RAPID ASSESSMENT ON DOMESTIC MINOR SEX TRAFFICKING VIRGINIA



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Rapid Assessment on Domestic Minor Sex Trafficking

Virginia

October 2011

DMST IN VIRGINIA

"If we have a 17-year-old prostitute, there's going to be a criminal offense there. We'll [think] 'hey, you're out here; you're doing an act of prostitution; we're going to arrest you as a juvenile..." - Law enforcement

Year	Age	Sex	Offense
2005	17	F	Assisting or Promoting
	17	F	Prostitution
2006	16	Μ	Assisting or Promoting
2007	15	F	Prostitution
	15	F	Prostitution
	17	F	Prostitution
2008	16	Μ	Assisting or Promoting
	16	Μ	Assisting or Promoting
	17	F	Prostitution
	17	F	Prostitution
2009	17	Μ	Prostitution
			Virginia State Crime Commission

Virginia State Police – All Juvenile Arrests for Prostitution-Related Offenses CY05 – CY09

2010 DSS Virginia Child Welfare Outcome Report

- 48,915 reports of abuse and/or neglect
- 5,701 referrals for sexual abuse
- 3,591 investigated referrals for sexual abuse
- 1,146 confirmed cases of child sexual abuse

Commercial sexual abuse is included in the definition of sexual abuse but is not coded separately; therefore, data cannot be disaggregated to determine the number of commercial sexual abuse cases incorporated in the total number of confirmed sexual abuse cases. Service providers have identified youth ages 12 to 17 exploited through prostitution and stated that DMST is very common throughout Virginia and reported managing caseloads with as many as <u>seven</u> to <u>eighteen</u> victims.

Buyers and traffickers are most commonly charged with:

Buyers

- Taking indecent liberties with children
- Use of an electronic device
- Contributing to the delinquency of a minor
- Carnal knowledge
- Rape

Traffickers

- Assault
- Child pornography
- Rape
- Sodomy

- Pandering
- Extortion

The absence of a human trafficking law means various criminal laws are used to prosecute offenders of domestic minor sex trafficking and leads to data that fails to identify child sex trafficking occurring in Virginia.

Acknowledgements

Child sex slavery is occurring in Virginia. Unfortunately, these child victims are often misidentified and therefore do not receive the services they need. Thanks to the efforts of key advocates around the state, public awareness has increased and traffickers and buyers of sex with children are learning that Virginia will not tolerate the exploitation of its children.

Dedicated efforts by Courtney's House and Youth for Tomorrow in outreach and developing and providing services to victims of domestic minor sex trafficking have begun to fill a gap in the availability of services for victims in Virginia. Additionally, the Northern Virginia Human Trafficking Working Group organized by the U.S. Attorney's Office brings together members from the community, local law enforcement, ICE, FBI, and nonprofit organizations to increase the communication and resources critical to responding to trafficking in persons.

The Fairfax County Police Department, Norfolk Police Department, Richmond Police Department, Roanoke Police Department, and Henrico County Police Department have demonstrated willingness to view the victims of this crime in a new light and collaborate on ways to combat the sexual exploitation of children in their communities.

Virginia Child Protective Services, the Virginia Department of Juvenile Justice, and the juvenile detention centers, court intake supervisors, and probation and detention officers who gave their time to participate in the interviews offered valuable information to our research. Also, representatives from churches, child advocacy centers, nonprofit organizations, forensic nurses, and women's centers/shelters who gave their time to participate in this research were important to the full perspective on the issue in Virginia. Without their energy, dedication, and honesty this report would not have been possible. It is our hope that those who read this report will find it to be a springboard to future action in advancing the fight to end domestic minor sex trafficking in Virginia.

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Executive Summary

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

Shared Hope International has researched the identification of and response to domestic minor sex trafficking victims in Virginia. *The Rapid Assessment Methodology and Tool: Domestic Minor Sex Trafficking in the United States* was developed by Shared Hope International, funded by the Department of Justice (DOJ), and implemented in Virginia by Samantha Healy Vardaman, Esq., Taryn Mastrean, Tabatha Mansfield, and Elizabeth Scaife of Shared Hope International. This assessment includes information collected from July to November 2010 through a comprehensive survey of existing research and the completion of 41 interviews with representatives from 32 organizations and agencies that interact with or advocate for victims of domestic minor sex trafficking. An addendum follows that brings in recent information and developments in Virginia, as the issue has rapidly gained attention and action on the part of state leaders and legislators.

Throughout the report, Shared Hope International notes effective practices as well as gaps and challenges that are present while working with this challenging population of victims. The goal of this assessment is to provide first responders and community members with information to advocate for improvements in the identification and proper response to DMST victims. This assessment will be provided to all stakeholders to inform the identification of victims and to help bring services. This research offers qualitative data on the DMST issue in Virginia; additional and continuing research to quantify the scope of the problem would help support future action in Virginia.

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

Key Findings:

- 1. A lack of training and awareness among study participants results in misidentification of DMST victims. There is an acute lack of awareness about the crime of domestic minor sex trafficking leading to a high rate of misidentification of the victims by professionals from various agencies and positions of impact. Many professionals were unaware of the issue, exhibited limited understanding of the indicators of trafficking, and reported never coming into contact with a victim. Several organizations highly likely to come into contact with victims by virtue of their services declined study participation, citing lack of contact with victims as the primary reason—a response that reflects lack of awareness. Additionally, law enforcement officials were largely unable to readily identify a specific unit or officer within the department with the capability to identify and investigate cases of trafficking. It was stated that until this crime falls into a specific department's scope of responsibility, the crime will remain unaddressed. The limited awareness is likely a result of the reported lack of training provided to first responders and community members.
- 2. Low numbers of minors arrested for prostitution in Virginia is evidence of misidentification. From 2005 to 2009, law enforcement agencies across the state reported seven juvenile arrests for prostitution. Having been exploited in the commercial sex market, these juveniles are legally defined as victims of trafficking and should not be arrested as delinquents. However, Virginia law also allows children to be detained under criminal charges such as prostitution or under protective provisions for youth who run away or lack adult supervision, situations which present clear and substantial danger to the child's welfare. Misidentified victims are being placed in detention centers on charges related to their trafficking, including status offenses like runaway and truancy, and DMST is often disclosed informally while in detention. An additional hindrance to identification has been reported by first responders as they informally view juveniles engaged in commercial sex as victims of a general sex crime but do not formally identify them as a trafficking victim unless the youth is clearly forced into the situation. Therefore, the low number of arrests is not indicative of a small problem; rather it more aptly indicates that juveniles used in the commercial sex industry are not being properly identified in Virginia.
- 3. The absence of a Virginia human trafficking law cause traffickers and buyers to be prosecuted under general sexual offenses. The absence of a stand-alone human trafficking law results in confusion and disparate penalties for offenders, and prevents an accurate accounting of the true number of victims in the commonwealth. It was reported that traffickers are most commonly charged with abduction, pandering, extortion, assault, child pornography, rape, and sodomy. The main charges brought against buyers of commercial sex with a minor are taking indecent liberties with children, use of an electronic communications device to facilitate sexual solicitation, contributing to the delinquency of a minor, carnal knowledge, and rape. Aggravated by the omission of a human trafficking statute which would codify the offense, Virginia also does not have a database system that offers a code to record and monitor trafficking cases, causing cases to be reported as prostitution, pandering or other related crimes. The array of criminal laws applied to punish offenders of domestic minor sex trafficking in Virginia also perpetuates the fallacy that child sex trafficking is not occurring in Virginia.
- 4. Virginia has a severely limited number of residential placement options that provide specialize shelter and care for DMST victims. There is an array of centers, facilities, and emergency shelters available to youth in Virginia, some of which are making efforts to incorporate treatment programs for commercial sexual exploitation. However, only one operating residential facility that specializes in treating victims of domestic minor sex trafficking was identified in Virginia. Other placement options that are designed to be DMST-specific shelter are in development but are not currently operating in Virginia. In order to heal from the trauma of their exploitation, victims of DMST require protective and therapeutic shelter that incorporates informed, trauma-based care. Runaway shelters, state-run group homes or traditional foster homes are frequently inappropriate shelter options for DMST victims because of their lack of security and specialized services. Placement within these types of shelters places DMST victims at higher risk of returning to their traffickers. The limited number of placement options may result in a disincentive for law enforcement officers to intervene.

- 5. Demand is not sufficiently deterred by Virginia law. Virginia's laws do not specifically criminalize the purchase of commercial sex acts with minors, impeding the ability to bring charges against buyers that clearly define the crime and provide adequate penalties. In Virginia, abduction with intent to extort money or for immoral purpose is the operable sex trafficking law in the commonwealth. This statute does not apply to buyers of commercial sex acts with minors. Additionally, the most applicable law against buying sex with a minor, taking indecent liberties with children, does not include provisions making it a crime to buy sex with a minor. In the absence of a clearly applicable Commercial Sexual Exploitation of Children (CSEC) law, buyers could be prosecuted for solicitation of prostitution; however, the statute does not differentiate between buying sex with an adult or a minor. Interviewees reported that the main charges brought against a buyer of commercial sex with a minor, carnal knowledge, and rape. These crimes carry sentences of six months to ten years of imprisonment. However, because the crimes for which a buyer could be charged do not directly relate to the crime of sex trafficking, buyers remain unidentified offenders of sex trafficking and escape significant penalties, providing insufficient deterrence.
- 6. The juvenile justice system has not established a uniform protocol to facilitate the identification of domestic minor sex trafficking. The juvenile justice system does not systematically screen the population for DMST indicators. Currently, identification and reporting is often delayed until after the youth arrives at a detention center. Detention center staff reported that youth may pass through law enforcement and the court intake department before disclosing victimization, often during counseling or through informal interaction with detention staff. Delayed and informal identification without established procedures causes the number of reported cases of DMST to remain relatively low throughout the state, even though many juvenile detention staff interviewees admit that exploitation through prostitution is a common history among detained youth.
- The Department of Social Services (DSS) and Child Protective Services (CPS) are ill-equipped to fulfill the 7. expectations for response to DMST. A large number of study participants named CPS as the organization they would contact first to report a case of DMST; however, Virginia CPS staff report no training on the issue, nor do they use a formal method of identification or classification for commercial sexual exploitation. Many CPS professionals recited cases of youth who displayed indicators of trafficking or were known to be engaged in prostitution, but these youth were not identified as trafficking victims due to the absence of a statewide interview and tracking protocol specific for DMST cases. In 2010, Virginia CPS received over 5,000 referrals for child sexual abuse investigation and confirmed over 1,000 cases of sexual abuse. However, because commercial sexual abuse is included within the definition of sexual abuse and is not coded separately, it is impossible to disaggregate the data to determine the number of commercial sexual abuse cases reported to and investigated by CPS in Virginia. Additionally, DSS refers youth who do not succeed in the traditional foster care system to therapeutic foster care through Commonwealth Catholic Charities (CCC). CCC reported receiving very limited information about a child upon referral. This lack of identification is further perpetuated by case managers' reported hesitation to prompt investigation into a potential situation of trafficking for fear that they are not equipped to handle the situation, a lack of knowledge about the issue of sex trafficking of American youth, and/or concern about asking invasive questions that would offend the client or cause them to not trust the case manager.

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

Samantha Healy Vardaman, Esq., Taryn Mastrean, Tabatha Mansfield, and Elizabeth Scaife conducted the research in Virginia for Shared Hope International. Interviews were structured by *The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States*, a research tool developed by Shared Hope International and funded by the U.S. Department of Justice (DOJ). It employs three factors commonly used as measures of response to combat sex trafficking worldwide: prevention, prosecution, and protection (three Ps). Established by the U.S. Department of State (DOS), Office to Monitor and Combat Trafficking in Persons, and used in the annual Trafficking in Persons (TIP) Report, the "three Ps" is an effort to holistically evaluate a country's actions to counter all forms of trafficking in persons.² This approach has been recognized for its comprehensive assessment of human trafficking. Using this model, specific questions were created for seven professional populations that advocate for and/or come into contact with DMST victims: law enforcement, prosecutors, public defenders, juvenile court, juvenile detention, child protective services and nongovernmental organizations/service providers. The Western Institutional Review Board (IRB) approved the protocol for this research (Protocol #20070540). Following the lead of the U.S. DOS in adding an additional evaluation component—partnership— to the annual TIP report in 2010, the following report is based on the methodology outlined above but has expanded to include coverage of the critical role partnership plays in combatting this crime.

This assessment is based on research and 41 interviews conducted from July to November 2010, with one or more representatives from the following agencies and organizations:

- Alexandria Child Protective Services
- Alexandria Community Services Board
- Alexandria Juvenile & Domestic Relations District Court
- Bon Secours Richmond Health System
- Bridge to Freedom Foundation
- Chesterfield County Police Department
- Virginia Department of Social Services, Child Protective Services Division
- City of Richmond Commonwealth Attorney's Office
- Common Ground Christian Church
- Commonwealth Catholic Charities
- Courtney's House/Shae's Place
- Fairfax County Police Department
- Fairfax County Women's Shelter
- Fairfax Less Secure Shelter
- Foundations
- Hampton Division of Social Services
- Henrico Child Protective Services
- Henrico County Police Department
- Norfolk Juvenile Detention Center
- Norfolk Police Department
- Virginia Not for Sale Campaign

² In 2010, the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons added a fourth "P," partnership, to the "three Ps" of evaluation which include prevention, prosecution, and protection. Though partnership was not initially incorporated in the structure of the methodology of this report, it has been added here as a separate discussion. U.S. Department of State, Office to Monitor and Combat Trafficking of Persons. *Trafficking in Persons Report.* 2010. http://www.state.gov/g/tip/rls/tiprpt/2010/ Accessed September 5, 2011.

- Office of the Attorney General
- Providence Presbyterian Church
- Richmond Child Advocacy Center
- Richmond Justice Initiative
- Richmond Police Department
- Roanoke County Police Department
- Suffolk Police Department
- The Gray Haven Project
- The Lake of the Woods Church
- Tidewater Youth Services Commission
- Youth for Tomorrow

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

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

Efforts were made to make the following assessment as comprehensive as possible. Unfortunately, several factors constrained both the field interviews and the interview process. In Virginia, a commonwealth with a population of nearly 7.9 million residents inside 39,594 square miles,³ it was not feasible to conduct interviews with all related professionals. Additionally, Virginia has a unique constitution that divides the commonwealth into 95 counties and 39 independent cities—both of which operate with the same authority. (Only three such independent cities exist in the U.S. outside of the Commonwealth of Virginia.) Independent cities operate outside of county jurisdiction and maintain separate local government and political structure. Researchers selected four general research locations due to varying geographic locations, population, culture, climate, and infrastructure. The selected locations are: northern Virginia, including Fairfax County, Arlington County, and Alexandria City; the greater Richmond area, including Henrico County, City of Richmond and Chesterfield County; Hampton Roads, including Virginia Beach, Norfolk, Newport News, and Suffolk; the greater Fredericksburg area; and the greater Roanoke area.

Northern Virginia was selected for inclusion in this study based on the following: it has an estimated 1,405,000 residents within Fairfax County, Arlington County, and Alexandria City. Northern Virginia is uniquely positioned in close proximity to two large metropolitan areas, Washington, D.C. and Baltimore. This research location also has a significantly higher persons per square foot ratio than much of Virginia. It was specifically selected to observe the impact of high tourism and transient employee rates (associated with federal government positions) on the commercial sex market.

The greater Richmond area was selected for inclusion in the study based on the following: Richmond is the capital of Virginia. The Richmond metropolitan area is home to an estimated 1,238, 187 residents.⁴ Richmond's economy is primarily driven by law, finance, and government as well as federal, state, and local governmental agencies. Richmond experiences high levels of tourism due to the numerous historic sites in or near the city.

³ State and County QuickFacts: Virginia. U.S. Census Bureau. < http://quickfacts.census.gov/qfd/states/51000.html> Accessed on November 12, 2010.

⁴ Table 1. Annual Estimates of the Population of Metropolitan and Micropolitan Statistical Areas: April 1, 2000 to July 1, 2009 (CBSA-EST2009-01). U.S. Census Bureau, Population Division. http://www.census.gov/popest/metro/tables/2009/CBSA-EST2009-01.xls Accessed November 12, 2010.

Hampton Roads is the name for the Norfolk-Virginia Beach metropolitan area located in southeastern Virginia. Hampton Roads has approximately 1,674,496 residents.⁵ The research location boasts a year-round, ice-free harbor, miles of waterfront property and beaches, and prominent military presence. United States Navy, Coast Guard, Air Force, NASA, Marines, and Army facilities are located in the Hampton Roads area.

