectiveness of multidisciplinary teams and CACs. In 2006, for example, Shadoin and colleagues conducted cost-benefit and cost-effective analyses of programs and services for child maltreatment. The researchers used contingent valuation methodology to study and elicit individuals' willingness to pay for the services provided by a local CAC and concluded that the CAC program generated important net benefits that were valued by individual members of the community (Shadoin et al., 2006). In another example, a study in Florida found that benefits of multidisciplinary teams included increased substantiation of cases and a shorter investigative period, regardless of whether a CAC model or a Florida child protection team model (a local variation on the multidisciplinary team approach) was used, suggesting that interagency coordination was the key factor responsible for improvements over traditional child protective services interventions (Wolfteich and Loggins, 2007). Finally, another study found that the use of CACs to respond to child maltreatment increased felony prosecutions of child sexual abuse cases (Miller and Rubin, 2009).

As discussed in earlier chapters of this report, child maltreatment cases bear strong similarities to cases involving commercial sexual exploitation and sex trafficking of minors. Indeed, in most communities, many of the same professionals are responsible for some aspect of the response to both child abuse and commercial sexual exploitation and sex trafficking of minors, especially when the latter are recognized and treated as a subset of the former (as this report argues they should be). It therefore follows that building upon and using existing CACs, multidisciplinary teams, and MOUs (or other protocols outlining agreements regarding collaboration and coordination of efforts) focused on child maltreatment may be one sensible starting point for undertaking collaboration to assist victims and survivors of commercial sexual exploitation and sex trafficking of minors and to investigate and prosecute cases. Potential advantages to using existing CACs to organize improved responses to commercial sexual exploitation and sex trafficking of minors include

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- an established, extensive network (more than 900 in the United States) and support that exist for CACs throughout the United States;
- the availability at CACs of trained child forensic interviewers, medical evaluation and services, and victim advocacy and mental health services; and
- the ability of CACs to innovate and develop services responsive to local needs.[1]

Kristi House, a children's advocacy center in Miami, is an example of how the structure and resources of an established CAC can be leveraged to provide services to victims and survivors of commercial sexual exploitation and sex trafficking of minors. In 2007, Kristi House created Project GOLD (Girls Owning their Lives and Dreams) to provide links to health services, case management, and therapy services specifically for victims of these crimes. In addition, Kristi House has plans to open an emergency drop-in shelter for victims of these crimes in early 2013 (Kristi House, 2012).

While CACs are one well-established model of care, it is important to recognize the ways in which victims and cases of commercial sexual exploitation and sex trafficking of minors differ from victims and cases of child maltreatment traditionally dealt with by CACs and other multidisciplinary teams. As noted in Chapters 6 and 7, additional professionals, agencies, and services may be required to ensure an appropriate response to victims of commercial sexual exploitation and sex trafficking of minors. Some of the differences noted in earlier chapters include the need for enhanced security procedures because of the possibility of exploiter/trafficker retaliation; the need for advanced training in forensic interviewing so interviewers understand how best to talk to victims of these crimes; and the need for enhanced and expanded victim and support services, such as stronger case management and specialized mental health care. In addition, many CACs may be focused on younger victims (e.g., ages 6-12) and consequently may not be as welcoming for adolescent victims and survivors of commercial sexual exploitation and sex trafficking.[2] Box 10-2 describes an example of how the CAC model has been adapted to address the unique needs of those at risk for and victims and survivors of commercial sexual exploitation and sex trafficking of minors.

[1]E-mail communication received by T. Huizar, Executive Director, National Children's Alliance, November 19, 2012.

[2]E-mail communication received by T. Huizar, Executive Director, National Children's Alliance, November 19, 2012.

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BOX 10-2
High-Risk Victims Model: Adaptation of the Children's Advocacy Center Model to Meet the Needs of Those at Risk for and Victims and Survivors of Commercial Sexual Exploitation and Sex Trafficking of Minors

Recognizing the need to prevent and address the commercial sexual exploitation and sex trafficking of minors in their community, a variety of agencies in Dallas, Texas (including the Dallas Police Department, victim and support service agencies, and nonprofit organizations) came together to form a High-Risk Victims Working Group. This group meets at least once a month and focuses specifically on chronic runaways—a population that the Dallas Police Department identified as being at high risk for commercial sexual exploitation and sex trafficking. The group determined that the children's advocacy center (CAC) approach would need to be modified or expanded to meet the distinct needs of minors who are at risk for or are victims and survivors of commercial sexual exploitation and sex trafficking. As a result of the group's collaboration and reconceptualization, high-risk individuals and victims/survivors are referred to and served by the Letot Center, a runaway shelter, rather than the existing CAC model. The Letot Center has developed and delivers tailored programs and services for these youth. The Dallas Police Department considers this model to be an "adolescent advocacy center" and more appropriate than the CAC model for servicing these youth.

SOURCE: Fassett, 2012.

Family Justice Centers (FJCs)

FJCs are a model of multisector and interagency collaboration similar to CACs. In an FJC, a multidisciplinary team of professionals is collocated and works together to provide coordinated services to victims of domestic violence. The first FJC opened in 2002 in San Diego (Gwinn et al., 2007). Since then, about 80 have been created (Family Justice Center Alliance, 2013). FJCs are designed to "provide one place where victims can go to talk to an advocate, plan for their safety, interview with a police officer, meet with a prosecutor, receive medical assistance, receive information on shelter, and get help with transportation" (Family Justice Center Alliance, 2013). As described in Chapters 3 and 6, commonalities between commercial sexual exploitation and sex trafficking and domestic violence include similar power and control dynamics and the need for safe shelter.

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Sexual Assault Response Teams

SARTs (sometimes referred to as sexual assault interagency councils [SAICs], sexual assault multidisciplinary action response teams [SMARTs], or coordinated community response [CCR] teams) are another notable model of multisector collaboration. SARTs are community-based interventions that provide comprehensive care to victims of sexual assault and coordinate the legal, medical, mental health, and advocacy response (Greeson and Campbell, 2013). SARTs represent a shift from a case focus to a victim/survivor focus that emphasizes the centrality of victims/survivors and their needs to the overall process of dealing with sexual assault (Latimer, 2012; National Sexual Violence Resource Center, 2006). SARTs engage in a variety of activities, including, among others, conducting multidisciplinary training, providing direct support and advocacy to victims and survivors, developing protocols and policies for responding to cases, conducting case review to coordinate the response to cases, and educating the public about sexual violence and resources available to survivors (Office of Justice Programs, 2011; Zajac, 2009).

Evaluations of the impact and effectiveness of SARTs (and similar multidisciplinary efforts to respond to sexual assault, as well as family violence) are scarce. For example, fewer than a quarter of respondents to one recent national survey of SARTs (23 percent, n = 54) stated that their SART and its activities had been evaluated (Zajac, 2009). The evaluations reported consisted primarily of gauging victims' satisfaction with services, the reliability of evidence collection, and satisfaction with sexual assault training. Despite the limited evidence on their effectiveness, however, SARTs, like FJCs, are examples of multisector collaboration in similar and related areas of victimization that may offer valuable insights and support for the development of multisector and interagency responses to commercial sexual exploitation and sex trafficking of minors.

MULTISECTOR AND INTERAGENCY EFFORTS TO ADDRESS COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS

As noted throughout this report, since passage of the Trafficking Victims Protection Act (TVPA) in 2000, the federal government has made significant investments in efforts to prevent and address the commercial sexual exploitation and sex trafficking of minors, efforts that include multisector and interagency collaboration. Some of these efforts—particularly those focused primarily on collaboration among federal, state, and local law enforcement—have been described in earlier chapters. In addition, the federal government engages in a number of interagency efforts focused mainly on

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international human trafficking (e.g., U.S. Immigration and Customs Enforcement and the Office of Refugee Resettlement). In accordance with the committee's charge, this section reviews multisector and interagency efforts as they relate to domestic human trafficking and specifically, to the extent possible, to commercial sexual exploitation and sex trafficking of minors in the United States.

Task Forces Funded by the Department of Justice

The Department of Justice's (DOJ's) anti-human trafficking task forces are one federally supported model of interagency and multisector collaboration to prevent and address commercial sexual exploitation and sex trafficking of minors in the United States. While the committee recognizes that task forces exist at the federal, state, and local levels, those involving federal agencies are doing some of the most visible work. This section describes some of the major DOJ task forces focused on commercial sexual exploitation and sex trafficking of minors in the United States.

Cook County Human Trafficking Task Force

Multisector and interagency collaboration is a key feature of the approach of Cook County (Illinois) to commercial sexual exploitation and sex trafficking of minors. Formal collaboration among sectors and agencies occurs through the federally funded Cook County Human Trafficking Task Force, which is co-led by the Cook County State's Attorney's Office; the U.S. Attorney's Office; the Northern District of Illinois; and two local NGOs, the Salvation Army's STOP-IT Program and the International Organization for Adolescents (Greene, 2012).

Members of this task force employ a mix of strategies in the pursuit of vigorous prosecution of exploiters, traffickers, and purchasers and the provision of comprehensive victim and support services for victims and survivors of commercial sexual exploitation and sex trafficking. For example, the STOP-IT Program has an office embedded at the State's Attorney's Office, where service providers are able to assist victims as soon as they come to the attention of law enforcement (Knowles-Wirsing, 2012). In addition, the U.S. Attorney's Office convenes a subgroup of the task force each month. In these sessions, representatives of federal and local prosecutors, the Federal Bureau of Investigation (FBI), the county sheriff, local police, and the Internal Revenue Service, among others, meet to discuss openly every case of commercial sexual exploitation and sex trafficking of minors that is under investigation or assigned to a prosecutor (Nasser, 2012).

Another aspect of Cook County's multisector approach to commercial sexual exploitation and sex trafficking of minors is that the work of

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both law enforcement and service providers is victim centered (Greene, 2012; Knowles-Wirsing, 2012). During the committee's Chicago site visit, for example, representatives of the State's and U.S. Attorney's Offices asserted that investigations should be "victim-centered, but not victim-built" (Nasser, 2012), meaning that they help victims obtain services and do not rely on a victim's testimony alone to build a case (see also Chapter 5). Examples of corroborative evidence have included wiretaps, victims' journals, victims' tattoos, evidence of traffic stops where a trafficker was stopped with victims, hotel records, and medical records (Greene, 2012). Service providers tailor services (including medical, mental health, sexual health, and case management) for each victim depending on that individual's needs (Knowles-Wirsing, 2012).

Finally, because the Illinois Safe Children Act gives the Illinois Department of Children and Family Services (DCFS) jurisdiction over all minors arrested for prostitution, the task force has worked with DCFS to build systems that can accept and process reports of commercial sexual exploitation and sex trafficking of minors and deliver appropriate services to victims (Walts et al., 2011). This work has involved convening groups of key leaders within DCFS to create a comprehensive blueprint for how DCFS should manage cases of commercial sexual exploitation and sex trafficking of minors, training DCFS staff to identify these crimes, providing technical assistance, and connecting DCFS with service providers in the community (Walts et al., 2011).

Office of Justice Programs Task Forces

DOJ's Office of Justice Programs, through the Bureau of Justice Assistance and the Office for Victims of Crime (OVC), funds anti-human trafficking task forces to assist and support victims of human trafficking. To date, the Office of Justice Programs has funded 42 jurisdictions and 36 victim and support service providers to form such task forces (BJA, 2013). As noted earlier, Chapter 5 includes a review of anti-human trafficking task forces that are primarily in the law enforcement domain.

The Bureau of Justice Assistance and OVC work jointly to provide funding and support to multidisciplinary anti-human trafficking task forces through the Enhanced Collaborative Model to Combat Human Trafficking program (OVC and BJA, 2013). Each task force comprises a state, local, or tribal law enforcement agency (funded by the Bureau of Justice Assistance) and a victim service organization (funded by OVC) (OVC and BJA, 2013). Members of the task force work collaboratively, across sectors, and in close coordination with the local U.S. Attorney's Office to strengthen investigations and prosecutions of exploiters and traffickers and to coordinate the delivery of comprehensive services to human trafficking victims identified

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in their jurisdiction (OVC and BJA, 2013). (OVC's comprehensive service model is described below.)

Varying degrees of collaboration take place among the members of task forces funded by the Bureau of Justice Assistance and OVC. Some of the task forces have adopted an all-comers approach to increase opportunities for collaboration and expand the reach of their activities. For example, membership in the Washington, DC, Metropolitan Police Task Force is "open to any D.C. metropolitan area law enforcement agency or non-governmental organization involved in anti-trafficking activities" (U.S. Attorney's Office for the District of Columbia, 2013). As a result, the task force has nearly 30 members, including the DC Office of the Attorney General, the Criminal Section within DOJ's Civil Rights Division, U.S. Immigration and Customs Enforcement, the Department of Labor, Boat People SOS, the Asian Pacific American Legal Resource Center, Innocents at Risk, Polaris Project, Helping Individual Prostitutes Survive (HIPS), and Restoration Ministries. Additional research is needed to better understand and evaluate the level of collaboration and cooperation that results from these federally funded community task forces.

Efforts Funded by the Office for Victims of Crimes

Multisector and interagency work on human trafficking through OVC has evolved over the last decade. In 2003, OVC awarded its first grants to organizations and agencies working with foreign national victims and survivors of human trafficking (including labor and sex trafficking). This work was followed by awards to law enforcement task forces, awards to agencies and organizations working with domestic minor victims and survivors, and finally awards to agencies and organizations providing comprehensive services and specialized mental health and legal services to all victims/survivors of human trafficking (OVC and BJA, 2011).

OVC's comprehensive service model for victims of human trafficking includes

- wraparound services (i.e., support services tailored to the needs of individual victims/survivors);
- emergency and ongoing assistance;
- trauma-informed, culturally competent services; and
- support and advocacy during interactions with law enforcement.

The model includes the following specific services:

- intake and eligibility assessment,
- shelter/housing and sustenance,

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- dental care,
- legal assistance,
- literacy education and job training,
- 24-hour response to client emergencies,
- intensive case management,
- medical care,
- mental health care,
- interpretation/translation services,
- victim advocacy, and
- transportation.

Implementing OVC's comprehensive service model requires significant and sustained efforts among agencies and across sectors.

In 2009, OVC funded three pilot sites for its Domestic Minor Demonstration Project (OVC, 2013). Three service providers—Safe Horizon in New York, Standing Against Global Exploitation (SAGE) in San Francisco, and the Salvation Army's Chicago Metropolitan Division—were selected to develop, enhance, or expand the community response to domestic minor victims/survivors of all forms of human trafficking. According to DOJ, an independent evaluation of the demonstration project is ongoing (OVC, 2013).

Interagency Task Force to Monitor and Combat Trafficking

At the highest level of federal involvement, the reauthorization of the TVPA, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), requires the continued functioning of a task force focused on human trafficking.[3] The President's Interagency Task Force to Monitor and Combat Trafficking is a cabinet-level task force that coordinates federal efforts to address human trafficking. Task force members include the U.S. Department of State (the Secretary of State serves as chair), the administrator of the U.S. Agency for International Development, the attorney general, the secretary of labor, the secretary of health and human services, the director of the Central Intelligence Agency, the director of national intelligence, the secretary of defense, the secretary of homeland security, the secretary of education, and such other officials as may be designated by the President (U.S. Department of State, 2012).

The task force, which meets annually, is charged with measuring and evaluating progress in the United States and abroad on the prevention of human trafficking, the protection of victims and survivors, and the pros-

[3]William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, 122 Stat. 5044.

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ecution of traffickers. The task force also is responsible for ensuring that data collection and research on human trafficking are conducted by all task force member agencies.

In April 2013, the President's Interagency Task Force to Monitor and Combat Trafficking released a federal strategic action plan on services for victims of human trafficking in the United States (President's Interagency Task Force to Monitor and Combat Trafficking in Persons, 2013).[4] This 5-year plan calls for collaboration across federal agencies to improve the availability and delivery of effective and comprehensive services to all victims of human trafficking. Among its goals, the plan emphasizes the need for increased coordination and collaboration at the national, state, tribal, and local levels, as well as the need to strengthen partnerships with nongovernmental stakeholders. While this plan lays the foundation for extensive multisector and interagency collaboration, it will be important to track the extent to which this collaboration occurs in the plan's implementation over time.

Partnerships in the Trafficking Victims Protection Reauthorization Act of 2013

On March 8, 2013, President Obama signed the TVPRA of 2013. The act includes a mandate that the federal government "promote, build, and sustain partnerships" between the U.S. government and "private entities, including foundations, universities, corporations, community based organizations, and other nongovernmental organizations to ensure that . . . United States citizens do not use any item, product, or material produced or extracted with the use and labor from victims of severe forms of trafficking; and . . . such entities do not contribute to trafficking in persons involving sexual exploitation."[5] Although it is too early to evaluate the impact of this new requirement, it provides a basis for expanding and strengthening efforts to develop multisector collaboration among public and private entities to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States.

State and Local Efforts

State and local efforts to effect multisector and interagency collaboration to address commercial sexual exploitation and sex trafficking of

[4]At the time this report was written, the Federal Strategic Action Plan was open for public comments. The final plan may be revised to reflect input from the public comment period.

[5]Violence Against Women Reauthorization Act of 2013 (VAWA) § 1202 (2013) (the TVPA Reauthorization of 2013 was attached as an amendment to VAWA).

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minors are prosecution based, county based, and state based. In addition, a number of law enforcement agencies have implemented anti-human trafficking task forces and working groups among interested parties in local jurisdictions to address commercial sexual exploitation and sex trafficking of minors, as well as human trafficking more broadly. Descriptions of such law enforcement efforts can be found in Chapter 5.

