DEMANDING JUSTICE ARIZONA

A Field Assessment of Demand Deterrence and Enforcement and Justice for Victims

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Acknowledgements

Shared Hope International extends appreciation to the many people who gave their time and efforts to help accomplish the Arizona Demanding Justice Field Assessment. Our hope is that the information compiled here assists with efforts to combat child sex trafficking and bring justice to its victims through the prevention, enforcement efforts, and prosecution of buyers of commercial sex with minors.

This report was made possible through the tireless determination of Nancy Baldwin, Executive Director of the Hickey Family Foundation and the financial support of the Hickey Family Foundation. Her efforts to bring justice to victims of trafficking extends across stakeholder and jurisdictional lines for a lasting contribution to the movement against trafficking in Arizona.

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Executive Summary

Experts estimate that the crime of juvenile sex trafficking impacts thousands of youth in America each year, yet many cases remain unidentified or unreported. The commercial sex industry conforms to the basic economic principle of supply and demand—demand for sex acts with children drives traffickers to supply victims for profit. In order to effectively reduce the prevalence of child sex trafficking, the element that makes it a profitable venture for traffickers—demand—must be aggressively deterred.

The term **victim** as used throughout this report aligns with legal terminology. However, Shared Hope International recognizes that individuals who are victimized through sex trafficking are survivors at all points of their abuse and restoration, and are not defined by these experiences.

In 2014, Shared Hope International conducted a research project on the subject of demand for sex with minors. The study consisted of a desk review followed by quantitative research in four geographic areas, including Maricopa County in Arizona, of instances where buyers[1] were identified. Using police and court records, this targeted research tracked the cases of identified buyers from arrest to prosecution and sentencing. This Field Assessment is a qualitative aspect of the project focused specifically on Arizona. It was designed to gather perspectives from a broad variety of stakeholders to assess the current attitudes, knowledge and practice toward demand deterrence, enforcement of anti-demand laws and the many aspects of justice for juvenile sex trafficking victims.

A total of 78 individuals from 44 organizations participated in the research through interviews and three focus group discussions convened by Shared Hope with survivors of sex trafficking and law enforcement agents. Participants represented five stakeholder populations: non-governmental organizations and community service providers; law enforcement entities; prosecutorial entities; government entities and survivors.

Concerted efforts to address child sex trafficking, and specifically demand for child victims, have been in effect for years in Arizona, making it a prime destination to conduct this Field Assessment. The research is intended to illuminate successful practices and key barriers to assist Arizona professionals in strengthening the local response to trafficking and to inform national efforts.

1 A buyer is defined as: a person who solicits or engages in, or attempts to engage in commercial sex. For the purpose of this assessment, a buyer will generally refer to those who purchase or attempt to purchase commercial sex acts with a juvenile under the age of 18. This includes buyers arrested as part of a sting operation who believed they were attempting to buy sex acts with a minor, buyers who directly solicited a minor to engage in commercial sex, and buyers who purchased or attempted to purchase sex acts with a minor through a third person. In some instances, the broad definition of the term buyer may be used, regardless of the age of the victim. This will appear most commonly when referring to the general concept or when data received did not disaggregate the information based on victim age.

Key Findings:

1) **Ongoing training has been critical to Arizona's success, but there is a continuing need to ensure all stakeholder groups have access to regular training.**

Maricopa County, home to Phoenix, the state's largest city, was one of the earliest regions to implement broad interagency training on juvenile sex trafficking. As a result, the county's efforts to combat trafficking have grown in scope and sophistication. More recently, other areas of the state reported increased access to training. While advancements in training efforts have expanded and strengthened the state's ability to respond to the crime, training must continue to extend throughout the state and across agencies to educate all relevant stakeholders. Additionally, staff turnover threatens the permanency of well-trained personnel; therefore, stakeholders emphasized that training must be routinely conducted to maintain a consistent level of knowledge among responders.

2) **Community awareness efforts can be used to overcome a culture of tolerance for the crime.**

A common observation across stakeholder groups was the perceived culture of tolerance for buyers of commercial sex with minors and lack of empathy for victims within the broader community. Strong anti-demand laws allow for effective law enforcement response and meaningful penalties for offenders, but do not represent a comprehensive solution. Public awareness of the consequences of committing the crime and understanding the victimization it engenders is needed to create a stigma that promotes deterrence. Greater public awareness would also address the reported lack of jury appeal in buyer cases, a key barrier to imposing serious penalties on buyers, especially in sting cases. Media outlets were also identified as powerful influencers in the effort to grow community awareness by publicizing the consequences of buyer arrests and prosecutions to further stigmatize the crime. However, due to media's role in shaping public perception, appropriate and informed terminology is critical to avoid stigmatizing survivors in the process of reporting on sex trafficking crimes.

3) **Increased accountability for buyers is vital to achieve lasting deterrence.**

Buyer accountability is a dynamic, multi-faceted issue that relies on legislators, law enforcement, prosecutors, judges, media and community engagement to be truly effective. Prosecutors and law enforcement face various challenges in investigating and prosecuting buyers under available laws. For example, sting operations targeting buyers who attempt to purchase sex with a minor can result in less substantial penalties because of legal limitations related to the use of a decoy. Strong sentences can only be achieved if informed jurors reach consensus on holding buyers accountable and judges' rulings are guided by the seriousness of the crime.

4) **Funding streams must be identified to build financial capacity to adequately respond to the crime.**

Insufficient funding or resources were factors commonly identified as key barriers to demand reduction enforcement measures and adequate provision of victim services. Diversified funding streams and locating untapped avenues for income could expand the state's ability to fund necessary services. For example, significant financial penalties against buyers not only serve as a serious deterrent, but also can be used as a tool for funding the restoration of juveniles who have been exploited through sex trafficking. Increased prioritization can be placed on buyer identification and prosecution by expanding the use of anti-demand laws from purely punitive for the offender to restorative for the victim.

5) **Arizona's boys are falling victim to sex trafficking but receive less attention and victim-centered response than their female counterparts.**

Many interviewees noted the prevalence of sex trafficking of boys in Arizona. One provider reported that nearly half the youth in its sex trafficking program are male. Law enforcement in two of the regions reported that sting operations utilizing decoy ads for male minor victims received greater response than those of female minor victims. A family advocacy center that serves a tribal community reported high instances of survival sex among 11-14 year-old boys. However, a majority of sting operations target buyers seeking sex with female minors, not male. Training predominantly focuses on vulnerabilities, indicators and response methods for female victims. A majority of shelter and service options in Arizona are specifically designed to address the needs of female sex trafficking victims.

6) **Define sex trafficking through implementation of the laws.**

Law enforcement and prosecutors widely reported using the child prostitution law to charge buyers of sex with minors rather than the sex trafficking law because buyers faced comparable penalties under the child prostitution law and fewer elements are required to be proven under that law. Obtaining the best outcome with the laws available was cited by prosecutors as the primary basis for charging decisions, including the decision not to charge under the sex trafficking law. However, service providers and survivors expressed the sentiment that the charges faced by buyers are stigmatizing for survivors, and not for the buyers. There is an inherent conflict between increased awareness amongst law enforcement that children trafficked for sex are victims, not prostitutes, yet at the same time the law that is applied literally calls them prostitutes. In addition, minimal sentences for buyers reinforce the stigma experienced by survivors. This raises the question of whether the sex trafficking law is not being used to charge buyers because buyers are not recognized as sex trafficking offenders or whether there are barriers to using the sex trafficking law that need to be addressed legislatively. Some respondents indicated that answering these questions will be key to moving forward with demand prosecutions that do not stigmatize victims and clarify that prostitution-related offenses should not apply when minors are trafficked for sex.

Methodology

A field assessment is intended to capture a timely yet comprehensive snapshot of the most current status of a specific issue or population group and typically employs mostly qualitative methods, through interviews and questionnaires. Field assessments emphasize the research tools of observation and interviewing but also frequently integrate quantitative data in order to provide supportive and corroborating information. A qualitative method is employed for the purpose of capturing the perspectives of the respondents while the quantitative component is important to provide statistical data on the actual numbers associated with the information. In summary, field assessments are intended to produce actionable findings—a blueprint for an action plan.

Due to the timeframe and targeted focus of this field assessment, the primary methodology was individual and group structured and semi-structured interviews. Data and information obtained through interviews illuminated quantitative data collected through the Demanding Justice Report published in August 2014.[2]

Definitions

The federal **Trafficking Victims Protection Act** defines the crime of human trafficking for commercial sex as:

> *"The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where such an act is induced by force, fraud or coercion, or in which the person induced to perform such an act has not attained 18 years of age…"*[3]

A **juvenile sex trafficking victim** is a minor who has been solicited, recruited or obtained for the purpose of performing commercial sex acts, defined as any sex act done in exchange for monetary or other non-monetary gain paid directly to the minor or to another person. Age is the inherent vulnerability; therefore, no element of force, fraud or coercion need be present for a minor to be declared a trafficking victim. By definition, if something of value is given to any person in exchange for a commercial sex act, no third party (pimp) control is required to prove sex trafficking of a minor.

A **buyer** is a person who solicits or engages in or attempts to engage in commercial sex. For the purpose of this assessment, a buyer will generally refer to those who purchase or attempt to purchase commercial sex acts with a juvenile under the age of 18. This includes buyers arrested as part of a sting operation who believed they were attempting to buy sex acts with a minor, buyers who directly solicited a minor to engage in commercial sex, and buyers who purchased or

2 See *The Demanding Justice Report 2014*. Shared Hope International, 2014. http://sharedhope.org/wp-content/uploads/2014/08/Demanding_Justice_Report_2014.pdf.

3 Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A, § 103(8), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at 22 USC 7102 § 103(8). http://www.state.gov/j/tip/laws/61124.htm. Accessed on April 24, 2015.

attempted to purchase sex acts with a minor through a third party. In some instances, the broad definition of the term buyer may be used, regardless of the age of the victim. This will appear most commonly when referring to the general concept or when data received did not disaggregate the information based on victim age.

Access to justice for juvenile sex trafficking victims is a multi-faceted term. It includes:

- victim protection during investigation and prosecution of offenders
- availability of legal rights and remedies
- avoiding criminalization
- restorative services
- shifting stigma from victim to buyer—a cultural and practical shift

Child prostitution law refers to the provision title of Arizona Revised Statutes § 13-3212 (Child prostitution), which is the law commonly used to prosecute buyers of sex with minors in Arizona.

Commercial sexual exploitation of a child (CSEC) offense is a general term that encompasses all laws that involve commercial exchange for the sexual exploitation of a child, including but not limited to buying sex with a child, exploiting a child through prostitution, or exploiting a child through sexual performance.

Sex trafficking law refers to the Arizona law that criminalizes child sex trafficking, Arizona Revised Statutes § 13-1307 (Sex trafficking).

Stakeholders Interviewed

Members of the following stakeholder groups (at all levels to the extent possible, including local, state and federal levels) were interviewed for this Field Assessment:

- Law Enforcement entities (including victim witness coordinator)
- Prosecutorial entities
- Non-governmental organizations (NGOs) and community service providers
- Survivors
- Government entities (elected officials, judges, and child serving agencies)

One or more individuals from the following entities participated in interviews or focus groups or provided information relevant to the report:

- ALWAYS
- Arizona Anti-Trafficking Network
- Arizona Attorney General's Office
- Arizona Coalition to End Sexual and Domestic Violence
- Arizona Department of Child Safety, former Director
- Arizona Department of Public Safety
- Arizona Foundation for Women
- Arizonans for the Protection of Exploited Children and Adults (APECA)/ Natalie's House

- AZ Men
- Catholic Charities Community Services
- Cities Empowered Against Sexual Exploitation Network (CEASE), A Project of Demand Abolition
- Center for Arizona Policy
- Chandler Police Department
- Department of Homeland Security
- Encourage Empowerment
- Father Matters
- Federal Bureau of Investigation (FBI)
- Girl Scouts–Arizona Cactus-Pine Council, Inc.
- Governor's Office of Faith & Community Partnerships
- Improving Chandler Area Neighborhoods (ICAN)
- Maricopa County Attorney's Office[4]
- Maricopa County Superior Court
- Maricopa County Education Service Agency (MCESA)
- The McCain Institute
- Mending the Soul
- Mesa Police Department
- Mingus Mountain Academy
- Office of Phoenix Mayor Greg Stanton
- Office of Former Attorney General Tom Horne
- Phoenix Dream Center
- Phoenix Police Department, Drug Enforcement Bureau, Vice Enforcement Unit
- Pima County Attorney's Office
- Prescott Police Department
- Salt River Pima-Maricopa Indian Community (SRPMIC) Family Advocacy Center
- Sandra Day O'Connor Institute
- Scottsdale Police Department
- Sold No More
- Starbright
- Streetlight
- TRUST Arizona
- Tucson Police Department
- Tumbleweed
- Yavapai County Attorney's Office
- Yavapai County Sheriff's Office
- Yavapai County Superior Court

4 The Maricopa County Attorney's Office provided statistical information relevant to the report but declined to participate in an interview for this Field Assessment. References in the report to "prosecutors" therefore do not include thoughts, opinions or information from the Maricopa County Attorney's Office.

Strategy

This Field Assessment was accomplished in two phases.

Phase 1: Desk Review

A desk review was performed on publicly available materials on the issue of demand[5] and child sex trafficking in Arizona. By identifying recent anti-demand efforts and incorporating additional regions in the state, this desk review updates and supplements Shared Hope's 2014 Demanding Justice Report. The information obtained helped to corroborate details obtained through interviews and led to other sources with relevant information. Copies of all materials identified have been retained.

Phase 2: Interviews

Interviews were the main resource for information gathering and were held with a broad sampling of persons connected to the issues related to demand prevention, anti-demand enforcement and access to justice by juvenile sex trafficking victims in the target locations.

The following was collected and reviewed: published reports, court records, public records, media campaigns, training materials, posters, flyers, advertisements, internal documents that show statistics being collected or plans for future programs and any other relevant information.

Timeline

This Field Assessment provides a snapshot of the issue of demand deterrence efforts, anti-demand enforcement and access to justice by juvenile sex trafficking victims in a targeted location; therefore, all interviews were performed over a six-week period between March 9 and April 20, 2015 in order to ensure relevancy and timeliness of the information.

Institutional Review Board (IRB)

The assessment methodology as it applied to interviews with survivors of sex trafficking by certified assessors was submitted for and received approval by the Institutional Review Board at Arizona State University.

Field Assessment Interview Questionnaire

A standard line of questioning was used as a guideline for assessors to elicit the information needed to assess the efforts in place at this present time in the area of research described. Questions were not intended to be exhaustive and certain interviewees required tailored questions in order to gain relevant or meaningful information to the subject area.

5 For the purposes of this study, demand refers to the demand for commercial sex with minors unless otherwise noted.

Confidentiality

In order to obtain the best information possible while engaging human subjects for interview and in accordance with IRB regulations that applied to certain interviewed groups, all names of persons interviewed have been kept anonymous and confidential, although specific agencies and organization may be cited where necessary and appropriate. Certain interviewees have agreed not to be anonymous and Shared Hope requested authorized use of their quotes with attribution.

All interviewees that participated in a recorded interview signed a consent form which will be kept on file for at least three years after the release of the Field Assessment.

Introduction

This report is designed to assess the current attitudes, knowledge and practice toward demand deterrence, anti-demand enforcement and the many aspects of justice for juvenile sex trafficking victims in Arizona. As the issue of juvenile sex trafficking grows in scope and sophistication, Arizona advocates appear prepared to meet the increasing and ever-changing dynamics of this crime. Because concerted efforts to address child sex trafficking—and specifically demand for child victims—have been under way for years in Arizona, it is a prime location for research on effective demand deterrence strategies, anti-demand enforcement measures and access to justice for victims.

Research on combatting demand has been a primary focus for Shared Hope International in the fight against child sex trafficking and this Field Assessment builds on over a decade of research related to demand. Since 1998 Shared Hope International has pursued the mission of prevention, restoration and justice as it pertains to the issue of sex trafficking of women and children. Under a grant from the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, Shared Hope first actively addressed the sex trafficking of American children in 2006 through research on the markets that create demand for commercial sex. The resulting report and documentary, DEMAND., paved the way for further research into juvenile sex trafficking with the release of the 2009 National Report on Domestic Minor Sex Trafficking under a grant from the U.S. Department of Justice.

> Demand continues to exist because people are uncomfortable looking at the whole problem. People don't want to picture their male relatives doing it.
>
> — A SURVIVOR

In 2010, Shared Hope International utilized the same methodology in Arizona as was used for the National Report on Domestic Minor Sex Trafficking.[6] The Arizona Rapid Assessment on Domestic Minor Sex Trafficking found the state was already actively engaged in early efforts to combat the crime due, in part, to a case of horrifying exploitation of one Phoenix girl. Now referred to as the "dog crate case," this crime drove the issue to the forefront in 2006 and sparked key activists to join long-time advocates in championing this cause in Arizona.[7]

6 See Smith, Linda, et al. *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*. Shared Hope International, 2009. http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf.

7 Smith, Linda, et al. *Domestic Minor Sex Trafficking: Child Sex Slavery in Arizona*. Shared Hope International, 2010, p. iii. http://sharedhope.org/wp-content/uploads/2012/09/ArizonaRA.pdf. Accessed on April 27. 2015.

