

DOMESTIC MINOR SEX TRAFFICKING
Salt Lake City, Utah



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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Salt Lake City Assessment

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

August 2008

**Prepared for
Shared Hope International**

By Melissa Snow

Acknowledgements

The commoditization of children for the monetary benefit of traffickers/pimps and the sexual pleasure of a buyer is a horrific form of violence happening to children in Salt Lake City, Utah. This cycle of violence often starts with sexual and physical abuse of a child in the home, followed by their recruitment into prostitution through manipulation and/or violence by a trafficker/pimp. These children are exposed to a criminal world that benefits from their innocence, youth, and in many cases, tragic home lives. Furthermore, these trafficked minors are commonly misidentified by their rescuers as delinquents rather than victims.

Despite the challenges presented by domestic minor sex trafficking (DMST), in 1996, the SLCPD Vice Unit and Simarjit Gill, Chief Prosecutor, listened to a prostituted 14-year-old girl describe her experience of torture and control by a trafficker/pimp. This direct and honest interaction with a DMST survivor forever altered their approach in identifying and rescuing prostituted youth. Understanding the plight of the prostituted child solidified their commitment to viewing all domestic trafficked minors as victims. As a result, they target their efforts at rescuing these children and investigating and arresting their traffickers/pimps. This approach has helped them develop responses that rescue prostituted children and secure sentences for their abusers. Their efforts and commitment to viewing children as victims have saved the lives of countless juveniles who are now leading fulfilling lives rather than suffering under the control of a trafficker/pimp. It is also clear that their protocols have been passed down to the current Vice Unit, to the benefit of the community.

While this report is specifically designed to identify the gaps and challenges in the identification of and access to services for DMST victims, we must acknowledge and applaud the significant progress made by the Salt Lake City community. We thank each individual, agency, and organization that participated in this research. Without your energy, dedication, and honesty, this report would not be possible. It is our hope that all who read this report will use the findings as a springboard to future action in advancing the fight to combat DMST.

Special acknowledgment and appreciation is extended to U.S. Attorney Brett Tolman who has prioritized the issue of human trafficking through his leadership and support of the Utah Human Trafficking Task Force. Lieutenant Cheever of the Salt Lake City Police Department has taken a crucial role in the Utah Human Trafficking Task Force, committing to train all officers in the Department of Public Safety on human trafficking by September 2008. Susan Ritter, Director of the Utah Health and Human Rights Project is diligently working to train and assemble a coalition of social service providers, establishing services for all victims of human trafficking.

Particular gratitude is extended to all staff from the Division of Youth Services who assisted and participated in the assessment process. The comprehensive and child-friendly environment created on their campus is inspirational when considering the future development of DMST-specific services.

The Volunteers of America Homeless Youth Resource Center and Outreach is the only NGO identified in Salt Lake City that is working to address the factors of vulnerability in homeless youth who are often targeted by traffickers and predators. They are interacting and providing support to children who have been discarded and dismissed by nearly all other adults in their lives on a daily basis. Their work is providing refuge to children and the opportunity for youth to rebuild their lives.

The issue of domestic minor sex trafficking is overwhelming; however, its victims deserve our efforts to help reveal the truth of their experience so they can be set free. Salt Lake City has already accepted the challenge and this assessment is intended to serve as a guide in the fight to rescue and restore victims and

prosecute those who would buy and sell the innocence of a child.

Sincerely,

A handwritten signature in black ink that reads "Melissa Snow". The signature is written in a cursive style with a large, looping initial 'M'.

Melissa Snow
Project Director, Shared Hope International

A handwritten signature in black ink that reads "Linda Smith". The signature is written in a cursive style with a large, looping initial 'L'.

Linda Smith
Founder and President, Shared Hope International

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EXECUTIVE SUMMARY

Domestic minor sex trafficking (DMST) is the commercial sexual exploitation of U.S. citizen children or lawful permanent resident (LPR) children through prostitution, pornography, or sexual performance for compensation, either monetary or other consideration (food, shelter, drugs, etc.). DMST has been viewed as the single most under-reported, under-identified, and most severe form of sexual exploitation that children are facing today.¹ Understanding the sex trafficking of children has become an important focus for the United States government. The Trafficking Victims Protection Act of 2000 (TVPA) and subsequent reauthorizations has defined all minors, under the age of 18, who are “recruited, transported, harbored, provided, or obtained for the purpose of a commercial sex act” as victims of trafficking; this includes minors who are U.S. citizens or LPRs. However, the reality is that DMST victims—especially those engaged in prostitution—continue to be purposefully detained in the juvenile justice system as delinquents or persons in need of protection.

Shared Hope International (SHI), with funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA), is researching the access to and delivery of services to domestic minor sex trafficking victims in ten U.S. locations, including Salt Lake City, Utah. *The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the U.S.* was developed by SHI and implemented in Salt Lake City by Melissa Snow, Project Director and Lead Field Assessor for Shared Hope International. This assessment includes information collected during April–August 2008 through a comprehensive review of existing research and the completion of 30 interviews from representatives of 21 different organizations and agencies that frequently interact with DMST victims or are poised to do so.

Best practices are noted throughout the report. However, it is also the purpose of this report to identify the gaps and challenges that present themselves while working with this complex population of victims.

As they struggle with the best way to identify and provide protection and services to these children, Salt Lake City’s effort to work with DMST victims is both progressive and sympathetic. Nevertheless, the reality remains that DMST victims who are identified as being in prostitution or disclose their involvement in prostitution are being pulled deeper into the justice system rather than being restored. One reason for this is the absence of protective shelter and specific services for the restoration of victims exploited through the commercial sex industry.

The Rapid Assessment Methodology employs three factors commonly used as measures of response to combating sex trafficking worldwide: Prevention, Prosecution, and Protection (the three P’s). Used by the U.S. Department of State (DOS), Office to Monitor and Combat Trafficking in Persons in the annual Trafficking in Persons Report, the three P’s are used in an effort to holistically evaluate a country’s actions to counter all forms of trafficking in persons. The three P’s approach has been recognized for its comprehensive approach to assessing human trafficking and is used in this assessment as well.

- *Prevention* of domestic minor sex trafficking requires identification of prostituted children as victims. The first component in prevention and identification is public awareness. The second component is the training of law enforcement, judiciary, detention staff, social services, and other professionals who interact with DMST victims.
- *Prosecution* of cases against traffickers/pimps is essential, and it is important that these cases result

¹ Ernie Allen. “Domestic Minor Sex Trafficking in America: How to Identify America’s Trafficked Youth,” educational video documentary produced by Shared Hope International, © 2007.

in convictions with appropriate sentences. Ensuring strong legislation criminalizing the trafficking of minors and protecting victims is critical, as is the training of law enforcement, prosecutors, and judges to ensure that they are aware of these laws and are able to build effective cases against traffickers.

- *Protection* requires victim-centered rescue and restoration. Rescue is critical to remove the minor from the situation of trafficking; however, the importance of completing the rescue without re-victimizing the domestic trafficked minor (DTM) cannot be overstated. Victim-centered, long-term restoration is essential, including protective safe homes and appropriate services and programs.

Regardless of their legal status, throughout this Rapid Assessment (RA), all DMST victims—commercially sexually exploited children, as well as prostituted children detained in the juvenile justice system under prostitution or prostitution-related charges—are considered victims of sex trafficking, not juvenile delinquents. This RA defines DMST victims in accordance with the federal TVPA as minors who are exploited through the commercial sex industry, including but not limited to: prostitution, pornography, and/or stripping/sexual performance.

The ultimate goal of this Rapid Assessment is to provide first responders and the community at large in Salt Lake City, Utah, with a comprehensive report that will help build the foundation for improvements in the identification of, and access to and delivery of services for DMST victims. As such, this assessment will be provided to both the Utah Human Trafficking Task Force and the community. The methodology and report can also be used as a tool for other locations wishing to assess their community's needs regarding proper identification and access to services for DTMs.

Key Findings

1. **Domestic Minor Sex Trafficking exists in Salt Lake City.** The frequency of cases of DMST has reduced since 2000; however, changes in the means and method of exploitation, especially facilitation through the Internet, could be masking identification. Data provided by the Utah Administrative Office of the Courts indicate the arrest of 42 minors for prostitution in 1996–2007. Furthermore, nearly every person interviewed was able to recall at least one case of DMST that they had directly worked with in the last two years, though the situation was not identified as DMST at the time. The streamlining of identification is necessary to obtain a more comprehensive picture of DMST; nevertheless, this assessment confirms that children are bought and sold for sex in Salt Lake City.
2. **Agency and organization communication breakdown, both internal and external, is causing DMST misidentification.** Most individuals interviewed were not familiar with the term “domestic minor sex trafficking” using instead various labels identifying victims of DMST, such as sexual abuse victim, survival sex, rape victim, runaway, or at-risk youth. Additionally, due to unique characteristics of DMST victims—like their likelihood to flee an unsecured shelter—law enforcement often detains the juvenile victim without contacting and involving Child Protective Services (CPS), increasing the frequency of labeling the DMST victims as delinquent and limiting the application of victim-centered approaches. Discrepancies in labeling the DMST victim within and between agencies cause confusion and misdirection for placement and services.
3. **Children exploited through prostitution are viewed as victims of a crime rather than a child prostitute.** SLCPD Vice Unit and local prosecutors interact with DMST victims utilizing methodologies that address the victim's psychological and physical attachment and allegiance to her trafficker/pimp. Understanding and respecting this loyalty and developing strategies to gain the trust of the victim has resulted in successful investigations and prosecutions of the trafficker/pimp, as well as the sustained removal of the victim from

prostitution. Nonetheless, the absence of appropriate shelter for DMST victims results in the continued practice of detaining DMST victims with the general population of offenders in the juvenile detention facility.

4. **Since 1996, successful investigations have resulted in charging 25–30 traffickers/pimps.** Skilled interactions with victim-witnesses, which resulted in strong testimonies against their abusers, secured plea deals of the traffickers/pimps with an average approximate time served of six months. Though sentencing guidelines for aggravated exploitation of a minor outline much longer sentences, the approach of the local prosecutor was crafted to send a message to traffickers/pimps operating in a regional trafficking network that Salt Lake City does not tolerate child commercial sexual exploitation. To achieve this plan, the local prosecutor seized all assets of the traffickers/pimps and offered plea deals with shorter prison sentences with the expectation that upon release the message to avoid Salt Lake City would spread. The Utah Juvenile Court data suggests this approach was successful as the arrests of juveniles for prostitution peaked in 1996 and 1997, tapering off in 2000.
5. **DMST victims are saddled with a dual status of victim and delinquent.** DMST victims discovered in Salt Lake City are often from outside the state. In order to secure a conviction of their trafficker/pimp, the victim must be available to testify at the preliminary hearing. If law enforcement does not charge the victim with three misdemeanors or place a material witness order on the DMST victim to hold her in detention, it is likely that she will abscond from Utah or be placed by CPS back with her family, which often makes her unavailable to testify. To prevent the unavailability, the DMST victim is held in the juvenile detention facility for 30–90 days awaiting the hearing to secure her testimony against her trafficker/pimp – identified as a victim yet held like a juvenile delinquent.
6. **The juvenile detention facility provides no services beyond immediate medical care for DMST victims in custody.** Detention is not intended to be a holding placement for victims awaiting a hearing against their abusers; however, this is frequently the protocol for victims of DMST. Though free counseling services are available through the Division of Youth Services (DYS) and many social service providers in the community, DMST victims are not given access to these services while in the detention facility. No services beyond medical care are provided to juveniles held in the detention facility.
7. **The mandate for Child Protective Services (CPS) in Utah is broad enough to allow investigation into most alleged situations of DMST.** CPS should investigate allegations of DMST, however no cases of DMST were reported as substantiated by CPS. Additionally, in the 2007 Utah Division of Child and Family Services Child Protection Practice Guideline, there are eleven outlined categories of abuse, including but not limited to sexual exploitation of a child or youth through prostitution or pornography. Nonetheless, CPS staff indicated that allegations of abuse were only categorized in five areas of abuse and neglect, which does not include sexual exploitation, prostitution, or pornography. Proper identification and categorization are the keys to aligning proper services and placement appropriate for the type of victimization experienced by the youth.
8. **Buyers of sex acts from minors in Salt Lake City have not been punished. Law enforcement has been thwarted in its attempts to secure evidence sufficient to charge and prosecute buyers of commercial sex acts from children.** Anonymity provided by the Internet creates investigative barriers for law enforcement. Law enforcement reported searching the phone records of the DMST victims and traffickers/pimps to build a case but most leads have fallen short of the evidence required for a successful investigation and conviction. As a result, only one successful investigation of a buyer resulting in a conviction was reported for this research. Successful prosecutions of buyers of commercial sex from children are critical to deterring demand, which would aid the comprehensive effort to decrease domestic minor sex trafficking.
9. **Training to identify domestic minor sex trafficking victims is minimal.** Few professionals working with

children who are or could be victims of DMST were aware that American children or lawful permanent resident children can be victims of human trafficking, believing erroneously that human trafficking was related to foreign nationals only. These professionals, ranging from law enforcement to social service providers in Salt Lake City, were unaware of the federal TVPA defining children under 18 who are involved in commercial sex acts as victims of sex trafficking. Further, excluding the UHHRP, none were familiar with the recently enacted Utah human trafficking law. The Utah Health and Human Rights Project (UHHRP) is making significant efforts to train officers and service providers on issues of human trafficking, however the training is often voluntary and is not reaching professionals who are likely to have direct or indirect contact with DMST victims.

METHODOLOGY

This project is a Rapid Assessment (RA) of the practices and procedures used to identify and deliver services to domestic trafficked minors (DTMs) in Salt Lake City, Utah. This report incorporates a literature review, and qualitative and quantitative information provided during interviews with a diverse group of professionals who have interacted, both knowingly and unknowingly, with DTMs at various stages of the minors' exploitation, apprehension, legal disposition, and service provision.

Melissa Snow, Project Director and Lead Field Assessor for Shared Hope International (SHI), conducted the research and interviews in Salt Lake City, Utah. In-depth interviews were guided by *The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States*, a research instrument developed by SHI. The complete methodology and field interview tool can be accessed at www.sharedhope.org. Specific questions were created for seven different populations: Law Enforcement, Prosecutors, Public Defenders, Juvenile Court Judges, Juvenile Detention Facilities, Child Protective Services, and Non-Governmental Social Service Providers. The protocol for this research was approved by the Western Institution Review Board (Protocol #20070540).

30 interviews were conducted from April–June 2008 with one or more representative from the following 21 agencies and organizations:

Alpine Youth Academy
Division of Child and Family Services, Child Protective Services
Division of Youth Services–Boys Group Home
Division of Youth Services–Counseling Services
Division of Youth Services–Girls Group Home
Division of Youth Services–Juvenile Receiving Services
Federal Bureau of Investigations
Juvenile Public Defender
Office of the Attorney General–Internet Crimes Against Children Task Force
Office of the City Prosecutor
Third District Juvenile Court Judge
Third District Juvenile Court Probation Department
U.S. Attorney's Office of Utah
Utah Health and Human Rights Project
Salt Lake City Police Department–Detectives Division
Salt Lake City Police Department–Youth/Sex Crimes
Salt Lake City Police Department–Vice Unit
Salt Lake City Police Department–Victim Advocate
Volunteers of America– Transitional Girls Home
Volunteers of America–Homeless Youth Resource Center
Volunteers of America–Outreach Group

Interviews were completed in one to three hours. Institutional Review Board (IRB)-approved informed consent or information sheet was obtained in writing prior to commencing the interview. The information provided during interviews has been synthesized to highlight best practices, gaps in current efforts, and challenges in the identification and protection of DTMs. The summaries are followed by recommendations for improved delivery of services to DTMs in Salt Lake City, Utah.

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 professionals responsible for juvenile detention, time and resource constraints prevented this. The lack of input from juvenile detention staff is considered a limitation within this rapid assessment.

The findings in this report will be presented to the Utah Human Trafficking Task Force and the larger Salt Lake City community. It is intended to serve as an action plan to address DMST in Utah, bringing current and future initiatives into accordance with the victim's rights and services outlined in the Trafficking Victims Protection Act of 2000, including subsequent reauthorizations.

GLOSSARY OF ACRONYMS AND TERMS

| | |
|----------|---|
| AG | Attorney General |
| AYA | Alpine Youth Academy |
| AWSPA | Adam Walsh Child Safety and Protection Act |
| BJA | Bureau of Justice Assistance |
| CAC | Crimes Against Children |
| CJC | Children's Justice Center |
| CFS | Child and Family Services |
| CPS | Child Protective Services |
| DCFS | Division of Children and Family Services |
| DMST | Domestic Minor Sex Trafficking |
| DOJ | Department of Justice |
| DOS | U.S. Department of State |
| DPS | Department of Safety |
| DTM | Domestic Trafficked Minor |
| DYS | Division of Youth Services |
| FBI | Federal Bureau of Investigations |
| ICAC | Internet Crimes Against Children Task Force, Office of the Attorney General |
| ICE | Immigration and Customs Enforcement |
| JJS | Juvenile Justice Services |
| JRC | Juvenile Receiving Center |
| LE | Law Enforcement |
| LPR | Lawful Permanent Residence |
| NGO | Non-governmental organization(s) |
| OJJDP | Office of Juvenile Justice Delinquency and Prevention |
| OVC | Office for Victims of Crime |
| SHI | Shared Hope International |
| SLCPD | Salt Lake City Police Department |
| TVPA | Trafficking in Victims Protection Act |
| UHHRP | Utah Health and Human Rights Project |
| UHTTF | Utah Human Trafficking Task Force |
| USAO | U.S. Attorney's Office |
| VOA HYRC | Volunteers of America Homeless Youth Resource Center |
| VOA Home | Volunteers of America Transitional Girls Home |

Buyer—A buyer, also known as a “john” or a “client,” is an offender who receives sexual services in exchange for anything of value given to any person.

Domestic Minor Sex Trafficking—Defined as obtaining, recruiting, harboring, transporting, or providing a U.S. citizen or lawful permanent resident under the age of 18 for a commercial sex act, by the Trafficking Victims Protection Act of 2000. The use of force, fraud, or coercion is not necessary to prove in a case of domestic minor sex trafficking, as the victim is under the age of 18 and cannot consent to the act.

Pimp—A pimp is synonymous with a trafficker and is recognized as a perpetrator who profits from the sexual exploitation of another under his/her control.

Trafficker—Defined under the TVPA as an offender who recruits, harbors, transports, provides or obtains a trafficking victim.

BACKGROUND RESEARCH

The U. S. government has identified human trafficking for the purpose of commercial sexual exploitation as a major domestic problem. In fact, President Bush stated in an address to the United Nation General Assembly, “There’s a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of sex trade see little of life before they see the very worst of life—an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others.”² As a result, the U.S. Department of Justice (DOJ) has funded the creation of 42 human trafficking task forces across the United States.

In 2006, Attorney General Alberto Gonzales announced that Salt Lake City, Utah, was selected to receive a grant from the DOJ, Office of Justice Programs to construct a local human trafficking task force that would comprise entities from both law enforcement and social services in order to effectively combat human trafficking in Salt Lake City and surrounding regions.³ The recipients of the linked grants are the Salt Lake City Police Department (SLCPD) funded by DOJ, Office of Justice Programs, Bureau of Justice Assistance (BJA) and the Tides Center funded by DOJ, Office of Justice Programs, Office for Victims of Crime (OVC). The Tides Center operates as the fiscal agency for the Utah Health and Human Rights Project (UHHRP), which operates as the lead social service agency for the Utah Human Trafficking Task Force (UHTTF). The goal of the UHTTF is to identify and rescue victims of human trafficking, while arresting and prosecuting the perpetrators. To this end, the SLCPD and UHHRP are tasked with actively recruiting other agencies and organizations—both government and non-governmental organizations (NGOs)—to join together in order to form a comprehensive network of human trafficking responders.

In addition to SLCPD and UHHRP, additional core members of the UHTTF include Immigration and Customs Enforcement, Federal Bureau of Investigations, and the Salt Lake County Sheriff’s Office. The fiscal sponsor of UHHRP is the Tides Center out of San Francisco although all programs are run by the UHHRP. For the purpose of this assessment, the UHHRP will be referred to as the lead NGO/social service agency, as they are implementing all service and programmatic efforts for the UHTTF. Other agencies that they are reaching out to include on the UHTTF: District Attorney’s Office, Department of Child and Family Services, Attorney General’s Office, and the Labor Department. There are three subcommittees of the UHTTF: victim’s services, training, and law enforcement. At the time of the assessment, the victim’s services subcommittee included 15 member organizations.

The UHTTF has a statewide focus, though they are focusing in Salt Lake City and Salt Lake County primarily. Following the primary focus of the UHTTF, this assessment was limited to the access and delivery of services to DMST victims in Salt Lake City. The UHHRP has contracted social service providers in Provo and Moab to provide services and is cultivating interest and awareness on human trafficking in St. George.

Media Review

Media reports from the Salt Lake City area from 2001 to 2008 reveal numerous arrests, prosecutions, and convictions involving child pornography, prostituted children, and child sex rings. The majority of these articles were found in the Deseret Morning News or the Salt Lake Tribune - the two leading newspapers for Salt Lake City, Utah.

² “President Addresses UN General Assembly” September 23, 2003. <<http://www.state.gov/g/tip/rls/rm/24336.htm>>. Accessed on May 8, 2008.

³ “Attorney General Gonzales Announces Enhanced Programs to Combat Human Trafficking.” Department of Justice Press Release. October 3, 2006. <<http://www.ojp.gov/newsroom/pressreleases/2006/06-671.htm>>. Accessed on May 9, 2008.

Of the 18 media articles reviewed, three addressed the issue of prostituted children. In all three cases, the victims' parents brought the case to the authorities' attention. In 2007, Gerald Wheeler, 41, promised a 13-year-old girl a modeling contract. In exchange, she had to fly to New York and engage in sexual activities with him.⁴ Joint efforts by the police from Naperville, IL, the Utah Internet Crimes Against Children Task Force, and the FBI resulted in his conviction to 17 and a half years in prison.

The arrest of Arash Alexander Zarif in 2005 garnered a lot of local media attention.⁵ Zarif preyed on underage girls who appeared vulnerable or alienated, and offered them money to perform sex acts on male adults. Zarif was also known for throwing parties that involved mostly juveniles. The case came to light when a 16-year-old girl and her mother went to the police alleging Zarif paid the girl and her friend money to perform a sexual act on an unknown man. The investigation revealed that this was not the first time Zarif had recruited an underage girl to prostitute. The police seized videos and photos from his house that captured underage girls performing sexual acts on male adults and obtained videos of him recruiting girls at local shopping malls. Zarif was arrested in February 2005 and prosecuted in May 2005. Zarif was convicted on three counts of enticing a minor to engage in sexually explicit conduct for the purpose of producing pornography and sentenced to 15 years in prison. Media coverage claimed that several charges including "enticement of a minor to engage in prostitution, possession of child pornography, sexual exploitation of a minor, aggravated exploitation of prostitution, aiding a prostitute and supplying alcohol to a minor" were dropped in spite of evidence.⁶

In a third case, Frank Rey Lucero, 38, was caught with pornographic images on his computer and in possession of pornographic DVDs and magazines, in addition to many sexually explicit photos of minors taken by the offender.⁷ At trial, the defendant confessed to transporting a 16-year-old minor across state lines for sexual intercourse. Lucero entered a plea agreement resulting in a 20-year sentence. Other successfully prosecuted cases involving Internet child pornography were reported to authorities by family members or acquaintances. Some cases were part of a sting operation in which task forces investigated the suspects for several weeks leading to the arrest.

Law enforcement, as well as government leaders in Utah, recognize the threat that traffickers are to the community and are working as a team to tackle the problem. In a 2007 article in the Deseret Morning News, the U.S. Attorney Brett L. Tolman said, "We take threats against children in Utah very seriously and will continue to work with our law enforcement partners around the state to aggressively investigate and prosecute this criminal conduct in federal court."⁸ Law enforcement is stepping up efforts to catch traffickers and legislators are supporting them in their efforts by working on legislation to keep traffickers/pimps imprisoned and ensuring strong punishments for criminals. "We need to go hard after the perpetrator"⁹ said Representative Paul Ray. Additionally, Senate Majority Leader Curtis Bramble, who worked

⁴ "Internet cafe worker is sentenced for child porn." *Deseret Morning News*. June 7, 2007. <http://deseretnews.com/cgi-bin/cqcg_plus/@plus.env?CQ_SESSION_KEY=YRHBBCEPCAN&CQ_CUR_DOCUMENT=1&CQ_TEXT_MAIN=YES>. Accessed on April 17, 2008.