Prosecution-Based Efforts

The Alameda County District Attorney's Office has developed and implemented H.E.A.T. (Human Exploitation and Trafficking) Watch, a "multidisciplinary, multisystem" approach to responding to commercial sexual exploitation and sex trafficking of minors (Alameda County District Attorney's Office, 2012). The program, which 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, has two primary goals: (1) to ensure the safety of victims/survivors and (2) to pursue accountability for exploiters/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, among others (Alameda County District Attorney's Office, 2012).

One of the key features of the H.E.A.T. Watch program is its strong focus on prosecution of exploiters and traffickers. To that end, the district attorney's office prosecutes as felons individuals who "solicit children under the age of 14 for sex, those who lure children into the commercial sex trade, and enforcers, who act as security guards and conspire to exploit victims for financial gain" (Alameda County District Attorney's Office, 2010). The district attorney's H.E.A.T. Unit prosecutes exploiters and traffickers under the California Human Trafficking Statute, as well as laws on pimping and pandering, sexual assault, kidnapping, and burglary. Since its inception in 2006, the H.E.A.T. Unit has charged 237 defendants and convicted 160 offenders of crimes related to commercial sexual exploitation and sex trafficking. In addition, the district attorney's office recognizes and treats children and adolescents who are exploited and trafficked as victims of child abuse, not criminals (see the discussion of this issue in Chapter 5) (Alameda County District Attorney's Office, 2012), thus ensuring that the focus of prosecutorial efforts remains on traffickers and exploiters.

In addition to its focus on prosecution, the H.E.A.T. Watch program uses a multisector approach to coordinate the delivery of support services to minors who are at risk or who are victims/survivors of commercial sexual exploitation or sex trafficking (Alameda County District Attorney's Office, 2012). For example, H.E.A.T. Watch uses multidisciplinary case review

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(modeled on the multidisciplinary team approach) to create emergency and long-term safety plans for these youth (Alameda County District Attorney's Office, 2012). Referrals for case review are made by law enforcement, prosecutors, probation, and social service organizations that have come into contact with these children and adolescents. This approach enables members of the multidisciplinary team to share confidential information with agencies that can assist youth in need of services and support.

County-Based Efforts

Multnomah County, Oregon In 2008, Multnomah County, Oregon, initiated a coordinated multisector response to commercial sexual exploitation and sex trafficking of minors. This work originated as a partnership between the Sexual Assault Resources Center, a local nonprofit that serves survivors of sexual assault, and two law enforcement agencies, the Portland Police Bureau and the FBI (Baker and Nelson, 2012). Together, they conducted a needs assessment for victims and survivors of commercial sexual exploitation and sex trafficking of minors in Multnomah County. This work helped identify areas of need and essential community partners and laid the foundation for the Community Response to Commercial Sexual Exploitation of Children (Baker and Nelson, 2012).

With additional funding from local, state, and federal sources, Multnomah County formalized and enhanced its response to commercial sexual exploitation and sex trafficking of minors (Multnomah County, 2012). Enhancements included hiring staff, establishing a steering committee and work groups, engaging community partners, and aggressively training professionals and groups across systems to identify and assist minors who are at risk of or victims/survivors of commercial sexual exploitation and sex trafficking (Baker and Nelson, 2012). 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 (Multnomah County, 2012).

Multnomah County uses several strategies 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 commercial sexual exploitation and sex trafficking (Multnomah County, 2012). In addition, the county uses a multidisciplinary team approach to address cases of commercial sexual exploitation and sex trafficking of minors (Baker and Nelson, 2012). Finally, the county has created a vision for a multisector approach to "youth in need"—children and ado-

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FIGURE 10-1 Components of a multisector response to commercial sexual exploitation and sex trafficking of minors in Multnomah County, Oregon.

lescents who are at risk of or are victims/survivors of commercial sexual exploitation and sex trafficking (see Figure 10-1).

Suffolk County, Massachusetts In Suffolk County, Massachusetts, more than 35 public and private agencies participate in the Support to End Exploitation Now (SEEN) Coalition. SEEN represents a multisector, coordinated approach to identifying high-risk and sexually exploited minors. The SEEN approach includes three components: (1) cross-system collaboration, (2) a trauma-informed continuum of care, and (3) training for professionals who work with children and adolescents. The SEEN Coalition's goals are "to provide effective coordinated interventions for young people involved with CSEC [commercial sexual exploitation of children] and to enhance

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policy and programming to improve the system response to CSEC" (Piening and Cross, 2012, p. 8).

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. Figure 10-2 shows the SEEN multidisciplinary team protocol. In addition, SEEN maintains a database of individuals who have received services under its auspices. Activities carried out by the coalition are supported by safe harbor legislation (see Chapter 5) in the State of Massachusetts (Piening and Cross, 2012).

According to a recent report, since its inception in 2005, the SEEN Coalition has served 482 high-risk and commercially sexually exploited girls; the median age of SEEN clients is 15, and a majority (67 percent) are

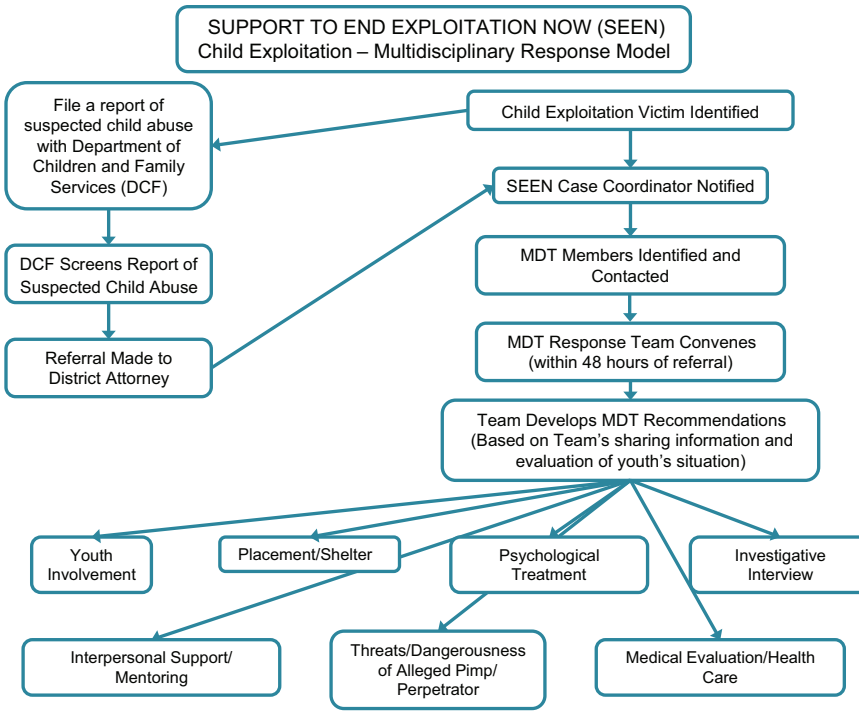

FIGURE 10-2 A multidisciplinary response model for addressing child exploitation in Suffolk County, Massachusetts.
NOTE: MDT = multidisciplinary team.

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girls of color. Sixty-two percent (n = 301) have run away from home, and 70 percent (n = 336) have current or prior involvement with child protective services (Piening and Cross, 2012).

State-Based Efforts

Washington State In November 2012, Washington State released a statewide model Domestic Minor Sex Trafficking protocol for responding to cases of commercial sexual exploitation and sex trafficking of minors (Bridge et al., 2012). The protocol was developed with input from nearly 200 stakeholders throughout Washington State, including judges, juvenile court representatives, law enforcement representatives, representatives of the Department of Social and Health Services' Children's Administration, service providers, and community advocates, among others (Bridge et al., 2012). The Center for Children & Youth Justice, a Seattle-based nonprofit organization, will assist in the implementation of the statewide protocol by training agencies that work with victims and survivors of commercial sexual exploitation and sex trafficking, establishing structures for revising and improving the protocol, monitoring emerging best practices, collecting data, and proposing needed statewide policies to address commercial sexual exploitation and sex trafficking of minors (Bridge et al., 2012).

The overall goals of the Washington State protocol are to foster collaboration and coordination among agencies, to improve identification of commercial sexual exploitation and sex trafficking of minors, to provide services to victims and survivors, to hold exploiters accountable, and to work toward ending commercial sexual exploitation and sex trafficking of minors in Washington State (Bridge et al., 2012). 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 commercial sexual exploitation and sex trafficking are recognized and treated as crime victims rather than criminals.

The Washington State protocol encourages multisector collaboration through state, regional, and local efforts to address the commercial sexual exploitation and sex trafficking of minors. For example, the protocol 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. In addition, the protocol calls for the creation of local and regional task forces of stakeholders who serve victims and survivors of commercial sexual exploitation and sex trafficking to promote a coordinated community response and adapt the model protocol to their jurisdiction. Finally, the protocol calls for a Statewide CSEC

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(Commercial Sexual Exploitation of Children) Coordinating Committee that will meet annually to receive reports from the local/regional task forces on data collection efforts, community response practices and results, and recommendations for policy and/or legislative changes.

The Washington State effort, although not yet implemented, is noteworthy for the degree of multisector collaboration involved in the development of the protocol, as well as for the extent to which it calls for continued multisector collaboration at the local and regional levels throughout the state.

State of Georgia As described in Chapter 6, the Georgia Care Connection is a statewide effort established by the Georgia Governor's Office for Children and Families. Its purpose is to serve as "a central hub" for victims/survivors of commercial sexual exploitation and sex trafficking and for professionals (e.g., law enforcement personnel, school personnel, child welfare professionals, health care providers) seeking assistance for them (GCCO, 2013).

CHALLENGES AND OPPORTUNITIES

Despite the multisector and interagency efforts described in the preceding sections, a number of factors inhibit collaboration across sectors and among agencies. Through testimony during its workshops and site visits and the limited information in the published literature, the committee identified common challenges faced by agencies and other organizations seeking to engage in collaborative efforts to respond to the commercial sexual exploitation and sex trafficking of minors. For example, one frequently cited barrier to such collaboration is the lack of a shared framework for understanding the experience of victims. The committee heard from workshop presenters and site visit participants that collaboration was most successful when groups had a shared understanding and a shared framework (Alameda County District Attorney's Office, 2012; Baker and Nelson, 2012; Goldblatt, 2012; Greene, 2012). The differences in the personnel, principles, practices, and approaches of the different systems noted earlier make this agreement all the more critical. This section provides an overview of the factors that inhibit and support collaboration and identifies opportunities to advance collaboration across sectors and among agencies.

Lack of Training

As noted in each of the sector-specific chapters in this report, one barrier to effective prevention, identification, and intervention for children and adolescents who are at risk for or are victims of commercial sexual exploi-

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tation and sex trafficking is a lack of training. Lack of training assumes added significance when a problem requires that a range of sectors work together. It is critical for professionals in all agencies and sectors that serve youth to be adequately prepared to identify and assist victims/survivors of commercial sexual exploitation and sex trafficking, and training is an essential element of such preparation.

While unable to assess current levels of training across sectors and systems that serve children and adolescents, the committee learned that a lack of training—and of availability of training—remains a challenge to adequately addressing the commercial sexual exploitation and sex trafficking of minors in the United States. Current multisector and interagency collaborations present an opportunity to provide training across systems and agencies. Many of the efforts described in this chapter, such as Georgia Care Connection and the Multnomah County community response, use cross-sector training to enhance partnerships and conduct retraining to address turnover within systems and organizations. However, more work is needed to bring these efforts to scale and to ensure that training is evaluated and informed by evidence.

Lack of Shared Frameworks, Data Systems, and Incentives

Another barrier to multisector and interagency collaboration is the lack of a shared understanding of commercial sexual exploitation and sex trafficking of minors, particularly with respect to victims and survivors. As noted throughout this report, victims and survivors of commercial sexual exploitation and sex trafficking may be perceived and treated differently by different sectors and systems. They may be viewed as "bad kids," uncooperative youth, and criminals by some and as youth in need of assistance, victims, and survivors by others. These perceptions are influenced by such factors as local laws and practices (as described in Chapter 4), levels of awareness and biases (as described in Chapter 7), and the presence of task forces (as described in Chapter 5). Having a shared understanding of commercial sexual exploitation and sex trafficking of minors is particularly important when agencies and sectors collaborate. Workshop presenters and site visit participants stressed that until the various sectors and systems have a shared understanding of commercial sexual exploitation and sex trafficking of minors, work to address these problems will be impeded (Baker and Nelson, 2012).

Concerns about privacy, confidentiality, and data sharing also can inhibit collaboration across sectors and among agencies and systems, such as health care, juvenile justice, law enforcement, schools, and child protective services. As noted in Chapter 4, certain laws (i.e., the Family Educational Rights and Privacy Act [FERPA] and the Health Insurance Portability and

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Accountability Act [HIPAA]) regulate how information is shared and with whom. In addition, the lack of integrated data systems can make sharing data and coordinating services difficult. For example, few municipalities or states have data systems that share or link data from different systems to facilitate effective communication and case management. In many cases, concerns about confidentiality, data sharing, and potential legal liability, whether perceived or real, serve as barriers to effective coordination among the multiple systems and sectors addressing commercial sexual exploitation and sex trafficking of minors in the United States.

Finally, the lack of explicit incentives for collaboration across sectors and among agencies and systems is another barrier to addressing commercial sexual exploitation and sex trafficking of minors in the United States effectively. Multisector approaches may require that professionals and systems accept alternative frameworks and new practices, undergo additional and ongoing training, or engage in increased interaction with new partners, which in turn may require more work. Without clear incentives for collaboration, individuals may be resistant to such additional work, regardless of its effectiveness. Participants in the multisector and interagency approaches described in this chapter have acknowledged the need to address the perceived or real burden of additional work involved in such collaborative efforts. One strategy for incentivizing collaboration, used by Multonomah County, Alameda County, and Suffolk County, is to create paid positions and to institutionalize collaboration through formal arrangements (Alameda County District Attorney's Office, 2012; Baker and Nelson, 2012; Goldblatt, 2012).

Stakeholders can draw valuable lessons from collaborations among child protective services, law enforcement, juvenile justice, health care, and other sectors that have required agencies and systems to create shared frameworks, to share data, and to devise incentives for collaboration. CACs, FJCs, and SARTs (described earlier in this chapter) are three models that may provide insights in this regard.

Lack of Sustained Funding

Lack of funding in both the short and long terms is often a barrier to sustaining multisector collaborations and partnerships. The presence of funding can serve as the catalyst to encourage individuals from different sectors to start working together, and also can promote the evaluation of efforts. Conversely, in the absence of sustained funding, multisector efforts may be unable to continue. One strategy described in this chapter for working with the limited funds available to support multisector approaches to commercial sexual exploitation and sex trafficking of minors in the United States is to adapt or expand models used to address related and overlapping

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issues. CACs, such as Kristi House, or multidisciplinary SARTs, such as those used by Multnomah County, are noteworthy examples of multisector approaches that have been adapted and expanded to meet the needs of victims/survivors of commercial sexual exploitation and sex trafficking of minors.

At the same time, ample funding in the absence of political will or strong leadership is unlikely to establish lasting multisector collaboration. Conversely, with political will and/or strong leadership, even limited resources can be leveraged to accomplish beneficial changes that can then serve as the basis for continued progress and justification for increased resources in the future. The Dallas High-Risk Victims Working Group, described earlier in this chapter (see Box 10-1), is an example of a multisector effort that started without any funding, but was supported by the shared commitment of service providers, law enforcement, government agencies, and others in the community (Fassett, 2012).

While the dedication of an influential leader is often critical to initiating and maintaining focus on a problem such as commercial sexual exploitation and sex trafficking of minors, a commitment to multisector approaches needs to be institutionalized to ensure that a continued focus on the problem is not dependent on the passion and personality of a strong leader. Widespread community awareness and acknowledgment of the seriousness of commercial sexual exploitation and sex trafficking of minors are pivotal to ensuring that adequate attention and resources are devoted to developing solutions and to overcoming the challenges inherent in multisector and interagency coordination.

Barriers to Communication

Another barrier to multisector collaboration is the challenges of communication among individuals in different sectors. Different organizational cultures within sectors often entail different terminologies, definitions, and world views. Communication plays a key role in successful multisector collaboration. For example, sharing information about cases of commercial sexual exploitation and sex trafficking of minors across sectors and among agencies and systems requires communication and a shared understanding of the problem and solutions (Alameda County District Attorney's Office, 2012; Baker and Nelson, 2012; Goldblatt, 2012; Littrell, 2012). Regular meetings of groups and task forces can create a sense of shared purpose and community among participants. Many factors are involved in facilitating the ideal communication environment for collaborators, including who is able to speak and when, and whether the ideas of certain individuals or groups are accepted or perceived as more or less valid than those of others. The highly coordinated multidisciplinary case review activities of SEEN in

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Suffolk County and H.E.A.T. Watch in Alameda County, discussed earlier in this chapter, are noteworthy examples of how multiple agencies and sectors have made frequent communication an integral part of their overall approach to addressing commercial sexual exploitation and sex trafficking of minors.

Foot and colleagues (Foot and Toft, 2010; Foot and Vanek, 2012; Stoll et al., 2012) studied the communication contexts that engender collaboration among individuals and groups that work on antitrafficking efforts. Stoll and colleagues (2012) demonstrate the potential for information and communication technology to provide a platform for communication and connectedness to support the building of multisector collaborations. Connectedness among antitrafficking networks was instantiated by exchanging contact information and objectives, enabling connections through coordinating meetings, and reinforcing connections through follow-up meetings and events (Stoll et al., 2012). Caution is warranted, however, as information and communication technology can either strengthen connectedness or result in miscommunication or mishandling of information. While lessons can be drawn from this research and efforts in Suffolk County and Alameda County, among others, additional research is needed to advance understanding of communication strategies for multisector collaboration.