The greater Roanoke area located in southwest Virginia was selected for inclusion in the study due to the following: the greater metropolitan statistical area has approximately 300,399 residents. Roanoke is the smallest research location with a more rural, agrarian community and an economy driven by health care and social assistance, accommodation and food service, and retail trade.⁶

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

⁵ Id.

⁶ Roanoke City community profile. *Virginia Employment Commission*. March 7, 2010. http%3A%2F%2Fskin.issuu.com%2Fv%2Flight%2Flayout.xml&showFlipBtn=true Accessed November 12, 2010.

Glossary of Acronyms and Terms

CAC	Child Advocacy Center		
CCC	Commonwealth Catholic Charities		
CHINS	Child in Need of Services		
CHINSup	Child in Need of Supervision		
CICF	Criminal Injuries Compensation Fund		
CPS	Child Protective Services		
CSEC	Commercial Sexual Exploitation of Children		
DCJS	Department of Criminal Justice Services		
DMST	Domestic Minor Sex Trafficking		
DOJ	U.S. Department of Justice		
DOS	U.S. Department of State		
DSS	Virginia Department of Social Services		
FAM	Families are Magic		
F.A.S.T.	Fredericksburg Against Sex Trafficking		
IJM	International Justice Mission		
IRB	Western Institutional Review Board		
JDR	Juvenile and Domestic Relations District Court		
LPR	Lawful Permanent Resident		
RA	Rapid Assessment		
TFC	Therapeutic Foster Care		
TIP	Trafficking in Persons		
TVPA	Trafficking Victims Protection Act of 2000		
TYSC	Tidewater Youth Services Commission		
URM	Unaccompanied Registered Minors		
VCAHT	Virginia Coalition Against Human Trafficking		
VCU	Virginia Commonwealth University		
VISSTA	Virginia Institute for Social Services Training Activities		
YASI	Youth Assessment and Screening Instrument		
YWAM	Youth With a Mission		

INTRODUCTION

Introduction

Domestic Minor Sex Trafficking Defined

The U.S. Government has identified human trafficking for commercial sexual exploitation as a major problem worldwide and nationally. According to the federal Trafficking Victims Protection Act (TVPA) of 2000, and subsequent reauthorizations, the term sex trafficking is defined as the "recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act." A "commercial sex act" is defined as any sex act on account of which anything of value is given to or received by any person.

The term "severe forms of trafficking in persons" means:

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; **or**
- (B) 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.⁷

Therefore, in accordance with the federal TVPA 2000, domestic minor sex trafficking (DMST) is the recruitment, harboring, transportation, provision, or obtaining of a U.S. citizen(s) or legal permanent resident(s) under the age of 18 for the purpose of 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 there is no requirement of force, fraud or coercion to prove the crime of domestic minor sex trafficking. Additionally, movement is not necessary in the commission of sex trafficking.

Prostitution is a \$14.5 billion dollar industry in the United States.⁸ The best estimate is that 100,000 children are used in prostitution in America every year.⁹ The average age a child is first exploited through prostitution is 12 to 14 years old.¹⁰ The exact number of children being exploited through prostitution, pornography, and sexual performance in Virginia, and any other state, is impossible to determine because no agency or organization has specifically focused on data collection to document the problem and the various agencies are not consistent in identification and data metrics. However, it is reasonable to assert that Virginia's heavy tourist population due to its proximity to Washington, D.C. and beaches, combined with a large military presence and concentration of transient and migrant workers, attracts buyers and traffickers alike, making Virginia a target for domestic minor sex trafficking.

⁷ Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A § 103(8), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at 22 USC 7102 § 103(8). http://www.state.gov/g/tip/laws/61124.htm. Accessed February 2, 2011.

⁸ Nuisance sex behaviors. May 28, 2008. http://www.sagepub.com/upm-data/27037_4.pdf Accessed November 12, 2010.

⁹ Linda Smith, Samantha Healy Vardaman and Melissa A. Snow. "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Youth" (Shared Hope International: July 2009), pg. 4, quoting Ernie Allen, National Center for Missing and Exploited Children, in "Prostituted Children in the United States: Identifying and Responding to America's Trafficked Youth," Seg. 1. Prod. Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International, 2008.

¹⁰ Department of Justice Child Exploitation and Obscenity Section. Child Prostitution. http://www.justice.gov/criminal/ceos/prostitution.html Accessed March 22, 2011.

Risk Factors for Being Trafficked into Commercial Sexual Activity

The U.S. Department of Justice estimates that each year in the U.S. approximately 450,000 children run away from home. Additionally, field experts estimate that 33 percent of teen runaways and throwaways will become involved in prostitution within 48 hours of leaving home.¹¹ Projections based on these statistics indicate that at least 150,000 children are lured into prostitution each year. In addition to these national risk factors, Virginia contends with a number of environmental risk conditions that may compound the risk for commercial sexual exploitation. Domestic minor sex trafficking, or the commercial sexual exploitation of youth, is primarily driven by demand. Two key factors make Virginia a high-risk location for increased demand. First, northern Virginia is located in close proximity to Washington, D.C., a major tourist destination, and draws approximately 16 million visitors each year, generating an estimated \$5.6 billion in visitor spending for the city alone.¹² This substantial influx of visitors increases the amount of potential buyers of commercial sex—thus the increased demand drives increased supply and subsequent victimization of youth for commercial sex. Another risk factor is the large military presence located in the Hampton Roads area. The percentage of military personnel who purchase sex with minors is unknown; however, it is important to note the correlation that buyers and military personnel are predominantly male. This concentrated population of males with increased anonymity by being unknown in a temporary location makes the area more susceptible to buyers seeking commercial sex with a minor.¹³ This dynamic increases a trafficker's incentive to recruit and exploit victims to fill the demand.

Employing the organizational structure of the three P's—Prevention, Prosecution, and Prevention—and expanding to incorporate the critical dynamic of partnership,¹⁴—this Rapid Assessment (RA) will (1) identify the scope of domestic minor sex trafficking in Virginia, and (2) assess the access to and delivery of services to victims of DMST. The Virginia RA report will focus solely on the issue of domestic minor sex trafficking.

Media Coverage of DMST

There has been limited media coverage of domestic minor sex trafficking in Virginia. The following human trafficking news stories were identified through a comprehensive media review:

On October 26, 2009, Marvin Leigh Madkins of Newport News, Virginia, was sentenced to 50 years in federal prison for the sex trafficking of minors and transporting minors across state lines for prostitution. Madkins recruited two Virginia minors to engage in commercial sex acts by promising the minors an extravagant Florida vacation contingent on the minors working to earn money for the trip. After recruiting the girls, Madkins forced¹⁵ the girls to engage in prostitution in Virginia to earn money for lodging, food, and other items. Madkins later transported the girls to Jacksonville, Florida, for the same purposes. Madkins advertised commercial sex acts with the minors online through websites, including Craigslist. com (Craigslist removed the erotic services section in May 2009 and then the adult services section in September 2010).¹⁶

¹¹ Testimony of Ernie Allen, President & CEO, National Center for Missing and Exploited Children. Victim's Rights Caucus Human Trafficking Caucus House of Representatives. July 19, 2010. http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=4312 Accessed November 22, 2010.

¹² Washington.org. City Fact Sheet http://washington.org/planning/travel-professionals/dc-in-a-box/city-fact-sheet Accessed March 24, 2011.

¹³ The connection between sex trafficking in locations with a sizable military presence was also illustrated in the Rapid Assessment on Domestic Minor Sex Trafficking in the Commonwealth of the Northern Mariana Islands where it was reported that local girls arranged commercial sex acts with U.S. military personnel and military contractors on the island. CITE THIS HERE The U.S. Department of Defense made efforts to address demonstrated abuses by U.S. military by amending the Manual for Courts Martial to specifically prohibit the solicitation of prostitution by all U.S. military personnel in 2005. Regarding military contractors, the Military Extraterritorial Jurisdiction Act of 2000 provides jurisdiction over civilian contractors that are involved in trafficking activities abroad. See Military Extraterritorial Jurisdiction Act, 18 U.S.C. §§ 3261-3267 (2000), cited in Parson, Brian. "Significant Steps or Empty Rhetoric?; see also Current Efforts by the United States to Combat Sexual Trafficking near Military Bases," 4 Nw. U. J. Int'l Hum. Rts. 567. http://www.law.northwestern.edu/journals/jihr/v4/n3/5. Accessed on July 4, 2008.

¹⁴ See *supra*, note 2.

¹⁵ Under the TVPA, force, fraud, and coercion are not required elements of domestic minor sex trafficking.

^{16 &}quot;Man convicted of trafficking minors for sex." *Jacksonville News.* March 9, 2009. <http://www.news4jax.com/news/18886978/detail.html> Accessed November 12, 2010; Virginia man sentenced for sex trafficking of minors and transporting minors across state lines for prostitution in Virginia and Jacksonville. Department of Justice. October 26, 2009. <http://www.justice.gov/usao/flm/pr/2009/oct/20091026_madkins_Jax_SexTraffickingSentence.pdf> Accessed March 24, 2011.

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- A 16-year-old girl ran away from her home in California with the assistance of an acquaintance, Julie Anne McKenna, 21, and was taken to New York in December 2009. Upon arriving in New York with McKenna, they were met by Marc Brickhouse, 32, who took the girl to a Red Roof Inn in Rockville, Maryland. There he had sex with the girl and showed her pornography to train her for prostitution. Brickhouse posted an advertisement on Craigslist.com selling the teen for sex. The victim was transported between New York and Prince William County, Virginia, for the purposes of prostitution. During her three-month captivity, the victim was reportedly forced¹⁷ to have sex with over 60 men and was beaten when she asked to go home. The victim escaped from a Woodbridge Residence Inn and fled to a local Babies-R-Us store where she was rescued by Prince William County police. In May 2010, Marc Brickhouse pleaded guilty to transporting a teenage girl across state lines for the purposes of prostitution. He was sentenced to 13 years in jail and five years of supervised release.¹⁸
- A special report by NBC on November 10, 2010, highlighted the direct link between the prevalence of sex trafficking in Virginia, the lack of victim services available for victims, and the detrimental discrepancies within state of Virginia law. The report highlighted the story of "Kelly," who commented on her treatment while fleeing her trafficker. She stated that "dealing with the system was nearly as traumatic as being trafficked, forced to work as a prostitute."¹⁹

Notably less media pertaining to sex trafficking compared to other states is reflective of the lack of awareness, training, and comprehensive law related to trafficking, all of which hinders prosecution, awareness, and exposure in the state. (*For updated information on Virginia media coverage regarding DMST, see Addendum page 67, Media.*)

Task Forces

U.S. Representative Frank R. Wolf called for a Virginia Human Trafficking Task Force, as law enforcement actions in Maryland and D.C. have reportedly pushed more trafficking into Virginia. In response, the United States Attorney's Office in the Eastern District of Virginia assumed leadership of the informal, advocate-initiated Northern Virginia Human Trafficking Working Group. With no additional funding from the Department of Justice and no collocated task force office, the Virginia Human Trafficking Working Group strives to operate as a functional human trafficking task force to aid in the identification, investigation, and prosecution of human trafficking crimes, including domestic minor sex trafficking. The Working Group brings together local and federal law enforcement, NGOs with training and subject matter expertise, service providers with the capacity or potential capacity to provide response and treatment to victims of human trafficking *Human Trafficking Task Force and Northern Virginia Human Trafficking Working Group, see Addendum page 67, Training and Awareness*)

In addition, groups have established informal coalitions to raise awareness and advocate for improved responses and institutionalization of programs, protocols, and funding for services and protection. The Virginia Coalition Against Human Trafficking spearheaded by the Richmond Justice Initiative, has demonstrated success in advocating for improved legislation and raising and community mobilization. Another group in the Lynchburg area and based out of Liberty University has worked to raise awareness of human trafficking in that part of the state, holding a week-long awareness event at Liberty University featuring a number of subject matter experts and advocates. Both grassroots endeavors successfully utilize social media to recruit and advertise their efforts.

¹⁷ See *supra*, note 15.

¹⁸ Umeh, M. Two charged with prostituting teen. *Myfaxde*: February 26, 2010. < http://www.myfoxdc.com/dpp/news/virginia/two-charged-with-prostitutingteen-022610> Accessed March 24, 2011; Klopott, F. Teen prostituted, held against her will in Md. and Va. hotels, feds say. *Washington Examiner*. March 5, 2010. < http://washingtonexaminer.com/local/virginia/teen-prostituted-held-against-her-will-md-and-va-hotels-feds-say> Accessed March 24, 2011.

¹⁹ Rhew, A. Human trafficking in Virginia part II. NBC29. November 10, 2010. < http://www.nbc29.com/story/13481974/human-trafficking-in-virginia-partii> Accessed March 24, 2011.

Law Review

Between 2005 and 2006, more than 20 bills addressing human trafficking crimes and issues were introduced, but until 2010 only one bill (dealing with extortion of an immigrant by withholding passport or papers) reached the governor's desk for enactment into law.²⁰ Thus the body of laws dealing with the issues of human trafficking, and in particular domestic minor sex trafficking, remains largely undeveloped and limited.

Prosecuting the Trafficker and Facilitator

Virginia does not have a specific human trafficking law. Va. Code Ann. § 18.2-48 (Abduction with intent to extort money or for immoral purpose) is the operable criminal statute for prosecuting cases of domestic minor sex trafficking. Va. Code Ann. § 18.2-48 criminalizes the:

[a]bduction (i) of any person with the intent to extort money or pecuniary benefit, (ii) of any person with intent to defile such person, (iii) of any child under sixteen years of age for the purpose of concubinage or prostitution, (iv) of any person for the purpose of prostitution, or (v) of any minor for the purpose of manufacturing child pornography.

Abduction with intent to extort money or for immoral purpose is a Class 2 felony, which carries a minimum sentence of 20 years to life and a possible fine of up to \$100,000, and if the sentence imposed is less than life imprisonment, the law mandates the judge to include, beyond the active sentence, a suspended sentence of at least 40 years which can be revoked by the court in the event of future offenses.

Also, Va. Code Ann. § 18.2-49 (Threatening, attempting or assisting in such abduction) makes it a crime when a person "(1) threatens, or attempts, to abduct any other person with intent to extort money, or pecuniary benefit, or (2) assists or aids in the abduction of, or threatens to abduct, any person with the intent to defile such person, or (3) assists or aids in the abduction of, or threatens to abduct, any female under sixteen years of age for the purpose of concubinage or prostitution." The Class 5 felony is punishable by 1 to 10 years' imprisonment, except in a non-jury trial the court may sentence the offender to jail for not more than 12 months and/or a fine of not more than \$2,500, either or both."

The definitions for abduction retain the requirement to prove "force, intimidation or deception" even when the victim is a minor. The elements of abduction include "without legal justification or excuse, seizes, takes, transports, detains or secretes another person" ignoring the element of psychological coercion common in domestic minor sex trafficking cases in which the victims often are bonded to their trafficker through trauma and dependency. The legislature's resistance to adopting an independent law making human trafficking and sex trafficking a crime has resulted in a tortured adaptation of the abduction statute to encompass the various forms of trafficking and an greater unlikelihood that this statute will be used fully to prosecute domestic minor sex trafficking.

The limiting definitions of abduction with intent to extort money or for immoral purposes for cases of domestic minor sex trafficking may lead prosecutors to opt instead to prosecute a trafficking offense under Va. Code Ann. § 18.2-356 (Receiving money for procuring person). This law states,

Any person who receives any money or other valuable thing for or on account of . . . (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography shall be guilty of a Class 4 felony.

²⁰ Cunningham, P.W. Will Va. catch up on fighting human trafficking? *The Washington Post.* July 23, 2010. http://voices.washingtonpost.com/local-opinions/2010/07/virginia_one_of_four_states_la.html Accessed March 24, 2011.

A Class 4 felony is punishable by 2 to 10 years' imprisonment and a possible fine of up to \$100,000. While not insignificant penalties, a prosecution of a trafficker of children for sexual exploitation under this crime does not bring the full weight of the abduction statute penalties to bear, potentially diluting the deterrent effect of the higher penalties available under the abduction law.

