

DOMESTIC MINOR SEX TRAFFICKING
Las Vegas, Nevada



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.



Publisher
PIP Printing
www.pip.com/springfieldva
September 2008

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This project was supported by Award number 2006-DD-BX-K294 awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. The opinions, findings, and conclusions or recommendations included in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice.

Las Vegas Assessment

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

August 2007

**Prepared for
Shared Hope International**

By M. Alexis Kennedy, Ph.D.
and Nicole Joey Pucci, M.A.

Acknowledgements

The victimization of children through commercial sex is among the most violent and horrific of crimes against children. The children whose lives are destroyed have the unique and debilitating status of being both offenders and victims - they are arrested and tried for the crime committed against them. The problem is complex and daunting. However, despite these challenges a diverse coalition of groups and individuals in Las Vegas has aggressively tackled this issue. These amazing professionals are engaging in remarkable levels of cooperation and communication as they address the hundreds of 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 minor sex trafficking victims, acknowledging and applauding the significant progress in identifying domestic trafficked minors (DTMs) in Las Vegas cannot be understated. 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 to combat domestic minor sex trafficking.

Since the 1994 creation of the interagency investigative initiative STOP (Stop Turning Out Child Prostitutes), law enforcement in Las Vegas has been on the forefront of addressing domestic minor sex trafficking and working aggressively to understand their plight and create new solutions. Their dedication to identifying these victims and removing them from the harm of the pimps and traffickers must be acknowledged and commended.

The partnership and information sharing between the STOP Program and the FBI is also of significant importance in the successful fight to identify prostituted juveniles and investigate their traffickers/pimps. This model collaboration is attributed to their acute understanding of prostituted minors as victims of the commercial sex industry through the brutal hands of their pimps, traffickers, and consumers or clients.

Similarly the Juvenile Justice Core Group, including the juvenile prostitution court Judge, Chief Juvenile Public Defender and the Chief Juvenile District Attorney, is working together on behalf of these victims within a larger system that does not understand the victims and is not assisting them in accessing appropriate services. Their commitment is critical in the fight against domestic minor sex trafficking (DMST) in Las Vegas. Throughout the entire Juvenile Justice System individuals are voicing in chorus the lack of treatment program and alternative options available and expressing a frustration that these victims are in the system at all.

Social services providers in Las Vegas work around the clock keeping their own programs and services afloat, while providing the DMST victims they encounter with the first opportunity to embrace love, structure and dignity. They are the critical link in building trust with the trafficked minors and providing the services necessary to prepare them for proper assistance with investigations and a life outside of forced prostitution.

Special acknowledgement also goes Captain Terry Lesney of the Las Vegas Metropolitan Police Department. Her vision and understanding of these issues was the primary force behind the creation of ATLAS, the Las Vegas Task Force on Human Trafficking.

Thank you for all you do to prevent victims from falling into the hands of traffickers/pimps, prosecute those who prey on or exploit our children and protect those who have escaped a life of forced prostitution. Because of your work and dedication, domestic minor sex trafficking victims are able to live as survivors, becoming empowered and self-sufficient adults.

Sincerely,

A handwritten signature in cursive script that reads "Alexis Kennedy".

Dr. M. Alexis Kennedy, Assistant Professor
Department of Criminal Justice at the University of Nevada, Las Vegas

A handwritten signature in cursive script that reads "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 American citizen children or lawful permanent resident children through prostitution, pornography or sexual performance for compensation, either monetary or other consideration (shelter, food, drugs etc.). DMST has been viewed as the single most under-reported, under-identified and most severe form of sexual exploitation that children are facing today.¹ Stopping the trafficking of children for the purposes of commercial sexual exploitation has become an important focus for the United States Government. The Trafficking Victim Protection Act 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” act as victims of trafficking, including minors who are U.S. citizens or lawful permanent residents. The reality, however, is that domestic minor sex trafficking victims – especially those engaged in prostitution – continue to be detained in the criminal justice system as child prostitutes.

Shared Hope International (SHI), with funding from the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA), is researching the access to and delivery of services to domestic minor sex trafficking victims in ten locations in the U.S., including Las Vegas, Nevada. The Rapid Assessment Methodology and Tool: Domestic Minor Sex Trafficking in the U.S. was developed by Shared Hope International and implemented in Las Vegas by Dr. M. Alexis Kennedy. The research report was prepared by Dr. Kennedy, Assistant Professor in the Department of Criminal Justice at the University of Nevada, Las Vegas. Nicole Joey Pucci co-authored this research project. This assessment includes information collected during June 1 – July 1, 2007 through a comprehensive survey of existing research and the completion of twenty-five interviews from representatives of sixteen different organizations and agencies which frequently interact with domestic minor sex trafficking victims.

Best practices are noted throughout the report. However, it is also the purpose of this report to identify the gaps and challenges that present themselves while working with this difficult population of victims. Las Vegas is an overwhelmed and sympathetic system struggling with the best way to identify and assist domestic minor sex trafficking victims, but the reality remains that victims who are identified in prostitution or disclose their involvement in prostitution are being pulled deeper into the justice system rather than being routed out and provided with services.

The RA employed three factors commonly used as an effective measure of response to combating sex trafficking worldwide: Prevention, Prosecution and Protection (three P’s). Established by the U.S. Department of State Office to Monitor and Combat Trafficking in Persons (DOS) and used in the annual Trafficking in Persons Report, the “three P’s” is an effort to holistically evaluate other countries’ actions to counter all forms of trafficking in persons. The DOS “three P’s” approach has been applauded for its comprehensive approach to assessing sex trafficking and is therefore used in this assessment as well.

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

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

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

This RA defines domestic minor sex trafficking victims in accordance with the federal TVPA as minors who are exploited through the commercial sexual industry – including but not limited to: prostitution, pornography and/or stripping/exotic dancing.

The ultimate goal of this rapid assessment is to provide first responders in the Las Vegas and Clark County, Nevada 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. Las Vegas, Nevada is a major destination for domestic trafficked children in the United States

Outreach workers in one organization identified over 400 prostituted children on the streets of Las Vegas in May 2007 alone. The interagency investigative initiative STOP (Stop Turning Out Child Prostitutes) has tracked DTMs charged in Clark County since 1994. Over 1,496 minors have been adjudicated for prostitution-related charges in that time. Between August 24, 2005 and May 31, 2007, 226 DTMs have been adjudicated through the juvenile prostitution court staffed by a single judge, who hears all cases of juveniles charged with prostitution or prostitution-related offenses. Of the 226 DTMs adjudicated, children were trafficked into Las Vegas from 28 different home states ranging from Alaska to Maine. Among these, 17% were 15 years old or younger - below the age of sexual consent for Nevada.

2. Las Vegas lacks public awareness and prevention programs for youth

The culture of tolerance of the commercial sex industry in Las Vegas creates a high risk environment for children. The high-risk conditions of Las Vegas, such as easy access to alcohol and drugs, 24/7 gaming and the hyper-sexualized entertainment industry are not being addressed among the youth. Prevention programs in the community and/or schools working to mitigate the forces of the high risk environment are non-existent. Additionally, minimal media coverage is given to raising awareness of the issue of DMST in Las Vegas.

3. Prostituted children are identified as DTMs but treated as delinquents

Most professionals in Las Vegas interacting with DTMs are capable of identifying domestic minor sex trafficking victims. The investigative Juvenile Vice Officers (I-Team) recognize DTMs as victims and understand their situation of pimp control and severe trauma. Despite this understanding, prostituted children are still arrested and placed in detention (CCJDC) for an average 17 days before adjudication. One of the primary reasons for this placement is a lack of alternative secure shelter facilities.

4. Prosecution of traffickers is strong but should be increased

County and Federal prosecutors applauded the interagency investigation team (STOP) for collecting strong information resulting in some successful convictions. The STOP program states its primary goal to be the arrest and subsequent prosecution of traffickers. Since 1996 through July 2007, the LVMPD Vice Section, through the STOP program, has recorded arrest data of those suspected of pandering juveniles in Las Vegas; 435 pimps have been arrested since 1996. Some pimps have numerous victims which would result in multiple counts of pandering. However, prosecution and sentencing records of those 435 pimps were not able to be provided by the STOP program. Additionally, successful conviction

or coverage of these cases/investigations were not available in the public media. The LVMPD Vice Section, through the STOP Program, has collected statistics on juveniles suspected of being involved in prostitution related offenses. From STOP's inception in 1994 through July 2007, 1483 female and 13 male juveniles have been identified.

5. Traffickers/pimps are familiar with the court system and use it to their advantage

DTMs often make fragile and difficult witnesses and the prosecution of traffickers can fail if the DTM is not available at trial. Traffickers are aware of this and delay their cases in the hopes that the DTM will not want to appear. Pimps are rarely denied bail, which would force their preliminary hearing to be held within 15 days. DTMs are often held in detention (on Material Witness Orders) longer than their abusers because prosecutors worry their witnesses will flee.

6. Prosecution of buyers of commercial sex from minors is not a priority

During this research notable numbers of prosecutions of buyers of prostituted children in Las Vegas were not able to be identified, even though many of the girls arrested for prostitution or prostitution-related offenses indicated that an average of 5-15 men per night purchased their sexual services. "What happens in Vegas, stays in Vegas" seems to represent the impunity enjoyed by adults who purchase sex with minors.

7. DTMs receive harsher penalties than other minors arrested for misdemeanors

For all age groups, the disposition of juvenile proceedings for DTMs and detention are out of proportion when compared to other minors charged with misdemeanors. DTMs charged with prostitution are frequently detained, although it is a misdemeanor. In the first half of 2007, 12.8% of the females sent to Caliente, the state detention facility, were adjudicated for prostitution, a misdemeanor.

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

Separation of the DTM from the trafficker/pimp is a vital and recognized first step in removing his psychological control over the victim. However, in providing restoration to the victim, immediate issues like food, clothing and secure, safe shelter are important, in addition to medical care, psychological and trauma counseling. Additionally, education and access to life-skills classes are a continuum of services that must be considered as mandatory in an effort to holistically reduce the vulnerability of the DTM to revictimization.

Within CCJDC (the county detention facility) and Caliente (the state detention facility), there is a critical lack of programs and services provided to DTMs. Due to the short time that the DTMs are in CCDJC awaiting their hearing, few if any services besides food and shelter are provided. At Caliente, it was noted that the services are also minimal and the one program that addressed issues of prostitution, led by a survivor of prostitution, is about to close due to lack of funding.

The one NGO program designed for DTMs in Las Vegas, the WestCare GIRLSS intermediate residential and counseling program, seems to be struggling with providing adequate resources for this population, high staff turnover, and security issues. It is only being used for a small portion of adjudicated DTMs (8% in 2004, 5% in 2005 and 4% in 2006).

9. Outlined funding and services are only available for foreign national trafficking victims

Although domestic minor sex trafficking victims should have access to numerous state services as a victim population, their label as juvenile delinquents confuses the identification and availability of services for this population. Currently in Las Vegas, the only services and funding outlined to trafficking victims is for international victims through ATLAS – the Las Vegas Human Trafficking Task Force. In funding Human Trafficking Task Forces around the country, the Department of Justice wisely partnered

the Task Forces with an Office for Victims of Crime (OVC) non-profit counterpart to administer services for victims. This foresight led to an expanded scope of services, including legal and restoration needs. However, the TVPA restricts funding to provision of services to foreign victims of human trafficking, leaving domestic child victims vulnerable to a system that does not understand their specific needs and ultimately lacks resources to understand, identify and service this population of victims.

Conclusion

In conclusion, while prostituted children are largely being identified as domestic minor sex trafficking victims, professionals are struggling with the complex issues that surround these victims, including flight risks and lack of willingness to cooperate in investigations. There is a dearth of appropriate placements that will keep domestic minor sex trafficking victims safe and provide them with the services and programs necessary for holistic restoration.

A secure residential facility is required to house DTMs diverted from the juvenile court system. A protective safehouse could meet their immediate needs (e.g., medical attention, hunger, hygiene, fatigue, detoxification, shelter away from trafficker/pimp, assessment of acute physical, emotional and psychological needs). It could also begin to address intermediate needs (e.g., referral to resources to meet physical, emotional and physiological challenges, life skills training, isolation from traffickers and buyers, reconnection with parents or identification of other stable placement, development of a treatment plan to meet long-term needs or issues).

Alternative placement options would provide law enforcement, the juvenile prostitution court as well as many victim service providers with a safe and secure place to bring DTMs to receive services and begin to build the trust and confidence, in order to assist in the investigation and prosecution of their abuser.

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 Las Vegas, Nevada. Las Vegas is located within Clark County, Nevada and for the purpose of this report the research findings will specifically focus on assessing Las Vegas though many agencies that participated cover Clark County in whole. This report is based on qualitative and quantitative information provided during interviews with the diverse actors who interact with DTMs at various stages of the minors' exploitation, apprehension and legal disposition.

The research in Las Vegas was conducted for Shared Hope International (SHI) by Dr. Alexis Kennedy, Assistant Professor, Department of Criminal Justice at the University of Nevada, Las Vegas (UNLV) with the assistance of Nicole Joey Pucci, MA. In-depth interviews were guided by *The Rapid Assessment Methodology and 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 six different populations: Law Enforcement, Judiciary, Prosecution, Detention, Child Protective Services, and Non-Governmental Service Providers. The protocol for this research was approved by the Western Institution Review Board (Protocol #20070540).

The research was based on twenty-five interviews conducted during a 4-week timeframe from June 1 – July 1, 2007 with one or more representatives from the following agencies and organizations:

- Clark County Family Court, Juvenile Delinquency Judge
- Clark County Juvenile Division, District Attorney
- Clark County Juvenile Division, Chief Deputy Public Defender
- Department of Justice, United States Attorneys
- Department of Juvenile Justice Services
- Nevada Department of Child & Family Services
- Las Vegas Metropolitan Police Department
- Federal Bureau of Investigation
- Clark County Department of Family Services
- Court Appointed Special Advocates
- WestCare, Nevada
- Rape Crisis Center
- Nevada Child Seekers
- Salvation Army
- Nevada Partnership for Homeless Youth

Interviews took from one to three hours to complete. Informed consent was given in writing prior to commencing the interview. The information provided 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 Las Vegas, Nevada.

The findings in this report will be presented to ATLAS to serve as an action plan to address the DTMs in Nevada, bringing the priorities of protecting these victims in accordance with those outlined in the Trafficking Victims Protection Act of 2000 and its reauthorizations.

GLOSSARY OF ACRONYMS AND TERMS

| | |
|------------------|--|
| ATLAS | Anti-Trafficking League Against Slavery, the Las Vegas Human Trafficking Task Force |
| Adjudication | Judicial determination (judgment) that a youth is a delinquent or status offender |
| Caliente | Caliente Youth Center, a State correctional facility for juvenile delinquents that is geographically and staff secured |
| CCJDC | Clark County Juvenile Detention Center (short-term, pre-adjudication facility) |
| CEOS | Child Exploitation and Obscenity Section of the U.S. Department of Justice |
| CPS | Child Protective Services, currently Clark County DFS (see below). Until recently, CPS in Las Vegas was under the mandate of DCFS (see below) |
| DA | District Attorney |
| DCFS | Division of Child and Family Services, a Nevada state agency for child welfare and juvenile justice |
| DFS | Department of Family Services, a Clark County department for the management of foster care and child abuse/neglect cases |
| Disposition | Action taken or treatment plan decided upon or initiated in a particular case through adjudication |
| DJJS | Department of Juvenile Justice Services, a Clark County department that operates the juvenile detention center (CCJDC) and the juvenile probation department |
| DMST | domestic minor sex trafficking, commercial sexual exploitation of children, includes prostitution acts performed or offered by children under the age of 18 |
| DOJ | U.S. Department of Justice |
| DTM | Domestic Trafficked Minor; under the TVPRA (2005) sex trafficking was expanded to include any commercial sexual act of children under the age of 18, including U.S. citizens and legal permanent residents |
| Girls Initiative | The research and programming initiative in the DJJS |
| GIRLSS | Adolescent Girls Intermediate Residential Living Sanctions and Services. A WestCare, Nevada program developed specifically for DTMs |
| I-Team | LVMPD Juvenile Vice Officers Investigative Team. These Juvenile Vice officers do not arrest DTMs; they focus on interviewing DTMs for information to further investigate and prosecute their traffickers/pimps |
| LVMPD | Las Vegas Metropolitan Police Department, responsible for policing approximately 75% of the population in Clark County |
| MTR | Mid-Term Review on the Commercial Sexual Exploitation of Children in America, published September 2006 |
| NGO | Nongovernmental organization |
| OJ | Other jurisdiction, not Nevada |
| PD | Public Defender (Juvenile) |
| PTSD | Post-traumatic Stress Disorder |
| STOP | Stop Turning Out Child Prostitutes, an interagency investigative program created in 1994 to address DMST in Las Vegas |
| TVPA | Trafficking Victims Protection Act (2000) |
| TVPRA 2005 | Trafficking Victims Protection Reauthorization Act of 2005 |

BACKGROUND RESEARCH ON DMST IN LAS VEGAS

The U. S. Government has identified human trafficking for commercial sexual exploitation as a major problem worldwide and nationally. Las Vegas has been identified specifically as a location struggling with these issues, both the trafficking into Nevada of foreign and American children for commercial sex. The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) awarded funding to ATLAS, the Las Vegas human trafficking task force in September 2006. The goal of the law enforcement component of the human trafficking task forces is to investigate all forms of human trafficking. Human trafficking task forces each have a victim services provider member funded by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (DOJ/OVC) to provide services to foreign national trafficking victims, many of whom are witnesses in the cases being pursued. The collaboration between the two task force components is important to the success of the task forces. In Las Vegas, the law enforcement component is the Las Vegas Metropolitan Police Department; the victim services component is Salvation Army.

Well over a thousand American minors engaged in prostitution-related crimes have been identified over the past 13 years in Clark County.² Many more than these apprehended children have been exploited commercially in Las Vegas. For example, WestCare Nevada outreach identified over 400 trafficked minors in May 2007 alone.

Domestic Minor Sex Trafficking (DMST)

According to the federal Trafficking Victims Protection Act (TVPA) of 2000 “sex trafficking” means 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.

Therefore, in accordance with the federal TVPA 2000, domestic minor sex trafficking (DMST) is the recruitment, harboring, transportation, provision, or obtaining of a U.S. citizen(s) or legal permanent resident(s) under the age of 18 for the purpose of prostitution, pornography or erotic dancing/stripping. “Payment” for the sex act can be anything of value given to or received by any person (e.g., drugs, food, accommodations, cash).

Prosecution of Domestic Minor Sex Trafficking Victims

The United States has historically criminalized domestic minor sex trafficking victims as prostitutes. In Clark County, DTMs who are identified by law enforcement as engaging in or attempting to engage in prostitution are charged with solicitation for the purposes of prostitution or other prostitution-related charges (e.g., loitering for the purposes of prostitution, minor in a gaming establishment) and brought to the Clark County Juvenile Detention Center (CCJDC). Upon arrival at the CCJDC, an intake probation officer will make a decision for placement before adjudication. If a DTM is not released to family members and will be detained, she will be held at CCJDC pre-adjudication.

DTMs are often detained at CCJDC, despite the fact that their charge is a misdemeanor, to be interviewed about their involvement in prostitution by the I-Team, a section within Las Vegas Metropolitan

² Vice Section, Las Vegas Metropolitan Police Department (LVMPD) STOP Program. From January 1994 - July 2007 1,496 juveniles engaged in prostitution or prostitution-related activities were identified.

Police Department Vice Unit assigned to investigate pimps and predators. DTM statements to these officers are not intended to be used in the disciplinary proceedings, but rather are used in the pursuit of charges against traffickers/pimps. However, if the interviewing I-Team officer suspects the minor's involvement in prostitution she will be redirected to be seen by the Juvenile Court Judge who hears all cases of minors charged on the prostitution court docket, which in Las Vegas is referred to as the "juvenile prostitution court", though her initial charge (if other than a prostitution or prostitution-related offense) will remain the same.

In detention (CCJDC), DTMs are both witnesses in the trafficking prosecution and defendants in the delinquency proceeding against them. Juveniles can admit to (plead guilty) or deny (plead not guilty) the charges. If the charges are denied, they are entitled to a contested hearing (trial) at which time the State must present its evidence before the juvenile court judge. Juveniles that admit or are found guilty at a contested hearing are adjudicated a delinquent child. The disposition order (sentence) can include probation with placement to a non-secure facility (e.g., home, relative placement, foster care, WestCare, health care facilities, or Children of the Night). Some DTMs will be committed to the Nevada Department of Child & Family Services and sent to Caliente Youth Center, a secure state correctional facility. After their release from the Caliente Youth Center, juveniles will be managed by a State Youth Parole Counselor.

