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# IN OUR OWN BACKYARD: CHILD PROSTITUTION AND SEX TRAFFICKING IN THE UNITED STATES

## HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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# IN OUR OWN BACKYARD: CHILD PROSTITUTION AND SEX TRAFFICKING IN THE UNITED STATES

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**WEDNESDAY, FEBRUARY 24, 2010**

U.S. SENATE,
SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW,
COMMITTEE ON THE JUDICIARY,
*Washington, DC.*

The Committee met, pursuant to notice, at 9:06 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Richard J. Durbin, Chairman of the Subcommittee, presiding.

Present: Senators Durbin and Franken.

## OPENING STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Chairman DURBIN. Welcome. I apologize for being a few minutes late this morning. This hearing of the Human Rights and the Law Subcommittee will come to order.

Our hearing is entitled "In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States." The sexual exploitation of our children is a criminal problem; it is a social problem; it is a human rights problem.

President Obama has called human trafficking "a debasement of our common humanity." President Bush said, "The trade in human beings for any purpose must not be allowed to thrive in our time."

Congress has worked on a bipartisan basis to combat human trafficking, both in the United States and in foreign lands. During the past decade, we have passed four major anti-trafficking laws with strong bipartisan support to advance our strategy known as the "3 P" approach: punishing traffickers, protecting victims, preventing trafficking crimes.

But despite the efforts of Congress and the executive branch, the scourge of human trafficking continues to plague our Nation and our world. There is no more heartbreaking part of this problem than the sexual exploitation of children.

Recently I saw a powerful documentary, along with Senator Wyden—it was actually at the home of Senator Boxer who invited us over. It was a documentary entitled "Playground," and it was directed by a visionary filmmaker named Libby Spears, who is with us today. Libby, raise your hand so people will know that you are here and will come to appreciate the work that you have done.



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I would like to show, if I can, a short, 4-minute excerpt from this documentary which had such a profound impact on Senator Wyden and myself.

[Videotape showed.]

Chairman DURBIN. Libby Spears, thank you. I know when we met you said that you had started your research on this issue looking overseas at the international trafficking, and somebody said you ought to look at home. And I am glad you did and opened our eyes to this, and thank you for your inspiration that led to this hearing today, and I hope it leads to new laws that will protect these children and deal with them in the right, humane way.

This documentary opened the eyes of Senator Wyden and myself and many others—Senator Boxer. It is estimated that over 100,000 American children became sex-trafficking victims last year and every year. Studies indicate the average age of entry into prostitution is 13. Many child-trafficking victims are chronic runaways who are fleeing sexual and physical abuse in their homes.

Americans tend to think of forced prostitution as the plight of women from other countries locked up in brothels. That is indeed a problem. But equally scandalous is the violence involving America's teenage girls.

This documentary forces us to confront this reality and raises another challenge that we will discuss with our witnesses at today's hearing: the need to treat sexually exploited children as victims and survivors, not as criminals. In many States, child-trafficking victims are often arrested rather than assisted. These victims are badly in need of basic services like medical care, housing, and counseling, and a jail cell isn't the answer. We must change the way our criminal justice system treats the victims.

Congress has tried to help. When we passed the Trafficking Victims Protection Act 10 years ago, we said that all children who were involved in commercial sex crimes are victims and should be treated accordingly, entitled to protection, services, and restitution.

But at the State and local level, child sex-trafficking victims are still in many places treated and considered criminals. Nearly every State in the Nation allows children of any age to be prosecuted for prostitution—even though children are too young to consent to sex with adults. By charging children with crimes, we compound the harm.

My friend and former colleague—and I note that Senator Franken is here, but my friend and former colleague, the late Senator Paul Wellstone of Minnesota, was a great champion in the fight against human trafficking. He pointed out in a Senate floor speech in the year 2000, 10 years ago, and I quote: "The bitter, bitter, bitter irony, colleagues, is that quite often the victims are the ones who are punished, and these mobsters and criminals who are involved in the trafficking of these women and girls with this blatant exploitation get away with literally murder."

We have created a legal dichotomy in America in which the Federal Government views prostituted children as victims, yet most States treat them as criminals. If State laws treated child prostitution more like human trafficking, then State social service agencies could play a more important role.

Now, the State of New York has been a leader in rising to this challenge. They recently passed a "safe harbor" law. Under the law, trafficking victims are given services, not sentences. Safe harbor laws recognize that the sexual exploitation of children is a child welfare issue. One of our witnesses today, Rachel Lloyd, played an important role in advocating the passage of that New York law, and I am glad that she is joining us.

Congress should build on New York's work and do the best we can to encourage that on a statewide basis across our Nation. I have spoken to my Ranking Member, Senator Tom Coburn, who is interested in pursuing legislation to accomplish that goal.

State and local governments will have to play the lead role in changing the way we look at child sex trafficking, because they are on the front line, but I believe that we can help them by taking additional steps here on Capitol Hill.

I have two colleagues who are here today I would like to recognize. First, on our panel here, Senator Franken, would you like to make an opening statement?

## STATEMENT OF HON. AL FRANKEN, A U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator FRANKEN. Well, I just want to say that Paul Wellstone was a leader on this issue, and this is something that Minnesota has had its eye on and has been addressing. And it is just a bigger problem than most Americans would ever imagine, and I want to thank you, Senator Wyden, for taking leadership on this, and thank you, Mr. Chairman, for calling this hearing.

Chairman DURBIN. Thank you.

Senator Wyden and I, as I noted, learned about this—we had known about it, but learned about it through the Libby Spears documentary together, and he came back and introduced legislation on the issue, and I am glad you are here today, Senator Wyden. The floor is yours.

## STATEMENT OF HON. RON WYDEN, A U.S. SENATOR FROM THE STATE OF OREGON

Senator WYDEN. Mr. Chairman, thank you, and filibusters are popular around here, but you will not get one from me today. I think that we have got a terrific panel of witnesses. If I can make my prepared remarks a part of the record, maybe I could just highlight some of the concerns.

Chairman DURBIN. Without objection.

Senator WYDEN. First, my thanks to you. Again and again, Mr. Chairman, you and Senator Franken are standing up for people who do not have power and do not have clout. The people that we are talking about today, these youngsters, young women, for example, what they have been subject to, in my view, is slavery, pure and simple. And they do not have any power. They do not have any clout. They do not have any political action committees. They do not have people who lobby, you know, for them naturally unless Libby Spears and some of these great people we have got here today can come forward.

So what you and Senator Franken are doing is using this as a bully pulpit to, in effect, say to our country that on our watch we

are not going to tolerate this kind of moral blot. We are not going to tolerate sacrificing so many of our young people, particularly to these pimps.

Now, you highlighted a couple of the key facts, Mr. Chairman—the question of 100,000 children that are trafficked. I want to make the point about how much money is involved in this.

We saw in Libby's terrific documentary this instance of a person flying in from around the world, coming just to take advantage of one youngster. We learned that a pimp can make $200,000 a year trafficking just one victim. And, of course, the pimps traffic multiple victims at a time. So there is a huge upside, an economic bonanza for these pimps in sex trafficking. It is a multi-billion-dollar business with very little downside. The pimps have all the power. Once the girls are under their control, it is very hard for them to escape. And pimps essentially use violence to control and traumatize young girls. Often they move them from one city to another.

One of the reasons that I got involved in this early, Mr. Chairman, is we found that up and down Interstate 5, which is our main transportation artery in Oregon, essentially there are a lot of dark areas that pimps can hide out in these kinds of areas, move the young women from city to city. And that part of Oregon, I–5, which has really been a magnet, unfortunately, for this kind of activity, is not alone. There are other parts of the country that face much the same thing, and once these young girls get involved with the pimps, the law enforcement people tell us it is almost impossible to break the grip that the pimps have on the young women, and breaking that grip is absolutely key so that, in effect, you can get to the young women the help through a kind of comprehensive, what is in effect a multidisciplinary approach that involves social services, help with law enforcement folks, and really have a full-court press in the community to reduce sex trafficking.

One of the principal concerns that we learned is that we desperately need shelters to give the trafficking victims a place that is safe from the pimps. This is where they can get counseling and services. And without shelters for the victims, the law enforcement authorities cannot begin to get the victims to feel comfortable enough, to feel safe enough to come forward to get the kind of testimony that builds the case, busts the pimps, and gets them behind bars where they belong.

Now, in the whole country right now, there are only about 70 shelter beds for sex-trafficking victims. Only 70 across our 50 States. So the pimps are just playing the odds.

I mentioned the big money that is involved, the $200,000 for one victim. The pimps know that as a result of not having shelter beds, the victims are going to be cut loose and be unprotected pretty quickly after they have been arrested. So they know the chance of their being prosecuted for taking advantage of these girls is quite low.

So we have got to turn this around. Senator Cornyn and I introduced S. 2925, the Trafficking Deterrence and Victims Support Act. We now have bipartisan support for these efforts. Senator Franken and you both noted, correctly, along with the inspiration that Paul Wellstone gave us years ago, and through this we are going to be able to set up a number of block grant programs to test out the

very best approaches that are being used in our country. These would be awarded on a competitive basis to State and local government entities that have developed models which we know, once put in place, could be copied elsewhere.

Grantees would be required to create shelters where the trafficking victims would be safe from the pimps. You would get services as part of this program, mental and physical health care, treatment for substance abuse and sexual abuse, and you would also provide the victims with the food, clothing, and other necessities. And here in the States from these young girls, we have learned that is absolutely essential. They have not had these kind of lifeline services, so the pimps play to the fact that they will give them money for food and shelter, and that is part of the dependency that is created by the pimps.

One last point, Mr. Chairman, because I know you want to go to the witness, is S. 2925 will address another major issue that is part of this spiral of problems that the young people face, and that is, runaway children. One-third of runaway children are lured into prostitution within 48 hours of leaving home. And the information that we picked up, the data indicates that kids who have run away multiple times are at the greatest risk of being drawn into prostitution.

So we need to have more information and more help to those individuals, and access to that individual is going to allow law enforcement authorities to see the patterns of runaway youngsters so they could help the kids that are at great risk.

Finally, Mr. Chairman, let me note that we have got Ambassador Luis CdeBaca of the State Department. It is high time that the State Department increases the visibility and the priority of this effort, and under Ambassador CdeBaca and Secretary Clinton, we are seeing that effort. They have really stepped up and, like you are doing this morning, have made this a priority for them. They are using their bully pulpit. Ambassador CdeBaca is out around the world.

And on this international point, which you noted in your opening remarks, what we have picked up is that if you make a difference with an aggressive approach in our country, it will help trying to deal with the international aspect of this problem. But, unfortunately, without the domestic component that we are advocating in this bipartisan legislation, the international effort does not reach its full potential in terms of delivering results against child prostitution.

So we have got some terrific witnesses. Libby Spears delivered a real wake-up call for our country. You are going to be hearing from a number of groups—the Polaris Project, Shared Hope, the National Center for Missing and Exploited Children. And I think we all understand this is a chance for us on our watch to make a difference, deliver a knock-out punch to these pimps. And I look forward to working with you and colleagues on both sides of the aisle to get that done.

[The prepared statement of Senator Wyden appears as a submission for the record.]

Chairman DURBIN. Thanks, Senator Wyden. We are going to not only consider your legislation and others, but try to engage more

of our colleagues in this effort, and your leadership is invaluable. Thanks for being with us today.

I would like to ask, if they would, the first panel of witnesses to come take their seats, and we will proceed to swear them in. Before that, without objection, I would enter into the record a statement by the Chairman of the Senate Judiciary Committee, Senator Patrick Leahy, and also statements from Senator Feingold and Senator Brownback. Without objection.

[The statements appears as a submission for the record.]

Chairman DURBIN. Well, the first thing we do in this Subcommittee is to swear in the witnesses, so if you all would please rise and raise your right hand. Do you affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ambassador CDEBACA. I do.

Ms. PHILLIPS. I do.

Ms. ALVAREZ. I do.

Ms. LLOYD. I do.

SHAQUANA I do.

Chairman DURBIN. Let the record reflect that all the witnesses answered in the affirmative.

Our first witness has been at least indirectly introduced. He is Ambassador Luis CdeBaca, serves as senior adviser for the Secretary of State and directs the State Department Office to Monitor and Combat Trafficking in Persons. The Ambassador chairs the Senior Policy Operating Group, an interagency working group coordinating the Obama administration's efforts to fight trafficking not only abroad but here in the United States. The Ambassador was previously a prosecutor in the Justice Department where he worked on the largest human-trafficking prosecution in our Nation's history. He received the John Marshall Award, the Department's highest litigation honor, and the Freedom Network's Paul and Sheila Wellstone Award. He served as counsel on the House Judiciary Committee, graduated from the University of Michigan Law School and Iowa State University.

Mr. Ambassador, proceed.

## STATEMENT OF LUIS CDEBACA, AMBASSADOR-AT-LARGE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador CDEBACA. Good morning. Thank you, Senator Durbin. I would like to thank all the members of the Committee for convening this critical briefing. I have a more fulsome version of these remarks which I would ask to be included in the record.

Chairman DURBIN. Without objection.

Ambassador CDEBACA. As President Obama's Ambassador- at-Large to Combat Human Trafficking, I spend a lot of time not only observing the situation in the world and trying to work with our international partners, but really thinking with our partners across the agencies and in the State and local governments as to how we can best coordinate these efforts in the fight against contemporary forms of slavery. And I think that one of the things that we see is that while great strides have been made in the last decade, there

remain a lot of things that we need to do at home and abroad in this movement.

As we fight against commercial sexual exploitation, we are lucky to have such able hands as the folks at the Justice Department and HHS and others and a host of committed actors in State and local governments because, sadly, we find children enslaved not just in commercial sex—the topic at hand today—but also in agricultural work, factories, and private homes. And, sadly, one of the things that we see in those cases, often looked at as labor-trafficking cases, is ongoing and continual sexual abuse of those children as well.

We recognize that a comprehensive child protection approach addresses all vulnerabilities and all forms of suffering, and we look to address the whole child rather than the commonly held definitions of "deserving victims" that so often come into this.

