

# DOMESTIC MINOR SEX TRAFFICKING

Independence, Missouri



*Shared Hope International exists to rescue and restore women and children in crisis. We are leaders in a worldwide effort to prevent and eradicate sex trafficking and slavery through education and public awareness.*



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# **Independence/Kansas City Area Assessment**

Identification of domestic minor sex trafficking  
victims and their access to services

April 2008

**Prepared for  
Shared Hope International**

By Kris Wade

## Acknowledgements

The buying and selling of human beings is one of the most horrific human rights violations in our world today. Sex trafficking is both a global and a local problem; American children are bought and sold every day throughout the United States to perform sex acts. These children are purchased as sexual commodities, and their victimization is perpetrated by the cruelty and callousness of traffickers and buyers alike. The victims need people who are willing to take on the challenge of rescuing and protecting them, prosecuting their abusers, and providing for their wellbeing as healing begins. Fortunately, throughout the assessment process in the Independence/Kansas City area, such people were found working inside nearly every sector of public service, identifying and facilitating service delivery to the young victims of domestic minor sex trafficking (DMST).

This rapid assessment (RA) focuses on the Independence and Kansas City areas in Missouri. The Human Trafficking Rescue Project (HTRP), funded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA), was formed in this metropolitan area to operate as a task force to increase the investigation and prosecution of traffickers. The HTRP funding partners law enforcement with a victim service provider, funded by the U.S. Department of Justice, Office for Victims of Crime (OVC), to provide care and safety to the victims. HTRP members and professionals within the community were instrumental in the assessment process.

Law enforcement revealed the challenging situations faced by police as they encounter DMST on the street, and local service and community organizations provided valuable information that clarified the availability of services, highlighted important best practices, and exposed where gaps and challenges lie within the system.

The Family Court of Jackson County and the Jackson County Family Court Residential and Detention Services must be commended for their victim-centered approach. Through the leadership of judges, administrators, and front-line staff, minors exploited through sex trafficking are viewed as victims. State and federal prosecutors provided case examples and information on the prosecution of traffickers in the area, as well as information regarding the approach to victim-witness treatment throughout the judicial process. All of the entities were integral to understanding the involvement of victims of DMST in the juvenile justice system.

Tackling the issue of domestic minor sex trafficking is a huge undertaking and great thanks are offered to all who strive to protect youth from those who prey on their innocence. In the Independence and Kansas City, Missouri area, the RA reveals that those who work with youth are anxious and willing to learn more about how to assist victims of DMST. While there is much to do and learn, there is a proactive culture of compassion that is encouraging and bodes well for the future.

Sincerely,



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Kansas City, Missouri



Linda Smith, President and Founder  
Shared Hope International

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## EXECUTIVE SUMMARY

Domestic minor sex trafficking (DMST) is the commercial sexual exploitation (CSE) of American children who are citizens or lawful permanent residents (LPRs). DMST can be pornography, prostitution (i.e., trading sexual acts for compensation, such as money, food, drugs, and shelter), or other forms of compensated sexual performance, including stripping and exotic dancing. DMST has been largely underreported, principally due to the absence of screening for trafficking-related exploitation during the initial intake of victims by first responders. As a consequence, the victims fail to be properly identified or receive appropriate assistance and slip through the cracks of the justice and social service systems.

DMST was addressed legislatively by the United States Congress in 2000 with the passage of the Trafficking Victim Protection Act (TVPA), which defines children under 18 years of age who have been “recruited, transported, harbored, provided, or obtained for the purpose of a commercial sex act” as trafficking victims. It is important to note that force, fraud, or coercion is not a requirement to prove child sex trafficking, and all foreign national and domestic children, which includes U.S. citizens and lawful permanent residents who have been used for commercial sex acts, are defined as victims of sex trafficking. Nevertheless, despite the TVPA definition, DMST victims are still being viewed in some jurisdictions as delinquents and mislabeled as prostitutes. This unfortunate reality is in direct conflict with the TVPA and continues to contribute to the unjust detention of DMST victims and the lack of or removal of appropriate services.

On August 28, 2006, the Missouri legislature amended the state laws to include the crime of human trafficking. In almost direct alignment with the federal TVPA, Revised Statutes of Missouri (RSMO) chapter 566, section 566.212 identifies the crime of minor sex trafficking to include “a person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of 18 to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participating in such activities; or causes a person under the age of 18 to engage in a commercial sex act.”<sup>1</sup>

The Missouri statute states that not knowing the age of the child is not a defense. This crime is a Class A felony. Therefore, under both federal and state law, DMST victims are recognized as a separate victim population and provided with access to services and shelter.

Recognizing the need to address the complex issues surrounding DMST, Shared Hope International, through funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA), designed a research tool to assess the access to and delivery of services for DMST victims. Ten locations in the United States were targeted for the assessment, including the Independence/Kansas City area. The municipalities of Independence and Kansas City are geographically situated next to each other in Jackson County, Missouri, and share a number of government and service provider agencies. The combined area is located in the middle of three major highways that run either north/south or east/west across the United States. This makes the region highly traveled and facilitates a pipeline for illegal activities, such as drug trafficking, contraband smuggling, and human trafficking.

*The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the U.S.* was designed by Shared Hope International, and the process was implemented in the Independence/Kansas City area by Kris Wade, a criminal justice graduate from the University of Missouri-Kansas City and court liaison/advocate at Veronica’s Voice, a nonprofit that works with victims of CSE. Materials were collected through comprehensive desk research regarding DMST in the region and interviews with 19

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<sup>1</sup> House Bill 1487, 2004.

persons from 13 different professional entities that are believed to have contact with DMST victims. The assessment process took place between October 2007 and January 2008.

Though a target sample size of 25 interviews was diligently sought after, numerous obstacles, such as timing, resistance to participation in research, and ongoing investigations into police conduct, created a tone of noncooperation from a few persons identified for participation. Their interest and verbal support of the research was noted; however, their direct participation was unable to be obtained. This is viewed as a limitation in the research findings.

The assessment intends to determine if DMST victims are being identified in the target area, and which, if any, services are available and being delivered to such victims. An important component of the assessment is the identification of effective practices, challenges, obstacles, and gaps in services that occur during the course of interacting with a DMST victim. Although best practices were found during the assessment process, it is evident that methods of identification, availability of appropriate services, and issue awareness were all sorely lacking in the Independence/Kansas City area. DMST victims are largely unidentified and are generally brought to the attention of the juvenile justice system through other delinquent offenses, such as shoplifting, assault, running away, and drug possession.

In order to determine the scope of and responses to DMST in the target location, three factors were explored: **Prevention, Prosecution, and Protection**. The “three Ps” are widely used to measure understanding and gauge responses toward human trafficking. This comprehensive approach has been successfully utilized in the annual U.S. Department of State Trafficking in Persons Report and is used in this assessment. In order to understand the following assessment, it is necessary to briefly examine each of the “three Ps” and their roles in determining and evaluating practices related to combating DMST.

**Prevention** is the first vital component in the fight against DMST. Educating the public, social service providers, and children is essential to bringing the issue out into the open and helping the community understand its relevance and scope. Minors who have been prostituted must be accurately identified and understood to be victims, not offenders. Successful identification of victims can be more readily attained if public awareness efforts are coupled with specialized training for all agencies and professionals who come into contact with victims of DMST.

**Prosecution** of those who engage in the trafficking and buying of DMST victims must be aggressively pursued, and offenders must be convicted and punished to the fullest extent of the law. It is critical that effective laws are in place to provide a comprehensive framework for the pursuit, conviction, and sentencing of traffickers, facilitators, and buyers. Police, prosecutors, service providers, and the judicial system must be aware of and trained in the implementation of such laws.

**Protection** of the victim is paramount to any successful approach to combating DMST. Victims must be rescued in order to remove them from the dangerous situations in which they are found, and it is critical to conduct such rescues and any resulting investigations and trials without revictimizing the trafficked child. This can be accomplished through sensitivity to the victim, comprehensive programming, and successful implementation of policies and programs. Traffickers/pimps often pose a great danger to DMST victims, so the victim’s security and safety must be the highest priority. Safe, protective placement in an environment conducive to recovery which provides for the unique needs of DMST victims is essential to victim protection.

This assessment is designed to identify the scope of DMST in the Independence/Kansas City area, gain insight into how and where domestic trafficked minors are interacting with the local professional community, and show how available services are accessed. The RA report will offer information to the



local human trafficking task force and the community with the goal of assisting in efforts to respond to the DMST victims within this area.

## **Key Findings**

### **1. Since 2000, an estimated 84 DMST victims of prostitution have been identified by a single agency in Jackson County, Missouri.**

The Department of Family Services (DFS) Children's Division estimates that, since 2000, at least one DMST victim a month is identified through substantiated sexual abuse and neglect allegations. All of the children are local to Jackson County and are often trafficked/pimped by an older drug-dealer "boyfriend" or a caretaker. Victims ages ranged from 12-16 and they were most commonly exploited in exchange for cash or drugs. Though DFS does not have specific training or intake procedures to identify or respond to DMST, a small number of victims are being identified and provided with assistance and protection.

### **2. Public awareness and prevention information geared specifically towards children and teens is needed.**

There is a lack of information provided to children regarding the dangers of commercial sexual exploitation (CSE). Society is full of media messages glorifying the "pimp/ho" lifestyle, bombarding children with negative information that can put them at risk of recruitment into a CSE situation. Prevention of DMST requires information for youth that educates them about the very real danger of recruitment and pimp control. Parents, teachers, and social service providers also require information and educational tools to use in prevention curricula.

### **3. Identification methods and procedures are not in place.**

A systematic lack of identification methods and procedures were uncovered during the assessment process. Few of the government agencies or service provider organizations interviewed had formal training, protocols, intake forms, or identification methods for DMST instituted in their work. The two identified exceptions include Veronica's Voice, a non-governmental organization (NGO) staffed by survivors of CSE and Hope House, a domestic violence shelter and social service lead for the DOJ-funded Human Trafficking Rescue Project. While participants throughout the interview process expressed little doubt that DMST victims are present in the Independence/Kansas City area, few hard numbers were available due to the lack of victim identification.

### **4. Sex trafficking is confused with sexual abuse and neglect.**

Service providers are more accustomed to dealing with sexual abuse and neglect cases and tend to classify and treat cases of DMST under these two broad categories, which is problematic when trying to gauge the scope of DMST. While there is no question that DMST is sexual abuse and can be the result of neglect, DMST victims tend to have a myriad of issues and experiences that are unique to this particular victim population. When DMST is misidentified, these issues are not addressed holistically.

### **5. Girls in particular are not provided the necessary safe placement and treatment.**

Judges, police officers, court personnel, social workers, and service providers lamented about the lack of treatment and services, specifically for girls. For example, one interviewee who works within the detention/residential system explained that there are 214 beds available throughout the juvenile court system, but only 25 of those beds are available for girls. If this limited provision exists in detention centers, a highly inappropriate but often-used avenue for providing shelter to DMST victims, then it further highlights the tremendous need for shelters conducive to restoration. This apparent gender inequality in services, shelter, and treatment options was noted by several interviewees and requires review in light of the prevalence of girls being victimized through DMST at a higher rate than boys.

## **6. Focus has been on foreign national victims of human trafficking.**

Local agencies and providers expressed frustration over the fact that most of the training and information offered by the Human Trafficking Rescue Project has focused on foreign national victims of human trafficking. Though recent training has begun to include videos and other training materials on DMST, participants in the assessment expressed a desire to deal more directly with the issue of domestic trafficking. One Family Court staff member explained, “We don’t deal with foreign folks. We want to know more about how to cope with the people we see every day.” Funding has been mandated for training, task force social service assistance, and services specifically for foreign national victims of human trafficking through the TVPA, while authorized funding for domestic minor sex trafficking victims services has not been appropriated.

## **7. Survivor expertise can be further utilized.**

The Independence/Kansas city area is fortunate to have Veronica’s Voice, one of the few trafficking-survivor-run organizations in the Midwest whose mission is to serve domestic victims of sexual exploitation and sex trafficking. The Trafficking Victims Protection Reauthorization Act of 2005 (hereinafter TVPRA 2005) addresses survivor involvement and experts across the country have promoted the value of such involvement in providing victim restorative services.<sup>2</sup> In particular, survivors can be vital in the areas of disclosure, identification, trauma, and program development. A number of agencies and courts in the Independence/Kansas City area have engaged the services provided by Veronica’s Voice; however, there is still a lack of engagement with survivor-led service providers through formal partnerships and collaborations that could assist with program and identification gaps. Challenges in working with DMST victims that were identified by non-survivor led groups, such as identification, disclosure, flight risks, and gaining victims’ trust, can be better addressed experientially by survivor-staffed organizations and survivor-led interventions.

## **8. There is insufficient knowledge of anti-trafficking laws.**

Most participants in the assessment expressed little or no knowledge of federal or state human trafficking legislation. The lack of knowledge of these laws can have a profound effect on the investigation and incarceration of perpetrators, as well as potentially denying child victims their lawful rights. According to those interviewed, this lack of knowledge regarding the state human trafficking law, has resulted in the law not being used in any cases since its passage in August 2006. In addition, although key personnel in these agencies are receiving some education/training on human trafficking, this information does not appear to be reaching the professionals who are in direct contact with victims. For example, an administrator of an agency may be receiving training, but staff members in the same agency express a lack of knowledge and sensitivity to trafficking issues.

## **9. Successful Human Trafficking Rescue Project cooperation and collaboration.**

Hope House, the DOJ/OVC-funded lead social service organization of the Human Trafficking Rescue Project has successfully formed the Coalition Against Human Trafficking (the Coalition), which includes over 60 agencies, organizations, faith-based groups, and individuals focused on direct services, legal aid, public awareness, and victim advocacy. Additionally, the Independence Police Department, the BJA-funded lead law enforcement agency of the Human Trafficking Task Force (HTTF), has united over 15 law enforcement agencies, government agencies, and representatives to form the Human Trafficking Working Group. The Working Group allows the Independence Police Department to coordinate federal, local, and state LEA, and provide an opportunity for information and intelligence sharing while still actively investigating human trafficking investigations. This model provides opportunity for the holistic inclusion of all interested agencies, organizations, and professionals while maximizing appropriate avenues for information sharing and collaboration.

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<sup>2</sup> Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. 109-164, 119 Stat. 3558, 22 USCS § 7101. 2005.

## 10. Missouri child abuse and neglect statutes account for abuse by traffickers/pimps.

The Revised Statutes of Missouri (RSMO) Section 210.009–210.110 define those responsible for the care, custody, and control of the child as:

[...]Included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a 24 hour day. Shall also include any adult, who, based on the relationship to the parents of the child, members of the child's household or the family, has access to the child.

Since the Child Protective Service system in Missouri takes into consideration reports of abuse and neglect where the perpetrator can be anyone "exercising supervision over the child" this allows extensive oversight and investigation power for the protection of children exploited by a trafficker/pimp. Additionally, it allows for children exploited through prostitution, pornography, and exotic dancing to be categorically defined as a child sex abuse victim providing access to services and shelter through the Missouri Department of Social Services, Children's Division.

## Conclusion

Great strides have been made in the Independence/Kansas City area to understand and reach out to DMST victims; however, there is still a substantial amount of misunderstanding and a lack of knowledge surrounding the issue of DMST. Of paramount concern was the existence of a strong state statute defining DMST and affording victims the rights and protections provided in the federal TVPA that had not been used at the time of this assessment and that few interviewed were familiar with.

Training is being offered by the local Human Trafficking Rescue Project (HTRP), though due to restricted funds provided through the TVPA, training materials provided by OVC and HHS are focused on identification of and services for foreign national victims of trafficking. Hope House has made significant efforts to holistically address domestic human trafficking by supplementing foreign national focused material with the educational video *Domestic Minor Sex Trafficking: How to Identify America's Trafficked Youth*. To date, over 700 representatives from law enforcement, social service agencies, and faith-based communities have been trained by the HTRP; however, few individuals interviewed for the RA had attended or received this training.

Furthermore, there is confusion on the difference between a child who is a victim of abuse and neglect and a child who has been victimized through sex trafficking. Learning from experts who work with victims of sexual abuse and domestic violence is an important first step in identifying appropriate services and shelter for DMST victims. However, juvenile victims of sex trafficking have unique issues that necessitate specific programming and protective shelter. Additionally, Veronica's Voice is a unique resource in this area because it is a survivor-led NGO that is available for victim services, technical assistance, and outreach. Without the identification and creation of such models and services, we will continue to fail to rescue and rehabilitate victims of DMST.

The deficit of identification methods in all participating entities in the Kansas City/Independence area hinders the delivery of services to the child victims of sex trafficking. Informal methods of identification are admittedly flawed and inconsistent. DMST victims are either unidentified or misidentified in the juvenile justice system and the child welfare system, as well as many of the local service providers in the area. The lack of training, programming, and resources are all connected to a critical shortage of available funding.

## Methodology

This project is a Rapid Assessment (RA) of the practices and procedures used to identify and deliver services to domestic trafficked minors (DTM) in the Independence/Kansas City area in Missouri. The Human Trafficking Rescue Project (HTRP) is funded by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) and Office for Victims of Crimes (OVC) and is a task force of government agencies, victim services providers, and law enforcement that works to address the growing problem of local human trafficking. Because of the frequent cross-city and cross-county alliances formed by government entities and social service providers to combat human trafficking, this RA will examine domestic minor sex trafficking across Jackson County, Missouri, home to both Independence and Kansas City metropolitan areas. This combined region will be referred to as the “Independence/Kansas City area.” The report is based on qualitative and quantitative information provided during interviews with the diverse contributors who interact with DTMs at various stages of the minors’ exploitation, interaction with the criminal justice system, and recovery.

Kris Wade, a court liaison and advocate for victims of commercial sex trafficking at Veronica’s Voice conducted the RA. Shared Hope International project staff including Samantha Vardaman, Director of Programs, Melissa Snow, Project Director, Kelsey Buchanan, Project and Research Associate and Andrea Austin, Public Relations Coordinator provided direct assistance and professional support during the often-challenging process. In-depth interviews were guided by the *Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States*, a research model developed by Shared Hope International that can be accessed at [www.sharedhope.org](http://www.sharedhope.org). Specific questions were created for seven professional populations that were most likely to come into contact with DMST victims: law enforcement, judiciary (juvenile), prosecution, public defenders, juvenile detention, child protective services, and non-governmental service providers. The protocol for this research was approved by the Western Institutional Review Board (Protocol #20070540).

19 interviews were obtained from representatives of 13 agencies and organizations. Interviews were conducted from October 2007 to January 2008. Interview participants included representatives from the following agencies and organizations:

- Jackson County Family Court (judge, prosecutors, legal counsel)
- Jackson County Family Court Residential and Detention Services
- Hilltop Juvenile Detention Facility
- United States Attorney’s Office, Western District of Missouri
- Kansas City, Missouri Police Department (KCPD)
- Independence, Missouri Police Department (IPD)
- Division of Family Services, Children’s Division
- Child Protection Center
- Metropolitan Organization to Counter Sexual Assault (MOCSA)
- Hope House
- Human Trafficking Rescue Project Members
- ReStart Shelter
- Veronica’s Voice

Participants were provided information on the research prior to the interviews, and an informed consent form was signed before the interviews began. The interviews lasted between one and two hours and most were audio recorded. The information received during the interview process has been synthesized to outline gaps in service and challenges involved in identifying, protecting, and restoring DMST

victims, as well as best practices. The information revealed in the assessment will be given to the local Human Trafficking Rescue Project and the community at large in an effort to assist in devising practical, workable plans for addressing the needs of and providing protection for DMST victims.

Great lengths were taken to make the assessment as comprehensive as possible. Unfortunately, several factors placed constraints on both the field interviewer and the interview process. A targeted timeframe for the assessment was necessary, as it was intended to capture a snapshot of the situation. Nonetheless, the timeframe could have served to hinder the inclusion of professionals who were qualified to speak on the matter of DMST. Additionally, the timeframe only allowed for limited follow-up questions to participants. Interviews were diligently sought after; however, certain key professionals were not able to participate. Though due diligence was given to gaining the participation of juvenile public defenders, time and resource constraints prevented this. The lack of input from juvenile public defenders is a limitation within this rapid assessment.

## GLOSSARY OF ACRONYMS AND TERMS

<b>CDFS</b>	Children’s Division of Family Services
<b>CPC</b>	Child Protection Center
<b>CPS</b>	Child Protective Services
<b>The Coalition</b>	The Coalition Against Human Trafficking is a component of the HTRP comprised of victim service providers and faith-based community members
<b>CSE</b>	Commercial Sexual Exploitation
<b>DFS</b>	Division of Family Services
<b>DMST</b>	Domestic Minor Sex Trafficking
<b>DTM</b>	Domestic Trafficked Minor
<b>HTRP</b>	Human Trafficking Rescue Project (the DOJ-funded human trafficking task force for Independence/Kansas City, MO)
<b>HTWG</b>	Human Trafficking Working Group (the original unfunded task force, now the law enforcement component of the HTRP)
<b>IPD</b>	Independence, Missouri Police Department
<b>KCPD</b>	Kansas City, Missouri Police Department
<b>MOCSA</b>	Metropolitan Organization to Counter Sexual Assault
<b>NGO</b>	Non-Governmental Organization
<b>RA</b>	Rapid Assessment
<b>RSMO</b>	Revised Statute of Missouri
<b>SHI</b>	Shared Hope International
<b>TVPA</b>	Trafficking Victims Protection Act

## BACKGROUND RESEARCH

The trafficking of human beings for the purpose of commercial sexual exploitation (CSE) is occurring at extraordinary rates throughout the world, including the United States. Independence and Kansas City, Missouri sit at the intersection of three major highways: Interstate 70, Interstate 35, and U.S. Highway 71. These busy national thoroughfares are a pipeline of illegal activity into the area. The highways also carry children who are homeless or runaways, bringing them to the region from all over the United States. These at-risk youth have high-reported rates of vulnerability for becoming victims of sex trafficking and are prey for traffickers/pimps and other predators.<sup>3</sup> Consequently, the area is a potential recruiting ground for victims of domestic minor sex trafficking (DMST). Research conducted in 2001, cited by Congress in the Trafficking Victims Protection Reauthorization Act of 2005, asserts that as many as 300,000 children in the U.S. are vulnerable to CSE, which includes sex trafficking.<sup>4</sup>

### **The federal Trafficking Victims Protection Act of 2000**

In an effort to create effective legislation to help combat human trafficking, the United States Congress passed the Trafficking Victims Protection Act of 2000 (TVPA). The groundbreaking legislation and its subsequent reauthorizations define sex trafficking as “the recruitment, transportation, harboring, provision, or obtaining of a human being for the express purpose of engaging in a commercial sex act.”

