



# DOMESTIC MINOR SEX TRAFFICKING

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## ARIZONA

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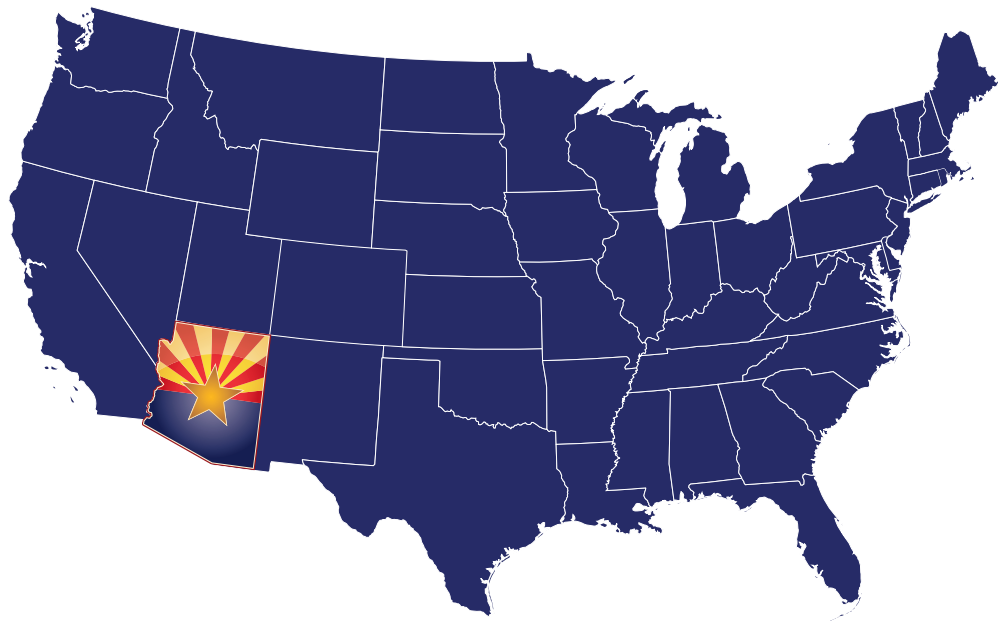
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# Domestic Minor Sex Trafficking

## Child Sex Slavery in Arizona



By:

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December 2010

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# ARIZONA IS

## Misidentifying Victims

"The system doesn't identify these children well. They're runaway, they're drug-abuse kids, they're delinquent...but they're not [identified as] trafficked children."  
- Service Provider

## Prosecuting Traffickers

82

traffickers have been prosecuted by the Maricopa County Attorney's Office since 2006

## Arresting Minors

	Maricopa	Navajo	Pima	Yavapai	Yuma	Total	Number of juvenile arrests for prostitution.
2005	32	1	4	0	0	37	
2006	17	0	3	0	0	20	
2007	22	0	2	1	0	25	
2008	25	0	2	0	0	27	
2009	14	0	9	1	3	27	
Total	110	1	20	2	3	136	

## Protecting Buyers not Children

180

Days in jail for buying sex with a 15, 16 or 17 year old

90

Days in jail for buying sex with a 15, 16 or 17 year old if the buyer attends a treatment program, upon discretion of the judge

38

Number of available beds specifically for DMST victims in shelters waiting to open in Arizona

0

Current number of shelter beds specifically for DMST victims in Arizona

“

Men don't care if they are sending a picture of their penis to a 13-year-old. Why would they care if they are going to offer [them] \$50 for sex? No business is going to thrive if there is no demand. ***I guarantee you, there is demand.***

- Law Enforcement, Detective

”



## Acknowledgements

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This report is specifically designed to expose the scope of domestic minor sex trafficking in Arizona and identify the gaps and challenges in the identification and proper response to victims; however, it is important to note that significant progress has been made by many organizations that work determinedly to tackle this injustice. These efforts make Arizona a more dangerous place for traffickers and buyers of children.

For over a decade key activists have championed the cause of child sex trafficking in Phoenix. In 2006, the horrifying exploitation of one Phoenix girl, now commonly known as the “dog crate case,” prompted community members and city leaders to rally to the cry against those selling and buying children for sex. The issue continues to rise in priority within Arizona due to the efforts of community champions, notably Cathy Bauer, Peggy Bilsten, Cyndi Holt, Lucia Howard, Jodi Liggett, Patrick McCalla, Janet Olsen and Barbara Strachan. These community leaders deserve special recognition for their aggressive efforts in protecting our youth.

Special appreciation is extended to the Phoenix Police Department Vice Enforcement Unit and federal agents at ICE and the FBI for extensive insight into the dynamics of domestic minor sex trafficking in Phoenix and their dedication to rescue victims and aggressively pursue traffickers and buyers. The same appreciation is due to Erin Otis at the Maricopa County Attorney’s Office for her tireless work to bring traffickers and buyers to justice.

Further acknowledgement is due to those in the juvenile justice system, including juvenile court judges, juvenile court directors, probation and detention officers and research specialists who dedicated time to participating in interviews, collecting data, and providing case studies.

Special thanks and appreciation is given to the Tucson Police Department, Flagstaff Police Department, and Coconino Sheriff’s Office for engaging in honest discussion and expressing aspiration to combat this often misidentified exploitation in the community.

We gratefully acknowledge the support of every individual, agency, and organization that dedicated time to provide vital information to help create answers to the problem of domestic minor sex trafficking. It is our hope that all who read this report will find it a strong platform to promote future action in advancing the fight to combat domestic minor sex trafficking.





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## Executive Summary

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Domestic minor sex trafficking (DMST) is the commercial sexual exploitation of United States citizen or lawful permanent resident (LPR) children through prostitution, pornography or sexual performance for monetary or other compensation i.e. shelter, food, drugs, etc. Experts estimate 100,000 U.S. citizen/ LPR minors are used in prostitution every year in the U.S., making DMST the single most under-reported, under-identified, and most severe form of commercial sexual exploitation children are facing today.<sup>1</sup> The Trafficking Victims Protection Act (TVPA) of 2000, and subsequent reauthorizations, has defined all minors involved in commercial sex acts as victims of trafficking, including minors who are U.S. citizens or lawful permanent residents. However, the reality is that many domestic minor sex trafficking victims are detained in the criminal justice system under charges of prostitution instead of receiving the services they need and to which they are statutorily entitled.

Shared Hope International has researched the identification and proper response to domestic minor sex trafficking victims in Arizona. *The Rapid Assessment Methodology and Tool: Domestic Minor Sex Trafficking in the United States* was developed by Shared Hope International, funded by the Department of Justice (DOJ), and implemented in Arizona by Taryn Mastrean and Samantha Healy Vardaman, J.D., both of Shared Hope International. This assessment includes information collected from July to September 2010 through a comprehensive survey of existing research and the completion of 64 interviews with representatives from 36 organizations and agencies that interact with or advocate for victims of domestic minor sex trafficking.

Best practices are noted throughout the report, as well as the gaps and challenges that are present while working with this difficult population of victims. A motivated group of individuals, organizations, and agencies in Arizona are wrestling with the task of identifying and responding to domestic minor sex trafficking victims. Nonetheless, most victims remain hidden and those who are identified or self-disclose their involvement in prostitution are often placed in the juvenile justice system rather than treated as victims. This results in the failure to access available services for the restoration of victims.

The goal of this assessment is to provide Arizona first responders and community members with information to advocate for improvements in the identification and proper response to DMST victims. This assessment will be provided to all stakeholders to inform the identification of victims and to help bring them services offered in accordance with the TVPA and its reauthorizations. This research offers qualitative data on the DMST issue in Arizona; additional research to quantify the scope of the problem would support upcoming action in Arizona.

Phoenix is a state and national leader on domestic minor sex trafficking. Professionals in other municipalities within Arizona expressed great desire to implement the same response measures that have proven successful in Phoenix; however, financial support is more difficult to obtain for these smaller cities and counties. Inadequate funding and limited resources have restricted

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<sup>1</sup> Smith, Linda, Samantha Healy Vardaman and Melissa A. Snow. "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Youth" (Shared Hope International: July 2009), p. 4, quoting Ernie Allen, National Center for Missing and Exploited Children, in "Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth," Seg. 1. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008; and Ernie Allen, in "Domestic Minor Sex Trafficking in America: How to Identify America's Trafficked Youth." Prod. Shared Hope International and Marsh, Copsey & Associates. DVD. Washington, D.C.: Shared Hope International, 2007.

responders and service providers from implementing proper identification, investigation, prosecution, service response, and aftercare for victims of trafficking. Dedicated actors around the state illustrate that Arizona has the elements necessary to grow as a national leader on the issue of domestic minor sex trafficking through continued collaboration and advocacy despite adverse economic conditions.

### *Key Findings:*

- 1. Shelter placement options specifically for victims of DMST are not available in Arizona.* Protective and therapeutic shelter is necessary for a victim of DMST to heal from the trauma of their exploitation. Runaway shelters, state-run group homes or traditional foster homes are inappropriate shelter options for DMST victims due to lack of security and specialized services and place them at higher risk of returning to their trafficker. Two Phoenix-area shelters have the ability to offer at least 38 beds specifically to DMST victims; however, financial and licensing factors have delayed the opening of both facilities. Open Inn, Inc. in Tucson and the Northland Family Help Center Children's Shelter in Flagstaff were identified as potential options for secure housing until more appropriate housing is created in each of those locations.
- 2. Demand is not sufficiently deterred by the law.* The array of laws protecting children from sexual offenses in Arizona contain contradictions when the offense is against a minor 15 years of age and older, particularly in cases of buyer prosecution. A buyer has never been prosecuted under the sex trafficking statute, though the language would suggest applicability. The offense of child prostitution for a buyer commands one of the lightest sentences of the sexual offense laws if the state is unable to prove that the buyer knew or had reason to know the age of the child. With a Class 6 felony, the buyer of sex with a minor 15- 17 years old can have their sentence reduced by the court to probation with 180 days in county jail; this can be further reduced to a mere 90 days on the first offense of child prostitution if the offender completes an education or treatment program.. This results in unequal justice for the older minors and puts Arizona at risk for greater levels of domestic minor sex trafficking as buyers and traffickers seek locations with less risk to commit their crime.
- 3. Arrests of children for prostitution is occurring in Arizona.* From 2005 to 2009, law enforcement agencies across the state reported 136 juvenile arrests for prostitution. At least one arrest was made in each of the following counties: Maricopa, Pima, Navajo, Yuma and Yavapi. The arrests pull the child victims into the juvenile justice system as delinquents, leading to their placement in detention, ill-equipped foster care or sometimes back in their home. In any case, the children are rarely provided the care and treatment specifically needed by a child victimized through commercial sexual exploitation.
- 4. Lack of training and awareness for first responders and lack of appropriate shelter cause victims to go unidentified or unreported.* In Arizona, many children are being left on the streets while patrol officers face the difficult task of identification with little training or awareness of domestic minor sex trafficking. Although law enforcement officers view minors exploited through prostitution as victims, the absence of appropriate shelter leaves officers with no alternative to filing a charge that will allow them to hold the victim in a detention facility. The lack of options for appropriate yet secure placement of these victims may result in a disincentive for law enforcement officers to intervene.

5. *Child Protective Services (CPS) was identified as the primary agency to report DMST despite its lack of training and awareness.* A majority of study participants identified CPS as the primary organization they would contact to report a case of DMST; however, CPS staff reported no training on the issue, no formal method of identification or classification, and extremely limited services and shelter available and appropriate for victims. Many cases of DMST do not qualify for CPS intervention since the agency only investigates cases of abuse or neglect in the home. Commercial sexual exploitation occurring outside the home and imposed by someone other than the caretaker does not qualify for CPS intervention, effectively barring many DMST victims from accessing CPS services.

6. *Awareness and collaboration were high among Phoenix actors but did not extend into other municipalities.* Phoenix reported strong levels of collaboration between federal and local law enforcement, prosecutors, non-governmental organizations (NGOs), and service providers. These informal partnerships contribute to the notable success in the identification of victims and prosecution of those who sell children in Phoenix. Specific sectors of the Phoenix community demonstrated growing awareness of the issue but emphasized the lack of education and awareness initiatives for the general public. Other areas of the state reported severely limited awareness and collaboration.

7. *The arrest and prosecution of traffickers (pimps) and buyers is a priority in Phoenix.* The Phoenix Police Department Vice Enforcement Unit (PPD Vice Unit) implements numerous operations to target traffickers and buyers. The PPD Vice Unit works collaboratively with the Maricopa County Attorney's Office to pursue prosecutions against perpetrators, which has resulted in five convictions for buyers and 82 convictions for traffickers since 2006. Other jurisdictions in the state have not demonstrated the same commitment to these cases as there have been extremely few cases of traffickers and buyers arrested and prosecuted for domestic minor sex trafficking.

## Methodology

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This project is a Rapid Assessment (RA) of the practices and procedures used to identify and deliver services to domestic trafficked minors (DTMs) in Arizona. This report is based on qualitative and quantitative information provided during interviews with the diverse contributors who advocate for and/ or interact with domestic trafficked minors at various stages of the minors' exploitation, interaction with the criminal justice system, and recovery.

Taryn Mastrean and Samantha Healy Vardaman, J.D. conducted the research in Arizona for Shared Hope International. Interviews were structured by *The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States*, a research tool developed by Shared Hope International and funded by the Department of Justice (DOJ). It employs three factors commonly used as measures of response to combat sex trafficking worldwide: prevention, prosecution, and protection (three Ps). Established by the U.S. Department of State (DOS), Office to Monitor and Combat Trafficking in Persons, and used in the annual Trafficking in Persons Report, the "three Ps" is an effort to holistically evaluate a country's actions to counter all forms of trafficking in persons. This approach has been recognized for its comprehensive assessment of human trafficking. Using this model, specific questions were created for seven professional populations that advocate for and/ or come into contact with DMST victims: law enforcement, prosecutors, public defenders, juvenile court, juvenile detention, child protective services, and nongovernmental organizations/ service providers. The Western Institutional Review Board (IRB) approved the protocol for this research (Protocol #20070540).

The assessment was based on research and 64 interviews conducted during a seven week period from July to September 2010, with one or more representatives from the following agencies and organizations:

- Arizona Coalition Against Domestic Violence
- Arizona Court Appointed Special Advocate Program
- Arizona Foundation for Women
- Arizona State University, Diane Halle Center for Family Justice
- Arizonans for the Protection of Exploited Children and Adults/ Natalie's House
- Catholic Charities/ DIGNITY Program
- Child Protective Services, Flagstaff Division
- Child Protective Services, Phoenix Division
- Child Protective Services, Tucson Division
- City of Phoenix, City Prosecutor's Office
- Coconino County Juvenile Court, Juvenile Probation
- Coconino County Juvenile Court, Juvenile Court Services
- Coconino County Sheriff's Office, Criminal Investigations
- Coconino County Sheriff's Office, Patrol Division
- Coconino County, Office of the Public Defender
- Defenders of Children
- Federal Bureau of Investigation
- Flagstaff Medical Center – Safe Child Center
- Flagstaff Police Department
- Girl Scouts–Arizona Cactus-Pine Council, Inc.

- Florence Crittenton
- International Rescue Committee/ ALERT
- Maricopa County Attorney's Office
- Maricopa County Juvenile Probation Department
- Mending the Soul
- Northland Family Help Center Children's Shelter
- Tucson Police Department, Operations Division
- Tucson Police Department, Internet Crimes Against Children Unit
- Tucson Police Department, Child Sexual Assault and Abuse Unit
- O'Connor House
- Open Inn, Inc.
- Pima County Attorney's Office
- Pima County Juvenile Court, Juvenile Detention
- Pima County Juvenile Court, Juvenile Probation
- Phoenix Police Department, Drug Enforcement Bureau/ Vice Enforcement Detail
- Rock Point Church
- Southern Arizona Children's Advocacy Center
- Streetlight Phoenix
- Superior Court of Arizona, Coconino County
- Superior Court of Arizona, Maricopa County
- Superior Court of Arizona, Pima County
- University of Arizona
- U.S. Immigration and Customs Enforcement
- Victim/ Witness Services for Coconino County

Participant interviews were generally conducted within a 1-3 hour time period with written informed consent given by the interviewee prior to the interview. If written informed consent was not attained, a Research Subject Information Sheet was presented to participants in accordance with IRB procedures.

The information collected during interviews has been synthesized to highlight best practices, gaps in current efforts, and challenges in the identification and protection of victims of domestic minor sex trafficking. The findings of the report are intended to assist, educate, and activate local professionals and the community at large regarding the identification and provision of services to DMST victims in accordance with the Trafficking Victims Protection Act of 2000 and subsequent reauthorizations.

Efforts were made to make the following assessment as comprehensive as possible. Unfortunately, several factors constrained both the field interviews and the interview process. A targeted timeframe of eight weeks for assessment data collection was necessary to maximize the relevancy and timeliness of the information. In Arizona, a state with a population of 6.6 million residents inside 113,635 square miles,<sup>2</sup> it was not feasible to conduct interviews with all related professionals in the state. In order to provide a comprehensive baseline understanding of DMST in Arizona, three research locations were specifically selected due to varying geographic locations, population, culture, climate, and infrastructure. The selected locations include Pima, Maricopa, and Coconino counties to represent southern, central, and northern Arizona respectively.

<sup>2</sup> State and County QuickFacts: Arizona. U.S. Census Bureau. <<http://quickfacts.census.gov/qfd/states/04000.html>> Accessed on November 12, 2010.



Maricopa County was selected for inclusion in this study based on the following: Maricopa County has an estimated 4,023,132 residents inside 9,203 square miles. Phoenix, the capital and largest city in Arizona, is one of the 25 incorporated cities in Maricopa County. Phoenix is home to approximately 1.5 million residents and is situated in central Arizona, located approximately 120 miles from both Flagstaff (northern Arizona) and Tucson (southern Arizona).<sup>3</sup> Phoenix, the fifth largest city in the United States, serves as a premier destination with more than 300 days of sun a year, an average temperature of 74 degrees, and a \$181 billion marketplace that serves as a hub for national and international companies.<sup>4</sup>

The larger Pima County area was included in this study based on the following: Pima County has an estimated 1 million residents inside 9,186 square miles making it the largest county in southern Arizona. The city of Tucson was the primary source city as it is the largest of the five incorporated cities in Pima County, accounting for over half of the 1 million residents in Pima County. Tucson is approximately 120 miles south of Phoenix (Maricopa County).<sup>5</sup>

Coconino County was included as a targeted research location for this study based on the following: Coconino has an estimated 129,849 residents inside 18,617 square miles. Flagstaff is the largest city in northern Arizona and the largest of the five incorporated cities in Coconino County with a population of 58,213 residents in 64 square miles. A unique dynamic of Coconino County is the relatively low number of persons per square mile (six) compared to 334 in Maricopa County and 91 in Pima County.<sup>6</sup>

Arizona has an American Indian and Alaska Native population of five percent.<sup>7</sup> American Indian and Alaska Native is defined as “a person having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment.”<sup>8</sup> Arizona is home to 21 federally recognized tribes and reservations, and over a quarter of Arizona’s land consists of tribal communities.<sup>9</sup> This study does not include tribal lands in the targeted research locations. Interviewees noted that most American Indians and Alaskan Natives access services relevant to this study within the non-tribal lands communities. Arizona’s relatively low American Indian population (five percent) combined with the understanding that less than half of enrolled tribal members reside on reservations were the primary factors for tribal land exclusion in this study.<sup>10</sup>

The research team made diligent efforts to ensure the participation of as many professionals as possible. Some professionals expressed reluctance to participate; the most commonly stated reason for reluctance was the professional’s believed lack of contact with or service to DMST victims. The research team was unable to interview federal prosecutors due to their inability to gain clearance to participate in the interview. The research team did not interview professionals in areas outside the targeted research locations. These are identified as limitations in the Rapid Assessment findings.

<sup>3</sup> State and County QuickFacts: Maricopa County, Arizona. U.S. Census Bureau. <<http://quickfacts.census.gov/qfd/states/04/04013.html>> Accessed on November 12, 2010.

<sup>4</sup> Community Trends and Profile. City of Phoenix. <<http://phoenix.gov/CITYGOV/stats.html>> Accessed on November 12, 2010.

<sup>5</sup> State and County QuickFacts: Pima County, Arizona. U.S. Census Bureau <<http://quickfacts.census.gov/qfd/states/04/04019.html>> Accessed on November 15, 2010.

<sup>6</sup> Id.

<sup>7</sup> State and County QuickFacts: Arizona. U.S. Census Bureau. <<http://quickfacts.census.gov/qfd/states/04000.html>> Accessed on November 12, 2010.