The age of consent for sexual activity in Nevada is 16 years of age. An unacceptably large number of children in Nevada (17%³) continue to be charged as juvenile delinquents for an act to which they cannot legally consent.

Juvenile Justice System for DTMs in Clark County

In Clark County there is a single juvenile court judge who oversees all juvenile prostitution cases. A Clark County policy stipulates that all juveniles who are suspected of being involved in prostitution are assigned to the juvenile prostitution court docket of the Juvenile Justice Court. This prostitution court docket is held weekly and attended by DAs and PDs familiar with DMST dynamics. This streamlining accomplishes the hearing of these cases by one judge who oversees the juvenile prostitution court docket and is an expert on the situation of these DTMs and the options for placement. This approach has enabled the judge to collect statistics on the number of girls and boys trafficked in Las Vegas, including their home states from which they were trafficked.

Risk Factors for Being Trafficked into Commercial Sexual Activity

The U.S. Department of Justice estimates that each year in the U.S. approximately 450,000 children run away from home. It is also estimated that one-third of runaways will be lured into prostitution each year.⁴ In addition to these national risk factors, Clark County, specifically Las Vegas, contends with a number of environmental risk conditions that may compound the risk for commercial sexual exploitation. First, Clark County has been one of the fastest growing counties in the nation for over a decade.⁵ The growth rate was 29.2% between April 2000 and July 2006 - nearly five times the national average. This rapid growth has put a severe strain on both governmental and nongovernmental resources. Another challenge is the fact that 26.2% of the Clark County population is under the age of 18.⁶ This large and continually growing juvenile population has strained all juvenile institutions, especially the education system, juvenile justice system, child protective services, and health care services.

Another risk factor in Las Vegas is the unique and potentially problematic aspects of being a child in an economy dependent on the gaming and entertainment industry. The environmental impact of a

³ 39 of the 226 juveniles mentioned in the previous note were under 16 at the time of their adjudication.

⁴ "National Incident Studies of Missing, Abducted, Runaway, and Throwaway Children." The National Center for Missing & Exploited Children. Copyright 2008. <www.missingkids.com/en_US/documents/nismart2_overview.pdf>. Accessed on July 2, 2007.

⁵ State and County Quick Facts, Clark County, Nevada, US Census Bureau, 2006.

⁶ Metropolitan Las Vegas Tourism Statistics, Center for Business and Economic Research, University of Nevada, Las Vegas.

24-hour-a-day entertainment environment creates a high-risk community setting (e.g., increased alcohol availability and use, access to drugs, extensive promotion of sexualized entertainment). The popular tourist slogan “What happens in Vegas, stays in Vegas” promotes an environment attractive to both traffickers who want to cash in on the 38 million visitors to Las Vegas each year⁷ and to the sex tourists who opportunistically or purposefully engage in commercial sexual activity with minors.

Public Awareness

Many Americans believe that prostitution is legal in all of Nevada, including Las Vegas. Further impacting this belief is the aggressive promotion of commercial sex through billboards, catalogues, yellow pages and glossy trading cards handed out personally on “the strip”, all promoting “full service strippers – straight to you”. However, prostitution is not legal in Clark County, where Las Vegas is located. The State law prohibits the legalization of prostitution in counties exceeding a population of 400,000 thereby excluding Las Vegas and Clark County.⁸

Media Coverage of DMST

Until the recent formation of ATLAS, the Las Vegas human trafficking task force, coverage of prostituted juveniles by the media, especially as victims, was hard to find. In fact, coverage of prostitution and its associated violence and danger in Las Vegas is nearly non-existent, nor is there media coverage of arrests of buyers of juveniles for prostitution. It was reported through several interviews that the Las Vegas First Offender Prostitution diversion program, often referred to as the “john school” created for first time offenders (men) caught soliciting adult officers posing as prostitutes, was a useful tool in providing education and deterrence. However a Google search to identify media coverage of men arrested for solicitation of a prostitute and subsequent sentencing to attend the First Offender Prostitution Program produced minimal results. Additionally, the official First Offender Prostitution Program website does not provide any statistics for the number of men who have completed the program or success rate of the program.⁹ This is concerning due to the report by law enforcement that thousands of men had been sent to the program throughout the last ten years.

Similarly, in April 2007, there was minimal local coverage in Las Vegas when the San Mateo County Sheriff Greg Munks and his undersheriff were found at an illegal brothel during Operation Dollhouse and allowed to leave the scene without arrest. Media seemed to accept without question the response of Sheriff Munks when he stated that he thought the establishment, located in a private home in Clark County, was a “legitimate business”.¹⁰ Additionally, most media failed to highlight in their coverage of Operation Dollhouse that minors were also found among the prostituted women in one of the illegally operating brothels. The message to tourists and residents was that law enforcement and media are less inclined to deter the problem by addressing it through a demand perspective.

However, there has been a notable increase of both print and media coverage on the issue of domestic minor sex trafficking since October 2006 when ATLAS was officially formed. Local whistleblower and Director of ATLAS Terri Miller, along with Judge Voy, the single judge who oversees the juvenile prostitution court docket for Clark County, have made headlines revealing the reality of prostituted juveniles in Las Vegas. Such articles include: “Teen Prostitution Scourge Grows: Special court tries to help youngsters, not punish them” by Sam Skolnik in the Las Vegas Sun on January 07, 2007; and “Do we have a human trafficking problem? Justice Department names Las Vegas among 17 most likely destinations,” also by Sam Skolnik in the Las Vegas Sun on January 29, 2007.

⁷ Metropolitan Las Vegas Tourism Statistics, Center for Business and Economic Research, University of Nevada, Las Vegas.

⁸ “Nevada Revised Statute:244.345 Section 8.” [Nevada Legislature](http://www.leg.state.nv.us/nrs/NRS-244.hDTMI). 2008 Nevada Legislative Counsel Bureau. <www.leg.state.nv.us/nrs/NRS-244.hDTMI>. Accessed on August 9, 2007.

⁹ “First Offender Prostitution.” [Las Vegas, Nevada \(Official City of Las Vegas Text Site\)](http://www.lasvegasnevada.gov/TextOnly/Find/4895.htm). 2007 City of Las Vegas. <www.lasvegasnevada.gov/TextOnly/Find/4895.htm>. Accessed on August 15, 2007.

¹⁰ Coté, John. “San Mateo County sheriff, deputy briefly detained in prostitution sting.” [SF Gate, home of the San Francisco Chronicle](http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/04/24/BAGFCPEH8C9.DTL). April 24, 2007. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/04/24/BAGFCPEH8C9.DTL>. Accessed on August 9, 2007.

RESEARCH FINDINGS

Employing the organizational structure of the three P's- Prevention, Prosecution and Prevention- this rapid assessment (RA) will (1) identify the scope of the problem of domestic minor sex trafficking victims in a designated geographic 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 Las Vegas RA report will focus solely on the issue of domestic minor sex trafficking victims. A domestic minor sex trafficking victim is a United States citizen or legal permanent resident who has been recruited, harbored, provided, transported, or obtained for the purpose of performing commercial sex acts, defined as any sex acts done in exchange for monetary or other non-monetary gain.

This report will assess the awareness, implementation and effect of the federal Trafficking Victims Protection Act of 2000 (TVPA) and subsequent reauthorizations, such as the TVPRA 2005 which further informed the definition of sex trafficking in the United States to include children involved in prostitution, pornography and sexual acts. The RA will also provide insight into the logistics of working within the present system and identify any pitfalls or impediments.

I. PREVENTION

Prevention of domestic minor sex trafficking begins with promoting public awareness efforts to assist individuals to properly identify a victim of domestic minor sex trafficking. Prevention efforts must also focus on stopping the victimization of minors before it begins by raising awareness among youth of the dangers of recruitment by traffickers/pimps. Lastly, prevention efforts must address demand by buyers and make clear the connection between engaging in commercial sex activities and likelihood of victimizing minors. The training of law enforcement, prosecutors and judges to identify this problem is also essential, as it provides the tools for prosecution and protection.

1.1 Law Enforcement

The Las Vegas Metropolitan Police Department (LVMPD) has made significant steps in streamlining the identification, arrest and interview of prostituted juveniles. LVMPD is comprised of a Vice Officer squad, including a squad of Juvenile Vice officers who are specifically tasked with the identification and arrest of juveniles involved in prostitution or prostitution-related activities. Sometimes juveniles are arrested as adults by Vice, but once identified as a possible juvenile they are turned over to the Juvenile Vice - this assists in streamlining the system.

1.1.1 I-Team. Recognizing that the arresting officer is not the best person to interview the juvenile, LVMPD has created a separate division to handle cases of prostituted juveniles. The I-Team is composed of a different group of Juvenile Vice officers who are mandated to interview the juvenile after she has been arrested, with the goal of obtaining information to pursue investigation and arrest of traffickers/pimps. I-Team Vice officers are not involved with the arrest process of the juveniles, as that would interfere with their ability to develop trust and rapport with DTMs. LVMPD has a memorandum of understanding with the FBI, providing one or more FBI Special Agents dedicated to the I-Team through the Innocence Lost Initiative. The Innocence Lost Initiative is a nationwide initiative to focus on child victims of interstate sex trafficking in the United States. The initiative was started in 2003 by the FBI and the Justice Department's Child Exploitation and Obscenity Section (CEOS), in partnership with the National Center for Missing & Exploited Children, and includes Las Vegas as one of the locations with FBI assigned to the Initiative. The collaboration between LVMPD and the FBI encourages regular communication and information sharing. The I-Team is the Las Vegas law enforcement currently tasked with the identification of prostituted minors, runaways and homeless youth who are targets for predators. They have received widespread praise for their understanding of and dedication to DMST.

1.1.2 STOP Program. The STOP program is an interagency investigative program which includes Juvenile Vice, I-Team, DJJS, DAs, PDs and the Juvenile Court Judge. It was created to address DMST in Las Vegas, Nevada. The program began in 1994, prioritizing the prosecution of traffickers and detailing the statistics on juveniles arrested on prostitution-related charges. The level of information collected through STOP is unparalleled when compared to other jurisdictions. From STOP's inception in 1994 through July 2007, 1483 female and 13 male juveniles have been identified.¹¹ Information on the home states of some of these minors is presented in Figure 1 in Appendix A. Only 41% of the juveniles were from Nevada. In 2006, 153 prostituted minors had been tracked through STOP (all female), 60% being arrested by Vice officers and 40% by patrol officers. While the program encourages communication between the different groups identifying and managing DTMs, it is an investigative tool and does not offer any specific programming for the victims. Collaboration also occurs with other law enforcement jurisdictions (e.g., North Las Vegas, Henderson Police).

1.1.3 Training. All LVMPD Vice officers (adult and juvenile, arresting and investigative) have received specialized training from the FBI, CEOS and The National Center for Missing and Exploited Children (NCMEC) as part of their Innocence Lost Initiative. Some FBI agents have received similar training. The I-Team now conducts trainings, sometimes in conjunction with Office of Juvenile Justice and Delinquency Prevention (OJJDP). While the entire LVMPD receives a basic human trafficking course, this course does not adequately address human trafficking of domestic minors.

1.1.4 First Contact. According to the FBI, the primary contact with victims of DMST is through arrests by Vice officers (non I-Team officers; 68% of arrests in 2004, 69% in 2005). The FBI also indicated that victims are found through proactive monitoring of internet sites, such as MySpace or

¹¹ This report will often refer to DTMs as girls since STOP numbers generated from the Clark County juvenile prostitution court find that boys arrested for prostitution-related activities are less than 1% of the total.

Craig's List. Other ways this population is contacted are through anonymous tips, patrol interactions, Vice investigations, and civilian complaints. All LVMPD officers have been encouraged to contact Juvenile Vice (arresting and I-Team) if they contact any children they believe to be involved in prostitution-related activities.

1.1.5 Identification. The I-Team considers prostituted minors to be victims. The first task is confirming the real identity of the DTM. The second task is to remove the DTM from her pimp/trafficker which, unfortunately, is normally accomplished by putting the victims in juvenile detention. Some DTMs are processed through the adult system when arrested by patrol officers, as it can be difficult to ascertain the true age of the victims. The warning signs that an arrestee may be lying about her age (e.g., "my parents are dead and I don't know my social security number or where I went to school") are not always identified by patrol officers.

1.1.6 Interviewing. While the I-Team is sensitive to the dynamics and issues of DTMs, arresting Vice officers or patrol officers do not always exhibit a similar level of compassion and understanding. The I-Team does not interview DTMs for the purpose of gathering information to be used in their adjudication; rather they seek information to pursue the trafficker/pimp. Due to this guiding philosophy that DTMs are victims, the public defenders have allowed I-Team considerable access to the girls for the purposes of gathering information on pimps. These interviews are understood to be without jeopardy, meaning that the information provided will not be used against the DTM nor will new charges be added as a result of information uncovered in the interviews.

The I-team describes its interviewing techniques as a combination of "suspect and victim questioning." The I-Team considers an admission to prostitution activity a necessary first step in DTMs recognizing their victimization. Other members of the juvenile justice system agree that the I-Team has the greatest success in building rapport and getting information from DTMs, however, the I-Team interviewers do not have the same level of forensic interviewing training as the officers who interview child sexual assault victims.

1.1.7 Charging. Juveniles suspected of prostitution are arrested and charged to keep them in custody. However, if probable cause is lacking to charge a minor, Vice generally does not try to gain custody, as long as the minor has stable placement (ward of the state or stable home). Arresting Vice or patrol officers may bring children whom they cannot charge to WestCare's youth shelter. An MOU between WestCare and LVMPD allows law enforcement to bring at-risk or children suspected of being involved in prostitution directly to WestCare for immediate intake and access to services, while they attempt to locate the minor's parents/relatives. However, for those minors who pose a flight risk, arresting Vice may be more inclined to arrest and charge because WestCare is not a secured facility and has no legal means to hold minors. When police are charging the adult trafficker/pimp, the I-Team may request a Material Witness Order to have the victim picked up and brought to CCJDC. This tool is used if the minor fails to remain in her placement while the I-Team pursues the investigation of the trafficker.

1.1.8 Public Education. Both the I-Team and FBI indicated that they would like to see more public education on the realities of prostituted minors in Las Vegas. Some education of buyers is accomplished through the City of Las Vegas' monthly First Offender Program for Prostitution. This program modeled on the Johns School instituted in several cities in the United States and Canada reports only three out of hundreds of participants had re-offended in the past ten years. The buyers are generally arrested in police stings and the program's focus is on adult prostitution.

1.2 Prosecution

1.2.1 Training. Federal prosecutors reported receiving formal training on DMST from the Department of Justice. State DAs received less formal training from law enforcement. PDs receive no formal training on the population that they are representing. Training has been limited to the identification of victims with no information on management, diversion options, or services available to the victims included. Strategies for conducting victim-sensitive legal proceedings have not been developed for cases involving DTMs.

1.2.2 Identification. Identification of DTMs is primarily by law enforcement. DAs or detention staff who encounter a minor who may be involved in prostitution request a determination by I-Team officers who then interview the minor. The Public Defenders Office has a staff social worker who assists with interviews of DTMs. Juvenile prosecutors that interact regularly with DTMs are very good at identifying prostitution activity, even in cases brought under different charges. DTMs not charged with prostitution-related crimes may be reluctant to disclose their victimization due to the fear that an additional charge may be filed or fear of a social stigma. In addition to having been traumatized as a DTM, they are often fearful of disclosing information about their pimps. DTMs are often held longer in detention so that the I-Team can gain their trust and encourage them to testify against their abusers. However, no trauma services are offered to the victims during this time to help with disclosure.

“When it is a juvenile [in prostitution], there is always a pimp.”

1.2.3 Classification. While juvenile prosecutors and PDs in Clark County have a positive working relationship with each other and understand the extent of victimization due to the DMST, they do not agree on the disposition of these girls. Both sides recognize the need to identify the prostituted minor as a victim however the real consequences of criminalizing them and detaining them “for their own good” is seen differently by the two groups. PDs and detention personnel recognize that few services, if any, are offered to the juveniles while they are detained prior to their hearing (pre-adjudication). They acknowledge that the girl is a flight risk but feel that the detention without services just hardens them further and certainly does not encourage them to see themselves as victims or trust the legal system. Judicial and prosecutorial staff would rather not adjudicate these girls but feel that time off the streets and away from prostitution is to their benefit. The paradox is that they are seen as victims but treated like criminals. While people in the criminal justice system would like to help restore DTMs, in reality they are processed through the system with juvenile delinquents who have committed serious crimes.

1.3 Juvenile Court Judges

In Clark County there is a primary juvenile delinquency judge who oversees all juvenile prostitution and prostitution-related cases. There is currently a Clark County policy that all juveniles who are suspected of being involved in prostitution are assigned to the juvenile prostitution court. This Prostitution Court Docket is held weekly and attended by DAs and PDs familiar with DMST dynamics. This streamlining accomplishes the hearing of these cases by one judge, who oversees the juvenile prostitution court and is an expert on the situation of these DTMs and the options that he has for placement. This approach has enabled the judge to collect statistics on the number of girls and boys trafficked into Las Vegas including their home states from which they were trafficked.

1.3.1 Training. The judge in charge of the juvenile prostitution court has received no specialized training in the identification of DTMs, but feels his work experience helps him to identify these victims.

1.3.2 Identification. The judiciary has no formal process for identifying at-risk and exploited minors. The juvenile prostitution court relies on the I-Team, DAs, and PDs to identify girls who may be involved in prostitution. Juveniles can be assigned to the juvenile prostitution court docket at any point before adjudication. Statistics of the juveniles adjudicated are maintained by the judge. Between August 24, 2005 and May 31, 2007, 224 girls and 2 boys were identified as DTMs; 62% of these DTMs were from out of state.¹²

1.3.3 Charges. DTMs sent to the juvenile prostitution court have generally been charged with the following offenses: soliciting for prostitution, minor in a gaming establishment, loitering (non-gaming areas), providing false information, or curfew violations. Actual prostitution cases where an act has been interrupted are rare (for example, recently a street officer observed a sex act occurring in a car and charged the 13-year-old juvenile with prostitution; she was adjudicated or pled to providing false information). The juvenile prostitution court only interacts with the girls charged with a crime or arrested for a delinquent act. Some at-risk runaways will be collected from the streets and sent to social service agencies or WestCare, bypassing the criminal justice system.

¹² DTMs' home city information is presented in Figure 2 in Appendix A.

1.4 Juvenile Detention Facilities

1.4.1 Training. Training has been provided for some but not all detention staff at CCJDC and Caliente. The intake probation officers at CCJDC have received some training on DMST from Children of the Night's Executive Director, Dr. Lee and WestCare Nevada. Some state parole counselors at Caliente have been trained by the I-Team. There is a significant need for improved training which should be made available to all detention staff that might interact with trafficked minors (e.g., psychological service providers, field probation officers, parole officers). There are a few officers at different levels (i.e., intake, detention, field probation, parole) who handle the majority of DTM cases but generally they are officers who solely have girl-focused work loads.

1.4.2 Intake. Girls who are brought in on prostitution-related charges are housed with other female juvenile offenders in CCJDC. There is only one unit for females which includes 12 rooms. Two and sometimes three females are placed in rooms together. It is unclear if sexually transmitted disease testing is mandatory or just very strongly recommended, but the vast majority of the girls will undergo some health testing at intake. If other issues are present (vaginal trauma, pregnancy) they are provided with treatment, but it does not affect their placement. There are some exceptions whereby if the stress of being in detention is negatively affecting their pregnancy, for example, that they may be placed in the WestCare residential program pre-adjudication. This is the exception, not the rule. The girls are usually held in CCJDC due to their flight risk. Only 13% of the girls arrested for prostitution-related charges are repeat offenders, yet the majority is held at CCJDC pending adjudication. While juveniles are usually held for 7 days pending disposition for other crimes, girls arrested for prostitution are held longer.¹³ They are often held so that the I-Team can interview them about their traffickers/pimps. There is no unit at any of the county or state detention facilities dedicated to housing DTMs.