A second law that is available to prosecute traffickers in cases of commercial sexual exploitation of children through live or recorded sexual performance is Va. Code Ann. § 18.2-370(B) (Taking indecent liberties with children), which states,

Any person 18 years of age or over who, with lascivious intent, knowingly and intentionally receives money, property, or any other remuneration for allowing, encouraging, or enticing any person under the age of 18 years to perform in or be a subject of sexually explicit visual material as defined in § 18.2-374.1 or who knowingly encourages such person to perform in or be a subject of sexually explicit material; shall be guilty of a Class 5 felony.

A Class 5 felony is punishable by 1 to 10 years' imprisonment, except in a non-jury trial the court may sentence the offender to jail for not more than 12 months and/or a fine of up to \$2,500. This penalty is enhanced to a Class 4 felony for second or subsequent convictions under certain circumstances. A Class 4 felony is punishable by 2 to 10 years' imprisonment and a possible fine of up to \$100,000.

Traffickers, as well as those who facilitate sex trafficking, may also be liable under the child pornography laws in Virginia.²¹ While Va. Code Ann. § 18.2-370(B) (Taking indecent liberties with children) and Va. Code Ann. § 18.2-48 (Abduction with intent to extort money or for immoral purpose) criminalizes the use of a minor to create or manufacture the live or recorded sexual performance, and Va. Code Ann. § 18.2-356 (Receiving money for procuring person) makes it a crime to cause a person of any age to engage in the manufacture of obscene materials or child pornography, additional laws on the possession, reproduction, distribution and facilitation of child pornography apply to the traffickers and facilitators of child sex trafficking.

Traffickers and facilitators may be charged with Va. Code Ann. § 18.2-374.1(B) (Production, publication, sale, financing, etc., of child pornography; presumption as to age; severability) makes it a crime to produce child pornography and to accost, entice or solicit a minor under 18 to induce or force the minor to sexually perform to make the pornography. It goes further to make it a crime to knowingly participate in the creation of the child pornography or to knowingly finance the manufacture of child pornography. Offenders face 5 to 30 years' imprisonment when the child is under 15, with a mandatory minimum of 5 years if the offender is at least 7 years older than the exploited child. Subsequent offenses where the offender is at least 7 years older than the child is 15 to 17, the sentence is 1 to 20 years, except if the offender is at least 7 years older than the child then the sentence is 3 to 30 years, with 3 year' mandatory minimum. Subsequent violations by an offender at least 7 years older than the subject carry a sentence of 10 to 30 years, with 10 years' mandatory minimum.

Under Va. Code Ann. § 18.2-374.1:1(C), "Any person who reproduces by any means, including by computer, sells, gives away, distributes, electronically transmits, displays with lascivious intent, purchases, or possesses with intent to sell, give away, distribute, transmit, or display child pornography with lascivious intent shall be punished by not less than five years nor more than 20 years in a state correctional facility." Subsequent violations are punishable by 5 to 20 years' imprisonment with a mandatory 5 year minimum. Also, Va. Code Ann. § 18.2-374.1:1(D) (Possession, reproduction, distribution, and facilitation of child pornography; penalty) holds any person who "intentionally operates an Internet website for the purpose of facilitating the payment for access to child pornography" guilty of a Class 4 felony and subject to 2 to 10 years' imprisonment and a potential fine of up to \$100,000.

²¹ Va. Code Ann. § 18.2-374.1(A) defines "child pornography" as "sexually explicit visual material which utilizes or has as a subject an identifiable minor. An identifiable minor is a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and shall not be construed to require proof of the actual identity of the identifiable minor."

Prosecuting Demand

With respect to prosecuting the buyers of commercial sex with minors—the demand—abduction with intent to extort money or for immoral purposes does not apply to this aspect of sex trafficking, nor are there distinct commercial sexual exploitation of children laws applicable to the act of purchasing commercial sex acts with minors. Prosecutors are left to choose from a range of sexual offense laws that are not specific to commercial sexual exploitation of children, skewing the data and leaving DMST victims unidentified and unassisted for their trafficking-specific injuries and trauma.

Stronger law exists on the buying and possession of child pornography. Buyers in possession of child pornography may be charged with Va. Code Ann. § 18.2-374.1:1(A) (Possession, reproduction, distribution, and facilitation of child pornography; penalty), a Class 6 felony punishable by 1 to 5 years, except in a non-jury trial the court may sentence the offender to jail for not more than 12 months and/or a fine of up to \$2,500. Subsequent offenses are Class 5 felonies, punishable by up to 1 to 10 years, with the same exception. Subsection C of the statute may apply to buyers and traffickers, making it a crime to reproduce, sell, distribute, or possess with intent to distribute in any way child pornography images. This is punishable by 5 to 20 years' imprisonment and subsequent offenses are punishable by 5 to 20 years' imprisonment with a mandatory minimum of 5 years.

Sexual Offenses Instead of Trafficking or CSEC

The following criminal sexual offenses might be applicable to buyers and sellers of sex with minors in Virginia.

- Va. Code Ann. § 18.2-370(A) (Taking indecent liberties with children; penalties) makes it a Class 5 felony for an adult with sexual intent to knowingly and intentionally commit a range of sexual acts with or solicit sexual performance from a child under 15 years. A Class 5 felony is punishable by 1 to 10 years' imprisonment, except in a non-jury trial the court may sentence the offender to jail for not more than 12 months and/or a fine of up to \$2,500.
- Va. Code Ann. § 18.2-371 (Causing or encouraging acts rendering children delinquent, abused, etc.) makes it a Class 1 misdemeanor for an adult, including a parent, to "willfully contribute[] to, encourage[], or cause[] any act, omission, or condition which renders a child delinquent, in need of services, in need of supervision, or abused or neglected" or to have consensual intercourse with a child 15 or older. A Class 1 misdemeanor is punishable by up to 12 months' in jail and/or a fine up to \$2,500.
- Va. Code Ann. § 18.2-61 (Rape) classifies sex with a child under 13 as rape and imposes a mandatory minimum sentence of 25 years where the offender is more than three years older than the victim, and also if the rape is committed as part of the crime of abduction with intent to extort money or for immoral purpose. If the sentence is for less than life imprisonment, the judge must impose, in addition to the active sentence, a suspended sentence of at least 40 years, which is subject to revocation by the court in the event of future offenses.
- Va. Code Ann. § 18.2-63(A) (Carnal knowledge of child between thirteen and fifteen years of age) makes it a Class 4 felony punishable by 2 to 10 years' imprisonment and a possible fine of up to \$100,000 for a person to have carnal knowledge, without using force, a child 13 or 14 years old. "Carnal knowledge" includes, in part, sexual intercourse, cunnilingus, and fellatio. This is reduced to a Class 6 felony when the child consents, the accused is a minor, and the child is more than 3 years younger than the offender. A Class 6 felony is punishable by 1 to 5 years' imprisonment, except in a non-jury trial the court may sentence the offender to jail for not more than 12 months and/or a fine up to \$2,500.
- Va. Code Ann. § 18.2-67.4:2 (Sexual abuse of a child under 15 years of age; penalty) makes is a Class 1 misdemeanor for an adult to commit with lascivious intent sexual abuse with a child 13 or 14 years old. A Class 1 misdemeanor is punishable by up to 12 months' confinement and/or a fine up to \$2,500.

Va. Code Ann. § 18.2-379 (Employing or permitting minor to assist in offense under article) makes it a Class 1 misdemeanor to knowingly hire, employ, use or permit a minor to commit an offense under the obscenity and related offenses laws, including sexual performance. This is punishable by up to 12 months in jail and/or a fine up to \$2,500 on the first offense and jump to a Class 6 felony, punishable by 1 to 5 years' imprisonment, except in a non-jury trial the court may sentence the offender to jail for not more than 12 months and/or a fine up to \$2,500. If the offender is the owner of a business where the offenses took place, the fine increases to up to \$10,000 and must be assessed in addition to the other penalties.

Conclusion

The extensive range of child pornography offenses reflects an in-depth understanding of the issues of exploiting children through sexual performance and recorded images. Less understood and less comprehensive are the laws providing protections to children who are prostituted and bought for commercial sex acts. Also lacking are laws providing a full range of protections to the victims of DMST. Victim-centered trial protections to encourage the testimony of victims over the age of 16 and those who were over 14 when the offense occurred is important to recognize the trauma of all minors subjected to sexual offenses. Protection for testifying victims through a "rape shield law" would encourage victims to pursue justice against their traffickers and buyers. The Virginia Workers' Compensation program contains ineligibility criteria that could negatively affect domestic minor sex trafficking victims' ability to receive compensation, including disqualification if the minor is deemed to have contributed to his or her injury and short filing deadlines that do not account for the delay in reporting commonly seen in DMST cases. Lastly, a comprehensive services and shelter response model for victims of DMST is needed in Virginia. The law does not prevent victims of DMST from being detained in secure facilities as delinquents or in less secure facilities as status offenders; neither are appropriate to their status as victims of a crime, yet better options do not exist. Legislation mandating a proper response to the victims is needed. *(For updated information on legislative developments, see Addendum page 70, Legislation)*

Law Enforcement Jurisdiction

Virginia is divided into 39 independent cities and 95 counties that cover all territory outside the independent cities. Since independent cities are considered county-equivalent, both independent cities and counties in Virginia operate the same way. With this fragmented division of county and city, law enforcement agents strive to work cohesively to investigate crimes. Despite the working collaboration, jurisdictional boundaries often impede law enforcement's ability to effectively pursue investigation and prosecution.

Prevention

1.1 Training

Law Enforcement

Specific training on domestic minor sex trafficking is inconsistent among law enforcement agents in Virginia and a majority reported significantly limited training. Fairfax Police Department (PD) has participated in the Crimes Against Children Conference in Dallas, Texas, but has not received any training specifically regarding commercial sexual exploitation. Several officers in the Fairfax PD are trained child forensic interviewers and conduct interviews in cases of domestic minor sex trafficking. A representative from the Suffolk PD reported receiving no training on the issue of DMST. Detectives in the Norfolk PD reported receiving training on human trafficking but did not recall learning components specific to domestic minor sex trafficking. A major in the Richmond PD reported that officers in PD divisions related to the issue, including the juvenile division and the sexual assault division, have received training on recognition, identification, and interview techniques for child sex trafficking cases. Henrico PD reported offering training specifically related to domestic minor sex trafficking in addition to the sex trafficking training provided during preliminary training. (For updated information pertaining to law enforcement training opportunities, see Addendum page 67, Training and Awareness)

Courts

Staff at the Juvenile and Domestic Relations District Court (JDR) reported receiving specific but limited training on DMST. Upon initial employment, probation officers receive one week of training in addition to a variety of continued trainings throughout the course of their employment. In addition, probation officers are required to receive 40 hours of training a year on various subjects. Probation officers have received training on human trafficking. Polaris Project was named as a primary training provider for the probation and intake unit at JDR in Alexandria.

Juvenile Detention

Juvenile detention staff across the state reported receiving no training on domestic minor sex trafficking. Only a representative from Foundations, a post-dispositional treatment program for adolescent females under the umbrella of the residential services division of the JDR District Court, exhibited basic familiarity with the issue but reported having never received specific training on DMST. The representative from Foundations noted that Courtney's House, a shelter and service organization for victims of DMST, conducted a presentation on the issue for the organization. She also noted that a majority of training focuses primarily on general trauma and victimization but does not include elements specific to DMST.

Community Groups

The faith-based community reported notable levels of training and awareness on the issue of DMST. Common Ground Church received training from a Virginia Department of Social Services (DSS) employee and a representative from International Justice Mission (IJM) regarding foreign and U.S. trafficking. Other churches participated in the awareness campaign, "Stop the Crisis" that covered children's issues and included elements of DMST.

From health services to direct victim care, the Virginia service community has reported slightly higher levels of training and awareness on the issue than other interview groups. A forensic nurse at Bon Secours Richmond, which offers community health services and programs, noted receiving training on trafficking through the International Association of Forensic Nurses. Commonwealth Catholic Charities (CCC) Foster Care Division and the Unaccompanied Registered Minors (URM) Division received information about trafficking through the children in the URM program but have never received formal DMST training. The CCC representative admitted that all training regarding human trafficking has been directly targeted for foreign victims. Additionally, CCC's current

training offered for foster care parents does not include elements of DMST, though the interviewee indicated that this would be a welcome addition.

Two service providers distinctly notable for their work with victims of domestic minor sex trafficking are Courtney's House and Youth for Tomorrow. Both organizations have extensive training and/or awareness of the issue. Courtney's House was also identified as a primary training and awareness organization for juvenile detention staff and less secure group homes.

Prosecutors

Prosecutor interviewees reported no training on the issue of domestic minor sex trafficking. Many prosecutors' offices declined study participation on the basis of lack of identification of trafficking victims. This lack of identification is likely reflective of the lack of training provided for prosecutors. *(For updated information on training developments by the Virginia Office of the Attorney General, see Addendum page 67, Training and Awareness)*

Child Protective Services/Government Agencies

Child Protective Services (CPS) staff is operating on severely limited levels of training on the issue of domestic minor sex trafficking. Though the actual number of DMST victims is indeterminable due to a substantial unidentified or misidentified victim population, national trends indicate that many victims have come into contact with CPS at some point before or during their victimization. Training is critical to allow CPS staff to provide informed intervention in a child's exploitation. CPS staff expressed interest in learning how to identify victims and what resources were available for victims.

Alexandria Community Services Board, part of the Department of Community and Human Services in the city of Alexandria, sends a weekly newsletter called Youth Topics to over 750 youth, youth service providers, and parents in the area on youth-related resources. The prevention team leader stated that she received information regarding most resources for youth, including training for youth service providers in the Alexandria area, but she was not aware of any training on the issue of DMST in the region. A CPS policy specialist reported she had not received any training specific to DMST, and noted that DSS contracts with Virginia Commonwealth University (VCU) for training. A program under the VCU School of Social Work called VISSTA, the Virginia Institute for Social Services Training Activities, offers standard core curriculum related to sexual abuse, sexual abuse investigation, intake assessment, and investigation for CPS, but it does not cover DMST specifically. Henrico CPS reported the most significant level of training on DMST. A representative from Henrico CPS stated that a CPS staff member attended trainings hosted by the Department of Criminal Justice Services (DCJS) and the Crimes Against Children Conference in Dallas and provided the information received at the trainings to other members of the agency.

1.2 Public Education

Several professional and community organizations throughout Virginia have hosted public education and awareness campaigns on the issue of domestic minor sex trafficking. The following are campaigns/organizations working to spread awareness of the issue:

Richmond Justice Initiative is a grassroots organization committed to eradicating human trafficking through awareness and education. The organization partnered with Youth With a Mission (YWAM) to host a film screening of the trafficking documentary, *Call and Response*, in Richmond. The screening drew over 400 attendees. The organization also sponsors various awareness events in Richmond, including the Henrico County Social Studies Program, programs at VCU, and symposiums.

Not for Sale was established to equip and mobilize activists around the country to develop and implement solutions to end human trafficking in their community. Currently, Not for Sale in Virginia is working to raise awareness among students on college campuses and provide them with the resources necessary to identify and report indicators of trafficking.

Common Ground Church has sponsored the F.A.S.T. (Fredericksburg Against Sex Trafficking) walk every year since 2008. In August 2010, the church also sponsored the screenings of *Baht*, a documentary on sex trafficking in Cambodia/Thailand, and *DEMAND*, a documentary on domestic and international trafficking markets produced by Shared Hope International.

Richmond Child Advocacy Center (CAC) operates several prevention programs that are specifically designed to increase community education and awareness of sexual abuse. The CAC is a facilitator for Stewards of Children training created by the South Carolina-based organization, Darkness to Light. Stewards of Children is a three hour sexual abuse prevention training that equips adults to prevent, identify, and respond to child sexual abuse. Additionally, CAC supports the Families are Magic (FAM) program that provides information, resources, and support on various issues, including sexual abuse, for parents and caregivers. FAM incorporates sexual abuse prevention training. *(For updated information on public education and awareness activities initiated in Virginia, see Addendum page 67, Training and Awareness.)*

1.3 Intake

Law Enforcement

Law enforcement agencies did not report using an intake procedure to aid in the identification of DMST victims. Officers at the Richmond PD stated that a clear indicator of trafficking would need to be present to prompt law enforcement officers to begin questioning an individual about potential trafficking victimization—peripheral crimes associated with trafficking would not elicit an investigation into potential DMST. Arresting a minor for a curfew violation, a common violation by prostituted youth, would not normally provide a reason to inquire into potential commercial sexual exploitation of the youth. An interviewee noted that an anonymous community tip, call or complaint would warrant reason to investigate potential DMST.