<sup>8</sup> State and County QuickFacts: Race. U.S. Census Bureau. <[http://quickfacts.census.gov/qfd/meta/long\\_RHI325209.htm](http://quickfacts.census.gov/qfd/meta/long_RHI325209.htm)> Accessed on November 12, 2010.

<sup>9</sup> Arizona’s Native American Tribes. Economic Development Research Program <<http://edrp.arid.arizona.edu/tribes.html>> Accessed November 12, 2010.

<sup>10</sup> Id.



## Glossary of Acronyms and Terms

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ADJC	Arizona Department of Juvenile Corrections
AGO	Attorney General's Office
ALERT	Arizona League to End Regional Trafficking Task Force
APECA	Arizonans for the Protection of Exploited Children and Adults
ARS	Arizona Revised Statutes
ASU	Arizona State University
CAP	Customer Apprehension Program
CCSO	Coconino County Sheriff's Office
COGs	Councils of Government
CPS	Child Protective Services
DCYF	Division of Children, Youth and Families
DDD	Division of Developmental Disabilities
DES	Department of Economic Security
DMST	Domestic Minor Sex Trafficking
DOJ	Department of Justice
DOJ-BJA	Department of Justice, Bureau of Justice Assistance
DOJ-CEOS	Department of Justice, Child Exploitation and Obscenity Section
DOJ-OVC	Department of Justice, Office for Victims of Crime
DOS	Department of State
DTM	Domestic Trafficked Minor
FBI	Federal Bureau of Investigation
FMC	Flagstaff Medical Center
FPD	Flagstaff Police Department
FY	Fiscal Year
HHS	Health and Human Service
ICAC	Internet Crimes Against Children
ICE	U.S. Immigration and Customs Enforcement
IRB	Western Institutional Review Board
LPR	Lawful Permanent Residents
NCMEC	National Center for Missing and Exploited Children
NET	Neighborhood Enforcement Teams
OJJDP	Office of Juvenile Justice and Delinquency Prevention
PPD	Phoenix Police Department
RA	Rapid Assessment
RAI	Risk Assessment Instrument
RTCs	Residential Treatment Centers
SACAC	Southern Arizona Children's Advocacy Center
SHI	Shared Hope International
TPD	Tucson Police Department
TVPA	Trafficking Victims Protection Act of 2000
US	United States
USAO	United States Attorney's Office
YAP	Young Adult Program



# INTRODUCTION

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## Introduction

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In November 2005, a 15-year-old girl was found after being held captive for 42 days in a Phoenix apartment. The child was repeatedly forced to have sex with buyers, tortured by threats of violence and gang rape, and imprisoned in a dog cage. Pictures of the girl in her underwear were advertised on the Internet, offering her for sex for \$100. Reported sightings of the girl led police to the apartment on two previous unsuccessful searches. During a third search of the apartment police engaged one of her captors, Janelle Butler, in an extensive interview causing her to fear the girl would run out of air and she pointed to the bed. Police officers then discovered the victim stuffed into an 18-inch wide by 18-inch deep hollowed out box spring beneath a bed frame. Six individuals were sentenced to prison for their involvement in this case. Matthew Gray was sentenced to 35 years in prison and lifetime probation for two counts of sexual assault, two counts of child prostitution, one count of aggravated assault, and one count of kidnapping. Butler, also a former victim of child sex trafficking, was sentenced to 10.5 years in prison and three lifetime probations for her involvement in the kidnapping and sexual assault of the girl. Deairick Newsome and Bianca Vierra were sentenced to seven and six and a half years in prison respectively. Ryan Lia Rasmussen received 14 years in prison. Mark Anthony Grayned was sentenced to seven years in prison. Rasmussen and Grayned both plead guilty to one count of sexual assault and three counts of attempted sexual assault.<sup>11</sup>

Five years later, in September 2010, federal agents arrested the last of four men facing federal indictment for trafficking young women and girls to Phoenix for the purpose of prostitution. The four men had allegedly organized and operated a trafficking ring since 2008, using force and coercion to lure young women and girls in the Phoenix area to engage in prostitution. One of the victims was 17-year-old Tanya Marie Paige who was described as a troubled teen recently released from a juvenile corrections facility. Paige was targeted at Metro Center Mall in Phoenix where the men lured the young teen into prostitution with promises of extravagant jewelry and money. Soon after her recruitment, Paige was moved into the ring's headquarters at the Quality Suites Motel in Old Town Scottsdale. Here she was routinely advertised on websites like Craigslist.com, required to have sex with numerous buyers every day, and beaten to instill fear and deter her from rebelling or escaping. On July 28, 2009, alleged trafficker George Windley took Paige to an outcall in Scottsdale. The fraudulent outcall was arranged by rival trafficker Brian Black in an attempt to locate and murder Windley. Instead, Paige was brutally murdered and dumped in front of a North Scottsdale home.<sup>12</sup>

Domestic minor sex trafficking is happening in Arizona. Prostitution is a \$14.5 billion dollar industry in the United States.<sup>13</sup> There are at least 100,000 children prostituted in America every year.<sup>14</sup> According to a study conducted by researchers from Arizona State University (ASU) in conjunction with the City of Phoenix Prosecutor's Office and Catholic Charities, the average

<sup>11</sup> Villa, J., & Collom, L. Kidnap suspect was child prostitute. *The Arizona Republic*. November 10, 2005. <<http://www.azcentral.com/arizonarepublic/local/articles/1110girlrescue10.htm>> Accessed November 12, 2010.

Man gets prison in caged girl case: victim kidnapped, raped, became sex slave. *KPHO*. March 7, 2008. <<http://www.kpho.com/news/15532565/detail.html>> Accessed November 12, 2010.

<sup>12</sup> Four men indicted for trafficking young women and girls for sex. Department of Justice. United States Attorney's Office District of Arizona. September 8, 2010. <<http://phoenix.fbi.gov/dojpressrel/pressrel1110/px090810.htm>> Accessed November 12, 2010.

<sup>13</sup> Nuisance sex behaviors. May 28, 2008. <[http://www.sagepub.com/upm-data/27037\\_4.pdf](http://www.sagepub.com/upm-data/27037_4.pdf)> Accessed November 12, 2010.

<sup>14</sup> Smith, Linda, Samantha Healy Vardaman and Melissa A. Snow. "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Youth" (Shared Hope International: July 2009), pg. 4, quoting Ernie Allen, National Center for Missing and Exploited Children, in "Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth," Seg. 1. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

age of entry into prostitution in Phoenix, if entering as a minor, is 14.83 years old.<sup>15</sup> The exact number of children being exploited through prostitution, pornography, and sexual performance in Arizona is impossible to determine because no agency or organization has specifically focused on data collection to document the problem. However, it is reasonable to assert that Arizona's developed highway system, warm climate, high tourist and snowbird population, and wealth of convention centers and sports stadiums attract buyers and traffickers alike, making Arizona a target for domestic minor sex trafficking.

### **Task Forces**

Task force presence varied greatly in each Arizona research location. Phoenix has the most developed task force network. Flagstaff and Tucson did not have task forces directly related to the issue though interviewees expressed a desire for a human trafficking task force.

The city of Phoenix and surrounding areas have prioritized the issue of DMST for over a decade, resulting in a number of community coalitions and task forces established to combat the issue. Currently, Phoenix has two official task forces, the Innocence Lost Task Force and the Greater Phoenix Area Human Trafficking Task Force, and one community coalition operated by the Arizona League to End Regional Trafficking (ALERT).

The Innocence Lost Task Force is a national initiative of the Federal Bureau of Investigation (FBI), U.S. Department of Justice Child Exploitation and Obscenity Section (DOJ-CEOS), and the National Center for Missing and Exploited Children (NCMEC). The Phoenix Innocence Lost Task Force was formed in 2006, under the direction of the FBI. The group holds monthly meetings to share information to aid in the detection of traffickers and rescue of DMST victims.

The Greater Phoenix Human Trafficking Task Force was established in 2005, under the leadership of the U.S. Attorney's Office. The task force is funded through a grant from the U.S. Department of Justice, Bureau of Justice Assistance (DOJ-BJA) and the Office for Victims of Crime (DOJ-OVC). The task force includes representatives from U.S. Immigration and Customs Enforcement (ICE), FBI, Phoenix Police Department Vice Enforcement Unit (PPD Vice Unit), Catholic Charities, U.S. Attorney's Office (USAO), U.S. Dept. of Labor, and Arizona League to End Regional Trafficking (ALERT). The goal of the task force is to increase collaboration for victim rescue and support, trafficker and buyer prosecution, and public awareness and training implementation. In efforts to combat demand, the task force regularly conducts buyer-targeted operations, yielding approximately 10 arrests of buyers each month. In fiscal year (FY) 2009, the task force conducted two to three trainings a month, resulting in the training of 385 law enforcement officers and 200 representatives from NGOs.

ALERT is a community coalition established in 2003 with funding from DOJ-OVC. ALERT includes members from Salvation Army, Catholic Charities, the Office of the Attorney General, International Rescue Committee, and various community and business leaders. The goal of

ALERT is to support victims of trafficking and increase awareness through public awareness campaigns and trainings. In 2008, the coalition trained 3,104 people in trainings across the state of Arizona.

Flagstaff's most relevant task force is the Northern Arizona Street Crimes Task Force Metro

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<sup>15</sup> Roe-Sepowitz, D. Arizona State University. Juvenile entry into prostitution: the role of emotional abuse. (Unpublished Manuscript)

Unit which is a collaboration between Coconino County Sheriff's Office (CCSO), Flagstaff Police Department (FPD), Williams Police Department, Arizona Department of Public Safety, the FBI, the U.S. Customs Service, and the Coconino County Attorney's Office. The task force has been working to investigate, arrest, and prosecute gang members and narcotics traffickers in northern Arizona since 1987. Though there is a high correlation among gang members, drug trafficking, and DMST, the task force has never handled a case of child sex trafficking.

Tucson does not currently have a task force directly related to the issue of DMST. The Tucson Police Department (TPD) does receive funding and training as an affiliate of the Phoenix-based Internet Crimes Against Children (ICAC) Task Force. The ICAC Task Force Program was created to help state and local law enforcement agencies enhance their investigative response to offenders using the Internet, online communication systems, or other computer technology to sexually exploit children and/ or commercially sexually exploit children. The program is composed of 46 regional Task Force agencies and is funded by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (DOJ-OJJDP). ICAC training courses include a wide-variety of training for law enforcement, investigators, prosecutors, probation/parole officers, and advocates. Regrettably, the information and investigations of ICAC have not reached beyond that program despite the likely interrelationship of Internet crimes and DMST crimes.

### **Law Review**

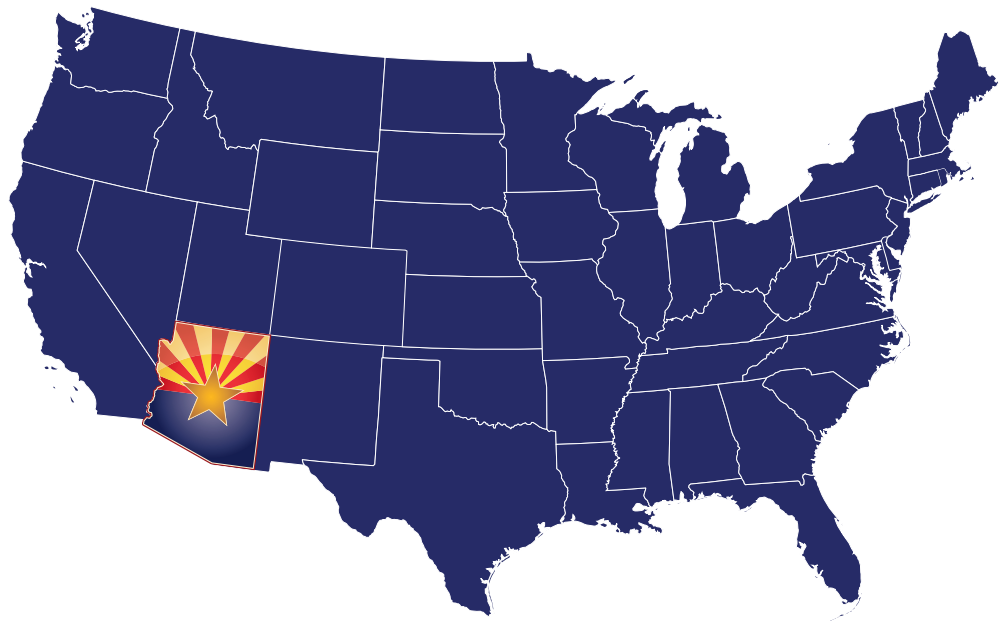
Sex trafficking of a minor is a felony crime in Arizona.<sup>16</sup> This law makes it unlawful to entice, recruit, harbor, provide, transport or otherwise obtain a minor under 18 with the intent to cause or the knowledge the minor will engage in prostitution or sexually explicit performance. In line with the federal trafficking law, it is not required to prove that force, fraud or coercion was used in the commission of this crime. The statute forbids the use of minors in prostitution and sexually explicit performance, which is defined as "a live or public act or show" but it fails to include pornography, leaving prosecutors to separate pornography despite the close connections and occurrences among these three forms of exploitation. Nonetheless, A.R.S. §13-3552 (Commercial Sexual Exploitation of a Minor) criminalizes "using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in" child pornography for commercial gain or transporting or financing the transportation of minors for the purposes of creating child pornography. Also, A.R.S. §13-3553 (Sexual Exploitation of a Minor) prohibits knowingly producing, distributing, selling, purchasing, possessing or exchanging any images of child pornography.

<sup>16</sup> Arizona Revised Statutes § 13-1307. <<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/01307.htm&Title=13&DocType=ARS>>. Accessed on Nov. 21, 2010.

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# Domestic Minor Sex Trafficking

## Child Sex Slavery in Arizona



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- A.R.S. § 13-1406 (Sexual Assault) makes the intentional or knowing engagement in sexual intercourse or oral sexual contact with anyone without consent a Class 2 felony, and if the victim is under 15 then it is an enhanced sentence as a dangerous crime against children.
- A.R.S. § 13-1410 (Molestation of a Child under 15) criminalizes intentionally or knowingly engaging in or causing a person to engage in sexual contact with a child who is under 15 years of age. It is a Class 2 dangerous crime against children felony.
- A.R.S. § 13-1417 (Continuous Sexual Abuse of a Child under 14) criminalizes sexual abuse that occurs over a period of three months or more and involves three or more illegal acts as a Class 2 felony.
- A.R.S. § 13-3821 (Sex Offender Registration) requires those convicted of any of the above offenses to register as a sex offender.

Substantial protections and justice for the victims are afforded through these laws. Three gaps persist, however – it is these gaps that continue to hinder the full implementation and effects of the federal and state sex trafficking law, and continue to prevent full justice for the victims of these crimes. First, buyers convicted of child prostitution are subject to a mere Class 6 felony when the victim is 15, 16 or 17 years old if the state can not prove the buyer knew or had reason to know the age of the minor. More egregiously, the court has discretion to reduce the sentence to probation with 180 days in county jail, and this can be reduced even further to just 90 days if it is the first offense and the offender enrolls in a court-approved treatment program. This dramatic drop in penalty upon the victim's fifteenth birthday effectively dampens the stigma of buying sex with a child.

Second, the prevalent use of the child prostitution statute with its flawed approach to staggered penalties and recent loss of consecutive sentencing, means that many cases are not being prosecuted as state or federal sex trafficking offenses. This process decision results in vastly different penalties for the offenders. It also affects the victims in the services they are able to access as trafficking victims. Lastly, it keeps the case from being identified as a DMST case, hurting the already weak efforts at data collection to substantiate the scope of the problem in the U.S.

Finally, the state crime victims' compensation fund contains ineligibility language that will likely prevent victims of DMST from accessing much-needed funds for services and treatment. Ariz. Admin. Code § R10-4-106 (Prerequisites for a Compensation Award) requires that the victim seeking compensation was not the perpetrator or an accomplice, or encouraged, participated or in any way facilitated the criminal act for which she is now seeking compensation. Additionally, the criteria stipulate that the applicant must file for compensation within 72 hours of reporting the crime to the police – a virtual impossibility in most DMST cases given the time it takes for a DMST victim to disclose and agree to pursue services. These criteria effectively rule out access to crime victims' compensation for victims of DMST.

While Arizona demonstrates serious intent to deter child predators through the array of statutes criminalizing sexual offenses against minors, the weak links that remain embedded in the framework threaten to unravel it. Small corrections to these areas coupled with statutorily mandated victim services and shelter would result in a healthy structure and contribute to the safe environment desired by the study participants.

<b>Arizona Revised Statutes § 13-705, Dangerous Crimes Against Children, sentencing enhancements</b>			
<b>Offense</b>	<b>Crime classification</b>	<b>ARS 13-705 Dangerous Crime Against Children (first felony offense) – <i>applies when victim is under 15 years old</i></b>	<b>ARS 13-705 Dangerous Crime Against Children enhancement (second felony offense)</b>
ARS 13-1406: Sexual assault of a minor	Class 2 felony if under 15 years old	13 – 27 years; presumptive 20 years	23 – 37 years Presumptive 30 years
ARS 13-3206: Taking a child for the purpose of prostitution	Class 2 felony if under 15 years old Class 4 felony; if 15, 16 or 17 years old	13 – 27 years; presumptive 20 years	23 – 37 years Presumptive 30 years
ARS 13-3212: Child prostitution	Class 2 felony if involves a minor under 15 or defendant knew the person was under 18; Class 6 felony if minor is 15, 16 or 17	13 – 27 years Presumptive 20 years	23 – 37 years Presumptive 30 years
ARS 13-1405: Sexual conduct with a minor	Class 2 felony if under 15; Class 6 felony if 15, 16 or 17 (except Class 2 if by a parent, step-parent, adoptive parent, legal guardian, foster parent or the minor's teacher or clergyman or priest)	13 – 27 years Presumptive 20 years	23 – 37 years Presumptive 30 years
ARS 13-1417: Continuous sexual abuse of a child under 14 years of age	Class 2 felony if under 15 years old	13 – 27 years Presumptive 20 years	23 – 37 years Presumptive 30 years
ARS 13-1307: Sex trafficking of a minor	Class 2 felony if under 15 years old	13 – 27 years Presumptive 20 years	23 – 37 years Presumptive 30 years
ARS 13-1410: Molestation of a child under 15	Class 2 felony if under 15 years old	10 – 24 years Presumptive 17 years	21 – 35 years Presumptive 28 years
ARS 13-3552: Commercial sexual exploitation of a minor	Class 2 felony if under 15 years old	10 – 24 years Presumptive 17 years	21 – 35 years Presumptive 28 years
ARS 13-3553: Sexual exploitation of a minor	Class 2 felony if under 15 years old	10 – 24 years Presumptive 17 years	21 – 35 years Presumptive 28 years
ARS 13-3560: Aggravated luring a minor for sexual exploitation	Class 2 felony if under 15 years old	10 – 24 years Presumptive 17 years	21 – 35 years Presumptive 28 years
ARS 13-3554: Luring a minor for sexual exploitation	Class 3 felony if under 15 years old	5 – 15 years Presumptive 10 years; possibility of suspension of sentence, probation, pardon or release	8 – 22 years Presumptive 15 years, not eligible for suspension of sentence, probation, pardon or release
ARS 13-3561: Unlawful age misrepresentation	Class 3 felony if under 15 years old	5 – 15 years Presumptive 10 years; possibility of suspension of sentence, probation, pardon or release	8 – 22 years Presumptive 15 years, not eligible for suspension of sentence, probation, pardon or release

## Media Review

News articles, media reports, and press releases were reviewed to determine the extent that DMST is being publicized, recognized, and combated in Arizona. Press releases from the U.S. Attorney's Offices of the Tucson, Flagstaff, and Phoenix districts from 2005-2010 were included in the analysis. Additionally, news articles and media reports from the largest newspapers in each research location including: *Arizona Daily Sun*, northern Arizona; *The Arizona Republic*, central Arizona; the *Daily Star*, southern Arizona, and federal press releases, were reviewed for information regarding arrests, investigations, and prosecutions related to DMST. Arizona's extensive media coverage regarding DMST aids in the advancement of identification and response. This review reveals that Arizona's children face the threat of sex trafficking from traffickers and buyers, as evidenced by the consistent number of arrests and prosecutions involving child pornography, child prostitution, and sex trafficking, as well as legislation to combat sex offenders and criminalize human trafficking.