⁵ Pat Reavy. "Man accused of hiring teen prostitutes." *Deseret Morning News*. February 19, 2005.

⁶ "Man found guilty in child-porn case." *Deseret Morning News*. May 6, 2005. <http://deseretnews.com/cgi-bin/cqcg_plus/@plus.env?CQ_SESSION_KEY=YNHBAZVCREWF&CQ_CUR_DOCUMENT=8&CQ_TEXT_MAIN=YES>. Accessed on May 6, 2008.

⁷ "Utah gets 20-year term in interstate sex case." *Deseret Morning News*. January 11, 2007. <http://deseretnews.com/cgi-bin/cqcg_plus/@plus.env?CQ_SESSION_KEY=SLHAAHSFNBAN&CQ_CUR_DOCUMENT=1&CQ_TEXT_MAIN=YES>. Accessed on April 17, 2008.

⁸ "3 men get federal terms on sex charges." *Deseret Morning News*. October 20, 2007 <http://deseretnews.com/cgi-bin/cqcg_plus/@plus.env?CQ_SESSION_KEY=UUOZCHWYQWEN&CQ_CUR_DOCUMENT=1&CQ_TEXT_MAIN=YES>. Accessed on April 21, 2008.

⁹ Deborah Bulkeley. "Legislators target human trafficking." *Deseret Morning News*. September 19, 2006.

towards passing a bill that created state criminal provisions for human trafficking, told Deseret Morning News, “If you are engaged in human trafficking or human smuggling, you are busted...that is basically what the bill does.”¹⁰

Trafficking Victims Protection Act (TVPA)

Defined by the federal Trafficking Victims Protection Act of 2000 (TVPA), “sex trafficking” is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. A “commercial sex act” is any sex act where something of value, financial or in kind, is given to or received by any person. “Severe forms of trafficking in persons” are further defined as:

1. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which a person induced to perform such act has not attained 18 years of age; or
2. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

In accordance with the federal TVPA, domestic minor sex trafficking (DMST) is the recruitment, harboring, transportation, provision, or obtaining of a U.S. citizen(s) or lawful permanent resident(s) under the age of 18 for the purpose of commercial sex, such as prostitution, pornography, or erotic dancing/ stripping. “Payment” for the sex act can be anything of value given to or received by any person (e.g. drugs, food, accommodations, and cash). It is important to note that force, fraud, or coercion is not necessary when the victim is under the age of 18.

Furthermore, the TVPA goes on to establish a framework of rights that a victim of DMST is entitled to, including:

- The right not to be detained in facilities inappropriate to their status as crime victims;
- The right to receive necessary medical care and other assistance;
- The right to be provided protection if a victim’s safety is at risk or if there is a danger of additional harm by recapture of the victim by a trafficker.

For the purposes of this assessment, the definition outlined in the TVPA will be used as the basis for the identification of DMST victims in the United States.

The Mann Act

The White Slave Traffic Act, 18 U.S.C. § 2421–2424, most commonly referred to as the Mann Act for the legislation’s sponsor James Robert Mann, was passed to combat forced prostitution in 1910 by addressing the interstate transportation of women and girls for prostitution, debauchery, and other immoral purposes.¹¹ The Act was amended in 1986, so that only sexual acts that were already prohibited by law (as opposed to anything judicially deemed “immoral”) could be punished under the Act. This took away the judicial freedom to make subjective value judgments concerning private conduct.¹² The Mann Act is used extensively in the United States to prosecute traffickers/pimps that transport minors across state lines for sexual purposes. In fact, the Child Exploitation and Obscenity Section (CEOS) within the U.S. Department of Justice has been tasked with the enforcement of the Act.¹³

¹⁰ “Senate approves felonies for human trafficking and smuggling.” –Deseret Morning News. March 04 2008 <http://deseretnews.com/cgi-bin/cqcg_plus/@plus.env?CQ_SESSION_KEY=UUOZCHWYQWEN&CQ_CUR_DOCUMENT=1&CQ_TEXT_MAIN=YES>. Accessed on April 21, 2008.

¹¹ PBS. “The Mann Act” <<http://www.pbs.org/unforgivableblackness/knockout/mann.html>>. Accessed on July 31, 2008.

¹² The Protection Project 2008 Legal Study for Shared Hope International.

¹³ Department of Justice, U.S. Attorney’s Office. “Criminal Resource Manual: 9-72.100 Mann Act.” <http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/79mcrm.htm>. Accessed on July 31, 2008.

Under the Mann Act, the punishment for transporting a person for “prostitution, debauchery, or any other immoral act” was a fine not to exceed \$5,000 and imprisonment for a maximum of five years, or both.¹⁴ The maximum for both the fine and the term of imprisonment is doubled to \$10,000 and ten years if the victim is under the age of eighteen, and again, the judge has discretion to apply both.¹⁵ This penalty is much lighter than that available under the TVPA, which allows for up to life in prison under certain circumstances.¹⁶ Unfortunately, the Mann Act does not outline any victim’s rights or resources.

Utah Human Trafficking Law

On January 28, 2008, Christopher N. Herrod introduced H.B. 339, Human Trafficking Amendments to the Utah Code.¹⁷ The bill as presented set forth definitions and outlined the crimes of human trafficking and human smuggling. Of note, the early versions of the bill included a defense for the victims against criminal charges directly related to their situation of human trafficking.¹⁸ However, this provision did not survive the final version of the law which is unfortunate given the prevalence of juveniles being charged and held accountable for the crimes being committed against them during their exploitation through sex trafficking. On March 18, 2008, Governor Huntsman signed H.B. 339 into law. With this, human trafficking became a second-degree felony and aggravated human trafficking (defined below) became a first-degree felony.¹⁹ (See Appendix A.) Penalties for a first-degree felony can be between five years in prison up to a life sentence; for a second-degree felony, the penalty can be from one year up to fifteen years. For both felonies, the fine could be up to \$10,000.²⁰

The passage of a state-specific human trafficking law is a positive and necessary step in achieving justice for victims of human trafficking in Utah. However, the recently enacted Utah human trafficking law is not consistent with the definitions outlined in the federal TVPA. The Utah human trafficking law defines human trafficking as “forced labor or forced sexual exploitation if the actor recruits, harbors, transports, or obtains a person through the use of force, fraud or coercion...” Furthermore, the state law outlines several specific instances of “forced commercial sexual exploitation” that qualify as human trafficking, including “forced sexually explicit performance, forced prostitution, forced participation in the production of pornography, forced performance in strip clubs, and forced exotic dancing or display.”²¹ The above offenses are second-degree felonies.

According to the Utah human trafficking law, an actor commits “aggravated human trafficking for forced labor or forced sexual exploitation” when one or more of the following situations occur during the course of the exploitation:

- (1)(a) results in the death of the trafficked or smuggled person;
- (b) results in serious bodily injury of the trafficked or smuggled person;
- (c) involves:
 - (i) rape under Section 76-5-402;
 - (ii) rape of a child under Section 76-5-402.1;
 - (iii) object rape under Section 76-5-402.2;
 - (iv) object rape of a child under Section 76-5-402.3;
 - (v) forcible sodomy under Section 76-5-403;

¹⁴ The Mann Act, 18 USC §§ 2421-2424.

¹⁵ The Mann Act, 18 USC §§ 2421-2424.

¹⁶ §1591 (b)(2).

¹⁷ 2008 Utah H.B. 339, Human Trafficking Amendments, amending Utah Code Annotated 1953, enacting §§76-5-307 – 76-5-310. <<http://le.utah.gov/~2008/bills/hbillenr/hb0339.pdf>>. Accessed on August 11, 2008.

¹⁸ Deborah Bulkeley. “Trafficking targeted.” *Deseret Morning News*. January 29, 2008.

¹⁹ <<http://le.utah.gov/~2008/bills/hbillenr/hb0339.pdf>>. Accessed on May 5, 2008.

²⁰ <<http://www.utcourts.gov/howto/criminallaw/penalties.asp>>. Accessed on May 5, 2008.

²¹ <<http://le.utah.gov/~2008/bills/hbillenr/hb0339.pdf>>. Accessed on May 5, 2008.

- (vi) sodomy on a child under Section 76-5-403.1;
 - (vii) aggravated sexual abuse of a child under Section 76-5-404.1; or
 - (viii) aggravated sexual assault under 76-5-405;
 - (d) involves more than ten victims in a single episode of human trafficking or human smuggling; or (e) involves a victim who is held against the victim’s will for longer than 180 consecutive days.
- (2) An actor commits aggravated human trafficking for forced labor or forced sexual exploitation if the offense involves a victim who is younger than 18 years of age at the time of the commission of the offense of trafficking.²²

Aggravated human trafficking for forced labor or forced sexual exploitation for profit or commercial purposes are both first-degree felonies.

The inclusion of “force” in the basic definition of human trafficking places the Utah human trafficking law in conflict with the federal TVPA, which eliminates the requirement of proving force, fraud, or coercion if the victim is a minor, defined as under the age of 18. The Utah human trafficking law’s high evidentiary burden of proving “force” can make prosecution difficult. The law also stops short of outlining any rights of the victims or funding allocations for services.

Utah Adult Sentencing Guidelines:²³

| Felony | Prison | Fine |
|------------------------|----------------------|----------------|
| 1 st Degree | up to 5 years – life | up to \$10,000 |
| 2 nd Degree | up to 1-15 years | up to \$10,000 |
| 3 rd Degree | up to 0-5 years | up to \$5,000 |

| Misdemeanor | Jail | Fine |
|-------------|----------------|---------------|
| Class A | up to 1 year | up to \$2,500 |
| Class B | up to 6 months | up to \$1,000 |
| Class C | up to 90 days | up to \$750 |

Utah Laws Criminalizing Conduct Related to Human Trafficking

In addition to the recent passage of the Utah human trafficking law, there are several applicable state criminal laws that can be used to prosecute crimes related to DMST on a local level: Utah Code Ann. §76-5-301.1 Kidnapping of a Child; §76-5-401 Unlawful Sexual Activity with a Minor; §76-5-401.1 Sexual Abuse of a Minor; §76-5-401.2 Unlawful Sexual Conduct with a 16 or 17 year old; §76-5-402 Rape; §76-5-402.1 Rape of a Child (a minor under the age of fourteen); §76-5-402.2 Object Rape; §76-5-402.3 Object Rape of a Child; §76-5-403 Forcible Sodomy; §76-5-403.1 Sodomy on a Child (under 14); §76-5-404 Forcible Sexual Abuse; §76-5-404.1 Sexual Abuse of a Child or Aggravated Sexual Abuse of a Child; §76-5-405 Aggravated Sexual Assault; §76-5a-3, Sexual Exploitation of a Minor; §76-7-102 Incest; §76-9-702.5 Lewdness involving a Child; and §76-10-1227 Indecent Public Displays. Utah criminalizes enticing a minor over the Internet under §76-4-401, with varying degrees of severity, ranging from a class A misdemeanor to a second-degree felony depending on the age of the victim and the circumstances surrounding the offense.

²² Utah Code Ann. 1953, § 76-5-310. <<http://code-co.com/cgi-bin/intshow?callhtm=/utah/leg/journal/hjour08.htm&prtstr=&datapath=/home/codeco/httpd/htdocs/utah/leg/bills/&billcode=hb0339e>>. Accessed on August 11, 2008.

²³ <www.sentencing.utah.gov/FAQ.html>. Accessed on July 15, 2008.

Utah Criminal Law §76-5-406 enumerates Sexual Offenses Against the Victim Without the Consent of the Victim. Among the offenses is sexual activity where the “actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceived at the time the actor had the ability to execute the threat.”²⁴ Any perceived “consent” is voided if there is a perceived threat of retaliation.²⁵ Therefore, when a trafficker threatens harm to a victim under these circumstances, sex is non-consensual.

Utah Prostitution Laws (applicable to situations of prostituted children)

Under the Utah Criminal Code it is illegal to operate a house of prostitution. The following definitions apply under this Code section: (1) “House of prostitution” is defined as a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another. (2) “Inmate” means a person who engages in prostitution in or through the agency of a house of prostitution. (3) “Public place” means any place to which the public or any substantial group of the public has access. (4) “Sexual activity” means acts of masturbation, sexual intercourse, or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.²⁶

Under Utah’s criminal law, a person is guilty of the crime of aggravated exploitation if: (a) in committing an act of exploiting prostitution, he uses any force, threat, or fear against any person; or (b) the person procured, transported, or persuaded, or with whom he shares the proceeds of prostitution is under eighteen years of age or is the wife of the actor. Aggravated exploitation of prostitution is a felony of the second degree.²⁷

Utah Statutory Rape Law

A person is deemed unable to consent if he or she is under the age of 14 (under any circumstances).²⁸ The consent of a minor under the age of 18 is not accepted or considered where sexual activity occurs between the minor and the minor’s “parent, step-parent, adoptive parent, legal guardian,” or a person who “occupied a position of special trust in relation to” the minor.²⁹ A minor who is 14, 15, 16, or 17 is deemed incapable of consent where the sex involves an actor who is more than three years older than the minor and the actor “entices or coerces the victim to submit or participate” under circumstances that do not amount to force or threat (which are otherwise required in the prosecution of rape).³⁰ It is unlawful for an actor, being ten or more years older than a minor (a person under 18), to have sexual intercourse or engage in oral sex with the minor.³¹ If the minor is 16 or 17 years old, the offense is classified as a third-degree felony.³² Sentencing guidelines for a third degree felony include zero to five years in jail and a fine of up to \$5,000.³³

²⁴ Utah Criminal Law 76-5-406 (4)(a)(i)-(ii).

²⁵ Ibid.

²⁶ Utah Code Ann. §76-10-1301. <<http://www.livepublish.le.state.ut.us/lpBin22/lpext.dll?f=templates&fn=main-j.htm&2.0>>. Accessed on July 15, 2008.

²⁷ Utah Criminal Code 76-10-1306. <http://www.le.state.ut.us/Documents/code_const.htm> Accessed on July 15, 2008

²⁸ Utah Code Ann. 76-5-406 (9). <<http://www.livepublish.le.state.ut.us/lpBin22/lpext.dll?f=templates&fn=main-j.htm&2.0>>. Accessed on July 15, 2008.

²⁹ Utah Code Ann. 76-5-406 (10). Ibid.

³⁰ Utah Code Ann. 76-5-406 (11). Ibid.

³¹ Utah Code Ann. 76-5-401.2 (1)-(2)(a)-(b). <<http://www.livepublish.le.state.ut.us/lpBin22/lpext.dll?f=templates&fn=main-j.htm&2.0>>. Accessed on July 15, 2008.

³² Utah Code Ann. 76-5-401.2 (3). Ibid.

³³ <www.sentencing.utah.gov/FAQ.html>. Accessed on July 15, 2008.

Salt Lake City Local Ordinances

Pimping

Under Salt Lake City local ordinances, it is unlawful to engage in “sexual acts for hire.”³⁴ Pimping, inducing, procuring, enticing, transporting, hiring, or offering to hire another for a sexual act is also proscribed.³⁵

Houses of Prostitution

Keeping, maintaining, or owning a house of prostitution is illegal under the local code.³⁶ It is also a violation of the code to place a person in a house of prostitution.³⁷ The same provision specifically prohibits any person “being married to any person, or being the parent or other legal person having charge of a person under the age of eighteen,” from encouraging, allowing or failing to prevent such person from “being or remaining in a house of prostitution.”³⁸

It is also prohibited for a person to “live with or accept earnings from a prostitute, or to entice or solicit any person to go into a house of prostitution” for a commercial sex act.³⁹ It is also significant that the local statute prohibits a person from “in any manner or way seduc[ing] any person under the age of 21 years old to go in or visit, upon any pretext or purpose whatever, any house of ill fame or prostitution, or any room or place used for prostitution.”⁴⁰ If any of these crimes are committed with force, they are designated a Class B misdemeanor, otherwise they constitute a Class C misdemeanor. Interestingly, there is no enhanced penalty if the child involved is particularly young.⁴¹

Aiding Prostitution

Aiding prostitution includes soliciting, procuring, attempting to procure, leasing, or permitting a place for prostitution, receiving or agreeing to receive a benefit for an act of prostitution and is punishable as a Class B misdemeanor.⁴² Soliciting another for “immoral purposes” is also a Class B misdemeanor.⁴³

Obscene or Lewd Acts

The Salt Lake City Code, Section 11.16.090 governs obscene or lewd acts and acts involving hard-core pornography. Under this section, it is unlawful for “any person to associate in a lewd, lascivious, or obscene manner with any person...to make any open, public, indecent, or obscene exposure of his or her private parts...”⁴⁴ to “procure, counsel, or assist any person to act in a lewd manner, to engage in obscene sexual conduct, an obscene sexual performance, or obscene sadomasochist abuse.”⁴⁵ This section also prohibits the following: “To import, write, compose, stereotype, print, copy, design, paint, or otherwise prepare, publish, or sell...any [material] which depicts, represents, or describes [obscenity].”⁴⁶

³⁴ Salt Lake City Code 11.16.020. <<http://slcilp.ci.sl.ut.us/CityCode/lpext.dll/Code%20of%20Salt%20Lake%20City/1/204c/2112/212a?fn=document-frame.htm&f=templates&2.0>>. Accessed on July 15, 2008.

³⁵ Salt Lake City Code 11.16.020 (1)-(4). Ibid.

³⁶ Salt Lake City Code 11.16.030 (a). <<http://slcilp.ci.sl.ut.us/CityCode/lpext.dll/Code%20of%20Salt%20Lake%20City/1/204c/2112/2138?fn=document-frame.htm&f=templates&2.0>>. Accessed on July 15, 2008.

³⁷ Salt Lake City Code 11.16.040. <<http://slcilp.ci.sl.ut.us/CityCode/lpext.dll/Code%20of%20Salt%20Lake%20City/1/204c/2112/2140?fn=document-frame.htm&f=templates&2.0>>. Accessed on July 15, 2008.

³⁸ Salt Lake City Code 11.16.040 (4). Ibid.

³⁹ Salt Lake City Code 11.16.040 (5). Ibid.

⁴⁰ Salt Lake City Code 11.16.040 (7).

⁴¹ Salt Lake City Code 11.16.040 (b) (1)(2).

⁴² Salt Lake City Code 11.16.060 (1)-(5). <<http://slcilp.ci.sl.ut.us/CityCode/lpext.dll/Code%20of%20Salt%20Lake%20City/1/204c/2112/2153?fn=document-frame.htm&f=templates&2.0>>. Accessed on July 15, 2008.

⁴³ Salt Lake City Code 11.16.060 (a)-(b).

⁴⁴ Salt Lake City Code 11.16.090 (a)(1). <<http://slcilp.ci.sl.ut.us/CityCode/lpext.dll/Code%20of%20Salt%20Lake%20City/1/204c/2112/215c?fn=document-frame.htm&f=templates&2.0>>. Accessed on July 15, 2008.

⁴⁵ Salt Lake City Code 11.16.090 (2) (a)(b).

⁴⁶ Salt Lake City Code 11.16.090 (3).

The Salt Lake City Code, section 11.44.030 prohibits procuring illicit materials for minors and section 11.44.060 prohibits exposing minors to harmful materials. “Minor,” for purposes of the obscenity sections of the Code, is defined as anyone under the age of 18.⁴⁷

Utah Laws Related to Child Pornography

Utah Code Ann. § 76-10-1231 governs “Data service providers—Internet content harmful to minors.” It mandates that “upon request by a consumer, a service provider shall filter content to prevent the transmission of material harmful to minors to the consumer.”⁴⁸ Such providers must use a generally accepted and commercially reasonable method of filtering. The Attorney General is responsible for notifying a service provider that s/he is in violation of this statute and must allow the service provider 30 days to comply with the provision being violated. If the service provider remains in violation, it will be subject to a “civil fine of \$2,500 for each separate violation of Subsection (1) or (2), up to \$10,000 per day; and (b) guilty of a class A misdemeanor if: (i) the service provider knowingly or intentionally fails to comply with Subsection (1); or (ii) the service provider fails to provide the notice required by Subsection (2).”⁴⁹

Section 76-10-1233 governs “Content providers and material harmful to minors.” A content provider that is domiciled in Utah, or generates or hosts content in Utah, must restrict access to material harmful to minors. If the attorney general determines that a content provider does not do so, the Attorney General must first notify the content provider that it is in violation of the statute and then notify the content provider that it has 30 days to comply or be subject to prosecution for a third-degree felony.

Utah Governor Huntsman signed House Bill 107 on March 19, 2007. This “appropriates certain ongoing General Fund monies to the Office of the Attorney General to fund certain programs related to fighting child pornography crimes including the ICAC task force.”⁵⁰ Additionally, a portion of the monies will be used for funding the prevention of Internet child sexual exploitation through education programs.⁵¹

Interestingly, H.B. 327, which passed in the 2008 session, modifies the Criminal Code regarding the offense of enticing a minor for the purpose of luring the minor – child under 18 - to commit a sexual offense. Under this law, it is illegal to utilize “electronic or written means [to] solicit, seduce, lure, or entice, or attempts to solicit, seduce, lure, or entice the minor or a person the actor believes to be the minor to engage in any sexual activity.” Additionally, the online enticement law provides an entire section on the “enticer” and the obligation of the enticer to be placed on the sex offender registry. However, the recently enacted state Human Trafficking law makes no mention of the buyer’s need to be outlined as a child rapist necessary for placement on the sex offender registry.

Adam Walsh Act

In 2006, U.S. Congress passed the Adam Walsh Child Protection and Safety Act, which has four imperative goals according to President Bush:

1. To greatly expand the National Sex Offender Registry by integrating the information in state sex offender registry systems and ensuring that law enforcement has access to the same information across the United States;
2. To increase federal penalties for crimes against children;
3. To make it harder for sex predators to reach our children on the Internet;

⁴⁷ Salt Lake City Code 11.44.030 (4). <<http://slcilp.ci.sl.c.ut.us/CityCode/lpext.dll/Code%20of%20Salt%20Lake%20City/1/204c/225f/2264?fn=document-frame.htm&f=templates&2.0>>. Accessed on July 15, 2008.

⁴⁸ Utah Code Ann. § 76-10-1231.

⁴⁹ Ibid.

⁵⁰ HB 107, “Funding for Prosecution and Prevention of Child Pornography,” General Description.

⁵¹ HB 107, “Funding for Prosecution and Prevention of Child Pornography,” Highlighted Provisions.

4. To help prevent child abuse by creating a National Child Abuse Registry and requiring investigators to do background checks on adoptive and foster parents before they approve them to take custody of a child.⁵²

The Utah legislature responded to the Adam Walsh Act requirements by enacting law prohibiting a child from being “placed or kept in a shelter facility pending court proceedings unless it is unsafe to leave the child with the child’s parents, guardian, or custodian.”⁵³ Accordingly, temporary legal custody is given to the Juvenile Justice Services (JJS) in necessary circumstances, although the parents remain the guardian to the child. Legal custody is defined as “the right to physical custody; the right and duty to protect, train, and discipline; the duty to provide food, clothing, shelter, education, and ordinary medical care; the right to determine where and with whom the minor shall live; the right, in an emergency, to authorize surgery or other extraordinary care.”⁵⁴ The positive intention of this law has been overshadowed by the highly criticized interpretation of the Adam Walsh Act as requiring background checks to be done on everyone, including family members, before the child can be placed in a home. Background checks can take weeks to process, and children who are removed from their homes by the Utah Division of Children and Family Services (DCFS) are being placed in temporary shelters—sometimes for six weeks, or longer—when they could be staying with a family member, such as a grandparent, or a friend of the family.⁵⁵ While placement of a child in a family residence should not occur without proper investigation, the system is currently overburdened by this additional step. As a result, children with local family placement opportunities are restricted to shelters until more personnel and resources can be provided to expedite the process. It is expected that the interpretation of the law will be corrected in the legislative session in January 2009.