Norfolk PD reported that officers do not have an intake procedure to identify a potential trafficking victim but would conduct additional investigation if a minor was suspected to be engaged in prostitution. Norfolk PD officers would not end the investigation after the initial charge but would conduct further investigation into the minor's length of involvement and association with a pimp (trafficker).

All interviewed police department representatives reported that intake interviews are generally completed by a trained officer although extenuating circumstances may dictate the use of a child advocacy center. Each police department identified at least one officer who has child forensic interviewing certification and would be available to the department to conduct an interview with a potential victim. Norfolk PD has access to Children's Hospital of the King's Daughters child abuse program for victim-sensitive investigation.

Courts

The Virginia court system does not implement an intake system that incorporates methods for identification of DMST victims. All cases that go before a juvenile court are first routed through a JDR district court for intake and processing. JDR courts utilize the Youth Assessment and Screening Instrument (YASI) scoring tool to determine whether youth will be placed in a juvenile detention center, a secure residential facility or a non-secure residential facility (a residential treatment facility or home placement). JDR also uses an in-house health screening survey to

determine the medical or emotional needs of a child. It is important to note that juveniles are not tested for AIDS/ HIV as part of the regular health screening and medical intake, though this could expose indicators of commercial sexual exploitation.

After this intake process, the JDR intake department determines whether to petition the court or divert the juvenile into an alternative program. According to court representatives, Alexandria has a significantly high diversion rate, opting to engage juveniles in restorative programming rather than the court system. Though this approach is commendable, the lack of identification for trafficking victims hinders the courts' ability to place trafficked youth in appropriate placements and programs.

Juvenile Detention

Juvenile intake procedures are completed through the court intake department at JDR rather than individual juvenile detention centers. Consequently, juvenile detention centers around the state reported no formal intake procedure used to identify DMST victims. Juvenile diversion programs and other residential treatment centers, however, often complete an additional intake procedure to identify presenting issues and develop a targeted treatment plan for the juvenile. Commercial sexual exploitation is most often initially reported through informal identification during a youth's disclosure in discussion and counseling in both facilities. Foundations, a post-dispositional treatment program for adolescent females, conducts an additional extensive intake procedure, including a mental health screening, physical exam, tuberculosis test, and a precondition screening that measures a juvenile's educational needs and the impact placement at Foundations would have on the youth, but it does not include questions regarding commercial sexual abuse or other indicators of trafficking. *(See Appendix 1, page 63)*

Social Service Providers/NGOs

Social service providers did not report using an intake tool to determine DMST victimization of the youth they serve. However, youth service providers reported that they do flag potential indicators that appear through health screenings and interaction with the youth. Tidewater Youth Services Commission (TYSC) primarily receives youth for their residential facilities through court orders or referrals through juvenile probation. Indications of suspected prostitution are almost never on the court-ordered emergency placement slip but might appear on a referral justification for their program called *Girls' Circle*, or intensive in-home counseling or other group programs. Service providers with extensive experience working with youth victimized through prostitution noted that informal identification is the primary source of identification. For example, Youth For Tomorrow's "New Resident Questionnaire" does not specifically incorporate questions that aid in exposing indicators of trafficking; however, the interviewee reported that her extensive experience allows informal identification by recognizing indicators in the other data collected.

Prosecutors

Intake procedures at the prosecutorial level are minimal as most information is collected through additional sources such as law enforcement reports and interviews, JDR intake, and CAC interviews (if applicable).

Child Protective Services/Government Agencies

CPS operates a 24/7 hotline for reports of suspected child abuse or neglect. Once a case is reported, CPS determines if the complaint meets the criteria for investigation. The requirements for investigation include: the victim must be younger than 18 years, the abuser must be the caretaker, the abuse allegation must meet the definition of abuse or neglect, and the responding department must have jurisdiction. If the complaint meets these criteria, the local CPS department will determine the urgency of the case and qualify the case as needing response within one, two or five working days.
According to a CPS policy specialist, CPS does not have an interview protocol specifically related to sexual exploitation. Furthermore, in the absence of a policy mandating investigation into the commercial component of sexual exploitation, most CPS interviewees reported that questions regarding potential DMST victimization would likely not be asked. *(For updated information on DSS intake procedures, see Addendum page 71, Legislation.)*

No specific questions related to commercial sexual exploitation are asked to identify or screen youth coming into CCC for foster care placement. Children are referred by DSS and often enter with minimal background information. An interviewee admitted that CCC case managers may not be asking questions that would lead to a disclosure due to (1) fear of an answer they are not equipped to deal with; (2) lack of knowledge about any issue of sex trafficking of American youth; and/or (3) concern about asking invasive questions that would offend the client or cause them to not trust the case manager.

1.4 Identification

Law Enforcement

Identification of DMST victims is strikingly low by Virginia law enforcement officers. Representatives from various agencies illustrated a general lack of awareness and understanding of the issue—effectively hindering accurate identification. Two common misconceptions repeated by a majority of law enforcement interviewees was the perceived need for a trafficking victim of any age to be expressly forced into prostitution and that trafficking requires a "federal nexus." The federal definition of trafficking eliminates the need for either of these factors to be present in the trafficking of a minor.

A best practice reported by Fairfax County PD is the employment of three proactive enforcement methods to identify victims and buyers: (1) street level prostitution sweeps; (2) buyer-targeted operations utilizing female decoys; and (3) monitoring websites like Craigslist.com and Backpage.com for advertisements suggestions the sale of minors for sex. The Fairfax County PD representative identified Craigslist.com and Backpage.com as the two most commonly used websites to advertise victims and the most utilized method of victim identification. (Craigslist removed the erotic services section in May 2009 and then the adult services section in September 2010).

According to an officer at the Richmond PD, prostituted youth may not be identified as victims, as defined under federal law.

If we have a 17-year-old prostitute, there's going to be a criminal offense there. We'll [think] 'hey, you're out here; you're doing an act of prostitution; we're going to arrest you as a juvenile... Is this an individual who is in need of some help or this individual is making a life choice that this is what they want to do at 17 or 17 and a half years old.

- law enforcement officer

The officer also stated that trafficking-related cases identified in Richmond involve primarily illegal immigration and prostitution in the Latino community. In the past three years, Richmond PD identified an increase of foreign sex trafficking victims from Honduras, El Salvador, and/or Guatemala in the city's south side. Police informants, citizen reports, and information sharing with federal and other local law enforcement are primary identification methods. The officer did not recall any complaints or arrests regarding domestic minor sex trafficking, and though the

interviewee expressed full support for increasing awareness of the issue and identification of victims, he adamantly claimed law enforcement is not seeing domestic minor sex trafficking crimes in the city of Richmond.

Another challenge in DMST identification is the absence of a database system that offers a code to record and monitor trafficking cases. A Henrico PD representative stated that in the absence of a trafficking code, cases would be reported as prostitution, pandering or other related crimes. This may contribute to the general misidentification of DMST victims as juvenile prostitutes. Moreover, many police departments across the state do not have a unit specifically assigned to the crime of trafficking, or specifically DMST, placing the responsibility of identifying trafficking cases most often with the patrol division. In the absence of a dedicated police unit, many departments do not generally conduct proactive operations to target the identification of buyers and trafficking victims, and thus rely on community citizens as a primary source of information. (*For updated information regarding law enforcement identification.*)

Courts

Victim identification in the court system is severely limited. Juveniles with increased vulnerability for trafficking, such as chronic runaways, homeless minors, and juvenile delinquents are not being identified as youth with a high risk of victimization through domestic minor sex trafficking. Even though resources including training and assessment instruments are available to court staff, methods to identify victims of DMST are not readily accessible. Officials stated that delayed reporting increases the difficulty in identifying victims of DMST. Though JDR Alexandria has not had any reported cases of trafficking and children are not being charged with prostitution in this jurisdiction, the interviewee reported that staff suspects DMST victimization is prevalent with juveniles in the court system, but that they are likely being misidentified and labeled with status offenses or Child In Need of Services (CHINS).

Juvenile Detention

Due to delayed and informal reporting there is significant inconsistency in the level of identification for DMST in juvenile detention centers around the state. Though the formal intake process is conducted at the JDR intake center, DMST identification does not often happen until the youth discloses victimization in detention. One interviewee had reportedly never seen a case of child prostitution come through the Department of Juvenile Justice in over 20 years; however, other juvenile detention staff reported seeing approximately 10 per year, per center. Two separate interviewees identified between seven and fifteen DMST victims in one year at Fairfax Juvenile Less Secure Shelter. Detention staff reported two common themes: (1) DMST identification is often delayed and not reported until the youth arrives at a detention center, and (2) disclosure often occurs informally. Staff reported that youth may pass through law enforcement and the court intake department before disclosing victimization. Youth often disclose DMST victimization in counseling or during interaction with detention staff. Delayed and informal identification causes the number of reported cases of juvenile prostitution to remain severely low throughout the state, even though many juvenile detention interviewees admit that juvenile prostitution is common among detained youth. These factors have likely contributed to the inconsistent level of DMST identification in juvenile detention centers throughout Virginia.

Social Service Providers/NGOs

Virginia's social service providers and NGOs reported the greatest level of identification for trafficked youth. Service providers have identified domestic minor sex trafficking in every research location. The two most commonly reported methods of identification occur when the provider conducts programs at juvenile detention centers or when a youth is referred to the provider, often for behavioral issues.

Service providers have identified youth ages 12 to 17 exploited through prostitution. Providers stated that DMST is very common throughout Virginia and reported managing caseloads with as many as seven to eighteen victims. Service providers identified a majority of gang-related sex trafficking connected to the 18th Street Gang and the MS-13 Gang operating in Northern Virginia. Both are Latino gangs, though the victims they use in prostitution are of varying ethnic backgrounds. Additionally, Tidewater Youth Services Commission in Hampton Roads identified greater levels of DMST in areas that are more transient. *(For updated information pertaining to DMST identification by service providers, see Addendum page 68, Identification.)*

Prosecutors

Generally, prosecutors in Virginia are not identifying domestic minor sex trafficking victims. It appears the low level of knowledge and awareness within this professional group has caused many prosecuting offices across the state to frequently misidentify victims. Prosecutors in most research locations declined participation, stating that DMST is not an issue relevant to their location. Though federal law defines any child under the age of 18 years old used in a commercial sex act as a victim of domestic minor sex trafficking, prosecutors continue to pursue cases of prostitution against minors. One prosecutor stated that the office rarely sees trafficking cases but did note that cases in which a juvenile runaway with an unidentified pimp is having sex for money in order to provide for survival needs is common. This statement illustrates the severe level of misidentification for victims.

Child Protective Services/Government Agencies

Virginia Child Protective Services did not report identifying victims of domestic minor sex trafficking, even though social service providers identified trafficked youth coming into contact with CPS through foster care placement. In addition to youth being unidentified, they are being misidentified. One interviewee admitted that trafficked youth (youth sexually exploited through prostitution) would more likely be labeled a child prostitute by the department. Interviewees offered stories of youth who displayed many indicators of trafficking or were known to be engaging in prostitution to provide for survival needs but the youth were not identified by the interviewee as a trafficking victim.

This dynamic may be attributed to CPS's lack of any specialized procedures for identifying or responding to DMST victims. CPS does not have a unique tracking code to record trafficking victims. According to a 2010 CPS report, CPS tracks the following type of abuse/neglect: physical neglect, physical abuse, sexual abuse, medical neglect and mental abuse/neglect.²² CPS only investigates DMST if there is a direct allegation or indicators arise in an interview to show that additional allegations must be explored. One interviewee explained that CPS is "a reactive system sent to explore specific allegations reported to CPS," and therefore CPS does not proactively seek to identify DMST even after a child is brought into the CPS system.

Interviewees reported that CPS would respond to a DMST case as a general sexual abuse case. According to the 2010 DSS Virginia Child Welfare Outcome Report 48,915 children were reported to be possible victims of abuse and/or neglect in Virginia in fiscal year 2010. Of the total number of reported incidents of abuse/neglect, 5,701 referrals were submitted for sexual abuse. CPS investigated 3,591 sexual abuse referrals and confirmed 1,146 cases of child sexual abuse. Because *commercial* sexual abuse is included in the definition of sexual abuse and is not coded separately, it is impossible to disaggregate the data to determine the number commercial sexual abuse cases incorporated in the total number of confirmed sexual abuse cases in Virginia.²³

²² Virginia Department of Social Services. Virginia Child Welfare Outcome Reports version 3.57. Abuse and Neglect in Virginia. http://www.dss.virginia.gov/files/about/reports/children/cps/all_other/2010/facsheet_sfy2012.pdf Accessed June 23, 2011.

²³ Virginia Department of Social Services. CPS Accountability Referrals Type Of Abuse Annual Report. http://www.dss.virginia.gov/files/about/reports/children/cps/all_other/2010/typeofabuse_sfy2010.pdf Accessed September 13, 2011.

The following excerpt illustrates the lack of awareness and subsequent misidentification by CPS staff:

When asked if any victims of DMST have been identified,

We've certainly had children who have been sexually assaulted while crossing from Latin America through the United States and working their way to Alexandria. These minors are not being trafficked with the intent of being prostituted but they are certainly victims of sexual assault. This is [a situation of] kids either on their own or with a caretaker but they're pulled aside by their coyote and they're asked, "Oh, can you do this for me and maybe I'll get you to the next state?" something like that. I don't think that we can say trafficking under your definition but gosh, other than that, no.

Several misconceptions that have significantly hindered accurate identification of domestic minor sex trafficking victims are: trafficking requires movement; trafficking victims are only foreign born citizens being moved into another country; and money must be exchanged for a commercial sex act to occur. Under federal law, trafficking does not require movement, trafficking does not require the victim to be moved across country lines, and any item of value (including transportation) may be exchanged for a sexual act for domestic minor sex trafficking to occur.

PROSECUTION

2.1 Trafficker Prosecution

In the absence of a Virginia sex trafficking law, law enforcement officers and prosecutors work creatively to bring justice to traffickers and protect victims. *(For updated information on the state human trafficking law, see Addendum page 70, Legislation.)* Richmond PD and Norfolk PD reported using the felony charge of pandering (receiving money for prostitution) or the misdemeanor charge of aiding in prostitution to charge traffickers. Henrico PD reported utilizing a variety of charges to investigate or charge the trafficker in a child prostitution case, including abduction, pandering, extortion, or assault. According to Roanoke PD, the department has not charged a single trafficker in the past five years due to the lack of contact with prostituted victims.

The cases that... somebody was pimping their child out online, et cetera, they committed other crimes that were ...far more serious in the state code system, that adding prostitution or that type charge just didn't stack on top of it. It wouldn't do anything. So [the pimps] were charged with aggravated sexual battery, indecent liberties, forcible sodomy... and manufacture and possession of child pornography.

- law enforcement officer

The inconsistency of charges applied to traffickers severely hindered the ability to construct definite statistics on the number of trafficker prosecutions in Virginia. Charging a trafficker with general sex crimes, assault, and abduction, illustrated in the example above, further perpetuates the common idea that trafficking is not occurring in Virginia. This dynamic contributed to prosecutors' unwillingness to participate in the study due to perceived lack of contact with cases of domestic minor sex trafficking.

A representative at the City of Richmond Commonwealth Attorney's Office did not recall pressing any sex trafficking charges, and has not referred any DMST cases for federal prosecution. Instead, prosecutors echo law enforcement stating that they largely prosecute individuals for child pornography, rape, or sodomy as opposed to trafficking or pimping. However, the interviewee at the City of Richmond Commonwealth Attorney's Office identified several instances where an adult was prosecuted for pimping a child or abduction with intent to defile. In other instances, the interviewee suspected that pimping occurred, but was unable to identify a pimp to prosecute.

Virginia Code § 18.2-357 (Receiving money from earnings of male or female prostitute) applies in cases of pandering any age person, failing to distinguish traffickers pandering *minors* engaged in prostitution. It states, "Any person who shall knowingly receive any money or other valuable thing from the earnings of any male or female engaged in prostitution, except for a consideration deemed good and valuable in law, shall be guilty of pandering, punishable as a Class 4 felony."

The following chart reflects the number of sentencing events under statutes related to pimping or pandering as reported by the Virginia Criminal Sentencing Commission- Sentencing Guidelines Database.²⁴ It is unclear how many recorded charges were applied to traffickers exploiting minors.