1.4.3 Identification. DTMs held at CCJDC pre-adjudication for prostitution-related charges are housed in the one female unit with other offenders. There is a negative label and accompanying stigma for those girls arrested for prostitution. This stigma is given by the other girls in the facility, as well as some detention staff members who have less of an understanding of DTMs. For girls who are held on different charges, if DMST is suspected, then the I-Team will be called by detention staff or PDs to interview the girls. I-Team is primarily identifying victims so a case can be brought against their traffickers/pimps. This identification will not change the services that the girls receive pre-adjudication. It can, however, change the court in which the girls are adjudicated (juvenile prostitution court) and can factor into placement decisions.

1.4.4 Services during Detention Pending Adjudication. There is both a lack of programming and a sense that programming or counseling would be too brief to be effective in the first period where DTMs are held in CCJDC pending adjudication. While the ideal pre-adjudication detention is less than a week, DTMs are detained on average 17-18 days before adjudication. In contested hearings, the State must present its evidence before the Juvenile Court Judge; therefore, the detention is usually 30 days. The additional days are usually requested by the State to prepare its evidence for the hearing. If a child is identified as having suffered sexual abuse, that does not change her treatment or placement pre-adjudication. CPS would be contacted for cases of familial abuse and LVMPD for non-familial abuse for the purposes of investigation. Minors waiting for a CPS placement are detained an average of 30-45 days. DTMs who are residents of another state are frequently held longer than the ideal short-term detention due to the often difficult nature of reaching their families. There are no specialized programs targeting the issues of prostitution offered pre-adjudication.

¹³ 16 days was the average detention for first offenses, and 22 days for second offenses (See Appendix B).

1.5 Child Protective Services

1.5.1 Training. No one currently at CPS has received training to identify domestic trafficked minors (DTMs).

1.5.2 Identification. In general, CPS does not identify DTMs or youth vulnerable to recruitment into prostitution. The CPS mandate is to serve children under the age of 18 who have experienced neglect or abuse by a family member, therefore CPS would only be identifying a DTM if the victim has been identified as abused or prostituted by a family member. It was also indicated during the research that due to a lack of resources and high workload, in reality CPS can only serve children 15 years of age and under. While investigating an abuse and neglect case, CPS will ask questions to identify who within the family is the abuser. The occurrence of prostitution might be revealed through these questions, but CPS does not specifically ask about commercial sexual exploitation. DTMs are often identified as DMST victims by police before CPS becomes involved. CPS does not refer DTMs to programs or services specific to DMST, nor are they aware of any such programs. CPS would treat DTMs the same as any other sex abuse victim, using the same procedures for getting access to services (e.g., making referrals, working with the families). The police may bring a DTM victim to CPS, especially if the child is very young and the police do not want to detain her with other juvenile delinquents or release her to family.

1.5.3 Information Sharing. The main challenge when working with police is frequent misunderstanding of the abuse and neglect laws and the CPS parameters of authority. Since CPS handles cases with minors, they are bound by confidentiality guidelines which restricts the information flow, though the law does allow for information sharing with agencies involved in criminal investigations of abuse and neglect (e.g., police, DA).

1.6 NGOs/Social Service Providers

1.6.1 Training. Many NGOs interacting with DTMs have received informal training on DMST (e.g., Rape Crisis Center, Salvation Army, Nevada Child Seekers, WestCare). Some organizations that encounter DTMs have not received formal training (e.g., Nevada Partnership for Homeless Youth).

1.6.2 Identification. The NGOs have different means for identifying DTMs. The Salvation Army (SA), for example, identifies victims they encounter during ATLAS interventions. SA also asks questions during their initial interviews to identify victims. However, since taking on a leadership role in the ATLAS task force, SA has only encountered foreign minor trafficking victims, not DTMs. SA considers DTMs to be victims. The Rape Crisis Center (RCC) may come in contact with DTMs during outreach with WestCare at health fairs, school and hospital visits, but RCC does not ask questions to identify victims during initial interviews or evaluations. RCC indicated that DTMs are being identified as child prostitutes rather than as victims by many professionals that they work with daily. Nevada Partnership for Homeless Youth (NPHY) may come in contact with DTMs because it is a safe place for youth to visit for a meal and referrals to other NGOs. NPHY estimates that it has helped over 3,000 unduplicated youth since 1999. The DTMs would not be identified by NPHY because they are not asking questions regarding involvement in prostitution when they interact with the youth.

WestCare identifies DTMs through street outreach, shelter hotline, police hotline and referrals through the juvenile justice system. Furthermore, during the initial intake at the WestCare shelter, minors are asked questions to identify them as potential victims of sex trafficking. WestCare employees reported that they had identified more than 3,000 DTMs since 2002. They have also found in the last three years, 72% (60) of the girls in their substance abuse/drug program have been involved in prostitution.

1.6.3 Services Pre-Adjudication. WestCare provides some pre-adjudication services for DTMs. Services provided onsite at the WestCare facility include shelter and counseling. WestCare is trying to set up a weekly CCJDC visit to interact with DTMs in detention. WestCare will call the Rape Crisis Center (RCC) if DTMs are involved in a rape investigation. RCC is available to provide support for sexual victimization for any DTMs they identify while they are doing community outreach and while on-call at hospitals. However, RCC has not identified any DTMs at hospitals requiring their services. If Salvation Army (SA) identified a DTM, it would contact WestCare to provide the services required. SA also identified NPHY as a resource for DTMs. NPHY is not looking for DTMs, but they are aware of resources like Children of the Night and might contact ATLAS for help. Many NGOs are aware of each other, without being aware of the limitations in the services that their grants allow them to provide (e.g., Salvation Army's human trafficking grant through OVC only allows them to assist foreign trafficking victims; Safe Nest can only give shelter to domestic violence victims).

1.6.4 Public Education. RCC speaks in schools about sexual assault and DMST. RCC is trying to incorporate information on human trafficking into all of their public awareness work. SA is also building this information into their public outreach. Nevada Child Seekers does public education and outreach to elementary school children, but it does not discuss DMST, rather it focuses generally on the prevention of sexual abuse. While these are all vital tools to raising awareness and engaging in prevention, none of these programs include specific material on the risks of DMST.

1.7 Conclusions

Prevention of domestic minor sex trafficking (DMST) requires identification of prostituted children as victims. Las Vegas is an aware and sympathetic system struggling with the best way to help domestic trafficked minors (DTMs), and while nearly all of the persons interviewed for this report identify DTMs as victims, they are stuck operating within a larger system that does not provide systemic support for their victims. In recognition of the pull that pimps/traffickers have over their victims, there is internal conflict on whether detaining DTMs in the juvenile justice system is a step towards helping them break that relationship, despite it labeling the prostituted minor with delinquent status. Currently, girls who disclose commercial sexual exploitation are being pulled deeper into the juvenile justice system, rather than being routed out due to their victim status. They are not receiving adequate or appropriate treatment while detained.

Public awareness and community involvement is also vital in supporting the identification of DTMs. In Las Vegas there is little public awareness through local media on the issue of prostituted minors. Despite a rise in coverage due to the recently formed ATLAS task force, when a UNLV professor wrote an opinion piece for the Las Vegas Review Journal titled “IGNORING PROSTITUTION: Human trafficking and Nevada” highlighting the issue of children as young as 11 being the victims of prostitution in Las Vegas he received little reader support in response. For example, one reader wrote: “*I never knew this was such a huge problem (jaws drop). You have way too much time on your hands!*” Another reader responded: “*No disrespect to Mr. Shelden, but Las Vegas has always been Las Vegas, right or wrong, ..But you gotta understand thats part of what put Las Vegas on the map is things such as this.... So,..It is a good read on your behalf, now maybe you should offer a solution that will be beneficial to all and possibly leave the “every day” of Las Vegas Intact*”.¹⁴

While these responses do not speak for the whole of Las Vegas, they do indicate a lack of public education on the brutal realities of prostituted minors and the prevalence of this crime in Las Vegas.

Training of law enforcement, judiciary, detention staff and most other professionals who interact with domestic minor sex trafficking victims is a strength of Las Vegas’ fight against DMST. Though many received more “on the job” training than formal training, there is a depth of understanding within the core community who are coming into contact with these victims.

¹⁴ Shelden, Randall. “IGNORING PROSTITUTION: Human trafficking and Nevada.” *Las Vegas Review-Journal*. May 13, 2007. <<http://www.lvrj.com/opinion/7483782.html>>. Accessed on August 9, 2007.

1.8 Best Practices

There is substantial consensus among government agencies and service providers that DTMs are victims and a group that deserves increased proactive preventative efforts. There is excellent communication and collaboration between government agencies and with outside NGOs in managing a case once a domestic minor sex trafficking victim has been identified. Unique to Las Vegas is the fact that many agencies and organizations interacting with domestic minor sex trafficking have received formal or on the job training on identification of domestic minor sex trafficking victims. The STOP program has collected data on DTMs they have arrested including gender, age, history of abuse and state of residence of the minor. The juvenile prostitution court has collected statistics on the number of minors trafficked into Las Vegas, including their home states. This information is vital in educating and shaping perspectives on children forced into prostitution. Additionally, the I-Team, is aware that a majority, if not all, of these victims are under pimp control, which guides them in their intake and questioning of the girls in detention.

Gaps

While DTMs are considered victims, they are being treated as criminals. The fact that hundreds of children are being processed through the juvenile justice system as delinquents simply does not recognize their victim status. While individuals in most government and NGO groups are adept at identifying DTMs and recognizing the complexity of their issues, the formal training provided on DMST was inconsistent and lacking information that can be practically applied. DTMs are contacted through arrest in most cases. While the charges against the DTMs are usually pled down to minor charges, the probation orders and dispositions, plus the time detained pre-adjudication matched that of juvenile delinquents charged with more serious crimes. DTMs are seen as flight risks at intake, so they are held in detention at a higher rate than juveniles arrested for other minor criminal charges. Only 10% of the girls arrested are repeat offenders, yet the majority are detained in CCJDC. There is a serious lack of services offered in pre-adjudication detention. While the temporary nature of detention in most cases (under seven days) may limit service delivery, the reality of an average three week detention for DTMs would allow for programming.

A serious gap is the fact that CPS is not actively pursuing identification of DTMs, except in the case of familial trafficking. CPS will only arrange foster placements for that small percentage of identified DTMs who are under the age of 15, as the CPS position is that minors over the age of 15 are considered sufficiently competent to call for help if their familial abuser persists.

Another gap is the lack of public awareness or prevention programs. Prevention efforts are critical in the high-risk environment of Las Vegas.

II. PROSECUTION

Prosecution of cases against traffickers/pimps is 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 against traffickers. Additionally, collaborative efforts between all agencies and organizations in the prosecution process are critical to ensure the considerate and safe treatment of the victim during investigation or during trial as a witness.

2.1 Law Enforcement

2.1.1 **Prosecution of Traffickers.** The following state laws are utilized by the I-Team in investigating and charging traffickers/pimps: pandering a child, living with a prostitute, living from the earnings of a prostitute, providing transportation to a prostitute, and sometimes first degree kidnapping. The federal laws used are sex trafficking and occasionally child abuse laws which are similar to state pandering legislation (i.e., Title 18 USC, Sections 2421-2423, 1591 and 1956). A list of the state statutes used can be found in Appendix C. The I-Team reported that Clark County is ranked third in the country for investigating and charging traffickers/pimps in child prostitution cases. The I-Team encourages DAs to take these complex and difficult cases and works to provide the investigative information necessary for the DAs to be successful in their prosecutions.

2.1.2 **DTMs as Witnesses.** A principal challenge in prosecuting trafficking cases is victim maintenance and continued cooperation. Frequently it is difficult to locate victims to testify when released prior to the trafficker's trial. It is also difficult to keep the victim safe from the trafficker upon release. Often, the desire to keep the victim secure and able to testify at her trafficker's trial means placing a material witness hold on the victim and placing her in a detention facility.

2.1.3 **Prosecution of Consumers.** According to one interviewee there have been approximately ten arrests of men ("johns") purchasing sexual services from a DTM since 2000. Specific statistics were not obtained during the rapid assessment research and further and other interviewees did not have knowledge on this estimate. These "johns" were charged with engaging in prostitution, with only one conviction for lewdness with a minor. The primary focus of the I-Team is the identification and investigation of pimps for the purpose of prosecution, rather than buyers. One interviewee expressed concern that the prosecution of the "johns" who solicit or engage in commercial sex with minors is not considered the real cause of the problem; therefore, they are not factored into the solution. In addition, legal impediments such as the inability to use an underage decoy in sting operations to identify "johns" who would solicit minors and the rare occurrence of catching a john "in the act" with a minor are cause for the disparity in the number of juveniles arrested for prostitution – 1,496 (1994-July 2007) and the number of "johns" arrested for engaging in prostitution with a minor – 10 (approximately, since 2000).

2.1.4 **Legal Contradictions.** Some law enforcement officers point out the apparent contradiction in prosecuting DTMs under the age of 16. DTMs are being declared delinquents for behavior to which they cannot legally consent - 16 is the age of consent in Nevada. The average age of DTMs identified by the I-Team is 15, with ages ranging from 11-17 years. Also of concern is the non-conformity of the state statutory language with the federal TVPA with regard to the provision eliminating the need to prove force, fraud or coercion when the victim of trafficking is a minor, thus the state law makes proof of trafficking a minor more difficult.

2.2 Prosecution

2.2.1 Prosecution of DTMs. Children are frequently adjudicated in the Clark County Court as delinquents for being involved in prostitution. Charges of prostitution are rare, while charges of solicitation for the purposes of prostitution are more common. Children are also charged with loitering for the purposes of prostitution, being in a gaming establishment, curfew violations, and providing false information to a police officer. Very rarely are girls adjudicated on prostitution charges; rather charges are usually pled down to a minor offense like providing false information. The strict probation requirements and secure placement dispositions given to DTMs charged a second time for prostitution-related crimes treats them the same as delinquents who have committed much more serious felonies. The DAs have ceased adjudicating DTMs for sexual offenses so that they will not be labeled as sexual offenders.

2.2.2 Detention. Historically, pre-adjudication alternative placements, such as returning the DTM home or sending her to an unsecured facility like WestCare, have largely been unsuccessful due to the high flight risk of DTMs. Therefore, home placements are not favored by law enforcement. Most frequently DTMs are placed in pre-adjudication detention if there is any indication that they may return to prostitution if released. The PDs are a strong voice arguing against the current paradox of recognizing the victimization of the DTMs while simultaneously prosecuting or detaining the DTMs for their actions resulting from the victimization. The PDs acknowledge that the girls are a possible harm to themselves and are caught in a cycle of violence and trauma where they usually attempt to return to their pimp. In some cases, detention could be beneficial to the minor, but only if treatment is given while she is detained. The reality though is that few services are provided in pre-adjudication detention. The therapists on staff at CCDJC are less eager to begin building connections with DTMs because they do not expect them to be in detention for long. Therapists also feel that short-term counseling and treatment will not be effective for prostituted minors with cases of severe trauma. Fundamentally, the only services provided in pre-adjudication detention are food and shelter. PDs stated that detaining the DTMs in a juvenile detention facility and treating them like juvenile delinquents or criminals is neither helping them nor preparing them to assist with the investigation of their traffickers.

“Any time that a child victim of human trafficking tells her story and we charge the person and we go and get a jury of 12 to believe her and find her credible, I think that that’s a huge victory. It’s a victory for the community because they stepped up to the issue and it’s a victory that you can turn to that child and see hopefully they were empowered and they were believed, and it gets a predator off the streets.”

2.2.3 Prosecution of Traffickers. Both federal and county prosecutors have had some success in securing strong sentences for traffickers of children. Federal prosecutors have used the Mann Act (1910) to prosecute men who bring children into Nevada for prostitution. DAs have successfully prosecuted traffickers for statutory sexual seduction, sexual assault and kidnapping, securing long sentences. Federal and state prosecutors report no tensions in deciding where to prosecute traffickers/pimps; both agencies are willing to take cases presented to them and both are able to secure heavy sentences with good cases. As a result of lobbying led by the I-Team, Nevada’s state legislature changed the pandering laws in 2005 to remove the requirement for corroboration. Theoretically, the testimony of a DTM without corroboration is sufficient for a conviction. Although the use of alternative federal legislation and state statutes appears to be successful, none of the legal experts interviewed had compared the wording in the federal TVPA to statutes currently being relied upon.

2.2.4 DTMs as Witnesses. The prosecution of traffickers/pimps 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. However, there are some provisions to help DTMs who are testifying against their traffickers. In most cases the same PD who represented the DTM in the juvenile court will continue as an advocate, supplying emotional support as the victim serves as a witness. PDs and social workers may accompany a minor to court when she will be testifying. Resources are also available for the girls through the DA Victim Witness Center. The County will pay to bring OJ victims back to testify. Victims of Crime funding will pay for counseling for victims who testify. The Boyd School of Law runs a Kid's Court Program which explains the court process to victims preparing to testify. Almost all victims, however, have already had experience with the court system as defendants. There has been no use made of alternative provisions for victim-centered trials, such as testifying by video, which may be available in other cases of child abuse.

Prosecutors in trafficking cases have to explain to juries that DTM witnesses, who are in the juvenile delinquency system, exemplify the old adage, "Schemes hatched in hell do not have angels for witnesses."

A difficult challenge for prosecutors is maintaining contact with the witness in order to ensure testimony at trial. Often, the DTM witness is detained to ensure testimony against her trafficker/pimp at trial. Material witness holds have been used to detain the DTM pending trial, though the use is reportedly on the decline. On material witness holds, girls are held in juvenile detention with delinquents. They wear juvenile facility clothes and are not permitted to wear their own underwear or bras. They are disempowered while in detention; all decisions are made for them – when they can shower, when they can brush their teeth. They are treated like criminals.

2.2.5 Difficulties in Prosecuting Traffickers. Federal and county prosecutors are not prosecuting traffickers/pimps aggressively due to the lack of strong factual cases being presented. The slow legal process also presents challenges. Despite safeguards that are supposed to prevent unreasonable delays when victims are minors, the prosecution of traffickers/pimps can take years. It is very difficult to keep track of DTMs and ensure they will be ready and available to testify months or years later. Traffickers know that the longer their case takes, the less likely the minor will be available to testify conviction less likely, so they file numerous motions to delay the process. Even without delays, it is always difficult to secure the testimony of the victims against their abusers, as reliving their experiences on the stand is humiliating, terrifying and degrading. Prosecutors do not complain of limitations in the law.

"There is still that attitude of 'come on, they are just hookers.' There really is, even within the legal system."

DAs and PDs would like to see adult system prosecutors deny bail to pimps, thereby forcing the preliminary hearing to be held within 15 days. DTMs are often detained until the preliminary hearing is held. Though the pimp often is released on bail, the DTM witness may be held longer than 15 days to ensure her testimony against her trafficker. Usually, pimps are released and back on the streets long before their victims.

Another major obstacle to prosecuting traffickers is the psychological attachment DTMs feel to their abusers. Many DTMs will deny they have pimps, claiming instead that they are working to help their boyfriends. They are reluctant to share information or to categorize these men as pimps. It is rare that a commercial sex act is interrupted in progress, so buyers are rarely charged. Even in a recent example where a 13 year old was arrested with a consumer, cash in her hand and lubricant in his, juvenile prosecutors had to push prosecutors aggressively to bring a case against him. In an overburdened adult system, there is reluctance to go forward with any cases based primarily on the testimony of DTMs.

There have been no prosecutions against facilitators of domestic minor sex trafficking, such as taxi drivers, hotel staff or valets. Prosecutors thought the best way to move in that direction might be a large scale organized crime investigation. The further removed from the commercial sex act, the harder it is to justify allocating overburdened investigative and prosecutorial resources to these facilitators. Unless there is a change in attitude toward the buyers within the criminal justice system and among the general public, these prosecutions will not take place. It was suggested that engaging in prostitution with a child should have stronger penalties as in other jurisdictions. (See Appendix D for specific examples).

2.3 Juvenile Court Judges

2.3.1 Jurisdiction over DTMs. The Juvenile Court Judge dedicated to hearing juvenile prostitution and prostitution-related cases was aware of the TVPA and the federal designation of DTMs as victims. The judge views DTMs as victims, but under the law he is only able to maintain custody of them if he treats them as delinquents. There is no category under abuse and neglect statutes that fits the DMST description. The judge recommended the possibility of creating a new category that combines an abuse and neglect or a victim designation with the power to place them in secure settings to hold them for treatment. Merely identifying them as victims does not provide the judge who oversees all the juvenile prostitution court docket with the ability to mandate victim-centered treatment or services, as the court is constrained by the laws in effect.

