

DOMESTIC MINOR SEX TRAFFICKING

Buffalo, New York



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



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Buffalo/Erie County Assessment

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

July 2008

**Prepared for
Shared Hope International**

By Karen M. Andolina Scott, MSW

Acknowledgements

Domestic minor sex trafficking (DMST) describes horrific activities that traffickers, buyers, and facilitators are perpetrating against victimized youth across the United States, including Buffalo, NY and Erie County. The definition of DMST is derived from the federal Trafficking Victims Protection Act (TVPA) of 2000 and involves the commercial sexual exploitation of U.S. citizen(s) or lawful permanent resident(s) under the age of 18 through prostitution, pornography, or sexual performance exchanged for something of monetary value (e.g., money, food, shelter, drugs). The term, DMST, is purposeful in that it does not glorify or consent to societal tolerance of the commercial sexual exploitation of youth. Finally, it is a term that assigns meaning to what minor victims are dealing with, helping give rise to an understanding of the need for services, rather than punishment. The problem of DMST is complex and daunting. However, in the face of many challenges a diverse coalition of groups and individuals in Buffalo and Erie County are aggressively tackling this issue. These amazing professionals are engaging in remarkable levels of cooperation and communication as they address the issues surrounding prostituted children who pass through the system on a yearly basis.

While this report is specifically designed to identify the gaps and challenges in the identification of and access to services for domestic trafficked minors (DTMs), we also want to acknowledge and applaud the significant progress being made in Buffalo and Erie County. We thank every individual, agency, and organization who participated in this research. Without your energy, dedication, and honesty this report would not be possible. It is our hope that all who read this report will find it to be a springboard to future action in advancing the fight against domestic minor sex trafficking. The social services providers in the Buffalo/Erie County area work around the clock, keeping their own programs and services afloat. When staff encounter DTMs they potentially provide the first opportunity to embrace love, structure, and dignity. Social service providers are the critical link to building trust with the DTMs and to offering the services necessary to prepare them for proper assistance with investigations and a restored life outside of sex trafficking.

Further acknowledgments are given to all the individuals who participated and shared their voices regarding the shortcomings of the identification and treatment/services available for DTMs. Despite these deficiencies, because of their work and dedication, DTMs are able to live as survivors, becoming empowered and self-sufficient adults.

Special thanks and appreciation is given to the members of the Western District New York Human Trafficking Task Force & Alliance (WDNY HTTFA). The WDNY HTTFA's training of law enforcement and service agencies on issues of DMST is invaluable, as it provides the tools needed to correctly identify and provide services for DTMs. Furthermore, the ability of these entities to work together across disciplines and jurisdictions is to be commended. Their commitment is critical in the fight against DMST in Buffalo and Erie County, as is their continued effort to train any government, private, or non-profit agency that may come into contact with at-risk populations.

Thank you also to the Erie County Family Court and Buffalo City Court Judges who participated. Without receiving specific training on DMST, they are able to view potential DTMs who come before them as persons in need of services and not only as juvenile delinquents (JDs) or criminals, respectively. Their judicial hand in mandating services is, at times, the only way these victims are able to receive the help they need in an overcrowded system.

Extraordinary acknowledgement is also given to the county attorneys and attorneys for the child who strive to provide appropriate service and placement recommendations for pre- and post-adjudicated per-

sons in need of supervision (PINS) and JDs. Without their commitment to a Family Court system that focuses on providing needed services to the families and youth that come before it, many DTMs would be in detention without any sort of rehabilitation. Furthermore, we greatly appreciate the participation of the attorneys and law clerks who shared the pitfalls and challenges facing DTMs in an adversarial system.

Finally, thank you to those at Erie County Family Court who were instrumental in providing direction and contact with various participants. Your kindness and devotion are greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen M. Andolina Scott".

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Law Student at the University at Buffalo Law School

A handwritten signature in cursive script, appearing to read "Linda Smith".

Linda Smith, Founder and President
Shared Hope International

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EXECUTIVE SUMMARY

Domestic minor sex trafficking (DMST) is the commercial sexual exploitation of children who are United States citizens or lawful permanent residents and are used in prostitution, pornography or sexual performance for monetary or non-monetary compensation (e.g., shelter, food, drugs). DMST is viewed as the single most under-reported, under-identified, and most severe form of sexual exploitation that children are facing today.¹ Stopping the trafficking of children for the purposes of commercial sexual exploitation has become an important focus for the United States government. The federal Trafficking Victims Protection Act (TVPA) of 2000, including subsequent reauthorizations, has defined all minors under the age of 18 who are “recruited, transported, harbored, provided or obtained for the purpose of a commercial sex” as victims of trafficking, including minors who are U.S. citizens or lawful permanent residents.² However, the reality is that DMST victims, particularly those engaged in prostitution, continue to be detained in the criminal justice system as juvenile delinquents. Domestic trafficked minors (DTMs) are also retained in the juvenile justice system for offenses that are directly related to their exploitation in the commercial sex industry (e.g., violation of curfew, substance abuse, running away).

Shared Hope International (SHI), with funding from the U. S. Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance (BJA), is researching the access to and delivery of services to DMST victims in ten locations in the U.S., including Buffalo/Erie County, New York. The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the U.S. was developed by Shared Hope International and implemented in Buffalo/Erie County by Karen M. Andolina Scott, MSW and law student at the University at Buffalo Law School. This assessment includes information collected from June 9 – July 3, 2008 through a comprehensive survey of existing research and the completion of 23 interviews from representatives of 15 different organizations and agencies that may frequently interact with potential DMST victims.

Best practices are noted throughout, although it is also the purpose of this report to identify the gaps and challenges that present themselves while working with this difficult population of victims. Buffalo/Erie County has a strong core of government agencies and social service providers who offer interventions to children. Despite this strong core, no specific agency deals with the unique issues DMST victims face. Law enforcement, prosecutors, public defenders, the judiciary, juvenile detention facilities, child protective services (CPS), and non-profit social service agencies all compete for the limited resources present in the community that are equipped to deal with DMST. Furthermore, the ability to appropriately engage this victim population and address the perpetrators of domestic minor sex trafficking increases in difficulty as the minor-victim is unidentified or misidentified and ushered into various governmental systems, such as child welfare or the juvenile justice system.

The rapid assessment (RA) employs the following three factors commonly used as an effective measure 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 Ps is an effort to holistically evaluate other countries’ actions to counter all forms of trafficking in persons. The DOS’ three Ps is applauded for its comprehensive approach to assessing sex trafficking and is therefore used in this assessment as well.

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

² Trafficking Victims Protection Act 2000, P.L. 106-386.

- Prevention of DMST requires identification of prostituted children as victims. The first component in prevention and identification is public awareness. The second component is the training of law enforcement, judiciary, detention staff, and other professionals who interact with domestic minor sex trafficking victims.
- Prosecution of cases against traffickers is essential; it is important that these cases result in convictions with appropriate sentences. Ensuring strong legislation criminalizing trafficking of minors and protecting victims is critical. 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 is also vital.
- Protection requires victim-centered rescue and restoration. Rescue is essential 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 understated. Victim-centered, long-term restoration is essential and includes protective, safe homes combined with appropriate services and programs.

The ultimate goal of this RA is to provide first responders in the Buffalo/Erie County, NY area with a detailed plan of action to build on successful existing practices and fill necessary gaps in the identification and facilitation of services for DMST victims. The methodology and reports can also be used as a tool for other locations wishing to assess their community's needs regarding proper identification and access to services for DTMs.

Key Findings

1. Domestic minor sex trafficking is happening in Buffalo/Erie County.

Despite low identification of DTMs and limited DMST training, a few service providers are identifying DTMs. Hopevale's residential treatment has identified between 70 and 80 domestic trafficked minors since 2000. Compass House has identified and provides services for numerous girls engaging in survival sex, which has also been recognized as a form of DMST under the TVPA of 2000.

2. There is a critical lack of safe and appropriate services and programs.

Domestic trafficked minors (DTMs) face a unique and difficult set of issues as a result of their victimization. Many of these issues require immediate attention, particularly with regards to basic needs as well as medical and mental health issues. In addition, the relationship between trafficker and victim requires special attention. Without addressing the power a trafficker has over his victim, a DTM may be easily revictimized. Victims of DMST also require educational opportunities and life skills in order to break free from exploitation.

Currently, there are no programs or services in Buffalo/Erie County that specifically address the distinctive needs of DMST victims. While a variety of providers use intervention methods to address the issues faced by DTMs, there are no agencies that have a holistic program for this victim population.

3. A more complete training of stakeholders needs to be realized.

Very few participants in the assessment have received training on how to identify DMST victims and this lack of training effects prevention, prosecution, and protection efforts. A few DMST prevention methods have developed in Buffalo/Erie County; however, these are mainly informal and ad hoc. As a

³ H.R. 3244: Victims of Trafficking and Violence Act of 2000. Sec. 103. Definitions. <<http://www.state.gov/g/tip/rls/61124.htm>>. Accessed May 22, 2008.

result, few DMST victims have been identified as such and, as a consequence, there has been very little prosecution of traffickers. The prosecutions that occurred were federal and no buyers or facilitators of DMST have been prosecuted. A lack of identification has also affected rescue and restoration, as holistic interventions that treat DMST victims have not yet been implemented in the Buffalo/Erie County area. Many participants stated that they do not know where to go to receive DMST training. Despite inter-agency collaboration on a variety of issues, agencies are not sharing DMST information with one another, thereby creating service gaps for victims.

4. The New York State (NYS) sex trafficking law does not parallel the federal Trafficking Victims Protection Act (TVPA) of 2000 or its reauthorizations.

NYS law has played a major role in the lack of identification of DTMs because the NYS sex trafficking law does not include language listing anyone under the age of 18 involved in commercial sexual acts as a victim of human trafficking. Furthermore, prostitution laws allow for the criminalization of minors under the age of 18. Because of local practice in Buffalo/Erie County, minors under the age of 16 are not charged with prostitution in Erie County Family Court. Minors who are 16 or 17 have been charged and jailed for prostitution in town and city courts.

5. Traffickers, buyers, and facilitators have not been the focus of prosecutions.

To date, there have not been any prosecutions of traffickers, buyers, or facilitators under the NYS sex trafficking law. There have been very few prosecutions of traffickers at the federal level for domestic minor trafficking and no buyer or facilitator federal prosecutions. Building a case against a trafficker, buyer, or facilitator is very difficult and is an extensive process. Cases must often rely on victim-witnesses who many times are unwilling to testify. This unwillingness may be due to a variety of reasons including (but not limited to) fear of or emotional attachment to the trafficker, being detained, and/or lack of services geared to stabilize DTMs. Victims are also unwilling to come forward because they do not trust law enforcement, prosecutors, and the court. Legal loopholes, such as the requirement of force, fraud, or coercion in the NYS sex trafficking law in order to prove a DMST case, further complicate prosecutions.

6. Caseloads have prevented law enforcement from fully identifying locations where DMST may be occurring.

While RA participants are aware of local geographic locations of prostitution, many agencies have not identified specific areas where DMST is occurring. Some participants think DMST is happening more often with a friend or acquaintance inside the home or for survival. Particularly, this transpires in the context of “couch surfing” which is when a runaway or homeless youth is allowed to stay in the apartment or home of another person. The resident of the apartment or home then requires the child to engage in a sex act in order to stay. Other agencies believe that DMST is happening more often out on the street with strangers. According to interviewees, cyber locations, local strip clubs, and many areas of Buffalo/Erie County have not been investigated yet due to overwhelming caseloads and a lack of resources (specifically manpower). While recent arrests of massage parlor owners have helped make human trafficking cases a priority—or at least worthy of focus of law enforcement agencies—they have also caused law enforcement to concentrate on labor and adult/foreign sex trafficking more than DMST.

7. The public has not been educated on the definition of DMST or how to identify victims.

There have not been any public service announcements, billboards, seminars, or training sessions for the general public concerning DMST. The WDNY HTTF has dispersed pamphlets at the Erie County Fair in the past dealing with human trafficking issues including DMST; however, change in county leadership has halted further DMST education tools. Participants agree that teachers, day care workers, and anyone who may come into contact with potential DMST victims need to be trained in order to increase victim identification.

The media, who have been invited to professionally-oriented training sessions offered by the WDNY HTTE, also need to be educated on DMST so they can report on stories with greater accuracy. Instead of prostitution being glamorized in the press, many participants stated that they would like DMST to be reported on more realistically. Media training would also help educate the general public on the definition of DMST. Because of Buffalo/Erie County's location on an international border and recent arrests dealing with adult/foreign sex trafficking, many residents have a narrow view of what behaviors are considered human trafficking. Furthermore, public education may help New York pass new laws that regard minors as victims instead of criminalizing and revictimizing them.

Conclusion

Limited DMST identification and current NYS sex trafficking and prostitution laws have affected prevention of DMST, prosecution of traffickers/buyers/facilitators, and protection for DTMs. Insufficient victim protection is due to limited rescue and restoration programs that specifically serve DTMs and the complex issues these children face. Most RA participants have not been trained on DMST or how to identify victims. Caseloads prevent law enforcement from fully identifying locations where DMST may be occurring. Moreover, the general public has not been educated on how to recognize DMST or protect children who may be vulnerable. Traffickers, buyers, and facilitators have not been the focus of prosecution, yet 16 and 17 year olds have been prosecuted for prostitution. Also, there are limited safe shelters for victims to access outside of detention and there are no transitional housing programs that target this specific population. Restorative services for this population are also lacking. Although there are many good interventions available to address some of the problems DTMs face, there are no programs that provide holistic and long term restoration.

There are many government agencies and social service providers who are trying to serve this population. Law enforcement and prosecutors in Buffalo/Erie County are not arresting or prosecuting minors under the age of 16 as prostitutes; however, according to interviewees, 16 and 17 year olds are being prosecuted. Erie County Family Court uses diversion programs in order to serve minors and their families without having the minor adjudicated as a juvenile delinquent or person in need of supervision. All service providers agree that they would still offer services to a minor, even if she/he were prosecuted as a prostitute.

These promising practices are met with challenges. Funding is a major issue in creating new programs that specifically serve DMST victims. Even if it is not the majority, public perception of these minors as unsympathetic victims, media portrayal of prostitution as a glamorous endeavor, and the belief by some people that DMST victims involved in prostitution are prostitutes and should be punished while the buyer is not, all play an important role in how DMST is dealt with in Buffalo/Erie County.

Methodology

This project is a Rapid Assessment (RA) of the practices and procedures used to identify and deliver services to domestic trafficked minors (DTMs) in the Buffalo/Erie County area in New York. WDNY HTTFA is funded by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) and Office for Victims of Crimes (OVC) and is a collaboration between victim service providers and law enforcement to address the local problem of human trafficking. Although the WDNY HTTFA includes 17 counties throughout Western New York (WNY) and relies on frequent cross-city and cross-county alliances formed by government entities and social service alliances, this Rapid Assessment will examine domestic minor sex trafficking from Buffalo and Erie County only. This report is based on qualitative and quantitative information provided during interviews with diverse contributors. They interact with DTMs at various stages of their exploitation, with the criminal justice system and/or juvenile justice system, and in the recovery process.

Karen M. Andolina Scott, MSW and law student at the University at Buffalo Law School conducted the research in Buffalo/Erie County for Shared Hope International (SHI). In-depth interviews were guided by *The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States*, a research tool developed by SHI. The complete tool can be accessed at www.sharedhope.org. Specific questions were created for the following seven professional populations that are most likely to come in contact with DMST victims: Law Enforcement, Judiciary (juvenile), Prosecution, Public Defenders, Juvenile Detention, Child Protective Services, and Non-Governmental Service Providers. The protocol for this research was approved by the Western Institutional Review Board (Protocol #20070540).

The research was based on 23 interviews conducted during a three-week time frame from June 16 to July 3, 2008, with one or more representatives from the following agencies and organizations:

- Erie County Sheriff's Office
- Homeless Alliance of Western New York
- Child Advocacy Center
- Compass House
- U.S. Attorneys Office Western District of New York
- International Institute of Buffalo
- Crisis Services (NGO)
- Erie County Family Court
- Buffalo City Court
- Federal Bureau of Investigations
- Teaching and Restoring Youth
- Hopevale
- Erie County Attorneys Office
- Legal Aid of Buffalo
- Erie County Department of Social Services

Interviews were completed in one to three hours. Informed consent was given in writing prior to commencing the interview; when this was not possible to obtain, a Research Subject Information Sheet was provided in accordance with IRB procedures. The information collected during interviews has been summarized to highlight best practices, gaps in current efforts, and challenges in the identification and protection of DTMs. The summaries are followed by recommendations for improved delivery of services to DTMs in Buffalo/Erie County.

The findings in this report will be presented to the WDNV HTTFA and the larger community to assist with developing a plan of action that addresses DMST in the region. The report will also serve as a guide in identifying and bringing services to DMST victims in accordance with the Trafficking Victims Protection Act of 2000 and its reauthorizations.

Great lengths were undertaken to make the following assessment as comprehensive as possible. Unfortunately, several factors placed constraints on both the field interviewer and the interview process. A targeted time frame for the assessment was necessary as it is meant to capture a snapshot of the current situation. Nonetheless, the time frame could have served to hinder the inclusion of professionals who were qualified to speak on the matter of DMST. Additionally, the time frame allowed only limited follow-up questions to the participants. Interviews were diligently sought; however, certain key professionals were not able to participate. In particular, the inclusion of someone currently employed at the District Attorneys Office, the Buffalo Police Department, Juvenile Secure Detention and Probation was not possible for this report. These are identified as limitations within the findings.

GLOSSARY OF ACRONYMS & TERMS

Acronyms

ADDS	Alcohol and Drug Dependency Services, Inc.
CAC	Child Advocacy Center
CPS	Child Protective Services
DA	District Attorney
DJJOY	Division of Juvenile Justice and Opportunities for Youth
DMST	Domestic Minor Sex Trafficking
DOJ	U.S. Department of Justice
DSS	Department of Social Services
DTM	Domestic Trafficked Minor; as defined by the TVPRA 2005
FCA	Family Court Act
FBI	Federal Bureau of Investigation
FST	Family Services Team
ICE	Immigration and Customs Enforcement
JD	Juvenile Delinquent
JDST	Juvenile Delinquent Services Team
NCJFCJ	National Council of Juvenile and Family Court Judges
NGO	Nongovernmental organization
NYC	New York City
NYS	New York State
OCFS	Office of Child and Family Services
OTDA	Office of Temporary and Disability Assistance
OVC	Office for Victims of Crimes
PINS	Person in Need of Supervision
RA	Rapid Assessment
TRY	Teaching and Restoring Youth Program
TVPA	Trafficking Victims Protection Act (2000)
TVPRA 2005	Trafficking Victims Protection Reauthorization Act of 2005
WDNY HTTFA	Western District of New York Human Trafficking and Alliance

BACKGROUND RESEARCH ON DMST IN THE BUFFALO/ERIE COUNTY AREA

The U.S. Government has identified sex trafficking as a major problem worldwide and nationally. In November 2006, the Attorney General announced that the Western District of New York was awarded funding by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) and the Department of Justice, Office for Victims of Crime (OVC) and the Western District of New York Human Trafficking Task Force & Alliance (WDNY HTTFA) was created. Two years later in November 2006, the Attorney General announced that the Western District of New York was designated as a DOJ-funded Human Trafficking District and the Western District of New York Human Trafficking Task Force & Alliance (WDNY HTTFA) was created.

Law enforcement and victim service providers are two essential components of the WDNY HTTFA. In the Buffalo/Erie County area, the lead law enforcement component is the Erie County Sheriff's Office; the victim services component is the International Institute of Buffalo (International Institute). The primary goal of the WDNY HTTFA is to identify and rescue victims of human trafficking through proactive investigation and collaboration among the U.S. Attorneys Office, federal law enforcement, state and local law enforcement, and trafficking victim services providers. The secondary goal is the successful prosecution of traffickers. The TVPA created grant program to the International Institute administered by DOJ, OVC has been restricted to providing services for foreign victims of human trafficking. The collaboration among WDNY HTTFA components is important to their success.

Trafficking Victims Protection Act of 2000

According to the federal Trafficking Victims Protection Act (TVPA) of 2000 "sex trafficking" is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. A "commercial sex act" is defined as any sex act on account of which anything of value is given to or received by any person. The term "severe forms of trafficking in persons" means: (A) sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.³

Therefore, in accordance with the federal TVPA, domestic minor sex trafficking (DMST) is the recruitment, harboring, transportation, provision, or obtaining of a U.S. citizen(s) or legal permanent resident(s) under the age of 18 for the purpose of but not limited to prostitution, pornography, or erotic dancing/stripping. "Payment" for the sex act can be anything of value given to or received by any person (e.g., drugs, food, accommodations, money). For the purposes of this assessment the definition outlined in the TVPA will be used as the basis for the identification of DMST victims in the United States.⁴

Domestic trafficked minors (DTMs) are provided certain rights through the TVPA and its subsequent reauthorizations in 2003 and 2005. Of particular interest to DMST is the right to:

- Not be detained in facilities inappropriate to their status as crime victims;
- The right to receive medical care and other assistance; and
- The right to be provided protection if a victim's safety is at risk or if there is a danger of additional harm of recapturing the victim by the trafficker.⁵

³ Trafficking Victims Protection Act 2000, P.L. 106-386

⁴ Trafficking Victims Protection Act 2000, P.L. 106-386

⁵ Trafficking Victims Protection Act 2000, P.L. 106-386.

New York State Sex Trafficking Law

At the end of 2007, New York State (NYS) passed a sex trafficking specific law that states a person is guilty of sex trafficking if they intentionally advance or profit from prostitution through force, fraud, coercion, use of drugs to impair a victim, or if he/she withholds/confiscates/destroys immigration documents.⁶ A complete version of the law is attached in Appendix A. This human trafficking law is similar to the federal law in its inclusion of force, fraud or coercion as methods to traffic. The laws diverge regarding NYS omission of the federal TVPA provision which states that sex trafficking also includes persons induced to perform a commercial sex act who have not attained 18 years of age as well as removes the requirement to prove force, fraud, or coercion when the victim is under 18.⁷ There are no provisions in the Penal Law or in the Social Services Law that specify services for domestic victims of sex trafficking.

New York State Prostitution Law

NYS defines prostitution as the engagement, agreement, or offer to engage in sexual conduct with another person in return for a fee.⁸ There are no age restrictions on who may be charged with prostitution. In New York City (NYC) juveniles have been prosecuted for prostitution, as seen in the 2004 case *In re Nicolette R.*, where a 12-year-old girl's appeal on a motion to dismiss was denied.⁹ The Appellate Court held that because the charge of prostitution has no age requirement, that age is not an essential element of the crime. It is irrelevant that the girl, due to her age, lacked the ability to give consent.

New York State Age of Consent Law

In NYS the age of consent is 17, as laid out in NY CLS Penal § 130.05 (2008), *Sex offenses; lack of consent*. A person less than 17 years old is deemed incapable of consenting to sex. It is an element of every sex offense under NYS law that a sexual act was committed without consent of the victim.¹⁰

Safe Harbor Act

Laws that explicitly decriminalize prostituted minors are vital in the rescue and restoration of domestic minor sex trafficking victims. Recently, the New York state legislator passed a bill that has the potential to impact the lives of DTMs if signed into law. The bill is referred to as the Safe Harbor for Exploited Children Act and is officially titled, "[an] act to amend the social service law and the family court act, in relation to services for exploited children."¹¹ Since the beginning of mid-February 2007, the New York State Legislature has been trying to pass the Safe Harbor for Exploited Children Act. The bill was passed multiple times by the New York Assembly, but failed to pass the state Senate. The New York State Senate passed the bill on June 23, 2008.¹² While it is not yet a law and is subject to further revisions and changes, if the bill is implemented as it reads at the time of this assessment, it has the potential to drastically increase aid to some DMST victims. If signed, the bill will take effect on April 1, 2010.

⁶ NY CLS Penal § 230.34 (2008), *Sex trafficking*.

⁷ Trafficking Victims Protection Act 2000, P.L. 106-386.

⁸ NY CLS Penal § 230.00 (2008), *Prostitution*.

⁹ *In re Nicolette R.*, 779 N.Y.S.2d 487 (1st Dept. 2004).

¹⁰ NY CLS Penal § 130.05 (2008), *Sex offenses; lack of consent*.

¹¹ New York State Assembly. <<http://www.assembly.state.ny.us/leg/?bn=A05258>>. Accessed on August 11, 2008.

