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# **Domestic Minor Sex Trafficking**

Child Sex Slavery in Broward and Dade Counties, Florida



June 2009

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## Acknowledgements

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The commercial sexual exploitation of American youth is an unspeakable crime in which South Florida is a magnet and playground for traffickers and buyers alike. There are multiple modes of operation used by traffickers to recruit children. Many victims are approached on the street. Some children are kidnapped. Pimps are often male, but may be female and have varying socioeconomic backgrounds. Traffickers routinely use promises of love, money and glamour to lure teen runaways into prostitution.

Miami and Fort Lauderdale are two cities in Florida that provide particularly luring destinations for both tourists and locals looking to buy and sell children in the sex trade. The demand side of prostitution is mostly comprised of adult men. These adult men or “johns,” represent a range of ages and backgrounds. This demand and tolerance sets the stage for traffickers to target South Florida’s most vulnerable populations.

The children at greatest risk of being sexually exploited are runaways and throwaways. Many of these children have a history of abuse and neglect. The vulnerability of these runaways starts with isolation from family and friends. The child, like a domestic abuse victim, will often see her trafficker as more of a caregiver or boyfriend rather than an abuser. Pimps will deceptively promote this idea in order to gain more complete control over the child. Traffickers maintain control of child victims through psychological manipulation, force, drug addiction, or the exploitation of economic, physical or emotional vulnerability.

Children exploited through the sex trade often find it difficult to trust adults because of their abusive experiences. These children make up a population that is hard to serve and many fall through the cracks because they are labeled as juvenile delinquents and likened to other troubled youth who have committed crimes. Often these children are not viewed as victims or survivors, but as perpetrators. However, the tide is changing under the leadership of advocates in both counties. Special acknowledgement goes to Trudy Novicki for leading the fight in advocating for legislation in Florida that will remove child sex trafficking victims from the juvenile justice system and instead, care for them under the child welfare system. Also special thanks goes to Sandy Skelaney who created Project GOLD through Kristi House as the primary organization specifically geared towards the restoration and treatment of domestic child sex trafficking victims in South Florida. Both of these community leaders deserve special recognition for their aggressive efforts in protecting our youth.

Special acknowledgment also goes to the members of both the Miami Commercially Sexually Exploited Children’s (CSEC) Working Group and the Broward Human Trafficking Coalition (BHTC). The dedication and spirit of cooperation of these community members has been a uniting force behind the successful efforts of both groups to raise awareness about the issue and combat child trafficking. Grateful recognition is extended to all the members of both task forces for their inspirational efforts to end modern day slavery.

While this report is specifically designed to identify the gaps and challenges in the identification of and access to services for domestic minor sex trafficking victims, the advancement in identifying and rescuing child victims in South Florida cannot go unacknowledged. We thank every individual, agency, and organization that participated in this research. Without their energy, dedication, and honesty, this report would not be possible. It is our hope that all who read this report will find it to be a springboard to future action in advancing the fight to combat domestic minor sex trafficking.

Sincerely,



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## Executive Summary

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Domestic minor sex trafficking (DMST) is the commercial sexual exploitation of American citizen or lawful permanent resident children through prostitution or pornography or sexual performance for monetary or other compensation (i.e., shelter, food, drugs, etc). DMST has been viewed as the single most underreported, under-identified, and most severe form of commercial sexual exploitation that children are facing today.<sup>1</sup> Stopping the trafficking of children for the purposes of commercial sexual exploitation has become an important focus for the United States government. The Trafficking Victim Protection Act (TVPA) of 2000, including subsequent reauthorizations, has defined all minors involved in commercial sex acts as victims of trafficking, including minors who are U.S. citizens or lawful permanent residents. However, the reality is that many domestic minor sex trafficking victims, instead of receiving the services they need, are instead detained in the criminal justice system under charges of prostitution.

Shared Hope International (SHI) has researched the access to and delivery of services to domestic minor sex trafficking victims in Broward and Miami-Dade counties, Florida. *The Rapid Assessment Methodology and Tool: Domestic Minor Sex Trafficking in the U.S.* was developed by Shared Hope International and implemented in Miami-Dade and Broward counties by Kara D. Franker, Shared Hope Legal Fellow and *juris doctor* candidate at the University of Denver College of Law and Samantha Healy Vardaman, J.D., Senior Director at Shared Hope International. This assessment includes information collected from December 2008 to June 2009 through a comprehensive survey of existing research and the completion of 35 interviews of representatives from 30 organizations and agencies that frequently interact with minors who may be classified as domestic minor sex trafficking victims.

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

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

- *Prevention* of domestic minor sex trafficking requires identification of commercially sexually exploited children as victims. The first component in prevention and identification is public awareness. The second component is the training of law enforcement, the judiciary, detention staff, and other professionals who interact with domestic minor sex trafficking victims.

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<sup>1</sup> Ernie Allen. *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.

- *Prosecution* of cases against pimps/traffickers is essential, and it is important that these cases result in convictions with appropriate sentences. Ensuring that there is strong legislation in place that will criminalize the trafficking of minors and protect the victims is critical, as is the training of law enforcement, prosecutors, and judges to ensure that they are aware of these laws and are able to build effective cases against traffickers.
- *Protection* requires victim-centered rescue and restoration. Rescue is critical in order to remove the minor from the trafficking situation; however, the importance of completing the rescue without re-victimizing the domestic trafficked minor (DTM) cannot be overstated. Victim-centered, long-term restoration is essential, including secure safehomes and appropriate services and programs.

Regardless of their legal status, throughout this assessment, all domestic minor sex trafficking victims—commercially sexually exploited children, as well as prostituted children detained in the juvenile criminal justice system under prostitution or prostitution-related charges—are considered victims of sex trafficking, not juvenile delinquents.

The ultimate goal of this assessment is to provide first responders and the community at large in Miami-Dade and Broward counties with a comprehensive report that will add to the foundation for improvements in the access to and delivery of services for DMST victims. This assessment will be provided to all stakeholders to inform the identification of these victims and to help bring them the services available to them in accordance with the Trafficking Victims Protection Act of 2000 (TVPA) and its subsequent reauthorizations.

#### *Key Findings:*

- 1. Arrest of children for prostitution is occurring in Broward and Miami-Dade counties.* From 1998-2008, the Miami-Dade County Juvenile Assessment Center received for intake into the juvenile justice system 503 juveniles who had been arrested for prostitution. Between July 2007 and June 2008, the Broward County State Attorney's Office was referred ten cases of child prostitution charges for prosecution while the Miami-Dade State Attorney's Office was referred for prosecution 21 cases of girls arrested for prostitution. These children are pulled into the juvenile justice system as delinquents, placed in detention or returned to their home or foster care, but rarely provided the care and treatment specifically needed by a child victimized through commercial sexual exploitation.
- 2. Lack of training and awareness for first responders cause many more children to be unidentified.* In Broward and Miami-Dade counties, many children are being left on the streets as officers face the difficult task of identification with little training or awareness of the crime being committed against these children. Presented with false identification and defiant attitudes, many officers choose to leave the child on the street rather than commit the on average 4 to 8 hour time to defy the appearance of adulthood and process the victim through the Juvenile Assessment Center. Given the lack of non-apprehensive approaches, many children remain unidentified victims of child sex trafficking.



3. *Estimates suggest that more than 400 child sex trafficking victims have had contact with first responders statewide in the past six years but were misidentified as delinquents.*<sup>2</sup> When identified, prostituted children are often arrested and charged with prostitution. Although law enforcement officers generally view minors exploited through prostitution as victims, some officers are finding no alternative to filing a charge that will allow detention of a victim in a secure facility. These children are instead arrested and brought in for assessment at the Juvenile Assessment Center (JAC) for processing.

4. *Shelter placement options specific for victims of domestic minor sex trafficking were unable to be identified.* For a child sex trafficking victim, secure and safe shelter is necessary to begin to deprogram from the psychological control of the trafficker. Victims need an escape from the physical and mental abuse they endured in order to heal. For most sex trafficking victims, a runaway shelter or state-run group home is not appropriate, as they can continue to be psychologically manipulated and are at-risk of returning to the control of their trafficker, who often aggressively recruits the girls back into exploitation. The State Inpatient Psychiatric Placement (SIPP) was identified as a potential option for secure housing until better and more appropriate housing is created; however, the reality remains that the dearth of appropriate and secure shelter impedes protection of the victims.

5. *Minors charged with prostitution sometimes are encouraged to plead guilty to the prostitution charge.* A guilty plea move the judicial process forward more quickly and allows the judge to adjudicate the minor to a treatment program or other services, such as Project GOLD counseling. Miami-Dade State Attorney's Office records show that 20% of the juveniles prosecuted for prostitution in 2008, pled guilty to the charge and an additional 13% were committed to the Department of Juvenile Justice. Encouraging victims of child sex trafficking to plead guilty, even if the intention is to keep them safe from their trafficker in a juvenile detention facility, only serves to confirm their self-perception as delinquents and may impair their access to justice and services, such as victim of crime funds and specialized therapeutic trauma counseling for the victimization.

6. *Domestic minor sex trafficking victims frequently are ineligible for victim of crime funding for their treatment and care.* Injured crime victims may be eligible for financial assistance for medical care, lost income, mental health services, funeral expenses, and other out-of-pocket expenses directly related to the injury. If needed, victims can also be referred to support organizations within their home area. Unfortunately, victims may become ineligible for this compensation if they do not fully cooperate with law enforcement, the state attorney's office, and the Attorney General's office, or if the victim was engaged in an unlawful activity, or is deemed to have contributed to his or her own injuries. Therefore, many victims of child sex trafficking in Miami-Dade and Broward counties do not qualify for compensation as they were engaged in prostitution which is unlawful and is the source of their injuries. The prosecution for prostitution prevents the child from accessing victim of crime funds to help pay for the damages she endured as a child sex slave and can create continuing barriers to her escaping this fate.

7. *Gaps in how minors are processed in the detention system may be exploited by pimps/traffickers familiar with the system.* Florida Statute 985.115 mandates that juveniles who are not determined

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<sup>2</sup> In a review of the Department of Juvenile Justice (DJJ) intake from 2000-2006, the number of youth referred to DJJ for prostitution was reported as follows: 102 (2000-2001), 75 (2001-2002), 57 (2002-2003), 69 (2003-2004), 61 (2004-2005). From January to December 2006, there were 66 total youth referred to DJJ for prostitution (33 males and 33 females).

by the Department of Juvenile Justice (DJJ) Risk Assessment tool a community safety or a flight risk are ordered released from custody as soon as reasonably possible. This statute allows juveniles to be released from the juvenile assessment center (JAC) to any adult without certain criminal charges appearing in a background check. This could mean that a minor arrested and/or charged with prostitution could be released within hours to the trafficker or a person who may not be their legal guardian.

8. *The Florida law is not aligned with the federal Trafficking Victims Protection Act of 2000 (TVPA) with regard to domestic minor sex trafficking.* The Florida human trafficking statute states, “victims of human trafficking are young children, teenagers, and adults,” but does not include the TVPA clarification that fraud, force, or coercion by the trafficker are not required elements of the crime when the victim of trafficking is under 18 years of age. The prostitution statutes provide an alternative by criminalizing the procurement or provision of a minor for prostitution without requiring proof that the perpetrator had knowledge of the victim’s age. The penalty is the same as that for a human trafficking conviction—second degree felony. Furthermore, the sex trafficking of a minor provides an enhanced penalty to first degree felony for the use of force, fraud or coercion against a minor under age 14. However, this disconnection of the child sex trafficking provisions from the human trafficking statute hinder the awareness by first responders that child prostitution is in fact human trafficking and a more serious crime than prostitution is often viewed as.

## Introduction

Prostitution is a \$14.5 billion dollar industry in the United States and Florida is a top destination for the commercial sexual exploitation of children.<sup>1</sup> There are at least 100,000 children prostituted in America every year and as many as 300,000.<sup>2</sup> New York and Chicago are reporting 5,000 to 10,000 prostituted youth.<sup>3</sup> The exact number of children being exploited in the sex industry in South Florida is impossible to determine because no agency or organization has specifically focused on data collection to document the problem. Surely the number of sexually exploited youth in South Florida is also in the thousands, given that Florida is ranked as one of the top regions in the nation for human trafficking cases.<sup>4</sup>

An assessment of the prevalence of child sex trafficking of U.S. citizen and lawful permanent resident children in Broward County would not be complete without looking at Miami-Dade County as the movement of children for commercial sexual exploitation between Miami and Fort Lauderdale and surrounding cities is constant and the entities coming into contact with these children must collaborate to effectively identify and serve these young victims of sexual slavery.

The Florida statutes criminalize human trafficking as a custody offense. The human trafficking statute defines “forced labor or services” as those obtained from a person by use or threat of physical force against that person or another person; restraint, isolation, or confinement or the threat of same to that person or another person illegally and against the person’s will; debt servitude; confiscating or destroying identification documents of that person or another person; causing or threatening to cause financial harm to any person; or by fraud or coercion. Human trafficking is defined as “transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.” The statute states:

(3) Any person who *knowingly*:

- (a) Engages, or attempts to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or
- (b) Benefits financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services; commits a *felony of the second degree*...<sup>5</sup> (Emphasis added).

Knowledge that a person will be subjected to force, fraud or coercion in obtaining the services of the

<sup>1</sup> Terry Coonan and Robin Thompson, Florida State University Center for the Advancement of Human Rights, *Florida Responds to Human Trafficking*, (2003). [http://www.humantrafficking.org/uploads/publications/florida\\_responds2human\\_trafficking\\_fsu.pdf](http://www.humantrafficking.org/uploads/publications/florida_responds2human_trafficking_fsu.pdf) (stating prime destination states include Florida, Texas, New York, and California).

<sup>2</sup> *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; Richard J. Estes and Neil Alan Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, University of Pennsylvania, Executive Summary at 11-12 (2001) (available at <http://caster.ssw.upenn.edu/~restes/CSEC.htm>).

<sup>3</sup> Wendi Adelson and Sandy Skelaney, *Children in the sex trade are victims, not criminals*. *The Tallahassee Democrat*, March 26, 2008.

<sup>4</sup> Id.

<sup>5</sup> Florida Statutes 787.06 (2008).

<[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=Ch0787/SECo6.HTM&Title=->2006->Ch0787->Section%2006#0787.06](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0787/SECo6.HTM&Title=->2006->Ch0787->Section%2006#0787.06)>.

victim is a required element of the crime of human trafficking. The crime does not differentiate for the age or the nationality of the victim. The human trafficking law does not include clarification that no force, fraud or coercion must be proven when the victim is a minor involved in a commercial sex act, therefore it does not follow the model of the federal Trafficking Victims Protection Act of 2000 (TVPA). Florida statutes do speak specifically to the issue of sex trafficking of minors however under the prostitution laws. 796.03 makes the procurement or prostitution of a minor a second degree felony without any requirement to prove knowledge of the minor's age. 796.035 makes it a first degree felony for a legal guardian or "other person having custody or control" over a minor to sell, transfer or provide the minor with knowledge that the minor will be used in a commercial sex act. Procuring a person under age of 18 for prostitution and selling or buying of minors into sex trafficking or prostitution are clearly and specifically criminalized with a second degree felony penalty—the same as the penalty for human trafficking. 796.045 provides an enhanced penalty when force, fraud or coercion is used in the prostitution of a minor under 14 years of age to a first degree felony.

### *Media Review*

A review of media coverage from the Miami-Dade County and Broward County areas revealed numerous arrests, prosecutions and convictions involving the production of child pornography, child prostitution and solicitation, and child sex rings. The details of the cases range from individual solicitations of minors to nationally reaching sting operations.

One notable case involved pimps who recruited a minor girl in Oklahoma and transported her to Miami where she was prostituted. These two traffickers also attempted to recruit girls in Orlando to work as prostitutes in Miami. One defendant contacted an old girlfriend (a minor) in Oklahoma and bought her a bus ticket to Florida where he prostituted her. Police found the child in Miami. She told them that she had not been allowed to contact her family and had not eaten in two days. The two defendants were convicted in June of 2007 and face mandatory minimum sentences of 10 years.<sup>6</sup>

Nationally, the FBI has taken a strong stance against child sex trafficking. The FBI's Operation Cross Country has brought together more than thirty Innocence Lost task forces and working groups in a concentrated attack on child sex trafficking. The task forces include FBI agents and local and state police officers and sheriff's deputies. Operation Cross Country has been activated three times since it started in June 2008 with one following in October 2008, and most recently in February 2009. The strategy was to mobilize a simultaneous attack on the traffickers to prevent the criminal network from warning those in other parts of the country of the stepped up efforts in one city or another.

Operation Cross Country I was conducted in 16 cities and resulted in the arrest of 389 people and the recovery of 21 children. In South Florida, the FBI collaborated with Miami Beach Police Department, Miami-Dade Police Department, Hallandale Beach Police Department, Bal Harbour Police Department, Miramar Police Department, and the City of Miami Police Department. Many of these same local law enforcement entities participated in the follow-up operations, Operation Cross Country II And III, which rescued 47 and 48 children respectively, as well as resulting in the arrests of 73 and 571 pimps and others involved in the domestic trafficking of children for prostitution and solicitation targeting known street tracks and in-and-out call services.

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<sup>6</sup> Federal Bureau of Investigation, Miami Division. U.S. Department of Justice: "Jury Convicts Two Defendants for Trafficking a Minor for the Purpose of Engaging in Prostitution," June 18, 2007. <<http://miami.fbi.gov/dojpressrel/pressrel107/mm20070618.htm>>. Accessed on June 25, 2009.

Other media reports highlighted Internet sex stings and online solicitation that included travel to and from the South Florida area. Immigration and Customs Enforcement (ICE) Bureau of the Department of Homeland Security agents in conjunction with Florida Department of Law Enforcement and local law enforcement conducted a sting in 2008 named “Operation Safe Summer” to recover images of child pornography and target Internet solicitation of minors. In the process, law enforcement arrested a suspect who had offered free lobsters and diving lessons to a father in exchange for sex with his 11 year old daughter.<sup>7</sup>

In 1998, four adults were charged with operating a prostitution ring with up to 50 girls ages 12 to 15 at the Starlite East Motel in the Little Havana neighborhood in Miami. A Little Havana business owner, Manuel “Melo” Sanchez Reyes, was charged with 42 counts of lewd and lascivious acts on a child. Police believed he preyed on young girls for years. One of the two women charged in connection with the prostitution ring pulled out a box of condoms and told the young girls to “pick a color,” before forcing them to sell their bodies.<sup>8</sup>

In 2005, traffickers were charged with operating a child prostitution ring in Miami-Dade County. The traffickers forced a 14 year-old girl into prostitution who had been hospitalized for AIDS.<sup>9</sup>

In November 2006, officers with the Miami Beach Police Department conducted a street-level prostitution sting operation on Ocean Drive in Miami Beach. An investigation revealed that a girl had been transported by a trafficker names “D-LO” from Detroit to South Florida for the purpose of prostitution. At trial, the victim testified that she was physically assaulted by the defendant and was forced to work as a prostitute at various locations in Miami-Dade and Broward counties. After a physical altercation with “D-LO,” in which he placed a revolver in the mouth of the minor victim, “D-LO” passed off the girl to another pimp named “Snake,” who admitted at his plea hearing that he coerced the victim into performing commercial sex acts by “slapping her around.” “D-LO” was convicted in federal court in Miami of sex trafficking of a minor as well as other charges.<sup>10</sup>

On June 14, 2006, Kareem Jackson was arrested for holding a 17-year-old female against her will at his residence. Acting as the girl’s pimp, Jackson arranged for her to perform sex acts to repay an alleged debt to Jackson. Jackson sent the juvenile to a Miami hotel room in response to a call for one or more prostitutes, however undercover City of Miami Police Department detectives had made the call. Shortly after the minor arrived at the designated room, the detectives detained her. The girl explained to the detectives that she was 17 and had been held captive.<sup>11</sup>

In 2007, a security guard at a Miami middle school, was indicted. The security guard met his 14-year-old victim through one of the students at the school. He began a sexual relationship and eventually forced the victim to sell her body. The victim remained under the security guard’s control until the day prior to his arrest, when the victim’s mother located her and the victim returned home. This

<sup>7</sup> “Dozens Arrested in Treasure Coast Child Sex Sting,” ABC25, September 12, 2008. <<http://www.wpbfl.com/news/17462661/detail.html>>. Accessed on June 20, 2009.