Salt Lake City Curfew Laws

The Salt Lake City has mandated curfew for minors. Violation of curfew can be a way to identify commercially sexually exploited children as such activities typically occur during the late evening hours. The local law makes it “unlawful for any minor under the age of 16 to remain or loiter on any sidewalks, street, alley, or public place in the city between 11 p.m. and 5 a.m.”⁵⁶ Any minor under the age of 18 (but who is 16 or 17) may not “loiter on any sidewalks, street, alley, or public place in the city between 11 a.m. and 5 a.m.”⁵⁷ The ordinance also punishes parents for allowing such activity.⁵⁸

Legal Mandate for Reporting and Response to Child Abuse and Neglect

The state of Utah has made it mandatory to report suspected situations of child abuse. Utah Code Ann. §62A-4a-402 states, “A report is required when a child’s health or welfare is harmed or threatened with harm.”⁵⁹

⁵² United States. The White House. President George W. Bush. President Signs H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006. <<http://www.whitehouse.gov/news/releases/2006/07/20060727-7.html>>. Accessed on July 1, 2008.

⁵³ Utah Code Ann. §78A-6-113(c). Last revised on May 1, 2008. <http://le.utah.gov/~code/TITLE78A/htm/78A06_011300.htm>. Accessed on July 2, 2008.

⁵⁴ Utah. Department of Human Services. Frequently Asked Questions About Juvenile Justice. 2004. <<http://www.jjs.utah.gov/faq.htm>>. Accessed on July 2, 2008.

⁵⁵ Kristen Stewart. “Law puts abused kids with strangers, not kin.” The Salt Lake City Tribune. September 5, 2007. <<http://www.utahfostercare.org/News%20stories/2007/Shelters%209.05.07.pdf>>. Accessed on July 3, 2008.

⁵⁶ Salt Lake City Code 11.44.070 (a).

⁵⁷ Salt Lake City Code 11.44.070 (b).

⁵⁸ Salt Lake City Code 11.44.070 (c).

⁵⁹ Utah Code Ann. §62A-4a-402.

CPS mandate covers any abuse of a child by a person responsible for care. The law outlines: “A person responsible for a child’s care means the child’s parent, guardian, or other person responsible for the child’s care, whether in the same home as the child; a relative’s home; a group, family, or center daycare facility; a foster care home; or a residential institution.”⁶⁰ This broad definition of “persons responsible for a child’s care” allows CPS to receive and respond to reported allegations of abuse both inside and outside of the family/caretaker structure.

CPS—Family Centered Mission

Under the Utah Child Protection Services state law, the primary goal of the Department of Child and Family Service’s (DCFS) is to ensure the safety and well-being of the state’s children/youth. Their mission is to “protect children at risk of abuse, neglect, or dependency,”⁶¹ ensuring that Utah youth have found a safe residence. DCFS believes that the family is a key element to developing mature, healthy, and mentally stable children and that family separation causes trauma to children/youth, therefore DCFS is careful to properly assess the existing family structure to be certain that families are staying intact when appropriate and best.

DCFS is the lead agency responsible for serving minors and ensuring the welfare of the child. It is required that all victims of domestic violence situations, cases of abuse and neglect, runaways, and status offenders are protected by state and federal laws. Those minors who are unable to remain with their families are placed in a replacement home assigned and approved by the state. This home may be an appropriate shelters, group or foster homes. Once minors are placed in such care facilities, the locations must be evaluated on a regular basis.

In the case of an identified DTM, it is imperative that the child not return to their abusive home environment prior to proper counseling and justice on behalf of the child. Child Protection Services (CPS) is legally obligated to provide a safe house or shelter to victims of sexual and physical abuse.

CPS—Categories of Abuse

During intake, a CPS worker will assess the severity of the complaint and determine the priority response number of the case. In order for proper identification to occur, it is important for a CPS worker to be aware of indicators of DMST while they are conducting their intake. The Child and Family Services have outlined categories of abuse to identify victims of abuse and create protocols for proper response levels and access to services.

Utah state law defines abuse as “actual or threatened non-accidental physical or mental harm, negligent treatment, sexual exploitation, or sexual abuse.”⁶² Child and Family Service workers must categorize the abuse under one of the following categories: (1) child endangerment, (2) domestic violence related to child abuse, (3) emotional maltreatment, (4) material harmful to a child/youth, (5) physical abuse, (6) fetal exposure to alcohol or other substances, (7) fetal addiction to alcohol or other substances, (8) ritual abuse, (9) sexual abuse, (10) lewdness, (11) sexual exploitation of a child or youth including (but not limited to) prostitution or pornography.⁶³

⁶⁰ Ibid.

⁶¹ Utah Division of Child and Family Services Child Protective Services Practice Guidelines. Utah: GPO, 2007. <<http://www.hspolicy.utah.gov/dcfs/>>. Accessed August 1, 2008.

⁶² Utah Code Ann. §62A-4a-101(1),(2); see also Utah Code Ann. §78-3a- 103(1)(a); §76-5-109 (the crime of child abuse); and §76-5-109.1(domestic violence related child abuse).

⁶³ Utah Division of Child and Family Services Child Protective Services Practice Guidelines. Utah: GPO, 2007. <<http://www.hspolicy.utah.gov/dcfs/>>. Accessed August 1, 2008.

Many of the categories of abuse outlined in the Utah law have appeared in previous DMST cases and some situations, if not investigated properly, can mask an underlying situation of domestic minor sex trafficking. However, it is noteworthy that a specific category has been created for the identification of commercial sexual exploitation of a child through prostitution and/or pornography.

Utah Juvenile Justice Services

From 2001–2006 the number of youth arrested for prostitution charges in the state of Utah were reported as follows: 0 (2000), 3 (2001), 0 (2002), 2 (2003), 7 (2004), 5 (2005), 3 (2006). From January to June 2007, five juveniles were arrested for prostitution activities.⁶⁴ In the first six months of 2007 there was a 4.59% increase for all types of delinquency of juvenile arrests from the same time in 2006.⁶⁵

As reported in the Juvenile Justice Services (JJS) 2005 Annual Report, 39% of Utah's minors will come into contact with the juvenile justice system. It is also estimated that one in eleven youths will spend time in locked detention providing short-term control of youths who pose an immediate danger to themselves or others.⁶⁶ The same report shows that females comprised 30% of juveniles admitted into a locked detention program during 2005. The average admission age into Utah's locked detention programs is 16 years old; 88% of the population was between 14 and 17 years old in 2005. Salt Lake City County admitted the most minors in the state during 2005, accounting for 37.9% of all admissions, with a rate of 4.4 per 100 youths at risk.⁶⁷ The Utah Board of Juvenile Justice funded over \$790,000 for delinquency prevention programs during the year 2005–2006.⁶⁸ These grants were funded through the Title II Formula Grant from the Office Juvenile Justice and Delinquency Prevention. The programs fund at-risk youth and try to prevent future crime, while other programs help improve familial relationships, improve academic performance, aid with acculturation, and help with rehabilitation.

⁶⁴ "End of Year Crime in Utah" report, Bureau of Criminal Identification. 2007 <<http://bci.utah.gov/Stats/StatsHome.html> > Accessed on April 24, 2008.

⁶⁵ < <http://bci.utah.gov/Stats/200701.pdf> > Accessed on April 24, 2008.

⁶⁶ < http://www.hsdyc.utah.gov/pdf/fy2005_annual_report.pdf > Accessed on May 1, 2008.

⁶⁷ < http://www.hsdyc.utah.gov/pdf/fy2005_annual_report.pdf > Accessed on May 1, 2008.

⁶⁸ <http://www.juvenile.utah.gov/TitleII/05-06_JJGrantsFunded.pdf> Accessed on May 6, 2008.

I. PREVENTION

1.1 LAW ENFORCEMENT

1.1.1 Salt Lake City Police Department

The Salt Lake City Police Department (SLCPD) Detective's Division is the lead law enforcement agency of the Utah Human Trafficking Task Force (UHTTF). The Lieutenant of the Detective's Division has reached out to several other units and victim advocates in the Department of Public Safety to assist with potential cases and training on human trafficking. For the purpose of this assessment, four units/programs of the Salt Lake City Police Department were targeted for interview due to their potential to come into contact with victims of DMST: Detective's Division, Sex Crimes Unit/Crimes Against Children, Vice Unit, and the Victim Advocate Program.

Of the four units and programs interviewed, only the Vice unit was aware of the frequency of juveniles being prostituted on the Internet and streets of Salt Lake City. At the time of the assessment, the SLCPD Vice Unit had closed a case of DMST that had been successfully investigated, the victim rescued, and the trafficker/pimp prosecuted.

The SLCPD Vice Unit investigates both adult and juvenile prostitution, including street/escort and Internet exploitation. Previously, SLCPD had a Youth Division that focused on youth offenses. Both the SLCPD Vice Unit and the Sex Crimes/CAC unit thought that the Youth Division would have previously seen cases involving children exploited through prostitution too. The remaining three SLCPD units/programs (Detective's Division, Sex Crimes Unit/Crimes Against Children, and the Victim Advocate Program) interviewed were not aware of a single case of DMST.

1.1.2 Identification

In 1996, the Vice Unit of the SLCPD noticed an increase of younger looking girls working the "State Street Track," an area notorious for prostitution activity. According to the SLCPD Vice Unit, Salt Lake City had been added as a stop on the "western prostitution circuit" and traffickers/pimps were moving and selling the girls in over ten targeted locations. The western circuit includes: Seattle, WA; Portland, OR; San Francisco, CA; Hawaii; Los Angeles, CA; San Diego, CA; Phoenix, AZ; Denver, CO; Salt Lake City, UT; Vancouver, Canada.

When the SLCPD Vice Unit or a patrol officer came into contact with the prostituted girls, they all said that they were 18 years old and some had government issued identification indicating that they were 18 years old. Therefore, law enforcement would arrest and charge them as adults for the crime of prostitution. However, the SLCPD Vice Unit at that time knew something was not right; the girls just looked too young to be 18.

In the late 1990s, the SLCPD Vice Sergeant had a chance encounter with a juvenile victim of prostitution that would change the way SLCPD Vice Unit addressed prostitution in Salt Lake City. The mother of a 14-year-old girl who had been exploited by a pimp in prostitution reached out to the Vice Sergeant and asked if he would come and talk with her daughter because she had information to share. The 14-year-old spent the next several hours revealing the hidden and dark "game" of pimp recruitment, control, and the levels of violence and exploitation that the children experience at the hands of their pimp. She revealed that most of the girls on the streets of Salt Lake City were minors and that they were all under the control of pimps. The pimps were able to obtain legitimate government issued IDs with their picture; when the girls were arrested as adults, the pimps were able to provide bail. She explained that none of the girls kept any of the money made through

"I learned more in four hours with that 14-year-old about the realities of juvenile prostitution than I could have working ten years in Vice."

prostitution; it was all given to the trafficker/pimp. While most of the girls wanted to escape prostitution, they were too frightened to run away or ask for assistance.

According to the SLCPD Vice Unit, 80% of the prostituted juveniles are identified through street arrests and undercover operations. The remaining 20% are through citizen complaints. The youngest victim identified by Vice was 15 years old; the average age is 16. After learning from the former child victim about the realities of prostitution, all of the officers in the Vice Unit have been trained to view the children as victims and pursue the identification of a trafficker/pimp.

1.1.3 SLCPD Interagency Information Sharing

The SLCPD Sex Crimes/Crimes Against Children (CAC) had never been involved or been provided with a case file identifying a child in prostitution. Also, the CAC Unit reported never seeing a case involving a family member who has prostituted or traded their child for money, food, or drugs. Similarly, the SLCPD Victim Advocate Program has not been provided with a victim case file for services that they believed qualify as a domestically trafficked minor. Since the SLCPD Vice Unit reported seeing numerous DMST cases, it is concerning that other departments and units tasked with crimes against children and victims services were not made aware of such cases.

1.1.4 Training—Juvenile Prostitution as Victims

Prior to gaining an understanding of psychological and physical bondage and the relationship between the pimp and juvenile through the revelations by the child victim in the late 1990's, SLCPD Vice Unit treated all "prostitutes" the same. After learning more, the SLCPD Vice Unit aggressively trained and sensitized their officers to the plight of prostituted youth who are prevalent on their streets. It was reported that, in order to be effective, it was imperative that the vice officers truly see the prostituted youth as victims. Their training consists of a core principle to view the youth as someone's "daughter, sister, and granddaughter," rather than the hardened young women they had become. The protocol of the SLCPD Vice Unit is to feed the youth and be respectful during interviewing; in order to do this, the

"They are being exploited. I don't care whether you talk to them about movies your concern must be sincere. The girls are smart and the moment they think you are bullshitting them whether it is communicated through your words or body language you will lose their trust. You have to recognize that they are really victims."

officers must recognize and believe that these children are being exploited.

1.1.5 Training—Human Trafficking

One SLCPD interviewee was aware of the previous human trafficking trainings led by the U.S. Attorney's Office of Utah; however, the interviewee held a different position at that time and, as a result, did not attend. Since the reassignment to the UHTTF, the participant has attended trainings on human trafficking in Clearwater hosted by the Clearwater Area Human Trafficking Task Force. This training was stated to be extremely informative—particularly the details of successful human

trafficking investigation and victim rescue. None of the other law enforcement units or programs interviewed had attended training on human trafficking.

It is the intention of the SLCPD Lieutenant in charge of the UHTTF to train all officers at the Department of Public Safety on human trafficking by September 2008.

1.1.6 Internet Identification

The Erotic Review, U.S. Sex Guides, and Craigslist are websites that are monitored by the SLCPD Vice Unit on a regular basis to identify situations of prostitution. Particular interest is paid to the pictures of girls that look recent and that look young. This is a proactive approach that attempts to target victim

identification while the prostituted youth are in Salt Lake City. Prior to 2000, the prostitution activity was much more prevalent on the street. However, due to aggressive action taken by SLCPD Vice Unit against the traffickers/pimps, much of that activity has moved online, making it even more difficult to identify and interact with potential DMST victims. When the prostituted youth were more active on the street, the vice officers were able to monitor the activity of the girls. For instance, the officers used surveillance to watch the girls to better understand who was working with whom, for which pimp, and who was new to the area or to prostitution. The Internet has streamlined the advertisement of prostitution and created a barrier for law enforcement to monitor the interactions between victim, trafficker/pimp, and buyer.

The SLCPD Vice Unit estimates that one out of 100 ads on Craigslist involve a juvenile. With an average of 46 prostitution-latent ads posted daily (estimate taken in May 2008) in the “Women for Men Erotic Section” on Craigslist’s Salt Lake City webpage, it is clear that this section is being used as a vehicle for the promotion of prostitution where some victims may be DTMs.

1.1.7 Training—Utah Attorney General’s Office Internet Crimes Against Children (ICAC) Task Force

Funded through OJJDP and the state of Utah, the Attorney General’s office leads the Utah ICAC Task Force. This Task Force has been lauded as one of the five busiest task forces in the nation and has received numerous awards commending their proactive and aggressive efforts.⁶⁹

Currently, all ICAC officers are required to go through a one-week training offered by the Utah Children’s Justice Center (CJC). The mission statement of the CJC is: “To provide a comfortable, neutral, child-friendly atmosphere for children to receive coordinated services during the child abuse investigative process.”⁷⁰ Additionally, they provide trainings for law enforcement and assist in the coordination of child abuse investigations to reduce secondary trauma. This training, though not specific to DMST, focuses on numerous aspects of child-centered interviewing techniques and dealing with child sexual abuse victims. In addition, according to one interviewee, in 2002 or 2003, an ICAC task force training in New Orleans included one breakout session where information about human trafficking was provided.

1.1.8 ICAC DMST Identification

Many of the potential DMST cases are identified by the Utah ICAC Task Force through online solicitations identified as “travelers.” “Traveler” cases usually involve an adult older man who targets younger children online, developing a relationship and trust with the youth. The adult uses pornography in communications with the child as part of the grooming process, desensitizing them to the actual sexual activity they hope to have in the future. The end goal is to convince the youth to agree to a live meeting at which the child will be recruited into sexual activities. The Utah ICAC Task Force handles an estimated 60–65 “traveler” cases each year and approximately 8–10 of those cases include language in the online chat where money, drugs, or gifts are promised for sexual activity with the child. These perpetrators almost always target teens from broken homes.

The Utah ICAC Task Force interviewee stated that, in situations of adult men utilizing online enticement for younger boys, the adult is almost always bartering some type of trade. As high as 50% of the time, there is language in the chat promising or offering payment or gifts as a part of the online solicitation.

⁶⁹ Maria Titze and Angie Welling. “Utah’s Dirty Little Secret.” <<http://www.deseretnews.com/dn/view/0,1249,270017460,00.html>>. Accessed on August 1, 2008.

⁷⁰ <<http://attorneygeneral.utah.gov/97.html>>. Accessed on July 15, 2008.

All images of exploited children are sent to the National Center for Missing and Exploited Children and entered into a national database for victim identification and tracking.

1.1.9 Trend Change

The SLCPD Vice Unit and the Utah ICAC Task Force cited the Internet as a primary vehicle to advertise and recruit children. Through the Internet, predators are able to invade a child's home, accessing them to develop a relationship with them. Though not often viewed this way, participant's state that the computer/Internet is operating as the trafficker/pimp. Social networking sites and chat rooms, unless monitored and patrolled, can create a forum for the purchase or enticement of a child. For example, law enforcement interviewed for this assessment identified MySpace as an online location where local Salt Lake City juveniles are being targeted and recruited by predators. The predators build relationships with the youth and then schedule a "date" or an in-person meeting. The youth meet up with their "online friend" with the expectation that they are meeting someone their age for ice cream or coffee only to be abducted and raped by much older men. One interviewee stated that those who operate websites that enable or encourage the exploitation of children by turning a blind eye to the issue of child predators need to be held accountable for the facilitation of sexual exploitation if not trafficking.

1.1.10 Public Private Partnerships that Enable Perpetrator Identification

One success of the Utah ICAC Task Force has been to gain the cooperation of numerous credit card companies to assist in the identification of individuals who purchase access to child pornography websites. In 2005, Utah entered into a pilot program with MasterCard and Visa to use web crawlers to identify purchases linking back to known child pornography websites. This information is reported back to the ICAC Task Force for investigation.

1.1.11 Training—Federal Bureau of Investigation

Interviewees included two Special Agents in units that have a high potential for coming into contact with DMST victims, although neither unit focuses specifically on cases of human trafficking. One of the agents has been to training at the National Crimes Against Children Conference, which linked child pornography with the prostitution of children during one session.

1.2 PROSECUTORS

1.2.1 Training—U.S. Attorney’s Office of Utah (USAO)

When the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) and Office for Victims of Crime (OVC) issued grants to the SLCPD and Utah Health and Human Rights Project (UHHRP) to establish the Utah Human Trafficking Task Force (UHTTF), the USAO took a prominent role in leadership and support of the UHTTF. Viewing training as a first priority, the USAO hosted a training seminar on human trafficking.

The Victim Witness coordinator with the USAO of Utah attended this training on human trafficking victim identification and reported that training included American citizens as potential victims of domestic human trafficking. Also, in April 2008 the Victim Witness Coordinator participated in a training workshop with representatives from the UHHRP at the statewide victims of crime conference. It was indicated by several interviewees that the NGO, task-force-lead UHHRP has taken a more active role in training since the first training hosted by the USAO.

1.2.2 Victim Identification

The USAO has verbally indicated their commitment to prioritize human trafficking while working to rescue the victims and bring their perpetrators to justice. Though several cases involving DMST victims have been prosecuted by the USAO, the Mann Act was charged rather than the TVPA; this may be due to greater familiarity with the Mann Act, as well as a substantial number of precedent cases.

1.2.3 DMST Case Example

One pending case involves a 17-year-old U.S. citizen who was originally brought in by law enforcement as a part of a prostitution ring. The minor was recruited from a dysfunctional family environment by an older trafficker/pimp who presented himself as a “boyfriend.” The minor was identified in prostitution with two other females who were both adults, although there was some indication that they were minors when recruited. The minor was not arrested, but the two older “prostitutes” were. The pimp has not been arrested because his location remains unknown.

Even if the juvenile is arrested by law enforcement, she is considered a victim by the USAO during the investigative stage. The victim did not need shelter or basic needs because a family member could be identified. Psychological and mental health services were offered. Unfortunately, she did not accept services and they are not mandatory. She did not appear to be a flight risk so she was placed with a relative in Salt Lake City. The trafficker/pimp is still at large and there is concern for possible retaliation against the victim for cooperating with law enforcement. The USAO is accustomed to viewing the juvenile from a victim standpoint, and according to one interviewee, they are very sensitive to not label the child as a “prostitute.”

1.2.4 Law Enforcement Identification

One USAO interviewee expressed concern that patrol officers and other law enforcement may not be receiving the necessary training to enable them to properly identify child victims of prostitution. When misidentification occurs on the law enforcement level, prosecutors do not have a chance to see or review these cases to determine if they would qualify as DMST. An interviewee expressed that everyone is on a steep learning curve with the issue of human trafficking and that there have been several instances where, looking back on a case, prosecutors and law enforcement have realized that it was an instance of human trafficking, although it was not identified as such at the time.

1.2.5 Identification of DMST Victims of Pornography

One individual interviewed expressed the opinion that child pornography victims are “without a doubt” viewed as a victims while children in prostitution cases can be assigned varying levels of victim status. Child pornography inherently captures evidence of a crime scene through the images of sexual exploitation, and often the child victims are younger than prostitution victims – two factors which generate more sympathy for the pornography victim. Sometimes with a 16- or 17-year-old domestically trafficked minor, people place a level of blame on the victim of prostitution. Cases involving prostituted youth were reported to have raised questions such as, “Why are they [prostituted youth] doing this? They should know better,” and “why didn’t they just run away?” One suggestion included the need for training on the psychological coercion and trauma experienced by juveniles in prostitution and its relationship to domestic violence. Whether over the Internet or on the street, understanding the manipulation a child experiences is an important part of seeing the juvenile as the victim.

1.2.6 Salt Lake City Prosecutors Office—Victim Identification

When Salt Lake City became a hotspot on the western circuit in 1996, numerous girls who looked underage were being arrested as adults each night and placed in jail for prostitution. A local prosecutor working with the SLCPD Vice Unit began expressing concern that these girls were actually minors with false identification. Soon, a pattern began to emerge. A girl was arrested and a non-relative male would post bail and retrieve the girl. By the time the case was called for a hearing on the prostitution charge, the trafficker/pimp and girl had left Utah. Working under the suspicion that the girls, though carrying government issued identification, were underage, the prosecutor established an agreement with the juvenile detention facility that, if the girl looked underage, the SLCPD Vice Unit and/or patrol officers could bring the suspected minor directly to the juvenile detention facility. Placing the suspected minor in the juvenile detention facility prevented the pimp from posting bail and retrieving the victim as in the state of Utah, a juvenile in detention can only be released to a parent or legal guardian.

This approach revolutionized the SLCPD Vice Unit and local prosecutor’s ability to interact with the suspected victims of DMST and identify DMST victimization. It also provided the prostituted youth with the necessary protection and separation from her trafficker/pimp. Finally, it allowed the prosecutors and vice officers access to the victim for an extended period of time while they worked with her to unravel the reality of her exploitation and build her ability to testify against the trafficker/pimp.

1.2.7 Analyzing Motivation

According to a local prosecutor, the most important approach to breaking into the “game” of prostitution lies in understanding the girls who are vulnerable to recruitment into prostitution. An understanding of the motivation allows law enforcement to cater questions to the victims that are appropriate while offering alternatives and options that could help to break the cycle.

According to one prosecutor in Salt Lake City there are four general categories of prostitutes:

| Type of Prostitution | Typical Victimology |
|----------------------|---|
| Circuit Girls | These girls are not from the local area and were trafficked in and out by trafficker/pimp and put on the track or sold over the Internet to buyers. |
| Escorts | These women use the escort business as a cover for prostitution. Most of these were adults, but the traffickers/pimps could use this for the juveniles if the track was being watched by law enforcement. |
| Street Walkers | Usually local adults who are also drug addicts. |
| Cookie Cutter Moms | Mothers who work once or twice a year in prostitution for extra money. |

Motivation for each group is believed to be different:

| Type of Prostitution | Motivation |
|----------------------|--|
| Circuit Girls | Psychological manipulation, emotional dependency, and fear. Very specific culture and rules |
| Escorts | Often money driven |
| Street Walkers | Substance addiction and mental health issues |
| Cookie Cutter Moms | Economic |

Once the motivation was established, effective strategies developed to intervene and impact each group. For the young girls who were being pimped, the psychological manipulation and the need to gain money for the pimp was addressed. After realizing this trend, the prosecutor and law enforcement worked together to develop methodologies for prosecution that would affect the root of the issue. For example, if law enforcement understands that the prostituted youth views her exploiter as a “boyfriend,” they will be more sensitive to focusing their questioning on the victim first. Knowing that the girl is attached to the offender/boyfriend means that any immediate negative comments regarding her offender from law enforcement will cause her to enter into a role of defending and protecting the “boyfriend” and will adversely affect her trust in law enforcement. Still, the first step must be to approach the juvenile prostitutes as victims and immediately separate them from their abuser.