A **commercial sex act** is any sex act in which anything of value is given to or received by any person involved (e.g., money, shelter, baseball tickets, a television, drugs, or clothing).

In this legal framework, “severe forms” of DMST involve the recruitment, harboring, transportation, provision, or obtaining of an American citizen or lawful permanent resident who has not yet reached the age of 18 for a commercial sex act, which includes prostitution, stripping or erotic dancing, and pornography. Severe forms of sex trafficking of a minor, an individual who is not yet 18 years of age, do not require proof of force, fraud or coercion; the age of the victim is sufficient to prove the crime.

### **Missouri State Statutes on DMST**

The Missouri legislature passed the state human trafficking law on August 28, 2006, which went into effect on January 1, 2007. The new statutes specifically define and address the sex trafficking of a child. In alignment with the federal TVPA, the Revised Statutes of Missouri (RSMO) Section 566.212 state:

1. A person commits the crime of sexual trafficking of a child if the individual knowingly:
  - (1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of 18 to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or
  - (2) Causes a person under the age of 18 to engage in a commercial sex act.
2. It shall not be an affirmative defense that the defendant believed that the person was 18 years of age or older.
3. The crime of sexual trafficking of a child is a Class A felony if the child is under the age of 18.<sup>5</sup>

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<sup>3</sup> Priebe, Alexandra and Cristen Suhr. “Hidden in Plain View: The Commercial Sexual Exploitation of Girls in Atlanta.” A Study of the Atlanta Women’s Agenda. 2005.

<sup>4</sup> Trafficking Victims Protection Reauthorization Act of 2005. Pub. L. 109-164. Section 2. 2005.

<sup>5</sup> House Bill 1487 Missouri, 2004.

Additionally, Missouri state law further defines and punishes the sexual trafficking of a child under the age of 12. RSMO Section 566.213 states:

1. A person commits the crime of sexual trafficking of a child under the age of 12 if the individual knowingly:
  - (1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of 12 to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or
  - (2) Causes a person under the age of 12 to engage in a commercial sex act.
2. It shall not be an affirmative defense that the defendant believed that the person was 12 years of age or older.
3. Sexual trafficking of a child less than 12 years of age shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than 25 years of such sentence. Subsection 4 of section 558.019, RSMO, shall not apply to the sentence of a person who has pleaded guilty to or been found guilty of sexual trafficking of a child less than 12 years of age, and “life imprisonment” shall mean imprisonment for the duration of a person’s natural life for the purposes of this section.

Finally, in an effort to secure services for DMST, RSMO Section 566.218 outlines the ability of a victim to receive restitution, and Section 566.233 applies “the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.”

These concrete statutes provide legal definitions and tools to rescue and restore victims of DMST and a legal framework for the investigation and prosecution of the trafficker, including severe penalties of a class A felony for the trafficking of a child age 12-17, and the possibility of a life sentence for the trafficking of a child under the age of 12.

### **Missouri Department of Social Services—Statewide definitions of Sexual Abuse and Neglect**

The Missouri Child Abuse Law, Section 210.110 RSMO defines:

**Abuse** as any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child’s care, custody, and control, except that discipline, including spanking, administered in a reasonable manner shall not be construed to be abuse; and **Neglect** as failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition, medical or surgical, or any other care necessary for the child’s wellbeing.

**Care, custody, and control** of the child includes but is not limited to the parents or guardian of a child, other members of the child’s household, or those exercising supervision over a child for any part of a 24 –hour day. Those responsible for the care, custody, and control shall also include any adult, who, based on their relationship to the parents of the child, members of the child’s household, or the family, has access to the child.

Since the outlined statutes include one category of perpetrator as “those exercising supervision over a child for any part of a 24 hour day,” it opens up the possibility of investigation to include individuals outside of the family unit. This broad definition is unique to Missouri and is viewed as a positive step in including potential DMST victims who are not being abused directly by a family member or caregiver but who should still be able to access services as victims of sexual abuse.



Child abuse investigators are able to place substantiated abuse allegations into six broad categories: neglect, physical abuse, sexual abuse, emotional maltreatment, medical neglect, and/or educational neglect.<sup>6</sup> Sexual abuse is the most obvious classification for DMST victims, but it can also be masked with physical abuse and neglect. According to the 2006 report on statistics of child abuse and neglect investigations by Missouri Department of Social Services Children’s Division, the top ten specific substantiated sexual abuse reports included pornography (see chart below).<sup>7</sup> It is also unclear as to whether prostitution is a specific option to report or whether it would be categorized in a broader category, such as intercourse or other sexual abuse.

**Worker Findings for Sexually Abused Children, 2006**

	<b>Number</b>	<b>Percent</b>
Fondling/touching	1,258	77.7%
Other sexual abuse	506	31.3%
Oral sex, sodomy	457	28.2%
Intercourse	384	23.7%
Digital penetration	299	18.5%
Pornography	65	4.0%
Sexually transmitted disease	18	1.1%
Lack of supervision	16	1.0%
Genital or anal bleeding	14	0.9%
Failure to protect	8	0.5%

**Identification of the Victim**

Prior to commencing the interviews and continuing the RA process, a comprehensive collection of existing research was reviewed to provide background knowledge and current reports on DMST in the Independence/ Kansas City area. The findings consist of a compilation of news articles, flyers, public service materials, statistics, and case documentations gathered from local media, various organizations, and county, state, and federal websites. The years covered in the desk review are 1999 through 2007. Due to time constraints, some information may not have been included; however, a considerable amount of material was amassed. In conducting the desk review, it became apparent that, until 2005, the local media paid little attention to DMST, as adult “prostitution” received the majority of attention. However, there has been a significant increase in subsequent coverage of DMST, perhaps due to the federal legislation and the efforts of federal and local entities to pursue DMST offenders and provide services to their victims.

Although some state cases brought by local prosecutors were found, federal cases were what was mainly identified through the desk review. These cases dealt with the prosecution of offenders who had solicited minors for commercial sex acts or the prosecution of traffickers/pimps of children. The majority of the publicized cases related to child pornography and Internet crimes involving the sexual exploitation of minors. Area NGOs, who have made efforts to raise awareness of the issue, were also featured in a number of news articles and televised news pieces.

Overall, there has been an increase in human trafficking awareness, including DMST awareness facilitated by the HTRP and its members individually. In May 2006, the U.S. Attorney’s Office of the Western District of Missouri initiated a human trafficking task force in Kansas City, Missouri, in response to the awareness of the crime occurring in this district. The task force united government agencies, including

<sup>6</sup> “Guidelines for Child Abuse and Neglect Reports.” Missouri Department of Social Services, Children’s Division. 1993. <[http://www.dss.mo.gov/cd/pdf/guidelines\\_can\\_reports.pdf](http://www.dss.mo.gov/cd/pdf/guidelines_can_reports.pdf)>. Accessed on April 28, 2008.

<sup>7</sup> “Child Abuse and Neglect—Annual Report.” Missouri Department of Social Services, Children’s Division. 2007.

but not limited to Immigration and Customs Enforcement; the Federal Bureau of Investigation; the Department of Health and Human Services; the Department of Homeland Security; the Department of Labor's Office of the Inspector General and Labor Wage and Hour Division, the Jackson County, Missouri Prosecutor; the Independence Police Department; and the Kansas City Police Department.

This group was funded in 2006 as the Human Trafficking Rescue Project (HTRP) by the U.S. Department of Justice, Office of Justice Programs, Bureau for Justice Assistance (BJA) to proactively investigate and holistically manage human trafficking cases in the Independence/Kansas City area by partnering the Independence Police Department with Hope House, an NGO that specializes in domestic violence. The HTRP is the umbrella project that hosts two specific groups dedicated to combating human trafficking.

The first group under the HTRP is the original human trafficking task force consisting of law enforcement agencies and renamed the Human Trafficking Working Group (HTWG). The HTWG is coordinated and managed by the Independence Police Department (IPD) and consists of the original members of the human trafficking task force who were convened in May 2006 by U.S. Attorney Bradley J. Schlozman. The second group in the HTRP is the Coalition Against Human Trafficking (the Coalition) led by Hope House. The mission of this group is to provide services and shelter for victims of human trafficking. The Coalition includes but is not limited to: Legal Aid, Synergy, MO Coalition Against Sexual Assault, Veronica's Voice, ReStart, and the Division of Family Services. Hope House received funding from the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crimes (OVC) as mandated in the TVPA to provide services for foreign national victims of human trafficking found in the U.S. The Independence Police Department and Hope House each received \$450,000 in grant money as part of the national initiative to combat human trafficking.

The local mainstream media coverage has been focused primarily on foreign national victims. The media has also focused on a macro view of the problem, rather than illustrating the local reality of human trafficking. Nonetheless, a few news articles did cover several local cases in which children were murdered while being exploited through sex trafficking. In addition, some news pieces covered the murders of adults who had been sex trafficked, pointing out that many adults used in prostitution were minors when their exploitation began. For example, in 2004, several women were murdered in Kansas City along Prospect Street, an area plagued with drugs and prostitution. DMST victims have also been murdered in the area. Lorenzo Gilyard murdered 12 women in Kansas City over a 16-year period. One prostituted victim who was murdered was 17-year-old Stacie Swofford, whose body was found face down in a vacant lot.<sup>8</sup> Another DMST victim of Gilyard was 15-year-old Gwendolyn Kizine, who was also exploited through prostitution. All 12 of the women that Gilyard killed were sexually assaulted and then strangled to death.<sup>9</sup>

Another shocking case reported in March 2006 involved Denaine L. Allen, a pimp who controlled a group of 17 women and children between the ages of 15 - 35.<sup>10</sup> Allen controlled the women and girls both psychologically and physically through violent "beat downs." The girls earned Allen \$1,000-\$7,000 a day with a weekly average of \$25,000. Allen's escort service received as many as 200-300 calls per week. The prostituted girls did not keep any of the money but were "paid for their services by Allen with a place to live, clothing, crack cocaine, and ecstasy."<sup>11</sup>

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<sup>8</sup> "A look at the lives of 12 murdered women." The Times Leader. April 20, 2004. <<http://www.crimeandjustice.us/forums/index.php?showtopic=492>>. Accessed on September 23, 2007.

<sup>9</sup> Ibid.

<sup>10</sup> Wesson, Eric L., "Pimp Charged in Prostitution Ring." The Call. March 2006.

<sup>11</sup> Ibid.

Allen was charged with 15 counts of promoting prostitution; however, the article does not indicate whether he received a separate charge for the exploitation of minors. Although this case was charged on the state level, the child victims that were involved would have been defined as DMST victims under federal TVPA.

A press release from the U.S. Attorney's Office in Kansas City stated that 42 child exploitation cases were filed in the Western District of Missouri in 2005. Most of these cases related to pornography, enticing a minor for illicit sexual activity, distributing obscenity to a minor, and/or sexual abuse of a child. There were 38 convictions, either through guilty pleas or by trial (see Appendix A).<sup>12</sup> The press release states that the Computer Crimes and Child Exploitation Unit is comprised of six attorneys working full-time in the Computer Crimes unit, including two who devote their time solely to child exploitation cases. The higher number of attorneys working on the cybercrimes side has resulted in a significant amount of the 42 child exploitation cases centering on Internet-based crimes.

## Conclusion

With certain entities paving the way, the issue of DMST has received far more attention recently. The media coverage of prostituted minors has spurred law enforcement to pursue perpetrators more vigorously. Generally, children who are found by law enforcement to be involved in commercial sex acts are viewed as victims. Nevertheless, the large numbers of juveniles being processed by the juvenile justice system in the Independence/ Kansas City area, together with a systematic lack of identification procedures, increases the probability of misidentification, and it is likely that DMST victims are being adjudicated under various charges related to their exploitation. For example, in 2006, according to Missouri Circuit Court statistics, Jackson County had over 5,000 juvenile offense cases filed in the Family Court (see Appendix B). It is imperative to identify the DMST victims within that large group of juvenile offenders and deliver the services available to them as trafficking victims. This delivery depends on the identification and the existence of appropriate services.

## RESEARCH FINDINGS

The “three Ps” (prevention, prosecution, and protection) are the factors required for a holistic effort to combat and address human trafficking. These factors also provide an outline for RA process, which seeks to: (1) identify the scope of the DMST victim issue in a designated geographic area; (2) understand how and where DTMs are accessing the system; (3) understand how these victims are being labeled; and (4) determine whether or not services are reaching them, and (a) if they are, then how, or (b) if they are not, then why. Each section of the assessment includes information from the RA interviews conducted with the seven professional groups that were determined to likely come into contact with DMST victims or potential victims: law enforcement, prosecutors, juvenile judges, juvenile detention facilities, child protective services, and NGOs/social service providers.

Awareness, implementation, and the effects of the federal Trafficking Victims Protection Act (TVPA) in the target location are addressed throughout the report. The RA report also provides insights into the problems, challenges, obstacles, and difficulties of working with the DMST victim, as well as the system structures that create the local context. Each factor identifies best practices and gaps as uncovered throughout the interview process and revealed through research. Overall conclusions and recommendations are at the end of the report.

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<sup>12</sup> “Graves Announces Record Number of Child Exploitation Cases.” U.S. Department of Justice, Federal Bureau of Investigation for the District of Kansas. January 10, 2008. <<http://www.usdoj.gov/usao/mow/news2008/elbert.sen.htm>>. Accessed on January 28, 2008.

# I. PREVENTION

Prevention programs regarding DMST must begin with promoting public awareness of this complex issue. Young people must receive age-appropriate education about the inherent dangers of sex trafficking, particularly the recruitment techniques of traffickers/pimps. Parents, teachers, medical personnel, and the public at large must be educated in the recognition and prevention of DMST.

Professional entities within the justice and social service realm must be trained to identify minor sex trafficking victims in order to provide victim-centered services and treatment. Laws criminalizing the sex trafficking of domestic minors are in place and must be taught and understood as a means of prosecuting the traffickers/pimps and the buyers who perpetrate the assault on the child through the purchase of commercial sex acts.

## 1.1 Law Enforcement

### 1.1.1 Training

Both the Independence Police Department (IPD) and the Kansas City Police Department (KCPD) are members of the Human Trafficking Rescue Project's (HTRP) Human Trafficking Working Group (HTWG) and have received training on human trafficking by sending representatives to various seminars and conferences. Hope House, a domestic violence organization located in Independence and Lee's Summit, Missouri, is the service provider counterpart on the HTRP and has provided additional human trafficking training to IPD law enforcement. According to an HTRP member who works for the IPD, nearly all officers in this member's department have received training on human trafficking. It is important to note, however, this training has been largely focused on the identification of foreign national victims.

According to interviews conducted with patrol, juvenile, and sex crimes officers, it appears that little in the way of training regarding DMST has been provided to the KCPD even though the KCPD also sits on the HTWG. There are officers within the KCPD who have great sympathy for sex trafficking victims, both adult and children; however, as a consequence of the lack of training, identification of DMST victims still presents a challenge for street officers. Officers from both departments commented that they would like to have more training on the subject of DMST.

### 1.1.2 Identification

There is no institutionalized screening procedure for DMST within the IPD and KCPD. This is due mainly to a lack of awareness, training, and substantive understanding about DMST and its potential victims. Although the IPD now has a specialized unit that deals with human trafficking issues, they were unable to offer any statistical information regarding DMST victims who may have been rescued. Likewise, the KCPD was also unable to provide any statistical information.

According to the IPD, juveniles are not arrested for prostitution in their jurisdiction. If someone is arrested for prostitution activities, once their minor status is discovered, they are considered victims. However, these youth may be charged with other offenses, such as drug possession, during the course of their arrest.

In the KCPD, the vice officers do not handle street prostitution. This was confirmed both through interviews with officers in KCPD as well as substantiated through their website. According to their website, the Vice Section is comprised of four detectives and one sergeant, and is responsible for investigating the following crimes:

- Prostitution-escort services
- Internet crimes against children
- Gambling
- Liquor violations/tobacco violations
- Ticket scalping
- Adult bookstores
- Party houses
- Minor tobacco and liquor violations
- Child pornography
- Tattoo parlors
- Body piercing<sup>13</sup>

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<sup>13</sup> "Our Mission" [Kansas City Police Department](http://www.kcpd.org/kcpd2004/Vice%20Section.htm). 1995-2004. <<http://www.kcpd.org/kcpd2004/Vice%20Section.htm>>. Accessed on April 17, 2008.

For complaints regarding street-level prostitution, the individual patrol stations and officers covering the “beat” where the street prostitution is occurring would be responsible for responding to complaints. Additionally, the KCPD “Vice Section has one detective assigned to investigating Internet crimes against children (ICAC). The detective is an active member of the Missouri ICAC task force. The detective’s responsibilities include investigating child enticement and child pornography possession and distribution.”<sup>14</sup>

The KCPD juvenile division officers see the minor only after the juvenile has been arrested on a different charge, such as stealing or vandalism, or status offences, such as loitering or curfew violations. Unfortunately, without the knowledge of DMST warning signs and indicators, DMST victims remain largely unidentified. The minor enters the justice system on other charges while the DMST victimization remains concealed.

### **1.1.3 Attitudes toward DMST Victims**

Levels of compassion for victims of prostitution are generally high among those officers interviewed. However, one patrol officer who has worked a busy prostitution track for many years felt that many of the patrol officers were not sympathetic towards young DMST victims. It is also apparent that sensitivity to the issue is increasing but is still far from where it needs to be for appropriate responses to DMST. For example, with the exception of one detective, every officer interviewed called DMST victims “child prostitutes.” One juvenile officer said that, even if a child was less than 18 years of age, if “an element of coercion” was not involved, then, in that officer’s mind, the child was not a victim but rather a willing participant. This statement is in direct conflict with the Missouri DMST statute as well as the TVPA. Officers also expressed frustration with the level of hostility and noncooperation of victims they interact with.

### **1.1.4 Collaboration**

Both the IPD and KCPD police departments utilize the services of the local Child Protection Center (CPC), an entity specializing in the forensic interviewing of sexually abused children. Law enforcement expressed that the level of cooperation with CPC is excellent. The IPD and KCPD also have good working relationships with the Children’s Division of Family Services (CDFS), the state-mandated child protective service agency in Missouri. The IPD and KCPD have also worked with the National Center for Missing and Exploited Children.

With only a few exceptions, police in both departments are not engaging survivors of sex trafficking in areas where they could provide experiential expertise, such as victim advocacy or training. KCPD has occasionally engaged Veronica’s Voice survivor staff to advise officers on victim sensitivity when preparing for a street prostitution sting.

### **1.1.5 Demand**

The IPD and KCPD have made concerted efforts to track down traffickers/pimps by monitoring suspected prostitution activity in hotels and on the Internet, and by conducting frequent stings. KCPD rotates all patrol officers through shifts of prostitution stings. The KCPD Vice Section webpage provides a link to a map on “Calls for Service regarding Prostitution” from January 1 to September 15, 2006 (see Appendix C). Though the mapping of calls is done for all suspected prostitution situations, it is likely that traffickers/pimps would also prostitute children in these high-demand areas.<sup>15</sup> Neither police department was able to offer any statistical information specific to minor victims who have been found through such operations.

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<sup>14</sup> “Our Mission” Kansas City Police Department. 1995-2004. <<http://www.kcpd.org/kcpd2004/Vice%20Section.htm>>. Accessed on April 17, 2008.

<sup>15</sup> Priebe, Alexandra and Cristen Suhr. “Hidden in Plain View: The Commercial Sexual Exploitation of Girls in Atlanta.” A Study of the Atlanta Women’s Agenda. 2005.

### **1.1.6 Public Awareness Programs**

Police officers pointed to preventative programs like D.A.R.E. (a drug prevention program initiated in schools) as the main prevention program used with children. The officers believed that something similar to D.A.R.E. could work to address youth about DMST risks and victimization. Officers stated that they would like to see public awareness programs such as this developed.

## **1.2 Prosecutors**

### **1.2.1 Training**

Training for prosecutors specifically on DMST has been very limited. At the federal level, Assistant U.S. Attorneys have received training on human trafficking through the U.S. Department of Justice. This training has focused primarily on human trafficking issues as a whole, with an emphasis on foreign national victims of trafficking. DMST, if covered in the training, is not substantive and focuses on select subsets of DMST victimization, namely child pornography. Prosecutors stated they have a higher level of training and understanding of federal child exploitation statutes and would more readily apply these than the TVPA if a DMST case was brought to them.

Additionally, one Assistant U.S. Attorney interviewed had attended a training at the National Advocacy Center in North Carolina. The training sessions offered a specific focus on the sexual abuse of children. Rarely is human trafficking language included in these presentations.

Prosecutors in the district attorneys office dedicated to juvenile cases have received training on human trafficking that focused exclusively on foreign national victims. While this information was deemed important, prosecutors stated that receiving information on the victimization of American children through DMST would be useful in their work, as they interact with this population on a daily basis.

### **1.2.2 Identification**

Prosecutors in the Family Court intuitively feel that DMST victims are present in the courtrooms, but in the absence of any known screening procedures for DMST at any step in the juvenile justice system, the victimization is rarely revealed. In the words of one attorney referring to DMST victims, “We don’t even know how to approach them.” Prosecutors did express their belief that these children are victims and stated that they would not prosecute a minor for prostitution or involvement in any form of sex trafficking. Nonetheless, unidentified or misidentified victims are likely being adjudicated on other charges, such as curfew violation, lingering, trespassing, etc.