<sup>8</sup> Elaine De Valle, “A Mom’s Trust Begins To Fade Teen Daughter Is One of Minors Linked To Prostitution Ring,” Miami Herald, March 22, 1998. On file with authors.

<sup>9</sup> U.S. v. Evans, 476 F.3d 1176 (2007).

<sup>10</sup> United States Attorney’s Office Southern District of Florida Press Release, “U.S. Attorney Reports On Results Of Joint Efforts To Investigate And Prosecute Child Exploitation Cases” (U.S. Department of Justice: March 23, 2007). <<http://miami.fbi.gov/dojpressrel/pressrel107/mm20070323.htm>>. Accessed on June 20, 2009.

<sup>11</sup> Id.



case was investigated by the Minor Vice Task Force which includes the FBI, City of Miami Police Department, Miami-Dade Police Department, and Miami Beach Police Department.<sup>12</sup>

The City Inn hotel in West Little River on the west side of I-95 is a prostitution hotbed for low level pimps. In 2004, a client paid for the services of an adult prostitute, then strangled her with her own belt and shoe straps. An article in the *Biscayne Times* reports that a crime records check with the Miami-Dade Police Department turns up nearly 400 crimes over the past 20 years. The reporter who wrote the article recently spent a night at the hotel, and encountered several “girls” involved in prostitution (their ages were not reported). When asked about the hotel, one Miami-Dade Police officer commented that not even the police venture into the City Inn hotel. Advertisers such as big name soft-drink companies display large banners that completely cover the north and east sides of the hotel, generating a never-ending stream of revenue for the owners.<sup>13</sup>

Most recently, in South Beach, police uncovered yet another new approach toward prostitution—a brothel in a stretch limousine bus. The operation resulted in the arrest of six people engaging in or facilitating prostitution—one just 17 years old.<sup>14</sup> This demonstrates the innovations of the criminals who are driven by profits.

#### *Law Enforcement Jurisdiction*

Broward Sheriff’s Office has jurisdiction over the entire county but does not patrol in all areas as local police departments may cover patrol for their locale. Patrol is a primary first contact with prostituted children on the streets, leaving holes in the coverage throughout Broward County as training and awareness of domestic minor sex trafficking among the smaller police departments in many of the areas is not as far advanced. Children are coming into contact with law enforcement officers from several agencies. This division and potential failure to communicate information on potential or currently prostituted youth poses a great threat to a comprehensive identification and response protocol. Similarly, Miami-Dade Police Department has jurisdiction over an enormous territory overlapping patrol areas with several smaller police departments. This makes training and awareness a challenge as the number of first responders coming into contact with youth is multiplied and diversified.



<sup>12</sup> Id.

<sup>13</sup> Terrence Cantarella, “Edifice Complex,” *Biscayne Times*, June 25, 2009. <[http://www.biscaynetimes.com/index.php?option=com\\_content&view=article&id=94:edifice-complex-city-inn&catid=46:features&Itemid=162](http://www.biscaynetimes.com/index.php?option=com_content&view=article&id=94:edifice-complex-city-inn&catid=46:features&Itemid=162)>. Accessed on June 20, 2009.

<sup>14</sup> “Cops Bust SOBE Prostitution On Wheels Operation—Police Say This Is Part Of Larger Nationwide Child Prostitution Sting,” CBS4, June 25, 2009. <<http://cbs4.com/local/South.Beach.Prostitution.2.755994.html>>. Accessed on June 20, 2009.

## I. Prevention

Prevention begins with public awareness that teaches youth, parents, and the community about the dangers and damages of domestic minor sex trafficking. Outreach to families and minors already at-risk is a necessity. It is important to focus prevention efforts on stopping the victimization of minors before it begins by raising awareness of the dangers of traffickers recruiting among youth. Training law enforcement officers, representatives of the juvenile justice system, and social service organizations to identify minors at risk for and already victimized by sex trafficking is essential to intervene in the potential or existent victimization.

In addition, prevention efforts must address the demand presented by buyers of commercial sex. Community members must be shown the clear connection between engaging in commercial sex activities (such as viewers of pornography and patrons of strip clubs) and the resulting exploitation of minors in supplying the commercial sexual services being purchased.

Laws criminalizing sex trafficking are in place in South Florida. Awareness of these laws by law enforcement and prosecutors is critical in investigating and prosecuting the traffickers and buyers who perpetrate the assault on the child through the purchase of commercial sex acts.

### 1.1 Law Enforcement

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#### *1.1.1 Training*

The Florida Legislature mandated the training of law enforcement officers on human trafficking issues.<sup>15</sup> However, each sheriff/police chief determines department priorities and a lack of funds has been found to result in a lesser priority for this training than for other pressing responsibilities.

With some exceptions, officers within law enforcement agencies in both Miami-Dade and Broward counties tend to view domestic minor sex trafficking victims as perpetrators of prostitution. In Miami, the Commercial Sexual Exploitation of Children (CSEC) Working Group is striving to change this perception which will likely correlate to an increase in awareness and training provided to law enforcement. In Broward County, few law enforcement officers have been trained on domestic minor sex trafficking as a specific form of human trafficking. The Broward Human Trafficking Coalition (BHTC) has focused on domestic minor sex trafficking in at least one awareness forum and has encouraged other groups to look at the issue as well, including the Connect to Protect group of health care agencies and organizations.

In 2008, law enforcement officials from the Miami-Dade Police Department, City of Miami Police Department, and Miami Beach Police Department attended a training program conducted by Sergeant Byron Fassett and Detective Catherine De La Paz, both of the Dallas Police Department's

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<sup>15</sup> Florida Statute § 787.06 states: The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. After January 1, 2007, every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation. Each state attorney shall develop standards of instruction for prosecutors to receive training on the investigation and prosecution of human trafficking crimes and shall provide for periodic and timely instruction.

Child Exploitation Squad High Risk Victims & Trafficking Unit. Sergeant Fassett and Detective De La Paz trained law enforcement officers on the identification and forensic interviewing of commercially sexually exploited children. Kristi House, a child advocacy center in Miami-Dade County, hosted the training. The training included the vice unit and other patrol officers that typically handle prostitution-related crimes and are likely to come into contact with child sex trafficking victims on the street. Vice units, organized crime units and others similarly tasked traditionally take an apprehensive approach towards cases involving prostitution resulting in wholesale arrests of the most obvious person in the offense—the woman being prostituted. For this reason, the training intended to counter this approach with the introduction of a victim-centered approach in recovering victims of child sex trafficking. The training strived to introduce the concept of sex trafficking victimization to an audience that has traditionally identified such cases as child prostitution. Proper identification of youth exploited through prostitution as victims is imperative in order to align proper access to services and promote identification of the real criminals—the trafficker and buyer.

Interviews conducted with law enforcement officers in Broward County revealed that little in the way of training regarding domestic minor sex trafficking has been provided to the Broward Sheriff's Office (BSO). There are officers within the BSO who have great sympathy for sex trafficking victims, both adult and children. However, as a consequence of the lack of training, identification of child victims of sexual slavery still presents a challenge for law enforcement. Officers commented that they would like to have more training on child sex trafficking.

Law enforcement officers in South Florida involved with Internet crimes, specifically child pornography, receive training through the Internet Crimes Against Children (ICAC) Task Force. The ICAC Task Force Program was created to help state and local law enforcement agencies enhance their investigative response to offenders using the Internet, online communication systems, or other computer technology to sexually exploit children and/or commercially sexually exploit children. The program is composed of 46 regional Task Force agencies and is funded by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). The ICAC Training and Technical Assistance Program is funded through OJJDP and provides training in cooperation with Fox Valley Technical College to state and local law enforcement agencies affiliated with OJJDP's Regional ICAC Task Force. ICAC training courses include a wide-variety of training for law enforcement, investigators, prosecutors, probation/parole officers, and advocates.

As previously mentioned, the Florida statute on human trafficking mandates training of law enforcement and prosecutors.<sup>16</sup> Subject-matter experts in human trafficking from the Florida Department of Law Enforcement, Florida Regional Community Policing Institute (FRCPI), U.S. Department of Homeland Security-Immigration and Customs Enforcement, the Federal Bureau of Investigation, Florida Coalition Against Human Trafficking, Catholic Charities of Central Florida, Freedom Network Training Institute on Human Trafficking, Florida's Immigrant Advocacy Center, Collier County Sheriff's Office, and Florida State University Center for the Advancement of Human Rights responded to this directive by developing a four-hour curriculum for basic recruit training and a forty-hour advanced training program course.

The Florida Regional Community Policy Institute (FRCPI) at St. Petersburg College provides training for law enforcement and other community service agencies. Relevant topics include human trafficking, sexual predator/offender awareness, and problem solving strategies in community

<sup>16</sup> Florida Statute § 787.06.



policing. In March 2006, the FRCPI received funding specifically for human trafficking training for police and government agencies in Tampa, Miami, Orlando, Fort Myers, West Palm Beach, and Jacksonville. FRCPI offers an eight-hour course designed for law enforcement officers and non-governmental organization members to acquaint them with the issue of human trafficking. The primary focus of the course is to provide an understanding of the origins and methods of operation of trafficking organizations along with an understanding of the unique victimization process. The course acquaints officers with a victim-centered investigative and collaborative approach to dealing with human trafficking.

### *1.1.2 Identification*

The greatest challenge for law enforcement in identifying victims of domestic minor sex trafficking is the lack of an institutionalized law enforcement screening procedure coupled with a general lack of awareness and training on the crime of domestic minor sex trafficking. Miami-Dade Police Department, Miami Gardens Police Department, Miami Beach Police Department, and Broward Sheriff's Office were unable to offer any statistical information regarding child sex trafficking victims as a discrete, identified class. In response to an inquiry, an emailed statement from BSO indicated that there have been no confirmed reports of sex trafficking or slavery in the last eight to nine years.

Many prostituted children start as and continue to be runaways. For this reason, a common misidentification of child sex trafficking victims by first responders is as a runaway. No state database tracks demographic or psychographic characteristics on runaway and homeless youth; however, data kept by the Florida Network of Youth & Family Services reveals that of the 6,734 youth receiving shelter through Department of Juvenile Justice (DJJ) programs, 34% were runaways.<sup>17</sup> The Florida Department of Children and Families (DCF) stated that most missing children were, in fact, runaways and many runaway children become victims of molestation or even murder. At any given time there are 30,000 to 40,000 preteen and teenage runaways in Florida.<sup>18</sup> The Broward County Unified Family Court has focused on the runaway youth as an indicator of vulnerability in training hosted in February 2009, but law enforcement interviewees did not indicate they looked for victims of domestic minor sex trafficking in this population group.

According to a Miami Beach detective, the Miami Beach Police Department identifies a minor involved in prostitution as a victim and tries to avoid arresting the child. The department automatically notifies the Federal Bureau of Investigations (FBI) when a child is involved in a prostitution sting and only arrests a child under the Florida statute for prostitution if the minor is uncooperative or has a history of running away. Unfortunately, research shows that most minors exploited through prostitution have a history of running away and are uncooperative because of the trauma bonding (psychological brainwashing) with the pimp-trafficker.

Many Broward County law enforcement agencies are unaware that domestic minor sex trafficking even exists in Broward County and officers report they tend to identify children involved in prostitution as juvenile delinquents rather than victims. According to the Broward Sheriff's Office, very few, if any juveniles are arrested for prostitution, although street level prostitution certainly exists in identified areas of Broward County. If not deterred by the commitment of 4 to 8 hours to

<sup>17</sup> <[http://www.floridanetwork.org/NRPM-05/Statistics\\_on\\_Runaways.pdf](http://www.floridanetwork.org/NRPM-05/Statistics_on_Runaways.pdf)>. Accessed on November 17, 2007.

<sup>18</sup> Associated Press. <[http://www.sptimes.com/2002/10/17/State/Runaways\\_foil\\_DCF\\_s\\_s.shtml](http://www.sptimes.com/2002/10/17/State/Runaways_foil_DCF_s_s.shtml)>. Accessed on September 20, 2007.

pick up a child and process the child through the required system, then officers will arrest a teen involved in prostitution. When a child is arrested for any type of crime, the officer is required to notify Child Protective Investigations Section (CPIS). Officers usually release arrested teen runaways to their parents or take them to the Juvenile Assessment Center (JAC) for processing after which they will likely be released to their family or foster care placement. One officer reported bringing teen runaways to a nearby shelter on Fort Lauderdale Beach, Covenant House; however another officer reported a strong distrust of shelters, reporting that they “harbored” juvenile delinquents, hiding them from law enforcement. Covenant House currently has a wait list for beds due to a recent cut in their housing capacity.

### *1.1.3 First Response*

Road deputies are likely the primary law enforcement officers that first respond to domestic minor sex trafficking cases in both Broward and Miami-Dade counties. Officers in the vice unit or organized crime unit may also be first responders and tend to target high prostitution areas, such as South Beach, through undercover surveillance and decoy operations. Other first responders may include local police officers or FBI agents monitoring websites such as Craigslist.com and Myspace.com, to identify sexually exploited minors and assist in bringing material evidence against a pimp-trafficker.

There are no written guidelines on the process each agency should take when encountering at-risk victims of child sex trafficking. When encountering a minor suspected to be involved in prostitution, law enforcement officers will typically either try to locate the child’s family and take him/her home, take the child to a shelter, leave the child on the street, or arrest the child on misdemeanor charges and transport them to the Department of Juvenile Justice for booking with the Juvenile Assessment Center (JAC). Minors may be charged with any number of misdemeanors, such as prostitution, trespassing, loitering/prowling, criminal mischief, disorderly conduct, or drug charges.

Broward Sheriff’s Office runs the Crime Stopper’s Hotline which could be a source for tips involving domestic minor sex trafficking. The leadership of Crime Stopper’s has expressed interest in training for the tip line specialists in recognizing information indicating child sex trafficking and directing it appropriately.

### *1.1.4 Collaboration*

In June 2003, the FBI in conjunction with the Department of Justice Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children launched the Innocence Lost National Initiative. The FBI’s Minor Vice Task Force formed in Miami in 2004 as part of the Innocence Lost initiative and is a partnership between the FBI, City of Miami Police Department, Miami-Dade Police Department, and the Miami Beach Police Department.

In February 2009, the Innocence Lost Task Force participated in a three-night initiative called Operation Cross Country in a nationwide sweep to rescue children involved in the sex trade. Accordingly, local and federal law enforcement’s collaboration in the nationwide Innocence Lost stings has contributed to raising awareness in South Florida. Of the 45 children rescued in Operation Cross Country III, two were rescued in Miami.

In January 2009, the Broward Sheriff's Office Central Broward District Office and Community Justice Program hosted a Human Trafficking Awareness Day. The goal of the event was to raise awareness for the issue of human trafficking among at-risk youth and to provide community members with some of the basic principles on how to identify risk factors and assist victims involved in sexual exploitation. The continued collaboration between the Broward Sheriff's Office and the Broward Human Trafficking Coalition continues to raise awareness on the general issue of human trafficking. Most of the group's efforts have traditionally focused on international human trafficking (including labor and sex trafficking of both adults and children); however, the group recognizes the importance of training members to recognize children exploited through prostitution as sex trafficking victims.

## 1.2 Prosecutors

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### *1.2.1 Training*

Training specifically on domestic minor sex trafficking for prosecutors is limited. At the federal level, some Assistant U.S. Attorneys have received training on human trafficking through the U.S. Department of Justice. This training focuses the crime of human trafficking as a whole, with an emphasis on the trafficking of foreign national victims. Domestic minor sex trafficking, if covered in the training, is not covered in depth and training focuses heavily on child pornography.

The U.S. Attorney's Office for the Southern District of Florida covers federal jurisdiction in Broward County and Dade County, as well as Palm Beach, Monroe, Martin, St. Lucie, Indian River, Okeechobee, and Highland counties. The U.S. Attorney's Office for the Southern District of Florida has established a cadre of prosecutors from the Special Prosecutions and Major Crimes divisions who have expressed interest and shown ability to prosecute child sex trafficking cases. This was done in recognition of the enormous time commitment, sensitivity with the victim, and difficult subject matter that is inherent in these types of cases. The Dade County office houses most of these prosecutors and therefore has taken on many of the Broward County cases.

At the state level, the Florida legislature mandates that every State Attorney develop standards of instruction for state prosecutors to receive training on the investigation and prosecution of human trafficking crimes. However, currently, no Assistant State Attorneys prosecuting cases in juvenile court have been trained on the issue of domestic minor sex trafficking. Prosecutors in felony divisions, such as organized crime and sexual battery, have more knowledge on human trafficking crimes in general than the prosecutors in juvenile divisions. This is likely due to the relative inexperience of prosecutors in juvenile divisions as this is a division for entry-level prosecutors. Prosecutors stated that receiving information on the victimization of American children through sex trafficking would be useful in their work, as they interact with this population on a daily basis and could better identify and intervene if they were aware of the indicators and symptoms of child sexual slavery and exploitation.

### *1.2.2 Identification*

The U.S. Attorney's Office has identified a frequently used trafficking route from Homestead to West Palm Beach. Seasonal events cause a spike in domestic minor sex trafficking as demand increases

with the large numbers of tourists. Identification of victims of domestic minor sex trafficking is typically done tangential to the investigation and arrest of traffickers and victims are viewed as witnesses who are needed to testify against these perpetrators.

At the state level, between July 2007 and June 2008, the Broward County State Attorney's Office was referred ten cases of juvenile prostitution charges and eight cases that included other misdemeanor sexual offenses for prosecution. The Miami-Dade State Attorney's Office was referred 21 cases of girls arrested for prostitution and 14 cases that included other misdemeanor sexual offenses. These prostituted juveniles are victims of sex trafficking under the law but were brought to juvenile court on charges for prostitution. The Juvenile Divisions of the Broward and Miami-Dade State Attorney's Offices tend to view youth charged with prostitution as victims to an extent, but prosecutors from both offices stated that this identification would depend on the child's criminal history. Most prosecutors are not fully convinced that a pimp (trafficker) is involved in the majority of cases, despite national research that shows otherwise.<sup>19</sup>

Prosecutors in the Juvenile Division of the Miami-Dade State Attorney's Office find it difficult to view girls charged with prostitution as victims because prostitution is a crime under the Florida criminal statutes.

A prosecutor may drop charges against a youth charged with prostitution if another prosecutor—state or federal—requests that charges be dropped in order to help with an investigation of a trafficker. Juvenile prosecutors reportedly will consider offering a plea to a prostituted juvenile if she completes some sort of specialized program. The victim must then enter a plea of guilty, which is to be vacated once the program has been completed. Nonetheless, many victims of domestic minor sex trafficking are so trauma-bonded that they resist treatment and are determined to return to their trafficker. Failure to complete the program results in the guilty plea remaining on the record causing further barriers to proper identification as a victim of commercial sexual exploitation and making it harder to access the services truly required. A prosecutor cited several cases where juveniles charged with prostitution were offered specialized treatment programs addressing their commercial sexual exploitation but had to go to other states to access them, as these specialized programs do not exist in Florida.

One major difference between the two offices is that the Broward State Attorney's Office expressed a willingness to offer diversion programs to youth charged with prostitution and the Miami-Dade office did not. One prosecutor from the Miami-Dade State Attorney's Office reportedly does not believe that juveniles involved in prostitution are appropriate candidates for diversion programs because of their high flight risk and the chance that the minor may leave the state.

The Broward State Attorney's Office has a dedicated prosecutor for crossover cases (cases that involve both a dependency issue and a delinquency issue). One prosecutor reported a recent case of a teen charged with prostitution who revealed that she had a pimp who abused her violently. The victim reported one instance where her trafficker threw her from the roof of a building; she was seriously injured on the ground below and was rushed to the hospital for treatment. The Broward prosecutor worked with the court to provide the victim with the necessary physical and mental health treatment that was required for this particular case.

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<sup>19</sup> Smith, Linda, Samantha Healy Vardaman, and Melissa Snow. National Report on Domestic Minor Sex Trafficking: The Prostitution of America's Youth (Shared Hope International: May 2009), pgs.8, 46.

One prosecutor cited a recent case that may be negatively affecting the way prosecutors, court personnel, and law enforcement view teens exploited through prostitution. In February 2009, two teenage girls were charged with armed robbery and attempted murder in an underage prostitution scam. The teens were caught luring buyers into motels in Miami and Fort Lauderdale with the promise that they would have sex for money. Two men working with the teens robbed the buyers at gunpoint. This unique case fuels the perception by many law enforcement officers, prosecutors, and court personnel that youth are actually “choosing” to engage in prostitution and are, therefore criminals.