Findings from the 2010 assessment indicated that Arizona was working to establish strategies and resources to address the issue, but challenges remained in key areas:[8]

Legislation: Demand was not being sufficiently deterred by the law. The child prostitution statute commanded one of the lightest sentences of the sexual offense laws if the state was unable to prove that the buyer knew or had reason to know the age of the child.

Law Enforcement: The Phoenix Police Department was the primary department in the state specifically addressing sex trafficking through targeted and proactive efforts, and many other jurisdictions were limited by size, resources and/or training. Additionally, law enforcement attributed lack of buyer identification as a primary hindrance to pursuing prosecutions.

Prosecution: The Maricopa County Attorney's Office (MCAO) reported prosecuting 87 cases under the A.R.S. § 13-3212, the child prostitution law, between 2006 and 2010; however, only five of these cases pertained to buyers of commercial sex with minors. The Pima County Attorney's Office reported no prosecutions of buyers of commercial sex with a minor. Coconino County Attorney's Office declined study participation, qualifying its exclusion as lack of prosecutions related to child prostitution.

Shelter and Services: Efforts to develop shelter and services had been initiated but not established. Streetlight and Natalie's House were both in development but not currently serving youth through residential programs.

Collaboration: The Greater Phoenix Human Trafficking Task Force had been in effect since 2005 under the leadership of the U.S. Attorney's Office. Interviewees reported that collaboration was developing but remained limited and/or inconsistent among all relevant stakeholder groups and across jurisdictions.

In 2014, Shared Hope International conducted a research project on the subject of demand for sex with minors. The study consisted of a desk review followed by quantitative research in four geographic areas, including Maricopa County in Arizona, of instances where buyers[9] were identified. Using police and court records, this targeted research tracked the cases of identified buyers from arrest to prosecution and sentencing. This Field Assessment is a qualitative aspect of the project focused specifically on Arizona.

Shared Hope is aware of the many barriers and challenges as well as successes occurring in the area of demand for adult commercial sex acts and that the dynamics of prostitution are inherently coercive and exploitative. Some information obtained through this research bridges to adult sex trafficking demand and this will be noted; however, due to certain unique factors in the fight against demand in the area of juvenile sex trafficking, this research is directed at that problem.

The findings of this assessment are intended to assist Arizona professionals in strengthening the local response to juvenile sex trafficking and to share approaches that may inspire efforts in other parts of the nation.

8 Ibid., pp. 2-3.

9 A buyer is defined as: a person who solicits or engages in, or attempts to engage in commercial sex. For the purpose of this assessment, a buyer will generally refer to those who purchase or attempt to purchase commercial sex acts with a juvenile under the age of 18. This includes buyers arrested as part of a sting operation who believed they were attempting to buy sex acts with a minor, buyers who directly solicited a minor to engage in commercial sex, and buyers who purchased or attempted to purchase sex acts with a minor through a third person. In some instances, the broad definition of the term buyer may be used, regardless of the age of the victim. This will appear most commonly when referring to the general concept or when data received did not disaggregate the information based on victim age.

Background and Desk Review

While it was not feasible to conduct interviews with all related professionals in a state of 6.7 million residents, efforts were made to be as comprehensive as possible in this Field Assessment. In order to provide a representative baseline understanding of demand in Arizona, three research locations were selected due to varying geography, population, culture, climate and infrastructure. The selected locations include Pima, Maricopa, and Yavapai counties to represent southern, central, and northern Arizona respectively.

Maricopa County was selected for inclusion in this study based on the following: Maricopa County has an estimated 4.09 million residents inside 9,200 square miles. Phoenix, the capital and largest city in Arizona, is one of the 25 incorporated cities in Maricopa County. Phoenix is home to approximately 1.5 million residents and is situated in central Arizona, located approximately 120 miles from both Yavapai County (northern Arizona) and Pima County (southern Arizona). Phoenix has been named one of the fastest growing cities and draws tourists, seasonal residents, large events and conventions, and national and international business.[10]

The larger Pima County area was included in this study based on the following: Pima County has an estimated one million residents inside 9,187 square miles making it the largest county in southern Arizona. The city of Tucson was the primary source city as it is the largest of the five incorporated cities in the county, accounting for over half of its residents. Tucson is approximately 120 miles south of Phoenix (Maricopa County).[11]

Yavapai County was included as a targeted research location for this study based on the following: Yavapai County has an estimated 218,844 residents inside 8,123 square miles. Prescott is the largest of the eight incorporated cities in the county with a population of 40,600 residents in 41 square miles. Prescott formerly served as the State Capital of Arizona. Yavapai County is approximately 120 miles north of Maricopa County.[12]

Arizona has an American Indian and Alaska Native population of 5.3 percent. American Indian and Alaska Native is defined as "a person having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment." Arizona is home to 22 federally recognized tribes and reservations.[13] This study includes tribal lands in Maricopa County.

10 "Maricopa County QuickFacts from US Census Bureau." *United States Census Bureau*. U.S. Department of Commerce. http://quickfacts.census.gov/qfd/states/04/04013.html. Accessed on April 26, 2015.

11 "Pima County QuickFacts from US Census Bureau." *United States Census Bureau*. U.S. Department of Commerce. http://quickfacts.census.gov/qfd/states/04/04019.html. Accessed on April 26, 2015.

12 "Yavapai County QuickFacts from US Census Bureau." *United States Census Bureau*. U.S. Department of Commerce. http://quickfacts.census.gov/qfd/states/04/04025.html. Accessed on April 26, 2015.

13 "Tribes of Arizona." *Arizona Commission of Indian Affairs*. State of Arizona. http://azcia.gov/tribes_of_arizona.asp. Accessed on April 26, 2015.

Demand Related Media Review Timeline*

April 7 - "Avondale tattoo artist accused in sex-for-payment plot." *AZCentral.com*, The Arizona Republic, Jackee Coe[1] *(see coverage of sentencing on April 11, 2011)*

June 3 - "Justice of the Peace Candidate Charged with Child Prostitution." The Arizona Republic, J.J. Hensley[2] *(see coverage of sentencing on October 7, 2014)*

June 24 - "Gilbert man accused of child molestation, prostitution." *AZCentral.com*, The Arizona Republic, Nathan Gonzalez[3]

September 10 - "Pinal County Man Arrested for Offering 14-Year-Old Girl Cash for Sex." *Valley Fever*, Phoenix New Times, James King[4]

October 26 - "Wife of Maricopa County supervisor accused of sex acts with minor." *AZCentral.com*, The Arizona Republic, Laurie Merrill, Michael Kiefer, Yvonne Wingett and JJ Hensley[5] *(see coverage of sentencing April 7, 2011)*

November 8 - "12-Year-Old Picked Up in Child Prostitution Sweep." *ABC News*, Jack Cloherty and Pierre Thomas[6]

2010

April 10 - "Police: Valley man gave drugs to teen girls." *CBS5AZ.com*, KPHO Broadcasting, Bonnie Loftus[13]

June 28 - "Brian Dicamillo, School Bus Driver, Accused of Offering a 10-Year-Old Boy $1 for Sex, and More." *Valley Fever*, Phoenix New Times, Matthew Hendley[14] *(see coverage of sentencing on March 3, 2014)*

October 18 - "Police arrest man accused of luring young girls for sex." *FOX 10 PHOENIX*, FOX 10 News Staff[15]

2012

2010 | 2011 | 2012

Spring - "Kennewick police uncover alleged prostitution sting." Tri-City Herald, Kristin Kraemer[7]

April 7 - "Susan Brock sentenced to 13 years in prison." *AZCentral.com*, The Arizona Republic, Laurie Merrill[8] *(see coverage of arrest October 26, 2010)*

February 8 - "Michael Gilliland Arrested: Wild Oats Founder Nabbed in Phoenix Child Prostitution Sting." CBS News, Edecio Martinez[9] *(see coverage of sentencing on January 8, 2013)*

April 11 - "Avondale tattoo artist gets 7 years prison in sex-trade case." *AZCentral.com*, The Arizona Republic[10] (see coverage of arrest on April 7, 2010)

June 29 - "Ex-Buckeye police officer arrested, accused of sex abuse." *AZCentral.com*, The Arizona Republic[11]

September 22 - "Phoenix police: Man accused of sexually abusing 2 teens." *AZCentral.com*, The Arizona Republic, Raquel Velasco[12]

2011

* This is not intended to be an exhaustive list. Please see Appendix B for sources.

January 8 - "Mike Gilliland, ex-Sunflower CEO, sentenced to 30 days in jail in prostitution case." *Daily Camera*, Alicia Wallace[16] *(see coverage of arrest on February 8, 2011)*

June 21 - "German traveler arrested at TIA, charged with soliciting sex from minor." *Tucson News Now*, Som Lisaius[17]

December 19 - "Maricopa County Husbands, Fathers, Teachers, Arrested Trying to Solicit Sex with Minors." *Arizona Daily Independent*, ADI News[18] *(see coverage of Jerry Marfe sentencing on June 4, 2014)*

December 30 - "Man receives lifetime probation for offering to pay woman for sex with her 6-year-old daughter." *Valley Fever*, Phoenix New Times, Ray Stern[19]

2013

February 2 - "Glendale police: Luke AFB reservist tried to buy sex with 'teen'." *AZCentral.com*, The Arizona Republic[31]

April 7 - "Valley man, Derrick Gardner, charged with 57 counts of molestation." *ABC 15 Arizona*, Angie Holdsworth[32]

April 19 - "Mesa uses undercover operations to prevent child sex trafficking." *East Valley Tribune*, Jenny Ung[33]

2015

2013 2014 2015

March 3 - "Ex-school bus driver gets 24 years in Phoenix sex-crime case." *AZCentral.com*, The Arizona Republic[20] *(see coverage of arrest on June 28, 2012)*

April 22 - "Prostitution Sting Nets Men Seeking Underage Teens for Sex." *Arizona Daily Independent*, ADI[21]

April 23 - "Tempe PD: Multiple Arrests Made in Child Prostitution Sting." *Tucson News Now*, Phil Benson[22]

June 4 - "Former Phoenix teacher sentenced in prostitution sting." *The Arizona Republic*, Corina Vanek[23] *(see coverage of arrest on December 19, 2013)*

June 23 - "Arizona prostitution sting: Children recovered, dozens arrested." *The Arizona Republic*, Megan Cassidy[24]

August 25-26 - "Prostitution Sting Nets Men Seeking Underage Teens for Sex." *Arizona Daily Independent*, ADI News Service[25]

October 3 - "German Man Sentenced To 189 Months in Prison For Child Sex Tourism Offense." *The Arizona U.S. Attorney's Office*[26] *(see coverage of arrest on June 21, 2013)*

October 7 - "Ex-Phoenix JP candidate sentenced for sex crimes." *Fox 7 News*, FOX[27] *(see coverage of arrest on June 3, 2010)*

October 15 - "6 men arrested in child prostitution sting in Phoenix." *CBS5AZ.com*, KPHO Broadcasting, Breann Bierman[28]

November 18-19 - "Third Prostitution Sting in Yavapai County Nets 9 Suspects." *Prescott News*, Lynne LaMaster[29]

December 11 - "Mesa Priest arrested in child prostitution sting." *East Valley Tribune*, Jim Walsh[30]

2014

Sex Trafficking Research Review

Since 2010, scholars and non-profit organizations have released research that sheds light upon the nature of sex trafficking and anti-sex trafficking work in Arizona. Juvenile sex trafficking in particular has been the subject of multiple studies, each expanding upon different facets of the problem and presenting suggestions for solutions. Dominique Roe-Sepowitz et al (2014) conducted a study using an online survey of 26 Arizona delinquency service providers who identified 161 unique DMST victims currently in their care.[14] These providers gave detailed individual data on 37 clients. Besides basic demographic information like age, race, and gender, these individual accounts revealed that of the DMST victims 78.4 percent (29) were involved with Child Protective Services and 70.3 percent (26) were involved with Juvenile Justice Probation. This report recommends the integration of "sex trafficking training and identification tools for all systems involved in providing services to youth."[15] It particularly stresses the court's role in better identifying and appropriately addressing the needs of juvenile sex trafficking victims.

Krystle Fernandez (2013) also realized the intricate nature of addressing the issue of juvenile sex trafficking within the court system.[16] She analyzed state case studies of immunity models, in particular New York and Illinois, in order to propose an Arizona model for consideration. Fernandez suggested a legislative and judicial approach that would allow a group of DMST-trained judges, attorneys and social service providers to address victim needs without the cost and recidivism rate that exists with a criminal approach. Dominique Roe-Sepowitz et al (2014) addressed the adult arrest alternatives for victims of sex trafficking and prostituted individuals in the study exploring Project ROSE.[17] This diversion program resulted in benefits for law enforcement as well as changing community perspective of victim-centered services for prostituted adults. Drawing attention to homeless young adults aged 18 to 25, Arizona State University's School of Social Work's Office of Sex Trafficking Intervention Research (STIR) released a study (2014) that explored the prevalence of sex trafficking in this demographic who received services from homeless programs in Arizona during July 2014.[18] Of the 246 study participants, 25.6 percent reported a history of sex trafficking.[19] The researchers found that this population's particular needs, resulting from the combination of homelessness and sex trafficking, require a multi-faceted approach to service provision.

Candace Lew (2012) focused her study on child victims of sex trafficking and their needs.[20] Based upon interviews with 30 Arizona stakeholders from the fields of services, law enforcement,

14 Roe-Sepowitz, Dominique et al. *Arizona DMST Counts Report: Assessing the Incidence of Domestic Minor Sex Trafficking in Delinquency Services in Arizona*. Arizona State University, 2014. http://www.mccaininstitute.org/applications/Final_DMST_Counts_for_McCain_Institute.pdf. Accessed on April 28, 2015.

15 Ibid., p. 8.

16 Fernandez, Krystle M. "Victims or Criminals? The Intricacies of Dealing with Juvenile Victims of Sex Trafficking and Why the Distinction Matters." *Arizona State Law Journal* 45 (2013): 859-90. http://arizonastatelawjournal.org/wp-content/uploads/2013/11/45-Ariz.-St.-L.J.-859-2013.pdf. Accessed on April 28, 2015.

17 Roe-Sepowitz, Dominique et al. "Project ROSE: An Arrest Alternative for Victims of Sex Trafficking and Prostitution." *Journal of Offender Rehabilitation* 53.1 (2014): 57-74. http://www.tandfonline.com/doi/pdf/10.1080/10509674.2013.861323. Accessed on April 28, 2015.

18 *YES Project: Youth Experience Survey: Exploring Sex Trafficking of Arizona's Homeless and Runaway Young Adults*. Arizona State University School of Social Work Office of Sex Trafficking Intervention and Research, 2014. http://trustaz.org/downloads/rr-stir-youth-experiences-survey-report-nov-2014.pdf. Accessed April 29, 2015.

19 Ibid., p. 2.

20 Lew, Candace. *Sex Trafficking of Domestic Minors in Phoenix, Arizona: A Research Project*. Arizona Foundation for Women, 2012. http://dianeandbrucehallefoundation.org/wp-content/uploads/2012/07/sex-trafficking-domestic-minors.pdf. Accessed on April 28, 2015.

philanthropy, academia, and government, Lew presented three primary recommendations for serving DMST victims in Phoenix:

1.) There is a need to address the economic, social, cultural and political structures that contribute to increased vulnerability of potential victims and the acceptance of their victimization. For example, Lew suggested the adoption of Atlanta's "Dear John" campaign which led to the adoption of anti-demand legislation as well as an increase in arrests and prosecution of buyers.

2.) A comprehensive and collaborative victim service approach is key to any DMST program design. The model of service implemented by the different facets necessary in the restoration process need to be mindful of culture, driven by survivors, reduce physical and emotional harm, exist as a spectrum of a continuum of care and be trauma-informed.

3.) The social justice issues tied to the consequences of sex trafficking, and of which sex trafficking is a consequence, should be tied into the collaboration plans. This way, as victim needs are addressed, the society around them is prepared to be an environment in which neither they nor anyone else will be victims again.

Lew's report offered a broad review of addressing prevention, restoration and justice. She did take the time to address the issue of demand, on which she wrote, "It's all too rarely recognized that minor sex trafficking is demand driven. As such, advocacy to address the demand side of the issue can no longer be ignored."[21] Research out of ASU agrees. Their Office of Sex Trafficking Intervention Research (STIR) released "Invisible Offenders: A Study Estimating Online Sex Customers" (2013).[22] This study measures the population of active customers of online sex ads in 15 cities in the United States, one of them being Phoenix. They estimate that 3.4 to 6.4 percent of the males in Phoenix call sex ads, which means approximately 78,412 men are the customer population for the estimated 307.5 sex ads posted on Backpage.com in a 24 hour period.[23]

Focusing on the sex trafficking activity around Super Bowl XLIX held in Glendale, STIR (2015) released another report that included a demand focus. Building upon research started in 2014,[24] STIR found that demand has increased in Phoenix in the past year, and the volume of sex buyers contacting them regarding decoy ads increased by 22 percent. The number of sex ads increased as well, by 30.3 percent. The study also found that the majority of those who called decoy sex ads were from the local area. The overall increase in the buyer volume shows that public awareness and law enforcement attention has yet to reduce demand. [25]

21 Ibid., p. 16.

22 Roe-Sepowitz, Dominique, et al. *Invisible Offenders: A Study Estimating Online Sex Customers*. Arizona State University, 2013. http://traffickingresourcecenter.org/sites/default/files/Study%20Estimating%20Online%20Sex%20Customers%20-%20ASU_0.pdf. Accessed on April 28, 2015.