¹² See Assembly Bill 05258, available at : <http://www.assembly.state.ny.us/leg/?bn=A05258>

Up until this point, the laws have not distinguished the age at which a child is considered commercially sexually exploited and state law “sets the age of consent for sex at 17 but sets no age limits on the crime of prostitution, so that if a 12-year-old is paid for sex, even if she turns the money over to a pimp, she can be arrested, charged with an act of juvenile delinquency, and prosecuted.”¹³ Now that the Safe Harbor Act has passed, the court’s treatment of exploited children is poised to change. The Safe Harbor Act defines a ‘sexually exploited child’ as someone under the age of 18 who may be subject to sexual exploitation because they engaged or agreed or offered to engage in sexual conduct in return for a fee, food, clothing, a place to stay, has stripped being filmed or photographed doing sexual acts, traded sex for drugs or loitered for the purpose of engaging in a prostitution offense.¹⁴

This definition change is particularly vital to DMST because it has the potential to change the stigma against prostituted youth. Often, it appears that a child is prostituting on his/her own accord and is agreeing to perform sexual acts in exchange for money or drugs. New York state now recognizes that although children may “agree” to sell themselves for profit, there is usually a person exerting considerable psychological manipulation over them.

Not only does this bill call for changes in the way victims are prosecuted, but the law also calls for “short-term” and “long-term safe housing”.¹⁵ Through the passing of this bill to law, social services will be required to develop programs that deal with victims holistically. They will be expected to provide crisis intervention, safe housing, and counseling. The bill also offers a DTM the opportunity to have an advocate; a social service provider who will act as a liaison between the child and the court.

However, opponents to the Safe Harbor for Exploited Children Act cite several bases for their opposition. In a letter, Ken Crannell, the Legislative Director of the New York State Association of Counties outlined the specific concerns pertaining to the Safe Harbor Act, which include:

- A need for a secure placement option because some exploited youth have a history of running away from foster care and non-secure voluntary agency settings.
- A need for varying levels of mental health services, medical care, food, clothing, transportation, assessment and/or advocacy, residential services, service referrals and substance abuse screening.
- Limited funding and lack of staff training for service needs in both New York City and Upstate counties.
- Training deficits for personnel, clinical staff, police, and judges who work with this particular population of children.
- A lack of structured framework needed to aid a population of children who need extraordinarily detailed services for “these children, including a history of victimization, mental health needs, and medical issues.”¹⁶

Other individuals opposed the bill for a reason often cited by law enforcement, i.e., the charge of prostitution is needed in order to make a victim testify against her offender.

¹³ Shulman, Robin. “N.Y. Struggles to Aid Child Prostitutes.” Washingtonpost.com. July 13, 2008.

<<http://www.washingtonpost.com/wp-dyn/content/article/2008/07/12/AR2008071201556.html>>. Accessed on August 11, 2008.

¹⁴ See Assembly Bill 05258, available at : <http://www.assembly.state.ny.us/leg/?bn=A05258>

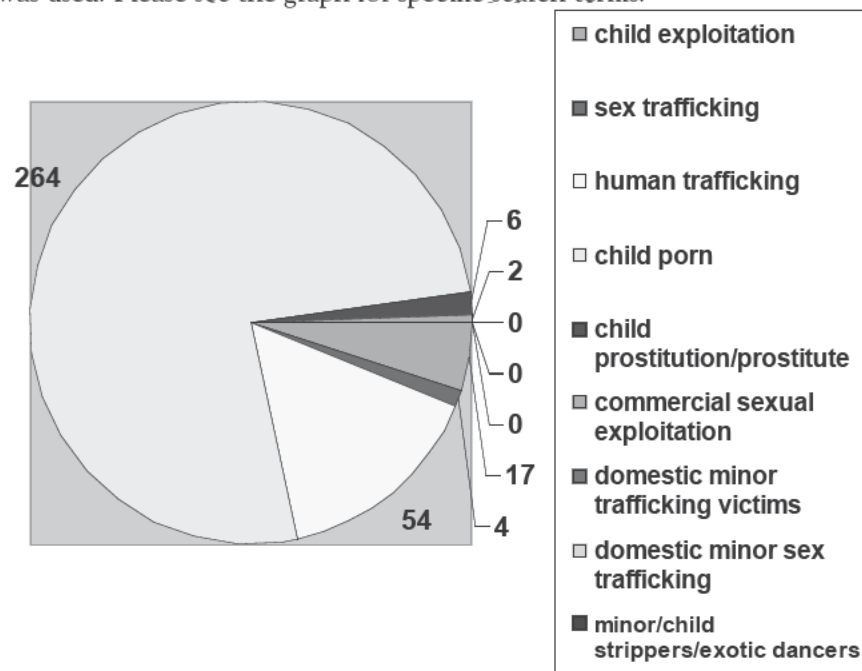
¹⁵ See Assembly Bill 05258, available at : <http://www.assembly.state.ny.us/leg/?bn=A05258>

¹⁶ Crannell, Ken. The Legislative Gazette. June 1, 2007. <<http://www.legislativegazette.com/letters.php?letid=228>>. Accessed on August 11, 2008.

Media Review

The prevalence of sex trafficking in the United States was brought to light in the Buffalo/Erie County area on March 24, 2003, when the Buffalo News wrote an editorial highlighting the subject. The editorial was in response to the first State Department Summit on human trafficking, as well as a media teleconference hosted by Shared Hope International (SHI) that discussed the reality that sex trafficking could surpass gun and drug trafficking by the end of the decade. The article further illustrated the need for funding and law enforcement cooperation in order to stop traffickers from engaging in this exploitive behavior. With statistics on the number of women and children who are forced into servitude, as well as statistics on traffickers' monetary gains, the article gave readers a first look at this growing industry.¹⁷

The review of media reports and law enforcement press releases of the Buffalo/Erie County area from 2000 to 2008 revealed a number of arrests and prosecutions involving the production of child pornography, child prostitution, and human trafficking. Most of these articles were found in the *Buffalo News*, the leading newspaper of the Buffalo/Erie County area or the *New York Times*. While the *Buffalo News* featured mainly individual arrests/cases and the issue of human trafficking as a whole in an abstract manner, many of the *New York Times* articles talked about legislation and issues in concrete terms. Below is a graphical depiction of media reports found in the *Buffalo News* since January 1, 2000 that show local reports on human trafficking in general as well as more specific DMST issues. Lexis Nexis Academic Search engine was used. Please see the graph for specific search terms.



Media reports on the arrests, investigations, and prosecutions involving the production of child pornography ranged from 12 men facing federal pornography charges to a mother and a male adult who were federally charged for bringing the woman's daughter across state lines and using her child for sexually explicit images.^{18,19} The woman's daughter has been placed in foster care. It should be noted, however, that this article did not appear in Buffalo/Erie County local newspapers, but is of importance since both the trafficker and victim were from Buffalo.

¹⁷ "Trafficking in sex; The problem of forced prostitution is a growing one here and abroad." The Buffalo News, March 24, 2003. p. B6.

¹⁸ Pignataro, T.J. "12 men face federal child porn charges." The Buffalo News. September 29, 2006.

¹⁹ Ove, T. "Third local man charged in child prostitute case." Pittsburgh Post-Gazette. July 30, 2004.

Further articles that address the topic of child pornography deal with legislation aimed at toughening New York's child pornography laws.²⁰ One such potential law, a New York state (NYS) Senate bill, would allow authorities to use the Racketeer Influence and Corrupt Organizations (RICO) Act to prosecute child pornography cases as "enterprise corruption", thereby highlighting the possibility of child pornography having a commercial component and qualifying these victims as DTMs. The Senate bill also calls for services to child pornography victims and to toughen its stance on child prostitution.²¹ Articles dealing with the NYS Senate child pornography bill stated that support from the bill was raised due to a series written in the *Buffalo News* called the "Child Porn Pipeline."²² The "Child Porn Pipeline" was written as a four-part series and was featured in the newspaper from January 29, 2008 through March 31, 2008. This series focused on a variety of issues surrounding child pornography, from increasing production and distribution, to children victimization, to links with countries like Russia. Prior to the "Child Porn Pipeline" an article stated that the U.S. is the largest consumer of illegal images and our courts are not equipped to prosecute such a large number of buyers.²³

There have also been a number of articles that focus on child prostitution and the prosecution of the perpetrators. A couple of these articles focus on prosecution outside of NYS with the traffickers or victims having ties to Buffalo. In one case, a Missouri man was apprehended by the FBI at a Niagara Falls, NY shopping center.²⁴ He was wanted by authorities for prostituting a 12-year-old girl and training her to become a dominatrix. The man was charged with seven felony counts of commercial sex trafficking of a minor in Missouri. A second article reported that the mother of the girl was also charged. It was noted by U.S. Attorney Wood of Missouri that this case is unusual because the parent(s) was charged with sex trafficking their own child.²⁵

Most recently *The Buffalo News* demonstrated the seriousness of DMST and the potential for harm and revictimization in the July 4, 2008 issue. After being placed in foster care, a 12-year-old girl disclosed the sexual abuse and forced prostitution perpetrated by her mother and her mother's boyfriend. She was eight when the abuse began. Both the mother and boyfriend were indicted on charges of first-degree rape, criminal sexual act, sex abuse, and child endangerment. Once the girl made a statement to the authorities the mother and her boyfriend kidnapped the girl to persuade her to retract her assertion. Fortunately, authorities were notified and were able to return her to her foster home.²⁶

A variety of articles dealt with the issue of human trafficking and the sex industry in general. They focused their attention on the international market and foreign and/or adult victims. This global focus may not be surprising considering Buffalo's location on an international border. Concentration on foreign sex trafficking victims was also prevalent due to recent raids on massage parlors in the area. Particularly, an owner of these massage parlors recruited women for legitimate massage work, both from within NYS and outside of it. Once the women began to work in the parlors, they were forced by the owner to engage in sexual activities in exchange for money. The owner pled guilty to human trafficking. Although the article does not mention if there were any child victims, it does establish a pattern of sex trafficking in the Buffalo/Erie Country area.²⁷

²⁰ Schulman, "S. Child porn bill adopted by state senate: Assembly gets Volker-sponsored legislation with 'aggressive measures' to protect children." *The Buffalo News*. April 3, 2008.

²¹ Schulman, S. "Tougher child porn measure nears vote." *The Buffalo News*. March 9, 2008.

²² Michel, L., Schulman, S. and Herbeck, D. "The Child Porn Pipeline." *The Buffalo News*. January March 2008. <<http://www.buffalonews.com/339>> Accessed on July 6, 2008.

²³ Michel, L. and Schulman, S. "Russia and U.S. bound in illegal cyber-trafficking of child pornography." *The Buffalo News*. October 14, 2007.

²⁴ Herbeck, D. "Suspect in sex trafficking of minor allegedly trained girl as dominatrix." *The Buffalo News*. May 14, 2008.

²⁵ Charlton, B. "Man, woman indicted in sale of child for sex acts." *The Associated Press*. May 13, 2008.

²⁶ Gryta, M. "Mother, boyfriend held in girl's rape." *The Buffalo News*. July 4, 2008.

²⁷ "Upstate NY massage parlor owner guilty in prostitution probe." *The Associated Press & Local Wire*. April 17, 2008.

This pattern continues to be confirmed by other news articles. In 2008, a human trafficker was arrested after a vehicle stop where law enforcement found ecstasy pills and a handgun; he was also charged with coercion and sex trafficking after further investigation. Again, the article does not state if the victims are domestic, nor whether the victims are children, but it does display that trafficking networks do exist in this region.²⁸

A third article detailed a recent human trafficking conference held at Niagara University. The keynote speaker offered an international perspective and laid out the three main criteria for the continuation and proliferation of the sex trade including, extreme poverty, criminal greed, and the sex drive of men. Buffalo/Niagara region was outlined as a prime spot for human trafficking for the following reasons: a poor economy, location next to an international border, and a region encompassing both rural and urban areas. In addition, the article's account of the human trafficking conference further details the arrest and prosecution of the massage parlor owner discussed above, as well as law enforcement and judicial patronage of these sex trafficked victims. Finally, greater cooperation between law enforcement and service agencies was discussed. Such cooperation is needed in order for victims to receive needed services.²⁹

A final set of articles and news releases deals with the NYS Sex Trafficking Law and proposed Safe Harbor Act which would give domestic minor sex trafficking victims needed social services. Each are discussed in the *New York Times* articles; however, they are not discussed in the *Buffalo News*. While the coverage of the Safe Harbor Act is lacking in Buffalo media outlets, the lack of coverage may have nothing to do with the area's potential apathy, naivety, or ignorance. Instead it could be because of how local law enforcement, prosecutors and judges are already dealing with DTMs. After interviewing law enforcement, prosecutors, and Family Court Judges, no juvenile under the age of 16 has been charged with prostitution or related crimes for the purposes of prostitution in Erie County Family Court. While the 1st Department Appellate Court held in *In re Nicolette R.* that minors can be charged for prostitution in NYS, this case is not precedential on Erie County Family Court.³⁰

Another possible explanation for why the *New York Times* has covered the Safe Harbor Act in greater detail may be due to the greater number of DTMs identified in New York City as compared to upstate New York. In an account of a 2007 New York State Office of Children and Family Services (OCFS) report, the *New York Times* illustrates that an estimated 2,253 sexually exploited youth are found in NYC compared to 399 spread over seven upstate counties, one of those being Erie County. The report goes on to say that in NYC sexually exploited youth tended to be "female and black, having sex with strangers in hotel rooms or outside", whereas "Upstate, the youth were younger, more likely to be white, and were often exploited at home by adult friends or acquaintances."³¹ A copy of some relevant charts pertaining to NYS from the OCFS report can be found in Appendix G.³²

That being said, the coverage of the Safe Harbor Act by the *New York Times* is noteworthy. One editorial gives credit to the NYS legislature for passing its human trafficking law, but also points out that, at the time of the article, the Safe Harbor Act had yet to be passed. Passing this act would ensure that

²⁸ Police & Courts. The Buffalo News. May 9, 2008, p. D3.

²⁹ Besecker, A. "Author calls sex traffic 'modern-day slave trade'; Investigative writer speaks at Niagara U." The Buffalo News, Niagara Edition. (2008, May 15, 2008.)

³⁰ *In re Nicolette R.*, 779 N.Y.S.2d 487 (1st Dept. 2004).

³¹ Feldman, C. "Report finds 2,000 of State's children are sexually exploited, many in New York City." The New York Times. April 24, 2007.

³² Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. New York prevalence study of commercial sexually exploited children. New York State Office of Children and Family Services. April 18, 2007.
<<http://www.ocfs.state.ny.us/main/reports/csec-2007.pdf> .> Accessed on June 16, 2008.

prostituted youth would receive services instead of being prosecuted as delinquents. Another editorial notes that the Safe Harbor Act would give the same protections (counseling, shelter, etc.) to domestic minor victims that are guaranteed to foreign victims of sexual exploitation.³⁴ *The New York Times* further reports on the Safe Harbor Act by keeping its readers aware on its progress through the State Legislature. In February 2008, it reported that opponents of the Safe Harbor Act were against losing the ability to charge those who have not reached the age of consent with prostitution; being able to hold jail over the victim is sometimes the only way law enforcement/prosecution is able to get them to disclose and/or testify.³⁵ Despite these opponents, the Safe Harbor Act was passed in the NYS legislature on June 23, 2008 and at the completion of this assessment was in front of the governor awaiting his signature.

Juvenile Justice System in Erie County

In NYS, youth under the age of 18 may be found in one of two court systems. Minors under the age of 16 who have committed an act, which if committed by an adult would be considered a crime, are under the jurisdiction of Erie County Family Court and may be adjudicated as juvenile delinquents (JDs).³⁶ Minors under the age of 18 who have committed status violations (e.g., curfew violations and incorrigibility) are also under the jurisdiction of Erie County Family Court and may be adjudicated as persons in need of supervision (PINS).³⁷ Each has a diversion program, the Juvenile Delinquent Services Team (JDST) and the Family Services Team (FST) respectively. Please see Appendix B and Appendix C for definitions of JD and PINS terms.

With the diversion programs the offender, as well as family members, may be offered services overseen by a probation officer to help the minor lead a productive, law abiding life. JD and PINS may also be placed in detention facilities (secure or non-secure), foster homes (therapeutic when needed), or other treatment facilities/homeless shelters.³⁸ To date, Erie County Family Court has not seen a case where a minor was charged with prostitution or prostitution-related crimes. However, despite the service providing nature of Erie County Family Court, some DTMs may still be punished. For example, a DTM may be adjudicated as a JD or placed in detention for possession of drugs, even though the possession may have been directly related to her victimization by DMST. Without the minor's full disclosure, he/she may receive a sentence that is not the least restrictive and in addition may not receive appropriate services.

In February 2007, The New York State Task Force on Juvenile Justice Indicators released a report for all 62 counties in NYS titled System Indicators for State and Local Planning. Data from 2004 was collected and used in the report. In 2004, Erie County had a total of 4,303 arrests under age 18 in a population of 940,552.³⁹ While the data below does not include PINS behaviors (status violations) it shows the crimes for which possible DTMs were arrested and is a starting point to begin to understand what possible services the youth may have been offered. As previously stated, no minors (under the age of 16) were arrested for prostitution or related crimes.

³⁴ "Better protecting the vulnerable." *The New York Times*. June 28, 2007. p. 20.

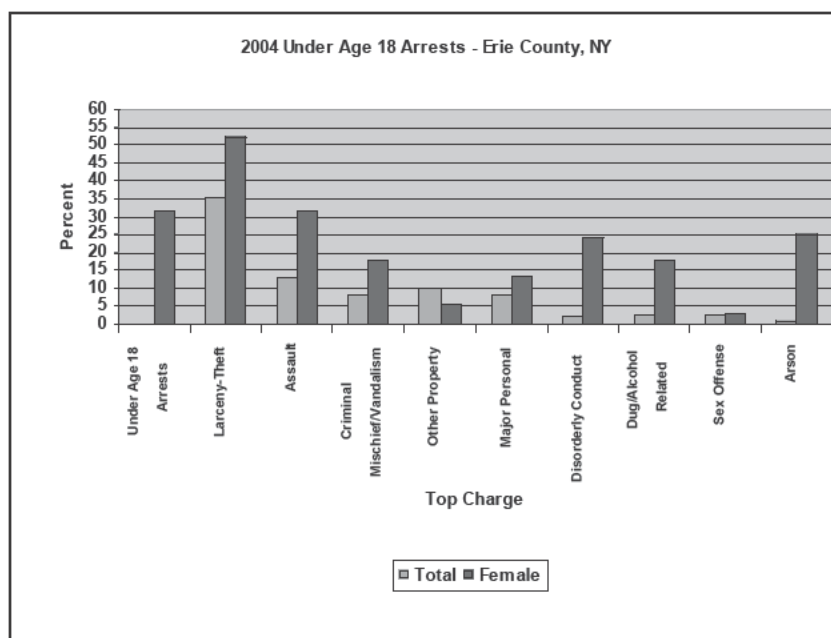
³⁵ Herbert, B. "The wrong target." *The New York Times*. February 19, 2008.

³⁶ NY CLS Family Ct Act § 301.2 (2008), Definitions.

³⁷ NY CLS Family Ct Act § 712 (2008), Definitions.

³⁸ NY CLS Family Ct Act § 301.2 (2008), Definitions and NY CLS Family Ct Act § 712 (2008), Definitions.

³⁹ New York State Task Force on Juvenile Justice Indicators (2007, February). System indicators for state and local planning, Reported for all 62 counties, 2004 Data.



Minors aged 16 and 17 who are charged with a crime are prosecuted in criminal courts, as Family Court does not have jurisdiction over them.⁴⁰ These courts can either be town courts or Buffalo City Court. There are no diversion programs in criminal courts, although, at least one town court—Amherst Town Court—and Buffalo City Court run specialty Drug Courts, which are therapeutic in nature.⁴¹ Minors who are charged with prostitution or prostitution related crimes who are being tried in criminal court and have drug related issues, may access needed services through these Drug Courts. If these minors are willing to come forward and testify against their trafficker, they may also be able to access services through victim/witness programs. According to interviewees, buyers (also referred to as “johns”) who are/were first-time offenders can/were able to attend “john school” and pay a \$100 fine. It was unable to be determined whether “john school” is still in existence in Buffalo.⁴² There is/was no comparable program for minors charged with prostitution for the first time. Finally, there were no available statistics, as the specific statistic is not tracked, regarding the number of 16 and 17 year olds who were charged with prostitution or prostitution related crimes in criminal courts throughout Erie County from 2000-2007.

For further and more detailed information regarding commercially sexually exploited youth in NYS, please refer to April 18, 2007 NYS Office of Children and Family Services (OCFS) final report titled New York Prevalence Study of Commercial Sexually Exploited Children.⁴³ A copy of relevant charts pertaining to New York state can be found in Appendix G.

⁴⁰ NY CLS Family Ct Act § 301.2 (2008), Definitions.

⁴¹ Drug and Family Treatment Courts in the 8th Judicial District.

<<http://www.courts.state.ny.us/courts/8jd/treatment.shtml>>. Accessed on July 18, 2008.

⁴² Buffalo Police Department, Grant Program: Problem-Solving Partnerships.

<<http://www.copsreportsfromthefield.org/reports/NY-PSP-Buffalo.pdf>>. Accessed on July 18, 2008.

⁴³ Gragg, F., Petta, I., Bernstein, H., Eisen, K., & Quinn, L. New York prevalence study of commercial sexually exploited children. New York State Office of Children and Family Services. April 18, 2007.

<<http://www.ocfs.state.ny.us/main/reports/csec-2007.pdf>>. Accessed on June 16, 2008.

RESEARCH FINDINGS

Employing the organizational structure of the three Ps—Prevention, Prosecution, and Protection—this assessment will (1) identify the scope of the problem of domestic minor sex trafficking victims in the Buffalo/Erie County area and (2) obtain an understanding of whether services are reaching domestic minor sex trafficking victims, and (a) if they are, then determine how, or (b) if they are not, then determine why.

The rapid assessment (RA) focuses solely on the issues of domestic minor sex trafficking victims. As defined in the federal Trafficking Victims Protection Act of 2000 (TVPA), including subsequent reauthorizations, a domestic minor sex trafficking victim is a U.S. citizen or lawful permanent resident who has been recruited, harbored, or obtained for the purpose of performing commercial sex acts, defined as any sex act done in exchange for monetary or non-monetary gain. The assessment provides insight into the logistics of the present system and identifies gaps and impediments.

I. PREVENTION

Prevention of domestic minor sex trafficking begins with promoting public awareness efforts that will assist individuals with properly identifying a victim of domestic minor sex trafficking. Efforts must also stop the victimization of minors before it begins by informing youth of the dangers of traffickers/pimps recruitment tactics. Lastly, prevention efforts must address demand created by buyers and make clear the connection between engaging in commercial sex activities and the likelihood of victimizing minors. In-depth training of law enforcement, prosecutors, judges, service providers, and other professionals likely to come into contact with a domestic minor sex trafficking victim is also essential, as it provides the tools for identification, prosecution, rescue, and protection.

1.1 LAW ENFORCEMENT

Both local and federal law enforcement in Buffalo/Erie County are increasing efforts to streamline the identification of DMST and its victims through the participation of the Erie County Sheriff's Office and the FBI on the Western District of NY Human Trafficking Task Force & Alliance (WDNY HTTFA).

1.1.1 Training. The WDNY HTTFA has been integral in training law enforcement and international agencies on the topic of human trafficking and how to identify a victim. Whether the training is being provided by the Erie County Sheriff's Office or the FBI, each training session is dedicated to the topic of human trafficking as a whole, encompassing specific issues related to the sex and/or labor trafficking of foreign, domestic, adult, and children victims. While there is no separate training provided on DMST, each of the WDNY HTTFA-held training sessions do include a small portion on DMST. However, the focus of the trainings is not DMST, but rather human trafficking in general. According to the Erie County Sheriff's Office, it, through the WDNY HTTFA, has provided training to local law enforcement, including (but not limited to) the following: all Erie County Sheriff road officers, all city, town, and village officer recruits, and a portion of the Erie County Sheriff officers who are assigned to work at the jail/Erie County Holding Center. Media has also been invited to training sessions but the officers are unaware whether any have attended.

In addition to those that have received some training, the FBI will be providing human trafficking training to mail-carriers. At this point, law enforcement members of the WDNY HTTFA do not believe that any judges, CPS, OCFS, nor many service providers who are not members of the WDNY HTTFA have received training. In addition to those groups mentioned who have not received training, law enforcement would like to see anyone who comes into contact with potential DMST victims on a regular basis be offered training, including child care providers and teachers. Please see Appendix H for the training materials used by the WDNY HTTFA, sponsored by the Erie County Sheriff's Office.

1.1.2 Identification. To date, the Erie County Sheriff's Office has not identified any DTMs although they know that DMST is occurring. The local FBI office, a member of the WDNY HTTFA, has received two DMST cases that were identified by other local police departments and transferred to the FBI for further investigation. Law enforcement agrees that the difficulty in identifying DTMs is getting the victims to disclose the exploitation that has occurred. They believe that many DTMs do not trust law enforcement and it is/would be difficult for the victims to believe that law enforcement is trying to help. Instead many DTMs identify with their trafficker and not with law enforcement. In addition, many DTMs do not consider themselves victims as they have been manipulated from a young age and have learned to cope with their abuse. Thus, law enforcement notes that it is important for them to explain to DTMs in an age-appropriate manner the victimization that has occurred.