And so when we look at that, we look at how we can get past the notion of someone who deserves to be treated a particular way or this or that. We have to step back, I think, for a moment and be very clear that it does not matter whether the victim once consented to do this. It does not matter if the victim returned to the trafficker after he or she had been freed. It does not matter whether the enslavement was through chains of mental dependency or psychological manipulation as opposed to being physically locked up. And it does not matter if their trafficker was at times nice to them or gave them presents or if they veered between feelings of love and fear—so often what we see in issues of child prostitution.

Historically, countries have confronted the issue with a lot of judgment and less compassion. The consequences, unfortunately, are borne by the most vulnerable: the person who is locked up for prostitution or immigration offenses, without even a cursory inquiry as to whether or not they were abused the woman whose suffering is compounded by the refusal of her government to accept her back or to be seen as a person with an identity independent from the man in her family, who may reject her, or worse, as having been tainted by what she went through; and, as well, boys stigmatized by society's refusal to acknowledge that they too could be victims of sex trafficking. They often suffer in silence and are overlooked in this debate.

As we build a counter-trafficking community in police forces and NGO's around the world, we can definitely say that trafficking victims, especially children in prostitution, may not all be saints, may not understand that they are victims, may consider our help to be unwanted interference, and may even be in love with those who abuse them. But that does not make them any less deserving of a compassionate response. Indeed, I think that these tendencies require more, not less, commitment and engagement on our parts.

As President Obama has repeatedly emphasized about our general approach to the promotion of human rights, our ability to help other governments combat trafficking is only as strong as the example that we set and provide through the strength of our domestic response. We can only lead if we are honest about our challenges as well as our accomplishments. And on that note we have submitted to the U.N. Committee on the Rights of the Child our periodic reports on the implementation of the two Optional Proto-

cols to the Convention on the Rights of the Child: the Optional Protocol on the sale of children, child prostitution, and child pornography; and the Optional Protocol on the involvement of children in armed conflict. These reports are an ambitious undertaking and do exactly what we say needs to be done, which is to go to all of the relevant Federal actors, all of the relevant State and local actors, and to get critical input from nongovernmental organizations about how the United States is doing. And we present that to the world not just in the U.N. context, but in other multilateral agencies—the United Nations, the G–8, the OSCE.

Next week, we will be giving—we are working with the Organization for American States to develop a regional plan of action on trafficking, which will include actions to assist and protect children.

I would like to briefly summarize what we have learned through those efforts, the notion of the technology that the offenders use, but also how the Internet can be used to identify and apprehend traffickers and other predators; the notion of the interplay between previous physical or sexual abuse that the victim may have suffered and the trafficking in which we find them.

But in addition to sexual exploitation, many girls and boys are also forced to steal, beg, or sell drugs on the streets so that their interactions with police are not necessarily being seen as a rescue but, rather, dealing with the crime problem that that child might present, and how we need to look past those things and protect those children.

I would be remiss if I did not mention how critical the nongovernmental organizations, the partnerships are in this, not only because they often fill the gap in taking care of the victims, but also because they serve as the conscience of the community and often are more than willing to point out to us what we can do to improve. And I think that that is something that we should welcome as we go forward.

As Secretary Clinton has stressed, our credibility and leadership on this issue is going to be strengthened by undertaking an honest self-assessment and ranking ourselves in the annual Trafficking Report. I agree with Secretary Clinton that the United States, when measured against the minimum standards that Congress set forth 10 years ago in the TVPA, has a very positive story to tell of engagement, innovation, and accomplishment here at home. And we are working with our interagency colleagues to carry out that collaborative assessment of efforts across the U.S., including the ever-increasing efforts of our State and local partners.

In closing, we have to remember for whom we work. When I was a prosecutor, a girl told me how scared and alone she felt when they would bring the clients in to her. With interagency partners and NGO's, we got her to safety and we punished the man who had done that to her. And your leadership and commitment ensures that the United States can say to children like her around the world that we will not turn a blind eye to that abuse.

Thank you, Senator.

[The prepared statement of Ambassador CdeBaca appears as a submission for the record.]

Chairman DURBIN. Thank you, Ambassador CdeBaca.

Our next witness is Beth Phillips. She is the U.S. Attorney for the Western District of Missouri in Kansas City. She is the Justice Department's representative at this hearing, and thank you for being here. She has been a prosecutor at both the local level and Federal level. She served in the Computer Crimes and Child Exploitation Unit of the office she now heads. She has served on the Board of Directors of the Metropolitan Organization to Counter Sexual Assault and also the Board of Directors of the Child Protection Center, which provides crisis intervention to sexually abused children. Ms. Phillips earned bachelor's and master's degrees at the great University of Chicago in my home State of Illinois, and she has a J.D. from the University of Missouri.

Thank you for being here. We look forward to your testimony.

**STATEMENT OF BETH PHILLIPS, U.S. ATTORNEY, WESTERN DISTRICT OF MISSOURI, KANSAS CITY, MISSOURI**

Ms. PHILLIPS. Good morning, Chairman, and I want to thank you and Ranking Member Coburn and members of this Committee for holding this hearing today. As you may know, I was sworn in as U.S. Attorney on December 31, 2009, and previously, as Assistant United States Attorney, I was the Project Safe Childhood Coordinator for our district. It is an honor to appear before the Committee today to discuss the efforts of the Department of Justice to combat domestic prostitution of children—that is, the commercial sexual exploitation of American children by American citizens.

Children who are victimized through prostitution come from all socioeconomic backgrounds and all races. It is not necessarily poverty that makes these children vulnerable. Runaways, throwaways, children who are chronically truant, or who suffer physical or sexual abuse in the home—these are the types of children who are targeted by pimps. The pimps purport to offer these children the love and attention that they never had but, rather, instead manipulate them and force them into prostitution.

Unlike international sex traffickers, who incur the risk and expense of moving children illicitly across international borders, American pimps can recruit children at almost no monetary cost, knowing that they can easily replace one child with another. They have little fear of getting arrested and prosecuted because of their confidence in their ability to keep the victims from cooperating with law enforcement.

As one example in my own district, the Western District of Missouri, we prosecuted Don Elbert II, a street pimp to three sisters—a 15-year-old and two 13-year-old twins. The defendant forced the girls to work as prostitutes every night and took all the money they earned in exchange for providing them with food, clothing, and housing. The girls were afraid to leave the defendant because he frequently became violent and threatened them. For example, on one occasion he put his hands around the neck of one twin and said, "I will kill all of you."

After Elbert's arrest, all three girls were hospitalized and were treated for post-traumatic stress disorder and sexually transmitted diseases. They were given tests which indicated that they had very low levels of intellectual functioning.

In 2003, the FBI and the Department of Justice's Child Exploitation and Obscenity Section, and the National Center for Missing and Exploited Children launched the Innocent Lost Initiative to focus on the rescue and recovery of domestic victims of child prostitution.

The heart of the initiative is the establishment of local task forces that bring together State and Federal law enforcement agencies, prosecutors, and social service providers to establish and employ a multi-faceted, victim- centered strategy designed to identify the child victims, provide them the services they need, and to prosecute the offenders. By the end of last year, 34 task forces and working groups had been established throughout the United States. According to the FBI, in the last 6 years the Innocence Lost Initiative has resulted in the identification of almost 900 child victims of prostitution, some of whom were identified as missing by the National Center for Missing and Exploited Children. The initiative has led to 510 convictions in State and Federal courts and resulted in the seizure of over $3 million of real property, vehicles, and monetary assets.

Over 1,500 local, State, and Federal law enforcement officers representing 112 separate agencies have participated in these ongoing enforcement efforts. The Department believes the only way to successfully make defendants account for their crimes is through this type of concerted group effort.

A successful prosecution often turns on the testimony of children who have suffered severe forms of physical and psychological abuse at the hands of their pimps, who may lack a supportive family structure, and who may have become addicted to drugs. These children may feel ashamed and distrustful or even feel as though nothing wrong has occurred. Quite often they feel as though they are in love with their abusers and do not want to testify against them. It takes a great deal of time for law enforcement officers, prosecutors, and victim witness advocates to overcome these barriers and gain the victim's trust and cooperation.

For example, one case involving conspiracy to commit sex training of children in Anchorage, Alaska, required daily commitment from the FBI and the U.S. Attorney's Office victim witness specialist and coordinators over 3 years, from the beginning of the investigation until completion of the trial in 2008. This included five victim witness professionals who were flown into Alaska for the months surrounding the trial, not to mention the many agents and three prosecutors who worked on the trial itself.

Compounding the difficulty is a dearth of secured housing and specialized services for the young victims. Without secured housing, it is difficult for law enforcement officers to maintain the steady contact with the victims necessary to build a rapport and build trust. While general resources might be available at the State level, there are very little resources that are capable of addressing the full range of trauma experienced by these children.

In summary, the Department of Justice is committed to continuing its multi-pronged attack against the victimization of American children. From a training and grantmaking perspective, we continue to assist local communities in understanding and responding to this issue. From a law enforcement perspective, our efforts

are focused on building capacity through the establishment and training of task forces to successfully apprehend and prosecute offenders who make money off the backs of children.

Thank you, Mr. Chairman and members of this Committee, for your time and attention to this important issue.

[The prepared statement of Ms. Phillips appears as a submission for the record.]

Chairman DURBIN. Thanks, Ms. Phillips.

Our next witness is Anita Alvarez, who is the State's Attorney in Cook County, Illinois, which, of course, is the home county of the city of Chicago. She is leading the second largest prosecutor's office in America. She was elected to this position in 2008, a stunning victory in the primary, to the surprise of many. She became the first woman and first Hispanic elected as Cook County State's Attorney. She previously served in the office for 22 years as a prosecutor and supervisor. She has handled all kinds of cases ranging from homicide to child sexual exploitation. She has been named Person of the Year by Chicago Lawyer Magazine and State's Attorney of the Year by the Illinois State Crime Commission. She graduated from Loyola University in Chicago and Chicago Kent College of Law, and she is also a Mom.

Ms. Alvarez, thank you for joining us. Please proceed with your testimony. Make sure your microphone is on there.

## STATEMENT OF ANITA ALVAREZ, STATE'S ATTORNEY, COOK COUNTY, CHICAGO, ILLINOIS

Ms. ALVAREZ. Thank you, Mr. Chairman and members of the Committee. Thank you for inviting me here to discuss this very important issue.

As you know, human trafficking is an increasing problem in the United States, and the sex trade is one of the most lucrative areas of the whole trafficking industry. Over the years, criminal enterprises have made a fortune in my county and in States across the Nation exploiting women and children and destroying lives and communities in the process.

Last year the Illinois Criminal Justice Information Authority funded a study of young women involved in the sex trade in the Chicago area. Seventy-three percent of the participants surveyed reported that they had started in the sex trade before the age of 18. Almost one-third of those surveyed stated that the reason they started in the sex trade was because they owed the individual who had recruited them because of the provision of food, clothing, or gifts.

One survey respondent related that she turned to prostitution as a freshman in high school and that she would turn tricks after school because her mother was addicted to drugs and she needed the money to buy food and clothing. In a prostitution case that my office handled recently, one juvenile related that she did not wish to pursue criminal charges against her pimp because, and I quote, "He gets me a Subway sandwich whenever I want one."

It is clear that when vulnerable young women are equating the trade of sex for a deli sandwich, we all must realize the agonizing human toll that this problem is taking on our young generation and potentially generations to come. These juveniles are engaging

in "survival sex"—exchanging sex for food, clothing, or a safe place to sleep.

Cases such as these also demonstrate the challenges that we face on the local level in prosecuting juvenile prostitution and sex crimes.

First and foremost—from the perspective of the criminal offender—the economic gain of child prostitution or trafficking greatly outweighs the risks. There is very low overhead in terms of cost for offenders, and the crime is rarely detected because it is difficult for law enforcement to identify minors engaged in juvenile prostitution or trafficking.

Another challenge that law enforcement faces in prosecuting these cases is that most children will not self-identify or cooperate with police and they identify with their pimp or purveyor as someone who they can rely on or sometimes even love. They are typically young girls from troubled backgrounds who have been sexually victimized, have low self-esteem, and essentially a total lack of options in their lives—all of which makes this crime a potential "perfect storm" for street gangs or other organized crime entities.

As a career prosecutor who has tried countless gang-related homicides that have occurred on the streets of the city of Chicago, I understand fully the nature and scope and influence of street gangs. They are increasingly sophisticated and profit oriented, and human trafficking fits well into their criminal enterprise. In addition to being able to intimidate the victim and her family, the gang members can also control the victim through sex and drugs.

An extremely disturbing example of this occurred in the State of Illinois in an investigation that originated out of Ottawa, Illinois, in the LaSalle County area. The LaSalle County State's Attorney tried and convicted four people in 2008 on criminal drug conspiracy charges in connection with a gang-controlled heroin and crack cocaine distribution ring that was operating between Chicago and the LaSalle-Peru area in our State.

My office assisted in the investigation and helped to prepare the conspiracy indictment as well as the search warrant executed at a Chicago home where the drugs were being cooked, cut, and prepared for distribution. In that particular case, the gang leaders were using 17- and 18-year-old girls to "body pack" the narcotics for smuggling from Chicago to LaSalle County. And in the course of their involvement, the girls became addicted to the heroin and were videotaped having sex with gang leaders. In a particularly disturbing and chilling video seized in this investigation, one of the gang leaders is shown removing a bag of heroin from the vagina of one of the teenaged victims.

When it comes to prosecuting child prostitution, my office, in practice, does not charge juveniles who are arrested on prostitution-related offenses. We understand this child is not a criminal but, rather, a victim who needs support, services, and a safe future. All too often, making them safe has proved to be particularly challenging because, in the past, the traditional prosecution of juvenile sex trafficking was reactive and far too dependent upon victim testimony.

As a career prosecutor and a newly elected State's Attorney, it has occurred to me that the traditional approach we have taken

with juvenile prostitution has simply not been effective on many levels. We are not convicting the organized groups of individuals who are perpetuating this industry. Even more importantly, we are not able to effectively offer the services that these young women need to help them, keep them safe, and empower them to leave the sex trade once and for all. It seems to me that the premise of removing one child from the situation only to have another step in and fill her place is not a good one.