23 Ibid., p. 12.

24 See *Exploring Sex Trafficking and Prostitution Demand during the Super Bowl 2014*. Arizona State University School of Social Work Office of Sex Trafficking Intervention Research, 2014. http://ssw.asu.edu/research/stir/exploring-sex-trafficking-and-prostitution-demand-during-the-super-bowl-2014.

25 Roe-Sepowitz, Dominique, et al. *Exploring the Impact of the Super Bowl on Sex Trafficking*. Arizona State University, 2015, p. 4. http://www.scribd.com/doc/256655029/Exploring-the-Impact-of-the-Super-Bowl-on-Sex-Trafficking-2015. Accessed on April 28, 2015.

Statutory Review of Arizona Law Under Protected Innocence Challenge Framework

Area of Law Analyzed	2011 Score	2014 Score	Improvements and Remaining Gaps
Criminalization of Domestic Minor Sex Trafficking	5	10	Arizona doubled its score by: (1) ensuring the racketeering law is an available tool to combat child sex trafficking by adding sex trafficking and commercial sexual exploitation of children offenses as predicate crimes; and (2) establishing an affirmative defense to prostitution charges for victims of sex trafficking. Arizona has achieved full score in this area of law.
Criminal Provisions Addressing Demand	19	20.5	Arizona has a relatively high score on demand provisions and has increased its score in this area in recent years by increasing financial penalties for buyers. Two important gaps remain, however. Buyers of sex with older minors can still assert a defense based on mistake of age, although recent legislation limited this to a reasonable mistake, and buyers of sex with older minors can avoid sex offender registration if prosecutors do not prove the buyer knew or had reason to know he was trying to buy sex with a minor.
Criminal Provisions for Traffickers	13.5	14.5	Arizona also has strong laws for prosecuting traffickers and recent changes to ensure traffickers cannot retain parental rights to control victims brought Arizona close to a perfect score in this area.
Criminal Provisions for Facilitators	7	7.5	Arizona is approaching a perfect score on its laws addressing facilitators of sex trafficking, with the lack of a law specifically addressing child sex tourism as the one remaining gap.
Protective Provisions for Child Victims	13.5	17.5	Arizona recently raised its score by ensuring greater protections for child sex trafficking victims during the prosecution of their exploiters. However, gaps remain since commercially sexually exploited minors continue to face criminalization for prostitution offenses and no formal process ensures that juvenile sex trafficking victims can access a specialized service response.
Criminal Justice Tools for Investigation and Prosecution	12.5	12.5	Arizona has an almost perfect score in this area. Although lacking a statutory mandate to require all law enforcement to receive training on juvenile sex trafficking, all officers graduating from Arizona Police Academy must have received training on sex trafficking.
Total Score and Overall Grade	70.5 C	82.5 B	Arizona law provides substantial penalties for sex trafficking and gives law enforcement critical investigative tools to pursue demand. Recent legislation further strengthened these laws and facilitated prosecution of buyers of sex with older minors by including constructive knowledge that the victim is a minor. However, buyers may still claim mistake of age in offenses against older minors, shifting the burden to prosecutors to obtain meaningful penalties and mandatory sex offender registration. Since minors are not statutorily immune from prosecution for prostitution, they continue to face potential criminalization and limits on their access to victims' compensation to fund their recovery.

Prevention & Deterrence

Research across the country has shown that buyers of sex are typically local to the area where they are purchasing, and Arizona is no exception. An understanding of the beliefs, attitudes and behavior of sex buyers, specifically those who purchase sex with minors, is important to inform effective prevention and deterrence efforts.

According to a research at Arizona State University, School of Social Work, Office of Sex Trafficking Intervention Research (STIR), buyers can be categorized into two types based on their buying behavior. However, both types share a common mentality—risk and excitement are part of the appeal in purchasing sex.

1.) **Type 1:** The buyer is opportunistic, seeking to pay for a sexual encounter. The buyer has the desire, ability, time and money to purchase sex. He/she is not necessarily seeking sex with a minor but is not deterred if the victim is under 18 years of age.

2.) **Type 2:** The buyer is looking to purchase sex, preferentially and intentionally seeking sex with a minor.

> On the street, in my 20 years I have seen that [buyers] will pick up any woman out there… I don't think they would care if they picked up an adult or minor. I don't think it even enters their mind because they are so focused on what they are going to do.
>
> **—SERGEANT JERRY SKEENES, TUCSON POLICE DEPARTMENT**

Prevention and deterrence strategies must respond to the motive and mentality of the two unique types of buyers. According to the researcher, opportunistic buyers may be successfully deterred through educational programs that can promote healthy attitudes and perception of women. The approach for preferential buyers of juveniles may rely more heavily on punitive measures because of the danger they pose to the community. Treatment for buyers who are specifically seeking sex with children will be more complex. In Arizona the difference between the two types of buyers is recognized and addressed in both law and practice. While law enforcement involvement is necessary to address the deterrence methods needed for preferential buyers of minors, many community stakeholders can and do play a role in demand deterrence through prevention.

Arizona has a notable array of prevention programs designed for youth and deterrence strategies targeting buyers of commercial sex through community engagement efforts, proactive enforcement measures, training and collaboration.

Deterrence Through Community Engagement

All stakeholder groups expressed a unified belief that one of the greatest ways to reduce child sex trafficking is to reduce demand. While the strategies to achieve this goal varied, all agreed that community engagement and collaboration amongst stakeholders was a key requirement for success.

Phoenix was one of 11 cities selected by Demand Abolition's CEASE Network to participate in a two-year project to reduce demand by 20 percent. The local core team is comprised of advocacy organizations, law enforcement, prosecutors, government officials and others who are committed to developing and implementing strategies to stop habitual buyers, deter potential buyers and evolve cultural attitudes.

Super Bowl 2015: A Lesson in Community Engagement and Collaboration

Many stakeholders referred to Super Bowl 2015, hosted in Glendale, Arizona, as a prime example of how the community worked together to proactively address the anticipated threat of increased trafficking in the state. Much of the preparation and coordination that took place in advance of the 2015 Super Bowl was under the leadership of three task forces. The Phoenix Human Trafficking Task Force, created by the Phoenix City Council, is a multidisciplinary group which includes individuals in the transportation and hospitality industries, non-governmental organizations, government, law enforcement and social services. The Governor's Human Trafficking Task Force was established in 2014 to address the issue of sex trafficking in Arizona in advance of the 2015 Super Bowl. The Task Force has now been established as the permanent Governor's Human Trafficking Council to continue building upon best practices identified through the Task Force recommendations. Cindy McCain, McCain Institute, and Gil Orrantia, Arizona Department of Homeland Security, co-chair the Council. Mrs. McCain has lent her influence and passion for the issue of human trafficking to establish collaborative partnerships between key decision makers and helped to secure the NFL's attention to the issue. In addition, other prominent community members were voicing their desire to see increased prioritization of buyers by police departments in Phoenix's neighboring jurisdictions. The Greater Phoenix Area Human Trafficking Task Force is a federal task force through which local and federal law enforcement ran collaborative operations months in advance of the Super Bowl.

The Sandra Day O'Connor Institute developed the SAFE Action Project to deliver sex trafficking identification and response training to the hospitality industry. They trained 5,000 Super Bowl volunteers and 70 properties, and sent information to 15,000 properties. The Office of Former Attorney General Tom Horne launched the Arizona's Not Buying It Campaign featuring public service announcements (PSAs) with current and former NFL players and executives from the valley. Their anti-demand messages were amplified by other celebrity voices via YouTube video and Facebook.

In April 2014, local and federal law enforcement agencies in Phoenix and neighboring jurisdictions developed the Super Bowl strategy that launched in June during pre-season. Together, they implemented an aggressive proactive campaign that relied on sting operations and public awareness through media exposure to build a perceived level of risk and danger for buyers and potential buyers. As law enforcement agencies conducted operations focused on demand reduction, victim recovery and trafficker identification, the community mobilized complementary services and initiatives. The campaign was supported by data and research, largely conducted by ASU, School of Social Work, STIR Office in partnership with the McCain Institute.

> The Super Bowl was a gift in that it allowed our community to become aware of this issue. Collectively, we divided the problem into four segments, law enforcement, training, victim services and community outreach. Our city created a unique model.
>
> —SARAH SUGGS, SANDRA DAY O'CONNOR INSTITUTE

The Governor's Office of Faith and Community Partnerships further supported this mission by building capacity through relationships between faith-based and community organizations and projects. The aim of this office is to educate as many sectors as possible through www.endsextrafficking.az.gov, social media and cooperative campaigns with Truckers Against Trafficking, Sandra Day O'Connor Institute and TRUST.

Programs for Youth and Men

Numerous stakeholders operate programs aimed at two important demographics—youth and men—to promote a lasting reduction of demand and cultural change in attitudes toward it. The following is not intended to be an exhaustive list of programs but rather a representation of the variety of methods and programs operating in the state.

Programs for Men

1.) Man Up ASU is an ASU student group that challenges men to take responsibility by rejecting passivity, leading courageously and initiating respect to combat violence against women.

2.) AZ Men is a program of the Arizona Anti-Trafficking Network that aims to create a network of informed men who will engage in projects that respond to the local needs of the community, with a focus on anti-trafficking issues.

3.) Father Matters offers a father-to-father mentoring model to promote the protective role of the father in families.

4.) Offender Program for Persons who Solicit (OPPS) has been in operation since 2005. OPPS was provided by Catholic Charities DIGNITY Services to educate buyers of sex with adults on the harmful effects of soliciting sex, not only to themselves but to their families, the persons solicited and the community. A study by the ASU STIR Office of Sex Trafficking Intervention Research found that the 422 individuals who completed the program between June 2010 and April 2014 reported changed attitudes and none had re-offended in the jurisdiction of the first offense. In 2014 Catholic Charities did not receive the contract to continue OPPS and now a version of the program is being implemented by New Horizons.

Programs for Youth

Other groups expend effort and resources to guide at-risk children down a non-abusive and non-abused path in life.

1.) Children First Academy is a nonprofit, public charter school that offers after school programs, including a bi-weekly after school mentoring program.

2.) Girl Scouts Arizona operates programs in 61 sites that address a variety of challenges such as sexual abuse, poverty, incarcerated parents, juvenile delinquency, homelessness and more.

3.) Boys and Girls Clubs offer character building programs.

4.) AZ Community Foundation provides summer programs.

5.) Maricopa County Education Service Association (MCESA) focuses on helping "crossover kids"—those involved with both juvenile justice and the Arizona Department of Child Safety (DCS)—succeed.

6.) The Arizona Foundation for Women and the Arizona Coalition to End Sexual and Domestic Violence will begin a program called Raising Arizona Boys into Men for coaches and male student athletes, ages 13-23, in Arizona schools.

7.) Red Light Rebellion is a student-led organization that describes itself as "an army of young people fighting for young people" by creating the awareness that prevents youth from being coerced into the sex trade.

8.) The Phoenix Dream Center formerly had restoration programs for youth, but because parents failed to be involved, as required by the state license, their efforts with youth have turned to prevention. The Dream Center conducts outreach like water park trips and other community activities in the Mesa brothel areas and in the Phoenix prostitution tracks to connect vulnerable youth to community support. Of the 52 youth aged 12-16 years old in the outreach network, 92 percent had been approached for commercial sex.

9.) Improving Chandler Area Neighborhoods (ICAN) has prevention programs addressing both boys and girls. The goal is to mitigate risk factors associated with poverty and train youth in job skills, character building and substance abuse prevention. The ICAN Boy's Council is a program for middle/high school boys that focuses on how to resolve conflict in a healthy way and surround self with positive friends while dispelling rite-of-passage myths. The Girl's Circle is for middle/high school girls, focusing on healthy relationships and goal-setting.

> "If we go back and look at history, what has deterred any kind of criminal activity in past? They have to weigh the fear of being caught… There are some people who think… let's get the word out that sex with a child is bad. You don't have to tell anyone that; everyone knows that's bad. I don't think we're going to change anyone's morality after they've been caught…We need to focus our resources on kids, educating our children that we don't want them to be victims of this and we don't want them to be the victimizers. We need to start early and really hammer that point home—it is not OK to buy sex and it is never ok to sell yourself. Never. If you start hammering that into an 8-year-old and continually reinforce that, we may not have this problem anymore."
>
> **—SERGEANT DOMENICK KAUFMAN, MESA POLICE DEPARTMENT, SPECIAL VICTIMS UNIT**

Areas of Vulnerability That Can Be Addressed Through Prevention and Deterrence Programs

Poverty

Not to be overlooked in the story of demand in Arizona is the role that poverty plays. Twenty-six percent of Arizona kids are in poverty according to the Annie E. Casey Foundation.[26] According to a service provider, 80 percent of Chandler's predominately Hispanic families make less than $20,000 a year and are largely led by single parents. Poverty can increase a child's vulnerability to exploitation, making programs specifically targeting impoverished youth critical to addressing prevention.

Tribal Lands

Tribal youth also face increased risk factors for exploitation. To address this, the Salt River-Pima-Maricopa Indian Community established an advocacy center which is nationally recognized for its multidisciplinary approach. According to a service provider, tribal communities, both urban and rural, experience high rates of poverty, unemployment, substance abuse, fetal alcohol syndrome, Post Traumatic Stress Disorder and limited housing opportunities—all circumstances that cause the population to be vulnerable to sex traffickers. Additionally, sex is regarded as a cultural taboo, makings sex education limited or nonexistent. The service provider reported that reunification is the goal for only 2-3 percent of youth who are in state care; consequently, most do not experience permanency and age out of the foster care system. It was reported that "survival sex" is more prominent among boys 11-14 years old. The community places greater importance on providing for and protecting girls, leaving young boys less protected by their family and more susceptible to exploitation by Native American women willing to house the runaway boys in exchange for sex. This situation meets the definition of sex trafficking but is not addressed as such. While vulnerabilities exist for sex trafficking, there have been no confirmed and only three suspected cases of sex trafficking.

Child Abuse and Neglect

Concern was expressed by numerous stakeholders about the vulnerability of the large number of children in the state—approximately 14,000— who have been removed from their home and are in the care of DCS. In 2013, nearly 6,600 cases of abuse and neglect were reportedly not investigated by the former Child Protective Services (CPS), spurring a profound agency overhaul. CPS was reorganized and renamed Department of Child Safety. One interviewee expressed frustration that the entire state system for child neglect and abuse is punitive rather than supportive of families, specifically in cases of child care and intervention in crises that lead to abuse or neglect. Father Matters offers parenting classes, child support services and one-on-one case management to provide supportive intervention to help families stay together.

26 "Children In Poverty (100 Percent Poverty)" *Kids Count Data Center*. The Annie E. Casey Foundation. http://datacenter.kidscount.org/data/tables/43-children-in-poverty-100-percent-poverty?loc=4&loct=2#detailed/2/4/false/36,868,867,133,38/any/321,322. Accessed on April 27, 2015.

Using Media to Promote Demand Deterrence

Another important aspect of community-level deterrence of demand is the role of media, illustrated by its strong role in the Super Bowl demand deterrence efforts with the Arizona's Not Buying It Campaign. The campaign consisted of PSAs featuring Kurt Warner and other NFL players and executives and aired on television and in Harkins movie theaters in Arizona. The release of the PSAs subsequently led to the engagement of over 200 NFL players who remain visible in raising awareness.