Prosecutors highlighted one case in particular when referring to children exploited through prostitution. The recent federal prosecution of Don L. Elbert, II, who recruited minors for prostitution, was the first case of intrastate juvenile domestic prostitution. Elbert was sentenced by the federal court to eight years of jail time and 15 years of supervised release, as well as \$524,571 to be paid in restitution (see Appendix D).

### **1.2.3 Chain of Identification**

Prosecutors expressed frustration that not all law enforcement is trained to identify victims. Since law enforcement usually makes first contact with the victim, if officers do not identify the minor as a victim of a crime then, the case is usually not investigated for prosecution. The Elbert case is an example of successful identification of DMST by law enforcement. This case was initiated as a result of the proper identification of three juveniles on the street as victims and further investigation that was conducted to locate their pimp. Due to proper identification and thorough investigation by KCPD, the U.S. Attorney’s Office was able to charge and successfully prosecute Elbert for the intrastate prostitution of minors.



## 1.3 Juvenile Court Judges

### 1.3.1 Training

No specific training on DMST, the TVPA, or Missouri state human trafficking statutes on the sex trafficking of a child, in effect since 2007, has been provided to judges locally.

### 1.3.2 Identification

The Missouri Family Court of Jackson County hosts the juvenile court docket. According to interviews with the judiciary, minors are not presented with prostitution charges, as the court views these children as victims. Interviewed judges did not recall any cases of DMST or child prostitution being brought before the court. One interviewee believed that there could be DMST victims passing through the court on other charges. No formal process exists within the Family Court to identify or screen for DMST victims. In the event that DMST is detected, the court has referred the victim to either the Metropolitan Organization to Counter Sexual Assault (MOCSA) or Veronica's Voice for victim assistance.

Status offences of trespassing, loitering, truancy, or curfew violations are rarely brought before the court. In cases where police have encountered minors trespassing or violating curfew, the children are simply taken to a parent or guardian directly rather than charged with a status offense and processed through the system. Whether the at-risk children and parents are being properly screened for victimization or culpability in DMST is not known.

## **1.4 Juvenile Detention Facilities**

### **1.4.1 Training**

Some training of juvenile detention staff has been provided, though it has been limited to Family Court Field services staff, otherwise identified as “probation,” who have received presentations on sex trafficking through Veronica’s Voice. No other formal training for detention staff has been done. 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, the need for training regarding sensitivity to DMST victims and issues was highlighted.

### **1.4.2 Identification**

Misidentified or unidentified victims have one more opportunity for proper identification in the juvenile justice system: the juvenile detention staff. In the absence of a formal procedure or counseling process, juvenile detention staff attempt to determine if a youth was commercially sexually exploited. This informal identification process and information sharing with a victim service organization has led to higher levels of disclosure, followed by treatment for the victims. Jackson County Family Court Residential and Detention Services have permitted staff from Veronica’s Voice to conduct outreach with girls identified by juvenile detention staff as involved or at-risk for prostitution activity.

## **1.5 Child Protective Services**

Child protective services (CPS) in Jackson County are part of the Division of Family Services (DFS). These representatives work closely with law enforcement, other service providers, and the court. A representative of CPS participates in the Coalition, a group of service providers sitting on the HTRP.

### **1.5.1 Training**

Training on human trafficking issues has been provided through the Coalition but has focused primarily on foreign national victims. The training received by Children's Division CPS staff is focused on abuse and neglect, as are the agency's services. While this can cover aspects of DMST victims' experiences, currently used treatment models, safety plans, and other services do not fully address the unique issues faced by DMST victims. During the interview with representatives of CPS, there was confusion regarding definitions and the connection and differences between abuse, neglect, and DMST. The interviews revealed that there is no training of foster parents, group home supervisors, or staff on the issue of DMST. No specialized awareness information or training for caseworkers or potential foster families on how to help DMST victims has been offered to or by the Division of Family Services.

### **1.5.2 Prevention of Victimization**

The CPS Children's Division investigators come into contact with minors only after police or a hotline call brings minors to them; they are rarely involved in any street outreach or prevention activity. The only prevention activity noted by CPS is through family monitoring, counseling, and case management of a child in the home for subsequent abuse following an allegation, but this is after a case has been reported. The Children's Division interviewee stated that DFS had no mandated or active role in prevention or public awareness, and that prevention and public awareness campaigns should be left to the Human Trafficking Coalition of the Human Trafficking Rescue Project.

### **1.5.3 Identification**

CPS does not have formal procedures for identifying minors at risk for DMST. Should a DMST victim be identified during an investigation, there was no protocol found that outlined the next steps during such an investigation. CPS would follow the same steps in such a case as they would in the case of identification of a victim of sexual abuse. It was stated during an interview with CPS that approximately 84 DMST victims of prostitution had been identified since 2000 in Jackson County. Of those 84 victims, ten were local to Jackson County and 85 percent were African American children. Ages ranged from 12-16 years old. Victims were usually "pimped" by an older "boyfriend" who was also a drug dealer or by a caregiver in exchange for drugs or money. Unfortunately, no substantiation of numbers provided during the interview was available through alternate sources or data files.

### **1.5.4 Perception of DMST**

One interviewee stated that they did not perceive children used in prostitution as sex trafficking victims but would view them as sexually exploited youth. CPS is mandated to respond to all reported neglect and abuse allegations and does not provide caseworkers or investigators with training on specific categories of sexual abuse such as sex trafficking. Therefore, CPS would treat an encountered DMST victim in the same manner as a sexually abused and neglected child.

The common misconception that "force" was a necessary component of the crime to qualify a "child prostitute" as a "sex trafficking victim" further complicated the fragmented perception and identification of DMST victims. It was stated at several different times that a child with an older "boyfriend" who engaged in sex acts for money or drugs was a "child prostitute," even if she is being overseen or directed by the older figure. Through the interviews, the misperception was uncovered that commercial sexual abuse that involves direct force, such as kidnapping and "making the child" engage in sex acts is "sex trafficking."

## **1.6 NGOs/Social Service Providers**

### **1.6.1 Training**

NGOs and social service providers in the Independence/Kansas City area have received some training on human trafficking through the Human Trafficking Rescue Project. This training focused mainly on foreign national victims due to the limited amount of materials on DMST. The Human Trafficking Rescue Project nonetheless has included PowerPoint training and an educational video on the identification of DMST in trainings. In 2007, the Coalition trained over 700 people; however, few interviewees had experienced the training. Members of the HTRP did indicate that the Coalition provided unique opportunities to interact with groups and agencies that they did not normally interact with. This interaction was viewed as “informal training” that has assisted with a more holistic understanding of sex trafficking and DMST issues. Some service providers that routinely come in contact with DMST victims have reached out to Veronica’s Voice for guidance, as the survivor-led NGO has experiential expertise. All of the NGOs and service providers interviewed expressed a desire for more training and information on DMST.

### **1.6.2 Public Awareness Campaigns and Outreach**

With funding provided through the DOJ/OVC funded human trafficking grant, Hope House is preparing public awareness materials on human trafficking. These materials are expected to cover a range of issues on human trafficking, including domestic minor sex trafficking. Awareness and prevention programs specifically dealing with DMST are conducted by Veronica’s Voice through presentations at churches, schools, and conferences, and to other interested group venues.

Veronica’s Voice and ReStart, a shelter for runaway and homeless children ages 12-18, operate street outreach programs that engage at-risk youth and potential or current DMST victims. ReStart specializes in conducting outreach to homeless teens while Veronica’s Voice targets individuals engaged in prostitution.

### **1.6.3 Identification**

Most NGOs and service providers interviewed for the RA have encountered DMST victims, particularly those being exploited through prostitution. Veronica’s Voice has provided assistance to a total of 799 clients exploited in the commercial sex industry since 2000. Of those, 140 were identified as either former or current DMST victims. Of the remaining 659 clients, 554 refused to disclose the age of their first commercial sexual exploitation experience. Records dating before 2000 were unavailable. Currently, Veronica’s Voice is providing services to four DMST victims. The youngest of these victims is 12 and the oldest is 16.

All of the NGO personnel who participated in the RA viewed children used in prostitution and other forms of commercial sex acts as victims and, without exception, were sympathetic and aware of the need for training on dealing with and prevention for DMST victims. However, few NGOs and social service providers had proactive measures in place for victim identification. For example, intake sheets did not ask questions that would provide a potential victim with an opportunity to share DMST indicators. Instead, NGOs wait for children to disclose DMST relevant information.

Despite the lack of proactive identification, every NGO worker interviewed recalled victims and situations of DMST. DMST victims are identified through outreach in jails, food pantries, homeless shelters, drug treatment programs, and on the street. Unfortunately, even those NGOs with continuous interaction with DMST victims are left feeling relatively helpless because of the lack of services and shelter specific for this victim population.

#### **1.6.4 Collaboration**

One staff member at a youth shelter felt police were lacking in sensitivity to minor victims, particularly transgender youth. Some police officers may have received training regarding what he termed “street kids,” but based on interactions at the shelter, the interviewee did not believe the training was reaching patrol officers. However, there are formal partnerships between some non-profit organizations and law enforcement. Notably, the CPC has a strong relationship with both police departments. Non-profits also contact each other for training on different areas of expertise and interact through different local coalitions, including the Coalition and Human Trafficking Rescue Project.

## 1.7 Conclusions

Prevention of DMST is a challenging task. The first step is to create sensitivity and issue awareness. Until the issue is properly communicated to the public and all professionals who have the possibility within their professional capacity to interact with a DMST victim, children exploited through prostitution will continue to be misidentified or unidentified. Proper identification of prostituted and other commercially sexually exploited children as victims is critical to prevention. Independence and Kansas City, Missouri, courts, police, NGOs, service providers, and CPS are sympathetic to the plight of DMST victims; however, they are unaware of and untrained on how to identify the minors accurately and deliver service to them if identified.

There remains considerable confusion about the differences and characteristics of DMST victims versus victims of sexual abuse and neglect. While abuse and neglect can be part of a minor's sex trafficking experience, the two issues are different and need to be addressed differently. All participants in the RA study expressed a general frustration over the lack of available resources and knowledge of how to address the unique and specialized needs of DMST victims.

The HTRP members are active in raising awareness and providing training on human trafficking. It is imperative that such training continues and that DMST information is included in this training.

## 1.8 Best Practices

### 1.8.1 Best Practices

The Human Trafficking Rescue Project (HTRP) and the Coalition have helped raise public awareness about human trafficking issues in general. NGOs and other service providers are seeking out training that is based on experience from survivor-led organizations like Veronica's Voice and other groups working with victims of DMST to help them understand the unique needs and issues of DMST victims.

Service providers, law enforcement, courts, detention personnel, and NGOs have contact with each other and work together frequently. These relationships are generally strong, and there is a spirit of cooperation and willingness to come together to address the issue of DMST.

CPS, law enforcement, and courts are reaching out to the professional forensic interviewers at CPC when working with youth. This has been critical to interacting with and identifying victims.

### 1.8.2 Gaps

All participants in the interview process complained that there is not enough public awareness of or sensitivity to DMST. No mass public awareness programs covering DMST are being implemented, though Hope House is planning to initiate an awareness campaign regarding human trafficking, which will hopefully include issues of DMST. One survivor-led NGO does provide education to churches, schools, and other interested organizations.

With a few exceptions, training for those who actually come in contact with DMST victims is still lacking, though administrative and management level staff is receiving training. Information on prevention and identification of DMST victims is not reaching the people who work directly on the front lines. Education on trafficking has typically been limited to the problems of foreign national victims exploited through international trafficking. Training on DMST, including the legal definitions, indicators of DMST victimization, appropriate responses to situations of DMST, and victim care are needed.

Generally, statistics are unavailable, which makes counting and tracking of victims difficult. Prosecutors, police, and the Children's Division of CPS can recount cases involving abuse and neglect; however, no DMST cases can be noted. The Elbert case was repeatedly offered as a success. This high profile case involving the DMST victimization of three sisters rescued from a pimp was successfully prosecuted federally and led to the conviction of the trafficker Elbert (see Appendix D).<sup>16</sup> The Assistant U.S. Attorney who prosecuted Elbert stated how fortunate it was that the identifying detective had worked with the U.S. Attorney's Office previously and knew to call them when the girls were identified as being involved in street prostitution. Additionally, though the girls appeared to be operating independently, the detective investigated the case further and looked for the pimp. Rather than implementing any formal outreach or screening process, this quick-thinking and victim-centered approach saved the lives of three innocent girls.

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<sup>16</sup> "KC Man Sentenced For Recruiting Minors for Prostitution." U.S Department of Justice, Federal Bureau of Investigation for the District of Kansas. January 10, 2008. <<http://www.usdoj.gov/usao/mow/news2008/elbert.sen.htm>>. Accessed on January 28, 2008.

## II. PROSECUTION

Prosecution of cases against traffickers/pimps and buyers is essential to combating DMST. In order to secure convictions and appropriate sentences, strong legislation that criminalizes trafficking and protects victims is critical. Equally critical is the awareness of these laws by law enforcement officers, prosecutors, and judges. Collaborative efforts in the investigative and prosecutorial processes are necessary to avoid revictimization of the minor.



## 2.1 Law Enforcement

### 2.1.1 Statutory Resources

In the Independence/Kansas City area, law enforcement has statutory authority to arrest sex traffickers under the Missouri anti-trafficking law and the federal TVPA, as well as under related state and federal statutes. However, with only one exception, law enforcement interviewees were unaware of the Missouri state human trafficking and federal TVPA statutes. Interviewees could not cite a single charge or conviction under the Missouri anti-trafficking law, even though the law was put into effect January 1, 2007. Law enforcement, however, did cite the federal Mann Act as a likely vehicle for prosecution of traffickers, especially as Independence/Kansas City area is situated close to the Kansas border, making movement of persons across state lines for purposes of prostitution easy (see Appendix E).

### 2.1.2 Collaboration

The Kansas City and Independence Police Departments work together closely on a regular basis. More formal collaboration between federal and state law enforcement is noted as being essential in the fight against child pornography through funded initiatives, such as Project Safe Childhood and Internet Crimes Against Children task forces. Recently, the KCPD collaborated with federal officials in the Elbert case, resulting in the successful federal prosecution and plea deal of Elbert, the pimp who exploited three juvenile sisters in Kansas City.

### 2.1.3 Victims as Witnesses

Law enforcement officers noted that DMST victims are uncooperative. DMST victims are frequently unwilling to provide any information to investigators to assist in the investigation and arrest of their pimp. The often transient nature of the victims makes continued contact by the law enforcement officer difficult to maintain through the trial process. Another dilemma facing the IPD and KCPD is how to ensure the safety of the victims leading up to the arrest and trial of their trafficker/pimp.

Police and other entities involved with the juvenile justice system expressed frustration with the requirement that juvenile victims are physically present to testify at trial against their trafficker/pimp. The 2004 U.S Supreme Court case *Crawford v. Washington* addressed the Sixth Amendment right of criminal defendants to confront any witnesses against them.<sup>17</sup> This landmark decision had an instant and deleterious effect on the ability of prosecutors to use out-of-court statements made by victims and witnesses that continues to hamper prosecutions. The decision holds that testimonial statements made outside of court proceedings are not admissible unless the person who made the statement is unavailable for testimony at the trial and the defense has had a prior opportunity to cross-examine the declarant. The mandate to testify in court can seriously jeopardize the mental state of a sex trafficked minor and result in frequent cases of recanting the statements. Prior to the *Crawford* decision, videotaped or other recorded testimony was admissible at trial. This was considered “child-victim friendly,” as it allowed the minor to testify without being exposed to the trauma of facing the perpetrator. Although there are some exceptions, police, prosecutors, and forensic interviewers all voiced serious concerns over the implications of this ruling.

### 2.1.4 Demand

Research revealed that prosecutions of buyers of minors for commercial sex acts arose primarily in relation to child pornography, enticement, or sexual abuse and neglect of a minor. The Elbert case, the only DMST case identified during the research process involving prostitution of minors, did not involve the prosecution of the buyers of the minor victims.

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<sup>17</sup> *Crawford v. Washington*, 541 U.S. 36. 2004.

## 2.2 Prosecutors

### 2.2.1 Human Trafficking Statutory Resources

The State of Missouri has an anti-human trafficking law in addition to laws that directly address the commercial sexual exploitation of a child. Revised State of Missouri Statute 566.212 states that an individual commits the crime of sexual trafficking of a child if that individual knowingly “recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of 18 to participate in a commercial sex act or benefits financially or by receiving anything of value, from participation in such activities, or causes a person under the age of 18 to engage in a commercial sex act.”<sup>18</sup> This statute makes sex trafficking of a child under 18 years a Class A felony, which could include a penalty of death, life imprisonment, or imprisonment for 20 years or more. If an offender is convicted of trafficking a child under age 12, the penalty is life imprisonment without eligibility for parole until 25 years have been served.<sup>19</sup>

The Missouri human trafficking statute does not require force, fraud, or coercion to be proven when the victim is under 18, comporting with the federal TVPA. In addition, the federal law is referenced in RSMO 566.223, which states, “Any individual who is alleging that a violation of sections 566.200 to 566.221 has occurred against his or her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, as amended” (see Appendix F for full text).

In Missouri, a buyer of sex acts from a minor aged 16 - 17 can assert an affirmative defense that he reasonably believed the child to be 18 years of age or older and the minor consented.<sup>20</sup>

Other state statutes address the sexual enticement of a juvenile. For example, enticement of a child can be charged if a person at least 21 years of age “persuades, solicits, coaxes, entices, or lures, whether by words, actions, or through communications via the Internet or any electronic communication, any person who is less than 15 years of age for the purpose of engaging in sexual conduct.”<sup>21</sup>

RSMO section 573.023 states, “A person commits the crime of sexual exploitation of a minor if, knowing of its content and character, such person photographs, films, videotapes, produces, or otherwise creates obscene material with a minor or child pornography. Sexual exploitation of a minor is a Class B felony, unless the minor is a child, in which case it is a Class A felony.” For purposes of this statute, a minor is anyone under the age of 18, whereas a child is anyone under the age of 14 (see Appendix G for full text).

Solid state laws exist that can assist police and prosecutors in bringing perpetrators of DMST to justice. These laws have been used to successfully try DMST cases in other areas of Missouri. For example, in Blue Springs, Missouri, a man was charged with a number of offenses, including child pornography, using RSMO section 573.037.<sup>22</sup> The case involved an adult man who was taking Polaroid photos of minors, one of whom was under the age of seventeen. The offender paid the teen to perform sexual acts, which he filmed and photographed. He was ultimately charged with 15 counts of possession of child pornography, abuse of a child, statutory sodomy, and child molestation. However, there is no indication that any trafficking statutes were utilized in the prosecution of this offender.

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<sup>18</sup> Missouri Revised Statutes. Chapters 566, 567, 568, 573, 577. August 28, 2007.

<sup>19</sup> Missouri Revised Statutes. Chapter 566, Section 213. August 28, 2007.

<sup>20</sup> Missouri Revised Statutes. Chapter 566, Section 020. August 28, 2007.

<sup>21</sup> Missouri Revised Statutes. Chapter 566, Section 151. August 28, 2007.

<sup>22</sup> State of Missouri v. Jerry D. Wilson, Blue Springs Police case number 2005-00591.

Although the state of Missouri has made positive strides in creating sex trafficking legislation, some laws are contradictory. For example, RSMO section 568.045 holds that a person can be prosecuted for endangering the welfare of a child only if that child is under the age of 17, yet RSMO Section 212.566 states that sex trafficking of those under the age of 18 is a Class A felony.

### **2.2.2 Prosecution of Victims**

The Family Court of Jackson County has not been presented with minors charged with prostitution. This reflects either a positive identification by law enforcement of the victim status of a child involved in prostitution or a misidentification of children engaged in prostitution. The court is limited in its response to DMST in that, once a delinquency charge has been filed on a child, it is nearly impossible for the court to request further investigation into the delinquent act. The court's influence on the case is limited to the placement and treatment options for the youth that come before them. Status offences, such as loitering, curfew violation, and school truancy, are not brought before the court as Family Court Services and parents generally deal with these types of cases. This procedure has the support of one interviewed judge who believes that such offenses are not appropriate for court action and should be dealt with through the Division of Family Services or schools. It is not known whether the minors are screened for victimization as part of this process.

### **2.2.3 Prosecution of Traffickers/Pimps**

The prosecution of traffickers/pimps is increasing with federal entities, local police, and prosecutors combining forces to bring offenders to justice. With Kansas City located on the Missouri/Kansas border, federal prosecutors have been able to employ the Mann Act, which prohibits the transportation across state borders of women and girls for "immoral purposes."<sup>23</sup> One example of a Mann Act case in the Independence/Kansas City area is *U.S. v. Herd*, in which Jesse Herd transported his teenaged stepdaughter across the Kansas/Missouri state line for sexual purposes.<sup>24</sup> Herd was prosecuted in federal court in Kansas. Herd took the 14 year old from Kansas to Kansas City, Missouri, where he sold her to adult men for sex, operating from the Erotic City strip club in Kansas City, Missouri.

He would take her downstairs to what was called an "orgy room," where the girl had sex with as many as 20 men at once. After each incident, Herd would have sex with the girl, too. In his plea, Herd admitted that the abuse started in 2004 when he began driving around with the 14-year-old girl looking for men who wanted to have sex with her. During the first incident, Herd checked the girl into a hotel in Kansas City, Mo., and video taped the girl having sex with three men.<sup>25</sup>

Herd was prosecuted in federal court in Kansas. This case was prosecuted under the Mann Act, but it could have been prosecuted under the TVPA. In either case, the minor girl is a DMST victim and is entitled to receive services as a victim of a violent crime.

State prosecutors express a willingness to prosecute offenders in DMST cases; however, they report that the opportunity has not arisen. The one successful prosecution of DMST that was recounted by both local and federal prosecutors was the Elbert case involving the sex trafficking of three juvenile sisters (see Appendix D). Charges were filed against Elbert using the federal TVPA 18 U.S.C. 1591 statute. The case was successfully prosecuted in federal court, and the defendant pled guilty and received eight years of incarceration as punishment.