1.2.8 Interview/Intake

Juveniles who have been in prostitution are trained by the trafficker/pimp to lie in order to survive. One prosecutor stated “I don’t care how smart we think we are—they are much smarter because they have actually had to survive on the street.” A juvenile can see through any attempts by prosecutors or law enforcement to achieve information on their pimp.

Pimps recruit juveniles into prostitution by presenting them with an escape from their current situation into an imagined life of wealth and, most importantly, love. The victims soon discover the trafficker/pimp has lied about the situation. For this reason, one interviewee stated that honesty was most effective when talking with victims of DMST. When this interviewee interviews a suspected DMST victim, he often says, “I know that in the back of your head, in the cold and dark of the night, you have the conversation with yourself wondering how to get out of this. Why can’t I get away? What is keeping me here? I don’t want you to have this conversation next week in Seattle or Denver when you are all alone. We are here right now and that is what we are here for – to help you find a way out.” According to law enforcement interviewees, this approach is far more effective than telling the prostituted youth that their “boyfriend” is a pimp and he needs to be held accountable.

“The problem is when people think about trafficking they only think about foreign, but much more prevalent is the trafficking of people state to state and locally as well. And it is happening at a much higher rate than we have even begun to recognize.”

Getting the girls to first verbalize and recognize their own exploitation is an important process. Law enforcement and social service providers can tell the prostituted youth that they are being exploited, but they have to see their own victimization in order to effectively move toward restoration.

1.3 PUBLIC DEFENDERS

1.3.1 Identification

The public defender has represented many cases of juveniles charged with delinquent acts, such as drug possession, who revealed exploitation later in the hearing. While the exploitation can be acted on through separate charges against the offender, they do not often alter the delinquency case against the minor. The interviewee was concerned about significant levels of misidentification when using the juvenile justice system as an easier solution than holistically looking at the family environment as a child protective/exploitation issue.

1.3.2 Misidentification

The juvenile public defender interviewed is concerned with the systemic disregard for the cycle of violence often occurring in a child's life that causes him/her to "act out." In the opinion of the juvenile public defender juvenile sexual "deviance" is a learned behavior, yet the juvenile court system looks at the incident in a vacuum rather than looking into the potential abuse in the home from an adult. Unless the child makes an allegation of sexual abuse in the home, the court does not initiate an assessment of the home situation of the child. It is the opinion of the interviewee that the juvenile court system should look at juvenile behavior in a continuum of experiences, since sexual behavior is often learned, managed, encouraged, or controlled by an adult.

The juvenile public defender interviewed was able to recall one specific instance of confirmed DMST (see below).

1.3.3 DMST Case Example

Within the last year, a developmentally delayed female minor was being prostituted in Las Vegas by an older adult relative (either father or uncle). However, this situation of DMST surfaced only after the girl was arrested for running away and truancy, and was being adjudicated on those charges. The guardian ad litem was involved in this case and was the key reason the prostitution surfaced.

1.4 JUVENILE COURT JUDGES/JUVENILE PROBATION OFFICERS

In the 3rd District Juvenile Court in Salt Lake City, once a case involving juvenile delinquency or family matters is processed in the system the same judge oversees all hearings involving the case. This constancy allows the judge to see a more holistic picture of both the child and the family, which helps in making better placement and service decisions according to the needs of the juvenile.

1.4.1 Training

One juvenile court judge interviewed did not recall receiving training on the identification of children exploited through prostitution or human trafficking during the course of her time on the bench. However, the judge has received substantial training on general issues of child sexual abuse. Similarly, the juvenile probation staff interviewed had not received training specific to human trafficking or related issues.

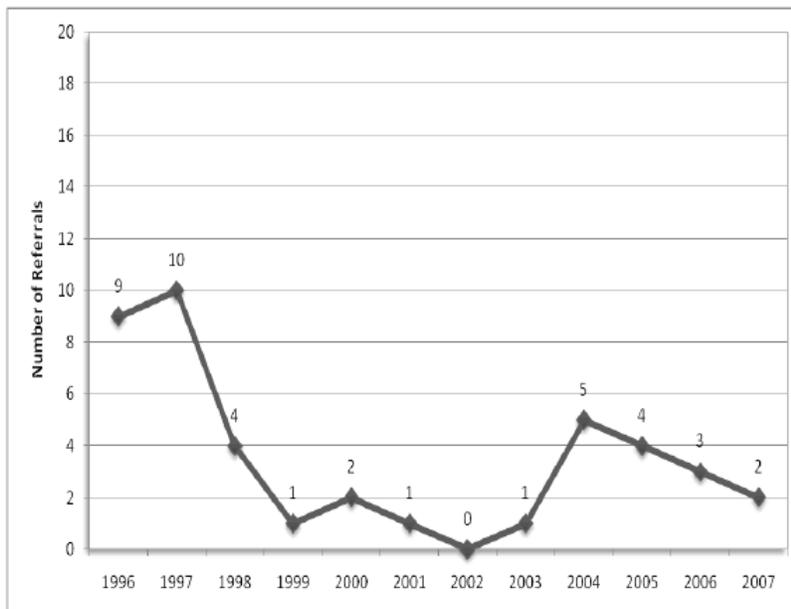
1.4.2 Identification

According to data generated by the Utah Administrative Office of the Courts specifically for this assessment, an examination of a 12-year period (1996-2007) produced a total of 42 juvenile delinquency referrals for prostitution or sexual solicitation. (See Appendix B.)

| OFFENSE | NUMBER | PERCENT |
|--------------------------------------|--------|---------|
| Prostitution | 26 | 61.9% |
| Sexual Solicitation (first offense) | 15 | 35.7% |
| Sexual Solicitation (second offense) | 1 | 2.4% |

Source: Utah Administrative Office of the Courts

In alignment with information previously documented through interviews with law enforcement and the local prosecutor, identification of children exploited through prostitution peaked in 1996 with nine referrals for juvenile prostitution or sexual solicitation and in 1997 with ten referrals for juvenile prostitution or sexual solicitation.



Source: Utah Administrative Office of the Courts (See Appendix B)

1.4.3 Screening

All children who are seen before the juvenile court are screened by a probation officer using a risk assessment tool. The main purpose of the risk assessment tool is to identify the potential for recidivism of the juvenile delinquency. The risk assessment tool also looks into drug abuse, family background, and sexual abuse. All information is provided to the judge to aid in making an informed decision for adjudication. The probation officers apply the risk assessment tool and, while questions are asked to establish indicators of sexual abuse, no questions specific to DMST were identified.

Since 2000, only one confirmed DMST case was heard in the court of the participating juvenile court judge. The probation officer was not aware of a single case of DMST.

DMST Case Example Provided by a Judge:

A 17-year-old girl from the east coast was arrested for prostitution in Salt Lake City. Her one-year-old daughter was with her during the arrest and was taken into custody by DCFS who gave the child's father custody of the toddler. The District Attorney who was criminally prosecuting the girl's trafficker/pimp offered a deal to the DMST victim in which he would drop all charges against the victim (the 17-year-old) if she promised to come back and testify against the trafficker/pimp. The judge thought it was unfortunate that the only reason DCFS became involved was due to the baby, though the 17-year-old mother was clearly being exploited as well

1.5 DIVISION OF CHILD AND FAMILY SERVICES— CHILD PROTECTIVE SERVICES

The Division of Child and Family Services (DCFS) is placed under the Utah State Human Services Department. The mission of DCFS is to protect children at risk of abuse, neglect, or dependency. “Child Protective Services (CPS) is a required service offered to all Utah residents by Child and Family Services. When a child is reported as being abused or neglected, child protection social workers are required by law to make a face-to-face contact with the child and determine if abuse or neglect occurred.”⁷¹

1.5.1 Training

CPS staff interviewed had never attended training on child sex abuse that included discussion of prostitution or human trafficking. However, all CPS workers investigating child sexual abuse have received training on child forensic interviewing specializing in sexual abuse, as well as substantial training on indicators and situations of child sex abuse.

1.5.2 Prevention

Numerous prevention efforts are led through DCFS, including Child Abuse Prevention Month. Though previous prevention activity had not focused specifically on child prostitution or familial prostitution, it was stated by an interviewee that this exploitation would be viewed as child sexual abuse.

1.5.3 Screening

A central call line for Salt Lake County screens all child abuse and neglect calls. Intake personnel collect as much information regarding the sexual abuse allegation as possible during the call. Once this information is collected, the procedure is for the intake personnel to categorize the allegation as well as prioritize the response time. The screener categorizes the allegation under one of the following five areas: sexual abuse, physical abuse, emotional abuse, neglect, and educational neglect. Cases involving familial prostitution would likely be categorized as sexual abuse and specific information about the abuse would be recorded in the narrative section. The call screener would then take into consideration the allegation, as well as safety risk, in assigning a timeframe for response. Once the allegation is categorized and assigned a timeframe for response, it is handed over to the child protection investigators to begin their casework. There are three possible categories for response:

Priority 1 Response—After intake, they have no more than 30 minutes to gather additional information, assess the situation, and assign the case to law enforcement as well as to the appropriate CPS worker. The CPS worker has no more than 60 minutes to make face-to-face contact; in rural areas, the CPS worker has a maximum of 3 hours to make face-to-face contact.

Priority 2 Response—(1) Has no more than 60 minutes from the intake to gather information, staff the referral for priority, assign to CPS worker, and notify law enforcement. (2) The CPS worker has 24 hours after knowledge of the situation to make face-to-face contact. (3) A referral received after normal working hours (8–5) must occur by 9 the next morning.

Priority 3 Response—(1) Has no more than one day to gather additional information, staff the referral, assign to CPS worker, and notify law enforcement. (2) CPS caseworker has until midnight on the third business day after intake assigns to make face-to-face contact.

⁷¹ <http://www.hsdhcs.state.ut.us/can_investigation.htm>. Accessed on June 1, 2008.

According to one interviewee, all cases of abuse and neglect are followed-up on and investigated. Response time is the only factor that fluctuates according to the allegation and safety risk of the minor.

1.5.4 Intake

All cases involving sex abuse are investigated in coordination with law enforcement. In addition, all CPS workers have received child interview training and often the law enforcement officers who they collaborate with have child forensic interview training as well. In Salt Lake City, there are specific law enforcement officers who have been assigned to follow-up on child welfare cases with the CPS worker.

1.5.5 Data on Cases of DMST

According to the CPS staff interviewed, the current CPS database is only searchable according to the five specific categories of abuse and neglect. Though information regarding DMST specific victimization could be outlined in the narrative section, DMST (such as prostitution) is not a searchable option in the system. However, according to the 2007 Utah Division of Child and Family Services Child Protection Practice Guideline, there are eleven outlined categories of abuse, including but not limited to sexual exploitation of a child or youth through prostitution or pornography.⁷² The interviewee was not able to explain why Salt Lake County only required abuse to be categorized in the five specific areas rather than the full eleven, which would include more specific information on allegations and cases of DMST.

⁷² Utah Division of Child and Family Services Child Protective Services Practice Guidelines. Utah: GPO, 2007.

1.6 DIVISION OF YOUTH SERVICES (DYS)

DYS works to provide immediate safety, shelter, and support to families in crisis, and abused and neglected children who need protection. DYS assists the above client population by providing 24-hour, seven-day-a-week crisis counseling and access to services and shelter. These services are often provided while the investigations into abuse and neglect allegations by CPS is ongoing. The campus at DYS has several programs, services, and shelter options where DMST victims can and have accessed services. Interviewed staff included one or more professionals from the Girls Group Home, Boys Group Home, the Juvenile Receiving Center, Crisis Residential, Crisis Counseling, and Family Therapy.

1.6.1 Training

Prior to training provided by Shared Hope International on DMST, most staff interviewed had not heard of the term “human trafficking.” However, most staff indicated acute awareness of instances of familial prostitution and situations of boys and girls engaged in “survival sex” where money or in-kind items were exchanged for sex acts. All staff interviewed referenced significant child sex abuse training and indicated that they would view prostituted youth as victims of sexual exploitation and abuse.

1.6.2 Prevention Programs

DYS runs two no-cost programs aimed at preventing and reducing vulnerability factors that could make a youth more susceptible for DMST. The “Get Real Youth Group” addresses violence and behavior problems by teaching youth social skills and building self-esteem. Additionally, the “Discovering Possibilities” program is a “teen girl gender-specific program that includes life skills, service learning, and case management.”⁷³ This program is for girls ages 14–18.

1.6.3 Intake

Particular interest was given to the Juvenile Receiving Center (JRC) operated by DYS. JRC is a non-punitive facility for law enforcement to take status offenders to, rather than placing them in juvenile detention. Juveniles are commonly referred to the JRC by law enforcement (LE); however, there are a small number of instances of parents admitting their child, as well as some youth that self-admit. LE is responsible for searching the youth for drugs and weapons prior to admitting them into the JRC, as JRC staff members are not permitted to search children after admission. Staff persons from the JRC inventories the youth’s items (such as cell phone) at the same time LE fills out a Law Enforcement Referral, which documents the incident, citation, or charge for the youth being admitted to the JRC. According to participants, youth nearly always are handcuffed when brought to the JRC.

After being admitted, JRC staff proceed with interviewing the youth to gain general information and to locate and contact parents or guardians. Intake workers are social workers trained in crisis intervention, which is important as the intake is usually imperative to gaining an understanding of the bigger picture surrounding the youth’s behavior. Though pictures are not taken, tattoos, piercings, and birthmarks are documented to assist in the identification of the youth should they run away from the shelter or be readmitted under a different name in the future.

JRC cannot admit youth who are under the influence of drugs or alcohol. Youth who are under the influence must be taken to a hospital or to Juvenile Detention. Furthermore, it is up to the discretion of the law enforcement officer as to whether youth are taken to the JRC or to Juvenile Detention.

⁷³ Salt Lake County, Division of Youth Services–Free Counseling Services Brochure. <<http://www.slcoyouth.org>>. Accessed on August 1, 2008.

1.6.4 Opportunities for Disclosure of DMST

Counselors at the JRC interact with children who are admitted by law enforcement as well as juveniles who are court-ordered to DYS for counseling. Counselors look for opportunities or hints of disclosure by the youth, which are usually indirect. During the initial assessment, counselors have the ability to follow-up on a lead disclosed by a juvenile. This is often left to the discretion of the counselor; however, as research suggests that most kids act out because of physical/sexual abuse going on in the home, counselors try to ask questions that would provide juveniles with an opportunity to disclose. During the assessment, questions are asked such as: “Has anybody hurt you/is hurting you? Are you safe?” Confidentiality is a fundamental way of providing youth with a sense of security that can encourage disclosure at a higher rate.

1.6.5 Reporting Abuse and Neglect to CPS

When a crisis counselor at DYS receives information from a child regarding abuse, it is mandatory that the therapist report the allegation to CPS. One DYS therapist interviewed believed that having the child in the room while calling CPS alleviates fear and keeps the child engaged in the process. Typically, the child experiences a variety of emotions after disclosure, which includes fear. As such, it is important to keep the level of trust with the child and to keep their disclosure safe.

When JRC reports to CPS, they provide all information that has been disclosed. Afterwards, CPS flags the report for response according to the level of incident, risk, and safety. A great collaboration with CPS was reported, and the interviewee indicated that CPS is more responsive to the information provided than to the age of the victim, contrary to a general hesitancy within the child welfare system to take on cases of juveniles close to the age of majority. Still, though infrequently, information reported by a few interviewees indicated that the opinion of some CPS investigators may be that children over the age of 14 can call for help and respond appropriately if they are threatened by a situation again. Therefore, investigation response time can be lower for older children, as they are considered to have more power or control over their situation.

1.6.6 DMST Case Example

The reported case involves an 11-year-old girl who was sent to DYS over two years ago for services. It was only during the last six months (January 2008) of the juvenile’s therapy that disclosure regarding familial prostitution occurred. The girl was prostituted by her biological mother and father for drugs and money for several years. CPS removed the child from the home citing drugs, neglect, and suspected sexual abuse. The 11-year-old was in the process of being adopted by a foster mother who wisely accessed the free counseling services offered by DYS for the girl. During the therapy sessions, disclosure of the sexual exploitation began to surface starting with the girl’s revelation that she and her brother (also a minor) were forced to watch pornography and engage in the sex acts for the entertainment of their parents and their parents’ friends. The spectators of the sex shows were often charged a fee or drugs in exchange for viewing the children engaging in sex acts with each other. In addition, the father raped the children and some nights the parents would send the girl to her room where men—one or two at a time—would sexually abuse her in exchange for drugs for the parents, especially crystal methamphetamine.

The parents are waiting for a hearing on the drug charges; however, with the disclosure of sexual exploitation and familial trafficking/prostitution, CPS is trying to add appropriate charges and have law enforcement arrest the parents. The parents are currently homeless with no static address. Therefore, until the parents are able to be located, they cannot be arrested for the DMST of their children.

Sadly, the DYS/JRC interviewee mentioned that there will likely be charges on the older brother for engaging in sexual activities with his sister even though the parents forced the sex. Utah, reportedly, holds a hard line against sexual abuse of a minor even if the perpetrator is another minor. Conversely,

Both the brother and the sister qualify as domestic minor sex trafficking under the Trafficking Victims Protection Act of 2000.

1.7 NGOs/SOCIAL SERVICE PROVIDERS

In Salt Lake City, three organizations—including five units or programs—providing services for victims were interviewed: the Utah Health and Human Rights Project (UHHRP), Volunteers of America (VOA) (Homeless Youth Resource Center, Street Outreach Team, and the Transitional Girls Home), and the Alpine Youth Academy (AYA). For the purpose of this assessment report, the AYA will not be included in the prevention and prosecution section, as their clientele is very specific and does not likely include victims of DMST. Service and shelter options provided by AYA will be listed in the Protection section.

The UHHRP is the NGO/Social Service provider lead for the UHTTF funded by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC). Due to limitations within the TVPA, the UHHRP can only use funding provided by the OVC for foreign victims of human trafficking.

1.7.1 Public Awareness

Volunteers of America (VOA) Homeless Youth Resource Center (HYRC) staff work in the Salt Lake County school system to educate youth on the realities of homelessness. These educational presentations serve as a prevention campaign to teach youth that running away is not a solution to difficulty with their parents or abuse in the home. Also, the VOA Street Outreach Team drives the VOA van daily to the known locations where homeless youth congregate. These locations are often public spaces, so in addition to interacting with homeless youth, they also interact with the Salt Lake City community. The presence of the outreach workers in the VOA van creates opportunities for public awareness and education in the community regarding the situation of homeless youth in Salt Lake City. Though this public awareness does not include specific DMST language, the staff directly talks about the dangers and vulnerabilities of street life that can be abusive and exploitative.

1.7.2 Training

The UHHRP through its participation in the UHTTF has led numerous trainings with social service providers and law enforcement on the general issue of human trafficking. Interviewees indicated that the training provided has included information that U.S. citizen children and LPRs can be victims of domestic human trafficking.

Additionally, the UHHRP staff joined a lieutenant from the SLCPD at the DOJ-funded Clearwater Task Force against Human Trafficking training last year. Representatives from the UHHRP found this training and interaction with other task force members to be extremely informative. In particular, they noted the opportunity to interact with the Clearwater Human Trafficking Task Force members on specific cases providing ideas on how to better investigate human trafficking crimes and provide services to victims of human trafficking.

Several VOA HYRC staff attended a regional conference on homeless youth in 2007 at which one of the featured panels talked about homeless American youth being vulnerable to recruitment by traffickers/pimps. The training included information on the Trafficking Victims Protection Act (TVPA).

1.7.3 Preventing Recruitment

The VOA Transitional Girls Home (Home) has a significant prevention component that works to stop the cycle of abuse and homelessness for girls between the ages of 16–19. The 18-month program focuses on safety for homeless girls who, if left on the streets, would be vulnerable on a 24-hour basis to traffickers/pimps and predators. Education, goal setting, and skill building are the three pillars of the program and help limit the opportunity for revictimization in the client's adult life. Having a safe place

to go is vitally important for a child who is homeless, and it is usually the first item offered by those who prey on children.

1.7.4 Protocol

When a homeless youth under the age of 18 is in the shelter, VOA HYRC staff is required to contact a guardian or contact DYS to obtain clearance to provide services to the minor. DYS never responds unless the child is a runaway from DYS and is already in the system or if there is a sexual abuse allegation made by the youth. The VOA HYRC staff reported that they are often able to contact a parent/guardian. Due to numerous factors, interviewees state that the parents of the minors have “given up” on the youth. As a result, the parents/guardians often provide the VOA HYRC staff permission to serve their children. As an indication of the atmosphere within the family of origin, this permission is often granted without the parents/guardians asking to speak to the youth or asking how the youth is doing. Once the staff has received the permission from the parents or the state to serve the minor, they do not need to obtain it each time the youth visits the VOA HYRC. Eight hours is the timeframe that VOA HYRC staff are allowed to provide services to a minor without permission from the parent/guardian or DYS.

According to participants in the assessment, 50–75% of the homeless youth who VOA HYRC serves is in foster care or grew up homeless. The majority of the homeless youth they interact with are from Utah, though a few each month are from out of state. The out-of-state youth are usually over the age of 18 or they claim to be 18, likely because VOA HYRC staff is obligated to follow the same procedure of contacting a minor’s legal guardian and DYS for out-of-state minors. When this occurs, DYS will contact their counterpart in the minor’s home state to arrange for the juvenile’s return.

The VOA Street Outreach team is not under any legal obligation to contact a parent/guardian or DYS to obtain permission to interact or provide services to homeless youth while on the street. However, if interaction or treatment of the youth includes transportation of the juvenile to the VOA HYRC facilities, then the previous protocol outlined goes into effect.

1.7.5 Intake

VOA HYRC staff has a three-tiered intake process that is completed in a semi-structured process.

Intake 1 is a short intake for new youth, usually after their second or third time stopping into the VOA HYRC. This collects a basic set of information including name, health background, and age. Youth are also required to sign a set of rules to follow during their time at the center.

Intake 2 is for minors that have been coming to the center for a month or so and the case managers feel that trust is being established with the youth. A case manager will speak directly with the youth about more sensitive history and unsafe behavior. Questions cover previous sexual abuse, drug use, and include specific questions that inquire about “survival sex” while the youth has been homeless.

Intake 3 is more about ongoing case management and connecting youth with services, programs, education, and work skills in the community.

1.7.6 Factors Related to Homeless Youth

Each year the staff at the VOA HYRC survey the homeless youth they serve on numerous issues such as length of homelessness, drug use, sexual abuse, and emotional and mental health. This helps inform staff of the youth’s needs, as well as providing information to better educate the community on the realities of homeless youth in Salt Lake City. In February 2008, 39 homeless youth were surveyed. Of those surveyed, 71% were male and 29% female. 8% of those who responded were minors. Below is a chart that contains information extracted from the VOA survey analysis. (See Appendix C for full survey results).

| Ages of Homeless Youth Surveyed | |
|--|-----|
| 17 and younger | 8% |
| 18–20 | 39% |
| 21–22 | 42% |
| 23 and older | 11% |

| Abuse Experienced by Homeless Youth | |
|--|-----|
| Sexual Abuse | 51% |
| Physical Abuse | 56% |
| Emotional Abuse | 58% |
| Abused after becoming homeless | 39% |
| Attempted Suicide | 61% |
| Attempted Suicide More than Once | 71% |

1.7.6 “Survival Sex”

In addition to the information outlined above from the HYRC VOA survey, specific questions regarding a manifestation of domestic minor sex trafficking known as “survival sex” are asked. Usually one-third to one-half of the responding juveniles reported engaging in survival sex, though most staff persons believe that this is a severely underreported form of victimization.

It is important to note that at the time of the survey, 39 homeless youth participated, however, between 2006–2007 the VOA HYRC served over 331 youth ages 15–22. According to the VOA HYRC staff, the information collected in the survey is reflective of the information they collect in conversation with the youth year round though the results only include responses from 39 homeless youth. Additionally, all staff persons make a pointed effort to ask youth about this type of sexual activity, as it is seen as unsafe and exploitive behavior, though the level of risk and response varied amongst those interviewed. Some staff viewed their role as educator with a goal of harm reduction in that conversations regarding safe sex, sexually transmitted infections, and the distribution of condoms would follow youth disclosure of survival sex. In fact, one interviewee stated that the street youth do not view survival sex as abuse, and it is readily accepted within their culture that the exchange of sex is necessary for shelter and food. The interviewee concluded that, from a clinical perspective, there is a “significant negative impact from those actions, but if it is contained within the concept of survival and within a culture that accepts the behavior as necessary, it is not as traumatic.”