An *Arizona Republic* article reported, "Phoenix is known as one of the worst cities in the nation for child prostitution."<sup>17</sup> According to media reports, and echoed by various Phoenix professionals, officials estimate over 300 minors are being prostituted in Phoenix. This figure was not confirmed by all Phoenix groups because of the difficulty in quantifying the issue (also noted in the article).<sup>18</sup> Sergeant Chris Bray of the PPD Vice Unit estimates there are approximately 100-150 traffickers in the greater Phoenix area who have victimized at least one underage girl each.<sup>19</sup> An article released in November 2009 reported that Phoenix police had conducted dozens of child prostitution investigations, resulting in at least 80 arrests, indictments or convictions.<sup>20</sup>

The Department of Justice Project Safe Childhood was initiated in 2006 to fight the increase of sexual predators using the Internet to entice and sexually exploit children. Under this initiative, 32 defendants have been charged, convicted or sentenced by Arizona USAO on child sexual exploitation violations as of March 2010. These violations include 17 cases of distribution and possession of child pornography, one case of sex tourism, one case of interstate transportation of children to engage in sexual activity, and 14 cases of sex crimes against children in Indian Country jurisdiction involving the sexual abuse and/ or aggravated sexual abuse of minors in Indian Country.<sup>21</sup>

Tempe Representative Laura Knaperek proposed legislation on December 29, 2005, which would require individuals convicted of a 'dangerous crime against a child' offense to serve probation for the rest of the person's natural life. This law is patterned after a similar law passed in nine other states and would require offenders to be constantly tracked using global-positioning equipment. Offenses warranting constant monitoring include commercial sexual exploitation of a minor, sex trafficking, and child molestation among others.<sup>22</sup> While Arizona state law currently states

<sup>17</sup> Chan, C. Non-profit raises funds to prevent child prostitution. *The Arizona Republic*. October 14, 2009. <<http://www.azcentral.com/community/peoria/articles/2009/10/14/20091014gl-peoglow1014.html>> Accessed November 12, 2010.

<sup>18</sup> Id.

<sup>19</sup> Hoglund, J. Fighting child prostitution. *Phoenix Magazine*. May 2008. <<http://www.phoenixmag.com/lifestyle/valley-news/200805/fighting-child-prostitution>> Accessed November 12, 2010.

Villa, J. Lies trap children in life as prostitutes. *The Arizona Republic*. January 28, 2007. <<http://www.azcentral.com/arizonarepublic/news/articles/0128childprostitution0128.html>> Accessed November 12, 2010.

<sup>20</sup> Ferraresi, M. 87-count sex-crime indictment unveiled against 2. *The Arizona Republic*. November 28, 2009. <<http://www.azcentral.com/arizonarepublic/local/articles/2009/11/28/20091128sexcrimes1128.html#ixzz0raqZCrie>> Accessed November 12, 2010.

<sup>21</sup> Fighting child sexual exploitation and violence in Arizona. Department of Justice. United States Attorney's Office District of Arizona. August 2, 2010. <<http://phoenix.fbi.gov/dojpressrel/pressrel110/px082010.htm>> Accessed November 12, 2010.

<sup>22</sup> Fisher, H. GPS monitoring of those convicted of major crimes against kids proposed. *AZ Daily Sun*. December 29, 2005. <[http://azdailysun.com/article\\_4eb88595-7d69-57aa-997c-335f37786613.html](http://azdailysun.com/article_4eb88595-7d69-57aa-997c-335f37786613.html)> Accessed November 12, 2010.

that those convicted of a dangerous crime against a child after November 1, 2006, and serving probation must wear a global monitoring device, this method is not infallible. From 2009 to 2010 four “dangerous crime against a child” offenders in Arizona, given GPS tracking devices and released to await trial, escaped. Two offenders ran away, one disappeared for months before apprehension, and the other, convicted on 19 felony charges, is still at large.<sup>23</sup>

“It can happen to anybody,” Phoenix Police Sergeant Chris Bray said on January 28, 2007. “Don’t think because of where you live or how you were raised that you’re immune to this.” Victims of sex trafficking are often jailed for prostitution and face a permanent criminal record. “I’m a felon,” a 15-year-old victim said who was jailed for robbing a buyer. “You make one mistake and you can’t work with people. You can’t work with animals. You can’t work with kids. What am I going to do when I get out? I can’t do much.”<sup>24</sup> On September 17, 2007, for the first time in Arizona history, areas within 1,000 feet of established child care centers and schools became off-limits to Level 3 offenders. These offenders have been convicted of a dangerous crime against a child, ranging from rape and sexual contact to kidnapping, molestation, and child prostitution.<sup>25</sup>

On January 3, 2008, Phoenix police raided a Mesa hotel room and broke up a domestic minor sex trafficking ring involving four underage girls. The raid occurred after a Phoenix patrol sergeant stopped a 15-year-old girl on a street corner at 1:00 a.m. due to suspected prostitution. The girl reported her trafficker was in the area watching her. Police found two 15-year-olds, one 17-year-old, and a woman who recently turned 18 in a Homestead Studio Suites Hotel room – all four were out-of-state runaways lured into prostitution. Police believe the ring began on New Year’s Day to work the college football bowl games and the Super Bowl. The ring moved to Phoenix because Las Vegas law enforcement had increased attention to trafficking activity - raising the risk of detection. The case was dismissed before trial due to the loss of witnesses.<sup>26</sup>

On June 27, 2008, a minor from Alabama was rescued after being kidnapped and forced into prostitution in Phoenix. The girl told authorities she was abducted at a bus stop in Kansas after running away from home. Her abductors took her to Phoenix where she was physically and sexually abused and forced to work as a prostitute. Angelo Randal was booked on suspicion of kidnapping, child prostitution, sex trafficking, pandering, and sexual conduct with a minor. Charles Croger was booked on suspicion of kidnapping, child prostitution, sex trafficking, and pandering. Marisha Young, 23, and Ami Fenster, 40, were also arrested in connection with the girl’s kidnapping. The case was tried by the Maricopa County Attorney’s Office. All defendants pled guilty and were sentenced to prison, except Marisha Young who received a probation sentence.<sup>27</sup>

<sup>23</sup> Smith, K. 2 Cons wearing GPS cut and run. *AZ Daily Star*. August 15, 2010. <[http://azstarnet.com/news/local/crime/article\\_188560ef-a79a-562a-b25a-d769be6f4dc8.html](http://azstarnet.com/news/local/crime/article_188560ef-a79a-562a-b25a-d769be6f4dc8.html)> Accessed November 12, 2010.

<sup>24</sup> Villa, J. Lies trap children in life as prostitutes. *Arizona Republic*. January 28, 2007. <<http://www.azcentral.com/arizonarepublic/news/articles/0128childprostitution0128.html>> Accessed November 12, 2010.

<sup>25</sup> Fisher, H. New laws take effect Wednesday. *AZ Daily Sun*. September 13, 2007. <[http://azdailysun.com/news/local/article\\_bb507ea7-0e9b-52e9-bafd-a6d04b21ed1b.html](http://azdailysun.com/news/local/article_bb507ea7-0e9b-52e9-bafd-a6d04b21ed1b.html)> Accessed November 12, 2010.

<sup>26</sup> Walsh, J. 4 girls found in police raid of prostitution ring. *AZ Republic*. January 3, 2008. <<http://www.azcentral.com/community/mesa/articles/2008/01/03/20080103mr-prostitute.html>> Accessed November 12, 2010.

<sup>27</sup> Culbertson, M. Police: Ala. girl, 17, forced into prostitution. *AZ Republic*. June 27, 2008. <<http://www.azcentral.com/community/phoenix/articles/2008/06/27/20080627abr-kidnapping062708.html>> Accessed November 12, 2010.

A 16-year-old Phoenix girl was prosecuted and convicted of running a DMST ring using fellow minors in October 2009. Jazmine Finley, also a DMST victim, recruited as many as five other girls to work with her. She maintained control by promising the girls that she would not beat them like their previous traffickers. Finley arranged outcalls with customers who wanted to purchase sex acts from the girls. Customers paid as little as \$50 for sex acts. The girls were forced to give all the money they earned to Finley. Jazmine Finley was sentenced to three years in prison followed by probation and her accomplice, Tatiana Tye, received one year in prison followed by probation.<sup>28</sup>

DePaul Brooks and Uwandre Fields were found guilty of two counts of child sex trafficking in Arizona and two counts of interstate transportation of minors for purposes of prostitution in July 2010. In April 2006, Brooks and Fields solicited two girls into prostitution after they escaped from a Scottsdale juvenile detention center. The girls were 15 and 16 years old. The testimony of Detective Hein, an acclaimed expert in the field of prostitution and sex trafficking, was crucial to the conviction. Detective Hein helped place the witnesses' testimony into context and provided the jury a means to assess their credibility. Detective Hein's testimony concerning the role of the "bottom girl" – a trafficker's most senior prostitute who often trains new victims for prostitution and collects their earnings until they can be trusted – potentially helped the jury evaluate one victim's testimony that she was acting under Fields' direction, not of her own accord. Brooks was sentenced to serve 97 concurrent months in prison for each count. Fields was sentenced to 198 concurrent months in prison for each count.<sup>29</sup>

On September 13, 2010, four men were indicted for sex trafficking by luring girls in the Phoenix area into prostitution. Jacob Heckstall, 39, of Phoenix, Arizona; George Calvin Windley, 31, of Las Vegas, Nevada; Muttaqui Windley, 28, of Phoenix, Arizona; and Michael Lazar, 42, of Scottsdale, Arizona were charged with violation of conspiring to commit sex trafficking through force, fraud or coercion, sex trafficking of a minor, and two counts of sex trafficking through force, fraud or coercion. Windley was charged with one additional count of trafficking with respect to peonage, slavery, involuntary servitude, or forced—resulting in death for the murder of one of his victims. "This indictment paints an all-too-real picture of the human trafficking trade: predation, slavery, and violence leading up to the brutal death of a young girl," U.S. Attorney Dennis K. Burke said. The indictment alleges that from at least September 2008 until October 2009 the four defendants organized and operated a prostitution business where they sold the commercial sexual services of young women in exchange for profit, often advertising online. Ranges of sentencing for these crimes include a maximum penalty of life in prison to a minimum of 10 years in prison, excluding a conviction for trafficking with respect to peonage, slavery, involuntary servitude, or forced—resulting in death—which carries a penalty of up to life in prison, a \$250,000 fine or both.<sup>30</sup>

<sup>28</sup> Kiefer, M. Phoenix girl, 17, gets 3 years prison in prostitution case. *AZ Republic*. October 16, 2009. <<http://www.azcentral.com/news/articles/2009/10/15/20091015jazmine1016.html#ixzz0rWRt4Dqz>> Accessed November 12, 2010.

<sup>29</sup> United States Court of Appeals, Ninth Circuit. *United States v. Brooks*, Nos. 08-10301, 08-10437. <[http://caselaw.findlaw.com/us-9th-circuit/1530602.html?DCMP=NWL-pro\\_9th](http://caselaw.findlaw.com/us-9th-circuit/1530602.html?DCMP=NWL-pro_9th)> Accessed November 12, 2010.

<sup>30</sup> Kouri, J. Four men indicted for trafficking girls, young women, for sex. *Examiner.com*. September 13, 2010. <<http://www.examiner.com/public-safety-in-national/four-men-indicted-for-trafficking-girls-young-women-for-sex>> Accessed November 12, 2010.



**Law Enforcement Jurisdiction**

County sheriff's offices have jurisdiction over the entire county but do not patrol inside incorporated city limits. City police departments patrol inside city limits. Patrol is a primary first contact with prostituted children on the streets, leaving holes in the coverage throughout Arizona as training and awareness of domestic minor sex trafficking among the sheriff's office and police department patrol divisions in most jurisdictions outside of Phoenix is limited or nonexistent. Children are coming into contact with law enforcement officers from several agencies. This division and potential failure to communicate information on potential or currently prostituted youth poses a great threat to a comprehensive identification and response protocol. This makes training and awareness a challenge as the number of first responders coming into contact with youth is multiplied and diversified.

TRAFFICKER/ PIMP

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## **Trafficker/ Pimp (those who sell sex with children)**

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Arizona, specifically Phoenix, is aggressively pursuing the identification, arrest, and prosecution of individuals who sell children for sex. This is due, in part, to Arizona's stringent criminal prosecuting and sentencing standards for sex trafficking of children that track federal standards. Phoenix has served as Arizona's hub for training and resources on the issue of DMST, thus positioning itself as the outlier in the state on the general level of awareness and response to the issue. One primary factor in the ability to comprehensively combat DMST is the successful identification, arrest, and prosecution of traffickers. The execution of these three components is often reliant on the identification of a victim. In many locations, the initial stage of DMST recognition begins with the identification of a victim after which the crime is recognized and an investigation for the perpetrator will ensue. If a crime victim is not originally identified, the crime is never recognized; therefore, no perpetrator is found. Though Arizona has powerful legislation and issue experts, these assets are mainly concentrated in Phoenix and have not substantially influenced the general level of awareness and response of other Arizona counties.

### **Identification**

Of the three research locations, Maricopa County, which includes the greater Phoenix area, displayed the most developed identification measures in place for traffickers. This was primarily due to the extensive level of DMST training available in Phoenix, which resulted in increased identification and response. In addition, study interviews indicated that a majority of the state's most knowledgeable and experienced professionals on the issue of DMST work in Maricopa County. This core group of experts has developed an informal but highly effective working relationship that has proven successful in the identification of traffickers. Experts in Maricopa County, on a limited basis, offer training, resources, and creative solutions to surrounding cities and counties to aid in identification and prosecution of traffickers.

The Maricopa County Attorney's Office estimates that nearly 98 percent of the traffickers prosecuted by Maricopa County Attorney's Office are from Phoenix. Additionally, they cited the average age of a Phoenix trafficker is between 19 and 25 years old. According to the PPD Vice Unit, traffickers in the Phoenix area typically have between three and five girls in their stable. The PPD Vice Unit reported a wide diversity among traffickers but did note a correlation between ethnicity and market control. Hispanic traffickers largely operate brothels, advertise victims in Spanish-language media, and generally only accept clients from the Hispanic community. Asian traffickers primarily conduct business through the guise of massage parlors. Street level traffickers who control prostitution tracks are predominantly black males. The escort industry, serving as a front for prostitution, is largely controlled by white males.

Phoenix law enforcement has access to resources and funding to develop advanced techniques that aid in the identification of traffickers. Law enforcement in Phoenix investigate trafficking cases in three phases: the first phase is to rescue the victim; the second phase is to arrest and investigate the trafficker; and the third phase is to arrest and investigate the buyer. The PPD Vice Unit's reported dedication to trafficker prosecution dictates the substantial time and resources allocated for trafficking investigations. Law enforcement reported that victims do not commonly disclose the name or identity of their current trafficker but will reveal information about previous traffickers. Phoenix-area law enforcement and prosecutors are also aware that victims rarely

disclose information regarding their trafficker during the initial interview. To mitigate these barriers, Phoenix-area law enforcement and prosecutors implement thorough investigations by engaging in extensive rapport building with the victim to build trust and often conduct numerous interviews to learn the identity of the trafficker. Law enforcement and prosecutors reported that traffickers often disclose the identity of other traffickers. These leads are pursued by Phoenix detectives. Law enforcement, prosecutors, and members of the task force work cohesively to participate in information sharing and joint investigation to maximize trafficker identification. One noted hindrance to identifying traffickers is the limited information exchanged between juvenile detention facilities and law enforcement/ prosecutors. One prosecutor suspects that youth are disclosing their victimization in juvenile facilities but does not believe the information is always reported to law enforcement.

Coconino County, which includes the greater Flagstaff area, lacks victim identification and subsequently trafficker identification. The Flagstaff Police Department reported zero arrests for minor prostitution and stated that a DMST victim would not be arrested but assisted as a victim of a crime. Unfortunately, Coconino County does not offer specific shelter or services for DMST crime victims so victims are likely being misidentified and directed to inappropriate shelter and services.

According to the Coconino County Office of the Public Defender, a victim of DMST would not be charged with prostitution but would be identified as a victim of a sex crime. The Flagstaff Medical Center (FMC) Safe Child Center, which conducts forensic interviews for children, reported that 75 percent of the children interviewed at the Safe Child Center are sexual abuse cases. Of the 75 percent of sexual abuse cases, Safe Child Center estimates 20 percent of cases would qualify as DMST due to the exchange of some item of value (items mentioned include a cell phone, money or candy) but the cases were classified as child sexual abuse.

Coconino County has taken a commendable stance to view commercially sexually exploited children as victims rather than delinquents. This perception, however, has resulted in the lack of identification of the illegal elements of DMST, thus impeding detectives' abilities to pursue trafficking charges for perpetrators. A resounding theme among Flagstaff professionals was the lack of extended investigation once a child had been classified as a victim of sexual abuse. Many professionals stated they had not asked if an item of value had been exchanged for the sexual act. Upon recollection, many professionals recognized a percentage of their child sexual abuse cases did have a commercial component. As a result, traffickers are not being identified because the commercial element of a youth's sexual exploitation is not investigated once a youth is identified as a victim of sexual abuse.

The Tucson Police Department identified its Operations Division as the primary unit to come into contact with victims of DMST. The department lost funding for its Vice Unit in 2008, and has not had the resources or capacity to participate in proactive operations to target traffickers since. The study revealed that budget reductions have largely reduced Operations Division capabilities of addressing emergency response, immediate danger, and presenting issues – effectively eliminating any proactive response to identify traffickers. The Operations Division reported that patrol officers are not trained to identify DMST; however, once recognized, trafficker investigation would likely ensue. TPD did identify and make two arrests for child prostitution violations (details below in “Prosecution”).

## Prosecution

The PPD Vice Unit is a leader in the identification and investigation of traffickers, which elevates the ability of the Maricopa County Attorney's Office to pursue aggressive sentencing for traffickers. A majority of DMST cases within Maricopa County are prosecuted by the Maricopa County Attorney's Office. Since 2006, the Maricopa County Attorney's Office secured convictions for 82 traffickers. Four additional cases were dismissed prior to trial due to the loss of the witness. At the time of the interview, the Maricopa County Attorney's Office was pursuing cases of nine additional traffickers.

Prosecutors' ability to seek higher penalties for traffickers has been curtailed due to recent legislative developments. In many state prosecutions, trafficking offenses are charged in conjunction with child prostitution to secure the harshest punishment for the trafficker. A Maricopa County prosecutor cites the example that Arizona's child prostitution statute delivers stricter penalties for transporting a minor across state lines for the purposes of prostitution; however, the trafficking statute is most aptly used for the enticement and recruitment of a minor for prostitution.<sup>31</sup> Previously, Arizona prosecutors could secure sentences for traffickers under the child prostitution statute of seven to 20 years in prison for each offense to be served consecutively as mandated by the law. The mandatory consecutive requirement was eliminated through 2010 amendments to the statute through HB 2238, effectively reducing maximum exposure for traffickers. According to the Maricopa County Attorney's Office, this change is currently being reviewed.

The Maricopa County Attorney's Office has identified that "bottom girls," who have often also been victims of DMST, are being charged with trafficking. The "bottom girl" is appointed by the trafficker to supervise the stable (other prostituted girls in his control) in his absence, recruit and train new victims, and enforce rules. In certain situations, the "bottom girl" may have easier access to young female victims; therefore, she is often used to help recruit for the trafficker. "Bottom girls," having developed extreme loyalty to the trafficker, may willingly accept trafficking charges in order to protect the trafficker. The Maricopa County Attorney's Office is aware of this issue and works diligently to account for this dynamic.

In a recent case, Shared Hope International was contacted to advocate for shelter and services for a 14-year-old "bottom girl" who had been trafficked into Arizona. The girl was marketed as a high-class, full service escort and flown to Arizona in first class cabins to be sexually exploited by a buyer seeking sex with a minor. The child was also required to commit criminal offenses to aid the trafficker. This example illustrates the dual identification of a "bottom girl" who is a victim of DMST and the perpetrator of a crime.

The Coconino County Attorney's Office declined study participation because they reported having not handled any cases of child sex trafficking. Other agencies in Flagstaff, however, reported seeing numerous cases. Flagstaff CPS identified 13 cases of DMST since 2005, nearly 20 percent of FMC Safe Child Center's 75 percent of sexual abuse cases are DMST, and the presiding judge at Coconino County Court provided a pre-sentence report for one case of DMST, though it was misidentified as a sexual abuse case.

<sup>31</sup> A.R.S. § 13-1307 (Sex Trafficking) criminalizes the use of a minor under 18 in prostitution or sexual performance and makes the offense a Class 2 felony with enhancement as a dangerous crime against a child if the victim is under 15. A.R.S. § 13-3212 (Child Prostitution) is a Class 2 felony for a trafficker with enhancement as a dangerous crime against a child if the victim is under 15..