### *1.2.3 Collaboration*

From September 2006 through February 2007, the U.S. Attorney’s Office for the Southern District of Florida had 66 active Internet-related child exploitation cases and investigations. The U.S. Attorney’s Office investigated and prosecuted these cases with the assistance of the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, the U.S. Secret Service, the U.S. Postal Inspection Service, the Miami-Dade Police Department, the City of Miami Police Department, the Palm Beach County Sheriff’s Office, the Broward Sheriff’s Office, and the St. Lucie County Sheriff’s Office. These and many other state and local law enforcement agencies are members of South Florida’s Internet Crimes against Children (ICAC) Task Force. Of the 66 active cases, 58 were indicted, resulting in charges against 60 individuals.

The Department of Justice Project Safe Childhood was initiated in 2006 to fight the increase of sexual predators using the Internet to entice and sexually exploit children. Miami was selected as a launch site for the November 2008 nationwide public awareness campaign to combat and raise awareness about sexual predators who use the Internet to sexually exploit children through Public Service Announcements, a webisode, and print media campaign.<sup>20</sup> The campaign is in both English and Spanish; it is targeted towards foreign-born victims and does not specifically address the sex trafficking of U.S. citizen and lawful permanent resident children. While the federal prosecutors receive most of their cases of domestic minor sex trafficking from the FBI task force, Project Safe Childhood is encouraging local law enforcement agencies to refer their cases directly to the U.S. Attorney’s Office because the process is quicker and the penalties under the federal laws are harsher than state laws.

## **1.3 Juvenile Justice System**

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### *1.3.1 Training*

Training on domestic minor sex trafficking has not been provided for staff at the Juvenile Assessment Centers (JAC), Juvenile Detention Centers, Juvenile Residential Treatment Facilities, or Juvenile Justice Probation Officers. However, Juvenile Probation Officers are given gender-specific caseloads and they receive extra training regarding their specific caseload, which is organized by gender and type of offense. Administrators expressed a desire for more information and training for detention

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<sup>20</sup> See <<http://www.KnowWhereTheyGo.org>>; <<http://www.ProtegelosAhora.org>>; <<http://www.StopAnOnlinePredator.org>>; <<http://www.NoTeArruines.org>>; <<http://www.ProjectSafeChildhood.gov>>.



staff, including juvenile detention guards, caseworkers, and probation officers who deal with incarcerated minors on a daily basis. In particular, administrators expressed the need for training regarding sensitivity to child sex trafficking victims and issues.

### *1.3.2 Identification*

The identification of a victim may occur during the initial assessment process at the Juvenile Assessment Center (JAC). Both the Broward County JAC and Miami-Dade County JAC tend to identify teens involved in prostitution as juvenile delinquents rather than victims because the minors have been charged under one or more Florida criminal statutes.

The Positive Achievement Change Tool (PACT) Pre-Screen interview performed at intake assists the Juvenile Probation Officer to identify whether a minor is in need of further mental health, alcohol, or substance abuse assessment. There currently are no clearly stated questions regarding sexual exploitation or prostitution on the PACT Pre-Screen interview. The initial assessment takes approximately 20 to 25 minutes to complete and is administered to all youth referred to the JAC.

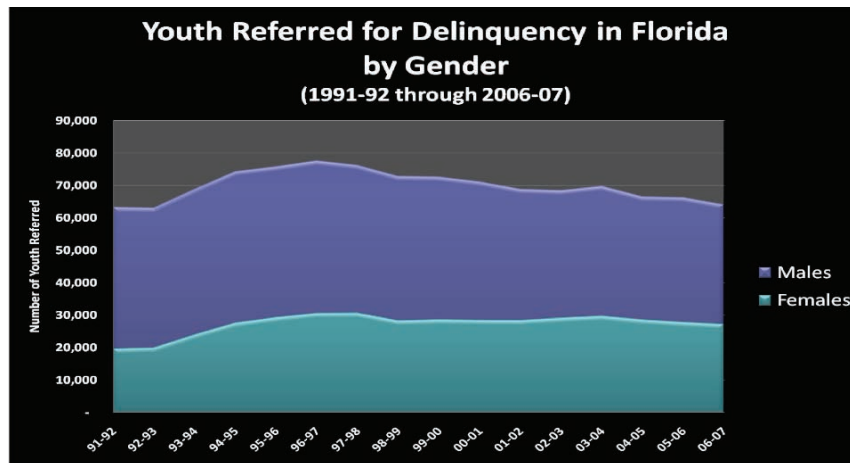
A more detailed assessment called the PACT Full Assessment is given to youth who score moderate-high or high risk to re-offend on the PACT Pre-Screen interview. Information from the PACT Full Assessment can be used to develop plans specific to the youth's identified needs. The PACT Full Assessment also identifies those strengths (or protective factors) that can be built upon to turn the minor's life around. PACT Reassessments are then completed periodically to help the Juvenile Probation Officer and other professionals measure the progress that the youth is making on addressing factors related to their behavior.

Youth may also reveal that they have been commercially sexually exploited during the more comprehensive Behavioral Assessment or Psychiatric Evaluation. Behavioral Assessments and Psychiatric Evaluations are court-ordered at the discretion of a judge (based on the judge's assessment of the minor's needs), requested by the Public Defender of the minor, or requested by the Assistant State Attorney prosecuting the minor.

A juvenile arrested in Miami-Dade or Broward County must be brought before a judge for a detention hearing within 24 hours of being arrested. Minors are either held in secure detention or released on home detention. Juvenile detention in Florida is a short-term temporary program. Youth who require long-term sanctions and rehabilitation are placed into non-residential or residential treatment programs. If the judge continues the youth's detention status, his/her length of stay may extend up to 21 days or more. A minor charged with prostitution is rarely going to receive secure detention since the crime of prostitution is a misdemeanor offense.

In Miami, if a juvenile revealed exploitation by a trafficker, then the juvenile probation officer is expected to immediately notify the shift commander (a law enforcement officer with the Miami-Dade Police Department). Then it is expected that the shift commander will turn the case over to the proper department within the Miami-Dade Police Department for investigation and/or notify the FBI.

Very few, if any, juveniles charged with prostitution are being referred to the JAC in Broward County. If a juvenile revealed that she was involved in prostitution and had a pimp or trafficker, interviewees knew of no existing protocol or expectations in place that would require the juvenile probation officer to alert a supervisor or shift commander (a law enforcement officer from the Broward Sheriff's Office).



From 1998 to 2008, 503 juveniles (254 female) charged with prostitution were serviced through the Department of Juvenile Justice in Miami-Dade County. Recently, two teenaged girls charged with prostitution were identified almost immediately as victims. In one case, the FBI made arrangements with the Department of Juvenile Justice to send a child involved in prostitution to an out-of-state program. In the other case, an Assistant State Attorney prosecuting a sex trafficking operation identified a young girl prostituting in the operation as a victim. She was charged with prostitution, but the Miami Assistant State Attorney contacted the Department of Juvenile Justice and arranged for her to go to a program out-of-state specifically designed for victims of commercial sexual exploitation.

The statewide Girls Advocacy Project (GAP) runs through the DJJ. Since 1999, GAP has worked with girls in pre- and post-adjudicated detention in Miami. In 2006, GAP started in West Palm Beach and Orlando sites. The program is for any girl in detention. GAP tries to work with youth to determine her wants and needs in order to present an acceptable plan to the judge who will consider the plan in making a placement and disposition determination. If the girl is ordered to a program that is currently full, she will have a home or shelter placement (usually Miami Bridge or Miami River of Life) until a spot in the program opens. Only a few girls have been in GAP who were charged with prostitution; more often the prostitution victimization is revealed through the course of the program. When learned, GAP try to refer to specialized treatment, such as Kristi's House or a residential program like Children of The Night in Los Angeles. One program, Hope, in the Florida panhandle deals specifically with child sex abuse. Only one girl has been sent to Hope through GAP—she had been prostituted.

A representative from the Department of Juvenile Justice states that of the dozens of children charged with prostitution each year, most of them are not identified as victims. When asked why these two cases provided an exception, the representative stated that both juveniles were involved in a large organized crime operation in which it was obvious to prosecutors and law enforcement that the girl was enslaved and not participating by choice. Further, both girls were under the age of 16 and separated from their families. Those investigating the cases were able to identify the two easily as juveniles involved in prostitution and work closely with the Department of Juvenile Justice to ensure they were sent to out-of-state treatment facilities designed for child sex trafficking victims.

In Broward County, a similar case of proper identification occurred when the superintendent of the detention center spoke to a girl who was lured from New York to Fort Lauderdale by a man through

the Internet. Upon her arrival, the man sexually exploited her by prostituting her to buyers for commercial sex acts. She was arrested and taken to the detention center in Broward County. The superintendent of the facility called the FBI, who investigated the case and arranged for the youth to be sent to a program out-of-state for commercially sexually exploited victims.

In a review of the Department of Juvenile Justice intakes<sup>21</sup> from 2000-2006, the number of youth referred to DJJ for prostitution was reported as follows: 102 (2000-01), 75 (2001-02), 57 (2002-03), 69 (2003-04), 61 (2004-05). From January to December 2006, there were 66 total youth referred to DJJ for prostitution (33 males and 33 females).<sup>22</sup> The percentage of youth referred for all types of delinquency who are female has grown from 24% to 30% since the early 1990s. The number of males referred to DJJ has declined significantly in recent years, while the number of females has not.

A 2006 study on girls in DJJ gave detailed information on the factors that led to their involvement in the DJJ system.<sup>23</sup> The following are three relevant areas expanded in this report that provide a summary of the common risk factors or pathways to delinquency for girls in Florida's juvenile justice system.

- *Emotional Factors:* Depression, trauma, anger, self-destructive behavior, or other mental health/clinical diagnoses were a factor for 79% of girls in residential and 84% of girls in non-residential programs.
- *Family Issues and Conflict:* Offenses against family, family history problems, ineffective parental supervision, or abuse by family were factors for more than 70% of girls in residential and 64% of girls in non-residential programs.
- *Substance Abuse:* Alcohol and/or drug use was related to the delinquency of almost half (46%) of the girls in residential and 20% of girls in non-residential programs.

## 1.4 Juvenile Court Judges

In the Florida judicial system, a Unified Family Court oversees all types of cases involving juveniles, including delinquency and dependency cases. (See Appendix F for explanation of court system).

### 1.4.1 Training

No specific training on child sex trafficking, the federal TVPA, or Florida human trafficking statutes on the sex trafficking of a child has been provided to judges interviewed for this assessment in Broward or Miami-Dade counties.

### 1.4.2 Identification

Judges in the Juvenile Divisions of both the Miami-Dade and Broward County juvenile courts identify chronic child runaways, homeless minors, and juvenile delinquents as children at-risk for domestic

<sup>21</sup> DJJ Management Report Number 06-02. Electronic copies of this document are available on the web at: <<http://www.djj.state.fl.us/Research/index.html>>. Accessed on November 17, 2007.

<sup>22</sup> <[http://www.fdle.state.fl.us/FSAC/UCR/2006/CIFAge\\_annual06.pdf](http://www.fdle.state.fl.us/FSAC/UCR/2006/CIFAge_annual06.pdf)>. Accessed on November 17, 2007.

<sup>23</sup> Patino, Ravoira, & Wolf, 2006. A Rallying Cry for Change: Charting a New Direction in the State of Florida's Response to Girls in the Juvenile Justice System. NCCD: Oakland, CA.



minor sex trafficking. Judges view children exploited through prostitution as victims in need of services and not necessarily as juvenile delinquents. Several judges agreed however that sometimes a child may be charged with prostitution if it is the only way to ensure that the child receives services. In both Miami-Dade and Broward counties, the judiciary stressed that cases in which a child is involved in commercial sexual exploitation must be treated with extreme sensitivity.

In Miami-Dade County, one juvenile court judge may identify certain juveniles charged with prostitution as “willing victims” if the child’s criminal history indicates a pattern. He states that it is difficult for juveniles involved in prostitution to leave it and receive the necessary treatment. He frequently sees cases in his court in which juveniles are charged with prostitution, but suspects that even more juveniles charged with other misdemeanor crimes are also involved in sex trafficking. Because there is not a specific program designed for child sex trafficking victims in Florida, the judge has sent several minors to specialized programs in other states to get the treatment they specifically need.

In the Broward County Unified Family Court, a dedicated judge, prosecutor and defense attorney preside over all crossover cases. Crossover cases involve a dependency case and some other type of case such as domestic violence, divorce, or juvenile delinquency. This is intended to treat a juvenile case holistically and ensure tracking of the child through a single court. The judiciary in Broward County identifies a majority of children who are at risk for sex trafficking as dependency cases. One judge explained the key to identifying a child sex trafficking victim properly is to classify a dependent child as such from the very beginning of the case. The judge stressed the importance of the dependency classification as an alert for the dedicated judge, prosecutor and defense attorney to treat the case with high sensitivity in order to determine the best course of action for the child. The judge reported that because the dependency case as well as the juvenile delinquency case could be heard in tandem, it is more likely that the court can offer the best course of action. In dependency cases, the Florida Department of Children and Families (instead of the Florida Department of Juvenile Justice) can recommend a program where a child receives specialized services to help change self perception from “victim” to “survivor.”

Juvenile court judges characterize the majority of sex trafficking victims that appear before the court as teen females, although a few young boys have also been adjudicated. Judges stated that most victims have witnessed or experienced sexual abuse and the majority of victims come from broken homes. A disproportionate amount of minority youth appears before the court for involvement in prostitution, although this issue touches minors of all demographics. Judges commented that an adult, commonly male, is almost always involved in the prostitution of a minor.

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## **1.5 Department of Children and Families (DCF)**

### *1.5.1 Privatization*

Florida’s child welfare system underwent a comprehensive redesign referred to as community-based care, beginning in 1999. Child protective services (excluding child investigative units) for each county in Florida combined the outsourcing of foster care and related services to competent local service agencies, which has resulted in increased local community ownership of service delivery

and design. Through the community-based care system, services for abused and neglected children and their families are performed by a network of local agencies that are governed by a board of directors composed of local community members. The lead agency in each county, together with local community entities, provides a continuum of child welfare services for dependent children. While local control and flexibility are benefits of the system, there is also recognition that the state must play a role in providing a quality system that offers both equal access to care and an equal level of protection to child victims.

The transfer from government to private providers was a result of the Department of Children and Families (DCF) coming under heavy scrutiny, revealing an inability to adequately care for children in need. The privatization occurred as the result of public outcry that decisions were not being made in the best interests of the children. DCF personnel cite the case of a 5-year-old girl from Miami who disappeared while in foster care. The girl's case manager had made written reports updating her care and housing after she was missing, clearly falsifying the reports to avoid performing the site evaluations required. Reported caseloads of 100-200 children per case manager were not uncommon, and substantial falsification of records by case managers was uncovered in the ensuing investigation.

A study by the Office of Program Policy Analysis and Government Accountability (OPPAGA) on the community-based care (CBC) system of care revealed several positive performance outcomes. The review compared performance outcomes between fiscal year 1998-99 and fiscal year 2004-05 (the first year CBCs were operating statewide). The findings include:

- The number of children who exit foster care within 12 months increased by 24%.
- The number of children reunified with their families within 12 months increased by 20%.
- The number of children in licensed foster care decreased by 15%.
- Case loads for CBC case managers and case manager vacancy rates both decreased by one-third.
- The number of adoptions finalized by CBCs more than doubled.<sup>24</sup>

In Broward County, the lead agency in providing community based care is ChildNet. ChildNet is responsible for providing foster care and related services, including family preservation, emergency shelter, and adoption. Under services by ChildNet, children are exiting the dependency system more quickly; the number of children in care more than 12 months has decreased 19 percent. Further, the percentage of children being reunited with their families has increased from 43% to 64 percent.

In Miami-Dade County, the lead community-based care agency is Our Kids. Unlike any other agency in Florida, Our Kids mandates nearly all of its direct services to be delivered by subcontracted local agencies. Two of the local subcontracted agencies under the Our Kids umbrella include His House Children's Home and the Center for Family and Child Enrichment. Both His House Children's Home and the Center for Family and Child Enrichment have representatives that sit on the Miami Commercially Sexually Exploited Children's (CSEC) Working Group, a coalition of community leaders

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<sup>24</sup> Reid, Joan. Domestic Minor Sex Trafficking Assessment – Clearwater, Florida (Shared Hope International: January 2008), pg. 41, citing OPPAGA Report on Community-based Care. <<http://www.dcf.state.fl.us/publications/docs/visionvaluevoices2006full.pdf>>. Accessed on December 19, 2007. See also, "Highlights: 2003-2004 Community-Based Care Evaluation" at <<http://www.dcf.state.fl.us/cbc/docs/ccwsthirdpub.pdf>>.

involved in the movement to address child sex slavery in Miami.

### *1.5.2 Training*

Training on human trafficking issues has been provided to some representatives of the Florida Department of Children and Families through the DCF Protections of Child Victims of Human Trafficking Working Group. The training focuses primarily on foreign national victims of both labor and sex trafficking but some information about domestic minor sex trafficking is included.

The DCF Working Group created a training for Florida Abuse Hotline employees as well as a training for a mixed group of providers including child protective investigators, community based care agencies, guardians ad litem, mental health professionals, child protection teams, child welfare services, child victim advocates, child welfare attorneys and refugee services providers. The training for Florida Abuse Hotline staff provides them with an overview about human trafficking in general and educates participants on how to identify a potential victim in the event of a call to the abuse hotline.

The Florida Department of Children and Families has not yet offered training for caseworkers or potential foster families on how to identify and serve domestic minor sex trafficking victims in Miami-Dade or Broward counties. The Center for Family and Child Enrichment, one of the community-based care organizations under the Our Kids umbrella in Miami-Dade County, received training from Project GOLD at Kristi House in November of 2008. Leadership at ChildNet in Broward County reported receiving training on human trafficking and Shared Hope International provided informal training and self-training materials to several community-based care organizations in Broward County as well.

### *1.5.3 Identification*

DCF representatives identify runaway children as those at the greatest risk for domestic minor sex trafficking. Representatives reported that many at-risk children have been through multiple foster care placements. In Florida, no statewide database tracks demographic characteristics on runaway and homeless youth, however, a portrait of Florida's runaway population can be gleaned from data kept by the Florida Network of Youth & Family Services.<sup>25</sup> Of the 6,734 youth receiving shelter through DJJ programs, 34% were runaways. DCF reported 88 runaways in Miami-Dade and Monroe counties in July 2008; 51 of those children ran away four or more times. A portrait of Florida's runaways reveals the indicators for at-risk and exploited youth:

#### *AGE, GENDER, RACE*

- 68% are age 15 or younger, 40% are 14 or younger, 19% are 13 or younger
- The largest percentage of chronic runaways were white females (37%) followed by black females (23%), white males (18%), then black males (14%)

#### *PARENTS OF RUNAWAY YOUTH*

- 36% have had prior or have current involvement with DCF
- 74% or more of parents do not know where the child spends his/her spare time
- 35% of the parents have a prior criminal record

<sup>25</sup> Joan A. Reid. Domestic Minor Sex Trafficking Assessment: Clearwater, Florida (Shared Hope International: Jan. 2008), page 15, citing <[http://www.floridanetwork.org/NRPM-05/Statistics\\_on\\_Runaways.pdf](http://www.floridanetwork.org/NRPM-05/Statistics_on_Runaways.pdf)>.

#### *YOUTH WHO HAVE RUN AWAY*

- 25% of runaway youth have documented abuse or neglect by their parents
- 44% have run away from home three or more times in the last three months
- 64% attend school inconsistently
- 41% have failed at least one grade
- 32% have used illicit drugs or alcohol at least three times in the last month

#### *1.5.4 Child Protective Investigations*

Child Protective Investigation Section (CPIS) of the Broward Sheriff's Office may identify a domestic minor sex trafficking victim. CPIS is an innovative approach to handling child abuse and neglect response through sheriff's offices, operating in just seven counties in Florida. CPIS is responsible for investigating allegations of child abuse against a caregiver, but are not sworn law enforcement officers. Interviewed service providers believe that CPIS has helped to send a clear message to parents and caregivers that child abuse and neglect is a serious criminal matter.