1.1.3 Interviews. Despite having few identified cases involving DTMs, law enforcement has been well trained regarding child-appropriate interviewing techniques. The Erie County Sheriff's Office was very clear that its intent when talking to a minor is to question the youth rather than to interrogate. Often times, the arresting officer is not the officer who ends up questioning the minor, as the Erie County Sheriff's Office and the FBI each have a dedicated person assigned to human trafficking cases. While a child forensic psychologist does not perform the questioning in-house, the agencies have partnered with the Child Advocacy Center (CAC) (for CAC service description please see section 3.7.3) in the past, which does use a psychologist. Law enforcement agencies stated that it is extremely important to build rapport with a minor, particularly given the lack of trust. This relationship may be gained through a series of interviews as opposed to one-time questioning. Multiple interviews also allow the officers to review notes and conduct further investigation that may lead to new questions that make it easier for the DTM to disclose. Not wearing a firearm and dressing in casual clothes is practiced. Other questioning techniques include using child-appropriate language, and using female officers when appropriate.

1.1.4 Charging. Age plays a major role in the determination whether a minor will be charged with prostitution. In New York, there is no age language in Penal Law §230.00, Prostitution, as previously detailed. Also, unlike the TVPA, there is no age language in NYS sex trafficking law (Appendix A). In NY, sex trafficking occurs only if force, fraud or coercion is involved. A minor may, therefore, be charged with prostitution. It is the local practice, however, not to charge minors under the age of 16 with prostitution. Minors aged 16 and 17 may be charged with prostitution. The difference is city and/or town courts have jurisdiction over these minors who are 16 and 17, not Family Court. They are considered and tried as adults. With an increase in training and knowledge of the TVPA, some local law enforcement are hoping that the practice of charging minors aged 16 and 17 with prostitution will change. However, without a change in state law this may not occur.

1.1.5 Public Education. There has been little public education regarding DMST. Pamphlets regarding human trafficking have been handed out at the Erie County Fair by law enforcement who are part of the WDNY HTTFA. However, other means to educate the public have been delayed due to bureaucratic issues including change of leadership in Erie County. The FBI would eventually like to create a billboard on the issue of DMST. Law enforcement would also like to educate teachers on how to identify DTMs. They have already been working with criminal justice programs at local colleges and would like to see DMST training integrated into coursework.

1.2 PROSECUTORS

1.2.1 Training. Across the United States many federal prosecutors and victim-witness specialists have received training on the identification of DTMs through the Department of Justice. Originally in 2001, the victim-witness coordinator at the U.S. Attorney's Office for the Western District Office in NY was the only recipient of the training; however, with the growth of awareness of human trafficking many in the office, including prosecutors, have attended training. Representatives from the U.S. Attorney's Office in Buffalo are members of the WDNY HTTFA. Through the WDNY HTTFA, the U.S. Attorney's Office has also provided human trafficking training with limited information on DMST to Immigration and Customs Enforcement (ICE), NY state police, the FBI, the National Center on Missing and Exploited Children, and the International Institute in Buffalo.

In contrast, attorneys at the Erie County Attorneys Office (the presentment agency for Family Court) have not received training on DMST or the identification of victims. Likewise, according to former attorneys with the District Attorney's Office, they did not receive any training on the identification of DTMs or DMST. It should be noted though, that a current attorney at the DA's Office was not available to take part in this research. Neither the County Attorneys nor the DA's Office is a member of the WDNY HTTFA.

1.2.2 Identification. To date, the identification of DTMs in Erie County has been narrow in scope. According to a representative at the U.S. Attorney's Office, there has been only one case recognized as DMST in Erie County and it was part of a federal case, since the girl was brought across state lines. That is not to say that prosecutors believe that DTMs do not exist in greater numbers, but that they may be misidentified, not yet identified, or categorized under various laws of juvenile sexual exploitation. Further identification of victims is difficult due to lack of victim cooperation. Often, the victims are emotionally attached to the perpetrator, and may even feel that they are in love with him/her. Interviewees believe that these victimized children have no concept of the magnitude of what they are doing, potentially because of our culture and its sexualization of children. Family dynamics and a lack of parenting also become important in a victim's ability to understand her victimization. One further challenge to identification is that these victims generally have a lack of familial support as compared to child victims of other crimes.

<p>“DTMs may not understand the magnitude of what is being done to them because of the cultural sexualization of children.”</p>

County attorneys also cite a victim's unwillingness to come forward as a challenge to identification. Because the county attorneys are the presenting agency and not the child's attorney, they often find out about a child's victimization in roundabout manners and typically not until months after a case has begun. In dealing with minors who have older “boyfriends”, county attorneys have found that these sexually exploited children have disclosed their victimization by talking or bragging about their own dangerous activities. They have had a few cases in the past five years that involved the prostitution of children. However, these girls were not charged with prostitution and were not identified as DMST victims. All three girls had drug issues and were sent to treatment.

In the past, the DA's Office has not identified DTMs. As previously noted, though due diligence was done by the assessor to obtain interviews, current staff at the DA's Office did not participate in this research.

1.2.3 Charging. Minors are not federally prosecuted for prostitution or prostitution-related crimes. They are also not brought to Family Court on charges of prostitution. Minors who are 16 or 17 years old have been prosecuted for prostitution in city and town courts. According to previous attorneys with the DA's Office, a prosecutor may not know the age of the defendant at a hearing. Because of the extremely high number of cases, it is not always possible to learn fully about each defendant. The prosecutor may only have time to view current charges and previous convictions, which may show the defendant's potential danger to society. Interviewees stated that it was possible that countless 16 and 17 year olds have been prosecuted for prostitution. Very few, if any of these cases go to trial. Most of these DTMs plead guilty and are usually sentenced to time already served. As is the case with law enforcement, the DA's office must prosecute according to the laws of NYS.

1.3 PUBLIC DEFENDERS

All children who are brought before the Erie County Family Court are represented by an attorney for the child (formerly called a law guardian). These attorneys are either chosen from a panel list or are staff attorneys at Buffalo's Legal Aid Bureau. The majority of minors labeled JDs and PINS are represented by attorneys from Legal Aid, unless there is some sort of conflict of representation. Attorneys for the child at Legal Aid typically are assigned to specific case types with a couple attorneys assigned to JD cases and a couple assigned to PINS cases. Minors who are 16 and 17 year olds and are charged and brought into city or town courts may qualify for an attorney based on their income. According to a former public defender who worked at Legal Aid for many years, those working at Legal Aid were assigned based on whether he/she "had intake" that month. However, due to a particular public defender's record or ability to defend a specific type of case well, the public defender may receive cases, such as those involving sexual abuse, whether he/she had intake or not. It should be noted that a current public defender was not available to take part in this research. A current attorney for the child was interviewed.

1.3.1 Training. Attorneys for the child at the Legal Aid Bureau have yet to receive formal training in regards to DMST and victim identification. Each year some of the attorneys attend an annual conference hosted by the National Conference of Juvenile and Family Court Judges (NCJFCJ). This past year, the NCJFCJ did have a seminar related to human trafficking and DMST; however, due to scheduling conflicts, the attorneys for the child from the Legal Aid Bureau were unable to attend this particular seminar. Furthermore, while these attorneys for the child have not received training on DMST, they are under the impression that Child Protective Services (CPS) and Department of Social Services (DSS) have received such training. Additionally, a former public defender did receive human trafficking training from a federal agency at a conference hosted by the National Bar Association in 1997 which occurred prior to the TVPA (2000) enactment. Others from his office also attended the training. Afterwards the former public defender was clear as to how child victims of commercial sexual exploitation should be identified.

1.3.2 Identification. Identification of DMST victims is difficult for public defenders, although the trust issues facing law enforcement and prosecutors are decreased due to attorney/client privilege and the fact that public defenders are not behind the arrest/adjudication of minor. Because minors are not prosecuted for prostitution in Family Court, a DTM may not disclose to his/her attorney that he/she was trafficked. If a minor does disclose, the attorney has to be sure that he/she does not jeopardize the DTM if the information is shared. On the one hand, the attorney is ethically bound to zealously represent their client. Sharing information that may lead to additional charges would not be ethical. It should be noted that the child's attorney is not a mandated reporter. On the other hand, not disclosing the information may deny the minor the opportunity to receive appropriate services. When determining whether to disclose, the attorney for the child would not likely take a reduced sentence into consideration as Erie County Family Court is set up to provide services and not to punish.

Due to the service orientation in Family Court, it is hoped that a service provider/agency who is working with the child and provides reports to the Court, would alert them to the child's situation of DMST. This would potentially reconcile conflict for the attorney for the child.. Public defenders representing 16 and 17 year olds have an easier time identifying DMST victims if they are charged with prostitution, simply due to the nature of the charge and the age of the minor. Identification becomes more difficult when the charge masks or seems un-related to victimization through prostitution. According to a former public defender, identification is the most difficult when the trafficking is familial since it can be easily hidden.

1.4 JUVENILE COURT JUDGES

Erie County Family Court Judges hear specific case types. One judge hears all of the JD (See Appendix B for Family Court Act (FCA) definitions relating to JDs), PINS (See Appendix C for FCA definitions relating to PINS), and educational neglect cases. This allows the judge to familiarize himself with different detention and treatment facilities, as well as to work with diversion programs. It has been the policy in Erie County not to charge minors under its jurisdiction with prostitution. Minors who are 16 and 17 and charged with a crime, including prostitution, may be found in city or town courts. Depending on the minor's issues or victimization, the minor may also attend specialty, problem-solving, or therapeutic courts including the following: Erie County Family Court—Family Drug Court or Juvenile Treatment Court, Buffalo City Court—Drug Court, Erie County Integrated Domestic Violence Court, or a newly created Erie County Sex Offense Court.

1.4.1 Training. Participants from the judiciary have not received training on domestic minor sex trafficking. It is not known if the interviewees have received other forms of training on topics related to DMST, such as homeless youth, sexual abuse, the effects of trauma, etc.

1.4.2 Identification. Minors, who are brought into Family Court on JD charges, a PINS petition, or a warrant, may be identified as DTMs by the service providers and/or probation officers who closely monitor each case. If specific issues are brought up in reports issued to the Court by these agencies, the Judge may order further evaluations, including (but not limited to) mental health and drug evaluations. Family Court may also learn about victimization through the attorney for the child.

At Buffalo City Court, minors aged 16 and 17 are not identified as being at risk of prostitution specifically; however, risk of becoming homeless, truant, regular source of care, substance abuse, domestic violence, and current/previous offenses all may be assessed in determining the need for intervention. Furthermore, identification may be more prevalent in Family Court as they are often trying to find the underlying causes for JD and PINS behavior. Ultimately, a chain of disclosure is needed in order for the judiciary to identify DTMs.

1.4.3 Charges. As previously stated, minors are not brought to Family Court with charges of prostitution. As shown in the background research section, those charged with JD-related offenses are most often charged with larceny, assault, and property crimes according to 2007 statistics. Please see Appendix I for the NYS Task Force on Juvenile Justice Indicators, 2004 System Indicators for State and Local Planning, snapshot of Erie County arrest, referral to court, detention, court processing, and disposition information. PINS petitions are filed because of a minor's status violations, including truancy, curfew violations, etc. A PINS petition may be filed on a minor under the age of 18. Whether the charges are JD related or PINS related, the charges may be serving to mask DMST or assist in highlighting minors at high risk for such victimization. That being said, the judge can only deal with the charges that are filed and presented. As the Family Court is service oriented, the Judge will mandate services based on the recommendations of diversion and treatment agencies.

Buffalo City Court's focus is more punitive, even when only considering the fact that 16 and 17 year olds are charged with prostitution and jailed as a result. However, services are still available for minors, particularly if they are dually identified as a victim. If identified as a victim, there are victim-witness services offered through the Court. If the minor is identified as having domestic violence or drug issues, the minor may receive treatment through Domestic Violence Court or Drug Court.

1.5 JUVENILE DETENTION FACILITIES

Pre-disposition youth who are awaiting adjudication on JD charges or a PINS petition may be placed in secure or non-secure youth detention facilities. Post-disposed JDs can be placed for an initial period of 18 months for a felony and 12 months for a misdemeanor. In most cases, time spent in detention pre-adjudication is taken into consideration. As an initial placement period nears its end, the detention facility is required to file an extension of stay petition or submit a permanency plan that details a return to parent, foster home, or an independent living plan. Throughout the placement period the facility is expected to keep Family Court aware of progress and setbacks during the youth's stay through written reports submitted to the Court during case reviews. There are both secure and non-secure detention facilities in Erie County. Only staff members from a non-secure detention facility were available to take part in this research.

1.5.1 Training. Non-secure detention staff members have not received specific training in DMST or how to identify a DMST victim. They have, however, received training on mandated reporting and on grooming behaviors by predators. A local shelter may have touched on DMST issues but did not use the term DMST.

1.5.2 Intake. Youth entering non-secure detention do so through Family Court. Family Court may order a minor to be sent to the facility during the course of the case (pre-disposition) for public safety or for the safety of the child. The least restrictive environment is taken into consideration. Because the youth are entering the facility from Family Court, staff members usually already know about the child (background, charges, etc.) as soon as he/she enters the facility. Upon intake, the minor meets with a nurse, who gives a physical exam, as well as asks the youth a series of questions to try to determine any health risks. One of the topics covered is whether or not the youth was ever traded for sex. The staff finds this questioning important as about 95% of the population comes into the detention facility with an STD. Newly discovered sexual trauma or victimization is reported to CPS and/or Department of Social Services/Office of Child and Family Services (DSS/OCFS).

95% of girls entering the detention facility do so with an STD.

1.5.3 Identification. Non-secure detention facilities have identified domestic trafficked minors. Hopevale Inc., both a non-secure detention facility as well as a residential treatment facility, has identified well over a dozen cases a year in their detention facilities alone. The facility treats around one hundred minors per year. According to interviewees, at least 10% of the female detention population is DMST victims. This results in an estimated 70-80 identified cases of DMST since 2000. These identified DTMs are housed with the other girls in the detention facility, where there is a 12 girl maximum. Youth identification as a DTM does not affect the funding of Hopevale's non-secure detention facility. OCFS's Division of Juvenile Justice and Opportunities for Youth (DJJOY) oversee Hopevale's administration. As such, Hopevale receives a certain amount of money to run its program each year as opposed to receiving a per diem per child served. They receive the same amount of funding no matter the classification or diagnosis of the youth. Classifying a minor as a DTM does not prevent Hopevale from holding the youth or providing services to the youth. Furthermore, correctly identifying a minor as a DTM will help to ensure the minor receives appropriate services.

An estimated 10% of the female population are victims of domestic minor sex trafficking.
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Hopevale staff believes that many more minors are victims of DMST but that it is difficult to get the minors to talk about their experiences. It is particularly difficult getting the victims to discuss who perpetrated the victimization. Still, Hopevale Inc. has identified more DTMs than any other entity participating in the Buffalo Rapid Assessment (RA) participant. Since detention is one of the last steps in the juvenile justice process (with the last step being returned to the parent or independent living), it may be that the youth are more willing to disclose, since they are already in placement. The fear of being taken out of their home has already been realized and the fear of harm from the trafficker is diminished.

1.6 CHILD PROTECTIVE SERVICES (CPS)

According to Erie County's Department of Social Services' (DSS) website:

the purpose of CPS is to ensure that children are safe and to prevent any future abuse or neglect through the provision of supportive services. CPS protects children from physical abuse, neglect, and sexual abuse by their parents and caretakers. CPS also helps families obtain needed services to guarantee their children are safe from harm.⁴⁴

In Erie County, CPS is part of DSS. Please see Appendix D for NY CLS Soc Serv § 411 - 412 (2008) for purpose and definitions regarding CPS.

NY CLS Family Ct Act § 1012(g) (2008) defines a person legally responsible for care to include: the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.⁴⁵

A copy of this statute can be found in Appendix D. In everyday practice, the terms caregiver and caretaker are used interchangeably to mean the person legally responsible for care. Appendix D also includes the definitions of abuse and neglect.

A representative from the DSS working with clinical staff members, who in turn consults with casework staff (CPS) on child welfare matters, was interviewed for research purposes.

1.6.1 Training. DSS staff is not aware of any DMST training that has occurred throughout their organization. In addition, it was not known whether training on issues related to domestic minor sex trafficking had been conducted.

1.6.2 Identification. DSS/CPS does not identify DMST victims or at-risk youth who are targets for predators. CPS deals with cases of suspected child abuse and maltreatment and is mandated to assess the safety of children within 24 hours. If a child is being victimized by a family member/caretaker, DSS/CPS would dictate how to keep the child safe, which may include removing the child from the home and placing the child in protective custody. The only time DSS/CPS may come into contact with a potential DTM is if a parent or caretaker provided inadequate guardianship and/or was directly/indirectly involved in the trafficking. If a child were identified as being prostituted by a parent/caretaker, currently DSS/CPS would record that child as having been sexually abused, as well as having inadequate guardianship. There is no specific code used for commercial sexual exploitation at the present time.

In addition, there is no specific procedure in place if a DTM were to be identified. According to clinical staff, firm procedures have not been established as they are not encountering this population (DTMs). Theoretically, there are different procedures that may be used depending on the specifics of the case. If a mandated reporter or the general public has a child abuse/neglect concern, including one related to DMST, they could call the child abuse hotline. If a minor is identified as a DTM by a caretaker and that caretaker was not involved, DSS/CPS would instruct the caretaker to contact local law enforcement. If a child discloses his/her DMST victimization to DSS/CPS, the agency would direct the information

⁴⁴ Erie County Department of Social Services, Child Protective Services.

<http://www.erie.gov/depts/socialservices/cfa_services_cps.asp>. Accessed on July 10, 2008.

⁴⁵ NY CLS Family Ct Act § 1012(g) (2008).

and victim to the authorities (i.e. law enforcement). Participants also stated that if a minor is identified as a trafficking victim and confirmed as a trafficking victim by NYS as required by state law, the minor could be referred to the Office of Temporary and Disability Assistance (OTDA), who can set-up/ provide needed services, until the victim is certified as a human trafficking victim according to federal law.⁴⁶ While not stated on the OTDA website, this process is only valid for foreign victims of human trafficking, as only foreign victims get certified for immigration purposes. There does not seem to be a procedure in place for domestic victims to access services.

To date, clinicians working with CPS case managers are not aware of any identified DTMs. Furthermore, DSS/CPS does not assess the vulnerability of runaways, homeless minors, and JDs to becoming DMST victims.

Identification of DTMs is difficult based on the nature of the relationship between CPS and the family, which can be extremely adversarial. Families, as well as the child, may not trust CPS and have a real fear that the child may be taken away or that the child may get into trouble if he/she discloses. In addition, DSS/CPS interviewees believe identification of DTMs is difficult because the child may not want the activity to stop if it means the perpetrator is no longer allowed to have contact with the victim. Often, there are complicated emotional ties between perpetrator and victim (i.e. when the perpetrator is also the victim's parent). Participants further believe that children may disclose if they feel that they are going to receive some secondary or tertiary benefit by disclosing.

1.6.3 Collaboration. DSS/CPS works closely with a number of different agencies and government organizations in order to ensure a child's safety. They have an ongoing relationship with the Erie County Family Court and often have case workers appear before the Court in adoption, permanency, neglect, abuse, JD, and PINS cases. DSS/CPS also have regular meetings with diversion programs such as the Family Services Team (FST). Working relationships have been established with the CAC, Compass House (a shelter for runaway youth - for a listing of services and programs please see section 3.7.4 or Appendix J), detention centers, community action groups, and a variety of other preventative and human service agencies. While none of these interactions are based on DMST, DSS/CPS is still able to work with these organizations on DMST issues. However, because DSS/CPS does not assess the vulnerability of runaways, homeless minors, and JDs to becoming DMST victims, the network DSS/CPS has built with these other organizations could be more effective. If DSS/CPS began such assessments, it would help to ensure DTMs were receiving appropriate services.

⁴⁶ New York State Office of Temporary and Disability Assistance, NYS response to human trafficking. <<http://www.otda.state.ny.us/main/bria/documents/Trafficking%20-%20NYS%20Response.pdf>>. Accessed on July 10, 2008.

1.7 NGOs/SOCIAL SERVICE PROVIDERS

1.7.1 Training. Most of the Nongovernmental organizations (NGOs)/social service providers in Buffalo/Erie County who participated in this RA have not received training on identifying DMST victims. Organizations that have not obtained training include the Homeless Alliance of WNY, CAC, Compass House (Outreach Program), International Institute, Crisis Services (for Crisis Services program description see section 3.7.5 and Appendix K) and Teaching and Restoring Youth (TRY) (for TRY program description see section 3.7.6 and Appendix L) . Some specific explanations given for why training has not been received include the following:

- The organization does not provide direct care,
- Victims are brought to the agency by CPS or law enforcement who should already have identified the victim as DTMs,
- Funding precludes them from working with domestic victims so training on identifying DTMs is not necessary, and
- The organization has not really encountered the DMST victim population.

It should be noted that other staff members may have received DMST training; however, the RA participants were unaware if any such training occurred. Other NGOs/social service providers have received training on identifying DMST victims, although the main focus of the training was not DMST in particular. These organizations include Compass House (Shelter and Resource Center) and Hopevale (for Hopevale service description see section 3.7.7).

1.7.2 Identification. Some of the NGOs/social service providers did not identify any DMST victims. A portion of those providers do identify girls as sex abuse victims or prostitutes no matter the age of the victim. Some of the organizations who classify the girls as prostitutes do so because of NYS law, while others do so because of cultural norms. Agencies who have not received DMST education and are not working with groups who actively identify DTMs use the term prostitute, but understand why the label of a domestic minor sex trafficking victim is more accurate. Despite categorizing the youth as prostitutes, these agencies do not deny services to them. In fact, because the agencies recognize that prostitution is occurring the girls may be receiving appropriate services, as opposed to minors whose victimization or activities with which they are involved are not disclosed.

Homeless and youth shelter participants both identified DTMs and often shelter girls who no longer want to engage in survival sex, which qualifies as DMST under the TVPA (2000). "Couch surfing" was cited by participants as the most common avenue for commercial sexual exploitation, which is when a runaway or homeless youth is allowed to stay in the apartment or home of another person. The resident of the apartment or home then requires the child to engage in a sex act in order to stay.

"Many girls want to end the cycle of survival sex"
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Homeless and youth shelters are voluntary and staff has to balance how to best protect the child as mandated reporters. They have the following two choices: notify the authorities about possible DMST and alienate the youth or keep the youth's trust by not notifying the authorities and allowing for an uninterrupted continuation of care. If the youth leave and are not part of the juvenile justice system, they may never receive the tools they need to end the victimization. According to Compass House, many youth disclose to them because they are, often times, a last resort for these victims.

NGOs/social service providers, like other groups, state that the greatest challenge to identification is lack of disclosure.

1.7.3 Public Education. The NGOs/social service providers who participated do not offer or participate in public education of DMST issues. They also did not state whether any current public education programs may be able to include DMST.

1.8 CONCLUSIONS

Prevention of DMST requires that a community is trained on how to identify victims and where victimization may occur so that DTMs can be properly rescued. The training offered by the WDNY HTTFA is a promising start; however, as the majority of people who may come into contact with this group are not members of the WDNY HTTFA, further education across various systems needs to occur. Domestic minor sex trafficking instruction will become particularly important as NYS laws, such as the Safe Harbor Act, evolve to include prostituted youth as victims. This will most definitely be true for 16 and 17 year olds who can currently be arrested for prostitution and considered criminals under NYS prostitution laws and not as DMST victims as under the federal TVPA. It will most likely also be true for youth at Family Court, who are not being charged with prostitution, but may be facing JD charges or a PINS petition based on activities surrounding their DMST. Properly identifying DMST may provide a context for the problematic behavior that result in a JD or PINS charge and will help these youth access appropriate services.

As shown through multiple entities DMST is happening in the Buffalo/Erie County area. Compass House, a local homeless and runaway youth shelter, actively encounters youth being victimized through in-kind commercial sexual exploitation (referred to as survival sex or couch surfing). Likewise, Hopevale's non-secure detention program estimates that 10% of the female juvenile population is victims of DMST while their therapeutic residence shelter estimates that 70-80 DMST victims have been seen since 2000. Though other entities are not currently identifying DMST victims as such, this is clearly not due to a lack of presence within the region.

In addition to training and identifying, prevention of DMST also requires public education. To date there has not been any public education regarding DMST. While there has been an increase in awareness regarding foreign human trafficking and the human trafficking of adults due to recent arrests made at local massage parlors, these reports may have narrowed the public view of the definition of human trafficking. Rapid assessment participants are also not immune to this narrowed view. Even after defining DMST and the TVPA (2000), many participants cited massage parlors when giving examples or talking about experiences. Public awareness regarding prevention is also important considering the Safe Harbor Act that, at the writing of this report, was awaiting the signature of the governor. If the public was more aware of DMST, it may be able to influence the governor. Finally, public awareness is needed in order to discontinue the cultural sexualization of youth. According to participants, young girls are starting to believe that it is acceptable and even preferable to engage in potentially commercially sexually exploitive behaviors. With youth detention centers reporting such a startling number of girls entering the facility with an STD, public education on DMST is urgently needed.