Tucson Police Department reported arresting two females, 17 and 18 years old, for child prostitution violations. Maricela Ann Munoz and Whitley Alicia Minter were sentenced to four years of probation after pleading guilty to teaching a 13-year-old Phoenix runaway how to be a prostitute. A Tucson patrol officer stopped and questioned the child who appeared to be soliciting. The girl told the officer that she was being trained as a prostitute. TPD detectives pursued an investigation for the trafficker following leads from Munoz and Minter; however, the information they reported, including three phone numbers, a generic name, and several addresses, was false. Police suspect Munoz and Minter warned the trafficker to flee and gave officers false information to hinder the investigation. Study results did not reveal any additional prosecution for traffickers in Tucson.

The Pima County Attorney's Office reported handling many cases of child sexual exploitation without the commercial component, though it is believed that a commercial component existed but was not exposed. The representative from the Pima County Attorney's Office had not received any training specifically for domestic minor sex trafficking and received no training on the TVPA. The prosecutor reported that a perpetrator (trafficker) would likely be charged with a violation relating to sexual misconduct with a minor but not child prostitution or sex trafficking. The interviewee noted one of the most difficult barriers to prosecuting traffickers is identifying the crime.

### **Victim Role in Trafficker Prosecution**

Securing a victim's testimony is one of the most challenging dynamics in the prosecution of a trafficker. Victim testimony can be compelling evidence if prosecutors overcome the victim's emotional attachment to the trafficker, negate potentially violent and dangerous consequences for the victim and his/ her family, and deter the victim from running away before trial. The County Attorney's office, in collaboration with federal and local law enforcement in Maricopa County, appear to have expertly navigated the arduous task of victim maintenance.

Arizona's joint investigation protocol mandates that law enforcement, Child Protective Services, and the prosecuting county attorney work jointly to investigate and prosecute child abuse cases where a criminal offense may rise to the level of a felony. According to law enforcement and the county attorney's office, both agencies seek immediate involvement in a case upon initial contact with a victim. PPD Vice officers reported participating in extensive rapport building to gain the trust of the victim in order to receive information regarding traffickers or buyers and to ensure victim safety. PPD Vice officers and the Maricopa County attorney, who work specifically on prosecution for traffickers, are trained child forensic interviewers and report conducting their own interviews with the victim in a majority of cases. In addition, both agencies maintain regular visits to each victim. These organizations attribute the high success rate of rescuing victims and prosecuting traffickers to the dedication of professionals willing to engage in thorough investigation and extensive victim maintenance.

To date, Coconino County has not prosecuted a case of domestic minor sex trafficking. The county contracts with Victim/ Witness Services for Coconino County to regulate victim services. Services include: an assessment of safety needs, assistance in navigating the court process, assistance in obtaining legal documents, and a compensation program to provide counseling, medical needs, and funeral costs. Coconino County also utilizes the FMC Safe Child Center for child forensic

interviews. These interviews are always completed with a certified forensic interviewer in a child-friendly environment. Though the county offers substantial victim services, the providing agencies have not received any training on identification or response for victims of domestic minor sex trafficking.

Study results revealed that Pima County prosecuted one case of child prostitution. As a part of a plea agreement, the two 18-year-old females, Maricela Ann Munoz and Whitley Alicia Minter, pled guilty to attempted child prostitution. Munoz and Minter are suspected to be “bottom girls” working under the authority of a male trafficker. To date, the male trafficker has not been located. The limited data sample for this region hinders the ability to construct substantial conclusions on the role of victim testimony in cases against traffickers.

If identification increased, Pima County would be restricted in its capacity to substantiate such cases because services and awareness among professionals dealing with victims is severely limited. One notable service that would be available for DMST victims, if they were willing to testify, is the Southern Arizona Children’s Advocacy Center (SACAC). The SACAC conducts forensic interviews for child victims in a child-friendly environment to assist law enforcement and prosecutors in building a case against a perpetrator and refers children to appropriate services. The SACAC noted that it is not within its scope of work to identify a child as a victim of DMST but would respond to the request if identified by law enforcement.



# DEMAND

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## Demand

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### Demand Prosecution

Arizona fervently supports an aggressive stance against demand, yet buyer identification and prosecution remain relatively low. The fight against demand lags behind the progressive stride Arizona has made on nearly every other dynamic of DMST.

Only five of the 87 cases of child prostitution prosecuted by the Maricopa County Attorney's Office since 2006 were against buyers – all were charged under the child prostitution statute, none were charged as trafficking. Since August 2009, Tucson police arrested 17 perpetrators soliciting children for sex – not one was identified for soliciting children for sex. A representative at the Pima County Attorney's Office reported no prosecutions of buyers of commercial sex from a minor. In Coconino County, the county attorney's office declined study participation, qualifying its exclusion for lack of prosecutions related to child prostitution. These results imply that only five buyers of commercial sex with minors have been prosecuted in the state of Arizona in the past four years.

Though Arizona recognizes the significant role demand plays in the supply of children for commercial sex, there is nominal prosecution for buyers. Interviewees identified several factors that contribute to the difficulty in combating demand.

First, law enforcement attributed lack of buyer identification as a primary hindrance to pursuing prosecution. Every law enforcement agency interviewed in Arizona reported that it would aggressively pursue buyer prosecution if a buyer was identified. However, buyers can easily remain anonymous by paying the victim in cash, evading identification through the use of a credit card or check. Unless the buyer is a regular patron, the typically brief, one-time encounter between a buyer and victim often does not allow the victim to learn the name or identity of the buyer.

Buyers may also evade child prostitution or trafficking charges if the commercial component of the exploitation is omitted from an investigation – resulting in a mislabeled case of trafficking. An example of common buyer misidentification is illustrated in the following case. In a pre-sentence report provided by a Coconino County judge, Pharaoh Padilla reportedly paid eight, nine, and ten-year-old sisters to come to his hotel room to babysit for grandchildren who were not present. One girl reported that Padilla took turns having sex with her and her sisters, would masturbate in front of them, and showed them pornographic material. The mother reported that the girls were paid between forty to fifty dollars to babysit each time. One sister revealed that Padilla gave the girls one hundred to two hundred dollars to help with rent. The defendant pled guilty to two counts of sexual abuse of a minor with a sentence enhancement for a dangerous crime against children given the very young age of the girls – a Class 3 felony. This case is a key example of the lack of identification and prosecution for buyers in Coconino County.

Law enforcement in each research location confirmed conducting at least one buyer investigation. The PPD Vice Unit has identified best practice methods to aid in buyer identification. First, they noted that victims are more likely to disclose the identification of a buyer than a trafficker. The PPD Vice Unit also will review a victim's phone, looking for frequently dialed numbers and regular buyers who may be programmed into the phone. The unit also uses corroborating evidence from online

“john forums,” websites that allow buyers to review their “pay for play” experience. Additionally, search warrants for traffickers occasionally produce detailed records of customers and locations. Second, the prosecution of the buyer relies substantially on victim testimony. Law enforcement reported that even if police were able to obtain the customer’s name, location, credit card number, amount spent, victim identification, and location of the encounter the burden to prove that the act occurred remains. This proof would require a victim to verify they remember the encounter and the buyer and confirm something of value was exchanged for a sexual act. Also, at the time of study interviews, law enforcement and prosecutors had to prove that the buyer knew or had reason to know the victim was a minor in order to prosecute a buyer of prostitution with a minor under A.R.S. 13-3212, the child prostitution statute. While legislation was passed in 2010 repealing the statutory mistake of age defense afforded to a defendant in a child prostitution case,<sup>32</sup> the law continues to leave the door open to defense evidence that they did not know the age of the minor if she is, in fact, 15 or over. According to law enforcement, many of these cases do not yield the evidence needed to substantiate a case against a buyer.

Arizona’s sex trafficking statute, A.R.S. 13-1307, makes it a Class 2 felony to entice, recruit, harbor, provide, transport or otherwise obtain a minor under 18 with the intent to cause or the knowledge the minor will engage in prostitution or sexually explicit performance without reference to force, fraud or coercion. The language of this law tracks closely with the federal law and could be used to prosecute buyers through the use of the word “obtain” as has been done in a dozen federal indictments under the Trafficking Victims Protection Act of 2000; however, Arizona is currently charging buyers under child prostitution laws. Additionally, perpetrators must register as a sex offender if convicted of sex trafficking or child prostitution.

The Maricopa County Attorney’s Office reported a recent surge in buyer identification evidenced by the ten pending buyer prosecutions – nearly tripling the total number of cases of buyers ever prosecuted by the Maricopa County Attorney’s Office. Despite the successful increase of buyer identification, representatives noted the continuing difficulty in securing a conviction against a buyer. The Pima County Attorney’s Office commented that delayed reporting, as often happens in DMST cases due to the victim’s trauma and non-disclosure, hinders the availability and reliability of evidence. Both federal and local prosecutors and law enforcement have reported that buyers are evading human trafficking charges and often child prostitution charges as well.

### **Anti-Demand Legislation**

In April 2010, Arizona lawmakers unanimously supported legislation to tighten the existing law that holds buyers accountable for purchasing sex with a minor of any age. HB 2238, signed by Governor Jan Brewer on June 23, 2010, repealed A.R.S. 13-3213 that provided a defense for mistake of age by a buyer of sex with a minor. The consequences for engaging in prostitution with a minor under the age of 15 years old has not changed, remaining a Class 2 felony and dangerous crimes against children, with a sentence range of 13 to 27 years in prison on the first offense. Knowingly engaging in prostitution with a minor aged 15, 16, or 17 years old is also classified as a Class 2 felony with a sentence range of 7 to 21 years. However, buyers engaging in prostitution with a minor who is 15, 16 or 17 years old without knowledge is a Class 6 felony punishable by 180 days in jail. For the latter, the court may reduce the sentence to 90 days for first-time offenders who complete court-appointed education or treatment programs. It is this aspect of the newly amended law that is of grave concern for those working to deter demand through prosecution

32 HB 2238 repealed A.R.S. 13-3213, Mistake of Age Defense, effective June 23, 2010.

and to protect minors from domestic minor sex trafficking. First-time offenders of domestic minor sex trafficking can still claim they did not know the prostituted 15, 16 or 17-year-old's age and be given a comparatively lenient sentence of 90 days – a sentence much lower than the federal law and many state laws.

Arizona Revised Statutes § 13-3212 – Child Prostitution -- penalties		
Minor under 15 years old	Class 2 felony; subject to ARS § 13-705, Dangerous Crime Against Children enhancement	<p>First offense of ARS 13-3212: Minimum 13 years Maximum 27 years Presumptive 20 years</p> <p>Second offense: Minimum 23 years Maximum 37 years Presumptive 30 years</p>
Minor known by defendant to be 15-17 years old	Class 2 felony	<p>First offense of ARS 13-3212: Minimum 7 years Maximum 21 years Presumptive 10.5 years</p> <p>Second offense: Minimum 14 years Maximum 28 years Presumptive 15.75 years</p> <p>Three or more offenses: Minimum 21 years Maximum 35 years Presumptive 28 years</p>
Minor 15-17 years without knowledge of age	Class 6 felony, eligible for probation	<p>First offense of ARS 13-3212: Minimum 6 months Maximum 18 months Presumptive 12 months <i>Court discretion to sentence to probation with minimum 90 days in county jail and suspended 90 days if completes a court-ordered education or treatment program.</i></p> <p>Second offense: Minimum 12 months Maximum 27 months Presumptive 21 months <i>Court discretion to sentence to probation with minimum 180 days in county jail.</i></p>

The PPD Vice Unit believes the legislation will aid in investigation. According to a PPD detective, one of the challenges in preparing a case against a buyer who purchased sex with a 15, 16 or 17-year-old victim was the ability to provide substantial evidence to combat the mistake of age defense. With its repeal, the challenge remains to prove a buyer knew the age of a 15, 16 or 17-year-old prostituted child in order to secure the Class 2 felony conviction as opposed to the Class 6 felony for a buyer who cannot be shown to have known the age of the minor.

In respect to victims under 15 years old, a detective said:

“[The new law] will definitely make these cases easier because we won’t have to prove [the buyer] knew she was younger than 15. The new code is mainly for the johns. I think it will help and it has been getting media so it will make guys think twice driving down the street. We might see demand go down.”

Though this new legislation makes significant efforts to increase protection for Arizona’s children, it has not been received with such high acclaim by all. A prosecutor at the Maricopa County Attorney’s Office commended the law for removing the mistake of age defense but admonished the continued use of a graduated sentencing structure which permits a first-time buyer of sex with a child 15 years and older to serve just a few months if the state cannot prove the buyer knew the age of the child. Additionally, the prosecutor noted that the amendments compromised the statute’s utility for prosecuting traffickers. Prior to the amendments, sentences for multiple child prostitution convictions were mandated to be served consecutively; the amended statute eliminated the mandatory consecutive sentencing, effectively reducing the prosecutor’s ability to secure higher penalties for traffickers under the child prostitution statute. The sex trafficking of a minor law (13-1307) contains mandatory consecutive sentencing; however, due to gaps in the law, both statutes are necessary to secure maximum sentencing for traffickers.

### **Demand Reduction Efforts**

The Customer Apprehension Program (CAP) is a buyer-targeted operation conducted by the Phoenix Police Department Neighborhood Enforcement Teams (NET) as a function of the PPD Vice Unit. Phoenix has approximately 3,000 officers in eight precincts around the city. Each precinct has three assigned NET squads to proactively target crimes that are specific to the area. NET squads in precincts that experience high levels of prostitution-related crime conduct operations that target prostitution activity including prostitution sweeps and CAP.

During a CAP operation, the NET squad sends female decoys to the streets in areas of high prostitution. Once a decoy is solicited by a buyer and an agreement is made, the buyer is taken into custody, arrested for solicitation, and their car is impounded. This operation mainly targets general prostitution solicitation, though adult decoys who appear to be minors may occasionally be used to target child predators who, since the passage of HB 2238 in June 2010, cannot defend against a charge of child prostitution based on the fact that the decoy is not actually a minor. This operation is conducted approximately one or two times per month.

Representatives from the Flagstaff Police Department and the Coconino County Sheriff’s Office reported that investigation of buyers is a top priority when reactively responding to DMST; neither agency conducts proactive demand-reduction operations. An FPD detective stated that lack of funds and manpower limit the department’s ability to conduct proactive operations to target buyers.

“The demand is there,” the detective said. “I don’t think [men] would care. They don’t care if they are sending a picture of their penis to a 13-year-old. Why would they care if they are going to offer [them] \$50 for sex? No business is going to thrive if there is no demand and I guarantee you there is demand.”

Tucson Police Department’s demand reduction operations are executed by the ICAC unit. The unit focuses on child predators who utilize the Internet to reach their prey. Since August 2009, the unit has arrested 32 child predators in Tucson – 17 of whom were soliciting children for sex. No child prostitution arrests were made. The perpetrators were primarily charged with violations pertaining to soliciting sex from a minor, child sexual abuse images, pornography trading, child pornography, and sexting (sending sexually explicit content via text).

### **Prostitution Solicitation Diversion Program**

The City of Phoenix Prosecutor’s Office Diversion Unit, in collaboration with Catholic Charities DIGNITY program, offers a one-day prostitution solicitation diversion class. Offenders who solicit sex with minors younger than 15 years old may not participate in the class to reduce their sentence, though this is a program the court can order a buyer of sex with a 15, 16 or 17-year-old pursuant to the first-time offender sentencing discretion in A.R.S. 13-3212(G) by which participation in the class can reduce their jail sentence from 180 days to 90 days. The class is not limited to first-time offenders but participants may not repeat the program. The eight-hour class is offered one Friday per month and costs \$827, chargeable to the offender. A portion of participant fees support the week-long prostitution diversion program for women. Participant solicitation charges are dismissed after program completion; however, it will still appear in their arrest history. Speakers for the class include a health educator, licensed counselor, City of Phoenix Prosecutor, PPD Vice Officer, community members, and prostitution survivors.

### **Demand Awareness**

Numerous public awareness campaigns like “End the Silence, End the Violence,” a domestic violence prevention campaign hosted by the Arizona Coalition Against Domestic Violence, Arizona Attorney General’s Office and regional Wal-Mart stores, and the “Not Even Once” campaign to prevent first-time meth use, hosted by the Arizona Meth Project, have been launched throughout Arizona to increase awareness and prevention of other societal issues, but no campaigns highlighting the problem of demand for commercial sex have been implemented. An overwhelming number of interviewees identified demand as the leading source of DMST yet the most underdeveloped and underpublicized dynamic of exploitation in Arizona. From law enforcement to juvenile court judges to non-profit organizations, the community exhibits compelling eagerness to launch a campaign targeted directly to buyers. Many Phoenix professionals who engage in training or public speaking on the issue report that they incorporate discussion of demand but believe the message of demand needs to reach the greater community. Jodi Liggett, Chief Operations Officer for Arizona Foundation for Women believes fighting demand requires more than awareness – it commands a paradigm shift.

“It’s not Pretty Woman, a Happy Hooker, or just the exotic dancing profession,” Liggett said. “We have a cultural problem. It’s not benign. It’s not ‘boys will be boys.’ The issue is getting people to see this differently and see these girls as the girls they are.”

Others want to see demand reach legislative priority. Multiple interviewees reported a perceived sense of protection for buyers provided by Arizona lawmakers. One interviewee implied that they suspect select Arizona lawmakers may be concerned that increasing buyer identification and imposing tougher penalties on buyers could have potentially adverse consequences for state officials who solicit prostituted minors. An attorney and long-time activist for women and children emphasized the importance of securing support from state representatives. The interviewee specifically noted that demand should be incorporated as a campaign issue – making Arizona representatives publicly support or deny increased legislation to prosecute traffickers and buyers and protect child victims.

Though the need for buyer-centric messaging publicized on billboards, television, and the radio is large, funds to conduct such a campaign are few. Targeted trainings and public education events are necessary but insufficient to adequately reach Arizona's 6.6 million residents. Many organizations expressed desire to see a large-scale public awareness campaign targeting buyers but cannot sustain the economic impact such a campaign would impose on the organization.

Overall, Arizona recognizes that demand fuels sexual exploitation, has identified the prevalence of demand for commercial sex with minors in the community, and has intently positioned its focus on combating demand through any channel necessary to end the exploitation of Arizona's children.

# CRIMINAL JUSTICE RESPONSE

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## Criminal Justice Response

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### Identification and Arrest – Law Enforcement

#### Training

Interviews conducted with law enforcement officers throughout Arizona revealed great disparity in domestic minor sex trafficking training that was provided to the Tucson Police Department, Phoenix Police Department Vice Unit, Flagstaff Police Department, Coconino County Sheriff's Office, FBI, and ICE. Federal law enforcement reported the highest level of training, followed by the PPD Vice Unit, and significantly decreased for local law enforcement in jurisdictions outside of Phoenix. For most local law enforcement agencies, patrol officers reported the least amount of training on the issue of domestic minor sex trafficking.

The FBI reported receiving 400 hours of training on the TVPA. The training was largely concentrated on domestic minor sex trafficking, though agents were cross-trained on general human trafficking. The FBI conducts trainings for NCMEC, regional FBI offices, regional training conferences, and outreach programs.

To maintain certification, PPD Vice officers must complete at least eight hours of training each year; however, human trafficking training is not mandated. PPD Vice officers reported receiving sexual exploitation, human trafficking, and forensic interview training and have the opportunity to attend training at Vice conferences, FBI Innocence Lost, and NCMEC. Vice also conducts training for police departments in other precincts, multi-disciplinary groups, and community members around the nation. The PPD Vice Unit also trains other divisions in the Phoenix Police Department; however, frequent employee turnover has resulted in an inconsistent level of trained officers in these units.

Officers at the TPD, FPD, and CCSO received limited or no formal training on the issue. Domestic minor sex trafficking, if presented in training, is not covered in depth and training focuses heavily on child pornography. Officers reported receiving training by NCMEC and FBI Innocence Lost. TPD detectives received extremely limited training on minor sex trafficking investigations while TPD patrol officers received no training on the issue. Officers commented that they would like to have more training on child sex trafficking.

Law enforcement officers in Arizona involved with Internet crimes, specifically child pornography, receive training through the ICAC Task Force in Phoenix.

#### Identification

The PPD Vice Unit is Arizona's leader for victim identification. Through numerous stings and other undercover operations, PPD Vice Unit detectives regularly make contact with victims. Additionally, Phoenix has Neighborhood Enforcement Teams (NET) across the city to specifically focus on crime occurring within its precinct. These teams are trained to recognize indicators of domestic minor sex trafficking and ask appropriate questions to maximize potential for disclosure. Once a NET officer receives indication that the individual is a victim of trafficking, the case is transferred to the Vice Unit to continue investigation. The Tucson Police Department identified the Operations Division as the primary unit to identify victims of DMST. In Flagstaff, the Flagstaff Police Department Metro or Drug Unit would likely be the first to identify child victims of trafficking.