2.3.2 Disposition. The juvenile prostitution court considers DTMs to be victims but adjudicates them as delinquents. A common practice is to convince DTMs to admit to (plead out) the lowest offense possible, making them delinquents in the system and thereby allowing the system to hold and separate them from their pimps. “Hardened” or repeat prostitution offenders will be adjudicated for the more serious crime of solicitation so they can be placed in a secure facility, thereby removing them from the street and their pimp.

“It’s been a learning experience over the past couple of years and there is no book on how to deal with these kids and you just kind of learn through trial and error what you think might work and when it won’t.”

2.3.3 Placement. Secure placement currently is limited to detention at Caliente Youth Center. Five percent of DTMs adjudicated through the juvenile prostitution court for first offenses and 40% for second offenses were sent to Caliente (see Appendix B). There are some mental health placements in other states that may be secure and have been utilized a few times as alternatives to detention, but arguments for placement at these facilities is difficult (e.g., Cottonwood in Utah). There are some inpatient substance abuse placements available for DTMs as well, if the victim suffers from substance abuse. Alternative placements include the residential program at WestCare. However, there is a history of DTMs running from the non-secure facility, even with GPS monitoring. Girls can also be placed at Children of the Night for residential treatment in Los Angeles. Again, it is not a secure facility and DTMs must demonstrate a desire to “exit” prostitution to be placed there. If appropriate, DTMs can also be placed at home with a continuum of services.

2.3.4 DTMs as Witnesses. The Juvenile Court Judge who oversees the prostitution court has been able to gather information on traffickers/pimps beyond that obtained by the I-Team or PDs. The judge routinely asks DTMs about their pimps and passes that information on to the I-Team for their use in pursuing the prosecutions of the traffickers/pimps.

2.3.5 Other Jurisdictions. The Juvenile Court Judge expressed a frustration with returning DTMs to other jurisdictions. The challenge is convincing the home jurisdictions of the victims to address the underlying issues so the DTMs are not returning to their pimps and ultimately to prostitution. For example, children sent back to California are charged with a misdemeanor and returned to the foster placement from which they ran. It was suggested that some girls are kept in detention in Nevada (i.e., Caliente) rather than sending them back to their home state if no provisions for treatment will be made. Of the 139 OJ juveniles adjudicated through the juvenile prostitution court in the past 19 months, 6.5% (9) re-offended in Las Vegas. Three of those juveniles were placed at WestCare when they re-offended. Six of the juveniles were returned to other jurisdictions (including two placed at Children of the Night) and they returned to Las Vegas to re-offend. Ten percent (9) of local juveniles re-offended in Las Vegas.

More information on dispositions of DTMs can be seen in Appendix B.

2.3.6 Difficulties in Prosecuting Traffickers. The judge echoed frustration that the adult criminal system is not pursuing the pandering cases with minor victims against their traffickers/pimps adequately. Prosecutors and justices of the peace need to learn that the bail can be set as high as they want. It helps the victims if the bail is set high because traffickers stay in custody and the preliminary hearing will be held sooner, within 15 days. The pimps understand the system, so they try to make bail to delay the proceedings and increase the likelihood the victim will not be available to testify when the case finally does come to trial.

2.4 Juvenile Detention Facilities

2.4.1 Detention of DTMs. The majority of the people interviewed from DJJS were aware of the TVPA designation of DTMs as victims. They also acknowledged that DTMs are being treated as juvenile delinquents. DTMs are still occasionally taken to court in shackles, which is a practice that DJJS would like to change. There are two ways in which they are being treated more harshly than other juvenile delinquents. First, DTMs are being detained in the CCJDC pre-adjudication and post-adjudication at a higher rate than juveniles charged with equivalent misdemeanors.

Normally a child is only detained after she is arrested for her fifth or sixth misdemeanor or first felony. DTMs are being held on misdemeanors and the vast majority are first time offenders (90%). Normally, detention requires 15 points on an objective criteria scale; prostitution as a juvenile merits only 0 or 1 point.

12.8% of the females committed to Caliente Youth Center in the first half of 2007 have been adjudicated for the offense of solicitation for prostitution, a misdemeanor.

Second, extending detention time to gather information on pimps or abusers can be abusive in itself. Holding DTMs as delinquents in the detention center does not match the goals of protecting them as victims. Normally, children are committed to DCFS and sent to Caliente only for serious criminal acts (armed robbery, multiple drunk driving with injury, committing new crimes while on probation). However, DTMs who run from non-secure residential programs or contact their pimps while on probation are generally sent to Caliente for a stay of 6 months (currently averaging four month stays due to crowding issues). This problem of seemingly harsher sentencing and detention for DTMs was acknowledged by a number of people currently working in DJJS. DTMs have been held in CCJDC for up to four months while awaiting placement in other facilities. Extended stays are also seen when DTMs are held on material witness holds for the trial of pimps. This length of stay does not match the goals of CCJDC as a short-term, pre-adjudication facility.

2.4.2 Disposition. DTMs can receive disposition orders either before or at adjudication. In 2005, disposition of prostitution-related cases was as follows: 39% were released home; 29% were released to OJ authorities; 13% received Detention Review Release Program orders (an intensive probation monitoring program for accused juvenile delinquents who have not been convicted); 5% were sent to WestCare's residential program; 4% were sent to Children of the Night; and 4% were committed to Caliente.

2.5 Child Protective Services

2.5.1 Protection. CPS is concerned with any minor who is sexually exploited by a parent. 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, CPS will not be involved. Involvement in prostitution or detention in DJJS is irrelevant to the CPS investigation of a suspected abusive parent. Other agencies indicated that CPS' designation of an unfit home differs from the protection goals for DTMs. For example, a child will be returned to a home where sexual abuse is occurring if they are over 15 years because CPS deems the child able to protect themselves, thus not requiring CPS intervention or supervision. CPS will not remove a child from a situation where the abuse is emotional.

2.5.2 Home Placement. CPS is occasionally contacted by law enforcement when a detained minor is scheduled for release if the parents cannot be located. If a child cannot be returned home, CPS will help facilitate placement in a group home or foster placement. Following such a placement, ongoing contact is maintained with the child until they are 18 years old. Furthermore, CPS is mandated to report to the court every six months on the progress of reunification. If a child runs away from the group home or shelter facility, CPS is mandated to call the police and report the runaway. CPS will work with police to help find the child.

2.6 NGOs/Social Service Providers

2.6.1 Recognition of Victim Status. Some NGOs were aware of the TVPA victim designation (Salvation Army, Rape Crisis Center, Child Seekers, WestCare), whereas others were not (Nevada Partnership for Homeless Youth). The fact that victims were being criminalized while they were legally too young to consent to sexual activity was considered problematic.

2.6.2 Legal Challenges. WestCare indicated there is no effort put into identifying and arresting the buyers of sexual services from these victims. There is more support and resources to pursue investigation for foreign victims than domestic victims of sex trafficking. Also, OJ DTMs are sent back to their home state, which limits the ability to treat them where they are arrested and collect information to pursue investigation of the trafficker/pimp. While the requirement for corroboration has been removed from pandering statutes, successful cases still call for more than just the victim's testimony.

2.7 Conclusions

Prosecution of cases against traffickers/pimps is essential, and it is important that these cases result in convictions with appropriate sentences to send clear messages that Las Vegas will not tolerate this form of commercial sexual exploitation of children. domestic trafficked minors (DTMs) in Clark County are being criminalized and treated more harshly than other minors charged with misdemeanors. Instead of recognizing their victim status, they are being penalized for their commercial sexual exploitation. Additionally while investigations of traffickers/pimps are pursued, DTMs are being held in detention, sometimes longer than their traffickers/pimps.

Additionally, while pursuit of buyers of commercial sex from minors may occur, specific cases were not identified during this research. Additionally, it was verbalized by law enforcement that buyers were not seen as a target for investigation as a means for combating the problem of domestic minor sex trafficking.

While most Law Enforcement was aware of the federal TVPA, there is a stronger precedent set for the usage of the Mann Act indicating that further training is necessary. Additionally the Nevada State Law has yet to fully align with the federal TVPA.

2.8 Best Practices

State and federal prosecutors have had some success in prosecuting traffickers or pimps. These successes rely heavily on the investigation done by the inter-agency investigative team created by the STOP program. DTMs identified in the juvenile justice system are routinely assigned to the juvenile prostitution court docket, where a specialized group understands the dynamics of DMST and provides a more victim-centered judicial environment. Weekly meetings take place regarding the DTM cases attended by the juvenile court judge on the prostitution docket, PDs, DAs, juvenile parole and juvenile probation. This centralized communication allows decision makers to make transparent choices regarding the girls, while considering all possible options. Although diversion programs like WestCare are being used less frequently, the court is aware of this option for victims who do not pose a flight risk.

Gaps

DTMs are often challenging witness due to their fear of retaliation by their pimp, shame, and a general lack of trust of authorities. The prosecution of traffickers/pimps can fail if the DTM victim is not available to testify at trial. It appears that pimps are aware of this and attempt to delay their cases as long as possible with the hope that the victim will not appear. It is common practice for pimps to post bail. A change to this practice would require a preliminary hearing to be held within 15 days, rather than allow delays to the case. A delay often results in the DTM victim being held in detention longer than her abuser to ensure her participation as a witness at the trial. There are few prosecutions of the men who purchase services from DMST victims. “What happens in Vegas, stays in Vegas” aptly represents the impunity enjoyed by those adults who engage in commercial sexual activities with minors. There is no separate crime for engaging in or attempting to engage in prostitution with a minor under the age of 18. In addition, there is limited focus on investigating or prosecuting the facilitators, businesses, and organized crime who benefit financially from DMST.

The greatest gap is the continued adjudication of DMST victims as juvenile delinquents. Nearly 18% of the juveniles adjudicated for prostitution-related offenses through the Juvenile Court were under the age of 16, and therefore legally unable to consent to sexual activity. For all age groups, the dispositions and detention of DTMs are out of proportion when compared to other minors charged with misdemeanors. They are being prosecuted and criminalized for their own “protection” – either to access services or to ensure their testimony at the trial of their pimps.

The judiciary and prosecutors expressed a need for new legislation that would allow the removal of DTMs from their trafficked situations and provide intense intervention treatment. They would prefer to see a child protective or welfare hold made available to them, rather than the delinquency hold they must utilize. Although a protective custody hold could be another useful tool in holding the minor without a charge it appears that this is not being identified by law enforcement.

The fact that CPS’ designation of an unfit home differs from the protection goals for DTMs is a serious problem. Routinely returning DTMs over the age of 15 to homes where they are sexually abused or prostituted (citing to their ability to phone for help if the abuse reoccurs) is not an adequate response.

III. PROTECTION

Protection requires victim-centered rescue and restoration. Rescue is vital to remove the minor from the situation of commercial sexual exploitation; however, it is critically important to do this rescue without re-victimizing the victim. Victim-centered, long-term restoration is essential and includes providing long-term shelters and secure, safe homes - permanent or foster care homes - while providing medical, psychological and counseling services, education and skill building to victims of domestic minor sex trafficking.

3.1 Law Enforcement

3.1.1 Detention. Law enforcement wants to remove DTMs from the influence of their pimps and views this forced separation as a first step in providing DTMs with protection and support services. Other than detention, which requires charging the victim, law enforcement has no alternative safe and secure shelter for the victims. Domestic minor sex trafficking victims are viewed as harmful to themselves and unable to make positive cognitive decisions due to the trauma and power of pimp control.

3.1.2 Access to Resources. Once the criminal case or investigation is closed, the DTMs access to services does not change. However, when the court closes a minor's delinquency file and probation is terminated, it becomes harder for DTMs to access services and treatment. They may not have the money to pay for resources that were subsidized while they were being managed as a juvenile delinquent.

3.2 Prosecution

3.2.1 Rescue. As outlined in the identification section above, domestic minor victims of sex trafficking are most often identified through arrest. Although prosecutors and public defenders do not have a specific intake protocol for DTMs, social workers or I-Team officers are relied upon to gently gather more information on their victimization.

3.2.2 Criminalization. Identification of a minor as a victim of DMST pulls them deeper into the juvenile justice system, rather than being routed to services and shelter. Past experience has concluded that the vast majority of girls arrested for prostitution-related charges are not likely to appear for their hearing if released before adjudication, so they are detained at CCJDC until the hearing date. DTMs are often aware that disclosure of involvement in prostitution will prolong their stay in CCJDC, and this knowledge further deters their desire to reveal information regarding their pimp. If there are indicators at the time of arrest that a minor was likely to be involved in prostitution, she is detained until a determination of her status as a DTM is made.

A justification for detention is to provide access to services for the minor, although pre-adjudication services other than food and shelter are rarely provided. They are not being detained because of the seriousness of their crime - approximately 95% of the cases are pled to a lesser charge. DTMs are frequently detained because they are flight risks and they are needed as witnesses in the investigation or trial of their trafficker/pimp.

3.2.3 Alternative Placement. Once a DTM has been adjudicated, she is generally given a 6-12 months probation order. This order requires her to seek treatment. Probation officers will refer DTMs to counseling and other programs. Placement options after adjudication are Children of the Night, WestCare, CPS placement, or return home.

3.2.4 Treatment. There is a critical lack of specialized programs in the community for this population. There are only a few therapists who specialize in PTSD and the unique issues that present themselves in victims of domestic minor sex trafficking.

3.2.5 Secure Non-Detention Placement. Access to a secure and protective shelter or safehouse outside of detention has been identified as a critical issue for Las Vegas. While identification of DTMs as victims is largely successful, a consensus of voices stated that an alternative must be found somewhere between sending the children back to the exploitation they ran from and detaining them in a correctional facility with juvenile delinquents who have committed serious crimes. A systemic change must occur that would allow for a DTM to be placed in a facility where she cannot flee in an effort to keep her safe. An ideal compromise would be a secure facility with a safehouse environment and treatment resources. An informal working group including the juvenile court judge, the PD and DA has begun gathering grassroots support for the creation of a secure safehouse in Las Vegas, which would include the measures outlined above.

*“To ignore their issues
or to simply detain them
is a problem.”*

3.3 Juvenile Court Judges

3.3.1 Accessing Treatment. Minors are not getting the necessary services to assist them in building the life skills which would allow them to exit prostitution. Lack of programs and services is the greatest challenge in protecting DTMs.

3.3.2 Detention. Detention of a juvenile is justified if the minor is either a risk to the community or to herself. One positive result of placement in Caliente is the physical separation of a pimp from a DTM, removing her from his influence and potentially allowing her the space to break free from such influence. In non-secure facilities, such as WestCare, DTMs have an increased ability to make contact and return to their pimps.

3.3.3 Jurisdictional Challenges. The fact that the girls are coming to Las Vegas from all over the U.S. demonstrates that DMST is a national problem, not solely a Las Vegas problem. To solve this issue, DMST must be addressed on a national level. Also, the juvenile court system in Clark County is an overburdened court system. Clark County has the highest juvenile case load in the U.S., ranking first in various statistical categories kept on comparative case loads (juvenile justice, abuse and neglect, family law, etc.).

3.3.4 Secure Non-Detention Placement. DTMs require interventions which can only be conducted in secure settings. Many DTM do not view themselves as victims, in fact many of the girls feel that they are in love with their pimp/trafficker and do not immediately consent to receiving help. The juvenile court would like to see hybrid legislation that considers DTMs as abused and neglected children, granting jurisdiction to hold them for assessment and to draw on resources that are otherwise available to abused children. This would still allow the court to commit DTMs to a secure facility, but one that solely specializes in the unique issues that this population presents.

3.4 Juvenile Detention Facilities

3.4.1 Gender-specific Programming. Providing gender-specific programming is a new priority being addressed by the DJJS in its Girls Initiative. This new initiative includes collaborative research with Boston College and UNLV, prioritizing the development and use of evidence-based programming. All groups within DJJS do an excellent job of attempting to collaborate with other agencies, including non-traditional partners, when creating programs or plans for DTMs. Agencies contacted include: Girl Scouts; religious organizations; UNLV; WestCare; Children of the Night; We Care Ministries; Coroner's education program; mental health service providers (public/private); drug and alcohol rehabilitation programs; Annie E. Casey Juvenile Detention Alternatives Initiative; Courtney Foundation; Agassi Center; Project SOAR; Rite of Passage; Safe Nest; Center for Independent Living; Medicaid; the Junior League and others. The State Youth Parole Bureau initiated some important gender-specific programming which included group counseling with a woman previously engaged in prostitution. The funding for that programming ended on July 1, 2007, but DCFS will try to retain that programming.

3.4.2 Lack of Services. While there is an effort to develop a broad continuum of services, existing programs have waiting lists and are suffering from the same rapid growth issues as other Las Vegas infrastructures and programs. There is a serious lack of capacity of services for children in general, particularly for girls. Services available usually lack gender-specific programming and almost always lack programming specifically developed for DMST. There are not enough foster homes to place these youth if returning to their previous homes is problematic.

3.4.3 Pregnancy. Research conducted for the Girls Initiative revealed high rates of teen pregnancy among juveniles in CCJDC.¹⁵ As of March 3, 2007, among the 19 girls detained in CCJDC, 70% indicated they had been pregnant. One girl was pregnant at the time. There is a lack of placement options for pregnant juvenile delinquents. Caliente, the state correctional facility, and foster homes in Nevada will not take girls who are past their sixth month of pregnancy. While DTMs can stay at the WestCare facility while pregnant, it is not secure and the DMST programming is limited to six months, so they usually cannot continue with the GIRLSS program after they have had their child.

3.4.4 Information Sharing. There is a limitation in service provision within DJJS due to different information tracking systems. The information available to CCJDC and the courts through the family track computer program is a more thorough information file than the system available to Youth Parole. Parole receives limited information on family history (i.e., CPS interactions) and truncated detail on the treatment provided and issues explored while detained at Caliente. Without access to court pleadings and original police reports, parole counselors can not access background information or risk factors for re-offending.

3.4.5 Evidence-Based Practices. Programs, services and treatments based in practice that has been assessed and evaluated for its success and therefore deemed as effective for the population it serves are referred to as evidence-based practices. Currently in Las Vegas there is no clear model being used in the development or assessment of services and programs for DTMs.

3.4.6 Addressing the Role of Prior Sexual Abuse in DMST. STOP statistics indicate that from January 2004 through 2006 nearly 41% of juveniles suspected of being involved in prostitution related offenses had been victims of sexual assault. Additionally, 21% were victims of familial molestation.

¹⁵ The Nevada Institute for Children's Research and Policy (NIC) March 18, 2007 research report on girls in detention at CCJDC, March 2, 2007.

These numbers were further affirmed through many other interviews with PDs and social service organizations. However, in CPS, where many of these girls first interact with the system, there are no services which address how sexual abuse in the home creates increased factors of vulnerability for DMST. Additionally, once a child is arrested for prostitution and detained, available services are needed to treat that initial abuse which set the stage for vulnerability, in addition to specific services for trauma experienced during commercial sexual exploitation.

3.4.7 Addressing the Role of Pimps. While there is an acknowledgement that self-esteem programming is important for DTMs, no programming consistently challenges the role of the pimp in these children's lives. Programming must address the psychological influence that intermittent positive reinforcement from pimps has on DTMs. One DJJS worker described this powerful attention as "flashes of affection" whereby pimps buy the girls new clothes, take them to the beauty parlor, take them to private parties, or treat them like adults. However this positive attention is usually short-lived and followed with brutal beatings and torture methods, such as sleep deprivation, tattooing, burning and gang raping. People with DJJS understand the role of pimps; it is just not addressed in formal programming. Also, the similarities in the bonds with pimps to domestic violence bonds are not incorporated into programming. Programs which model and develop healthy relationships are not in place.

3.4.8 Education. There is a lack of assessment of the educational needs for DTMs while they are being detained. These girls have often dropped out of school and may have had inconsistent school attendance due to emotional and physical challenges (e.g., chaotic backgrounds, abuse history, self-esteem issues, undiagnosed learning disabilities, pregnancies, substance abuse). There is no testing for educational deficits or disabilities. There appears to be little sharing of specific information as the girls move from pre-adjudication detention at CCJDC to secure detention at Caliente and then back to their probation counselors. Research conducted for the Girls Initiative indicated that girls interviewed at CCJDC expressed a desire for further education.