With the vast amount of commendable interaction that already occurs between various agencies throughout Buffalo and Erie County, the issues facing DMST victims need to be shared with and worked on with one another. Child Protective Services and prosecutors may also need to work more closely to determine if the generalized language under the Family Court Act regarding the term "person legally responsible" would include a trafficker. Often, traffickers are the persons who are feeding, clothing, and giving shelter to DTM victims. In addition, traffickers have control over their victims and purposely manipulate the child and the environment so that the minor become solely reliant on the perpetrator. Denying that DMST victims exist, calling them something other than what they are, and passing off the responsibility of identification to a different agency or program can no longer be accepted.

1.9 Best Practices & Gaps

1.9.1 Best Practices

There is substantial consensus among government agencies and service providers that DTMs are victims and as a group deserve increased proactive preventative efforts. These efforts have been spearheaded by the WDNY HTTFA. Since its inception, the WDNY HTTFA has believed that training on DMST issues is integral to prevention. In carrying out that belief, it has worked to train all local law enforcement recruits, as well as Erie County Sheriff road officers. The WDNY HTTFA has also made efforts to educate the public with the production of brochures and pamphlets. In addition, the WDNY HTTFA believes that the media plays a major role in public education and perception of DMST and has wisely invited them to attend training sessions.

Additionally, both local and federal law enforcement participants' use of questioning techniques, instead of interrogation, helps build rapport with the victims. Wearing casual clothing, not wearing a firearm into the questioning room, using age-appropriate language, and understanding that disclosure may take time and require several questioning sessions are practices that should be used by all law enforcement who come into contact with DMST victims. These practices help build needed trust between law enforcement and DTMs.

The practice of law enforcement, presentment agencies like the Erie County Attorneys Office, and the Erie County Family Court not charging youth for prostitution or crimes closely related to prostitution is also vital, as it does not label the youth as such and does not place blame on them for their trafficker's actions. Family Court is set up to work with service providers and to provide services to the youth who come before it. Furthermore, the diversion teams that are in place help to prevent DMST by obtaining services for youth and families that they would not be able to access outside of the system.

Service agencies like Hopevale are also utilizing important practices that help identify victims of DMST. At intake, staff members ask questions about a minor's sexual history, including whether the youth has ever been traded for sex. This type of questioning is what has allowed Hopevale to identify more DTMs than any other RA participant.

Finally, as government agencies and service providers listed challenges to DMST victim identification, each also realized the importance of building rapport with the youth, as well as understood the real fears the youth may have in disclosure. Understanding challenges that face these victims is another important aspect in preventing DMST because once they are understood, agencies and service providers can begin to break down those challenges.

1.9.2 Gaps. Despite many positive efforts in the prevention of DMST, several serious gaps still exist. Particularly, NYS laws criminalize 16 and 17 year olds by charging them with prostitution, while federal law would consider them victims. This misidentification instigates further disadvantages for these 16 and 17 year olds as they do not have the same access to diversion programs and services that exist for youth in Family Court. Furthermore, DTMs who are not identified and placed in the juvenile or adult systems may not be able to access services at all.

As such, one of the largest gaps in the Buffalo/Erie County area is the identification of domestic trafficked minors. Many agencies who work directly with this population are not identifying them, which deny these victims needed services. Identification has been minimal because many key agencies, like the County Attorney and DA's Offices, who are not members of the WDNY HTTFA have not received

DMST training. In addition, lack of identification perpetuates the belief that these victims do not exist in Buffalo/Erie County. Agencies that do identify DTMs need to make other organizations aware of the victimization so that appropriate services can be provided. Increased communication will also clarify roles and responsibilities when it comes to DMST and can make agencies aware of who has been trained to identify DMST victims and who has not. Those who identify also need to keep statistics that show the number of DTMs they are identifying, which could impact funding, education, and legislation.

Better efforts need to be put in place to locate where DMST is occurring geographically. There is a general consensus that identification is difficult due to the victim's lack of willingness or ability to disclose the victimization. However, identification is not only up to the victim. Outreach groups and law enforcement have to become more aware of locations, including cyber locations, of DMST. Public education on DMST needs to occur to reshape the way these victims are viewed, including in the media. If DMST victims see law enforcement, prosecutors, public defenders, the judiciary, youth detention/probation, CPS, NGOs/social service agencies, and the general public making an effort to speak out against DMST, they may be more willing to disclose.

II. PROSECUTION

Prosecutions of traffickers/pimps are essential and it is important that these cases result in convictions and appropriate sentences. Ensuring strong legislation criminalizing trafficking and protecting victims in each state is critical, as is the training of law enforcement, prosecutors, and judges to ensure that they are aware of these laws and able to conduct effective investigations of traffickers/pimps. Collaborative efforts between all agencies and organizations in the prosecution process are critical to ensure the safe treatment of the victim during an investigation or as a witness during the trial or post-trial.

2.1 LAW ENFORCEMENT

2.1.1 Prosecution of DTMs. As previously stated, age plays a major role in the determination of whether a minor will be charged with prostitution. In NY, there is no age language in *Penal Law* §230.00, *Prostitution*. Also, unlike the TVPA (2000), there is no age language in NYS sex trafficking law (Appendix A). A minor aged 16 and 17 may, therefore, be charged with prostitution. Although the law does not specify age, it is the local practice not to charge minors under the age of 16 with prostitution. The difference is city and/or town courts have jurisdiction over these minors who are 16 and 17, not Family Court. Thus, they are considered and tried as adults. With an increase in training and knowledge of the TVPA (2000), some local law enforcement officers are hoping that the practice of charging minors aged 16 and 17 with prostitution will change. Unfortunately without a change in state law this may not occur. In addition, according to the NYS sex trafficking law, force, fraud or coercion must be involved for the sex trafficking of minors, which lays a heavy burden of proof on law enforcement and prosecutors.

2.1.2 Prosecution of Traffickers. Local law enforcement has not yet investigated any traffickers for DMST. In the future, both federal TVPA and NYS sex trafficking laws could be used, depending on the specifics of the case. Law enforcement members of the WDNV HTTFA believe that NYS may become much more involved in the prosecution of traffickers, now that a representative from the Attorney General's Office has joined the WDNV HTTFA. Their hope is that federal charges will be brought against traffickers/pimps whenever possible due to workload constraints faced by the local DA's office. Another benefit to federal charges is that the federal punishment for human trafficking is more stringent than the state punishment. If found guilty of sex trafficking under the NYS law, he/she would receive up to 25 years in prison; if the trafficker is found guilty of sex trafficking under the federal law, he/she may serve up to life in prison depending on the age of the victim. Federal law enforcement agencies use 18 USC § 1591, *Sex trafficking of children or by force, fraud or coercion*, attached in Appendix F, in investigating/charging traffickers.

2.1.3 Prosecution of Buyers. There have not been any arrests of buyers or "johns" of commercial sex services from a DMST victim either at the local or federal level. To help a case against a trafficker, buyers have testified before the grand jury in adult sex trafficking cases. According to local law enforcement one of the challenges of arresting traffickers and buyers is that society is not looking at DMST as a crime. One suggestion on how society can begin to change its view is for the media to discontinue its portrayal of prostitution as a glamorous lifestyle. Interviewees cited the media portrayal of New York Governor Spitzer who was found buying sexual services from an escort. In particular, it was stated that one only has to conduct an Internet search on the name "Ashley Dupre" (one of the escorts found with Governor Spitzer) to see how prostitution – particularly escort services – are glamorized. While the ex-Governor Spitzer was not involved with DMST, interviewees believe it is easy to understand how young girls may think a life of prostitution is glamorous and young boys may think becoming a consumer of prostitution is not a problem due to the messages broadcasted surrounding the case.

2.1.4 Prosecution of Facilitators. No arrests of facilitators of DMST, such as hotel managers, taxi drivers, or hotel operators, were reported by law enforcement. Officers stated that prosecution of a facilitator of the prostitution of minors takes an extended period of investigation. According to local law enforcement, facilitators are arrested for transporting, harboring, or holding a person for the purposes of prostitution, in almost every adult human trafficking case.

2.1.5 DTMs as Witnesses. A principal challenge in prosecuting trafficking cases is victim protection and continued cooperation. According to the FBI participants, for there to be a trafficking case a victim's testimony is absolutely necessary. Victim cooperation is difficult since the trafficker can use fear and intimidation to try and dissuade a victim from testifying. Difficulties also arise because law enforcement cannot control every friend/relation who may be involved in the trafficking and who may influence the victim-witness.

2.1.6 Legal Contradictions. One of law enforcement's concerns is that the NYS sex trafficking statute does not conform to the federal TVPA (2000). Specifically, the TVPA contains the provision that eliminates the need to prove force, fraud, or coercion if the victim of trafficking is a minor, whereas the state statute does not. The state law makes proof of trafficking a minor more difficult and provides the defense with ammunition to help the trafficker's case.

2.2 PROSECUTORS

2.2.1 Prosecution of DTMs As previously noted, minors are not federally prosecuted for prostitution or prostitution-related crimes. They are also not brought to Family Court on charges of prostitution. Domestic trafficked minors may be prosecuted for other crimes that may be directly related to the exploitation occurring through prostitution. Pre- and post-disposition JDs and PINS may be held in detention; however, the least restrictive environment that factors in both society's and the youth's safety is always used. Minors, aged 16 to 17, have been prosecuted for prostitution in city and town courts where the penalty may include jail time. Charging and prosecuting these victims in the criminal justice system can have very long term affects on the DTMs ability to receive social services, get a job, or maintain custody of a child. Jailing also does little to end the cycle of victimization, as prosecutors note that prostitution has a very high recidivism rate.

According to previous attorneys with the DA's Office, a prosecutor may not know the age of the defendant at a hearing. Because of the extremely high number of cases, it is not always possible to fully learn about each defendant. The prosecutor may only have time to view current charges and past criminal history, which may show the defendant's potential danger to society. Countless 16 and 17 year olds have most likely been prosecuted for prostitution. Very few, if any of these cases go to trial. Most of these DTMs plead guilty and are usually sentenced to time already served. Jail time varies depending on a DTM's previous criminal history.

2.2.2 Prosecution of Traffickers. The presentment agency (Appendix A) for Family Court has not prosecuted any human/sex traffickers primarily because they do not have jurisdiction over adults unless they are charged with abuse/neglect. In those cases, DSS petitions the Court. Prosecuting a minor as a JD for trafficking has not been addressed. An example of this is juvenile gang members who force female members to have sex in order to gain the protection of the gang or to have sex in exchange for money/ drugs/weapons. According to the county attorneys, they would have to thoroughly research the laws if the situation did occur. It should be noted that a minor arrested for trafficking/pimping has not yet been presented.

According to a former attorney with the DA's Office, they have not yet prosecuted any traffickers/pimps. While a current attorney from the DA's Office did not participate in this RA, the information shared by former staff was substantiated by local law enforcement and the U.S. Attorney's Office, who both state that someone has yet to be prosecuted under NYS sex trafficking laws. Traffickers have only been prosecuted under the federal TVPA.

2.2.3 Applicable Laws. Federal prosecutors may use any of the following laws in prosecuting a trafficker (please note that this is a general list):

- Child exploitation;
- Online enticement;
- Transport for the purposes of sexual activity;
- Sexual assault;
- Child pornography possession, distribution, and production; and
- Human trafficking.

According to the U.S. Attorneys Office, as long as they have jurisdiction over the case, a trafficker will always be prosecuted federally since there are higher sentencing guidelines and a lower burden of proof. In child exploitation cases, there has been a good deal of dual prosecution, where a perpetrator is

prosecuted by the state for child endangerment and may also be prosecuted federally for any of the crimes listed above. A conviction in state court may lead to a longer sentence if convicted in federal court. To date, there have been around a dozen or so federal prosecutions of traffickers.

2.2.4 Prosecution of Buyers. No buyers of commercial sex from a DMST victim have been prosecuted either at the local or federal level. In the past, buyers prosecuted at the local level in regards to prostitution, not human trafficking, were often not sentenced to jail time, unlike prostitutes who were imprisoned. A “john school” had been created, and if a buyer (of an adult in prostitution) attended the school, his case was usually dismissed. While the john school was only supposed to be for first time offenders, according to a former public defender, some judges would also allow buyers to attend the school multiple times, dismissing the buyer’s case after each john school attendance. Further information on the john school was unavailable as a current attorney at the DA’s Office and a representative from the Buffalo Police Department were not able to participate in this RA though due diligence was given to try and obtain interviews.

2.2.5 Prosecution of Facilitators. No prosecutions of facilitators of DMST, such as hotel managers, taxi drivers, or hotel operators, were reported by prosecutors.

2.2.6 DTMs as Witnesses. The prosecution of traffickers is greatly hindered by the fragile nature of the victim. Victims who are facing multiple emotional, psychological, and physical issues present difficult challenges as witnesses for prosecutors. There are some provisions to help child victim-witnesses, including DTMs who are testifying against their traffickers. At the U.S. Attorney’s Office, there is a victim-witness coordinator who keeps the victim informed of case status, provides arrangements to ensure the victim is able to appear in court, and prepares the witness for testimony. In federal cases, the child victim has many rights and certain provisions have been put in place to protect those rights. These provisions include closing the court room from the general public, using closed circuit televisions so the child victim does not have to be physically present with his/her perpetrator, redacting the child victim’s records and keeping only a sealed copy of the record that contains the child’s name, keeping minimal hard copies of a child-witness’ statements during an investigation, and having the defense come to the U.S. Attorney’s Office to view the child-victim’s evidence so that it does not leave the prosecutor’s possession.

Although traffickers have not been prosecuted outside of federal cases in the Buffalo/Erie County area, local prosecutors have procedures in place to assist child victim-witnesses. In Family Court, agencies like the CAC are used to working with the child victim, particularly since county attorneys are not trained to interview children. They would further rely on CAC help to ensure the child’s safety. Victim advocates are provided by the DA’s Office to help prepare the victim for court. The agencies that the County Attorney’s Office utilize, along with the victim-witness component of the DA, helps to provide a network of social services to these victim-witnesses.

2.3 PUBLIC DEFENDERS

2.3.1 Prosecution of DTMs

Domestic trafficked minors are prosecuted for the crime committed against them, if they are 16 or 17 years of age, by being charged and sentenced for prostitution in City Court. Minors under the age of 16 are not charged with prostitution in Family Court though a minor still may be prosecuted for other crimes that directly relate to the exploitation occurring through the prostitution. For example, JD charges may include drug possession while PINS behavior may include curfew violations. DMST victims may also come before Family Court if their parent or guardian is the subject of a neglect case. In these cases, it is possible for a DTM to receive services through DSS without having the threat of punishment that JDs and PINS face.

Sixteen and 17 year olds who have not committed a crime but have committed status violations can go to Family Court under a PINS charge, and they would have the same options as minors under a PINS charge who are under the age of 16. The same is true for 16 and 17 year olds whose parents are the subjects of neglect petitions. Minors who are 16 and 17 years old can be prosecuted for prostitution and may qualify for a public defender. Pre-adjudication, these minors may be linked to services such as Drug Court, which is a therapeutic court. They may also be linked to victim-witness programs through the DA's office. According to a former public defender, it is easier to find services for a DTM post-adjudication. Once the threat of additional charges is gone, services can be linked based on the outcome of the adjudication.

Placement and services offered through Family Court are dependent upon whether the DTM is before the court as a JD or as a PINS referral. According to an attorney for the child who represents minors in PINS cases, pre-disposition placement may include returning back home, placement in detention, release to a relative resource, or to a shelter like Compass House. During this time period, both the minor and the family would be offered services from the diversion team, FST, which offer counseling services. Post-disposition, the PINS youth may be able to return home, but have to report to probation. The youth may also be placed in a treatment/detention facility like Hopevale, where he/she would continue to receive services.

Despite its punitive nature, detention may be the only form of protective custody available for JD/PINS who are also DTMs. Attorneys for the child may feel that detention is the best option for their client when extreme protection and services are needed; nevertheless, their obligation is to argue for what their clients want, not what is in their client's best interest.

2.3.2 Pleading Guilty for Services. One of the greatest challenges 16 and 17 year olds face is that if they do not plead guilty, certain services may be unavailable to them. Instead of DTMs having to go through the criminal justice system to receive services, a former public defender would like to see more activity on the state therapeutic level. Specifically, the state could create criteria for labeling a DTM, guaranteeing specialized treatment for victims. Likewise, it is a challenge for DTMs in Family Court who may not be eligible to receive treatment and protection, unless they are brought in as JDs or PINS.

2.4 JUVENILE COURT JUDGES

2.4.1 Jurisdiction over DTMs The Family Court Judge dedicated to hearing JD and PINS cases is aware of the TVPA (2000) and the federal designation of DTMs as victims. The judge interviewed views DTMs as victims, but under the law is only able to deal with the minor and the charges those minors face when they are in front of him. Recognizing the JD/PINS as a victim of DMST do not allow the judge to disregard the charges that lead to the minor's court appearance. Without an open/ongoing JD or PINS case against a minor, the court would not have jurisdiction over the minor. That being said, the judge will place the minor in the least restrictive environment throughout the case while ensuring the minor, and when possible his/her family, are receiving appropriate social services. In addition, the Court may have access to DTMs whose parent or guardian is the subject of an abuse/neglect case. In these cases, placement options do not include detention. It is possible for a minor to have an open PINS case occurring simultaneously to their parents being brought before the court for neglect

Buffalo City Court has jurisdiction over 16 and 17 year olds who have been charged with prostitution. City Court Judges are also aware of the TVPA (2000); however, the TVPA (2000) does not generally affect City Court or Family Court. These Courts follow the NYS sex trafficking law, which requires force, fraud, or coercion to be proven even in the sex trafficking of minors. Most DTMs charged with prostitution in City Court plead guilty and are usually sentenced to time already served up to a year in jail, depending on their previous interactions with the court system. According to a City Court judge, these DTMs are usually not given probation, as the probation system is too overworked, though some of these DTMs may receive services through Drug Court. Like in Family Court, City Court Judges have to decide on the case that is put in front of them. Identification as a DTM may enable the minor to receive certain services, but it does not automatically eliminate the prosecution of the minor.

2.4.2 Legal Contradictions. In NYS, the law governing prostitution seems to be at odds with statutory rape laws and the age of consent. While minors are not legally capable of consenting to sex, they still may be charged with prostitution. New York law states that: "a person less than 17 years of age is legally incapable of consenting to sexual intercourse or other sexual contact. These laws are typically known as statutory rape laws. If the victim is under 13, and the defendant is at least 18, this constitutes a 1st degree sexual offense. 1st degree crimes are considered the most serious ones and carry the longest penalties. If the victim is under 15 and the perpetrator is at least 18, this constitutes a 2nd degree sexual offense. However, if the defendant is less than 4 years older than the victim, this may constitute an affirmative defense. Affirmative defenses are those in which the defendant introduces evidence which negates criminal liability."⁴⁷

One explanation for the contradiction is that when 16 year olds are arrested and/or prosecuted for prostitution, it is typically not because they were caught in the act of having sex, but in offering it. There is not necessarily a consent element to prostitution, unless someone has been charged with prostitution due to their agreement to have sex in return for a fee. This legal contradiction may be why law enforcement, prosecutors, and Erie County Family Court do not prosecute minors under the age of 16 for prostitution.

⁴⁷ New York City Alliance Against Sexual Assault, New York State Laws.
<http://www.nycagainstrape.org/survivors_legal.html>. Accessed on July 11, 2008.

2.5 JUVENILE DETENTION FACILITIES

2.5.1 Detention of DTMs. Victims of DMST that are under the Family Court may be placed into detention facilities through a multitude of charges, though not typically prostitution. Many of the minors placed in non-secure detention are placed there because of a status offense(s) leading to a PINS petition. Minors under the age of 18 may be considered PINS. Mild (non-violent) JDs may also be placed in non-secure detention. Once in detention, a DTM may have access to services including medical and mental health services. If a minor commits a crime once they have reached the age of 16, Family Court no longer has jurisdiction and he/she is tried as an adult. At that point they will be in the criminal justice system and are not placed in detention. There are no specific services offered to DTMs who are identified as such.

2.5.2 Prosecution of Traffickers. Detention facilities work very closely with outside agencies, including law enforcement, in an effort to keep minors safe. They have close relationships with CPS, juvenile probation, and Erie County Family Court, should a situation arise where a minor needs to access the system. Likewise, most law enforcement agencies have been very willing to keep detention apprised of pertinent information in any individual case. Rapid assessment participants from non-secure detention facility state that the facility offers safety for DTMs who must remain in the facility for the duration of their placement. Interviewees believed that traffickers did not have access to the DTMs once they are placed in detention as the safety of each minor is closely monitored. Safety concerns for DTMs who are placed in secure detention may be more disquieting, depending on the violent nature of the general population; unfortunately, a representative from secure detention was unable to participate though due diligence was given to try and obtain an interview.

2.5.3 Recognition of Victim Status. According to non-secure detention staff, the TVPA (2000) does not affect organizational procedures and access to services and funds as a result of defining a minor as a federal sex trafficking victim. Hopevale receives the same amount of funding no matter what the needs are of the individuals who are placed. Minors who have been identified as DMST victims are thought of as such—the word “prostitute” is never used to by Hopevale staff to refer to them. They are offered services based on their needs, as much as any other minor in the detention facility.

2.6 CHILD PROTECTIVE SERVICES (CPS)

2.6.1 Protection

CPS is concerned with any minor who is sexually exploited by a parent or caregiver. That limited focus means that the TVPA victim designation will not change how they look at their victims. If there is no charge against the parent/caregiver, CPS will not be involved. Before local DSS/CPS can even become involved, the head office in Albany, NY determines whether or not calls made to the hotline are reportable - in other words if the call is made in regards to abuse/neglect by a person legally responsible for the child. A DMST call may be reportable if a parent/caregiver is directly involved in the prostitution, or if they are aware of or facilitated the prostitution in some way. Involvement in prostitution or detention is irrelevant to the CPS investigation of a suspected abusive parent/caregiver. However, DSS/CPS does indicate that if they were to identify a DTM they would give that information to law enforcement or the DA. CPS' ultimate focus is protecting children. If a child has to be removed from a home their goal is re-unification, as long as it is in the best interest of the child.

2.6.2 Home Placement. Law enforcement may contact CPS when a detained minor is scheduled for release if the parents cannot be located. If a child cannot be returned home, CPS may help facilitate placement in a group home or foster placement depending on the specifics of the case. Once a child is returned home, continued follow-up with CPS and, in turn, with Family Court may be needed, depending on the requirements made by CPS and the Court as conditions of the child's return.

2.7 NGOs/SOCIAL SERVICE PROVIDERS

2.7.1 Recognition of Victim Status. The majority of NGOs and social service providers were not aware of the TVPA (2000) or how it classifies trafficking victims. One of the only NGOs that was aware of the TVPA (2000) is the International Institute. They are funded through the OVC to provide services and shelter to foreign national trafficking victims. The TVPA does not provide funding for service providers of U.S. citizen and lawful permanent resident children trafficking victims, which may explain why NGOs/social services are not specifically aware of the Act. Overall knowledge of the TVPA and DTM identification are low with few agencies being both aware of the TVPA and identifying DTMs. A greater number of agencies are neither aware of the TVPA nor identify DTMs. However, there is not necessarily a relationship between awareness of the TVPA and the identification of DTMs as many agencies are aware of the TVPA or identify DTMs but not both.

2.7.2 Legal Challenges. The most prominently mentioned legal issue raised by social service providers is the need for a greater advocacy for DTMs. Various jurisdictions view sex crimes in different manners. Society in general seems to have an apathetic attitude towards DMST victims because of past and/or current JD/PINS/criminal behavior. Agencies stress that the victim's rap sheet needs to be ignored and the focus needs to be specifically centered on the DTM's victimization. In addition a victim-friendly criminal justice system needs to be established, where child-victims are offered a wider selection of service offerings, much like the Family Court. Moreover, social service providers suggest that law enforcement and service providers need to worry less about "territory" and work more closely together to help these victims. Some RA participants believe that there are a number of law enforcement agencies and certain social service providers that operate in a non-collaborative way. Because these law enforcement agencies view DMST victims only as criminals, they may believe that service providers have no role in helping DTMs who have committed crimes, are JDs, or PINS due to their exploitation. Meanwhile, some social service providers do not trust law enforcement to help victims in pursuing perpetrators as they believe law enforcement will punish the victim. As a result, these agencies decide not to involve law enforcement at the expense of investigation and prosecution of traffickers/pimps.