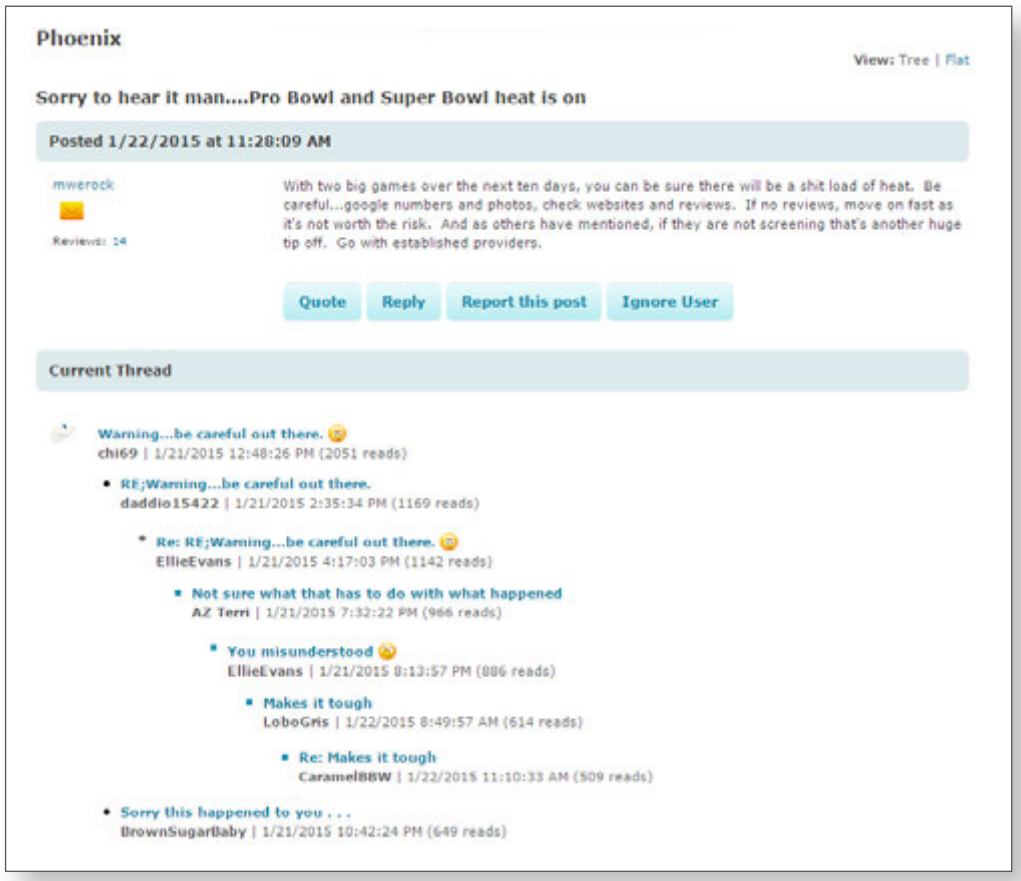
As reflected in Shared Hope's 2014 Demanding Justice Report, community awareness and engagement plays an important role in setting priorities around demand enforcement. Along with the increase in proactive anti-demand operations has come increased media attention on anti-demand efforts in Arizona, particularly sting operations targeting buyers of sex with juveniles. As reflected in the timeline on pages 14-15, media in Arizona regularly reports on stings involving buyers of sex with juveniles. While media coverage is fairly consistent at the time of arrest, it often does not follow through to conviction and thus fails to serve as a warning to potential buyers by highlighting the serious consequences of a conviction. Furthermore, greater media coverage of convictions would invite the public's scrutiny on the process from arrest to conviction and on how judges weigh the seriousness of these offenses at sentencing.

Finally, media coverage of legislative efforts to increase penalties for buyers and promote more and better prosecutions through stronger laws has an important impact on deterring demand in the community and promoting awareness.

Deterrence Through Proactive Enforcement Efforts

While proactive enforcement efforts have been ongoing in Phoenix for years, other cities in Maricopa County that surround Phoenix have substantially increased their operations to combat demand more recently. In 2014, the law enforcement community in Arizona created Operation Blue Wave to intensify existing proactive enforcement efforts to address the threat of increased sex trafficking with the influx of visitors for the Super Bowl hosted in Glendale, AZ. These efforts demonstrated a broad-based deterrence effort focused on prevention rather than reaction to sex trafficking. The FBI in Phoenix worked closely with local law enforcement from Phoenix Police Department and other Maricopa County police departments through the Greater Phoenix Human Trafficking Task Force. Together, they implemented the aggressive proactive campaign to prevent sex trafficking from occurring at and around the Super Bowl by advertising the strict enforcement of anti-demand laws in the region months in advance of the event.

While obtaining an accurate measure of the deterrence value of any particular effort to combat sex trafficking is difficult for many reasons related to the nature of the offense, participants were able to point to indicators of effective efforts to deter demand. One way deterrence was measured during the Super Bowl operations was by monitoring conversations between buyers on the online "john boards." Comments posted on these boards around the time of the Super Bowl reflected awareness of the increase in enforcement efforts, particularly with regard to Backpage.com, an online classified site that offers an "Adult Services" section that has been linked to cases


Phoenix

View: Tree | Flat

Sorry to hear it man....Pro Bowl and Super Bowl heat is on

Posted 1/22/2015 at 11:28:09 AM

mwerock

Reviews: 14

With two big games over the next ten days, you can be sure there will be a shit load of heat. Be careful...google numbers and photos, check websites and reviews. If no reviews, move on fast as it's not worth the risk. And as others have mentioned, if they are not screening that's another huge tip off. Go with established providers.

Quote | Reply | Report this post | Ignore User

Current Thread

Warning...be careful out there.
chi69 | 1/21/2015 12:48:26 PM (2051 reads)

- RE;Warning...be careful out there.
  daddio15422 | 1/21/2015 2:35:34 PM (1169 reads)
  - Re: RE;Warning...be careful out there.
    EllieEvans | 1/21/2015 4:17:03 PM (1142 reads)
    - Not sure what that has to do with what happened
      AZ Terri | 1/21/2015 7:32:22 PM (966 reads)
      - You misunderstood
        EllieEvans | 1/21/2015 8:13:57 PM (886 reads)
        - Makes it tough
          LoboGris | 1/22/2015 8:49:57 AM (614 reads)
          - Re: Makes it tough
            Caramel88W | 1/22/2015 11:10:33 AM (509 reads)
- Sorry this happened to you . . .
  BrownSugarBaby | 1/21/2015 10:42:24 PM (649 reads)

of sex trafficking. Law enforcement reported reading comments on the boards referring to Phoenix as "hot" (heavy law enforcement activity) and warning other buyers not to "go on Backpage unless you want to get arrested."

In Pima County, law enforcement reported that warnings work but only for about a month. Strong penalties have a more compelling, long-term impact; however, many buyers do not fully understand the severity of the penalties they could be facing or they think of the crime as victimless. Law enforcement said that almost every prostituted person they encounter is a trafficking victim – only 1 of the past 15 investigations did not involve a trafficker—but buyers do not understand that. As law enforcement agents are shifting their mentality, they are shifting buyers' mentality through a multi-faceted approach including education-oriented diversion programs, increased customer apprehensions and media coverage. When Pima County had a vice squad conducting regular buyer stings, they published offender's names in newspapers. Law enforcement felt this was a bigger deterrent than jail or financial penalties since buyers are usually concerned about their wives and jobs finding out about their crime.

Deterrence Through Training and Collaboration

In Maricopa County, training for law enforcement has been in place for years, though the Phoenix Police Department Vice Unit has been the most common source and recipient of training. By 2011, due in part to the educational impetus of Project ROSE, law enforcement agencies in some parts of Maricopa County were shifting their perspective from the traditional view of prostitution to recognizing the crime of sex trafficking involving other actors. At that time, training was established for the entire Phoenix Police Department, including all sworn civilian officers and school resource officers. Phoenix Police Department Vice officers have trained and conducted operations with their counterparts in other parts of the state.

Additional training for law enforcement as well as the hospitality industry also began months in advance of the Super Bowl to promote identification of victims and apprehension of perpetrators, including buyers. There is recognition of the value of ongoing training at this level. Officers in Pima County also organized a voluntary one-day class addressing sex trafficking and prostitution that was attended by over 100 officers and detectives. While the training was effective, law enforcement felt survivor testimony would help some of the officers overcome their disbelief that prostituted juveniles are victims of sex trafficking. Training for law enforcement in Yavapai County is also ongoing. In addition to working with other jurisdictions to learn about running buyer stings, law enforcement is actively involved in training other professions that interact with victims, such as medical providers, and contributed to a training video being created by Arizona Peace Officer Standards and Training Board (AZPOST) that will be distributed to law enforcement agencies statewide.

Law enforcement stressed the importance of training on identification. With such training, patrol officers who encounter a minor suspected of prostitution or trading sex for something of value will recognize that minor as a victim of sex trafficking. Without such training, officers may respond to victims with a more traditional punitive approach.

At the state level, a new mandate requires that sex trafficking training be included as a basic requirement of the Arizona Law Enforcement Academy. According to a presentation by AZPOST at the Governor's Council on Human Trafficking, sex trafficking training became a basic requirement for all new Arizona law enforcement recruits in 2015. The new training includes nine classroom hours dedicated to sex trafficking and comprehensive exams on performance objectives.[27] Law enforcement noted that it also needs to be a part of field officer training after academy so new officers can see how to apply this training in actual victim cases.

The Pima County Attorney's Office has focused on training to ensure more victim-centered prosecutions. Training efforts were initiated by prosecutors in the special victims unit after they received training and developed a specialized expertise in sex trafficking cases. They included law enforcement officers in training on victim identification and strategies for successful prosecutorial

27 Arizona Human Trafficking Council. *Meeting of the Arizona Human Trafficking Council*. October 2, 2014. http://azgovernor.gov/sites/default/files/minutes/estaz/humantraffickingcouncil/2014/htc100214minutes.pdf. Accessed on April 30, 2015.

outcomes, while working in a victim-centered way. This included education on the services that are available in the community. Within the last year, Pima County hosted a three-day training that was designed for law enforcement officers in Arizona and was also attended by officers in neighboring states. Victim advocates at the Pima County Attorney's Office also receive training on how to address the needs of victims of sex trafficking.

Arizona has a broad range of law enforcement entities engaged in the fight against juvenile sex trafficking and regularly collaborate on a state, local and federal level. While many of the regions' task forces and other collaborative efforts existed for years, the breadth and depth of collaboration in Arizona seems to have been deeply impacted by the region's proactive response to combating sex trafficking at the 2015 Super Bowl. The federal Greater Phoenix Human Trafficking Task Force was formed in 2005 but the partnerships and cooperation around the efforts to prevent sex trafficking at the Super Bowl strengthened the Task Force's role.

On a regional level, law enforcement agencies reported good cooperation with prosecuting entities, both local and federal. In addition, law enforcement agencies and prosecuting agencies all reported serving on regional task forces that further facilitated collaboration. Collaboration is one of Arizona's strengths in responding to juvenile sex trafficking.

The Survivor Perspective
Deterrence

Half of the survivors interviewed had been sex trafficked as minors, but all had something to say when asked why men buy sex. All indicated that men preferentially select younger victims. One said buyers often asked for virgins and believe they are safer from disease and less likely to be robbed by a juvenile. A survivor said, "The sickos would want young girls, and if they knew you weren't young, they would say, 'so shave yourself bald so you look younger.' What I have personally seen, the people that are after young kids, they have more money and they are willing to spend it."

A survivor who was 15 at the time she was trafficked said, "I think the buyers that bothered me most were the obviously married husbands in a minivan who asked questions about my pimp but weren't concerned so much with the fact that they were purchasing sex from a minor…"

Another young survivor who pretended to be 18 realized quickly that she would make more money by revealing her true age, and ended up recruiting other young girls and splitting the money with them. One survivor said, "They are paying for anonymity, for whatever kinky thing they want to do that their wife won't do." There is no stereotypical buyer profile or experience. A survivor relayed a scenario that involved a room of undocumented immigrants: "they pay $50 and she has to go down the row and do each guy; but then you have the prominent lawyer who wants to do these kinky things that no one would want to know that he does." Most of the survivors described experiencing more violence from buyers than pimps, estimating that about a third of them would appear normal and then become violent. They described fear as being the ever-present state of mind and being on constant alert. "They like to see blood and pain. They like to see your fear. It's the hunter/predator experience."

Two survivors felt a level of compassion for buyers; one said they should be forced to have mental health evaluations—"they need treatment too" and another said she felt that many buyers were probably abused as children. When asked if john schools are an effective diversion, some thought they could be if made stringent enough: "I went to 36 sessions when I got arrested; they only go to 1?"

Identification and Investigation of Buyers

As front line responders, law enforcement officers play a critical role in identifying and arresting those who drive the demand for sex trafficked youth. While law enforcement in Maricopa, Yavapai and Pima all reported a strong focus on recovering victims (discussed below), efforts to identify and arrest buyers of sex with minors varied amongst the three sites.

> I haven't seen any specific trends when it comes to buyers … older, younger, married, not married … there is no specific demographic that I've seen … other than males…
>
> **— DETECTIVE SCOTT CARPENTER, SCOTTSDALE POLICE DEPARTMENT**

Maricopa County

Phoenix has been actively engaged for several years in running proactive sting operations to identify and build cases against buyers. Sting operations have been the primary method for investigating buyers of sex with minors since other methods have not been as effective. Since investigations of buyers netted through online sting operations do not lead to victim recoveries because no actual minor is involved, victim recovery operations are generally pursued separately from buyer investigations. The exception to this is the instance where the buyer initially contacted the minor victim and a law enforcement officer stepped in to take over communication.

Outside of sting operations, law enforcement generally only identify buyers if they happen to catch them engaged in a sex act with a minor. Otherwise, identifying buyers by working with victims is difficult for several reasons: (1) victims do not recall names and identifying details about buyers, (2) victims cannot provide enough information about when and where the offense occurred in order to build a case for prosecution, (3) tracking down buyers using text messages and call logs is not feasible considering the volume of buyers and the time and resources necessary to build a case based on that information. In addition, the information necessary to identify and arrest buyers is rarely available since many victims meet buyers in a car or hotel. Law enforcement in Maricopa County reported attempts to identify buyers by asking victims about their first, last and worst "dates" but many of the preceding factors still apply when this approach is used to identify buyers.

As a result, when a victim is identified, law enforcement generally work with the victim to identify the trafficker and do not seek to identify and arrest the buyers. However, law enforcement pointed out two cases that were investigated based on victim tips because the buyers took them to a house and neighborhood familiar to the minor victims enabling them to provide law enforcement with enough information to identify, investigate and arrest the buyers. While anti-demand sting operations have been ongoing in Phoenix for several years, other cities in Maricopa County

that surround Phoenix have substantially increased proactive sting operations (see demand enforcement timeline on pages 14-15). The cities of Mesa, Chandler, Tempe, Scottsdale and Glendale and Maricopa County Sheriff's Office have all run sting operations and in general follow a similar approach to identifying buyers—placement of an online ad, undercover law enforcement officer poses as a minor and sets up a date with the buyer while collecting evidence of the buyer's understanding that he is arranging to have sex with a minor; while officers observe from a neighboring room, the buyer meets a young-looking undercover officer at the pre-arranged location and exchanges money to complete the transaction, at which point the buyer is arrested.

Some unique approaches to sting operations are emerging in Maricopa County. Most of the decoy advertisements used by law enforcement include female decoys but two jurisdictions, Mesa and Chandler, have begun to run sting operations with male decoys. Chandler is also running social media operations continuously in addition to large operations one to two times per month that target buyers of sex with adults rather than juveniles. Unless they have a prior felony, buyers seeking sex with adults are cited and released because booking is time-consuming and law enforcement want to focus on identifying and arresting more buyers. However, 80 percent of buyers who solicit minors get booked and of those, 20-25 percent of the cases fall into the category of Dangerous Crimes Against Children which are subject to a penalty enhancement. The Chandler Police Department goal this year is to run operations for juvenile male victims.

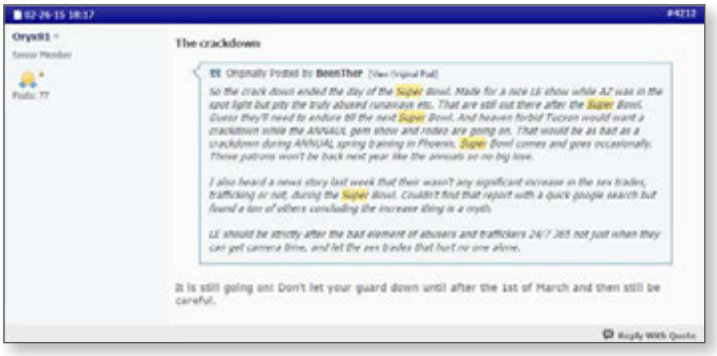
While law enforcement reported a preference for sting operations as an effective way of identifying and arresting buyers of sex with minors, they also felt prosecutors preferred actual victim cases, due to the jury appeal of those cases. Law enforcement in Maricopa County said federal prosecutors have historically been unwilling to prosecute buyer sting cases and some felt those prosecuted at the county level have not resulted in substantial sentences. Recognizing these divergent views, officers expressed the need to work together with prosecutors to determine what is necessary to prosecute buyer cases resulting from stings with sufficiently serious penalties. In fact, they are actively working with both federal and county prosecutors to find ways to improve collaboration. At the federal level they have been identifying types of juvenile sex trafficking cases that can be prosecuted federally and at the county level, law enforcement and prosecutors have been working to identify strategies for sting operations that produce evidence needed for better prosecutions.

One way this type of collaboration has been strengthened is through the Greater Phoenix Task Force which has enhanced cooperation between federal and local law enforcement and presented some new opportunities to work with federal prosecutors. Operation Blue Wave, which began nearly a year before the Super Bowl, led local law enforcement to work more closely with federal partners to start making a plan to address sex trafficking in advance of the Super Bowl. This resulted in expanded training for other agencies on basic undercover operations and, in fact, more agencies wanted to be involved than was initially expected. Operation Blue Wave helped establish new relationships and strengthen existing relationships among Maricopa County law enforcement agencies and the FBI task force that provides vital support for ongoing efforts to combat sex trafficking.

Yavapai County

In Yavapai County law enforcement efforts have focused on sting operations designed to target buyers of sex with minors. The stings are run in collaboration with several law enforcement entities including both local and federal law enforcement agencies and input on designing the operations was solicited from several partners in Arizona including the Maricopa County Attorney's Office, a survivor advocate and law enforcement in other parts of the state. Tempe Police Department assisted with running the first buyer sting in Yavapai County. In addition, the Yavapai County Attorney's Office worked very closely with local law enforcement for months in advance of the buyer sting operations.