3.4.9 Risk Factors in Las Vegas. Specific risk factors for youth in Las Vegas have not been adequately addressed in programming. For example, African-American girls are over-represented in the juvenile justice system and among those frequently identified as DTMs in outreach work. Environmental risk factors unique to Las Vegas such as quick population growth, 24-hour entertainment and gaming industry and hyper-sexualized culture should be considered in programs and services for DMST victims.

3.4.10 Lack of Funding. Governmental service providers indicated a frustration with the lack of funding available for new programming for DTMs.

3.5 Child Protective Services

3.5.1 Minimal role in protection. CPS is not directly involved in the rescue of DTMs but would respond if there is an issue of abuse and neglect in the home. The role of CPS in protecting DTMs has been minimal in Nevada for two reasons. First, other agencies reported a historical lack of response on the part of DCFS. As a result, the CPS jurisdiction has recently been transferred from the state DCFS to the county DFS. Second, DFS, like other agencies, is suffering greatly from a lack of resources in rapidly growing Las Vegas. Their focus is on the protection of younger children; victims who are 15 and older are not considered to require CPS protection or supervision.

3.5.2 Reunification. CPS has facilitated the reunification of DTMs with their families following treatment at the Children of the Night program.

3.6 NGOs/Social Service Providers

As NGOs 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.

3.6.1 Children of the Night

Residential Treatment. This Los Angeles non-profit, residential treatment program is designed specifically for prostituted children.¹⁶ Victims may reside at Children of the Night (COTN) until they reach 18 years.¹⁷ For those who need additional time to transition back into mainstream society, independent living programs are arranged.¹⁸ The objective of COTN is to help DTMs re-enter society and lead healthy lives.¹⁹ COTN staff work individually with DTMs to develop a life plan specific to each child.²⁰ Since its foundation in 1979, COTN has taken in more than 10,000 “child prostitutes.”²¹ Follow-up studies conclude that 80% of DTMs admitted to COTN did not return to prostitution.²² This is a voluntary program but it is mandatory to participate in scheduled program activities in order to remain in the program.²³ The staff adopts the role of loving parents in a structured environment— something most victims have not experienced.²⁴

According to the 2005 COTN Annual Report, hotline calls received from children in Nevada were higher than 48 other states, with California recording the highest number of calls. They received 498 hotline calls in 2003, over one thousand in 2004, and more than fifteen hundred in 2005.²⁵ In 2005, 55 children lived in the COTN home. Of those 55 children, 51% (28) returned home or were in some type of home placement, 18% (10) stayed at COTN and 31% (17) returned to the streets. In 2005, 42% percent of the children were from Nevada (23 out of 55) whereas only 29% (16) were from California.²⁶

Screening. While the program is open to victims throughout the United States, COTN may decline taking DTMs who are not committed to leaving prostitution. It is a non-secure facility so DTMs can and sometimes do run away.

3.6.2 WestCare

Structure. The WestCare GIRLSS program is a residential and service program for DTMs. Participants in the GIRLSS program graduate from an extremely structured schedule to earning the ability to make individual choices (e.g., clothing – they move from wearing provided sweat suits to choosing their own clothing). Success stories told by the girls in the program to staff identify the structure, support and love from the staff to be key factors in their restoration. Additionally, one component of the program includes pairing new program participants with a girl who is further along in her treatment – “big sister” style. This provides a sense of acceptance and security to the program, providing encouragement to the newer girls that they can succeed. There is no limit on the amount of time they can stay in the shelter.

Staffing. It appears that it is difficult to retain staff working in programs for DTMs due to a high turnover rate in staffing. Younger, less experienced workers have trouble hiding their judgment of DTMs and the tough façade of DTMs can be difficult to handle in residential settings. Defiance leads to strict rules and the most successful staff seem to be mature, experienced, workers who understand that underneath

¹⁶Children of the Night. “Programs and Services” [brochure]. Los Angeles, 2006-2008: 1.

¹⁷ Ibid.

¹⁸ Ibid. 4.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Lawson, Jen. “Getting out of the ‘the game.’” *The Las Vegas Sun*. December 5, 2003.

<<http://www.lasvegassun.com/news/2003/dec/05/getting-out-of-the-game/>>. Accessed August 10, 2007.

²² Ibid.

²³ Children of the Night. “Programs and Services” [brochure]. Los Angeles, 2006-2008: 3-4.

²⁴ Ibid. 3.

²⁵ Children of the Night. Annual Report. Los Angeles, 2006-2008: 3.

²⁶ Ibid. 4.

the hard exterior, victims are really young girls who have rarely been treated with dignity and love. The Borders or discipline program in place at WestCare is criticized as being too close to “shunning”. While it is designed to give disobedient girls time to reflect on violations such as rolling their eyes, the practice can come across as social isolation or humiliation. The program also requires girls to write in journals but some staff may not have adequate training in PTSD and trauma to handle issues that may be brought out through this practice. Sharing of trauma in groups may also lead to public disclosure as the girls are not screened as to which high schools they may return to after completing the program.

Program Participants. WestCare’s GIRLSS program occasionally has problems with girls trying to recruit other girls into prostitution. This may be due to the mixing of voluntary participants in the program with DTMs who are sent there by the courts. DTMs are also housed in the same facility as the general population at WestCare. The percentage of girls being adjudicated by the court to WestCare’s GIRLSS program has been declining (8% in 2004; 5% in 2005; 4% in 2006).

Information Sharing. Under certain circumstances WestCare will share identified hot spots with law enforcement. If sex trafficking involved a family member or someone within the home, a CPS referral will be made. If the perpetrator was not in the home, then WestCare would call I-Team Vice to investigate. Any information given to staff is documented. Once the I-Team arrives they are given a secure room to interview the DTM. WestCare staff does not attend the interview between the I-team and the DTM. WestCare has a long-standing relationship with both law enforcement and CPS and they communicate multiple times a day. In preparation for law enforcement stings, WestCare is provided with the date of the raid and the expected number of victims.

Programming Gaps. WestCare indicated that it cannot provide enough resources for DTMs. The first problem is that they are not able to legally hold the DTMs or minors they suspect to be victims and they do run. Second, their interaction is only 4-6 months in the GIRLSS program which may not be enough time to fully address their issues, although the allowance of time in the residential facility is longer.

Security. WestCare has seen pimps arrive at the shelter, pretending to be family members. This infiltration shakes the DTMs sense of safety, increasing the likelihood that they will run.

Addressing the Role of Pimps. One WestCare employee suggested that statistics underestimate the number of familial traffickers and that potentially as many as 30% of DTMs who receive services through WestCare are pimped by their families (father, mother and frequently their aunts). DTMs do not admit this at the start, but as their trust develops they will disclose the truth. Once this information is revealed, WestCare will contact CPS.

3.6.3 Salvation Army

Advocacy and outreach are priorities for the Salvation Army. SA has a strong relationship collaborating with law enforcement and other government agencies. Unfortunately, the DOJ Office of Victims of Crimes (OVC) grant that funded Salvation Army as the human trafficking victims’ service provider for ATLAS may not be used to help domestic victims. The TVPA created grant program to the social services counterpart of the human trafficking task forces administered by DOJ/OVC has been restricted to providing services for foreign born victims of human trafficking. As a specific victim population, DMST victims do not have access to services that are provided with funding authorized by the TVPA.

3.6.4 Rape Crisis Center

The Rape Crisis Center has a good working relationship with law enforcement and is willing to share information and provide any support that they can. Although the RCC does not specifically serve DMST victims, they acknowledge the likelihood of interacting with DMST victims in their line of work. The services that they provide include a 24-hour rape hotline, hospital and court advocacy, and support groups. Additionally the RCC works to educate the community through school presentations and outreach.

3.6.5 Nevada Child Seekers

Nevada Child Seekers does conduct safety outreach with children in the Las Vegas community. They also provide information to empower family members who are looking for runaway children who may be involved in juvenile prostitution. They have a strong collaborative working relationship with LVMPD and other agencies in Las Vegas. They do not, however, interact with or provide services for DTMs directly.

3.6.6 Nevada Partnership for Homeless Youth

Nevada Partnership for Homeless Youth reports providing support and services to over 3,000 unduplicated homeless youth over the past 8 years, so they are likely interacting with some DTMs. NPHY provides numerous services for homeless youth including shelter, food vouchers, job placement, life skills classes, etc. However identification of DMST victims is not their primary goal.

3.7 Conclusions

While Clark County is succeeding in identifying DTMs, they do not have the resources or programs to provide victim-centered rescue or restoration. Revictimization of the DTM is occurring through the commitment of these victims to detention facilities, despite the well-intended desire to remove the victim from their trafficker/pimp. There is general acknowledgement of the bond between the pimp and victim and of the importance of severing that bond, yet no programs are in place to address this primary issue.

Additionally, impeding all persons engaged in the fight to restore the DTM is the lack of secure, safe and appropriate shelter. Support for these types of facilities would enable service providers to treat and counsel without interruption by transfer of the minor to another facility, as she moves through the judicial process. Additionally, access to steady treatment can assist in building trust, confidence and recognition of the DTMs' victim status, improving their participation in the investigation and as witnesses during trials against their traffickers/pimps.

3.8 Best Practices

There is a fundamental interest in and acknowledgement of the need to provide a broad level of services to DTMs. Government agencies and NGOs have excellent communication and demonstrate an interest in collaborating for the best interest of DTMs. CCJDC, for example, is conducting research on best practices for gender-specific programming and is reaching out to numerous NGOs to assist in developing and providing programming. However, in Las Vegas, WestCare is the only residential and counseling program designed to address the cognitive changes required to begin to restore victims of domestic minor sex trafficking. The WestCare GIRLSS program is a DMST specific program for adolescent girls providing intermediate residential facilities and services. DTMs can be placed there pre-adjudication or as part of a post-adjudication probation order. There are 15 residential spots for DTMs. The goal of the program is to modify the thinking of DTMs, renegotiate self identity and heal traumas. Increased self esteem and positive life choices are the targeted goals of program. Further, the program works to identify and promote individual strengths and education. Las Vegas also relies on the Los Angeles-based Children of the Night program, designed specifically for prostituted children, to receive victims. There has been noted success of restoration of DMST victims in these two programs.

Gaps

More funding and services are available for international sex trafficking victims than for domestic victims. Funding has specifically excluded the provision of services to domestic victims (e.g., Salvation Army and ATLAS human trafficking grants). For example during the recent string of illegal brothel raids in Operation Dollhouse, several foreign trafficking victims were identified along with one domestic minor sex trafficking victim in one brothel. The foreign victims were taken by law enforcement for further questioning and provided with immediate services. The American juvenile victim was taken to a non-secure facility for shelter; within the hour she fled the facility. Services available for DTMs are severely limited. Gender-specific programming, trauma counseling, and programs designed to help DTMs exit prostitution do not exist in county or state detention, state parole or county probation programs. The one NGO program designed to meet the needs of DTMs, WestCare's GIRLSS program, is being used less often as an option for adjudication due to the flight risk of DTMs. While in 2004, 8% of DTMs were adjudicated to attend the program, this number dropped to 5% in 2005, and 4% in 2006. This program struggles with providing adequate resources for this population, high staff turnover, and security issues. While there is no limit on how long DTMs can stay in the shelter, there is a 6-month limit on the GIRLSS program. Tools of protective custody were not addressed or mentioned as alternatives to detention.

Overall Conclusions

Las Vegas demonstrates advanced systems in identification of domestic trafficked minors and many first responders are acutely aware of the unique status of these minors as victims who do not self-identify. Nearly all of the professionals interviewed for this report identify commercially sexually exploited children as victims as defined in the federal definition of sex trafficking (TVPA). Furthermore, most are aware that few, if any, minors engage in commercial sex independent of the control of a pimp, and that the level of psychological abuse and control exercised by a pimp is an issue yet to be fully understood. Experience and years of troubleshooting in Las Vegas have revealed that “rescuing” a minor from the streets of Las Vegas and the hands of her pimp are not enough to begin the restoration process. Simply placing a victim in a non-secure facility directly from the streets will, in most cases, result in an immediate return to the pimp. In an effort to “buy time” with the victim and provide space for a safe separation from the pimp, law enforcement and the juvenile justice system have resorted to arresting and charging the prostituted minors.

Placing a charge on the prostituted minor funnels them into a circuit of professionals who understand their plight but does not bring the victim closer to treatment and services. Pre-adjudication counselors at the county detention facility (CCJDC) do not engage prostituted minors in therapy as they expect to be unable to follow through with therapy on disclosed issues due to the imminent disposition order transferring the minor out of the county detention facility. However, during this period of pre-adjudication, the I-Team is permitted to interview the victims and these interviews often result in disclosures which should mandate therapy immediately thereafter to help the girls process their trauma. The Juvenile Justice Court judge who hears every juvenile prostitution case is sensitive and aware to the needs of the victim; however, in the absence of an alternative specialized and secured facility, placement options include primarily: Caliente, WestCare Nevada, or parole.

The WestCare Nevada’s GIRLSS program should be further examined as a model for replication in treatment for domestic trafficked minors. It is the only program in Las Vegas created to handle and treat prostituted minors. Success stories and internal data suggest the program is effective, however, its proximity to downtown Las Vegas makes it too easy for the girls to run back to their pimps and its inability to legally operate as a secure facility agitates against placement of high flight risk victims there.

An informal working group, including the Juvenile Court Judge, the Chief Deputy Public Defender and Chief District Attorney, has begun gathering grassroots support for the creation of a protective and secure safehouse for DTMs in Las Vegas. The approach under consideration is a comprehensive safehouse to which the court would mandate placement of prostituted minors. The protective safehouse would provide and house services specifically tailored for this population. This model would not eliminate entirely the disciplinary process and the delinquent label but it would provide an alternative to detention in a correctional facility with juvenile delinquents who often have committed more serious crimes.

An ideal safehouse for domestic trafficked minors would feel like a home but provide the security needed to contain the victims in order to prevent their return to the victimization while providing them treatment to enable their restoration. The safehouse would be staffed by professionals. Residents would wear new clothing, not institutional or street clothes, and they would have their own bedrooms. These conditions would allow them to restore dignity. The safehouse placement would include services similar to the WestCare GIRLSS program, starting with an assessment of their educational needs, family situation and medical or health needs. Services would include life planning and life skills training promoting good choices and healthy relationships to prevent a return to the exploitation or abuse. The protective safehouse would act as an intermediary to help DTMs heal from their abuse and create self-

sufficient planning for the future. Ideally, counseling would start immediately and specifically address the post-traumatic stress disorder suffered by the majority of DTMs.

A chorus of professionals interviewed in this assessment recognized the value of detention in providing immediate intervention between the trafficker/pimp and victim, but decried the resulting criminal label placed upon the victim and the consequential entanglement in the juvenile delinquency system. Without a tailored, secure safehouse for DTMs, law enforcement, the juvenile justice system, and social services providers are forced to continue working within a larger system that is unfit to rescue and restore these victims. Systemic change is needed in Las Vegas and will require the support of local, state and federal governments in order to implement a victim-centered approach of holistic, restorative justice.

Recommendations

The following recommendations are based on suggestions made by interviewees, as well as proposals from the authors 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 an advanced and in-depth understanding of this issue in order to identify and serve victims.

1. Training on domestic minor sex trafficking should be available and made a priority among all groups in the system (e.g., law enforcement, public defenders, district attorneys, probation and parole officers, juvenile counselors, Child Protective Services (Department Family Services /Division of Child and Family Services), therapists, service providers, outreach workers).²⁷
2. Training on domestic minor sex trafficking must go deeper than simply identifying victims to include proactive strategies for managing and supporting domestic trafficked minors. New comprehensive training on the dynamics of DMST needs to be developed. We recommend addressing the overlapping challenges faced by these victims including: domestic violence dynamics (attachment to trafficker/pimp); sexual abuse trauma and its consequences (e.g., Post-Traumatic Stress Disorder (PTSD)); substance abuse issues; psychological issues; life skills and self-esteem problems.
3. The human trafficking education provided at Las Vegas Metropolitan Police Department (LVMPD) must add information on domestic minor sex trafficking, as it currently only covers the trafficking of foreign victims. Increased training would allow law enforcement beyond the I-Team Vice to identify children at risk.
4. Increased proactive cooperation within and between agencies is needed. One example is the proactive police review process in which chronic runaways exhibiting the warning signs of vulnerability for recruitment could be flagged for intervention before they become domestic trafficked minors.
5. Vice officers on the I-Team should receive forensic interviewing training comparable to that which juvenile sexual assault investigative officers receive. Alternatively, a policy should be enforced where the juvenile is interviewed by or in the presence of a trained forensic interviewer.
6. District Attorneys handling the adult prosecutions of traffickers need training on the prosecution of these complex cases and more resources need to be created and available to support the pursuit of trafficking cases against traffickers/pimps.
7. Psychological treatment providers need explicit training and expertise on domestic minor sex trafficking before working with this multi-traumatized population.

²⁷ During the course of this research, educational materials on the identification of domestic minor sex trafficking victims by Shared Hope International was identified as a resource for education and training. See www.sharedhope.org to access video, PowerPoint and additional materials.

8. Research on existing programs (e.g. WestCare GIRLSS program) that treat commercially sexually exploited minors should be undertaken in order to better understand the needs of the domestic minor sex trafficking victims.

Public Education

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

1. Training on domestic minor sex trafficking should extend to business owners (e.g. hotels and taxi companies) so that prostituted minors are not ignored in public areas. Additionally, further understanding of the situation of these victims could encourage reporting from public groups rather than facilitation of the victimization or blaming of the victims for the act of prostitution.²⁸
2. Information on available resources including referral resources and hotline numbers for reporting suspected trafficking of children must be disseminated to the community at large to assist them in proactively reporting concerns.
3. There are no prevention programs in place in the Las Vegas school system to educate children on the harms of recruitment into prostitution by pimps. The community of Las Vegas 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.
4. Prevention programs should be developed targeting chronic runaways who are not yet involved in prostitution but are at great risk of recruitment. Prevention efforts should be taken by the school system, service providers/outreach workers and law enforcement.
5. There should be public discourse that challenges the glamorization of pimps and the sex trade.
6. Community education must occur to begin shifting public perception of domestic trafficked minors from delinquents to victims of sex trafficking. Education of the community can create support and further commitments to dedicating resources to assist domestic trafficked minors and provide proper and appropriate treatment for victims of sex trafficking.

Protection of Domestic Trafficked Minors while Witnesses against their Traffickers

Victim witnesses need better protection to both prevent revictimization and further trauma for the victim, as well as create a safe opportunity for the victim to testify against her trafficker.

1. Strategies for conducting victim-centered trials (e.g. video-taping testimony, interviews by trained forensic psychologists, pre-adjudication therapeutic services) and protecting sexually traumatized children should be incorporated into all cases involving domestic minor sex trafficking.

²⁸ Two additional educational videos and training materials on DMST were identified during the course of this research specifically for private business: the Children of the Street hotel training video designed to increase recognition of sexual exploitation by hotel staff and management. See <http://www.childrenofthestreet.com> for more information. ECPAT has created the Code of Conduct which outlines training for travel and tourism businesses on DMST. Access the materials at www.thecode.org.

2. Higher bail should routinely be set for perpetrators of domestic minor sex trafficking. This will force faster preliminary hearings and reduce the length of time domestic trafficked minor victim witnesses are held in detention to ensure their participation in the trial against their trafficker/pimp.
3. Fewer procedural delays should be tolerated in trials for the adults charged with the commercial sexual exploitation of children. Common stalling tactics employed by the adult's defense counsel add to the children's trauma and length of detention.
4. Services such as mental and medical health treatment and safe, secure shelter should be provided for domestic trafficked minor during the trial process against her trafficker/pimp.

Prosecutions of Traffickers/Pimps

A strong message that trafficking of minors for commercial sex in Las Vegas will not be tolerated must be articulated through prosecution. Furthermore, prosecutions with strict sentences will achieve justice for the crime committed against the victim, and in some cases may include asset forfeiture which can be given to the victim as restitution.

1. There is a need for a renewed commitment to investigation and prosecution of traffickers and pimps who sell domestic trafficked minors. Collaborative efforts such as the Innocence Lost Initiative should continue to be supported. These initiatives provide opportunities for information sharing and cooperation that is vital to obtaining access to resources which ensure investigations that result in appropriate sentencing and victim identification.
2. There is a need for more Vice officers to facilitate the prosecution of traffickers of minors. The number of detectives in Vice has not increased in the past 13 years, despite the massive population growth of Las Vegas and the explosion of commercial sexual activity.