Within the homeless youth street community in Salt Lake City, VOA HYRC staff reported two specific occurrences of survival sex:

1. Street families are groups of youth that band together for protection in structure and are often not biologically related. Sometimes the girl in the “family” will prostitute for income for the “family.”
2. “Prostitots” is common street slang used by the homeless youth for the underage youth, often female, who are engaging in sex with older homeless youth or other men looking to purchase sex.

1.7.7 Solicitation of Homeless Minors for Sex Acts

The VOA HYRC staff included an additional question in the survey regarding “who was soliciting whom for sex.” According to the survey provided to the youth in February 2008, 32% of the 39 homeless youth surveyed stated that they had traded sex for food, drugs, or a place to stay. Of the 32% (12 homeless youth) who affirmed this commercial sexual exploitation, 50% indicated that they had been solicited by the adult perpetrator and offered food, drugs, or a place to stay in exchange for performing sex acts on the requestor. This indicates that at least 50% of the time, vulnerable homeless youth are actively being targeted and solicited by predators to perform sex acts to obtain drugs or cover their basic survival needs, such as food and shelter. A higher number of boys reported engaging in survival sex than girls.

1.7.8 Collaborations

VOA HYRC relies on numerous community partners, such as Fourth Street Clinic, DYS, Cross Roads, and the faith-based community to provide services to the youth.

UHHRP claimed a working relationship with the Children's Justice Center (CJC) for victim interviews. Although the CJC is not a 24-hour facility, interviewees stated that there is always a staff person on-call who can be reached to set-up an appointment for the next business day. Though this relationship has yet to be used in a DMST case, it is expected that the CJC would be helpful for these cases as well.

1.7.9 Social Networking Websites

At the VOA Home, the girls are often being sought out by men at least 20 years their senior. Though the staff diligently monitors their Internet usage, they all have profiles on social networking sites. In one case, a 52-year-old man from California came and took a 17-year-old out to dinner and brought her gifts. According to participants, this is a difficult issue for the staff. If they tell the youth that she cannot date older men, there is a high likelihood the youth will run away from the home; however, if the staff allows her to continue seeing the older man, it increases her chances of victimization.

1.8 CONCLUSIONS

Since the late 1990s, Salt Lake City, Utah, has taken aggressive action to combat the exploitation of children through prostitution and pornography. When the downtown streets of Salt Lake City became flooded with youth for sale, the SLCPD Vice Unit and a local prosecutor took immediate and proactive steps to identify the youth as victims and secure them at the juvenile detention facility in an effort to separate them from their trafficker/pimp. Their willingness to receive training from a 14-year-old DMST victim on the realities of pimp control and prostitution became the foundation for future successful victim identification. This foundation instituted protocols for law enforcement interaction with prostituted youth and has resulted in a sympathetic Vice Unit and juvenile detention setting that understands that prostituted children are victims of DMST. However, it appears the SLCPD Vice Unit that regularly interacts with DMST victims does so in isolation, leaving other law enforcement departments unaware of the prevalence of prostituted youth in Salt Lake City.

The stated goal of the UHTTF lead law enforcement lieutenant to train all of the Department of Public Safety on human trafficking is an ambitious priority in preparing other units for DMST identification and response. Although the UHHRP is the identified the lead organization providing training on human trafficking, none of the individuals interviewed other than their UHTTF partner agencies (SLCPD Detective's Division and USAO) has received their human trafficking training. NGOs/social service providers and agencies with a high likelihood of interacting with victims of DMST need human trafficking training to become aware of the laws and services to assist with victim identification and placement.

Domestic minor sex trafficking victims remain largely unidentified or misidentified by most agencies and organizations interviewed in Salt Lake City. With few exceptions, nearly every individual interviewed indicated at the beginning of the interview that they did not identify or interact with DMST victims. However, after gaining a better understanding of the manifestations and definitions of DMST outlined by the federal Trafficking Victims Protection Act of 2000, nearly every person interviewed was able to recall a case or story of DMST. Once an entity identifies victimization through domestic minor sex trafficking, different labels are applied to the minor. As a result, the language specific to each organization/agency causes a breakdown in a fluid protocol or response.

Though each agency or organization may have a different label for victims of DMST, they agree unanimously that children exploited through prostitution, pornography, and/or stripping are victims of sexual abuse. This solid foundation creates a unique opportunity for the UHTTF to streamline the understanding of commercial sexual exploitation of children as a specific instance of human trafficking, which furthers victim identification and ensures perpetrator justice.

1.9 SUMMARY OF BEST PRACTICES AND GAPS

1.9.1 Best Practices

Due to the recent development of the Utah Human Trafficking Task Force (UHTTF), there is a growing interest on the subject of human trafficking among professionals. The UHHRP is coordinating grassroots efforts by educating coalition members and various professional entities, and by aggressively recruiting additional organizations to join them in the fight to combat human trafficking. Similarly, the SLCPD Detective's Division is pulling together a group of key local, county, and federal law enforcement entities to prepare them for victim identification and investigation of human trafficking cases. It was stated that all human trafficking training provided by the UHTTF included information that American citizens and LPRs minors can be exploited in situations of DMST. Leadership and support provided by the USAO to combat all forms of human trafficking including DMST is imperative to the task force's success.

The creation of and emphasis on a victim-centered approach by law enforcement and the local prosecutor interviewed, as well as the concerted effort to treat prostituted youth with dignity and respect, is impressive. The willingness to psychologically understand where the domestically trafficked minor is coming from and not expect her to immediately respond to being identified as a victim is a key component that has led to successful victim and trafficker/pimp identification. As was done with domestic violence years ago, the psychological attachment between the trafficker/pimp and prostituted youth must continue to be explored so that victim identification and response protocols can allow the youth the safety and protection to understand their own victimization.

The Volunteers of America (VOA) Homeless Youth Resource Center (HYRC) staff is actively engaging youth in discussions related to commercial sexual exploitation. The expansion of their annual homeless youth survey to include a question concerning the dynamics of survival sex has assisted in creating a more holistic understanding of the topic. Fifty percent of the youth who engaged in survival sex reported being solicited by adults desiring sex acts, which shows a greater necessity for law enforcement to target adults who would prey on vulnerable youth in need of shelter and food. No longer should this manifestation of DMST be viewed as a natural result of being homeless; rather, it should be seen as a systematic manipulation and exploitation of vulnerable children.

The DYS Juvenile Receiving Center (JRC) is a positive alternative to juvenile detention for youth status offenders. The focus on immediate counseling assists with building trust between the child and JRC staff and can present opportunities for additional disclosure that may not occur in the detention facilities. Since the lack of training for law enforcement on DMST identification can result in prostituted youth being identified as status offenders, it is likely that JRC staff interact with DMST victims. Placing a DMST victim in a non-punitive environment with intensive counseling can assist with disclosure, in contrast to punitive environments which can often cause victims to withdraw further.

1.9.2 Gaps

Of significant concern is that only one of the four SLCPD units and programs interviewed were aware of the prevalence of prostituted youth in Salt Lake City. The fact that the individuals interviewed from the Sex Crimes/Crimes Against Children Unit and the Victim Advocate program had never been involved with cases involving youth exploited through prostitution, while the Vice Unit reported levels of significant DMST identification, is viewed as an interagency breakdown. While the Vice Unit is clearly capable of handling such cases and has been successfully doing so since 1996, the lack of information sharing between units and lack of training on the specifics of DMST create a missed opportunity for victim identification.

While most individuals from CPS, Juvenile Probation, and DYS have received training on child sexual abuse, few have had training on the dynamics of prostituted youth or familial prostitution. This leads to the categorizing of commercial sexual exploitation as sexual abuse. Though sexual abuse is certainly a component of DMST, this label does not fully address specific factors of the crime and trauma experienced.

Additionally, according to the 2007 Utah Division of Child and Family Services Child Protection Practice Guideline, there are 11 outlined categories of abuse, which includes but is not limited to sexual exploitation of a child or youth through prostitution or pornography. However, a CPS interviewee only reported five abuse and neglect categorizations on the intake process and explained that sexual abuse specific to DMST would likely be outlined in the narrative section. The absence of a specific category for commercial sexual exploitation, such as prostitution and/or pornography, creates another missed opportunity for those who are a part of the intake process as well as the CPS investigators to address the specific alleged or confirmed abuse. Misidentification or mislabeling of the problem creates misguided decisions on placement and access to services. The lack of correct categorization also negatively effects data collection and the ability to further understand the issue of DMST as it manifests in Salt Lake City.

As outlined by the TVPA, a situation of DMST occurs when a U.S. citizen or LPR under the age of 18 is involved in a commercial sex act where money or an item of value is given to or received by any person. "Survival sex" meets this definition, as a sex act is provided in exchange for money, drugs, food or shelter either to the child or to another person. Therefore, the minimization of harm to the youth involved in survival sex as expressed by some is counterproductive to victim identification because it does not address the core issue of commercial sexual exploitation. Based on the results of the VOA HYRC youth survey, adult perpetrators are seeking out commercial sex from homeless youth. This is a situation that creates a high level of power for the perpetrator in the exploitation and should be viewed as rape and DMST under the federal and state law. Opportunity for homeless youth to provide for their basic needs should not be limited to agreeing to perform sex acts on buyers of commercial sex.

II. PROSECUTION

2.1 LAW ENFORCEMENT

2.1.1 Salt Lake City Police Department

SLCPD Vice officers interviewed were not aware of the TVPA and were under the impression that human trafficking referred to foreign national victims brought to the United States. Neither were officers aware of the recently passed Utah human trafficking law. However, they were aware of the federal Mann Act and have pursued cases involving the interstate transportation of a minor for prostitution. Additionally, vice officers interviewed were familiar with the Utah state law for aggravated exploitation of a minor.

The SLCPD UHTTF lead officer is aware of the TVPA but not the recent state human trafficking law that had recently passed, perhaps because it is new.

One officer with the Sex Crimes/Crimes Against Children Division expressed frustration with the age of consent laws in Utah. According to the interviewee, a child under 14 is not legally able to provide consent to sexual activity; all sex acts with a child under 14 are considered rape. However, children age 14 or 15 can consent to sex if there is no more than a 4-year age difference with the partner. A minor who is 16 or 17 years old can consent to sex with an individual up to 10 years her senior.⁷⁴ The officer viewed a 16-year-old lawfully engaged in sex with a 26-year-old as an alarming gap – one that hinders their ability to properly investigate and prosecute perpetrators seeking to commercially sexually exploit a minor.

2.1.2 Federal Bureau of Investigation (FBI)

One of the two FBI agents interviewed is familiar with the TVPA, and they were both familiar with other federal laws applicable to DMST, such as the Mann Act and the Adam Walsh Act. In 2003, a Utah state statute was enacted for the Online Enticement of Minors; prior to this, no state specific state statute existed. According to one agent interviewed, the state statute for the Online Enticement of Minors provides 90–120 days in jail and placement on the sex offender registry with probation while the federal law provides sentencing guidelines of 28–38 months with no option of parole.

2.1.3 FBI—Successful Investigations of DMST

One reported DMST case involved a 30-year-old local man who would scout the shopping malls for 15 and 16-year-olds, offering them money to pose for pornographic pictures. In February 2005, he was planning a Superbowl party and wanted to provide young girls to his friends for sex acts. The perpetrator went to the shopping mall and recruited juvenile girls, offering to pay them if they would provide sex acts during the party. At the party, he paid the girls who, in turn, performed sex acts on his friends while he videotaped and photographed their actions.

The perpetrator was convicted and sentenced to 15 years in federal prison for child pornography and some of his friends who engaged in sex acts with the minors were charged on the state level for unlawful sexual activity with a minor. The FBI agent was not aware of the TVPA at that time, and the Mann Act could not be used due to the absence of interstate transportation in the case.

Another case potentially fitting the legal definition of DMST was brought to the attention of the FBI, though investigated and prosecuted on a local level in 2003-04. Two female teenagers ages 15 and 16 from states other than Utah were engaged in an online relationship with a 19-year-old from Washington. The three decided to meet and they traveled from their respective homes to a hotel in Utah. Two local men who were addicted to crack and frequented the hotel began relationships with the youths while they were at the hotel. Eventually, the two adult men offered the teenagers crack and they accepted. After a

⁷⁴ Utah Code Ann. §76-5-406. <<http://www.le.state.ut.us/~code/code.htm>>. Accessed on August 1, 2008.

short period of providing free crack to the youths, the two adults started charging the teenagers for the drugs. Short on cash, the adult men offered to accept sex acts in exchange for providing the youth with crack. The 19-year-old from Washington spent a year in a local jail and the two adult men were charged and sentenced. The two minors were returned home.

2.1.4 Obstacles for Law Enforcement in DMST Cases

FBI agents cited the difficulty with infiltrating child pornography rings without supplying or providing child pornography to gain access to the ring; law enforcement are not allowed to trade in child pornography or use a child as a decoy. When they identify a child pornographer that is already a member of a child pornography trading website, law enforcement moves quickly to apprehend the criminal so that officers can take over his identity and membership on the website. These agents expect that this same difficulty is true for the selling of “live” children over the Internet by traffickers.

2.1.5 DMST Victims of Prostitution in Custody

Interviewed officers viewed having custody of the minor involved in prostitution as an important safety component. All interviewees were acutely aware that this is in contrast to their view of the minor as a victim; however, a dearth of protective shelter options for DMST victims who pose significant flight risks or are in danger of retaliation by their trafficker/pimp provides few other options to law enforcement.

The SLCPD Vice Unit reported standardly taking custody of any girl identified in prostitution or during an Internet undercover operation who appears younger than 20—despite having government identification. Many traffickers/pimps coach the girls to tell law enforcement that they are over 18 so that the girl will be arrested for adult prostitution, leaving the pimp unidentified. Traffickers/pimps obtain fraudulent government-issued identification cards for the girls. This makes juvenile victim identification difficult and requires law enforcement to locate relatives or friends to obtain the actual age of the suspected minor. While in custody, the SLCPD Vice Unit usually offers food to the suspected juvenile victims, understanding that, in many cases, these girls have not eaten in many hours. By providing care and treating the girl with respect, they attempt to garner cooperation in a non-detention setting, such as conference rooms or their offices. Unfortunately, trained to both fear and love her trafficker/pimp, obtaining cooperation from suspected juveniles is a strenuous process.

2.1.6 DMST Victims Arrested and Charged

In an effort to keep the juvenile safe and distance them from the trafficker/pimp, DMST victims are often arrested and charged for their involvement in prostitution. According to Utah juvenile sentencing guidelines, law enforcement must charge a minor with three misdemeanors in order to qualify for detention. The three charges often placed on a minor involved in prostitution to obtain custody are sexual solicitation, sexually oriented business without a license, and lying about their age. Another option for law enforcement is to issue a statement that the minor is in a dangerous situation and, therefore, needs to be detained. A substantiated claim of a minor in an endangering situation provides law enforcement with the opportunity to book the minor on only one misdemeanor charge.

“No matter where you are in the U.S., the psychological abuse that the pimps use never changes and how the girls are treated never changes. The pimps brainwash these girls and they are trained that law enforcement are the bad guys.”

2.1.7 Material Witness Order

If the juvenile court judge is not convinced that holding the minor in detention is appropriate, the prosecutor pursuing the trafficker/pimp can issue a material witness hold against the minor victim based on the recommendation of law enforcement. The Material Witness Order forces the minor to stay in detention until the preliminary hearing where a witness statement can be taken against the charged trafficker/pimp. This holds the minor in detention.

2.1.8 Child Pornography Investigations

The goal of the Utah ICAC Task Force is to identify child pornography rings and investigate them in a similar manner used to combat drug dealers. To this end, law enforcement uses the individuals caught with child pornography to investigate the producers and sellers. There is a significant amount of time and money spent on proactively identifying and monitoring online solicitation. Also, the buyer is targeted to assist law enforcement with the identification of a larger network including other buyers and high-level producers and distributors.

2.1.9 Investigating Buyers of Sex Acts from Prostituted Children

The lead lieutenant on the UHTTF indicated interest in investigating and arresting the buyers of sex from children in prostitution. While the arrest of the trafficker/pimp is the first priority, a close second is finding those driving the demand for sex with children. An example of the demand effect created by buyers is the activities surrounding the Sundance Film Festival held in Salt Lake City each year. Law enforcement noted that during the Festival increased demand creates a higher incidence rate of adults and minors arrested for prostitution in Salt Lake City. The SLCPD Vice Unit echoed this desire of targeting the buyers of commercial sex from exploited children and was able to confirm one arrest of a buyer of a minor in prostitution in recent years. In addition, the Vice Unit indicated that it is standard procedure to run the records on cell phones for arrested juveniles and traffickers/pimps in hopes of the records leading to buyers. However, limited interaction between the juvenile and the buyer coupled with the frequent use of fake names by the buyers leave law enforcement with limited evidence.

2.1.10 Using the “P” Word

According to SLCPD Vice officers, in order to understand the prostituted juvenile as a victim, one has to meet them where they are on a psychological level. The juveniles usually believe that these exploiters are their boyfriends, not their pimps. Law enforcement must understand and follow that dynamic in order to establish trust and cooperation,. Therefore, questioning the minor about her pimp will be met typically with more resistance than asking about the minor’s “boyfriend.”

2.1.11 Engaging Family

The SLCPD Vice officers interviewed commented that engaging the family is both a necessary and hazardous approach to identifying and working to break the psychological coercion of the trafficker/pimp. Law enforcement acknowledges that frequently the juvenile in prostitution ran away from a dysfunctional home or a situation of familial abuse. Subsequently, the vulnerability associated with street life causes the opportunity for the trafficker/pimp to groom and recruit the child into prostitution. However, law enforcement can often work to identify one family member or friend who the juvenile trusts and is willing to speak with after being taken into custody for prostitution.

This approach of involving family is important for two reasons. First, confirmation of the child’s name, age, and home residence is imperative. Contacting trusted relatives or friends also helps to reveal the home situation of the minor and determine whether to involve CPS. In many cases, the juveniles are not from Utah and will need to be returned home or placed with CPS at some point. Understanding the family dynamic can also be a critical point in understanding a juvenile’s attachment to her trafficker/pimp.

Lastly, hearing a voice of concern from a family member or friend can begin to reshape the reality and break down the barricade of lies and deception built by the trafficker/pimp. The pimp works methodically to isolate the victim from all family and friends who care for the child to ensure that the child will be loyal only to the trafficker/pimp. The trafficker/pimp uses psychological manipulation to impose his control and make the child believe that he is the only one that the child can trust and the only one who truly cares. SLCPD Vice officers noted that when the family and friends become reintroduced, the

officers actually see the juvenile's body language change. Interviewees stated they could see the victim soften and be moved to tears when they hear a familiar voice say that they were missed and that they were concerned for her safety. Breaking the control of the trafficker/pimp over the girl and exposing the lies are important steps in providing an exit strategy for girls and empowering them to see themselves as a victim and the trafficker/pimp as an exploiter.

Starting with this approach in the late 1990s, the SLCPD Vice Unit began interacting with the juveniles in custody on a daily basis in order to gain their trust and to reinforce the fact that the minors were cared for and seen as victims. Once the psychological hurdles started to break down, officers noted that an interesting change occurred—the girls started to turn on their traffickers/pimps. In their experience this process usually takes 48–72 hours.

2.1.12 DMST Case Example

A recent DMST case related by one Vice officer involved a 15-year-old from Minnesota. She was from a “broken home” and her mother was in prison. At 15, she ran away and was recruited by a trafficker/pimp in Minnesota who exploited her through prostitution. The trafficker/pimp then took her to Arizona and continued prostituting her in Scottsdale and Phoenix. After an argument, the trafficker/pimp beat the victim nearly to death. He then drove her out to the desert and left her naked, to die. The trafficked girl survived and made her way back into town where she attempted to retrieve her belongings from the hotel she was staying with the trafficker/pimp. The perpetrator found the minor and forced her into the car and drove to California. Once in California, the victim was able to flee; a man saw her fleeing and offered the child assistance. Incredibly, the “rescuer” was another trafficker/pimp and trafficked her for sex. This second predator then took the minor to Salt Lake City and used Craigslist to advertise her “services.” Through proactive monitoring of Craigslist for prostitution activity by the Vice Unit, the juvenile was identified and arrested during an undercover operation. At the time of the arrest, she was six months pregnant with her current pimp's child. The juvenile informed law enforcement that she had been sold to 7 or 8 men, earning around \$1000 before the arrest – money that had been turned over to her trafficker/pimp.

Because the Utah juvenile court judge desired to keep the child safe and was unable to place her in a safe home environment, the judge adjudicated charges against her, which placed her at a secure Utah facility for six months. The girl had her baby in jail and DCFS now has custody of the child.

This case was referred to the United States Attorney's Office (USAO) for review. The Vice Unit arrested and charged the trafficker/pimp on a state charge of aggravated exploitation of a minor and was hoping to secure a more stringent federal charge. The USAO reviewed the case for the Mann Act, but according to law enforcement interviewed, it had not moved forward. Officers were unaware as to whether the TVPA had been considered as well.

In the end, the trafficker/pimp took a plea deal of exploitation of a minor. As a part of the plea deal, he was able to serve his time in California where his wife and children live.

2.1.13 Cooperation with DCFS

Several law enforcement officers indicated their hesitancy to involve DCFS, stating that DCFS cannot secure protection for the DMST victim. If the child is handed over to DCFS prior to placing a charge on the minor, DCFS will have jurisdiction over final placement. All DCFS facilities and group homes are voluntary, and the minor can run away shortly after placement. DCFS can remove a juvenile from a dangerous situation but, in the opinion of LE they cannot protect her from herself or from her trafficker/pimp.

At any time SLCPD Vice Unit comes into contact with a juvenile, protocol dictates that a report is written and submitted to the SLCPD victim advocates who are expected to file an abuse report with DCFS. Acknowledging the protocol, the SLCPD victim advocate interviewed stated that she had never seen a case of DMST involving a prostituted youth. Therefore, she had never submitted an abuse report to DCFS on a DMST victim.

The SLCPD interviewees had not heard of DCFS taking custody or responding to a 16- or 17-year-old victim of prostitution. These cases are expected to be a low priority.

2.2 PROSECUTORS

“After working Vice for long enough you realize that all of the girls are being exploited in one way or another—no one would choose to be in prostitution, it’s just too dangerous.”

2.2.1 Federal DMST Cases

The U.S. Attorneys Office (USAO) has several Assistant U.S. Attorneys who have experience in the application of the Mann Act. It is reported that often cases of sexual exploitation include components of production of child pornography. It is up to the USAO to determine which applicable laws secure the most appropriate sentence for the crime. Below is an example of a federal case that includes components of DMST however a successful child pornography charge was secured instead.

United States v. Zarif, 2:05 CR 117—Zarif was convicted of three counts of production of child pornography. He was sentenced to 15 years, which is the minimum mandatory term of imprisonment. Zarif had a sexual relationship with a young girl. After this relationship was established, other young girls agreed to spend time with Zarif. Zarif would prey on underage girls who appeared vulnerable or alienated and offered them money to perform sex acts on male adults. Zarif was also known for throwing parties that involved mostly juveniles. The case came to light when a 16-year-old girl and her mother went to the police and denounced Zarif for paying the 16-year-old and her friend money to perform a sexual act on an unknown man, although this was not the first time Zarif had paid an underage girl for such an action. The police seized videos and photos from his house that captured underage girls performing sexual acts on male adults and obtained videos of him recruiting girls at local malls.⁷⁵

According to the interviewee at the USAO, though Zarif proposed that the minors engage in prostitution, the conduct did not meet the elements of the TVPA; there was not sufficient proof that Zarif benefited financially or induced anyone to cross a state line during the course of these events. While the transportation of a minor across a state line may be a requirement for the USAO to accept a case charged federally, movement is not a required component of the TVPA to prove that domestic minor sex trafficking occurred.

To date, there has not been an investigation leading to a federal TVPA charge in Utah. However, one interviewee at the USAO indicated his desire to charge a case under the TVPA, including his willingness to apply the TVPA to cases involving intrastate trafficking of U.S. citizens or LPRs.