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<sup>23</sup> United States White-Slave Traffic Act of 1910, 18 U.S.C. § 2421–2424.

<sup>24</sup> "Kansas City Man Pleads Guilty, Agrees to 18-Year Sentence for Sexual Acts Involving Teenaged Girl." The United States Department of Justice. November 5, 2007. <<http://www.usdoj.gov/usao/ks/press/Nov07/Nov5a.html>>. Accessed on November 15, 2007.

<sup>25</sup> "Kansas City Man Pleads Guilty, Agrees to 18-Year Sentence for Sexual Acts Involving Teenaged Girl." U.S. Department of Justice, Federal Bureau of Investigation for the District of Kansas. Nov. 5, 2007. <<http://kansascity.fbi.gov/dojpressrel/pressrel07/sexacts110507.htm>>. Accessed on April 18, 2008.

One interviewee stated that on July 27, 2006, the TVPA raised its mandatory sentencing for convictions of trafficking of children to a ten-year mandatory sentence where the victims is 15-17 years of age and 15-year mandatory minimum in cases where the victims is under 15 years old. Unfortunately, the Elbert charges were filed prior to the increased sentences, making his sentence less than others convicted of similar crimes under the TVPA after 2006.

#### **2.2.4 Utilizing Federal Law for Intrastate Human Trafficking Cases**

The Elbert case applied the TVPA even though the prostitution of all three children took place in Missouri. Federal jurisdiction is usually reserved for cases that cross state lines; however, it does not need to be limited to cases where state lines are actually crossed if the crime affects interstate commerce. The Elbert case demonstrated the use of evidence to prove the required nexus to interstate commerce through the use of cell phones and the Internet by the trafficker. The pursuit of proof required by the TVPA by the U.S. Attorney's Office in this case secured an eight-year plea sentence for Elbert, as well as significant restitution for the victims he exploited.

#### **2.2.5 Victims as Witnesses**

A federal prosecutor interviewee stated that a difficulty they face is the ability to retain control over the victim-witnesses prior to and during trial, as there is an absence of secured facilities appropriate and safe for DMST victims. DMST victims are vulnerable and continue to be at-risk for further victimization, which makes placement difficult. Additionally, DMST victims of prostitution have intense trauma bonds with their exploiter, making them flight risks from non-secure placement options. These victims have been physically, sexually, emotionally, and verbally abused by their perpetrators and are often addicted to drugs. Prosecutors struggle with finding ways to stabilize and retain the victim-witnesses before and during trial.

Prosecutions can also be complicated by the reluctance of the DMST victims to testify. The severe trauma the victims' experience, as well as the physical risk for retaliation with which they are still confronted, creates a deep fear of confronting their abusers.

Another hurdle in working with victim-witnesses is their wariness of law enforcement and the resulting lack of cooperation with investigators and prosecutors. Forensic interviewers trained and specialized in questioning child victims are available and used routinely through the Child Protection Center; however, even these interviewers expressed some frustration and confusion regarding the best way to talk with uncooperative DMST victims.

Echoing law enforcement, prosecutors stated that the Supreme Court ruling in *Crawford v. Washington*, 541 U.S. 36, also posed problems for them in proving their cases. The decision limits the admissibility of out-of-court statements to instances in which the declarant is not available for trial and the defendant had been afforded a prior opportunity to cross-examine the declarant. The decision essentially forces prosecutors to call victims to testify against their traffickers/pimps, facing the great possibility that these young victims will recant rather than face their abuser. The decision eliminates the "child friendly" testimony methods prosecutors had used successfully in the past, such as videotaped testimony and live closed-circuit televised testimony.

## 2.3 Juvenile Court Judges

### 2.3.1 Human Trafficking Statutory Resources

The Family Court judges interviewed had limited knowledge of the Missouri's child sex trafficking statute. They were also not aware of the federal TVPA, though this law would be less applicable in their court. Additionally, the judges were not aware of training provided to them or their staff on either the state or federal law.

### 2.3.2 Prosecution of Victims

The courts do not report any appearances of juveniles on prostitution charges; however, participants in the assessment believe that DMST victims are proceeding through the system undetected or misidentified. One judge did voice a concern that, under certain circumstances, DMST victims might be charged under a sex offender classification.

The Family Court interviewee made it clear that commercially sexually exploited minors would be considered victims, not offenders. Once identified as a DMST victim, the court would make every effort to obtain counseling, care, and safe placement for the child.

## **2.4 Juvenile Detention Facilities**

### **2.4.1 Human Trafficking Statutory Resources**

Juvenile detention staff was unfamiliar with the Missouri state human trafficking statutes and the federal TVPA. Training on these particular laws was not offered to them. Some training on child sex abuse had been offered over the years through various agencies; however, sex trafficking and prostitution terminology and specific information about DMST victim populations was not raised in the training.

### **2.4.2 Victim Placement in Detention**

The juvenile court is striving to place fewer minors in detention and is seeking more diversionary methods of handling youth offenders. As a result, the number of detained children has dramatically decreased in recent years. Still, potential DMST victims have been adjudicated to the detention center on offenses that may have been committed incidental to their exploitation, especially drug possession charges. There are no formal protocols or procedures to identify DMST victims in the detention system.

## 2.5 Child Protective Services

### 2.5.1 Participation in Prosecutions

CPS has not been involved with a DMST prosecution to date. CPS participation in sexual abuse or neglect cases, however, can provide insight into involvement in a prosecution of DMST. Generally, participation in sexual abuse or neglect prosecutions takes the form of family assessments and/or assessments of the child. Children's Division of CPS may also become involved with the placement of a child while investigative and pre-trial actions are in effect. Potential DMST victims would not necessarily be interviewed by same-sex staff during the investigation of sex abuse allegations, which could hinder disclosure.

## **2.6 NGOs/Social Service Providers**

### **2.6.1 Human Trafficking Statutory Resources**

Without exception, NGOs and social service providers who participated in the rapid assessment view minors who have been victimized through sex trafficking as having victim status. However, familiarity with trafficking statutes and legislation was limited or non-existent, with the exception of Hope House staff who sits on the Human Trafficking Rescue Project, and Veronica's Voice, whose director was involved in developing and advocating for the TVPA. Therefore, the identification of DMST victims as victims is not derived from the law and the legal provisions for service entitlement, nor are the laws considered when the service providers encounter victims of DMST.

### **2.6.2 Participation in Prosecutions**

The service providers' roles in prosecutions include working with the victims to stabilize them and begin the healing process. In addition, NGOs can provide testimony on aspects of their involvement with victims (providing shelter, the mental state of the victim, etc.) or, in some cases, provide expert testimony on sexual exploitation. In particular, the Children's Protection Center was identified as a safe, victim-centered place for DMST survivors to interact with those specially trained to interview sexual abuse victims. Interviewers at the CPC have participated in a number of prosecutions for child exploitation, including the Elbert case. The number of DMST victims or potential victims who have been served by the CPC was unavailable.



## 2.7 Conclusions

Few individuals interviewed were aware of the Missouri statute defining the sex trafficking of a child as a Class A felony for children 12-17 which went into effect January 1, 2007. The penalty for sex trafficking a child under the age of 12 is life imprisonment without eligibility for probation or parole until 25 years of the sentence is served. Additionally, the proof of force, fraud, and coercion is not necessary and age is not considered a defense. This is an extremely strong and well written law, however, to date, the law has not been used to prosecute a trafficker/pimp of children in Missouri. Lack of knowledge of the laws and no reported training on the laws could be one reason for the absence of application.

Prosecutions of traffickers/pimps are hindered by the difficulties of working with victims of DMST as witnesses. Interviewees note the difficulty in obtaining information from the victims and the problem of finding secured and safe placement for the victims during the investigation and trial process. Law enforcement has been willing to consider detaining a child victim with the general population of offenders in order to secure their availability for testimony in a prosecution of a trafficker/pimp and to ensure their safety. DMST victims are often uncooperative witnesses, a result of the psychological trauma and manipulation suffered during their exploitation. Victim-witnesses are flight risks, as they fear the legal system and are accustomed to the transient lifestyle they have been living as DMST victims. DMST victims are often still under threat of retaliation by the perpetrators before, during, and after trial. Prosecutors stated that they had limited ability to protect against this threat.

A lack of resources for victims before and during trial is regarded as a primary challenge in the pursuit of perpetrators of DMST. The inadmissibility of child-friendly testimony methods that resulted from the decision by the Supreme Court in *Crawford v. Washington* (541 U.S. 36) is seen by many as harmful to the victim and the prosecutor's ability to prosecute a case. Ultimately, the investigation and prosecution of traffickers who exploit youth hinge on the cooperation of juvenile victims. The lack of identification, services, child-victim friendly witness tools, and the ability to safeguard victim witnesses provides law enforcement, prosecutors, and service providers little opportunity to achieve victim trust and stability for the investigation and prosecution.

## 2.8 Best Practices

### 2.8.1 Best Practices

Jackson County is not prosecuting minors for prostitution. More children are placed in diversionary programs rather than detained in detention facilities. There is broad acceptance of the victim status of minors exploited through sex trafficking, though interviews still reveal a need for training regarding terminology and myths.

There is a culture of collaboration amongst agencies and organizations in Kansas City and Independence. Federal, state, and local prosecutors work well together and collaborate often. Law enforcement agencies also seem to have a positive working relationship with each other and other service providers they have frequent contact with, such as CPC and CPS.

Solid state laws exist that can assist police and prosecutors in bringing perpetrators of DMST to justice. Some state laws, such as RSMO Section 573.037 have been applied to cases of child sexual exploitation, as in *State of Missouri v. Jerry D. Wilson*. However, the prosecutors in the Kansas City/Independence area have preferred to refer cases to federal prosecutors, thereby securing convictions with strong sentences but leaving the state statutes unused.

Forensic interviewers who specialize in working with children are readily engaged in most juvenile cases and will interview any child under the age of 18. Referrals for forensic interviews involve many different types of victimization. These interviewers have a broad range of experience that can be utilized and learned from to create proper investigative and questioning techniques for DMST victims.

### 2.8.2 Gaps

Perhaps one of the most significant gaps in the area of prosecution is the lack of knowledge regarding trafficking legislation. Federal prosecutors and some local and state law enforcement are aware of the federal trafficking law, but few were aware of the state statutes that could apply to DMST victims.

A lack of resources, appropriate shelter, training, and proper identification all contribute to a difficulty of investigating and prosecuting perpetrators, and understanding the scope of the problem. Shelter and services is discussed at length in the Protection section of this assessment report but should be noted here, as the lack of both affect the ability to successfully investigate and prosecute DMST cases. Law enforcement and prosecutors must have a secure place for the victim-witness to ensure safety and access for investigation and trial of the trafficker/pimp or even of a buyer. The absence of such placement makes pursuit of these cases riskier and much more difficult.

While the interviewees expressed a considerable amount of willingness to prosecute traffickers/pimps for DMST, few cases have been brought. Prosecution of buyers, or “johns,” has occurred, but municipal efforts have been mainly concentrated on buyers of adult prostitution. The absence of arrests of DMST buyers is problematic, as their prosecution and appropriate sentencing is essential to addressing the demand side of DMST.

### III. PROTECTION

Protection of the victim is paramount to any successful approach to combating DMST. Rescue, restoration, and protection of the victims are critical, and all must be done in way that does not re-traumatize or revictimize the minor. Victims must first be rescued in order to remove them from the dangerous situations in which they are found, and they then need a protective placement with appropriate services to ensure proper treatment and safety. Those involved in the rescue and restoration of DMST victims must be sensitive to the trauma these children have endured through their sexual exploitation. This can be accomplished through sensitivity to the victim, comprehensive programming, and successful implementation of policies and programs at all stages in the process. DMST victims are often in great danger from pimps and traffickers, so the child's security and safety must be the highest priority. Safe, protective placement in an environment conducive to recovery and providing for the unique needs of DMST victims is essential to victim protection.

## 3.1 Law Enforcement

Law enforcement officers are frequently the first responders to a case of DMST; therefore, it is critical that officers who encounter DMST victims, whether through a targeted investigation or through an encounter on the street, be prepared to treat these children as victims. DMST victims may exhibit belligerence or even violence towards the officers, due to the psychological and physical control of a trafficker/pimp, use of drugs, and often fear. Child-victim sensitive investigation techniques and strong partnerships with qualified service providers are integral tools in the successful investigation of the crime and the stabilization of the child.

### 3.1.1 Resources Available

While the IPD and KCPD stated repeatedly that they would like to rescue and protect victims of DMST, the options are limited in terms of resources. Police officers are able to call on Children's Division CPS staff to take care of victims; however, the lack of a secured shelter allows victims to run from their placement, posing a risk to investigations that rely on the information from the victims. This lack of secured shelter has caused inappropriate placement of child-victims in juvenile detention facilities to secure their availability. One prosecutor, bemoaning the difficulties of investigations into DMST, stated, "[the investigating officers] wanted to lock these kids up just because they don't know what to do. They are trying to keep the victims from running back to the pimp, but you can't do that in a non-secure facility. This is a big struggle for us."

Most of the officers interviewed for this assessment tended to view DMST victims as out-of-control and a danger to themselves. The officers expressed frustration that they did not always know what to do with DMST victims. Short-term, non-secure shelter solutions are available and the police often rely on local shelters to take over the protection of victims. However, given the nature of a DMST victim as a flight risk and the danger traffickers/pimps pose to the victims, non-profits are understandably ill-equipped and reluctant to take on this duty.

## 3.2 Prosecutors

### 3.2.1 Victims as Witnesses

Some victims have mixed emotions regarding their traffickers/pimps, who in many cases are believed by the victim to be her boyfriend or, in some cases, can be a parent, family member, or friend. These traffickers/pimps are masterful manipulators, skilled in psychological control over the young, frightened, and vulnerable population they enslave. DMST victims typically become completely dependent on their exploiter, creating a complex psychology resembling that seen in some long-term kidnapping victims and domestic violence victims.

### 3.2.2 Resources Available

Prosecutors in the Independence/Kansas City area do not have a specific protocol for interviewing and protecting DMST victims. Children's Division CPS personnel, social workers, and the forensic interviewers at CPC generally work with prosecutors in this respect. One prosecutor revealed, "We don't even know how to approach them." Prosecutors complained that services are not easy to determine or access for DMST victims. Long-term solutions, particularly for girls and transgender youth, are extremely limited.

Safe placement of the victim before and during trial is a great concern for the prosecutors. Juvenile court prosecutors expressed dismay that law enforcement and judges may turn to detention as a secure placement for victims. One court staff person said, "The first argument is always over placement. Law enforcement wants to place them somewhere secure for protection, and victim advocates, also wanting protection, do not want the victims incarcerated." At times, children may be sent to a psychiatric unit through the Children's Division of CPS. In the Elbert case, the three young sisters were housed in a psychiatric hospital, though Family Court was pressured to put them into detention. One interviewee stated, "Nobody knew quite what to do with these kids."

Utilizing a mental health hold for the three victims of the Elbert case was the outcome of trial and error and the dedication of the federal prosecutors and the Family Court to identify proper placement. Several failed attempts to place the girls back at home led to them running away again and placing themselves back at risk, on the streets. The determination to treat these children as victims paired with the desire to protect them from revictimization led to their placement at a psychiatric hospital. Though it was unanimously agreed that the hospital was not the ideal placement, this environment also ensured access to counseling and protection from running away.

## 3.3 Juvenile Court Judges

### 3.3.1 Labeling

Juvenile court judges have not seen minors in their courtrooms charged with prostitution; however, the judges expressed concern over whether the victims are being identified properly and how this affects their access to services. The court recognizes children who have been exploited through prostitution as victims, but one judge expressed concern that other entities may mislabel these children through insensitivity to the issue of DMST, dangerously effecting the placement of the child and making access to services for the victim unlikely.

### 3.3.2 Availability of Services

In the past, judges have referred juveniles who are on the court docket for other delinquent acts to services once sexual abuse has come to light. It stated that the same process would take place if prostitution or other commercial sexual exploitation surfaced during court. However, a lack of services specifically for DMST victims in the public and private realms makes comprehensive referrals difficult. Veronica's Voice was identified as a place for services and support, but shelter options outside of home placement (if appropriate) are non-existent. In particular, girls and transgender youth were noted as being without services within the government services.

## 3.4 Juvenile Detention Facilities

### 3.4.1 Placement Options for DMST Victims

Detention facility administrators are reluctant to accept placement of DMST victims in their facilities, as they do not believe the victims belong in detention. An overall approach to reducing detention of juveniles has resulted in fewer detained minors and an average stay in the holding facility of only three to four days on average. Alternatives to detention for juvenile victims of DMST, such as the psychiatric facility placement for the three girls in the Elbert case, are utilized whenever appropriate and possible. This is especially true for youth not involved in violent activity.

Once a minor is adjudicated and placed in a juvenile detention facility, they may stay for up to six or seven months. Detention administrators object to placing DMST victims with the general population of juvenile offenders; however, even if properly identified as a DMST victim subsequent to placement in a detention facility, there is no protocol to alter placement and no alternative placement for the victim.

### 3.4.2 Services Available

Various services, activities, education, and counseling are available through detention and residential facilities but are not geared towards the unique needs of a DMST victim. One program manager at a detention facility that houses young offenders believed that their current programming was well equipped to deal with sexual abuse or assault victims; however, it did not take some of the unique needs of a DMST victim into account, such as added safety concerns, psychological trauma bonding, etc.

Detention administrators interviewed for the assessment expressed great sympathy for DMST victims and frustration with the dearth of appropriate placements for these children, especially for girls and transgender youth. In the past, Family Court Services has worked with local non-profits, such as MOCSA and Veronica's Voice, to establish some assistance for children in detention whom they suspect were exploited through DMST.

## 3.5 Child Protective Services

### 3.5.1 Response to DMST

As no formal protocols for dealing with DMST exist, CPS staff members were only able to provide a hypothetical course of action. If properly identified as a DMST victim, CPS staff indicates that they would contact police, forensic interviewers, Family Court Services, or the NGOs they currently work with on sexual abuse issues. The Children's Division of CPS is also involved with the Coalition of the HTRP; therefore, if CPS discovered a DMST victim, the agency would seek assistance through the Coalition.

In the absence of a specific protocol at CPS for management and treatment of DMST victims, CPS follows established procedures that do not account for the specific trauma of commercial sexual exploitation. For example, the intake interview by CPS is performed by an available staff person who may not be the same gender as the victim, which can be stressful for the victim and result in non-disclosure of the exploitation. Additionally, intake forms and abuse tracking codes do not differentiate between sexual abuse and DMST victimization, specifically prostitution. This intake information groups prostitution with sexual abuse, not allowing for specialized treatment and placement for DMST victims.

### 3.5.2 Resources Available

The Division of Family Services is positioned to be a main referral source for the community when a DMST victim is identified, as their mandate is to be responsible "for accepting and investigating all reports of child abuse and/or neglect of children under age 18."<sup>26</sup> Many non-profits and governmental agencies interviewed for this assessment named DFS as one of their main referral sources. Unfortunately, DFS does not have specific protocols or procedures for the protection and restoration of DMST victims. In addition, resources at DFS are extremely limited; therefore, funding for an expansion of services designed specifically for DMST victims is non-existent.

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<sup>26</sup> "Roles and Responsibilities of Team Members." Child Welfare Manual. September 19, 2006. <<http://www.dss.mo.gov/cd/info/cwmanual/section1/ch1/sec1ch1sub1.htm>>. Accessed on January 15, 2008.



## 3.6 NGOs/Social Service Providers

### 3.6.1 Shelter

The absence of shelter for victims is noted as a continuing problem for NGOs. The lack of available beds, limitations on admission to just adults or emancipated minors, time limits on sheltering non-emancipated minors, and safety considerations are all noted as hurdles in finding a safe placement for DMST victims once identified. In the Independence/Kansas City area, ReStart was the only residential shelter facility for at-risk youth and victimized youth; ReStart is a non-secure facility not specialized in treating child victims of sex trafficking. The NGO Veronica's Voice reserves eight beds for victims of trafficking through two of their partners. Four of the beds are available at a domestic violence shelter and are accessible only to emancipated minors or a child accompanied by an adult. The other four beds are reserved specifically for adult victims of sexual exploitation. In both cases, these beds are often filled, as there is high need.

### 3.6.2 Counseling and Programming

There is one organization in the Independence/Kansas City area with programming specifically applied to DMST victims. Other NGOs and service providers are eager to assist DMST victims but do not have specific procedures or programming in place. Nonetheless, services provided by other entities can be beneficial for DMST victims and are accessed by DMST victims, such as rape counseling, sexual assault treatment, and empowerment programs. There are entities in the Kansas City/Independence area with extensive experience in providing counseling and services to sexual assault and sexual abuse victims. These agencies are also familiar with law enforcement and judicial procedures, and help guide victims through any investigations and trials in which they may be involved. Service provider interviewees noted, however, that their experience with DMST victims and their knowledge of the special needs of these victims was limited.

Counseling and mentoring focused on the specific traumas experienced as a result of sex trafficking and other forms of sexual exploitation is offered to DMST victims through Veronica's Voice. The staff at Veronica's Voice is largely comprised of survivors who have experienced different forms of CSE. The staff addresses the issues of grooming, recruitment, and pimp control with young victims based on experience as well as study. The counseling also addresses risk reduction strategies, self-esteem, addiction, and other issues related to DMST.

### 3.6.3 Addressing Demand

A "john school" program called the Offenders Accountability and Reeducation Program (OAR) is run by Veronica's Voice. This restorative justice program is the only identified effort in the area to reduce recidivism and raise the consciousness of buyers of prostitution about the realities of prostitution and the exploitive nature of buying human beings for sexual purposes. The program receives offenders directed by courts in nearly every county in the region, including Missouri and Kansas. When an individual is found by the courts to have solicited prostitution, the court can order them to attend the OAR program. OAR students can be referred through other sources as well. The OAR program includes testing for sexually transmitted diseases and health education from health care agencies, education about the effects of prostitution on neighborhoods, and information about the realities and dangers of prostitution. Educators include survivors of prostitution, law enforcement representatives, health care personnel, and neighborhood representatives who live in or near prostitution "hot spots." Offenders are also provided with a list of therapeutic resources available for further health testing, counseling, and mental health providers. The offenders pay a fee to attend OAR, which then funds services for victims of commercial sexual exploitation at Veronica's Voice.