Limited Resources for Rural and Tribal Communities

Commercial sexual exploitation and sex trafficking of minors do not occur exclusively in urban areas. However, most of the infrastructure designed to respond to these crimes is located in cities. For example, most task forces and service providers are located in urban areas (BJA and OVC, 2012). As a result, most rural areas have few resources with which to respond to these crimes. Similarly, while some evidence suggests high rates of commercial sexual exploitation and sex trafficking of American Indian and Alaska Native adolescents (Koepplin and Pierce, 2009; Pierce, 2012), few resources currently are dedicated to addressing these crimes among these populations.

Despite the general lack of resources for rural areas and tribal communities, the need for additional attention to commercial sexual exploitation and sex trafficking of minors among these populations is increasingly being acknowledged (Pierce, 2012; President's Interagency Task Force to Monitor and Combat Trafficking in Persons, 2013). However, special challenges and barriers may be entailed in preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors in rural areas and in tribal communities. As limited as awareness of and training on these issues are nationally, for example, research indicates that levels of awareness and training are even lower in rural areas. A study on the

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identification of victims and potential victims of human trafficking found that, among a random sample of 60 counties across the United States, law enforcement personnel in rural counties often lacked awareness of and/or training in human trafficking (Newton et al., 2008). The authors found that service providers in larger metropolitan counties reported recognizing human trafficking more often than service providers in rural and suburban counties. Finally, the authors found that service providers in rural areas were especially lacking in training in human trafficking (Newton et al., 2008). The committee spoke with several service providers that are making an effort to expand their services to outlying parts of their state, but nearly all noted challenges to providing services to rural areas, including long distances for staff travel, the lack of reliable transportation for victims and survivors to reach service providers, and few housing options (Carlson, 2012; Goldblatt, 2012).

In its examination of the evidence, the committee was able to identify just a handful of task force and multisector efforts focused exclusively on human trafficking in rural communities and among Native populations. One example of a multisector approach to addressing commercial sexual exploitation and sex trafficking of Native Americans is the Phoenix Project in Minnesota, a collaboration between the Minnesota Indian Women's Resource Center and the Division of Indian Work, the Minneapolis Police Department, and Hennepin County Juvenile Probation. Through this effort, these organizations have developed a formal process for referring Native girls who are suspected of being commercially sexually exploited or trafficked for sex to culturally based, gender-focused services (Pierce, 2012). Specifically, if victimization is suspected or disclosed to an outreach worker or law enforcement personnel, the victim is referred to the Minnesota Indian Women's Resource Center for services, including educational programs on healthy relationships, support groups, and case management (Pierce, 2012). In addition, the Minnesota Indian Women's Resource Center advocates for program participants with child protective services and schools and provides referrals to other programs and services (i.e., basic needs, shelter) as needed (Pierce, 2012).

More research is needed to advance understanding of the extent of commercial sexual exploitation and sex trafficking of minors in rural areas and tribal communities, as well as the potential for multisector collaboration to address these problems among these populations.

Multisector Information-Sharing Tools

As noted above, information-sharing tools can offer a beneficial opportunity for multisector collaboration. In the last decade, such tools have been developed for the law enforcement sector as the U.S. government has sought

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to improve and centralize information- and intelligence-sharing capabilities among various government agencies. One example is the Department of Homeland Security's coordinated national network fusion centers, which centralize information and data collection on potential terrorist threats at the national, state, and local levels (Department of Homeland Security, 2013). Another initiative is the Regional Information Sharing Systems (RISS) Program, a congressionally funded program that allows access to information and data for law enforcement and criminal justice professionals. These systems increasingly are being used to investigate case of commercial sexual exploitation and sex trafficking of minors in the United States.

While direct access to these systems is limited to law enforcement, they have the potential to serve as models for information-sharing platforms across sectors dealing with domestic commercial sexual exploitation and sex trafficking of minors. A movement is occurring toward building technological systems and platforms that enable real-time data collection and analysis to facilitate rapid response to vulnerable and at-risk minors (Latonero, 2011). One challenge to developing such information-sharing technologies is that the process itself requires multisector collaboration. Government, the private sector, social services, and the research community need to be involved in such a development project. The Obama Administration has stated its intent to use technology to respond to human trafficking in the United States (White House Office of the Press Secretary, 2012), as have private-sector technology firms such as Microsoft (Microsoft Research and Microsoft Digital Crimes Unit, 2012) and Google (Ungerleider, 2012) and nongovernmental organizations such as Polaris Project (Latonero, 2011). How these entities can ultimately work together to develop shared information environments for multisector collaboration to address commercial sexual exploitation and sex trafficking of minors in the United States remains to be seen.

FINDINGS AND CONCLUSIONS

While this chapter has provided examples of a range of current and emerging models of multisector collaboration to address commercial sexual exploitation and sex trafficking of minors in the United States, the committee does not advocate a one-size-fits-all approach and acknowledges a variety of formulations, strategies, and mechanisms whereby collaboration and partnerships may occur. The committee's review of the literature and its careful consideration of expert testimony revealed several themes related to multisector and interagency approaches to preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors in the United States. This chapter has highlighted a range of noteworthy and emerging efforts and drawn lessons from multisector approaches in related

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fields of practice. However, the committee reminds readers that evaluation of these and future efforts is a crucial need. In addition, the committee formulated the following findings and conclusions:

10-1 Multisector and interagency collaboration is necessary to respond adequately to the multifaceted nature of commercial sexual exploitation and sex trafficking of minors.

10-2 Existing multisector and interagency approaches to child maltreatment, sexual assault, and domestic violence can serve as models for approaches to address commercial sexual exploitation and sex trafficking of minors.

10-3 Federally funded task forces are highly visible multisector approaches, yet have not yet been evaluated for effectiveness.

10-4 Many of the same challenges that exist in individual sectors and systems (e.g., communication, funding, information sharing) arise within multisector and interagency approaches and need to be resolved.

10-5 Sustained funding, strong leadership, and formal arrangements are important drivers for the institutionalization of multisector and interagency approaches.

10-6 Broad-based multisector and interagency collaborative approaches that are victim centered and tailored to the unique needs and circumstances of victims/survivors and their communities appear to hold the most promise for positively impacting commercial sexual exploitation and sex trafficking of minors in the United States.

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Part III

Recommendations

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11

Overall Conclusions and Recommendations

The committee's ultimate goals in this report are to identify what is known about commercial sexual exploitation and sex trafficking of minors and to define strategies for improving prevention and identification of and interventions for victims and survivors of these crimes. As noted in Chapter 1, the committee was guided in its work by three principles:

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

The committee faced a number of challenges in addressing the above goals, the most difficult of which was the lack of a well-established, peer-reviewed evidence base for virtually every aspect of the subject of this study. In response, the committee drew upon the existing literature, governmental and nongovernmental reports, research from related fields of practice and study, key informant interviews, and testimony presented during the com-

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mittee's workshops and site visits[1] to formulate a number of key findings and conclusions that are highlighted in the preceding chapters. In this final chapter, those findings and conclusions are consolidated into five overall conclusions. Those conclusions in turn serve as the foundation for the committee's recommendations for a coordinated, multisector response to commercial sexual exploitation and sex trafficking of minors in the United States.

The committee's recommendations include strategies for increasing awareness and understanding among professionals and the public, including children and adolescents; for strengthening the law's response, as well as research, interventions, and collaboration among essential partners; for evaluating current and future programs; and for creating a digital information-sharing platform to promote communication and coordination among providers, professionals, and the public. Also provided is guidance on key implementation strategies for the committee's recommendations by an array of individuals and entities.

OVERALL CONCLUSIONS

As this report demonstrates, the United States is in the very early stages of recognizing, understanding, and developing solutions for commercial sexual exploitation and sex trafficking of minors. After reviewing the evidence, the committee came to the following overall conclusions:

- There is substantial and compelling evidence that commercial sexual exploitation and sex trafficking of minors in the United States are serious problems with **immediate and long-term adverse consequences** for children and adolescents, as well as for families, communities, and society as a whole.
- Efforts to **prevent** the commercial sexual exploitation and sex trafficking of minors in the United States are essential but largely absent.
- Efforts to **identify and respond** to the commercial sexual exploitation and sex trafficking of minors in the United States are emerging, with some noteworthy examples, but efforts to date are largely undersupported, insufficient, uncoordinated, and unevaluated.

[1]The committee acknowledges that this report cannot include all noteworthy activities currently under way to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. However, the committee made every attempt to learn about and document a broad array of strategies, programs, policies, and laws for this study. Any exclusions or omissions should not be viewed as intentional, but as a function of the time and resources available for this study and/or the visibility of various activities across the nation.

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- Efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States require **collaborative approaches** that build upon the core capabilities of people and entities from a range of sectors.
- Efforts to address commercial sexual exploitation and sex trafficking of minors in the United States need to **confront demand** and the individuals who commit and benefit from these crimes.

The above conclusions reflect the need for action. The evidence, although limited, identifies a serious and largely unaddressed issue that requires a national response. This report calls for nothing short of a paradigm shift from treating victims and survivors of commercial sexual exploitation and sex trafficking of minors as criminals to understanding and recognizing commercial sexual exploitation and sex trafficking of minors as forms of child abuse. Realizing such a profound change will require significant and sustained efforts among numerous partners. The committee views this study—and this moment—as a critical turning point in the nation's approach to commercial sexual exploitation and sex trafficking of minors in the United States.

RECOMMENDATIONS

The committee arrived at a set of six recommendations based on the best evidence currently available. (See Box 11-1 for supporting evidence for each of the committee's recommendation.) These recommendations provide practical strategies for increasing awareness; advancing understanding; and supporting efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. They call for multiple and diverse efforts at a variety of levels by a wide range of individuals and governmental and nongovernmental entities. (Box 11-2 provides suggested actions that can be taken by a range of actors to support the implementation of the committee's recommendations.) If acted upon in a coordinated and comprehensive manner, the committee's recommendations have the potential to advance and strengthen the nation's emerging efforts to address commercial sexual exploitation and sex trafficking of minors in the United States. The result would be a significant step forward in improving the prevention and identification of and responses to these crimes.

Before proceeding, the committee wishes to stress that it recognizes the numerous challenges entailed in engaging in new work and committing additional resources in a time of serious fiscal constraints. However, choosing austerity over action is not in the best interest of victims and survivors of commercial sexual exploitation and sex trafficking of minors who are subjected to chronic sexual exploitation or of vulnerable children

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and adolescents whose exploitation could be prevented. Therefore, the committee highlights strategies for leveraging existing resources whenever possible, and urges strong and immediate action to prevent, identify, and address these crimes.

Increase Awareness and Understanding

The committee found that a lack of training among professionals who interact with children and adolescents—especially those who are vulnerable—inhibits timely and appropriate action on behalf of victims and survivors of and minors at risk of commercial sexual exploitation and sex trafficking. For example, the committee repeatedly heard from speakers and read in the literature that people were dismayed to learn that they had missed opportunities to help these youth, and wanted to know more about how to identify and assist these victims. As noted in Chapters 5-10, training and public awareness campaigns addressing commercial sexual exploitation and sex trafficking of minors are two strategies already in use in some areas and sectors. Similar efforts have been shown to be effective in other public health and public safety domains, such as dating violence, bullying, and substance abuse. Therefore, the committee makes the following recommendation:

Recommendation 1: The Department of Justice, the Department of Health and Human Services, and the Department of Education, working with other partners, should increase awareness of commercial sexual exploitation and sex trafficking of minors by supporting the development, implementation, and evaluation of

- **national, regional, state, and local evidence-informed training for professionals and other individuals who routinely interact with children and adolescents;**
- **national, regional, state, and local public awareness campaigns; and**
- **specific strategies for raising awareness among children and adolescents.**

All training activities and public awareness campaigns should be carefully designed to engage the public and service providers to act on the behalf of victims and survivors without doing further harm.

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Training

Based on its review of the evidence, the committee determined that training needs to target and reach a range of audiences in a variety of settings (e.g., urban and rural; tribal lands, territories, and states). Specific audiences include, but are not limited to,

- parents and caregivers,
- teachers and other school personnel,
- students,
- physicians and other health care providers,
- child welfare professionals,
- community- and faith-based organizations,
- law enforcement personnel,
- attorneys in juvenile and criminal courts,
- judges in juvenile and criminal courts,
- mental health professionals, and
- social workers.

In addition, as noted in Chapter 10, training activities need to be ongoing to ensure that training levels are sustained among professionals in fields that experience high rates of turnover and/or transfers. Based on its overall conclusion that efforts to address the commercial sexual exploitation and sex trafficking of minors should build on the core capacities of various individuals and entities, the committee encourages the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in partnership with the Departments of Education and Health and Human Services, to engage relevant sectors in developing, implementing, and evaluating training activities that use evidence-based methods to promote adult learning (NRC, 1999). Broad engagement will help ensure that the necessary training is available, accessible, and acceptable for multiple audiences. Further, each sector should be consulted to determine the best methods for providing the training, recognizing that needs may vary, for example, between focused task forces and rural providers and between law enforcement personnel and health care providers. Likewise, the training needs of general health care providers (e.g., primary care providers) likely will differ from those of health care providers who routinely interact with and examine victims of abuse (e.g., forensic nurses). Therefore, while it is necessary to increase awareness of commercial sexual exploitation and sex trafficking of minors among all health care providers, training activities will need to be developed for different specific audiences (e.g., both general awareness training and highly specialized training).

Strategies might include leveraging existing programs and expanding

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current efforts within the Departments of Justice, Education, and Health and Human Services to provide a range of training opportunities to an array of professionals. One such strategy is to make use of the online Directory of Technical Assistance for Anti-Human Trafficking Task Forces and Service Providers, recently launched by the Department of Justice's Office for Victims of Crimes and Bureau of Justice Assistance (BJA and OVC, 2012). Other opportunities exist through the Health Resources and Services Administration's Area Health Education Centers, a program that provides community-based training and continuing education to health care providers who serve vulnerable and underserved populations (HRSA, 2013). Finally, the Department of Education's Office of Safe and Healthy Students' Technical Assistance Centers could develop training for education professionals and students (Office of Safe and Healthy Students, 2013).

Public Awareness Campaigns

The committee found that a lack of public awareness about all aspects of commercial sexual exploitation and sex trafficking of minors in the United States is a significant barrier to preventing, identifying, and responding to these crimes. Public awareness campaigns addressing these problems need to be developed. The structures and functions of existing efforts and programs could be enhanced and expanded to encompass commercial sexual exploitation and sex trafficking of minors in the United States. As noted in Chapter 8, for example, schools could build upon current policies, programs, and resources that promote student health and well-being, many of which have proven efficacy, to develop effective, evidence-based programs for preventing, identifying, and addressing commercial sexual exploitation and sex trafficking of minors.

Further, the committee found that child and adolescent victims and survivors of commercial sexual exploitation and sex trafficking may not view themselves as victims. In addition, children and adolescents 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 needed assistance. As noted in Chapter 8, for example, school-based programs focused on promoting healthy relationships and preventing adolescent dating violence provide educators and school personnel with an opportunity to discuss and educate students on commercial sexual exploitation and sex trafficking of minors as another form of violence against adolescents. In addition, peer- and student-led interventions (including peer mentoring and peer education) that have been found to be effective in other health domains, such as reproductive health care (Brindis et al., 2005) and smoking prevention in adolescence

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(Campbell et al., 2008), may be suitable strategies for raising awareness about commercial sexual exploitation and sex trafficking among children and adolescents.

In keeping with its belief that a variety of sectors and stakeholders should be engaged in addressing the commercial sexual exploitation and sex trafficking of minors in the United States, the committee urges the OJJDP and the Departments of Education and Health and Human Services to partner with the commercial sector, foundations, nongovernmental organizations, and journalists and media that reach the public to leverage resources so as to reach the broadest possible audience.

Strengthen the Law's Response

Through its review of the evidence, the committee found that national, state, local, tribal, and territorial laws and policies addressing commercial sexual exploitation and sex trafficking of minors in the United States vary significantly. Understanding the need for a consistent and appropriate legal response to victims and survivors of commercial sexual exploitation and sex trafficking, the committee makes the following recommendation:

> **Recommendation 2: All national, state, local, tribal, and territorial jurisdictions should develop laws and policies that redirect young victims and survivors of commercial sexual exploitation and sex trafficking from arrest and prosecution as criminals or adjudication as delinquents to systems, agencies, and services that are equipped to meet their needs. Such laws should apply to all children and adolescents under age 18.**

Drawing on its analysis of federal, state, tribal, and local laws and their application (as described in Chapters 4 and 5), as well as new understandings of adolescent development (as described in Chapter 3), the committee concluded that current laws are inadequate to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors. Therefore, the committee urges states and local, tribal, and territorial jurisdictions to develop laws that, at a minimum,

- prevent commercially sexually exploited children and adolescents from being arrested or prosecuted for prostitution;
- provide victims and survivors of commercial sexual exploitation and sex trafficking of minors with needed support services; and
- apply to children and adolescents at least up to age 18.

These laws will need to be evaluated over time to determine best practices. Further, laws and practices that divert victims from the criminal or

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juvenile justice system to the child welfare system to receive supportive services could include older adolescents (over age 18) who have been victims of commercial sexual exploitation or sex trafficking since childhood. The committee believes a number of other recent legislative initiatives may also merit further consideration, with care being taken to avoid adverse consequences for victims and survivors while maintaining strong penalties for exploiters. These initiatives include decriminalization of prostitution for minors in recognition that they are victims, not criminals. As noted in Chapter 4, Illinois currently is the only state to have fully decriminalized prostitution for minors.