2.8 CONCLUSIONS

Overarching views of prostitution continue to exist in Buffalo/Erie County and overshadow the strides that many agencies have made in trying to build cases against traffickers/pimps while protecting the victim-witness. Many participants, particularly the NGOs/social service providers, stress that a major challenge in prosecuting traffickers and buyers is society's view of the victims as criminals. If they are not viewed as prostitutes, they may still be viewed as JD or PINS and become unsympathetic victims. Society may further view them in a negative light due to the DTMs' unwillingness to participate in the prosecutions of their traffickers/pimps. Some DMST victims may have conflicted emotions regarding the trafficker/pimp, especially when this person is a loved one, such as a family member, friend, or significant other. Interviewees believe some people—including the general public, media, law enforcement, prosecutors—may view this as the DTMs affirming their own victimization through prostitution. Due to the complex dynamics of DMST, such as their relationship to the trafficker/pimps or other social issues like substance abuse, poverty, and broken homes, these victims need greater advocacy and not a system that turns its back on them or treats them as criminals.

Society's view of these victims is further skewed by the continued media portrayal of prostitution being sexy or acceptable. Law enforcement is aware of this media portrayal and has tried to counteract it by inviting media to human trafficking trainings. In addition, the lack of blame placed on the buyers of children increases difficulties for law enforcement and prosecutors. Evidence of unequal treatment can be seen in sentencing options for buyers and prostituted children; cases of buyers of adult women are dismissed with a possible fine and attendance at "john school" while children exploited through prostitution often spend time in jail.

Despite these challenges, there are systems in place that encourage victim-witness testimony and safety. Victim-witness advocacy is available at the local and federal levels. These services help to prepare the victim-witness for trial, as well as keep victims aware of the status of the case. Victim-witness advocacy programs also may be able to partner the victim with appropriate services. For children victim-witnesses, these services may be limited, particularly if the victim is not in front of the Court as a JD/PINS or does not have a parent/guardian in front of Family Court on charges of neglect. Services may be more attainable if they are mandated by the Court.

State law not only has a major impact on the identification of DTMs, but it also impacts the prosecution of traffickers, buyers, and facilitators. Because the current NYS sex trafficking law does not include the age provision of the federal law, the focus of prosecutions continue to be on the victim whether or not the DTM is specifically charged as a prostitute. Criminalizing DTMs can have long term affects on the DTM including lack of ability to receive some social services or to obtain certain jobs. It can also affect the DTM's custody of any children they may have. Despite the TVPA (2000) affecting federal prosecutions of DMST, service agencies who should be serving these victims have very little knowledge of the Act. For the most part, those agencies that are aware of the TVPA (2000) say they are not affected by it.

Ultimately, the lack of DTM identification has affected the level of trafficker, buyer, and facilitator prosecution. It has also affected the service availability to these victims for most services can only be accessed if a victim is currently part of the juvenile justice or criminal justice system. Domestic trafficked minors who are not part of the system may not have the ability to access these very limited services.

2.9 Best Practices & Gaps

2.9.1 Best Practices. Federal prosecutors have had some success in prosecuting traffickers or pimps in the Buffalo/Erie County area. These successes rely heavily on inter-agency investigative work. Local law enforcement has been identifying trafficking victims and has given these cases to federal law enforcement and federal prosecutors where trafficking sentences are steep. Despite the lengthy process of building a case against a trafficker/pimp, federal agencies have been committed to their prosecution and have been successful in getting convictions. Federal agencies have been just as diligent at providing victim-witnesses some safety. The U.S. Attorney's Office uses video taping of a victim's testimony, allows the defense limited yet still legal access to the victim's testimony, and seals the child victim's records which may include the child's name, while redacting records in transcripts. Local prosecutors provide victim-witness advocacy and linkage to needed services.

In addition, social service providers believe that all victims deserve services, despite any current charges or a victim's past criminal history particularly when it comes to children. Not one of the participating agencies would deny a DTM services strictly based on past or pending charges, though the charges may play a role as to the appropriateness of the services offered. Additionally, many service agencies were unwilling to attach the term "prostitute" to these victims, who are after all, children.

Erie County Family Court is also working to ensure that juveniles referred on JDs and PINS charges and who may also be DTMs are receiving necessary services. Although it may be detrimental for DTMs to be placed in the juvenile justice system and deemed as delinquents, this system may be utilized for its service-centered focus and its rehabilitative nature. For this very reason the juvenile justice system has been commended. The purpose of Family Court is not punitive as evidenced by the use of diversionary services. Multi-disciplinary diversion teams work together to help JDs/PINS access and receive appropriate social services.

2.9.2 Gaps. The fact that many DTMs cannot access services unless they are in the juvenile justice system cannot be ignored. There needs to be some way for DTMs to be recognized as victims without being labeled as JD/PINS or, if 16 or 17, as a prostitute. The current NYS sex trafficking law does not recognize anyone under the age of 18 who is involved in commercial sexual exploitation as a victim. The law is not in line with the federal TVPA (2000). Because of this, victims are not guaranteed to receive services. Although, at this point, there is a lack of agencies dedicated to serve DTMs in particular. This may be due to the lack of identification of DTMs and/or the deficiency in awareness of the TVPA (2000). Nongovernmental organizations (NGOs) and service agencies alike need to become more aware of DMST issues and how to advocate for DMST victims.

Additionally, according to interviewees, the age of the minor is often not learned by a prosecutor in Buffalo City Court. Because of workloads, prosecutors may not have time to look at the age of the defendant, only his/her rap sheet and current charges. As such, prosecutors may not know that they are charging 16 and 17 year olds as prostitutes. As result, DTMs are treated as criminals and not victims. They are receiving penalties instead of services. Penalties, such as jail time, do little to end the cycle of victimization.

Despite the fact that federal agencies offer victim-witness advocacy, they do not appear to partner with local service providers on behalf of DTMs as much as may be needed. If partnerships were increased, NGOs and service providers may be more aware of DTMs and the TVPA (2000), leading to interventions appropriate to DMST.

While many government and social service agencies have developed strong working relationships with

one another, there are other prominent and fringe agencies who have not become involved in DMST identification and prosecution. This lack of involvement may have something to do with “territory” wars (disagreements over jurisdiction) that began when there was little to no collaboration between law enforcement, service providers, and the courts. It may also have to do with stigmatized views of prostitution. Because prostitutes are punished and actions of buyers are readily dismissed, DMST continues to perpetuate. Whatever the reason, all key agencies, local and federal agencies alike, need to work together to prosecute traffickers, buyers, and facilitators.

III. PROTECTION

Protection requires victim-centered rescue and restoration. Rescue is vital to remove the minor from commercial sexual exploitation without revictimizing the minor. Holistic victim-centered, long-term restoration is essential and should include providing long-term shelters and protective safe homes (permanent or foster care); medical, psychological, and counseling services; education; and life skills building to victims of domestic minor sex trafficking.

3.1 LAW ENFORCEMENT

3.1.1 Rescue. Participating local law enforcement have not yet identified any DTMs and do not have a specific strategy in place when it comes to rescuing them. Because the Erie County Sheriff's Office is a member of the WDNY HTTFA, it feels like it could handle rescuing DTMs effectively. Participants state that anyone interested in the topic of human trafficking may join the WDNY HTTFA or receive training to learn how to rescue victims of human trafficking.

In addition to not having a specific strategy in place when it comes to rescuing DTMs, local law enforcement participants have not identified specific locations from where DTMs may need rescuing. According to interviewees, traffickers target children who are vulnerable so that they can build a relationship with the victim. Pornographers access victims by becoming the "fun house" in the neighborhood with the latest video games and electronics. Technology also plays a role in child exploitation including websites such as myspace.com, craigslist.com and youtube.com. Law enforcement believes DMST will most likely occur in all of these ways either through the distribution of child pornography or as a tool by traffickers/pimps to facilitate transactions to buyers of children. Still, there does not seem to be a particular officer monitoring geographical locations to purposely patrol for DMST. One of the main reasons may be that officers are so overloaded with other human trafficking cases, particularly labor trafficking and the sex trafficking of adults/foreigners, that there is not enough manpower to focus on DMST.

Federal law enforcement does have specific agents committed to human trafficking caseloads. Like the Erie County Sheriff's Office, the FBI is a member of the WDNY HTTFA and uses it as a resource when dealing with DMST. Furthermore, federal law enforcement works with agencies that advocate for child victims, such as the CAC, to facilitate in these rescues. Through video surveillance, federal law enforcement also recognizes certain areas of Buffalo/Erie County where DMST is occurring or is primed to occur. However, because of caseloads, federal law enforcement working on human trafficking cases have not yet been able to monitor websites promoting DMST.

3.1.2 Access to Services. Local law enforcement cite several challenges for DTMs access to services. One of the major barriers is the lack of funding available to service providers. Currently, there is no organization with specific funding for treatment of DMST victims. Secondly, without the government taking a serious stance on training the judiciary, legislators, and law enforcement, RA participants do not believe DTMs will have the opportunity to access appropriate services and shelters. Access to shelters and services is primary for DTMs and has a direct affect on the investigation and prosecution of traffickers, buyers, and facilitators. If DTMs do not feel safe, they will not open up to law enforcement. DTMs must trust that someone will keep them safe.

Federal law enforcement echo these views. Law enforcement cannot focus on keeping DTMs safe while they are conducting proper investigations. They do not have the time or manpower to do both jobs. According to participants, agencies need to work together better in order to protect DTMs. If law enforcement does not have to worry about whether the basic needs of the victim are being met, they can build a better prosecution. Victims need a place to stay that offers holistic healing and exposes them to new, positive activities. Shelters also need to focus specifically on DMST issues and employ an appropriate number of personnel so that the needs of each minor are being met. As of right now, federal law enforcement believes that there is a substantial limit on what they can do for DTMs, since the "system is jammed." There is no central location that federal law enforcement can utilize in obtaining local services for DTMs making it difficult once they have a victim in custody.

3.2 PROSECUTORS

3.2.1 Rescue. As previously stated, prosecutors have had limited identification of DMST victims. Many DTMs may be identified as:

- Victims of other crimes including sex abuse;
- Juvenile delinquents or Persons in Need of Supervision (PINS) for something other than prostitution; or as
- Prostitutes placed in the adult/criminal courts.

For identified DTMs and victims of sex abuse, prosecutors refer the case to the CAC whose staff is specifically trained to deal with sex abuse cases. The CAC utilizes a forensic psychologist to interview the child with law enforcement and prosecutors observing through a two-way mirror. This lessens the number of interviews a child has to go through in the hopes that the child will not be re-victimized. Federal prosecutors may peripherally observe the victim throughout an investigation to ensure he/she is receiving the services he/she needs, but they really rely on the CAC and its staff. Relying on outside agency expertise is also important since it may take numerous contacts before a DTM is ready to disclose his/her victimization.

3.2.2 Criminalization. The lack of training for prosecutors regarding DMST has resulted in the lack of identification of DTMs as well as them being pulled deeper into the juvenile justice system. Once juveniles have access to the system, however, they are able to access services that many who are not in the system cannot. Often victims of DMST may have been involved in other types of criminal behavior including drug abuse. Therefore, they may be sent to a juvenile drug rehabilitation program to address their drug problem, but the issues surrounding their commercial sexual exploitation may not be addressed through such a program. Sixteen and 17 year olds in the adult system are criminalized to a greater degree. Criminal court is much more punitive than the rehabilitative nature of the Family Court. In the criminal court system, victims of DMST are charged with prostitution and sentenced to jail, which is typically not linked to services.

3.2.3 Placement. According to both federal and local prosecutors, placement is often determined by the DTM's potential to run away and placement determinations are made on a case-by-case basis. Federal prosecutors say that they are interested in the minor's safety but that they also have to protect their case. Often times, non-secure detention facilities like Hopevale are utilized, since it offers some sort of protection. NGOs/Social Service Providers run shelters that are voluntary so they may not keep a child from running away. Mental health issues also play a part in where a minor may be placed. At Erie County Family Court, the Family Court clinic is utilized to perform mental health evaluations. For more serious mental health issues, the presentment agency relies on local hospitals like the Erie County Medical Center (ECMC) and BryLin Hospital.

3.2.4 Access to Services. DTMs' access to services is often related to where they are in the juvenile justice system or in criminal court. According to the County Attorney's Office, they often have to charge a minor in order for the minor to access appropriate services. This may be the only leverage a minor has to access services or receive a proper placement. According to a former attorney with the DA's Office, services for DTMs may be more complete with a specialized Prostitution Court that could specifically address the myriad issues DTMs face. Proper training could also accomplish a more complete access to services. Federal prosecutors state that protecting DTMs is further made difficult since the prosecution of traffickers, buyers, and facilitators is so complex, especially because the intent of the perpetrator is not an easy element to prove.

Additionally, service can be limited, particularly in dealing with potential DTMs. According to the county attorneys, there are only a couple of agencies that specifically treat minors who have been sexually abused. Minors face further challenges in accessing services as there are usually long waiting lists for services. They also often have to rely on a parent's or guardian's willingness to provide insurance information, transportation, etc. in order for services to begin/continue on a regular basis. This poses a problem because often DTMs are runaway, homeless, or have been previously victimized in the home, making it difficult for a victim to have access to such needs.

3.3 PUBLIC DEFENDERS

3.3.1 Rescue. When interviewing clients, attorneys for the child state that it is very important, depending on the allegations against the minor, to find out about his/her sexual behavior. This is extremely difficult as many minors lie and do not trust the system, which includes their attorney. Clarifying sexual behavior, however, is imperative for access to services, as it will help determine any medical services, sex education, or trauma interventions needed. It also enables the attorney to better represent his/her client. Finally, it is important to ask about sexual behaviors in order to determine if the minors are trying to protect themselves against further prosecution, or if they are protecting a sexual partner or prospective trafficker. In addition to public defenders asking the right questions that may help them identify DTMs, they are also attune to geographic areas where DMST may take place.

DTMs subject to trafficking in their own home or neighborhood face greater difficulties.

3.3.2 Placement. Public defenders must zealously represent their clients and argue for what the minor wants, not what is necessarily in his/her best interest. Usually, the minor wants to be placed in the least restrictive environment, which, depending on the court and the petition, may be back home. Post-disposition, a minor may return home to live with a parent or guardian or plan to live independently. If the plan is to return home, it is often difficult for the minor if his/her subjection to the trafficking occurred in his/her own neighborhood. Permanency plans may change throughout the legal process.

3.3.3 Access to Services. Services greatly depend on the charges minors face and how they plead. If DTMs plead guilty, they may have greater access to services, since those services will be mandated by the Court. According to a former public defender, if charges are dropped, it is a legal victory for the DTM; however, there will also be no formal service plan set up for the DTM. He/she will be left to access services on his/her own. If the DTM discloses his/her victimization, he/she may access services through victim-witness programs.

3.3.4 Challenges. According to the attorney for the child and a former public defender, there are many challenges in protecting DTMs. As previously discussed, there are few agencies that serve this population. In addition, there is often a lack of family support for these victims. Without services and supports, DTMs will not receive necessary care and protection and remain at-risk for further victimization and manipulation by the trafficker. When the trafficker/pimp is the only adult voice, it is understandable how a DTM is so influenced by the trafficker. One final challenge mentioned by the public defenders in protecting DTMs are attorneys who may not be representing their clients properly due to a lack of systematic DTM identification methods.

3.4 JUVENILE COURT JUDGES

3.4.1 Access to Services. According to Erie County Family Court Judges, if DMST victims are in the juvenile justice system, they can access the necessary services to assist them in building life skills that would allow them to exit prostitution. Participants did not see non-secure detention as an incarceration concept, but a way to ensure the minors receive services, particularly if they are a run-away risk. Services are provided to the minor in the non-secure detention, including medical care. It should be noted that, according to participants, placement is directly related to the best interest of the child and is the least restrictive environment to ensure the public's safety as well as the safety of the minor. DTMs who are in the juvenile justice system may also access services without going to placement. According to Family Court, of the 2,000 status offense petitions that were filed last year, only an estimated 400 went in front of the Family Court. The rest of the families were offered services through PINS diversion programs.

According to City Court, there are ways for minors to access the services they need, as described in previous sections (Drug Court, Domestic Violence Court, victim-witness programs, etc.). However, access to services is not as efficient as it could be if there was a system-wide mechanism that could match victims with services based on all of their needs. Too often, interventions are based on one need and may not address other issues.

3.4.2 Challenges to Providing DMST Victims with Care. Even though there are services DTMs can access once they become part of the juvenile justice system, and possibly the criminal justice system, there are still challenges. One of the main challenges stated by interviewees is dealing with the social ills that make the DTM vulnerable to trafficking. While the Family Court may have jurisdiction over the minor and can mandate services for that minor, the Court does not have jurisdiction over the parents or guardian, unless the parent or guardian is before Family Court on abuse/neglect charges. If the DTM returns to the same conditions that enabled the DMST to originally occur, chances are high that the trafficking will happen again. According to participants from Buffalo City Court, there needs to be more safe places for DTMs to stay outside of jail and detention. Moreover, there needs to be a way to remove DTMs' legitimate fears over how their basic needs will be met. In addition, participants from Family Court believe that the age of JDs needs to be raised to age 18 (versus the current 16 years of age) so that they will be under Family Court jurisdiction. This will provide the minors with access to the least restrictive environment, diversion programs, and services that JDs under the age of 16 and PINS (whose age was raised to the age of 18 in 2005) can access.

3.5 JUVENILE DETENTION FACILITIES

3.5.1 Needs-based Interventions. In non-secure detention, each minor has an individually designed treatment/case plan. The case plan is not static and may evolve to meet the needs of the minor as his/her time in detention progresses. Services may be added at any time as long as they are available, even if they are not directly related to JD/PINS behavior that gave rise to detention. For example, a minor under supervision for incorrigibility may be referred to an outside agency like Haven House, a shelter for domestic violence victims, if information is gathered from either self-disclosure or a secondary person that the minor is a victim of domestic abuse. Furthermore, detention stays may be extended for reasons that benefit a minor and not for punishment. For example, a stay may be extended so a minor can finish the school year at the facility or it may be extended so a mother-to-be can finish prenatal classes. In these cases, extensions of stay would have to be filed with Family Court. As the ultimate goal is to re-launch the minor into the community, any appropriate intervention is offered contingent on availability.

3.5.2 Evidence-Based Practices. Programs, services, and treatments based on practices that have been assessed and evaluated for their success and effectiveness are referred to as evidence-based practices. Currently in Buffalo/Erie County there is no clear model being used in the development or assessment of services and programs specifically for victims of domestic minor sex trafficking.

3.5.3 Gender-Specific Programming. Providing gender-specific programming does not currently occur per se in Buffalo/Erie County. Until recently, non-secure detention facilities had been same-sex only, thereby allowing programs to be tailored to girls or boys. Hopevale, which had been the non-secure detention facility for girls only and has recently become a non-secure facility for boys as well, utilizes programs including Project Truth and Planned Parenthood that focus on issues including responsible choices regarding sex and prenatal care. In 2007, Hopevale's non-detention facility took in forty-two pregnant teens from January 1 through the end of July. Non gender-specific partnerships include Crisis Services and ADDS.

3.5.4 Services. There are no specific services offered to DMST victims or that target the issues surrounding prostitution. However, Hopevale does offer social services in-house. It also partners with outside agencies including Haven House (a domestic violence shelter for women and children), Project Truth, Alcohol and Drug Dependency Services, Inc. (ADDS), Crisis Services, and Planned Parenthood to name a few. These services are available based on the minor's need. Regular service plans are available post-adjudication.

3.5.5 Challenges. Detention facilities face a variety of challenges in providing services to youth, despite their best efforts. Interviewees state that one of the major challenges is funding. Because facilities like Hopevale receive a certain amount of money to run programs each year, it is not able to add or tailor programs to meet all of the specific needs of each minor. RA participants further state, as in prevention, secrecy is a major challenge in protecting these youth. Without knowing the identity of the trafficker/pimp, DTMs may be released into situations where the perpetrator once again has access to them.

3.6 CHILD PROTECTIVE SERVICES (CPS)

3.6.1 Inadequate Placement. According to interviewees, CPS has not been directly involved in the rescue of DTMs. Instead, their roles are to respond to reports of abuse and neglect in the home through investigation and to coordinate services. CPS would not be involved in DMST cases when there is no parental or caregiver abuse or neglect. If a report was made that DMST was occurring with parent/caregiver involvement, participants stated that CPS would respond accordingly. The major reason CPS has not been involved in DTM rescue is that there have not been any identified DTMs by CPS caseworkers according to DSS clinical staff. In addition, neither law enforcement nor NGOs/social service providers have reported that CPS failed to identify DTMs, also stating that they believe CPS would not hesitate to investigate a DMST case that involved a parent or caregiver.

3.6.2 Challenges to Providing Services. DSS states that it needs to educate staff on what signs to look for to identify DMST victims. In addition, further knowledge needs to be gained on which outside agencies DSS can partner with to learn about or deal with the issue of DMST, including the possibility of building stronger relationships with faith-based organizations. DSS/CPS would also like to familiarize itself with which law enforcement agencies specifically identify DTMs. A major challenge to providing service is that there are not ample resources to properly deal with any child victims including but not limited to DMST victims. Specifically there are not enough shelters and not enough preventative services.

3.7 NGOS/SOCIAL SERVICE PROVIDERS

3.7.1 Resources in the Buffalo/Erie County Area. Even though some NGOs/social service providers are identifying DTMs, there are currently no treatment methods that consistently address the role of the trafficker in these children's lives. According to participants, treatment is needed to address the psychological influence that intermittent positive reinforcement from traffickers has on DTMs. Often compared to domestic violence, traffickers/pimps will systematically romance the child, while slowly isolating the victim from support mechanisms. Extreme physical, sexual, and emotional abuse is then followed by acts of kindness and attention.

3.7.2 Resources in the Buffalo/Erie County Area. Specific risk factors for youth in Buffalo/Erie County have not been adequately addressed. Buffalo was recently named the second poorest big city in the United States on the government's poverty list.⁴⁸ Buffalo also borders Canada and is next to Niagara Falls, making it a prime location for the sex tourism industry that can facilitate DMST. These risk factors increase the possibilities that a minor could be drawn into sexual exploitation and trafficking. As NGOs and social services are integral to the provision of services to DMST victims, the information presented in this section will profile each organization where services and programs may be available for DTMs.

Child Advocacy Center (CAC) (www.catswny.org). This child-centered program improves community response to child abuse through multi-system collaboration. The Center brings together medical, mental health and child protection professionals, district attorneys, and the police to address the needs of sexually abused children and their families with a single child-friendly coordinated response. Children heal successfully and the program helps protect them from further victimization by promoting the effective prosecution of alleged offenders.

The Care4Kids program through the CAC provides a comprehensive medical, dental, and behavioral health assessment for every child who enters foster care in Erie County. Care coordinators ensure that linkages are provided to all needed services and that data is available to the court system to promote positive outcomes for children.

Compass House (<http://www.compasshouse.org/>). Compass House exists to provide safe shelter and services to runaway and homeless youth. Clients of Compass House voluntarily enter the shelter or engage in case management through the Resource Center. All services are aimed at preventing the client's decline into chronic homelessness while promoting a more stable and productive living situation.

The Resource Center is a place where 16 to 20 year olds, who are homeless or at risk of becoming homeless, receive guidance and separation from the outside world. The center offers immediate access to crisis services; assessment and case management; individual, group and family counseling; referral and advocacy; independent living instruction and assistance; emergency food pantry; and access to furniture and other household items

The Compass House Emergency Center (or The Shelter) has enough room for up to 13 people. The Shelter provides runaway and homeless youth from 12 to 17 years of age with immediate access to crisis counseling, a temporary place to live, and hot meals. They also interact with trained professionals who are always on hand to listen and provide support.

Please see Appendix J for a copy of a Compass House brochure outlining their services.

⁴⁸ Caya, C. & Desmond, M. "Buffalo is nation's second-poorest city." WNED-970 AM News. August 29, 2007.<www.publicbroadcasting.net/wned/news.newsmain?action=article&ARTICLE_ID=1139020§ionID=1> Accessed on July 13, 2008.

Crisis Services (<http://www.crisisservices.org/index.asp>). Suicide Prevention and Crisis Service, Inc. began operation in November of 1968 after two years of strategic planning by the Mental Health Association, the Psychological Association of WNY, the Community Welfare Council, and the Erie County Department of Mental Health. It was developed to have broader purposes and concerns than currently available in the area of emergency mental health services by offering a 24/7 response.

The service was designed to fill the community's need for an innovative unit that would explore new methods of treating and assisting people in emotional crisis through a variety of therapeutic services. It was to also provide training and educational programs in crisis intervention and have a comprehensive research component supporting the whole service. Crisis Services exists to fill the same needs today, but has adapted service delivery with respect to social needs and funding.

Crisis Services of Erie County is the most comprehensive crisis center in upstate New York, and it meets the community's needs by providing a Crisis Phone Counseling Center; Kids Helpline and kidscrisis.com; emergency outreach; trauma response; rape and domestic violence advocacy; outreach to the homeless; crisis intervention training; and police mental health coordination

Please see Appendix K for a copy of the Crisis Services brochure outlining some of their services.

Teaching and Restoring Youth Program (TRY) (<http://www.tryprogram.org/>). The TRY Program of Buffalo serves young women ages 16 to 25 who are homeless and who have suffered from or are at risk for abuse, violence, and victimization and are serious about rebuilding their lives. The expected shelter stay is 6 months to 1 year.