Law enforcement in Prescott handles both juvenile (felony) cases and adult (misdemeanor) cases. While they have run several operations targeting buyers of sex with juveniles, they also noted the need to focus on buyers of sex with adults because those buyers are likely looking for younger victims but are experienced enough to avoid detection. Law enforcement described these offenders as very aggressive and habitual, stating that prostitution is almost a game for them and they are savvy enough to do "cop checks."



On average the sting operations targeting buyers of sex with minors have identified 14-16 buyers but the last operation identified far fewer buyers. According to law enforcement, running these stings curtails demand for a period of time after the operation. They found an overall reduction in responses to the ads with subsequent operations and felt this outcome indicated that awareness about previous stings had a deterrent impact on the local community. In addition to the stings in Prescott, Yavapai County law enforcement also assisted Apache Junction with running a sting operation.

Pima County

Prosecutors in Pima County reported an apparent increase in demand as seen by the increase in Backpage.com advertisements and also observed, based on jail calls and evidence reviewed in sex trafficking-related cases, that many victims are being trafficked into Tucson from Phoenix. A prosecutor who had observed proactive investigations reported that operations designed to identify and recover juvenile victims through online advertisements, found the victims were too busy to call back or follow up to set up a "date" with the law enforcement decoy. Similarly, in street-based buyer sting operations, the volume of demand exceeded the ability to arrest all of the buyers. The prosecutor felt this level of activity was related to the increase in victims being brought from Phoenix to Tucson specifically to meet demand. The creation of a working group that brings together law enforcement agencies and prosecutors to address issues related to sex trafficking has brought greater understanding of the issue by both groups. While acknowledging that the

increased level of identification might contribute to the perception of increased demand, prosecutors agreed that there is an actual increase of traffickers and victims coming from Phoenix.

Similarly, law enforcement reported that 25-50 percent of the victims in Tucson are from Phoenix. They could not confirm why high numbers of victims come from Phoenix to Tucson, but cited a few possible reasons including the more substantial level of enforcement in Phoenix which has an active vice squad and more resources for law enforcement and because recent research suggests that Tucson has a larger customer base than Phoenix.

However, law enforcement in Pima County are not engaged in specific efforts to identify buyers of sex with juveniles. Prosecutors noted that the approach to addressing sex trafficking in Pima County is based on a narcotics model and consequently the focus is on getting to the highest possible person in the enterprise in order to shut down the operation from the top. In the context of sex trafficking cases, that is usually the trafficker. Lower level people would be "flipped" in order to build the case against those higher up in the enterprise. Following this model, prosecutors noted a case where a buyer was identified but he was not prosecuted because a strategic decision was made to use him as a witness in the case.

Although efforts to investigate buyers of sex with minors have not been a focus, officers have been increasing efforts to identify and arrest buyers of sex with adult victims and actively investigate online enticement crimes through their Internet Crimes Against Children (ICAC) unit in the Central Investigations Division (CID). Law enforcement reported that the primary reason for not running stings to identify buyers of sex with minors was that these operations do not enable them to recover victims. They also cited the challenges of targeting buyers of sex with juveniles through sting operations, including the difficulty of establishing the buyer's knowledge of the decoy victim's age. In particular, law enforcement cited the fact that the online advertisements for the sting operations have to be posted as an adult and this makes it difficult to then establish that the buyer had knowledge that the victim was younger than the age posted in the ad.

The luring and enticement offenses investigated by the ICAC unit rarely include commercial sexual exploitation but law enforcement felt the defendants identified as a result of luring investigations are likely to also be the ones who would be buying minor victims. Special Investigations Division (SID) has moved more resources to proactive versus reactive enforcement, but they generally do not direct efforts to apprehending buyers. Law enforcement were concerned that focusing on customer reduction, while key to helping combat the problem, does not have an immediate impact for the victim since buyer stings do not result in recovering juveniles or giving adult victims a chance to ask for help. Last year, Tucson ran customer apprehension operations targeted at buyers of sex with adults and they received approximately 40 calls per online posting in a six hour period. They also ran street-based sting operations and identified so many buyers that they could not keep up with the volume.

> Deterrence only works if they feel they will be caught and punished.
>
> **— CAPTAIN PAUL SAYRE, TUCSON POLICE DEPARTMENT**

Pima law enforcement plan to do two to three customer apprehensions per year of buyers seeking sex with adults, but if they receive a grant, they could do four to five operations. Although some of the tracks in Tucson have more juvenile victims than the others, law enforcement did not believe the majority of buyers on the prostitution tracks know the victims are minors or are actively seeking minors. They reported that buyers of sex with minors could be targeted through a hotel room sting, rather than a street-based sting but that typically results in fewer arrests and has less overall effect on demand. However, if the grant funding allows them to do more than two customer apprehensions a year they could include a sting targeting buyers of sex with juveniles at least once to see how many buyers they could net. Since these have not yet been pursued, law enforcement reported they do not know if demand for sex with minors is a major problem or not.

Resource challenges also impact the scope of buyer investigations. Law enforcement reported that there is an incredible volume of predators of juveniles. As a result, there is not enough capacity to include proactive investigations. The majority of ICAC investigations are the result of reports from parents and guardians that a juvenile was approached online by someone seeking sex and the detectives take over the communications posing as the minor victim. They estimated that they receive one report per day involving this type of exploitation.

One officer shared a story about a 15-year-old girl who was driving with her mother when they got into an argument. The girl jumped out of the car and ran, leaving her phone behind. The mother answered a call to the daughter's phone and the man on the line said he was calling in response to an ad offering a blow job for $40. The mother reported the incident to the police. They investigated the caller but did not investigate other buyers because resources limited the scope of the investigation. Law enforcement reported that with additional resources they could do extremely thorough investigations and double the number of cases they currently pursue. For example, they currently do not have capacity to pull phone records or Facebook posts nor do much follow up on buyers.

> You would need a 100 person unit to do everything you could possibly do.
>
> **— SERGEANT JERRY SKEENES, TUCSON POLICE DEPARTMENT**

Building the Case: Challenges in Buyer Investigations

Once the identification of buyers of sex with children has been addressed, law enforcement and prosecutors still face many challenges in building a case that meets the evidentiary requirements necessary to impose serious penalties against buyers. A commonly reported barrier was the difficulty of working with sex trafficked youth who may be unwilling to cooperate with law enforcement and often do not self-identify as victims. For example, law enforcement in Maricopa County reported that the difficulty of relying on victims to identify and investigate buyers is the reason stings targeting buyers of sex with minors have been the most effective tool for building an adequate case to refer to prosecutors. Those difficulties notoriously include the tendency of victims to return to their traffickers and resist cooperation with law enforcement, their limited recollection of

buyer's names or physical descriptions, and their infrequent ability to provide information necessary to locate buyers and connect them to the offense. In addition, running a sting operation that both identifies the buyer and gathers the evidence necessary to prosecute is resource-intensive. In some smaller jurisdictions, law enforcement reported the need to rely on other units for the undercover decoy officers as well as technical support to run successful sting operations.

The need for undercover officers youthful enough to pose as minors was also cited as a challenge in Phoenix where highly trained officers who have been critical to successful sting operations are not being succeeded by new younger officers due to reductions in hiring. Similarly in Pima County, a lack of resources and the elimination of Tucson's vice squad for financial reasons were cited as factors preventing law enforcement from pursuing investigations of buyers of sex with minors. Local law enforcement in Yavapai County have two undercover officers who are able to pose as minor victims in sting operations, but considerable resources are still required to run the operations—law enforcement reported that it takes 30-40 people to run an effective sting operation.

With the increase in sting operations, interpretation of the evidentiary requirements under the child prostitution law—the law most commonly used to prosecute buyers—is beginning to raise additional challenges that have varied among jurisdictions. Under the child prostitution law, a violation occurs when the agreement is made to exchange something of value for sex with a child, however, prosecutors in one jurisdiction may insist on the need for young-looking undercover officers to pose as minor victims in an in-person meeting with the buyer while that may not be necessary in another jurisdiction.

In Maricopa County, law enforcement reported that prosecutors request the buyer take the additional step of exchanging money with the undercover officer posing as a minor before making the arrest. In Yavapai County, law enforcement reported that if the buyer did not show up at the hotel to complete the transaction, they could run the phone number and arrest the buyer anyway. When this approach was taken in Maricopa County, law enforcement reported that the buyer tended to face lower penalties upon conviction.

Recent legal challenges in Yavapai County have raised a new obstacle to getting tough sentences for buyers arrested in sting operations. These cases, discussed in Section 3, would impact sentencing outcomes in all buyer sting cases regardless of whether an in-person transaction with the undercover decoy occurred and regardless of whether the prosecutor proves knowledge on the part of the defendant that the person he believed he was communicating with was a minor.

The Role of Sting Operations

Sting operations targeting offenders seeking to buy sex with minors have played a substantial role in the enforcement of anti-demand laws in Arizona. All law enforcement interviewed were well-trained on running sting operations (often through peer-to-peer training) and reported often working with prosecutors to ensure the operation is run in a way that will gather the necessary evidence to pursue prosecution. However, challenges were also identified and the following reflects various benefits and challenges associated with sting operations as identified in interviews with law enforcement, prosecutors and survivors.

BENEFITS AND CHALLENGES OF STING OPERATIONS		
	Benefits	**Challenges**
Law Enforcement	• Effective way to identify buyers and make arrests • Can generate evidence without relying on victim information which may be unreliable • Deters demand: monitoring john board discussions indicated that buyer sting operations around the Super Bowl impacted buyers' sense of impunity and anonymity online	• Sting operations are resource-intensive and can only be run periodically so enforcement is not continuous • Support for law enforcement to continue sting operations declines if prosecutors don't get tough sentences.
Prosecutors	• Prosecutors can work with law enforcement in advance to ensure they get the evidence they need • Avoids the need to rely on victim testimony, which is traumatizing for victims and may be unreliable due to difficulty remembering details and other challenges arising from victimization	• Judges and juries may not view sting cases as seriously as actual victim cases, making it difficult to seek serious penalties • Limitations of existing law may impact ability to seek serious penalties (see discussion of recent legal challenges below)
Protecting Victims	• Can identify and prosecute buyers without subjecting victims to questioning and testimony that can be re-traumatizing	• Buyer sting operations are generally not designed to result in victim recoveries so separate operations must usually be run to identify and recover victims (e.g., Super Bowl operations) ** Note: In Yavapai County, after buyers were identified and arrested during sting operations, search warrants were obtained to search the defendants' phones for evidence of other victims so follow up investigations to sting operations could potentially lead to actual victim identifications.

While sting operations provide law enforcement with a powerful tool for identifying and arresting buyers of sex with minors and enable prosecutions to proceed without relying on the testimony of traumatized victims, prosecutors expressed concerns about the potential impact of recent legal challenges to the sentencing scheme under the child prostitution law—the primary law used to charge buyers of sex with minors. These challenges threaten to undermine the impact of sting operations by limiting the strong penalties available under that law when the victim is a law enforcement officer and not an actual minor.

The recent legal challenges to the child prostitution law hinge on 2011 decisions interpreting the sentencing scheme under the luring statute.[28] Those decisions, *Arizona v. Regenold*[29] and *Arizona v. Villegas*,[30] held that the Dangerous Crimes Against Children (DCAC) penalty enhancement could not be applied when a defendant convicted of luring a minor had been communicating with a law enforcement officer rather than an actual minor. In *Regenold* and *Villegas*, the defendants were convicted of luring a minor under the age of 15 but challenged application of the DCAC penalty enhancement because their offenses did not involve an actual minor victim. The luring statute criminalizes "offering or soliciting sexual conduct with another person knowing or having reason to know that the other person is a minor." If the "minor" is a law enforcement officer posing as a minor, the base penalty for luring remains unchanged under *Regenold* and *Villegas* but the DCAC enhancement will not apply.

This year, recent legal challenges to the sentencing scheme in the Child Prostitution statute[31] resulted in a trial court ruling that mandatory sentencing under the child prostitution law does not apply in sting cases when the "minor" is a law enforcement decoy. The defendants in *Arizona v. Kraps* and *Arizona v. Head* were arrested in sting operations conducted in Yavapai County that targeted buyers of sex with minors. Within a short time of each other in two different trial courts, Daniel Head and Francis Kraps both challenged the courts' interpretation of the mandatory sentencing provision of the child prostitution law (in a pre-trial advisory required during the plea bargaining phase), pointing to *Regenold* and *Villegas* as support for the claim that the mandatory sentence was not intended to apply in sting cases where there is not an actual minor victim.

In both cases, the Yavapai County Attorney's Office opposed application of *Regenold* and *Villegas* on two primary grounds. First, the child prostitution law—which unlike the luring statute has its own sentencing scheme—is clear and unambiguous in applying the mandatory sentence to all buyers convicted of knowingly soliciting commercial sex with a minor aged 15, 16 or 17. Second, the ruling in *Regenold* and *Villegas* only applied to the enhancement under the DCAC law and did not change whether the base penalty for the offense would apply in sting cases. By contrast, the challenges to the child prostitution law would change the base penalty for all offenses where a buyer solicits a person he believes is a 15, 16 or 17 year old "minor" for commercial sex.

28 Arizona Revised Statutes § 13-3554.
29 *State v. Regenold*, 227 Ariz. 224, 255 P.3d 1028 (2011).
30 *State v. Villegas*, 227 Ariz. 344, 258 P.3d 162 (2011).
31 Arizona Revised Statutes § 13-3212.

Since this ruling raises a question of first impression for Arizona and has potential statewide effect on prosecutions of buyers arrested in sting operations, the Yavapai County Attorney's Office has sought review of the trial court decisions in the Court of Appeals through a Petition for Special Action.

Potential Impact on Demand and Protections for Victims

The court's decision in the *Head* and *Kraps* cases, and the outcome of the special action, could have a serious impact on the fight against sex trafficking in Arizona. By creating a staggered penalty scheme based on whether a minor was actually victimized rather than on the intent of the defendant minimizes the predatory conduct being directed at vulnerable children and assumes that the defendant caught in the sting is less guilty than the defendant who was communicating with an actual minor.

The impact this could have on sentences in sting cases also impacts victim protections. As reflected in the chart above, while victims are generally not recovered during these operations, they are indirectly impacted when someone who was actively seeking sex with a minor is prevented from following through on that conduct. Victims are also protected when potential offenders who see these crimes treated seriously are deterred from seeking commercial sex with minors.

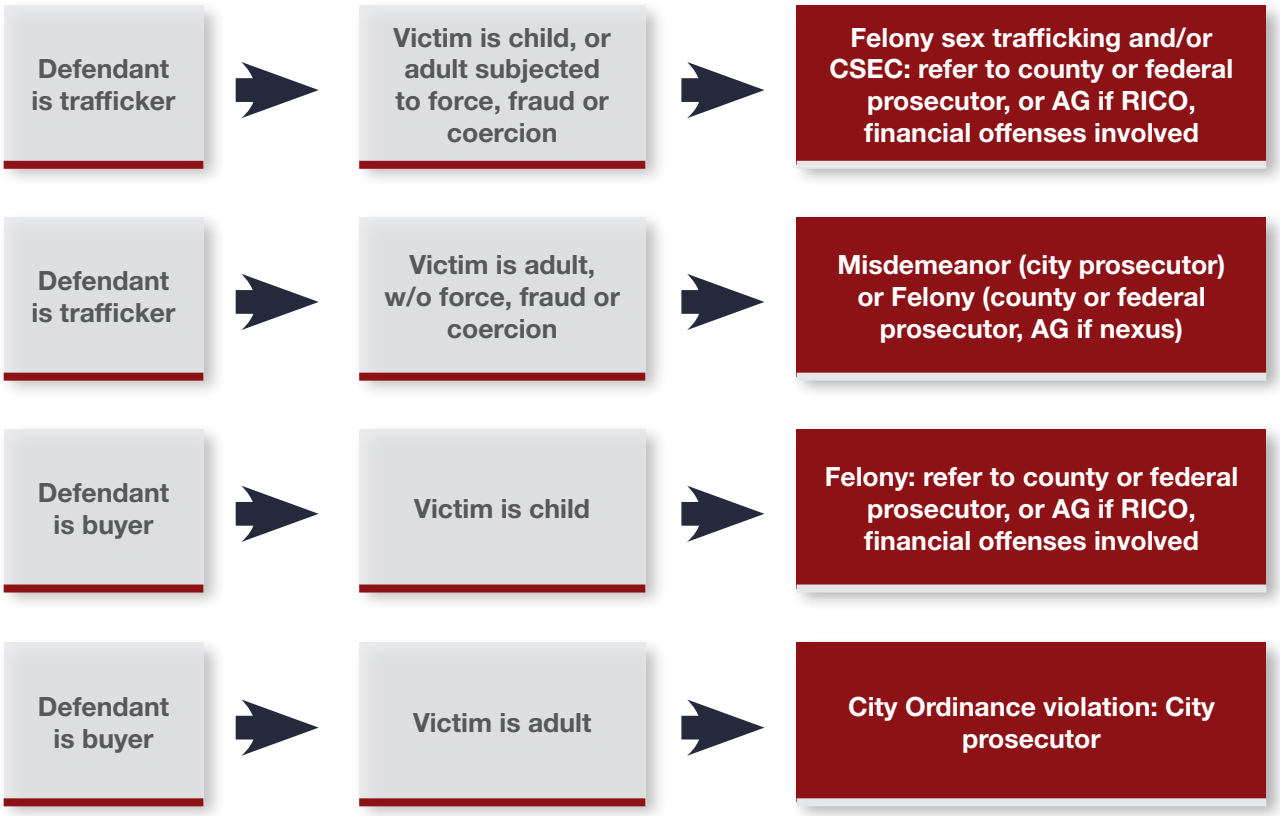
As it becomes increasingly widely acknowledged that reducing demand is critical to combatting sex trafficking and since sting operations have been one of the most effective ways to combat demand for sex trafficked youth,[32] taking the teeth out of Arizona's existing penalties when the buyer is identified through a sting operation could have a serious impact on the state's ability to combat demand, and accordingly, a negative impact on its ability to fight sex trafficking.