In addition, the committee's review of the evidence revealed that, despite laws in every state that enable the prosecution of individuals who purchase sex with a minor, function as exploiters/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. Understanding the need for a strong legal response to perpetrators of commercial sexual exploitation and sex trafficking, the committee makes the following recommendation:

> **Recommendation 3: All national, state, local, tribal, and territorial jurisdictions should 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.**

As described in Chapter 5, commercial sexual exploitation and sex trafficking of minors are crimes driven, to a large extent, by profit and demand. Legal efforts to prevent and respond to these crimes need to be enhanced. The committee learned about a number of laws and emerging law enforcement strategies designed to address commercial sexual exploitation and sex trafficking of minors, as reviewed in Chapters 4 and 5. For example, the Illinois Safe Children Act has provisions that enhance detection and investigation of commercial sexual exploitation and sex trafficking of minors using tools such as wiretapping. The committee also learned about strategies for ensuring that prosecutors have the necessary tools to create victim-driven, not victim-built, cases. In Cook County, Illinois, for example, prosecutors pursue a range of offenses related to the exploitation and/or trafficking of a child or adolescent to maximize the likelihood of conviction and substantial sentencing. As noted in Chapter 5, prosecutors can employ additional "creative" strategies to help prove these cases, depending on applicable law and resources in their jurisdictions. Examples include the

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following (Clawson et al., 2008; Gentile Long and Garvey, 2012; Greene, 2012; Knowles-Wirsing, 2012; Koch, 2012; Nasser, 2012; Walker, 2012):

- 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, i.e., that the defendant's actions to intimidate the victim are the reason the victim is unable or unwilling to testify, so that the defendant has forfeited the 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, is unwilling to testify, or is testifying on behalf of the defendant.
- Introduce expert testimony to explain victim behavior and the dynamics involved in cases of commercial sexual exploitation and sex trafficking of minors 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.
- Pursue restitution orders to make offenders pay for victim services.

Other tools that may enhance prosecution of commercial sexual exploitation and sex trafficking cases include permitting prosecution of solicitors/purchasers regardless of whether they knew or should have known the victim's age—so-called strict liability laws—and imposing stricter penalties for facilitators of these crimes, such as taxi and limousine drivers.

In addition to reviewing, strengthening, and implementing laws that respond to victims/survivors and exploiters after crimes have occurred, the committee urges state, local, tribal, and territorial jurisdictions to consider how laws can be used to help prevent commercial sexual exploitation and sex trafficking of minors. Finally, in keeping with its guiding principle that any intervention should do no further harm to any child or adolescent, the committee urges that all efforts to strengthen laws include provisions to protect young people from possible retaliation by exploiters and traffickers.

The committee emphasizes that all of the strategies discussed above will require evaluation to develop best practices and enhance the national response to commercial sexual exploitation and sex trafficking of minors.

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Strengthen Research to Advance Understanding and Support the Development of Prevention and Intervention Strategies

As noted throughout this report, the committee's review of commercial sexual exploitation and sex trafficking of minors in the United States was constrained by the extremely limited evidence base related to these crimes. In addition, the committee found considerable variability in the quality of current research in these areas. Therefore, the committee makes the following recommendation:

Recommendation 4: The Department of Justice, the Department of Health and Human Services, and the Department of Education should collaborate and partner with others to implement a national research agenda focused on

- **advancing knowledge and understanding of commercial sexual exploitation and sex trafficking of minors in the United States;**
- **developing effective, child- and adolescent-centered, multisector interventions designed to prevent children and adolescents from becoming victims or exploiters and to assist those who have been exploited; and**
- **developing strategies and methodologies for evaluating the effectiveness of prevention and intervention laws, policies, and programs.**

A Shift from Counting Generally to Counting Specifically

The committee found that the data currently available, as detailed in Chapter 2, are sufficient to demonstrate that commercial sexual exploitation and sex trafficking of minors who are U.S. citizens and legal permanent U.S. residents are pressing problems that require attention. Based on difficulties entailed in measuring crime in general and in measuring commercial sexual exploitation and sex trafficking of minors specifically, however, the committee concluded that it would not be useful to devote substantial resources to refining estimates of the problems' overall prevalence. At the same time, the committee concluded that more needs to be known about the prevalence of these crimes among and the associated needs of certain vulnerable and difficult-to-reach populations, including but not limited to boys; lesbian, gay, bisexual, and transgender (LGBT) youth; homeless youth; rural youth; systems-involved youth; and racial and ethnic minority populations, including Native Americans. As described in Chapter 3, many of these children and adolescents have specific risk factors and needs that have not yet been adequately recognized or examined.

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Priority Areas for Research

In addition to emphasizing the importance of addressing the needs of vulnerable youth, the committee identified the following priority areas for immediate examination:

- development of evidence-based prevention strategies;
- identification of risk and protective factors;
- development and evaluation of short- and long-term intervention needs and strategies;
- gender- and ethnic-responsive delivery of services (including physical health, mental health, legal, housing, and education) and support to difficult-to-reach populations;
- comprehensive, multisector approaches; and
- demand and its reduction.

As described in Chapters 1 and 3, researchers and practitioners must consider all of the environments and factors that have an impact on minors at risk for and those who are victims/survivors of commercial sexual exploitation and sex trafficking. The social-ecological approach (described in detail in Chapter 3) provides a framework for considering opportunities for prevention and intervention at every level (e.g., individual, relationship, community, societal). In addition, research will need to be especially sensitive to issues of gender and ethnicity since minors at risk for and affected by commercial sexual exploitation and sex trafficking include both girls and boys and come from a wide array of backgrounds.

The committee recommends that particular attention be paid to understanding and developing interventions to address known risk factors, such as child abuse, sexual abuse, and separation of the child or adolescent from the home, including homelessness, that are associated with victimization through commercial sexual exploitation and sex trafficking. As described in Chapter 3, the Adverse Childhood Experiences Study found that child sexual abuse affects 25 percent of women and 16 percent of men. Being a victim of child sexual abuse appears to be a risk factor for many forms of future health and social problems, including suicide attempts, depression, poor self-esteem, posttraumatic stress disorder, and marital problems. Child sexual abuse also is a powerful risk factor for commercial sexual exploitation and sex trafficking of minors. Any effort to decrease the occurrence of these crimes must therefore target child sexual abuse as a primary risk factor for being exploited or trafficked. Broad attempts to prevent sexual abuse of both boys and girls and to punish those who engage in this form of abuse will yield benefits not only in reducing commercial sexual exploitation and sex trafficking of minors but also in decreasing future health

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and social problems. Longitudinal and multidisciplinary research will be essential to understand the full complexity of factors that enable the commercial sexual exploitation and sex trafficking of minors and the recovery of those affected.

The committee is equally committed to the need to develop effective strategies for identifying and assisting minors who are victims and survivors of commercial sexual exploitation and sex trafficking. Strategies are needed for identifying minors victimized by these crimes where they come in contact with adults, such as schools and clinics, as are multisector strategies for meeting their many needs, such as safe housing; medical and mental health care, including substance abuse treatment; and rehabilitation to attain the skills needed for success in society.

The committee recognizes that commercial sexual exploitation and sex trafficking of minors would not occur without demand, an aspect of these crimes that is especially underexamined. More needs to be learned about the factors that contribute to demand to support the development of various interventions, including legal penalties that can decrease the occurrence of these crimes.

Finally, in keeping with its belief that a one-size-fits-all approach to these problems is not possible, the committee urges the OJJDP and its partners to encourage local, state, territorial, and tribal governmental and nongovernmental individuals and entities to assess needs within their community or locality to determine their highest research priorities.

Publication and Dissemination of Research Findings

To foster dissemination of research findings and to establish a critically reviewed evidence base, the OJJDP and its partners should require the publication of findings and sharing of information when soliciting research proposals. Federal partners in implementing a national research agenda might include

- the Administration for Children and Families' Office of Planning, Research and Evaluation;
- the Department of Health and Human Services' Office of the Assistant Secretary for Planning and Evaluation;
- the National Institutes of Health's National Institute of Child Health and Human Development;
- the National Institutes of Health's National Institute of Mental Health;
- the Department of Justice's National Institute of Justice;
- the Centers for Disease Control and Prevention; and
- the Department of Homeland Security.

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Support Multisector and Interagency Collaboration

Through its examination of the evidence, the committee found that commercial sexual exploitation and sex trafficking of minors are complex problems entailing numerous risk factors and pathways into exploitation and many opportunities for a variety of individuals who work with young people to identify victims, as well as those at risk. Once identified, victims may require a variety of services and assistance to recover from the harm suffered as a result of their exploitation and to live healthy lives. The committee believes comprehensive, coordinated approaches that bring together resources from multiple sectors will be most effective in identifying victims and survivors and in meeting their challenging needs. The committee heard testimony from several multisector groups that are working to identify and meet the needs of children and adolescents who are at risk of or are victims/survivors of commercial sexual exploitation and sex trafficking, with leadership from many different sectors, ranging from law enforcement to victim services. As noted in Chapter 10, such collaboration also has been used to address a range of related and overlapping crimes, such as child abuse, sexual assault, and domestic violence. Therefore, the committee makes the following recommendation:

> **Recommendation 5: The Coordinating Council on Juvenile Justice and Delinquency Prevention, in collaboration and partnership with national, state, local, tribal, and territorial governmental and nongovernmental entities, should develop guidelines on and provide technical assistance to support multisector collaboration and information sharing.**

Placing this recommendation under the auspices of the Coordinating Council on Juvenile Justice and Delinquency Prevention—an independent body within the executive branch of the federal government comprising both federal agency and nonfederal practitioner members—is intended to ensure that the proposed guidelines and technical assistance will be developed by a group with practical experience in multisector and interagency collaboration and in serving youth. Members of the Coordinating Council include the attorney general; the secretaries of the Departments of Health and Human Services, Labor, Education, and Housing and Urban Development; the administrator of the OJJDP; the director of the Office of National Drug Control Policy; the chief executive officer of the Corporation for National and Community Service; and the assistant secretary for immigration and customs enforcement, Department of Homeland Security (OJJDP, undated).

The committee recognizes that research also is needed to develop more effective interventions within each sector, understanding that collaborations

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are most effective when all participants are skilled in evidence-based approaches. The development, implementation, and assessment of evidence-informed protocols for identifying and assisting victims and survivors are particularly important. Specific guidelines and technical assistance needed to facilitate multisector and interagency collaboration may include information on

- identifying and engaging essential partners;
- developing memoranda of understanding and/or formal agreements on roles and responsibilities;
- establishing data- and information-sharing protocols; and
- creating formalized channels of communication.

Finally, guidelines and technical assistance will help ensure that highly specialized approaches employed in larger urban centers can be translated to other contexts. For example, local police departments, which represent more than 12,000 of the 18,000 state and local law enforcement agencies in the United States (Reaves, 2011), may encounter commercial sexual exploitation and sex trafficking of minors with less frequency than larger police departments. Developing, implementing, and assessing multisector and interagency collaboration in different settings will necessarily require a high degree of guidance and technical assistance.

Create a Digital Information-Sharing Platform

The committee found that one of the most significant barriers to action by agencies, systems, and individuals to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors is a lack of reliable, timely information. While a number of organizations maintain lists of services available to child and adolescent victims of commercial sexual exploitation and sex trafficking, the committee was unable to identify an exhaustive list of national-, state-, local-, and tribal-level resources for victim and support services. Testimony from practitioners in the field and key informant interviews mirrored the committee's perception of the difficulty of locating services for individuals in need of assistance. The committee believes the challenges in locating services and programs available to victims present very real obstacles for children and adolescents who seek to access services and for professionals and caregivers who try to help them. The committee therefore concluded that access to up-to-date, reliable, real-time information on how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of children and adolescents is needed. Therefore, the committee makes the following recommendation:

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Recommendation 6: The Office of Juvenile Justice and Delinquency Prevention should 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.

The committee believes the creation of a Web-based clearinghouse of resources, while helpful, will not be sufficient. Rather, if this platform is to be maximally useful, it will need to incorporate existing, new, and emerging informatics tools to ensure that individuals and entities seeking assistance can access the information they need when they need it. Thus, the committee recommends that the OJJDP partner with an independent, unbiased entity with robust informatics capabilities to create and maintain this resource.

FINAL THOUGHTS

In testimony to the committee, the OJJDP offered its vision for "a nation where our children are healthy, educated, and free from violence" (Hanes, 2012). Through its support of this study and its strong focus on an issue of serious concern, the OJJDP demonstrates an unwavering commitment to achieving this vision. It is the committee's hope that the recommendations in this report will make a substantial contribution to the OJJDP's current and future efforts to address the complex problems of commercial sexual exploitation and sex trafficking of minors in the United States and help in making significant gains toward attaining this vision.

Efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States are at 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 United States. Approaches to domestic and interpersonal violence were at a similar stage in the early 1980s. The committee believes the nation today has a real opportunity to build upon lessons from those earlier efforts, as well as current noteworthy practices, to advance understanding of and responses to commercial sexual exploitation and sex trafficking of minors in the United States. The children and adolescents described in this report who are at risk of and are victims and survivors of commercial sexual exploitation and sex trafficking—most of whom the committee believes are out of our sight—cannot wait. The human cost of the status quo is simply unacceptable.

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BOX 11-1
Recommendations and Supporting Evidence

Recommendation 1: The Department of Justice, the Department of Health and Human Services, and the Department of Education, working with other partners, should increase awareness of commercial sexual exploitation and sex trafficking of minors by supporting the development, implementation, and evaluation of

- national, regional, state, and local evidence-informed training for professionals and other individuals who routinely interact with children and adolescents;
- national, regional, state, and local public awareness campaigns; and
- specific strategies for raising awareness among children and adolescents.

Supporting Evidence

2-7 Increased awareness and understanding of commercial sexual exploitation and sex trafficking of minors in the United States can improve data collection efforts and estimates.

3-5 While commercial sexual exploitation of minors can affect youth across the board, some are groups at higher risk, including those who lack stable housing 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 of young people.

3-6 Child and adolescent victims and survivors of commercial sexual exploitation and sex trafficking may not view themselves as victims. In addition, children and adolescents who are at risk for these kinds of exploitation may not recognize their individual risk.

3-7 Substance use is a risk factor for commercial sexual exploitation and sex trafficking of minors and also may perpetuate exploitation.

5-1 Law enforcement personnel at all levels often are the first to respond to commercial sexual exploitation and sex trafficking cases involving minors. Consequently, their knowledge and ability to identify victims, investigate cases, and make appropriate referrals is an important part of developing an overall response to these problems.

5-4 Many law enforcement personnel do not recognize commercial sexual exploitation and sex trafficking of minors as serious problems. As a result, they may fail to identify victims of these crimes and may be uncertain about how to handle these cases.

5-6 Although efforts to train personnel within the legal system to address human trafficking have increased, the majority of personnel in the system have not been trained to recognize and respond to suspected or

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confirmed cases of commercial sexual exploitation and sex trafficking of minors.

5-8 Juvenile justice personnel need training in identifying 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.

8-5 An essential step is training school personnel to recognize commercial sexual exploitation and sex trafficking of minors and to make appropriate referrals to address the needs of these youth.

Recommendation 2: All national, state, local, tribal, and territorial jurisdictions should develop laws and policies that redirect young victims and survivors of commercial sexual exploitation and sex trafficking from arrest and prosecution as criminals or adjudication as delinquents to systems, agencies, and services that are equipped to meet their needs. Such laws should apply to all children and adolescents under age 18.

Supporting Evidence

4-6 Secure detention often is used as a means of "protecting" children and adolescents who have been sexually exploited and trafficked from future contact with and pressure from their exploiters and traffickers. Although the protection of victims and survivors is an important imperative, the use of secure detention can expose these youth to violence and other harms from those with whom they are detained, highlighting the need to develop alternative means of protection.

4-7 Child welfare laws in most states do not establish an adequate framework for the legal interventions and supportive services necessary to respond to the needs of minors who are victims and survivors of commercial sexual exploitation and sex trafficking.

4-12 Further attention is needed to the intersection of laws and the education, housing, and employment needs of both children and adolescents who are vulnerable to and those who have been victimized by commercial sexual exploitation and sex trafficking to ensure that their needs are met.

4-13 Existing provisions of state laws criminalizing prostitution have been used to arrest and prosecute minors whose actions fall within the technical ambit of these laws even when these children and adolescents are in fact victims of commercial sexual exploitation or sex trafficking.

4-14 Children and adolescents exploited in the commercial sex industry or through sex trafficking are victims of crimes. Further attention is required to the continued arrest and prosecution of these youth for prostitution or other sexual offenses related to their exploitation, which has the potential to exacerbate the harm they have suffered. Safe

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BOX 11-1 Continued

harbor laws and principles merit further consideration in all federal, state, and local jurisdictions.

4-16 Civil lawsuits merit further exploration as a strategy for creating effective remedies for commercial sexual exploitation and sex trafficking of minors. Efforts to identify and remove barriers faced by child and adolescent victims in bringing such claims against the traffickers and other exploiters who have victimized them are warranted.

4-17 It is critical to ensure that, once adopted, laws are implemented fully and that legislatures take steps to appropriate funding that has been authorized for survivor services under existing law.

5-2 Many law enforcement personnel and agencies continue to arrest and charge minors with prostitution.

5-7 Pursuing cases that are "victim-driven, not victim-built" can reduce the need for the legal system to depend on cooperation by victims and survivors of commercial sexual exploitation and sex trafficking.

5-9 Diversion programs need to be established so that youth identified as victims of commercial sexual exploitation and sex trafficking can receive treatment as part of their rehabilitation or in lieu of punishment.