#### **3.6.4 Funding**

Lack of funding to provide services to DMST victims and develop restorative programming is the main hurdle that the NGO community in the Kansas City/Independence area is facing. This lack of funding for DMST victim services is compounded by the restriction on funds made available through the mandate of the federal TVPA foreign national victim services. As a result, non-profits face a dilemma in wanting to serve DMST victims but only having access to the funds needed for these services if the victim is a foreign national victim of human trafficking. Hope House, the recipient of the OVC funds to assist foreign national victims of trafficking, has developed the Coalition Against Human Trafficking to address all forms of human trafficking, including DMST victims.

## 3.7 Conclusion

Interviewees expressed a desire to rescue, protect, and restore victims of DMST; however, most people did not know the best means of accomplishing these missions. Only one NGO, Veronica's Voice, offers programming specifically designed to address sex trafficking and the exploitation experienced by trafficked American children.

Identification of DMST victims is a priority, as all interviewed groups stated that the non-identification or misidentification of victims is a large problem. Once identified, protection is critical, including protection from the trafficker/pimp, the buyer, and from the victim herself, as self-endangering behavior often continues after the rescue of a DMST victim, especially the danger of flight from a shelter. Child protection entities, governmental and non-governmental alike, do not have formal protocols, safety plans, or services geared toward victim security and stabilization. Funding for safe housing and appropriate programs for DMST victims is sorely needed.

Most staff members are not trained on techniques to work with the DMST victim population. Some staff has received training on the safety and restorative needs of international human trafficking victims found in the United States but not the special needs of DMST victims.

## 3.8 Summary of Best Practices and Gaps

### 3.8.1 Best Practices

NGOs and social service providers generally have good communication with government agencies and service providers, and most expressed willingness to work together to address DMST. Many organizations have reached out to survivor-led NGO Veronica's Voice for experience-based guidance and services for victims encountered.

Most assessment participants understand the importance of avoiding further traumatization of victims during the rescue and restoration process. Courts and law enforcement on child sexual assault and related cases are engaging forensic interviewers who specialize in working with traumatized child victims at the CPC. As DMST victims are identified in the legal and judicial process, these forensic interviewers will be critical to providing victim-centered justice to DMST victims.

The Coalition Against Human Trafficking, a section of the Human Trafficking Rescue Project, organized by Hope House has pulled together a diverse and holistic group of agencies and organizations to address the service and shelter needs of all victims of human trafficking. This collaborative approach and spirit of inclusion has created a dynamic coalition in which DMST victim services could be address should the law enforcement working group uncover DMST victims.

### 3.8.2 Gaps

The lack of appropriate shelter for DMST victims is a major gap in service delivery in the Independence/Kansas City area. DMST victims require safety from traffickers/pimps; however, they also require comforting, home-like, non-traditional housing staffed by trained individuals sensitive to the trauma endured by DMST victims. This type of protective placement does not exist in the Independence/Kansas City area.

Many individuals who interact with victims during the rescue, protection, and restoration process need to be trained on identification, available and appropriate resources, and sensitivity. Training also needs to cover the methodology of traffickers/pimps and the psychological hold they gain over these minors.

Funding to create proper shelter and services for DMST victims is nonexistent. DMST victims are flight risks and need a higher level of protection against revictimization. The Elbert case potentially set a precedent for placement of victims in a mental health hold, thereby accessing other services at a secure mental health facility. Though this is not an ideal placement due to the stigma surrounding a mental health hold and the lack of specific services for DMST victims, this approach did keep the children safe from their continued pattern of running back to their situation of pimp control and resulted in a conviction of the pimp. Without other options that provide a protective environment, those who are able to identify victims of DMST are left with three options: detention, a non-secure facility, or returning the victim to the home they originally ran from.

Survivor expertise is not being utilized to the extent that it could be, although some organizations have reached out to the only survivor-staffed group in the area for training and guidance on working with victims of sex trafficking.

## Overall Conclusions

The Independence/Kansas City, Missouri area recognizes the victim status of the child who has been commercially sexually exploited. However, there is a lack of understanding about the crime of DMST. The systematic misidentification or non-identification of victims results in the regular failure to access services to treat the trauma suffered by DMST victims. Few resources and a lack of appropriate placements for victimized minors severely limit Jackson County's effectiveness in combating DMST and caring for the child-victims. As demonstrated in the Elbert case, law enforcement and prosecutors are faced with the unfavorable position of advocating for placement of victims in detention to ensure their accessibility throughout the investigation and trial due to the lack of safe, protective alternative placements.

Shelter is a primary problem for victims of DMST. Most available placements are short term and may not be sufficiently secure to protect victims from their traffickers/pimps or contain them from their flight instinct. Institutional environments where DMST victims might be placed are not appropriate and can revictimize the girls, as well as expose them to juvenile offenders who have engaged in criminal activity. Participants in the assessment are dismayed at the gender disparity in shelter and services, with both falling short for girls and transgender youth. Funding is once again a major obstacle.

According to judicial interviews prostituted minors in the Jackson County jurisdiction are not being charged with prostitution. This recognition that a minor cannot consent to prostitution and therefore is a victim of CSE is a positive and progressive practice revealed through the RA process. Another positive development is the overall reduction in the number of juveniles in detention and the diversionary options being accessed by youth who come into the system. Still, victims have been found in the detention center as they often are adjudicated on other charges and reveal victimization after trust is built with detention or probation staff.

Formal methods of identification are absent and informal methods are admitted to be severely flawed and infrequently used. Most interviewees believed that DMST victims are on the streets and are processing through the legal and judicial system but were at a loss as to how to identify them. Courts, detention facilities, DFS, and many service providers do not engage in prevention or screening for DMST. Consequently, victims are not identified and therefore are not accessing services.

Knowledge of the applicable trafficking legislation is limited. Federal law enforcement, U.S. Attorneys, and some members of the Human Trafficking Rescue Project are well versed in the TVPA; however, area police, state prosecutors, judiciary, DFS, and many NGOs still exhibit little knowledge of either the federal or state anti-trafficking laws. Without solid knowledge and understanding of the federal and state legal tools available to professionals who come into contact with potential victims of DMST, victims have the possibility to be misidentified or categorized by broader and more understood terms, such as sexual abuse or exploitation. This was especially true for CPS interviewees when talking about children exploited through prostitution. Misidentification at the outset ensures that all future treatment plans and placement will not meet the individual needs of DMST victims. Indeed, DMST victims are victims of sexual assault, but the specific trauma factors, such as being bought and sold by up to 15 different men an evening, the psychological relationship with the pimp, as well as past familial sexual abuse, all need to be considered when creating an effective treatment plan. Simply labeling prostitution as sexual abuse does not take into consideration the unique factors of DMST.

Missouri laws on trafficking and related crimes are progressive in many aspects and exhibit the willingness of legislators to address the sex trafficking of children. However, there remain contradictions in the laws, which present difficulty in enforcement and recognition of applicability of the trafficking laws. For example, the age of minority in various relevant statutes varies. This lack of uniformity in the statutes can lead to confusion when considering the prosecution of DMST. Age uniformity in statutes could assist prosecutors by providing more charges that can be applied to a trafficking offense (enticement charges, statutory rape charges, child endangerment charges, etc.).

Law enforcement entities have arrested pimps in the Independence/Kansas City area. Most notably is the Elbert case, investigated and prosecuted jointly with local and federal agencies. The defendant Elbert pled guilty to trafficking three teenaged sisters and was sentenced to eight years in jail followed by 15 years of supervised release. A press release from the U.S. Attorney's Office in Kansas City, Missouri, stated that 42 child exploitation cases were filed in the Western District of Missouri in 2005. Most of these cases related to pornography, enticing a minor for illicit sexual activity, distributing obscenity to a minor, and sexual abuse of a child. There were 38 convictions, either through guilty pleas or trials (see Appendix A).<sup>27</sup>

Less attention seems to be focused on catching the buyers ("johns" or "tricks") involved in victimizing a child through prostitution. Though some of these perpetrators of children may be arrested for solicitation and subsequently attend the Offenders Accountability and Reeducation Program, no interviewees were able to recall the arrest or prosecution of buyers of children specifically exploited through prostitution. These buyers are the driving force behind sex trafficking, as they purchase commercial sex acts from minors indiscriminately.

Few organizations actively participate in outreach on the streets, where at-risk youth, potential victims, and current victims can be found. There is also a critical lack of age-appropriate prevention programming for children and teens. Additionally, prevention and public awareness efforts have been focused primarily towards identifying foreign national human trafficking victims found in the United States.

Training is needed for law enforcement, detention staff, and all others who may come into contact with DMST victims. Terminology used in discussing DMST needs to be appropriate and consistent. Children exploited through sex trafficking are victims, not "prostitutes." Survivor expertise can benefit development of such training and advise the understanding of the psychology of a victim. Survivor assistance has not been utilized to its full potential, particularly in areas such as victim hostility, inability to communicate, and refusal to disclose information about the crime. Their experiences in CSE provide survivors with a unique perspective and ability to relate with young victims.

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<sup>27</sup> "Graves Announces Record Number of Child Exploitation Cases." U.S. Department of Justice, Office of the U.S. Attorney, Western District of Missouri. March 6, 2006. <<http://www.usdoj.gov/usao/mow/news2006/c3eNewsRelease.pdf>>. Accessed on December 13, 2007.

## Recommendations

The following recommendations are based on suggestions made by the interviewees as well the authors of this assessment.

1. Training on sex trafficking that includes specific indicators and the application of state and federal law to DMST victims is crucial. Support for the HTRP established training should continue to extend to law enforcement, DFS/CPS, judges, prosecutors, social service providers, and the faith-based community. Creation of a separate training specific to DMST should be prioritized for professionals who do not serve or work with foreign nationals.
2. Research on DMST victims must first identify successful strategies and methods used to address the trauma bonds that develop between the trafficker/pimp and the victim. Research on how to address this traumatic bond, including evidenced-based research, would dramatically increase the victim's access to services, which in turn would provide an emotionally and mentally healthy survivor with the strength to assist in investigation and testimony against the trafficker/pimp.
3. Prevention materials should be created that target youth and educate on tactics commonly used to recruit young victims. Materials should also address the realities of pimp exploitation in contrast to the glamorized popular-culture depiction of pimps.
4. The Missouri Department of Social Services has broadly defined the perpetrators of sexual abuse and/or neglect to include "those exercising supervision over a child for any part of a 24-hour day." This mandate for investigation provides the oversight of CPS to both investigate initial allegations of abuse by a trafficker/pimp and to provide protection and services to DMST victims. Therefore, Missouri Department of Social Services should create training for the Children's Division on indicators that identify DMST victims as well as train staff to understand dynamics of pimp control and trauma bonds that can alter initial interviews of potential DMST victims.
5. The Missouri Department of Social Services should create a specific category for sex trafficking victims under sexual abuse. The addition of a specific and separate category would assist in the collection of statistics on DMST as well as inform appropriate services and placement.
6. Increased formal engagement of survivors, such as staff at Veronica's Voice, a survivor-led NGO in Kansas City, Missouri, can provide assistance to victims who were often referred to as "difficult" and "uncooperative." Challenges in working with DMST victims that were identified by non-survivor led groups, such as identification, disclosure, flight risks, and gaining victims' trust, can be better addressed experientially by survivor-staffed organizations and survivor-assisted interventions.
7. The Human Trafficking Working Group should increase prioritization to identify and investigate cases of DMST, especially traffickers/pimps who prostitute children in the Independence/Kansas City area.
8. Increased efforts to apprehend the buyers is important to combat DMST and all forms of sex trafficking. Buyers are directly culpable in the commercial sexual exploitation of the DMST victims and drive the demand that fuels DMST. This was acknowledged in Missouri with statute 566.212.1, which reads, "A person commits the crime of sexual trafficking of a child if the individual knowingly: recruits, entices, harbors, transports, provides, or *obtains* by any means a person under the age of 18 to participate in a commercial sex act" (emphasis ours). Buyers must be held accountable for their involvement in the sex trafficking of the child and innovative investigative strategies should be developed in order to accomplish this.

9. Facilitators of sex trafficking (hotel personnel and operators, taxi drivers, valets, etc.) who play a key role in enabling the sex trafficking should be apprehended, charged, and prosecuted, per Missouri state statute 566.212.1.
10. Holistic and specific restoration services must be developed for DMST victims. Organizations with specialized expertise (such as trauma therapy, forensic interviewing, street outreach, survivor experiences, etc.) need to work together in the development and implementation of such services.
11. Protective shelter options are critical for victims of DMST, especially children under pimp control. Trauma bonds between the perpetrator and victim cause victims to run away from home placements and even the best shelter options. A variety of shelter options including a secure, non-detention, therapeutic facility is necessary for certain victims of DMST.
12. Coordination and cooperation between all entities involved in the DMST issue need to be further developed and engaged. In particular, NGOs and survivors can provide invaluable assistance to governmental entities during the investigation, rescue, trial, and after-care. Their involvement can have a powerful effect on the cooperation of victim witnesses and minimize revictimization.





# NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY  
WESTERN DISTRICT OF MISSOURI

**TODD P. GRAVES**

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**MARCH 6, 2006**  
**FOR IMMEDIATE RELEASE**

## **GRAVES ANNOUNCES RECORD NUMBER OF CHILD EXPLOITATION CASES**

‘We prosecuted more child exploitation cases than any district east of the Rocky Mountains.’  
– *Todd Graves*

**KANSAS CITY, Mo.** – Todd P. Graves, United States Attorney for the Western District of Missouri, announced today that a record number of child exploitation cases were filed in federal court in 2005.

"Preventing the exploitation of children, and prosecuting those who use the Internet to prey upon them, is my highest local priority," Graves said at a news conference in Kansas City today. "Thanks to tougher federal laws and aggressive prosecution, child sexual predators can find no refuge from justice in cyberspace."

According to Graves, 42 child exploitation cases were filed in the Western District of Missouri in 2005. Those cases included charges related to child pornography, enticing a minor to engage in illicit sexual activity, distributing obscenity to a minor, or sexual abuse of a child.

"We're in the forefront of efforts nationwide to protect our children," Graves said. "This district was ranked sixth nationally in prosecutions of child exploitation cases among the 93 federal districts in 2005. We prosecuted more child exploitation cases than any district east of the Rocky Mountains. And we're redoubling our efforts this year, with 13 child exploitation cases filed in just the past two months."

During the past year, Graves added, there were 38 convictions in child exploitation cases, either by trial or guilty plea.

"This continues a trend of dramatic increases in the number of child exploitation cases

filed in the Western District of Missouri,” Graves said. “Before I launched the Computer Crimes and Child Exploitation Unit in 2002, we averaged about a dozen cases per year. That tripled in the unit’s first full year, with 36 cases filed in 2004 followed by a 17 percent increase last year.”

These numbers, Graves added, don’t include other computer-related crimes prosecuted by the Computer Crimes and Child Exploitation Unit, such as hacking, ID theft, Internet fraud and counterfeiting.

On Friday, a federal grand jury in Jefferson City returned indictments in five separate and unrelated cases for attempting to entice a minor to engage in illicit sexual activity or distributing obscene material to a minor. In 2005, there was a total of three child exploitation cases filed in Jefferson City.

Defendants in last week’s Jefferson City cases included a youth swim coach, a prison guard, and a commercial airline pilot.

“This is a tragic reminder that child sexual predators come from all walks of life, and all socio-economic backgrounds,” Graves said. “We have prosecuted Boy Scout leaders, church volunteers, social workers, a police officer, a mayor from a small town, several businessmen, prominent attorneys, even a judge. What makes this scary is the fact that the perpetrator can be someone you’d never expect, someone the parents and children know and trust.”

As the Internet has grown more pervasive, with faster downloads, popular chat rooms, new software such as file-sharing and instant messaging, and digital photography, sexual predators have seized upon the new technology. With digital cameras and video recorders, producing child abuse images has now become easy and inexpensive. The Internet allows images and videos to be copied and disseminated to tens of thousands of individuals at the click of a button. The distribution and receipt of such images can be done almost anonymously. As a result, child pornography is readily available through virtually every Internet technology (web sites, email, instant messaging/ICQ, Internet Relay Chat (IRC), newsgroups/bulletin boards, and peer-to-peer). The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography has resulted in an explosion in the availability, accessibility, and volume of child pornography.

“Not only is child pornography easier to collect over the Internet,” Graves said, “this technology has opened virtual doors to help predators contact their victims directly without their parents being aware of it. Unfortunately, the same advances in computer and telecommunication technology that allow our children to reach out to new sources of knowledge and cultural experiences are also leaving them vulnerable to exploitation and harm by computer-sex offenders.”

According to a U.S. Department of Justice study, of the estimated 24 million child Internet-users, one in five has received unwanted sexual solicitations, with teen girls being the primary target.

“We’re aggressively responding to that challenge,” Graves said. Six attorneys work full-time in the Computer Crimes unit, including two who devote their time solely to child exploitation cases. A computer forensic investigator works at the Midwest Regional Computer Forensics Laboratory (one of only 11 computer forensics labs in the nation). The local FBI Cybercrimes Squad, Graves said, “is reputed to be among the busiest in the nation,” and the U.S. Attorney’s Office has forged partnerships with state and local law enforcement agencies, such as the Platte County Sheriff’s Department and Prosecutor’s Office, the Kansas City Police Department and the Boone County Sheriff’s Department and Prosecutor’s Office, and channeled federal grants to assist investigations.

Undercover operations, Graves explained, have become a critical crime prevention tool. “Our goal is to stop child sexual predators before they contact a real victim,” Graves said. “If we prosecute them for child pornography, we may prevent them from acting out their fantasies by victimizing even more children. And if they are soliciting an undercover agent for sex, that means it’s just a matter of time before they victimize a real boy or girl.”

Graves, who is a former co-chair of the Department of Justice Child Exploitation and Obscenity Working Group, lauded the FBI’s Cybercrimes Task Force and the Metro Area Child Exploitation Task Force (MACE) as examples of a shared commitment in the law enforcement community. These organizations provide an opportunity for law enforcement officers to network and share intelligence as well as investigative expertise.

“These coordinated, concerted efforts represent a united front against child exploitation and cyber crimes,” Graves said. “To successfully combat Internet crimes against children, a region must have interagency involvement and cooperation.”

“I’ve often said that, as bad as you can imagine child porn is on the Internet, it’s even worse,” Graves said. “It’s not just images of child porn, as bad as that is. Most defendants have hundreds or thousands of those images stored on their computers. But they often have collections of videos of child rapes and nudity and other illicit conduct. The growing threat of sexual exploitation crimes committed against children through the Internet is a disturbing and unacceptable trend.”

Once those images are available on the Internet, they are distributed around the world and circulate for years to come. “We routinely prosecute defendants who have collected images of child pornography that we know was produced using child victims in the Kansas City area and elsewhere years ago,” Graves said. “Even when these children become adults, they are victimized again and again, every time another pervert downloads one of those images or distributes it to another collector.”

Graves’ efforts to combat child exploitation were strengthened in 2003, when Congress passed the PROTECT Act to enforce tougher penalties and provide more tools to protect children. For example, the PROTECT Act established a national AMBER Alert program and authorized wiretaps to investigate serious sexual crimes against children. It eliminated the statute of limitations for crimes involving the abduction or physical or sexual abuse of a child.

“Tougher penalties under the PROTECT Act reflect the seriousness of these crimes,” Graves said. For example, there is a 15-year mandatory minimum prison sentence for producing child pornography and a five-year mandatory minimum prison sentence for distributing child pornography, or for using the Internet to entice a minor to engage in illicit sexual activity. A Two Strikes provision requires life imprisonment for offenders who commit two serious sexual abuse offenses against a child. The PROTECT Act restricts the authority of federal judges to give reduced prison sentences. And it increased the post-release supervision of sex offenders from a maximum of five years under supervised release to a potential lifetime under supervised release.

“Much has been accomplished, but more must be done,” Graves said. “Parents used to keep their children safe by avoiding strangers and staying out of bad neighborhoods. But with the advent of the Internet, predators trolling through cyberspace have an open door right into your home. All of us have a duty to be vigilant, for the sake of our own children and for the sake of our community.”