	FY05	FY06	FY07	FY08	FY09
§ 18.2-355(1) Enticement/procurement	0	2	0	0	0
§ 18.2-355(2) Compel to marry by force/threats	0	0	0	0	0
§ 18.2-355(3) Parent permitting child	0	0	0	0	0
§ 18.2-356 Receive money for procurement	2	3	1	1	0
§ 18.2-357 Pander, pimp or receive money from prostitute	2	2	6	2	9
§ 18.2-368 Place or leave wife for prostitution	0	0	0	0	0
TOTAL SENTENCING EVENTS	4	7	7	3	9

Virginia State Crime Commission Felony Prostitution as Primary Offense

Source: Virginia Criminal Sentencing Commission- Sentencing Guidelines Database

Prosecutors agreed that although traffickers would not be charged under a trafficking statute, they would be charged for the sex acts that were committed involving a child. According to prosecutors, individuals who have sex with a minor under 13 years old would automatically be charged with rape. Adults who have sex with a victim who is identified as a consenting minor between the ages of 13 and 15 may be charged with the felony of carnal knowledge which has a maximum sentence of 10 years in jail. If the victim is identified as a consenting minor over 15 years old, prosecutors will likely charge the adult perpetrator with contributing to the delinquency of a minor. This charge warrants a sentence of six months in jail and a fine of \$2,500, though perpetrators are generally not fined. Each sexual act would count as a separate charge against the perpetrator.

Interviewees noted the need for legislation that specifically addresses human trafficking to assist in prosecuting trafficking crimes. In the absence of a Virginia law on human trafficking, local law enforcement investigating the crimes, have the option to present the case to federal law enforcement for investigation and prosecution. Many local police departments reported effective working relationships with federal law enforcement to investigate cases. It was noted that federal prosecution is largely reserved for cases with strong forensic and corroborative evidence. Though prosecutors consider possible sentencing guidelines available at each level of prosecution, the U.S. Attorney's Office has the advantage of selective case representation and may choose to decline a case for federal prosecution. Law enforcement reported that the standard of evidence necessary for federal prosecutors to accept a case of domestic minor sex trafficking, and subsequently to build a substantive case against a trafficker, may be unrealistic for the nature of this crime.

Professionals throughout the Commonwealth of Virginia noted many barriers, largely stemming from lack of identification, in properly prosecuting traffickers. According to most law enforcement representatives, the primary challenge in prosecuting traffickers is identifying traffickers. Prosecutors repeated this same barrier stating that,

²⁴ Virginia State Crime Commission. HJR 97: Indecent liberties and prostitution – related offenses involving children. September 8, 2010. http://leg5.state.va.us/user_db/frmvscc.aspx?viewid=773 Accessed April 8, 2011.

like many abuse cases, a DMST victim is often reluctant to disclose information about the perpetrator; making identification and prosecution of traffickers difficult (see Witness Testimony for further information). This dynamic may be offset by prosecutor agencies with victim-witness advocates since the child may be more likely to build rapport with the advocate and disclose information pertaining to their exploitation. Research indicated that Virginia professionals are generally untrained to provide this level of victim maintenance, thus hindering perpetrator identification and ultimately successful prosecution.

To further complicate the issue of trafficker identification, the juvenile justice system does not have mandatory procedures for reporting details a minor may disclose concerning his/her involvement in prostitution or the identification of his/her pimp. According to Fairfax Less Secure Facility and Norfolk Juvenile Detention Center, they have never received information from a minor regarding a pimp. They stated that detention staff would report the case to CPS and law enforcement for investigation if a minor did disclose information regarding a trafficker. However, one interviewee noted that they would be more hesitant to report the case to the police if they could not supply law enforcement with detailed information on the trafficker because they believed the information would not be useful. This lack of mandated reporting contributes to the inconsistent and limited information available to law enforcement and prosecutors.

Additionally, though many interviewees identified CPS as the receiving organization to report cases of DMST, CPS interviewees expressed that they are not generally educated on federal law and, therefore, do not assist in enforcing federal law. Alexandria CPS and Henrico CPS were unfamiliar with the federal Trafficking Victim's Protection Act. CPS is only brought into an investigation of trafficking when a victim makes an allegation against his/her caretaker; this could include caretaker neglect leading to sexual exploitation. CPS is required to report non-caretaker sexual abuse to law enforcement; however, CPS reported that law enforcement may not investigate a claim reported by CPS due to the absence of victim testimony.

Another barrier to prosecuting traffickers lies in the reluctance of prosecutors to pursue cases in which there is no victim testimony. Also, prosecutors outlined additional barriers to prosecution based on lack of evidence. They noted the increased difficulty in proving the commercial element of the crime—that an item of value was exchanged for sex with a minor—compared to a common sexual abuse case. Prosecutors face the challenge of identifying a trafficker by their legal name, as they are commonly known by a street name. Prosecutors must establish the credibility of the child witness and prove the child has reasonable knowledge to press charges against the perpetrator. Lastly, the third primary party involved in a case of domestic minor sex trafficking—the buyer—rarely cooperates to provide evidence against the trafficker.

2.2 Buyer Prosecution

Research indicated an indeterminate number of buyer prosecutions in Virginia. The omission of age distinction in the law, combined with variations in data reporting, led to vague data sets which hindered the ability to draw accurate statistics on the scope of the crime. This is illustrated in the "Crime in Virginia" report compiled by the Uniform Crime Reporting Section of the Department of State Police which categorizes all prostitution offenses under the following definition: "To unlawfully engage in or promote sexual activities for profit (also includes assisting)."²⁵ The report provides the number of arrests for prostitution offenses by Virginia law enforcement but does not provide a separate definition for those who *purchase* sex—including those who purchase minors for sex.

Prosecutor interviewees reported no contact or prosecution of buyers of commercial sex with a minor. However, it was commonly reported that the main charges brought against a buyer of commercial sex with a minor were taking

²⁵ Uniform Crime Reporting Section Department of State Police. Crime in Virginia 2009. 2009. http://www.vsp.state.va.us/downloads/Crime_in_Virginia_2009.pdf Accessed April 8, 2011.

indecent liberties with children, use of an electronic device, contributing to the delinquency of a minor, carnal knowledge, and rape. These crimes carry sentences of six months to ten years imprisonment. Virginia Code § 18.2-370 (Taking indecent liberties with children; penalties) is used to prosecute buyers. It states,

§ 18.2-370. Taking indecent liberties with children; penalties.

A. Any person 18 years of age or over, who, with lascivious intent, knowingly and intentionally commits any of the following acts with any child under the age of 15 years is guilty of a Class 5 felony:

(1) Expose his or her sexual or genital parts to any child to whom such person is not legally married or propose that any such child expose his or her sexual or genital parts to such person; or

(2) [Repealed.]

(3) Propose that any such child feel or fondle the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child; or

(4) Propose to such child the performance of an act of sexual intercourse or any act constituting an offense under § 18.2-361; or

(5) Entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any of the purposes set forth in the preceding subdivisions of this section.

B. Any person 18 years of age or over who, with lascivious intent, knowingly and intentionally receives money, property, or any other remuneration for allowing, encouraging, or enticing any person under the age of 18 years to perform in or be a subject of sexually explicit visual material as defined in § 18.2-374.1 or who knowingly encourages such person to perform in or be a subject of sexually explicit of sexually explicit material; shall be guilty of a Class 5 felony.

C. Any person who is convicted of a second or subsequent violation of this section shall be guilty of a Class 4 felony; provided that (i) the offenses were not part of a common act, transaction or scheme; (ii) the accused was at liberty as defined in § 53.1-151 between each conviction; and (iii) it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation of this section.

D. Any parent, step-parent, grandparent or step-grandparent who commits a violation of either this section or clause (v) or (vi) of subsection A of § 18.2-370.1 (i) upon his child, step-child, grandchild or step-grandchild who is at least 15 but less than 18 years of age is guilty of a Class 5 felony or (ii) upon his child, step-child, grandchild or step-grandchild less than 15 years of age is guilty of a Class 4 felony.

The following chart displays the total sentencing events under Virginia Code § 18.2-370 (Taking indecent liberties with children) from FY05-FY09 as reported by Virginia Criminal Sentencing Commission- Sentencing Guidelines Database.²⁶

§ 18.2-370	FY05	FY06	FY07	FY08	FY09	Total
Total Indecent Liberties Sentencing Events	94	103	137	146	128	1180
As Primary Offense 67 70 104 73 63 377	87	70	104	73	63	377
As Additional Offense	27	33	33	73	65	803

Virginia State Crime Commission Total Sentencing Events, § 18.2-370

Source: Virginia Criminal Sentencing Commission - Sentencing Guidelines Database **Note:** Includes all Class 4 and 5 Felonies under this statute

²⁶ Virginia State Crime Commission. HJR 97: Indecent liberties and prostitution – related offenses involving children. September 8, 2010. http://leg5.state.va.us/user_db/frmvscc.aspx?viewid=773 Accessed April 8, 2011.

Buyers may evade trafficking charges if the commercial component of the exploitation is omitted from the investigation. This results in a case of domestic minor sex trafficking being mislabeled and mischarged as sexual abuse. One interviewee illustrated this dynamic by admitting that the prosecution of adults having sex with a minor occurs more commonly in association with force, fraud or coercion—not a commercial exchange. Due to the aggressive control and powerful manipulation of traffickers, it is uncommon for victims to disclose elements of force, fraud or coercion present in their exploitation. It is important to note elements of force, fraud or coercion are irrelevant and legally unnecessary to prove in cases of domestic minor sex trafficking.

Nominal buyer prosecutions in Virginia may be attributed to several barriers for effective buyer identification and prosecution. First, buyer identification is exceedingly challenging since victims are generally unable to identify a buyer because of their brief and exclusively sexual encounter. Second, buyers elude the possibility of identification through financial transaction by paying for sex with cash—thus avoiding identification through the use of a check or credit card. Law enforcement officials reported they would arrest and charge buyers, if buyers could be identified. Though charging buyers of commercial sex is often difficult, Roanoke PD reported frequently charging for possession of child pornography; however, these charges often warrant low penalties.

2.3 Prosecuting Victims of Domestic Minor Sex Trafficking

Identifying Child Victims

Domestic minor sex trafficking victims in Virginia are at risk for being arrested, charged and prosecuted as criminals. While some professionals who engage with victims at various points of intervention indicated they would treat prostituted youth as victims, others stated that the context of the situation would determine victim status versus criminal status.

According to the federal Trafficking Victims Protection Act (TVPA) of 2000 anyone under the under the age of 18 years old used in a commercial sex act is a victim of sex trafficking.

(8) SEVERE FORMS OF TRAFFICKING IN PERSONS- The term 'severe forms of trafficking in persons' means--

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of $age;^{27}$

Though the law explicitly outlines that *any* child used in a commercial sex act is a victim of sex trafficking—regardless of the situation—many first responders and service providers look to situational factors to determine if the child was a victim or criminal. This variance from the law could be attributed to the lack of awareness of the law. Many interviewees were unfamiliar with the federal Trafficking Victim's Protection Act, including several interviewees within the Virginia juvenile justice system.

The most prominent theme among professionals was their acknowledged inability to identify victims—primarily limited by knowledge, training, systematic failures or organizational gaps. One interviewee with the juvenile justice department noted that the organization of the juvenile justice system makes it hard to identify DMST victims. Prosecutors noted that no specific program exists to identify DMST victims. Henrico PD expressed that a combination of laws and training affect whether law enforcement identify children as victims of sex trafficking or delinquent youth committing prostitution. The Norfolk PD interviewee noted that training and procedures for identifying victims could help with victim identification and reduce prosecutions of DMST victims.

²⁷ Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A § 103(8), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at 22 USC 7102 § 103(8). http://www.state.gov/g/tip/laws/61124.htm. Accessed February 2, 2011.

A juvenile detention center staff interviewee illustrates this dynamic:

Part of the problem in being able to assess [domestic minor sex trafficking] is that you don't get a whole lot of info. on the kid and, 9 out of 10 times, the average length of stay for a [preadjudicated] kid without a previous charge is usually about 28 days. So other than the initial charge that the kid is being seen for, you don't have any background information, you don't have any associations, you don't have any of that kind of stuff. So there can be a whole lot of [victims] slipping under the radar that you don't know about.

- law enforcement officer

The JDR Court in Alexandria identified approximately 60 girls, some as young as 10 years old, on their caseload that had involvement in situations related to commercial sexual exploitation. The court claims that many of these girls were willing participants—effectively disqualifying the girls as victims due to their perceived ability to choose to participate in the crime. Although interviewed first responders and social service providers unanimously responded they would treat a victim of domestic minor sex trafficking as a victim, one interviewee admitted that he may not treat a child found in prostitution as a victim, depending on what the juvenile justice system attributed to the cause of prostitution.

Arresting and Charging Victims

Research revealed a missing transition from juveniles arrested for prostitution by law enforcement and juveniles who appear in the juvenile justice system with charges of prostitution. Though law enforcement does not have a mandatory procedure for response to victims of domestic minor sex trafficking, officers across the state reported arresting and charging victims with prostitution. These juveniles were reportedly not being seen in juvenile detention centers—as detention centers reported very few instances of minors charged with prostitution.

Generally, police will not arrest a young child for prostitution, but will arrest and charge an individual in his/ her late teens. Richmond PD and Norfolk PD specifically noted that they would arrest and charge an older teen, especially a 17-year-old, with prostitution. During the investigation, if police discovered that the 17-year-old did not actively choose to prostitute, police may choose not to charge him/her.

Norfolk PD reported regularly arresting minors and often charging these minors with adult prostitution, especially if the minor is emancipated. Norfolk PD would not charge a minor with prostitution if he/she disclosed information about a pimp; however, it was noted that most minors do not share information regarding their pimp. Due to this perceived lack of cooperation from the minors, law enforcement officers view the juveniles as prostitutes in need of prosecution and not as victims in need of services. Moreover, Norfolk PD conducts proactive prostitution enforcement by issuing summons to juveniles who appear to be engaged in prostitution.

In contrast, Roanoke County PD has not arrested or charged any minor with prostitution in the last five years. The Roanoke County PD interviewee suspected that if he did choose to arrest and charge a juvenile, he would charge the child (and the other involved individual) with prostitution or child prostitution, indicating that limited knowledge and experience prevented identification of additional charges.

Though law enforcement officers across the state reported arresting minors, only seven juveniles have been arrested for prostitution-related offenses between 2005 and 2009 according to the Virginia State Crime Commission.

Year (CY)	Age	Sex	Offense
2005	17	Female	Assisting or Promoting
	17	Female	Prostitution
2006	16	Male	Assisting or Promoting
2007	15	Female	Prostitution
	15	Female	Prostitution
	17	Female	Prostitution
2008	16	Male	Assisting or Promoting
	16	Male	Assisting or Promoting
	17	Female	Prostitution
	17	Female	Prostitution
2009	17	Male	Prostitution

Virginia State Police – All Juvenile Arrests for Prostitution-Related Offenses CY05 – CY09

The inconsistency of arrests and charges by law enforcement compared to the relatively low number of juveniles entering the juvenile justice system on charges of prostitution may be attributed, in part, by prosecutor intervention. An interviewee stated that if a child is caught in a sex act, prosecutors would not likely charge the child with prostitution and but would treat the child as a victim, even if the child appears to be instigating the sex act. Instead, prosecutors may place the child under a Child in Need of Supervision (CHINSup) or Child in Need of Services (CHINS) petition. *(See Appendix 1, page 63)*

Members of the juvenile justice system reported very few instances of minors charged with prostitution. An interviewee from the Department of Juvenile Justice noted that criminal prostitution charges are rarely pressed against a child. Similarly, an interviewee from Fairfax Less Secure Shelter had never seen a charge of prostitution against a minor at that facility. According to the Norfolk Juvenile Detention Center, minors are not being sentenced to the facility on prostitution charges but rather tangential crimes related to living on the street.