Prosecution of Buyers (“johns”)

The goal of prosecuting consumers is to deter demand from potential buyers of domestic trafficked minors and prevent current consumers from victimizing more youth. Furthermore, prosecution of buyers will achieve justice for the crime committed against the victim.

1. Engaging in prostitution with a child under 16 should be a strict liability crime. This act is technically statutory sexual seduction.¹⁸ However few, if any, buyers of prostituted juveniles are being charged under this statute. Enacting a charge against the buyer will demonstrate that prosecutions of sexual abusers are a priority in Nevada (see example statute in Appendix D).
2. Focus should be placed on the prosecution of buyers of prostituted children as a solution in deterring demand for commercial sex from minors.
3. Media should make a point to cover and expose these prosecutions so Las Vegas develops a reputation for strict prosecutions and punishments of buyers of sex with minors.

¹⁸ Las Vegas Statutory Sexual Seduction (NRS 200.368) Statutory sexual seduction means “ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or Any other sexual penetration committed by a person of age 18 or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either persons.”

Prosecutions of Facilitators

Prosecution of facilitators will show that anyone involved in enabling domestic minor sex trafficking to occur will be held accountable as a facilitator of the commercial sexual exploitation of a minor. These individuals are key components in the trafficking networks; deterring such involvement through the deterrent effect of prosecution should be seen as a tool to break the success of this criminal network.

1. There should be investigations and prosecutions of facilitators of domestic minor sex trafficking in Las Vegas (e.g., taxi drivers, hotel clerks, valets). Federal charges under the Trafficking Victims Protection Act of 2000 (TVPA) and the Racketeer Influenced and Corrupt Organizations Act (RICO) are possible; however these facilitators are currently not being investigated. The commission paid to cab drivers by illegal residential brothels in Las Vegas for bringing buyers is one third of the \$300 charged the buyer by the brothel. Premiums are paid to many facilitators for locating underage girls for their customers.

Treatment of Domestic Trafficked Minors

Proper identification of a domestic trafficked minor must be followed with the necessary services that holistically address the complex and diverse issue 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/pimps, buyers and facilitators.

1. Services designed to meet the specific needs of domestic trafficked minors should be guided by comprehensive models. Holistic programs that can address the multitude of issues faced by trafficked minors must be developed (e.g., substance abuse, PTSD, physical and emotional challenges, family dynamics, educational needs, self-esteem).
2. All service providers for domestic trafficked minors should be aware that exiting prostitution can be a slow process with some false starts. Long-term programming is essential with accommodations made for domestic trafficked minors who may return to prostitution numerous times before they are ready to exit permanently. Successful restoration programs like SAGE in San Francisco recognize that domestic trafficked minors may have to start a program four or five times before they are ready to complete it.

Psychological Services

3. Thorough and evidence-based assessments of programs for domestic trafficked minors should be conducted as soon as possible to identify the psychological and emotional needs of domestic trafficked minors. This population often presents complex and difficult histories and challenges.
4. Assisting domestic trafficked minors in exiting prostitution often involves addressing the bond with a pimp/trafficker. This traumatic bond can be compared to attachment in domestic violence situations.
5. The use of peer education or treatment programs led by survivors of sex trafficking should be included in programming.
6. Psychological and mental health programming must be able to address multiple issues simultaneously (e.g., PTSD, self-esteem, body image distortions, addiction, self-mutilation, suicidal).
7. Life skills training should be provided due to the chaotic backgrounds of many domestic trafficked minors. Programs should be able to 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, cooking, diet and nutrition, stress management, decision making, self-awareness, spirituality).

Health Services

8. Health education should be part of the programming for domestic trafficked minors. In addition to education about sexually transmitted diseases and other physical risks, domestic trafficked minors often need basic information on personal and oral hygiene, nutrition and exercise and healthy lifestyle choices.

9. There are no residential facilities for domestic trafficked minors who are pregnant. Neither Caliente, the state correctional facility, nor foster homes will take girls who are past their sixth month of pregnancy. Girls can stay in the WestCare residential facility but it is not secure, and they cannot continue with the WestCare GIRLSS program once they have had their child, although they can continue to stay in the residential facility.

10. Access to medical care for pregnant girls who are victims of domestic minor sex trafficking must be improved. In some cases, initial pre-natal appointments have been scheduled past the due date of the child.

11. A residential facility that combines parenting and health programming (e.g., Courtney Foundation programming) would be useful as 70% of juvenile girls interviewed in Clark County Juvenile Detention Facility reported having been pregnant.

Educational Needs

12. All programming designed to help domestic trafficked minors must address their educational needs. These girls have often dropped out of school and may have had inconsistent school attendance due to emotional and physical challenges (e.g., abuse history, self-esteem issues, undiagnosed learning disabilities, pregnancies, substance abuse).

Protective Safehouse

13. A secure non-detention residential facility is required to divert domestic trafficking victims from juvenile delinquent facilities. A protective safehouse, like the ones used in Child Welfare apprehensions in Alberta, Canada should be created (See Appendix E for Protection of Children Involved in Prostitution Act). A protective safehouse could meet the immediate or short term needs of domestic trafficked minors (e.g., medical attention, hunger, hygiene, fatigue, detoxification, shelter away from pimp/traffickers, and assessment of acute physical, emotional and psychological needs). Short term needs would be addressed in the first days in a protective safehouse.

14. A protective safehouse could also begin to address the immediate needs of domestic trafficked minors (e.g., contact with resources to meet physical, emotional and physiological challenges, life skills training, isolation from traffickers and consumers, reconnect with parents or identify other stable placement, work with the domestic trafficked minors to develop a treatment and programming plan to meet their long-term needs or issues). Immediate needs would be addressed in the first weeks in a protective safehouse.

15. A long-term facility is required that can provide specialized training, life skills, education, and long-term programming. Facilities like Children of the Night and WestCare which foster a home-like environment with structure and love would be an excellent model. The long-term programming would build the skills and continue the treatment programming in an effort to reduce the factors of vulnerability prior to the minor exiting the facility.

Transition

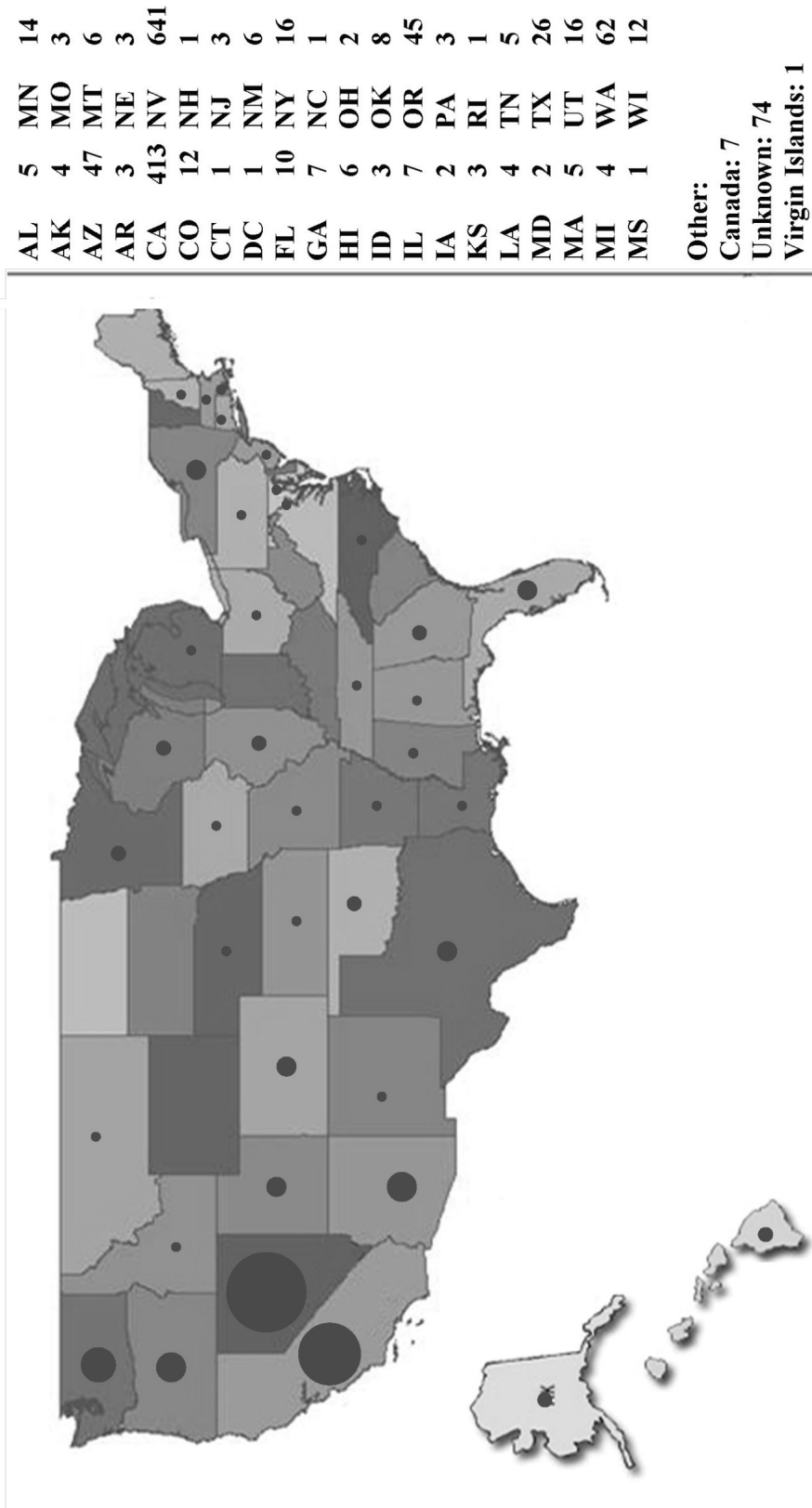
16. Sufficient wrap-around and transitional services need to be provided to domestic trafficked minors as their physical, psychological and emotional issues are complex and numerous. These services would be provided following the completion of programming provided at the secure safehouse or when the minor turns 18 and begins to exit the system.

Paradigm Shifts Required to Treat Domestic Trafficked Minors as Victims

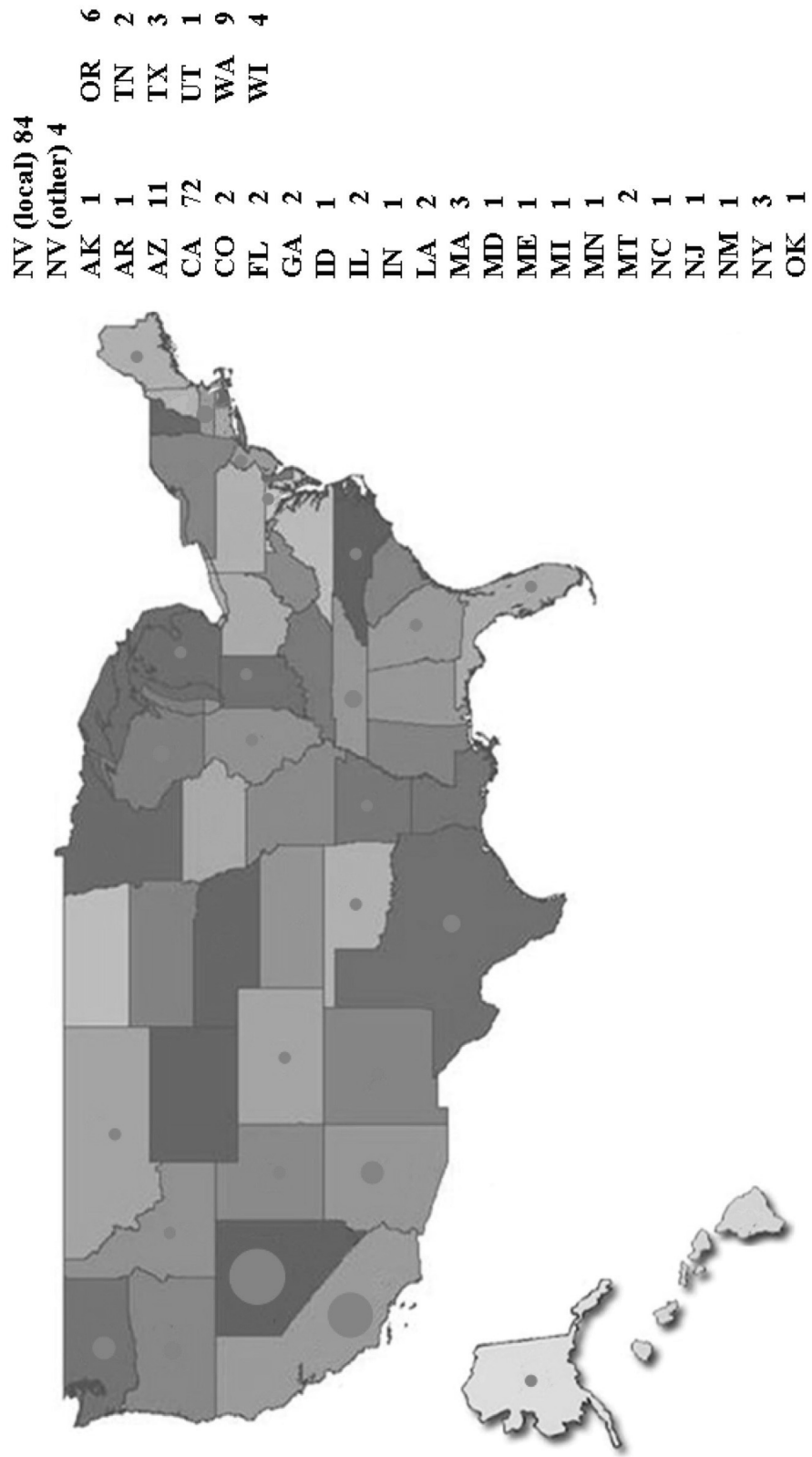
1. Domestic trafficked minors must be recognized as victims in the Nevada Revised Statutes.
2. Further cooperation and collaboration such as ATLAS must develop between law enforcement and service providers where historically there has been a lack of trust. Secure shelters which ensure the availability of domestic trafficked minors as witnesses in their trafficker/pimps' trials and which also begins the treatment needed would assuage both groups' concerns and needs.

Appendix A: Geographic mapping of DTMs (Figures 1-4)

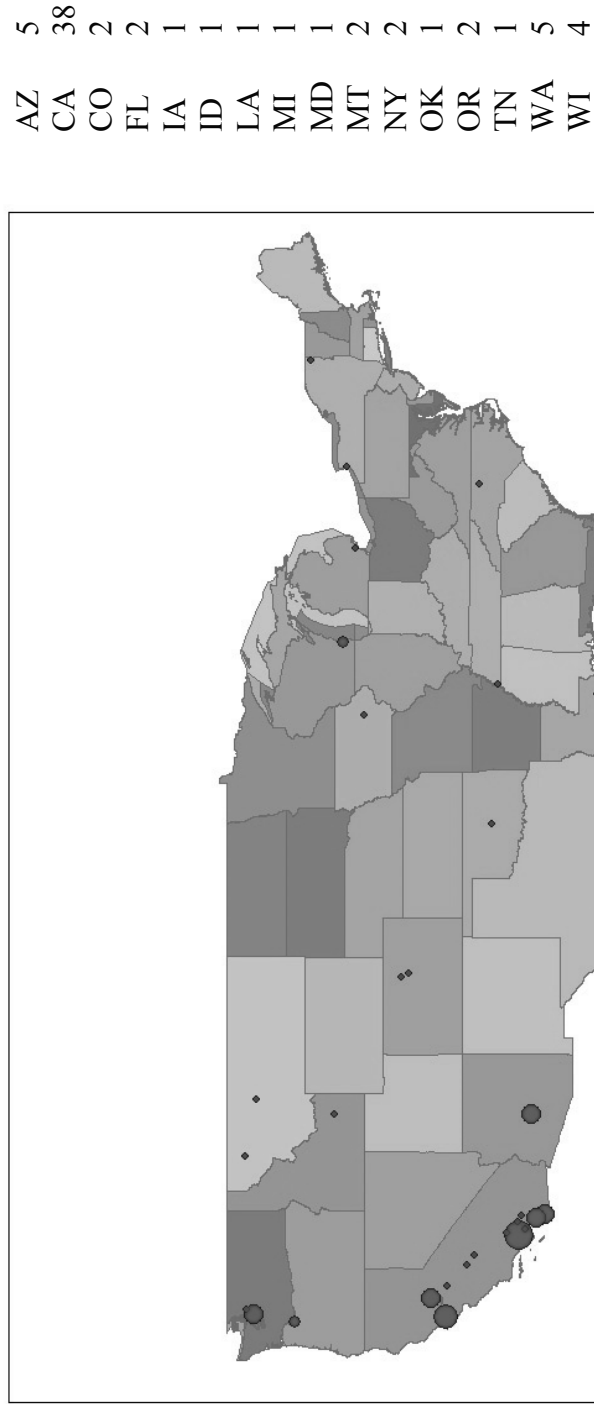
**Figure 1. Las Vegas Metro Police Department S.T.O.P. Program
(January 1994 through July 2007)
1,496 Domestic Trafficked Minors Identified**



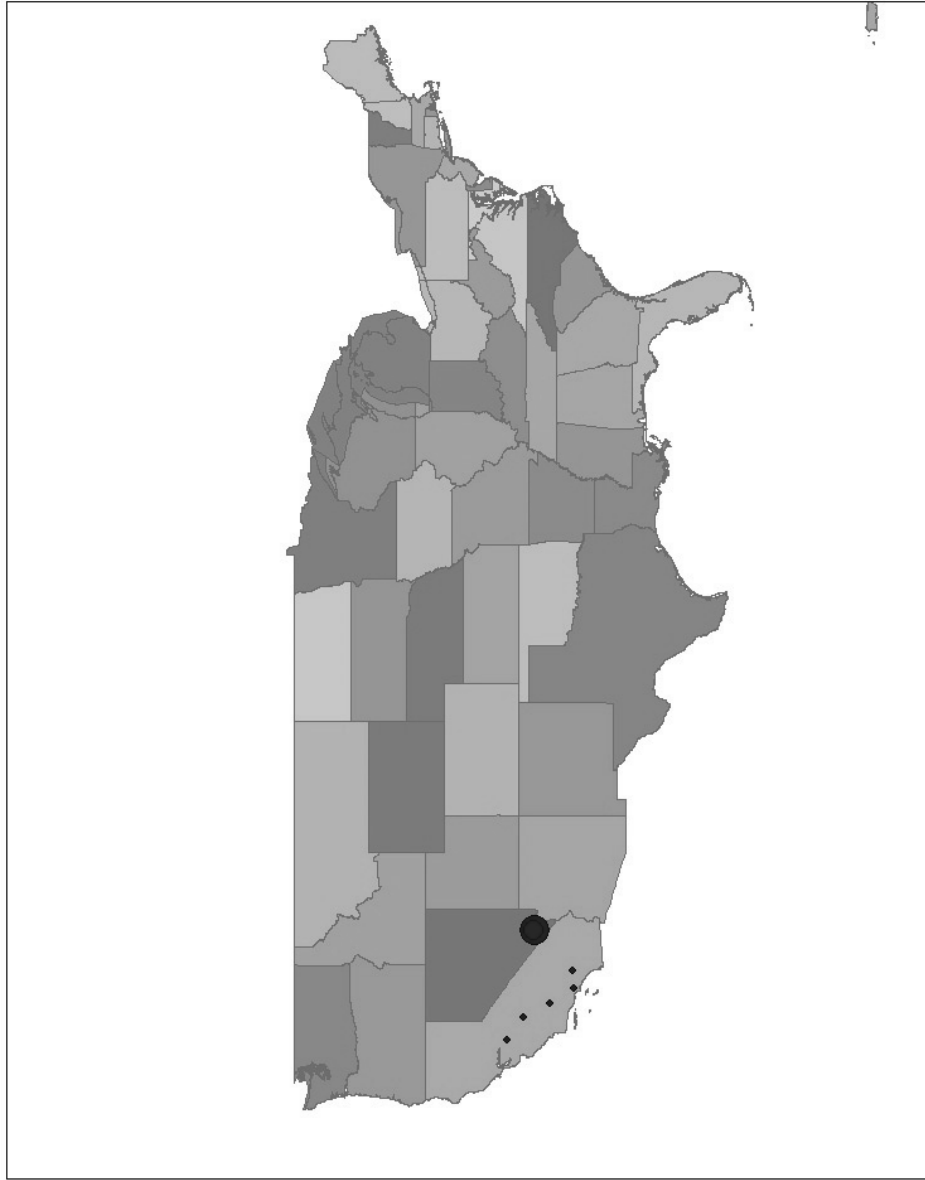
**Figure 2. Clark County juvenile prostitution court (Aug 24, 2005 through May 31, 2007)
226 juveniles adjudicated on prostitution/prostitution-related offenses**



**Figure 3. Clark County Juvenile Detention Center (January through December, 2005)
 69 Out of state minors detained in Las Vegas for prostitution-related charges**



**Figure 4. Clark County Juvenile Detention Center (CCJDC)
19 girls in CCJDC detention on March 3, 2007**



Appendix B: Dispositions of 226 DTMs (8/24/2005-5/31/2007)

Between August 24, 2005 and May 31, 2007, 224 female and 2 male juveniles were adjudicated through the Clark County juvenile prostitution court. Among them, 28 received a second disposition for re-offending and 1 other received a second and a third dispositions.

