

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

**“Domestic Minor Sex Trafficking: the prostitution of America’s children”**

**September 15, 2010**

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

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

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

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

The key findings of the domestic minor sex trafficking study can be grouped into four components: identifying the victims; prosecuting the traffickers; combating demand; and providing protection, access to services, and shelter for victims.

### *1. Misidentification*

Shared Hope International found misidentification of the victims to be the primary barrier to the rescue and response to domestic minor sex trafficking victims. This misidentification occurs at all levels of first responses from law enforcement arrest on the streets to homeless and runaway youth shelters' intake process, to court adjudication of the victim as a delinquent for habitual runaway or drug possession, or other offense occurring as a result of the prostitution of the child. Misidentification causes a chain reaction of negative outcomes. It is responsible for the failure to deliver the necessary services to interrupt and treat the trauma they have endured. It is often the cause of their adjudication as delinquents or criminalization as adult offenders of prostitution, leading to detention and/or a criminal record with resulting lack of access to victim of crime funds. Misidentification can be remedied only through awareness and education of first responders and the community at large to properly identify the indicators of domestic minor sex trafficking and to respond with the appropriate treatment and approach developed by experts in the specific trauma caused by trafficking.

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<sup>1</sup> Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A, § 103(8), (9), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at 22 USC 7102 § 103(8), (9).

## *2. Criminalization of the Victim through Misidentification*

Victims of domestic minor sex trafficking are frequently processed as juvenile delinquents or adult prostitutes. Prostituted juveniles are trained by their trafficker/pimp to lie to authorities and are provided with excellent fraudulent identification resulting in their registration in the arrest records as an adult. Those who are identified as minors are frequently charged with a delinquent act either for prostitution-related activities or a related offense, such as drug possession.

## *3. Criminalization as a Response to No Options for Placement*

Law enforcement officers report they are often compelled in the absence of better options to charge a victim of domestic minor sex trafficking with a delinquency offense in order to detain her in a secured facility to keep her safe from the pimp and the trauma-driven response of flight. The results are detrimental for the victim who rarely receives any services in detention, much less services specific to the trauma endured. Also, the entry of the juvenile into the delinquency system can disqualify her from accessing victim of crime funds for services in some states.

## *4. Inappropriate or Inaccessible Services for Domestic Minor Sex Trafficking Trauma*

Experts speak of the trauma suffered by child sex trafficking victims as more severe than most sexually based trauma given the chronic nature coupled with the reinforced victimization from the community at large of buyers. Therefore, the services required for a child sex trafficking victim are unique and rarely available. Many victims cannot access the services due to their detention and resulting label of juvenile delinquent. In some cases, the victim's access to services can be contingent on cooperation with law enforcement in an investigation into the trafficking crime.

## *5. Lack of Protective, Therapeutic Shelters for Domestic Minor Sex Trafficking Victims*

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

## *6. Burden on the Victim to Build the Case Against the Trafficker/Pimp*

Arrest and prosecution of the traffickers is too frequently based solely on the victim's cooperation and testimony. This approach places the burden on the victim rather than on the investigators — a burden that is most often too heavy for these traumatized children who typically require a lengthy amount of time before they will disclose the facts of their victimization and only if approached with advanced interview techniques to help them with this disclosure. For these reasons, it is critical in cases of domestic minor sex trafficking that law enforcement pursue innovative or alternative investigation to corroborate the victim's allegations.

### *7. Insufficient Priority on Combating Demand*

Buyers are not being recognized as a critical component in the sex trafficking of children, yet demand is the primary driver of the commercial sex industry within which children are being exploited for commercial sex activities and performance. Buyers of sex with children can be preferential (pedophiles), opportunistic (thrill seekers), or situational (do not care how old the person being prostituted is) — they are all committing a crime. Innovative investigative techniques that shift the burden of making the case against a perpetrator away from the juvenile victim and focus instead on arresting all parties to the crime of the sexual exploitation of a child are required.

## II. Background research

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

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

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

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

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<sup>2</sup> See [www.sharedhope.org/what/endeddemand3](http://www.sharedhope.org/what/endeddemand3).

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

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

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

*When I was 12 years old, a guy I thought was just a “dope [cool] boy” kept following me in his car when I walked to school. He was older and real cool, and he said I was really cute. He paid a lot of attention to me and eventually I got in the car with him. For a while we were girlfriend and boyfriend; we would go everywhere together. It didn't take long before I experienced the real treatment—being beaten, stomped on, manipulated and sold all day every day.*

*When I think about how it must have looked to people, a baby-looking girl like me with an older “boyfriend,” it makes me wonder why nobody was ever there to stop it, or even ask any questions at all. Nobody ever told me--I didn't understand--what a choice really was. People have asked me how I could have done what I did—sell my body on the street, in cars, in trucks, anywhere and everywhere and then deliver every last dollar to my pimp. Looking back on it from my vantage point today, I can't answer that question...I'm amazed myself, that I was so under the control of that man. He was the only person in my life that I felt connected to and I even felt like he was my only protection; therefore, I would have done anything to stay with him. The price was for me to sell the only thing I had, my body. He gave me a different name, a street name...it was*

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<sup>3</sup> [http://www.sharedhope.org/files/SHI\\_National\\_Report\\_on\\_DMST\\_2009.pdf](http://www.sharedhope.org/files/SHI_National_Report_on_DMST_2009.pdf)

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

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

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

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

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

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

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

#### IV. Arrest instead of rescue

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

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

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

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

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

<sup>5</sup> NYS Laws Title 8-A, Section 447.

<http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=@PLSOS0A6T8-A+&LIST=SEA3+&BROWSER=EXPLORER+&TOKEN=33571463+&TARGET=VIEW>

<sup>6</sup> Public Act 96-1464, signed into law Aug. 20, 2010.

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=6462&GAID=10&GA=96&DocTypeID=HB&LegID=52490&SessionID=76>.

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

#### V. Demand deterrence is essential to win

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

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

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

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<sup>7</sup> Men Who Buy Sex with Adolescent Girls: A Scientific Research Study, commissioned by A Future. Not a Past. (AFNAP), a project of the Juvenile Justice Fund (The Schapiro Group, Atlanta, GA: February 2010).

<sup>8</sup> Rachel Durchslag and Samir Goswami, Deconstructing The Demand for Prostitution: Preliminary Insights From Interviews With Chicago Men Who Purchase Sex (Chicago Alliance Against Sexual Exploitation, Chicago, IL: May 2008).



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

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

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

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

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

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

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

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

## VI. Conclusion

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

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

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

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