

Child Sex Trafficking in the United States

Jeff V. Higgins
Christopher M. Brady
Editors

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CHILD SEX TRAFFICKING IN THE UNITED STATES

**JEFF V. HIGGINS
AND
CHRISTOPHER M. BRADY
EDITORS**



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PREFACE

The editors of this book focus on domestic sex trafficking, including the prostitution of children. The exact number of child victims of sex trafficking in the United States is unknown because comprehensive research and scientific data are lacking. Sex trafficking of children appears to be fueled by a variety of environmental and situational variables ranging from poverty to the use of prostitution by runaway and "thrown-away" children or the recruitment of children by organized crime units for prostitution. Experts agree that any efforts to reduce the prevalence of child sex trafficking, as well as other forms of trafficking, should address not only the supply, but also the demand. In this book, demand reduction strategies are considered, such as increasing public awareness and prevention, as well as bolstering investigations and prosecutions of those who buy illegal commercial sex

Chapter 1- The trafficking of individuals within U.S borders is commonly referred to as domestic human trafficking, and it occurs in every state of the nation. One form of domestic human trafficking is sex trafficking. Research indicates that most victims of sex trafficking into and within the United States are women and children, and the victims include U.S. citizens and noncitizens alike. Recently, Congress has focused attention on domestic sex trafficking, including the prostitution of children—which is the focus of this report.

Chapter 2- This is an edited, reformatted and augmented version of statement given by Congresswoman Carolyn B. Maloney Subcommittee on Crime, Terrorism, and Homeland Security Robert C. "Bobby" Scott, Chairman and Louie Gohmert, Ranking Republican Member Hearing on "Domestic Minor Sex Trafficking" on 1:00 p.m. - Wednesday, September 15, 2010, 2141 Rayburn House Office Building.

Chapter 3- This is an edited, reformatted and augmented version of testimony given by Congresswoman Jackie Speier, House Judiciary Committee Hearing Domestic Minor Sex Trafficking on September 15, 2010.

Chapter 4- This is an edited, reformatted and augmented version of testimony given by Linda Smith (U.S. Congress 1994-98), Founder and President, Shared Hope International, Subcommittee on Crime, Terrorism, and Homeland Security, Hearing on "Domestic Minor Sex Trafficking: The Prostitution of America's Children" on September 15, 2010.

Chapter 5- This is an edited, reformatted and augmented version of statement given by Francey Hakes, National Coordinator for Child Exploitation, Prevention, and Interdiction, Subcommittee on Crime, Terrorism, and Homeland Security, Hearing on "Domestic Minor Sex Trafficking" on September 15, 2010.

Chapter 6- This is an edited, reformatted and augmented version of testimony given by Ernie Allen, President & CEO, National Center for Missing and Exploited Children, Subcommittee on Crime, Terrorism, and Homeland Security, Hearing on "Domestic Minor Sex Trafficking" on September 15, 2010.

Chapter 7- This is an edited, reformatted and augmented version of testimony given by Tina Frundt, Founder and Executive Director, Courtney's House, Subcommittee on Crime, Terrorism, and Homeland Security, Hearing on "Domestic Minor Sex Trafficking" on September 15, 2010.

Chapter 8- This is an edited, reformatted and augmented version of testimony given by Suzanna Tiapula, Director, National Center for Prosecution of Child Abuse, Subcommittee on Crime, Terrorism, and Homeland Security, Hearing on "Domestic Minor Sex Trafficking" on September 15, 2010.

Chapter 9- This is an edited, reformatted and augmented version of testimony given by William Clinton Powell, Director, Customer Service and Law Enforcement Relations of Craigslist, Inc., Subcommittee on Crime, Terrorism, and Homeland Security, Hearing on "Domestic Minor Sex Trafficking" on September 15, 2010.

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Chapter 1

**SEX TRAFFICKING OF CHILDREN
IN THE UNITED STATES: OVERVIEW
AND ISSUES FOR CONGRESS***

***Kristin M. Finklea, Adrienne L. Fernandes-Alcantara
and Alison Siskin***

SUMMARY

The trafficking of individuals within U.S. borders is commonly referred to as domestic human trafficking, and it occurs in every state of the nation. One form of domestic human trafficking is sex trafficking. Research indicates that most victims of sex trafficking into and within the United States are women and children, and the victims include U.S. citizens and noncitizens alike. Recently, Congress has focused attention on domestic sex trafficking, including the prostitution of children—which is the focus of this report.