With this in mind, I created an Organized Crime/Human Trafficking initiative last July as part of the Special Prosecutions Bureau within my office. Along with our law enforcement partners, both State and Federal, my human-trafficking prosecutors have been conducting long-term, proactive investigations into these organized crime targets. Suffice to say, this covert work is proving fruitful, even though at this point I could not discuss the investigations with you.

Additionally, I have taken advantage of the size of my office—the second largest in the Nation—and developed new methods for collection and centralization of intelligence regarding human-trafficking offenders. Given the daily interaction between local law enforcement and those forced to work in the sex trade, crucial leads arise on a recurring basis within the various parts of my office, including misdemeanor cases, domestic violence, auto theft, sex crimes, felony review, cold-case murder—all of these different areas. In many cases, the defendants or victims in simple sexual assault or domestic violence cases possess key information concerning human trafficking. Under my Human Trafficking initiative, we are now working to develop and funnel this intelligence to a dedicated team of prosecutors, allowing us to "connect the dots" and focus our resources in the right direction.

As part of this coordinated approach against human trafficking, my prosecutors have also continued to work with the Chicago Police Department and other agencies to reorganize the regional task force. We are working to specifically train officers working vice to identify and investigate human trafficking—especially those operations involving the exploitation of children. With the assistance of the Chicago Police Department, these ongoing efforts will not only view prostituted children as victims, rather than criminal defendants, but also hold accountable the individuals and groups truly responsible for these horrific crimes.

Equally as important, my human-trafficking team is building direct coalitions with social service providers and other NGO's, thus enabling such groups to assist police during HT takedowns and share their investigative leads with law enforcement. With due regard for client confidentiality and consent, we are fostering the lines of communication necessary for social service providers to share their information with us, not just about human traffickers, but also concerning potentially corrupt public officials who protect them and their operations.

Since the formation of this initiative, the networking plan has cast a wide net, including simple things, such as attending breakfast meetings, to participation in more formal events, such as the launch of the "End Demand Campaign of the Chicago Alliance Against Sexual Exploitation." We also took part in the human-traf-

ficking summit in San Francisco, and through our initiative, my office has been able to share our expertise and our NGO connections with Federal agencies, including the Department of Homeland Security, ICE, and the U.S. Attorney's Office.

In one recent case, we helped to provide information that was instrumental in having a human-trafficking offender detained pending trial in a Federal case and further helped agents connect victims with temporary housing and social services.

I doubt anyone here would be surprised to hear that our greatest setback to date has not been a lack of vision or resolve but rather a lack of funding. And I believe that the funding is important not just for State and local prosecutors but for all the social service providers as well, because we all work together and it is essential that they have the funding as well as us to make sure that we do everything possible to attack this horrific crime.

Thank you.

[The prepared statement of Ms. Alvarez appears as a submission for the record.]

Chairman DURBIN. Thank you, State's Attorney Alvarez.

Our next witness is Rachel Lloyd, who is the executive director and founder of GEMS, which stands for Girls Education and Mentoring Services. It is based in New York. GEMS was started in 1998 and is the Nation's largest organization offering direct services to domestic victims of child sex trafficking. Ms. Lloyd is a nationally recognized expert on this issue. She was named as one of the 50 Women Who Change the World by Ms. Magazine. Ms. Lloyd is the subject of a critically acclaimed Showtime documentary. She received a bachelor's degree from Marymount Manhattan College and a master's degree from the City College of New York. As a survivor of commercial sexual exploitation herself, Ms. Lloyd has a profoundly personal understanding of this issue.

Thank you for being with us today, and please proceed with your testimony.

**STATEMENT OF RACHEL LLOYD, EXECUTIVE DIRECTOR AND FOUNDER, GIRLS EDUCATIONAL & MENTORING SERVICES, NEW YORK, NEW YORK**

Ms. LLOYD. Thank you. Thank you, Senator Durbin, Senator Franken. Thank you for inviting me here to testify.

"In Our Own Backyard" is a very fitting title for this hearing, and I think the predominant response over the last few years has been "Not in my backyard" to this issue. We have had a tough time getting people to recognize that this is really happening, and you quoted some stats earlier, 100,000 youth, 300,000 youth potentially at risk for sexual exploitation in this country. So we know when we are faced with the reality at this point that this is not something that is only happening in other countries to other people's children, but it is happening here.

While the Trafficking Victims Protection Act was passed in 2000 and reauthorized three times since, it is only really recently that there has been a concerted effort to view and treat American girls as trafficking victims. As a Nation, we have graded and rated other countries on how they address trafficking within their borders and yet have effectively ignored the sale of our own children within our

own borders. We have created a dichotomy of acceptable and unacceptable victims, wherein Katya from the Ukraine will be seen as a real victim and provided with services and support, but Keshia from the Bronx will be seen as a "willing participant," someone who is out there because she "likes it" and who is criminalized and thrown in detention or jail. We have turned a blind eye to the millions of adult men in this country who create the demand because they believe they have the right to purchase another human being. We have allowed popular culture to glorify and glamorize the commercial sex industry and particularly pimp culture. Our policies and economic choices have left huge numbers of children at risk for many things, including commercial sexual exploitation, simply because of the zip code they live in. And we have allowed the juvenile and criminal justice systems to treat victims of heinous violence and abuse as criminals, while the adult men who have bought and sold them go free. We have sent 12-, 13-, 14-year-old girls to juvenile detention facilities and ignored the fact that these children are not often even old enough to legally consent to sex and are, in fact, statutory rape victims.

Today's hearing signifies how far we have come in beginning to address this issue and that there is real change afoot. The attention of the Federal Government is critical in addressing this issue, and the presence of representatives from law enforcement, the Department of Justice, and the State Department's Trafficking in Persons Office demonstrates significant progress in the recognition of what is happening to children in our own backyard. Slowly we are beginning to use the appropriate language, recognizing that calling children who are victims of rape, sexual assault, and violence prostitutes is neither helpful nor accurate. Using the terminology "child prostitution" or "child prostitute" conjures up stereotypes and misconceptions about who these children and how we should treat them. One of the most important things for the domestic violence movement to do was naming what was happening and giving it an accurate name. It was violence and it was happening in a domestic situation. It is critical that we accurately label this crime against children as commercial sexual exploitation and domestic trafficking. In doing so, we can begin to make the shift from treating these youth as criminals, and instead treating them as victims, which they rightfully deserve.

As you mentioned, in 2008, New York State became the first State in the Nation to pass legislation that addressed the criminalization of children who were sexually exploited and trafficked. I would be remiss if I did not note that this victory was due in large part to the efforts, courage, and voices of the girls and young women at GEMS who journeyed up to Albany year after year, who testified before State and city legislators, who spoke to the press, who participated in awareness-raising events—sharing their stories with the hope of changing the system for their peers. New York's Safe Harbor for Exploited Youth Act converts charges of prostitution for children under 16 to a Person In Need of Supervision case, thereby shifting the focus from a juvenile justice issue into a child welfare issue. The Safe Harbor Act also mandates the creation of a safe house for victims and training for law enforcement and service providers who come into contact with trafficked and exploited

children. While the law does not go into effect until April 1, 2010, this year, the shift in New York's systemic and institutional response is already happening. Across the country, several States are trying to follow suit and pass their own version of the Safe Harbor Act. It is my hope that in 10 years we will look back and think it was ludicrous that we ever prosecuted children for an act of prostitution.

Yet despite gains made in awareness and advocacy, in law enforcement prosecuting cases of traffickers and service providers recognizing a need for treatment, we still have a really long way to go. Children across the country are still being treated as criminals. In the last few months alone, GEMS has been contacted by organizations and individuals for technical assistance and training in cities and States across the Nation including San Diego, Tennessee, Hawaii, Miami, Tampa, Indiana, Oakland, Portland, Ohio, Connecticut, and Philadelphia. All of these places are witnessing the sale of children in their own communities, and yet few have any resources to address this issue. Currently there are less than 50 beds in the entire country for victims of sexual exploitation and trafficking and approximately a dozen specialized service providers. Many States do not have any specialized services at all, and those of us who are directly serving victims do so with a scarcity of resources and support. Monies allocated in the TVPRA for services for domestic victims have yet to be appropriated.

We recognize at this point that incarcerating children for their victimization is not only unjust, it just does not work.

Services work, support works. Love works. When girls are afforded the opportunity to be safe and valued and cared for, they are able to thrive and flourish. Victims of commercial sexual exploitation have myriad needs and require comprehensive services. They need to be in an environment where they are supported, not judged, cared for, not shamed. They need a variety of shelter and housing options, including crisis shelter, therapeutic foster homes, residential treatment, and long-term independent and transitional living programs. They need individual, group, and family counseling and mental health treatment to address the intense trauma that they have experienced in the commercial sex industry and frequently prior to their recruitment. They need medical treatment that is sensitive and comprehensive, addressing not only their sexual health, but their physical trauma from repeated violence and their overall wellness, including lack of proper nutrition, pregnancy, parenting issues. They need education, both formal and informal, to help them return to school and to learn critical life skills which they have been deprived of during their exploitation. They need job readiness skills, employment training, and viable employment opportunities to help them achieve economic independence. They need the opportunity to develop their skills and talents, to have fun as young people, to create healthy relationships with their peers, and to be supported in a strengths-based environment. They also critically need to see other girls, young women, and adult women who have experienced and overcome the same challenges so that they can be empowered to make the transition from victim to survivor, from survivor to leader. All of these services require resources which are currently limited.

Commercially sexually exploited and trafficked youth have not been high on anyone's agenda or priority list. While commercial sexual exploitation can and does happen to any child, this issue disproportionately affects low-income children, children of color, children who have been in the child welfare system, children who have been in the juvenile justice system, children who do not have a voice in public policy, children who are frequently ignored. Traffickers and exploiters know exactly who to target, who will be featured on the news, who will be seen as a "real" victim. Issues of race, class, and prior victimization have ensured that these children are frequently invisible in our National dialog, yet it is incumbent upon us to make sure that all victims, all children and youth are treated with equity and compassion and afforded the resources that they need and deserve to heal.

As a survivor-led organization, GEMS believes that survivors need to be at the forefront of this movement and has been committed for over a decade to ensuring that the voices and experiences of survivors are integral in the development and implementation of programs and policies designed to serve them. Today, you have an opportunity to hear from Shaquana, a young woman, college student, outreach worker, activist, and leader who I am incredibly proud and honored to get to work with every single day. While Shaquana is an extraordinary young woman, she is not unique in her experiences, nor in her intelligence, resilience and courage. Every single day at GEMS, we serve extraordinary girls and young women who are growing, learning, and, most importantly, healing in the community of love and support we have created and who are in turn supporting and empowering their peers, advocating for change, raising public awareness and demonstrating leadership on this issue. If teenage girls and young women who have experienced heinous violence and exploitation are able to take action and be change agents in fighting against commercial sexual exploitation and domestic trafficking, it begs the question: What are our local, State, and Federal legislators and representatives doing? I challenge you today to join our young women in ending the sale and exploitation of children in our country.

Thank you.

[The prepared statement of Ms. Lloyd appears as a submission for the record.]

Chairman DURBIN. Thank you, Ms. Lloyd. You have given a bit of an introduction to our next witness here, but I want to say a few extra words.

Shaquana works with Rachel Lloyd at GEMS and is herself a child sex-trafficking survivor. For privacy purposes, we are not using her last name. She escaped sexual exploitation and has an amazing story to tell. She graduated valedictorian of her class at Brownsville Academy High School in Brooklyn, New York, in 2008. She is attending college at the Borough of Manhattan Community College. She has made presentations before the New York State Legislature and the Toronto International Film Festival.

Shaquana, thank you for being here today and having the courage to share your story with us, and the floor is yours. Make sure you push the button that says "Talk" so we can all hear you. Thank you.

**STATEMENT OF SHAQUANA, YOUTH OUTREACH WORKER AND TRAFFICKING SURVIVOR, NEW YORK, NEW YORK**

SHAQUANA Thank you. My name is Shaquana, and I am a survivor of commercial sexual exploitation and domestic trafficking. I was getting ready to graduate from the eighth grade when I met a man in my neighborhood. I shared everything about myself with him. He seemed like a complete gentleman. Yet at only 14 years old, I was being manipulated and physically abused to sell my body for this man who was a pimp. I did not have anyone in my life that I could have been completely honest with about what I was doing without them judging me. I was afraid and often felt like everything I was experiencing was all my fault. I was living in this big world, but I felt so small and alone. I cried myself to sleep many nights because I was very unhappy with my life but had no idea how to escape.

At only 14, I got arrested and sent to a juvenile detention facility. Jail just made me feel even worse. I was made to feel embarrassed and ashamed for everything that I had experienced. I never received counseling and was left to figure things out on my own. It was there, though, that I learned of GEMS through the outreach team which was for girls that had been through the same things I had been through.

When I finally got out of jail after several months, I was mandated to GEMS. It seemed like all my family and even the judge thought jail was what I needed as if I were the criminal. My own family thought that I would never amount to anything, and it was almost like they stopped caring about me. I started going to GEMS and created a new family for myself. It was like for the first time in life people understood me and did not think that I was crazy.

It took me a while to fully leave the life behind me, but there was that constant hope for me at times when I did not have it for myself from GEMS. I did not get out of the life until I was 16 years old. I still cannot remember what actually happened, but I was beaten and nearly killed by a man who had bought me. I woke up in a hospital in New Jersey with my entire face broken and fractured, and I needed months of reconstructive surgery. At that point I just felt really lucky to be alive.

I started participating in GEMS again, which helped me to deal with the trauma that had happened to me. I attended all the groups and especially youth leadership, where I learned about what it meant to be commercially sexually exploited. It was through GEMS that I learned that even though so much had happened to me as a young girl it did not mean I would have to spend the rest of my life crying. I could be a survivor, which meant going back to school, graduating, having real friends, and first dates. When I went back to school, I struggled a lot, but because I had the support of GEMS, that helped me to begin believing in myself, too.

In 2008, I graduated from high school as the valedictorian. That was one of the most happiest days of my life because it was a testimony to how much I had overcome. Now I am in college. Being in school means a lot to me because at one time I did not think I would ever make it.