5-10 The judiciary, juvenile justice agency personnel, and prosecutors should all have the opportunity to use their discretion to refer youth identified as victims of commercial sexual exploitation and sex trafficking to appropriate treatment services.

Recommendation 3: All national, state, local, tribal, and territorial jurisdictions should 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.

Supporting Evidence

4-5 Despite laws in every state that enable the prosecution of individuals who purchase sex with a minor, function as pimps, operate brothels engaged in the sale of sex with young females and males, or otherwise sexually exploit children and adolescents, and despite the hard work of prosecutors and law enforcement personnel in many jurisdictions, individuals who sexually exploit children and adolescents have largely escaped accountability.

4-8 Monitoring and evaluation of the implementation of laws, policies, and programs that have been promulgated at the federal and state levels or supported through federal and state law has been sparse and inadequate, and at times completely absent.

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4-10 Further research is needed on an ongoing basis to identify gaps and weaknesses in federal and state laws (including the implementation of these laws) and in understanding of how and the extent to which they address, or fail to address, the needs of minors who are victims of commercial sexual exploitation or sex trafficking.

4-15 Further research is needed to identify and address any obstacles in law or its enforcement that inhibit the prosecution of customers, traffickers, and other exploiters of children.

4-17 It is critical to ensure that, once adopted, laws are implemented fully and that legislatures take steps to appropriate funding that has been authorized for survivor services under existing law.

5-11 The Trafficking Victims Protection Act and new state laws have provided prosecutors and judges with additional tools for investigating, prosecuting, and sentencing exploiters, traffickers, purchasers, and solicitors in cases of commercial sexual exploitation and sex trafficking of minors. In addition, prosecutors can use a range of existing laws to pursue convictions and more substantial sentences.

Recommendation 4: The Department of Justice, the Department of Health and Human Services, and the Department of Education should collaborate and partner with others to implement a national research agenda focused on

- advancing knowledge and understanding of commercial sexual exploitation and sex trafficking of minors in the United States;
- developing effective, child- and adolescent-centered, multisector interventions designed to prevent children and adolescents from becoming victims or exploiters and to assist those who have been exploited; and
- developing strategies and methodologies for evaluating the effectiveness of prevention and intervention laws, policies, and programs.

Supporting Evidence

2-1 No reliable national estimate exists of the incidence or prevalence of commercial sexual exploitation and sex trafficking of minors in the United States.

2-6 Specific data fields related to commercial sexual exploitation and sex trafficking of minors have been added to existing crime measurement efforts (e.g., UCR/SRS and NIBRS) to enhance estimates of these crimes; similar changes could be made to existing non-criminal justice measurement efforts (e.g., YRBS and Add Health) to enhance estimates of commercial sexual exploitation and sex trafficking of minors that may not involve law enforcement (e.g., instances in which police are not notified or the crime is not recognized).

3-1 There is a lack of peer-reviewed evidence focused on the causes of commercial sexual exploitation and sex trafficking of minors and

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BOX 11-1 Continued

consequences for victims, particularly boys. Also scarce is evidence on factors that protect against exploitation and revictimization.

3-8 The multiple systems that engage youth (e.g., health care, education, juvenile justice) have few models for intervening with youth at risk of commercial sexual exploitation and sex trafficking of minors.

3-9 In general, an integrated public institutional response to commercial sexual exploitation and sex trafficking of minors is lacking.

4-11 Further research is needed to examine whether child welfare agencies have the necessary resources and are adequately prepared to meet the needs of minors who are victims and survivors of commercial sexual exploitation or sex trafficking in states that have adopted, or are considering adoption of, a requirement for universal or widespread reporting of cases of commercial sexual exploitation or sex trafficking of minors under child abuse reporting laws.

4-12 Further attention is needed to the intersection of laws and the education, housing, and employment needs of both children and adolescents who are vulnerable to and those who have been victimized by commercial sexual exploitation and sex trafficking to ensure that their needs are met.

4-16 Civil lawsuits merit further exploration as a strategy for creating effective remedies for commercial sexual exploitation and sex trafficking of minors. Efforts to identify and remove barriers faced by child and adolescent victims in bringing such claims against the traffickers and other exploiters who have victimized them are warranted.

4-17 It is critical to ensure that, once adopted, laws are implemented fully and that legislatures take steps to appropriate funding that has been authorized for survivor services under existing law.

5-5 Task forces are one approach used by the legal system to identify and respond to commercial sexual exploitation and sex trafficking of minors. Additional research is needed to identify specific task force strategies and components that can increase the reach and effectiveness of this approach.

5-12 Research on the effectiveness of the overall response of the criminal justice system to exploiters and traffickers and to solicitors and purchasers is limited. Therefore, additional research is needed to determine effective punishments for both exploiters and traffickers and solicitors and purchasers who engage in the commercial sexual exploitation and sex trafficking of minors.

6-3 Given the growing support for and implementation of trauma-informed care, trauma-specific treatment, and trauma-focused services for victims and survivors of commercial sexual exploitation and sex traf-

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ficking, a more thorough evaluation of the effectiveness of these approaches is warranted.

6-9 Research on victim and support services can help build a much-needed evidence base for promising and best practices for victims and survivors of commercial sexual exploitation and sex trafficking of minors in the United States to inform future work. Broad dissemination of the findings of this research through publication in the peer-reviewed literature is needed so that this evidence base will be critically reviewed.

6-10 With few exceptions, current victim and support services for victims and survivors of commercial sexual exploitation and sex trafficking of minors lack plans and mechanisms for evaluation and outcome measurement.

6-11 Additional research is needed to determine the range of services needed to assist and support victims and survivors of commercial sexual exploitation and sex trafficking of minors and to evaluate the delivery of services to populations in need.

7-1 Future research needs to focus on the roles of the health sector and health care providers in both prevention of and treatment for victims of commercial sexual exploitation and sex trafficking of minors.

7-2 Education and training programs for health care providers need to be evidence-based and have outcome data to support their effectiveness.

7-3 Assessment and screening tools and intervention programs for use by health care providers in identifying and assisting victims of commercial sexual exploitation and sex trafficking of minors in the United States need to be developed and evaluated.

8-2 Schools can build upon current policies, programs, and resources that promote student health and well-being, many of which have proven efficacy, to develop effective, evidence-based programs to prevent, identify, and address commercial sexual exploitation and sex trafficking of minors.

8-3 Current and future efforts in the education sector will require additional examination to determine their effectiveness.

9-5 Further research is needed to evaluate the effectiveness of existing commercial-sector initiatives aimed at supporting efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors, with a view to developing models or best practices for commercial-sector entities seeking to address these crimes.

Recommendation 5: The Coordinating Council on Juvenile Justice and Delinquency Prevention, in collaboration and partnership with national, state, local, tribal, and territorial governmental and nongovernmental entities, should develop

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BOX 11-1 Continued

guidelines on and provide technical assistance to support multisector collaboration and information sharing.

Supporting Evidence

3-8 The multiple systems that engage youth (e.g., health care, education, juvenile justice) have few models for intervening with youth at risk of commercial sexual exploitation and sex trafficking of minors.

3-9 In general, an integrated public institutional response to commercial sexual exploitation and sex trafficking of minors is lacking.

5-3 Few law enforcement agencies have specific protocols to follow when commercial sexual exploitation and sex trafficking of minors are suspected or disclosed.

5-5 Task forces are one approach used by the legal system to identify and respond to commercial sexual exploitation and sex trafficking of minors. Additional research is needed to identify specific task force strategies and components that can increase the reach and effectiveness of this approach.

10-1 Multisector and interagency collaboration is necessary to respond adequately to the multifaceted nature of commercial sexual exploitation and sex trafficking of minors.

10-6 Broad-based multisector and interagency collaborative approaches that are victim centered and tailored to the unique needs and circumstances of victims/survivors and their communities appear to hold the most promise for positively impacting commercial sexual exploitation and sex trafficking of minors in the United States.

Recommendation 6: The Office of Juvenile Justice and Delinquency Prevention should create and maintain a digital information-sharing platform to deliver reli-

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able, real time information on how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States.

Supporting Evidence

3-8 The multiple systems that engage youth (e.g., health care, education, juvenile justice) have few models for intervening with youth at risk of commercial sexual exploitation and sex trafficking of minors.

3-9 In general, an integrated public institutional response to commercial sexual exploitation and sex trafficking of minors is lacking.

4-4 The absence of a comprehensive source of information identifying the services for victims and survivors established or funded by federal and state law presents obstacles for children and adolescents seeking to access services after experiencing the trauma of sex trafficking or sexual exploitation and for professionals and caregivers who try to help them.

4-12 Further attention is needed to the intersection of laws and the education, housing, and employment needs of both children and adolescents who are vulnerable to and those who have been victimized by commercial sexual exploitation and sex trafficking to ensure that their needs are met.

6-5 Broad consensus exists among professionals in each sector that serves victims/survivors of commercial sexual exploitation and sex trafficking that there are too few services available to meet current needs, and that services that do exist are unevenly distributed geographically, lack adequate resources, and vary in their ability to provide specialized care to victims/survivors of these crimes.

NOTE: The supporting evidence in this box consists of the findings and conclusions presented in Chapters 2-10, which bear the numbers shown in the box.

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BOX 11-2
Summary of Key Implementation Strategies for the Committee's Recommendations

Congress

- Authorize and appropriate funds for demonstration and pilot projects designed to cultivate sustainable multisector collaboration to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. Require demonstration and pilot projects to include work with particularly vulnerable populations, such as lesbian, gay, bisexual, and transgender (LGBT) children and adolescents; racial and ethnic minority populations (including Native Americans); homeless/runaway children and adolescents; rural children and adolescents; and multisystem-involved children and adolescents. (Recommendation 4)
- Require the implementation, enforcement, and evaluation of laws, policies, and practices designed to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States through federal legislation. (Recommendations 2 and 3)

State Legislatures

- Direct states to conduct needs assessments to inform appropriate planning, implementation, evaluation, and resource allocation for strategies designed to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 4)
- Direct states to review and amend, as appropriate, state laws addressing commercial sexual exploitation and sex trafficking of minors in the United States to ensure that exploited and trafficked children and adolescents are treated as victims/survivors, not criminals, and to promote reduction of demand. (Recommendations 2 and 3)

Administration for Children and Families

- Develop and disseminate an annual *Domestic Trafficking in Persons* report. Require states to submit reports annually on specific prevention, protection, prosecution, and partnership activities for inclusion in this report. (Recommendations 1 and 6)

National Institute of Mental Health and National Institute of Child Health and Human Development

- Support research on the root causes and prevention of commercial sexual exploitation and sex trafficking of minors in the United States, including commercial sexual exploitation and sex trafficking of boys, risk and protective factors for *all* children and adolescents, short- and long-term intervention needs and strategies, and the delivery of services and support to difficult-to-reach populations. (Recommendation 4)

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National Institute of Justice

- Support research on laws, policies, and practices that reduce demand for commercial sexual exploitation and sex trafficking of minors in the United States and on the individuals who commit and benefit from these crimes. (Recommendation 4)

Office of Safe and Healthy Schools and Institute of Education Sciences

- Provide technical assistance to school districts for conducting school needs assessments on the prevention and identification of and response to commercial sexual exploitation and sex trafficking of minors within the school district, at individual schools, and in the immediate community. Produce and disseminate needs assessment reports that serve as benchmarks against which future gains can be measured.
- Support research to evaluate implementation strategies for meeting needs identified in these school assessments. (Recommendation 4)

National, State, and Local Bar Associations

- Examine and report on the impact of existing and emerging federal, state, and local laws addressing commercial sexual exploitation and sex trafficking of minors in the United States. Particular attention needs to be focused on new laws that redirect young victims and survivors of commercial sexual exploitation and sex trafficking from arrest and prosecution as criminals or adjudication as delinquents to systems, agencies, and services equipped to meet their needs. (Recommendations 2 and 3)
- Support laws, policies, and practices that reduce demand for commercial sexual exploitation and sex trafficking of minors in the United States, and punish the individuals who commit and benefit from these crimes. (Recommendation 4)
- Conduct reviews of laws, policies, and practices in consultation with other law-related professional organizations, including associations of prosecutors and law enforcement, and publish the results of these reviews every 3 years to support the development and refinement of laws and policies. (Recommendations 2 and 3)

Academic and Research Institutions

- Establish formal relationships with victim and support service providers, especially nongovernmental organizations, to develop studies, to collect data, and to evaluate the effectiveness of prevention and intervention activities. (Recommendation 4)
- Provide guidance and technical assistance to the Office of Juvenile Justice and Delinquency Prevention on the delivery of reliable, real-time information about how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 5)

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BOX 11-2 Continued

Foundations and Nongovernmental Organizations

- Support and disseminate national, regional, state, and local public awareness campaigns, including specific strategies for raising awareness among children and adolescents. (Recommendation 1)
- Develop, support, and evaluate effective prevention and victim and support service strategies for underage victims and survivors of commercial sexual exploitation and sex trafficking. (Recommendation 4)
- Support the development and maintenance of a digital information-sharing platform that can deliver reliable, timely information about how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 5)

Commercial Sector

- Provide technical expertise to the Office of Juvenile Justice and Delinquency Prevention on the development and maintenance of a digital information-sharing platform that can deliver reliable, real-time information about how to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 5)
- Leverage core capacities (e.g., big data, new media) to create and disseminate national, regional, state, and local public awareness campaigns, including specific strategies for raising awareness among children and adolescents. (Recommendation 1)
- Leverage core capacities to support prevention, identification, and response efforts of law enforcement, social services, and other governmental and nongovernmental organizations working to address commercial sexual exploitation and sex trafficking of minors in the United States. (Recommendation 1)

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Appendixes

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A

Disentangling the Language of Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

As noted in Chapter 1, the committee found that the terms *commercial sexual exploitation of children*, often abbreviated to CSEC, and *sex trafficking of minors* frequently are used inconsistently in the law, by advocates and service providers, and in the scholarly literature on these issues. The committee believes that clarity and consistency in the use of these key terms are vital for a variety of purposes, including developing an in-depth understanding of these crimes; conducting, evaluating, and comparing relevant research; and developing appropriate laws, policies, and programs aimed at preventing, identifying, and responding to these abuses of children. This appendix explains how the two terms are both overlapping and distinct.

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

As used in law and by advocates, service providers, and researchers, *commercial sexual exploitation of children* covers a range of crimes. For example, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the sponsor of this study, uses the following definition of CSEC:

> The commercial sexual exploitation of children (CSEC) involves crimes of a sexual nature committed against juvenile victims for financial or other economic reasons.... These crimes include trafficking for sexual purposes, prostitution, sex tourism, mail-order-bride trade and early marriage, pornography, stripping, and performing in sexual venues such as peep shows or clubs.

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FIGURE A-1 Office of Juvenile Justice and Delinquency Prevention's definition of commercial sexual exploitation of children.

This definition establishes CSEC as a term that can be applied to various crimes against children. Figure A-1 illustrates this point. At least one critical category of crime is not explicitly included in the OJJDP definition: survival sex, where a child exchanges sex for money or for something of value (e.g., shelter, food, drugs). Although the committee believes the language "other economic reasons" in the OJJDP definition of CSEC can and should be read to include survival sex, the second sentence of the OJJDP definition makes it unclear whether this is the intent of the definition. The committee believes that survival sex should be considered a form of CSEC.

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SEX TRAFFICKING OF MINORS

Sex trafficking of minors is another term commonly used to describe commercial forms of sexual exploitation of children. The federal Trafficking Victims Protection Act (TVPA) defines sex trafficking of a minor as the "recruitment, harboring, transportation, provision, or obtaining of a person under age 18 for the purpose of a commercial sex act."[1] A commercial sex act is "any sex act on account of which anything of value is given to or received by any person."[2] As explained elsewhere in this report, it is important to note that sex trafficking does not require moving or transporting a victim.

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND SEX TRAFFICKING OF MINORS COMPARED

Considerable confusion exists as to the distinction between CSEC and sex trafficking of minors, and, as noted above, the two terms often are used inconsistently. As Figure A-1 illustrates, the OJJDP definition includes sex trafficking as a subset of CSEC. That usage differs from other legal definitions. Under the TVPA (as well as the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the U.N. Convention against Transnational Organized Crime, which established the first internationally agreed-upon definition of human trafficking and which the United States has ratified), the crime of human trafficking is understood to have three elements: an act, means, and purpose. The *act* includes such steps as recruiting, enticing, harboring, transporting, providing, obtaining, or maintaining an individual. The *means* must be by force, fraud, or coercion. And the *purpose* must be for some form of exploitation, including forced labor, commercial sexual exploitation, or other forms of exploitation. When the victim is a minor, force, fraud, or coercion does not need to be established. Therefore, recruiting, enticing, harboring, transporting, providing, obtaining, or maintaining a minor for the purpose of commercial sexual exploitation is sex trafficking of a minor. If one of these acts does not occur but a child is prostituted by an exploiter, that will constitute the crime of CSEC but not sex trafficking of a minor as the *act* requirement for trafficking is missing. If, on the other hand, one of the trafficking acts occurs for purposes of prostituting a child, that act can constitute both CSEC and sex trafficking of a minor. See Figure A-2 for an illustration of this point.

Although the committee's task did not include endorsing a particular

[1] 22 U.S.C. § 7102(9).
[2] 22 U.S.C. § 7102(3).