32 *The Demanding Justice Report 2014*. Shared Hope International, 2014, p. 12. http://sharedhope.org/wp-content/uploads/2014/08/Demanding_Justice_Report_2014.pdf. Accessed April 29, 2015.

Prosecution of Buyers

Jurisdictional Overview

When a case is ready to proceed to prosecution, law enforcement in Arizona may bring it to one of four primary prosecutorial entities: the United States Attorney's Office which prosecutes cases in federal court, the Office of the Arizona Attorney General, the county attorney's office and the City Prosecutor's Office. The jurisdiction of these entities to prosecute certain types of sex trafficking cases is statutorily defined as described in the chart below. Due to the broad jurisdiction of the county courts, many sex trafficking-related cases are referred to county attorneys for prosecution. The prevalence of federal prosecutions of juvenile sex trafficking varies by region, with greater use of federal prosecutions in Pima County cases. In all three locations, the city prosecutor's office handles misdemeanor-level prosecutions. The jurisdiction of the Arizona Attorney General to investigate and prosecute offenses is limited to very specific types of crimes, focusing primarily on criminal enterprise, racketeering and financial crimes including money laundering.



Due to a combination of factors, from the laws that apply to cases involving juveniles to jurisdictional limitations and prosecutorial priorities, some law enforcement agencies reported working more closely with a specific prosecuting entity on juvenile sex trafficking cases and others reported working with different prosecutorial entities depending on the type of case.

In Maricopa County where the bulk of buyer cases are being prosecuted, law enforcement refer buyer cases almost exclusively to the county attorney's office for prosecution. According to law enforcement, federal prosecutors have declined to prosecute defendants charged with buying or attempting to buy sex with a minor.[33] Since December 1, 2013, Maricopa County Attorney's Office has commenced 89 prosecutions of buyers of sex with a minor under the child prostitution law. This reflects a broad expansion of demand-focused efforts since Shared Hope's first assessment in Arizona in 2010. That research showed that only five of the 87 sex trafficking cases prosecuted under the child prostitution law since 2006 had involved buyers.[34] A primary reason for the increase in buyer prosecutions in Maricopa County has been a substantial increase in proactive demand investigation through sting operations in Phoenix as well as other cities in the Greater Phoenix area including Tempe, Mesa, Glendale, Chandler and Scottsdale.

Law enforcement in Pima County reported that they work with the county attorneys and federal partners as well as the Arizona Office of the Attorney General when RICO charges are involved. The majority of juvenile sex trafficking cases are referred for federal prosecution while adult sex trafficking cases are generally referred to the county attorney's office. In contrast with Maricopa County which has anti-demand efforts focused on buyers of sex with juveniles, Pima County's anti-demand efforts have been focused on buyers of sex with adults. As a result, all of the buyer prosecutions resulting from customer apprehension[35] operations are directed to the Tucson City Prosecutor for prosecution under misdemeanor solicitation charges. Law enforcement cited evidentiary concerns and resources as a major hurdle to expanding investigations to buyers of sex with juveniles due to the complexity of establishing that the buyer knew or had reason to know he was attempting to buy sex with a minor. The current priorities reported by local law enforcement in Pima County were (1) looking for possible juvenile victims, (2) adult victim recovery or assistance, (3) arresting pimps and (4) arresting adults in violation of the prostitution law.

Yavapai County law enforcement reported working very closely with the Yavapai County Attorney's Office on all juvenile trafficking cases (while buyers of sex with adults would be prosecuted at the misdemeanor level by the Prescott City Prosecutor). All of the cases involving buyers of sex with minors arrested in Yavapai County have been prosecuted by the Yavapai County Attorney's Office.

33 The United States Attorney's Office in Phoenix declined to participate in an interview for this Field Assessment.

34 Smith, Linda, et al. *Domestic Minor Sex Trafficking: Child Sex Slavery in Arizona*. Shared Hope International, 2010, p. 3. http://sharedhope.org/wp-content/uploads/2012/09/ArizonaRA.pdf. Accessed on April 29, 2015.

35 Term used by Tucson Police Department for sting operations targeting sex buyers.

While law enforcement generally does not refer sex trafficking cases to the Attorney General's Office due to statutory limitations on its jurisdiction, that office is able to prosecute human trafficking cases where there is a nexus between the offense and its statutory jurisdiction. The Attorney General's Office reported it is currently investigating potential human trafficking enterprises through the use of its financial crimes investigators. When the investigations are complete the Attorney General's Office expects to have developed charges that can be prosecuted.

From the perspective of demand enforcement, buyers would generally not fall into the net of financial offenses or racketeering crimes being investigated by the Attorney General's Office but the substantive offenses of child prostitution and solicitation could be prosecuted by that office if the buyer was identified in connection with a sex trafficking enterprise. Sex trafficking-related crimes, including the offer or attempt to purchase sex with a minor, could also involve a money laundering offense and constitute substantive offenses under the racketeering law.[36] Due to this, the Attorney General's Office is planning to focus on investigations of sex trafficking conduct with a nexus to establish jurisdiction.

Available Laws for Prosecuting Buyers of Sex With Minors

The chart in Appendix A describes the laws available for prosecuting buyers of sex with minors and the penalties associated with those crimes. The statutes fall into four categories: (1) laws criminalizing sex trafficking and commercial sexual exploitation of children, (2) laws criminalizing child sexual abuse, (3) laws related to prostitution offenses and (4) laws criminalizing financial or enterprise conduct that includes the conduct of buyers as predicate offenses.

Despite substantial penalties, especially for offenses involving younger victims which are subject to Dangerous Crimes Against Children penalty enhancements, prosecutors still face certain challenges in prosecuting buyers under available laws. One reason for the increase in sting operations targeting buyers of sex with minors is due to the challenges of relying on victim testimony in actual victim cases. Sting operations avoid this concern because a law enforcement officer is the "victim" and can provide testimony without the need for a victim witness. However, some legal limitations of sting operations can lead to less substantial penalties for buyers who are arrested for attempting to buy sex with a minor who is actually a law enforcement decoy posing as a minor.

Recent legislation positively impacted one of the legal challenges of prosecuting under the child prostitution law. House Bill 2454 amended the requirement that prosecutors prove a defendant who buys or attempts to buy sex with a minor aged 15-17 had actual knowledge that the victim was a minor. Under the amended law, prosecutors need only show that the buyer had reason to know the victim was a minor aged 15, 16 or 17.[37] Prosecutors who have used this provision indi-

36 House Bill 2454 during the 2nd Regular Session of the 51st Arizona Legislature. http://www.azleg.gov/legtext/51leg/2r/bills/hb2454h.pdf. Accessed on April 29, 2015.

37 Prior to enactment of House Bill 2454, Ariz. Rev. Stat. Ann. § 13-3212(B)(2) (Child prostitution) provided, "Engaging in prostitution with a minor who the person ***knows*** is fifteen, sixteen or seventeen years of age." House Bill 2454 amended § 13-3212(B)(2) to include "Engaging in prostitution with a minor who the person ***knows or should have known*** is fifteen, sixteen or seventeen years of age." (emphasis added).

cated the actual knowledge requirement is very difficult to prove and anticipate that the change to the law will help obtain substantial penalties.

However, a recent ruling in a Yavapai County case reflects a new legal challenge that prosecutors may face in convincing judges to sentence defendants attempting to buy sex with a minor as serious offenders. While Yavapai County prosecutors reported they had not encountered bias on the bench in sentencing of commercial sexual exploitation of children versus non-commercial child sexual abuse cases, they have encountered opposition from a judge on mandatory sentencing in sting cases, citing the lack of an actual victim as grounds for refusing to impose the mandatory jail term. As discussed above on page 35, the court in *Arizona v. Kraps* and *Arizona v. Head* recently ruled that the mandatory minimum sentence provided under the child prostitution law (A.R.S. § 13-3212) could not apply in cases where the victim is a law enforcement decoy, even though the child prostitution law prohibits a defense on the basis that the "victim" was a law enforcement decoy.

Since Yavapai County prosecutors have only had cases involving buyers identified through sting operations, they are not using the sex trafficking law to prosecute buyers due to the additional elements of proof. They reported that the elements of the child prostitution law align most closely to the facts of these cases, unlike the sex trafficking law which involves additional elements of proof not required under the child prostitution law. Prosecutors in Yavapai also cited the penalty structure under the child prostitution law which can carry a comparable penalty to the sex trafficking law.

Prevalence of Demand Prosecutions in Arizona

In the three regions studied in this Field Assessment, the Maricopa County Attorney's Office prosecutes the majority of buyers arrested in Arizona for buying or attempting to buy sex acts with minors. The Attorney General's Office, due to its limited jurisdiction, reported that it has not yet prosecuted buyers of sex with minors. However, with increased focus on investigating child sex trafficking as part of financial crime investigations, the Attorney General's Office reported it anticipates future charges against buyers under the child prostitution law as a predicate offense of money laundering and racketeering crimes, as well as sex trafficking charges in appropriate cases.

In Yavapai County, prosecutions of buyers of sex with minors have been limited to buyers arrested in sting operations. Since Prescott, the largest city in Yavapai County does not have a track where minors are sold for sex, sting operations have been the sole way to identify buyers. Law enforcement has attempted to identify juvenile victims through Backpage.com, but have had difficulty identifying juvenile victims being sold for sex online. One minor victim was referred to law enforcement by DCS but the investigation of that case resulted in identification of a possible trafficker, no buyers. Prosecutors also handle many cases involving online enticement or luring offenses that do not involve an exchange or offer to exchange something of value.

> So i think if law enforcement started really prosecuting buyers... If they paid way more attention to the buyers, we would see a huge difference in trafficking.
>
> —A SURVIVOR

In Pima County, sex trafficking prosecutions at the county level have been limited to prosecutions of traffickers.[38] Prosecutors at the county level reported that cases referred by local law enforcement tend to involve adult sex trafficking victims and have not included buyers of sex with minors. Since Pima County buyer sting operations have focused on buyers of sex with adults, those cases are prosecuted at the city level and the county attorney's office reported not receiving cases for prosecution that involved buyers of sex with minors. County prosecutors have not charged any defendants under the sex trafficking law, but identified several prosecutions under other statutes that involved trafficking of persons for sex or child sexual abuse images: murder (1), sexual assault (2), sexual conduct with a minor (1), production of child pornography (7), distribution and/or possession of child pornography (66), and "pimping" offenses (19).

The Survivor Perspective
Identification, Investigation and Prosecution of Buyers

Information shared by ten survivors during two focus groups produced the consistent response that in all likelihood they would not be able to identify a buyer unless it was a "regular" and could not foresee a situation where they would be willing to risk the intimidating process of going to court to testify.

The survivors interviewed had very rarely ever seen a buyer arrested. They observed that buyers typically have the money to pay penalties and fees. A survivor reported the most common experience: "And the police officer would let the john go, because the guy would say 'I am a family man'...and I thought, 'hey I'm not the only one here doing something wrong.'"

A service provider in Mesa said young victims seen by the agency do not think of themselves as victims and, in fact, do not even consider the thought that buyers are participants in a crime; buyers simply underscore their self-perception as a product. Another service provider in Phoenix commented, "If they saw more johns and pimps arrested, that would make them trust cops…word on the street travels fast."

When asked what they thought penalties for buyers should look like, the unanimous opinion of the survivors was that their punishment should be equivalent to what the woman arrested for prostitution gets. If it is a child, their punishment should be more severe.

In considering a hypothetical situation of a trafficked victim pursuing justice against a buyer, a service provider in Phoenix said that every girl would love for buyers to be charged, but they explained why it would be virtually impossible: "In a two week period one [of my clients] was used by 300 men—a gun put to her head, choked, thrown out of a moving car, robbed—it's a blur…how could she ever identify?"

38 The United States Attorney's Office (USAO) in Tucson declined to participate in an interview for the field assessment.

Identification, Recovery and Victim-Centered Approaches

Identification of Victims

The number one reason child sex trafficking victims do not receive services is because they are simply not identified.[39] In Arizona there is continued emphasis on training for front line responders so that vulnerable youth are being flagged and screened for trafficking. In addition, due to the extensive training that has taken place over the past decade, law enforcement in Arizona largely see minors involved in prostitution as victims, not criminals, and respond accordingly. However, the methods of identifying juvenile victims vary by region, depending on the scope of sex trafficking in each region and the venues through which juvenile victims are typically exploited.

> I actually remember asking the police why we get arrested and they [buyers] don't. They said it's because 'he's going to show up to court, you're not'.
>
> —A SURVIVOR

In Maricopa County, law enforcement reported three primary ways of identifying victims: through proactive victim recovery efforts (generally using social media and online classifieds), through investigations of suspected traffickers and through street encounters with suspected juvenile victims. While law enforcement participating in the research understood that commercially sexually exploited youth are victims of sex trafficking rather than prostitution offenders, they also acknowledged that training and understanding of the issue by law enforcement officers can vary and training is critical to ensuring that victims of sex trafficking are accurately identified.

To improve victim identification, the Phoenix Police Department has established a high risk victims unit similar to that established by the Dallas Police Department to identify and pay special attention to chronic runaways, flagging them as high risk for trafficking. In addition, some juvenile detention centers have implemented screening tools to identify potential trafficking situations among the youth they serve. Some law enforcement agencies and community organizations have proactively begun contacting and recovering victims they suspect are juvenile sex trafficking victims through websites like Backpage.com. Several respondents noted that they use a matrix developed by Arizona State University to examine online ads to identify potential minor victims.

In Yavapai County, the focus on recognizing commercially sexually exploited youth as victims of sex trafficking rather than prostitution offenders is relatively new, with coordinated anti-sex trafficking efforts starting approximately two years ago. Despite these increased efforts to identify sex trafficking victims, identification of juvenile victims has been limited and the juvenile victims who have been identified tend to be trafficked into Yavapai County from more populous regions

39 Smith, Linda, et al. *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*. Shared Hope International, 2009. http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf. Accessed on April 28, 2015.

such as Phoenix and Tucson, with the majority coming from Phoenix. Prescott does not have prostitution tracks with minors, strip clubs or adult-oriented businesses. Law enforcement conduct searches of Backpage.com ads for possible minor victims but generally do not identify victims through these searches. Yavapai County has started to run sting operations to identify and arrest buyers of sex with minors and subsequent efforts to identify possible victims of the arrested buyers by searching the defendants' phones for evidence of other victims. Close collaboration between law enforcement and DCS has also been important to victim identification. A caseworker at DCS recently identified a juvenile she was serving as a sex trafficking victim and reported the suspected sex trafficking offense to law enforcement for investigation.

In Pima County, law enforcement reported that juvenile victim recovery is their top priority so all of their anti-sex trafficking efforts focus on that goal. Since Tucson's vice squad was de-funded approximately 10 years ago, the two divisions with primary responsibility for investigating sex trafficking-related offenses are the CID and the SID. Before taking on this role, the types of cases that SID typically handled were home invasion crews, illegal weapons cases, cartels and street gangs. With the lack of a vice unit in Tucson, the division eventually took on the human trafficking cases, particularly the sex trafficking offenses involving street-based prostitution. The CID's ICAC unit, which investigates online exploitation, could identify sex trafficking occurring online.

Pima County law enforcement reported that one of the biggest hurdles to identifying victims is getting everyone to understand the victim-based investigations approach. Some officers still do not believe that sex trafficked juveniles are victims, though they still use a victim-centered approach as they were trained to do. Some officers may identify a commercially sexually exploited minor as vulnerable, if not a victim, and would call in a detective, an outcome that is happening more frequently than in the past. However, some other officers would treat the victim as a delinquent youth and refer them to juvenile detention. To improve the department's ability to respond to sex trafficking, two of the five officers in the violent crimes squad were recently designated as full-time human trafficking detectives.

In their efforts to identify minor victims online, law enforcement saw a shift from Backpage.com to street-based and social-media-based exploitation. Tucson has several prostitution tracks, with one that is predominantly used for minors. Victims have also been identified through tips from buyers who call the National Center for Missing and Exploited Children (NCMEC) tipline. Because they have analytical support, the FBI vets the tips before referring the case to local law enforcement, typically once per month.