At GEMS I now help run our education initiative program. As we all know, education is very important, and a lot of our girls, after getting into the life, are forced to have to stop going to school. Our educational initiative was designed to help our girls go back to school and assist them with whatever they need help with. Having this program at GEMS is very important because at one time I felt like I would never be able to do anything productive with my life. But I know now that I can. It is important that our members see me as an example and know that if I can do, they can, too.

Today I also work at GEMS as an outreach worker. I travel to juvenile detention facilities, group homes, and schools to educate girls on the issue of commercial sexual exploitation and trafficking. This is very important to me because a lot of the times girls have no idea what really goes on, and if I can reach them before an exploiter ever does, they will know the truth of what that life really offers. I let them know that if they have been a victim of trafficking, there is a place where they can get help and will not be judged.

As I travel to juvenile detention facilities, I see the same victimization by the staff is still happening to the girls, and it is important that I am there to let them know that what happens is not their fault. I was a part of helping get the Safe Harbor Act passed so that girls will no longer be sent to jail for having been commercially sexually exploited. Girls will now be recognized as victims and will receive services. Most importantly, though, I think the Safe Harbor Act will help people see who the real perpetrators are.

I would like to thank you for listening to my testimony of what I have been through as a survivor of commercial sexual exploitation and hope that you are able to see how young women that have been commercially sexually exploited need support, not jail, and that will help them begin rebuilding the type of lives that we all deserve.

Thank you.

[The prepared statement of Shaquana appears as a submission for the record.]

Chairman DURBIN. Shaquana, thank you, and I mean it from my heart that you have come here today to tell the story because it really puts a face on the issue. And as you are serving as an outreach worker and you are in contact with young girls who are in "the life," as you call it, what are they looking for to leave? What does it take to get them to leave that life?

SHAQUANA I think what they have to begin to understand, you know, is they start to see that there is a safe place and it is something totally different that they probably never had in their life, and it takes them time. And they need people that are going be patient with them and understand them and see the things that they went through and help them to understand that they are not a bad person, that it is not their fault, and to begin offering them, you know, that you can go back to school and that you can start your life entirely over and that what happened to you in the past does not mean that this has to be how the rest of your life is going to be.

Chairman DURBIN. So are they afraid of the pimps, if they leave that the pimps will come after them?

SHAQUANA A lot of times girls are scared that even if they testify against them, they might get hurt for doing that. A lot of times the girls, you know, they are just scared or they love them and they do not want to do it. You know, at the time they are not ready for that.

Chairman DURBIN. And what do you do? What do you offer to them? What do you say to them to try to convince them that it is worth the risk?

SHAQUANA I think they begin—they have to understand what happened to them is wrong and that it was not their fault. A lot of times girls feel like it was their choice. And you have to show them that, you know, you were manipulated, you know, that this person does not care about you, and that this is what they are using you for.

Chairman DURBIN. So you were put in jail, and you say in your testimony that you were mandated to the GEMS program, which I assume means that when you left jail, you had to go to this GEMS program.

SHAQUANA Yes.

Chairman DURBIN. The jail experience was awful, just terrible, as you have described it, but it did result in your connecting up with this GEMS program.

SHAQUANA I mean, what actually happened was through the outreach program coming there, they were able to—that is how I met up with them. I was able to find a case manager. They set me up with that, and, you know, they told me that I could go home to this program; or if I would have never found out about GEMS, then I was going to go upstate. So it was through like my own luckiness, I guess.

Chairman DURBIN. So, Ms. Lloyd, your GEMS program, how many young people like Shaquana are a part of it each year? Have you been in existence for a few years now?

Ms. LLOYD. We have been serving girls and young women for over 12 years now. Last year, we served 275, 280 girls and young women who were all victims of commercial sexual exploitation.

Chairman DURBIN. I was trying to get Shaquana to give us a little bit of an idea, a picture of the kind of mind-set that the victim brings to a place like GEMS. And I know that self-esteem is a big issue here. Obviously, it is. You went through a long litany and list of things these young people need. What would you say is the one thing that really does make a difference in terms of their deciding to turn their lives around and turn into a success like Shaquana?

Ms. LLOYD. Honestly, I think it comes down—and this is a hard thing to legislate, but I think it comes down to real, genuine relationships and support. I think we have a phenomenal staff. I think the fact that we are a survivor-led organization, we have young women who are survivors who are a part of the organization. We have women who are not survivors who are part of the organization who are incredible allies. Those relationships, I think, begin to—you have to help somebody replace what they have experienced. You cannot just take away this sense of kind of support, love, dependence upon the trafficker or the pimp without helping replace it with something. And so you need the wrap-around services, but you need to have real relationships in that service, too.

Chairman DURBIN. Ms. Alvarez, in our area of the world, in Cook County, if a young lady like Shaquana finally comes out of the life and is now looking for some place to go to get herself back together—and as Shaquana said, her family was not very understanding of this at all. She is lucky she found GEMS. What happens to a young woman in Cook County who might go through the same experience? Where can she go?

Ms. ALVAREZ. You know, there are a lot of service providers that we work with on a daily basis. There is a group called Promise that is about to open in Oak Park, Illinois, which you know just borders the city, a residential home for young women in this situation called Annie's House. So we have been working very hard with them and organizations like that to help make sure that they are provided the services.

Sometimes what we have seen, because we divert those cases out of the system, is that even by doing that sometimes, these young girls are not getting the services that they need. Recently we had a case where the parents begged us to charge her so she would get services, and sometimes we have seen that where they have actually had to go in in order to receive the services that they need.

So it is an ongoing effort and case-by-case determination, but, you know, I think we are all in need of more services. Particularly, I am aware of the work that GEMS does, and it is awesome. And we do have groups, you know, such as that in Chicago. Promise is one.

Chairman DURBIN. So give me a comparison of the population in need of services and the services available, the beds available.

Ms. ALVAREZ. I think the population in need is much higher than the services available. I think that, you know, again, this is kind of—it has been silent. It is happening right under our noses. And I think sometimes we do not want to accept that, but it is there. And so the numbers are probably higher than we imagine of young girls out there that need these services.

Chairman DURBIN. Most of the social service agencies in our State, and I will bet in many other States, are really up against it now because——

Ms. ALVAREZ. Absolutely. Absolutely.

Chairman DURBIN [continuing]. State and local budgets have been cut dramatically, so at a time when we probably did not have enough services to start with, we may see those services threatened by these budget cutbacks.

Ms. ALVAREZ. Absolutely, and you are aware of what is happening in Illinois, and we have cut back on so many of the funding for social service agencies. So it is really a dire time.

Chairman DURBIN. Ms. Phillips, with all the experience you have had in this area here, I hate to use the word "profile," but can you profile the likely victims? Can you pick out the most likely characteristics you are going to find if you look at the population of victims?

Ms. PHILLIPS. Unfortunately, we have found that the victims come from a wide variety of different backgrounds, different socioeconomic backgrounds, different races. It is difficult to profile and, therefore, I think, difficult to sometimes prevent. But what we have found most frequently is that they are children who have suffered

some type of difficulty. Either they are runaways, they are throwaways, they suffer some type of physical, sexual abuse. There is something missing that the pimp can target and thereby manipulate and gain control over the victim.

Chairman DURBIN. Tell me, what is the usual contact point between the pimp and the victim? Is there a circumstance or a place or an environment where this is most likely to occur?

Ms. PHILLIPS. Unfortunately, in our experience that also runs the gamut. It may be a casual acquaintance. It may be someone that they have known for a long time. It may be someone that they recently met. It may be someone that they have recently encountered through conversations on the Internet, utilizing the Internet or social networking sites. That is a very difficult profile to develop also.

Chairman DURBIN. Ambassador CdeBaca, a question was raised earlier about whether the United States is grading the world on this issue and willing to let the world grade us, and I know that that is one of the things that you are looking into at this point in time. Can you tell me how you are going to approach that and how you would grade the United States' efforts when it comes to human trafficking?

Ambassador CDEBACA. Well, I am certainly not a disinterested party, having been on the front lines of this here in the United States. But I think one of the things that we are working on right now is work through the Senior Policy Operating Group, which is kind of the Assistant Secretary level effort across Government, to really pin down how best to gather the information to go into the ranking. In the TIP report each year, there has been an assessment of the United States, a narrative about the United States, but what we have not done is we have not applied the 11 minimum standards that you and the rest of the Congress gave to us to analyze the countries of the world.

And so the notion, as Secretary Clinton announced last June, that we would rank ourselves by those standards so that there is this equality out there, and we are not the only country that does not get ranked, there is some tension in that, obviously, the United States ranking itself as opposed to having an outside entity do it. But it is something that we definitely want to work through, and so we are working with our agency counterparts. We are going to be reaching out to the States and locals and then also, importantly, to the nongovernmental community. It is just critical that civil society be involved.

Chairman DURBIN. Thank you. Some of you who follow track are aware of the Drake relays. You are about to witness the first annual Illinois-Minnesota Senate relay. We have a roll call vote going on on the floor. Senator Franken just voted and came back. Now I am going to go vote and then return, and he gets to go vote, and so you can time us on this. But thank you, Senator Franken, for your cooperation, and I am going to sprint out.

Ambassador CDEBACA. And, Senator Durbin, as an Iowan, I would like to thank you for the Drake relay reference.

[Laughter.]

Senator FRANKEN. Thank you, Mr. Chairman. Hurry up. I caught everything like that, so I got back fast, and I am glad I did. But I did miss some of the questioning of the Chairman.

Thank you all for being here on this heart-rending and very important topic. Rachel Lloyd, you said—I wrote down some of it—that we turn a blind eye to adult males who provide a market, and I am not sure if it was Anita Alvarez or Ambassador CdeBaca who said that most prostitutes start in the sex trade as a child.

So I think we should understand that adult males who are patronizing prostitutes are continuing this exploitation of children. Is that fair to say? Everyone, right? So I think that we should understand the seriousness of an adult male patronizing a prostitute. And I think we should understand that that adult male should be the person who is prosecuted. OK? I feel very strongly about that. I feel that the victims are the children and the women who are adult children who are the result of this exploitation, and that the adult males who frequent prostitutes are the ones who should be in prison. And maybe that will slow down this market and dry up this market.

Only 70 beds, that is what I heard from Senator Wyden. That is remarkable. That is unbelievable. In this entire country, 70 beds. Rachel?

Ms. LLOYD. It is actually less than 50 at this point.

Senator FRANKEN. Less than 50 beds.

Ms. LLOYD. It is, like, 47 or 48 beds, specialized for victims of commercial sexual exploitation and domestic trafficking.

Senator FRANKEN. I was just in Rochester, Minnesota, where there is a home for victims of domestic violence, 11 beds. They are 98 percent full. They have to send women from Rochester to somewhere else. These are women who may have jobs, have children. But this is unbelievable that there are less than 50 beds. So let us talk about what we do to treat these young girls.

Ms. Alvarez, I know that you have a program in Chicago, a comprehensive program. Can you describe it a little bit? I know we do one in Ramsey County that is very good.

Ms. ALVAREZ. I think what we need to do as prosecutors from the law enforcement perspective is handle these cases differently, because the traditional way of trying to get at the pimp has been to just try to convince the victim—the victim, the young lady—to testify, which does not always work, obviously, for a variety of reasons. So what we are trying to do now is——

Senator FRANKEN. By the way, I was not talking about the pimp. I was talking about the john in terms of where I was—because Ms. Lloyd said that we turn a blind eye to adult males who provide a market. And I think that we cannot escape that, that we have to look at the men who patronize prostitutes and understand—what percentage of prostitutes were involved as child prostitutes? Do we know that?

Ms. LLOYD. Studies range. Some places say as high as 70 to 80 percent. We do know that 70 to 90 percent of adult women in the commercial sex industry were victims of child abuse, child sexual abuse, prior to their entry, regardless of what age they entered. So we are talking about a population——

Senator FRANKEN. So I think adult males in this country should be aware of what they are doing. I think law enforcement should be aware of what they are doing. They are exploiting children. They are continuing the exploitation, the sexual exploitation of

children, and how serious this is. And I understand getting at the pimp is a big part of prosecuting this and a big part of ending this cycle.

Ms. ALVAREZ. It is attacking the enterprise. The criminal enterprise is what it is. And so I think we have to change the way we look at these cases and the way we attack them. And, you know, they are victim based but not—I believe they should not be victim built. The ability to get at this criminal enterprise should not be just solely based on the victim. We have to look at it as we look at a financial crimes case, as an organized crime case, and build it that way in order to attack the enterprise.

That short clip we saw in the film, he said, you know, it is a business, it is all about money. And it is. It is all about money.

So from a law enforcement perspective, I think we have to attack these cases differently, and on the social service end, they need more funding in order to provide. You know, to hear the number of beds that are available for these victims is outrageous here in our country. So I think it is a matter of, you know, more funding for all of our social service providers that we deal with.

Ambassador CDEBACA. And, Senator, I think one of the things that is so important about the Trafficking Victims Protection reauthorization of 2008 is that it hopefully is going to give us some of the tools to do exactly what you are suggesting. The numbers have never been disaggregated as far as the FBI's Uniform Crime Report, so we never were really able to say how many of the 60,000-plus prostitution arrests in the United States were for customers as opposed to the women who were involved. We could make a rough estimation because it breaks it down by men and women. The United States arrests usually around—actually convicts somewhere around 22,000 to 26,000 men every year for the crime of solicitation of prostitution. We lead the world on that.

But as the President pointed out in his speech in Tokyo, our anti-trafficking efforts really need to look at the cultural side. We have to work toward a world, as he said, where a girl is valued for her contribution and her mind, not for her body. And so we are going to be speaking out on that on the international level, but at the same time, I think once we are able to finally look at that and say in a particular county or in a particular city here is what your statistics are, you are arresting 80 percent women and only 20 percent of the johns, that will then enable the policymakers to say, you know what, we need to rebalance this and not just look at it as something where you go out and scoop up all the women on the street and say that you are doing something about this particular issue.

Senator FRANKEN. The johns have to be arrested at that point. I mean, what happens if someone has been discovered to have gone to a prostitute?