2.2.2 State Charges for DMST

A commonly used law in Utah to charge a trafficker/pimp with prostitution of a minor is aggravated exploitation of prostitution.⁷⁶

The three key components outlined by the local prosecutor as necessary to charge a trafficker/pimp with aggravated exploitation of a minor are:

1. Proof that the trafficker/pimp “encourages, induces, or purposefully causes someone to remain in prostitution.” Importantly, the juvenile’s age is sufficient to meet the requirements for the “aggravated” component of the law.
2. The trafficker/pimp can either transport a person into or within the state with intentions to promote that person’s engagement in prostitution or procure or pay for transportation for that purpose (paying a taxi to put a girl on the track or to take to a “date”).
3. The final component of the state law that the prosecutor could use against the trafficker/pimp is the

⁷⁵ Pat Reavy. “Man accused of hiring teen prostitutes.” *Desert Morning News*. February 19, 2005.

⁷⁶ Utah Code Ann. §§76-10-1305, 1306. <http://le.utah.gov/~code/TITLE76/76_10.htm>. Accessed on August 1, 2008.

“sharing in the proceeds of prostitution” since the juvenile often admitted that she gave all of her money to the trafficker/pimp.

Since DMST cases likely contain each of these three components, once proof is obtained, the prosecutor can secure a strong case against the trafficker/pimp. Also, in alignment with the TVPA, the state law for aggravated exploitation of a minor does not require the need to prove force, fraud, or coercion; the minor’s age is enough to qualify the charge as an aggravated offense.

The local prosecutor interviewed is aware of the federal TVPA but was not aware of the recently passed Utah human trafficking law. Regardless, the Utah human trafficking law is not preferred as it requires proof of force in a case of sexual exploitation, unlike the TVPA and unlike the Utah aggravated exploitation of a minor statute.

2.2.3 Charges Against DTMs

Juveniles are often cited by law enforcement for three misdemeanor charges related to the prostitution in order to obtain custody and keep the minor available for the initial hearing against the trafficker/pimp. If the juvenile court judge is resistant to detaining the juvenile, a Material Witness Order is issued to keep the minor safe and accessible for the initial hearing. A \$25,000 cash-only bail is the only way to circumvent a Material Witness Order - whomever posts bail will forfeit the money if the witness fails to appear for the hearing. This approach keeps the victim accessible and separated from her trafficker/pimp. Following the initial hearing where a recorded statement is obtained and the defense has access to the minor for cross-examination, the charges on the minor are dismissed and a safe place is located or the minor is returned home.

It was noted that this process might have evolved since the development of the human trafficking task force, as law enforcement now has the assistance of social service workers, such as the UHHRP. Working toward a solution to provide the victim with protection without placing a charge was voiced as ideal by one prosecutor who hoped that the establishment of a task force would present more options for victim placement.

2.2.4 Involvement of CPS

According to law enforcement the average age of the minors found in prostitution in Salt Lake City is 15–16, though one case involved a 14-year-old. Though minors were being victimized through prostitution, according to one interviewee, CPS was never involved in any of the past cases involving the prostitution of a minor. CPS is not considered by law enforcement as a partner in the process to assist with the prostituted youth due to their inability to protect the minor and the potential of the child to run away.

2.2.5 Market Perspective to Addressing Buyers and Traffickers/Pimps

In prostitution, there are three principle players: the buyer, the trafficker/pimp, and the victim. When considering the approach of the local prosecutor’s office, the following analysis was concluded. The buyers are the largest group; the girls make up the second largest group and the traffickers/pimps are the smallest number. Law enforcement has historically focused on the prostitutes and the buyers, leaving the traffickers/pimps to flourish in the business of commercial sexual exploitation. Legally, it is not productive to go after the buyers because the sentences are low; as stated by one interviewee, it is expected that buyers of prostitutes are a “pool that will always be replenished.” Historically, the traffickers/pimps have been impacted the least legally, and have gained the most. Therefore, the primary strategy of the local prosecutor was to go after the trafficker/pimp. The secondary focus was to impact the most important thing to the trafficker/pimp: their money.

“I needed to insert time between the juvenile prostitution victim and the pimp because each day that goes by he gets more nervous and she gets more free.”

2.2.6 Prosecuting Traffickers/Pimps

The local prosecutor interviewed charged an estimated 50–60 cases against traffickers/pimps in the time period of 1996–2004. Of those cases, 50% involved minors and most pimps were in control of more than one minor at the time of their arrest. Since the victim is held in juvenile detention for the preliminary criminal hearing against her trafficker/pimp, when she testifies her testimony is videotaped; she identified the pimp, all of the evidence against the trafficker/pimp is secured. Following the preliminary hearing the defense (of the trafficker/pimp) typically had little option other than to make a deal. An interesting approach by the local prosecutor is to offer extremely low plea deals. According to the state sentencing guidelines, an offer of 1–15 years (2nd degree felony) in prison is the standard plea offer for aggravated exploitation of a minor. Though the plea deals varied, the average deal offered by the local prosecutor is six months in jail.

The explanation behind this tactic is that the state had already seized all cars, houses, and toys associated with profits gained through prostitution and jail time would be served. The goal is not merely to have these pimps spend time in jail but to reduce the recruitment and traffic of minors into Salt Lake City for commercial sexual activities. Upon release, the pimps would be required to leave the state of Utah and a local arrest warrant for \$100,000 would be issued if they returned to Utah during their probationary period. This eliminated reentry by the trafficker/pimp into the state of Utah for at least three years. If they did return and were identified by law enforcement, the plea agreement would fold and the trafficker/pimp could go to prison. Though the interviewee acknowledged this as an unorthodox approach, he knows that the traffickers/pimps work on a circuit and communicate with each other; the expectation was that Salt Lake City would obtain a reputation and be removed by the traffickers/pimps as a profitable location on the western prostitution circuit. Over the course of eight years, only one case went to trial and was not pled.

One discomfoting legal impediment to protection of the victim is the inability to regain jurisdiction over a trafficker/pimp who has pled guilty to a class A misdemeanor but flees Utah prior to sentencing. Though he could be arrested if he returns to Utah, this consequence of offering such a light plea potentially allows a dangerous criminal to remain at large in another state and creates concern for retaliation against the victim.

2.2.7 Victim-Centered Approaches

According to an interviewee at the USAO, the most important approach to a victim-centered trial is the appointment of a guardian *ad litem* by the court for the juvenile at the beginning of the investigation process.⁷⁷ It is the responsibility of the guardian *ad litem* to provide the support necessary and serve as the primary victim advocate throughout the often complicated and complex process. The last resort that the law allows for a victim-centered trial is closed-circuit TV, and according to the interviewee, that option has only been used once in 18 years.

Guardians *ad litem* are paid through the court. One interviewee from the USAO reported that it is not the primary responsibility of the court to provide and pay for a guardian *ad litem*, though the court has supported most of these requests from the USAO.

⁷⁷ Utah Code Ann. §78A-6-902. <http://le.utah.gov/~code/TITLE78A/htm/78A06_090200.htm>. Accessed on August 1, 2008.

2.2.8 Trend Change—Sending Juveniles on “Automatic”

Due to the aggressive action by law enforcement and the local prosecutors' office against traffickers/pimps, Salt Lake City became an inhospitable location for traffickers/pimps. However, this approach did not deter traffickers/pimps who still viewed Salt Lake City as a market where money could be made due to continued demand. Traffickers/pimps started sending the juveniles on “automatic” prostitution. This is a framework that allows the pimps to stay safely in another state while the girls “work” in Salt Lake City. The girls are required to either wire the money to the pimp or return periodically to the pimp in another location to pay over all money earned in Salt Lake City. This process keeps the pimp safe from arrest while allowing them to continue profiting from the Salt Lake City sex market.

2.3 PUBLIC DEFENDERS

2.3.1 Legislation

The juvenile public defender interviewed was not familiar with the federal TVPA or the Utah state human trafficking law. Although familiar with juveniles being charged with prostitution, she had never defended a juvenile charged with prostitution.

2.3.2 Representing DTMs

The juvenile public defender indicated that her stance would be to argue for the release of the minor exploited through prostitution as a victim of a crime. Though it is understood that flight risks could cause revictimization, utilizing the criminal justice system for protection is not viewed as an appropriate solution for children who have been raped, kidnapped, and forced into prostitution.

2.3.3 Legal Counsel for DTMs

A juvenile public defender is not present in all cases of a charged youth and rarely is present pretrial. The judge makes a determination whether a public defender is needed and then the family or state can apply for free legal counsel. This system is devised on a sliding scale, but some families/parents will not qualify for a free or reduced public defender; sometimes the juvenile is forced to go without legal counsel. One juvenile court judge recently instituted an experimental model court to ensure juvenile public defenders are available for all cases involving a juvenile defendant at both pretrial and hearing stages. Results of the model court are not yet available.

2.4 JUVENILE COURT JUDGES/JUVENILE PROBATION OFFICERS

2.4.1 DMST Victims as Delinquents

A prostitution charge in Utah is a misdemeanor. In order to hold a juvenile in the detention facility, law enforcement must book the juvenile on three misdemeanor charges arising in the same episode or they must make a case for endangerment of the juvenile. Another way that the prosecutors can keep a juvenile in detention is by issuing a Material Witness Order. Judges are required to adjudicate according to sentencing guidelines which instruct placement in the least restrictive situation first. A prostitution charge for a juvenile (with no previous record) along with a “low to medium” risk assessment result would likely result in adjudication of community service and a fine. Due to the likely occurrence of a Material Witness Order issued by the criminal prosecutor, a juvenile could be held 30–90 days in the detention facility while her arrested trafficker/pimp may have posted bail and is free.

A deal to drop the three misdemeanor charges is often offered to the juvenile if she agrees to testify against the pimp. This was often used as leverage to acquire the cooperation of the juvenile, even though the charges brought against her did not merit a detention hold.

Although the juvenile court judge interviewed had only seen one case of a juvenile charged with prostitution in her courtroom, she was aware of numerous cases involving prostituted juveniles preceding her time on the bench. Most of the juveniles were under pimp control and were brought to Salt Lake City from jurisdictions outside of the state. Though the DMST victim was viewed as a victim and a key witness in the case against her trafficker/pimp, she was almost always perceived as a flight risk and detention was used both for her safety as well as to keep her available to testify against the pimp.

2.5 DIVISION OF CHILD AND FAMILY SERVICES— CHILD PROTECTIVE SERVICES

2.5.1 Legislation

The DCFS-CPS interviewee was not familiar with the federal TVPA or the recently passed state law criminalizing human trafficking.

2.5.2 Custodial

The issue of dual custody between child welfare and juvenile justice was noted. For example, if an allegation of child sexual abuse and suspected familial prostitution lead the CPS investigator to request a removal and then, through the CPS investigation, it was revealed that the child had an outstanding warrant for drug possession or truancy, it was not clear to CPS who would obtain custody of the child. The interviewee responded that each situation would be reviewed independently and that the judge would ultimately be made aware of the pending warrant.

2.5.3 Response and Interagency Cooperation

The interviewee indicated that law enforcement is responsive to all allegations of abuse or neglect.

For CPS to respond to an allegation of abuse or neglect, there must be a known location or address for the child. There may be times when the initial report comes in from a non-secure location, such as VOA or the YWCA, and by the time the investigator responds the child is no longer at the facility and cannot be located. If the child cannot be located, CPS is limited in options for response. If the child provided a home address, the CPS worker may go to the home to see if the child is there, but without interviewing the child, it would be unlikely that the CPS investigator would open an investigation. The CPS investigator could try to locate the child at school. If the child was still not able to be located, a runaway report would be provided to law enforcement.

CPS is permitted a 30-day period to complete and close an investigation.⁷⁸

⁷⁸ CPS General Guidelines 2008. <http://www.hsosr.utah.gov/pdf/2008_cps_general_guidelines.pdf>. Accessed on August 1, 2008.

2.6 DIVISION OF YOUTH SERVICES

2.6.1 Legislation

Interviewees from DYS were unfamiliar with the specifics of the federal TVPA but were familiar with the term “human trafficking.” Though all of the staff has received extensive sexual abuse training, the concept of human trafficking was perceived to be a foreign national focused crime and that the terminology and law was not applicable to domestic youth.

2.6.2 Frequency of Referrals Involving DTMs

An estimated 10–15% of cases received by the Juvenile Receiving Center (JRC) on a monthly basis exhibit indicators of potential DMST. Though minors are not being admitted to the JRC on charges of prostitution or prostitution-related charges, JRC staff is interacting with runaway kids who are status offenders. The interviewee expressed amazement at the charges and situations surrounding the admitted youth and the contrast of information that is disclosed during the intensive counseling provided onsite. It is expected that misidentification of youth admitted to the JRC was likely to mask situations of DMST. In the opinion of the interviewee, at least 50% of runaways are running from sexual abuse and exploitation.

The JRC is commonly used for status offenses such as: running away from home, skipping school, using tobacco and alcohol, violating curfew and/or acting beyond the control of their parents. JRC also sees children admitted for lower levels of offense or first time non-violent offenses (shoplifting, fighting). Juveniles are taken by LE to detention for all other juvenile delinquency or if a child has an outstanding warrant in the system. Though the above protocol directs LE to take status offenders to the JRC, it is left to the discretion of the LE officers whether the child is admitted to the JRC or to juvenile detention.

2.6.3 Protocol for DMST Revealed Post-Adjudication

Juvenile court judges can adjudicate youth to DYS for counseling. Frequently youth will reveal extensive information surrounding their abuse to the counselor that was not previously revealed in court. This information is confidential and cannot be shared with the court; though the counselor would encourage the youth to reveal information about their perpetrator, this information can only surface if the youth decides to reveal it to their probation officer or the judge. For example, if a youth is adjudicated on prostitution charges and during her counseling she revealed that she was under the control of a pimp, the information must be provided by the youth to law enforcement or another member of the judiciary in order to initiate action by law enforcement.

2.7 NGOs/SOCIAL SERVICE PROVIDERS

2.7.1 TVPA

The staff persons at the VOA HYRC and Outreach program are familiar with the TVPA, though they are not entirely sure how it applied to the youth that they serve. The staff at the VOA Transitional Girls Home (Home) is not familiar with the TVPA or any state law related to human trafficking.

Staff interviewed at the UHHRP were familiar with the federal TVPA and have provided extensive training on the law. They were also aware of the recently passed state law on human trafficking.

2.7.2 Legal Constraints to Providing Services for Minors

In order for a minor to have access to the VOA (Home), the parent(s) must sign a consent. This would be necessary if the child self admits or is referred through the VOA HYRC and she is not already in the child welfare system.

If the child's parents cannot be reached or refuse to provide their signature approving services, VOA Home staff would call CPS to open a case on the child; the child would be taken to DYS and then possibly referred back to the VOA Home. VOA Home staff does not have any ability to advocate for a return to their facility.

2.7.3 Referrals from DYS

When the girls are referred from DYS, they are in crisis and typically do not share information on their background or the reason for their homelessness and/or background situations of family abuse. This is frustrating to the staff, as they feel that more information could be provided to prepare the VOA Home program and staff to better meet the needs of the youth.

There is no funding that follows the girls from DYS to the VOA Home when they are placed there. Another difficulty is that VOA Home staff is not provided with guardianship of the minors and in some cases the parents still have custody. This caused difficulty in working with minors in many cases, for example, it has taken up to two months to obtain medication for one resident after working with DYS, the family, and then completing all of the necessary steps through the Medicare system during which time the child was in psychological crisis and relatively non-functional. Increased proactive collaboration between DYS and the Home prior to minor youth placement could assist in addressing hurdles such as medical care prior to the youth being debilitated to a crisis or non-functional level.

2.7.4 Law Enforcement Response

The VOA Home staff indicated that response time for law enforcement is sometimes slow. There have been several reports of statutory rape of juveniles by men significantly older than the youth. According to the VOA home staff a significant reason the rape charges are often dropped is because the youth lack legal advocates or caseworkers and often get confused or intimidated by the legal process.

2.7.5 Reporting Survival Sex

The VOA HYRC staff has daily meetings to share information they have heard from the youth. Survival sex, if viewed as a crime, occurs with such frequency that they could report it to law enforcement or CPS every night. Typically, DYS reports of prostitution or risky sexual activity by a minor do not generate a significant response by law enforcement or CPS. The VOA HYRC staff reported that they do not receive any follow-up from DYS regarding opening of a case, investigation, or close of a case. This makes it extremely difficult for the VOA HYRC staff to know which reports should receive follow-up.

2.7.6 Homeless Youth Arrested

Staff at the VOA HYRC is familiar with numerous situations where homeless youth were arrested for their involvement in prostitution. It was reported to them by the youth that the charges are often dropped to something related to the prostitution, such as curfew, trespassing, and drug charges.

2.8 CONCLUSIONS

Knowledge of the Trafficking Victims Protection Act was reported in varying levels and limited to interviewees from the USAO, law enforcement active on the UHTTF, a local prosecutor, the UHHRP, and VOA HYRC staff who attended a regional conference at which the issue of DMST was presented. The only interviewee who was aware of the Utah human trafficking law passed in 2007 was from the UHHRP. In contrast to the lack of awareness on both the state and federal human trafficking laws, the Utah law on aggravated exploitation of a minor and its usage to investigate, arrest, and convict (or secure plea deals) was widely understood.

Comprehensive systems of intervening on behalf of the DMST victims were established in 1996 and have continued to be refined over the last 12 years. All law enforcement training provided to new SLCPD Vice Officers focuses on the prostituted youth as a victim and investigation efforts aim to locate and charge the trafficker/pimp. In conflict with the established view of the child as a victim is her arrest and charge with three misdemeanors as a result of her commercial sexual exploitation. Center to this is the statement of responsibility by law enforcement to secure or protect the prostituted youth from fleeing non-secure placement and being revictimized by her trafficker/pimp.

Representatives from both the Utah Internet Crimes Against Children Task Force and the FBI reported aggressive and successful identification of adult men who entice minors over the Internet, promising gifts and money in exchange for sex acts. Investigative protocols focus on the apprehension of the buyer by using the buyer to break down or gain access to larger networks of individuals who are exploiting youth. In comparison to trafficker/pimp investigations, which use the victim as a key participant in both the investigation and prosecution, an approach for law enforcement that depends less on the victim is viewed as a step in the right direction.

2.9 SUMMARY OF BEST PRACTICES AND GAPS

2.9.1 Best Practices

At the time of the assessment, successful investigations into traffickers/pimps had yet to lead to any federal charges under the TVPA; however, the USAO is utilizing alternate federal laws, such as the Mann Act, to prosecute and obtain lengthy sentences for DMST crimes.

Understanding psychological tactics utilized by the trafficker/pimp to control the minor victim has informed victim-centered protocols toward prostituted youth. Engaging the family and friends of the prostituted youth to begin rebuilding her network with a rehabilitative and supportive community is vitally important to restoration. This can also create stronger victim-witnesses as they delve into the lies and manipulation used by their trafficker/pimp and begin to recognize their own victimization. Victims who are able to self identify and realize their abuse recant less and enable strong cases for the criminal prosecution of the trafficker/pimp.

Additionally, successful investigation and charging of over 25–30 traffickers/pimps of juveniles utilizing Utah's aggravated exploitation of a minor statute has proven successful in separating girls from their abuser and has helped eliminate Salt Lake City as a stop on the western prostitution circuit.

The streamlining of youth before the same judge, whether it is the juvenile justice court or the family court, is a positive step in providing the judiciary with a holistic picture of the youth's situation. This allows the judge the opportunity to build a relationship with the youths as they enter in and out of the system.

2.9.2 Gaps

Despite the great success of the arrest and prosecution through plea deals of traffickers/pimps, buyers of children in Salt Lake City operate with impunity. Only one arrest of a buyer was reported during the assessment process. In addition, the lack of blame placed on the buyers of commercial sex acts from children presents difficulties for law enforcement and prosecutors. Law enforcement view the pursuit of buyers as a difficult case with limited results coupled with low, if any jail time, in contrast to the children they have exploited often spending months in jail. It is noteworthy that this is not the case for other perpetrators of sexual abuse on minors, rather, it is an indication of the effects the label "prostitute" has on the exploitation of children.

While the aggressive approach to investigation, arrest and prosecution of traffickers/pimps in Salt Lake City over the years has reduced the identified incidence of DMST, the reported trend change of sending girls on "automatic" indicates that, when buyer demand creates a market, traffickers/pimps will find a way to supply their product. A holistic method to eradicating DMST includes both the application of laws to the sellers and buyers of children for sexual exploitation.

The passage of the Utah human trafficking law is an important step in creating public awareness on the issue of DMST and providing professionals with a legal framework to rescue victims and bring traffickers to justice. However, the requirement of "force" in the law sets a level of proof that is not included in the state law on aggravated exploitation of a minor or in the federal TVPA. It is expected that, due to this definitional issue, prosecutors will be more inclined to apply these laws, rather than use the Utah human trafficking statute.

The juvenile court judge and public defender both expressed disapproval of using the juvenile delinquency system to retain a prostituted youth victim-witness for their testimony against the

trafficker/pimp. Often, an “offer” is provided to the youth that all charges will be dropped in return for her cooperation. However, this is in direct contradiction to her status as a victim of DMST. In many circumstances, sentencing guidelines often direct the juvenile judge to release the youth since her charges are minimal. This response is usually met with the criminal prosecutor issuing a Material Witness Order, which can keep the minor detained for 30–90 days while the arrested trafficker/pimp has posted bail and is free. While the issue of protection and safety for the minor is understood, it was expressed that another non-punitive solution is necessary that provided the youth with services to address her victimization.

III. PROTECTION

3.1 LAW ENFORCEMENT

3.1.1 Rescue Protocol

At the time of the assessment, the SLCPD Detectives Division had not created a protocol for the rescue of DMST victims. It is expected that the victim would be taken to the UHHRP for services and access to shelter, though UHHRP funding from OVC is restricted to providing services to foreign trafficking victims pursuant to the TVPA appropriations.

3.1.2 Children's Justice Center

According to several law enforcement officers interviewed, Utah state law mandates that any child victims of severe sexual or physical abuse under the age of 14 must be taken to the Children's Justice Center (CJC) to be interviewed. The CJC provides a child-friendly environment and interviews can be recorded to minimize the need for multiple interviews by professionals. The Utah ICAC Task Force has used the CJC in cases where a "live" victim has been rescued through an Internet arranged meeting. However, the SLCPD Vice unit has not utilized the CJC because most of the DMST victims who they come into contact with are identified during the midnight shift, after the CJC has closed. The Vice Unit indicated that waiting until the next morning to interview these victims is not an option in these time sensitive investigations. If the minor is under the age of 14, LE is required to complete the interview at the CJC, but if they are over 14, this is not a requirement.

3.1.3 Services

The SLCPD Vice Unit stated that the youngest DMST victim they had interacted with was 15 years old and the average age they have come into contact with is 16. However, most of the girls had been in several states prior to their identification in Salt Lake City. Additionally, many of the girls revealed situations of previous sexual exploitation, such as rape and familial child sexual abuse, to law enforcement during their interview after their arrest for prostitution. Law enforcement stated that, in order to avoid recidivism, services specific to the trauma inflicted through pimp control, as well as addressing the previous sexual abuse were important but to their knowledge few programs exist and none are in Utah. Access to victim services in Salt Lake City so a victim can participate in the hearing against her exploiter is absolutely imperative and, in the opinion of law enforcement, could assist in making the victim-witness case stronger and decreasing the chance of a recanted statement.

3.1.4 Shelter

As noted throughout the report, the inability of law enforcement to access protective and appropriate shelter for DMST victims was identified as the single largest factor obstructing their ability to labeling the prostituted child as a victim and ensuring her safety. Though the SLCPD Vice Unit adamantly stated that they view prostituted children as victims, a conflict of interest exists between needing their testimony and recognizing their trauma bond to the pimp and their high flight risk. Although the prostituted youth are viewed as victims, law enforcement often has to place three misdemeanor charges on the youth to secure them in a juvenile detention facility. Protecting the child from running away and potentially going back into a situation where they can be revictimized or killed is viewed as their first priority. Additionally, detaining the child provides them access to the youth as they work aggressively to investigate and arrest the trafficker/pimp. Though services and shelters are limited, and the protocol is often to arrest and hold the girl in detention, the SLCPD Vice Unit interviewed was able to recall several success stories of DMST victims who they were able to remove from prostitution. One officer stated that occasionally they receive phone calls from girls several years later letting them know that they had graduated from college and thanking them for intervening in their exploitation.