Law enforcement in Pima County also reported significant street gang involvement in child sex trafficking in Tucson. The gangs do not put minors out on the track as readily as they used to, but instead groom them until they turn 18 and also provide the younger girls to their drug connections. When the gangs do exploit minors outside the gang, it is usually on the street and sometimes in neighborhoods. They also reported that gang-trafficked victims come into Tucson through the Phoenix—Las Vegas—Los Angeles—San Diego—Southern California gang trafficking circuit.

Another avenue for identifying juvenile sex trafficking victims is through the Department of Public Safety's Interdiction for the Protection of Children program (DPS IPC) which seeks to establish a coordinated response to crimes involving endangered children and human trafficking through resource and information sharing. In 2015, the DPS IPC program led to three child recoveries, including a 16-year-old juvenile connected to an ongoing sex trafficking investigation.

Avoiding Criminalization and Promoting Access to Restorative Services for Juvenile Victims

The actual protocol followed once a juvenile sex trafficking victim is identified varies depending on the jurisdiction and the first responder. Some interviewees indicated that minor victims are returned to the family whenever appropriate, reported to DCS if the child's parents or guardians are unfit to care for them and, as a last resort, some law enforcement turn the child over to the juvenile justice system. A punitive response through detention may be more likely if the victim has been identified as having a history of actively recruiting other youth into a trafficking situation.

Arizona law still allows for a child to be arrested and charged with prostitution. However, law enforcement generally reported that juvenile victims are not being charged, although in some cases law enforcement reported feeling that charging and detaining a victim was necessary due to the victim's involvement in recruiting other victims. Arizona law also classifies a victim of trafficking as a victim of child abuse which could allow for a child protective services investigation and a referral to DCS. Since the definition of custodian does not clearly apply to a trafficker, this may limit the availability of a child welfare response to familial trafficking victims[40] or may lead caseworkers to file neglect charges against parents who may not have perpetrated neglect or abuse. However, it is possible for a child to be the subject of a dependency petition despite the fact that their parent or guardian is not the abuser. If the parent is deemed unable to "control" the child but is not found to have committed abuse or neglect, the court may allow the child to receive services through DCS as a dependent child without the parent being placed on the abuse and neglect registry.

Stakeholders identified few alternatives to services through DCS and expressed frustration with the lack of available resources to which sex trafficked youth could be referred. Girls who are arrested may be referred by the court to services, such as the program at Mingus Mountain Academy. Youth in the juvenile justice system are assigned a guardian ad litem, who may

> "...there are no services for them. There is nothing for us to send them to currently that is specifically for trafficking. We have great services for mental health and substance abuse and other issues….we have really limited resources of people who understand this issue and can address the trauma needs..."
>
> **— DOMINIQUE ROE-SEPOWITZ, ARIZONA STATE UNIVERSITY, OFFICE OF SEX TRAFFICKING INTERVENTION RESEARCH (STIR)**

40 *The Protected Innocence Challenge 2014 Analysis and Recommendations: Arizona*. Shared Hope International, 2014, pp. 27-28, 35-36. http://sharedhope.org/PICframe4/analysis/PIC_AR_2014_AZ.pdf. Accessed on April 28, 2015.

recommend they be transferred to DCS care if it is determined services are a better referral than detention. Many system involved youth have dual child welfare and juvenile justice involvement, and it will be the decision of the court to decide where the referral is made, a determination that may be funding driven.

There were even fewer identified services available for boys and transgender youth, even though community organizations, particularly runaway and homeless youth organizations, reported that roughly half the youth they serve are male. The one-n-ten program that partnered with Tumbleweed and Arizona State University and others on the YES (Youth Experiences Survey) Project[41] indicated that lesbian, gay, bi-sexual, transgender, queer/questioning (LGBTQ) youth tended to be even more vulnerable to trafficking. The study indicated that 26 percent of interviewed homeless youth in Arizona were currently or had previously been trafficked.

Most law enforcement respondents indicated their protocol is to refer youth to DCS instead of arresting them as long as there are grounds for taking custody, such as the minor having run away from a placement. DCS, however, does not have a formalized process to connect youth to specialized services. In some jurisdictions law enforcement expressed concern that the agency was not able to provide an adequate safety response and cooperation with DCS was problematic due to a major system reorganization within child welfare. DCS itself was only very recently created.[42] Child sex trafficking victims who are referred to DCS may be referred to specialized safe home facilities such as StreetLight in Phoenix for services, but are often referred to a less expensive option including what some respondents described as ill-equipped group homes. In other cases juvenile sex trafficking victims are returned home. In all situations respondents reported that youth often ran away from their placement and returned to exploitative situations. In some cases the youth even recruited other minors in care to run with them. Law enforcement seemed eager to find a solution that would avoid penalization but would also provide a safe place that restricted the victim.

> If we have a minor who is a victim of any crime and the perpetrator is a parent or guardian the Department of Child Safety gets involved and we have a mandated coordinated response between law enforcement and DCS and prosecution. If the perpetrator is not the parent or guardian then the case does not fall under that protocol. I think there is a gap out there in terms of services to that child.
>
> **— SHEILA POLK, YAVAPAI COUNTY ATTORNEY**

41 *YES Project: Youth Experience Survey: Exploring Sex Trafficking of Arizona's Homeless and Runaway Young Adults*. Arizona State University School of Social Work Office of Sex Trafficking Intervention and Research, 2014. http://trustaz.org/downloads/rr-stir-youth-experiences-survey-report-nov-2014.pdf. Accessed April 29, 2015.

42 Senate Bill 1001 during the 2nd Special Session of the 51st Arizona Legislature.

Availability of Legal Rights and Remedies

Crime victims' compensation is available for victims of CSEC offenses; however, participating in the conduct giving rise to the injury, failing to report the crime within 72 hours and file a claim within two years (absent a finding of good cause), or failing to cooperate with law enforcement could prevent CSEC victims from receiving compensation.[43] Civil suits may be brought by a victim against an offender within the earlier of three years of discovering the violation or 10 years of the offense (tolled until 18 years old).[44] If a case is brought against a perpetrator restitution is mandatory under the Victims' Bill of Rights[45] unless the victim is in custody for an offense. By this definition a child victim detained on charges may not be able to access restitution.[46]

According to prosecutors in Yavapai, criminal convictions could aid victims in pursuing civil claims against buyers. Prosecutors indicated that if a buyer was convicted on related criminal charges, there would be a higher likelihood of success on the civil claims. Only one case was identified during the field assessment where a child sex trafficking survivor pursued restitution or civil damages against their buyer. That case is still pending and was proceeding out of state although the minor was receiving services in Arizona.

Several reasons were cited as to why there were so few examples of victims seeking justice through civil remedies against their buyers. First, most buyer cases are stings, where there is not an actual victim involved. While some survivors and providers felt more education about the possibility for restitution against buyers would be appreciated, survivors said there were very few cases where their buyers were arrested and the anonymity that buyers are able to maintain would make it challenging to even identify their buyers. One service provider said that if more buyers were arrested, more victims would be able to consider the possibility of pursuing civil damages.

Another reason cited was that the restitution process should only happen after healing has taken place, and at that point survivors would often want to move on from the experience, not engage in a lengthy court process where they would have to rehash their victimization. Providers noted that often victims do not see themselves as such, and do not feel any sort of need to bring justice

> "Most of the kids end up in jail. So if every time they come into the system, they are coming into contact with adults who penalize them or don't give value to their experience, I think it is hard for them to conceptualize that someone might actually want to help them [referencing why youth may not want to seek restitution]."
>
> **— MELISSA BROCKIE, TUMBLEWEED**

43 *Protected Innocence Challenge Arizona Report Card 2014*. Shared Hope International, 2014. http://sharedhope.org/PICframe4/reportcards/PIC_RC_2014_AZ.pdf. Accessed on April 28, 2015.

44 Ibid.

45 The Arizona Crime Victims' Bill of Rights located in the State Constitution, art. II, sec. 2.1. http://www.azleg.state.az.us/const/2/2_1.htm. Accessed on April 28, 2015.

46 The Arizona Crime Victims' Bill of Rights located in the State Constitution, art. II, sec. 2.1 includes in its list of victims' rights the right "[t]o receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury." However, as noted above, paragraph (C) of this section could operate as a barrier to identification of domestic minor sex trafficking victims as victims. It states, "(C) 'Victim' means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused."

to their traffickers, let alone their buyers. At the same time several providers and survivors said victims may be more inclined to go after restitution from a buyer as opposed to their trafficker, if a trafficker was involved, because they may still have traumatic bonding to the trafficker.

Most respondents indicated that intervening agencies, such as service providers and DCS, are not proactively working with survivors to bring civil cases against buyers. In fact both survivors and providers indicated that most survivors likely were not aware they might have that option. The Arizona Coalition Against Domestic Violence became the designated dual coalition to address both sexual and domestic violence, changing the name to Arizona Coalition to End Sexual and Domestic Violence. With its expanded mission it has trained hotline operators on how to respond to human trafficking survivors, including discussing available services which could include restitution against the buyer; however, this new service is not yet broadly known. The organization is advocating for increased penalties for buyers and vacating convictions for adults arrested for prostitution.

Protections for Victims During the Investigation and Prosecution of Offenders

Arizona provides various protections for crime victims in its Victims' Bill of Rights. However, commercially sexually exploited child victim witnesses still have limited protections in the trial process to protect them from having to give retraumatizing testimony. Only minors younger than 15 years of age are permitted to testify via closed-circuit television and the "rape shield" law is limited to victims of non-commercial sexual offenses. This leaves victims of sex trafficking or other CSEC offenses unprotected from the trauma of cross-examination at the trials of their exploiters.[47] Due to recent legislation, a victim's right to privacy is protected during the court process.[48] Juvenile records may be destroyed after the victim turns 18 years old if the child has not committed additional offenses and all conditions of the disposition have been satisfied.[49] However, several survivors and service providers indicated that juvenile records have provided barriers to employment and scholarships.

In the course of investigations, law enforcement and prosecutors all reported shifting to a victim-centered approach. When asked about using data on victims' phones to identify and investigate perpetrators including buyers, one officer noted they would not take the victim's phone for purposes of investigation because it would make the child feel less safe and less likely to believe the officer was there to help, saying "Their phone is like their security blanket." Law enforcement and prosecutors reported making efforts to interview victims in a youth-friendly environment, but circumstances are not always conducive. When the decision is made to interview a suspected juvenile sex trafficking victim as part of a criminal investigation against the perpetrator, law enforcement usually conduct interviews at the station in a "soft interview room"

47 *Protected Innocence Challenge Arizona Report Card 2014*. Shared Hope International, 2014. http://sharedhope.org/PICframe4/reportcards/PIC_RC_2014_AZ.pdf. Accessed on April 28, 2015.

48 Ariz. Rev. Stat. Ann. § 13- 4434 (Victim's right to privacy; exception; definitions) was enacted House Bill 2454 during the 2nd Regular Session of the 51st Arizona Legislature.

49 *Protected Innocence Challenge 2014 Analysis and Recommendations: Arizona*. Shared Hope International, 2014, pp. 39-40. http://sharedhope.org/PICframe4/analysis/PIC_AR_2014_AZ.pdf. Accessed on April 28, 2015.

that would feel less intimidating for the victim. In some cases, victims are interviewed at a child or family advocacy center, though one prosecutor reported that these are not always suitable for commercially sexually exploited youth. In other cases, interviews may be conducted in partnership with a services provider, such as StreetLight in Phoenix. In Tucson, standard protocol is to take the child immediately for an interview.

The prosecutorial entities interviewed indicated a strong interest in victim-centered prosecutions, acknowledging the benefits of working with victims who have had access to services. Prosecutors reported that giving victims time to access services and become more stable can extend the trial process substantially, but also benefits the prosecution because victims who received services and established rapport with prosecutors are better witnesses. Arizona's Bill of Rights includes a provision that allows any crime victim to refuse an interview, deposition, or other discovery request by the defense in a trial proceeding against a perpetrator. Prosecutors also acknowledged challenges of relying on victim testimony and working with traumatized victims who do not always self-identify as victims. They may be viewed as a poor witness because of coincident substance abuse and often have difficulty telling their story in a linear fashion. These difficulties can be addressed and overcome through victim services.

> "Court was the last place I wanted to be—it still freaks me out to this day and I'm not doing anything wrong. As the clients get younger—and they are—I think they would like that—it would empower them—I think the younger ones would be into that..."
>
> —A SURVIVOR

Prosecutors in Pima County reported focusing on the safety and needs of the victim first by working closely with victim witness advocates who are available to assist 24 hours a day. Pima County prosecutors reported that they have 22 victim advocates on staff, 125 volunteer advocates and they also work closely with federal victim witness advocates. As a result of prosecutors' focus on rapport building, a victim who ran away during an investigation eventually returned and contacted the prosecutor, ultimately leading to a successful prosecution. Similarly, in Yavapai County 17 victim advocates work with victims to ensure they receive notices, are informed of their rights and are referred to available services. Prosecutors in Yavapai County have been working with a survivor advocate to expand the use of the Family Advocacy Center to provide a more victim-centered approach. Federal investigators at the Department of Homeland Security indicated that although the protocol is not formalized, they always have a victim specialist at the scene when a victim recovery is anticipated.

Outcomes for Buyers and Victims

Consequences for Buyers

Buyers of sex with minors face a range of consequences as a result of being identified, although the primary consequences result from arrest and prosecution. With the exception of an identified buyer in Pima County who was not prosecuted in exchange for testimony, law enforcement said in most cases buyers of sex with minors would be arrested and prosecuted. The potential consequences of arrest and prosecution include conviction and sentencing, financial penalties, sex offender registration and public exposure.

Buyers who are prosecuted generally proceed to conviction and sentencing. In the Demanding Justice Report, released by Shared Hope International in August 2014, the range of sentences faced by buyers in Maricopa County varied considerably. Law enforcement in Maricopa County felt the differences in sentencing outcomes were related to prosecutor concerns that sting cases lacked jury appeal because there is not a real victim. Since none of the sting cases in Maricopa County have gone to trial, and prosecutors were unavailable to explain why these cases consistently conclude in plea agreements, it is not clear whether the decision not to go to trial is due to purported concerns about the limited jury appeal of sting cases or if other factors such as case volume and crowded court dockets influence prosecutors' decisions. In Yavapai County, some sting cases have concluded in plea agreements, but in two cases that have not proceeded to a plea, prosecutors encountered an obstacle when two judges ruled the mandatory minimum sentence under the child prostitution law was inapplicable in sting cases. Since Pima County has not focused on arresting buyers of sex with children, there were no case outcomes identified.

Sex offender registration for those convicted of buying sex with minors plays an important role as a deterrent and in putting the community on notice. Shared Hope's 2014 Demanding Justice Report, tracking the outcomes of buyer cases in four regions of the country, one being Maricopa County, included tracking whether sex offender registration was required at conviction. That research showed sex offender registration was required in 75 percent (18/24) of the cases in Maricopa County.

Public exposure is another consequence incidental to arrest and prosecution. Buyers face public exposure through a variety of avenues including sex offender registration, media coverage of arrest and/or legal proceedings and mug shot posts by local organizations. However, interviews did not uncover any examples of civil proceedings used to hold buyers accountable and expose their crimes. As discussed above, legal service providers identified several reasons that survivors are not pursuing civil remedies against buyers, including the fact that survivors are often not ready or inclined to endure the adversarial court process. Additionally, due to historical impunity for buyers, survivors feel dubious about the possibility of pursuing legal remedies against a party who has not been held accountable, criminally or culturally.

In general, stakeholders identified two primary reasons that consequences for buyers are important. The primary reason cited was to deter offenders who drive demand. The attendant and incidental consequences of being arrested, charged, prosecuted and sentenced to serious penalties for buying sex with a minor can be powerful deterrents. But another significant reason from the survivor perspective that consequences for buyers are important is fairness. Survivors pointed to the online diversion process available for buyers of sex with adults as an example. Buyers do not even need to leave home to meet the requirements of the program to have their charges dismissed: survivors compared this with the intensive, long-term diversion process prostituted women must complete to obtain the same result.

Survivors exploited when they were minors reported the same sense of unfairness in how they were treated compared to those who bought them. In particular, child sex trafficking survivors exploited through prostitution pointed to the dichotomy in how they are culturally stigmatized while victims of child sexual abuse are more readily identified as victims. In the same vein, buyers of sex with minors tend to receive greater leniency in the judicial system, as well as culturally, than those who purchase images of child sexual abuse.

> Nobody uses the term, 'ex-porn star' for someone who was abused by [child] pornography. Why do we use the term, 'ex-prostitute' [for child sex trafficking victims]?
>
> — A SURVIVOR

Survivors exploited as minors reported being unable to escape the feelings of shame they carry as a result of their victimization. On the other hand, survivors also felt their buyers did not seem to feel ashamed of their conduct. In general, survivors reported a strong sense of unfairness in how buyers are treated in the criminal justice system, indicating this is an important issue for shifting the culture of tolerance for buying sex with a minor.

> The john doesn't wear shame. The pimp doesn't wear shame. We wear the shame.
>
> — A SURVIVOR

Restoration and Justice for Victims

As has been pointed out by those involved in shelter and services for victims of sex trafficking, the process of restoration is most often a complex and financially burdensome one. For these reasons, restoration services specifically tailored to the unique and complex trauma experienced by survivors of sex trafficking are scarce in Arizona, just as they are all across the nation.