According to TRY's website:

"Participants are required to complete a high school education, enroll in a 2 or 4 year college or job training program; participate in individual counseling and if necessary family counseling; engage in meaningful community service; participate in all group activities (social/recreational/workshops); work toward the development of independent living skills; work toward a sense of community with other residents; and participate in necessary medical evaluations."⁴⁹

Please see Appendix L for a copy of a TRY brochure outlining their services.

Hopevale, Inc. (<http://www.hopevaleinc.org>). Hopevale, Inc. is a family services agency located in western New York. Its mission is to rebuild young lives through comprehensive therapeutic, educational, and support services in a structured and nurturing environment. This enhances the dignity and development of youth as responsible members of families and society.

Hopevale offers services in residential treatment, respite services, therapeutic foster care, detention, and wraparound care coordination that includes the family in treatment. Drug and alcohol counseling is accomplished through Hopevale's on-campus collaborative partnership with ADDS. For residents suffering from trauma, Hopevale offers Parent & Child Trauma (PACT) counseling. "PACT counselors provide expertise in assisting survivors of all types of physical and emotional trauma including rape and sexual abuse, grief, abuse and neglect, as well as domestic and community violence."⁵⁰

⁴⁹ Teaching and Restoring Youth. <www.tryprogram.org/faq.htm>. Accessed on July 13, 2008.

⁵⁰ Hopevale, Inc. <www.hopevaleinc.org/PACTProgram.asp>. Accessed on July 13, 2008.

3.8 CONCLUSIONS

Narrow DTM identification has affected the rescue and restoration efforts on behalf of these minors. Furthermore, many participants do not have formal rescue procedures to follow regarding this specific population. Many state that procedures would most likely be the same in accessing services for this population as it is with other vulnerable/victim populations that are currently identified. Protection is also reduced due to a lack of funding for organizations to develop programs that target DTMs. Service providing agencies, CPS, and human trafficking law enforcement officers are already overloaded with cases and do not have the resources needed to correctly identify and serve DTMs. Participants also agree that the number of shelters and interventions aimed at this population are limited. If DTM identification increases, additional funding will need to be needed to begin programs specifically tailored to this population. Participants have not yet researched whether such funding is available.

Many DTMs can access restoration programs if they are associated with Family Court. Diversion services have played a major role in providing services to youth and their families, without the youth being formally adjudicated as JDs or PINS. However, if an initial complaint is not filed, the minors would not have access to these diversion services. Sixteen and 17 year olds who are not under Family Court's jurisdiction also have a difficult time accessing needed services as they are placed in the adult criminal court system. Outside the court systems of Buffalo/Erie County there are service providers, such as the CAC, that serve child victims of sexual abuse and do not require that a JD or PINS petition be filed. However, service options and intervention scope are limited outside of Court involvement as the Court can mandate services from providers that have long waiting lists.

Minors receiving services through court programs or from DSS/CPS involvement may face major difficulties when they return home if placement outside the home was made. In JD/PINS cases, the Family Court has jurisdiction over the child, but not over the family. DTMs may return to the same situations that led to their trafficking in the first place. The same may be true for minors who return after DSS/CPS involvement. While the Court would mandate services to parents or guardians who were the subject of a neglect petition, there is no guarantee that minors will not be vulnerable to DMST post DSS/CPS involvement.

3.9 BEST PRACTICES & GAPS

3.9.1 Best Practices. There is a fundamental interest in and acknowledgement of the need to provide a broad level of services to DTMs. The government agencies and NGOs that participated in this RA have excellent communication and demonstrate an interest in collaborating for the best interest of DTMs. Members of the WDNY HTTFA encourage and are open to any agency working with a population who is vulnerable to DMST to join so that the agency can benefit from the WDNY HTTFA's resources and increase collaboration.

The will to collaborate for the best interest of DTMs can be seen with each group interviewed. Law enforcement is at the forefront of training various agencies on DMST issues. Prosecutors use the CAC and in-house victim-witness advocates to better serve potential DTMs. Meanwhile, for DTMs who may have been charged, some public defenders have been trained to ask questions on sexual history to help identify DTMs. This information can then be shared with service providers who may be able to offer additional services, without the threat of additional prosecution. Family Court is collaborating with diversion teams so that minors do not have to formally go through JD and PINS hearings/dispositions.

Detention centers are collaborating with outside service providers like Crisis Services to ensure that the unique needs of every minor are being met. Detention centers also ensure that each child is receiving an education and may even have DSS petition the Court for an extension of stay in order not to disrupt a minor's educational plan. CPS is also doing its part to collaborate including expressing wishes to work more closely with organizations it has not typically partnered with, like various religious organizations. Finally, NGOs and service providers are collaborating with one another to make sure each child is treated for his/her unique needs.

3.9.2 Gaps. Collaboration in the best interest of the child is met with many challenges that may be difficult to overcome. One of the major challenges many participants note is the lack of funding needed to properly serve DTMs. The only agency that has funding for treatment of human trafficking victims in Buffalo/Erie County is the International Institute, whose funding is strictly for treatment of foreign national victims due to guidelines set forth in the TVPA (2000).

Another gap is the identification of where DMST is occurring. Heavy caseloads have not allowed law enforcement, both local and federal, to investigate geographic locations, including cyber locations where DMST may be happening. Recognition of geographic locations where DMST is occurring is not just a prevention issue but a protection issue as well. A minor may not be restored if he/she is placed near the home or neighborhood where he/she was victimized.

Coupled with this is the major gap regarding a lack of intervention related to the trafficker. The relationship between DMST victim and trafficker can be quite complex. Because services are not offered that specifically deal with DMST issues, a victim may not have the opportunity to receive the tools he/she needs to no longer be vulnerable to his/her trafficker/pimp. There is no place for these victims to holistically treat all of the issues a DTM faces. Instead, DTMs may have to go from treatment to treatment in order to receive specific interventions.

Overall Conclusions

Identification of domestic minor sex trafficking (DMST) victims and the ability to serve their unique needs are not fully realized in Buffalo/Erie County. This affects the prevention of DMST; promotes the prosecution of domestic trafficked minors (DTMs) and not their traffickers, buyers, and facilitators; and limits the amount of protection victims can receive. Lack of training, funding, and public education each play a role in the three Ps- Prevention, Prosecution and Protection. Current New York state (NYS) laws also greatly affect DTM identification. There are, however, a number of government agencies and nongovernmental organizations (NGOs) working on combating human trafficking issues, including DMST. These organizations are aware of the Trafficking Victims Protection Act (TVPA), are identifying DTMs as victims, and are helping DTMs receive appropriate interventions. Still, many of these same organizations are limited in their ability to focus on DMST because of caseloads heavy on labor trafficking or sex trafficking of adults and foreigners. The Buffalo/Erie County location on an international border, as well as a Human Trafficking Task Force that partners with many agencies with international interests (this includes the International Institute of Buffalo, a lead service provider whose funding provided by the TVPA is restricted for foreign national victims of human trafficking), diverts the focus away from DMST.

Prevention of DMST requires that a community is trained on how to identify victims and where victimization may occur. Implementation of prevention methods, such as protocols to facilitate the identification of DTMs, must then occur. Training given by the WDNY HTTFA is a start; however, as the majority of people who may come into contact with DTMs are not members of the Task Force, further training across various systems needs to occur. Training on DMST will become particularly important as NYS laws evolve to include services for these minors. Correctly identifying DTMs will also become increasingly important if NYS prostitution and human trafficking laws change to either align fully with the federal TVPA in terms of human trafficking, or to specifically include children as a separate victim category and remove them as offenders in regards to prostitution laws. The Safe Harbor Act is an example of a current effort to align state law with the federal TVPA, particularly regarding DMST. At the time of this assessment the bill had yet to be signed into law.

As the current NYS sex trafficking law does not include the age provision of the federal law, the focus of prosecutions continue to be on whether or not the DTM is specifically charged with prostitution. Despite the TVPA affecting federal prosecutions of DMST, service agencies who should be serving these victim-witnesses have very little knowledge of the Act. For the most part, those agencies that are aware of the TVPA say they are not affected by it.

Narrow DTM identification has affected the rescue and restoration efforts in that many participants do not have clear procedures to follow regarding this specific population. Many interviewees stated that procedures would most likely be the same in accessing services for this population as it is with other vulnerable/victim populations that are currently identified. However, this assumption fails to take into consideration the unique needs DTMs have, such as increased safety issues, potential dual status as both victim and delinquent, and the unique trauma components created by the commercial aspect of their sexual victimization.

Protection is also reduced due to a lack of funding for organizations to develop programs that target DTMs. Service providing agencies, CPS, and human trafficking law enforcement officers are already filled to capacity with cases and do not have the resources needed to correctly identify and serve DTMs. Participants also agree that the number of shelters and interventions aimed at this population are limited

and this severely restricts the options of all professional groups coming into contact with DMST victims.

Public education also plays an important role in prevention, prosecution, and protection. At the completion of this assessment, there had not been any public education regarding DMST. While there has been an increase in awareness regarding foreign human trafficking and the human trafficking of adults due to recent arrests made at local massage parlors, these reports may have narrowed the public view of human trafficking.

Prosecution of traffickers/pimps, buyers, and facilitators is hindered by out-of-date views of prostitution that exist in Buffalo/Erie County and overshadows the strides that many agencies have made in trying to build cases against traffickers while protecting the victim-witness. Many participants, particularly the NGOs/social service providers stress that a major challenge in prosecuting traffickers and buyers is society's view of the victims as criminals. These victims are unsympathetic in the public eye because of their unwillingness to participate in the prosecutions of their traffickers/pimps as well as their history of involvement in the juvenile justice system. However, the complex feelings DTMs may have about their trafficker/pimp and other issues they may be dealing with (drugs, poverty, broken homes, etc.), should be cause for greater advocacy not rejection.

Participants in the study believed that society's view of these victims is influenced by the continued media portrayal of prostitution as sexy or acceptable. Furthermore, evidence of unequal treatment can be seen in sentencing options for buyers and prostituted youth; buyers' cases are dismissed with a possible fine and attendance at "john school," whereas children exploited through prostitution often spend time in jail or detention.

Finally, though there is a commendable amount of interaction between agencies on other issues. The same collaborative effort needs to be placed on DMST. Agencies that are identifying DTMs know that additional services, particularly independent living and transitional housing programs, need to be in place in order to serve this victim population.

Despite prevention challenges, there are systems in place that encourage victim-witness testimony and safety in order to promote trafficker, buyer, and facilitator prosecution. Each court has in-house victim-witness advocates or partners with outside agencies, such as the Child Advocacy Center (CAC), who may offer these services. Limitations on safety may occur, however, if the victim is not also part of the juvenile justice system. Often times, placement in a detention facility may be the only way for a DTM to be safeguarded from a trafficker due to a lack of protective restorative housing. Still, arresting DTMs for prostitution or offenses directly related to their victimization only serves to draw the minor deeper into the juvenile or criminal justice system, hinders access to appropriate services, and re-traumatizes the minor.

For many DTMs, services are mainly accessed through restoration programs in Family Court. Diversion services have played a major role in providing services to youths and their families, without the youth being formally adjudicated as a JD or PINS. Unfortunately, 16 and 17 year olds who are not under Family Court's jurisdiction have great difficulty accessing needed services. There are service providers like the CAC in the community that serve child victims of sexual abuse and do not require that a JD or PINS petition be filed. However, these other service options and intervention scopes are limited outside of Court involvement, since the Court can mandate services from providers that have long waiting lists.

Minors receiving services through Family Court programs or from DSS/CPS involvement may face major difficulties when they return home if placement outside the home was made. Depending on the reasons

for a minor's involvement with the Family Court, the Court may or may not have jurisdiction over the family, limiting the ability of the Court to mandate services for other family members. Even when the Family Court does have jurisdiction, such as in neglect cases, there is no guarantee that a DTM will not be vulnerable to DMST at the conclusion of Court or CPS involvement, particularly with the lack of services tailored to the needs of DTMs. DMST victims who are not involved in the Court have a very difficult time accessing services due to lack of resources including insufficient knowledge of where to go for help.

Government agencies and NGOs have been set up to serve and protect the people, and even more programs have been put into place regarding the safety of children. Victims of DMST are U.S. citizens and lawful permanent resident minors and yet, despite the current safeguards, victims and children at risk for sex trafficking are not receiving appropriate services. In many cases, these child-victims are charged with the crime committed against them or offenses directly related to the victimization of the trafficker/pimp. Denying that DMST victims exist, labeling them something other than what they are, and passing off the responsibility to identify and intervene can no longer be accepted.

RECOMMENDATIONS

The following recommendations are based on suggestions made by interviewees, as well as proposals from the author of this report.

Training and Research

The goal of domestic minor sex trafficking (DMST) training and research is to provide knowledge and resources to individuals who might come into contact with a domestic trafficked minor (DTM). Training should target specific individuals or groups, including but not limited to law enforcement, service providers, prosecutors, defenders, judges, and detention facilities. These individuals need a highly developed and thorough understanding of this issue in order to identify and serve victims.

1. Comprehensive training on DMST for all groups likely to come into contact with victims is necessary and should be mandated. Such training must not only include information on how to identify victims but also needs to include proactive strategies for managing and supporting DTMs (e.g., their potential emotional attachment to the trafficker, substance abuse, a lack of education and life skills, as well as specific trauma issues). Each of these issues interact and affect a victim's interaction with all aspects of the juvenile, criminal, and child welfare systems. Therefore, it is necessary that any trainings developed for professional groups are comprehensive in nature. Specific topics, such as victim-centered interviewing techniques, can be added into a comprehensive template.
2. Increased proactive cooperation within and between agencies is needed. Further inter-agency information and resource sharing is imperative to develop successful cases against traffickers/pimps and buyers. While many RA participants already partner on a regular basis, agencies that do not typically collaborate need to become involved. In recognition of this need, the WDNY HTTFA is open to any agency that may come into contact with DMST victims. The WDNY HTTFA can market itself to a greater extent in an effort to try and reach organizations that may not know of its existence or specific role in DMST.
3. Psychological treatment providers need additional training and expertise on DMST to aid them in working with this traumatized population. Sharing of information with other professionals around the county and throughout the country would be beneficial. A national council of professionals working with DMST victims can be established. The council could have a members-only website where treatment providers could join chat rooms as a way to educate themselves on treatment options or blog about interesting/difficult cases while maintaining the confidentiality of clients. The council could also host seminars to keep service providers up to date on interventions.

Identification and Tracking of Victims and Traffickers

Identification and tracking of victims and traffickers is important. It allows service providers and law enforcement to gain a better understanding of the scope of the problem in the community. With better tracking, data can show evidence of victims' needs in order for those needs to be effectively addressed.

4. Children exploited through prostitution, pornography, and stripping must be viewed as victims of a violent crime and provided with immediate victim status and services. As such, professionals coming into contact with or likely to come into contact with a victim of DMST should work together to create a proactive referral plan. There should be a single point of contact for DTMs as the same victim may access different agencies at various times and he/she may disclose varying degrees of his/her victimization to these agencies. A single point of contact for the victim will help facilitate a cohesive treatment plan with the myriad agencies and departments coming into contact with the victim and provide the minor with a stable point of reference.

5. Government agencies and service providers should code DMST separately in the counting and tracking of victims so that victims can receive better treatment and trends in DMST can be identified. An information bank on DMST victims should be created so that minors accessing multiple systems can receive the appropriate care and assist courts and professionals in making informed decisions regarding their status as victims. While protecting a person's right to privacy and other civil liberties, the bank could hold vital pieces of information that may lead law enforcement and prosecutors to a trafficker's, buyer's, or facilitator's arrest and further the ability of social services to provide needed restorative services.

Public Education

Public education is necessary to increase awareness of DMST. Broad public support for the prioritization of combating DMST may help identification, funding, and media coverage.

6. It is important for the public to become aware of DMST and learn how to take a proactive approach to the issue. Training on DMST should extend to all business owners, including adult-oriented business and potential facilitators (e.g. taxi companies), so prostituted minors are not ignored in public areas. Information on available resources, including service providers and hotline numbers for reporting suspected trafficking of children, must be distributed throughout the community to encourage proactively reporting concerns. Public service announcements, creation of bulletin boards, and disbursement of informational materials at community events are some potential avenues for raising awareness. These education tools would also clarify the definition of DMST so that residents of Buffalo/Erie County understand human trafficking from a broader scope. Such public campaigns could also partner with the media in order to decrease the glamorization of prostitution.

7. Education programs on the harms of recruitment into prostitution by traffickers/pimps needs to be provided in every area school. Children and teens would benefit from school education programs that outline the risks of prostitution, including a focus on the recruitment tactics of traffickers/pimps, and how to access resources. These programs can also focus on available services for minors who are already DMST victims. In addition, prevention programs targeting chronic runaways and homeless youth who are not yet involved in prostitution but are at great risk of recruitment need to be developed. The school system, service providers/outreach workers, and law enforcement should work together in prevention efforts for these high-risk minors.

Protection of DTMs while Witnesses against their Traffickers

Victim-witnesses need better protection to prevent revictimization and further trauma. Such protection would create an opportunity for the victim to confidently and safely testify against her trafficker.

8. Strategies for conducting victim-centered trials (e.g., video-taping testimony, interviews by trained forensic psychologists, redaction of records) to protect sexually traumatized children should be incorporated into all cases involving DMST.

9. A lack of protective shelter and DMST-specific social services was cited by interviewees as a major hurdle in the protection of minor victims. Services including mental and medical health treatment as well as safe, protective shelter should be provided for DTMs immediately upon identification. As the victim stabilizes, disclosure may occur and during this time both social workers and specialized law enforcement officers can work with victim to build trust and rapport. Safe, protective shelters must be created as both detention and non-protective shelters can be highly inappropriate for the safety concerns associated with sex trafficking.

Prosecution of Buyers (“johns”), Traffickers, and Facilitators

The goal of prosecuting buyers is to deter demand for domestic minors for the purposes of commercial sex. Prosecution of buyers also prevents current consumers from victimizing additional youth. Furthermore, prosecution of buyers will work towards achieving victim justice. A strong message that Buffalo/Erie County will not tolerate the trafficking of minors for commercial sex must be articulated through prosecution. Prosecution of facilitators will show that anyone involved in enabling or allowing DMST to occur will be held accountable. These individuals are key components in the trafficking networks.

10. In addition to the prosecution of trafficker/pimps, the prosecution of buyers of prostituted children should be made a priority for law enforcement and prosecutors to deter demand for commercial sex from minors. Innovative investigative strategies should be developed and promising practices researched. Facilitators are another key component within the trafficking network. Initiatives must be developed and implemented to prosecute those profiting off of the trafficking of children. The media should cover and expose these prosecutions so the Buffalo/Erie County area develops a reputation for strict prosecutions and punishments of buyers of sex with minors.

Legal Remedies

11. The New York Sex Trafficking law should include a clear definition of commercial sexual exploitation to better identify and prosecute exploiters. Additionally, the New York Sex Trafficking law should include the TVPA clarification that fraud, force, or coercion by the trafficker is not a required element of the crime when the victim of trafficking is under 18 years of age.

12. State laws that identify children exploited through prostitution as victims of commercial sexual exploitation are necessary. The New York State Safe Harbor Act is an example of a pending state law that decriminalizes prostitution for a child under the age of 18, properly labeling the child a victim of sexual abuse. Furthermore, this law outlines the need for training, public awareness, services, and shelter which have been identified as necessary components by the assessment to systematically enable DMST identification, restoration, and the prosecution of abusers. Further analysis of this law is necessary to review how its implementation can affect access to and delivery of services for DMST victims.

Treatment of Domestic Trafficked Minors

Proper identification of a DTM must be followed with the necessary services that holistically address the complex and diverse issues experienced during their victimization. Proper services, including safe and secure shelter, can lead to increased information from the victim, which can assist the investigation and prosecution of traffickers, buyers, and facilitators.

13. A comprehensive model should guide services designed to meet the specific needs of DTMs. Holistic programs that address the multitude of issues faced by DTMs must be developed. Existing programs that treat commercially sexually exploited minors need to be further researched. With a better understanding of DTMs needs, it can be determined whether existing programs can be more effective or if new treatment options need to be developed. The input of survivors of DMST should be utilized whenever possible. Hopevale Inc. and Compass House, who are already working with DMST victims, are possible places to find models that can be adapted to the unique needs of DMST victims.

Psychological Services

14. Assisting DTMs in exiting prostitution often involves addressing the bond with a trafficker, who may be a parent, boyfriend, coach, teacher, etc. This traumatic bond can be compared to attachment in domestic violence situations or in other types of sexual abuse situations. Services that address this bond need to be available to DTMs. Though interviewees stated that this was a problem, no specific program addressing trauma bonds was discovered through the course of this assessment.

15. Because of the chaotic backgrounds of many DTMs, life skills training should be provided. Programs should address diverse issues (e.g., self-presentation, social skills, family relationships, friendship and peer relationships, healthy dating relationships, money management, job skills and career planning).

Transition

16. Sufficient wrap-around and transitional services need to be provided to DTMs regardless of whether they're is part of the juvenile justice system. Because DTMs physical, psychological and emotional issues are complex and numerous recidivism rates for prostitution are high. A protective, restorative shelter for DTMs should be created to begin addressing the victims immediate needs and removing the need to detain them.

Appendix A

NY CLS Penal § 230.34 (2008), *Sex Trafficking*

A person is guilty of sex trafficking if he or she intentionally advances or profits from prostitution by:

1. unlawfully providing to a person who is patronized, with intent to impair said person's judgment:
 - (a) a narcotic drug or a narcotic preparation; (b) concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law; (c) methadone; or (d) gamma-hydroxybutyrate (GHB) or flunitrazepan, also known as Rohypnol;
2. making material false statements, misstatements, or omissions to induce or maintain the person being patronized to engage in or continue to engage in prostitution activity;
3. withholding, destroying, or confiscating any actual or purported passport, immigration document, or any other actual or purported government identification document of another person with intent to impair said person's freedom of movement; provided, however, that this subdivision shall not apply to an attempt to correct a social security administration record or immigration agency record in accordance with any local, state, or federal agency requirement, where such attempt is not made for the purpose of any express or implied threat;
4. requiring that prostitution be performed to retire, repay, or service a real or purported debt;
5. using force or engaging in any scheme, plan or pattern to compel or induce the person being patronized to engage in or continue to engage in prostitution activity by means of instilling a fear in the person being patronized that, if the demand is not complied with, the actor or another will do one or more of the following: (a) cause physical injury, serious physical injury, or death to a person; or (b) cause damage to property, other than the property of the actor; or (c) engage in other conduct constituting a felony or unlawful imprisonment in the second degree in violation of section 135.05 of this chapter; or (d) accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against some person; provided, however, that it shall be an affirmative defense to this subdivision that the defendant reasonably believed the threatened charge to be true and that his or her sole purpose was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of such threatened charge; or (e) expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or (f) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (g) use or abuse his or her position as a public servant by performing some act within or related to his or her official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or (h) perform any other act which would not in itself materially benefit the actor but which is calculated to harm the person who is patronized materially with respect to his or her health, safety, or immigration status.

Sex trafficking is a class B felony

Appendix B

NY CLS Family Ct Act § 301.2 (2008), *Definitions*

As used in this article, the following terms shall have the following meanings:

1. “Juvenile delinquent” means a person over seven and less than 16 years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the criminal procedure law.
2. “Respondent” means the person against whom a juvenile delinquency petition is filed pursuant to section 310.1. Provided, however, that any act of the respondent required or authorized under this article may be performed by his attorney or law guardian unless expressly provided otherwise.
3. “Detention” means the temporary care and maintenance of children away from their own homes, as defined in section five hundred two of the executive law. Detention of a person alleged to be or adjudicated as a juvenile delinquent shall be authorized only in a facility certified by the division for youth as a detention facility pursuant to section five hundred three of the executive law.
4. “Secure detention facility” means a facility characterized by physically restricting construction, hardware and procedures.
5. “Non-secure detention facility” means a facility characterized by the absence of physically restricting construction, hardware and procedures.
6. “Fact-finding hearing” means a hearing to determine whether the respondent or respondents committed the crime or crimes alleged in the petition or petitions.
7. “Dispositional hearing” means a hearing to determine whether the respondent requires supervision, treatment or confinement.
8. “Designated felony act” means an act which, if done by an adult, would be a crime: (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree) but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree) or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; [fig 1] or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law committed by a

person fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen or fifteen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in paragraph (i), (ii), or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; or (vi) other than a misdemeanor committed by a person at least seven but less than 16 years of age, but only where there has been two prior findings by the court that such person has committed a prior felony.

9. “Designated class A felony act” means a designated felony act defined in paragraph (i) of subdivision eight.

10. “Secure facility” means a residential facility in which the respondent may be placed under this article, which is characterized by physically restricting construction, hardware and procedures, and is designated as a secure facility by the division for youth.

11. “Restrictive placement” means a placement pursuant to section 353.5.

12. “Presentment agency” means the agency or authority which pursuant to section two hundred fifty-four or two hundred fifty-four-a is responsible for presenting a juvenile delinquency petition.