Length of Stay in Detention

| | First Detention (n = 226) | Second Detention* (n=29) |
|--------------|------------------------------|-----------------------------|
| Average Stay | 16 days | 22 days |
| Maximum Stay | 78 days | 87 days |

* There was one TM who had a third detention stay for 38 days.

Disposition

| | First Disposition % (n) | Second Disposition % (n) |
|--|----------------------------|-----------------------------|
| Probation only | 18 (41) | 14 (4) |
| Probation plus placement | 18 (40) | 21 (6) |
| Probation plus close monitoring | 2 (4) | |
| Probation, DCFS suspended | 16 (37) | 10 (3) |
| DCFS, sent to Caliente | 5 (12) | 41 (12) |
| Hold open (often transferred out of state) | 17 (38) | |
| Transferred out of state (no probation) | 19 (42) | |
| No further disposition beyond detention | 5 (11) | 14 (4) |
| Transferred to adult court | | 3 (1) |

Probation

| | First Disposition % (n) | Second Disposition % (n) |
|---------------------------|----------------------------|-----------------------------|
| 6 mo probation | 10 (23) | 0 |
| 9 mo probation | 6 (14) | 10 (3) |
| 12 mo probation | 27 (62) | 45 (13) |
| Other length of probation | 2 (4) | 0 |

DCFS

| | First Disposition % (n) | Second Disposition % (n) |
|------|----------------------------|-----------------------------|
| DCFS | 6 (13) | 41 (12) |

| | | |
|------------------|---------|--------|
| DCFS Suspended** | 26 (58) | 21 (6) |
|------------------|---------|--------|

** Juveniles are released but if they are re-arrested they will be sent to the Nevada correctional facility.

Placement

| | First Disposition % (n) | Second Disposition % (n) |
|-------------------------------------|----------------------------|-----------------------------|
| WestCare | 11 (25) | 10 (3) |
| Children of the Night | 5 (11) | 7 (2) |
| Spring Mountain Treatment Center | <1 (1) | 0 |
| Desert Willow | 1 (2) | 3 (1) |
| Cotton Wood | <1 (1) | 0 |

Appendix C: Nevada State Legislation used to prosecute Domestic Minor Sex Trafficking

Anti-Trafficking Sections in Nevada Revised Statutes

INVOLUNTARY SERVITUDE; PURCHASE OR SALE OF PERSON

NRS 200.463 Involuntary servitude; penalties.

1. A person who knowingly subjects, or attempts to subject, another person to forced labor or services by:

- (a) Causing or threatening to cause physical harm to any person;
- (b) Physically restraining or threatening to physically restrain any person;
- (c) Abusing or threatening to abuse the law or legal process;
- (d) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

(e) Extortion; or

(f) Causing or threatening to cause financial harm to any person,
is guilty of holding a person in involuntary servitude.

2. A person who is found guilty of holding a person in involuntary servitude is guilty of a category B felony and shall be punished:

(a) Where the victim suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

(b) Where the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

(Added to NRS by 2005, 87)

NRS 200.464 Recruiting, enticing, harboring, transporting, providing or obtaining another person to be held in involuntary servitude; benefiting from another person being held in involuntary servitude; penalty.

A person who knowingly:

1. Recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be held in involuntary servitude; or

2. Benefits, financially or by receiving anything of value, from participating in a violation of NRS 200.463,

is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$50,000.

(Added to NRS by 2005, 88)

NRS 200.465 Assuming rights of ownership over another person; purchase or sale of person; penalty. A person who:

1. Assumes or attempts to assume rights of ownership over another person;

2. Sells or attempts to sell a person to another;

3. Receives money or anything of value in consideration of placing a person in the custody or under the control of another;
 4. Buys or attempts to buy a person;
 5. Except as otherwise provided in chapter 127 of NRS, pays money or delivers anything of value to another in consideration of having a person placed in his custody or under his power or control; or
 6. Knowingly aids or assists in any manner a person who violates any provision of this section, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.
- (Added to NRS by 1989, 1186; A 1995, 1190; 2005, 88)

Pandering and Prostitution Sections in Nevada

PANDERING, PROSTITUTION AND DISORDERLY HOUSES

NRS 201.295 Definitions. As used in NRS 201.295 to 201.440, inclusive, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Prostitute" means a male or female person who for a fee engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
4. "Prostitution" means engaging in sexual conduct for a fee.
5. "Sexual conduct" means any of the acts enumerated in subsection 3.

(Added to NRS by 1979, 302; A 1987, 2028; 1997, 295)

NRS 201.300 Pandering: Definition; penalties; exception.

1. A person who:
 - (a) Induces, persuades, encourages, inveigles, entices or compels a person to become a prostitute or to continue to engage in prostitution;
 - (b) By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed;
 - (c) By threats, violence, or by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution;
 - (d) By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;
 - (e) Takes or detains a person with the intent to compel the person by force, threats, menace or duress to marry him or any other person; or
 - (f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this state or leave this state for the purpose of prostitution, is guilty of pandering.
2. A person who is found guilty of pandering:
 - (a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

3. This section does not apply to the customer of a prostitute.

[1:233:1913; 1919 RL p. 3379; NCL § 10537]—(NRS A 1959, 7; 1967, 477; 1977, 1054; 1979, 1430; 1995, 1201; 1997, 295)

NRS 201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his spouse in a house of prostitution or compels his spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

[2:233:1913; 1919 RL p. 3380; NCL § 10538]—(NRS A 1967, 478; 1979, 302, 1431; 1995, 1202)

NRS 201.320 Living from earnings of prostitute; penalty.

1. A person who knowingly accepts, receives, levies or appropriates any money or other valuable thing, without consideration, from the proceeds of any prostitute, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Any such acceptance, receipt, levy or appropriation of money or valuable thing upon any proceedings or trial for violation of this section, is presumptive evidence of lack of consideration.

[3:233:1913; 1919 RL p. 3380; NCL § 10539]—(NRS A 1967, 478; 1979, 303; 1995, 1202)

NRS 201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

[4:233:1913; 1919 RL p. 3380; NCL § 10540]—(NRS A 1967, 479; 1979, 303, 1431; 1995, 1202; 1997, 296)

NRS 201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he transports or attempts to transport the person.

[5:233:1913; 1919 RL p. 3380; NCL § 10541]—(NRS A 1967, 479; 1977, 1055; 1979, 1432; 1995, 1202; 1997, 297)

NRS 201.350 Venue for trial of offenses constituting pandering. It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 to 201.340, inclusive, that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

[6:233:1913; 1919 RL p. 3381; NCL § 10542]

NRS 201.354 Engaging in prostitution or solicitation for prostitution: Penalty; exception.

1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. Any person who violates subsection 1 is guilty of a misdemeanor.

(Added to NRS by 1987, 2027; A 1991, 462)

NRS 201.356 Test for exposure to human immunodeficiency virus required; payment of costs; notification of results of test.

1. Any person who is arrested for a violation of NRS 201.354 must submit to a test, approved by regulation of the State Board of Health, to detect exposure to the human immunodeficiency virus. The State Board of Health shall not approve a test for use that does not provide the arresting law enforcement agency with the results of the test within 30 days after a person submits to the test. If the person is convicted of a violation of NRS 201.354, he shall pay the sum of \$100 for the cost of the test.

2. The person performing the test shall immediately transmit the results of the test to the arresting

law enforcement agency. If the results of the test are negative, the agency shall inform the court of that fact. If the results of the test are positive, the agency shall upon receipt:

(a) Mail the results by certified mail, return receipt requested, to the person arrested at his last known address and place the returned receipt in the agency's file; or

(b) If the person arrested is in the custody of the agency, personally deliver the results to him and place an affidavit of service in the agency's file.

If before receiving the results pursuant to this subsection, the person arrested requests the agency to inform him of the results and the agency has received those results, the agency shall deliver the results to him, whether positive or negative, and place an affidavit of service in the agency's file.

3. The court shall, when the person arrested is arraigned, order the person to reappear before the court 45 days after the arraignment to determine whether the person has received the results of the test. The court shall inform the person that his failure to appear at the appointed time will result in the issuance of a bench warrant, unless the order is rescinded pursuant to this subsection. If the court is informed by the agency that the results of the person's test were negative, the court clerk shall rescind the order for his reappearance and so notify the person. If, upon receiving notice from the agency that the results of the test were positive, the person notifies the court clerk in writing that he has received the results, the clerk shall inform the court and rescind the order for his reappearance for that determination.

4. The court shall, upon the person's reappearance ordered pursuant to subsection 3, ask him whether he has received the results of the test. If the person answers that he has received them, the court shall note his answer in the court records. If the person answers that he has not received them, the court shall have the results delivered to him and direct that an affidavit of service be placed in the agency's file.

5. If the person does not reappear as ordered and has not notified the court clerk of his receipt of the results of the test in the manner set forth in subsection 3, the court shall cause a bench warrant to be issued and that person arrested and brought before the court as upon contempt. The court shall also proceed in the manner set forth in subsection 4 to ensure that the person receives the results of the test.

(Added to NRS by 1987, 2027; A 1989, 924)

NRS 201.358 Engaging in prostitution or solicitation for prostitution after testing positive for exposure to human immunodeficiency virus: Penalty; definition.

1. A person who:

(a) Violates NRS 201.354; or

(b) Works as a prostitute in a licensed house of prostitution,

after testing positive in a test approved by the State Board of Health for exposure to the human immunodeficiency virus and receiving notice of that fact is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. As used in this section, "notice" means:

(a) Actual notice; or

(b) Notice received pursuant to NRS 201.356.

(Added to NRS by 1987, 2027; A 1989, 589, 925; 1995, 1203)

NRS 201.360 Placing person in house of prostitution; penalties.

1. A person who:

(a) Places another in the charge or custody of a third person with the intent that the other person engage in prostitution or who compels the other person to reside with him or with any third person for purposes of prostitution, or who compels another person to reside in a house of prostitution;

(b) Asks or receives any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere a person for the purpose of causing that person to cohabit with someone who is not the person's spouse;

(c) Gives, offers or promises any compensation, gratuity or reward, to procure a person to engage in

any act of prostitution in any house of prostitution, or elsewhere, against the person's will;

(d) Is the spouse, parent, guardian or other legal custodian of a person under the age of 18 and permits, connives at or consents to the minor's being or remaining in any house of prostitution;

(e) Lives with or accepts any earnings of a common prostitute, or entices or solicits a person to go to a house of prostitution to engage in sexual conduct with a common prostitute;

(f) Decoys, entices, procures or in any manner induces a person to become a prostitute or to become an inmate of a house of prostitution, for purposes of prostitution, or for purposes of employment, or for any purpose whatever, when that person does not know that the house is one of prostitution; or

(g) Decoys, entices, procures or in any manner induces a person, under the age of 21 years, to go into or visit, upon any pretext or for any purpose whatever, any house of ill fame or prostitution, or any room or place inhabited or frequented by any prostitute, or used for purposes of prostitution, is guilty of a felony.

2. A person who violates the provisions of subsection 1 shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the other person, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

[1911 C&P § 180; RL § 6445; NCL § 10127]—(NRS A 1967, 479; 1979, 303, 1432; 1995, 1203)

NRS 201.380 Restriction on location of houses of ill fame; penalty.

1. It shall be unlawful for any owner, or agent of any owner, or any other person to keep any house of ill fame, or to let or rent to any person whatever, for any length of time whatever, to be kept or used as a house of ill fame, or resort for the purposes of prostitution, any house, room or structure situated within 400 yards of any schoolhouse or schoolroom used by any public or common school in the State of Nevada, or within 400 yards of any church, edifice, building or structure erected for and used for devotional services or religious worship in this state.

2. Any person violating the provisions of subsection 1 shall be punished by a fine of not more than \$500.

[419:63:1947; 1943 NCL § 6084.429] + [420:63:1947; 1943 NCL § 6084.430] + [1911 C&P § 245; RL § 6510; NCL § 10193] + [1911 C&P § 247; RL § 6512; NCL § 10195]—(NRS A 1967, 480)

NRS 201.390 Property on principal business streets not to be rented for purposes of prostitution; penalty.

1. It is unlawful for any owner or agent of any owner or any other person to keep, let or rent for any length of time, or at all, any house fronting on the principal business street or thoroughfare of any of the towns of this state, for the purpose of prostitution or to make or use any entrance or exit way to any house of prostitution from the principal business street or thoroughfare of any of the towns of this state.

2. Any person violating the provisions of subsection 1 shall be punished by a fine of not more than \$500.

[1911 C&P § 246; RL § 6511; NCL § 10194] + [1911 C&P § 247; RL § 6512; NCL § 10195]—(NRS A 1967, 481; 1979, 304)

NRS 201.400 General reputation competent evidence. In the trial of all cases arising under the provisions of NRS 201.380 and 201.390, evidence of general reputation is competent evidence as to the question of the ill fame of any house alleged to be so kept, and to the question of the ill fame of any person.

[1911 C&P § 248; RL § 6513; NCL § 10196]—(NRS A 1979, 304)

NRS 201.410 Duties of sheriff and district attorney; failure to act; penalty. The district attorney and sheriff of each county in this state shall see that the provisions of NRS 201.380 are strictly enforced and carried into effect, and upon neglect so to do, they, or either of them, shall be deemed guilty of a misdemeanor in office and may be proceeded against by accusation as provided in chapter 283 of NRS.

[421:63:1947; 1943 NCL § 6084.431]

NRS 201.420 Keeping disorderly house; penalty. Any person who shall keep any disorderly house, or any house of public resort, by which the peace, comfort or decency of the immediate neighborhood, or of any family thereof, is habitually disturbed, or who shall keep any inn in a disorderly manner, is guilty of a misdemeanor.

[1911 C&P § 219; RL § 6484; NCL § 10166]—(NRS A 1967, 481)

NRS 201.430 Unlawful advertising of prostitution; penalties.

1. It is unlawful for any person engaged in conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise the unlawful conduct or any house of prostitution:

(a) In any public theater, on the public streets of any city or town, or on any public highway; or

(b) In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.

2. It is unlawful for any person knowingly to prepare or print an advertisement concerning a house of prostitution not licensed for that purpose pursuant to NRS 244.345, or conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, in any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.

3. Inclusion in any display, handbill or publication of the address, location or telephone number of a house of prostitution or of identification of a means of transportation to such a house, or of directions telling how to obtain any such information, constitutes prima facie evidence of advertising for the purposes of this section.

4. Any person, company, association or corporation violating the provisions of this section shall be punished:

(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.

(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$250 nor more than \$1,000.

(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000.

[1:109:1913; 1919 RL p. 3379; NCL § 10535]—(NRS A 1967, 481; 1979, 305, 604; 1995, 2299)

NRS 201.440 Unlawful to permit illegal advertising of houses of prostitution; penalties.

1. In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute, it is unlawful for any person, company, association or corporation knowingly to allow any person engaged in conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise a house of prostitution in his place of business.

2. Any person, company, association or corporation that violates the provisions of this section shall be punished:

(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.

(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$250 nor more than \$1,000.

(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000.

[2:109:1913; 1919 RL p. 3379; NCL § 10536]—(NRS A 1967, 481; 1979, 305, 605; 1995, 2300)

NRS 41.1397 Liability of owner or operator of house of prostitution for employment of prostitute

tested positive for exposure to human immunodeficiency virus. An owner of a house of prostitution, the person who operates the house or his agent who employs or continues to employ a prostitute after he knows or should know that the prostitute has tested positive in a test approved by regulation of the State Board of Health for exposure to the human immunodeficiency virus, is liable for any damages caused to a person exposed to the virus as a result of the employment.

(Added to NRS by 1987, 2028)

VAGRANTS

NRS 207.030 Prohibited acts; penalty.

1. It is unlawful to:

- (a) Offer or agree to engage in or engage in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;
- (b) Offer or agree to engage in, engage in or aid and abet any act of prostitution;
- (c) Be a pimp, panderer or procurer or live in or about houses of prostitution;
- (d) Seek admission to a house upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;
- (e) Keep a place where lost or stolen property is concealed;
- (f) Loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act;
- (g) Lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

2. A person who violates a provision of subsection 1 shall be punished:

- (a) For the first violation of paragraph (a), (b) or (c) of subsection 1 and for each subsequent violation of the same paragraph occurring more than 3 years after the first violation, for a misdemeanor.
- (b) For the second violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for not less than 30 days nor more than 6 months and by a fine of not less than \$250 nor more than \$1,000.

(c) For the third or subsequent violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000.

(d) For a violation of any provision of paragraphs (d) to (g), inclusive, of subsection 1, for a misdemeanor.

3. The terms of imprisonment prescribed by subsection 2 must be imposed to run consecutively.

4. A local government may enact an ordinance which regulates the time, place or manner in which a person or group of persons may beg or solicit alms in a public place or place open to the public.

[1911 C&P § 354; A 1915, 32; 1923, 224; NCL § 10302]—(NRS A 1963, 696; 1967, 517; 1971, 2025; 1973, 1061; 1979, 353; 1985, 749, 931; 1993, 808)

SEXUAL EXPLOITATION

NRS 432B.110 “Sexual exploitation” defined. “Sexual exploitation” includes forcing, allowing or encouraging a child:

1. To solicit for or engage in prostitution;
2. To view a pornographic film or literature; and
3. To engage in:

- (a) Filming, photographing or recording on videotape; or
- (b) Posing, modeling, depiction or a live performance before an audience,

Ê which involves the exhibition of a child’s genitals or any sexual conduct with a child, as defined in NRS 200.700 .

(Added to NRS by 1985, 1369)

NRS 179D.210 "Crime against a child" defined. "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340 , inclusive, unless the offender is the parent of the victim.
 2. False imprisonment pursuant to NRS 200.460 , unless the offender is the parent of the victim.
 3. An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340 , inclusive.
 4. An attempt to commit an offense listed in this section.
 5. An offense committed in another jurisdiction that, if committed in this state, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:
 - (a) A tribal court.
 - (b) A court of the United States or the Armed Forces of the United States.
 6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:
 - (a) A tribal court.
 - (b) A court of the United States or the Armed Forces of the United States.
 - (c) A court having jurisdiction over juveniles.
- (Added to NRS by 1997, 1650; A 1999, 1293)

Appendix D: Example Canadian Criminal Statutes for Soliciting or Attempting to Solicit Prostitution from a Minor

Below is one example of statute wording that codifies engaging in, attempting to engage in or soliciting sexual services from a minor (under 18).

Canadian Criminal Code R.S.C. 1985

212(4) Offence -- prostitution of person under eighteen

Every person who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months.

This is a separate and more serious offence than regular solicitation,

213(1) Offence in relation to prostitution

Every person who in a public place or in any place open to public view

- (a) stops or attempts to stop any motor vehicle,
- (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or
- (c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person

for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute is guilty of an offence punishable on summary conviction.

213(2) Definition of “public place”

In this section, “public place” includes any place to which the public have access as of right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view.

Summary convictions carry a maximum custodial penalty of 6 months as well as a strict time limit (also 6 months) for the Prosecution to lay the charge. In addition, the Canadian Criminal Code limits the ability to use the defence of mistaken belief as to the TMs age (the defence is codified in Section 150.1(2) and (4). Subsection (5) specifies that the defence will only be available when the defendant can demonstrate that he took all reasonable steps to ascertain the age of the minor.