The greatest challenge for law enforcement in identifying victims of domestic minor sex trafficking is the aversion to arresting a minor for prostitution, coupled with a general lack of awareness and training on the crime of domestic minor sex trafficking.

The PPD Vice Unit identifies a minor involved in prostitution as a victim and tries to avoid arresting the child on prostitution-related charges. If the victim is willing to cooperate with officials and demonstrates the ability to return to safe shelter, the minor will not likely be arrested or charged with a crime. If the victim is uncooperative and law enforcement believes the child is in danger, they may arrest and charge the minor with prostitution or other unrelated charges to hold the minor for safety.

The second barrier to identification is the lack of training and awareness. Prostituted children often start as and continue to be runaways. For this reason, a common misidentification of child sex trafficking victims by first responders is as a runaway. Training and resources were significantly lower at TPD and FPD, likely resulting in the low level of identification. A FPD detective reported that the department has not identified a case of child trafficking in at least nine years. According to the detective, due to the low level of prostitution activity, the issue is not pursued aggressively in Flagstaff. A TPD detective who has been in the department for over 10 years reported receiving the first case of DMST in the summer of 2010. Due to budgetary restrictions, TPD lost funding to continue its Vice Unit in 2008. The unit was in operation for eight years; however, officials stated that the low level of Vice-related crime in Tucson did not warrant continued funding. In the absence of a Vice Unit, indicators of trafficking would be relayed to the Dependant Child Unit for further investigation and subsequent identification.

Both TPD and FPD reported that, due to lack of training and awareness, indicators of DMST may not be readily recognized; however, if officers identified a potential situation of trafficking the case would be referred to a detective for further investigation.

A case that Coconino County interviewees refer to as the 2008 “Ash Fork” case highlights CCSO’s and FPD’s commitment to identifying trafficking victims when indicators of trafficking are present. The case involved 51-year-old Donald K. Leacock who was accused of running a child sexual exploitation ring out of his Ash Fork area home. According to the Coconino County Sheriff’s Office, Leacock reportedly purchased a girl who was approximately seven or eight years old from her mother in exchange for drugs. Allegedly, Leacock was sexually active with the girl since she was 12 years old. When she was 13, Leacock began offering the girl for reportedly free sexual services over the Internet and CB radio to truckers passing on Interstate-40. When CPS suspected child sexual abuse, Leacock took the girl (then 15 years old) to Missouri where he was able to lawfully marry the child with the mother’s consent. He was arrested after investigators found videos and photographs on his computer of the young wife having sex with numerous adult men. The Coconino County Sheriff’s Office reported that they conducted an extensive joint investigation with FPD into the commercial component of the case but were unable to confirm any record of goods exchanged for sex. The absence of a commercial element disqualifies the case as an instance of trafficking.

### First Response

Patrol officers are likely the primary law enforcement officers that first respond to domestic minor sex trafficking cases in a majority of Arizona cities and counties. In Phoenix, Vice officers may be first responders because they tend to target high prostitution areas through undercover surveillance and decoy operations. PPD Vice officers and ICAC detectives across the state may also be first responders as they monitor websites such as Craigslist.com (no longer in use due to the removal of the adult services section effective September 2010) and Backpage.com, to identify sexually exploited minors and assist in bringing material evidence against a trafficker. Other first responders may include NET squads, as these teams respond to areas of high prostitution within their precinct. FBI agents may also make initial contact with victims when responding to a referral from NCMEC, conducting targeted operations, following a lead from a community member or patrolling the streets.

The Greater Phoenix Human Trafficking Task Force developed a first response protocol in 2008 on the process each agency should take when encountering at-risk victims of child sex trafficking. The protocol is not utilized because it had not been updated since 2008, did not differentiate between foreign and domestic victims, and only one law enforcement agency reported knowledge of the protocol.

When encountering a minor suspected to be involved in prostitution, law enforcement officers generally reported the following four options: they may locate the child's family and take him/ her home, contact CPS for placement, leave the child on the street, or arrest the child on misdemeanor charges and transport him/ her to a juvenile detention facility. Phoenix Vice officers may utilize extended options because 75 percent of their time is allocated to prostitution-related crimes. PPD Vice officers reported that they may feed the child and participate in rapport building before taking the victim to the station to complete - sometimes several - forensic interviews. Depending on the juveniles' cooperation and perceived level of safety, they may either be released or charged. Juveniles may be charged with any number of misdemeanors, such as prostitution, criminal mischief, disorderly conduct or drug charges.

### Collaboration

The high level of care for victims of domestic minor sex trafficking in Phoenix can be attributed, in part, to the collaborative effort of local and federal law enforcement, prosecution, juvenile justice, and service providers. Both federal and local law enforcement agencies reported effective communication and information sharing to investigate cases. All detectives in the PPD Vice Unit are deputized federal officers. This allows them to write federal reports, write federal search warrants, travel throughout the state regardless of jurisdiction, and present cases to USAO. Interviewees identified a frequently used trafficking route between Los Angeles, Las Vegas and Phoenix. Law enforcement reported working with federal agents and local law enforcement in these areas to pursue investigation of trafficking cases.

PPD Vice maintains strong relations with the deputy county attorney primarily responsible for trafficker and buyer prosecution. This partnership enables law enforcement and prosecution to develop best practices to protect victims and prosecute traffickers and buyers.

Federal and local law enforcement also report strong partnerships with local NGOs and service providers, especially ALERT and Catholic Charities. ALERT operates a 24-hour public hotline to

receive tips of human trafficking. These leads are transferred to local and federal law enforcement to pursue investigation.

Though Phoenix is currently experiencing high levels of collaboration, the informal network may prevent sustainability. Due to the lack of systematic development, each relationship and best practice and protocol was uniquely crafted by the professionals currently working on the issue. Some interviewees noted that when individuals leave or change positions, the system enters a state of revision as the remaining members work to maintain the same level of efficiency and collaboration.

### *Witness Testimony*

A number of professionals in the justice system emphasized that obtaining victim-witness testimony from a child victim poses a major challenge to successfully investigating traffickers. Many children processed through the system are skeptical of law enforcement and other authorities. Further, victims are often loyal to the traffickers who are viewed as “boyfriends,” and fearful for their own safety and future. This reluctance impacts all stages of building a case, from investigation to prosecution, and requires that law enforcement perform very thorough investigations in order to provide substantial corroborating evidence for trial against a trafficker. FBI agents commented that the victim-witness testimony is a critical component in securing the prosecution of the trafficker; however, it is also their philosophy that the prosecution of the trafficker should never be at the expense of the victim. Access to services by a child victim is not dependent upon cooperation in an investigation or prosecution.

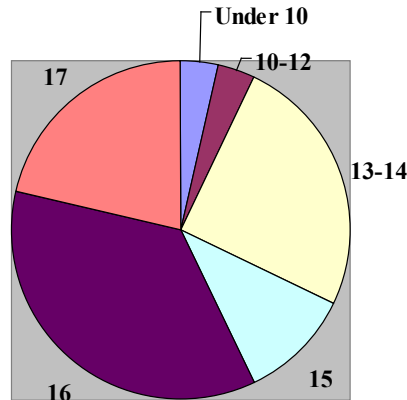
### *Arrest of Domestic Minor Sex Trafficking Victims*

The following tables reflect juvenile arrest data released in the Arizona Department of Public Safety Crime in Arizona Reports from 2005 to 2009.<sup>33</sup>

#### **Juveniles Arrested for Prostitution by County**

	Maricopa	Navajo	Pima	Yavapai	Yuma	Total
2005	32	1	4	0	0	37
2006	17	0	3	0	0	20
2007	22	0	2	1	0	25
2008	25	0	2	0	0	27
2009	14	0	9	1	3	27
Total	110	1	20	2	3	136

<sup>33</sup> 2009 Crime in Arizona report. Arizona Department of Public Safety. <[http://www.azdps.gov/About/Reports/docs/Crime\\_In\\_Arizona\\_Report\\_2009.pdf](http://www.azdps.gov/About/Reports/docs/Crime_In_Arizona_Report_2009.pdf)> Accessed November 12, 2010.

**Juveniles Arrested for Prostitution by Age - 2009**

Law enforcement's aversion to arresting a minor on charges of prostitution, combined with the general lack of awareness and proper identification, contributes to the low number of prostitution-related arrests reflected in the chart above. One study estimates that 70 percent of street youth are victims of commercial sexual exploitation.<sup>34</sup> Additionally, field experts estimate that 33 percent of teen runaways and throwaways will become involved in prostitution within 48 hours of leaving home.<sup>35</sup> Applying this statistic to the number of arrests for juvenile runaways is a more accurate projection of juveniles exploited through prostitution. The following arrests were reported by Arizona law enforcement officials released in the Arizona Department of Public Safety Crime in Arizona Reports from 2005 to 2009.<sup>36</sup>

**Juvenile Arrests for Runaways by Year**

Year	2005	2006	2007	2008	2009
Number of Arrests	5,302	5,301	5,402	5,246	4,716

\*Every county reported at least one juvenile runaway arrest.

Law enforcement agencies expressed differing opinions and protocol regarding the decision to arrest a minor for prostitution. Officers argue that it is necessary to charge juveniles in order to place the victim in a secure facility and limit flight risk. Other law enforcement officers may avoid making contact with the minor or will apprehend the minor and then return him/ her home to avoid charging the victim.

<sup>34</sup> *Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*, op. cit., n. 4, page 131. See also J. Greene, S. Ennett, and C. Ringwalt. (1999) "Prevalence and correlates of survival sex among runaway and homeless youth." *American Journal of Public Health*. 89(9) page 1406.

<sup>35</sup> Testimony of Ernie Allen, President & CEO, National Center for Missing and Exploited Children. Victim's Rights Caucus Human Trafficking Caucus House of Representatives. July 19, 2010. <[http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en\\_US&PageId=4312](http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=4312)> Accessed November 22, 2010.

<sup>36</sup> 2009 Crime in Arizona report. Arizona Department of Public Safety. <[http://www.azdps.gov/About/Reports/docs/Crime\\_In\\_Arizona\\_Report\\_2009.pdf](http://www.azdps.gov/About/Reports/docs/Crime_In_Arizona_Report_2009.pdf)> Accessed November 12, 2010.



Although law enforcement agencies in Arizona reportedly view minors exploited through prostitution as victims, some officers are finding no alternative to filing a delinquency charge that will allow detention of a victim in a protective location. The PPD Vice Unit, one of the leading local agencies investigating domestic minor sex trafficking, reported that minors who engaged in prostitution activities may be charged with a crime under the Arizona prostitution statute. According to detectives, once a victim is identified, a Vice officer will work to stabilize the child by providing food and water and will engage in rapport building. In Phoenix, a trained Vice officer will complete a child forensic interview. Child victims may exhibit hostility towards the officers due to the psychological and physical control of a trafficker, use of drugs, and fear. In efforts to minimize this barrier, officers may dedicate several hours to complete rapport building and multiple interviews until the minor discloses information. If the minor cooperates with law enforcement, officers will work to pursue charges on the traffickers and buyers and the victim will be released if appropriate safe shelter is available. If the child is uncooperative or does not have safe shelter, officers may charge the minor with prostitution or other misdemeanor offenses to secure the safety of the victim through detention in a secure facility.

In Pima and Coconino Counties, very few minors are charged with prostitution. Nonetheless, law enforcement officers at the Tucson Police Department and Flagstaff Police Department are arresting children they see engaged in prostitution on the streets for other offenses and are not identifying them as victims of child sex trafficking as they are less trained on identifying this particular crime. According to TPD, if patrol officers are unable to obtain information from a victim, they may charge the minor with the additional crimes being investigated and then document and forward the case to the appropriate unit, likely the Dependant Child Unit. The child may be taken to the Center for Juvenile Alternative – a non-secure, overnight facility for minors without identified or located guardians. Alternatively, many children are being left on the streets as officers face the difficult task of identification and little option for non-apprehensive response.

Due to significant lack of funding, the top priority of many law enforcement agencies in Arizona is to remove the victim from immediate danger and pursue the presenting or most violent crime. An officer with the Tucson Police Department admits that budget cutbacks restrict the detective's ability to engage in extensive investigation for status offenses like running away or curfew even if underlying issues, like prostitution, seem highly probable. Implementing systems to better identify victims of child sex trafficking, such as flagging chronic teen runaways as an at-risk population for future or current trafficker control, will require resources and time not currently prioritized.

Some child victims are arrested and charged as adults as a result of the widespread use of fraudulent identification commonly provided by traffickers to the child victims. Fraudulent identification is cited as a tremendous barrier to proper identification of a child. Once he or she is entered into the system as an adult it is very difficult for an officer to correct that mistake without taking a close look at the victim and the situation.

### Child Advocacy

Flagstaff and Tucson utilize local Child Advocacy Centers. The Flagstaff Police Department refers youth to the Flagstaff Medical Center – Safe Child Center where youth may receive a medical examination and a videotaped forensic interview. The Tucson Police Department refers youth to the Southern Arizona Children's Advocacy Center where children can receive medical evaluations,

videotaped forensic interviews, crisis intervention, case coordination, service referrals, and food or clothing. Officers reported that youth younger than 12 years old may be referred to these centers. Older youth typically receive a forensic interview conducted by a trained law enforcement officer. Detectives in the PPD Vice Unit are trained forensic interviewers and conduct all interviews unless an extenuating need requires victims services from a Child Advocacy Center.

### Rescue

Law enforcement agencies seek to protect at-risk children and rescue potential victims of domestic sex trafficking by conducting street sweeps. The PPD Vice Unit conducts sweeps searching for children exploited by traffickers through street prostitution. The unit also operates undercover stings and surveillance to locate victims. Additionally, federal law enforcement and ICAC units across the state utilize online advertisements to target and rescue underage victims of trafficking. Holistic rescue is dependant on the availability of a safe and secure place to take the youth after rescue operations are conducted, but none currently exist. Two Phoenix-area shelters specifically designed for DMST victims are scheduled to open in 2011. Though both shelters incorporate extensive security measures, neither are lockdown facilities, leaving the risk of flight a possibility. A federal law enforcement agent identified the lack of immediate, post rescue placement for domestic victims of trafficking as the largest barrier in rescue operations.

### **Prosecution**

#### Training

Formal training specifically on domestic minor sex trafficking for prosecutors is limited. Training on DMST, if offered, is often a small and optional component in seminars and workshops. A representative from the Pima County Attorney's Office received no training on the TVPA and could not recall specific training on DMST. The interviewee from Coconino County Victim/Witness Services reported receiving no training or opportunity for training on the issue. The primary training resource noted by interviewees is the curriculum offered by the National District Attorney's Association.

The Maricopa County Attorney's Office and City of Phoenix Prosecutor's Office reported the highest level of training. The primary prosecutor for traffickers and buyers at the Maricopa County Attorney's Office sought informal education by conducting supplemental research and gaining field experience by joining issue experts to learn the dynamics of DMST. This additional training has resulted in increased collaboration among professionals and contributed to the many successful convictions for traffickers and buyers in Maricopa County. The City of Phoenix Prosecutor's Office has received training on the TVPA. Both offices conduct statewide training on issues related to human trafficking, including domestic minor sex trafficking. The Maricopa County Attorney's Office in collaboration with law enforcement and juvenile corrections provides statewide training on child forensic interviewing under a grant from the Governor's Office.

One interviewee noted that a primary gap in training is that prominent attorneys with limited experience working trafficking cases are often selected to present on the issue. It was recommended that presenting attorneys should work frequent and recent cases to increase relevancy and practicality of case studies and application.

### Identification

In areas with high levels of training and awareness, identification of victims of domestic minor sex trafficking is typically done tangential to the investigation and arrest of traffickers, and victims are viewed as witnesses who are needed to testify against these perpetrators.

Prosecutors in Arizona were divided in their perception of youth charged with prostitution. Most prosecutors viewed prostituted children as victims to an extent, but stated that this identification would depend on the child's criminal history. This discrepancy is most clearly evident in the Maricopa County Attorney's Office. The Maricopa County Attorney's Office has one of the state's leading deputy county attorneys prosecuting cases of traffickers and buyers. This attorney has engaged in off-site training to understand the unique dynamics of domestic minor sex trafficking. The prosecutor participates in extensive rapport building with victims, provides personal support and accountability for prostituted youth, works collaboratively with law enforcement and service providers to rescue minors and pursue aggressive sentencing for traffickers and buyers, and advocates for victim services for youth used in prostitution. The attorney understands that demands made by traffickers often attribute to the charges placed on a prostituted victim's criminal record. This view, however, was not echoed by a prosecutor in the Maricopa County Juvenile Division. The juvenile attorney admitted cases of DMST may be present but not identified if the juvenile was referred for other offenses such as runaway or drug use. Contrary to the TVPA and the state sex trafficking law, the juvenile county attorney erroneously cited the element of force being necessary to prove the child was a victim of trafficking.

The Coconino County Attorney's Office declined participation in the study, citing its lack of contact with victims as reason for exclusion. According to a deputy county attorney, the Pima County Attorney's Office is not identifying domestic minor sex trafficking. The interviewee does not believe the crime is prevalent in the area and trafficking charges would not likely be considered in a case of prostitution of a minor.

Additionally, some prosecutors are not fully convinced that a trafficker is involved in the majority of cases, despite national research that shows otherwise. Prosecutors in the Juvenile Division of the Maricopa County Attorney's Office find it difficult to view girls charged with prostitution as victims if a trafficker is not identified. The attorney differentiates a delinquent juvenile prostitute as one who willingly decides to prostitute herself with no known offender versus a trafficking victim who is forced into prostitution by an offender.

### Collaboration

Interviewees reported high levels of collaboration between local and federal prosecution and law enforcement to investigate and prosecute cases of trafficking or child prostitution. Arizona's criminal prosecuting and sentencing standards competitively rival federal standards. Interviewees cited the United States Attorney's Office's reputation for having a high declination rate, combined with Arizona's aggressive sex trafficking and child prostitution state statutes, as the reason that a majority of cases are being processed by a county attorney's office. This decision is typically made in cooperative agreement by federal and local prosecutors after reviewing applicable charges and determining which agency can provide maximum sentencing for the offender.

Seasonal events cause a spike in domestic minor sex trafficking as demand increases with the



large numbers of tourists. During these times, law enforcement often conduct sting operations to target buyers of commercial sex. Law enforcement will alert prosecutors of undercover operations and may consult them to ensure that investigation techniques are compliant with prosecutorial standards and necessary evidence is collected to sustain a charge.

Prosecutors also report effective collaboration with NGOs and service providers. The City of Phoenix Prosecutor's Office Diversion Unit works in partnership with Catholic Charities DIGNITY program to offer a one-day prostitution solicitation diversion class. Speakers for the class include a health educator, licensed counselor, City of Phoenix Prosecutor, Vice officer, community members, and prostitution survivors. This class is available to first-time offenders charged with soliciting sex from a minor 15 years and older.

### **Prostitution Diversion Program Statistics**

Fiscal Year	Referred	Dismissed	*Closed Non Compliant	Jail Cost Savings
2000/2001	N/A	N/A	N/A	N/A
2001/2002	673	161	358	\$298,418
2002/2003	659	170	489	\$355,786
2003/2004	582	146	436	\$306,734
2004/2005	611	130	447	\$274,975
2005/2006	590	132	490	\$345,816
2006/2007	483	82	435	\$211,501
2007/2008	485	86	363	\$236,518
2008/2009	504	127	388	\$376,310
2009/2010	265	100	183	\$317,332
TOTAL	4852	1134	3589	\$2,723,390

*\* Motions to execute sentence and enter judgment were filed on the non-compliant cases. A warrant is issued if the defendant does not show for court.*

County attorneys and city prosecutors expressed that one of the greatest challenges in prosecuting trafficking cases is victim maintenance and continued cooperation. A case is rarely prosecuted successfully in state or federal court without witness testimony from the child sex trafficking victim. A deputy county attorney at the Maricopa County Attorney's Office reported 82 convictions for traffickers who exploited minors through prostitution. The interviewee reported that four additional cases against traffickers have been dismissed prior to trial due to the loss of a witness.

Prosecutors struggle with finding ways to stabilize and retain the victim-witnesses before and during trial. Prosecutors may sometimes request juvenile placement at a detention facility in order to secure the victim in the absence of secured facilities appropriate and safe for child sex trafficking victims. These victims have been physically, sexually, emotionally, and verbally abused by their perpetrators and are often addicted to drugs. Additionally, victims of trafficking have

intense trauma bonds with their exploiter. These dynamics increase the minor's vulnerability for further victimization, causing them to be flight risks in non-secure placements.