Federal law does not define sex trafficking per se. However, the term “severe forms of trafficking in persons,” as defined in the Victims of Trafficking and Violence Protection Act of 2000 (TVPA, P.L. 106-386) encompasses sex trafficking. “Severe forms of trafficking in persons” refers, in part, to “[s]ex trafficking in which a commercial sex act is

* This is an edited, reformatted and augmented version of a Congressional Research Service publication, CRS Report for Congress R41878, from www.crs.gov, dated June 21, 2011.

induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age....” Experts generally agree that the trafficking term applies to minors whether the child’s actions were forced or appear to be voluntary.

The exact number of child victims of sex trafficking in the United States is unknown because comprehensive research and scientific data are lacking. Sex trafficking of children appears to be fueled by a variety of environmental and situational variables ranging from poverty or the use of prostitution by runaway and “thrown-away” children to provide for their subsistence needs to the recruitment of children by organized crime units for prostitution.

The TVPA has been the primary vehicle authorizing services to victims of trafficking. Several agencies have programs or administer grants to other entities to provide specific services to trafficking victims. Despite language that authorizes services for citizen, lawful permanent resident, and noncitizen victims, appropriations for trafficking victims’ services have primarily been used to serve noncitizen victims. U.S. citizen victims are also eligible for certain crime victim benefits and public benefit entitlement programs, though these services are not tailored to trafficking victims. Of note, specialized services and support for minor victims of sex trafficking are limited. Nationwide, organizations specializing in support for these victims collectively have fewer than 50 beds. Other facilities, such as runaway and homeless youth shelters and foster care homes, may not be able to adequately meet the needs of victims or keep them from pimps/ traffickers and other abusers.

In addition, it has been suggested that minor victims of sex trafficking—while too young to consent to sexual activity with adults—may at times be labeled as prostitutes or juvenile delinquents and treated as criminals rather than being identified and treated as trafficking victims. These children who are arrested may be placed in juvenile detention facilities instead of environments where they can receive needed social and protective services.

Finally, experts widely agree that any efforts to reduce the prevalence of child sex trafficking—as well as other forms of trafficking—should address not only the supply, but also the *demand*. Congress may consider demand reduction strategies such as increasing public awareness and prevention as well as bolstering investigations and prosecutions of those who buy illegal commercial sex (“johns”). In addition, policy makers may deliberate enhancing services for victims of trafficking. The 112th Congress may address these and other issues if policy makers choose to take up the reauthorization of the TVPA, which expires at the end of FY2011.

OVERVIEW OF SEX TRAFFICKING OF CHILDREN IN THE UNITED STATES

Human trafficking involves the exploitation of individuals for forced labor or commercial sex. The trafficking of individuals within U.S. borders is commonly referred to as domestic human trafficking, and it occurs in every state in the nation.¹ Of those individuals who are victims of sex trafficking, research indicates that most victims coming into and within the United States are women and children, and the victims include U.S. citizens and noncitizens alike. This report focuses on the sex trafficking of children in the United States.

The investigation and prosecution of human trafficking has often been carried out by the states, and the majority of states outlaw human trafficking, including sex trafficking in children.² Congress has focused recent attention on domestic sex trafficking of children, which includes commercial sex acts involving children under the age of 18.³ Under the Victims of Trafficking and Violence Protection Act of 2000 (TVPA), the primary law that addresses trafficking, sex trafficking of children is a federal crime—even if a child is not removed from his or her community.⁴ Further, regardless of whether a child is believed to have consented to sex or whether the child represents himself/herself as an adult,⁵ the child is considered a trafficking victim under federal law.

The exact number of child victims of sex trafficking in the United States is unknown because comprehensive research and scientific data are lacking.⁶ According to the State Department's 2010 *Trafficking in Persons (TIP) Report*, more U.S. citizens—adults and children alike—are victims of sex trafficking than labor trafficking, and U.S. citizen child victims are often runaway and homeless youth.⁷ One snapshot of the child victim population, albeit incomplete, comes from the Department of Justice (DOJ)-funded Human Trafficking Reporting System (HTRS). Data in the HTRS come from investigations opened by federally funded human trafficking task forces, and do not represent all incidences of human trafficking nationwide. In January 2008, the task forces began entering data into HTRS. Between January 1, 2008, and June 1, 2010, the task forces opened 2,515 investigations of human trafficking; 82% of these were classified as sex trafficking.⁸ Of these sex trafficking cases, 83% involved U.S. citizen victims and 40% involved prostitution or sexual exploitation of a child.