When a child abuse hotline call or complaint is received to the 1-800-96ABUSE hotline, a law enforcement officer will respond to the call with the CPIS investigator. If CPIS is not available, a law enforcement officer will respond to the call alone and a CPIS investigator will follow up on the complaint the next day.

CPIS investigators determine whether the alleged abuse can be substantiated and whether the child should be removed from the residence from a DCF perspective. Law enforcement is responsible for investigating abuse allegations involving any person other than the child's caregiver. CPIS investigators do not typically identify youth who are vulnerable to recruitment into prostitution as a victim, unless the child has been reported as abused or trafficked by a family member.

The preliminary questions and investigation by the CPIS investigator and the officer attempt to establish the components of the crime. However, neither the CPIS investigators nor the police officers are trained child forensic interviewers. Forensic interviewers are employed only when a crime has been established and a minor has been taken to the children's advocacy center (Kristi House in Miami-Dade County and Sexual Assault Treatment Center in Broward County) for further interviews. While investigating an abuse and neglect case, a CPIS investigator will question anyone with information relating to the abuse, including the child, to identify the suspected abuser within the family. The issue of commercial sexual exploitation may arise through these questions, but CPIS investigators do not usually ask specifically about commercial sex acts or prostitution involvement. However, this line of questioning may change with the new procedures and indicator tools created by the DCF Protection of Child Victims of Human Trafficking Working Group.

According to the new DCF protocols, in addition to the directives provided by Florida Statutes Chapter 39 and Florida Administrative Code 65C-29, a child protective investigator will have the following responsibilities as related to human trafficking:

“(1) If Human Trafficking is identified as a maltreatment by the Florida Abuse Hotline or the child protective investigator suspects trafficking at any time throughout the course of an investigation, the investigator must immediately contact the appropriate county sheriff or other law enforcement agency, including federal law enforcement authorities in the geographic area in which the alleged

human trafficking has occurred or where the victim is present or residing. If the alleged trafficking occurred in a jurisdiction different from where the victim is present or residing, contact law enforcement in the jurisdiction where the victim is present or residing to inform law enforcement that the trafficking occurred elsewhere. If the law enforcement agency accepts the case for criminal investigation, the respective agencies will coordinate investigations as directed per s. 39.301(2)(c). If law enforcement does not accept the case for criminal investigation or proceeds with an independent investigation, the child protective investigator must document these decisions in the Florida Safe Families Network (FSFN). If Human Trafficking is discovered during the course of the investigation, the investigator will add Human Trafficking to the Investigation as a maltreatment.

(2) As soon as the child protective investigator suspects human trafficking, a multidisciplinary staffing shall be held to include, but not be limited to, a representative from Children's Legal Services and the Office of Refugee Services Child Trafficking Coordinator or knowledgeable victim advocate.

(3) For information on identifying and responding to Human Trafficking, both the Hotline Job Aid and Human Trafficking Indicator Tool are available on Florida's Center for the Advancement of Child Welfare Practice website.

(4) Unique Circumstance: Parent/Caretaker Determination. Human traffickers will often pose as, or may be, the child's parent, relative, caregiver or legal custodian. The Department will not place a child who is suspected to be a victim of human trafficking with a parent, relative, caregiver or legal custodian until there is a determination that that person in question is not a trafficker or allied with the trafficker. The Department shall coordinate this determination with law enforcement."<sup>26</sup>

If police identify a child sex trafficking victim before CPIS becomes involved, CPIS may investigate to determine whether or not the caregiver was neglectful and exposed the child to such abuse. CPIS does not typically refer child victims to programs or services specific to domestic minor sex trafficking, nor are they aware of any such programs. CPIS would treat victims of familial sex trafficking the same as any other sex abuse victim, using the same procedures to access services (e.g., making referrals and working with the families).

### *1.5.5 Florida Abuse Hotline*

The Florida Department of Children and Families operates the Florida Abuse Hotline to assist in child abuse and neglect cases. DCF added a new maltreatment code for human trafficking to the abuse hotline and is in the process of training hotline staff. According to the new operating procedures implemented in May 2009, the responsibilities of the Florida Abuse Hotline include:

“(1) For any intake of alleged human trafficking of a child:

(a) Response priority will be assigned based upon risk assessment.

(b) Enter all maltreatments that apply to the situation including Human Trafficking (for example, Physical Injury, Sexual Abuse, etc.).

(c) If the only information is a report alleging human trafficking, the maltreatment Human

<sup>26</sup> Florida Department of Children and Families “Intakes and Investigative Response to Human Trafficking of Children” operating procedure. See also Human Trafficking of Children Indicator Tool at <<http://centerforchildwelfare.fmhi.usf.edu/kb/humantraf/HumanTraffickingOfChildrenIndicatorTool-01-09.pdf>>.



Trafficking must be entered.

(d) Obtain complete information on why the reporter suspects human trafficking.

(e) If the child/teen is being prostituted by someone or commercially sexually exploited, enter the Human Trafficking maltreatment.

(2) In a case where human trafficking is suspected, enter a special conditions intake of Caregiver Unavailable for any situation when a child/teen is arrested or seeks health care and will not provide any information about their parent(s) or who they live with.”<sup>27</sup>

Occurrences of domestic minor sex trafficking have been uncovered in the processing and assessing of minors via an incoming hotline call. Sometimes child victims share just enough information about their exploitation to be removed from the situation, but not enough to identify their trafficker. DCF reports that hotline staff will be able to include pertinent information about the case even if there is not enough information to code the call as human trafficking. Currently, no process exists to differentiate whether human trafficking calls are regarding foreign-born or domestic victims. Such a reporting mechanism could provide data detailing how many potential domestic minor sex trafficking victims exist in the state Florida. This data could provide desperately needed statistics for organizations seeking funding to assist and treat child sex trafficking victims. (Currently, funds exist for international victims and funding is needed for domestic victims.) However, in the absence of a reporting mechanism that classifies children as foreign-born or domestic victims, the only way to glean such data requires hotline staff to go into the child’s file and assess citizenship.

#### *1.5.6 Community-based care*

In Miami, Our Kids distributes cases to one of the community-based care providers on a rotational basis. The Center for Family and Child Enrichment (CFCE) received the majority of cases because it is one of the largest providers. CFCE has over 800 open cases, more than 50 case managers, and is responsible for training and supervising nearly 200 foster homes. In the past two years, the Missing Child Specialist for CFCE has identified approximately 20 victims of child sex trafficking. Interestingly, the specialist reports that many of the missing kids who have been classified as sex trafficking victims, have also had bi-polar disorder. The victims come from a range of ethnic backgrounds, but a majority of the victims are African-American. The age range is 11 to 18 years old with the average being 15 years old. Most of the identified victims come from poor socioeconomic backgrounds. The Missing Child Specialist currently maintains a list of 11 missing kids under investigation (nine are girls) and suspects that each of them is either at-risk for sex trafficking or has already been commercially sexually exploited.

In Broward County, ChildNet distributes cases to community-based care providers. Kids In Distress (KID) is one such provider. In identifying children who have been sexually exploited there is no protocol for determining if the sexual exploitation was commercial, and therefore sex trafficking under the law. Therefore, any disclosures of sexual exploitation by a child are coded simply as sexual exploitation and a call is made to the Abuse Hotline for investigation. If sexual exploitation is determined to have occurred, KID will send a child for treatment at the Sexual Assault Treatment

<sup>27</sup> Florida Department of Children and Families “Intakes and Investigative Response to Human Trafficking of Children” operating procedure.

Center (SATC) and would follow the same internal procedures that exist for sexual abuse.

One particularly vulnerable group of children in foster care are those who have already been involved in the juvenile justice system for an offense and are on probation. This is typically the older teens—the same age group comprising the majority of arrests and prosecution for prostitution in Miami-Dade and Broward counties. Interviewees noted one community-based care provider in Broward County is working specifically with this group—Choices. Intervention at this critical juncture can mean the difference for a prostituted girl's life.

ChildNet in Broward County reports its policy on runaways within their custody – numbering approximately 25 per week – includes a hotline for foster care and group home parents to report the incident. Child Net then enters the child into the FSFN database which tracks all missing persons. There is an ability to enter information regarding suspected prostitution in the FSFN database, though it was unclear whether this was done standardly or at the discretion of the person entering the report. If the child missing is under 12 years old, an AMBER alert is issued. Upon the child's return, ChildNet attempts to debrief him/her though they report that often the child runs again before that can even occur. Certain children are coded as Children with Exceptional Needs (CEN)—interviewees at ChildNet felt that group in particular might include domestic minor sex trafficking victims.

#### *1.5.7 DCF Protections of Child Victims of Trafficking Working Group*

Funded by a contract from the U.S. Department of Health and Human Services, Office of Refugee Resettlement, the Florida Department of Children and Families created the Protections of Child Victims of Trafficking Working Group (DCF Working Group). The DCF Working Group is comprised of representatives from Florida Immigrant Advocacy Center (FIAC), Robin Thompson & Associates, Florida State University Center for the Advancement of Human Rights, Southeastern Network of Youth and Family Services, International Rescue Committee-Florida Freedom Partnership, Collier County Sheriff's Office, Okaloosa County Sheriff's Office, Miami-Dade State Attorney's Office, Office of the Attorney General, SteeleQuinn Consulting Group, Kristi House Project GOLD, Florida Network of Youth and Family Services, Pasco County Circuit Court Judge, The LB Hoffman Group, and members from the following departments of DCF: Florida Family Safety, Refugee Services, and Florida Abuse Hotline.

The DCF Working Group is developing protocols for staff of the Florida Abuse Hotline, Family Safety, Refugee Services, Home SafeNet, and community-based care child welfare agencies. The protocols will include operating procedures and trainings for staff. The DCF Working Group is also creating human trafficking information kits and curriculum for educational presentations as well as designing a website and internet-based training modules. A new screening code for human trafficking has been added to the maltreatment codes for the abuse hotline.

The DCF Working Group is developing a Legal Best Practices Guide designed for child welfare attorneys, immigration lawyers, judges, legal staff, guardians ad litem, and other interested persons to use when providing care to a trafficked child. The guide is intended to provide an overview of the legal and social process involved with the provision of care to a trafficked child in the state of Florida. However, the guide is formally tailored for assistance to foreign-born child victims due to the funding for the project being provided by the U.S. Department of Health and Human Services, Office of Refugee Resettlement which receives funds only for foreign trafficking victims through the federal

TVPA appropriations. Potentially, much of the information will also apply to domestic victims but special additional components unique to the situation of domestic minor sex trafficking must be understood by DCF and community-based care providers in order to effectively identify and care for this victim group.

### *1.5.8 Collaboration*

The following example depicts current information sharing practices by the Center for Family and Child Enrichment (CFCE), an Our Kids subcontractor, according to the Missing Child Specialist:

When a child is reported missing in Miami, CFCE enters the information into the Our Kids database system. The National Center for Missing and Exploited Children (NCMEC) has access to this database and will call us to check on the status of the missing kids. CFCE and NCMEC share leads and are in regular communication until the child is found. This relationship is based on a pilot program in Florida started by the Florida Safe Family Network and The Florida Department of Law that has been going on for the previous six months. Each agency has access to the database. The database does not specifically flag child sex trafficking victims. However, the database does ask whether the child was involved in prostitution.

## **1.6 NGOs and Service Providers**

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### *1.6.1 Training*

Approximately half of the service providers interviewed have received human trafficking training with some information on sex trafficking, but the majority of those agencies that received training are in Miami-Dade County. In Broward County, several service providers have received formal training on human trafficking in general, but few distinguish the differences between international and domestic sex trafficking. Many organizations have attended seminars on human trafficking. All of the service providers interviewed expressed a desire for more training and information on domestic minor sex trafficking.

Kristi House Project GOLD is one of the leading organizations providing training for school staff, law enforcement and other community-based organizations in South Florida. These trainings focus on the basics of commercial sexual exploitation of children including: how to identify victims, risk factors, impacts, psycho-social needs and engaging the youth with an emphasis on shifting perception of the child from a juvenile delinquent to a victim. Sandy Skelaney, Program Manager of Project GOLD, conducted introductory training sessions for members of the Miami CSEC Working Group, Miami Bridge Youth Shelter, Center for Family and Child Enrichment, Family Resource Center, Charlee, His House Children's Homes, Sandy Pines Psychiatric Facility, Stand Up for Kids, and the Public Defender's Office in Miami-Dade County, as well as Broward County organizations Covenant House, and LoveBags. In addition, Kristi House hosted the Dallas Police Department's Exploitation Squad, High Risk Victims & Trafficking Unit's training of Miami area law enforcement agencies.

Christina Walker Bach, Case Manager at His House Children's Home, suggested making it mandatory for all caseworkers to undergo training on commercial sexual exploitation of children because the lack



of awareness prevents service providers from contacting law enforcement when signs or suspicions of a trafficking situation emerge in interviews. Bach cites a recent case she had in which a girl with no history of sexual abuse was placed in a home with a sexually promiscuous girl. The girl told Bach that she wanted to leave the home because of the sexual activities and influences of the other girl. The foster parents were unaware of the situation transpiring in their home. Bach identified the problem and moved the child to another placement. The foster parents lost their license because of inadequate supervision in the home. The child developed a runaway history after removal from the foster home. The child was then moved to a new geographic region that she was not familiar with, and Bach worked with her intensely in order to break the runaway pattern and alert her as to the dangers of fleeing from a protected environment. Today, the child is doing well in a non-relative placement, no longer demonstrates runaway behavior, and demonstrates insight as to the reasons that she was removed from the foster placement mentioned above.

In her training proposal, Bach suggests the following:

- All case managers should be trained to help victims avoid repeated runaway episodes by addressing reasons for the child's running;
- Chronic runaways should be relocated to a different geographic location in order to break the pattern of running;
- Homes receiving placement of children with a history of sexual abuse should be flagged for closer monitoring; and
- Foster parents should be trained to be alert for potential signs of exploitation and proper response to disclosure.

In Broward County, Women in Distress, a domestic violence shelter, provides services to girls 16 years of age and older, as well as de facto emancipated girls who present with children. This population group can include victims of domestic minor sex trafficking who often have children by their trafficker or as a result of their prostitution. Training on human trafficking has been provided to counselors at Women in Distress but there has not been a training specifically to identify the child sex trafficking victim within the clientele of the domestic violence shelter, though this was desired.

### *1.6.2 Identification*

Service providers and NGOs identify child victims through interaction with the juvenile detention center, law enforcement, foster care agencies, homeless shelters, drug treatment programs, HIV/AIDs testing centers, and street outreach. Unfortunately, even those service providers with continuous interaction with child sex trafficking victims are left feeling relatively helpless because of the lack of placement and treatment options. No specifically designed shelters exist for this victim population in South Florida. According to an informal survey done in 2007 by Kristi House of Miami area service providers, agencies have identified more than 500 victims in the past several years.

All of the service providers interviewed classified children involved in prostitution and other forms of commercial sex acts as victims and were aware of the need for sensitivity when interacting and providing treatment for domestic minor sex trafficking victims. However, few service providers had intake questions that would provide a potential victim with an opportunity to share sex trafficking

indicators. Because victims rarely self-identify, relevant information regarding such indicators will not be obtained without specifically tailored intake questioning. Despite the lack of proactive identification, every service provider interviewed recalled victims that were likely involved in prostitution and therefore were victims of child sex trafficking.

The primary social service provider that identifies and provides services to victims in Miami-Dade County is Kristi House Project GOLD. Since its inception in January 2008, Project GOLD has identified and assisted 44 youth exploited through commercial sex in Miami-Dade County. Twenty-five of those cases are confirmed victims of domestic minor sex trafficking, eight clients are suspected cases, nine clients are either high-risk or unconfirmed cases of domestic minor sex trafficking. The average age of these victims is 16-years-old, while the youngest is 12-years-old. Sex trafficking cases are referred to Project GOLD primarily by law enforcement, as well as community-based providers under the DCF umbrella such as His House Children's Home and the Center for Family and Child Enrichment.

Runaway outreach and shelter programs often encounter youth who are homeless and have been victims of sexual abuse and prostitution; however, they are not initially identified as trafficking victims. These youth are identified through interactions with shelter staff or outreach workers. Service providers that have street outreach programs for the homeless, such as LoveBags in Broward County, report having contact with prostituted children. Covenant House in Broward County identified five victims of domestic minor sex trafficking in the past year. Miami Bridge Youth and Family Services in Miami-Dade County reported servicing hundreds of minors involved in prostitution since 2000—the actual number is unknown due to the absence of a data collection mechanism for this victim population.

The service providers that focus on human trafficking in general (adult and child victims of either labor or sex trafficking), such as the Florida Coalition Against Human Trafficking (FCAHT), the Florida Freedom Partnership, and the Florida Immigrant Advocacy Center (FIAC), primarily concentrate on providing services to foreign victims. However, these organizations echoed the need for more services for domestic victims in Florida and FCAHT has begun to address domestic minor sex trafficking in certain programs as well. The lack of services for domestic victims is due in large part to the lack of funding, as most of the funding that agencies receive for trafficking victims' services flows through the TVPA appropriations. This limitation to services for foreign victims is due to the failure to appropriate the authorized funds for domestic victims' services to date. Representatives from each of the organizations listed above are well educated on domestic minor sex trafficking issues and provide referrals to other local agencies like Kristi House Project GOLD when a domestic child is identified as a victim of trafficking.

Domestic violence shelters, such as Women in Distress in Fort Lauderdale, may find victims of domestic minor sex trafficking within their clients. Prostituted minors frequently become pregnant, either through the sexual activity or as a result of their trafficker securing an additional level of control over their victim by impregnating her with his baby. If a minor with a child presents at Women in Distress shelter seeking safety, she will be provided shelter and services. Prior to the June 2009 changes to the Florida Abuse Hotline mandate, counselors report they would not call the Abuse Hotline in the above scenario because the mandate of child protective services is limited to abuse by a caregiver—in the absence of a caregiver, the Abuse Hotline would not be relevant. Aware of

the change to include calls of human trafficking, the counselor interviewed stated she would call the Florida Abuse Hotline to report a minor presenting with abuse from a trafficker.

Mental health and medical service providers for teens often uncover instances of child sex trafficking when a minor they are treating reveals that she has been involved in prostitution or survival sex. Promote to Prevent (P2P) is a program established by the Division of Adolescent Medicine at the University of Miami Miller School of Medicine for youth 13-24 years of age who are in need of HIV and STD counseling, testing, and treatment. P2P also conducts a series of workshops to reach youth at DJJ, local schools, and alternative education sites. P2P is the only program in Miami that offers free anonymous and confidential HIV testing and STD screening for youth. Through this assessment process, in 2008 P2P identified five girls that disclosed involvement in prostitution.

### *1.6.3 Broward Human Trafficking Coalition (BHTC)*

The Broward Human Trafficking Coalition holds monthly meetings in Fort Lauderdale and seeks to raise awareness about human trafficking in general. The working group focuses on all types of human trafficking including labor and sex trafficking, including adults as well as children. Training and community outreach committees exist to educate community members on the issue. The information disseminated by the group primarily focuses on international trafficking victims. Recently, the Broward Human Trafficking Coalition collaborated with the Palm Beach Human Trafficking Working Group holding joint meetings.

In January 2009, the Broward Human Trafficking Coalition, along with the Broward Sheriff's Office Central Broward District Office and Community Justice Program, hosted a Human Trafficking Awareness Day. The goal of the event was to raise awareness for the issue of human trafficking among at-risk youth and to provide community members with some of the basic principles on how to identify risk factors and assist victims involved in sexual exploitation.

### *1.6.4 Miami Commercially Sexually Exploited Children (CSEC) Working Group*

The Miami CSEC Working Group is a community coalition of law enforcement agencies, attorneys, service providers, juvenile justice employees, and representatives from DCF working together to eradicate the commercial sexual exploitation of children in Miami. Sandy Skelaney, Program Manager of Project GOLD at Kristi House, initiated the coalition in January 2008.

The Miami CSEC Working Group reviewed Miami-Dade County's response to child sex trafficking, identified challenges in protecting and assisting victims as well as punishing traffickers, and offered recommendations to strengthen the community's strategy against this abuse in a written report in December 2008. The CSEC Working Group also created a survey to distribute to service providers, the Department of Juvenile Justice, and law enforcement agencies, to provide a tool to first responders in identifying at-risk victims and also to further understand how many commercial sexual exploitation victims exist in Miami-Dade. However, few agencies have responded to the survey to date.