Ambassador CDEBACA. Well, I would certainly defer to the State's attorney. From my experience as a DA's investigator actually doing some undercover work in this field, you have to go out and make the transaction. The law——

Senator FRANKEN. It has to happen at the point of the transaction. It cannot happen afterwards.

Ambassador CDEBACA. The point of transaction is actually where you have the crime. It is the notion of the solicitation. And so a lot of the enforcement in this field is not that police will observe someone with someone who looks like a prostitute and then draw that conclusion. That is not really something you can based a reasonable doubt determination on. Rather, it is often policewomen who are posing——

Senator FRANKEN. Undercover.

Ambassador CDEBACA. Undercover.

Senator FRANKEN. Let us go to preventing this. I was just in Duluth, Minnesota, where Lutheran Social Service is providing outreach to children, teens usually, who are homeless. And I think early in the testimony—it might have been Senator Wyden, said many of these victims are runaways, and a large percentage of children who find themselves on the street are runaways.

To what extent could we help these kids before they become victims by doing social services and outreach and providing beds to homeless kids and runaway kids? Anybody?

Ms. LLOYD. Given, again, the high correlation between child sexual abuse and future recruitment into the commercial sex industry, we are doing a lousy job on addressing child sexual abuse. And many of the children that we see have come into contact with multiple social services, multiple times before the age of 12, 13, 14 years old, whether it is because of domestic violence in the home or because they ran away, whether there was sexual abuse, et cetera. And yet those systems are failing those children. Over 70 percent of the young people that we serve have been in the child welfare system at some point. Foster homes and group homes are a prime place of recruitment. So our child welfare system, we really need to address what is happening to children in our child welfare system, too.

So shoring up those kinds of resources and institutions prior to kind of kids hitting 12, 13, 14, when they become so vulnerable for traffickers, is critical in terms of addressing this issue. And there is a lot more that we could be doing.

Ms. ALVAREZ. I think public awareness is key, and that is something that you can help with, the Government can help with, is public awareness and making people aware that, yes, this does happen, and it does not just happen in another country. It is happening here in our country. And that is key. You know, funding for social service agencies and for law enforcement, but also public awareness and making sure that people are aware and that they could help provide for these kids.

Ambassador CDEBACA. I think also one of the things that we have seen—and I am drawing on some of the cases that I prosecuted—is the notion of we have a child protective system—and not just in the United States; I see this in other countries around the world. But especially in the United States, we have a child protection system that has this fostering and the group home type of model which works for most kids. It is the thing that applies kind of across the board. But one of the things that we see, whether it is a U.S. citizen child or whether it is a foreign victim, is that the trafficking victim often needs more. The things that happen to a child in prostitution are so grave that it is not necessarily some-

thing that a good-hearted person who has got a couple of foster kids in their house can really even fathom as to what that child needs.

And so if our response then ends up being let us take this child and then put them into that system, that system is not designed for that child. And I think that that is one of the things where we see with GEMS, where we see with a number of the other folks who are really wrestling with this, is how do you provide that overlay to the child protective system.

Also, we end up having mixed populations. One of the things that I have seen in some of my cases was that you would have adult women and girl children who clung to each other for safety while they had the pimp who was abusing them, and then our response typically with the child protective services is to say, OK, everybody under 18, you go this way, everybody over 18, you go this other way. And what we have done at that point is we have torn the very thing that allowed them to survive apart.

So I think that notion of how do we look at the whole victim and then how do we try to make our systems address that—and, again, this is something that we are trying to have that conversation around the world so that countries look at what is best for the child, what is best for the trafficking victim, rather than how have we always done it.

Senator FRANKEN. Rachel and Shaquana, I wanted you to speak to this part, which is the most effective way to treat victims.

Ms. LLOYD. Well, I think specialized services are critical, but to go to the Ambassador's point, I think training for first responders, child welfare workers, law enforcement, emergency room nurses, et cetera, is critical. People are coming into contact with this population all the time. They either do not know how to recognize it, or they recognize it and they are incredibly judgmental and stigmatize young people. They do not know how to have the conversation. If they do, they do not know where to refer.

We do a lot of training, both local and nationally, and we have found that when folks are trained and feel equipped, they can have the conversation. If you were working in a runaway and homeless youth center and you do not ask how a young person has been surviving for the last 3 months at the age of 15 on the street, they have had to exchange something in exchange for something. But those questions are not even being asked. They are not even mandatory on a lot of intake forms in child welfare, et cetera.

There are some really simple things that we can do in terms of training and technical assistance with some of these larger institutions that could really shore up that support. In terms of—and so recognizing that specialized services will never be able to serve everybody, but there is a real need for those specific services where young people can be around other young people who have had those same experiences. They can see adults, young women, role models who, when you are in the life, you do not see anyone else who has successfully come out of the life. Anybody who is an older woman is struggling at that point, or people die or people go to jail. So to be able to see young women, adult women who are going to college and working and walk in the front door——

Senator FRANKEN. They have come through the other side.

Ms. LLOYD. That is so critical, and we know that. We know that that works in substance abuse. We know that that works in domestic violence treatment and rape crisis treatment. Having people who have experienced the same things makes people feel comfortable. And girls need comprehensive, long-term services. The vast majority of the girls we work with do not have a really strong family structure. There may be some family members that we can help support, but they are going to need services for a really long time. And so kind of rescuing kids and taking them out of the situation and—I mean, you have to be able to kind of provide long-term, strengths-based youth development services up until young adulthood so that they can make a transition in their early 20's into kind of being independent.

Senator FRANKEN. Shaquana, I saw you do a lot of nodding while Rachel was speaking. Can you speak to this?

SHAQUANA. One of the things that I would like to say is especially as I am an outreach worker and I go to juvenile detention facilities—you know, just maybe 2 weeks ago, I witnessed a staff member say something that was really rude to a girl that, you know, they know what they are there for and they expose their business in it, helps the girls to continue to feel worse about themselves as if there is something wrong with them. And it can make it hard for them to understand what it is that I am talking about, and it is important that I be there, like I was saying before, to help them understand that they do not have the right to say that to you, that you do not deserve to be here in the first place, and that, you know, there is a place where you can come and get services and that you do not need to be detained to learn some lesson, you know?

And I think even with myself it has been extremely important that even as I went back to school, even though I was not in the life, I had to still learn what it meant to be in a healthy relationship and live with my family and how to deal with certain things that I had never dealt with before. I had to learn what it meant to be a kid and that, you know, I have people in my life to help me, and I have to, you know, ask for their help and know that they are going to be there for me.

Senator FRANKEN. And you became valedictorian of your class.

SHAQUANA. Yes.

Senator FRANKEN. I just want to underline that, what an unbelievable achievement that is. GEMS must be doing something right, and you must have something to teach everybody. So thank you, Ms. Lloyd and Shaquana, just unbelievable, what a great thing. And now you are going to college, right?

SHAQUANA. Yes.

Senator FRANKEN. That is pretty cool.

Ms. PHILLIPS. Senator, if I may interject, I think that Shaquana and Ms. Lloyd bring up excellent points, and another critical component is identifying the potential victims as early as possible so that these services that they have described can begin delivery at the earliest possible point.

I think it is important, as Ms. Lloyd indicated, that we educate law enforcement officers, social service providers, anyone who may potentially come in contact with these victims, to ask the right

questions so that the victims may be identified through the series of questions. I think that the task force model is critical in terms of identifying the various entities and agencies that may come in contact with potential victims and training them so that they can identify the victims at the earliest point possible.

Senator FRANKEN. I want to go back to something that I started with, which is, to what extent is stigmatizing—because Ms. Lloyd talked about giving a pass to the johns and we also talked about public awareness. To what extent is it crucial to stigmatize the people, the men who patronize prostitutes and get everyone to understand that what they are doing is continuing the exploitation of children?

Ms. LLOYD. I think that right now what is happening is victims are being stigmatized. The agency that Ms. Alvarez just mentioned was Case out in Chicago, they did a fantastic study on demand and interviewed 200, 300 men who had bought sex at some point in their lives, and most of these men—A, a large percentage of these men said that they knew that women—they believed that women probably had been sexually abused, that they probably were on drugs, they probably did have a pimp. They did not really care.

What they did care about, though, was being embarrassed in front of their families, in front of their work colleagues, having a fine, having their car taken away. If they were shamed——

Senator FRANKEN. But if that happened to the johns——

Ms. LLOYD. Yes, they——

Senator FRANKEN.—might the demand go down and may we save some of our children?

Ms. LLOYD. Yes, and right now they have talked about—the panel has talked about kind of this low risk, low investment, high return, high yield for traffickers. The demand is there. I mean, if we are talking about potentially 100,000 children in this country who have been sexually exploited, how many men are buying them?

Senator FRANKEN. I am sorry, Ms. Lloyd. I need to go vote, Mr. Chairman.

Chairman DURBIN. Thank you. Thank you, Senator Franken.

Senator FRANKEN. Thank you.

Chairman DURBIN. Thank you all, and I apologize for this, but it happens from time to time. We had two roll call votes underway.

Shaquana, I would like to go back to you, if I could, and ask a question or two about your role, your relationship with the police when you were involved in this and you were arrested. Did you feel at any point along the way with the police or with the prosecutor's office that there was an effort or an outreach to avoid your being charged with a crime?

SHAQUANA. No. Like I said, if it wasn't for me actually finding the outreach team and, you know, them asking me is this what has happened to me and that this is a place that you can go to, I would have been sent upstate to serve maybe 6 months in jail. I mean, I even remember, as I was telling you before about how I had been injured, I was in New Jersey, and I had to come back to New York. And I remember coming in contact with police and begging them to take me to the hospital and call my mother. You know, at the

time I was only 16 years old, and I was extremely beaten up, and they wanted to do nothing. I had to beg them.

Chairman DURBIN. In terms of support from family and friends, did you have any at that point?

SHAQUANA. No. There were times, you know, where I would be living at home, and if someone got mad at me, or whatever, they were calling me out of my name, and it made me feel extremely uncomfortable, living in my home with people that were supposed to be my family.

Chairman DURBIN. Can I ask, Ms. Lloyd, when I hear about the women who are—young women who are victimized here, there are some parallels to the victims of domestic violence, too.

Ms. LLOYD. Yes.

Chairman DURBIN. Is there a way to coordinate the services? Because I am afraid, as Ms. Alvarez has said, we have few services to start with, and with budget cutbacks, even fewer. Are there ways to coordinate efforts here with other agencies that are involved in domestic violence to help these victims?

Ms. LLOYD. Yes, I definitely think that the domestic violence and sexual assault movements need to embrace this issue. The young people that we serve are indeed victims of domestic violence and sexual violence.

In terms of kind of specialized services, it has been our experience in New York, particularly—and I have heard this from many services providers—while we will not tell somebody when they are calling—and this is for older girls because obviously underage girls cannot go to a domestic violence shelter. But for our older girls, if they call a domestic violence shelter, we advise them that sharing your trafficking situation may not be wise in terms of you getting a bed.

Chairman DURBIN. Why? Tell me——

Ms. LLOYD. Because they will be refusing housing generally. They will generally be refused shelter if they say that their abuser was a pimp, a trafficker, because many domestic violence shelters feel like that is a different type of victim, not a real victim, or they are worried about the trafficker coming to their shelter, et cetera, and they do not see it as kind of their issue.

So, I mean, we have seen a lot of girls turned down because they have been honest about their situation, and you are right. I mean, the parallels to domestic violence, the psychological manipulation, kind of the attempts to leave and go back and leave and go back, are very similar.

So, I mean, there is much, I think, we could share with the domestic violence movement, but they have to really embrace this issue. And there is a difference in terms of kind of the systems that are set up. There are not domestic violence shelters for 15-year-olds. That is a child welfare issue.

Chairman DURBIN. How many years did it take you to get the Safe Harbor bill through the New York Legislature?

Ms. LLOYD. Four and a half long years.

Chairman DURBIN. Congratulations.

Ms. LLOYD. Painful years.

Chairman DURBIN. Ms. Alvarez, have you taken a look at this New York law? Are you familiar with it?

Ms. ALVAREZ. I am familiar with it, and actually we have been looking and we have contacted with Polaris, and we are going to—we are in the drafting stages of something for Illinois.

Chairman DURBIN. Good.

Ms. ALVAREZ. We are not there yet, but it is something that we are taking a great look at.

Chairman DURBIN. Well, perhaps we can ask our State Attorney General to take a look at it, too. It would be good if we could join efforts on that, and I would be glad to help in that regard.

Ms. Phillips, you did some work in the computer Internet area, too, which is obviously part of this exploitation. Is there more that we can or should do? Do you feel that the technology is moving faster than our surveillance?

Ms. PHILLIPS. Well, unfortunately, it is always a challenge to keep a step ahead of the criminals, and especially in the computer crimes area where the technology moves at just a breakneck speed.

I can say that through the development of the regional computer forensic laboratories and a greater focus on the amount of information that is out there through computer forensics, we have been able to better address the problem and pursue a more significant number of child exploitation cases that are investigated through the use of computers or the Internet.

Chairman DURBIN. Ambassador, Beth Phillips noted in her testimony that the Justice Department is currently funding research into the prevalence of commercial sexual exploitation of children in our country, and the findings are due in early 2011. Do you believe this ongoing DOJ research will help address the concerns of the U.N. Committee on the Rights of the Child?

Ambassador CDEBACA. I think it will, Senator. I think that one of the things that as we look to see how best we can respond to our treaty obligations and how best we can respond to our obligations under the Palermo Protocol to not just prosecute and protect but also to prevent trafficking, the research side becomes critically important.

So through this Senior Policy Operating Group, the interagency process, one of our subcommittees is the Research Subcommittee, and we are working very closely with the National Institutes of Justice to try to do that kind of research both here and overseas as well.

Chairman DURBIN. Well, I thank you all on this panel, and for your patience as Senator Franken and I moved back and forth, and especially for coming here today.

We have received a number of written statements in conjunction with today's hearing, and with unanimous consent, I will place them in the record. They include statements from the Chicago Alliance Against Sexual Exploitation and Shared Hope International.