The Virginia Crime Commission reported similar findings, showing that less than five juveniles had a petition filed against them for prostitution in a given year since 2006.²⁸

Code Section Offense	FY06	FY07	FY08	FY09	FY10
§ 18.2-346(A) Prostitution	4	0	5	3	3
§ 18.2-348 Aiding/Assisting in Procurement	0	1	0	0	0
§ 18.2-357 Pander, pimp or receive money from prostitute	1	0	1	0	0
§ 18.2-356 Receive money for procurement	1	0	0	0	0
§ 18.2-346(B) Solicitation of Prostitution	2	1	1	1	0
TOTAL	8	2	7	4	3

Juveniles Offenders With Petitioned Intakes By CSU, FY06-FY10

Source: Department of Juvenile Justice

Witness Testimony

Securing a victim's testimony is one of the most challenging components in the prosecution of a trafficker. Victim testimony can be compelling evidence if prosecutors overcome the victim's emotional attachment to the trafficker, negate potentially violent and dangerous consequences for the victim and his/her family, and deter the victim from running away before trial. These victims generally only share information with people they trust, commonly barring law enforcement and prosecutors from gaining access to information that could be used to prosecute a trafficker. To minimize the impact of this dynamic and prevent re-victimization, many law enforcement agencies ensure the use of forensic interviews and victim sensitive interrogation techniques. Social service providers such as the CAC assist with victim interviews to obtain needed information. Within five days of a child's referral to CAC, CAC engages CPS, law enforcement, medical, and non-offending family to conduct one interview with the victim. During the interview, one trained interviewer will question the child, while all other involved groups observe the interview from a different room. CAC provides a child-friendly and calming environment for a child to interview with a trained professional. CAC thoroughly interviews the child and records the meeting to prevent the need for multiple interviews.

When prosecutors need testimony from a child, which happens in most cases, they have two options to lessen the burden on the child. First, the prosecutor may offer a plea bargain and prevent the child from having to testify in court. Second, the prosecutor may attempt to have the child testify via closed circuit television. To allow closed circuit testimony, the prosecutor must prove that requiring the child to testify in the courtroom would be detrimental to the recovery of the child. However, law enforcement in Roanoke noted that judges often will not allow child victims to testify via closed circuit camera.

²⁸ Virginia State Crime Commission. HJR 97: Indecent liberties and prostitution – related offenses involving children. September 8, 2010. http://leg5.state.va.us/user_db/frmvscc.aspx?viewid=773 Accessed April 8, 2011.

PROTECTION

Protection requires victim-centered rescue and restoration. Rescue is vital to remove the minor from the immediate dangers of commercial sexual exploitation. Victim-centered, long-term restoration is essential to holistic protection and includes providing long-term, secure shelter in addition to medical care, psychological and counseling services, education opportunities, and skill building for victims of domestic minor sex trafficking.

3.1 Law Enforcement

Rescue

Law enforcement officers reported their role is primarily to provide protection through rescue. Their first priority is to remove trafficking victims from the dangerous and abusive trafficking situation. Beyond this level of protection, law enforcement is afforded limited options to provide additional protection for DMST victims. Other than detention, which requires charging the victim with a crime, law enforcement is restricted from procuring alternative safe and secure shelter for victims. If the minor is not charged with a crime, no specific methods exist for law enforcement to further the investigative process or determine the causes for the minor's behavior or possible victimization. To mitigate this factor, law enforcement officers may charge minors, especially those in their late teens, with the criminal offense of prostitution in order to facilitate the assignment of a caseworker who can work with the youth. Law enforcement may also engage CPS to facilitate safe placement for a minor if a parent or guardian is unable to be located or deemed capable to care for the child.

Several law enforcement interviewees noted that if the investigation revealed that the minor does not actively choose to work in prostitution, they would treat the minor as a victim and conduct an investigation accordingly. Due to this further investigation that charged victims undergo, one interviewee believes that charging a minor is a good choice because it places them in the juvenile justice system where the minor will have access to services. However, law enforcement officers admitted that investigations are not typically extended to determine if minors arrested or detained on status charges, such as runaway or curfew violations, are in fact victims of trafficking.

Access to Treatment

The absence of a coordinated victims' services system poses significant challenges to obtaining services for victims. When law enforcement does secure services for DMST victims, they are often pieced together. One law enforcement officer suggested creating additional services for DMST victims by modifying existing services built primarily for domestic violence victims to include services for victims of DMST. This proposal was offered as a temporary solution that would allow child victims immediate access to resources like attorneys, nurses, child support groups, and child therapists while specialized and dedicated service systems are established for DMST victims.

3.2 Prosecutors

Rescue

Prosecutors reported seeking shelter that would provide safety to victims. Prosecutors acknowledged the victim status of a prostituted minor, but indicated that a prostituted child may be detained in a "locked youth shelter" for their safety. One interviewee cited as an example a runaway child from New York who was held in a locked youth shelter in effort to separate her from her exploiter until she could be returned home.

She went to a locked youth shelter which is through social services, so technically we're not holding her in a criminal capacity, because we have nothing to hold her on. But we were holding her for her safety because she actually was in love with this man and was hoping she was going to have his baby and was going to go back where he was and we needed to get her safe.

– interviewee

According to interviewees, most commonwealth attorney's offices in Virginia employ a victim-witness advocate to manage the needs of the victim-witness in an active prosecution. The victim-witness advocate will relocate a victim-witness, if needed, in order to keep her safe and protect her identity. Even though these precautions can result in safe shelter for victim-witnesses, interviewees stated a common goal of returning the children to a healthy living environment quickly and providing continuing safe places for victim-witnesses after the trial had ended.

Trial

Requiring a victim to testify in front of his/her perpetrator, judge, jurors and others present in the courtroom can often cause intense trauma for a victim. Victim-witness advocates seek to minimize the potential re-victimization as much as possible. During the trial, victim-witness advocates shelter the victim from the defendant's family, ensuring that they are unable to interact with or intimidate the victim as the trial proceeds. Additionally, interviewees expressed that prosecutors can make a motion to the court to use closed circuit television for the minor's testimony, but videotaped testimony is never admissible during a criminal trial.

Access to Treatment

Victim-witness departments seek to ensure that victim-witnesses have access to needed services during the time they are involved in the prosecution proceedings. The victim-witness advocates in the City of Richmond Commonwealth Attorney's Office begin their services by coordinating a meeting with the victim and his/her family to determine the needs of the victim and discuss possible services. These services include counseling.

Also, one interviewee noted that DMST victims in Virginia may have access to the Criminal Injuries Compensation Fund (CICF). The CICF provides a maximum award of \$25,000 to reimburse expenses directly related to the crime including hospital bills, moving expenses, and counseling. To be eligible for reimbursement from the CICF, the victim must be a resident of Virginia or the crime must have been committed in Virginia, the crime must have been reported to law enforcement within 120 hours of occurrence, and the claimant must not have participated in, consented to or provoked the crime.²⁹ Some victims may not be eligible for the CICF if they are found to have participated in, consented to or provoked the crime.

²⁹ Criminal Injuries Compensation Fund. http://www.cicf.state.va.us/benefits.shtml#tcc Accessed September 8, 2011.

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3.3 Juvenile Justice System

Interviewees from within the juvenile justice system recognized that prostituted youth are victims of domestic minor sex trafficking and indicated they would strive to provide protection and services accordingly. Many of these interviewees expressed a desire for additional training on how to identify and provide services to DMST victims in order to better protect the victims.

Services

Generally, the juvenile justice system does not provide long-term services for victims by the nature of the system. If a DMST victim is charged with a crime, then basic services become available. For example, a charged victim will receive a basic medical exam and could also become eligible for programming, such as educational services, psychological evaluations, and group counseling. If a child in custody reveals a traumatic event before juvenile proceedings, the juvenile justice system has staff that can counsel the victim and find the victim community-based services.

It was noted that obtaining services for minors in detention facilities is challenging. One interviewee explained that many service providers would not enter the detention facility. To reach services outside the detention facility, staff must escort the minor to these services. Often, staffing patterns and emergency needs of the facility prevent the detention facility staff from taking these minors to services.

Some probation offices run girls groups, such as *Girl Power* in Fairfax County for minors who are not in a detention facility. *Girl Power* aims to build girl's self-confidence through strength-based programming. This group does not focus specifically on DMST issues.

Shelter

When a victim of DMST is charged with a crime, the juvenile justice system may shelter the victim in a variety of types of facilities. The juvenile justice system in Virginia is following a national trend of holding minors in the least restrictive placement necessary—typically a home placement. As victims of DMST are often charged with lesser offenses or are identified as a CHINS, these minors are often placed in non-secure group homes or allowed to return home to family members. This results in a lower level of protection and puts the DMST victims at greater risk of detection or running away. *(See Appendix 1, page 63)*

Based on the results of a minor's intake assessment and/or the judge's orders, minors may be placed at a secure facility (detention), a non-secure facility (group home) or at home. The following are three possible placement facilities in which domestic minor sex trafficking victims may be found in Virginia.

Norfolk Detention Center

DMST victims who are charged with a crime can be sent to Norfolk Detention Center, a short-term secure holding facility for pre-adjudicated minors. A judge or intake officer can order minors to Norfolk Detention Center based on a scoring system that determines the level of security and services needed for the juvenile. The Norfolk Detention Center usually houses approximately 12 minors, although the facility has accommodated up to 40 youth at one time. Minors can stay at Norfolk Detention Facility from one day to one year; however, the average stay is between four and five months.

Fairfax Less Secure Shelter

Fairfax Less Secure Shelter serves as a short-term, non-secure, holding facility for status offenders ages 11 to 17. Minors are allowed to stay at Fairfax Less Secure Shelter for up to 30 days. The typical stay ranges from 11 to 14 days.

Because the facility only offers short term placement, the objective of the facility is to provide stabilization and crisis intervention services and prepare the youth for transition to their permanent placement. In 2009, approximately 10 to 15 girls at Fairfax Less Secure Shelter informally disclosed involvement in prostitution.

Foundations

Foundations is a post-dispositional treatment program within the residential services division of the Fairfax County JDR Court. Foundations is a 12-bed facility for girls 13 to 17 years old. The average length of stay is 8 to 10 months, though the youth may stay until deemed ready for graduation. Foundations provides many services to residents, including school, psychological evaluations, assessments, expressive therapy, and group counseling sessions. Examples of group sessions include alcohol and drug services group, sexual abuse, and family group. The programming is highly regimented with school, chores, counseling sessions, and meals. A minor must be court-ordered to participate in Foundations as an alternative to probation. Typically, to initiate placement at Foundations, a girl's probation officer will submit a referral to Foundations for the child's placement at the facility. The director will interview the client and her family to determine appropriateness. If the program is deemed to be appropriate for the minor, the probation officer must go to court to recommend the minor's participation in the program. Participants at Foundations go home during the weekends. Therefore, Foundations requires the active participate, the girl cannot participate in the Foundations program.

3.4 Courts

Shelter

At a local level, some Virginia courts seek to provide shelter for victims. For example, the JDR Court in Alexandria has a temporary shelter care program where the court can place DMST victims for stabilization. This program operates a 14-bed group home with counselors on staff. One interviewee stated that if the shelter care program did not exist, all of the victims currently sent into shelter care would definitely be placed instead in detention. Currently, the JDR Court in Alexandria's shelter care program risks closure due to local budget crisis. Few long-term residential treatment facilities exist in Virginia due to high costs.

Courts may issue a placement order for a DMST victim at a shelter or detention center under probation supervision. If the victim tries to leave a shelter, he/she is in violation of the court order and may be ordered to move to a detention center for increased supervision. One interviewee noted that sometimes DMST victims remain in detention longer than delinquent youth because they violate court orders and break curfew while they were under shelter care, causing them to return to detention. Additionally, if the DMST victim is placed on probation, they gain a criminal background, and law enforcement can detain the victim for up to ten days for every infraction.

Treatment Services

Virginia courts have access to treatment services and programs which range in duration from six months to six years. One interviewee claimed that, although the court system is trying, it does not provide the necessary resources to help victims build life skills. Moreover, DMST victims require specialized programming and counseling for the trauma they have endured. The available programs do not address the needs of those victimized through DMST. One interviewee further explained that the JDR Court in Alexandria is attempting to create a program for sexually exploited girls that works within the community and specifically targets DMST victims. Funding has not been allocated for this program.

3.5 Social Service Providers/NGOs

Shelter

Shelter placement specifically for DMST victims in Virginia is limited; however, several facilities have incorporated specific programming for this level of traumatization into existing programs and shelters. Shelters in Virginia provide both short and long-term placement. The average length of stay at group home shelters typically varies from six months to one year. One interviewee noted that many DMST victims have lived in 8 to 10 group homes and many DMST victims have run away from group homes 10 to 15 times. The 2002 budget cuts in Virginia significantly reduced services for youth by 50 percent, particularly services to girls. The budget cuts caused statewide closures of youth shelters, making it more difficult to find placement for youth.

In the absence of a DMST specific facility, the following illustrate the types of facilities that may house these victims in Virginia.

Youth For Tomorrow (YFT)

Located in Bristow, Virginia, YFT is a three-component program that offers comprehensive residential, education, and counseling services. Youth are referred to YFT through agencies and organizations like DSS, JDR Court, schools, and the FBI. YFT has two homes for girls with children, two regular homes, and one independent living home for girls that could house victims of DMST. The facility operates under a group home model where each home has house parents and youth have a personal room and bathroom. Youth stay an average of six months in a YFT shelter. YFT has the capacity to shelter 80 youth. Staff estimated that in 2010, 7 to 10 youth housed at a YFT facility were DMST victims. *(For updated information on Youth For Tomorrow shelter programs, see Addendum page 68, Shelter.)*

Tidewater Youth Services Commission (TYSC)

TYSC operates three residential facilities that accept referrals from the Juvenile Court and DSS. The Crisis Intervention Home in Virginia Beach offers pre-dispositional beds and two post-dispositional beds for boys and girls to stay for one night to three months. This non-secure facility is licensed to shelter youth ages 13 to 17. Westhaven Boys Home is a pre-dispositional, emergency shelter for teenage boys in crisis; however, the facility will allow some post-dispositional, long-term placements. Lynnhaven Boys home allows for a four to six month stay for teenage boys in crisis. A state budget cut in 2002 resulted in a 50 percent cut in services (residential and other) for youth, especially impacting programs and housing for girls.

Seton Youth Shelter

Seton Youth Shelter offers 24-hour emergency placement for homeless and runaway youth ages 9 to 18. Seton Youth Shelter operates two separate shelters for boys and girls. Youth can access the shelter through voluntary placement. At the shelter, youth receive individual and family crisis counseling, case management, community referrals, and community-based psycho-educational groups to increase youth awareness of community resources.

Artemis House

Artemis House in Fairfax County operates a 34-bed facility with 29 beds located in a shelter and five beds located in an off-site cottage. Due to the small size of the facility, Artemis House has a policy of admitting only victims in imminent duress and danger. As a result, the location is confidential. To gain access to the facility, youth must call and request admittance. A bus will pick up the child and transport them to Artemis House. Once at Artemis House, a camera system and sensors provide additional security. Since the facility is at an undisclosed location, to determine eligibility Artemis House operates a 24/7 hotline to assess the needs of callers. Youth can stay at Artemis House for 45 days. If a victim discloses the location of the facility, making it possible for the perpetrator to find the victim, he/she will not be allowed to return to the shelter because it is no longer a safe place for him/her.

Courtney's House/Shae's Place

At the time of the interviews, Courtney's House was in the process of securing the proper funding and licensing to open Shae's Place, a six-bed, long-term group home in Northern Virginia. The home is specifically designed to house DMST victims ages 12 to 18. The facility will not operate as a secured facility. Courtney's House staff plans to train the local community to identify and return victims to the home if they run.

Alternative House

This facility in Fairfax County provides counseling, shelter, crisis intervention and neighborhood outreach to at-risk children and families. Alternative House is a voluntary placement emergency shelter for youth ages 13 to 17. Youth may stay for up to two weeks and receive short-term crisis intervention.

Services/Programs

Throughout Virginia many community service organizations provide various programs and therapy for DMST victims. These programs include workshops, individualized counseling, group counseling, and professional development activities.

Bridge to Freedom

Bridge to Freedom in Merrifield, Virginia provides clothing, workshops, and individualized programs for victims. Bridge to Freedom developed over 35 workshops that address personal and development topics specific to victims. Of the 60 to 70 at-risk minors Bridge to Freedom served last year, six were confirmed DMST survivors and an additional five to seven were possible DMST victims. Bridge to Freedom's workshops are targeted to help victims become self-sufficient and develop a positive self-image.

Youth For Tomorrow (YFT)

In addition to the residential programs described above, YFT offers education and GED assistance, military enrollment assistance, computer programming classes, life skills, youth events, vocational training, independent living assistance, support groups, and individual, family, and group therapy. YFT offers a healthy relationship group which includes information on positive/negative relationships, signs of abuse, and pimps. YFT also operates the *Girls on a Journey* program which is specifically developed to provide specialized services for DMST victims.