Demand for prostitution (and other forms of commercial sexual exploitation) of children is steady, and profit to sex traffickers, or pimps, has increased.⁹ Together, these factors have helped fuel sex trafficking of children. Pimps/traffickers prey on vulnerable youth (primarily girls) and groom their victims to enter “the life” of prostitution.¹⁰ They manipulate and abuse—physically, mentally, and emotionally—their victims to maintain control. Additionally, technological advances such as cellular telephones and the Internet have facilitated the demand for child sex trafficking. These technologies can rapidly connect buyers of commercial sex with trafficking victims while simultaneously distancing the perpetrator from the criminal transactions.¹¹ The individuals who purchase sexual services from pimps/traffickers are known as clients or “johns.” The johns may or may not be aware that the individuals with whom they are engaging in sex are children or trafficking victims.

Commercial sexual exploitation of children appears to be fueled by a variety of environmental and situational variables. The scholarly literature has identified those factors as including the use of prostitution by runaway and “thrown-away”¹² children to provide for their subsistence needs;

- the presence of pre-existing adult prostitution markets in the communities where large numbers of street youth are concentrated;
- prior history of child sexual abuse and child sexual assault;
- poverty;
- the presence of large numbers of unattached and transient males in communities—including military personnel, truckers, conventioners, and sex tourists, among others;
- for some girls, membership in gangs;
- the promotion of juvenile prostitution by parents, older siblings, and boyfriends;
- the recruitment of children by organized crime units for prostitution; and
- the illegal trafficking of children for sexual purposes to the United States from developing countries.¹³

Notably, studies have found that sex trafficking (and commercial sexual exploitation) is supply-driven as well as demand-driven.¹⁴ However, federal legislation has focused more extensively on penalizing the pimps/traffickers and has placed less emphasis on the buyers of commercial sex. Experts generally agree that any efforts to reduce the prevalence of

sex trafficking—as well as other forms of trafficking—should address not only the supply, but also the demand.¹⁵

The TVPA, most recently amended and reauthorized in 2008, has been the primary legislative vehicle authorizing services to victims of trafficking. The TVPA historically focused on providing shelter and support services to victims within the United States—particularly noncitizens.¹⁶ This may have been, in part, because noncitizens were not eligible for those services—including healthcare, housing, education, and legal assistance—to which U.S. citizen and lawful permanent residents (LPR) victims had access.¹⁷ U.S. citizen victims are eligible for certain crime victim benefits and public benefit entitlement programs, though these services are not tailored to trafficking victims. Further, “there is currently little data to assess the extent to which U.S. citizen trafficking victims are accessing the benefits for which they are eligible.”¹⁸

Since its enactment in 2000, the TVPA has been reauthorized three times—in 2003 (P.L. 108-193), 2006 (P.L. 109-164), and 2008 (P.L. 110-457). Through reauthorizations in 2006 and 2008, Congress increased focus on U.S. citizen and LPR victims and authorized services specifically to address sex trafficking of children within the United States. In addition, Congress requested a report, through P.L. 110-457, detailing any differences in services provided to noncitizens and citizens.

In practice, services authorized through the TVPA for trafficking victims, which are provided primarily by the Departments of Justice (DOJ) and Health and Human Services (HHS), continue to aid primarily the noncitizen victim population.¹⁹ This may be a result of several factors. For one, while Congress has expanded authorized funding to include victim services for trafficking victims in the United States—irrespective of immigration status—appropriations for trafficking victims services have simultaneously remained relatively stable since the TVPA passed in 2000. In other words, Congress has not appropriated additional funds for services that target a broader spectrum of victims that have been subsequently authorized.²⁰ Further, appropriations have not specified which services should be funded, and program funding has been an administrative decision within DOJ and HHS. Exploring the adequacy of victim services for *all* victims of sex trafficking in the United States may be of interest for Congress if policy makers choose to take up the reauthorization of the TVPA, which expires at the end of FY2011.

Another issue Congress may consider is the lack of specialized support for minor victims of sex trafficking in the United States. Organizations in the United States that specialize in serving child victims of prostitution and other forms of sex trafficking collectively have fewer than 50 beds.²¹ Other

facilities, such as runaway and homeless youth shelters as well as foster care homes, do not appear to be adequate for meeting the needs of victims or keeping them secure from pimps/traffickers and other abusers.²² Further, victims of trafficking may come to the attention of child protective services (CPS), but CPS may not be able to adequately respond to the needs of sex trafficking victims if workers are not knowledgeable about human trafficking, the trafficking laws, or how to handle cases involving child victims.²³ Child victims may also be arrested and placed in juvenile detention facilities because they are perceived to be responsible for prostitution (and other types of commercial sex acts) and/or because they often need protection from sex traffickers.²⁴

This report provides an overview of sex trafficking of children in the United States. It first conceptualizes the issue, discussing the victims and perpetrators involved. It then outlines the federal response to investigating and prosecuting perpetrators as well as providing services to victims. The report concludes with a discussion of select issues concerning the federal response to sex trafficking of minors in the United States.