[The statements appears as a submission for the record.]

Chairman DURBIN. If there are no further comments from our panel, I am going to bring this hearing to a close, again thanking Ms. Spears, for your inspiration, being a catalyst for our coming together today, and for action that will follow up.

This hearing record will remain open for a week for additional materials from other members of the Committee and interested individuals and organizations. Written questions may be sent to

members of the panel. I hope you can try to address them in a timely way if they come to you.

The last time our Subcommittee met, we addressed the question of how well our Nation is implementing our human rights treaties. The subject of today's hearing, child sex trafficking, implicates the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. Changing the way our Government treats victims and survivors of child sex trafficking will help us comply with this treaty obligation.

Shaquana reminded us that treaties need to be more than just abstract legal documents. They protect America's children from the horrific forms of abuse and exploitation which have been described here today. As we lead the fight for human rights around the world and against human trafficking, we have a legal and moral obligation to protect our own children right here in America.

This hearing is adjourned. Thank you very much.

[Whereupon, at 10:46 a.m., the Subcommittee was adjourned.]

[Questions and answers and submissions for the record follow.]

# QUESTIONS AND ANSWERS

Responses from Cook County State's Attorney Anita Alvarez

To questions of Senator Tom Coburn, M.D.

"In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States"

United States Senate Committee on the Judiciary

Subcommittee on Human Rights and the Law

February 24, 2010

1. ARE THE FEDERAL STATUTES THAT ARE AVAILABLE TO PROSECUTE CHILD PROSTITUTION SUFFICIENT TO ADDRESS THE CRIMES AND SITUATIONS YOU SO OFTEN ENCOUNTER? IF NOT, HOW COULD THESE STATUTES BE IMPROVED?

   As the State's Attorney of Cook County, I prosecute criminal offenses under state laws and am not limited or restricted by the provisions of federal statutes. However, there are certain provisions in federal statutes that we have found can be useful when we engage in joint operations with federal authorities. One example would be those that allow us to assist victims with respect to their immigration status.

2. IN YOUR OPINION, ARE THE STATUTES THAT ARE AVAILABLE TO PROSECUTE CHILD PROSTITUTION SUFFICENT TO ADDRESS THE CRIMES AND SITUATIONS YOU SO OFTEN ENCOUNTER? IF NOT, HOW COULD THESE STATUTES BE IMPROVED?

   No, I do not believe that the existing state statutes are effective as they currently exist. That is why my office in recent months and weeks has worked with our local NGO partners to draft and introduce new legislation which we believe will significantly improve our ability to effectively prosecute child prostitution and trafficking cases.

   The Illinois "Safe Children" Act, currently pending in the Illinois Legislature, would amend our state's criminal codes to address the sex trafficking of minors. This legislation would amend existing statutes to provide for the transfer of jurisdiction over children who are arrested for prostitution from the criminal system to the child protection system, with special provisions to facilitate their placement in protective custody if necessary. Among its components, the legislation would expand vehicle impounding provisions on crimes related to sex exploitation, and support the criminal, financial and forfeiture investigations of these organized crime rings by adding the related offense of human trafficking, identity theft, and financial fraud crimes to the list of offenses subject to court-ordered interceptions.



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3. ARE THE PENALTIES AVAILABLE UNDER EXISTING STATUTES SUFFICIENT? IF NOT, HOW SHOULD THESE PENALTIES BE IMPROVED?

Beyond the statutory changes in the Illinois Safe Children Act, it is my belief that our state needs significant revision in our forfeiture laws to allow the use of criminal forfeiture as well. This would allow us to attack criminal organizations or entities more effectively by divesting them of their financial lifeblood and preventing future victimization. This is a longer term initiative, but something my office is working on as well.

4. IN YOUR OPINION, ARE THE SENTENCES HANDED DOWN AGAINST PERPETRATORS OF DOMESTIC CHILD SEX TRAFFICKING SUFFICIENT TO FIT THOSE CRIMES?

Quite frankly there has not been a long history of successful prosecutions in my county and, I believe, across the state of Illinois when it comes to trafficking, which is why my office is taking a new approach in the prosecution of these cases. We have not been successful in convicting the organized groups of individuals who are perpetuating this industry which is why we created an Organized Crime/Human Trafficking Initiative last July.

5. PLEASE DESCRIBE FOR ME THE INTERACTION BETWEEN STATE AND FEDERAL LAW IN THE PROSECUTION OF THESE CASES. WHAT PERCENTAGE OF DOMESTIC CHILD TRAFFICKING CASES ARE HANDLED BY STATE LAW ENFORCEMENT VERSUS FEDERAL LAW ENFORCEMENT?

The relationship between my office and the U.S. Attorney's Office here in the Northern District of Illinois is exceptional and I am extremely proud of our ability to work together to develop and investigate cases that put the needs of our victims and our citizens ahead of all else. In fact we are currently working with federal partners on several long-term proactive investigations into human trafficking operations. This covert work is proving to be extremely fruitful although we cannot at this time discuss specific details.

As far as a percentage of cases handled by state prosecutors versus federal prosecutors, I cannot identify an exact number. However, it can be easier to bring a domestic child trafficking case in the state system versus the federal system because federal statutes require certain factors that preclude federal involvement such as the case being required to have an interstate nexus.

6. IN YOUR TESTIMONY YOU DISCUSSED THE DIFFICULTIES YOU HAVE HAD PROSECUTING ORGANIZED GROUPS OF PEOPLE WHO ARE ENGAGED IN THE CHILD PROSTITUTION INDUSTRY. CAN YOU EXPAND ON THE CHALLENGES YOU HAVE FACED? IN PARTICULAR, ARE THE STATUTORY TOOLS AVAILABLE TO YOU AND TO FEDERAL LAW ENFORCEMENT SUFFICIENT TO REACH THESE GROUPS?

One of the difficulties that we have encountered in cases is identifying the interaction between financial fraud and false documents and human trafficking, which is a major issue that we attempt to address in the Illinois Safe Children Act. Another challenge has been attempting to prosecute trafficking cases in a reactive fashion, which essentially builds an entire case on a victim alone, which we believe is not the best approach.

7. I WAS IMPRESSED BY YOUR TESTIMONY THAT YOUR OFFICE HAS COORDINATED WITH SOCIAL SERVICE PROVIDERS AND NGOS TO HELP PURSUE THESE CASES. ARE YOU AWARE OF ANY OTHER JURISDICTIONS DEVELOPING SUCH RELATIONSHIPS? WOULD YOU RECOMMEND THAT OTHER STATE AND LOCAL LAW ENFORCEMENT AGENCIES ALSO COORDINATE WITH THESE GROUPS?

My office remains at the forefront of this work, but other jurisdictions are making progress as well, such as New York, Florida, Georgia, Texas and Washington. Like the Human Trafficking Initiative created within my office, a few States have developed safe harbor statutes, and created systems to track at-risk youth and to coordinate social services into criminal investigations. I recommend that other law enforcement agencies follow our lead, and build new partnerships with social service providers. By building collaborative and trusting relationships, we can maximize our ability to help these vulnerable victims and address their many areas of need from simple things like a safe place to sleep, clothing and food to more long term solutions like secure housing, therapeutic care, educational and employment opportunities. By combining law enforcement with social services, we hope to break cycle of despair these children endure.

8. IS IT STILL THE CASE THAT VICTIM COOPERATION AND TESTIMONY IS CRUCIAL TO SUCCESSFULLY PROSECUTE PERPETRATORS OF CHILD PROSTITUTION? IF SO, WHAT TECHNIQUES DO YOU USE TO EARN THE TRUST OF YOUNG VICTIMS AND HOW OFTEN ARE YOU ABLE TO SECURE THEIR COOPERATION?

Based upon my experience, the traditional, reactive approach to these criminal cases cannot, by itself, address the problem. Instead, my office has sought to make cases that are victim-centered, but not victim-built. That is to say, developed and proven with evidence that does not place the critical burden upon the testimony of a child victim alone. In many cases, these children victims are not be available for trial, and when they can be found, they often fail to understand what has happened to them. Unlike traditional cases, children who have been trafficked often do not self-identify as victims and they find it difficult to trust law enforcement. All too often, they empathize with the pimp who exploited them, and deny they have been abused. Under my new approach, my office has been partnering with law enforcement agencies and social service providers to target the right offenders and build longer term investigations into their activities – as we would with other forms of organized crime. My office also employs other prosecutorial tools to bring these cases to a successful conclusion in court, including financial investigations, traditional electronic surveillance and covert operations.



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9. HOW OFTEN ARE "CUSTOMERS" WHO DRIVE THE DEMAND FOR CHILD PROSTITUTES PROSECUTED FOR THEIR ACTIONS? WHAT IS BEING DONE TO DETER/STIFLE DEMAND?

   The sex trade industry is an incredibly lucrative business in Cook County and there is no doubt that it is driven by demand. If the demand can be attacked, the industry would lose its financial incentives. My office is also working closely with our local law enforcement agencies to conduct proactive investigations that will not only target those who are making money off of these criminal enterprises but also those who are purchasing sex. These suppression tactics include sweeps and undercover sting operations.

10. I CERTAINLY UNDERSTAND THAT A LACK OF RESOURCES HINDERS YOUR EFFORTS TO PROSECUTE PERPETRATORS AND RESCUE/REHABILITATE VICTIMS. HOW MUCH SUPPORT, IN TERMS OF FUNDING, HAVE YOU GOTTEN FROM YOUR LOCAL AND STATE AUTHORITIES? WHAT EFFORTS HAVE YOU MADE TO SECURE FEDERAL GRANT MONEY FOR THESE PURPOSES?

    Currently, the Cook County State's Attorney's Office does not receive funding from any source for human trafficking prosecution or victim services. To date, all of our efforts in this area have been through reallocation of existing resources or simply increased workloads in already overburdened areas of the office. We do have a federally funded Internet Crimes Against Children Task Force, but those cases do not intersect with trafficking cases. We are currently working on a request for funding through the Office of Victims of Crime for OVC FY09 Services for Domestic Minor Victims of Human Trafficking. This is the only federal funding opportunity we have been eligible to apply for, but we remain hopeful that other sources of funding will become available as we move forward.

    Furthermore, there is little funding for our service partners, particularly for safe and secure housing, both of which are critical to our initiative. Although we are prepared to move forward in prosecutions, there is nowhere to send these children where they can be safe and receive long term, therapeutic services.

    I look forward to working with federal, state and local governments to find ways to fund prosecutorial endeavors. My program development team is working actively to seek new resources. I believe the initiative we have begun in Cook County could serve as a model for the rest of the country, particularly in light of the legislation that I have proposed.

**Questions of Senator Tom Coburn, M.D.**
**"In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States"**
**United States Senate Committee on the Judiciary**
**Subcommittee on Human Rights and the Law**
**February 24, 2010**

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**Questions posed to U.S. Attorney Beth Phillips (Western District of Missouri):**

1. ***Are the federal statutes that are available to prosecute child prostitution sufficient to address the crimes and situations you so often encounter? If not, how could these statutes be improved?***

**RESPONSE:** We appreciate the support of Congress in providing tools to the Department that aid us in the fight against the commercial sexual exploitation of children. At this point in time, we have the necessary criminal laws to appropriately cover the range of activity that we see in these cases. In the future, should we identify areas where we may need additional tools or laws to address commercial sexual exploitation of children, we would welcome the opportunity to work with the Committee to address those additional needs.

2. ***Are the penalties available under these federal statutes sufficient? If not, how should these penalties be improved?***

**RESPONSE:** The penalties available for the crimes associated with the commercial sexual exploitation of children are appropriate. Indeed, many of the offenses are punishable by up to a life sentence in prison.

3. ***How do the sentences that are actually handed down under existing federal law compare to the penalties that are available under existing law?***

**RESPONSE:** Our experience has been that Federal district courts recognize the severity of these offenses, and impose sentences accordingly. According to the U.S. Sentencing Commission, the majority of sentences imposed in sex trafficking and commercial child sexual exploitation cases are in or above the sentence range called for by the Guidelines.

4. ***Please describe for me the interaction between state and federal law in the prosecution of these cases. What percentage of domestic child trafficking cases are handled by federal law enforcement (versus state law enforcement)?***



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**RESPONSE:** Because of constitutional limits on Congressional authority, federal law prohibits the commercial sexual exploitation of children only when the crime implicates interstate or foreign commerce. Federal laws prohibit, among other things, the transportation of children across state lines for the purpose of prostitution (18 U.S.C. § 2423(a)), and the use of a facility or means of interstate or foreign commerce, such as the internet or telephones, to entice a child to engage in prostitution (18 U.S.C. § 2422(b)). Federal law also prohibits recruiting, enticing, harboring, transporting, providing, obtaining, or maintaining a child if that child will be caused to engage in a commercial sex act (18 U.S.C. § 1591). For prosecutions under Section 1591, prosecutors must show that the crime was in or affecting interstate or foreign commerce. This means that a federal prosecution is possible without having to show that the child was moved across state or international borders, so long as the crime had an effect on interstate commerce. This has been proven by showing that the sex acts took place at hotels that are part of a national chain or that during the sex acts the children used condoms that had been manufactured outside the state.

Because federal laws cover the entire country, it is possible to prosecute a defendant in one case for activity that took place all over the country. For example, if a defendant recruited and prostituted a child in Indiana, and took her to Illinois and prostituted her there, he could be prosecuted in either Indiana or Illinois for all of the criminal conduct.

State laws are meant to prohibit activity that takes place solely within their borders. There is no requirement under state laws to prove that the crime had any impact on interstate or foreign commerce. Using the example above, while state prosecutors in Illinois could prosecute that defendant for prostituting a child in their state without having to prove an effect on interstate commerce, they could not prosecute the defendant in Illinois for his conduct in Indiana.

In these cases, it is often possible to prosecute a defendant under both federal and state law. If the state prosecution proceeds first, the Department, as a matter of policy, would not bring a subsequent federal prosecution unless the state prosecution fails to vindicate a substantial federal interest (this is known as the "Petite Policy").