Prosecutions can also be complicated by the reluctance of the child victims to testify. Prosecutors report that teen runaways who are forced into prostitution by a trafficker are sometimes unwilling witnesses because of grooming tactics used by the trafficker. The grooming process is a mixture of reward (allowing teens access to the forbidden world of adults including drinking, drugs, and independence) and punishment (physical or sexual violence). Traffickers utilize tactics of punishment and reward commonly associated with domestic violence to keep the minors in physical and psychological bondage. The blurred lines of freedom and bondage, as well as acceptance and degradation, are used to produce intense loyalty to the abuser. As a result of this trauma bonding, a victim will deny she has a trafficker, claiming instead that she is working to help her "boyfriend." The Maricopa County Attorney's Office in collaboration with PPD Vice has achieved notable success in mitigating this problem by participating in extensive rapport building, increasing trust and cooperation between victims and prosecutors.

#### *Prosecution of Domestic Minor Sex Trafficking Victims*

Arizona is conservative with charging minors for prostitution. The Maricopa County Attorney's Office Juvenile Division files 14,000 delinquency petitions a year – only a few for prostitution-related offenses. In FY 2009, Maricopa County received 48 referrals of juvenile prostitution, Pima County received two referrals and Coconino County received no referrals.

Prostituted juveniles are victims of sex trafficking under the law but were brought to juvenile court on charges of prostitution. Prostitution is a misdemeanor offense in the state of Arizona and would primarily be referred to the county attorney's office in the jurisdiction that the crime occurred. In FY 2009, 48 juveniles were referred for prostitution-related offenses and 29 juveniles were charged with 47 prostitution-related charges in Maricopa County. This number significantly declined in FY 2010 – only seven youth were referred and charged with prostitution-related offenses in Maricopa County.

The following chart shows the ethnicity of juveniles charged with prostitution in Maricopa County in FY 2009 and 2010.

### **Ethnicity by Fiscal Year**

Fiscal Year	African American	Caucasian	Hispanic	Native American	Totals
FY2009	17	4	7	1	29
FY2010	4	2	1	0	7
Total	21	6	8	1	36

The chart below displays the offense charged for juvenile prostitution referrals in Maricopa County in FY 2009 and 2010.

### **Offense Charged by Fiscal Year**

A.R.S. Description	FY2009	FY2010	Total
Child Prostitution	11	-	11
Manifest Intent of Public Prostitution	3	2	5
Pandering	4	-	4
Prostitution	27	5	32
Receiving Earnings of Prostitute	3	-	3
Total	48	7	55

Arizona offers diversion programs for juveniles who have committed a delinquent or incorrigible act (complete list available; see Appendix B). However, prostitution is a misdemeanor offense in Arizona making it ineligible for diversion. Most prosecutors reported aversion to allowing a prostitution charge to go on a juvenile record; consequently, juveniles are typically not encouraged to plead guilty to a prostitution charge. To avoid charging a minor with prostitution, a prosecutor may drop the prostitution charge if the juvenile is willing to plead guilty to other committed offenses i.e. drug possession. Alternatively, a prosecutor may drop charges against a youth charged with prostitution if another prosecutor requests case dismissal in order to help with an investigation of a trafficker. This tactic is utilized though it may complicate the case against the trafficker as the defense may present the dropped charge as a motive to fabricate - potentially leading the jury to believe the child victim/ witness testified because his/ her prostitution charge was dropped. Though these options create needed alternatives to charging a minor with prostitution, they also cause further barriers to proper identification and divert youth from accessing appropriate services.

One prosecutor cited a case that illustrates how successful convictions may be achieved through careful prosecution. A teenage girl was arrested and charged with prostitution in Maricopa County. The county attorney in the Juvenile Division was initially supplied with a partial police report containing information regarding the minor's arrest. The case detective continued extensive

investigation and discovered the girl had been tazered, urinated on, and beaten during the course of her victimization. This was submitted as supplemental information to her report. The prosecutor in the Juvenile Division declined this additional information, stating that necessary information was already obtained. The information was accepted by the defense attorney who was able to use the findings of the investigation to have the case dismissed and the victim returned home to California. The girl later returned to Arizona to testify in a trial against her trafficker.

Some prosecutors assumed that certain youth choose to engage in prostitution, causing a significant barrier in the prosecutor's ability to respond to prostituted youth as victims of domestic minor sex trafficking. Prosecutors reported that prostituted minors are "mouthy," "street-smart," "call the shots," and "sign up for the business." This misperception has resulted in the prosecution of minors for prostitution in order to help these "delinquent" youth receive the life skills and substance abuse programs believed necessary to help them leave the streets. Unfortunately, this model creates further stigmatization and does not address the trauma and abuse endured by the victim.

### Legal Discrepancies

The state laws that criminalize sexual activity between a minor under 18 and an adult, and that label a minor under 18 used in prostitution or sexual performance as a sex trafficking and/or commercial sexual exploitation victim, do not prevent significant numbers of minors from being charged with the crime of prostitution and related offenses. This delinquency action is in conflict with their status as a victim and results in punitive consequences for the child, including criminal records that follow them into adulthood, ineligibility for victim of crime compensation to offset the costs of their restoration, and re-traumatization.

At the same time victims are being arrested, charged, and detained for prostitution and related offenses, buyers of sex with these children are subject to an inappropriate leniency. The staggered penalty for buyers of child prostitution in A.R.S. § 13-3212 presents a puzzling disconnect from the sex trafficking statute and commercial sexual exploitation statutes intended to protect the same population of victims. Under the child prostitution law, offenders who purchase sex with a minor who is 15, 16 or 17 years old may be sentenced to a Class 6 felony if the prosecutor cannot prove the offender knew the age of the minor. The court could sentence the offender to just 180 days in county jail under probation; this 180 days could be halved if it is a first offense of this law and the offender enrolls in a court-approved treatment or education program. In contrast, sex trafficking of a minor under 18 is a Class 2 felony regardless of the victim's age.

This discrepancy between the penalties for prostitution of a minor 15-17 years old and those for engaging in sex trafficking, defined as the prostitution or sexual performance of a minor under 18, creates a gap in the protections afforded to prostituted Arizona youth.

### Resources Available

Prosecutors in Arizona do not have a specific protocol for protecting victims of domestic minor sex trafficking. Prosecutors commented that services are not easy to access for victims and long-term solutions are extremely limited. State and federal prosecutors have victim/ witness coordinators who shepherd victims through the complex trial process. The victim/ witness coordinators also have funding to provide services and shelter throughout the trial process, though funding for domestic victims is more difficult to obtain. In some agencies, victim/ witness coordinators may not have the resources or capacity to provide the level of victim maintenance required for this

population. Additionally, services for victims may not be available if the youth is incarcerated for prostitution.

Coconino County utilizes the services of a local nonprofit organization, Victim/ Witness Services for Coconino County, to provide outreach and support services for victims. Victim/ Witness Services offers referrals for counseling, court assistance, and may provide up to \$20,000 in compensation funds to cover medical, counseling, and/ or funeral expenses. Victim/ Witness Services typically does not provide services or funding to clients who are simultaneously the perpetrator and crime victim; however, these services may be extended to trafficked youth charged with prostitution.

Safe placement of the victim before and during trial is a great concern for prosecutors. Prosecutors admit that, when necessary, they turn to detention as a secure placement for victims. One interviewee anticipates Streetlight, a shelter for DMST victims, will be a heavily utilized resource when it opens. At this time, however, prosecutors are left with no other option than to incarcerate youth for security or risk their return to their trafficker or the streets.

## **Adjudication and Detention**

### Training

Training on domestic minor sex trafficking has not been provided for juvenile detention center staff, juvenile justice probation officers or juvenile court judges. Administrators expressed a desire for more information and training for detention staff, including juvenile detention guards, caseworkers, and probation officers who deal with incarcerated minors on a daily basis. In particular, administrators noted the need for training regarding identification and effective response for child sex trafficking victims.

### Identification

Children are being charged with prostitution in Coconino, Maricopa, and Pima Counties. Pima County had 67 referrals for juvenile prostitution since 1988, 21 since 2000 and two in 2010. Coconino County had two juveniles referred for prostitution since 1988 – a 1988 female case that was dismissed and a 1992 male case that was diverted or informally processed. The Arizona Department of Juvenile Corrections (ADJC) had 12 juveniles committed for prostitution as the most serious offense between the years 2005 and 2010. Of these, eleven were female and one was male; nine were African American, two were white and one was Hispanic; all were from Maricopa County; most were 15 or 16 years old; on average they spent 7.3 months in a secure facility receiving treatment services.

Youth pass through several levels of identification before adjudication and/ or detention. The first level of identification typically occurs at the street level when law enforcement arrests and charges the victim. Next, the prosecuting attorney will work with the juvenile to determine which charges to pursue. Finally, the victim will be in contact with a probation officer and juvenile court judge for sentencing and case management. Probation officers reported that prostituted youth are often referred for delinquency offenses not related to prostitution; however, the youth may disclose victimization through the course of their detainment. In this situation, the probation officer may submit this additional information to the judge for consideration when determining the case plan and corresponding services and shelter for the victim.

The court system in all three counties identify prostituted youth who have other unrelated charges as both a delinquent for the crimes they committed and a victim of exploitation through prostitution. This dual identification has some juvenile court judges expressing concern over whether child sex trafficking victims are being identified properly and how this affects their access to services. One judge expressed concern that other entities may mislabel these children through low awareness or insensitivity to the issue of domestic minor sex trafficking. This may dangerously affect the placement of the child and hinder access to services for the victim.

Juvenile court judges characterize the majority of sex trafficking victims that appear before the court as teen females, although a few young boys have also been identified as trafficking victims. Judges stated that most victims have witnessed or experienced sexual abuse as a child and the majority of victims come from single parent homes. As evident by ADJC statistics above, a disproportionate amount of minority youth appear before the court for involvement in prostitution, although this issue touches minors of all demographics.

### Evaluation and Pre-Adjudication

The Juvenile Justice Services Division of the Arizona Supreme Court evaluates youth arrested by law enforcement through a detention screening. Intake is performed by a probation officer using a standardized Risk Assessment Instrument (RAI). The decision to hold or release the juvenile is made based on the RAI, which measures the public safety risk and the risk that the juvenile will fail to appear for court hearing. Juvenile detention facilities are operated by the county. A minor charged with prostitution would rarely meet the criteria necessary to be held in pre-adjudication detention.

Minors must appear before the court within 24 hours of arrest, at which time the juvenile judge decides whether there is a need for continued detention. A juvenile must be released from detention if a petition is not filed within 24 hours; after a petition is filed, a detention hearing must be held within 24 hours. If a juvenile is held in detention while awaiting disposition, a disposition hearing must be held within 30 days of adjudication. If a juvenile is not held in detention while awaiting disposition, a disposition hearing must be held within 45 days of adjudication.

If a minor did not meet the risk level necessary to warrant detainment but the probation officer believed it was dangerous to release the minor, the officer can request override permission from the supervisor to detain the youth. According to court staff, this request is often granted. Probation officers reported that a juvenile detention facility was not appropriate placement for child victims of trafficking; however, the lack of secure shelter combined with victims' high flight risk may dictate a probation officer's request for override.

### Prosecution

The Arizona juvenile court system has been praised by juvenile court judges, probation and detention staff, and court service directors for making juvenile treatment and rehabilitation a top priority. Juvenile court judges report taking a holistic, restorative approach to treating the needs of a minor while serving to protect the community and youth. This model of care dictates the prosecution and sentencing of a minor.



Many youth are kept out of the court system through diversion programs or Teen Court. Teen Court is for first-time offenders who are deemed unlikely to reoffend and have committed minor offenses like shoplifting, graffiti or disorderly conduct. Court proceedings are conducted entirely by high school students with the exception of the presiding judge. This program would not be used to prosecute juveniles charged with prostitution.

Judges stated they would work to create the most holistic, therapeutic treatment program for victims of trafficking while working within the constraints of limited funding and resources for such services. According to most juvenile court judges, a victim of trafficking is more appropriately placed in a therapeutic, secure facility rather than a juvenile detention center. However, in order for the court to maintain authority over the child to transfer the juvenile from a detention facility to a residential treatment facility, the minor must be found delinquent. Prostitution charges will likely be dismissed if the juvenile is willing to plead guilty to another offense.

#### Post-Adjudication Detention

Children exploited through prostitution are typically considered a flight risk as they are trained by their trafficker to return or suffer greater violence later. Consequently, juvenile court judges reported a need to detain these minors in a secure facility for rehabilitation and to prevent their return to the trafficker. Regretful that a minor must be charged as an offender in order to be detained, judges expressed the grave necessity for a secure facility as an overriding concern. If it is revealed in court that a minor is involved in prostitution, the juvenile court judge will take this into account when considering placement and services.

Arizona has 14 secure detention facilities in 13 counties. In 2009, 10,589 juveniles were detained at least once. Juvenile detention centers serve as a temporary and secure placement for juveniles who require a restricted environment for the protection of them or the community. The average length of stay in detention is 14 days.

For post-adjudicated youth, juvenile detention facilities are used as a short-term placement option until an appropriate placement is located or to allow the juvenile access to detention programming. Serious juvenile offenders are admitted to a state-run juvenile corrections facility. The Arizona Department of Juvenile Corrections is only a post-adjudication facility reserved for juveniles who are identified by the court as needing secure placement for public safety. ADJC manages over 1,200 youth in four facilities.

#### Services

Judges in all counties expressed that it is necessary to take a victim centered-approach to rehabilitating minors involved in sex trafficking. Judges expressed a preference for reuniting minors with families and providing services in a home and community setting, as opposed to detention or juvenile corrections. However, judges understand that many child victims are a

flight risk and do not have responsible parents or guardians, thus requiring treatment in a secure facility at the start of their restoration.

While in detention, minors are able to attend classes and make progress in school. If a minor would like to obtain a GED, the educational staff at the juvenile facility will help the child prepare for examination. Detention facilities also offer ongoing programming that includes mentorship, life skills classes, counseling, medical care, psychology and psychiatry care.

Neither adequate community based services nor residential treatment services are sufficient for the specialized needs of victims of sex trafficking and a treatment model for rehabilitation would prove beneficial. Judges anticipate that Streetlight and Natalie's House, two long-term placement facilities for trafficked females in Arizona, will meet placement needs when the shelters open.



# CHILD PROTECTIVE SERVICES

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## Child Protective Response

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According to the Arizona Department of Economic Security (DES) website:

Child Protective Services supports DES goal of strengthening individuals and families by helping families strengthen the ability of parents, guardians or custodians to provide good child care. Its primary objective is to keep children safely within their own families. CPS works cooperatively with parents to make that happen.<sup>37</sup>

In Arizona, CPS is a state run agency under the Division of Children, Youth and Families (DCYF) within DES. CPS is a program mandated under Arizona Revised Statute (ARS) §8-802 to ensure the safety of children. CPS strives to promote family unity by providing the services and intervention needed to enable a safe and healthy family environment. CPS services include: a 24-hour child abuse and neglect report hotline, alleged child abuse and neglect investigation, child safety assessments, case management, permanent and temporary placement for children, parent aid, and in-home family support services and more.<sup>38</sup>

A majority of study participants identified CPS as the primary organization they would contact to report a case of DMST. CPS interviewees reported no training on the issue, no formal method of identification or classification, and extremely limited services and shelter available and appropriate for victims. Additionally, many cases of DMST do not qualify for CPS intervention since the agency only investigates cases of abuse or neglect in the home. Commercial sexual exploitation occurring outside the home and imposed by someone other than the caretaker does not qualify for CPS intervention – effectively barring many victims from accessing CPS services.

### Training

CPS interviewees received no formalized training on DMST. They reported that components relative to the issue i.e. criminal involvement with a child or sexual abuse, were included in the initial Case Manager Core training provided by the agency. Limited training on related issues like grooming tactics and sexual abuse is offered through Core training but does not include dynamics specific to DMST.

Additional training is sometimes provided by the Children's Advocacy Centers or through law enforcement child forensic interview trainings. Interviewees did not recall the training addressing prostituted children as victims of human trafficking.

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<sup>37</sup> Arizona Department of Economic Security, Child Protective Services. <[https://www.azdes.gov/child\\_protective\\_services](https://www.azdes.gov/child_protective_services)> Accessed on October 19, 2010.

<sup>38</sup> Arizona Department of Economic Security, Child Protective Services. <[https://www.azdes.gov/child\\_protective\\_services](https://www.azdes.gov/child_protective_services)> Accessed on October 26, 2010.

## Identification

Abuse or neglect reports to CPS must be made through the Child Abuse Hotline. From October 1, 2009 to March 31, 2010, the Child Abuse Hotline received 28,339 incoming communications – 17,110 met the criteria for a report of abuse or neglect and 11,229 did not meet the statutory criteria for a report of maltreatment.<sup>39</sup> Hotline operators are not trained on the issue of DMST, and hotline questions regarding sexual abuse and sexual exposure do not incorporate questions specific to DMST identification.

Lack of training and resources has resulted in nominal DMST identification by Arizona CPS. Investigators and case workers use codes known as tracking characteristics to indicate a variety of levels and types of abuse (see Appendix A). The tracking characteristics include a generic code that encompasses all forms of sexual abuse but does not specifically allow CPS staff to record sex trafficking, child prostitution, commercial sexual exploitation, or any variation of DMST. As a result, quantifiable data for this victim population is not available. Domestic trafficked minors would likely be classified under the generic coding of sexual abuse or parental neglect. Researchers observed that because sex trafficking was not a quantifiable tracking characteristic, CPS case workers overlooked DMST victimization and made greater effort to investigate peripheral symptoms of the victimization that could be recorded i.e. substance abuse, sexual abuse.

The absence of a tracking characteristic or intake process that incorporates questions to help identify DMST subsequently places responsibility on the youth to initiate willful disclosure regarding their victimization. Despite these barriers, every interviewee recalled at least one case of DMST.

One Flagstaff CPS interviewee identified 13 cases that qualified as DMST since 2005. Tucson CPS was not able to identify a specific number of DMST cases but did note that youth talk about it in youth and advisory groups and reported that their victimization is common knowledge. The interviewee highlighted one specific case involving a 15-year-old girl that CPS and law enforcement knew was involved in prostitution. Law enforcement reportedly found the girl when responding to a home they believed was being vandalized. Police found the girl and another youth in the home with a deceased individual. It appeared the individual died from a drug overdose and both girls were under the influence of drugs. Law enforcement also received a letter the girl left at school in which she disclosed that she was a victim of gang rape and detailed what she was expected and required to do. The girl was picked up as a runaway, taken to the child advocacy center for a forensic interview, and was placed in a group home from which she later ran.

## Investigations

All reports of abuse and neglect must first be submitted to the hotline. The hotline establishes case eligibility based on criteria for investigation. Courts may be exempt from this procedure by submitting a court order for CPS investigation in cases of alleged abuse or neglect by the parent or legal guardian.

<sup>39</sup> Arizona Department of Economic Security. Child welfare reporting requirements: Semi-annual report for the period of October 1, 2009 - March 31, 2010. <[https://www.azdes.gov/InternetFiles/Reports/pdf/child\\_welfare\\_oct\\_09\\_mar\\_10.pdf](https://www.azdes.gov/InternetFiles/Reports/pdf/child_welfare_oct_09_mar_10.pdf)> Accessed on October 26, 2010.

Once a case is submitted for investigation, CPS investigators will contact law enforcement if the case is coded as a criminal conduct investigation. Arizona mandates a joint-investigation protocol for CPS and law enforcement in cases of criminal conduct involving a minor. CPS interviewees reported high levels of collaboration with law enforcement. It was noted that frequent staff changes in city police departments are a barrier to effective collaboration between CPS and law enforcement. CPS workers are normally only involved in state-level cases but indicated they would coordinate with federal authorities on DMST cases if the situation arose. In a case that abuse or neglect is present but did not involve the parent or legal guardian, CPS reported that they would refer the case to law enforcement for investigation. Some interviewees, however, expressed doubts in the reliability of information sharing.

The first stage of a CPS investigation is the field interview in which the investigator will ask the child basic questions related to the abuse or neglect including: who, what, when, where, and who have you told? If the investigator determines abuse or neglect to be present and it falls within their jurisdiction and case criteria, the field interview will be stopped and a child forensic interview will be arranged, usually at the local Children's Advocacy Center. CPS, law enforcement, and prosecutors may watch the interview and prompt the interviewer to ask specific questions. Arizona CPS interviewees noted that questions related to *commercial* sexual exploitation would not likely be incorporated and that CPS staff would not pursue investigation with the youth.

CPS investigations remain consistently focused on the parent's ability or inability to provide for the child. Though CPS was not familiar with the federal Trafficking Victim's Protection Act, they all claimed that children engaged in prostitution would be viewed as a victim. This, however, does not shift the focus of the CPS investigation from the parent to the child. One interviewee reported that:

In one case the parent was so upset when she found out her teenage female was [engaged in prostitution] that she physically punished her and she left a mark on her. That's what we investigated – that she did leave a mark. It's not investigating the sex trafficking, only unless the parent is or is not doing it or is or is not protecting the child.