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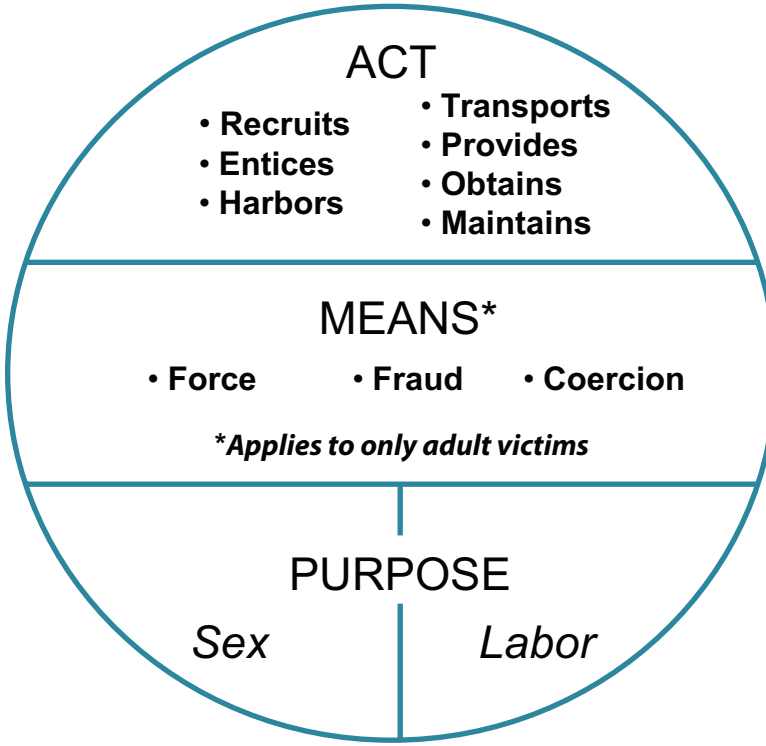

FIGURE A-2 Legal definition of human trafficking.
NOTE: This diagram is for illustrative purposes only; it does not indicate or imply percentages.

definition of CSEC or sex trafficking of a minor, the committee finds the legal definition to be helpful in distinguishing the two terms. The committee believes the OJJDP definition is useful in promoting understanding of the range of crimes that fit within CSEC, but that it can create some confusion—for example, by defining CSEC as including sex trafficking when the latter includes CSEC as one of its elements.

Even though the OJJDP definition differs from the TVPA and other widely accepted definitions, and despite differences in definitions employed by various jurisdictions and entities, the committee believes definitional issues and debates should not detract from the broader point that whether a child or adolescent is deemed a victim of CSEC or trafficking does not change the fact that he or she has been exploited and has suffered trauma, and that every victim and survivor should receive all necessary and appro-

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priate services and assistance. Definitional issues, however, are important, as noted above, for measuring crime, prosecuting perpetrators, ensuring victims' access to services, and other reasons. For those reasons, having consistent definitions is important.

HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

This section briefly describes how the definitions of human trafficking and CSEC relate. Human trafficking includes both sex trafficking and labor trafficking. Sex trafficking can occur for various reasons, including exploitation through prostitution, pornography, sex tourism, and other activities. As discussed in the prior section, these forms of exploitation (which constitute the "purpose" element of the TVPA definition of sex trafficking) overlap with CSEC. Figure A-3 illustrates this point.

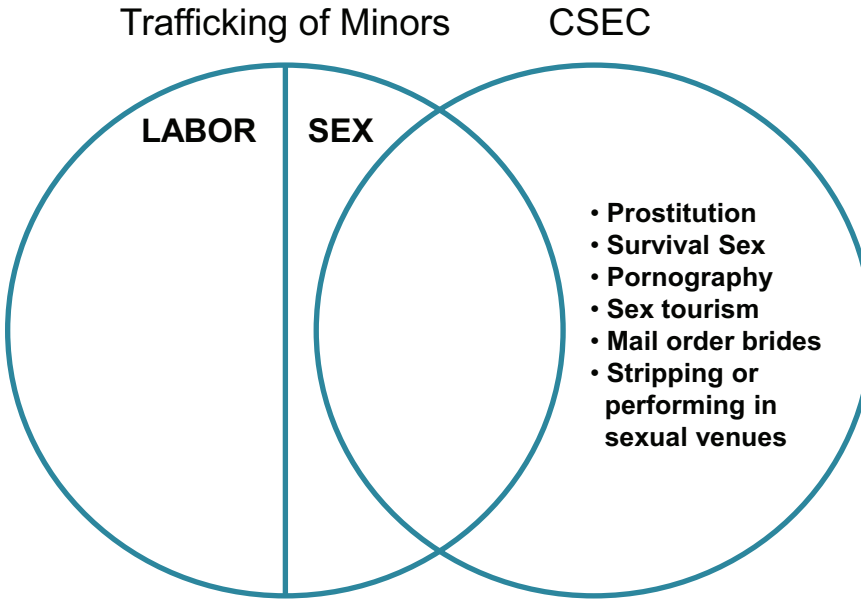

FIGURE A-3 Overlap between definitions of sex trafficking of minors and commercial sexual exploitation of children.
NOTE: This diagram is for illustrative purposes only; it does not indicate or imply percentages. CSEC = commercial and sexual exploitation of children.

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CONTEXTUALIZING DEFINITIONAL ISSUES

The committee emphasizes that all of the crimes covered by the terms *commercial sexual exploitation* and *sex trafficking of minors* reflect exploitation of children and adolescents and merit attention, even though, as discussed in Chapter 1, some of these important issues are beyond the scope of this study. The committee also believes it is important to recognize and understand commercial sexual exploitation and sex trafficking of minors as forms of child abuse. See Figure A-4.

FIGURE A-4 Commercial sexual exploitation and sex trafficking of minors as forms of child abuse.
NOTE: This diagram is for illustrative purposes only; it does not indicate or imply percentages.

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B

Lessons Learned from International Efforts to Respond to Commercial Sexual Exploitation and Sex Trafficking of Minors

The Trafficking Victims Protection Act (TVPA) and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ("Trafficking Protocol") were adopted within weeks of each other in 2000. The United States is party to the Trafficking Protocol. It is also a party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. While an assessment of U.S. obligations under these two treaties is beyond the scope of this study, the committee believes that in seeking to identify best practices, policy makers and advocates should not limit themselves to a review of U.S. practices. Further, the committee was charged with identifying lessons that can be learned from international law and from law and practices in other countries. Noteworthy examples from international law or other countries can be modified, as appropriate, to fit the circumstances of law and programs in the United States.

In its review of selected international examples, the committee identified parallels between the U.S. response and the responses of other countries. Notably, many countries, including the United States, have responded by advancing a three-pronged framework that includes government efforts to criminalize and prosecute commercial sexual exploitation and sex trafficking of minors, to provide assistance to victims and survivors, and to develop prevention measures. The similarities among various countries' responses are not surprising given that the Trafficking Protocol establishes this three-part framework. The committee also found that many other countries, like the United States, are still in the very early stages of understanding and

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developing effective responses to the commercial sexual exploitation and sex trafficking of minors. Furthermore, the committee encountered the same significant challenge in reviewing international and foreign responses that it faced in reviewing the U.S. response—a lack of evidence-based research on and evaluation of existing laws and programs. The committee highlights in this appendix selected lessons from the international arena that it deems potentially promising and worthy of further consideration in the United States.

One notable difference between international responses and the U.S. approach is the emphasis on a children's rights framework. The committee's review of international responses revealed that a children's rights framework—which recognizes each child's right to be protected from exploitation and to be assisted if harmed—has the potential to advance efforts to protect vulnerable children from being exploited and to ensure that minors who are victims or survivors receive needed services and assistance.

The committee also identified particular provisions of international law that it believes have the potential to further strengthen efforts to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of children and adolescents in the United States. The committee highlights below selected provisions from two multilateral treaties. The committee does not suggest these are the only, or necessarily the most important, examples. Rather, this appendix aims to identify selected innovative examples from the international arena that the committee believes are particularly relevant to the scope of this study.

As the primary focus of this study was on the United States, the committee limits its discussion of international law here to the Council of Europe Convention on Action against Trafficking in Human Beings (2005) (CATHB) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007) (CPCASE). The committee focused on these two conventions in part because they are relatively recent and reflect the growing understanding of commercial sexual exploitation and sex trafficking of children and adolescents.

The committee believes the legal provisions cited below provide examples of noteworthy responses to the abuse of children and adolescents through commercial sexual exploitation and sex trafficking. The committee reiterates its belief that the pressing needs of minors who are at risk of or suffer such exploitation demand that policy makers and advocates in the United States not limit themselves to ideas that arise in this country. All noteworthy practices should be considered, including ones listed in this appendix, as the United States develops its capacity to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors within its jurisdiction.

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PREVENTION

Prevention Generally

CATHB Article 5(2) requires that governments employ a "human rights-based approach and . . . use gender mainstreaming and a child-sensitive approach" in the development and implementation of prevention-related policies and programs.

CATHB Article 5(5) requires governments to "take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them."

Stakeholder Participation and Coordination, Including Children's Participation

CPCASE Article 10(1): "Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities."

CPCASE Article 9:

"1 Each Party shall encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or others initiatives concerning the fight against sexual exploitation and sexual abuse of children.

2 Each Party shall encourage the private sector, in particular the information and communication technology sector, the tourism and travel industry and the banking and finance sectors, as well as civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation.

3 Each Party shall encourage the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press.

4 Each Party shall encourage the financing, including, where appropriate, by the creation of funds, of the projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse."

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Addressing Demand

CATHB Article 6 emphasizes the importance of addressing demand through "legislative, administrative, educational, social, cultural or other measures" and highlights the important role of media in addressing demand and "educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being."

CPCASE Article 7: "Each Party shall ensure that persons who fear that they might commit any of the offences established in accordance with this Convention may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed."

Raising Awareness

For those who work with children and adolescents:

CPCASE Article 5 mandates legislative and other measures to "encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities" and to ensure that the above persons "have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the [possibility of reporting suspected cases to appropriate authorities."

For children and adolescents:

CPCASE Article 6 states: "Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies."

CPCASE Article 8(2): "Each Party shall take the necessary legislative or other measures to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention."

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SERVICES FOR VICTIMS AND SURVIVORS

Ensuring That Adolescents Receive Services

CATHB Article 10 requires that "when the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age."

Allowing Survivors Time to Recover Before Involving Them in Criminal Investigations (Recovery and Reflection Period)

CATHB Article 13: "Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities." During this time, assistance must be provided to victims as set forth in Article 12 of CATHB.

Ensuring That Children Are Treated as Victims

CATHB Article 26: "Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so."

CPCASE Article 14(1): "Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child's views, needs and concerns."

CPCASE Article 14(4): "Each Party shall take the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care."

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C

Site Visit Methodology and Summaries

SITE VISIT METHODOLOGY

The committee conducted four site visits throughout the country. Sites were chosen to highlight diverse approaches to addressing commercial sexual exploitation and sex trafficking of minors, and potentially to elucidate promising practices and common challenges. The site visits were conducted as roundtable discussions between invited participants and selected committee members. During each site visit, the committee sought to

- hear community perspectives and experiences with respect to meeting the needs of youth affected by commercial sexual exploitation and sex trafficking;
- highlight innovative approaches and services in each community (including those tailored to the needs of high-risk populations);
- discuss barriers or challenges entailed in providing services to victims and survivors of these crimes and how those issues are addressed; and
- identify the features, relationships, and settings critical to addressing commercial sexual exploitation and sex trafficking of minors.

The site visits were conducted as open-format discussions with organizations and individuals that work to address commercial sexual exploitation and sex trafficking of minors. To maximize time for discussion, each site visit participant was asked to provide as much background information as possible as reading material prior to the visit. Participants also were

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asked to limit formal presentations to a 10-minute overview of their key messages. Information requested in previsit reading material included the following:

- Organization "facts"
  - Mission/vision
  - Organization chart (if applicable)
  - Sources of funding
  - Organization reports (if available)
- Local context (During each visit, the committee visitors sought to see or hear about as many of the following program components as possible.)
  - Level of awareness regarding commercial sexual exploitation and sex trafficking of minors
  - Systems involved in addressing commercial sexual exploitation and sex trafficking of minors
  - State laws addressing commercial sexual exploitation and sex trafficking of minors
  - Formal and informal collaboration among systems
  - Other community resources
  - Gender, sex, and sexual orientation of youth served by the program/organization
  - Age of youth served by the program/organization
  - Race and ethnicity of youth served by the program/organization
  - Youth served by the program/organization court-referred or mandated
  - Citizenship or immigration status of youth served by the program/organization
  - Homeless and runaway youth served by the program/organization
- Settings
  - Adequacy of spaces/places serving victims and survivors of commercial sexual exploitation and sex trafficking
  - Acceptability of spaces/places serving victims and survivors of commercial sexual exploitation and sex trafficking
- Evaluation and data collection efforts
  - Are data collected, analyzed, reported? (If so, how?)
  - How are programs/services evaluated?

SUMMARIES

The committee's four site visits are summarized below in the order in which they occurred. Appendix C contains agendas for all four visits.

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Site Visit 1: Boston, Massachusetts—March 23, 2012

Invited participants:

Beth Bouchard, Support to End Exploitation Now
Katie Carlson, Gaining Independence for Tomorrow, Roxbury Youthworks
Donna Gavin, Boston Police Department
Lisa Goldblatt Grace, My Life, My Choice
Susan Goldfarb, Support to End Exploitation Now
Tanee Hobson, My Life, My Choice
Fran Sherman, Boston College Law School and Juvenile Rights Advocacy Project

Committee members and staff in attendance:

Meg Barry, Associate Program Officer, Institute of Medicine
Abigail English, Director, Center for Adolescent Health & the Law
Natalie McClain, William F. Connell School of Nursing, Boston College
Patti Simon, Study Director, Institute of Medicine

The Massachusetts governor signed antitrafficking legislation into law only 4 months before the committee visited Boston, and passage of the law and its ongoing implementation set the underlying context for the meeting. Many of the individuals and organizations invited to participate in the site visit played a role in developing and advocating for the law, and all will be affected by and engaged in its implementation. While Massachusetts was one of the last states to enact antitrafficking legislation, organizations in Boston have been leaders in addressing commercial sexual exploitation and sex trafficking of minors, particularly among girls. Participants in the site visit recognized that commercial sexual exploitation and sex trafficking of minors also affect boys, but conceded that there are few services within Boston for boys. Many of the participants believe that boys and girls need different, separate intervention models because of their divergent pathways for entry into and experiences within exploitive relationships.

The discussion coalesced around six foci that have helped Boston address commercial sexual exploitation and sex trafficking of minors: (1) developing shared understanding and common language among sectors, (2) training, (3) survivor leadership, (4) information sharing, (5) preparing girls to exit exploitive relationships and support for them after they have done so, and (6) laws and policies. Each of these is summarized below. At the conclusion of the meeting, committee members asked participants to identify areas of research that would assist them in providing better services. They mentioned prevention, points of intervention, intergenerational

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violence, and underlying contributors to commercial sexual exploitation and sex trafficking of minors.

Developing Shared Understanding and Language Among Sectors

Participants stated that a coordinated response to commercial sexual exploitation and sex trafficking of minors requires relationships, trust, and open communication among diverse groups of organizations. They noted that a successful response to these crimes involves diverse sectors that do not often work together, and therefore do not have a shared history, understanding, or language to build upon. Building a shared understanding and language was an important first step in responding to commercial sexual exploitation and sex trafficking of children and adolescents in Boston. Participants said the pivotal understanding for organizations in Boston was that commercial sexual exploitation and sex trafficking of minors are crimes, and that children and adolescents involved in these crimes are victims, not criminals.

Training

Participants identified training and technical assistance as important to developing a shared understanding and language among sectors, increasing awareness of the problems, and identifying victims. Organization representatives present at the site visit noted a correlation between training and additional victim referrals, but lamented a lack of infrastructure and funding to support training. They believe a successful training model would promote a shared language for commercial sexual exploitation and sex trafficking of children and adolescents; teach participants about what other sectors do to address these problems and how they do it; encourage a holistic response; and include discussion of race-, gender-, and class-based violence. Participants identified several groups for which additional training is critical to the success of interventions: child welfare, defense attorneys, judges, school nurses, and emergency room staff.

Survivor Leadership

Because of the unique trauma involved in surviving commercial sexual exploitation and sex trafficking, participants stated that interventions for victims should be either survivor led or survivor informed. Several participants noted that girls in exploitive relationships often do not think of themselves as victims, and working directly with survivors who have successfully exited such relationships gives them role models for understanding their trauma, modeling healthy relationships, and promoting a healthy lifestyle.

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Information Sharing

Participants stressed that coordination and information sharing among professionals who serve individual victims are critical for successfully addressing commercial sexual exploitation and sex trafficking of children and adolescents. The Massachusetts sex trafficking law supports information sharing. In Boston, the Support to End Exploitation Now (SEEN) case coordinator promotes information sharing by identifying all professionals connected to each victim and coordinates information sharing and services among them. Many of the participants believe that information sharing should include mandatory reporting of sexual exploitation and sex trafficking. The Massachusetts antitrafficking law adds sexual exploitation and sex trafficking to the list of abuses that trigger mandatory reporting of child abuse. In addition, the law ensures that the Massachusetts child abuse reporting system does not stop with the child welfare department. Reports of abuse are first sent to child welfare; if the reports do not fit the requirements of a child welfare case, they are sent to law enforcement, which then refers the case to SEEN. Participants acknowledged that mandatory reporting has the potential to damage the relationship between the reporter and the child, but most believe that reporting can occur in conjunction with developing a caring, transparent relationship.

Preparing for Exit

Site visit participants identified preparing victims to exit exploitive relationships as a necessary component of successful interventions. They mentioned stable housing, addiction treatment, and trusting relationships as three important resources to have in place.