3.2 PROSECUTORS

3.2.1 State Crime Reparations

According to one interviewee from the USAO, the closing of a federal case does not affect access to services by the victim. If the victim continues to need counseling or therapy, the Victim Witness Coordinator can arrange for these services. However, there is a limit to the amount of funding available. For example, \$2,000–\$2,500 is usually the maximum allowable amount under state compensation funds, though once exhausted, other options may be available. The U.S. Department of Justice, Office for Victims of Crime (OVC) has a range of funding that could be appropriate for DMST victims, but it is required that all state funding is used before federal funds can be administered.

The USAO interviewee believed that DMST victims would have access to state victims of crime reparations regardless of any arrest and detention for prostitution. Though extra steps may be needed to prove that she was not responsible for her involvement in prostitution, the process is worthwhile.

3.2.2 Services and Shelter

The UHHRP is available as a key resource for services and shelter for victims of human trafficking. Although their funding is restricted to foreign national victims, it was expected by interviewees that they would be contacted as a reference for DMST victim services. Shelter options were identified as limited, at best. The YWCA was named as a first option because they operate a teen pregnancy home. Another option is a local shelter called South Valley Sanctuary. They have an undisclosed location and a gate around the shelter which provides the residents with safety. Ideally, placement for DMST victims should provide protection and include components that ensure emotional and physical safety.

A local prosecutor interviewed identified placement of DMST victims at hotels as unsafe and potentially re-traumatizing stating that, “You can’t put a girl in a hotel room. A lot of crap has happened to these girls in hotel rooms; it is not a safe place for them.” Non-secure facilities do not work with certain groups of girls because of the trauma bonding that occurred between the trafficker/pimp and child. This conditioning creates a mindset where the girls think, “if I can leave here, then I am not really safe, and if I am not safe, then I am not free from him. And if I walk out of here, then I have to go back to him.” According to the local prosecutor, juvenile detention is currently used because it is the only option to secure most DMST victims.

3.2.3 Challenges in Accessing Services

One significant hurdle stated by all prosecutors interviewed is that most of these children do not have family support so locating an advocate for the child for the court process as well as placement following the hearing is difficult. The Victim Witness Coordinators in conjunction with the guardian ad litem usually plays a critical role during this process in advocating for access to services and shelter.

3.2.4 Restitution for Victims

According to the local prosecutor interviewed, restitution for the victims from the traffickers/pimps has never been sought because it reconnected the girl to her exploiter. The prosecutor does not want the pimp to have any reason to contact the DTM or know where she lives. The approach is to sever ties between the trafficker and the child completely. However, money collected through asset forfeiture of the pimp’s cars, home, and clothes can be used to fly the girls home.

3.3 PUBLIC DEFENDERS

3.3.1 Access to Services

An interviewed juvenile public defender viewed the charging of the DMST victim for “their safety” and to provide access to services as a manipulation of the system. According to the interviewee, there are plenty of services publicly available for DMST victims. Though admittedly the services are not specific to DMST, it is expected that services administered outside of detention would be more effective in the child’s restoration.

The interviewee also stated that counseling services are not always free in detention or when the child is ordered by the state to receive services. Services are invoiced on a sliding scale, and the parent or victim advocate has to go through the Office of Recovery Services to determine how much they will need to pay for services.

3.3.2 Crime Victims Reparations

Utah state law outlines the following framework for crime victim’s reparations:

“Who May Qualify?

- Victims who suffer physical or psychological injury or death as a direct result of criminally injurious conduct
- Family and dependents of deceased victims
- Representatives acting on behalf of victims

How Does a Person Qualify?

- Victim shall be a resident of Utah or the criminally injurious conduct shall have occurred in Utah
- Report crime to law enforcement agency—no conviction is required but enough information is needed from law enforcement to substantiate a crime occurred
- Cooperate fully with law enforcement officials in the investigation and prosecution of the case

Who Does Not Qualify?

- A victim whose own misconduct contributed to the crime
- A victim who suffered property loss or damage
- A victim engaged in illegal conduct at the time of the crime
- The offender, accomplice, or anyone whose award would unjustly enrich the offender or accomplice
- Anyone who is incarcerated in a penal institution when the crime occurs
- Anyone in violation of parole or probation when victimized”⁷⁹

The concern of the juvenile public defender is that DMST victims could possibly meet three out of the five bullets that would disqualify them from access to crime victim’s reparations. The three include: a victim whose own misconduct contributed to the crime, a victim who engaged in illegal conduct at the time of the crime, and anyone in violation of parole or probation when victimized. Since law enforcement and prosecutors often charge the victim with the illegal acts, it reinforces that they are not viewed as victims but rather the criminals—responsible for their own victimization. This label not only hurts their restoration process but also can bar their access to services and shelter.

⁷⁹ <<http://www.crimevictim.utah.gov/Comp/Crime%20Victim%20English.pdf>>. Accessed on June 20, 2008.

3.4 JUVENILE COURT JUDGES/JUVENILE PROBATION OFFICERS

3.4.1 Involvement of CPS

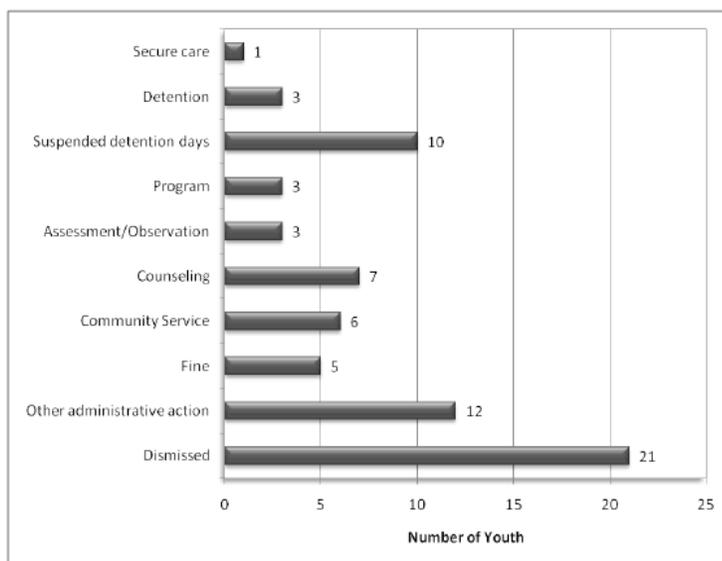
CPS was not involved in any of the cases that the judge recalled. These cases were not reported to CPS by law enforcement because, if CPS became involved, it was expected that CPS would return the minor to her home state and the absence of the victim-witness could place the criminal prosecution of the trafficker/pimp at a stalemate. DCFS/CPS was contacted on rare occasions to take a DMST victim into temporary custody or to transport a juvenile back to her/his parents following the hearing or court case. DCFS was used to pay for the transportation home if the parents could not afford the cost of the ticket. Since this was a temporary custody situation not involving allegations of abuse or neglect in the home, DCFS was not responsible for aligning services for the minor in the home state or investigating the home to ensure abuse or neglect was not a root cause in the victimization of the juvenile.

3.4.2 Services and Placement

Juvenile detention is a temporary placement for all juveniles pending adjudication. Judges are not allowed to hold juveniles in detention for more than 30 days. Juvenile detention provides zero services to the juveniles in custody - there is no counseling, no group therapy, and no health services. The only service offered is emergency medical care. Though the judge acknowledged that detention provides much needed protection and safety for victims of DMST, it does not work to address any of the issues that caused the child to be vulnerable to recruitment or sustain their exit from pimp control. Outside of law enforcement and prosecutors working with the victim on the case against the pimp, probation officers have the ability to work on behalf of the victim to create a strategy upon release. The probation officers will often make contact with service providers in the home state of the juvenile and attempt to set-up services for her homecoming. A probation officer interviewed indicated that he is not aware of any services specifically for victims of commercial sexual exploitation.

The judge is also not aware of services specifically for DMST victims, although plenty of general services, such as gender specific counseling, could be made available.

According to data provided by the Utah Juvenile Court on the 42 juveniles arrested for prostitution and prostitution-related activity during the time period 1996–2007, only 4 were adjudicated to detention or a secure care facility and half of the prostituted youth had their charges dismissed. This supports the stated protocol of the local prosecutors who indicated that they often dropped all charges following the initial hearing against the trafficker/pimp.



Source: Utah Administrative Office of the Courts (See Appendix B)

**Note: Youth may receive multiple dispositions for one offense. For example, a youth charged with prostitution may receive community service hours, fine, and suspended detention days.*

3.4.3 Material Witness Order

The juvenile court judge reported frustration with the use of Material Witness Order for DMST victims, particularly since detention has no services available for detained youth. According to the juvenile court judge, the DMST victims could be held up to 90 days in detention awaiting a hearing or trial without access to services. Also, free counseling services offered by DYS does not allow counselors from the Juvenile Receiving Center to come to detention to provide much needed counseling.

3.5 DIVISION OF CHILD AND FAMILY SERVICES— CHILD PROTECTIVE SERVICES

3.5.1 Access to Services

Identified familial prostitution, as well as a situation of pimp control substantiated by CPS investigators, would provide access to Medicare, crime reparations, as well as some community service providers who can assist and may be able to provide services through the family's insurance policy (if available). The interviewee felt that family counseling, when appropriate, is extremely important in the interest of addressing the entire problem. Services are provided through the age of 18; if the child is in the system at the time of their eighteenth birthday, then CPS can continue to provide services through their twenty-first birthday.

A child from out of state could have their immediate needs addressed in Salt Lake City. However, more likely would be the application of the interstate compact agreement which provides for that child's return home. They would also work to inform the CPS worker in the home state of the situation and allegations.

Multi-agency meetings to determine the best course of action to services and placement have been extremely effective in other complex and severe sexual abuse cases and was recommended by one interviewee for DMST cases.

3.5.2 Shelter

Familial prostitution would be viewed as child sexual abuse and, if safety risks were present in the home, both the prostituted child and siblings at risk could be removed. Children younger than 12 could be placed at the DYS Christmas Box House and efforts would be made by CPS to keep the children together in placement. A shelter hearing is usually held within 72 hours of their removal. The shelter hearing determines whether the children should remain removed from the home, and if so, it looks into long-term placement options, which include non-kinship placements.

3.6 DIVISION OF YOUTH SERVICES

3.6.1 Services and Shelter

At the JRC, children admitted for status offenses are offered counseling, though it is not required. Counseling for both the child and the family are offered for free and can be arranged for both long-term and short-term intervention at varying intensity. The short-term counseling that is provided is a 60-day model and is usually eight sessions long.

Additionally, a youth in juvenile detention can be adjudicated to attend counseling services at JRC. For example, one interviewee had just been referred a case of a 15-year-old girl who was charged with solicitation and had been ordered to receive counseling at JRC. During counseling, especially with these types of cases, counselors try to identify previous sexual abuse.

One primary goal at the JRC is for a parent to retrieve their child within 24 hours of being admitted; when the parent arrives, the youth, parent, and counselor meet together to create a family plan. The plan can incorporate the youth staying onsite at Crisis Residential for another day/night to receive more intensive counseling. Crisis Residential (CR) is a short term, non-punitive residential facility for children 12 years and older. With the proper safety plan in place and with the approval of the parent, children can be placed in CR for up to 14 days. There are 16 beds in the CR facility that are divided up by gender. CR is not a lockdown facility, though alarms are on the windows and doors for safety. Staff has experienced children running away from the facility; law enforcement and the parent/guardian are called immediately.

CPS is often already involved with the youth admitted to JRC or are involved by JRC staff following an allegation. JRC staff reported a good working relationship with CPS and indicated that they engage in regular meetings together.

3.7 NGOS/SOCIAL SERVICE PROVIDERS

3.7.1 VOA Group Home

The VOA Transitional Girls Home is a seven-bed home for girls ages 16–20 who are homeless. The VOA Annual Report 2006–2007 stated that the VOA Home served 11 unduplicated youth. Additionally, 63% of the homeless youth moved into permanent housing and reached self-sufficiency. Only female, homeless, aged 16-20 years may be admitted. Many residents come through DYS, the HTRC, or are aging out of DCFS. Another large category of residents come from failed foster or adoption placement. The home is staffed 24/7, though the staff does not live at the home. Residents must either attend high school, be working on their GED, or if they have a diploma/GED, they must be working.

There are no fees or charges to live at the VOA Home and everything is provided, such as food, school supplies, and other necessities. This provides residents with the opportunity to save money and work toward transitioning into living on their own.

Residents can stay at the facility for 18 months or until they are 20 years old. There is some flexibility on the departure date of the resident if they still need more skills or if they have a housing voucher that is pending and need a place to stay in the interim. A girl is never exited due to time constraints.

The Home is non-therapeutic but VOA is actively looking to identify a funding source to bring in a full-time therapist. These girls come from different and difficult backgrounds and need intensive therapy in order to develop into emotionally healthy and strong young women who can succeed on their own. In lieu of therapy, staff organizes group sessions that cover topics, such as cooking, management of their environment, healthy choices, and self-esteem. The VOA Home also brings in groups from the community to cover a diverse set of health and life issues.

Youth who become pregnant are able to stay at the home until they give birth. Once the baby is born, the mother has to transfer to her own place or to the YWCA teen home.

3.7.2 VOA HYRC—Services

The VOA HYRC provides a safe space for homeless youth to seek refuge for part of the day. The VOA 2006–2007 Annual Report states that the VOA HYRC provided services to 332 unduplicated youth ages 15–23.

The goal of the staff interviewed at the VOA HYRC is to build trust and rapport with the homeless youth and provide them with access to services and safety. Homeless youth have had horrible experiences with adults and will project that onto all adults unless trust is built. Consistency and honesty is of vital importance in the effort to build relationships with the youth who drop into the center so that steps can be made toward services and getting the child off the street.

The staff engages in a harm reduction model, talking very candidly with the youth about their lifestyle on the street; by doing so, they are able to address issues of safety. State agencies often wait for a child to “reveal” their abuse, but a process that mandates a 30 day “relationship” with the child does not allow for the necessary trust for authentic conversations can occur. The VOA HYRC are able to ask direct questions regarding abuse and often find that youth are relieved that someone cares enough to ask the hard questions.

Motivational interviewing is another key component of the VOA model which allows the child to verbalize and define their own strategy for success which enables ownership of the process of achieving that goal. State agencies wait for the child to disclose abuse, and while it is important that the youth reveal their abuse and are not “led” into disclosing, it is also important to ask.

DMST victims often feel that no one, especially adult staff, understand what they have experienced. The staff at the VOA HYRC stated that having peer-to-peer models and young adults who are able to engage with the youth is critical. Also, the VOA HYRC has a youth survivor of homelessness and commercial sexual exploitation on staff, and she is involved in the street outreach. Survivor interaction with DMST victims on the street or who come into the shelter provides increased trust and openness with disclosure from DTMs.

The VOA Street Outreach Team served 143 unduplicated individuals in 2006–2007.

3.7.3 VOA HYRC—Shelter

The VOA HYRC can link some street youth to the VOA Home, but the Home is only available to female homeless youth who are committed to getting their lives together. At 7 pm the VOA HYRC closes; there is no emergency shelter for the youth to go to, and they are released back to the streets.

In addition to these issues with at-risk and DMST services and shelter, advocates for homeless youth plan to ask the Utah Legislature to change the law about overnight stays in the next 2009 session,⁸⁰ to allow overnight stays for youths in shelters. Under Utah’s current law, it is seen as harboring a minor if a youth seeks shelter overnight in this facility. Hopefully, this will be resolved, as many youths cannot get the help they require due to legal restrictions. If they are not allowed to seek shelter in safe environments, such as the VOA HYRC, then each night homeless youth are forced back on the street and placed in vulnerable situations.

For youth that are at substantial risk to themselves or others, protection and safety is necessary. But for homeless youth who have often already been a part of the system and that did not work for them—they ran away, aged out, or were abused in the system—it is important to have the open-door policy. Professionals who engage with youth must be able to rebuild their trust, and it has to be on the timeline and terms of the youth - to a certain extent. The comparison is the speed of engagement, and sometimes the youth will be a part of the drop-in center for a year before they want case management. It is important that they take initiative on this and to have all the steps in the tier to properly engage with all youth mentally and physically.

3.7.4 South Valley Sanctuary

The South Valley Sanctuary was not included for interview during the assessment process though it was mentioned as a potential location for services and shelter for DMST victims during a few interviews. Therefore, information has been included below as a resource.

“South Valley Sanctuary’s (SVS) mission is to provide refuge, education, and support to all survivors of domestic violence. We provide individualized, survivor-focused services that aim to empower men, women, and children as they work towards breaking the cycle of violence.”⁸¹

SVS operates a 30-day shelter which provides a variety of basic needs including food, clothing, and personal care items. In order to equip survivors with the skills necessary to reduce revictimization

⁸⁰ The Salt Lake Tribune. Homeless advocates hope to open overnight shelter for youth. The Associated Press. June 13, 2008.

⁸¹ <http://www.sltrib.com/ci_9576074?source=rss>. Accessed on July 3, 2008.

<http://www.southvalleysanctuary.com/services_svs.htm>. Accessed on June 21, 2008.

individualized case management, support groups, life-skills classes, parenting classes, children's programs, personal advocacy, and referrals for outside services are also available. SVS operates a 24-hour crisis hotline as well as engages in community outreach which educates community members on issues surrounding domestic violence.⁸²

3.7.5 Utah Health and Human Rights Project

According to UHHRP interviewees, most of the victims' services organizations active on the UHTTF could, in one form or another, provide services to a victim of DMST. Key social service providers named were the YWCA teen home, VOA HYRC or Transitional Girls Home, and Fourth Street Clinic. Also mentioned is the fact that services are easier to obtain for a DMST victim if the minor is emancipated.

UHHRP operates on a psychosocial model so they are always looking into the effects of trauma and how psychological coercion impacts victimization. Additionally, UHHRP acutely understands the importance of addressing the impacts of trauma as a first priority of emergency care.

3.7.6 YWCA Teen Home

"Established in 1982, [the YWCA] is the only residential facility in the state of Utah for pregnant and parenting teen girls and their babies who are homeless, in state's custody, or have nowhere else to go. In a caring and positive environment, pregnant and parenting teens create healthier lives for themselves and their children by ending the multigenerational patterns of poverty and abuse, and by working toward self-sufficiency. The Lolie Eccles Teen Home, which opened in January 2001, has the capacity to serve 12 girls and their babies each night.

"While living at the Teen Home, teens receive individual and group therapy weekly; attend educational classes where they learn parenting skills, healthy relationship choices, and independent living skills; their school progress is monitored and tutoring is available. Pre-natal, post-partum, and well-baby medical care is provided and each teen attends adoption counseling."⁸³

3.7.7 Alpine Youth Academy

The Alpine Youth Academy is located in Toole, Utah, just 30 minutes outside of Salt Lake City. Its mission is to change and improve the lives of troubled, neglected, and abused children and youth, without regard to race, color, national origin, or religious preference, and to establish and aid all those who would join in this endeavor.

Services provided at the Utah Youth Village are administered in group-family settings and include efforts to:

- Provide education to children and youth
- Teach youth to respect themselves and others
- Build self-worth
- Teach youth to understand consequences and make wise decisions
- Teach youth life-enabling skills
- Aid and assist in the prevention of juvenile delinquency
- Serve as advocates for children's needs and concerns
- Protect children and youth from abuse, neglect, and negative influences in their lives
- Actively support reunification of the child with the family whenever possible⁸⁴

All of the programs at Utah Youth Village are based on the principles of the Teaching-Family Model. The interviewee from the Alpine Academy reported that the Teaching-Family model is the most

⁸² Ibid

⁸³ <<http://www.ywca.org/site/pp.asp?c=gILUJgP9H&b=67268>>. Accessed on June 21, 2008.

⁸⁴ <<http://www.youthvillage.org/about.php?area=mission.php>>. Accessed on June 22, 2008.

thoroughly researched treatment method for troubled children, and it is expected that it would be appropriate in treating DMST victims as well.

3.8 CONCLUSIONS

Domestic Trafficked Minors are victims of rape, torture, kidnapping, and severe psychological abuse. Prior to being recruited and exploited by a trafficker/pimp, significant numbers of DTMs have also experienced years of familial sexual and physical abuse. Services that address the specific trauma bonds and victimization experienced by a child victim of commercial sexual exploitation is imperative to effectively restoring these broken lives. Though significant services are available that address child sexual abuse, not a single specific program or service was identified for DMST victims.

Juvenile detention facilities were not designed with rehabilitation as a goal. As a result, there are no services available to DMST victims who are being protected through detention. DYS offers free youth counseling and has provided counseling services to DMST victims. However, an arrangement has not been worked out to allow DYS counselors access to youth in the detention facilities.

Additionally, despite nearly every other agency/organization identifying cases of DMST, CPS, the state child welfare and service agency, could not recall a single case of DMST, including cases of familial prostitution. As the lead agency tasked with child protection and services, it is concerning that they are potentially misidentifying DMST by generalizing the exploitation to sexual abuse.

3.9 SUMMARY OF BEST PRACTICES AND GAPS

3.9.1 Best Practices

The inclusion of a survivor of homelessness and commercial sexual exploitation on the Outreach Staff at VOA is viewed as a promising practice. At-risk youth and victims of DMST do not easily connect with adult staff because of issues surrounding trust. Survivor-led interactions can create stronger relational bonds with youth and serve as a catalyst to aligning youth with services and shelter.

Under the leadership of the UHHRP, the UHTTF has built a coalition of social service providers who are expected to be able to respond and provide services to DMST victims. Though the services are not specific to DMST, the training provided by UHHRP is expected to evolve existing services in a more applicable direction.

Although the Victims of Crime statute includes an outlined mandate that seems to exclude eligibility of DMST victims, several victim advocates and victim witness coordinators indicated that services for juveniles would be available. One interviewee indicated that the case manager would just need to put forth extra effort to advocate on behalf of the juvenile to prove that their involvement was controlled rather than a choice.

3.9.2 Gaps

Other than detention, which requires charging the victim, law enforcement has no available alternative way to provide safe and secure shelter to the victim. The absence of protective shelter for DMST victims is the single largest hurdle obstructing services and holistic restoration. The confusion of arresting a child for prostitution and then informing the minor of his/her victim status further re-victimizes prostituted youth and decreases his/her trust in government systems.

Overall Conclusions

For the past twelve years, professionals in Salt Lake City have partnered together to work within the current system to rescue children exploited through prostitution and bring their perpetrators to justice. Methodical analysis of the trafficker/pimp subculture has developed an advanced understanding of the complex dynamics of pimp recruitment and control. Focusing on the DTM as a victim has allowed law enforcement to pursue the trafficker/pimp, enabling an estimated 30 state-level prosecutions leading to plea deals.

In addition to the state-level prosecutions, the U.S. Attorney's Office has secured federal sentences for DMST cases utilizing the Mann Act. Significant sentences, including one 30-year conviction, are sending clear messages that domestic minor sex trafficking will not be tolerated in Utah.

However, this in-depth understanding of youth exploited through prostitution is held by only a few key professionals, and it is necessary that it is shared with a larger audience. Child protective services, the Division of Youth Services, and NGOs, such as the Volunteers of America programs, need to be included on the Utah Human Trafficking Task Force. Training provided by the Utah Health and Human Rights Project needs to include human trafficking that covers indicators and response protocol for DMST. With the exception of the juvenile court system that works to streamline juvenile cases to a single judge for constancy and a holistic picture, most agencies have not instituted cooperation or protocols involving cases of DMST. DMST cases are complex and include victims who often do not self-identify or recognize that their "boyfriend" is their trafficker/pimp. In past DMST cases, law enforcement and the local prosecutor have carried the burden of both working the case as well as offering support to the DMST victim in custody. Increased coordination and agreements between agencies that specialize in services for child sexual abuse or human trafficking could advance the understanding of DMST and evolve current available services for DMST victims. This would allow law enforcement and prosecutors to focus on their cases.

Salt Lake City appears to be leading the nation in proactive efforts to combat domestic minor sex trafficking by removing victims from their situations of abuse and bringing the perpetrators to justice. A willingness to listen and learn from victimized youth has served as a catalyst to understanding the hidden world of American children recruited and sold in prostitution. Acknowledging that most DMST victims are psychologically attached to their pimp and will return to them if given the opportunity, law enforcement has responded with assuming the responsibility of protecting the youth from re-victimization. This approach is admirable, as it has certainly saved the lives of many youth who would have otherwise returned to the abusive hands of their trafficker/pimp. However, detaining victimized youth in a punitive facility that does not provide services cannot be a final answer.