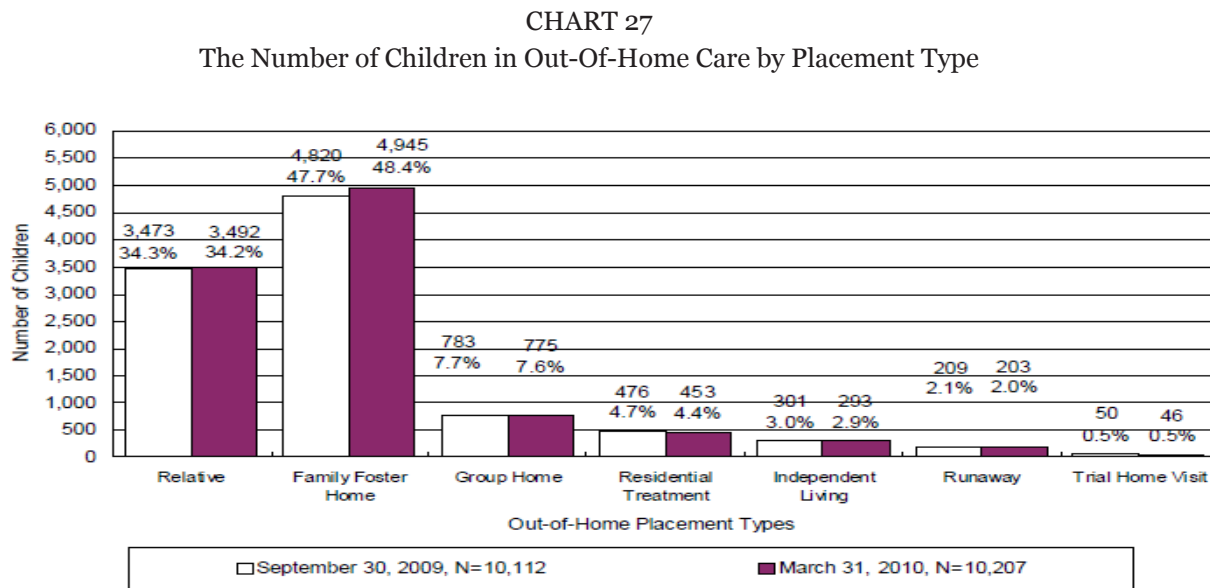
## **Protection and Services**

### *Restriction on Protection*

CPS is not responsible for providing protection or services for child trafficking victims unless there is an issue of abuse and neglect in the home. If the parent or legal guardian is suspected to be the abuser of a child, CPS will investigate to determine if the minor should be removed from the home or if parental rights need to be terminated. Though numerous professionals adamantly declare a parent neglectful if their child was involved in prostitution, interviewees from CPS stated that investigators must prove that the parent or legal guardian had knowledge of the abuse or that the abuse was a product of the guardian's inaction or influence. CPS cannot intervene in a case of domestic minor sex trafficking if the claim cannot be substantiated and the child is unwilling to testify.

### Placement

There are currently no placement options specifically for victims of DMST. Arizona offers several residential treatment centers (RTCs) and shelters for girls throughout the state; however, these are the lowest priority placements for CPS.<sup>40</sup>



Arizona's placement priority is as follows (from greatest to least): parents and relatives, community placement i.e. pastor, teacher, etc., foster home, group home, residential treatment facility. In determining what circumstance would constitute an out-of-home placement, one CPS interviewee stated:

Drug abuse, domestic violence, and these kinds of things are not always considered abuse and neglect unless they are impacting your child. Sometimes we have a drug abuser who is being an appropriate parent. They may be using drugs but they are still feeding their child, living in an appropriate home, sending their child to school...

Flagstaff CPS does not hold a contract with any youth shelters to reserve beds specifically for children in CPS custody. Staff reported that victims of sex trafficking would not likely be placed in a residential treatment facility but would first be placed with parents or relatives. If a relative was not available, CPS would place the child with a foster family or in a group home.

It is DCYF policy that case managers have face-to-face contact with all parents and children at least once a month. Of children placed in out-of-home care, 30.3 percent did not receive the required level of visitation in March 2009. This number greatly decreased in March 2010 to 12.1 percent of children not receiving monthly visitation.

<sup>40</sup> Arizona Department of Economic Security. Child welfare reporting requirements: Semi-annual report for the period of October 1, 2009 - March 31, 2010. <[https://www.azdes.gov/InternetFiles/Reports/pdf/child\\_welfare\\_oct\\_09\\_mar\\_10.pdf](https://www.azdes.gov/InternetFiles/Reports/pdf/child_welfare_oct_09_mar_10.pdf)> Accessed on October 26, 2010.

### Services

Though there are limited services for victims, and no services specifically for DTMs, staff have identified several CPS programs that would be available for victims. Depending on the case, a child would receive a global safety assessment, which is the immediate, initial assessment. This assessment guides case managers, parents, and children in determining a safety plan and case goals. CPS utilizes a method called ‘team decision making’ to allow individuals involved in the child’s life i.e. probation officer, teacher, mental health provider, parent, case worker, etc., to determine the best course of action for the youth. This process dictates the services and shelter that CPS will offer the child.

One of the most notable programs offered by CPS is the Young Adult Program (YAP). YAP offers independent living and life skills training, education and employment assistance, counseling, after care, and health care services for foster care youth. Homeless and street youth may also receive services from YAP. Additionally, CPS maintains a contract with the Arizona Department of Health Services and the Regional Behavioral Health Authority to provide sexual abuse services. These services may include psychological services such as a psychological evaluation or psychosexual evaluation, medical evaluation, substance abuse treatment, and therapeutic counseling and intervention.

### **Funding**

Arizona’s CPS is funded through DCYF within DES. The last two budget cycles have seen tens of millions of dollars cut from the department’s budget due to a significant rise in the state budget deficit. An \$87 million reduction was proposed to alleviate this deficit for FY2010. Together, the Division of Developmental Disabilities (DDD) and DCYF accounted for 85 percent of the department’s net increases since 2006.<sup>41</sup> A reduction of such a magnitude would have the most significant impact on these programs.

The Governor allocated discretionary stimulus funds in the amount of \$5.5 million to restore a 100 percent investigation rate for CPS, making the division exempt from the department’s large-scale lay off of approximately 800 employees. The department receives approximately \$35.5 million from the Social Services Block Grant (SSBG, Title XX of the Social Security Act), which is chiefly directed to CPS staffing and child welfare services; Adult Protective Services staffing and services for older Arizonans; and community-based service contracts for homeless and domestic violence centers and food banks. The budget cut reduced the funding to the SSBG planning funds by \$150,000 – hoping to mitigate the reductions for child welfare services. This, however, did not prevent a 20 percent reduction in reimbursement rates for the 4,700 children in family foster care.<sup>42</sup>

In order to fulfill the target 15 percent reduction to the budget for FY2010, it was proposed to severely reduce or eliminate DCYF programs, a total of \$5.3 million. Nevertheless, according to the 5<sup>th</sup> Special Session Impacts report, this reduction was not implemented as of January 2010. It is proposed in the budget plan for FY2011 that the \$5.3 million reduction be implemented, reducing Child Support Services by \$4.8 million and Adoption Services by \$800,000. Community

<sup>41</sup> Young, Neil. “Office of Communications Budget FY 2010.” *AZ.gov*. Department of Economic Security. Web. October 25, 2010. <[https://www.azdes.gov/uploadedFiles/Office\\_of\\_Communications/fy2010\\_budget\\_review\\_15\\_percent\\_reduction.pdf](https://www.azdes.gov/uploadedFiles/Office_of_Communications/fy2010_budget_review_15_percent_reduction.pdf)>. Accessed October 26, 2010.

<sup>42</sup> Arizona DES. “Fiscal Year 2010 Budget: 5th Special Session Impacts.” *AZ.gov*. Department of Economic Security. Web. October 25 2010. <[https://www.azdes.gov/uploadedFiles/Home\\_Page\\_Centerpieces/fy\\_2010\\_budget\\_impacts.pdf](https://www.azdes.gov/uploadedFiles/Home_Page_Centerpieces/fy_2010_budget_impacts.pdf)>. Accessed October 26, 2010.

Services will also face a reduction, depleting short-term crisis services by \$800,000. million, equivalent to 1,100 children and domestic violence services by \$1.6 million, equal to 1,500 families.<sup>43</sup>

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<sup>43</sup> Arizona DES. "Fiscal Year 2010/2011 Budget: 7th Special Session Impacts." *AZ.gov*. Department of Economic Security. Web. October 25 2010. <[https://www.azdes.gov/uploadedFiles/Office\\_of\\_Communications/FY10\\_11\\_Budget\\_7th\\_Special.pdf](https://www.azdes.gov/uploadedFiles/Office_of_Communications/FY10_11_Budget_7th_Special.pdf)>. Accessed October 26, 2010.



SOCIAL SERVICE PROVIDERS

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NON-GOVERNMENTAL  
ORGANIZATIONS



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## Community Response/NGO

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Members of the social service/ nonprofit community were interviewed with the goal of attaining a clear picture of their role in DMST victim identification and outreach. The following excerpt from a service provider interview illustrates a prevalent theme among area professionals:

Right now there's very limited space for U.S. citizens. I'm going to pray they're female or transgender and a victim of sex trafficking and over the age of 18 because that's the only direct shelter I know of.

### Training

Arizona does not have a state-wide mandated training for providers likely to come into contact with victims such as nurses, law enforcement, social service providers, CPS, juvenile probation, detention staff, etc. Nearly half of service providers reported receiving some type of training on the issue of human trafficking but very few reported receiving training specifically on domestic minor sex trafficking. Training was highly concentrated in Phoenix for service providers who expressly work with this victim population. Training decreased significantly to general service providers and was severely limited for service providers outside the Phoenix area.

Training on human trafficking, including dynamics of DMST, has been provided by ALERT, Arizonans for the Protection of Exploited Children and Adults (APECA), Mending the Soul, and Catholic Charities in association with the Greater Phoenix Human Trafficking Task Force.

ALERT is one of the leading organizations to provide Arizona-wide training on the comprehensive issue of international and domestic human trafficking. The training program was jointly funded by DOJ-OVC and a private funder. The program operated for three years but was discontinued in 2010. In 2008, 3,104 community members and multi-disciplinary groups received training through this program. The trainer attributed the misconception between human trafficking and human smuggling as a primary reason for the general attitude that victims of DMST are deserving victims.

In the past, APECA has provided training on the issue of sex tourism. Recently, however, APECA has focused training on the issue of domestic minor sex trafficking and the need for secure shelter for victims. Training is offered to community groups, including churches, women's groups, schools, and the Phoenix-based youth shelter, Tumbleweed.

In fall 2010, Mending the Soul completed a comprehensive peer-mentor, trauma-informed model of care for victims of DMST. Mending the Soul curriculum has been adapted into three components, including a caregiver manual, extensive workbook, and fairytale story. In January 2011, Mending the Soul will launch the first nine-month training to equip lay and professional counselors and peer mentors to provide victims of DMST with comprehensive trauma therapy.

Catholic Charities, in partnership with members of the Greater Phoenix Human Trafficking Task Force, including FBI, PPD Vice Unit, ICE, Department of Labor, Department of Justice and other NGOs, has provided training for first responders and other professionals throughout the Phoenix area. Additionally, staff at Catholic Charities have presented on the realities of prostitution in school classes.

## Identification

The level of victim identification varied greatly among service providers in Arizona. All service provider interviewees classified children involved in prostitution and other forms of commercial sex acts as victims and were aware of the need for sensitivity when interacting with and providing treatment for domestic minor sex trafficking victims. However, few service providers had intake questions that would provide a potential victim with an opportunity to expose sex trafficking indicators. Because victims rarely self-identify, relevant information regarding such indicators will not be obtained without specifically tailored intake questioning. Consequently, providers often addressed a victim's peripheral symptoms, including running away, truancy, drug and alcohol abuse, pregnancy, family issues, and homelessness.

Due to the lack of a formal identification or tracking procedure, service providers were not able to supply numerical data regarding victims of DMST. Despite the lack of proactive identification, every service provider interviewee recalled victims that were likely involved in prostitution and therefore were victims of child sex trafficking. Flagstaff Medical Center, Safe Child Center identified 20 percent of clients as victims of DMST. Open Inn Inc. in Tucson identified two cases but believe a substantial number of shelter residents may exhibit presenting indicators of DMST. A representative from Northland Family Help Center Children's Shelter recalled one case of probable DMST in which a pregnant female was admitted to the detention center. She was soon transferred to a group home 120 miles away in Maricopa County to address her behaviors and receive life skills training on how to raise a child. The provider did not recall any other cases of DMST but did report that they frequently see young females ages 15 to 16 dating 25 to 30-year-old men. Though it is not clear whether these cases qualify as DMST, this dynamic is frequently an indicator of commercial sexual exploitation.

Identification is more prevalent among service providers in Phoenix. One local NGO attributes better identification to the greater level of awareness, training, and funding available in Phoenix. Organizations like Catholic Charities and Girls Scouts engage in street outreach and facilitate programs in detention centers to identify and serve victims of DMST. Additionally, operations conducted by the PPD Vice Unit to target traffickers and buyers result in the identification of trafficked minors.

A majority of service providers agreed the primary challenge in identifying DMST is the victim's cloaking or masking behavior. One service provider noted:

It is a situation where the youth can cloak everything. You have to really peel back the layers to actually find that, and you have to have the interviewing skill set to do that. Some interviewers or some social workers don't like to venture into that because it becomes messy at that point. You're going to have to call CPS, you're going to have to call law enforcement, so that might be a hindrance to a social worker.

A representative from the Girl Scouts–Arizona Cactus-Pine Council, Inc., who conducts a program called Adelante Jovencitas in the Arizona Department of Juvenile Corrections Black Canyon School for Girls, cautioned against any victim identification. She stated that associating a child with prostitution, even if labeled domestic minor sex trafficking or commercial sexual exploitation, could have a detrimental effect on the child. To mitigate this re-traumatization, the program incorporates dynamics of prostitution in the life skills classes that are offered to all girls at the facility.

## Outreach

Numerous agencies and organization in Arizona participate in National Safe Place:

Safe Place is the first step to help for any youth in crisis or at risk. This community collaboration program, operated by youth shelters or youth serving agencies make it possible for any youth to access help at locations including fast food restaurants, convenience stores, fire stations, libraries and city buses which display the Safe Place sign...Safe Place connects youth to immediate help and safety and offers supportive services to both youth and their families.<sup>44</sup>



Open Inn Inc. operates Project Safe Place in Tucson. Additionally, Open Inn conducts an outreach program lead by peer mentors to provide street youth with food and clothing, assistance in securing identification papers, transportation assistance, and may work with youth to provide independent living housing.

Northland Family Help Center operates Project Safe Place in Flagstaff. Northland Family Help Center also conducts a street outreach program that is designed to build relationships between peer mentors and staff with runaway and homeless youth. The outreach team provides street youth with survival kits that include items to assist a youth in staying safe and secure on the street.

In 2003, Catholic Charities received a grant from Health and Human Services (HHS) to conduct street outreach to victims of international trafficking in Phoenix. Staff from Catholic Charities spent 20-30 hours a week driving to known tracks of prostitution to distribute food, drinks, and information to victims of trafficking. Staff reported that they primarily encountered domestic minors being used in prostitution. The youngest child they encountered was 15 years old, and the most common age was between 16 and 17 years old. The racial breakdown of trafficking victims was: 80 percent African American, 15 percent Caucasian, and 5 percent Hispanic. The HHS grant has not been renewed since 2009, consequently street outreach has discontinued.

## Public Education and Awareness

Research findings revealed that public education and awareness activities were largely concentrated in Phoenix. Multiple groups reported engaging in awareness activities that include speaking at universities, community colleges, church groups, social service agencies, and more. The list below highlights the three most prominent public awareness activities reported by professionals and community members.

*International Day of No Prostitution* – The City of Phoenix, Girl Scouts, and Catholic Charities partner to host the International Day of No Prostitution. On this day, no man, woman or child is to be sold for sex. Since 2000, several hundred supporters have gathered in areas of high prostitution to join in the annual candlelight walk. The walk is attended by women in recovery, PPD Vice officers, police officers, task forces, social service providers, the county attorney and

<sup>44</sup> <<http://nationalsafeplace.org/>> Accessed November 6, 2010.

city prosecutor's office, and community leaders. This walk is a tribute to victims and survivors of commercial sexual exploitation and a reminder to johns that community members are adamantly opposed to their oppressive and exploitative behavior.

*Immersion Experience* –In 2009, Catholic Charities hosted the Immersion Experience – an exhibit of simulated trafficking. Each attendee received a passport upon entrance to the exhibit. The viewer was then led into a room that revealed media's effect on culture and illustrates social media's over-sexualization of young girls. Tour guides then led viewers through the course of trafficking from being abducted or groomed in a mall to a hotel room that illustrated a woman's abusive experience. Participants were unknowingly led into a cage to simulate the situation of a well-known local story about a DMST victim who was imprisoned in a dog crate. The audience was then verbally abused by a trafficker and propositioned by a buyer. The exhibit included the dynamic of drug abuse, arrest, and incarceration. At the end, participant passports corresponded to either death or escape. Last year, over 300 viewers attended the Immersion Experience during its three-hour limited engagement. Catholic Charities plans to host the event for extended hours on an annual basis.

*Branded* –*Branded* is a feature length documentary on the issue of prostitution in Phoenix. *Branded* is the first of a three-part initiative to address the issue of commercial sexual exploitation of children through awareness, prevention, and aftercare. *Branded* was specifically designed as an awareness tool and highlights the collaboration of the Phoenix Police Department, the Phoenix Police Department Vice Unit, the Sex Crimes Bureau, Dignity House, various non-profits, and members of the government to combat human trafficking. As of September 28, 2010, *Branded* had been screened 25 times to over 10,000 audience members.<sup>45</sup>

### **Cooperative Relationships**

Service providers reported successful collaboration with law enforcement in all research locations. In Phoenix, many providers regularly contact federal and local law enforcement to assist in cases of DMST. Providers in other counties stated that law enforcement was diligent in assisting them in cases of suspected human trafficking. Representatives from Streetlight and Natalie's House both reported that they worked in tight collaboration with law enforcement and the county attorney's office to pursue prosecution for traffickers and buyers and ensure the safety of victims.

Cooperation with CPS, however, ranked considerably lower than law enforcement or prosecution by service providers. An interviewee at a Phoenix-area NGO said she would likely request law enforcement make a report to CPS to increase priority of a case. Many providers did not believe CPS staff received the training or funding necessary to adequately meet the needs of this victim population. Additionally, many providers expressed doubt that other providers in the system, such as case managers or probation officers, would have the training and resources to identify victims.

<sup>45</sup> <<http://www.patmccallablog.com/>> Accessed November 12, 2010.

This lack of collaboration will likely hinder the ability of several Phoenix-area shelters to serve child sex trafficking victims. One interviewee stated:

We understand it may be problematic to get children immediately because identifying them is a problem. The system doesn't identify these children well. When we work with case workers on the ground level, they know immediately if a child in their case load is a trafficked child or not, but in terms of sending this paperwork up to see how to deal with this child, it gets lost. They're runaway, they're drug-abuse kids, they're delinquent...but they're not [identified] as trafficked children.

### **Counseling and Programming**

Arizona offers limited services to child victims of commercial sexual exploitation. Flagstaff and Tucson reported a significant lack in any services that directly address the needs of this specific victim population.

The Girl Scouts–Arizona Cactus-Pine Council, Inc. developed a program called Adelante Jovencitas specifically for sexually exploited female minors incarcerated at the Arizona Department of Juvenile Corrections Black Canyon School for Girls. Adelante Jovencitas is Spanish for “Young Women Moving Forward.” This program was created with the assistance of Arizona State University’s College of Education and Service Learning Programs.

The 16-week course is designed to decrease risk of victimization by addressing issues related to DMST, including crime and violence, education, gangs, health, homelessness, sexual exploitation, and substance abuse. The program is led in collaboration by Catholic Charities DIGNITY program and Girl Scouts–Arizona Cactus-Pine Council, Inc. To avoid stigmatization, the program is offered to all girls at the Black Canyon School and incorporates unrelated issues. Informal identification revealed that 75 percent of girls attending the program disclose exploitation through prostitution.