Laws and Policies

Participants mentioned laws and policies that affect the response to commercial sexual exploitation and sex trafficking of children and adolescents. These include some discussed above, such as the new Massachusetts antitrafficking law; mandatory reporting; and Massachusetts' policy of allowing children to stay in the foster care system until age 22. Participants also noted the risks of involving children in formal systems (both juvenile justice and child welfare) when they are at risk of trafficking, and the unique challenges in the juvenile justice system for girls who themselves have children. The group discussed as well decriminalization of prostitution for minors, but there was no agreement on what systems need to be in place before decriminalization is appropriate.

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Site Visit 2: San Francisco, California—May 11, 2012

Invited participants:

Catherine Cousart, Child Protection Center
Toby Eastman, Larkin Street Youth Services
Mollie Ring, The SAGE Project, Inc.
Gena Castro Rodriguez, Youth Justice Institute
William P. Siffermann, San Francisco Juvenile Probation Department
Carol Taniguchi, Special Programs for Youth (Juvenile Hall San Francisco)
Raquel White, Special Programs for Youth (Juvenile Hall San Francisco)

Committee members and staff in attendance:

Meg Barry, Institute of Medicine
Tonya Chaffee, University of California, San Francisco
Angela Diaz, Mount Sinai School of Medicine
Mark Latonero, University of Southern California
Patti Simon, Institute of Medicine
Jonathan Todres, Georgia State University College of Law

Discussions in San Francisco coalesced around three topics: (1) reliance on the juvenile justice system, (2) laws, and (3) missed opportunities.

Reliance on the Juvenile Justice System

According to site visit participants, the response to sex trafficking in San Francisco appears to rely heavily on the juvenile justice system. This observation may reflect the participants invited to attend, or may be true of the response in San Francisco more generally. Representatives from the Juvenile Probation Department (JPD) noted that in 2011, prostitution was the fifth most common criminal offense for girls booked into juvenile hall; 12 percent of girls seen in juvenile hall were charged with prostitution. The JPD representatives believe, however, that this figure underestimates the true number of victims of commercial sexual exploitation present in juvenile hall because exploited boys are not represented in this figure and because exploited girls are often held at juvenile hall on charges unrelated to commercial sexual exploitation. To respond to the needs of victims, JPD worked with the Youth Justice Institute (YJI) to create an 11-page intake form; JPD and YJI use this form to screen all youth in JPD for a variety of risk factors, including exploitation. If exploitation is detected, JPD refers youth to YJI, the SAGE Project, or other community organizations for treatment. All prostitution arrests trigger an automatic referral to SAGE. Participants

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noted that within JPD's juvenile hall, prostitution-related charges appear to be declining; however, more girls are disclosing involvement in commercial sexual exploitation during their sentence at juvenile hall.

Both SAGE and YJI began through partnerships with the juvenile justice system. SAGE has expanded to take referrals from other sources (e.g., shelters and parents), but it continues to provide training and services to youth within JPD and receive a substantial number of referrals. Similarly, YJI began as an organization to address the treatment of girls in the San Francisco juvenile justice system and has since branched out to other services.

Laws

California does not have a safe harbor law, nor does mandated child abuse reporting apply to commercial sexual exploitation of minors. In contrast to the enthusiasm for safe harbor legislation expressed during other site visits (i.e., Boston and Chicago), participants in the San Francisco site visit had a more tempered response to the possibility of a safe harbor law in California. They appeared to believe that more work would be needed to prepare for a safe harbor law and mandatory reporting.

Missed Opportunities

Participants mentioned several sites and sectors that could be more involved in addressing commercial sexual exploitation of minors, such as schools, emergency departments, mental health providers, district attorneys, public defenders, and group homes. Schools in particular were mentioned several times as a potential intervention point. SAGE has done some training in schools; however, school resources for these types of activities are limited. In addition, at least one participant mentioned that youth involved in commercial sexual exploitation may not attend school regularly, so the impact of interventions in schools may be limited. The lack of services for boys was mentioned frequently. SAGE recently expanded its services to boys with funding from the Department of Justice for serving victims of commercial sexual exploitation and sex trafficking, but others mentioned that their ability to identify and serve male victims was limited.

Participants also mentioned the Department of Justice–funded task force in San Francisco as a missed opportunity. This task force focuses on international trafficking, and service providers and child welfare are not as involved as in other communities. Participants mentioned the need for more coordination among stakeholders working to address the commercial sexual exploitation and sex trafficking of minors, so a task force focused

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on the commercial sexual exploitation of minors could be useful in San Francisco.

Site Visit 3: Chicago, Illinois—July 11, 2012

Invited participants:

Sehla Ashai, The International Organization for Adolescents
Lisa Gilmore, Center on Halsted
Jennifer Greene, Cook County State's Attorney's Office
Lynne Johnson, Chicago Alliance Against Sexual Exploitation
Erin Knowles-Wirsing, Salvation Army STOP-IT
Michelle Nasser, U.S. Attorney's Office, Northern District of Illinois
Traci Walker, Chicago Police Department

Committee members and staff in attendance:

Meg Barry, Institute of Medicine
Tonya Chaffee, University of California, San Francisco
Ellen Wright Clayton, Vanderbilt University
Angela Diaz, Mount Sinai School of Medicine
Abigail English, Center for Adolescent Health & the Law
Catherine Gallagher, George Mason University
Barbara Guthrie, Yale University School of Nursing
Richard D. Krugman, University of Colorado School of Medicine
Sharon Lambert, George Washington University
Mark Latonero, University of Southern California
Alejandra Martín, Institute of Medicine
Natalie McClain, Boston College William F. Connell School of Nursing
Callie Marie Rennison, University of Colorado Denver
John A. Rich, Drexel University School of Public Health
Patti Simon, Institute of Medicine
Patti Toth, Washington State Criminal Justice Training Commission

In the past few years, Illinois has enacted several laws to aid in identifying and assisting minors that are victims/survivors of commercial sexual exploitation or sex trafficking, and it is also concentrating efforts on the demand side of these crimes. Like Boston, Illinois has a multisector approach to commercial sexual exploitation and sex trafficking of minors, working across levels of government (i.e., state and federal attorney's offices), law enforcement, and nonprofit organizations.

Discussions in Chicago coalesced around six topics: (1) building partnerships and trust, (2) legislation, (3) partnering with child welfare and

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child abuse systems, (4) victim-centered approaches, (5) reducing demand, and (6) gaps in services.

Building Partnerships and Trust

Formal collaboration among site visit participants occurs through the federally funded Cook County Human Trafficking Task Force, which is co-led by the Cook County State's Attorney's Office; the U.S. Attorney's Office, Northern District of Illinois; the Salvation Army STOP-IT Program; and the International Organization for Adolescents. Much of the work of the task force occurs through committees, including a steering committee made up of 23 organizations and a law enforcement working group.

The relationships and partnerships that contribute to the success of the task force began even before it received federal funding. Participants began working together more than 10 years ago through the Prostitution Alternatives Roundtable, established by the Chicago Coalition for the Homeless. Subsequently, the Cook County state's attorney recognized commercial sexual exploitation and sex trafficking of minors as problems she wanted to pursue more aggressively, so the office assigned several staff members to work full time learning about existing efforts to address these problems in the county, building partnerships, and prosecuting.

The long-standing relationships developed through these efforts have fostered trust, even among sectors that do not traditionally work well together. Service providers mentioned that police have involved them in long-term investigations and street outreach, and STOP-IT has an office embedded at the State's Attorney's Office. Law enforcement representatives stated that they trust that service providers understand their role in addressing commercial sexual exploitation and sex trafficking of minors and will not interfere unnecessarily with investigations. Different levels of law enforcement also have unique levels of trust. Each month, the U.S. Attorney's Office hosts a meeting of the Law Enforcement Working Group (a subgroup of the task force), where representatives of federal and local prosecutors, the Federal Bureau of Investigation, the county sheriff, local police, and the Internal Revenue Service, among others, gather to openly discuss evidence for every case of commercial sexual exploitation and sex trafficking of minors that is under investigation or assigned to a prosecutor.

Participants acknowledged that several unique factors contribute to their collaboration. First is low turnover at nearly all of the service and law enforcement organizations—many of the participants have been working together since the Prostitution Alternatives Roundtable began. In addition, participants repeatedly mentioned that building relationships outside of crisis has been critical to their success.

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Legislation

Participants praised Illinois' collection of laws addressing commercial sexual exploitation and sex trafficking of minors. In 2005, Illinois enacted its original human trafficking law,[1] which defines and lays out the penalties for trafficking and related crimes. Shortly following the site visit, the legislature passed an update to that law to improve its usefulness to law enforcement.[2] In 2010, the Illinois legislature passed the Safe Children Act,[3] which includes a safe harbor (prohibits prosecution of children under age 18 for prostitution), transfers jurisdiction for all children arrested for prostitution from criminal justice to child welfare, allows wiretapping during investigations of child sex trafficking, and increases penalties against purchasers of sex with children. In addition, the Justice for Victims of Sex Trafficking Crimes Act[4] allows victims of sex trafficking to clear their criminal record of prostitution charges that occurred while they were being trafficked.

Several civil laws allow victims to recover monetary damages from traffickers and purchasers of sex. The Predator Accountability Act[5] allows juvenile victims of trafficking to pursue civil remedies against traffickers, purchasers, and others who knowingly benefit from commercial sexual exploitation and sex trafficking of minors. According to participants, the Gender Violence Act,[6] which allows civil remedies for victims of gender-related violence, has also been used to help victims of commercial sexual exploitation and sex trafficking of minors recover civil penalties from exploiters.

Partnering with Child Welfare and Child Abuse Systems

Participants called Illinois' child welfare agency, the Department of Children and Family Services (DCFS), a critical partner in addressing commercial sexual exploitation and sex trafficking of minors, particularly since the Safe Children Act gave DCFS jurisdiction over all children arrested for prostitution. Members of the Cook County Human Trafficking Task Force began working with DCFS several years before that legislation was passed and have continued to do so to build systems that can accept and process reports of commercial sexual exploitation and sex trafficking of minors and deliver appropriate services to victims. This work has involved convening groups of key leaders within DCFS to engage in dialogue and craft a comprehensive blueprint for how DCFS should manage cases of commercial

[1] 2005 Ill. Pub. Act 94-0009.
[2] 2012 Ill. Pub. Act 97-0897.
[3] 2010 Ill. Pub. Act 96-1464.
[4] 725 Ill. Comp. Stat. 5/116-2.1.
[5] 740 Ill. Comp. Stat. 128.
[6] 740 Ill. Comp. Stat. 82/1.

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sexual exploitation and sex trafficking of children and adolescents, training DCFS staff to identify such cases, providing technical assistance, and connecting DCFS with service providers in the community. Participants also mentioned child advocacy centers (CACs) as potential partners in addressing commercial sexual exploitation and sex trafficking of minors because they have locations outside of major urban areas where few services for victims of these crimes currently exist, and they have extensive experience with forensic interviewing of children and victims of abuse.

Participants identified several challenges to implementing a child welfare response to commercial sexual exploitation and sex trafficking of minors: the need to ensure that the harms caused by the juvenile justice system are not recreated in the child welfare system; the size of the agency and the resulting numerous points of entry for victims; lack of funding to implement a response; challenges in creating specialized, voluntary, nonjudgmental services; and the need to build capacity for data collection and evaluation. Participants emphasized that while DCFS is a necessary partner, states should not view the child welfare system as sufficient to address commercial sexual exploitation and sex trafficking of minors. A network of community-based, specialized services for victims of these crimes is a critical complement to child welfare, both to give DCFS the flexibility to refer victims into the community and to give victims the option of not engaging in a potentially abusive system.

Victim-Centered Approaches

Both law enforcement representatives and service providers stated that they take victim-centered approaches to their work. The State and U.S. Attorney's Offices apply the philosophy that investigations should be victim centered, but not victim built. This means they help victims obtain services and do not rely on a victim's testimony alone to build a case. Examples of corroborative evidence they have used include wiretaps, victims' journals, victims' tattoos, evidence of traffic stops where a trafficker was stopped with victims, hotel records, and medical records.

The STOP-IT program tailors services to each victim depending on his or her preferences. A full range of services (including medical, mental health, and sexual health) is made available to each victim, but the victim chooses which services to accept. Service providers meet victims wherever they feel comfortable and safe, which requires case managers to travel around a large service area. Participants also discussed the value of services tailored specifically to victims of commercial sexual exploitation and sex trafficking of minors, particularly survivor-led, trauma-informed services based on an empowerment model.

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Reducing Demand

Participants identified reducing demand for commercial sex as a priority in Chicago. The Chicago Alliance Against Sexual Exploitation (CAASE) runs a campaign called End Demand Illinois that focuses on encouraging law enforcement to hold exploiters and purchasers of sex accountable for crimes related to commercial sexual exploitation and sex trafficking of minors. The campaign has sponsored research examining demand for commercial sex and has sponsored several related bills that have been enacted by the Illinois legislature.

Gaps in Services

Participants mentioned the following gaps in services: housing; mental health services; nonjudgmental providers of all services; and services for male and lesbian, gay, bisexual, and transgender (LGBT) victims. Participants repeatedly mentioned the need for additional housing and mental health services for all victims of commercial sexual exploitation and sex trafficking of minors. While Chicago has a sizable number of shelter beds designated for the homeless, service providers are rarely able to find beds for victims of commercial sexual exploitation and sex trafficking. Participants mentioned that LBGT youth, particularly those of color, have a high rate of homelessness in Chicago.

Participants emphasized the importance of having service providers (e.g., health care providers) approach potential victims of commercial sexual exploitation and sex trafficking in a nonjudgmental way. They reported that many victims feel uncomfortable interacting with service providers, and therefore are unlikely to disclose abuse or exploitation. Victims may be more willing to participate in services and disclose exploitation if providers approach all potential victims with a completely nonjudgmental perspective and an interest in the victim's welfare. They suggested that CAC forensic interviews could be evaluated as a model for interviewing victims of commercial sexual exploitation and sex trafficking. Finally, participants mentioned the need for additional services in all areas related to commercial sexual exploitation and sex trafficking for LGBT and male adolescents.

Site Visit 4: New York, New York—September 12, 2012

Invited participants

danah boyd, Microsoft Research
Courtney Bryan, Center for Court Innovation
Janice Holzman, Girls Educational and Mentoring Services (GEMS)

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Daniella Latimer, Mount Sinai Sexual Assault and Violence Intervention (SAVI) Program
Michael Polenberg, Safe Horizon
John Steever, Mount Sinai Adolescent Health Center
Johannah Westmacott, Safe Horizon

Committee members and staff in attendance:

Meg Barry, Institute of Medicine
Angela Diaz, Mount Sinai School of Medicine
Barbara Guthrie, Yale University School of Nursing
Sharon Lambert, George Washington University
Alejandra Martín, Institute of Medicine
John A. Rich, Drexel University School of Public Health
Patti Simon, Institute of Medicine

In 2008, New York State enacted the nation's first safe harbor law for victims and survivors of commercial sexual exploitation and sex trafficking. Since then, New York City's criminal and juvenile justice systems have begun to recognize minors arrested for prostitution as victims and survivors in need of services and assistance. Members of the committee met with invited participants from local organizations to discuss their roles in preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors and the challenges they face in conducting this work.

Discussions coalesced around six topics: (1) assessing risk, abuse, homelessness, and/or exposure to violence; (2) providing case management; (3) conducting training for and outreach to professionals and members of the community; (4) lack of housing for victims and survivors; (5) challenges in working with child protective services; and (6) using technology in preventing, identifying, and responding to commercial sexual exploitation and sex trafficking of minors.

Assessing Risk, Abuse, Homelessness, and/or Exposure to Violence

Participants stressed the importance of assessing (often referred to as "screening") children and adolescents for risk of or current involvement in commercial sexual exploitation and/or sex trafficking. For example, service providers from the participating organizations conduct assessments to identify risk through questions about experience with or exposure to violence or child abuse, living situations and conditions, and sexual behavior and history, among others. Assessments are conducted by a range of service providers based on the point of contact with children and adolescents. For example, minors arrested for prostitution may be screened through a

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court-based program, such as the Midtown Community Court, a project of the Center for Court Innovation. Participants agreed that broad use of assessments can help with early identification and the rapid provision of services and assistance to individuals at risk for and victims and survivors of commercial sexual exploitation and sex trafficking.

Providing Case Management

To address the complex needs of victims and survivors of commercial sexual exploitation and sex trafficking, site visit participants support the use of case management. With the assistance of a case manager, services and assistance can be designed and coordinated to meet each individual victim's/survivor's needs. Case managers can assist victims/survivors with setting personal goals and can facilitate access to a range of victim and support services—including health care, legal services, mental health services, and housing. In addition to case management, a number of the site visit participants, such as representatives of Girls Educational and Mentoring Services (GEMS) and Safe Horizons, use survivor-led and/or trauma-informed service models. Their goals include helping to create a safe environment in which victims/survivors can talk about their experiences, and their specific needs can be determined and addressed.

Conducting Training for and Outreach to Professionals and the Community

Participants discussed the training and outreach programs they conduct to increase awareness of the issues and risk factors related to commercial sexual exploitation and sex trafficking of minors. Participants argued that increased awareness and understanding may result in destigmatizing victims/survivors and may assist community members and professionals in identifying victims and survivors among the populations they serve or encounter. Specifically, participants conduct training for community court judges, attorneys, teachers, law enforcement personnel, health care providers, and social workers, among others. Other participants described outreach efforts among homeless children and adolescents who may be at risk of being or have been exploited or trafficked for sexual purposes. For example, Safe Horizons' Street Work Project provides outreach services to homeless children and adolescents in New York City, with a focus on reducing harm. This program is one of the ways in which Safe Horizons identifies and works with victims and survivors of commercial sexual exploitation and sex trafficking.