It is difficult to estimate how many cases involving the commercial sexual exploitation of children are handled by state authorities and how many are handled by federal authorities. There are over 18,000 independent local and state law enforcement agencies. It is difficult to capture the extent to which the states prosecute these crimes, given the range of statutes at their disposal. For example, if a pimp is caught prostituting a child, he could be convicted under any number of provisions, including those relating to prostitution, child abuse, sexual assault, or physical assault. Thus, the statistics pertaining to state prostitution convictions may under-represent the true rate of prosecution for that crime.

5. ***Have you worked with the National Center for Missing and Exploited Children? If so, please describe the partnership that exists between federal law enforcement and the Center? Please give examples of how you have worked with NCMEC in the past.***



58003.006

**RESPONSE:** As an Assistant United States Attorney, I frequently worked with the National Center for Missing and Exploited Children (NCMEC). NCMEC and federal law enforcement continually collaborate to address issues affecting children. NCMEC has played an important role in many cases I have prosecuted.

In addition to the Western District of Missouri U.S. Attorney's Office and other U.S. Attorneys' Offices, the Child Exploitation and Obscenity Section (CEOS) of the Department's Criminal Division has a longstanding working relationship with NCMEC. In 2003, CEOS, the FBI, and NCMEC partnered to develop the Innocence Lost Initiative. The Innocence Lost Initiative employs a multi-faceted, victim-centered strategy, operating through task forces established in targeted cities across the country to identify victims, provide them the services they need, and to prosecute the offenders. One of the key components of the Initiative was training. There are approximately 37 Innocence Lost task forces and working groups currently in place. In the first five years of the Innocence Lost Initiative, NCMEC hosted intensive, week-long trainings four to five times a year. CEOS participated in the development of the curriculum, and its attorneys made presentations at the trainings. Over 900 law enforcement officers, prosecutors, and social service providers participated in this training program.

NCMEC also maintains the national missing children's hotline and operates the CyberTipline. The CyberTipline frequently provides initial information of a potential crime to law enforcement for follow-up investigation. NCMEC also created the Child Victim Identification Program (CVIP), which serves to identify the children depicted in child pornography images and videos. The CVIP report is an invaluable source of information in many investigations and prosecutions of child pornography crimes.

6. ***In your experience, what role (if any) does child pornography play in child prostitution?***

**RESPONSE:** There have been instances when "pimps" have produced sexually explicit images of children that they are prostituting. In those cases, the defendant's primary goal is to profit from the prostitution of the child. They produce sexually explicit images as a means of achieving that aim. For example, they may use these images for advertising purposes. They also may use the images to control the child, for example, by threatening to distribute the images if the child leaves. Finally, they may produce the images to foster an illusion of intimacy between the pimp and the child, particularly in cases where the pimp and the child are engaged in a sexual relationship. The pimp establishes this false relationship as a further means of controlling the child and ensuring that the child would not betray them by cooperation with law enforcement.

Looking at the issue from another angle, the market for child pornography contributes to the demand for children as sexual commodities. Individuals who trade and collect child pornography create a community of self-interest that prioritizes their personal sexual desires ahead of the well being of children and normalizes the sexualization of children. Child pornography whets an individual's deviant sexual desire, which ultimately can lead to him to pay for a sexual experience with a child.



58003.007

7. ***Can you describe the kind of defendants you are most often prosecuting? (i.e., those involved in organized trafficking rings, pimps who handle smaller numbers of victims...any "customers" who drive the demand for child prostitutes?)***

**RESPONSE:** The Department does not tolerate the commercial sexual exploitation of children, and will initiate a prosecution against anyone, whether pimp or customer, if there is sufficient evidence to prove that a crime has been committed. In cases involving actual victims, the prosecution often focuses on the pimp or network of pimps. This is because the victims know who and where the pimps are, and so are able to provide that information to law enforcement. Because the victims' interactions with the customers tend to be fleeting and anonymous, it is more difficult for law enforcement to identify them for federal prosecution.

For these reasons, the Department prosecutes a number of different types of defendants. They include defendants who run prostitution networks, such as Robert Daniels, a/k/a/ "Motor City Mink." Daniels was sentenced in the Eastern District of Michigan to 35 years in prison following his conviction at trial for conducting a child exploitation enterprise that included the prostitution of children and production of child pornography. From 2005 to 2008, Daniels and his cohorts recruited at least 89 young women and girls to prostitute themselves on his behalf, including nine minors. The Motor City Mink organization traveled around the country, including Chicago, New York, Indiana, Maryland, Washington, D.C., Florida, and California. Daniels photographed the girls naked and used the pictures to advertise prostitution services on craigslist.org and other Internet websites. At least 2,800 advertisements were posted nationwide.

Federal prosecutions also include defendants like Don Arthur Webster, a/k/a Jerry Starr, who operated sham escort businesses in Anchorage, Alaska. Webster was sentenced to 30 years in prison following his convictions for sexually exploiting children, forcibly prostituting adults, and various drug offenses. The testimony and evidence established that Webster operated a string of sham escort businesses that were, in fact, fronts for his illegal prostitution business. Webster recruited women and girls who were homeless, in low-paying jobs, or runaways, offering them shelter, clothes, food, and crack cocaine. Webster then provided these women and underage girls to clients who would call the escort service lines and pay to engage in sex acts. He was often extremely physically violent with the women as "punishment" if they broke any of his rules, and would punch, beat, strip search, or rape the women, or lock them in unlit closets for days without food or water. He was convicted of sexually exploiting 11 women, the youngest of which was 13 when she began engaging in commercial sex acts for him, and she continued to do so for two years. Another minor who was similarly victimized was 17 years old. The victims explained how they were required to give Webster all of the money they earned and how he compensated them for their participation in "dates" by giving them crack cocaine. The victims described going on up to ten dates per day, every day, with no days off, and the jury learned that they would work up to five days in a row without sleeping.



58003.008

Steven C. Albers is another defendant prosecuted federally. Albers was identified during a sting operation conducted in Kansas City, Missouri. The operation targeted local customers who solicit pimps to engage in commercial sex acts with children. The "children" were advertised online at Craig's List. No real children were actually involved in the sting. Albers responded via e-mail to an ad that advertised "little girls available." The advertisements content clearly advertised the children for sex. The undercover officer responded that he had an 11-year-old girl and a 15-year-old girl available for sex. In a follow-up e-mail, Albers said he wanted to spend an hour with an 11-year-old girl at a cost of $100. In an e-mail later that morning, Albers said he wanted to spend half an hour with the 11-year-old girl but would pay an extra $20 to go "bareback," referring to sexual intercourse without a condom, for a total price of $80. When Albers arrived at the undercover house for the meeting at approximately noon, he provided the cash to the undercover officer and the arrest team came out from the bedroom. After he attempted to flee the scene, Albers was caught in the neighbor's front yard, where he was placed under arrest.



58003.009

# SUBMISSIONS FOR THE RECORD

**STATEMENT OF ERNIE ALLEN**
**President & CEO**
**THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN**

**For the**
**UNITED STATES SENATE COMMITTEE ON THE JUDICIARY,**
**SUBCOMMITEE ON HUMAN RIGHTS AND THE LAW**
**"In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States"**
**February 23, 2010**

Distinguished Members of the Subcommittee, as President of the National Center for Missing & Exploited Children (NCMEC), I thank you for this opportunity to offer a statement on the issue of domestic minor sex trafficking. We are grateful for the advocacy and leadership of the Subcommittee, and believe that important progress is being made. Yet, there is so much more to do. When people hear about child trafficking, they think about Southeast Asia or Eastern Europe or Central America. This is something that only happens somewhere else, on the other side of the world. What most Americans do not recognize is that child trafficking is a major problem on Main Street USA.

As you know, the National Center for Missing & Exploited Children is a not-for-profit corporation, mandated by Congress and working in partnership with the U.S. Department of Justice. NCMEC is a true public-private partnership, funded in part by Congress and in part by the private sector. For 25 years, NCMEC has operated under Congressional mandate to serve as the national resource center and clearinghouse on missing and exploited children.

According to University of Pennsylvania research, nearly 300,000 American youth are at risk of becoming victims of commercial sexual exploitation, most of them runaways or thrownaways. The U.S. Department of Justice's National Incidence Study reported that 1.7 million children run away or are thrown away each year, with just 357,600 reported as missing to the police. Conservatively, the National Center for Missing & Exploited Children (NCMEC) estimates that at least 100,000 children each year are caught up in the insidious world of child prostitution: 55% of street girls engage in prostitution; 75% work for a pimp; the entry age for girls is 12 – 14; and for boys, 11 – 13.

This is an enormous problem. Yet, it is under-recognized and under-reported, a problem of hidden victims. That is why we are so proud to partner with the FBI and the U.S. Department of Justice's Child Exploitation & Obscenity Section (CEOS) on Innocence Lost, a joint effort that is now more than six years old. The role of the federal government in this initiative is unprecedented and historic. The vast majority of these offenses are state offenses. Yet, historically when state or local law enforcement has put pressure on, the pimps simply have moved the kids to another city.



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We at NCMEC came to the Innocence Lost initiative with the following four underlying beliefs:

1. Much of this is organized crime, not necessarily on the level of the Mafia, but organized crime nonetheless. These kids are commodities for sale or trade. There is a network. They are trafficked, moved from city to city for the financial gain of those who use, abuse and control them.
2. This problem is not confined to the nation's major cities, or to the coasts. One police commanding officer said to me, "the only way not to find this problem in any community is simply not to look for it." Today, we are proving it. We are finding it in big cities and small towns, and in every region of this country.
3. These kids are victims. This is 21st Century slavery. They lack the ability to walk away. The pimps who use and discard them are the criminals, as are those who patronize them. These children need to be rescued, not arrested.
4. Technology has changed the playing field. Offenders don't just parade these kids on city streets any more. Today, a "customer" can shop online for a child from the privacy of his home or hotel room. Internet services have made it possible to pimp these kids, offering them to prospective customers with little or no risk.

Our goal is to increase the risks to the operators and customers, and eradicate the profitability.

NCMEC operates the national missing children's hotline, through which we have handled more than 2.4 million calls for service. NCMEC operates the Congressionally-mandated CyberTipline, the "911 for the Internet," and have handled more than 804,000 reports of child sexual exploitation. We operate the Child Victim Identification Program, through which we have reviewed more than 31.4 million child pornography images and videos in order to identify and rescue child victims, and have disseminated more than 22,000 reports to prosecutors in support of their cases against child sexual predators.

With regard to child prostitution and trafficking specifically, we have received 8,434 leads and reports from the public through our CyberTipline, including 1,716 reports of known missing children being prostituted. We have hosted intensive training seminars for more than 1,100 state and local detectives, federal agents, prosecutors, and Victim/Witness Specialists.

The FBI has created 34 Innocence Lost Task Forces in communities across the country. More than 500 pimps and organized criminals have been identified and brought to justice, and most importantly, we have already rescued nearly 900 kids. Last October, the FBI led Operation Cross Country IV, a national sweep across 36 cities, coordinated with state and local law enforcement. Nearly 700 offenders, including 60 pimps, were arrested and another 52 children were identified and rescued. The children who were rescued included kids who had been reported to NCMEC as missing. Some of the children who have been rescued in these operations include: a 12-year-old from Texas; a 13-year-old from Ohio; and a 14-year-old from Michigan.



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The FBI Crimes Against Children Unit assigns a Supervisory Special Agent and an Intelligence Analyst to work out of NCMEC Headquarters. They serve as the hub of the Innocence Lost program. They review the CyberTipline reports, request that federal cases be opened, and coordinate the work of the 34 Innocence Lost Task Forces. NCMEC staff support the FBI Field Offices and Task Forces by providing analysis to help them identify the children and the pimps.

Let me cite one brief example. Recently, the FBI and NCMEC analysts located a posting of a juvenile advertised on a website in Reno, Nevada. A NCMEC analyst ran database searches on a phone number and matched the name of a missing child in NCMEC's database. The NCMEC analyst and the FBI analyst compared the missing child poster with the photo in the advertisement, and concluded that it was the same child. They alerted the Reno Innocence Lost Task Force, which located the missing child and her one-year-old baby. In the place where they were being kept, the only furniture was a couch. The baby was sleeping on a cushion on the floor. Nevada Child Protective Services picked up the baby, and the child is getting help. We are making progress one child at a time.

We are also encouraged that, for the first time, the offenders are receiving serious sentences. Three offenders have received life sentences and many others have received sentences of 25-years-to-life. Law enforcement has seized more than $3.1 million in assets. Through this cooperative, coordinated, multi-jurisdictional attack on the problem, real impact is being made. Federal, state and local agencies are working together, identifying the best forum in which to pursue these charges, and justice is being served.

It is a great story, but there is more to be done. Let me make four recommendations:

1. **Congress should reaffirm and expand the vital role of the federal government in attacking this problem.** The work being done by the FBI and the Justice Department as part of Innocence Lost has fundamentally changed the way America approaches this problem. This is a nation of 18,000 different police departments. It is important that this problem be viewed from a 30,000-foot perspective, a perspective broader than any single community. We need to see the interconnectedness, the networks, and the way offenders communicate with each other. The creation of multi-agency, multi-jurisdictional task forces, headed by the federal government, is vital to eradicating commercial child sexual exploitation and trafficking.
2. **Congress should reaffirm that child prostitution and child trafficking are not victimless crimes, and should urge states to enact laws ensuring that these children are treated as victims and not perpetrators.** In too many communities, local law enforcement still arrests the child victim, and not the pimps or the customers. We are encouraged by the passage of Safe Harbor Laws in New York and California, mandating that these kids be treated as victims and provided help. But we have a long way to go as a nation.
3. **Congress and states should expand resources and services available for the victims.** There are some extraordinary programs doing heroic work, but there aren't enough of them. For too many of the rescued kids, there are few options.



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In some communities when victims were rescued as a result of Innocence Lost operations, the choices were stark: either send them to juvenile detention facilities or release them with no services or support. Many of these kids are badly damaged. They need help. We recognize that the assistance they need in the early days often requires a secure setting, but it is just not acceptable to incarcerate them as if they are criminals. They are victims. This kind of treatment is not appropriate for victims of sexual assault, and it certainly is not appropriate for child victims of sexual trafficking.