The Miami CSEC Working Group is working to establish a protocol to facilitate communication between government agencies and service providers to ensure victims' needs are being met. The protocol is based on a model from New York and will include a list of key first responders. When completed, it will be distributed to all key law enforcement agencies, prosecutors, public defenders, as

well as health and social service providers.

The Miami CSEC Working Group Outreach and Education Subcommittee plans to coordinate outreach presentations for youth to impart a better understanding of the risks involved in street life and where to get help if needed. The subcommittee is also formatting presentations for general members of the community to gain awareness and become educated on commercial sexual exploitation. To keep community members informed on child sex trafficking issues, the Miami CSEC Working Group with Kristi House Project GOLD maintains a blog at [www.csecinmiami.blogspot.com](http://www.csecinmiami.blogspot.com).

#### *1.6.5 Public Awareness Campaigns and Outreach*

A number of service providers are active in street outreach that target either youth in crisis or sex trafficking victims. LoveBags in Broward County is an active street outreach group patrolling suspect neighborhoods to identify and serve the homeless. This work has brought LoveBags large group of volunteers into contact with trafficking victims though this is not their primary target population. They report that the street prostitution of children is very location specific and limited to a small area of Broward County, namely Hollywood, Dania, and Pompano Beach. Covenant House in Fort Lauderdale Beach orients their outreach toward runaway youth on the streets and has identified and served a handful of minors exploited by traffickers through prostitution.

The University of Miami Miller School of Medicine's Promote to Prevent (P2P) outreach youth programs preventing HIV/AIDS and substance abuse are also programs that could potentially identify and spread awareness about trafficking, although that is not currently their mission. The Miami Movement Against Human Trafficking raises awareness throughout the community through special dance performances and online through meet up groups. The Broward Teen Advocacy Project offers education for teen parents on legal rights and responsibilities, education for teens on domestic, dating, repeat, and sexual violence, counseling referrals, resources and options for help and the need for parental involvement, and direct legal representation for teenagers in need of legal assistance in the areas of family law or injunctive protection. This program too has the potential to identify trafficked youth, many of whom end up pregnant with their trafficker's baby as another form of control over the girl.

The Florida Coalition Against Human Trafficking (FCAHT) published a print advertisement campaign to create awareness about plights of victims of human trafficking. The campaign draws an emotional sketch of the victims of human trafficking. The advertisements show electronic signs depicting how victims of human trafficking are being exploited. Although the public awareness campaign publication and FCAHT public service announcements are readily available, no public media campaign has taken place in the Miami-Dade or Broward area specifically. FCAHT designed a program to bring human trafficking presentations into high schools to warn teenage girls about being tricked and recruited into sex trafficking by "modeling agencies" that they may encounter online or at the shopping mall. School boards in Broward and Miami-Dade counties have not yet initiated FCAHT's program in their schools.

Kristi House's Project GOLD teamed up with StandUp for Kids Miami—a coalition of volunteers that conduct street outreach to homeless children. StandUp for Kids Miami reports 2,800 homeless Kids in Miami-Dade County alone.<sup>28</sup> Together, Project GOLD and StandUp for Kids Miami conduct street

<sup>28</sup> See Stand Up for Kids Miami at <http://www.standupforkids.org/local/florida/Miami/index.html>

outreach on known prostitution tracks in Miami. Some of those tracks include South Beach, Calle Ocho, 79th Street, and Tamiami Trail.

Project Gold also conducts outreach to the general public by showing a documentary by GEMS (Girls Education and Mentoring Services), a holistic program for youth victims of commercial sexual exploitation and domestic trafficking in New York City founded and run by Rachel Lloyd, a survivor of child sex trafficking. “Very Young Girls” is an exposé of child trafficking that follows 13 and 14-year-old American girls as they are seduced, abused, and sold on New York streets by pimps and treated as adult prostitutes and criminals by police. The film follows one girl as she is trafficked from New York to Miami. The documentary also features startling footage shot by pimps themselves giving a rare glimpse into how the cycle of street life begins for many young girls.

Universities in South Florida are joining the fight to raise awareness on child sex trafficking issues. St. Thomas University School of Law in conjunction with the Coalition of Catholic Organizations against Human Trafficking hosted a conference on the global and local perspectives of human trafficking in February 2009. Speakers gave presentations on all types of human trafficking, including one by Shared Hope International on domestic minor sex trafficking from a victim-oriented approach. The Student Organization for Human Rights at the University of Miami School of Law is working with Project GOLD to raise awareness in the community and to create a court advocacy program for domestic minor sex trafficking victims. Students at the University of Miami School of Law are also working closely with Trudy Novicki, Executive Director of Kristi House, to create legislation in Florida that would protect victims of sex trafficking following the model of the recently enacted New York law, the Safe Harbor Act.

## 1.7 Conclusions

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In both Miami-Dade and Broward counties, law enforcement, prosecutors, public defenders, court personnel, the Department of Juvenile Justice, and service providers may fail to recognize signs of domestic minor sex trafficking and thus misidentify and overlook opportunities to help victims appropriately. Training for law enforcement, juvenile court staff, immigration officials, attorneys, and judges is not currently happening at the level that is needed in South Florida to remedy this non-identification or misidentification.

A movement exists to treat sexually exploited children as victims that should correlate to an increase in awareness and training provided to law enforcement and service providers in Miami. However, many prosecutors and law enforcement continue to view certain teens exploited through prostitution as “willing victims” or juvenile delinquents in both Miami-Dade and Broward counties depending on their history of delinquency. The typical child exploited through commercial sex does not self-identify as a victim and often actively resists assistance as a result of pimp control.

There continues to be a lack of awareness of the differences in issues between international sex trafficking and domestic minor sex trafficking in both counties, but especially in Broward County. Many interviewees were familiar with the crime of human trafficking of foreign-born individuals sold into slavery in the United States from other countries. However, few interviewees were aware fully that American citizen and lawful permanent resident youth exploited through prostitution,



pornography or commercial sexual entertainment are also human trafficking victims under the same federal and state human trafficking laws.

Changes to the Florida Abuse Hotline intake definitions and categories can impact the awareness of domestic minor sex trafficking as it now has a category for “human trafficking” and the training to accompany this change includes a component on domestic sex trafficking.

## II. Prosecution

Prosecuting the crime of sex trafficking is essential to deliver justice to the child victims, deter traffickers, and uncover a comprehensive understanding of sex trafficking operations. Prosecutions should target both the traffickers and the buyers of commercial sex acts. It is important to note that the federal TVPA includes the crime of facilitation and recruitment by third parties, such as hotel staff, taxi drivers, and club managers.

### 2.1 Law Enforcement

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#### *2.1.1 Arrest of Traffickers*

In practice, local law enforcement agencies look to state crimes of sexual battery, kidnapping, racketeering, compelling prostitution, as well as the sex trafficking statute to investigate and prosecute traffickers. Few buyers of commercial sex acts are prosecuted. Federal laws used to charge traffickers include the TVPA, the Mann Act, and laws on kidnapping, child obscenity, and sexual abuse. If pornographic images are identified, a number of other charges are available at both the state and federal level.

Local law enforcement agencies in both Miami-Dade and Broward counties pursue investigations in collaboration with State Attorney's Offices in their respective counties. If a case is prosecuted under federal law, either FBI or ICE agents are involved in the investigation against a trafficker. Interviewees noted that children are often victims of online pornography as well as prostitution. Therefore, investigating both avenues and cross referencing the two has been helpful in identifying victims and prosecuting traffickers.

#### *2.1.2 Witness Testimony*

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

#### *2.1.3 Arrest of Buyers*

Local law enforcement agencies in both Broward and Miami-Dade counties expressed the desire to pursue and investigate the buyers of commercial sex acts from children. However, legal and investigative barriers have resulted in few buyers being arrested. Often buyers operate with

anonymity through the use of Internet and pseudonyms, providing a limited trail of evidence.

Sometimes law enforcement officers will not attempt to arrest the buyer. For example, one interviewee described an arrest by a law enforcement agency in Miami following the officer witnessing a 15-year-old girl perform a sex act on a man in his Mercedes Benz for money. The officer arrested the girl, but he let the buyer go. The man's name does not even appear in the arrest report. The girl revealed that she had a pimp and attempts were made by the law enforcement agency to investigate the trafficker, but not the buyer.

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

Law enforcement interviewees reported that a teen observed by a "road officer" in prostitution activities would likely be charged with a crime under the Florida prostitution statute. Law enforcement officers reported having no better option than to arrest the child for the crime of prostitution in order to remove him or her from the dangers of the street and likely pimp control. Children are often picked up by police for reasons other than prostitution, such as loitering, disorderly conduct and other status offenses. Some child victims are arrested and charged as adults as a result of the widespread use of fraudulent identification standardly provided by pimp traffickers to the child victims. Fraudulent identification is cited as a tremendous barrier to proper identification of a child., Once he or she is entered into the system as an adult it is very difficult for an officer to correct that mistake without taking a close look at the victim and the situation.

In Miami-Dade County, law enforcement agencies will often charge juveniles under the Florida statute for prostitution and then take them to the JAC for processing. Officers argue that it is necessary to charge juveniles in order to place the minor in a secure facility and limit flight risk. Other law enforcement officers may take the child to a youth shelter to avoid charging the victim. Although law enforcement agencies in Miami reportedly view minors exploited through prostitution as victims, some officers are finding no alternative to filing a delinquency charge that will allow detention of a victim in a protective location.

In Broward County, very few minors are charged under the Florida statute on prostitution. Nonetheless, law enforcement officers of the Broward Sheriff's Office are arresting children they see engaged in prostitution on the streets for other offenses and are not identifying them as victims of child sex trafficking as they are less trained on identifying this particular crime. Many children are being left on the streets as officers face the difficult task of identification and little option for non-apprehensive response.

A detective with the Miami Gardens Police Department admits the top priority of many law enforcement agencies in Miami is to pursue the most violent crimes as a priority. This is partly due to lack of funds, but also due to the pressure on officers for performance indicators such as numbers of arrests. Implementing systems to better identify victims of child sex trafficking, such as flagging chronic teen runaways as an at-risk population for future or current pimp control, will require resources and time not currently prioritized.

Officers reported that it typically takes 4 - 8 hours to process an arrested minor through the Juvenile Assessment Center and other steps required by law. In order to avoid an arrest and this lengthy commitment of time, officers report that they sometimes take minors involved in prostitution to a



shelter. In Miami, one such shelter is Miami Bridge. The problem with this approach is that the shelter is an unlocked facility where it is reported that pimp traffickers have a history of waiting in a nearby vehicle for the victim to walk right out the doors of the shelter and back into their control. Thus, the cycle of abuse continues adding weight to the argument asserted by many in law enforcement that officers must arrest the child as the only way to provide safety and prevent the recidivism they see on street patrol.

The Strategic and Specialized Investigations Bureau of the Miami-Dade Police Department is one of the leading local agencies investigating cases against traffickers. However, this unit also investigates a number of other complex crimes, such as organized crime and murder-for-hire; therefore, resources are stretched thin and funding is limited. The Prostitution Mapping Unit within the Miami-Dade Police Department, now defunct, developed a prostitution mapping technique in which a database documented photographs and identifiers of suspected adult prostitutes. Using this system, a number of youth were also documented as they were found within the adult group of prostituted women. However, as of fall 2008, this unit is no longer operational. The Miami-Dade Police Department has a specialized Missing Persons Unit that conducts sweeps searching for children exploited by traffickers through street prostitution. However, no sweeps have been conducted for over a year because of lack of funding.

In Florida, charges against domestic minor sex trafficking victims can include prostitution, lewd and lascivious activity, as well as other misdemeanor charges, such as loitering and prowling, trespassing, criminal mischief, or resisting arrest. Law enforcement agencies acknowledge a conflict between the victim and the delinquent status of a minor charged with an offense related to their victimization through prostitution. Some law enforcement officers argue that since there is no way to detain a minor in a secure location without charging the minor, the charge lodged against a minor is for her own safety and to remove her from the control of the trafficker.

In one case, an officer with the City of Miami Police Department arrested a 15-year-old girl involved in prostitution. The girl revealed that she had a pimp and the case was turned over to the FBI for investigation. While the FBI investigated the case against the pimp at the federal level, the girl, a witness and victim in the case against the trafficker, remained charged as a juvenile delinquent at the state level. Eventually, a prosecutor in the Miami State Attorney's Office who knew about domestic minor sex trafficking was able to drop a lewd and lascivious charge, but the girl remained charged with drug-related offenses. An interviewee stated that in cases like this, a prosecutor's hands are tied because s/he must follow official procedure.

#### *2.1.5 Child Advocacy Centers*

In Miami-Dade County, Kristi House is the child advocacy center. Housing the Miami-Dade State Attorney's Office Sexual Battery/Child Abuse Unit, Kristi House helps to implement victim-sensitive measures. Kristi House receives referrals from the State Attorney's Office regarding children involved as victims in an allegation of sexual abuse. Kristi House provides consultation, case coordination, case management, therapy referral, and emergency food assistance. Kristi House staff performs forensic interviews with child victims. Interviewees stated that these measures assist with the credibility of a victim's testimony, as multiple interviews often create damaging discrepancies in testimony.

The Broward County Sexual Assault Treatment Center (SATC) has a Child Protection Team comprised of BSO/CPIS, health professionals, psychologists, and clinical staff. Though not a true Children's Advocacy Center, the SATC is an important first stop for a commercial sexual exploitation victim, if identified.<sup>29</sup>

## 2.2 Prosecutors

### 2.2.1 Prosecution of Traffickers

Most sex trafficking cases involving minors are prosecuted by the U.S. Attorney's Office for the Southern District of Florida. In some cases where the federal government declines the case, the FBI will contact the State Attorney's Office to recommend prosecuting the trafficker. It is preferable to use the federal laws to prosecute traffickers given the tough penalties (see chart below of frequently used federal laws).

<b>Federal Law</b>	<b>Minimum Sentence</b>	<b>Maximum Sentence</b>
18 U.S.C. § 2423(a) — Transportation of a minor with intent for minor to engage in criminal sexual activity	10 years	Life
18 U.S.C. § 2422 — Coercion and enticement (transportation for prostitution or other criminal sexual activity)	10 years	Life
TVPA 18 U.S.C. § 1591 — Sex trafficking of children or by force, fraud, or coercion	15 years (child is under 14)  10 years (between 14-17)	Life (child under 14 or under 18 with force, fraud, or coercion) Life (child between 14-17 and no force, fraud, or coercion used)
18 U.S.C. § 2251 — Sexual exploitation of children	15 years 25 years 35 years  30 years	30 years (first offense) 50 years (one prior conviction) Life (two or more prior convictions) Life (if caused the death of the victim in the course of the crime) or sentence of death
18 U.S.C. § 2251A — Selling or buying of children	30 years	Life

<sup>29</sup> See more at <[http://www.broward.org/sexualassault/child\\_protect.htm](http://www.broward.org/sexualassault/child_protect.htm)>.

18 U.S.C. § 2252 — Certain activities related to material involved involving the sexual exploitation of minors	5 years 15 years None 10 years	20 years 40 years (if prior conviction) 10 years (possession of pornography) 20 years (if prior convictions)
18 U.S.C. § 2252A — Certain activities related to material constituting or containing child pornography	5 years 15 years None 10 years	20 years 40 years (if prior conviction) 10 years (possession of pornography) 20 years (if prior conviction)
18 U.S.C. § 1466A — Obscene visual representations of sexual abuse of children	None 10 years	10 years 20 years (if prior conviction)

At the state level, Assistant State Attorneys prosecute traffickers on charges of sex trafficking based on the facts of the case and the evidence available to support the facts. One prosecutor noted that sometimes the evidence available is not sufficient to support a sex trafficking charge, although technically the crime committed was sex trafficking. In those instances, the evidence will be evaluated and the crimes that are supported by the available evidence will be charged. The crimes charged can be as simple as a misdemeanor prostitution charge or as complex as a racketeering charge. Depending on a number of factors, the case is sent for prosecution to either a regular felony division or a specialized unit like the Organized Crime Division. The decision regarding whether the case is sent to a regular division or specialized unit is based on the complexity of the case, the number of defendants, the criminal background of the defendants, the age of the victims, and the circumstances involved in the arrest.

Sex trafficking of minors is criminalized under the Florida prostitution laws, rather than specifically in the Florida human trafficking law. Florida Statute 796.03 makes the procurement or prostitution of a minor a second degree felony without any requirement to prove knowledge of the minor's age. 796.035 makes it a first degree felony for a legal guardian or "other person having custody or control" over a minor to sell, transfer or provide the minor with knowledge that the minor will be used in a commercial sex act. Procuring a person under age of 18 for prostitution and selling or buying of minors into sex trafficking or prostitution are clearly and specifically criminalized with a second degree felony penalty. 796.045 provides an enhanced penalty to first degree felony when force, fraud or coercion is used in the prostitution of a minor under 14 years of age. Human trafficking is a second degree felony in Florida as well.

A second degree felony is punishable by up to 15 years in prison and a first degree felony is punishable by up to 30 years in prison. The Florida sentencing guidelines are based on the criminal punishment code (different offense levels plus priors), so convictions will vary in sentences. A person charged with procuring a child for prostitution with no priors would face a 21 month minimum (this is a level 7 offense) and up to 15 years (second degree felony). The state can offer a plea below the minimum but a judge can not sentence less than the guidelines minimum unless the state makes the offer. This variability presents the potential for much lighter sentences for traffickers of children for sexual exploitation than the minimums provided under the federal laws.

Both state and federal prosecutors noted that victims are often exploited through prostitution as well as online pornography. Cross-referencing cases of pornography and prostitution, particularly through Internet searches, has been a common practice at both the state and federal level, leading to the prosecution of traffickers with laws on sexual exploitation, pornography, enticement, and others.

### *2.2.2 Witness Testimony*

Assistant State Attorneys and Assistant U.S. Attorneys expressed that one of the greatest challenges in prosecuting trafficking cases is victim maintenance and continued cooperation. A case is rarely prosecuted successfully in state or federal court without witness testimony from the child sex trafficking victim. On the federal level, a victim impact statement sometimes can be used in lieu of having the victim testify in court. However, whenever possible prosecutors will use the testimony of the victim in court.

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

Prosecutions can also be complicated by the reluctance of the child victims to testify. Prosecutors report that teen runaways who are forced into prostitution by a trafficker are sometimes unwilling witnesses because of grooming tactics used by the pimp. The grooming process is a mixture of reward (allowing teens access to the forbidden world of adults including drinking, drugs, independence) and punishment (physical or sexual violence). Traffickers utilize tactics of punishment and reward commonly associated with domestic violence to keep the minors in physical and psychological bondage. The blurring of the lines of freedom and bondage as well as acceptance and degradation is used to produce intense loyalty to the abuser. As a result of this trauma bonding, a victim will deny she has a pimp, claiming instead that she is working to help her “boyfriend.”

### *2.2.3 Prosecution of Buyers*

Laws that could be used to prosecute buyers in child sex trafficking cases include sexual battery, sexual assault on a minor, statutory rape, solicitation of prostitution, and lewd and lascivious activity. Most prosecutions of buyers are pursued in state court as a misdemeanor. However, an Assistant State Attorney in the Miami-Dade office expressed frustration at the low frequency of which buyers are prosecuted because there is usually a lack of evidence.

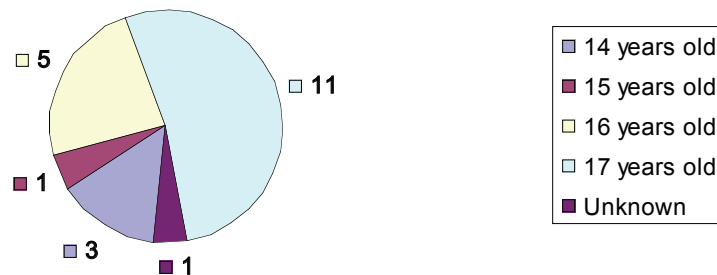
### *2.2.4 Prosecution of Domestic Minor Sex Trafficking Victims*

The number of juveniles processed through the State’s Attorney Offices in Miami-Dade and Broward counties is astounding. Though Miami-Dade is a bigger office than Broward, in the last several years Broward has processed more juvenile cases.