One compelling reason for law enforcement and prosecutors to care about victim restoration is the link between restoration and successful enforcement. Both prosecutors and law enforcement

said access to restorative services and housing for victims is important to prevent them from returning to their traffickers and to promote victim cooperation in the investigation and prosecution of offenders. The problem of victims returning to "the life" was consistently identified as a challenge for both law enforcement and prosecutors who need to rely on victim testimony to build their cases. A prosecutor at the Attorney General's Office described a sex trafficking case that was successfully prosecuted at the county level in large part because the victims received services and access to housing, meeting critical needs and preventing them from returning to their trafficker.

Despite the strong sense of unfairness in how buyers are treated in comparison to victims, survivors expressed a greater desire for justice in the form of reparations for the damage caused by their exploitation than for pursuing justice from the buyers who abused them. They expressed the presence of ongoing emotional and mental health needs, educational deficiencies, housing needs and financial difficulties experienced by both themselves and their children. The buyer is somewhat of a blur in the survivor's memory and not readily connected to the sense of deprived justice. As a police officer stated, "Customer reduction is key to helping with this problem but it doesn't have an immediate impact for the victim."

> "They don't even think they could pursue justice against johns or see restitution... they don't even see themselves as victims."
>
> — BRIAN STEELE, PHOENIX DREAM CENTER

What does have immediate impact are the restoration services for juvenile victims of sex trafficking. Streetlight in Phoenix and Mingus Mountain Academy in Yavapai County are congregate care facilities for youth that are utilized by DCS and the juvenile justice system. Until recently the Phoenix Dream Center had a provisional permit to house minors which filled a gap between juvenile corrections and private care; the program has terminated due to their inability to engage parents, a requirement of the permit. The current program now serves 18-26 year olds. A service provider in the greater Phoenix area attempts to be a consistent presence for youth, making contact with them while they are in detention and following them through providers of mental health and behavioral health services such as Devereux, Youth Development Institute and Oasis. However, there are few facilities that provide mental health services specifically addressing the unique needs of survivors of sex trafficking.

Mingus Mountain Academy does have a program designed for commercially sexually exploited youth. Ninety-eight percent of their population of 142 residents between the ages of 12 and 18 have been sexually abused and 40 percent of the residents have been sex trafficked. Residents may be referred from anywhere in the country and typically remain for six to nine months before moving into transitional housing in one of several group homes in the state.

Tumbleweed is a runaway and homeless youth program serving male, female and transgender youth ages 12-24 in Maricopa County. In 2012 Tumbleweed partnered with Arizona State

University, one-n-ten program and other youth serving organizations to complete the YES Project research, which found that more than 26 percent of homeless youth surveyed had experienced trafficking. This realization led Tumbleweed to create the Sex Trafficking Awareness and Recovery (STAR) Group, a drop-in program serving both male and female youth who have experienced sex trafficking or commercial sexual exploitation.[50]

The Arizona Partnership to End Domestic Trafficking, led by Tumbleweed, in partnership with the Phoenix Dream Center, ALWAYS, ASU, Our Family Services and TRUST are taking part in a two-year demonstration project to help victims of sex trafficking under a grant from the Family & Youth Services Bureau (FYSB) of the Department of Health and Human Services. Only three organizations across the nation received funding under this new FYSB grant initiative. The Arizona Partnership to End Domestic Violence was the largest beneficiary, receiving $500,000.

Project ROSE was developed by Arizona State University STIR Office and the Phoenix Police Department as an intervention program to address the physical, medical, emotional and legal needs of adults victimized through trafficking and prostitution. Victims identified through Project ROSE are given the option to apply for an intensive diversion program operated by Catholic Charities DIGNITY Services which allows women arrested for prostitution to complete a 36-hour educational program that supplies support, education and treatment in lieu of jail time [see text box on page 28]. Dignity Services also does group work with juvenile survivors at Streetlight, placing particular emphasis on the girls' understanding that they were victims of a crime, not criminals. Maricopa County is investigating a diversion program for minors similar the adult diversion program.

50 Tumbleweed does not distinguish between commercial sexual exploitation and trafficking for services definitions for young adults.

The Survivor Perspective
Justice

An obstacle described by survivors was the difficulty in gaining meaningful employment after receiving a prostitution charge.[51] Survivors reported that expungement has not been a realistic option in Arizona; although the record can be "sealed" just the appearance of "sealed" is a red flag to potential employers. A survivor described the personal pain of her attempt to obtain a level one fingerprint card, a process that required her to obtain and review all her records from CPS and police and go through each one writing a commentary about what she learned as a result of the experience. Despite those efforts she was denied entry into a nursing program because of her record. Survivors perceive an enormous injustice in the different outcome for buyers (online "john school" and no criminal record) and the outcome for the victims they exploit.

Most survivors stated they would like to have justice from the buyers that abused them, but considered the idea of civil remedies to be very far-fetched. Those they know who have testified against pimps have wished they had not, stating it is a frightening experience and just another form of degradation. They also pointed out the irony that penalties for buyers of pornographic images of children are are far more severe than buyers of sex with actual children.

The most energetic discussion was around the injustice of the stigma they wear as "prostitutes." As one survivor put it, "Prostitution stigma is different from anything else—different from drug abuse...if you say 'I'm a recovered drug user', you are applauded. If you say, 'I'm a former prostitute—I did that to get the money for those drugs', people treat you differently."

51 Legislation was recently enacted to help survivors move on from criminal convictions related to their exploitation. House Bill 2553, introduced by Rep. Victoria Steele, was signed into law on April 6, 2015 and provides in part that "a person who was convicted of a violation of section 13-3214 committed prior to July 24, 2014 may apply to the court that pronounced sentence to vacate the person's conviction..."

Key Findings

1) **Prioritize ongoing training for all stakeholder groups and jurisdictions in Arizona.**

Maricopa County was one of the earliest regions to implement broad interagency training on juvenile sex trafficking. As a result, the county's efforts to combat trafficking have grown in scope and sophistication. More recently, other areas of the state reported increased access to training. Stakeholders credited their increased level of knowledge to Project ROSE and the training opportunities provided by the Hickey Family Foundation to attend Shared Hope International's JuST Conferences in 2013 and 2014. Interviewees cited these trainings as directly responsible for their department's prioritization and implementation of sting operations to reduce demand, recover victims, and identify traffickers. While advancements in training efforts have expanded and strengthened the state's ability to respond to the crime, training must continue to extend throughout the state and across agencies to educate all relevant stakeholders. Additionally, since staff turnover threatens the permanency of well-trained personnel, training must be routinely conducted to maintain a consistent level of knowledge among responders.

2) **Engage in community awareness efforts to overcome a culture of tolerance for the crime.**

A common observation across stakeholder groups was the perceived culture of tolerance for buyers of commercial sex with minors and lack of empathy for victims. Strong anti-demand laws allow for effective law enforcement response and meaningful consequences for offenders, but do not represent a comprehensive solution. Public awareness of the consequences of committing the crime and understanding the victimization it renders is needed to create a stigma that promotes culture of zero tolerance for demand. Law enforcement agents noted the state's firm Driving Under the Influence (DUI) laws and enforcement as an example of how communities can create an environment of zero tolerance for a crime through consistently firm enforcement of the laws combined with awareness programs to educate citizens on the consequences of engaging in the crime. Greater public awareness would also address the reported lack of jury appeal in buyer cases, a key barrier to imposing serious penalties on buyers, especially in sting cases. Media outlets were also identified as powerful stakeholders in the effort to grow community awareness and drive a culture of zero tolerance for demand. Arizona regularly reports on stings involving buyers. While coverage is fairly consistent at the time of arrest, it often does not follow through to conviction. When media fails to report sentencing outcomes the public loses visibility to the seriousness of the crime. However, due to media's role in shaping public perception, appropriate and informed terminology is critical to avoid stigmatizing survivors in the process of reporting on sex trafficking crimes.

3) **Increase accountability for buyers to achieve lasting deterrence.**

Buyer accountability is a dynamic, multi-faceted issue that relies on legislators, law enforcement, prosecutors, judges, media and community engagement to be truly effective. Prosecutors and law enforcement face various challenges in investigating and prosecuting buyers

under available laws. One reason for the increase in sting operations targeting buyers of sex with minors is due to the challenges of relying on victim testimony in actual victim cases. Sting operations avoid this concern because a law enforcement officer is the "victim" and can provide the needed testimony without the need for a victim witness. These operations can result in less substantial penalties because of legal limitations when there is not an actual victim. Strong sentences can only be achieved if informed jurors reach consensus on holding buyers accountable and judges' rulings are guided by the seriousness of the crime.

4) **Identify funding streams to build financial capacity to adequately respond to the crime.**

Insufficient funding or resources was commonly identified as a key barrier to demand reduction enforcement measures and adequate provision of victim services. The prevalence of demand far outpaces the capacity of law enforcement to address the crime. Phoenix and Chandler Police Departments are the only agencies which have allocated funds to create dedicated departments to pursue human trafficking investigations. Mental health and service providers reported that limited funding restricts their ability to take new cases. Diversified funding streams and locating untapped avenues for income could expand the state's ability to fund necessary services. For example, significant financial penalties not only serve as a serious deterrent, but are also tools for funding the restoration of juveniles who have been exploited through sex trafficking. Increased prioritization can be placed on buyer identification and prosecution by expanding the use of anti-demand laws from purely punitive for the offender to restorative for the victim.

> Catholic Charities operated the City of Phoenix diversion program, titled Offender Program for Persons who Solicit (OPPS). OPPS is a one-day diversion program for men who solicit sex from adult prostitutes. The $800 fee imposed on offenders helped to fund the diversion program and Catholic Charities DIGNITY House, an intensive year-long residential program that facilitated recovery and reintegration for adult women seeking to live a life free from prostitution. In 2013, DIGNITY House was named Homeless Service Provider of the Year by city of Phoenix Neighborhood Services. However, in 2014, the contract to operate the diversion program was awarded to New Horizons. Because DIGNITY House was largely dependant on funding generated through the OPPS program, the House closed in June 2014.

5) **Evaluate Arizona's response to boys who fall victim to sex trafficking.**

Many interviewees noted the prevalence of sex trafficking of boys in Arizona. One provider reported that nearly half the youth in their sex trafficking program are male. Law enforcement in two of the regions reported that sting operations utilizing decoy ads for male minor victims received greater response than those of female minor victims. A family advocacy center that serves a tribal community reported high instances of survival sex among 11-14-year-old boys. However, a majority of sting operations target buyers seeking sex with female minors, not male. Training predominantly focuses on vulnerabilities, indicators and response meth-

ods for female victims. A majority of shelter and service options in Arizona are specifically designed to address the needs of female sex trafficking victims.

6) Define sex trafficking through implementation of the laws.

Law enforcement and prosecutors consistently reported that the child prostitution law (A.R.S. § 13-3212) is the primary law used to charge buyers of sex with minors. Most also indicated they would not use the sex trafficking law to charge buyers because buyers faced comparable penalties under the child prostitution law and fewer elements must be established under that law than under the sex trafficking law. Obtaining the best outcome with the laws available was cited by prosecutors as the primary basis for charging decisions, including the decision not to charge under the sex trafficking law.

However, a different viewpoint was expressed by service providers and especially by survivors who perceive the charges faced by buyers as stigmatizing for them—the survivors—rather than the buyers. Although there is increasing awareness amongst law enforcement that children trafficked for sex are victims, not prostitutes, the law applied literally calls them prostitutes, and minimal sentences for buyers reinforces that. The increased media coverage of child prostitution prosecutions concurrent with the increased understanding of sex trafficking sets up an inherent conflict between the acknowledgement of victimization and the use of laws that indirectly stigmatize victims. This conundrum raises two questions for stakeholders: (1) Is the sex trafficking law not being used to charge buyers because buyers are not recognized as sex trafficking offenders, or (2) are there barriers to using the sex trafficking law that need to be addressed legislatively to effectively add it to the arsenal in the fight against demand in Arizona? Respondents indicated that answering these questions will be key to moving forward with demand prosecutions that do not stigmatize victims. As a leader in the nation on efforts to combat sex trafficking across sectors, Arizona is well positioned to align its laws with some of the progressive legislative improvements that other states have taken to clarify that prostitution-related offenses do not apply when minors are trafficked for sex.[52]

52 In 2013, Tennessee and Florida enacted legislation that sought to eliminate the prosecution of buyers of sex with minors under prostitution-related laws. Florida added legislative intent to its prostitution chapter expressly providing that the laws under that chapter are not to be used when an offense involves a minor victim, but instead should be prosecuted under sex trafficking or sex offense chapters. See Fla. Stat. Ann. § 796.01 (Offenses by adults involving minors; intent). In addition, Tennessee amended the Patronizing Prostitution law to expressly provide that patronizing prostitution from a person younger than 18 "is punishable as trafficking for commercial sex acts…." See Tenn. Code. Ann. §39-13-514 (Patronizing prostitution). On April 23, 2015, the first buyer convicted under the new law was sentenced to 22 years in prison. See "Sex trafficking customer gets 22-year sentence." *Tennessean.com*. The Tennessean, April 24, 2015. http://www.tennessean.com/story/news/crime/2015/04/23/year-sentence-customer-sex-trafficking-states-first/26272645/. Accessed on April 30, 2015.

State Laws Used or Available to be Used in Anti-Demand Efforts in Arizona				
Chapter/ Category	**Offense**	**Crime Classification**	**Base Penalty (DCAC enhancement)***	**Sex Offender Registration Required**
Trafficking / CSEC crimes	Ariz. Rev. Stat. Ann. § 13-1307. Sex trafficking	Class 2 Felony	3 – 12.5 years, presumptive 5 years *(If the victim is a minor under 15, 13 – 27 years; presumptive 20 years)*	Yes if victim is a minor
	Ariz. Rev. Stat. Ann. § 13-3212. Child prostitution	Class 2 Felony if minor under 15 Class 2 Felony if the defendant knew or should have known the minor was 15, 16, or 17. Class 6 Felony if minor was 15, 16 or 17.	Punishable pursuant to § 13-705 (DCAC): 13 – 27 years; presumptive 20 years 7 – 21 years; presumptive 10.5 years .33 – 2 years; presumptive 1 year (Min. 180 days in county jail; court has discretion to suspend 90 days of the sentence.)	Only if minor is under 15 or the perpetrator knew or should have known minor was 15, 16, or 17 years old.
	Ariz. Rev. Stat. Ann. § 13-3552. Commercial sexual exploitation of a minor	Class 2 Felony	3 – 12.5 yrs; presumptive 5 years *(If the minor is under 15: 10 – 24 years, presumptive 17 years)*	Yes
Prostitution-related	Ariz. Rev. Stat. Ann. § 13-3209. Pandering	Class 5 Felony	.5 – 2.5 years, presumptive 1.5 years	No
Child Sexual Abuse	Ariz. Rev. Stat. Ann. § 13-3553. Sexual exploitation of a minor	Class 2 Felony	3 – 12.5 years, presumptive 5 years *(If the minor is under 15, 10 – 24 years: presumptive 17 years)*	Yes
	Ariz. Rev. Stat. Ann. § 13-3554. Luring a Minor for Sexual Exploitation	Class 3 Felony	2 – 8.75 yrs; presumptive 3.5 yrs. *(If the minor is under 15: 5 – 15 years: presumptive 10 years)*	Yes
	Ariz. Rev. Stat. Ann. § 13-3560. Aggravated luring a minor for sexual exploitation	Class 2 Felony Ariz. Rev. Stat. Ann. § 13-705(D)	3 – 12.5 years; presumptive 5 years. *(If the minor is under 15: 10 – 24 yrs; presumptive 17 years)*	Yes
Financial and Enterprise Crimes	Ariz. Rev. Stat. Ann. § 13-2312 Illegal control of an enterprise; illegally conducting an enterprise	Class 3 Felony or Class 2 felony if minor involved	2 – 8.75 years; presumptive 3.5 years 3 – 12.5 years; presumptive 5 years	Yes
	Ariz. Rev. Stat. Ann. § 13-2317. Money Laundering	Class 6 Felony or Third Degree Class 3 Felony for Second Degree Class 2 Felony for First Degree	.33 – 2 years; presumptive 1 year 2 – 8.75 years; presumptive 3.5 years 3 – 12.5 years, presumptive 5 years	Yes

* Penalty enhancements provided under the Dangerous Crimes Against Children (DCAC) statute, Arizona Revised Statutes § 13-705, are included in parentheses. Penalty range reflects mitigated to aggravated, where applicable.

Note 1: This is not an exclusive list of all laws that may be used to charge buyers of sex with minors. This list represents the laws referenced by interviewees in regard to demand enforcement in Arizona, laws found to have been used to charge buyers in the Demanding Justice Report and laws analyzed in the annual Protected Innocence Challenge report.

Note 2: Some Crimes have increased classifications and/or penalties apply if the offender has been previously convicted of the offense or of a similar offense.

Note 3: All classes of felonies are punishable by possible fines up to $150,000. Ariz. Rev. Stat. Ann. § 13-801.

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