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This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at [www.usdoj.gov/usao/mow/index.html](http://www.usdoj.gov/usao/mow/index.html)

# Appendix B

**Table 25**  
**Circuit Court, FY 2006**  
**Civil, Juvenile, & Probate Cases Filed, Disposed, and Pending**

Cir No	County	General Civil Cases			Domestic Relations Cases			Juvenile Cases		
		Filed	Disposed	Pending	Filed	Disposed	Pending	Filed	Disposed	Pending
1	Clark	31	34	19	189	174	52	13	21	70
	Schulyer	22	13	14	76	84	12	15	19	17
	Scotland	14	23	9	72	64	20	10	14	16
	<b>Circuit Total</b>	<b>67</b>	<b>70</b>	<b>42</b>	<b>337</b>	<b>322</b>	<b>84</b>	<b>38</b>	<b>54</b>	<b>103</b>
2	Adair	124	110	106	295	297	117	111	92	113
	Knox	23	30	30	65	63	20	13	17	9
	Lewis	25	22	23	134	132	34	30	54	42
	<b>Circuit Total</b>	<b>172</b>	<b>162</b>	<b>159</b>	<b>494</b>	<b>492</b>	<b>171</b>	<b>154</b>	<b>163</b>	<b>164</b>
3	Grundey	34	37	24	312	293	69	34	25	63
	Harrison	38	30	26	181	171	52	39	29	38
	Mercer	19	21	10	43	47	16	5	11	3
	Putnam	18	14	8	85	90	17	34	20	23
<b>Circuit Total</b>	<b>109</b>	<b>102</b>	<b>68</b>	<b>621</b>	<b>601</b>	<b>154</b>	<b>112</b>	<b>85</b>	<b>127</b>	
4	Atchison	12	12	13	94	87	45	14	12	9
	Gentry	23	22	17	105	108	34	20	15	19
	Holt	31	23	19	66	57	30	21	6	14
	Nodaway	70	50	60	328	326	125	55	40	40
	Worth	9	4	8	25	25	12	8	13	3
	<b>Circuit Total</b>	<b>145</b>	<b>111</b>	<b>117</b>	<b>618</b>	<b>603</b>	<b>246</b>	<b>118</b>	<b>86</b>	<b>85</b>
5	Andrew	53	46	35	378	374	98	15	12	7
	Buchanan	464	445	284	1,997	1,978	427	396	266	265
	<b>Circuit Total</b>	<b>517</b>	<b>491</b>	<b>319</b>	<b>2,375</b>	<b>2,352</b>	<b>525</b>	<b>411</b>	<b>278</b>	<b>272</b>
6	Platte	521	399	554	1,206	1,156	626	145	126	92
	<b>Circuit Total</b>	<b>521</b>	<b>399</b>	<b>554</b>	<b>1,206</b>	<b>1,156</b>	<b>626</b>	<b>145</b>	<b>126</b>	<b>92</b>
7	Clay	963	800	1,684	4,179	3,815	2,837	485	378	254
	<b>Circuit Total</b>	<b>963</b>	<b>800</b>	<b>1,684</b>	<b>4,179</b>	<b>3,815</b>	<b>2,837</b>	<b>485</b>	<b>378</b>	<b>254</b>
8	Carroll	36	35	28	162	177	39	14	7	31
	Ray	111	102	97	515	489	149	40	53	63
	<b>Circuit Total</b>	<b>147</b>	<b>137</b>	<b>125</b>	<b>677</b>	<b>666</b>	<b>188</b>	<b>54</b>	<b>60</b>	<b>94</b>
9	Chariton	20	22	15	99	118	14	19	26	21
	Linn	47	40	34	235	237	70	61	55	53
	Sullivan	33	37	11	105	113	30	27	23	27
<b>Circuit Total</b>	<b>100</b>	<b>99</b>	<b>60</b>	<b>439</b>	<b>468</b>	<b>114</b>	<b>107</b>	<b>104</b>	<b>101</b>	
10	Marion	116	122	81	944	927	181	96	99	116
	Monroe	21	28	16	134	159	20	29	16	10
	Ralls	38	36	28	249	243	52	26	10	18
	<b>Circuit Total</b>	<b>175</b>	<b>186</b>	<b>125</b>	<b>1,327</b>	<b>1,329</b>	<b>253</b>	<b>151</b>	<b>125</b>	<b>144</b>
11	St. Charles	1,384	1,268	1,407	4,569	4,602	1,518	511	445	457
	<b>Circuit Total</b>	<b>1,384</b>	<b>1,268</b>	<b>1,407</b>	<b>4,569</b>	<b>4,602</b>	<b>1,518</b>	<b>511</b>	<b>445</b>	<b>457</b>
12	Audrain	88	61	102	504	453	290	52	52	143
	Montgomery	57	41	73	168	143	149	33	38	50
	Warren	134	101	128	581	556	176	105	101	206
	<b>Circuit Total</b>	<b>279</b>	<b>203</b>	<b>303</b>	<b>1,253</b>	<b>1,152</b>	<b>615</b>	<b>190</b>	<b>191</b>	<b>399</b>
13	Boone	742	632	688	2,677	2,717	583	857	577	623
	Callaway	147	110	130	857	818	204	228	143	222
	<b>Circuit Total</b>	<b>889</b>	<b>742</b>	<b>818</b>	<b>3,534</b>	<b>3,535</b>	<b>787</b>	<b>1,085</b>	<b>720</b>	<b>845</b>
14	Howard	46	29	33	105	99	28	28	13	25
	Randolph	154	146	68	391	401	91	82	81	105
	<b>Circuit Total</b>	<b>200</b>	<b>175</b>	<b>101</b>	<b>496</b>	<b>500</b>	<b>119</b>	<b>110</b>	<b>94</b>	<b>130</b>
15	Lafayette	194	146	135	762	744	258	72	69	88
	Saline	112	87	97	430	388	211	65	58	66
	<b>Circuit Total</b>	<b>306</b>	<b>233</b>	<b>232</b>	<b>1,192</b>	<b>1,132</b>	<b>469</b>	<b>137</b>	<b>127</b>	<b>154</b>
16	Jackson	5,060	4,627	5,110	14,863	14,411	4,427	5,231	5,194	3,058
	<b>Circuit Total</b>	<b>5,060</b>	<b>4,627</b>	<b>5,110</b>	<b>14,863</b>	<b>14,411</b>	<b>4,427</b>	<b>5,231</b>	<b>5,194</b>	<b>3,058</b>
17	Cass	376	316	560	1,592	1,550	812	232	184	153
	Johnson	338	269	328	654	590	468	147	100	166
	<b>Circuit Total</b>	<b>714</b>	<b>585</b>	<b>888</b>	<b>2,246</b>	<b>2,140</b>	<b>1,280</b>	<b>379</b>	<b>284</b>	<b>319</b>
18	Cooper	68	58	53	181	166	78	53	49	53
	Pettis	183	152	180	908	878	301	76	118	118
	<b>Circuit Total</b>	<b>251</b>	<b>210</b>	<b>233</b>	<b>1,089</b>	<b>1,044</b>	<b>379</b>	<b>129</b>	<b>167</b>	<b>171</b>
19	Cole	1,170	1,097	563	1,677	1,668	312	224	224	247
	<b>Circuit Total</b>	<b>1,170</b>	<b>1,097</b>	<b>563</b>	<b>1,677</b>	<b>1,668</b>	<b>312</b>	<b>224</b>	<b>224</b>	<b>247</b>
20	Franklin	566	514	531	1,497	1,525	697	310	275	473
	Gasconade	58	60	40	252	266	77	60	25	86
	Osage	33	22	28	207	195	44	40	40	32
	<b>Circuit Total</b>	<b>657</b>	<b>596</b>	<b>599</b>	<b>1,956</b>	<b>1,986</b>	<b>818</b>	<b>410</b>	<b>340</b>	<b>591</b>
21	St. Louis County	7,077	6,670	5,000	12,667	12,875	4,906	7,526	7,716	2,032
	<b>Circuit Total</b>	<b>7,077</b>	<b>6,670</b>	<b>5,000</b>	<b>12,667</b>	<b>12,875</b>	<b>4,906</b>	<b>7,526</b>	<b>7,716</b>	<b>2,032</b>
22	St. Louis City	7,990	6,892	6,769	8,623	9,174	8,720	1,603	1,662	1,958
	<b>Circuit Total</b>	<b>7,990</b>	<b>6,892</b>	<b>6,769</b>	<b>8,623</b>	<b>9,174</b>	<b>8,720</b>	<b>1,603</b>	<b>1,662</b>	<b>1,958</b>
23	Jefferson	1,570	1,298	1,647	3,773	3,382	2,147	919	755	2,011
	<b>Circuit Total</b>	<b>1,570</b>	<b>1,298</b>	<b>1,647</b>	<b>3,773</b>	<b>3,382</b>	<b>2,147</b>	<b>919</b>	<b>755</b>	<b>2,011</b>
24	Madison	36	40	53	181	181	135	32	27	56
	St. Francois	349	333	460	1,389	1,409	669	185	181	182
	Ste. Genevieve	65	69	94	234	248	125	34	28	42
	Washington	118	98	212	575	601	293	123	130	151
	<b>Circuit Total</b>	<b>568</b>	<b>540</b>	<b>819</b>	<b>2,379</b>	<b>2,439</b>	<b>1,222</b>	<b>374</b>	<b>366</b>	<b>431</b>

**Table 25**  
**Circuit Court, FY 2006**  
**Civil, Juvenile, & Probate Cases Filed, Disposed, and Pending**

Cir No	County	General Civil Cases			Domestic Relations Cases			Juvenile Cases		
		Filed	Disposed	Pending	Filed	Disposed	Pending	Filed	Disposed	Pending
25	Maries	32	41	26	157	154	45	18	27	22
	Phelps	228	179	295	899	895	381	158	154	529
	Pulaski	197	179	312	1,377	1,302	625	135	98	189
	Texas	148	124	122	424	460	185	86	75	150
	<b>Circuit Total</b>	<b>605</b>	<b>523</b>	<b>755</b>	<b>2,857</b>	<b>2,811</b>	<b>1,236</b>	<b>397</b>	<b>354</b>	<b>890</b>
26	Camden	495	445	650	743	764	342	131	147	123
	Laclede	122	81	226	976	892	298	156	108	188
	Miller	168	173	154	494	515	147	72	47	75
	Monteau	52	53	47	202	209	81	25	48	20
	Morgan	117	104	143	232	193	178	41	19	63
		<b>Circuit Total</b>	<b>954</b>	<b>856</b>	<b>1,220</b>	<b>2,647</b>	<b>2,573</b>	<b>1,046</b>	<b>425</b>	<b>369</b>
27	Bates	98	69	89	396	340	223	40	54	47
	Henry	100	96	106	544	564	156	63	77	85
	St. Clair	49	68	24	221	239	37	27	37	21
		<b>Circuit Total</b>	<b>247</b>	<b>233</b>	<b>219</b>	<b>1,161</b>	<b>1,143</b>	<b>416</b>	<b>130</b>	<b>168</b>
28	Barton	40	32	45	412	398	65	41	37	46
	Cedar	56	55	44	327	307	92	49	42	41
	Dade	26	23	21	179	183	49	23	15	23
	Vernon	99	94	81	462	493	145	76	85	61
		<b>Circuit Total</b>	<b>221</b>	<b>204</b>	<b>191</b>	<b>1,380</b>	<b>1,381</b>	<b>351</b>	<b>189</b>	<b>179</b>
29	Jasper	812	678	933	2,800	2,688	986	609	579	1,587
		<b>Circuit Total</b>	<b>812</b>	<b>678</b>	<b>933</b>	<b>2,800</b>	<b>2,688</b>	<b>986</b>	<b>609</b>	<b>579</b>
30	Benton	112	109	86	301	301	83	23	22	19
	Dallas	99	72	102	266	286	88	45	40	42
	Hickory	30	22	39	125	113	43	17	8	18
	Polk	113	102	121	692	647	146	49	44	36
	Webster	131	96	140	553	510	215	68	57	57
		<b>Circuit Total</b>	<b>485</b>	<b>401</b>	<b>488</b>	<b>1,937</b>	<b>1,857</b>	<b>575</b>	<b>202</b>	<b>171</b>
31	Greene	2,153	1,725	3,451	5,118	4,709	4,047	858	730	559
		<b>Circuit Total</b>	<b>2,153</b>	<b>1,725</b>	<b>3,451</b>	<b>5,118</b>	<b>4,709</b>	<b>4,047</b>	<b>858</b>	<b>730</b>
32	Bollinger	41	33	24	198	188	62	28	42	9
	Cape Girardeau	315	303	243	1,513	1,496	434	208	203	153
	Perry	68	75	43	294	281	103	52	51	36
		<b>Circuit Total</b>	<b>424</b>	<b>411</b>	<b>310</b>	<b>2,005</b>	<b>1,965</b>	<b>599</b>	<b>288</b>	<b>296</b>
33	Mississippi	75	62	83	481	429	245	213	131	115
	Scott	236	275	240	920	969	584	297	230	256
	<b>Circuit Total</b>	<b>311</b>	<b>337</b>	<b>323</b>	<b>1,401</b>	<b>1,398</b>	<b>829</b>	<b>510</b>	<b>361</b>	<b>371</b>
34	New Madrid	118	115	143	447	387	221	67	63	68
	Pemiscot	102	72	124	640	642	298	63	62	80
	<b>Circuit Total</b>	<b>220</b>	<b>187</b>	<b>267</b>	<b>1,087</b>	<b>1,029</b>	<b>519</b>	<b>130</b>	<b>125</b>	<b>148</b>
35	Dunklin	188	136	437	760	650	783	250	215	374
	Stoddard	149	112	170	802	745	308	408	360	303
	<b>Circuit Total</b>	<b>337</b>	<b>248</b>	<b>607</b>	<b>1,562</b>	<b>1,395</b>	<b>1,091</b>	<b>658</b>	<b>575</b>	<b>677</b>
36	Butler	321	244	291	1,288	1,200	472	139	91	116
	Ripley	67	55	42	323	324	69	45	28	41
	<b>Circuit Total</b>	<b>388</b>	<b>299</b>	<b>333</b>	<b>1,611</b>	<b>1,524</b>	<b>541</b>	<b>184</b>	<b>119</b>	<b>157</b>
37	Carter	48	44	57	138	136	76	16	9	21
	Howell	181	181	154	1,092	1,019	310	80	79	88
	Oregon	45	42	38	278	265	75	45	49	46
	Shannon	38	27	65	245	199	203	8	11	27
		<b>Circuit Total</b>	<b>312</b>	<b>294</b>	<b>314</b>	<b>1,753</b>	<b>1,619</b>	<b>664</b>	<b>149</b>	<b>148</b>
38	Christian	506	458	293	1,047	1,080	446	243	224	220
	Taney	434	334	449	842	835	296	190	143	228
	<b>Circuit Total</b>	<b>940</b>	<b>792</b>	<b>742</b>	<b>1,889</b>	<b>1,915</b>	<b>742</b>	<b>433</b>	<b>367</b>	<b>448</b>
39	Barry	204	166	247	745	759	307	115	145	146
	Lawrence	174	128	181	528	521	255	187	194	180
	Stone	198	139	281	374	330	259	81	78	114
		<b>Circuit Total</b>	<b>576</b>	<b>433</b>	<b>709</b>	<b>1,647</b>	<b>1,610</b>	<b>821</b>	<b>383</b>	<b>417</b>
40	McDonald	99	86	79	461	445	150	134	147	221
	Newton	248	198	252	940	798	436	319	263	462
	<b>Circuit Total</b>	<b>347</b>	<b>284</b>	<b>331</b>	<b>1,401</b>	<b>1,243</b>	<b>586</b>	<b>453</b>	<b>410</b>	<b>683</b>
41	Macon	76	62	75	228	243	59	83	63	98
	Shelby	24	21	20	137	135	39	49	46	55
	<b>Circuit Total</b>	<b>100</b>	<b>83</b>	<b>95</b>	<b>365</b>	<b>378</b>	<b>98</b>	<b>132</b>	<b>109</b>	<b>153</b>
42	Crawford	139	115	126	502	488	229	71	75	68
	Dent	71	64	87	397	389	160	51	37	77
	Iron	44	29	61	190	161	129	37	45	58
	Reynolds	32	33	34	101	114	67	10	7	27
	Wayne	57	52	50	224	205	113	39	24	43
		<b>Circuit Total</b>	<b>343</b>	<b>293</b>	<b>358</b>	<b>1,414</b>	<b>1,357</b>	<b>698</b>	<b>208</b>	<b>188</b>
43	Caldwell	36	39	41	187	202	97	29	17	42
	Clinton	66	63	73	377	352	227	27	38	31
	Daviess	45	35	52	129	131	71	10	17	20
	DeKalb	80	68	92	126	112	93	17	40	32
	Livingston	60	47	59	324	304	139	42	39	40
		<b>Circuit Total</b>	<b>287</b>	<b>252</b>	<b>317</b>	<b>1,143</b>	<b>1,101</b>	<b>627</b>	<b>125</b>	<b>151</b>
44	Douglas	74	68	83	322	328	139	41	43	38
	Ozark	63	47	61	202	180	87	59	29	29
	Wright	78	77	89	405	410	161	85	83	68
	<b>Circuit Total</b>	<b>215</b>	<b>192</b>	<b>233</b>	<b>929</b>	<b>918</b>	<b>387</b>	<b>185</b>	<b>155</b>	<b>135</b>
45	Lincoln	232	206	185	974	968	224	177	167	199
	Pike	79	86	45	316	317	80	56	54	57
	<b>Circuit Total</b>	<b>311</b>	<b>292</b>	<b>230</b>	<b>1,290</b>	<b>1,285</b>	<b>304</b>	<b>233</b>	<b>221</b>	<b>256</b>
	<b>STATE TOTAL</b>	<b>41,619</b>	<b>36,710</b>	<b>40,168</b>	<b>109,987</b>	<b>107,743</b>	<b>50,080</b>	<b>27,484</b>	<b>25,936</b>	<b>22,526</b>

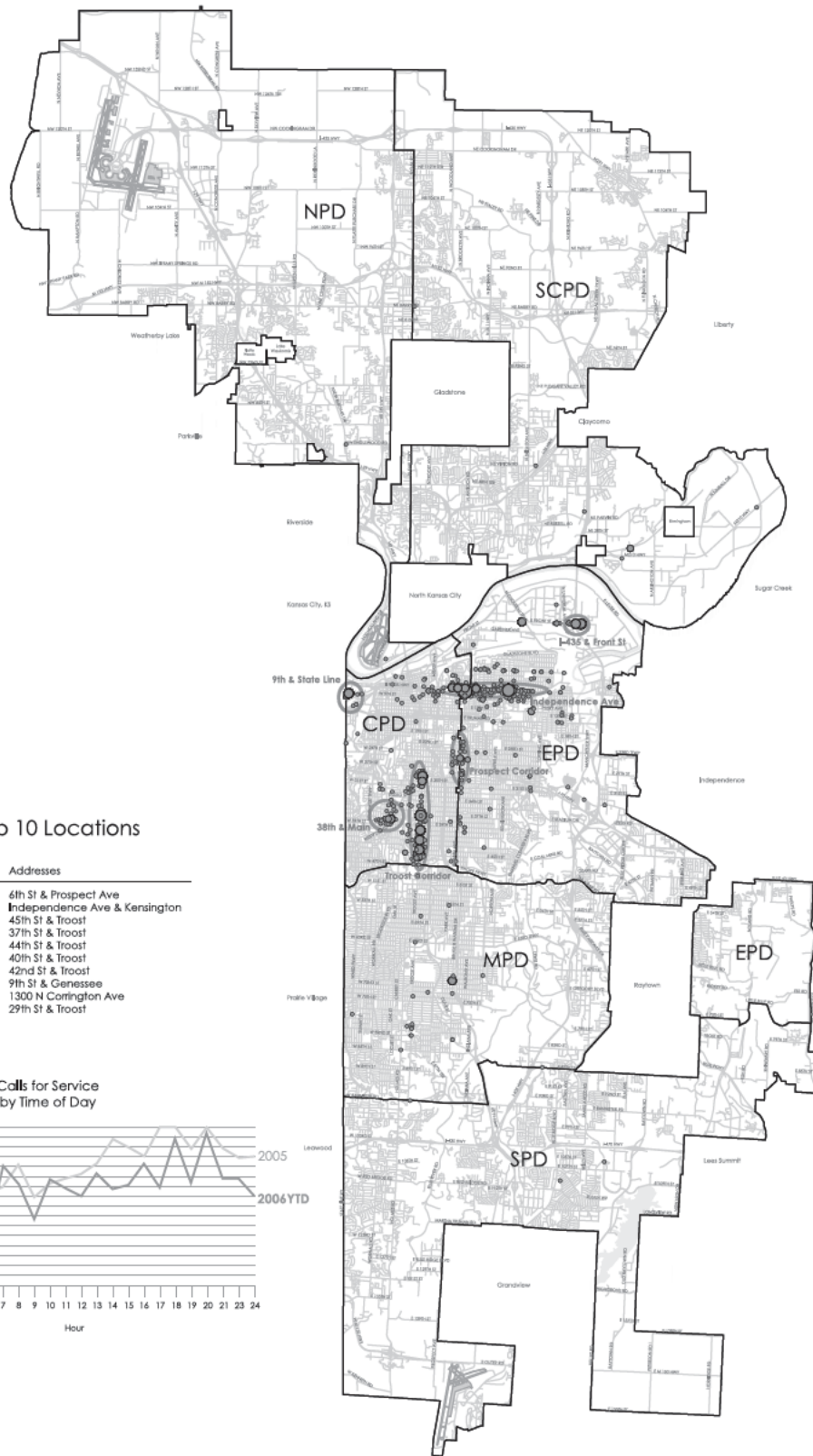
**Table 25**  
**Circuit Court, FY 2006**  
**Civil, Juvenile, & Probate Cases Filed, Disposed, and Pending**