Reported	Broward County	Miami-Dade County
5/06	7,708	7,380
6/07	7,897	7,067
7/08	7,636	7,642

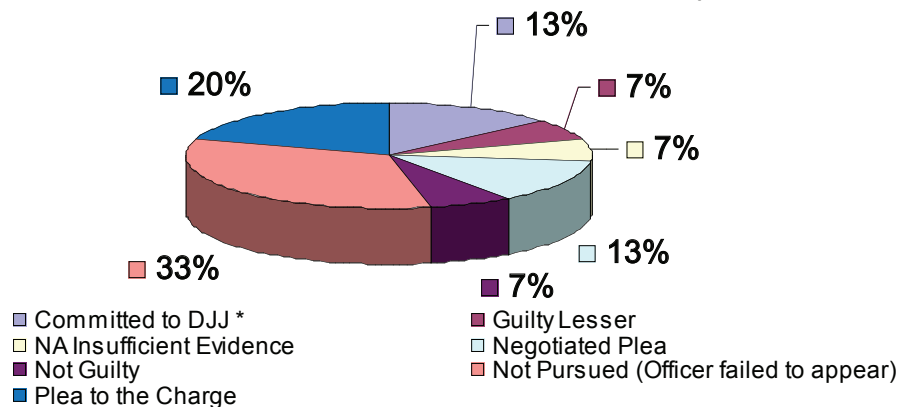
Between July 2007 and June 2008, the Broward County State Attorney's Office was referred ten cases of juvenile prostitution cases and eight cases that included other misdemeanor sexual offenses for prosecution. The Miami-Dade State Attorney's Office was referred for prosecution 21 cases of girls arrested for prostitution and 14 cases that included other misdemeanor sexual offenses. The ages of the girls arrested and referred for prosecution to Miami-Dade State Attorney's Office is shown below.

#### Ages of Minors Referred for Prosecution for Prostitution in Miami-Dade County



According to the Miami-Dade State Attorney's Office, if during the judicial process a minor reveals that she was coerced or assisted by an adult to engage in prostitution, the charge against her will not necessarily be dropped. Charges against a minor in juvenile court in Miami are usually only dropped in instances where the prosecutor of the trafficker in felony court requests the charges be dropped against the child victim. Sometimes minors charged with prostitution are encouraged to plead "guilty" to the prostitution charge, which moves the judicial process forward more quickly and allows the judge to adjudicate the minor to a treatment program or other services, such as Project GOLD counseling. Encouraging victims of child sex trafficking to plead guilty, even if the intention is to keep them safe from their trafficker in a juvenile detention facility, only serves to confirm their self-perception as delinquents and may impair their access to justice and services. The disposition of cases of juvenile prostitution are shown below.

#### Closed Cases in Miami-Dade County





In fiscal year 2008, the Broward State's Attorney Office referred 3,978 of the juvenile cases for diversion while Miami referred 2,961 cases for diversion. Some of these cases may have been juveniles charged with prostitution, especially in Broward County which runs a diversion program through PACE Center for Girls. This program is only for girls and is a day treatment program, not residential. Cases are reviewed before the detention hearing (first 24 hours) and if the charge is the child's first or second arrest then diversion will be recommended and the detention hearing is set aside. Diversion is offered for girls charged with prostitution and though not aware of any programs specifically designed for this population, the State's Attorney Office Juvenile Division recommends PACE Center. The prosecutors are willing to view these girls as victims, though one prosecutor was not convinced that a pimp is involved in a majority of the cases and expressed the belief that many of the girls are engaging in survival sex. From a prosecutor's perspective, survival sex is difficult because there is no identifiable perpetrator of trafficking or exploitation of the child victim, therefore they have to address the actions of the child in prostitution.

### *2.2.5 Prosecution of Cyber Predators*

To combat the growing threat of cyber crimes against children in Florida, the Attorney General's Office established the Child Predator Cyber Crime Unit in October 2005. This unit works to expand programs to further safeguard children from predatory criminals and includes law enforcement investigators and prosecutors whose primary mission is to target child predators, child pornography, and Internet-based sexual exploitation of children. In response to the public pressure to catch child predators, the Florida legislature has continued to make adjustments and improvements to the Florida statutes to keep up with criminal activities involving Internet predators.

Both chambers of the Florida Legislature passed the Cyber Crimes Against Children Act of 2007. This legislation increased penalties for the possession or distribution of child pornography online and created a new, separate penalty against Internet predators who communicate with a child online and then travel to meet that child for the specific purpose of further abusing them. The legislation also increased penalties for offenders who misrepresent their age to seduce a child over the Internet. The law substantially increases penalties for collectors of child pornography who have more than 10 images of child pornography and either possess or promote child pornography with images of children under the age of five, sexual battery of a child, sadomasochistic abuse of a child, bestiality involving a child, or any pornographic video or live movie of a child. The charge for possession of these images is reclassified as a second-degree felony, increasing the maximum penalty from five years in prison to 15 years. For promotion and distribution of these images, the charge is reclassified as a first-degree felony, increasing the maximum penalty from 15 years in prison to 30 years.

### *2.2.6 Legal Discrepancies*

Domestic minor sex trafficking victims in South Florida are being charged with prostitution or lewd and lascivious activity while they are also child victim-witnesses in cases that either the State Attorney or U.S. Attorney is prosecuting against the trafficker. Even though a State Attorney's Office may cite a policy whereas charges against the minor may be dropped in exchange for her participation or witness testimony in the trial against the pimp, prosecutors against the trafficker are not likely to employ this tactic as the case against the trafficker could be in jeopardy if the jury discovers that the child victim-witness testified because her prostitution charge was dropped. Accordingly, one interviewee notes that the criminalization of child victim-witnesses could be avoided entirely by simply not charging the



teens with prostitution—resulting in a tighter case against the trafficker in the long run.

Another legal discrepancy exists when victims are criminalized for participating in sexual activity while they are legally too young to consent to such sexual activity. The age of consent to sexual activity in Florida is 16 years old. Therefore, any child under 16 years old engaged in any form of sexual activity is a victim according to the state laws, including a child identified by law enforcement as involved in prostitution - and the buyer should be charged with a felony. However, a child under 18 years old engaged in a commercial sex act is defined a victim of trafficking. Therefore, the age of consent (16) is irrelevant in a commercial transaction. Despite the age discrepancies in the laws, a large number of the minors charged with prostitution are under 16 years of age with 13 years old being the national average age of entry into prostitution.

In South Florida, the age range of juveniles arrested for prostitution and processed through the JAC is 12 to 18 years old, with the average age being 16 years old. Kristi House received referrals from the court to work with girls age 12 to 19 years old, again with the average being 16 at the time of arrest. Many girls disclose entering prostitution at a younger age.

With regard to charging a buyer of commercial sex from a minor, Florida law permits an adult under the age of 24 to engage in legal sexual activity with a minor age 16 or older. However, a person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second-degree. Furthermore, prostitution is not legal in Florida, therefore the age of the buyer of sex from a minor is irrelevant in charging the buyer. One interviewee commented that these discrepancies in the consent laws and the trafficking and sexual exploitation laws in Florida makes identification of a child sex trafficking victim difficult for law enforcement. If that is the case, then more training is needed not only on sex trafficking laws, but also on sexual consent laws.

The federal TVPA recently clarified the position on the proof of knowledge of the age of a minor in a commercial sex transaction by enhancing 18 USC § 1591's language of "knowingly" traffic a minor to add "or in reckless disregard" of indicia of age. This amendment was part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 and is a response to the difficulty federal prosecutors were having to prove that a trafficker had knowledge of the victim's age.<sup>30</sup> The Florida laws on prostitution of a minor do not state that knowledge of the age of the child is a required element in proving the crime; however it is silent on the possibility of an affirmative defense by the defendant of lack of knowledge of her age. This is a potential gap in the ability to prosecute sex traffickers of children.

## 2.3 Juvenile Justice System

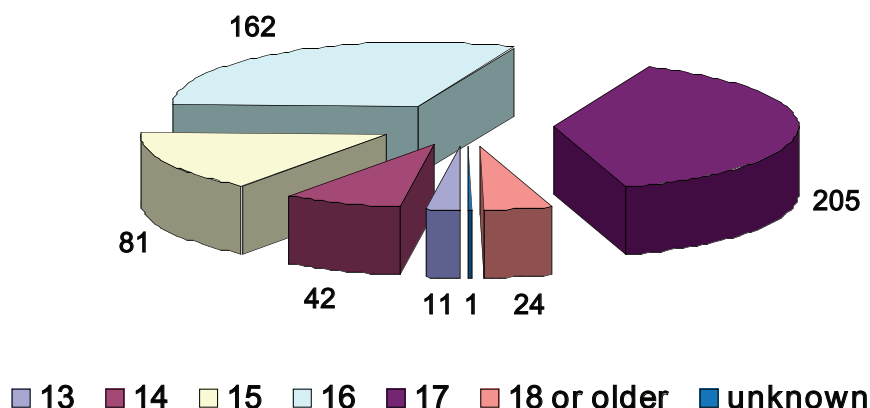
### 2.3.1 Juvenile Assessment Center

Children are being charged with prostitution in Broward and Dade counties. While statistics were not provided by the Broward County Juvenile Assessment Center (JAC), information from the Miami-Dade JAC indicated large numbers of children arrested for prostitution and many related offenses. From 1998-2008, the DJJ Juvenile Assessment Center in Miami-Dade County reported 503 juveniles

<sup>30</sup> Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, amending 18 USC §1591(b).

had been brought in on charges of prostitution. The ages ranged from 12 to 18 years old with the vast majority 16 and 17 years old (see below).

**Ages of Minors Charged with Prostitution in Miami-Dade from 1998-2008**



The Florida Department of Juvenile Justice evaluates youth arrested by law enforcement through a detention screening performed at a Juvenile Assessment Center (JAC) in the relevant county using a standardized Detention Risk Assessment instrument. The decision to hold or release the juvenile is made based on the Detention Risk Assessment, which measures the public safety risk and the risk that the juvenile will fail to appear for court hearing. Prostitution is a public order offense and a misdemeanor for a first or second offense under Florida Statute § 796.07(4). Only a minor charged with domestic violence, possession of a weapon, or certain charges that occur on school property can be held in a detention facility pre-adjudication. Therefore, a minor charged with prostitution would rarely meet the criteria necessary to be held in detention pre-adjudication. (See Appendix C, Florida Statute § 985.255 listing the criteria for holding a child in detention).

If a domestic minor sex trafficking victim were to be viewed as harmful to herself, it would be possible for the child to be held for involuntary commitment at an inpatient psychiatric facility for up to 72 hours under Florida's Baker Act. In addition, a SIPP placement was noted by some interviewees as an alternative placement for child victims of sex trafficking in some cases.

### *2.3.2 Post-Adjudication Detention*

Florida Statute 985.115 mandates the "quick release of minors who are the least serious offenders." It was enacted in 1989 after overcrowding in Brevard County juvenile facilities resulted in a lawsuit against the state. The DJJ Detention Risk Assessment was designed to implement the law. Juveniles who are not charged with a felony cannot be held at a juvenile assessment or detention center. To conform to this statute, juveniles may be released from the juvenile assessment center (JAC) to any responsible adult (any adult without certain criminal charges). A minor involved or charged with prostitution could be released within hours to his/her pimp/trafficker or an associate of the pimp/trafficker, if that person is over the age of 18 and did not have certain charges arise when their background was investigated.

Statewide, juveniles are detained for prostitution as indicated in statistics provided by the DJJ for the years 2000-2006. DJJ operates 26 juvenile detention centers in 25 counties with a total of 2,057 beds. The number of youth referred for detention to DJJ for prostitution was reported as follows: 102 (2000-01), 75 (2001-02), 57 (2002-03), 69 (2003-04), 61 (2004-05). From January to December 2006, there were 66 total youth referred to DJJ for prostitution (33 males and 33 females).<sup>31</sup> Statewide detention numbers for 2007 and 2008 were not able to be located.

### *2.3.3 Prosecution of Traffickers*

Department of Juvenile Justice staff in Miami-Dade County reported that they would immediately report to law enforcement any information about a pimp or trafficker that a victim may provide during intake reports and risk assessments. The assessments do not ask specific questions regarding sex trafficking, but occasionally a minor may reveal information about sexual abuse that could be indicators for commercial sexual exploitation.

### *2.3.4 Recognition of Victim Status*

Juvenile detention staff in Miami-Dade County view minors involved in prostitution as victims and felt strongly that it is necessary to rehabilitate domestic minor sex trafficking victims and avoid revictimization. The fact that victims are being prosecuted and detained for commercial sexual activity at the same time they are legally considered too young to consent to sexual activity was considered a problematic contradiction by interviewees. Further, DJJ and JAC employees desire changes to the way victims are processed through the juvenile justice system. For example, one representative suggested that child sex trafficking victims be sent to a program similar to “drug court.” In “drug court” juveniles charged with narcotic offenses are sent to one judge who takes these types of cases and is familiar with treatment and diversion options.

Staff interviewed at the Juvenile Assessment Center (JAC) in Broward County view minors trafficked into prostitution as juvenile delinquents instead of victims, and were not aware of the term domestic minor sex trafficking or of the victim status of these minors according to the federal TVPA. However, the Superintendent of the juvenile detention facility in Broward County views minors involved in prostitution as victims. The Superintendent is familiar with the TVPA; she came to Florida from New York where she was educated on sex trafficking.

## **2.4 Juvenile Court Judges**

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### *2.4.1 Victim-Centered Approach*

Judges in both Miami-Dade and Broward counties expressed that it is necessary to take a victim-centered approach to rehabilitating minors involved in sex trafficking. However, the fact that some minors are being prosecuted for prostitution and sent to juvenile detention by juvenile court judges, reflects a tension between the judges’ victim-centered approach and their conviction that a minor is in need of disciplined restoration.

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<sup>31</sup> <[http://www.fdle.state.fl.us/FSAC/UCR/2006/CIFAge\\_annual06.pdf](http://www.fdle.state.fl.us/FSAC/UCR/2006/CIFAge_annual06.pdf)>. Accessed on November 17, 2007.

### *2.4.2 Prosecution of Traffickers*

Those involved in the juvenile judicial process were not involved in or informed about prosecution of traffickers according to interviewed judiciary members.

### *2.4.3 Witness Testimony*

Those involved in the juvenile judicial process echoed the difficulty with victim-witness testimony noted by law enforcement, prosecutors, and service providers. Children exploited through prostitution by a trafficker are not typically willing witnesses as a result of the psychological and physical trauma bonding that occurs with the abuser.

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

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

Following adjudication, a minor receives a disposition and is either released on probation to a responsible parent or sent to a residential facility. However, no facilities specifically designed for rehabilitation of child sex trafficking victims exist in South Florida. Juvenile court judges would prefer not to label domestic minor sex trafficking victims as offenders within the justice system, but see no other way to detain them which they believe is necessary for their own protection. Laws prohibiting secure long-term placement for misdemeanor offenses prevent detaining a victim in a secure facility without first adjudicating the minor as a delinquent.

## **2.5 Florida Department of Children and Families (DCF)**

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### *2.5.1 Custody of a Child*

Florida Statute 985.115 provides that a child can be released to a parent or guardian and, in the event a parent or guardian is not readily available, the child can be released to any responsible adult without certain criminal charges on their record. If no responsible adult can be found, the child will be sent to a foster care contractor agency, like 4 Kids of South Florida in Broward County or His House in Miami, for shelter until the child's guardian can be identified or the court takes custody of the child.

### *2.5.2 Participation in Prosecutions*

DCF is not typically involved in prosecutions of domestic minor sex trafficking victims or the traffickers. CPIS investigators are concerned about minors who are trafficked into prostitution, pornography, and stripping, but under their limited mandate they become involved only if the caregivers of the minor are either involved in the abuse or if the child was abused due to neglect or abandonment. If a parent or caregiver is accused of abuse or sex trafficking, then the abuser is no

longer allowed to have contact with the victim during the investigation.

ChildNet in Broward County reported that they were concerned about felonies committed against children in their care causing them to institute a Crimes Against Children division a couple of years ago. This division is tasked with pursuing legal action against those who commit a felony against a child in the custody of ChildNet. The point person, a former law enforcement officer, works with law enforcement to encourage them to look at other evidence. Children can only be interviewed three times by law enforcement with regard to a sex crime of which they were the victim. Therefore, it is important to conduct those interviews carefully to improve chances of disclosure. ChildNet interviewees approximated that within the last year about 12 youth in their custody were prostituted.

## 2.6 Service Providers

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### *2.6.1 Participation in Prosecutions*

The role of service providers in prosecutions is primarily to work with the victims to stabilize them for the trial and begin the healing process. In addition, service providers can provide testimony on aspects of their involvement with victims, including providing shelter and treatment. In some cases, service providers give expert testimony on commercial sexual exploitation. For example, case managers with Kristi House Project GOLD in Miami-Dade County attend court hearings as advocates for victims and provide expert testimony when necessary.

The most prominently mentioned legal issue raised by social service providers is the stress and re-traumatization that can occur due to the involvement of child witnesses in the criminal justice system. Service providers expressed frustration over the unavailability of victim-centered court processes, such as closed circuit televised testimony or videotaped depositions in lieu of live testimony. This may be a difference between law and practice though as Florida Statutes 92.53 and 92.54 do permit a court to admit videotaped or closed circuit testimony from a victim under 16 years of age if after a hearing the court is convinced of substantial likelihood of emotional or mental harm to the victim if required to testify in open court before the defendant. The request must be raised in a motion to the court and then a hearing must be held to determine the substantial likelihood.

### *2.6.2 Trafficking Statutes*

NGOs and social service providers view prostituted children as victims. However, familiarity with trafficking statutes and other legislation defining these children as victims legally was limited or non-existent, with the exception of Kristi House Project GOLD. Therefore, the identification of children involved in commercial sex as victims is not based on law and the corresponding legal entitlements to services are not necessarily known by service providers. This could be a barrier to full service access and delivery to the victims.

## 2.7 Conclusions

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Traffickers are prosecuted and punished for child sex trafficking under both federal and Florida law. Trafficking cases can be investigated at a local and federal level and prosecuted at either the state or federal level. The initial anti-trafficking laws in Florida focused on enhanced criminal prosecutions of traffickers, while more recent additions to the law have sought to increase protections and benefits for victims.<sup>32</sup>

Child sex trafficking victims are often prosecuted as juvenile delinquents for prostitution by prosecutors in the Juvenile Division of the State Attorney's Office. If charges are not pursued in juvenile court, then Florida law does not allow the court to have jurisdiction to supervise the youth. Furthermore, if the court releases the child she will likely run back to the trafficker as she is trained to do, therefore the judiciary feels compelled to detain the child for her own safety when possible. This dilemma is the cornerstone of the dysfunction in the child juvenile justice system in Florida in its response to child sex trafficking victims. However, it does not help the child nor is justice served when the child is convicted of prostitution when she is really a victim.

New York's Safe Harbor Act is a model that Florida should follow. The State of New York passed the Safe Harbor Act on June 23, 2008. The Safe Harbor Act allows for the presumption that a child under 16 years of age who is charged as a juvenile delinquent for a prostitution offense is a severely trafficked person under the federal Trafficking Victims Protection Act (TVPA). This presumption permits the child to avoid criminal charges of prostitution and instead be considered a "person in need of supervision." In addition, each county in New York is required to provide both a short-term safe house and a 24-hour crisis intervention program with access to medical care. Florida should further improve upon the New York model by legislating that any child under 18 years of age found in prostitution or any form of commercial sex act is a "person in need of supervision," rather than being charged with the crime of prostitution. This harmonization of age with regard to the victim would reduce the already confusing disparity between several statutes regarding age of consent to sexual activity, sexual offenses against a minor, and the state and federal sex trafficking of a child statutes.

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<sup>32</sup> Fla. Stat. § 787.06 (2008).



## III. Protection

The key to protection of the child victim of sex trafficking is an environment of stability and relationships of trust throughout the rescue and restore process. Rescue is vital to remove the minor from the abusive environment, but it is critically important to rescue without re-traumatizing the child. Although there is debate over the best process and place for restoration, victim security away from a trafficker is a necessity. Specialized treatment, medical testing, counseling, and education all affect the success of victim restoration.

### 3.1 Law Enforcement

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#### *3.1.1 Rescue*

Law enforcement agencies seek to protect at-risk children and rescue potential victims of domestic sex trafficking by conducting street sweeps. The Missing Persons Unit of the Miami-Dade Police Department conducts sweeps searching for children exploited by traffickers through street prostitution. However, no sweeps have been conducted for over a year due to a lack of funding. A sergeant for the Miami-Dade Police Department states that there must be a safe and secure place to take the youth after a sweep is conducted, but none currently exist. BSO officers also stated there was no secure place to take a child found in prostitution, rejecting the suggestion to take the child to a shelter as they felt the child would run away again as soon as they had showered and eaten.