Richmond Child Advocacy Center (CAC)

The Richmond CAC provides victims with trauma focused and healing-oriented therapy. Though interviewees at the CAC reported no instances of DMST, they reported that the following procedure would be used if a victim of DMST was identified. Within five business days of reported sexual abuse, CAC coordinates CPS, law enforcement, medical, and non-offending family members to interview the child and assess the situation. CAC ensures that the alleged abuser is separate from the child, obtains nurse examiners specializing in child abuse, and analyzes whether mental health services are needed. Following this process, CAC develops a specialized course of treatment for the child. The therapy may be individual, group or family therapy. The victim's therapy will always focus heavily on expression and developmentally appropriate activities to help the victim deal with the crimes committed against them. Child Advocacy Centers have national, state, and regional chapter organizations. This multi-level structure provides CACs with multiple layers of support and training which can help them better serve victims.

Tidewater Youth Services Commission (TYSC)

TYSC is a public regional agency established by a charter agreement of seven Hampton Roads localities in 1976 when the courts determined the need for therapeutic services for at-risk children. In addition to the residential programs described above, services range from diversion, school-based case management, CHINS petition supervision, juvenile detention reintegration, in-home counseling, and sex offender treatment. TYSC serves 12 to 21 year old boys and girls. TYSC operates a program called *Girls' Circle* based on a nationwide curriculum implemented through community based programs. While in the program, if a youth discloses DMST victimization, they would receive a full health check. Specialized counseling may be offered; however, it is often not available or is limited in the area.

Artemis House

In addition to the residential placements described above, Artemis House provides counseling, support groups, financial programs, and tutoring programs for victims. Upon entry into Artemis House, case managers work with victims to connect them with services and resources. Twice a week Artemis House collaborates with the Office for Women Domestic and Sexual Violence Services to provide counseling for families and individuals. Additionally, Artemis House provides tutoring and support groups.

Courtney's House/Shae's Place

Courtney's House provides expressive group therapy, survivor-led support groups, individual therapy, and life skills training. Examples of life skills training include workshops focusing on self-esteem, anger management, and sex education. Courtney's House also operates a 24/7 hotline for victims of sex trafficking, sexual assault and domestic violence. Additionally, Courtney's House conducts street outreach in D.C. and Northern Virginia by distributing discreet items with the hotline number. Courtney's House assists juvenile detention centers by providing training, group sessions, and recreational youth activities.

Commonwealth Catholic Charities (CCC)

CCC in Richmond offers therapeutic foster care placement services and case management. For these placements, each foster home receives additional support and each foster care family has received training on how to help victims.

3.6 Child Protective Services

Protection Protocol

If a potential trafficking situation is revealed through an allegation of child abuse or neglect, CPS would examine if the complaint meets the criteria for investigation. The requirements for investigation include:

- the victim must be younger than 18;
- the abuser must be the caretaker;
- the abuse allegation must meet the definition of abuse or neglect; and
- the responding department must have jurisdiction.

If the complaint meets these criteria, the local CPS department will determine the urgency of the case and qualify the case as needing response within one, two or five working days. CPS works closely with local and federal law enforcement agencies and prosecutor's offices to complete joint investigations whenever a criminal investigation or prosecution involves a child in CPS investigation or care. CPS gives law enforcement and prosecutors access to records during these investigative collaborations.

If abuse or neglect is confirmed, CPS works with other service providers to identify appropriate services and/ or placement for the child. According to interviewees, CPS can remove the minor from caregiver custody if the caregiver is trafficking the child or not supervising the child, enabling the child to be trafficked. CPS will only use its authority to remove a child from his/her current placement if the child is in imminent danger or if there is no less drastic measure to keep the child safe than removing the child from the home. CPS interviewees reported that DMST victims would likely meet the criteria for removal. *(For updated information on DSS/CPS protection protocol, see Addendum page 70, Legislation.)*

Shelter/Placement

Virginia CPS, along with the juvenile courts, is following a national trend of preferring familial placement or foster home placement. Henrico County CPS estimates that less than 10 percent of children are placed outside of a family setting.

Several factors may warrant out-of-home placement. If CPS is aware that a child is under pimp control and had reason to believe that the parent was not providing the child with adequate protection and supervision, the minor may be sent to a foster home, therapeutic home, group home or residential care facility. Additionally, if a minor's guardian is unable to provide the child with an immediate safe placement but wishes to retain legal custody of the child the guardian can sign the minor into a foster home for 30 days. This gives the minor immediate safe placement and allows the parent or guardian time to determine a long-term placement solution that would meet the child's security needs.

Additionally, out-of-home placement varies by county. For example, Henrico County only places children in shelter facilities under extreme circumstances and only sends children to group homes if unable to procure alternate placement. If CPS believes a child is a high-risk runaway and appears to be highly sexually active, CPS would consider that child a significant risk to herself and would likely send that child to a locked residential facility. Henrico County does not have locked facilities so CPS would consider placing children in locked facilities in the surrounding area and throughout the state.

In the Alexandria area, CPS utilizes a variety of placement options from foster homes to residential facilities to locked facilities. Northern Virginia CPS benefits from a Sheltercare program which accepts children who are referred by the City of Alexandria JDR Court, the Arlington County and City of Falls Church Family Courts, and Alexandria/ Arlington DSS. Sheltercare provides short-term placements for youth in a nonrestrictive facility. Youth are placed in Sheltercare to receive a long-term service plan and/or alternative placement because of difficulty in home or foster care, delinquency, probation violation or truancy. Youth can stay in Sheltercare for up to three months. While in Sheltercare each child receives assessment, counseling, and assistance with family reintegration.

CPS identified one long-term program, therapeutic foster care (TFC), which allows minors to live with a family that receives special training and additional specialized case worker support for high-risk youth. DSS refers minors to therapeutic foster care because they have been unsuccessful in traditional foster placement due to behavioral problems.

Services

Though CPS does not offer any direct services for victims of DMST, it will seek to connect the youth with appropriate services in the community. The services could include medical attention and counseling. Additionally, CPS offers a 24/7 hotline for reports of abuse or neglect.

PARTNERSHIP

4.1 Law Enforcement

Law enforcement described strong collaboration, both within a single department and between local and federal agencies across the state. Within a single police department various units, such as the organized crime unit and the criminal investigation unit, collaborate regularly. Departments foster this collaboration through regular staff meetings and department-wide emails focused on specific crime areas. Officers reported seeing the most success from criminal intelligence meetings where different jurisdictions meet to share information. Additionally, departments near Washington, D.C. stated they have meetings with federal agencies every 45 days. Other departments remain in regular contact with the federal agencies.

Law enforcement interviewees reported a strong working relationship with CPS. Law enforcement agents are mandatory reporters to CPS and notify CPS when they have a juvenile in their custody for prostitution. An officer of any level can make a referral to CPS. Alternately, CPS also refers cases to law enforcement. After law enforcement is notified by CPS of a potentially criminal child abuse or neglect case, law enforcement, CPS, and prosecutors conduct a joint investigation. This collaboration minimizes the number of times a child will be interviewed and facilitates more effective response. Additionally, some departments have access to a child forensic interviewer who works specifically with victims of sexual abuse.

Law enforcement also collaborates with social service providers and NGOs for investigation and response to DMST. Though NGOs do not have a formal reporting system for DMST cases, service provider interviewees stated they report confirmed or suspected cases of DMST to law enforcement. Similarly, law enforcement utilizes community resources to respond to victims. The Richmond PD noted an extensive collaborative effort to provide victim sensitive care through the use of social service providers, second responders, hospitals, and forensic nurses. However, it was noted that law enforcement generally has limited knowledge of the array of resources available. Additional training and awareness for law enforcement on community services and resources available for DMST victims would greatly increase law enforcement's utilization of such services, facilitating more effective response.

4.2 Prosecutors

The United States Attorney's Office in Virginia operates the Northern Virginia Human Trafficking Working Group. This group is comprised of law enforcement, government agencies prosecutors, NGOs, and community advocates who work in partnership to share information and resources and provide training and awareness opportunities to the community.

Prosecutors work collectively with law enforcement and CPS to investigate and prosecute DMST cases. When possible, prosecutors work with organizations, such as child advocacy centers, to conduct forensic interviews with child victims to facilitate greater disclosure and reduce the risk of re-traumatization. Prosecutors also work with victim-witness advocates to protect child victims during trial. If available, victim-witness advocates sit with the child during trial. Also, prosecutors may coordinate with the sheriff's deputy to ensure that the defendant's family and friends have left the premises before escorting the child victim out of the courtroom.

4.3 Juvenile Justice System

Juvenile justice system staff are mandatory reporters; therefore, all suspected child abuse or neglect cases must be referred to CPS for potential investigation. One interviewee noted gaps within the referral process that hindered critical investigation. CPS strictly screens every referred case to determine if it meets investigation criteria. The juvenile justice system cannot always provide CPS with complete case information, largely resulting in unfounded cases (cases in which the review of the facts gathered during an investigation did not meet the preponderance of the evidence standard) and bar some cases from receiving necessary investigation.

Juvenile justice staff also must report criminal offenses to law enforcement. A juvenile justice interviewee admitted only referring cases to law enforcement if specific information pertaining to the case was available. Notably, interviewees from the juvenile justice system would like to see more information sharing between police departments, detention centers, social services, and CPS. Currently, each organization maintains separate databases that the juvenile justice system cannot access. Integrated information databases could eliminate duplicated efforts to obtain information that has already been collected by another agency and allows multiple agencies to build upon reoccurring cases.

4.4 Courts

The Alexandria JDR Court is currently developing a program for the school system, mental health system, and social services to collaboratively respond to DMST victims. The school system and mental health service providers have already committed to this program; however, the program is not yet operational. The court is already collaborating with schools and the community to provide a multi-system approach to case management. Additionally, if a child in the court system was discovered to be sexually exploited, the court would cooperate with law enforcement, CPS, school social workers, and mental health providers to arrange for the child to receive necessary services.

4.5 Social Service Providers/NGOs

Community service providers actively partner with organizations that serve or advocate for victims. Service providers expressed strong collaboration with law enforcement—some noting multiple contacts within the local police department to ensure adequate response. Social service providers may also refer victims to CPS, especially as some are mandatory reporters. Additionally, service providers work collectively to inform best practices, secure emergency shelter for victims, and share resources.

Community service providers reported receiving referrals from a variety of stakeholders, including CPS, law enforcement, probation officers, school systems, foster care systems, and other community service providers. Several community service providers, such as Bridge to Freedom, are referral based and rely on community partnership to receive referrals for clients.

Virginia Coalition Against Human Trafficking

Founded in 2010, the Virginia Coalition Against Human Trafficking (VCAHT) seeks to raise public awareness and educate on issues of human trafficking. VCAHT members include representatives from:

- **Courtney's House** Northern Virginia & Washington, DC
- The Grey Haven Project Richmond, VA
- International Justice Mission Chapter at Regent University Virginia Beach, VA
- Liberty University Lynchburg, VA
- Not for Sale Virginia Northern Virginia
- Polaris Project Washington, D.C.
- **Richmond Justice Initiative** Richmond, VA
- River Life of Worship Center Spotsylvania, VA
- Shared Hope International Northern Virginia
- Taskforce Shepherd Fredericksburg, VA
- University of Virginia Charlottesville, VA
- Virginia Stop Modern Slavery Northern Virginia

This type of collaboration is critical to the access to services by victims of DMST.

4.6 Child Protective Services

CPS agencies have developed strategies for collaboration with other agencies in the area. Interviewees reported that each local CPS office is encouraged to develop a memorandum of agreement or memorandum of understanding among local agencies. These memoranda generally include information sharing procedures between local law enforcement and CPS. Additionally, based on the locality, the memorandum may include other community partners, child advocacy centers, or hospitals.

Virginia Code § 63.2-1503J encourages localities to form multi-disciplinary teams for child neglect and abuse issues. These multi-disciplinary teams should include members of the medical, mental health, social work, nursing, education, legal, and law-enforcement sectors. These multi-disciplinary teams are responsible for "developing innovative programs for detection and prevention of child abuse; promoting community concern and action in the area of child abuse and neglect; and disseminating information to the general public…" Virginia Code § 63.2-1503J. By creating these multidisciplinary teams, CPS also hopes to reduce the number of miscommunication issues and increase collaborative problem solving. CPS also works with the mental health system, school system, local hospitals, shelters, and medical practitioners to obtain needed services for DMST victims. In this regard, the law allows them to share information with service providers when it is for the protection of children. (*For updated information on collaborative developments, see Addendum page 70, Legislation.*)

RECOMMENDATIONS

Recommendations

The following recommendations are steps that can be taken at both the state level and the local level to advance the identification and proper response to child victims of sex trafficking.

- 1. Enact a state human trafficking statute. In the absence of a state human trafficking statute that specifically criminalizes a) the purchase or sale of a minor for commercial sex, and b) the facilitation of sex trafficking of domestic minors without requiring the use of force, fraud or coercion in the trafficking act, inconsistent charges are brought against buyers and traffickers. This results in inconsistent penalties and impedes accurate statistical evidence of this crime, perpetuating the myth that domestic minor sex trafficking is not occurring in Virginia.
- 2. Amend the Child Protective Services reporting system to add a specific child sex trafficking abuse and neglect code. Although certain DMST cases meeting response criteria may be investigated by CPS, the current reporting system does not differentiate commercial sexual exploitation from sexual abuse. In 2010, over 5,000 referrals were made to CPS for suspected child sexual abuse; however, because sexual exploitation is included under the definition of sexual abuse rather than defined separately, it is impossible to disaggregate how many victims of DMST were misidentified and recorded under the general sexual abuse code. Misidentification hinders the ability of CPS to effectively respond, perpetuates inappropriate service and placement plans for victimized youth, and affords CPS no option to track DMST victims. A specific code for child sex trafficking would allow CPS to identify the cases of commercial sexual exploitation of children and respond appropriately.
- 3. Create an inter-agency integrated database system for reports of DMST. Many interviewees expressed the need for better information sharing. A key barrier to proper response and successful prosecution stems from incomplete information—information that may be available in another agency's database. In addition, many interviewees expressed reluctance to share information with law enforcement or child protective agencies unless they could provide full details. An integrated database system would allow providers and first responders to submit any information they receive and build upon partial information.
- 4. Training must be prioritized for first responders. Inconsistent levels of training for law enforcement, prosecutors, service providers, juvenile detention staff, courts, and CPS has resulted in significant gaps in protection for victims of domestic minor sex trafficking. First responders must be trained to recognize victims of DMST within their cases. This is the first opportunity at intervention in the child's victimization.
- 5. Appropriate placement options are needed for DMST victims freeing first responders from responding with arrest and charges. Virginia has severely limited residential care facilities specifically designed for victims of DMST, often leaving first responders with little choice in placing at-risk victims in detention contrary to their status as a victim. Existing shelter placement options in Virginia do not provide the heightened level of security required; the state should prioritize the opening of these shelters.
- 6. Revise the intake procedures of CPS and the Department of Juvenile Justice to include questions that identify victims of domestic minor sex trafficking. Many interviewees within these agencies had difficulty identifying DMST victims and reported no formal protocols for screening their population groups for DMST. The lack of identification results in various labels that affect both the rescue and critical service delivery. DMST victims are unlikely to self-disclose victimization, leaving first responders to ask appropriate questions that facilitate disclosure.
- 7. The Northern Virginia Human Trafficking Working Group requires development and expansion to become a recognized task force. Task forces provide community awareness and training opportunities for first responders. Task force members engage in collaborative information sharing to facilitate more successful investigations and prosecutions. Many of the challenges noted in this report could be tackled through the increased activity and expansion to a statewide reach of the task force.

APPENDIX

Appendix 1 – DMST Response

The chart below illustrates the juvenile justice system response for youth in Virginia.



ADDENDUM

Addendum

Since the conclusion of the Rapid Assessment interviews in November 2010, several developments have affected the identification and response to domestic minor sex trafficking victims in Virginia. Several key factors continue to improve: training and awareness, identification of victims, availability of safe shelters, and legislation.