Cir No	County	Associate Civil Cases			Small Claims Cases			Probate Cases		
		Filed	Disposed	Pending	Filed	Disposed	Pending	Filed	Disposed	Pending
1	Clark	51	54	6	44	44	6	31	19	128
	Schulyer	57	61	4	17	21	1	11	10	41
	Scotland	58	59	8	17	11	6	11	15	43
	<b>Circuit Total</b>	<b>166</b>	<b>174</b>	<b>18</b>	<b>78</b>	<b>76</b>	<b>13</b>	<b>53</b>	<b>44</b>	<b>212</b>
2	Adair	547	448	82	61	58	9	66	46	288
	Knox	39	40	5	28	31	5	12	16	50
	Lewis	128	133	12	31	30	3	39	21	99
	<b>Circuit Total</b>	<b>714</b>	<b>621</b>	<b>99</b>	<b>120</b>	<b>119</b>	<b>17</b>	<b>117</b>	<b>83</b>	<b>437</b>
3	Grundy	199	199	34	45	47	3	32	28	133
	Harrison	157	154	38	33	39	3	44	27	220
	Mercer	27	23	8	17	18	0	11	9	55
	Putnam	68	65	15	13	11	5	14	6	100
	<b>Circuit Total</b>	<b>451</b>	<b>441</b>	<b>95</b>	<b>108</b>	<b>115</b>	<b>11</b>	<b>101</b>	<b>70</b>	<b>508</b>
4	Atchison	70	82	21	22	18	8	15	19	95
	Gentry	86	81	16	37	35	3	36	36	104
	Holt	92	93	6	15	15	1	12	13	50
	Nodaway	326	315	89	46	47	7	34	27	182
	Worth	20	15	7	2	2	0	6	4	25
	<b>Circuit Total</b>	<b>594</b>	<b>586</b>	<b>139</b>	<b>122</b>	<b>117</b>	<b>19</b>	<b>103</b>	<b>99</b>	<b>456</b>
	<b>Circuit Total</b>	<b>594</b>	<b>586</b>	<b>139</b>	<b>122</b>	<b>117</b>	<b>19</b>	<b>103</b>	<b>99</b>	<b>456</b>
5	Andrew	329	332	67	55	58	13	35	27	154
	Buchanan	3,298	3,346	577	325	328	39	224	177	1,123
	<b>Circuit Total</b>	<b>3,627</b>	<b>3,678</b>	<b>644</b>	<b>380</b>	<b>386</b>	<b>52</b>	<b>259</b>	<b>204</b>	<b>1,277</b>
6	Platte	2,463	2,291	583	135	143	23	117	104	573
	<b>Circuit Total</b>	<b>2,463</b>	<b>2,291</b>	<b>583</b>	<b>135</b>	<b>143</b>	<b>23</b>	<b>117</b>	<b>104</b>	<b>573</b>
7	Clay	6,951	7,116	2,506	500	465	242	304	291	1,383
	<b>Circuit Total</b>	<b>6,951</b>	<b>7,116</b>	<b>2,506</b>	<b>500</b>	<b>465</b>	<b>242</b>	<b>304</b>	<b>291</b>	<b>1,383</b>
8	Carroll	187	191	33	72	73	5	29	33	208
	Ray	616	597	182	55	53	11	56	53	257
	<b>Circuit Total</b>	<b>803</b>	<b>788</b>	<b>215</b>	<b>127</b>	<b>126</b>	<b>16</b>	<b>85</b>	<b>86</b>	<b>465</b>
9	Chariton	130	135	7	20	20	2	33	19	95
	Linn	210	211	38	52	45	10	36	27	317
	Sullivan	127	123	24	67	81	5	22	13	106
	<b>Circuit Total</b>	<b>467</b>	<b>469</b>	<b>69</b>	<b>139</b>	<b>146</b>	<b>17</b>	<b>91</b>	<b>59</b>	<b>518</b>
10	Marion	811	893	155	107	119	9	128	49	659
	Monroe	259	213	61	61	51	18	32	15	118
	Ralls	220	224	24	41	43	2	34	33	149
	<b>Circuit Total</b>	<b>1,290</b>	<b>1,330</b>	<b>240</b>	<b>209</b>	<b>213</b>	<b>29</b>	<b>194</b>	<b>97</b>	<b>926</b>
11	St. Charles	7,175	7,032	1,937	427	400	107	546	445	2,036
	<b>Circuit Total</b>	<b>7,175</b>	<b>7,032</b>	<b>1,937</b>	<b>427</b>	<b>400</b>	<b>107</b>	<b>546</b>	<b>445</b>	<b>2,036</b>
12	Audrain	557	516	147	113	99	30	41	37	234
	Montgomery	243	225	112	41	41	40	29	34	106
	Warren	599	630	93	94	89	16	41	33	245
	<b>Circuit Total</b>	<b>1,399</b>	<b>1,371</b>	<b>352</b>	<b>248</b>	<b>229</b>	<b>86</b>	<b>111</b>	<b>104</b>	<b>585</b>
13	Boone	4,319	4,217	997	504	483	103	510	457	999
	Callaway	943	942	162	142	145	18	181	181	478
	<b>Circuit Total</b>	<b>5,262</b>	<b>5,159</b>	<b>1,159</b>	<b>646</b>	<b>628</b>	<b>121</b>	<b>691</b>	<b>638</b>	<b>1,477</b>
14	Howard	221	198	47	37	33	5	26	21	120
	Randolph	870	863	120	98	91	12	41	52	273
	<b>Circuit Total</b>	<b>1,091</b>	<b>1,061</b>	<b>167</b>	<b>135</b>	<b>124</b>	<b>17</b>	<b>67</b>	<b>73</b>	<b>393</b>
15	Lafayette	651	655	106	60	58	8	83	96	334
	Saline	547	569	90	110	123	10	54	53	365
	<b>Circuit Total</b>	<b>1,198</b>	<b>1,224</b>	<b>196</b>	<b>170</b>	<b>181</b>	<b>18</b>	<b>137</b>	<b>149</b>	<b>699</b>
16	Jackson	31,374	31,576	8,506	1,551	1,553	615	2,439	2,105	6,930
	<b>Circuit Total</b>	<b>31,374</b>	<b>31,576</b>	<b>8,506</b>	<b>1,551</b>	<b>1,553</b>	<b>615</b>	<b>2,439</b>	<b>2,105</b>	<b>6,930</b>
17	Cass	2,333	2,216	423	121	143	10	124	119	623
	Johnson	792	778	253	110	109	25	95	69	321
	<b>Circuit Total</b>	<b>3,125</b>	<b>2,994</b>	<b>676</b>	<b>231</b>	<b>252</b>	<b>35</b>	<b>219</b>	<b>188</b>	<b>944</b>
18	Cooper	491	485	80	87	76	22	52	49	299
	Pettis	1,072	1,128	171	165	157	27	94	135	554
	<b>Circuit Total</b>	<b>1,563</b>	<b>1,613</b>	<b>251</b>	<b>252</b>	<b>233</b>	<b>49</b>	<b>146</b>	<b>184</b>	<b>853</b>
19	Cole	1,760	1,819	275	165	163	29	138	120	781
	<b>Circuit Total</b>	<b>1,760</b>	<b>1,819</b>	<b>275</b>	<b>165</b>	<b>163</b>	<b>29</b>	<b>138</b>	<b>120</b>	<b>781</b>
20	Franklin	2,126	2,093	648	239	235	41	181	130	726
	Gasconade	214	211	48	41	33	14	26	31	132
	Osage	101	101	18	65	60	10	28	22	108
	<b>Circuit Total</b>	<b>2,441</b>	<b>2,405</b>	<b>714</b>	<b>345</b>	<b>328</b>	<b>65</b>	<b>235</b>	<b>183</b>	<b>966</b>
21	St. Louis County	39,978	39,762	10,804	2,502	2,511	392	1,578	1,429	5,177
	<b>Circuit Total</b>	<b>39,978</b>	<b>39,762</b>	<b>10,804</b>	<b>2,502</b>	<b>2,511</b>	<b>392</b>	<b>1,578</b>	<b>1,429</b>	<b>5,177</b>
22	St. Louis City	17,619	17,808	3,822	727	733	117	1,369	1,393	3,409
	<b>Circuit Total</b>	<b>17,619</b>	<b>17,808</b>	<b>3,822</b>	<b>727</b>	<b>733</b>	<b>117</b>	<b>1,369</b>	<b>1,393</b>	<b>3,409</b>
23	Jefferson	4,582	4,431	1,077	403	407	80	373	230	1,394
	<b>Circuit Total</b>	<b>4,582</b>	<b>4,431</b>	<b>1,077</b>	<b>403</b>	<b>407</b>	<b>80</b>	<b>373</b>	<b>230</b>	<b>1,394</b>
24	Madison	192	204	40	30	27	6	17	17	81
	St. Francois	1,359	1,445	908	319	316	153	474	450	742
	Ste. Genevieve	356	339	348	68	72	39	27	12	176
	Washington	468	498	288	104	116	35	42	26	203
	<b>Circuit Total</b>	<b>2,375</b>	<b>2,486</b>	<b>1,584</b>	<b>521</b>	<b>531</b>	<b>233</b>	<b>560</b>	<b>505</b>	<b>1,202</b>

**Table 25**  
**Circuit Court, FY 2006**  
**Civil, Juvenile, & Probate Cases Filed, Disposed, and Pending**

Cir No	County	Associate Civil Cases			Small Claims Cases			Probate Cases		
		Filed	Disposed	Pending	Filed	Disposed	Pending	Filed	Disposed	Pending
25	Maries	117	120	26	12	11	5	18	23	80
	Phelps	761	764	155	132	131	17	101	72	489
	Pulaski	813	910	123	89	110	10	104	89	677
	Texas	282	268	123	105	91	30	69	16	668
	<b>Circuit Total</b>	<b>1,973</b>	<b>2,062</b>	<b>427</b>	<b>338</b>	<b>343</b>	<b>62</b>	<b>292</b>	<b>200</b>	<b>1,914</b>
26	Camden	996	896	276	97	75	39	80	58	328
	Laclede	988	728	440	70	65	15	84	42	409
	Miller	415	416	72	37	33	5	65	41	317
	Moniteau	211	197	28	53	55	3	32	29	131
	Morgan	294	348	145	34	65	14	30	28	128
	<b>Circuit Total</b>	<b>2,904</b>	<b>2,585</b>	<b>961</b>	<b>291</b>	<b>293</b>	<b>76</b>	<b>291</b>	<b>198</b>	<b>1,313</b>
27	Bates	306	305	64	46	48	5	60	16	261
	Henry	492	465	116	118	118	23	84	119	350
	St. Clair	135	137	20	41	38	4	21	20	140
<b>Circuit Total</b>	<b>933</b>	<b>907</b>	<b>200</b>	<b>205</b>	<b>204</b>	<b>32</b>	<b>165</b>	<b>155</b>	<b>751</b>	
28	Barton	258	292	28	41	47	1	33	36	151
	Cedar	165	163	39	68	58	16	74	65	216
	Dade	101	113	15	39	36	9	27	14	67
	Vernon	384	411	119	72	80	11	61	36	378
	<b>Circuit Total</b>	<b>908</b>	<b>979</b>	<b>201</b>	<b>220</b>	<b>221</b>	<b>37</b>	<b>195</b>	<b>151</b>	<b>812</b>
29	Jasper	3,404	3,474	787	298	306	63	358	385	1,386
	<b>Circuit Total</b>	<b>3,404</b>	<b>3,474</b>	<b>787</b>	<b>298</b>	<b>306</b>	<b>63</b>	<b>358</b>	<b>385</b>	<b>1,386</b>
30	Benton	235	243	74	32	33	5	47	40	149
	Dallas	230	227	42	25	30	4	28	25	121
	Hickory	94	94	15	12	15	4	17	21	80
	Polk	457	449	90	58	58	8	61	55	259
	Webster	598	616	105	43	47	6	67	38	317
	<b>Circuit Total</b>	<b>1,614</b>	<b>1,629</b>	<b>326</b>	<b>170</b>	<b>183</b>	<b>27</b>	<b>220</b>	<b>179</b>	<b>926</b>
31	Greene	7,685	7,791	1,947	641	617	175	484	432	1,978
	<b>Circuit Total</b>	<b>7,685</b>	<b>7,791</b>	<b>1,947</b>	<b>641</b>	<b>617</b>	<b>175</b>	<b>484</b>	<b>432</b>	<b>1,978</b>
32	Bollinger	171	169	32	16	15	3	41	30	162
	Cape Girardeau	1,660	1,618	424	283	283	41	161	146	685
	Perry	213	225	27	74	75	6	36	28	142
	<b>Circuit Total</b>	<b>2,044</b>	<b>2,012</b>	<b>483</b>	<b>373</b>	<b>373</b>	<b>50</b>	<b>238</b>	<b>204</b>	<b>989</b>
33	Mississippi	392	426	71	60	60	9	52	29	241
	Scott	1,166	1,122	906	182	175	136	233	196	582
	<b>Circuit Total</b>	<b>1,558</b>	<b>1,548</b>	<b>977</b>	<b>242</b>	<b>235</b>	<b>145</b>	<b>285</b>	<b>225</b>	<b>823</b>
34	New Madrid	355	361	71	87	83	12	50	50	368
	Pemiscot	464	444	70	110	107	10	78	30	290
	<b>Circuit Total</b>	<b>819</b>	<b>805</b>	<b>141</b>	<b>197</b>	<b>190</b>	<b>22</b>	<b>128</b>	<b>80</b>	<b>658</b>
35	Dunklin	705	683	174	168	153	41	129	47	741
	Stoddard	833	830	210	162	170	30	118	52	398
	<b>Circuit Total</b>	<b>1,538</b>	<b>1,513</b>	<b>384</b>	<b>330</b>	<b>323</b>	<b>71</b>	<b>247</b>	<b>99</b>	<b>1,139</b>
36	Butler	931	918	311	159	176	14	243	218	748
	Ripley	259	243	43	41	44	5	32	35	115
	<b>Circuit Total</b>	<b>1,190</b>	<b>1,161</b>	<b>354</b>	<b>200</b>	<b>220</b>	<b>19</b>	<b>275</b>	<b>253</b>	<b>863</b>
37	Carter	226	86	165	10	8	6	15	3	109
	Howell	521	641	181	112	121	36	119	78	701
	Oregon	103	99	22	41	45	3	26	30	157
	Shannon	90	93	28	25	24	5	14	13	61
	<b>Circuit Total</b>	<b>940</b>	<b>919</b>	<b>396</b>	<b>188</b>	<b>198</b>	<b>50</b>	<b>174</b>	<b>124</b>	<b>1,028</b>
38	Christian	1,690	1,721	400	144	127	45	97	73	497
	Taney	1,337	1,271	447	170	173	58	130	52	506
	<b>Circuit Total</b>	<b>3,027</b>	<b>2,992</b>	<b>847</b>	<b>314</b>	<b>300</b>	<b>103</b>	<b>227</b>	<b>125</b>	<b>1,003</b>
39	Barry	858	860	197	153	152	19	160	111	472
	Lawrence	773	766	176	70	76	15	223	80	460
	Stone	661	660	187	38	37	10	78	32	287
	<b>Circuit Total</b>	<b>2,292</b>	<b>2,286</b>	<b>560</b>	<b>261</b>	<b>265</b>	<b>44</b>	<b>461</b>	<b>223</b>	<b>1,219</b>
40	McDonald	448	449	107	55	60	10	78	50	343
	Newton	1,218	1,174	388	95	93	27	240	141	708
	<b>Circuit Total</b>	<b>1,666</b>	<b>1,623</b>	<b>495</b>	<b>150</b>	<b>153</b>	<b>37</b>	<b>318</b>	<b>191</b>	<b>1,051</b>
41	Macon	356	363	43	65	62	6	38	50	208
	Shelby	111	108	28	85	82	22	22	18	105
	<b>Circuit Total</b>	<b>467</b>	<b>471</b>	<b>71</b>	<b>150</b>	<b>144</b>	<b>28</b>	<b>60</b>	<b>68</b>	<b>313</b>
42	Crawford	484	389	212	44	43	7	55	54	304
	Dent	256	268	51	49	49	9	37	32	198
	Iron	167	185	31	24	24	6	26	32	149
	Reynolds	109	93	61	31	23	19	11	13	62
	Wayne	198	187	64	37	29	14	25	18	184
	<b>Circuit Total</b>	<b>1,214</b>	<b>1,122</b>	<b>419</b>	<b>185</b>	<b>168</b>	<b>55</b>	<b>154</b>	<b>149</b>	<b>897</b>
43	Caldwell	186	177	121	32	28	12	14	10	116
	Clinton	509	410	194	93	75	28	67	34	203
	Daviess	146	133	97	49	44	23	10	14	65
	DeKalb	234	210	89	33	35	9	33	26	75
	Livingston	252	229	73	36	38	5	49	32	189
	<b>Circuit Total</b>	<b>1,327</b>	<b>1,159</b>	<b>574</b>	<b>243</b>	<b>220</b>	<b>77</b>	<b>173</b>	<b>116</b>	<b>648</b>
44	Douglas	146	153	47	89	83	9	31	28	137
	Ozark	89	85	26	34	34	2	33	31	86
	Wright	272	267	59	78	82	6	38	31	209
<b>Circuit Total</b>	<b>507</b>	<b>505</b>	<b>132</b>	<b>201</b>	<b>199</b>	<b>17</b>	<b>102</b>	<b>90</b>	<b>432</b>	
45	Lincoln	997	987	162	185	188	18	84	67	298
	Pike	444	425	78	81	75	14	60	30	186
	<b>Circuit Total</b>	<b>1,441</b>	<b>1,412</b>	<b>240</b>	<b>266</b>	<b>263</b>	<b>32</b>	<b>144</b>	<b>97</b>	<b>484</b>
<b>STATE TOTAL</b>		<b>177,919</b>	<b>177,190</b>	<b>47,050</b>	<b>15,704</b>	<b>15,597</b>	<b>3,625</b>	<b>15,024</b>	<b>12,627</b>	<b>54,228</b>

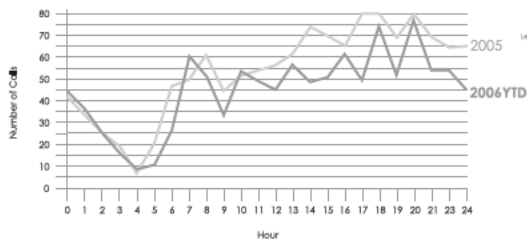




Top 10 Locations

# of Calls	Addresses
73	6th St & Prospect Ave
40	Independence Ave & Kensington
30	45th St & Troost
25	37th St & Troost
22	44th St & Troost
20	40th St & Troost
18	42nd St & Troost
18	9th St & Genessee
18	1300 N Cornington Ave
17	29th St & Troost

Calls for Service by Time of Day



# Appendix D

Federal Bureau of Investigation - Kansas City Field Division - Press... <http://kansascity.fbi.gov/dojpressrel/pressrel08/humantrafficking011...>

## NEWS RELEASE

### OFFICE OF THE UNITED STATES ATTORNEY

#### WESTERN DISTRICT OF MISSOURI

#### JOHN F. WOOD

Contact Don Ledford, Public Affairs ● (816) 426-4220 ● 400 East Ninth Street, Room 5510 ● Kansas City, MO  
64106  
[www.usdoj.gov/usao/mow/index.html](http://www.usdoj.gov/usao/mow/index.html)

**JANUARY 15, 2008  
FOR IMMEDIATE RELEASE**

#### **HUMAN TRAFFICKING INITIATIVE KC MAN SENTENCED FOR RECRUITING MINORS FOR PROSTITUTION**

**KANSAS CITY, Mo.** – John F. Wood, United States Attorney for the Western District of Missouri, announced that a Kansas City, Mo., man was sentenced in federal court today for recruiting minors for prostitution.

**Don L. Elbert II**, 26, of Kansas City, was sentenced by U.S. District Judge Orrie D. Smith this afternoon to eight years in federal prison without parole, followed by a 15-year term of supervised release. The court also ordered **Elbert** to pay \$524,571 in restitution to the victims.

“This precedent-setting case marks the first federal conviction in the nation for intrastate domestic prostitution – prostitution activity occurring within one state’s borders,” said Wood. “This case also provides the highest amount of restitution ever awarded in a child exploitation case in the Western District of Missouri.”

On May 14, 2007, **Elbert** pleaded guilty to recruiting three minors for prostitution. **Elbert** admitted that he engaged in acts to recruit, transport and harbor three minor females, knowing that these three minor girls would be caused to engage in commercial sex acts, on May 10 and June 21, 2006. **Elbert** utilized telephones to communicate with these minor females and a 1988 Chevrolet Suburban to transport them.

This case was prosecuted by Assistant U.S. Attorneys Cynthia L. Cordes and Curt Bohling. It was investigated by the Kansas City, Mo., Police Department and the Federal Bureau of Investigation.

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This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at [www.usdoj.gov/usao/mow/index.html](http://www.usdoj.gov/usao/mow/index.html)

[FBI Home Page](#)

[Kansas City Home Page](#)

# Appendix E

## **The Mann Act (1910), 36 Stats., Vol. I, p. 825 (1910).**

CHAP.395. – An Act To further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled . . .*

SEC. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

Sec. 3. That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6 . . . Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the . . . arrangement [of July 25, 1902] for the suppression of the white-slave traffic, shall file with the Commissioner General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage and concerning her procurement to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement concerning such alien woman or girl with the Commissioner-General of Immigration, or who shall knowingly and willfully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procurement to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner-General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.

Sec. 8. That this Act shall be known and referred to as the "White-slave traffic Act."

Approved, June 25, 1910.

# *Missouri Revised Statutes*

## **Chapter 566 Sexual Offenses Section 566.200**

August 28, 2006

### **Definitions.**

566.200. As used in sections 566.200 to 566.221, the following terms shall mean:

- (1) "Basic rights information", information applicable to a noncitizen, including but not limited to information about human rights, immigration, emergency assistance and resources, and the legal rights and resources for victims of domestic violence;
- (2) "Client", a person who is a resident of the United States and the state of Missouri and who contracts with an international marriage broker to meet recruits;
- (3) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;
- (4) "Criminal history record information", criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation;
- (5) "International marriage broker":
  - (a) A corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States or any other state, that charges fees to residents of Missouri for providing dating, matrimonial, or social referrals or matching services between United States citizens or residents and nonresident aliens by providing information or a forum that would permit individuals to contact each other. Such contact shall include, but is not limited to:
    - a. Providing the name, telephone number, postal address, electronic mail address, or voice message mailbox of an individual, or otherwise facilitating communication between individuals; or
    - b. Providing an opportunity for an in-person meeting;
  - (b) Such term shall not include:

- a. A traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States;
  - b. An entity that provides dating services between United States citizens or residents and other individuals who may be aliens, but does not do so as its principal business, and charges comparable rates to all individuals it serves regardless of the gender or country of citizenship or residence of the individual; or
  - c. An organization that does not charge a fee to any party for the services provided;
- (6) "Involuntary servitude or forced labor", a condition of servitude induced by means of:
- (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or
  - (b) The abuse or threatened abuse of the legal process;
- (7) "Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international marriage broker;
- (8) "Peonage", illegal and involuntary servitude in satisfaction of debt;
- (9) "Recruit", a noncitizen, nonresident, recruited by an international marriage broker for the purpose of providing dating, matrimonial, or social referral services.

(L. 2004 H.B. 1487, A.L. 2005 H.B. 353)

# *Missouri Revised Statutes*

## **Chapter 566 Sexual Offenses Section 566.203**

August 28, 2006

### **Abusing an individual through forced labor--penalty.**

566.203. 1. A person commits the crime of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

- (1) By threats of serious harm or physical restraint against such person or another person;
- (2) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer substantial bodily harm or physical restraint; or
- (3) By means of the abuse or threatened abuse of the law or the legal process.