13. “Incapacitated person” means a respondent who, as a result of mental illness, mental retardation or developmental disability as defined in subdivisions twenty, twenty-one and twenty-two of section 1.03 of the mental hygiene law, lacks capacity to understand the proceedings against him or to assist in his own defense.

14. Any reference in this article to the commission of a crime includes any act which, if done by an adult, would constitute a crime.

15. “Aggravated circumstances” [fig 1] shall have the same meaning as the definition of such term in subdivision (j) of section one thousand twelve of this act.

16. “Permanency hearing” means an initial hearing or subsequent hearing held in accordance with the provisions of this article for the purpose of reviewing the foster care status of the respondent and the appropriateness of the permanency plan developed by the commissioner of social services or the office of children and family services.

17. “Designated educational official” shall mean (a) an employee or representative of a school district who is designated by the school district or (b) an employee or representative of a charter school or private elementary or secondary school who is designated by such school to receive records pursuant to this article and to coordinate the student’s participation in programs which may exist in the school district or community, including: non-violent conflict resolution programs, peer mediation programs and youth courts, extended day programs and other school violence prevention and intervention programs which may exist in the school district or community. Such notification shall be kept separate and apart from such student’s school records and shall be accessible only by the designated educational official. Such notification shall not be part of such student’s permanent school record and shall not be appended to or included in any documentation regarding such student and shall be destroyed at such time as such student is no longer enrolled in the school district. At no time shall such notification be used for any purpose other than those specified in this subdivision.

Appendix C

NY CLS Family Ct Act § 712 (2008), *Definitions*

As used in this article, the following terms shall have the following meanings:

- (a) “Person in need of supervision”. A [fig 1] person less than 18 years of age who does not attend school in [fig 2] accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child’s care, or other lawful authority, or who violates the provisions of section 221.05 of the penal law.
- (b) “Detention”. The temporary care and maintenance of children away from their own homes as defined in section five hundred two of the executive law.
- (c) “Secure detention facility”. A facility characterized by physically restricting construction, hardware and procedures.
- (d) “Non-secure detention facility”. A facility characterized by the absence of physically restricting construction, hardware and procedures.
- (e) “Fact-finding hearing”. A hearing to determine whether the respondent did the acts alleged to show that he violated a law or is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian or legal custodian.
- (f) “Dispositional hearing”. A hearing to determine whether the respondent requires supervision or treatment.
- (g) “Aggravated circumstances”. [fig 1] Aggravated circumstances shall have the same meaning as the definition of such term in subdivision (j) of section one thousand twelve of this act.
- (h) “Permanency hearing”. A hearing held in accordance with paragraph (b) of subdivision two of section seven hundred fifty-four or section seven hundred fifty-six-a of this article for the purpose of reviewing the foster care status of the respondent and the appropriateness of the permanency plan developed by the social services official on behalf of such respondent.
- (i) “Diversion services”. Services provided to children and families pursuant to section seven hundred thirty-five of this article for the purpose of avoiding the need to file a petition or direct the detention of the child. Diversion services shall include: efforts to adjust cases pursuant to this article before a petition is filed, or by order of the court, after the petition is filed but before fact-finding is commenced; and preventive services provided in accordance with section four hundred nine-a of the social services law to avert the placement of the child into foster care, including crisis intervention and respite services.

Appendix D

NY CLS Soc Serv § 411 (2008), *Findings and purpose* and

NY CLS Soc Serv § 412 (2008), *Definitions*

NY CLS Soc Serv § 411 (2008), Findings and purpose

Abused and maltreated children in this state are in urgent need of an effective child protective service to prevent them from suffering further injury and impairment. It is the purpose of this title to encourage more complete reporting of suspected child abuse and maltreatment and to establish in each county of the state a child protective service capable of investigating such reports swiftly and competently and capable of providing protection for the child or children from further abuse or maltreatment and rehabilitative services for the child or children and parents involved.

NY CLS Soc Serv § 412 (2008), Definitions

When used in this title and unless the specific context indicates otherwise:

1. An “abused child” means: (a) a child under eighteen years of age defined as an abused child by the family court act; (b) a child under the age of eighteen years who is defined as an abused child in residential care pursuant to subdivision eight of this section; or (c) a child with a handicapping condition, as defined in subdivision one of section forty-four hundred one of the education law, who is eighteen years of age or older, is in residential care in a school or facility described in paragraph (c), (d), (e) or (f) of subdivision seven of this section, and is defined as an abused child pursuant to subdivision eight of this section; provided that such term shall include a pupil with a handicapping condition in residential care in such a school or facility who is defined as an abused child pursuant to subdivision eight of this section, is twenty-one years of age, and is entitled, pursuant to subdivision five of section forty-four hundred two of the education law, to remain in such school or facility until either the termination of the school year or the termination of the summer program, as applicable;
2. A “maltreated child” includes: (a) a child under eighteen years of age not in “residential care” as defined in subdivision seven of this section: (i) defined as a neglected child by the family court act, or (ii) who has had serious physical injury inflicted upon him by other than accidental means; or (b) a child in residential care as defined in subdivision seven of this section who is: (i) under eighteen years of age, except that a child with a handicapping condition, as defined in subdivision one of section forty-four hundred one of the education law, who is eighteen years of age or older, is in residential care in a school or facility described in paragraph (c), (d), (e) or (f) of subdivision seven of this section, provided that such term shall include a pupil with a handicapping condition in residential care in such a school or facility who is twenty-one years of age, and is entitled, pursuant to subdivision five of section forty-four hundred two of the education law, to remain in such school or facility until either the termination of the school year or the termination of the summer program, as applicable; and (ii) is a neglected child in residential care as defined in subdivision nine of this section;
3. “Person legally responsible” for a child means a person legally responsible as defined by the family court act;
4. “Subject of the report” means any parent of, guardian of, custodian of or other person eighteen years of age or older legally responsible for, as defined in subdivision (g) of section one thousand twelve of the family court act, a child reported to the central register of child abuse and maltreatment who is allegedly responsible for causing injury, abuse or maltreatment to such child or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child, or a director or an operator of or employee or volunteer in a home operated or supervised by an authorized agency, the division for youth, or an office of the department of mental hygiene or in a family day-care home, a day-care center, a group family day

care home or a day-services program, or a consultant or any person who is an employee or volunteer of a corporation, partnership, organization or any governmental entity which provides goods or services pursuant to a contract or other arrangement which provides for such consultant or person to have regular and substantial contact with children in residential care who is allegedly responsible for causing injury, abuse or maltreatment to a child who is reported to the central register of child abuse or maltreatment or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child;

5. "Other persons named in the report" shall mean and be limited to the following persons who are named in a report of child abuse or maltreatment other than the subject of the report: the child who is reported to the central register of child abuse and maltreatment; and such child's parent, guardian, custodian or other person legally responsible for the child who have not been named in the report as allegedly responsible for causing injury, abuse or maltreatment to the child or as allegedly allowing such injury, abuse or maltreatment to be inflicted on such child; in the case of a report involving abuse or maltreatment of a child in residential care, such term shall be deemed to include the child's parent, guardian or other person legally responsible for the child who is not named in such report;

6. "Custodian" means a director, operator, employee or volunteer of a residential care facility or program;

7. "Residential care" means: (a) care provided to a child who has been placed by the family court with a social services official or the state division for youth, or whose care and custody or custody and guardianship has been transferred or committed to, a social services official, another authorized agency, or the state division for youth and such care is provided in an agency operated boarding home, a group home or child care institution; (b) care provided a child in a facility or program operated or certified by the state division for youth pursuant to article nineteen-G or nineteen-H of the executive law, excluding foster family care; (c) care provided a child in the New York state school for the blind or the New York state school for the deaf,

pursuant to the provisions of articles eighty-seven and eighty-eight of the education law; (d) care provided a child in a private residential school which is within the state and which has been approved by the commissioner of education for special education services or programs; (e) care provided in institutions for the instruction of the deaf and the blind which have a residential component, and which are subject to the visitation of the commissioner of education pursuant to article eighty-five of the education law; (f) care provided through a residential placement of a child with a special act school district listed in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended; or (g) care provided a child in a residential facility licensed or operated by the office of mental health or the office of mental retardation and developmental disabilities, excluding family care homes; (h) care provided by an authorized agency licensed to provide both care enumerated in paragraph (a) of this subdivision and care provided a child in a residential facility licensed or operated by the office of mental health or the office of mental retardation and developmental disabilities, excluding family care homes.

8. "Abused child in residential care" means a child whose custodian: (a) (i) inflicts any injury upon such child by other than accidental means which causes death, serious or protracted disfigurement, serious or protracted impairment of physical health, serious or protracted loss or impairment of the function of any organ, or a serious emotional injury; or (ii) by their conduct and with knowledge or deliberate indifference allows any such injury to be inflicted upon such child; or (b) (i) creates a substantial risk of any injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, protracted impairment of physical health, protracted loss or impairment of the function of any organ, or a serious emotional injury; or (ii) by his or her conduct and with knowledge or deliberate indifference creates a substantial risk of such injury to such child; or (c) commits, promotes or knowingly permits the commission of a sex offense against such child, as described in article one hundred thirty of the penal law; allows, permits or encourages such child to engage in any act described in article two hundred thirty of the penal law; commits any of the acts described in *section 255.25, 255.26 or 255.27 of the penal law*; or allows or promotes or uses such child to engage in acts or conduct described in article two hundred sixty-three of the penal law, provided, however, that

(i) the corroboration requirements in the penal law and (ii) the age requirements for the application of articles one hundred thirty, two hundred thirty and two hundred sixty-three of such law and any age based element of any crime described therein shall not apply to the provisions of this title; or (d) fails to comply with a rule or regulation involving care, services or supervision of a child promulgated by a state agency operating, certifying or supervising a residential facility or program, and such failure to comply results in death, serious or protracted disfigurement, serious or protracted impairment of physical health, or serious or protracted loss or impairment of the function of any organ where such result was reasonably foreseeable.

9. “Neglected child in residential care” means a child whose custodian: (a) inflicts by act or omission physical injury, excluding minor injury, to such child by other than accidental means; (b) creates a substantial risk of physical injury, excluding minor injury, to such child by other than accidental means; or (c) fails to comply with a rule or regulation involving care, services or supervision of a child promulgated by a state agency operating, certifying, or supervising a residential facility or program, and such failure to comply results in physical injury, excluding minor injury, or serious emotional injury to such child where such result was reasonably foreseeable; or (d) fails to meet a personal duty imposed by an agreed upon plan of prevention and remediation pursuant to this chapter or the mental hygiene law, the executive law or the education law, arising from abuse or neglect of a child in residential care and such failure results in physical injury, excluding minor injury, or serious emotional injury or the risk thereof to the child; or (e) intentionally administers to the child any prescription drug other than in substantial compliance with a physician’s, physician’s assistant’s or nurse practitioner’s prescription.

10. “Institutionally neglected child in residential care” means a child whose health, safety or welfare is harmed or placed in imminent danger of harm as a result of a lack of compliance with applicable standards of the state agency operating, certifying or supervising such facility or program for the care and treatment of such child or an agreed upon plan of prevention and remediation pursuant to this chapter or the mental hygiene law, the executive law or the education law, arising from abuse or neglect of a child in residential care, including, but not limited to, the provision of supervision, food, clothing, shelter, education, medical, dental, optometric or surgical care.

11. An “unfounded report” means any report made pursuant to this title unless an investigation determines that some credible evidence of the alleged abuse or maltreatment exists;

12. An “indicated report” means a report made pursuant to this title if an investigation determines that some credible evidence of the alleged abuse or maltreatment exists.

13. “Substance abuse counselor” or “alcoholism counselor” means any person who has been issued a credential therefore by the office of alcoholism and substance abuse services, pursuant to paragraphs one and two of subdivision (d) of section 19.07 of the mental hygiene law.

Appendix E

NY CLS Family Ct Act § 1012 (2008), *Definitions [and presumptions]*

When used in this article and unless the specific context indicates otherwise:

(a) “Respondent” includes any parent or other person legally responsible for a child’s care who is alleged to have abused or neglected such child;

(b) “Child” means any person or persons alleged to have been abused or neglected, whichever the case may be;

(c) “A case involving abuse” means any proceeding under this article in which there are allegations that one or more of the children of, or the legal responsibility of, the respondent are abused children;

(d) “Drug” means any substance defined as a controlled substance in section thirty-three hundred six of the public health law;

(e) “Abused child” means a child less than eighteen years of age whose parent or other person legally responsible for his care (i) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or (ii) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or (iii) commits, or allows to be committed an offense against such child defined in article one hundred thirty of the penal law; allows, permits or encourages such child to engage in any act described in *sections 230.25, 230.30 and 230.32 of the penal law*; commits any of the acts described in [fig 1] *sections 255.25, 255.26 and 255.27 of the penal law*; or allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal law provided, however, that (a) the corroboration requirements contained in the penal law and (b) the age requirement for the application of article two hundred sixty-three of such law shall not apply to proceedings under this article.

(f) “Neglected child” means a child less than eighteen years of age (i) whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care (A) in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article sixty-five of the education law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or (B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child’s physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set forth in paragraph (i) of this subdivision; or (ii) who has been abandoned, in accordance with the definition and other criteria set forth in subdivision five of section three hundred eighty-four-b of the social services law, by his parents or other person legally responsible for his care.

(g) “Person legally responsible” includes the child’s custodian, guardian, or any other person responsible for the child’s care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

(h) “Impairment of emotional health” and “impairment of mental or emotional condition” includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out or misbehavior, including incorrigibility, ungovernability or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.

(i) “Child protective agency” means any duly authorized society for the prevention of cruelty to children or the child protective service of the appropriate local department of social services or such other agencies with whom the local department has arranged for the provision of child protective services under the local plan for child protective services or an Indian tribe that has entered into an agreement with the state department of social services pursuant to section thirty-nine of the social services law to provide child protective services.

(j) “Aggravated circumstances” means where a child has been either severely or repeatedly abused, as defined in subdivision eight of section three hundred eighty-four-b of the social services law; or where a child has subsequently been found to be an abused child, as defined in paragraph (i) or (iii) of subdivision (e) of this section, within five years after return home following placement in foster care as a result of being found to be a neglected child, as defined in subdivision (f) of this section, provided that the respondent or respondents in each of the foregoing proceedings was the same; or where the court finds by clear and convincing evidence that the parent of a child in foster care has refused and has failed completely, over a period of at least six months from the date of removal, to engage in services necessary to eliminate the risk of abuse or neglect if returned to the parent, and has failed to secure services on his or her own or otherwise adequately prepare for the return home and, after being informed by the court that such an admission could eliminate the requirement that the local department of social services provide reunification services to the parent, the parent has stated in court under oath that he or she intends to continue to refuse such necessary services and is unwilling to secure such services independently or otherwise prepare for the child’s return home; provided, however, that if the court finds that adequate justification exists for the failure to engage in or secure such services, including but not limited to a lack of child care, a lack of transportation, and an inability to attend services that conflict with the parent’s work schedule, such failure shall not constitute an aggravated circumstance; or where a court has determined a child five days old or younger was abandoned by a parent with an intent to wholly abandon such child and with the intent that the child be safe from physical injury and cared for in an appropriate manner.

(k) “Permanency hearing” means a hearing held in accordance with section [fig 1] one thousand eighty-nine of this act for the purpose of reviewing the foster care status of the child and the appropriateness of the permanency plan developed by the social services [fig 2] district or agency.

Appendix F

18 USCS § 1591, *Sex trafficking of children or by force, fraud, or coercion*

(a) Whoever knowingly--

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is--

(1) if the offense was effected by force, fraud, or coercion or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In this section:

(1) The term "commercial sex act" means any sex act, on account of which anything of value is given to or received by any person.

(2) The term "coercion" means--

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of law or the legal process.

(3) The term "venture" means any group of two or more individuals associated in fact, whether or not a legal entity.

Appendix G

New York Prevalence Study of Commercially Sexually Exploited Children, Final Report, April 18, 2007, Tables 2.1, 3.4 and 3.11

Authors: Frances Gragg, Ian Petta, Haidee Bernstein, Karla Eisen, Liz Quinn

Prepared for: New York State Office of Children and Family Services, 52 Washington Street Rensselaer, NY 12144

Prepared by: WESTAT, 1650 Research Boulevard, Rockville, Maryland 20850

Table 2.1: Demographics of the Sample Counties

County	Total Population (2000)		Population Under 18 Years (2000)		Child Sex Abuse Reports (2005)	Prostitution Arrests Over 17 ¹ (2005)	Prostitution Arrests Under 18 ¹ (2005)
	Number	% ²	Number	%	Number	Number	Number
New York City³							
Boroughs*							
Bronx	1,332,650	7.0	395,849	8.5	1,246	271	11
Kings	2,465,326	13.0	658,663	14.1	897	1,542	65
New York	1,537,195	8.1	255,598	5.5	356	1,969	64
Queens	2,229,379	11.7	507,425	10.9	599	849	42
<i>Total for</i>	<i>7,564,550</i>	<i>39.9</i>	<i>1,817,535</i>	<i>38.9</i>	<i>3,098</i>	<i>4,631</i>	<i>182</i>
Upstate Counties							
Chautauqua	139,750	0.7	34,098	0.7	163	0	0
Erie*	950,265	5.0	230,257	4.9	400	86	1
Oneida	235,469	1.2	56,324	1.2	156	88	0
Onondaga	458,336	2.4	118,044	2.5	242	192	3
Schenectady	146,555	0.8	35,572	0.8	138	47	0
Warren	63,303	0.3	15,218	0.3	56	0	0
Washington	61,042	0.3	15,000	0.3	68	0	0
<i>Total for</i>	<i>2,054,720</i>	<i>10.8</i>	<i>504,513</i>	<i>10.8</i>	<i>1,223</i>	<i>413</i>	<i>4</i>
<i>Upstate³</i>							
<i>Total for</i>	<i>9,619,270</i>	<i>50.7</i>	<i>2,322,048</i>	<i>49.7</i>	<i>4,321</i>	<i>5,044</i>	<i>186</i>
Sample³							
<i>Total for NY</i>	<i>18,976,457</i>	<i>100.0</i>	<i>4,674,191</i>	<i>100.0</i>	<i>8,873</i>	<i>8,071</i>	<i>189</i>

State

¹ Prostitution arrests also include patronizing and promoting.

² Percentages based on total population for New York State.

³ Percentages in these rows are based on totals for New York State.

****The Buffalo Police Department and the Port Authority Police in New York City did not participate in the research study.***

Table 3.4: Characteristics of CSEC Identified by Agencies¹

Characteristics	Number (Percentage) of CSEC Identified by Sampled Agencies in:	
	NYC (N=2,253)	Seven Upstate Counties (N=399)
Gender, Age, and Sexual Orientation		
Female:		
Under age 10	0 (0%)	25 (6%)
Age 10-11	0 (0%)	8 (2%)
Age 12-13	82 (4%)	30 (8%)
Age 14-15	622 (28%)	116 (29%)
Age 16-17	1,200 (53%)	127 (32%)
Subtotal	1,904 (85%)	306 (77%)
Male:		
Under age 10	0 (0%)	8 (2%)
Age 10-11	0 (0%)	24 (6%)
Age 12-13	0 (0%)	18 (5%)
Age 14-15	43 (2%)	22 (6%)
Age 16-17	140 (6%)	17 (4%)
Subtotal	183 (8%)	89 (22%)
Transgender:		
Age 16-17	31 (1%)	0 (0%)
Subtotal	31 (1%)	0 (0%)
Age and gender not reported	135 (6%)	4 (1%)
Identified as gay, lesbian, bisexual, or questioning (GLBQ)	135 (6%)	9 (2%)
Race²		
Am. Indian/Alaska Native	0 (0%)	0 (0%)
Asian	36 (2%)	0 (0%)
Hawaiian/Pac. Islander	0 (0%)	0 (0%)
Black/African American	1,500 (67%)	129 (32%)
White	142 (6%)	186 (47%)
Multi-Racial	62 (3%)	26 (7%)
Other	363 (16%)	25 (6%)
Unknown/not available	150 (7%)	33 (8%)
Ethnicity and Immigrant Status		
Hispanic/Latino	406 (18%)	41 (10%)
Chinese	0 (0%)	0 (0%)
Korean	31 (1%)	0 (0%)
Other/unknown	1,816 (81%)	358 (90%)
Immigrant	30 (1%)	0 (0%)

¹ The weighted estimates in this table are based on data collected from sampled agencies for a two-month reference period (July 15 through Sept.15, 2006). The weights reflect the probabilities of selection for the sample design, adjustments for nonresponse, and an annualization factor based on the distribution of arrests and OCFS identification of CSEC in prior years.

² Respondents could check more than one type of race, so percentages may total to more than 100 percent.

Table 3.11: Type of Most Recent Sexual Exploitation¹

	Number (Percentage) of CSEC in:	
	NYC (N=2,121)	Seven Upstate Counties (N=399)
Sexual Exploitation		
Any exploitation	1,994 (94%)	383 (96%)
Missing	127 (6%)	16 (4%)
Type of Exploitive Acts²		
Sexual act for money	1,737 (82%)	323 (81%)
Sexual act for place to stay	494 (23%)	66 (17%)
Loitering for prostitution	643 (30%)	18 (5%)
Sexual act for food or clothing	301 (14%)	59 (15%)
Sexual act for drugs	58 (3%)	51 (13%)
Sexual act for protection	9 (< 1%)	23 (6%)
Sexual act filmed, photographed, or tape recorded	0 (0%)	67 (17%)
Stripping/performing in public	503 (24%)	29 (7%)
Other exploitation	53 (2%)	4 (1%)

¹ The weighted estimates in this table are based on data collected from sampled agencies for a two-month reference period (July 15 through Sept.15, 2006). The weights reflect the probabilities of selection for the sample design, adjustments for nonresponse, and an annualization factor based on the distribution of arrests and OCFS identification of CSEC in prior years.


² Respondents could check more than one type of exploitive act, so percentages may total to more than 100 percent.

Appendix H

Western District of New York Human Trafficking Task Force & Alliance Training Materials: Power Point Presentations

What is Human Trafficking?

- Compelling or coercing another person's labor or services
- Coercion can be subtle or overt; physical or psychological
- Need not include smuggling or movement



Title 18, Chapter 77 Offenses	
ISS Offenses	TVPA Offenses
<ul style="list-style-type: none">□ § 1581 Peonage□ § 1583 Enticement□ § 1584 Involuntary Servitude	<ul style="list-style-type: none">□ § 1589 Forced Labor□ § 1590 Trafficking□ § 1591 Sex Trafficking□ § 1592 Document Servitude□ § 1594 Attempt

Coercion Under §§ 1581-84

"... use or threat of physical restraint or physical injury, or ... use or threat of coercion through law or the legal process..."

U.S. v. Kozminski, 487 U.S. 931, 952 (1988)

Coercion Under §§ 1581-84

- Summary:
 - Force or restraint
 - Threat of force or restraint
 - or
 - Threat of legal coercion
- § 1583: Enticement Into Servitude
- § 1584: Involuntary Servitude
- § 1581: Peonage; Servitude Tied to Debt

Causation Under §§ 1581-84

- Effect of one of the Kozminski means and:
 - Psychological coercion
 - Living and working conditions
 - Denial of medical care
 - Victim vulnerabilities
 - Climate of fear
 - Isolation
 - Starvation
- But until TVPA these factors were not enough absent one of the Kozminski means

Legislative Purpose of TVPA

"provide ... tools to combat severe forms of worker exploitation that do not rise to the level of involuntary servitude as defined in Kozminski ..."

-- H.R. Conf. Rep. No. 106-939 at 100-01 (2000), 2000 WL 1479163 (Oct. 5, 2000)

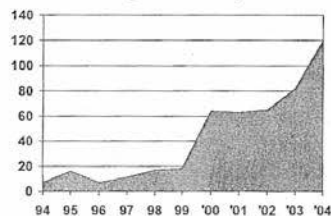
Legislative Purpose of TVPA

- Address "increasingly subtle methods ..."
- Include "nonviolent coercion" and threats of harm to third persons
- Examples include psychological abuse, instilling fear of banishment, starvation, or bankruptcy
- See 22 U.S.C. § 7101: broad range of means

The Trafficking Victims Protection Act of 2000

- Criminalizes Broader Forms of Coercion
- Increases Criminal Penalties
- Requires Restitution and Forfeiture
- Provides Victims Legal Status and Benefits

Effect of TVPA: Investigations Opened



Effect of TVPA

- Raising Awareness
- Restoring Victims' Rights
- Reaching Increasingly Subtle Forms of Coercion

Forced Labor: Section 1589

Providing or obtaining labor or services through:

- Threats of serious harm or physical restraint;
OR
- Scheme, plan or pattern intended to instill fear of serious harm or physical restraint; or
OR
- Abuse or threatened abuse of legal process

"Serious Harm"

- Encompasses "a broad array of harms ... both physical and nonphysical"
- Consider "individual circumstances of victims" to determine whether the "type or ... degree of coercion is sufficient"
- Legislative examples indicate broad reach

"Abuse of Legal Process"

- Using process for improper purpose to compel someone
- Classic example: threat of deportation, perceived as risk of arrest, detention, and being returned home as a criminal

Trafficking Into Servitude: § 1590

"Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter..."