Training and Awareness

A lack of awareness persists statewide, however many service providers and first responders have received training through Shared Hope International, Courtney's House, and Polaris Project since fall 2010. Over 300 law enforcement officers in gang units have been trained, including those from Arlington, Prince William, Fairfax, Alexandria, and Loudoun counties, in recognition of the growing gang involvement in domestic minor sex trafficking crimes in Virginia, as in other states around the country. Additionally, court services personnel, probation officers for all Northern Virginia counties, and Child Protective Services staff have received DMST-specific training, offering a unique, in-depth look at identifying and responding to youth who are at-risk or have been victimized through commercial sexual exploitation. Trainees have gained knowledge in the effect of pimp control over a youth, the dynamics of gang-related trafficking, and the tragedy of familial pimping. They learned proper procedures for intake, building rapport, and avoiding re-victimization.

A separate training was recently developed for prosecutors by the Virginia Office of the Attorney General. This training will fill a crucial gap noted in the Rapid Assessment, guiding prosecutors in the laws and techniques of investigation and prosecution of human trafficking cases, using Virginia-specific case scenarios to highlight the local issue. The training format was developed to be used in all states, contributing to the still scarce resources for prosecutors. (For additional information pertaining to DMST training for prosecutors, see Section 1.1-Prevention: Training, page 23.)

Statewide training will soon be offered through the Northern Virginia Human Trafficking Task Force (HTTF) operated by the United States Attorney's Office of the Eastern District of Virginia. The Task Force began as the Northern Virginia Human Trafficking Working Group comprised of service providers, local NGOs, local law enforcement, the FBI, and ICE. The U.S. Attorney's Office took responsibility for it in 2010, yet it receives no funding by the Department of Justice, hampering its full effectiveness. Recently, committees focused on training, public awareness, and victim services were formed. As training curriculum is developed, the Northern Virginia HTTF will begin training for law enforcement, service providers, juvenile justice staff, and community members across Northern Virginia.

Legislative leadership is creating change in Virginia as well. The Governor dedicated staff capacity to exposing this issue through in-depth quantitative research to catalogue cases of trafficking, local leads, and media attention. They seek to compare and contrast Virginia's efforts with those of other successful states. This information will be presented to the Governor and the Department of Public Safety to lay a foundation for a coordinated statewide response. On the federal level, Congressman Frank Wolf, a long-time leader in the U.S. Congress on anti-trafficking legislation, galvanized the formation of the Northern Virginia Human Trafficking Task Force. He also urged church leaders to make a commitment to fight against the exploitation and abuse of America's youth, disseminating a call to action letter in the summer of 2010 to multiple churches. Although area churches have not actively responded to the issue of sex trafficking, this call to action inspired local and national NGOs to support him at a grassroots level by uniting forces with churches, planning awareness events, and working to coordinate fundraisers for the formation of DMST shelters and services.

Efforts to increase public awareness have been initiated by grassroots coalitions and faith-based collaborations. The Virginia Coalition Against Human Trafficking was formed specifically to bridge the gap between local and national organizations to better combat the problem of human trafficking, provide training, and support community and legislative efforts to end trafficking in Virginia. A like-minded group is the Loudoun County Pastor's Consortium, a conglomerate of pastoral leaders in Loudoun County who have responded to the need for public awareness and dedicated themselves to supporting events, fundraisers, and legislative initiatives for change. The Loudoun County Pastor's Consortium, along with other area churches, is leading the charge for the faith-based sector to get involved.

Identification

While data gathered by the Virginia Department of Juvenile Justice shows that only eight juveniles were arrested for prostitution in fiscal years 2009 and 2010, it does not prove a lack of DMST in Virginia. The numbers instead reflect the great need for training in victim identification. In fiscal year 2009, the Department of Juvenile Justice filed petitions for services or supervision of 879 juveniles, and 801 in fiscal year 2010. These juveniles were presented with behaviors or conditions regarded as a danger to others or themselves, and/or with a history of running away or truancy. This large number of at-risk youth indicates that severe gaps in identification continued throughout 2010. However, local efforts to identify victims have expanded through outreach and follow-up investigations by both service providers and law enforcement. Although many victims remain hidden, these groups are working with Courtney's House to identify DMST victims within their caseload. Recent trainings have produced multiple referrals to Courtney's House for follow-up services to trafficked youth and assistance with safe placement, specifically from FBI agents and probation officers in Prince William, Alexandria, Arlington, and Fairfax counties. Identified victims receive case management, counseling and advocacy through Courtney's House.

Recently, cases of DMST have been identified in several Virginia counties. In one such case, minor females were being driven to various locations by pimps for 30-minute engagements with members of the Latino community. These girls, referred to as "treinteras," were discovered through efforts by Polaris Project. Several other cases of pimp-controlled and gang-related sex trafficking have been discovered in the Northern Virginia area including Arlington and Alexandria. As the prevalence of commercial sexual activity is exposed, the need for DMST-specific training is highlighted

Shelter

While there continues to be a shortage of shelter options for DMST victims in Virginia, one organization working to meet that need is Youth For Tomorrow (YFT). Zoned as a residential facility for at-risk youth ages 13 to 21, Youth For Tomorrow's comprehensive approach to rehabilitation includes academics, counseling, and social reintegration. It offers a specially trained staff, a small student/teacher ratio, therapeutic support, intense supervision, and a highly structured program of care. YFT developed the *Girls on a Journey* program through a grant for crisis intervention counseling and has provided trauma-specific services to 17 girls since 2008, including trauma-focused cognitive behavioral interventions.

Previously listed as a facility that *may* house DMST victims, YFT has made significant changes since the completion of the Rapid Assessment. In the fall of 2010, YFT adjusted its campus to meet the needs of a growing number of domestic minor sex trafficking victims by opening a home on its campus specifically to receive up to ten female DMST victims. It set aside another ten beds in other homes on the campus to be made available, if necessary, for female DMST victims. YFT is also working with George Mason University professor Dr. Talleyrand and Kathy Spoona of Phoenix Counseling Services to develop a specialized therapy format for people interacting with DMST victims, including foster parents, mentors, and direct care staff. This unique therapy could pave the way for DMST victims to receive enhanced care while placed in foster care or group home settings. This, in addition to the future

capacity of Shae's Place, which can accommodate six minors, will prove to be significant progress in Virginia in filling the gap for appropriate housing of DMST victims. With the total of 26 shelter beds and trauma-informed care, Virginia will soon be ranked on a short list of states offering DMST-specific shelter services across the entire nation.

Media

An updated review of media covering Virginia reveals that confirmed cases of DMST continue to arise around the state, in direct correlation with the increase in awareness and training in identification. The following stories demonstrate the types of DMST occurring throughout the state.

- In February 2011, Alexander Rivas, an MS-13 gang member, was charged with sex trafficking of minors. He forced two runaway teen girls into prostitution in Alexandria, Virginia, arranging clients and collecting the money. Documents suggest he would have up to 100 clients waiting for prostitution services on Friday or Saturday nights.¹ In July, he was sentenced to 10 years in prison followed by five years of supervised release.²
- In May 2011, Alonso Bruno Cornejo Ormeno was indicted on charges of sex trafficking of minors. He was alleged to have rented hotel rooms as well as transported minors to residences in the D.C. metro area to engage in sexual services. He described the girls to his clients as "fresh out of the box" or as "high school girls" and offered to sell them for \$50 in some instances. He also offered a discount to the police informant if he brought in more clients. The exploited girls had six to seven buyers per day.³ Cornejo pleaded guilty on August 22, 2011 to one count of sex trafficking of a minor and faces a mandatory minimum of 10 years and a maximum of life in prison. In court documents filed with his plea agreement, Cornejo admitted he began his illicit prostitution business in approximately August 2009. He recruited juvenile female runaways who were in need of shelter. He managed all aspects of the business and collected all proceeds.⁴
- On May 18, 2011, Anthony Wayne Hart and his wife Kathy Lee Hart were indicted in Madison County on charges that they sex trafficked their two teenage daughters, ages 13 and 14, over a two year period. The girls were prostituted in exchange for money and goods. Police began investigating the case based on tips from a concerned teacher, who overheard the teens' father negotiating a price for their services.⁵
- On July 21, 2011, 25-year-old Roberto A. Darden of Newport News and 37-year-old Ujima Crudup of Hampton, Virginia were indicted on sex trafficking charges. Darden and Crudup were allegedly involved in the sex trafficking of children and the production of child pornography exploiting a 13-year-old.⁶ On August 16, 2011, Crudup pleaded guilty to conspiracy to produce child pornography and faces a maximum sentence of 30 years.⁷

¹ Babay, E. Alexandria MS-13 member faces sex trafficking charge. *Examiner.com*. February 17, 2011. Accessed June 1, 2011.">http://washingtonexaminer.com/local/crime-punishment/2011/02/alexandria-ms-13-member-faces-sex-trafficking-charge>Accessed June 1, 2011.

² Alexandria MS-13 member received 10 years for sex trafficking of juveniles. *AlexandriaNews*. July 1, 2011. http://www.alexandrianews.org/2011/07/alexandria-ms-13-member-receives-10-years-for-sex-trafficking-of-juveniles/ Accessed August 8, 2011.

³ Babay, E. MS-13 member indicted in sex trafficking case. *Examiner.com*. May 30, 2011. http://washingtonexaminer.com/local/crime-punishment/2011/05/ms-13-member-indicted-sex-trafficking-case Accessed June 1, 2011.

⁴ U.S. Attorney's Office, Eastern District of Virginia. Fairfax man pleads guilty to sex trafficking minor females. *Federal Bureau of Investigation Press Release*. August 22, 2011. <Fairfax Man Pleads Guilty to Sex Trafficking Minor Females Fairfax Man Pleads Guilty to Sex Trafficking Minor Females http://www.fbi.gov/ washingtondc/press-releases/2011/fairfax-man-pleads-guilty-to-sex-trafficking-minor-females?utm_campaign=email-Immediate&utm_medium=email&utm_ source=washington-press-releases&utm_content=23593> Accessed August 23, 2011.

⁵ Shannon, R. Parents indicted for human trafficking. *The Richmond Register*. May 20, 2011. http://richmondregister.com/localnews/x350354682/Parents-indicted-for-human-trafficking Accessed June 1, 2011.

⁶ U.S. Attorney's Office, Eastern District of Virginia. Two indicted for sex trafficking. U.S. Department of Justice Press Release. July 21, 2011. http://www.justice.gov/usao/vae/news/2011/07/20110721dardennr.html Accessed August 8, 2011.

⁷ U.S. Attorney's Office, Eastern District of Virginia. Hampton man pleads guilty to producing child pornography. U.S. Department of Justice Press Release. August 17, 2011. http://www.justice.gov/usao/vae/news/2011/08/20110817crudupnr.html Accessed August 23, 2011.

- On July 27, 2011, Cooper Kweme pleaded guilty to charges of sex trafficking, transportation of a minor for prostitution, and production of child pornography in Arlington. Kweme faces a mandatory minimum of 10 years and a maximum of life in prison for the sex trafficking and transportation of a minor for prostitution charges and a mandatory minimum of 15 years and a maximum of 30 years in prison for the production of child pornography charge.⁸
- On July 28, 2011, Jose Ciro Juarez-Santamaria, a Salvadoran national and MS-13 gang leader, was convicted of conspiracy, sex trafficking, and transportation of a minor for prostitution. An investigation by ICE Homeland Security Investigations (HSI) found that Juarez-Santamaria prostituted a 12-year-old female throughout Northern Virginia, Maryland, and Washington, D.C. He faces a mandatory minimum term of 15 years in prison and a maximum penalty of life in prison.⁹

Legislation

Many attempts to introduce legislation aimed at combatting human trafficking and providing victim protections have failed in Virginia, but 2010 witnessed an overwhelming change due to the extensive advocacy of antitrafficking coalitions, NGOs, and task forces in the state and the increasing awareness of legislators. On May 31, 2011, Governor McDonnell signed into law three bills aimed at fighting human trafficking in Virginia: HB 1898, HB 2190, and SB 1453. These three new laws will provide more protection for victims by: (1) expanding the forms of sex trafficking to include exploitation for the production of child pornography; (2) expanding the reach of the operable sex trafficking statute (abduction to intent to extort money or for immoral purposes) to protect victims of all ages exploited through prostitution; (3) bringing protection to victims who testify against their traffickers from traumatizing reputation evidence examination at trial; (4) requiring the Department of Social Services to develop a plan of action for service provision; and (5) requiring the Department of Criminal Justice Services and the Attorney General's Office to advise law enforcement agencies about prosecuting trafficking offenses. These laws fulfill key recommendations in the Domestic Minor Sex Trafficking Assessment Report—Virginia.

HB 1898, introduced by Delegate Tim Hugo, brings greater protection to DMST victims by making it a crime to abduct for the purpose of prostitution of a person of any age, bringing protection to the 16 and 17-year old minors who were previously left without protection under Va. Code § 18.2-48 (Abduction with intent to extort money or for immoral purpose). HB 1898 also expanded the definition of abduction with intent to extort money or for immoral purpose to include abduction of a minor under 18 for the purpose of creating child pornography. The bill strengthened Va. Code § 18.2-356 (Receiving money for procuring person) to make it a Class 4 felony punishable by 2-10 years' imprisonment and a fine up to \$100,000 for any person to receive money or value for causing any person, including minors, to engage in prostitution, or sexual performance in any obscene material or child pornography. This provides another way to prosecute the crime of sex trafficking when there may not be proof of force, deception or intimidation. A child victim of sex trafficking may believe she is "in love" with her trafficker and psychological coercion is difficult to prove. Lastly, HB 1898 brought the protection of the rape shield law to testifying victims of DMST to help protect victims and improve chances of securing convictions. The bill amended Va. Code Ann. § 18.2-67.7 (Admission of evidence) to prevent a defendant in a prosecution for abducting a person for the purpose of prostitution from introducing reputation and opinion evidence concerning a victim's "unchaste behavior or prior sexual conduct." This will encourage victims to testify against their exploiter and help prosecutors win convictions.

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⁸ U.S. Attorney's Office, Eastern District of Virginia. Montgomery county man pleads guilty to sex trafficking of juvenile. *Federal Bureau of Investigation Press*. *Release.* July 29, 2011. http://www.fbi.gov/washingtondc/press-releases/2011/montgomery-county-man-pleads-guilty-to-sex-trafficking-of-juvenile Accessed August 8, 2011.

⁹ U.S. Attorney's Office, Eastern District of Virginia. MS-13 gang leader convicted to sex trafficking of a child. U.S. Department of Justice Press Release. July 28, 2011. http://www.justice.gov/usao/vae/news/2011/07/20110728santamarianr.html Accessed August 8, 2011.

HB 2190, introduced by Delegate Adam Ebbin, requires that the Department of Social Services (DSS) create a plan for providing services to victims of human trafficking. In developing this plan to deliver services, the Department of Social Services is mandated to include the following provisions:

- 1. Identifying victims;
- 2. Aiding victims in applying for federal and state benefits and services;
- 3. Coordinating the delivery of health, mental health, housing, education, job training, victims' compensation, legal and other services;
- 4. Developing training programs to improve awareness of human trafficking and services available for victims;
- 5. Developing and maintaining community-based services for victims; and
- 6. Assisting victims with family reunification or to return to their place of origin if the victim desires.

In order to effectively develop the plan, DSS is directed to work collaboratively with other agencies, stakeholders, and public and private entities. This mandate will give effect to several recommendations in the Domestic Minor Sex Trafficking Assessment Report—Virginia that encourage identification and appropriate treatment of DMST victims found within the DSS system of care.

SB 1453, introduced by Senator Stephen Newman, requires the Department of Criminal Justice Services, with the Attorney General's Office, to develop curriculum and provide training to law enforcement agencies and prosecutors across the state. In passing SB 1453, the legislature is ensuring that communication and collaboration between agencies and departments remain a priority.

Conclusion

Quantitative data to support the prevalence of DMST in Virginia was not widely available in this research. Regardless, relying on numbers, statistics or popular opinion in Virginia to prove the existence of DMST in the state would lead to the erroneous conclusion that the sex trafficking of children does not actually occur, except in rare instances. Systemic gaps in training, identification, and intervention methods would continue to go unaddressed and the level of awareness would remain too low to result in proper identification. However, the localized efforts of NGOs, DMST survivors, grassroots activists, and knowledgeable law enforcement individuals created a wave of change over the last year, resulting in positive changes in the juvenile justice system, the availability of a growing number of placements in safe housing and therapeutic services, greater community and church involvement, more training, and increased public awareness. These improvements laid a foundation for success in Virginia in a very short time frame. As strategic collaborations to combat child sex trafficking grow throughout the state, the recommendations provided in the Virginia Rapid Assessment on Domestic Minor Sex Trafficking can serve as a springboard to future action.