#### *3.1.2 First Priority and Response*

Law enforcement officers are frequently the first responders to a case of child sex trafficking, therefore it is critical that they are prepared to treat these children as victims. Child victims may exhibit hostility towards the officers, due to the psychological and physical control of a trafficker, use of drugs, and fear. Sensitive investigation techniques and strong partnerships with qualified service providers are integral tools in the successful investigation of the crime and the stabilization of the child.

Interviewees noted that law enforcement's first priority is to remove the minor from the dangerous and abusive situation. Other than detention, which requires charging the victim with prostitution or another delinquency offense, law enforcement officers have no alternative tools available for safe and secure shelter to offer victims in South Florida. At times, the minor is charged with a misdemeanor violation for some other offense and taken to the JAC for processing. A minor's legal guardians, either the child's parents or DCF, are standardly contacted. Unfortunately, a return to the home is not always the best placement for a prostituted child as the majority of child sex trafficking victims suffered sexual exploitation in the home which led to her running away. Also, the trafficker likely knows the child's home address and will simply recapture her.

If a domestic minor sex trafficking victim were to be viewed as harmful to herself, it would be possible for the child to be held for involuntary stabilization at an inpatient psychiatric facility for up to 72 hours under Florida's Baker Act.

### *3.1.3 Resources Available*

While law enforcement agencies in both Miami-Dade and Broward County stated repeatedly that they would like to rescue and protect child victims of sex trafficking, the options are limited in terms of resources. The lack of a secured shelter in South Florida allows victims to run from their placement, posing a risk to investigations that rely on the information from the victims. This lack of secured shelter has caused inappropriate placement of victims in juvenile detention facilities.

Many law enforcement officers expressed frustration that they did not always know what to do with child victims of sex trafficking. Short-term, non-secure shelter solutions are available and law enforcement agencies often rely on local shelters to take over the protection of victims. However, many local shelters are understandably ill equipped and reluctant to house victims given the nature of a child victim as a flight risk and the danger traffickers pose to the facility.

### *3.1.4 Access to Services*

Both federal and local law enforcement agencies have victim advocates who connect victims to various community services. In Broward County, law enforcement advocates from across the county and regionally come together as the Broward Victims' Rights Coalition. These advocates connect victims with services and shepherd them and their families through the law enforcement investigation and trial process. Advocates have also trained law enforcement officers and CPIS investigators, though advocates interviewed stated that much more training is needed to raise the issue of domestic minor sex trafficking up in priority at the law enforcement level.

Florida law provides guidelines for the fair treatment of victims and witnesses in the juvenile justice system. Further, Florida law authorizes a direct-support organization to assist victims of adult and juvenile crime as well as designating a Victims Compensation Trust Fund. Injured crime victims may be eligible for financial assistance for medical care, lost income, mental health services, funeral expenses, and other out-of-pocket expenses directly related to the injury. If needed, victims can also be referred to support organizations within their home area. Unfortunately, victims may become ineligible for this compensation if they are arrested for prostitution, trespassing, drug possession, or other charges. Therefore, many victims in Miami-Dade and Broward counties do not qualify for compensation.

## **3.2 Prosecutors**

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### *3.2.1 Resources Available*

Prosecutors in Miami-Dade and Broward County do not have a specific protocol for protecting victims of domestic minor sex trafficking during interviews and trial preparation. However, social workers work with prosecutors in this respect. Prosecutors commented that services are not easy to access for victims and long-term solutions are extremely limited. Federal, state, and some local law enforcement agencies have victim advocates who are able to connect child sex trafficking victims to community services, from shelter to counseling. Additionally, state and federal prosecutors have victim witness coordinators who shepherd victims through the complex and complicated trial process. The victim

witness coordinators also have funding to provide services and shelter throughout the trial process.

Safe placement of the victim before and during trial is a great concern for the prosecutors. Juvenile court prosecutors expressed disappointment that law enforcement and judges may turn to detention as a secure placement for victims. Generally, law enforcement wants to place them somewhere secure for protection, and victim advocates, also wanting protection, do not want the victims incarcerated. Prosecutors commented that the determination to treat these children as victims paired with the desire to protect them from revictimization sometimes leads to their placement in a psychiatric facility. Though most prosecutors agree that a psychiatric facility is not the ideal placement, the environment does ensure access to counseling and protection from running away.

### *3.2.2 Interviewing*

Live victim testimony is required at trial in almost all circumstances under Florida state law (exceptions exist for children under 16 years of age at the discretion of the court, see F.S. 92.53 and 92.54). Miami prosecutors in the Sexual Battery/Child Abuse Unit are on call to provide direction and feedback on criminal investigations. Kristi House, a child advocacy center, houses the Miami-Dade State Attorney's Office Sexual Battery/Child Abuse Unit and helps to implement victim-sensitive measures throughout the trial process. Kristi House receives referrals from the State Attorney's Office regarding children involved as victims in an allegation of sexual abuse. Kristi House provides consultation, case coordination, case management, therapy referral, and emergency food assistance. A Kristi House case coordinator provides system management for the family by informing the family of upcoming court proceedings and attending those proceedings as a child and/or family advocate when necessary. Kristi House staff performs forensic interviews with child victims. Interviewees stated that these measures not only foster trust and avoid revictimization of a child, but also assist with the credibility of a victim's testimony, as multiple interviews often create damaging discrepancies in testimony.

Unfortunately, no child advocacy center with comprehensive assistance like Kristi House exists in Broward County, though the Sexual Assault Treatment Center provides some level of care followed by the legal and trial assistance provided through the Legal Aid Service of Broward County's Child Advocacy Program which represents at-risk and exploited children in court proceedings. Guardians ad litem also work to assist children in court proceedings, representing what is in the child's best interest.

The State Attorney's Office victim witness coordinators are responsible for the support of the trial attorneys in the unit by assisting with victim witness contact, on-going intervention up through trial, and final disposition. In addition, the victim witness coordinators arrange for any needed crisis intervention. A sex trafficking victim who has been charged and released on probation is contacted by prosecutors through the probation officer for interviewing and retrieving testimony throughout the trial. Prosecutors can also gain access to the minor for interviewing through phone calls or mail, just as they do with victims in other criminal cases.

## 3.3 Juvenile Justice System

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### 3.3.1 Assessments

The Department of Juvenile Justice uses an assessment and treatment tool called Positive Achievement Change Tool (PACT), which assists in identifying priorities for intervention. The four basic objectives are to determine a youth's level of risk for re-offending, identify the risk and protective factors linked to criminal behavior, develop an automated case management plan focused on reducing risk factors and increasing protective factors, and allow managers to determine if targeted factors change as a result of the court's intervention.

### 3.3.2 Detention

According to Aggie Pappas, Executive Director of the PACE Center for Girls in Broward County, Florida incarcerates girls at a higher rate than any other large state. Further, delinquency cases are almost twice that for the nation as a whole. Girls enter the juvenile justice system as victims of violence—68% in DJJ residential programs in Florida have experienced physical or sexual abuse or neglect. A one-year, approximately \$12,500 investment in the life of an at-risk girl can avert the average \$44,000 per year cost to taxpayers if a victim ends up in the juvenile justice system.<sup>33</sup>

Minors appear before the court within 24 hours of arrest, at which time the juvenile judge decides whether there is a need for continued detention. In most cases, Florida law sets a 21-day limit to secure detention pre-adjudication, but those charged with serious offenses can be held up to 30 days. Minors may be sent to home detention or secure detention. Youth on home detention status are released to their guardians. The judge specifies the conditions of home detention that the youth is to follow, such as mandatory school attendance and curfew. Youth placed in secure detention have been assessed as a risk to public safety and must remain in a physically secure detention center while awaiting court proceedings. Serious juvenile offenders can also be held in secure detention post-adjudication, while awaiting placement in a residential corrections facility.

The Department of Juvenile Justice operates 26 juvenile detention centers in 25 counties with a total of 2,057 beds. The detention centers provide custody, supervision, gender-specific programming, education and post-adjudication mental health and substance abuse services to juveniles. Juveniles are not placed based on their home county; instead placement is based on treatment need. While in detention, minors are able to attend classes and make progress in school. Some minors are able to make up for lost time in school. If a minor would like to obtain a GED, the educational staff at the juvenile facility will help the child prepare for examination.

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<sup>33</sup> PACE Center for Girls Annual Report at <<http://www.pacecenter.org>>.

## 3.4 Juvenile Court Judges

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### 3.4.1 Victim Typology

Juvenile court judges expressed concern over whether child sex trafficking victims are being identified properly and how this affects their access to services. Judges considered minors charged with prostitution as “willing victims,” although detained as offenders. The court system in both counties recognize children who have been exploited through prostitution as victims, but one judge expressed concern that other entities may mislabel these children through insensitivity to the issue of domestic minor sex trafficking, dangerously effecting the placement of the child and making access to services for the victim unlikely.

Juvenile court judges characterize the majority of sex trafficking victims that appear before the court as teen females, although a few young boys have also been adjudicated. Judges stated that most victims have witnessed or experienced sexual abuse and the majority of victims come from broken homes. A disproportionate amount of minority youth appears before the court for involvement in prostitution, although this issue touches minors of all demographics. Judges commented that an adult, commonly male, is almost always involved in the prostitution of a minor.

### 3.4.2 Victim-Centered Procedures

Florida Statutes 92.53 and 92.54 permit the court to allow videotaped or closed circuit televised testimony of a child under 16 years old upon the motion and finding that there is a substantial likelihood that the child would suffer at least moderate emotional or mental harm as a result of testifying in open court with the defendant present.

### 3.4.3 Availability of Services

A judge will order a comprehensive behavioral assessment when concerned about a youth engaging in high-risk behavior, such as prostitution. If further evaluation of the minor is needed or if the judge feels that inpatient psychiatric care may be needed, a SIPP evaluation is completed. Based on this evaluation, the judge could order that a minor involved in prostitution be sent for mental health treatment at a locked psychiatric treatment facility. Often, the evaluations for those exploited through prostitution do recommend inpatient treatment because of the high risk of self-harming behavior of the minor. Some success has been seen with this process. In spite of this protocol, some minors have returned to their trafficker only months after leaving a SIPP program. Nonetheless, judges state that providing services to child victims through a SIPP program is the most viable procedure currently available in Florida.

Judges expressed a preference for reuniting minors with families and providing services in a home and community setting, as opposed to detention or residential treatment. Unfortunately, the reality is that many child victims are a flight risk and do not have responsible parents or guardians, thus requiring treatment in a secure facility at the start of their restoration. Neither adequate community-based services nor residential treatment services are sufficient for the specialized needs of victims of sex trafficking, and a treatment model for rehabilitation would prove beneficial. Judges identified the creation of a long-term placement facility for females in South Florida as a priority, as none currently exist.



## 3.5 Department of Children and Families (DCF)

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### *3.5.3 DCF Florida Abuse Hotline*

According to Florida Statute Section 39.301 on the Initiation of Protective Investigations, the Department of Children and Families has certain responsibilities to protect children. First, upon receiving a report of child abuse, abandonment, or neglect, or that a child is in need of supervision and care and has no parent or guardian available to provide supervision and care, a staff member with the Florida Abuse Hotline determines when to deliver an onsite protective investigation. Hotline staff then forwards allegations of criminal conduct to the law enforcement agency where the alleged conduct occurred.

Starting May 1, 2009 the DCF Florida Abuse Hotline included human trafficking as a new maltreatment code. The DCF Protections for Child Victims for Human Trafficking Working Group trains hotline staff to recognize and identify potential human trafficking victims. When a staff member takes a call, he or she determines whether the conduct meets the statutory condition for an investigation. Even if a caller does not use the term “human trafficking” the staff member should be able to include notes describing behavior that may constitute human trafficking. If the call is not initially coded as human trafficking, it can be later classified as human trafficking by the child protection investigator. This new classification allows the hotline staff to take a call that might not have otherwise been taken and labeled correctly. However, the new maltreatment code does not differentiate between foreign born and domestic victims.

### *3.5.2 Child Protective Investigators*

Previously, child protective investigators were not directly involved in the rescue or restoration of child victims of sex trafficking unless there was an issue of abuse and neglect in the home. If the caregiver was suspected to be the abuser, CPISs investigated to determine if the minor should be sheltered or the abuser removed from the residence. They would also coordinate treatment services with either the minor’s caregivers or DCF. However, it is now expected that CPIS will have an active role in investigating and protecting child victims because of the new training protocols and indicator tools created by the DCF Protections for Child Victims for Human Trafficking Working Group and the human trafficking maltreatment code for the hotline.

### *3.5.3 Community Based Care Providers*

Since 1999, all of Florida has had privatized community-based care, resulting in more available funds, smaller child protection agencies that function better, and a quicker response to urgent needs. Interviewees noted that the privatized organizations are able to attract more qualified case managers, and there is improved coordination between the child protective investigators and law enforcement. Child protective investigators and law enforcement officers take abuse reports together whenever possible when the abuse involves caregivers.

One of the strengths of the privatization of DCF services is the addition, by comprehensive, community-based networks, of service providers who are equipped to manage and deliver all needed services to meet the needs of child victims and their families. Our Kids in Miami-Dade County and ChildNet in Broward County both have a comprehensive network of service providers that work



for the children in their care. Service providers recognize that after the privatization of DCF, more children are being referred for services. As a result, fewer children are bouncing from shelter to shelter with untreated issues. However, no special services exist under the DCF umbrella for victims of domestic minor sex trafficking.

No formal protocols for dealing with sex trafficking exist. In the absence of a specific protocol at DCF for management and treatment of child sex trafficking victims, community based care providers follow established procedures that do not account for the specific trauma of commercial sexual exploitation. Additionally, community based care providers report that due to inadequate placement options, domestic minor sex trafficking victims placed in foster care frequently run away and return to their traffickers.

## 3.6 Service Providers

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### 3.6.1 Funding

Lack of funding to provide services to domestic minor sex trafficking victims and develop restorative programming is the main hurdle that the service provider community in the South Florida area is facing. This lack of funding for child victim services is compounded by the restriction on funds made available through the mandate of the federal TVPA to foreign national victim services only. As a result, non-profit organizations face a dilemma in wanting to serve child sex trafficking victims, but only having access to the funds needed for these services if the victim is a foreign national victim of human trafficking.

Another source of funding that has been largely foreclosed to victims of domestic minor sex trafficking due to the criminalization of these victims is the Victim of Crime Compensation Fund. Intended to provide funds for mental and physical health care, relocation assistance and immediate needs stemming from the victimization of a person as a result of a crime perpetrated against them, children charged and adjudicated for prostitution have technically committed the crime that victimized them, thereby disqualifying themselves for these funds. The Act requires that the victim fully cooperate with law enforcement, the state attorney's office, and the Attorney General's office (an exception can be made for diagnosed duress or mental illness). The victim must not have been engaged in an unlawful activity and the victim must not have contributed to his or her own injuries. These three eligibility requirements are usually not able to be complied with by a victim of child sex trafficking who is usually only identified as such through an arrest and conviction for prostitution. This funding hole has been closed by some states. Interestingly, Florida legislation recently passed that specifically added children under 18 years who have been victims of online sexual exploitation or pornography to the eligible recipients of victim of crime funds under the Victims Compensation Trust Fund—this may be another gap as many of these newly added victims will have been prostituted as well.<sup>34</sup>

Victim of Crime Compensation Fund eligibility can bring with it a danger, warned one domestic violence counselor in Broward County. A 16-year-old girl presented at the domestic violence shelter

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<sup>34</sup> HB 605, An Act relating to Exploited Children, amending various statutes and adding protections. <[http://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?FileName=\\_h0605e1.xml&DocumentType=Bill&BillNumber=0605&Session=2008](http://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?FileName=_h0605e1.xml&DocumentType=Bill&BillNumber=0605&Session=2008)>. Accessed on June 25, 2009.

seeking the \$1,500 VOCA funds to which victims of domestic violence are entitled. Upon further inquiry, the counselor learned that the girl's pimp trafficker had beaten her specifically to collect these funds—evidence that the pimps are driven by the profit and will use the girls in any manner possible to maximize the profit. In this case, the Fort Lauderdale police were contacted and the minor was taken for return to her home in New York.

### *3.6.2 Shelter and Placement Options*

South Florida does not have a shelter that adequately meets the most critical needs of a child sex trafficking victim. There is no emergency shelter or transitional housing options specifically designed for these victims. Most youth shelters in Florida are licensed as a childcare facility, which limits the minor to 30 days of care unless a clinical need is documented. Runaway teens can be released to legal guardians or their representatives (with proper documentation). Interviewees noted that the absence of shelter for victims is a continuing problem for service providers. Accordingly, the lack of available beds and safety considerations are hurdles in finding a safe placement for child victims once identified.

Miami Bridge Youth and Family Services in Miami-Dade County offers prevention and intervention services to assist children who are runaway, truant, abused, neglected or in need of temporary shelter care. A staff member from Miami Bridge reported that sometimes teens with a history of sexual exploitation will runaway with other children in the shelter, putting both children at risk for future exploitation. For example, one girl reportedly under control of a pimp convinced a boy at the shelter to flee with her to New York. Once they arrived to New York, the girl disappeared and the boy called the Miami Bridge for help to return to Miami. Staff members facilitated his safe return. Interviewees noted that though the Miami Bridge provides valuable services to at-risk children, the facility is ill equipped to provide services to child sex trafficking victims, and these victims should be separated from the general population.

In Broward County, Covenant House shelters runaways and homeless youth under 21 years of age. Covenant House offers counseling, case management, transportation assistance and referrals for services. Recently the capacity at Covenant House was reduced from an ability to house 104 youth to the current capacity of just 68 youth. Now there is a waiting list for shelter and all referral services such as law enforcement, social services, or guardians must call ahead for availability.

Homeless outreach advocates, LoveBags, carry the Homeless Survival Guide created by the Broward County Public Schools containing general shelter and services resources on their outreach. None of the shelters listed is specifically designed for victims of domestic minor sex trafficking. Each shelter needs to be aware that sex trafficking victims are likely to be within the vulnerable populations they serve.

Law enforcement officers reportedly will take teens exploited through prostitution to the Miami Bridge or Covenant House to avoid taking them to the Juvenile Assessment Center (JAC) which requires charging the child with prostitution. Interviewees commented that the problem with this solution is that these victims often walk out the shelter doors to an awaiting pimp outside because neither shelter is secure. Interviewees from the shelters state they cannot lock the doors because of the requirements under Florida law.

Other possible placement options exist for victims of domestic minor sex trafficking victims, but those facilities may not have previously been made aware of the possibilities to serve victims. For example, Florida Baptist Children's Homes is a faith-based, nonprofit organization that provides basic care (not therapeutic services) for children. The average age of children is 14 to 15 years old and most are dependency cases. They have six residential group-care facilities throughout the state including a staff-secure facility in South Miami. Florida Baptist Children's Homes provides case management, spiritual counseling, foster care, adoptions, and maternity care/counseling to approximately 20 children at a time. Also, Miami Metro Mercy House is a faith-based organization that provides maternal home care services for pregnant teens and has a six-bed home care facility.

### *3.6.3 Counseling and Programming*

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

Counseling and mentoring focused on the specific traumas experienced as a result of sex trafficking and other forms of sexual exploitation is offered to commercially sexually exploited children through Project GOLD at Kristi House. In Miami, Project GOLD provides child victims with court advocacy, case management, trauma-based therapy, clinical support, as well as youth leadership and fellowship programs. The youth leadership model curriculum consists of 21-weekly sessions and is designed to empower girls with interpersonal skills and knowledge about socio-political issues that affect them on a daily basis in order to help them to stay safe and free from violence and exploitation.