2. A person who pleads guilty to or is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

3. The crime of abuse through forced labor is a class B felony.

(L. 2004 H.B. 1487)

# *Missouri Revised Statutes*

## **Chapter 566 Sexual Offenses Section 566.209**

August 28, 2006

### **Trafficking for the purpose of sexual exploitation--penalty.**

566.209. 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, transports, provides, or obtains by any means another person for the use or employment of such person in sexual conduct as defined in section 566.061, RSMo, without his or her consent.

2. The crime of trafficking for the purposes of sexual exploitation is a class B felony.

(L. 2004 H.B. 1487)

# *Missouri Revised Statutes*

## **Chapter 566 Sexual Offenses Section 566.212**

August 28, 2006

### **Sexual trafficking of a child--penalty.**

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of eighteen to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act.

2. It shall not be an affirmative defense that the defendant believed that the person was eighteen years of age or older.

3. The crime of sexual trafficking of a child is a class A felony if the child is under the age of eighteen.



***Missouri Revised Statutes***  
**Chapter 566**  
**Sexual Offenses**  
**Section 566.212**

August 28, 2006

**Sexual trafficking of a child--penalty.**

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of eighteen to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act.

2. It shall not be an affirmative defense that the defendant believed that the person was eighteen years of age or older.

3. The crime of sexual trafficking of a child is a class A felony if the child is under the age of eighteen.

(L. 2004 H.B. 1487)

# *Missouri Revised Statutes*

## **Chapter 566**

### **Sexual Offenses**

#### **Section 566.213**

August 28, 2006

(1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of twelve to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of twelve to engage in a commercial sex act.

2. It shall not be an affirmative defense that the defendant believed that the person was twelve years of age or older.

3. Sexual trafficking of a child less than twelve years of age shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019, RSMo, shall not apply to the sentence of a person who has pleaded guilty to or been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

(L. 2006 H.B. 1698, et al.)

Effective 6-5-06

# *Missouri Revised Statutes*

## **Chapter 566 Sexual Offenses Section 566.215**

August 28, 2006

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person who is the victim of a crime committed pursuant to sections 566.200 to 566.218.

2. A person who pleads guilty to or is found guilty of the crime of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

3. The crime of contributing to human trafficking through the misuse of documentation is a class D felony.

(L. 2004 H.B. 1487)

# *Missouri Revised Statutes*

## **Chapter 566 Sexual Offenses Section 566.218**

August 28, 2006

### **Restitution required for certain offenders.**

566.218. A court sentencing an offender convicted of violating the provisions of sections 566.203, 566.206, 566.209, 566.212, and 566.215 shall order the offender to pay restitution to the victim of the offense.

(L. 2004 H.B. 1487)

# *Missouri Revised Statutes*

## **Chapter 566**

### **Sexual Offenses**

#### **Section 566.221**

#### **International marriage brokers, notice to recruits--criminal history record and marital history record to be disseminated --client requirements--violations, penalty.**

566.221. 1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international marriage broker shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international marriage broker receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international marriage broker shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international marriage broker; and

(3) Provide to the international marriage broker his or her own marital history information.

4. An international marriage broker shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of

section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

8. It shall be a class D felony to willfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class D felony.

10. No provision of this section shall preempt any other right or remedy available under law to any party utilizing the services of an international marriage broker or other international marriage organization.

(L. 2005 H.B. 353)

## *Missouri Revised Statutes*

### **Chapter 566 Sexual Offenses Section 566.221**

August 28, 2006

#### **International marriage brokers, notice to recruits--criminal history record and marital history record to be disseminated --client requirements--violations, penalty.**

566.221. 1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international marriage broker shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international marriage broker receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international marriage broker shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international marriage broker;  
and

(3) Provide to the international marriage broker his or her own marital history information.

4. An international marriage broker shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

8. It shall be a class D felony to willfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class D felony.

10. No provision of this section shall preempt any other right or remedy available under law to any party utilizing the services of an international marriage broker or other international marriage organization.

(L. 2005 H.B. 353)

# *Missouri Revised Statutes*

## **Chapter 566 Sexual Offenses Section 566.223**

August 28, 2006

### **Federal Trafficking Victims Protection Act of 2000 to apply, when.**

566.223. Any individual who is alleging that a violation of sections 566.200 to 566.221 has occurred against his or her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

(L. 2004 H.B. 1487, A.L. 2005 H.B. 353)

# *Missouri Revised Statutes*

## **Chapter 566 Sexual Offenses Section 566.265**

August 28, 2006

### **Penalties for violations by corporations or businesses.**

566.265. If a corporation or other business pleads guilty to or is found guilty of violating section 566.203, 566.206, 566.209, 566.212, 566.213, or 566.215, in addition to the criminal penalties described in such sections and other remedies provided for by law, the court may:

- (1) Order its dissolution or reorganization;
- (2) Order the suspension or revocation of any license, permit, or prior approval granted to it by the state;
- (3) Order the surrender of its charter if it is organized under Missouri law or the revocation of its certificate to conduct business in Missouri if it is not organized under Missouri law.

(L. 2006 H.B. 1698, et al.) Effective 6-5-06

## *Missouri Revised Statutes*

### **Chapter 573**

### **Pornography and Related Offenses**

August 28, 2007

#### **Definitions.**

573.010. As used in this chapter the following terms shall mean:

- (1) "Child", any person under the age of fourteen;
- (2) "Child pornography":
  - (a) Any obscene material or performance depicting sexual conduct, sexual contact, or a sexual performance, as these terms are defined in section 556.061, RSMo, and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor under the age of eighteen; or
  - (b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:
    - a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
    - b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
    - c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct;
  - (3) "Displays publicly", exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public;
  - (4) "Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;
  - (5) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;
  - (6) "Graphic", when used with respect to a depiction of sexually explicit conduct, that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted;
  - (7) "Identifiable minor":



(a) A person:

a. (i) Who was a minor at the time the visual depiction was created, adapted, or modified; or

(ii) Whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

b. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(b) The term shall not be construed to require proof of the actual identity of the identifiable minor;

(8) "Indistinguishable", when used with respect to a depiction, virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. Indistinguishable does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults;

(9) "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

(10) "Minor", any person under the age of eighteen;

(11) "Nudity", the showing of postpubertal human genitals or pubic area, with less than a fully opaque covering;

(12) "Obscene", any material or performance is obscene if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

(c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;

(13) "Performance", any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

(14) "Pornographic for minors", any material or performance is pornographic for minors if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(15) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

(16) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

(17) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

(18) "Sexually explicit conduct", actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person;

(19) "Sexual excitement", the condition of human male or female genitals when in a state of sexual stimulation or arousal;

(20) "Visual depiction", includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image;

(21) "Wholesale promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.

(L. 1977 S.B. 60, A.L. 1985 H.B. 366, et al., A.L. 1987 H.B. 113, et al., A.L. 1989 H.B. 225, A.L. 2000 S.B. 757 & 602, A.L. 2006 H.B. 1698, et al.)

Effective 6-5-06

### **Promoting obscenity in the first degree.**

573.020. 1. A person commits the crime of promoting obscenity in the first degree if, knowing its content and character:

(1) He or she wholesale promotes or possesses with the purpose to wholesale promote any obscene material; or

(2) He or she wholesale promotes for minors or possesses with the purpose to wholesale promote for minors any material pornographic for minors; or

(3) He or she promotes, wholesale promotes or possesses with the purpose to wholesale promote for minors material that is pornographic for minors via computer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. Promoting obscenity in the first degree is a class D felony.

(L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al., A.L. 2000 S.B. 757 & 602)

### **Sexual exploitation of a minor, penalties.**

573.023. 1. A person commits the crime of sexual exploitation of a minor if, knowing of its content and character,

such person photographs, films, videotapes, produces or otherwise creates obscene material with a minor or child pornography.

2. Sexual exploitation of a minor is a class B felony unless the minor is a child, in which case it is a class A felony.

(L. 2000 S.B. 757 & 602)

### **Promoting child pornography in the first degree.**

573.025. 1. A person commits the crime of promoting child pornography in the first degree if, knowing of its content and character, such person possesses with the intent to promote or promotes obscene material that has a child as one of its participants or portrays what appears to be a child as a participant or observer of sexual conduct.

2. Promoting child pornography in the first degree is a class B felony unless the person knowingly promotes such material to a minor, in which case it is a class A felony.

3. Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider.

(L. 1985 H.B. 366, et al., A.L. 2000 S.B. 757 & 602)

### **Promoting obscenity in the second degree.**

573.030. 1. A person commits the crime of promoting pornography for minors or obscenity in the second degree if, knowing its content or character, he or she:

- (1) Promotes or possesses with the purpose to promote any obscene material for pecuniary gain; or
- (2) Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
- (3) Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
- (4) Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
- (5) Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. Promoting pornography for minors or obscenity in the second degree is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense pursuant to this section committed at a different time, in which case it is a class D felony.

(L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al., A.L. 2000 S.B. 757 & 602)

(1986) It may be inferred that a clerk in a convenience store "knows", for purpose of a criminal conviction under this section, of the obscene nature of a magazine's content if the cover is sexually explicit. *State v. Triplett*, 722 S.W.2d 633 (Mo.App.).

(1989) Obscenity is not within the area of constitutionally protected speech and statute is not impermissibly overbroad, ambiguous, or vague, and gives adequate prior notice of what constitutes prohibited conduct. (Mo. banc) *State v. Simmer*, 772 S.W.2d 372.

(2005) Section's use of term "motor vehicle" does not include riding lawn mower. *Fainter v. State*, 174 S.W.3d 718 (Mo.App. W.D.).

### **Promoting child pornography in the second degree.**

573.035. 1. A person commits the crime of promoting child pornography in the second degree if knowing of its content and character such person possesses with the intent to promote or promotes child pornography or obscene material that has a minor as one of its participants, or portrays what appears to be a minor as a participant or observer of sexual conduct.

2. Promoting child pornography in the second degree is a class C felony unless the person knowingly promotes such material to a minor, in which case it is a class B felony.

(L. 1985 H.B. 366, et al., A.L. 2000 S.B. 757 & 602)

### **Possession of child pornography.**

573.037. 1. A person commits the crime of possession of child pornography if, knowing of its content and character, such person possesses any obscene material that has a child as one of its participants or portrays what appears to be a child as an observer or participant of sexual conduct.

2. Possession of child pornography is a class D felony unless the person has pleaded guilty to or has been found guilty of an offense under this section, in which case it is a class C felony.

(L. 1987 H.B. 113, et al., A.L. 2000 S.B. 757 & 602, A.L. 2004 H.B. 1055)

### **Furnishing pornographic materials to minors.**

573.040. 1. A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, he or she:

(1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or

(2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

(3) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. Furnishing pornographic material to minors is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense committed at a different time pursuant to this chapter, chapter 566 or chapter 568, RSMo, in which case it is a class D felony.

(L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al., A.L. 2000 S.B. 757 & 602, A.L. 2004 H.B. 1055)

### **Evidence in obscenity and child pornography cases.**

573.050. 1. In any prosecution under this chapter evidence shall be admissible to show:

- (1) What the predominant appeal of the material or performance would be for ordinary adults or minors;
  - (2) The literary, artistic, political or scientific value of the material or performance;
  - (3) The degree of public acceptance in this state and in the local community;
  - (4) The appeal to prurient interest in advertising or other promotion of the material or performance;
  - (5) The purpose of the author, creator, promoter, furnisher or publisher of the material or performance.
2. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony, relating to factors entering into the determination of the issues of obscenity or child pornography, shall be admissible.
3. In any prosecution for possession of child pornography or promoting child pornography in the first or second degree, the determination that the person who participated in the child pornography was younger than eighteen years of age may be made as set forth in section 568.100, RSMo, or reasonable inferences drawn by a judge or jury after viewing the alleged pornographic material shall constitute sufficient evidence of the child's age to support a conviction.
4. In any prosecution for promoting child pornography in the first or second degree, no showing is required that the performance or material involved appeals to prurient interest, that it lacks serious literary, artistic, political or scientific value, or that it is patently offensive to prevailing standards in the community as a whole.

(L. 1977 S.B. 60, A.L. 1985 H.B. 366, et al., A.L. 1987 H.B. 113, et al.)

Effective 7-15-87

### **Child pornography, attorney general authorized to investigate, when--violator immune from civil liability, when.**

573.052. Upon receipt of any information that child pornography as defined in section 573.010 is contained on a web site, the attorney general shall investigate such information. If the attorney general has probable cause to believe the web site contains child pornography, the attorney general shall notify a web site operator of any child pornography site residing on that web site operator's server, in writing. If the web site operator promptly, but in no event longer than five days after receiving notice, removes the alleged pornography from its server, and so long as the web site operator is not the purveyor of such child pornography, it shall be immune from civil liability. If the web site operator does not promptly remove the alleged pornography, the attorney general may seek an injunction pursuant to section 573.070 to remove the child pornography site from the web site operator's server. This section shall not be construed to create any defense to any criminal charges brought pursuant to this chapter or chapter 568, RSMo.

(L. 2003 H.B. 228)

### **Public display of explicit sexual material.**

573.060. 1. A person commits the crime of public display of explicit sexual material if he knowingly:

- (1) Displays publicly explicit sexual material; or
- (2) Fails to take prompt action to remove such a display from property in his possession after learning of its existence.

2. Public display of explicit sexual material is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense under this section committed at a different time, in which case it is a class D felony.

3. For purposes of this section, each day there is a violation of this section shall constitute a separate offense.

(L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al.)

Effective 7-15-87

### **Coercing acceptance of obscene material.**

573.065. 1. A person commits the crime of coercing acceptance of obscene material if, knowing its content and character:

(1) He requires acceptance of obscene material as a condition to any sale, allocation, consignment or delivery of any other material; or

(2) He denies any franchise or imposes any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept any material obscene or pornographic for minors.

2. Coercing acceptance of obscene material is a class D felony.

(L. 1987 H.B. 113, et al.)

Effective 7-15-87

### **Injunctions and declaratory judgments.**

573.070. 1. Whenever material or a performance is being or is about to be promoted, furnished or displayed in violation of this chapter, a civil action may be instituted in the circuit court by the prosecuting or circuit attorney or by the city attorney of any city, town or village against any person violating or about to violate those sections in order to obtain a declaration that the promotion, furnishing or display of such material or performance is prohibited. Such an action may also seek an injunction appropriately restraining promotion, furnishing or display of the material or performance.

2. Such an action may be brought only in the circuit court of the county in which any such person resides, or where the violation is taking place or about to take place.

3. Any promoter, furnisher or displayer of, or a person who is about to be a promoter, furnisher or displayer of, the material or performance involved may intervene as of right as a party defendant in the proceedings.

4. The trial court and the appellate court shall give expedited consideration to actions and appeals brought under this section. The defendant shall be entitled to a trial of the issues beginning within one week after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial. No restraining order or injunction of any kind shall be issued restraining the promotion, furnishing or display of any material or performance without a prior adversary hearing before the court.

5. A final declaration obtained pursuant to this section may be used to form the basis for an injunction and for no other purpose.

6. All laws regulating the procedure for obtaining declaratory judgments or injunctions which are inconsistent with

the provisions of this section shall be inapplicable to proceedings brought pursuant to this section. There shall be no right to jury trial in any proceedings under this section.

(L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al.)

Effective 7-15-87

### **Preemption and standardization--cities, towns, and certain counties may regulate, limitations.**

573.080. The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by section 573.020, to promote statewide control of pornography, and to standardize laws that governmental subdivisions may adopt in other areas covered by this chapter. No governmental subdivision may enact or enforce a law that makes any conduct in the area covered by section 573.020 subject to a criminal or civil penalty of any kind. Cities and towns and counties of the first class may enact and enforce laws prohibiting and penalizing conduct subject to criminal or civil sanctions under other provisions of this chapter.

(L. 1977 S.B. 60, A.L. 1981 S.B. 365, A.L. 1987 H.B. 113, et al.)

Effective 7-15-87

### **Video cassettes, morbid violence, to be kept in separate area--sale or rental to persons under seventeen prohibited, penalties.**

573.090. 1. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in section 573.010, or if:

- (1) Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons under the age of seventeen; and
- (2) It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons under the age of seventeen; and
- (3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons under the age of seventeen.

2. Any video cassettes or other video reproduction devices meeting the description in subsection 1 of this section shall not be rented or sold to a person under the age of seventeen years.

3. Any violation of the provisions of subsection 1 or 2 of this section shall be punishable as an infraction, unless such violation constitutes furnishing pornographic materials to minors as defined in section 573.040, in which case it shall be punishable as a class A misdemeanor or class D felony as prescribed in section 573.040, or unless such violation constitutes promoting obscenity in the second degree as defined in section 573.030, in which case it shall be punishable as a class A misdemeanor or class D felony as prescribed in section 573.030.

(L. 1989 H.B. 225 § 1)

(1992) Where statute attempted to regulate expression was not drafted with precision and clarity and did not contain definitions of prohibited conduct so that people of common intelligence might guess at the meaning of the statute, statute is unconstitutionally vague. Video Software Dealers Assn. v. Webster, 773 F.Supp. 1275 (W.D. Mo.).

## **Telephones, obscene or indecent commercial messages, direct or electronic recording, penalties, exceptions.**

573.100. 1. As used in this section, the following terms mean:

- (1) "Indecent", language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs;
- (2) "Obscene", any comment, request, suggestion or proposal is obscene if:
  - (a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
  - (b) Taken as a whole with respect to the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and
  - (c) Taken as a whole, it lacks serious literary, artistic, political or scientific value. Obscenity shall be judged with reference to its impact upon ordinary adults.

2. It shall be unlawful for any person, by means of a telephone communication for commercial purposes, to make directly or by means of an electronic recording device, any comment, request, suggestion, or proposal which is obscene or indecent. Any person who makes any such comment, request, suggestion, or proposal shall be in violation of the provisions of this section regardless of whether such person placed or initiated the telephone call.

3. It shall be unlawful for any person to permit knowingly any telephone or telephone facility connected to a local exchange telephone under such person's control to be used for any purpose prohibited by subsection 2 of this section.

4. Any person who violates any provision of this section is guilty of a class A misdemeanor unless such person has pleaded guilty to or has been found guilty of the same offense committed at a different time, in which case the violation is a class D felony. For purposes of this subsection, each violation constitutes a separate offense.

5. The prohibitions and penalties contained herein are not applicable to a telecommunications company as defined in section 386.020, RSMo, over whose facilities prohibited communications may be transmitted.

(L. 1989 H.B. 225 § 2)

## **Definitions.**

573.500. As used in sections 573.500 to 573.507, the following terms mean:

- (1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;
- (2) "Nudity", the showing of either:
  - (a) The human male or female genitals or pubic area with less than a fully opaque covering; or
  - (b) The female breast with less than a fully opaque covering on any part of the nipple.

(L. 1993 S.B. 180 § 11)

Effective 7-2-93



**Local government may require background checks.**

573.503. Notwithstanding any provision of law to the contrary, any city not within a county and any county may, by order or ordinance, require a background check be conducted on all employees of any adult cabaret to ascertain whether any such employees have been convicted of or have pled guilty to any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity.

(L. 1993 S.B. 180 § 12)

Effective 7-2-93

**Sales tax authorized, vote required--ballot--disposition of revenue --termination--city and county background check tax trust fund created, refunds--duties of director of revenue.**

573.505. 1. In order to defray the costs of background checks conducted pursuant to section 573.503, any city not within a county and any county may, by ordinance or order, impose a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.510, RSMo, made in such city or county by any adult cabaret. The tax authorized by this section shall not be levied at a rate which would amount to a sum greater than ten percent of the gross receipts of any such business. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order or ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city or county submits to the voters of the city or county, at a city, county or state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city or county of ..... (city's or county's name) impose a sales tax upon adult cabarets of ..... (insert amount) for a period not to exceed ..... (insert number) years for the purpose of investigating the background of the employees of such businesses and for the general law enforcement use of the sheriff's office with existing revenues to be used for either purpose?

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city or county shall have no power to impose the sales tax authorized by this section unless and until the governing body of the city or county shall again have submitted another proposal to authorize the governing body of the city or county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a city or county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used by the city or county for the investigation of the backgrounds of persons employed at any adult cabaret in such city or county and for the general law enforcement use of the sheriff's office. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

4. The tax authorized by this section shall terminate four years from the date on which such tax was initially imposed by the city or county, unless sooner abolished by the governing body of the city or county.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "City and County Background Check Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city or county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the city or county treasurer of each such city or county, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city or county.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

8. As used in this section, the term "city" means any city not within a county.

(L. 1993 S.B. 180 § 13, A.L. 2005 S.B. 210)

(2001) Imposition of tax on adult cabarets does not violate the equal protection or due process clauses of the federal and state constitutions. *Miss Kitty's Saloon, Inc. v. Missouri Department of Revenue*, 41 S.W.3d 466 (Mo.banc).

### **Minimum age limit--security personnel--random drug testing--space limitation--prohibition of public displays.**

573.507. 1. Notwithstanding any provision of law to the contrary, any city not within a county and any county may establish a minimum age limit for admission into any adult cabaret within the city or county.

2. Notwithstanding any provision of law to the contrary, any city not within a county and any county may require security personnel to be present on the premises of any adult cabaret within the city or county.

3. Notwithstanding any provision of law to the contrary, any city not within a county and any county may require employers of any adult cabaret within the city or county to conduct random testing for the presence of illegal substances within the blood or urine of any or all employees of such adult cabaret.

4. Notwithstanding any provision of law to the contrary, any city not within a county and any county may prohibit within such city or county any live public nudity within ten feet of any person observing such nudity.

5. Notwithstanding any provision of law to the contrary, any city not within a county and any county may prohibit within such city or county the public display of sexual intercourse, deviate sexual intercourse or appearing in a state of nudity in any adult cabaret.

(L. 1993 S.B. 180 § 14)

Effective 7-2-93

**Adult cabaret, persons less than nineteen years of age prohibited from dancing, penalty.**

573.509. 1. No person less than nineteen years of age shall dance in an adult cabaret as defined in section 573.500, nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.

(L. 2003 S.B. 298)

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