Sex Trafficking: § 1591

"Whoever knowingly... in or affecting interstate commerce ... recruits, entices, harbors, transports, provides, or obtains by any means a person..."

... for commercial sex acts through force, fraud, or coercion ...

Sex Trafficking: § 1591

- Providing or obtaining persons for commercial sex acts through force, fraud, or coercion

OR

- Providing or obtaining minors for commercial sex acts
- With minors, no separate proof of force, fraud, or coercion is needed

"Coercion" Under § 1591

- **Defined in § 1591(c)(2)**

- **Includes all of § 1589's prohibited means**

U.S. v. Carreto (E.D.N.Y.)

- Multiple forms of coercion and control
- Assault, rape, abuse, manipulation, threats, intimidation, control of children
- Began in Mexico, continued into U.S.

Sex Trafficking: Broad Liability

Engages in sex trafficking act: recruits, entices, harbors, transports, provides, or obtains a person for commercial sex act

OR

Benefits financially or by receiving thing of value from knowingly participating in a venture which has engaged in such acts

Sex Trafficking: In or Affecting Interstate or Foreign Commerce

- Moving victims across state lines
- Interstate communications or supply chains
- Aggregate effect of intrastate commercial or economic activity
- Some novel issues, so develop all theories

"Sex Act"

- Probably Requires Physical Contact
- Cf. 18 U.S.C. § 2246 "sexual act"
- For "exotic dancing" without sexual contact, use § 1584 or § 1589

"Commercial Sex Act"

- "...anything of value is given to or received by any person"
- Need not be the victim

"Commercial Sex Act"

Do Not Confuse With:

- Personal Sexual Servitude
- Sexual Abuse as Coercion

Document Servitude: § 1592

- Holding actual or purported identity documents in the course of committing, or with intent to commit, ANY trafficking crime
- Lower offense level, 5-year maximum

Attempt: § 1594

- Punishable as completed offense
- Death or escape en route
- Peripheral players
- Unusually resourceful victims

TVPA and Pre-Existing Laws

- Supplements Rather than Supplants
- Some Overlap; Select Strategically
- TVPA Victim Rights, Restitution, Forfeiture, and Attempt also Apply to ISS Crimes
- Apply ISS case law under TVPA

General Principles

- Climate of Fear: totality of conduct and conditions
- Victim's vulnerabilities and inequalities

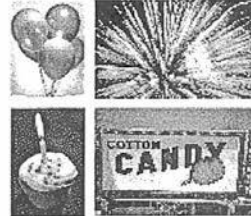
Non-Defenses

- Already here, or wanted to come
- Initial consent, or parents' consent
- Was paid
- Religious/cultural beliefs
- Explore these issues to avoid surprise

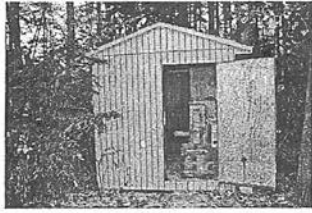
The "Better Off" Defense



The "Happy Slave" Defense




The "Escape" Defense



Other Statutes to Consider


- Mann Act, 18 U.S.C. §§ 2421-23
- Immigration Laws, 8 U.S.C. §§ 1324, 1328
- Labor Laws, 29 U.S.C. §§ 1801, 1851
- Money Laundering, 18 U.S.C. §§ 1956 -57
- Extortion, 18 U.S.C. § 894
- Kidnapping, 18 U.S.C. § 1201
- Hostage-Taking, 18 U.S.C. § 1203

Human Trafficking




Indicators

Human Trafficking




Trafficking Indicators

- Victim living/working conditions
 - Live on or near work premises
 - Restricted or controlled communication
 - Frequently moved by traffickers
 - Large number of occupants for living space




Human Trafficking



Trafficking Indicators (continued)


- Victims may lack
 - Personal items/possessions
 - Cell phones, calling cards, etc.
 - Private space
 - Financial records
 - Transportation
 - Knowledge about how to get around in a community

Human Trafficking




Trafficking Indicators (continued)

- Personal/physical indicators
 - Injuries from beatings or weapons
 - Signs of torture (e.g., cigarette burns)
 - Brands or scarring indicating ownership
 - Signs of malnourishment
 - Controlled movement




Human Trafficking




Trafficking Indicators (continued)

- Labor camps/sweatshops
 - Security intended to keep victims confined
 - Barbed wire
 - Bars on windows
 - Self-contained camps
 - Bouncers, guards, and/or guard dogs
 - Only allowed to shop at "Company Store"




Human Trafficking



Labor Camps/Sweatshops (continued)


- Blacked out windows
- Man trap doors
- Security cameras
- High walls

Human Trafficking




Trafficking Indicators (continued)

- Brothels
 - Large amounts of cash and condoms
 - Customer logbook or receipt book (a.k.a. "trick book")
 - Sparse rooms
 - Men come and go frequently
 - Used twin mattresses stacked up outside of residence



7

Human Trafficking




Victim Issues

- May not identify themselves as victims
- May not speak English
- Likely to lie or use rehearsed stories initially
- May be behaviorally dependent on trafficker
- Cultural or religious background may deter victims from telling the full story

8

Human Trafficking



Other Trafficking Indicators

- Someone else has possession of legal/travel documents.
- Existing debt issues.
- One attorney claiming to represent multiple illegal aliens detained at different locations.
- Third party who insists on interpreting.

9



Questions

Appendix I

New York State Task Force on Juvenile Justice Indicators, February 2007 System Indicators for State and Local Planning, Reported for all 62 Counties, 2004 Data, Snapshot of Erie County

Erie		
Population	945,592	
ARREST (Source: DCJS)		
Number of Under Age 18 Arrests	4,303	
Number and Percentage of Age 10-15 Arrests	1,231	28.6%
Age 10-15 Juvenile Arrest Rate ¹	13.94	
REFERRAL TO COURT (Source: DPCA)		
JD Intakes		
Number of JD Intakes	653	
JD Intake Rate ¹	8.45	
Number and Percentage of Cases Referred for Court Petition Immediately	563	86.1%
Number and Percentage of Cases Referred for Petition After Diversion Attempt	72	11.0%
PINS Intakes		
Number of Cases Referred for Court Petition	1,010	
PINS Court Referral Rate ²	9.76	
DETENTION (Source: OCFS)		
JD Secure Detention Admissions		
Number of JD Secure Admissions	614	
JD Secure Detention Rate ¹	5.93	
JD Non-Secure Detention Admissions		
Number of JD Non-Secure Admissions	38	
JD Non-Secure Admission Rate ²	0.27	
PINS Non-Secure Detention Admissions		
Number of PINS Non-Secure Admissions	876	
PINS Non-Secure Admission Rate ²	8.47	
COURT PROCESSING (Source: OCA)		
JDs		
Number of JD Original Petitions	610	
Median Days from Petition Disposition (For All Original)	56.0	
Percentage of Cases Involving Detention	42.5%	
Number of JD Violation Petitions	160	
Median Days from Petition Disposition (For Violations)	54.0	
PINS		
Number of PINS Original Petitions	779	
Median Days from Petition Disposition (For All Original)	70.0	
Percentage of Cases Involving Detention	49.8%	
Number of PINS Violation Petitions	292	
Median Days from Petition Disposition (For Violations)	52.5	
DISPOSITION		
JD Placements (Source: OCA)		
Percentage of Placements Involving Felony Findings (Original Petitions)	40.7%	
Number of All JD Placements (Original and Violation)	67	
JD Placement Rate ²	0.65	
PINS Placements (Source: OCA)		
Number of All PINS Placements (Original and Violation)	95	
PINS Placement Rate ²	0.92	
OCFS Placements (Source: OCFS)		
Number of Admits to OCFS Custody	29	

¹ Per 1,000 Age 10-15 County Residents
² Per 1,000 Age 10-15 County Residents

Appendix J

Compass House Brochure



It's never too late for a change

Feeling confused and unhappy about home and family life isn't healthy for anyone. This kind of situation is even more complicated for teens, because they're often too old for foster care, and too young to make it on their own. So what can they really do? Ignore the problem, suppressing their feelings? Get angry and let the problem consume their life? Just leave? As running away could mean living on the street, or bouncing between homes, none of these options are too appealing. That's why there's Compass House.

Compass House was founded in 1972 by Trinity Episcopal Church and the Junior League of Buffalo with a mission to provide runaway and homeless youth safe shelter and services in an atmosphere supporting their dignity, respect and self-reliance. Since that time, we've helped countless teens find their way in life. We not only give them a place to rest, eat, shower, and clear their head, but also provide support and encouragement. Working closely with each youth, we try to discover the root of his or her problems and assist each in finding productive ways to solve them. We try to find out what brought them to our door and explore options that will provide these youth with stable living situations and help them get their lives moving in a positive direction.

ALL SERVICES PROVIDED BY COMPASS HOUSE ARE VOLUNTARY, FREE, AND CONFIDENTIAL

Whatever the current situation of a young person who shows up at our door may be, Compass House ultimately gives him or her a chance to take a step back from it. We provide a safe, supportive environment where youth are able to think clearly and rationally about their life and problems. They'll have the chance to work towards finding that stable place where they can grow and achieve their goals. And, above all, they won't do it alone.

If you'd like more information or want to help us change lives with a donation, simply call or write to us.



A place teens can find themselves

An option at 3:17 a.m.

THE ONLY SHELTER OF ITS KIND IN ERIE COUNTY, COMPASS HOUSE IS OPEN TO BOTH BOYS AND GIRLS OF ALL RACES.



Funded by United Way, Episcopal Diocese of Buffalo, Erie County, Erie County Department of Health and Human Services, and Leave a Legacy.

Concept and design by Creative Web and Associates.

The Compass House Emergency Shelter
370 Linwood Avenue, Buffalo NY 14209
24-Hour Crisis Help Line: (716) 886-0935

The Compass House Resource Center
1451 Main Street, Buffalo NY 14209
Administrative Offices: (716) 886-1351
Client Services: (716) 884-3066
Fax: (716) 886-8387
www.compasshouse.org





Compass House



Our Philosophy

The idea behind what goes on every day at Compass House is simple. We believe that all people should be encouraged to reach their greatest potential. As every situation differs from person to person, we approach each youth's case in a careful, nonjudgmental fashion. We're not here to point fingers at what happened in the past, but to look to the future.

Living life to the fullest begins with a stable environment in which to live – a place where one feels appreciated, supported and, above all, safe. The ultimate goal of Compass House is to find this place for the young people we encounter and to help them not only survive, but thrive throughout their adolescent years and into adulthood.

- ALL YOUTH DESERVE
- TO HAVE PEOPLE IN
- THEIR LIVES WHO
- SUPPORT THEIR
- PERSONAL EFFORTS
- TO ACHIEVE
- SELF-SUFFICIENCY

The Compass House Emergency Shelter is just that. With enough room for up to 13 people, the shelter provides runaway and homeless youth from 12 to 17 years of age with immediate access to crisis counseling, a temporary place to live, a warm bed, and hot meals. They also find kind ears, as trained, caring professionals are always on hand to listen and give support. We work hard to reunite them with their families or find an alternative living situation where they're

THE EMERGENCY SHELTER IS OPEN 24 HOURS A DAY, SEVEN DAYS A WEEK, 365 DAYS A YEAR, BECAUSE NO ONE EVER PLANS FOR AN EMERGENCY



The Emergency Shelter

respected, happy, and safe. And until any decisions are made, we welcome them to stay right here.

The average length of stay at the Emergency Shelter is a

week, and each year the vast majority of youth we care for enter suitable living conditions upon leaving. Once they move on, we make a strong attempt to maintain contact with them and discuss their situations. That's because we believe it's important to continue working with each young person and his or her family, and help out in any way we can.

The Emergency Shelter offers:

- 24-hour access to safe shelter and crisis services
- Comfortable, homelike atmosphere
- Outreach, assessment, and case management
- Individual, group, and family counseling
- Referral and advocacy
- Aftercare



The Resource Center

OUR GOAL IS TO HELP THE YOUTH WE WORK WITH BECOME STRONG, INDEPENDENT, AND PRODUCTIVE MEMBERS OF SOCIETY

Another important aspect of Compass House is the Resource Center. Founded in 1996, this is a place where 16 to 20-year-olds, who are homeless or at risk of living on the street, receive guidance and a break from the outside world. We provide all of our young men and women with a place to meet with friends and an individually assigned case manager to get help, talk things over, or just unwind.

Beyond listening and giving these youth a safe place to spend time, the Resource Center offers an independent living program. If living on their own is the only answer we help examine the issues and housing options available, so that informed decisions can be made. For those who decide to live on their own, we help identify what to look for when finding an apartment. We teach them how to maintain it and budget their money, as well as give them tips on housekeeping, shopping, and meal planning. When housing is finally obtained, we continue to work with each individual to set education and employment goals, and find ways to help achieve them.

The Resource Center offers:

- Immediate access to crisis services
- Assessment and case management
- Individual, group, and family counseling
- Referral and advocacy
- Independent living instruction and assist
- Emergency food pan
- Access to furniture at other household doc

Appendix K

Crisis Services Brochures

CRISIS HOTLINE

24 Hours-A-Day
365 Days-A-Year

The Crisis Hotline is a 24 hour-a-day, 365 days-a-year information, referral, and crisis intervention service to persons who are homeless or at risk of becoming homeless. Assistance is also available for individuals and agencies that are assisting the homeless.

Homeless Hotline counselors provide case planning as well as information and referral in the area of emergency housing, shelters, food, clothing, financial, legal, landlord/tenant disputes, and social services. The hotline is also a point of access for those interested in the Case Management or Outreach services.



**HOMELESS
HOTLINE**
834-3131

CASE MANAGEMENT SERVICES

Monday-Friday
8:00 a.m.-4:00 p.m.

Case Management Services assist homeless individuals/families with obtaining safe and affordable housing. Case Managers go to local shelters and soup kitchens to provide assessment and food and clothing referrals. Short-term follow up services are also available.

The Case Management Program focuses on comprehensive needs, such as financial limitations, job skills, medical problems, mental illness, and substance abuse. These problems can limit an individuals' ability to access and secure permanent housing and become re-established in the community.

STREET HOMELESS OUTREACH

Monday-Friday
7:00 a.m.-4:00 p.m.

The Street Homeless Outreach Program (SHOP) provides outreach, assessment, and short-term case management services to individuals living on the streets of Erie County. Teams of mobile outreach workers travel the streets and other areas where homeless people are known to congregate in order to engage homeless individuals who do not access traditional services.

Outreach workers provide assistance with basic needs such as food, clothing and transportation, as well as linkage to mental and physical health, substance abuse, medical, financial, and other necessary services/resources to assist the individual with obtaining permanent housing, or improve their quality of life.

The SHOP team provides outreach at the bus station, area Club Houses, drop-in centers, soup kitchens, and the "streets". Some bedding and clothing is immediately available to individuals living on the streets.

HOMELESS PREVENTION SERVICES

Monday-Friday
8:00 a.m.-4:00 p.m.

Prevention Services are available individuals/families who are in danger becoming homeless. A Prevention Specialist will meet in the home or in a public setting to provide an assessment and discuss options available that can assist with person(s) remaining housed.

Through Prevention Services individuals/families who qualify may receive financial assistance for eviction foreclosure, or utilities shut off to maintain permanent housing.

AFTER HOURS HOMELESS ASSISTANCE

After Hours Homeless services are available to any homeless individual/family during the hours that the Department of Social Services is closed.

Anyone in need of shelter when Social Services are closed may call Crisis Services' main number to speak to a counselor. The counselor will take necessary steps to ensure that all callers provided with shelter. Follow-up case management services are also provided to assist with obtaining safe and affordable permanent housing.

**CRISIS SERVICES MAIN
NUMBER
834-3131**



**DONATIONS ARE
GRATEFULLY ACCEPTED**

The following donations are accepted:

Men's Clothing
Men's Shoes/Boots
Coats, Hats, Gloves, Scarves
Blankets
Socks
Undergarments

Please make checks payable to
Crisis Services c/o Homeless
Program

**HOMELESS OUTREACH STAFF
CAN BE SEEN AT THE FOLLOWING
SITES:**

Cornerstone Manor
45 Carlton Street
852-0761

The Buffalo City Mission
100 E. Tupper
852-8181

Harbor House
130 Genesee Street
842-4184

Loaves &
Fishes Soup Kitchen
875 Elmwood Avenue
882-1861

Friends of the Night People
394 Hudson Street
884-5375

Little Portion Friary
1305 Main Street
882-5705

Central City Café
Church on Eagle St.
856-2421

St. Vincent DePaul Society
1298 Main St.
882-3360

Or at any site by appointment
To schedule an appointment



**OUTREACH TO THE
HOMELESS**

*This service is available to individual
families living on the streets, in ten-
shelters, or are at immediate risk
becoming homeless.*



2969 Main Street
Buffalo, New York 1421
716-834-3131
Fax: 716-834-9881
<http://www.crisisservice>

Emergency Outreach

Emergency Outreach Services are provided by the Emergency Outreach Program at Crisis Services. Services are available 24 hours per day, 7 days per week, to individuals in Erie County.



Providing immediate professional assistance to anyone at anytime who is experiencing emotional or personal crisis.



CRISIS SERVICES

2969 Main Street
Buffalo, NY 14214

Buffalo Phone: 716-834-3131
Southtowns Phone: 716-592-3131
Fax: 716-446-0962
Email: helping@crisisservices.org



Emergency Outreach Services



834-3131

CRISIS SERVICES

Emergency Outreach Services

The Emergency Outreach Service (EOS), the mobile unit of the Comprehensive Psychiatric Program at Erie County Medical Center, provides community mental health intervention to individuals in Erie County. This service is offered 24 hours a day, 7 days a week. EOS is located in Buffalo, with a Southtowns office for individuals residing in Southern Erie County.

EMERGENCY INTERVENTION

Emergency Outreach Service receives referrals from other community mental health agencies, family members, police, friends, neighbors, and landlords, to name a few, regarding people who appear to be in a mental health crisis. Criteria used in assessing the seriousness include deterioration of mental health status or increase in mental illness symptoms, along with:

- Acute emotional distress
- Thoughts of suicide or wanting to hurt oneself
- Thoughts of harm to others
- Physical aggression to others
- Refusal of psychiatric or medical care because of impaired insight or judgment

If a referral is determined to fit the mission of the program, the following services are available.

The goal of the EOS Program is to help people in mental health crisis remain in the community and receive the services they need in order to be healthy and safe.

SERVICES

Telephone Assessment

Staff assess on the telephone the level of need for service.

Lethality Monitor

Staff provide telephone monitoring for several days to assess whether an individual is at risk of harming him/herself or others in order to ensure safety and to determine whether more intensive services are needed.

Outreach Visit

Face-to-face mental health and lethality assessment are provided by a team of two professionals, generally in the individual's home, in order to stabilize the crisis and, when needed, provide additional services or interventions.

9.45 Evaluation

In order to prevent an individual from harming themselves or others, an involuntary transport to a psychiatric hospital is sometimes necessary. Staff are responsible for assessing whether an individual meets the criteria under Section 9.45 of the New York State Mental Hygiene Law.

Community Linkage

Staff link individuals with on-going support services in the community in order to maintain health and stability. Such linkages may include outpatient counseling, peer support, case management, social services, and housing.

Consultation

Staff are available for consultation regarding the best course of action for an individual and are able to access psychiatric consultation 24 hours a day.

CRISIS SERVICES

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Buffalo, NY 14214

Buffalo Phone: 716-834-3131
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Fax: 716-446-0962
Email: helping@crisiservices.org

MCRT

Mobile Crisis Response Team for Children & Adolescents is focused on diverting children from out of home placement and hospitalization, as well as empowering families to develop natural and community supports.

Crisis Services is working collaboratively with New Directions to offer seamless and comprehensive services to children in crisis and their families.

Crisis Services is dedicated to promoting the health, safety, and well being of the community through prevention, education, immediate intervention and access to community wide resources 24 hours a day.

MCRT

Mobile Crisis Response Team
for Children & Adolescents

A Program of Crisis Services



Crisis
Services

New
Directions

YOUTH & FAMILY SERVICES, INC.

MCR

Mobile Crisis
Response Team
for Children
Adolescents

A Program of Crisis
Services



Crisis
Service

24 Hour Hotline
716-834-3131

Kids' Helpline 716-834-114
1-877KIDS-40
Website: www.kidscrisis.org
www.crisisservices.org
Email: helping@crisisservices.org

MCRT

The Mobile Crisis Response Team for Children & Adolescents provides crisis intervention 24 hours a day, 7 days a week, to any family in Erie County that is experiencing a mental health crisis or when a child's behavior threatens his or her removal from home or school.

The MCRT receives referrals from families, counselors, friends, school personnel, and other concerned individuals or children themselves.

Common concerns necessitating a referral may include:

- Onset or increase of mental health symptoms
- Thoughts of suicide or wanting to hurt oneself
- Thoughts of harm to others or physical aggression
- Behavioral issues such as defiance, school refusal or acting out

When a referral is determined to meet the needs of the family, a range of services are available.

MCRT Services

The goal of the MCRT is to assist children and adolescents in mental health crisis to remain in the community and receive appropriate services. These services are consistent with the Wraparound Philosophy, a community based solution, resulting in a strength based, family focused, and culturally competent delivery of services.

Telephone Assessment & Consultation

Children's Specialists will be available 24 hours a day to assess for the most appropriate level of service for the child and family.

Mobile Outreach Visit: Initial Assessment

A team of two Children's Specialists will travel to the child's home or school to provide face-to-face services. During this initial assessment the following may occur:

- Crisis Intervention
- Lethality Assessment
- Mental Status Evaluation
- Parent / Child Education
- Family Specific Safety Planning
- Assessment for Respite Services
- 9.45 Evaluation

Mobile Outreach Visit: Follow Up

A more thorough engagement of the family will occur with a Children's Specialist and a Care Coordinator, focusing on family strengths and resources.



Respite Services

Crisis Services is working collaboratively with New Directions to provide 24 hour crisis respite services. Respite is provided by licensed therapeutic foster care providers and experienced child care practitioners.

Community Linkages

Based on assessments, home visits, the cultural discovery process, and CAFAS, the MCRT staff will link children and families with on-going services in the community.

Short Term Care Coordination

Through Crisis Services' collaboration with New Directions, short-term care coordination will be provided. These Care Coordinators will provide home and school based behavioral intervention services, working with Family Voices Network vendors and other community providers in order to address the child and family's needs.

Appendix L

TRY Program Brochure

TRY Program of FLARE, Inc.



TRY is a transitional housing program for women between the ages of 16 and 25. Our home offers a loving and supportive, structured environment to women who are homeless and who have suffered from abuse, violence and victimization.

The anticipated stay is six months to one year. Upon completion of the program, each young woman is assisted in finding a safe permanent living situation. Follow-up and after-care are provided.



TRY is.....

..... a place for young women who show a desire and commitment to rebuild their lives. It is a place for young women who are searching for new life and new hope.

TRY gives HOPE.....

.....from life on the street to a life of supportive companionship, healing and peace.

.....from a life of hopelessness and powerlessness to a life built on positive self esteem.

.....from a life of abuse and fear to a life of peace and healing.

The TRY Program offers the following services:

- Case management
- Individual and group counseling
- Family counseling
- Independent living skills
- 24 hour supervision
- Health and wellness programs
- Cultural and recreational activities

TRY also offers links to:

- Educational programs
- Healthcare
- Job training
- Drug and alcohol counseling
- Employment and much, much more

Teaching and Restoring Youth
228 Brinkman Avenue
Buffalo, New York 14211
Phone: 716-892-2814
Fax: 716-891-4408
Website: www.tryprogram.org

Did you know?

The TRY Program opened its doors in 1997. We are happy to say that during these past 10 years TRY has assisted more than 160 young women most of whom have remained in the program from six months to one year. During this time they have completed their high school education or GED and many have begun two or four year college programs. Groups focusing on the topics of anger management, self esteem, personal budgeting and other independent living skills are offered. In addition, art, yoga/pilates and dance/therapy classes are held.

Coming together in a loving, structured supportive community, a young woman can begin to heal. Encouraging one another in the struggle to move forward and grow is the key component of our program. TRY provides a safe place of loving support, healing and companionship.

IS TRY FOR YOU?

Call 716-892-2814 or visit our
website www.tryprogram.org

Want to become involved?

- Become a volunteer
- Donate wish list items
- Be a tutor
- Cook and share a meal
- Share your talents, teach a class

TRY's Wish List

- Donations to scholarship fund
- Paper goods
- Gift cards to Wegmans and Tops
- Movie passes

Check our website www.tryprogram.org



228 Brinkman Avenue
Buffalo, New York 14211



TRY Program



A Residential Program
For Young Women

*a place for young women
to find new hope*

For information, call TRY
at 716-892-2814