CONCEPTUALIZING SEX TRAFFICKING OF CHILDREN

Federal law does not define sex trafficking *per se*. However, the term “severe forms of trafficking in persons,” as defined in the TVPA, includes sex trafficking. “Severe forms of trafficking in persons” refers to

- a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.²⁵

As part of this definition, a “commercial sex act” means “any sex act, on account of which anything of value is given to or received by any person.”²⁶ The commercial aspect of the sexual exploitation separates trafficking from other crimes such as molestation, sexual assault, and rape. There appears to be a consensus among experts that the prostitution of minors fits the definition of “severe forms of human trafficking.”²⁷ In the case

of minors, there is general agreement in the United States and much of the international community that the trafficking term applies to children, regardless of whether the child's actions are believed to be forced or voluntary.²⁸

Sex Trafficking of Children: Vulnerable Populations

As mentioned, the exact number of children who are victims of sex trafficking does not exist because comprehensive research is lacking. However, several studies have attempted to measure the extent of the problem.²⁹ Notably, the studies are not comparable, do not measure the same populations, and do not use consistent terminology.³⁰ For a discussion of studies that aim to evaluate the scope of the commercial sexual exploitation and prostitution of children, see Appendix A.

Runaways are particularly vulnerable to becoming victims of sex trafficking. A federally funded study found that approximately 1.7 million youth had run away from home or were forced to leave their homes at some point in 1999.³¹ While away from home, an estimated 38,600 (2.2%) of these youth were sexually assaulted, were in the company of someone known to be sexually abusive, or were engaged in sexual activity in exchange for money, drugs, food, or shelter. Runaways may be perceived as easy targets for pimps/traffickers because they often cannot go home and have few resources. One study involving a nationally representative sample of shelter youth and interviews of street youth in multiple cities indicated that approximately 28% of street youth and 10% of youth in shelters reported selling sex to generate money for basic needs (often referred to as survival sex).³² Those youth under the age of 18 would be considered victims of sex trafficking if they had sex with an adult in exchange for basic provisions. The study also pointed out that the odds of engaging in survival sex increased for youth who had been victimized (emotionally or physically),³³ had participated in criminal behavior, had a history of substance abuse, had attempted suicide, had a sexually transmitted disease (STD), or had been pregnant.

The Dallas Police Department also found a strong correlation between sex trafficking and runaway status: the more times a child runs away, the greater the likelihood that he or she will be victimized.³⁴ The department also found that other risk factors among child trafficking victims include their young ages, whether they had previously been sexually exploited, and whether they had previously been victims of prostitution. Other research,

including studies examining the histories of prostitutes in Boston, Chicago, and San Francisco, has found that the majority of prostituted women were runaways.³⁵

According to a study funded by HHS, between 21% and 42% of runaway and homeless youth were victims of sexual abuse before they left their homes.³⁶ In the general youth population, this prevalence is 1% to 3%. The Letot Center, a juvenile justice facility in Dallas that cares for youth victims, has indicated that about nine out of 10 youth in the Center had previously been physically or sexually abused. Further, 10% of the youth had previously been involved with child protective services (CPS).³⁷ In addition to runaway and homeless youth, foster youth may also fall prey to traffickers. According to anecdotal reports, it appears that traffickers target group homes and other settings where foster youth congregate.³⁸

Traffickers and Buyers

Victims of sex trafficking are exploited by pimps/traffickers who may operate alone or as part of a criminal network. In the United States, traffickers range from teenage boys, young men, and men and women who work for older male pimps to organized criminal syndicates operating both within and across state and national lines.³⁹ Pimps/traffickers profit by receiving cash or other benefits in exchange for the sexual use of an individual by another person. It is more profitable for a trafficker to prostitute a child than to commit other crimes such as dealing in drugs.⁴⁰ For one, the commodity (child) is reusable. In addition, technological innovation has allowed traffickers to reach a wider client base and connect more quickly with buyers. Of note, when referring to the trafficking of *minors*, the terms “pimp” and “trafficker” are synonymous. This does not necessarily hold true when referring to the trafficking of adults. In the context of adults, a pimp who does not use force, fraud, or coercion to induce adults to prostitute themselves would not be considered a trafficker. However, this distinction is moot when the prostituted individuals are minors, with whom a pimp need not use force, fraud, or coercion to be considered a trafficker.⁴¹

There is no single profile of a buyer of commercial sex with a minor, making buyers particularly difficult to identify. Research has suggested that these predators are often encouraged by online solicitations, temptations, and exploitation.⁴² In addition to those actively seeking out sex with minors, some