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Lack of Housing for Victims/Survivors

Victims and survivors of commercial sexual exploitation and sex trafficking may lack stable, safe housing. Site visit participants noted that housing/shelter, including emergency, transitional, and long-term housing, are among the most difficult resources to find and provide in New York City, particularly for minors. Participants stated that special consideration and accommodation may be needed for specific groups, such as LGBT youth, who may face additional discrimination. For example, participants explained that transgender youth often are not given the opportunity to designate the sex-specific housing with which they identify, potentially exposing them to violence and discrimination. In response, New York City's Department of Homeless Services implemented a policy that allows homeless transgender individuals to self-select gender housing/shelter; however, it is unknown how fully and how often this policy is implemented.

Challenges in Working with Child Protective Services

Many victims and survivors of commercial sexual exploitation and sex trafficking of minors have come in contact with child protective services and/or the juvenile and criminal justice systems. For this reason, site visit participants explained that child protective services should function as a partner in identifying and providing services to victims and survivors of these crimes. In the opinion of the site visit participants, however, child protective services currently lacks the necessary resources to identify and assist these children and adolescents within the populations they serve. Site visit participants suggested that child protective services could benefit from additional training related to commercial sexual exploitation and sex trafficking of minors.

Using Technology

Finally, the site visit included a discussion of the role of technology in the commercial sexual exploitation and sex trafficking of minors in the United States. Participants learned about research focused on technological interventions for social problems, such as using PhotoDNA, a program for identifying and removing pornographic images of sexually exploited minors from the Internet. Participants discussed the complex and emerging role of technology as part of the problem of commercial sexual exploitation and sex trafficking of minors, as well as a potential solution. For example, the potential exists to increase the identification of victims and exploiters by investigating how social networks are used to recruit victims. As technology

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continues to play an increasing role in the response to commercial sexual exploitation and sex trafficking of minors, special consideration will need to be given to emerging legal and law enforcement issues (e.g., determining jurisdiction for crimes committed online).

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D

Workshop and Site Visit Agendas

To supplement its review of the literature, the committee conducted two public workshops, two open sessions, and four site visits. This appendix contains the agendas for these meetings and visits. The methodology for conducting the site visits and summaries of the visits are presented in Appendix C.

OPEN SESSION AGENDAS

January 4, 2012
Washington, DC

1:15 PM **Welcome**
Richard (Dick) Krugman, Committee Chair

1:20 PM **Remarks from Study Sponsors and Discussion**
Catherine Pierce, Associate Administrator for Child Protection
U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP)

2:20 PM **Overview of Commercial Sexual Exploitation of Children and Sex Trafficking of Minors in the United States**
Ernie Allen, President and Chief Executive Officer
National Center for Missing and Exploited Children

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National Association of Attorneys General (NAAG) Response to Human Trafficking
Judy McKee, Director of Programs
National Attorneys General Training and Research Institute

Health and Human Services Dimensions of Commercial and Sexual Exploitation of Children (CSEC)
Erin Williamson, Senior Associate
ICF International

Understanding Data on Domestic Sex Trafficking of Minors
Tracey Kyckelhahn, Statistician
Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs

4:15 PM **Concluding Remarks and Adjourn Open Session**

WORKSHOP AGENDAS

Workshop 1—February 29, 2012
Washington, DC

9:30 AM **Welcome and Introductions**
Richard (Dick) Krugman, Committee Chair

9:45 AM **Opening Session: Opportunities and Challenges for Advocates and Victim Service Providers**
Committee Moderator: Dick Krugman

Tina Frundt, Courtney's House
Bradley Myles, Polaris Project
Samantha Vardaman, Shared Hope International

11:05 AM **BREAK**

11:15 AM **BREAKOUT SESSIONS**

Breakout I—Opportunities and Challenges for Local Law Enforcement
Committee Moderator: Jonathan Todres

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Byron Fassett, Dallas Police Department
Donna Gavin, Boston Police Department
Lauren Hersh, King's County District Attorney's Office
Hon. Toko Serita, Criminal Court of the City of New York, Queens County

Breakout II—Opportunities and Challenges in the Juvenile Justice and Family Court Systems
Committee Moderator: Catherine Gallagher

Courtney Bryan, Center for Court Innovation
Hon. Hiram E. Puig-Lugo, Superior Court of the District of Columbia
Francine Sherman, Boston College (by phone)

12:45 PM **LUNCH**

1:45 PM **BREAKOUT SESSIONS (CONT.)**

Breakout III—Opportunities and Challenges for Federal Law Enforcement
Committee Moderator: Callie Rennison

Alexandra Gelber, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice
Lisa Holman, Child Exploitation and Victim Witness Criminal Investigations Group, U.S. Postal Inspection Service
Kurt Ormberg, Federal Bureau of Investigation

Breakout IV—Opportunities and Challenges in Using a Multidisciplinary Response to CSEC
Committee Moderator: Patti Toth

Jeffrey Gersh, Internet Crimes Against Children Task Force Program, U.S. Department of Justice
Jennifer Greene, Cook County Human Trafficking Task Force
Bradley Mitchell and Mary Atlas-Terry, Office for Victims of Crimes, U.S. Department of Justice
Eric Pauley, Federal Bureau of Investigation, Innocence Lost Initiative

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3:15 PM **BREAK**

3:30 PM **Public Comments**

Howard Davidson, American Bar Association

4:00 PM **Closing Remarks and Adjournment**

November 28, 2012
Washington, DC

10:00 AM **Sponsor Session with Office of Juvenile Justice and Delinquency Prevention**
Karen Bachar
Melodee Hanes
Catherine Pierce
Marilyn Roberts

WORKSHOP AGENDAS

Workshop 2—May 9, 2012
San Francisco, California

9:30 AM **Registration**

10:00 AM **Welcome and Introductions**
Richard (Dick) Krugman, Committee Chair

10:15 AM **Breakout I—Opportunities and Challenges for Preventing and Addressing CSEC/Sex Trafficking (ST) for Public Health and Health Care Providers *(Napa Ballroom)***
Committee Moderator: Tonya Chaffee

Lucy Berliner, University of Washington
Kimberly S. G. Chang, Asian Health Services
V. Jordan Greenbaum, Children's Healthcare of Atlanta
Suzanne Nguyen, Oakland High School Wellness Center

Breakout II—Opportunities and Challenges for Preventing and Addressing CSEC/ST for Child Welfare and Human Services Providers *(Golden Gate Ballroom)*
Committee Moderator: Patti Toth

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Shelby French, International Organization for Adolescents
Michelle Guymon, Los Angeles County Probation Department
David Nielsen, U.S. Department of Health and Human Services
Shalita O'Neale, Maryland Foster Youth Resource Center

11:45 AM **LUNCH BREAK**

1:00 PM **Breakout III—Opportunities and Challenges for Preventing and Addressing CSEC/ST Through Victim Services *(Napa Ballroom)***
Committee Moderator: Callie Rennison

Sherilyn Adams, Larkin Street Youth Services
Mindy Phillips, Motivating, Inspiring, Supporting, and Serving Sexually Exploited Youth
Alexandra (Sandi) Pierce, Minnesota Indian Women's Resource Center
Mollie Ring, Standing Against Global Exploitation

Breakout IV—Opportunities and Challenges for Preventing and Addressing CSEC/ST in the Private Sector *(Golden Gate Ballroom)*
Committee Moderator: Jonathan Todres

Samir Goswami, LexisNexis
Barry Koch, JPMorgan Chase (by phone)
Carol Smolenski, ECPAT-USA

2:30 PM **BREAK**

3:00 PM **Closing Session—Opportunities and Challenges for Preventing and Addressing CSEC/ST Using Multidisciplinary Responses *(Golden Gate Ballroom)***
Committee Moderator: Mark Latonero

Joslyn Baker and Esther J. Nelson, Multnomah County
Jeneé Littrell, Grossmont Union High School District
Nancy E. O'Malley, Alameda County District Attorney
Hon. Donna Quigley Groman, Los Angeles Superior Court

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4:30 PM **BREAK**

4:45 PM **Public Comments**

5:00 PM **Closing Remarks and Adjournment**
Dick Krugman

SITE VISIT AGENDAS

Site Visit 1—March 23, 2012
Boston, Massachusetts

10:00 AM **Introductions, Overview of the Study, and Goals for the Site Visit**
Natalie McClain and Abigail English

10:15 AM **Brief Presentations from Invited Organizations**
(Formal presentations will be limited to 10 minutes per participant.)
Beth Bouchard, Support to End Exploitation Now
Katie Carlson, Gaining Independence for Tomorrow, Roxbury Youthworks
Donna Gavin, Boston Police Department
Lisa Goldblatt Grace, My Life, My Choice
Susan Goldfarb, Support to End Exploitation Now
Tanee Hobson, My Life, My Choice
Fran Sherman, Boston College Law School and Juvenile Rights Advocacy Project

11:00 AM **Group Discussion**
Topics for discussion will include as many of the following program and/or research components as possible: local context, populations served, settings, and evaluation and data collection efforts.

12:00 PM **Working Lunch**

1:00 PM **Group Discussion (cont.)**

2:00 PM **Adjourn**

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Site Visit 2—May 11, 2012
San Francisco, California

9:00 AM **Introductions, Overview of the Study, and Goals for the Site Visit**
Tonya Chaffee and Patti Simon

9:15 AM **Brief Presentations from Invited Organizations**
(Formal presentations will be limited to 10 minutes per participant.)
Catherine Cousart, Child Protection Center
Toby Eastman, Larkin Street Youth Services
Mollie Ring, The SAGE Project, Inc.
Gena Castro Rodriguez, Youth Justice Institute
William P. Siffermann, San Francisco Juvenile Probation Department
Carol Taniguchi, Special Programs for Youth (Juvenile Hall San Francisco)
Raquel White, Special Programs for Youth (Juvenile Hall San Francisco)

10:00 AM **Group Discussion**
Topics for discussion will include as many of the following program and/or research components as possible: local context, populations served, settings, and evaluation and data collection efforts.

11:00 AM **Break**

11:15 AM **Group Discussion (cont.)**

12:00 PM **Working Lunch**

1:00 PM **Wrap-Up and Adjourn**

Site Visit 3—May 11, 2012
Chicago, Illinois

8:30 AM **Introductions, Overview of the Study, and Goals for the Site Visit**
Dick Krugman

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8:45 AM **Brief Presentations from Invited Organizations**
(Formal presentations will be limited to 10 minutes per participant.)
Sehla Ashai, The International Organization for Adolescents
Lisa Gilmore, Center on Halsted
Jennifer Greene, Cook County State's Attorney's Office
Lynne Johnson, Chicago Alliance Against Sexual Exploitation
Erin Knowles-Wirsing, Salvation Army STOP-IT
Michelle Nasser, U.S. Attorney's Office, Northern District of Illinois
Traci Walker, Chicago Police Department

9:45 AM **Group Discussion**
Topics for discussion will include as many of the following program and/or research components as possible: local context, populations served, settings, and evaluation and data collection efforts.

10:30 AM **Break**

10:45 AM **Group Discussion (cont.)**

11:45 AM **Working Lunch**

12:30 PM **Wrap-Up and Adjourn**

Site Visit 4—September 12, 2012
New York, New York

10:00 AM **Introductions, Overview of the Study, and Goals for the Site Visit**
Angela Diaz

10:15 AM **Brief Presentations from Invited Organizations**
(Formal presentations will be limited to 10 minutes per participant.)
danah boyd, Microsoft Research
Courtney Bryan, Center for Court Innovation
Janice Holzman, Girls Educational and Mentoring Services (GEMS)

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Daniella Latimer, Mount Sinai Sexual Assault and Violence Intervention (SAVI) Program
Michael Polenberg, Safe Horizon
John Steever, Mount Sinai Adolescent Health Center
Johannah Westmacott, Safe Horizon

11:00 AM **Group Discussion**
Topics for discussion will include as many of the following program and/or research components as possible: local context, populations served, settings, and evaluation and data collection efforts.

12:00 PM **Working Lunch**

1:00 PM **Group Discussion (cont.)**

2:00 PM **Adjourn**

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E

Biosketches of Committee Members and Staff

Ellen Wright Clayton, J.D., M.D. (*Co-Chair*), is an internationally respected leader in the field of law and genetics who holds appointments in both the law and medical schools at Vanderbilt and the Center for Biomedical Ethics and Society. She has published two books and more than 100 scholarly articles and chapters in medical journals, interdisciplinary journals, and law journals on the intersection of law, ethics, medicine, and public health. In addition, she has collaborated with faculty and students throughout Vanderbilt and in many institutions around the country and the world on interdisciplinary research projects, and helped to develop policy statements for numerous national and international organizations. An active participant in policy debates, she has advised the National Institutes of Health as well as other federal and international bodies on an array of topics ranging from children's health to the ethical conduct of research involving human subjects. Dr. Clayton has worked on a number of projects for the Institute of Medicine, and is currently a member of its National Advisory Council as well as chair of the Board on Population Health and Public Health Practice. She is a general pediatrician with experience in the evaluation of child abuse and neglect and taught family law for many years.

Richard D. Krugman, M.D. (*Co-Chair*), is vice chancellor for health affairs for the University of Colorado. In this role, he supports the deans of the Schools of Dental Medicine, Pharmacy, and Public Health; the College of Nursing; and the Graduate School for the Health Sciences while also serving as dean of the School of Medicine. He oversees all clinical programs of the

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university at its five affiliated hospitals; the Center on Aging, the Center of Bioethics and Humanities, the Colorado Area Health Education System, and Risk Management also report to him. Dr. Krugman became dean of the University of Colorado School of Medicine in 1992 after serving as acting dean for 20 months. Prior to becoming dean, he was vice chairman for clinical affairs in the Department of Pediatrics and director of the C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect. He is past president of the International Society for the Prevention of Child Abuse and Neglect (1992-1994) and was editor-in-chief of *Child Abuse & Neglect: The International Journal* from 1986 to 2001. He chaired the U.S. Advisory Board on Child Abuse and Neglect from 1989 to 1991. Dr. Krugman is a member of the Institute of Medicine and currently serves on the boards of the University of Colorado Hospital and Children's Hospital Colorado, among others. He earned his medical degree at New York University School of Medicine.

Tonya Chaffee, M.D., M.P.H., is associate clinical professor of pediatrics at the University of California, San Francisco, where she is director of the Teen and Young Adult Health Center and Medical Director of the Child and Adolescent Sexual Abuse Resource Center at San Francisco General Hospital. Dr. Chaffee completed her pediatric residency, chief residency, and subspecialty fellowship training in adolescent medicine at the University of California, San Francisco. She subsequently completed an academic fellowship in violence prevention, through the California Wellness Foundation, at San Francisco General Hospital. During this fellowship, she earned an M.P.H. at the University of California, Berkeley, while conducting research and policy work in violence prevention, including research pertaining to training providers in the prevention of youth violence.

Angela Diaz, M.D., M.P.H., is a professor in the Department of Pediatrics and Department of Preventive Medicine at Icahn School of Medicine at Mount Sinai, where she is responsible for the Division of Adolescent Medicine. She is also director of the Mount Sinai Adolescent Health Center. Dr. Diaz served as a White House fellow in 1994-1995, examining health care policies in the U.S. territories in the Pacific and the Caribbean. She has been involved in issues of international health, as well as advocacy issues and policy in the United States. Her research has covered adolescent sexual and reproductive health, childhood sexual victimization, and human papilloma virus (HPV). Dr. Diaz is a member of the Institute of Medicine and has served on multiple committees. She received her M.D. from Columbia University College of Physicians and Surgeons and her M.P.H. from Harvard University.

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

Abigail English, J.D., is director of the Center for Adolescent Health & the Law, a nonprofit organization in Chapel Hill, North Carolina. For more than three decades her research and policy interests have focused on the health of adolescents and young adults and their access to comprehensive health care. Her expertise includes health insurance and public financing of care, consent, and confidentiality. Her work emphasizes the needs of vulnerable young people. As the 2010-2011 Frieda L. Miller fellow at the Radcliffe Institute for Advanced Study, she initiated a new decade-long project, "Sexual Exploitation and Trafficking of Adolescents: Health, Law, and Human Rights," in an effort to understand the devastating physical and emotional effects of sexual exploitation and trafficking on the development, health, and well-being of young victims and to identify potential remedies. Her research draws on laws, treaties, and human rights documents, as well as key sources in adolescent health and development, philosophy, journalism, literature, poetry, art, and film. She is exploring ways in which lawyers and health care professionals can collaborate to develop and implement policy recommendations—and ways in which to engage the general public—to reduce the sexual trafficking and exploitation of adolescents and young adults and to protect the health and safety of those who have been victimized. Ms. English received her undergraduate degree in philosophy and government from Radcliffe College, Harvard University, and her law degree from Boalt Hall School of Law, University of California, Berkeley. She was a Gallagher lecturer for the Society for Adolescent Health & Medicine in 1987. She received the Child Advocacy Award from the American Bar Association's Young Lawyers Division in 1997 and the Outstanding Achievement Award in Adolescent Medicine from the Society for Adolescent Health & Medicine in 2000.

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gender- and ethnic-responsive health promotion programs for adolescent girls within the context of schools, urban neighborhoods, and the juvenile justice system. Her collaborative research efforts with adolescent females have led to her receiving funding from such agencies as the National Institute on Drug Abuse, the National Cancer Institute, the National Institute for Nursing Research, the National Institute of Mental Health, the Josiah Macy Foundation, and the Robert Wood Johnson Foundation. Her current research is examining the intergenerational influences, behaviors, and patterns of contact with criminal justice systems between women and their children, especially their daughters. Her publications have focused on understanding the intersectional influences of ethnicity, social position, education level, daily hassles, and perceptions of racism and discrimination on African American girls' health and well-being.

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