In Broward County, the PACE Center for Girls, is a non-profit organization that provides a non-residential program for at-risk girls ages 11 to 17 who are identified as dependent, truant, runaway, ungovernable, delinquent, or in need of academic skills. The center does not currently have a program for domestic minor sex trafficking victims. PACE (Practical Academic Cultural Education) accepts referrals from the juvenile justice system, the Department of Children and Families, school personnel, community services agencies, parents, family members, friends, and self-referrals. Its purpose is to intervene and prevent school withdrawal, juvenile delinquency, teen pregnancy, substance abuse, and welfare dependency. Every girl at PACE sets individual educational and social goals that are focused on earning a high school diploma or GED, re-entering public school, attending college, getting vocational training, joining the military, or entering the private workforce. After program completion, PACE continues to monitor each girl's educational and personal development with three years of follow-up case management. The Pace Center for Girls in Broward served 181 girls in 2007-2008. The center currently serves 77 girls, 70% of whom live in neighborhoods with higher than average crime rates, 15% reported using drugs and alcohol prior to coming to PACE, 9% had run away prior to coming to PACE.

### *3.6.4 Prior Sexual Abuse*

Service providers agree that child sex trafficking victims are often vulnerable youth who grew up in abusive and severely neglectful situations. Most believe that victims had experienced sexual abuse prior to being commercially sexually exploited by a trafficker. Under-treating children who have been sexually victimized leads to greater likelihood that those children will be commercially sexually exploited or trafficked when they are adolescents. Child victims are more responsive to treatment than adolescents who have been repeatedly victimized and are under the influence of a trafficker.

### *3.6.5 Connect to Protect (C2P)*

Connect to Protect (C2P) is a nationwide group dedicated to researching how youth and their communities are affected by HIV/AIDS. In Fort Lauderdale the C2P team operates out of the Broward Children's Diagnostic and Treatment Center and in Miami, the C2P team operates out of the University of Miami Miller School of Medicine. Both the Fort Lauderdale and Miami C2P teams of community partners care for teens with HIV, search for ways to keep HIV from spreading among young people, and make sure that adolescents and young adults are represented in research ranging from HIV prevention to treatment and care. The two C2P teams develop community-specific programs to reduce the spread of HIV among young people and have identified teens exploited through prostitution and sex trafficking as an important audience to reach. The C2P teams draw from federal, state and local resources to identify at-risk youth and at the same time create a profile of the community resources that are available to them. Researchers and community partners collaborate with the C2P teams to zero in on the prevention strategies that are most needed to protect the health of Fort Lauderdale and Miami's youth.

## **3.7 Conclusions**

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There is no emergency shelter or transitional housing options specifically designed for domestic minor sex trafficking victims in South Florida. The fact that neither Miami-Dade nor Broward County has a place to protect and safely house victims severely impedes the investigation of the trafficker and the delivery of services to the victims. Law enforcement officers do not currently have a place they can safely take victims without charging them with a crime. If a placement option existed for these victims, they would more likely feel secure and avoid running away again. More long-term shelters are needed, as none currently exist that are tailored to this specific population. As these type of long-term transition housing options can usually only house six to eight victims, more organizations are needed to develop plans for long-term housing.

Based on psychiatric evaluation (SIPP), a juvenile court judge can order that a minor involved in prostitution be sent for mental health treatment at a locked psychiatric treatment facility. Often, the evaluations for those involved in prostitution recommend inpatient treatment because of the high-risk of continuing self-harming behavior of the minor. Some success has been seen with this process. However, the PACE Center for Girls is a better and more successful alternative to juvenile detention with an impressive record of more than 90% of graduates not becoming involved further in the DJJ system.

The Florida Department of Juvenile Justice could benefit from a program similar to the Letot Center in Dallas, Texas. The Letot Center acts as a central service delivery system for runaway youth. The building also houses a 24-hour Intake Assessment Unit for central intake of runaway youth, a foster care program, and non-residential services which provides individual, group and family counseling to youth.

There are a lack of services and programs that address the trauma and commercial sexual exploitation specific to the restoration of child sex trafficking victims. Traffickers will manipulate a victim by insisting that her family has abandoned her and no one else will care for her. Traffickers isolate the victim from family and friends and will threaten to kill the victim or family members. Some will “initiate” victims by violent gang rapes. Traffickers will force victims to take drugs or alcohol leading to frequent addiction and dependency. They beat, burn, abuse, and starve victims. Traffickers use physical and psychological abuse to control their victims. The psychological abuse makes it difficult for child victims to self-identify. Often times a victim will liken her relationship with the pimp to a “boyfriend.” The victim sees the trafficker as a caregiver. Traffickers will use debt bondage as a way to manipulate and control the victim. For example, a pimp may insist that a victim owes him a debt of \$30,000 before he will let her go. Victims are entitled to safety, privacy, legal representation, restitution, civil compensation for damages, medical assistance, residency and therapeutic treatment. Project GOLD in Miami is the only organization with specific restoration programs for commercially sexually exploited children, but is only able to serve victims in Miami-Dade County. The community needs a similar organization in Broward County.





## IV. Recommendations

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

- 1. The Florida statute on human trafficking should be harmonized with the federal Trafficking Victims Protection Act of 2000 (TVPA) in regard to domestic minor sex trafficking.* The Florida human trafficking statute does not clarify that fraud, force, or coercion by the trafficker are not required elements of the crime when the victim of sex trafficking is under 18 years of age. Furthermore, the crime of sex trafficking a minor is found in the prostitution statutes – further cementing the misunderstanding that sex trafficking of a child is a crime against the child of human trafficking. Confusion could be reduced by harmonizing the state and federal human trafficking statutes and bringing together the Florida statute on human trafficking and that of sex trafficking of a child, sending a clear deterrent message to traffickers that the state is serious about viewing child sex trafficking as a human trafficking crime.
- 2. New York’s Safe Harbor Act is a model that Florida should follow.* The State of New York Safe Harbor Act allows for the presumption that a child under 16 years of age who is charged as a juvenile delinquent for a prostitution offense is a trafficked person allowing the child to avoid criminal charges of prostitution and instead be considered a “person in need of supervision.” In addition, each county in New York is required to provide both a short-term safe house and a 24-hour crisis intervention program with access to medical care. Florida should further improve upon the New York model by legislating that any child under 18 years of age found in prostitution or any form of commercial sex act is a “person in need of supervision.” This harmonization of age with regard to the victim would reduce the confusing disparity between several statutes regarding age of consent to sexual activity, sexual offenses against a minor, and the state and federal sex trafficking of a child statutes.
- 3. The Victims Compensation Trust Fund eligibility restrictions should be amended to recognize the dual status of a child sex trafficking victim.* Florida law authorizes a direct-support organization to assist victims of adult and juvenile crime as well as designating a Victims Compensation Trust Fund. Injured crime victims may be eligible for financial assistance for medical care, lost income, mental health services, funeral expenses, and other out-of-pocket expenses directly related to the injury. If needed, victims can also be referred to support organizations within their home area. Unfortunately, victims may become ineligible for this compensation if they do not fully cooperate with law enforcement, the state attorney’s office, and the Attorney General’s office or if they were engaged in an unlawful activity or contributed to his or her own injuries. As child sex trafficking victims are often arrested for prostitution, trespassing, drug possession, or other charges before being identified as a victim of domestic minor sex trafficking, many victims in Miami-Dade and Broward counties will not qualify for compensation. This disconnect between the crime of prostitution and the victimization through prostitution must be addressed in order for domestic minor sex trafficking victims to be treated justly as victims of a crime against them.
- 4. Training must be prioritized for first responders.* Training on human trafficking is mandated by Florida statute, however resources and competing priorities have resulted in inconsistent levels of training, if any, across the state. Law enforcement must be trained to recognize a prostituted child as a victim of sex trafficking rather than a perpetrator of child prostitution. This is the first opportunity at intervention in the child’s victimization.

*5. Therapeutic, appropriate placement options must be made available for victims of domestic minor sex trafficking.* Law enforcement and juvenile justice professionals report having no placement options when they do identify a victim of child sex trafficking, other than arrest and detention in the juvenile detention facility. This quandary is a barrier to the identification and rescue of a child victimized through commercial sex. Protective, therapeutic shelters must be made available.

## APPENDIX A

### Florida Statutes 2008

#### Chapter 787—KIDNAPPING; FALSE IMPRISONMENT; LURING OR ENTICING A CHILD; CUSTODY OFFENSES

##### 787.06 Human trafficking—

(1)(a) The Legislature finds that human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, teenagers, and adults. Thousands of victims are trafficked annually across international borders worldwide. Many of these victims are trafficked into this state. The Legislature finds that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.

(b) The Legislature finds that while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.

(c) The Legislature finds that traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the most frequently used practices are less obvious techniques that include isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families; telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.

(d) It is the intent of the Legislature that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by this state and its agencies. In furtherance of this policy, it is the intent of the Legislature that the state Supreme Court, The Florida Bar, and relevant state agencies prepare and implement training programs in order that judges, attorneys, law enforcement personnel, investigators, and others are able to identify traffickers and victims of human trafficking and direct victims to appropriate agencies for assistance. It is the intent of the Legislature that the Department of Children and Family Services and other state agencies cooperate with other state and federal agencies to ensure that victims of human trafficking can access social services and benefits to alleviate their plight.

(2) As used in this section, the term:

(a) “Financial harm” includes extortionate extension of credit, loan sharking as defined in s. 687.071, or employment contracts that violate the statute of frauds as provided in s. 725.01.

(b) “Forced labor or services” means labor or services obtained from a person by:

1. Using or threatening to use physical force against that person or another person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine that person or another person without lawful authority and against her or his will;

3. Using lending or other credit methods to establish a debt by that person or another person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
  4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of that person or another person;
  5. Causing or threatening to cause financial harm to any person; or
  6. Fraud or coercion.
- (c) "Human trafficking" means transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.
- (d) "Maintain," when used in relation to labor services, means to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service.
- (3) Any person who knowingly:
- (a) Engages, or attempts to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or
  - (b) Benefits financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services;
- commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (4) The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. After January 1, 2007, every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation.
- (5) Each state attorney shall develop standards of instruction for prosecutors to receive training on the investigation and prosecution of human trafficking crimes and shall provide for periodic and timely instruction.

## APPENDIX B

### Florida Statutes 2008

#### Chapter 796—PROSTITUTION

*796.03 Procuring person under age of 18 for prostitution*—A person who procures for prostitution, or causes to be prostituted, any person who is under the age of 18 years commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*796.035 Selling or buying of minors into sex trafficking or prostitution; penalties*—Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge that, as a consequence of the sale or transfer, the minor will engage in prostitution, perform naked for compensation, or otherwise participate in the trade of sex trafficking, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*796.04 Forcing, compelling, or coercing another to become a prostitute*—

(1) After May 1, 1943, it shall be unlawful for anyone to force, compel, or coerce another to become a prostitute.

(2) Anyone violating this section shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*796.045 Sex trafficking; penalties*—Any person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution, commits the offense of sex trafficking, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the offense of sex trafficking is committed against a person who is under the age of 14 or if such offense results in death.





## APPENDIX C

### Victims of Crime Compensation Trust Fund Guidelines

Expenses covered by the Victims of Crime Compensation Fund include:

1. Wage loss for an employed victim who missed work as a result of the crime or a parent/guardian who had to care for a minor child victim.
2. Loss of support for persons who were principally dependent on a deceased victim who was employed or earned income at the time of the crime.
3. Disability allowance when the victim becomes disabled as a result of the crime.
4. Funeral/burial and related expenses.
5. Treatment expenses for medical or non-medical remedial care or other necessary services.
6. Prescriptions, eyeglasses, dentures, or prosthetic devices needed as a result of the crime.
7. Mental health counseling – up to \$10,000 for child victims.
8. Property loss reimbursement for elderly (age 60 or older) or disabled adults only.
9. Domestic violence relocation assistance for victims who have an immediate need to escape a domestic violence environment.

There are certain requirements of the Victims of Crimes Compensation Fund that may disqualify a DMST victim for these funds. Several of the requirements for eligibility are as follows:

10. Victim must fully cooperate with law enforcement, the state attorney's office, and the Attorney General's office.
11. Victim must not have been engaged in an unlawful activity.
12. Victim must not have contributed to his or her own injuries.



## APPENDIX D

### Florida Statutes 2008 Chapter 985—JUVENILE JUSTICE; INTERSTATE COMPACT ON JUVENILES

#### *985.115 Release or delivery from custody—*

- (1) A child taken into custody shall be released from custody as soon as is reasonably possible.
- (2) Unless otherwise ordered by the court under s. 985.255 or s. 985.26, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:
  - (a) To the child's parent, guardian, or legal custodian or, if the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult. Prior to releasing the child to a responsible adult, other than the parent, guardian, or legal custodian, the person taking the child into custody may conduct a criminal history background check of the person to whom the child is to be released. If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this section. The person to whom the child is released shall agree to inform the department or the person releasing the child of the child's subsequent change of address and to produce the child in court at such time as the court may direct, and the child shall join in the agreement.
  - (b) Contingent upon specific appropriation, to a shelter approved by the department or to an authorized agent under s. 39.401(2)(b).
  - (c) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, to a law enforcement officer who shall deliver the child to a hospital for necessary evaluation and treatment.
  - (d) If the child is believed to be mentally ill as defined in s. 394.463(1), to a law enforcement officer who shall take the child to a designated public receiving facility as defined in s. 394.455 for examination under s. 394.463.
  - (e) If the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse, to a law enforcement officer who shall deliver the child to a hospital, addictions receiving facility, or treatment resource.
  - (f) If available, to a juvenile assessment center equipped and staffed to assume custody of the child for the purpose of assessing the needs of the child in custody. The center may then release or deliver the child under this section with a copy of the assessment.
- (3) Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to the department or as provided in s. 985.13(2), provided no regular sight and sound contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

(4) Nothing in this section or s. 985.13 shall prohibit the proper use of law enforcement diversion programs. Law enforcement agencies may initiate and conduct diversion programs designed to divert a child from the need for department custody or judicial handling. Such programs may be cooperative projects with local community service agencies.

## APPENDIX E

### Florida Statutes 2008 Chapter 92—WITNESSES, RECORDS, AND DOCUMENTS

#### *92.53 Videotaping of testimony of victim or witness under age 16 or person with mental retardation—*

- (1) On motion and hearing in camera and a finding that there is a substantial likelihood that a victim or witness who is under the age of 16 or who is a person with mental retardation as defined in s. 393.063 would suffer at least moderate emotional or mental harm due to the presence of the defendant if the child or person with mental retardation is required to testify in open court, or that such victim or witness is otherwise unavailable as defined in s. 90.804(1), the trial court may order the videotaping of the testimony of the victim or witness in a case, whether civil or criminal in nature, in which videotaped testimony is to be utilized at trial in lieu of trial testimony in open court.
- (2) The motion may be filed by:
  - (a) The victim or witness, or the victim's or witness's attorney, parent, legal guardian, or guardian ad litem;
  - (b) A trial judge on his or her own motion;
  - (c) Any party in a civil proceeding; or
  - (d) The prosecuting attorney or the defendant, or the defendant's counsel.
- (3) The judge shall preside, or shall appoint a special master to preside, at the videotaping unless the following conditions are met:
  - (a) The child or person with mental retardation is represented by a guardian ad litem or counsel;
  - (b) The representative of the victim or witness and the counsel for each party stipulate that the requirement for the presence of the judge or special master may be waived; and
  - (c) The court finds at a hearing on the motion that the presence of a judge or special master is not necessary to protect the victim or witness.
- (4) The defendant and the defendant's counsel shall be present at the videotaping, unless the defendant has waived this right. The court may require the defendant to view the testimony from outside the presence of the child or person with mental retardation by means of a two-way mirror or another similar method that will ensure that the defendant can observe and hear the testimony of the victim or witness in person, but that the victim or witness cannot hear or see the defendant. The defendant and the attorney for the defendant may communicate by any appropriate private method.
- (5) Any party, or the court on its own motion, may request the aid of an interpreter, as provided in s. 90.606, to aid the parties in formulating methods of questioning the child or person with mental retardation and in interpreting the answers of the child or person with mental retardation throughout proceedings conducted under this section.

(6) The motion referred to in subsection (1) may be made at any time with reasonable notice to each party to the cause, and videotaping of testimony may be made any time after the court grants the motion. The videotaped testimony shall be admissible as evidence in the trial of the cause; however, such testimony shall not be admissible in any trial or proceeding in which such witness testifies by use of closed circuit television pursuant to s. 92.54.

*92.54 Use of closed circuit television in proceedings involving victims or witnesses under the age of 16 or persons with mental retardation—*

(1) Upon motion and hearing in camera and upon a finding that there is a substantial likelihood that the child or person with mental retardation will suffer at least moderate emotional or mental harm due to the presence of the defendant if the child or person with mental retardation is required to testify in open court, or that such victim or witness is unavailable as defined in s. 90.804(1), the trial court may order that the testimony of a child under the age of 16 or person with mental retardation who is a victim or witness be taken outside of the courtroom and shown by means of closed circuit television.

(2) The motion may be filed by the victim or witness; the attorney, parent, legal guardian, or guardian ad litem of the victim or witness; the prosecutor; the defendant or the defendant's counsel; or the trial judge on his or her own motion.

(3) Only the judge, the prosecutor, the defendant, the attorney for the defendant, the operators of the videotape equipment, an interpreter, and some other person who, in the opinion of the court, contributes to the well-being of the child or person with mental retardation and who will not be a witness in the case may be in the room during the recording of the testimony.

(4) During the child's or person's with mental retardation testimony by closed circuit television, the court may require the defendant to view the testimony from the courtroom. In such a case, the court shall permit the defendant to observe and hear the testimony of the child or person with mental retardation, but shall ensure that the child or person with mental retardation cannot hear or see the defendant. The defendant's right to assistance of counsel, which includes the right to immediate and direct communication with counsel conducting cross-examination, must be protected and, upon the defendant's request, such communication shall be provided by any appropriate electronic method.



## APPENDIX F

### Florida Statutes 2008 Chapter 985— JUVENILE JUSTICE; INTERSTATE COMPACT ON JUVENILES

#### *985.255 Detention criteria; detention hearing—*

(1) Subject to s. 985.25(1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee from a residential commitment program; or an absconder from a nonresidential commitment program, a probation program, or conditional release supervision; or is alleged to have escaped while being lawfully transported to or from a residential commitment program.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in subsection (2).

(e) The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.

(f) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(g) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;
2. Has a record of law violations prior to court hearings;
3. Has already been detained or has been released and is awaiting final disposition of the case;
4. Has a record of violent conduct resulting in physical injury to others; or
5. Is found to have been in possession of a firearm.

(h) The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.439. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(2) A child who is charged with committing an offense of domestic violence as defined in s. 741.28 and who does not meet detention criteria may be held in secure detention if the court makes specific written findings that:

(a) Respite care for the child is not available.

(b) It is necessary to place the child in secure detention in order to protect the victim from injury.

The child may not be held in secure detention under this subsection for more than 48 hours unless ordered by the court. After 48 hours, the court shall hold a hearing if the state attorney or victim requests that secure detention be continued. The child may continue to be held in detention care if the court makes a specific, written finding that detention care is necessary to protect the victim from injury. However, the child may not be held in detention care beyond the time limits set forth in this section or s. 985.26.

(3)(a) A child who meets any of the criteria in subsection (1) and who is ordered to be detained under that subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law that he or she is charged with and the need for continued detention. Unless a child is detained under paragraph (1)(d) or paragraph (1)(e), the court shall use the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in subsection (1), shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court.

(b) If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement.

(c) Except as provided in s. 790.22(8) or in s. 985.27, when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in s. 985.26 or s. 985.27, whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted under s. 985.26(4).



## APPENDIX G

### Explanation of United Family Court

The basis Unified Family Court is a mandate given in May 2001 by the Supreme Court of Florida by unanimous opinion, citing twelve guiding principles of a family court as a foundation for defining and implementing a model family court, including:

- Children should live in safe and permanent homes.
- Needs and best interest of children are primary considerations.
- All persons should be treated with objectivity, sensitivity, dignity, and respect.
- Cases with inter-related family issues should be consolidated or coordinated.
- The court is responsible for managing its cases.

Unified Family Court is a fully integrated, comprehensive approach to handling all cases involving children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner. This means that there is coordination of multiple cases involving one family, “One Judge One Family.” Each family has one Judge who hears all of their open cases. This eliminates duplicate hearings and promotes more informed judicial decision-making. This also allows collaboration between the judicial stakeholders and the community to provide access to an array of services for families. Unified Court keeps up to date on all the new and on-going services in the community. The Unified Family Court representative attends and participates in community meetings. This allows them to provide more prompt linkages to services.





## APPENDIX H

/ of Youth through Juvenile Justice System (After Law Enforcement Contact)