Mending the Soul provides counseling that addresses the trauma and exploitation specific to the restoration of child sex trafficking victims. It is currently working in collaboration with two peer mentors to provide trauma therapy to eight victims of commercial sexual exploitation. Mending the Soul will be expanding the practice starting in 2011, after training lay and professional counselors to administer the same level of trauma therapy. Additionally, this trauma model will be offered to residents at the Phoenix-area shelter care facility, Streetlight, when it opens. The Mending the Soul model is uniquely adapted to account for the trauma inflicted by various types of abuse, including commercial sexual abuse, sexual abuse, physical abuse, and religious abuse. Though the model incorporates elements of faith, the material is survivor-informed to avoid triggering trauma through religious illustrations or language.

Under a grant from the City of Phoenix, APECA operates life skills workshops for at-risk or victimized teens. The program is available for youth 11 to 17 years old. A majority of participants are adjudicated and come from group or foster homes. The program incorporates field trips to places like the zoo or museums, cooking lessons, crafts, and life skills workshops that cover issues like money management, anger management, character building, and self-injury.



## Shelter

Arizona does not currently have a shelter that adequately meets the most critical needs of child sex trafficking victims. There are no available emergency shelter or transitional housing options specifically designed for these victims. Funding and licensing factors have delayed the opening of two Phoenix-area shelters that will provide direct services to DTMs. Due to limited funding, most youth shelters in Arizona are only able to provide up to 30 days of care for a minor, unless an extenuating need is documented. The absence of a secure shelter allows teens to leave a facility or be released to their legal guardian at any time during their stay. Interviewees noted that the lack of shelter for victims is a continuing problem for service providers. Accordingly, the lack of available beds and safety considerations are hurdles in finding a safe placement for child victims once identified.

The following facilities will provide direct shelter and services for child sex trafficking victims:

### *Streetlight – Phoenix*

Streetlight is the final component of a three-prong city initiative in Phoenix to increase awareness, facilitate prevention and provide aftercare for child victims of sex trafficking. Streetlight occupies a five acre gated property and includes six residential homes, an administrative building, an enrichment center, a commercial kitchen, a medical examining room, and classrooms. The property purchase was a community effort, with funds raised by individual donors, churches, and a grant from the State of Arizona Department of Housing. The facility can house between 24 to 48 girls up to 18 years old and their children.

Girls will receive professional trauma therapy based on the trauma model designed and implemented by Mending the Soul and trained lay counselors. The shelter will include a small medical clinic to provide medical intake exams, medical assessments, pharmaceuticals, and other general health care needs. Two local charter schools will establish a branch campus on the property to extend programs already offered in the state to shelter residents. Streetlight is a staff-secure facility with a gated perimeter, laser identification, cameras in all public spaces, and a 24-hour surveillance team.

Streetlight streamlined operation costs by adapting a unique model of care that relies extensively on volunteer groups to provide surveillance, counseling, and daily caretaking for residents. At the time of the interview, Streetlight had not established licensing with CPS or a contract with the Arizona Department of Juvenile Corrections; however, it planned to pursue these avenues of access to victims. Additionally, residents may enter the facility by parental consent. The shelter is slated to open in 2011.

### *Natalie's House – Phoenix*

Natalie's House is an initiative of Arizonians for the Protection of Exploited Youth (APECA). The shelter is located in the Phoenix area and can house up to eight residents. The program will offer equine therapy, gardening, homeschooling, and counseling through Southwest Behavioral Health Services. Additionally, residents may participate in programs offered by APECA such as life skills workshops, cooking, crafts, and field trips. Heavy emphasis is placed on creating a home-like environment, achieved through routines like gathering at a family dinner table for meals each night. Due to funding restrictions, Natalie's House anticipates only accepting residents referred and funded by CPS. At the time of the interview, Natalie's House was currently applying for

licensing through CPS. The interviewee noted the difficulty in securing CPS licensing due to the agency's limited funding and low priority to place children in shelter facilities. Natalie's House has established security measures that include security lighting and cameras, a fenced perimeter, no cell phones and monitored internet use for residents, and maintaining a highly confidential address. Residents may stay at the shelter until they are 18 years old. Ideally, survivors will stay a minimum of six to 12 months to allow for the prosecution of the trafficker before returning home. The shelter is nearing completion; however, an official opening date is yet to be determined.

#### *The Rescue Project – Phoenix*

The Rescue Project is an initiative of Phoenix First Assembly Church Dream Center. The shelter can house up to five minors and seven adult women. Though the stated mission of the shelter is to rescue and restore victims of commercial sexual exploitation, the commercial component is not necessary for victims to be admitted. To qualify for entrance to the facility the girl or woman must be escaping forced sexual exploitation. Victims may access the shelter through law enforcement referral, street outreach, parental consent or self referral. The facility is staff-secure and includes other safety features but is not a lockdown facility. Residents receive medical care, counseling, and education. At the shelter victims are engaged in an 18-month program, after which they are encouraged to leave the facility. To minimize institutional backlash and promote reintegration into society, program staff work with outside organizations to transition the victim back into the community.

#### **Additional Shelter Options**

In addition to the DMST specific shelters listed above, all cities offered additional youth housing. The list below is not intended to be a comprehensive shelter list but rather highlights the most notable facilities in Arizona reported by the juvenile court, CPS, social service providers, and law enforcement.

#### *Tumbleweed – Phoenix*

Tumbleweed's mission is to "serve abused, abandoned, troubled, and neglected youth in our community."<sup>46</sup> The organization serves males and females 11 to 22 years old in Maricopa County. Tumbleweed provides emergency shelter, transitional living, counseling, skill development, education and employment assistance, family reunification, independent living training, and a community learning center that includes a certified school and vocational and work placement center.

#### *Florence Crittenton – Phoenix*

Florence Crittenton offers shelter for up to 40 girls ages 12 to 18 years old. The shelter works in partnership with CPS, the juvenile court center, Magellan, and the Indian Nations to provide shelter to at-risk youth. The average length of stay is approximately 30 to 120 days. Though the organization has not received training to identify DMST, the interviewee reported the shelter has an average of approximately 10 to 12 residents who have been exploited through prostitution. At the shelter, residents receive schooling from an on-site charter school, ongoing life skills programming, off-site field trips, mentoring, counseling, and group therapy.

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<sup>46</sup> <<http://www.tumbleweed.org/>> Accessed November 18, 2010.

*Open Inn, Inc. – Tuscon*

Open Inn offers two shelters to provide 17 beds for male and female youth ages 8 to 17. The average youth in residence at either shelter is a 14-year-old female, usually referred for truancy, curfew, running away or other status offenses. Shelter staff has not received training on the issue and do not formally identify DMST through intake or other methods. The interviewee recalled several shelter youth who disclosed engaging in prostitution in the past year. Due to the lack of identification and specialized services, reports were submitted to CPS and the minors were referred to varying counseling and service programs unrelated to their specific victimization.

*Northland Family Help Center (NFHC) Childrens Shelter/Halo House – Flagstaff*

The NFHC Children's Shelter/ Halo House is a Flagstaff satellite program of Open Inn Inc. The shelter has 12 beds for minors under the age of 18 years old. The shelter offers case management, counseling, medical screening, family reunification, life skills training, referrals, and runaway and homeless youth services. Federal funding allows the shelter to provide services to runaway and homeless youth, in addition to minors referred and funded through CPS and juvenile probation. NFHC Children's Shelter offers one of the most long-term placements in the state. Youth may stay up to nine months, though the average stay is approximately 90 days.

*Restrictions*

Two primary shelter restrictions reported by interviewees included CPS licensing restrictions and incorporating faith-based components in community care. CPS operates primarily from a model of family reunification. If this is not possible, children will be placed in foster care or group homes. Shelter facilities are rarely used by CPS to avoid institutionalizing children. Though this operational model is commendable, it is not conducive to the unique needs of children who have been sexually exploited through prostitution. The trauma and exploitation imposed on this victim population requires heightened counseling, treatment, and security elements not commonly available in the general family or foster home environment. To compensate for operational costs, shelters are relying on CPS funding for placing children in shelter facilities. Without training, additional funding for placement, and a reformed, trauma-informed model of care, CPS is likely to avoid placing children in shelters.

One service provider noticed an increase in family reunification beginning in 2007. The decline in shelter placement, even if circumstantially appropriate, likely resulted from state budget cuts.

One service provider commented on the dilemma of shelter placement:

Foster care is about \$27 a day, group home is \$100 a day and a treatment center is \$200 a day. And it's even cheaper to send them home.

The second component of shelter restriction is the inclusion of faith-based practices in community care. In Arizona, every DMST specific shelter operates in collaboration with the faith-based community – primarily Christian churches and organizations. Some service providers intend to do a comprehensive review of each shelter to evaluate the extent that faith-based components will be incorporated into shelter care. Service providers reported that some cases may require finding alternative shelter such as domestic violence or homeless youth shelters to avoid forcing specific religious practices on victims who may have differing beliefs. To mitigate this potential problem, all shelters noted that religious practices such as prayer, bible study, and church attendance are available but not required.

# RECOMMENDATIONS

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## **Recommendations**

The following recommendations are state and local level steps that can be taken to advance solutions to domestic minor sex trafficking in Arizona. These recommendations account for Arizona's major budget deficit that has significantly hindered access to training and resources needed for identification and response to victims of trafficking. Despite adverse economic conditions, Arizona is positioned to grow as a national leader on domestic minor sex trafficking.

*1. Penalties for buyers of sex with a minor should not be reduced when the victim is older than 15 years.* Child prostitution is domestic minor sex trafficking. The penalties for those who buy sex with a minor under 18 differ greatly between the two key pieces of law criminalizing this action. A.R.S. § 13-3212 (Child Prostitution) has lightened the penalties for buyers of sex with 15-17 year old minors when the prosecutor cannot show evidence of knowledge of the age. If offenders – buyers – engage in prostitution with a minor who is 15, 16 or 17 years old without knowledge that the victim is a minor, they are subject to a Class 6 felony. The already low sentence of a presumptive 12 months can be reduced by the court to probation with 180 days in county jail; this can be further reduced to a mere 90 days on the first offense of child prostitution if the offender completes an education or treatment program. This dramatic drop in penalty upon the victim's fifteenth birthday is contradictory to the sex trafficking of a minor statute (A.R.S. § 13-1307). Amending the child prostitution statute to bring it in line with the penalties for sex trafficking is appropriate given the definition of child sex trafficking as the use of a minor under 18 in prostitution or sexual performance.

*2. Training must be prioritized for first responders.* A lack of mandated training on human trafficking has resulted in inconsistent levels of training across the state. CPS and police patrol units are most likely to make contact with victims of trafficking, yet received the least amount of training. DMST training for law enforcement is primarily concentrated in Phoenix, while agencies in other jurisdictions have limited access to training on the issue. Law enforcement and CPS must be trained to recognize a prostituted child as a victim of sex trafficking rather than a perpetrator of child prostitution. This is the first opportunity at intervention in the child's victimization. In order for first responders to successfully identify and respond to victims, training must be made available to multi-disciplinary groups in all jurisdictions in Arizona. Additionally, training models should be designed for maximum consistency and sustainability, despite funding fluctuation. To achieve this, Arizona should utilize issue experts in Phoenix to implement a train-the-trainer model of training, thereby effectively increasing the base of training providers in the state.

*3. Therapeutic, appropriate placement options must be made available for victims of domestic minor sex trafficking.* Two Phoenix-area shelters have the ability to offer at least 38 beds specifically to DMST victims; however, financial and licensing factors have delayed the opening of both facilities. Although law enforcement officers view minors exploited through prostitution as victims, the absence of appropriate shelter leaves officers with no alternative to filing a charge that will allow them to detain the victim in a secure facility. The established DMST shelters need to receive support and resources critical to offering shelter services for domestic minor victims of trafficking.

4. *CPS should establish a tracking characteristic to identify victims and allow access to appropriate shelter and services.* In the absence of an accurate tracking label for victims of DMST, CPS is categorizing victims as general sexual abuse or parental neglect cases. This misidentification causes many victims to receive inadequate treatment and shelter placement. Additionally, due to funding restrictions and CPS policy for family reunification, 90 percent of children are placed with family or relatives, foster families or in group homes. These placement options do not provide the level of security and treatment needed for holistic restoration. Using the established tracking characteristic, CPS should work to place identified victims in appropriate residential treatment facilities or DMST specific shelters.

5. *Survivors of trafficking should have access to provide services to victims of trafficking.* Survivors of sex trafficking are key service providers for victims of sex trafficking, uniquely positioned through shared experiences to build rapid trust and provide appropriate counseling. Due to the crimes sex trafficking victims are often forced to perform by a trafficker or self imposed as a coping mechanism for their exploitation many survivors have felony charges on their criminal record. These charges prevent survivors from receiving background clearance to work with children. Evidence proves that prostituted youth are more cooperative and responsive to fellow survivors who have experienced and understand the dynamics of their exploitation. Survivors of trafficking should receive clearance to work with minor victims of trafficking.



## Appendix A

### Exhibit 2

#### TRACKING CHARACTERISTICS

##### Tracking Characteristics

Does not require an investigation, but may require an action.

- TB** - Notice that a family or alleged abusive person known to another state CPS is residing in or believed to be relocating to Arizona.
- TD** - Request for courtesy assessment from another state CPS to ensure safety of a child.
- TE** - Runaways from other states or shelter due to out-of-state request or courtesy ICPC shelter.
- TF** - Court ordered pick up (domestic relations)
- TG** - Mental health treat needed, but cannot be obtained without CPS intervention
- PI** - Physical Injury Between Children
- SX** - Sexual Conduct Between Children
- SPGA** - Successor Permanent Guardianship Action

##### Tracking Characteristics

Requires an investigation and must include at least one report allegation

- AB** - Abandonment
- DV** - Domestic Violence
- CC** - Criminal Conduct
- FR** - False Report Indicated
- NF** - Near Fatality - an act certified by a physician, placed the child in serious or critical condition
- SEN** - Substance Exposed Newborn
- TH** - Child in care, custody and control of DES via court order or Voluntary Foster Placement Agreement
- TJ** - Administrative ordered investigation
- TK** - Court ordered investigation
- TL** - Private dependency petition
- TM** - Substance abuse contributes to the maltreatment
- TN** - DES certified child care home
- TO** - Family resides on Indian Reservation or Military Base
- TP** - Family Assistance Administration (AFDC teenage parent recipient) report.
- TSH** - Safe Haven Newborn
- TPI** - Physical Injury Between Children
- TSX** - Sexual Conduct Between Children
- SPG** - Successor Permanent Guardianship

Revision History:  
DES (09-2009)

**Appendix B****A.R.S. 8-321. Referrals; diversions; conditions; community based alternative programs**

A. Except as provided in subsection B of this section, before a petition is filed or an admission or adjudication hearing is held, the county attorney may divert the prosecution of a juvenile who is accused of committing a delinquent act or a child who is accused of committing an incorrigible act to a community based alternative program or to a diversion program administered by the juvenile court.

B. A juvenile is not eligible for diversion if any of the following applies:

1. The juvenile committed a dangerous offense as defined in section 13-105.
2. The juvenile is a chronic felony offender as defined in section 13-501.
3. The juvenile committed an offense that is listed in section 13-501.
4. The juvenile is alleged to have committed a violation of section 28-1381, 28-1382 or 28-1383.
5. The juvenile is alleged to have committed an offense involving the purchase, possession or consumption of spirituous liquor or a violation of title 13, chapter 34 and the juvenile has previously participated in a community based alternative program or a diversion program administered by the juvenile court at least two times within twenty-four months before the date of the commission of the alleged offense.

C. Except as provided in section 8-323, the county attorney has sole discretion to decide whether to divert or defer prosecution of a juvenile offender. The county attorney may designate the offenses that shall be retained by the juvenile court for diversion or that shall be referred directly to a community based alternative program that is authorized by the county attorney.

D. The county attorney or the juvenile court in cooperation with the county attorney may establish community based alternative programs.

E. Except for offenses that the county attorney designates as eligible for diversion or referral to a community based alternative program, on receipt of a referral alleging the commission of an offense, the juvenile probation officer shall submit the referral to the county attorney to determine if a petition should be filed.

F. If the county attorney diverts the prosecution of a juvenile to the juvenile court, the juvenile probation officer shall conduct a personal interview with the alleged juvenile offender. At least one of the juvenile's parents or guardians shall attend the interview. The probation officer may waive the requirement for the attendance of the parent or guardian for good cause. If the juvenile acknowledges responsibility for the delinquent or incorrigible act, the juvenile probation officer shall require that the juvenile comply with one or more of the following conditions:

1. Participation in unpaid community restitution work.
2. Participation in a counseling program that is approved by the court and that is designed to strengthen family relationships and to prevent repetitive juvenile delinquency.
3. Participation in an education program that is approved by the court and that has as its goal the prevention of further delinquent behavior.
4. Participation in an education program that is approved by the court and that is designed to deal with ancillary problems experienced by the juvenile, such as alcohol or drug abuse.

5. Participation in a nonresidential program of rehabilitation or supervision that is offered by the court or offered by a community youth serving agency and approved by the court.
6. Payment of restitution to the victim of the delinquent act.
7. Payment of a monetary assessment.

G. If the juvenile successfully complies with the conditions set forth by the probation officer, the county attorney shall not file a petition in juvenile court and the program's resolution shall not be used against the juvenile in any further proceeding and is not an adjudication of incorrigibility or delinquency. The resolution of the program is not a conviction of crime, does not impose any civil disabilities ordinarily resulting from a conviction and does not disqualify the juvenile in any civil service application or appointment.

H. In order to participate in a community based alternative program the juvenile who is referred to a program shall admit responsibility for the essential elements of the accusation and shall cooperate with the program in all of its proceedings.

I. All of the following apply to each community based alternative program that is established pursuant to this section:

1. The juvenile's participation is voluntary.
2. The victim's participation is voluntary.
3. The community based alternative program shall ensure that the victim, the juvenile's parent or guardian and any other persons who are directly affected by an offense have the right to participate.
4. The participants shall agree to the consequences imposed on the juvenile or the juvenile's parent or guardian.
5. The meetings and records shall be open to the public.

J. After holding a meeting the participants in the community based alternative program may agree on any legally reasonable consequences that the participants determine are necessary to fully and fairly resolve the matter except confinement.

K. The participants shall determine consequences within thirty days after referral to the community based alternative program, and the juvenile shall complete the consequences within ninety days after the matter is referred to the community based alternative program. The county attorney or the juvenile probation officer may extend the time in which to complete the consequences for good cause. If the community based alternative program involves a school, the deadlines for determination and completion of consequences shall be thirty and ninety school days, respectively.

L. The community based alternative program, the juvenile, the juvenile's parent or guardian and the victim may sign a written contract in which the parties agree to the program's resolution of the matter and in which the juvenile's parent or guardian agrees to ensure that the juvenile complies with the contract. The contract may provide that the parent or guardian shall post a bond payable to this state to secure the performance of any consequence imposed on the juvenile pursuant to subsection J of this section.

M. If the juvenile successfully completes the consequences, the county attorney shall not file a petition in juvenile court and the program's resolution shall not be used against the juvenile in any further proceeding and is not an adjudication of incorrigibility or delinquency. The resolution of the program is not a conviction of crime, does not impose any civil disabilities ordinarily resulting from a conviction and does not disqualify the juvenile in any civil service application or appointment.

N. The county attorney or juvenile court shall assess the parent of a juvenile who is diverted pursuant to subsection A of this section a fee of fifty dollars unless, after determining the inability of the parent to pay the fee, the county attorney or juvenile court assesses a lesser amount. All monies assessed pursuant to this subsection shall be used for the administration and support of community based alternative programs or juvenile court diversion programs. Any amount greater than forty dollars of the fee assessed pursuant to this subsection shall only be used to supplement monies currently used for the salaries of juvenile probation and surveillance officers and for support of programs and services of the superior court juvenile probation departments. The clerk of the superior court shall pay all monies collected from this assessment to the county treasurer for deposit in the juvenile probation fund, to be utilized as provided in section 12-268, and the county attorney shall pay all monies collected from this assessment into the county attorney juvenile diversion fund established by section 11-537.

O. The supreme court shall annually establish an average cost per juvenile for providing diversion services in each county, based on the monies appropriated for diversion pursuant to section 8-322, excluding the cost of juvenile intake services provided by the juvenile court, and the number of juveniles diverted the previous year. On the county attorney's certification to the supreme court of the number of juveniles diverted to a county attorney community based alternative program each quarter, the annual average cost per juvenile for each juvenile diverted shall be reimbursed to the county attorney juvenile diversion fund established by section 11-537 out of monies appropriated to the supreme court for diversion programs.

P. If the juvenile does not acknowledge responsibility for the offense, or fails to comply with the consequences set by the community based alternative program, the case shall be submitted to the county attorney for review.

Q. After reviewing a referral, if the county attorney declines prosecution, the county attorney may return the case to the juvenile probation department for further action as provided in subsection F of this section.