Appendix E: Alberta, Canada Protection of Children Involved in Prostitution Act

www.qp.gov.ab.ca/documents/Acts/P28.cfm?frm_isbn=0779741463. Accessed on July 20, 2007

PROTECTION OF CHILDREN INVOLVED IN PROSTITUTION ACT

Chapter P-28

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Preamble

WHEREAS the safety, security and well being of children and families is a paramount concern of the Government of Alberta;

WHEREAS children engaged in prostitution are victims of sexual abuse and require protection;

WHEREAS the Legislature of Alberta recognizes the responsibility of families, communities and the Government of Alberta to provide that protection;

WHEREAS the Government of Alberta is committed to assisting families and communities in providing that protection;

WHEREAS the Government of Alberta is committed to ensuring the safety of all children; and

WHEREAS the Government of Alberta is committed to assisting children in ending their involvement with prostitution;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) “child” means a person under the age of 18 years;
- (b) “Court” means the Provincial Court;
- (c) “director” means a director under the Child, Youth and Family Enhancement Act;
- (d) “guardian” means guardian as defined in the Child, Youth and Family Enhancement Act;
- (e) “Minister” means the Minister designated with the responsibility for the Child, Youth and Family Enhancement Act;
- (f) “police officer” means a police officer as defined in the Police Act;
- (f.1) “program” means a program established under section 7;
- (g) “protective safe house” means premises prescribed by the Minister as a protective safe house.

(2) For the purposes of this Act, a child is in need of protection if the child is engaging in prostitution or attempting to engage in prostitution.

RSA 2000 cP-28 s1;RSA 2000 c26(Supp) s2;2003 c16 s117;
2005 c31 s30

Apprehension order

2(1) If a police officer or director believes on reasonable and probable grounds that a person is a child and is in need of protection, the police officer or director may apply to a judge of the Court or to a justice of the peace for an order, and the Court may grant an order,

(a) authorizing the police officer or director to apprehend and convey the child to the child's guardian or to an adult who in the opinion of the police officer or director is a responsible adult who has care and control of the child, or

(b) authorizing the police officer or director to apprehend and convey the child to a protective safe house and authorizing a director to confine the child for up to 5 days to ensure the safety of the child and to assess the child,

and if the judge of the Court or justice of the peace is satisfied that the child may be found in a place or premises, the judge of the Court or justice of the peace may, by order, authorize the police officer or director to enter, by force if necessary, that place or premises to search for and apprehend the child.

(2) If, in the opinion of the police officer or director, it would be impracticable to appear personally before a judge of the Court or justice of the peace to apply for an order in accordance with subsection (1), the police officer or director may make the application by telephone or other means of telecommunication to a judge of the Court or justice of the peace.

(3) The information on which an application for an order by telephone or other means of telecommunication is based must be given on oath and must be recorded verbatim by the judge of the Court or justice of the peace who, as soon as practicable, must cause the record or a transcription of the record, certified by the judge of the Court or the justice of the peace as to time, date and contents, to be filed with the clerk of the Court.

(4) For the purposes of subsection (3), an oath may be administered by telephone or other means of telecommunication.

(5) The information submitted by telephone or other means of telecommunication must include the following:

(a) a statement of the circumstances that make it impracticable for the police officer or director to appear personally before a judge of the Court or a justice of the peace;

(b) the identity of the child, if known;

(c) a statement setting out the police officer's or director's grounds for believing that the person is a child and is in need of protection;

(d) a statement as to any prior application for an order under this section in respect of the same child of which the police officer or director has knowledge.

(6) A judge of the Court or justice of the peace referred to in subsection (2) who is satisfied that an application made by telephone or other means of telecommunication

(a) is based on information that conforms to the requirements of subsection (5), and

(b) discloses reasonable grounds for dispensing with personal appearance for the purpose of making an application under subsection (1)

may make an order conferring the same authority respecting apprehension, conveying, confinement and entry as may be conferred under subsection (1).

(7) If a judge of the Court or justice of the peace makes an order under subsection (6),

(a) the judge of the Court or justice of the peace must complete and sign an order in the prescribed form, noting on its face the time, date and place at which it was made,

(b) the police officer or director, on the direction of the judge of the Court or justice of the peace, must complete, in duplicate, a facsimile of the order in the prescribed form, noting on its face the name of the judge of the Court or justice of the peace making the order and the time, date and place at which it was made, and

(c) the judge of the Court or justice of the peace must, as soon as practicable after the order has been made, cause the order to be filed with the clerk of the Court, who must provide a copy to a director.

(8) An order made by telephone or other means of telecommunication is not subject to challenge by reason only that the circumstances were not such as to make it reasonable to dispense with personal appearance for the purpose of making an application under subsection (1).

(9) Notwithstanding subsection (1), if a police officer or director has reasonable and probable grounds to believe that a person is a child and that the child's life or safety is seriously and imminently endangered because the child is engaging in prostitution or attempting to engage in prostitution, the police officer or director may apprehend and convey the child to a protective safe house without an order.

(10) Notwithstanding subsection (1)(b), a director may confine for up to 5 days a child conveyed to a protective safe house under subsection (9) if the director considers it necessary in order to ensure the safety of the child and to assess the child.

(11) If subsection (9) applies, a police officer or director who has reasonable and probable grounds to believe that the child may be found in a place or premises may, without an order and by force if necessary, enter that place or those premises and search for the child.

(12) If a director confines a child pursuant to subsection (10), the director must appear before the Court within 3 days after the commencement of the confinement to show cause why the confinement was necessary.

(13) A director must inform a child with respect to whom a show cause hearing is to be held under subsection (12), in writing, of

(a) the director's reasons for, and the time period of, the confinement,

(b) the time and place of the show cause hearing,

(c) the right to attend the show cause hearing,

(d) the right to contact a lawyer, and

(e) the telephone number of the nearest office of the Legal Aid Society of Alberta.

(14) A director or a child with respect to whom a show cause hearing is being held or is to be held, or both the director and child, may ask the Court to grant an adjournment of up to 2 days, or of more than 2 days if the director and the child agree.

(15) If the Court grants an adjournment under subsection (14), the Court may make an interim order to confine the child to a protective safe house if the show cause hearing will not be completed within the time period of the confinement set by the director under subsection (10).

Review of confinement decision

2.1(1) If a child is confined to a protective safe house under section 3(1)(b)(iii), the director must forthwith give the child a request for review form provided for in the regulations and inform the child in writing of

- (a) the director's reasons for, and the time period of, the confinement,
- (b) the right to ask the Court to review the director's decision to confine,
- (c) the right to contact a lawyer, and
- (d) the telephone number of the nearest office of the Legal Aid Society of Alberta.

(2) If a show cause hearing has not been held under section 2(12) with respect to the child, a child who is confined under section 3(1)(b)(iii) may ask the Court to review the director's decision to confine by completing a request for review form, filing it with the Court and serving it on a director as soon as practicable.

(3) A review must be held within one day of filing and serving on a director the request for review.

(4) Notwithstanding subsection (3), a director or a child with respect to whom a review is being held, or both the director and child, may ask the Court to grant an adjournment of up to 2 days, or of more than 2 days if the director and the child agree.

(5) If the Court grants an adjournment under subsection (4), the Court may make an interim order to confine the child to a protective safe house if the review will not be completed within the time period of the confinement set by the director under section 3(1)(b)(iii).

(6) After hearing a review under this section, the Court may make an order confirming, varying or terminating the director's decision to confine.

(7) The Court shall not under subsection (6) extend the time period of the confinement set by the director under section 3(1)(b)(iii).

RSA 2000 c26(Supp) s4

Director's decision

3(1) If a child is apprehended under section 2,

- (a) a police officer that apprehends the child must notify a director forthwith, and
- (b) on the child's being conveyed to a protective safe house, a director must
 - (i) return the child to the custody of the child's guardian or to an adult who in the opinion of the director is a responsible adult who has care and control of the child,
 - (ii) release the child if the child has attained the age of 16 years and in the opinion of the director the child is capable of providing for the child's own needs and safety, or
 - (iii) confine the child, pursuant to section 2, in a protective safe house to ensure the safety of

the child and to assess the child.

(2) If a child is confined under subsection (1)(b)(iii) and after assessing the child a director is of the opinion that the child would benefit from a further period of confinement, the director may apply to the Court for an order to confine the child for a further period of confinement in a protective safe house for up to 21 days by completing, filing and serving on the child an application to confine form provided for in the regulations while the child is still confined.

(3) If a director does not make an application under subsection (2) and the director does not release the child from a confinement made pursuant to

- (a) subsection (1)(b)(iii), or
- (b) an interim order to confine under section 2(15) or 2.1(5),

the child is deemed to have been apprehended under section 19 of the Child, Youth and Family Enhancement Act.

(4) If, on an application under subsection (2), the Court is satisfied that

(a) release of the child from a protective safe house presents a risk to the life or safety of the child because the child is unable or unwilling to stop engaging in or attempting to engage in prostitution,

(b) less intrusive measures are not adequate to reduce the risk, and

(c) it is in the best interests of the child to order a period of further confinement for the purposes of making programs or other services available to the child in a safe and secure environment,

the Court may make an order for further confinement of the child to a protective safe house for up to 21 days.

(5) A director may apply to the Court to renew an order to confine by completing, filing and serving on the child an application to renew an order to confine form provided for in the regulations, and if the Court is satisfied that the grounds in subsection (4) are met, the Court may renew the order one time to confine the child to a protective safe house for up to a further 21 days.

(6) If a child who is confined under subsection (1)(b)(iii) or who is subject to an order to confine leaves a protective safe house without the authorization of a director, a director or a peace officer may apprehend and convey the child, and detain the child while the child is being conveyed, to a protective safe house.

RSA 2000 cP-28 s3;RSA 2000 c26(Supp) s5;2003 c16 s117

Adjournment

3.1(1) The Court may adjourn the hearing of an application under section 3 for not more than 7 days

(a) with the consent of the child and a director, or

(b) if the Court is satisfied that the adjournment is necessary in order to obtain evidence to assist the Court in determining whether an order to confine should be made.

(2) Unless the Court is satisfied that it would be in the best interest of the child to order otherwise, the

Court must in respect of a child who is confined under this Act extend the confinement pending the hearing of an application under section 3.

(3) The number of days that the hearing of an application under section 3 is adjourned must be included in a calculation of the duration of the order made at the hearing if the child is confined in a protective safe house during the adjournment.

RSA 2000 c26(Supp) s6

Review of confinement order

3.2(1) A child with respect to whom an order to confine has been made, or a director or a guardian of the child, may apply to the Court by completing and filing a notice for review form provided for in the regulations for a review of the Court order to confine under section 3.

(2) An application under subsection (1) may be made

(a) by a director, at any time during the period of the order and the period of any renewal of the order, or

(b) by the child who is the subject of the order or the guardian of the child, once during the period of the order and once during the period of any renewal of the order.

(3) A review must be heard not more than 5 days after the notice of review is filed with the Court or within any further period the Court directs.

(4) After a review is heard under this section, the Court may make an order confirming, varying or terminating the order to confine.

(5) The Court shall not under subsection (4) extend the period of confinement in the order being reviewed.

RSA 2000 c26(Supp) s6;2001 c10 s6

Service

3.3(1) The applicant must, not less than 2 days before the date fixed for a hearing, serve a notice of the nature, date, time and place of the hearing under sections 3.2 and 3.5 by any method orally or in writing,

(a) if the applicant is the child, on the director,

(b) if the applicant is the director, on the child and on the guardian unless a director is the guardian, and

(c) if the applicant is the guardian of the child, on the child and director.

(2) The Court or Court of Queen's Bench may do any of the following at the time of hearing:

(a) approve service made in a manner it considers adequate in the circumstances;

(b) approve a shortened period as sufficient notice;

(c) dispense with service on any person other than the director.

Appeal

3.4(1) An order of the Court made under section 3(4) or (5) may be appealed to the Court of Queen's Bench not more than 15 days after the date on which the order is made or renewed

- (a) by a director,
- (b) by a guardian on behalf of the child who is the subject of an order to confine, or
- (c) by the child who is the subject of an order to confine.

(2) If the Court refuses to make an order to confine under section 3(4) or to renew an order to confine under section 3(5), the applicant may appeal the refusal to the Court of Queen's Bench not more than 15 days after the date of the refusal.

Procedure on appeal

3.5(1) An appeal to the Court of Queen's Bench under this Act must be commenced by

- (a) filing a notice of appeal setting out the grounds of the appeal with the clerk of the Court, and
- (b) filing a copy of the notice of appeal in the Court of Queen's Bench.

(2) If a notice of appeal is filed pursuant to this section, the appellant may apply to the Court or the Court of Queen's Bench for an order staying the execution of the order appealed pending the hearing of the appeal.

(3) On a notice of appeal being filed with the clerk of the Court, the clerk must forward to the clerk of the Court of Queen's Bench the record of the evidence taken and all other material in the possession of the Court that pertains to the matter being appealed not more than 7 days from the day the notice of appeal is filed with the clerk of the Court.

(4) On the requirements of subsection (3) and section 3.3(1) having been met, the Court of Queen's Bench must set down the appeal for hearing.

(5) Unless the Court of Queen's Bench directs otherwise, the appeal must come on for a hearing at the first sitting of the Court of Queen's Bench to be held after the filing of the notice of appeal in the Court of Queen's Bench.

(6) Notwithstanding subsections (4) and (5), if an appeal is not heard within 90 days of the filing of the notice of appeal, unless the Court of Queen's Bench grants leave to extend the time within which the appeal must be heard, the clerk of the Court of Queen's Bench must fix the next available date as the date on which the appeal must be heard and must notify the parties of the time and place of the hearing.

Decision of Court

3.6(1) On hearing an appeal, the Court of Queen's Bench must determine the appeal on the material

filed with or forwarded to the Court of Queen's Bench and any further evidence that the Court of Queen's Bench may require or permit to be given.

(2) The Court of Queen's Bench may

- (a) confirm the order or refusal,
- (b) revoke or vary the order made, or
- (c) make any order the Court could have made in the hearing before it.

RSA 2000 c26(Supp) s6

Notice to guardian

4(1) If a child has been apprehended and conveyed to a protective safe house, a director must notify the guardian of the child forthwith

- (a) that the child has been apprehended, and
 - (b) of the intention, if any, of the director to confine the child pursuant to section 3(1)(b)
- (iii).

(1.1) If a director makes an application for an order to confine or to renew an order to confine under section 3, the director must notify the guardian of the child forthwith of the nature, time and place of the application.

(2) Notice under this section may be by any method and may be oral or in writing.

(3) The validity of proceedings under this Act is not affected by the director's inability, after reasonable effort, to give notice in accordance with this section.

RSA 2000 cP-28 s4;RSA 2000 c26(Supp) s7

Director's responsibilities

5 If a child has been apprehended and conveyed to a protective safe house, a director has exclusive custody of the child and is responsible for the child's care, maintenance and well being while the child is confined in the protective safe house.

1998 cP-19.3 s5

Restraining order

6(1) If a child is confined under this Act and a director has reasonable and probable grounds to believe that a person

(a) has physically or emotionally injured or sexually abused or is likely to physically or emotionally injure or sexually abuse the child within the meaning of the Child, Youth and Family Enhancement Act, or

(b) has encouraged or is likely to encourage the child to engage in prostitution,

the director may apply by originating notice to the Court of Queen's Bench for an order restraining that

person from contacting the child or associating in any way with the child.

(2) If a child is participating voluntarily in a program to assist the child in ending involvement in prostitution and the child or the child's guardian has reasonable and probable grounds to believe that a person

(a) has physically or emotionally injured or sexually abused or is likely to physically or emotionally injure or sexually abuse the child within the meaning of the Child, Youth and Family Enhancement Act, or

(b) has encouraged or is likely to encourage the child to engage in prostitution,

the child or the child's guardian may apply by originating notice to the Court of Queen's Bench for an order restraining that person from contacting the child or associating in any way with the child.

RSA 2000 cP-28 s6;2003 c16 s117

Definition

6.1 In sections 6.2 to 6.5, "Court" means the Provincial Court and the Court of Queen's Bench.

RSA 2000 c26(Supp) s8

Exclusion from hearing

6.2(1) Subject to subsection (2), if the Court is satisfied that

(a) the evidence or information presented to the Court may be seriously injurious or seriously prejudicial to the child who is the subject of a hearing under this Act or to a child who is a witness at a hearing under this Act, or

(b) it would be in the interest of public morals, the maintenance of order or the proper administration of justice to exclude any or all members of the public from the courtroom,

the Court may exclude any person, including a guardian of the child or the child, from all or part of the proceedings if the Court considers that person's presence to be unnecessary to the conduct of the proceedings.

(2) The Court may not exclude a director or a lawyer representing a child.

RSA 2000 c26(Supp) s8

Ban on publication

6.3(1) Except with the consent of the Court, no person shall publish by any means any report of a Court proceeding under this Act in respect of a child in which the name of the child or a guardian of the child, or any information serving to identify the child or a guardian of the child, is disclosed.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$2000 and in default of payment to imprisonment for a term of not more than 6 months.

RSA 2000 c26(Supp) s8

Witnesses

6.4(1) In a proceeding before the Court under this Act, the Court or a justice of the peace on the application of a party, or the Court on its own motion, may

- (a) compel the attendance of any person and require the person to give evidence on oath,
- (b) require the production by any person of any documents or things, and
- (c) exercise the powers that are conferred for those purposes on a justice of the peace under Part XXII of the Criminal Code (Canada).

(2) The record of the evidence given at any other hearing, any documents and exhibits received in evidence at any other hearing and an order of the Court are admissible in evidence in a hearing under this Act.

(3) The evidence of each witness in a Court proceeding under this Act must be taken under oath and forms part of the record.

(4) Notwithstanding subsection (3), if the Court considers it proper to do so and is satisfied that no better form of evidence is readily available, the Court may

- (a) accept evidence by affidavit, or
- (b) accept hearsay evidence.

RSA 2000 c26(Supp) s8

Confidential evidence

6.5(1) Notwithstanding Part XXII of the Criminal Code (Canada), the Court may issue a subpoena requiring

- (a) the Commission under the Alcohol and Drug Abuse Act,
- (b) a board under the Hospitals Act,
- (c) a board under the Mental Health Act, or
- (d) the Chief Medical Officer under the Public Health Act,

or the designate of any of them to produce any documents, records or other information they possess or control that may relate to the proceedings before the Court with respect to a child.

(2) The person named in a subpoena or the person's designate must attend at the time and place stated in the subpoena with any documents, records or other information that may relate to the proceedings before the Court and must remain in attendance throughout the proceedings unless the person is excused by the Court.

(3) If as the result of the issuing of a subpoena under subsection (1) a person is required to produce any documents, records or other information that is otherwise confidential under the Alcohol and Drug Abuse Act, Hospitals Act, Mental Health Act or Public Health Act, the documents, records or other information must be dealt with in accordance with this section.

(4) The person named in the subpoena or the person's designate must permit a director, the child or a lawyer representing either of them to examine the documents, records or other information before the time stated in the subpoena.

(5) A director or a child may apply to the Court at the time stated in the subpoena or at any other time during the proceedings before the Court to have all or part of the documents, records or other information admitted into evidence.

RSA 2000 c26(Supp) s8

Programs

7 The Minister may establish programs that in the opinion of the Minister are necessary to assist children in ending their involvement in prostitution.

1998 cP-19.3 s7

Voluntary agreements

7.1(1) If the director is of the opinion that a child is in need of protection, an agreement to make programs or other services available to the child may be entered into by

- (a) the child's guardian, the child and a director, or
- (b) if the child is 16 years of age or older, the child and a director.

(2) The agreement must be in the form provided for in the regulations and must

- (a) describe the programs or other services to be made available,
- (b) state the contributions, financial or otherwise, to be made by the guardian with respect to the programs or other services to be made available to the child,
- (c) state the duration of the agreement, and
- (d) state how the agreement may be amended or terminated.

(3) The duration of an agreement under this section may not exceed 6 months but the agreement may be renewed.

RSA 2000 c26(Supp) s9

Regulations

8(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the rules to be followed in a proceeding before the Court under this Act;
- (b) respecting the forms, including notices, to be used under this Act.

(2) The Minister may make regulations

- (a) prescribing premises as protective safe houses;
- (b) respecting assessment of children in need of protection.

Offence

9 Any person who

(a) wilfully causes a child to be a child in need of protection, or

(b) obstructs or interferes with, or attempts to obstruct or interfere with, a director or a police officer exercising any power or performing any duty under this Act

is guilty of an offence and liable to a fine of not more than \$25 000 or to imprisonment for a period of not more than 24 months or to both a fine and imprisonment.

1998 cP-19.3 s9