Lead by the UHTTF, future efforts in training, cooperation, and coordination can result in solutions that rescue victims of DMST and provide immediate access to appropriate services and shelter as stated in the TVPA. Leaning on the comprehensive professional experience and victim-centered approach on DMST by the Salt Lake City community is achievable.

Recommendations

The recommendations below are based upon interviews and data collected throughout the course of the assessment. The participants gave some of the following recommendations, while others are based on the overall research findings.

1. Training on DMST for all law enforcement officers and their supervisors should be mandatory in law enforcement agencies. Law enforcement officers, especially patrol officers and key juvenile and Vice Unit officers, are the most likely to make first contact with a potential domestically trafficked minor. If officers do not know what to look for or how to identify victims, these children may never be rescued. Likewise, training on the state and federal anti-human trafficking law is necessary for both prosecutors and law enforcement.
2. It is necessary to develop protocol for identification of DMST victims in all agencies that may possibly come into contact with potential DMST victims. This includes but is not limited to law enforcement, prosecutors, judiciary, juvenile justice, child protective services, non-governmental organizations, and defense attorneys. Agencies should develop data collection methods so that the scope and characteristics of DMST in Salt Lake City can be further understood and researched. Such measures may have to be legislatively mandated for certain government entities.
3. CPS screeners, investigators, and caseworkers need to subcategorize DMST in reports. Currently, DTMs are most likely to be categorized more generally as “sex abuse” victims. A subcategory that identifies the existence or suspicions of DMST/commercial sexual exploitation needs to appear on intake forms and subsequent reports.
4. Research and implementation of protective alternatives to charging DTMs need to be initiated. Although the current cooperation with juvenile detention is showing success, charging DTMs as delinquents or offenders is not a long-term solution to providing child victims of commercial sexual exploitation protection and restoration.
5. Research is necessary into the trauma bonds that child victims have to their abuser. From this research, methods of intervention and social service models can be created that address the unique needs and issues related to DMST. The SLCPD Vice Unit and local prosecutor should be consulted for this research as they have already developed successful methods of interaction which can be built upon.
6. A recommitment to aggressively investigating and prosecuting buyers and traffickers/pimps of children is necessary in Salt Lake City. Aggressive and successful action was taken on this issue from 1996–2000 but these actions have tapered off in recent years. A recommitment to rescuing victims and prosecuting their abusers will continue to deter traffickers/pimps from viewing Salt Lake City as a safe market to exploit children.

7. The recent passage of a state specific human trafficking law is an important step in combating DMST. However, the definition of human trafficking as “forced labor or forced sexual exploitation” is seen as a barrier to using the law. In accordance with the TVPA, the component of “force” should be removed, especially in the situation of a minor trafficked for sex.

8. Establish secure, long-term residential facilities other than detention that serve the specific needs of DTMs and operate as a protective and restorative home. Outside of family reunification when responsible adults are present in a DTM’s life, professionals agree that a protective facility is required to serve this population of victims. Currently, no such facility exists in Salt Lake City.

9. Programming and services specific to the issue of domestic minor sex trafficking must be developed, funded, and properly implemented. Current programming can be adapted to better serve domestically trafficked minors; however, the unique characteristics of DMST must be taken into account (the existence of networks or perpetrators, the commercial component of victimization, the dual status of delinquent and victim under the law, etc.).

10. Initiatives must be developed for better sharing of information within and between agencies. This would require tracking the identification of victims, potential hotspots, etc., while also training different entities within an agency and throughout the community on the recognition of DMST warning signs.

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HUMAN TRAFFICKING AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: Curtis S. Bramble

| | | |
|--------------------|----------------------|------------------------|
| Cosponsors: | Kevin S. Garn | Karen W. Morgan |
| Sylvia S. Andersen | Keith Grover | Paul A. Neuenschwander |
| Jackie Biskupski | Neil A. Hansen | Phil Riesen |
| Bradley M. Daw | Christine A. Johnson | Stephen E. Sandstrom |
| Jack R. Draxler | David Litvack | Kenneth W. Sumsion |
| Lorie D. Fowlke | Rebecca D. Lockhart | Carl Wimmer |
| Gage Froerer | Rosalind J. McGee | |

LONG TITLE

General Description:

This bill criminalizes human trafficking and human smuggling.

Highlighted Provisions:

This bill:

- ▶ criminalizes human smuggling for profit or commercial purposes;
- ▶ criminalizes human trafficking for forced labor and for sexual exploitation;
- ▶ distinguishes between human trafficking and aggravated human trafficking; and
- ▶ distinguishes between human smuggling and aggravated human smuggling.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with S.B. 81, Illegal Immigration, by providing a substantive amendment.

Utah Code Sections Affected:

ENACTS:

76-5-307, Utah Code Annotated 1953

76-5-308, Utah Code Annotated 1953

32 76-5-309, Utah Code Annotated 1953

33 76-5-310, Utah Code Annotated 1953

34

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section 76-5-307 is enacted to read:

37 **Part 3. Kidnapping, Trafficking, and Smuggling**

38 **76-5-307. Definitions.**

39 As used in Sections 76-5-308 through 76-5-312 of this part:

40 (1) "Family member" means a person's parent, grandparent, sibling, or any other person
41 related to the person by consanguinity or affinity to the second degree.

42 (2) "Smuggling of human beings" means the transportation or procurement of
43 transportation for one or more persons by an actor who knows or has reason to know that the
44 person or persons transported or to be transported are not:

- 45 (a) citizens of the United States;
- 46 (b) permanent resident aliens; or
- 47 (c) otherwise lawfully in this state or entitled to be in this state.

48 Section 2. Section 76-5-308 is enacted to read:

49 **76-5-308. Human trafficking.**

50 (1) An actor commits human trafficking for forced labor or forced sexual exploitation if
51 the actor recruits, harbors, transports, or obtains a person through the use of force, fraud, or
52 coercion by means of:

- 53 (a) threatening serious harm to, or physical restraint against, that person or a third
54 person;
- 55 (b) destroying, concealing, removing, confiscating, or possessing any passport,
56 immigration document, or other government identification document;
- 57 (c) abusing or threatening abuse of the law or legal process against the person or a third
58 person;
- 59 (d) using a condition of a person being a debtor due to a pledge of the debtor's personal

60 services or the personal services of a person under the control of the debtor as a security for
61 debt where the reasonable value of the services is not applied toward the liquidation of the debt
62 or the length and nature of those services are not respectively limited and defined; or

63 (e) using a condition of servitude by means of any scheme, plan, or pattern intended to
64 cause a person to believe that if the person did not enter into or continue in a condition of
65 servitude, that person or a third person would suffer serious harm or physical restraint, or would
66 be threatened with abuse of legal process.

67 (2) (a) Human trafficking for forced labor includes forced labor in industrial facilities,
68 sweatshops, households, agricultural enterprises, and any other workplace.

69 (b) Human trafficking for forced sexual exploitation includes all forms of forced
70 commercial sexual activity, including forced sexually explicit performance, forced prostitution,
71 forced participation in the production of pornography, forced performance in strip clubs, and
72 forced exotic dancing or display.

73 Section 3. Section **76-5-309** is enacted to read:

74 **76-5-309. Human trafficking and human smuggling -- Penalties.**

75 (1) Human trafficking for forced labor and human trafficking for forced sexual
76 exploitation are each a second degree felony, except under Section 76-5-310.

77 (2) Human smuggling of one or more human beings for profit or for a commercial
78 purpose is a third degree felony, except under Section 76-5-310.

79 (3) Human trafficking and human smuggling are each a separate offense from any other
80 crime committed in relationship to the commission of either of these offenses.

81 (4) A person who benefits financially or materially by receiving anything of value from
82 knowing participation in:

83 (a) human trafficking is guilty of a second degree felony; and

84 (b) human smuggling is guilty of a third degree felony.

85 Section 4. Section **76-5-310** is enacted to read:

86 **76-5-310. Aggravated human trafficking and aggravated human smuggling --**
87 **Penalties.**

88 (1) An actor commits aggravated human trafficking for forced labor or forced sexual
89 exploitation or aggravated human smuggling if, in the course of committing a human trafficking
90 or human smuggling offense under Section 76-5-309, the offense:

91 (a) results in the death of the trafficked or smuggled person;

92 (b) results in serious bodily injury of the trafficked or smuggled person;

93 (c) involves:

94 (i) rape under Section 76-5-402;

95 (ii) rape of a child under Section 76-5-402.1;

96 (iii) object rape under Section 76-5-402.2;

97 (iv) object rape of a child under Section 76-5-402.3;

98 (v) forcible sodomy under Section 76-5-403;

99 (vi) sodomy on a child under Section 76-5-403.1;

100 (vii) aggravated sexual abuse of a child under Section 76-5-404.1; or

101 (viii) aggravated sexual assault under 76-5-405;

102 (d) involves more than ten victims in a single episode of human trafficking or human
103 smuggling; or

104 (e) involves a victim who is held against the victim's will for longer than 180
105 consecutive days.

106 (2) An actor commits aggravated human trafficking for forced labor or forced sexual
107 exploitation if the offense involves a victim who is younger than 18 years of age at the time of
108 the commission of the offense of trafficking.

109 (3) An actor commits aggravated human smuggling if the actor commits human
110 smuggling under Subsection 76-5-309(2) and any human being whom the person engages in
111 smuggling is:

112 (a) younger than 18 years of age; and

113 (b) not accompanied by a family member who is 18 years of age or older.

114 (4) (a) Aggravated human trafficking for forced labor or forced sexual exploitation and
115 aggravated human smuggling for profit or commercial purposes are each a first degree felony.

116 (b) Aggravated human trafficking and aggravated human smuggling are each a separate
117 offense from any other crime committed in relationship to the commission of either of these
118 offenses.

119 Section 5. **Coordinating H.B. 339 with S.B. 81 -- Modifying substantive language.**

120 If this H.B. 339 and S.B. 81, Illegal Immigration, both pass, it is the intent of the
121 Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah
122 Code database for publication, modify Subsection 76-10-2701(3), as enacted by S.B. 81 to read
123 as follows:

124 (3) (a) A person who violates Subsection (2)(a) is guilty of a third degree felony.

125 (b) A person who violates Subsection (2)(b) is guilty of a class A misdemeanor.



**PROSTITUTION AND SEXUAL
SOLICITATION OFFENSES IN UTAH
1996-2007**

Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84114

TYPE OF DELINQUENCY REFERRALS



During the 12 year period examined, there were a total of 42 juvenile delinquency referrals for prostitution or sexual solicitation.

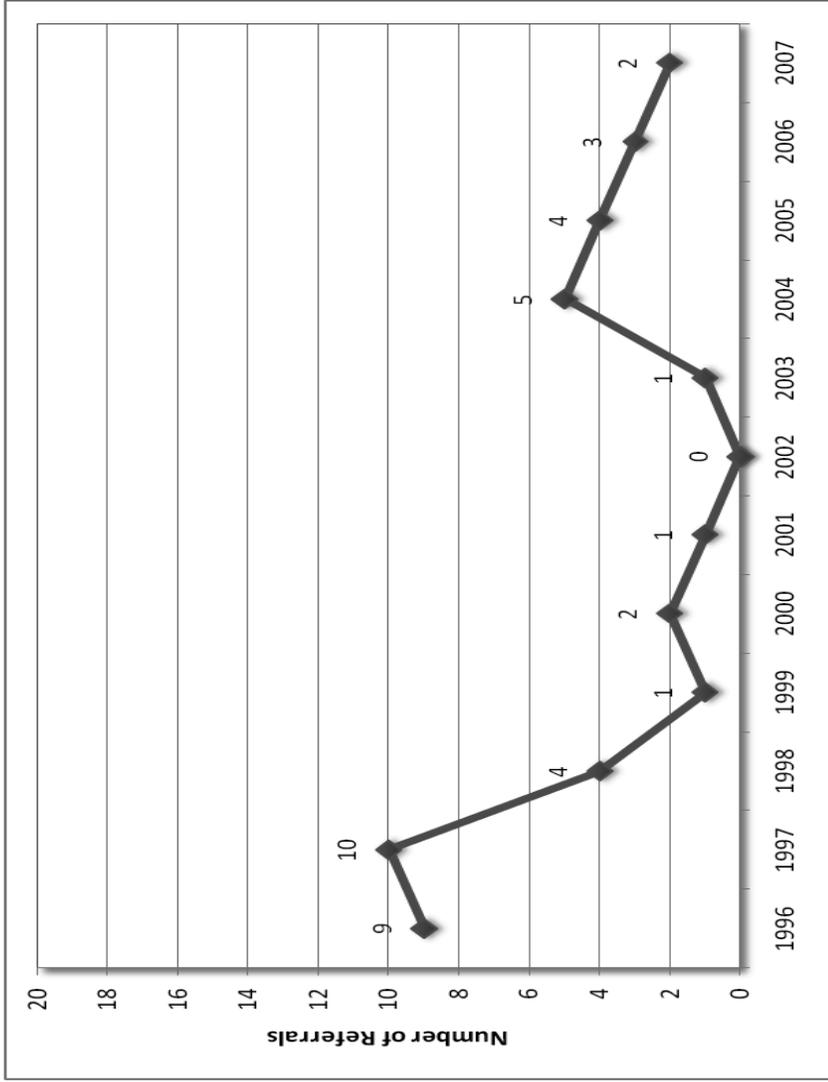
| OFFENSE | NUMBER | PERCENT |
|---|--------|---------|
| Prostitution | 26 | 61.9% |
| Sexual Solicitation (first offense) | 15 | 35.7% |
| Sexual Solicitation (second offense) | 1 | 2.4% |
| Exploiting an individual for the purposes of prostitution | 0 | 0% |
| Interstate transport of an individual for prostitution | 0 | 0% |

PROSTITUTION & SEXUAL SOLICITATION REFERRAL TRENDS 1996-2007



Between 1996 and 2007, there were ten or less referrals for prostitution or sexual solicitation per year.

Prostitution and sexual solicitation referrals accounted for 0.00005 percent of the total number of delinquency referrals in 2007.

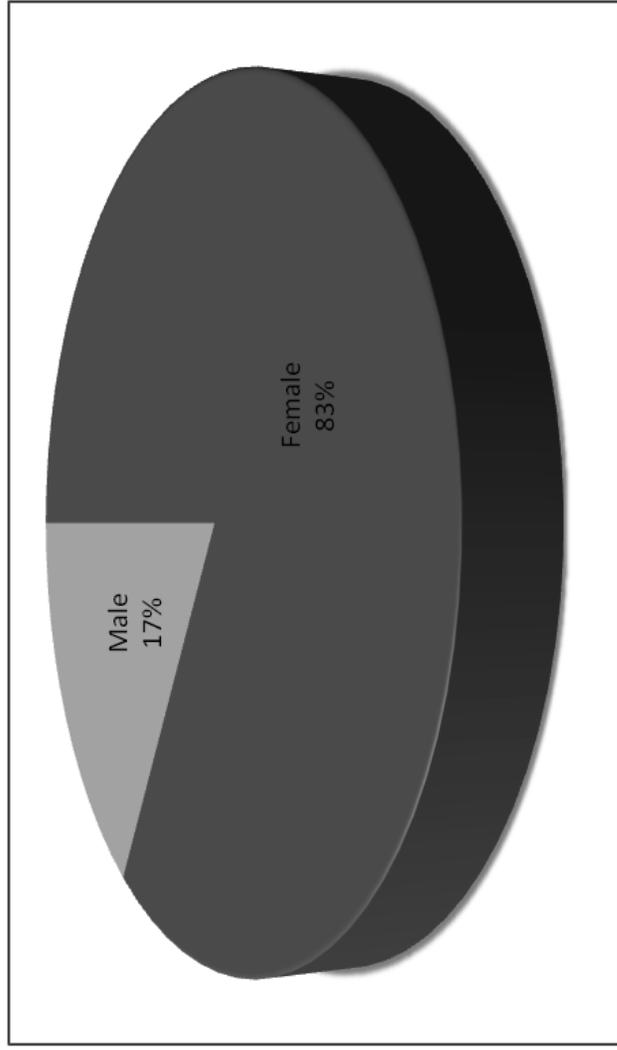


PROSTITUTION & SEXUAL SOLICITATION REFERRALS BY GENDER



Between 1996 and 2007, 35 females and 7 males were referred for prostitution or sexual exploitation in Utah.

Females comprised 83 percent of the referrals for these offenses while males comprised 17 percent.



PROSTITUTION & SEXUAL SOLICITATION REFERRALS BY RACE



The majority of youth referred for prostitution and sexual solicitation were white.

Seven percent of the youth referred were Black/African American and two percent were American Indian/Alaskan Native.

In five percent of the cases, the youth's race could not be determined.

| RACE* | NUMBER | PERCENT |
|------------------------------------|--------|---------|
| American Indian/ Alaskan Native | 1 | 2.4% |
| Black/ African American | 3 | 7.1% |
| White | 36 | 85.7% |
| Cannot Determine | 2 | 4.8% |

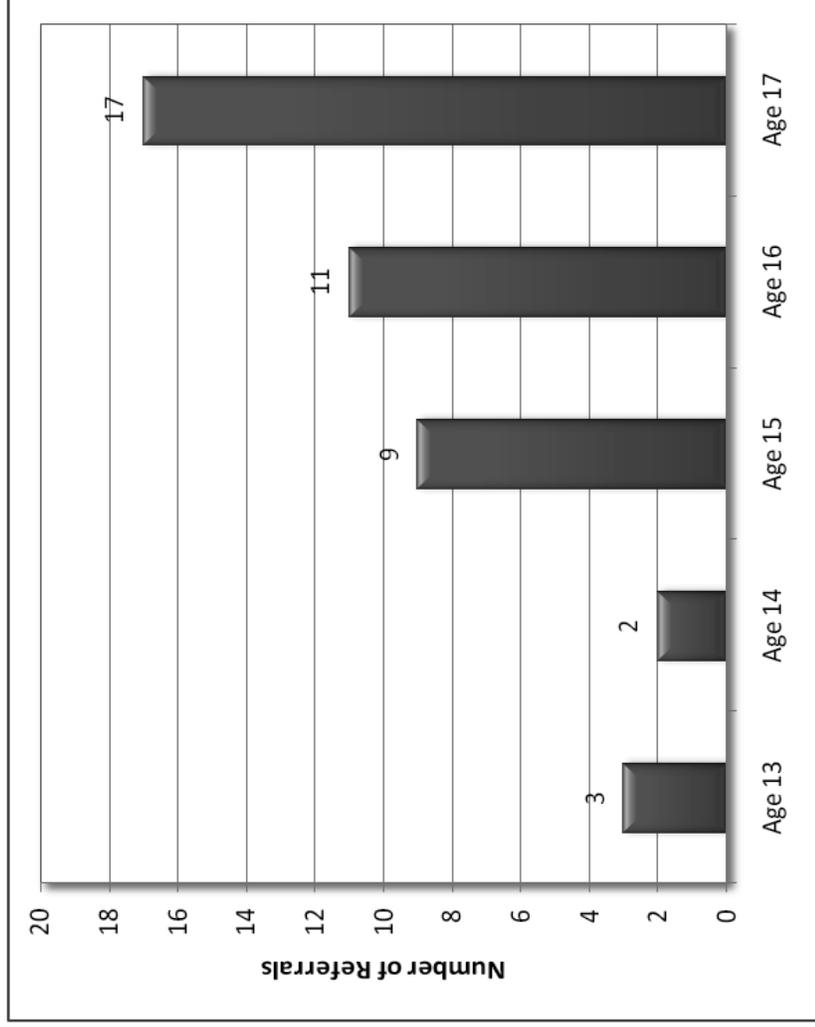
*Note: Racial categories with no referrals were excluded from this table.

PROSTITUTION & SEXUAL SOLICITATION REFERRALS BY AGE



Most of the referrals for prostitution and sexual solicitation were for youth seventeen years of age.

The youngest youth referred was 13 years of age and the average age at time of referral was 15.9 years of age.

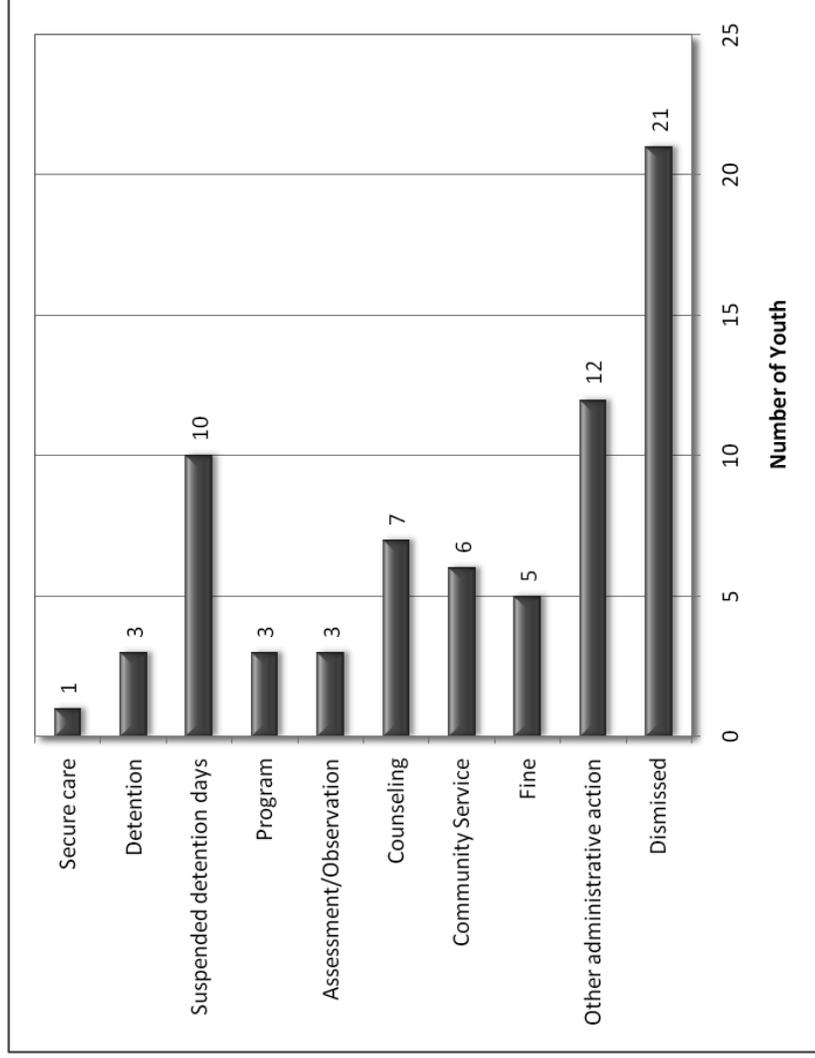


DISPOSITION RECEIVED



Half of minors referred for prostitution or sexual solicitation had the charges dismissed. Other administrative action and suspended detention days were also common dispositions.

The category “other administrative action” includes items such as school attendance or a letter of apology.



**Note: Youth may receive multiple dispositions for one offense. For example, a youth charged with prostitution may receive community service hours, fines, and suspended detention days.*

APPENDIX C

Outcome Statistics – Volunteers of America Homeless Youth Resource Center Survey*

- 71% male, 29% female
- Clients 17 years old or younger, 8%; 18-20, 39%; 21-22, 42%; 23 or older, 11%
- Gay, 22%; lesbian, 0%; straight, 50%; bi-sexual, 22%; unsure, 6%
- Number of times homeless: 0, 0%; 1, 21%; 2-4, 47%; 5-10, 6% more than 10 or too many times to count, 27%
- Length of times homeless: less than 1 week, 6%; less than a month, 3%; less than 3 months, 22%; less than 6 months, 17%; less than 1 year, 17%; more than 1 year, 39%
- Homeless with parents: Yes, 31%; no, 6%
- In foster care: Yes, 56%; no, 44%
- Of those in foster care, % that aged out of foster care: Yes, 47%; no, 53%; 2 youth who were in foster care at some point but are still under 18
- Emotional abuse: 58%
- Physical abuse: 56%
- Sexual abuse: 51%
- Abused after becoming homeless: 39%
- Traded sex for food, drugs or a place to stay: 32%
- Asked to trade sex for food, drugs or a place to stay: 50%
- Stayed in a relationship to guarantee a place to stay: 50%
- Attempted suicide: 61%
- Attempted suicide more than once: 71%
- Considered self addicted to drugs or alcohol: 31%
- Received health care in the last 6 months: 34%
- Sexually active: 77%

- Using some form of birth control: 31%
- Tested for HIV/AIDS or STI's in last 6 months: 50%
- Parent: 29%

* 39 Homeless youth were surveyed