4. **Congress needs to challenge every American to report these crimes in their communities, and to ensure that every American is aware of the existence of the CyberTipline,** www.cybertipline.com. The message is simple: If you see it in your city, or if you know about it, or if you suspect it, report it.

Mr. Chairman, the progress is encouraging, but we must do more. We must wake up America and respond more effectively to this epidemic of hidden victims.



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**TESTIMONY OF COOK COUNTY STATE'S ATTORNEY ANITA ALVAREZ**

**SENATE JUDICIARY SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW**

**FEBRUARY 24, 2010**

Thank you Senator Durbin and members of the Committee for inviting me to be here with you today to discuss this extremely important issue.

As all of you know, human trafficking is an increasing problem in the United States and the sex trade is one of the most lucrative areas of the trafficking industry. Over the years, criminal enterprises have made a fortune in my county and in states across the nation exploiting women and children and destroying lives and communities in the process.

Last year the Illinois Criminal Justice Information Authority funded a study of young women involved in the sex trade industry in the Chicago area. Seventy-three percent of participants surveyed reported that they had started in the sex trade before the age of 18. Almost one-third of those surveyed stated that the reason they started in the sex trade industry was because they owed the individual who had recruited them because of the provision of food, clothing or gifts.

One survey respondent related that she turned to prostitution as a freshman in high school and that she would turn tricks after school because her mother was addicted to drugs and she needed the money to buy food and clothing. In a prostitution case that my office handled recently, one juvenile related that she did not wish to pursue criminal charges against her pimp because, and I quote, "He gets me a Subway sandwich whenever I want one."

It's clear that when vulnerable young women are equating the trade of sex for a deli sandwich, we all must realize the agonizing human toll this problem is taking on our young generation and potentially generations to come. These juveniles are engaging in "survival sex," ---- exchanging sex for food, clothing or a safe place to sleep.

Cases such as this also demonstrate the challenges that we face on the local level in prosecuting juvenile prostitution and sex crimes.

First and foremost --- from the perspective of the criminal offender --- the economic gain of child prostitution or trafficking greatly outweighs the risks. There is very low overhead in terms of cost for offenders and this crime is rarely detected because it is difficult for law enforcement to identify minors engaged in juvenile prostitution or trafficking.

Another challenge that law enforcement faces in prosecuting these cases is that most children will not self identify or cooperate with police and they identify with their pimp or purveyor as someone who they rely on and even love. They are typically young girls from troubled backgrounds who have been sexually victimized, have low self esteem and essentially a total lack of options in their lives.

All of which makes this crime a potential "perfect storm" for street gangs or other organized crime entities.

As a career prosecutor who has tried countless gang-related homicide cases that have occurred on the streets of Chicago, I understand fully the nature, scope and influence of street gangs. They are increasingly sophisticated and profit oriented and human trafficking fits well into their criminal repertoire. In addition to being able to intimidate the victim and her family, the gang member can also control the victim through sex and drugs.

An extremely disturbing example of this occurred in the state of Illinois in an investigation that originated out of Ottawa, Illinois, in LaSalle County. The LaSalle County State's Attorney tried and convicted four people in 2008 on criminal drug conspiracy charges in connection with a gang controlled heroin and crack cocaine distribution ring that was operating between Chicago and the LaSalle - Peru area in our state.

My office assisted in the investigation and helped to prepare the conspiracy indictment as well as the search warrant executed at a Chicago home where the drugs were being cooked, cut and prepared for distribution. In this particular case the gang leaders were using 17 and 18 year old girls to "body pack" the narcotics for smuggling from Chicago to LaSalle County. During the course of their involvement the girls became addicted to heroin and were videotaped having sex with the gang leaders. In a particularly disturbing and chilling video seized in the investigation, one of the gang leaders is shown removing a bag of heroin from the vagina of one of the teenaged victims.

When it comes to prosecuting child prostitution, my office, in practice, does not charge juveniles who are arrested on prostitution-related charges. We understand this child is not a criminal but rather a victim who needs support, services and a safe future. All too often, making them safe has proved to be particularly challenging because, in the past, the traditional prosecution of juvenile sex trafficking was reactive and far too dependent upon victim testimony.

As a career prosecutor and a newly elected State's Attorney, it has occurred to me that the traditional approach we have taken with juvenile prostitution has simply not been effective on many levels. We are not convicting the organized groups of individuals who are perpetuating this industry and – even more importantly – we are not able to effectively offer the services that these young women need to help them, keep them safe, and empower them to leave the sex trade industry once and for all. It seems to me that the premise of removing one child from the situation only to have another step in and fill her place is not a good one.

With this in mind, I created an Organized Crime / Human Trafficking initiative last July as part of the Special Prosecutions Bureau within my office. Along with our law enforcement partners, both state and federal, my human trafficking prosecutors have been conducting long-term, proactive investigations into these organized crime targets. Suffice to say, this covert work is proving fruitful, even though I cannot, of course discuss any details of these pending investigations.

Additionally, I have taken advantage of the size of my office – the second largest in the nation – and developed new methods for collection and centralization of intelligence regarding human trafficking offenders. Given the daily interaction between local law enforcement and those forced to work in the sex industry, crucial leads arise on a recurring basis within the various parts of my office, including misdemeanor cases, domestic violence, auto theft, sex crimes, felony review, cold case murder and financial crimes and public corruption. In many cases, the defendants or victims in simple sexual assault or domestic violence cases possess key information concerning human trafficking operations. Under my HT initiative, we are now working to develop and funnel this intelligence to a dedicated team of prosecutors, allowing us to "connect the dots" and focus our resources in the right direction.



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As part of this coordinated approach against human trafficking, my prosecutors have also continued to work with the Chicago Police Department and other agencies to reorganize the regional HT task force and specifically train officers working "vice" to identify and investigate human trafficking – especially those operations involving the exploitation of children. With the assistance of Chicago Police, these ongoing efforts will not only view prostituted children as victims, rather than criminal defendants, but also hold accountable the individuals and groups truly responsible for these horrific offenses.

Equally as important, my human trafficking team is building direct coalitions with social service providers and other NGO's, thus enabling such groups to assist police during HT takedowns and share their investigative leads with law enforcement. With due regard for client confidentiality and consent, we are fostering the lines of communication necessary for social service providers to share their information with us, not just about human traffickers, but also concerning potentially corrupt public officials who protect them and their operations.

Since the formation of this initiative, this networking plan has cast a wide net, including simple things, such as attending breakfast meetings, to participation in more formal events, such as the launch of the "End Demand Campaign of the Chicago Alliance Against Sexual Exploitation," as well as the recent human trafficking summit held in San Francisco last November by the U.S. Justice Department, "Building Collaboration to Address Human Trafficking in Domestic Violence and Sexual Assault Cases."

Through our HT initiative, my office has also been able to share our expertise and our NGO connections with federal agencies, including the Department of Homeland Security, I.C.E., and the U.S. Attorney's Office. In one very recent case, we helped to provide information that was instrumental in having a human trafficking offender detained pending trial in a federal case, and further helped agents connect victims with temporary housing and social services.

I doubt anyone here would be surprised to hear that our greatest setback to date has not been a lack of vision or resolve, but rather a lack of funding. Due to severe financial cutbacks on the county level, our HT initiative currently lacks the scale needed for true success. As such, we have been and will continue to pursue new sources of funding.



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Our social service partners face the same challenges as we do when it comes to funding but we all clearly understand and see the need for safe and long-term shelter, therapeutic intervention and educational development.

Prosecutors cannot solve this problem in isolation and it is my intention to continue to work in partnership so that we can achieve success together. I think it is clear to all of us at the local, state and federal levels that this problem is vast and the need is immediate. Nevertheless, I remain optimistic and I believe we are on the right track and turning a corner in our efforts to meet these challenges head-on.

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# United States Senate

WASHINGTON, DC 20510-1604

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**Statement by Senator Sam Brownback**
**Senate Judiciary Subcommittee on Human Rights and the Law**
**"In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States"**
**February 24, 2010**

Thank you for holding this important hearing on the issue of child prostitution and sex trafficking in the United States. It should be obvious that domestic sex trafficking is a serious problem in the United States. There are thousands of cases where our own citizens, often children, are being trafficked into prostitution or other forms of sexual exploitation.

The U.S. Department of Justice has reported that every state in the union has a human trafficking case filed. Many experts believe that over 200,000 children are at risk each year for domestic sex trafficking. In fact, the vast majority of victims of human trafficking in United States are our own children, rather than foreign nationals. The time for the United States to intensify its efforts to protect children from sexual exploitation in this country has never been more crucial.

A decade ago, I helped author and Congress passed, the Trafficking Victims Protection Act (TVPA), which effectively launched the first U.S. government response to combat human trafficking. The TVPA established the State Department Office to Monitor and Combat Trafficking in Persons as well as an annual Trafficking in Persons Report. It is judicious that this year's Trafficking in Persons Report will rank the United States for the first time.

The TVPA can and should be utilized for domestic sex trafficking and will be if U.S. law enforcement officials make it a priority. The Department of Justice must make domestic sex trafficking a top priority and use the tools that have been given to them in the TVPA.

Behind the sexual exploitation of our children is a sophisticated criminal enterprise that preys upon vulnerable children. The Department of Justice must employ a proactive, multi-jurisdictional strategy to pursue these enterprises in the same way it pursues organized crime.

Increased training for law enforcement officials at the federal, state, and local level is essential to identify potential trafficking victims. Once identified, these victims, especially children, must be treated as such and receive services that the U.S. government is morally obliged to provide.

It is imperative to make the linkage between pornography, online exploitation, and all other forms of sexual exploitation of children in order to have a holistic approach to combat domestic sex trafficking. The Internet has become a marketplace for the trafficking of children for sex and thus we must regulate its content in an effort to end the online marketing of our children.

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There clearly needs to be greater attention on the demand side of sex trafficking. Not enough focus is on the "end user" of the sexual exploitation our children who create the demand and fuel the market for domestic child sex trafficking. By attacking demand through education and law enforcement we can reduce, and ultimately eliminate, domestic child sex trafficking.

Increased research into the economy of domestic sex trafficking is also needed in refocusing our efforts. Sex traffickers are realizing that exploiting American children is more cost effective than exploiting foreign nationals and, as a result, our children are being victimized at an alarming rate.

And finally, the United States government, intergovernmental agencies, and the NGO community must work closer together in the spirit of cooperation and collaboration to compliment each other's efforts to end domestic child sex trafficking.

I truly believe that America is great because America is good. One way that we can ensure our country's greatness is by standing up for children that are being exploited in our own backyard.

**Ambassador Luis CdeBaca**
**Senate Committee on the Judiciary**
**Subcommittee on Human Rights and the Law**
**"In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States"**
**February 24, 2010**

Good morning. I would like to thank Chairman Durbin, Ranking Member Coburn, and Members of the Committee for convening this critical briefing on the sexual exploitation of children. And I thank you for inviting me to speak to what the State Department is doing to fight these crimes.

As President Obama's Ambassador-at-Large to Combat Human Trafficking, I am responsible for coordinating our efforts in the global fight against contemporary forms of slavery. Prior to directing the Office to Monitor and Combat Trafficking in Persons, I served as a federal prosecutor, and have seen the real harm, violence, and trauma perpetrated on trafficking victims, and the greed and cruelty of the traffickers. I have witnessed children exploited and preyed upon. In these roles I have experienced firsthand how our international objectives are furthered by a strong domestic response on this issue.

Today, I will speak about trends and policies, and our international efforts. The Attorney General's Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons sets forth many policies and accomplishments, but, this issue—like all important ones—is best thought about not just on the bases of a report or data, but in terms of people and principles; not just legal structures or programs, but what we stand for as a nation.

We have a long way to go both here and abroad to recognize victims and bring their perpetrators to justice, and provide for the compassionate care mandated by law and our common ethic; to raise awareness and combat the demand that traffickers rush to meet through violence and exploitation.



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Our domestic response to this issue falls primarily to the able hands of the Justice Department and the Department of Health and Human Services, and I believe you will see through U.S. Attorney Beth Phillips' testimony, the incredible commitment and progress DOJ brings to fighting these heinous crimes. Still, I don't think any of us will sit before you and argue that our governmental response has been perfect or that there is not more that can—indeed, should—be done. Sadly, in our day, we find children enslaved not just in commercial sex, but in agricultural work, factories, and private homes. We recognize that a comprehensive child protection approach addresses all vulnerabilities and all forms of suffering.

And so in our legal and diplomatic efforts, as reflected in the annual Trafficking in Persons Report, we are very clear:

- It does not matter if a victim once consented to work for their trafficker;
- It does not matter if the victim returned to their trafficker after he or she was freed;
- It does not matter if the victim's enslavement was through chains of mental dependency or psychological manipulation as opposed to being physically locked up;
- It does not matter if their trafficker was at times nice to them or gave them presents or if they veered between feelings of love and fear for their pimp.

If that adult was held for labor or sex through force, fraud, or coercion, they're a trafficking victim. In the case of minors in sex trafficking, there is no requirement to show force, fraud, or coercion. No child can consent to being sold into commercial sex. If a pimp used a child for commercial sex that child should be treated as a victim, not a criminal. Frankly that's all that matters.



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Historically, countries worldwide have confronted the issue with too much judgment and too little compassion. However that judgment of who is most deserving and who makes a more sympathetic victim clouds our ability to properly identify and care for victims. The consequences have been borne by the most vulnerable:

- the trafficking victim who is locked up for prostitution or immigration offenses even where there is evidence they were enslaved;
- the woman forced into prostitution whose violation is compounded by a government unwilling to accept her back as their national, or only willing to recognize her citizenship through her relationship to a man, be it father or husband, neither of whom will acknowledge her now;
- and the boys, too often so stigmatized by society's refusal to acknowledge that they too could be victims, and that they suffer in silence.

If we're honest with ourselves, we echo some of those judgments here in the U.S. in more subtle but equally damaging ways. As we look to monitor and combat trafficking around the world, we know that sex trafficking victims may not all be saints, may not understand that they are victims, and may consider our help unwanted interference – but that does not make them any less deserving of a compassionate response.

As President Obama has repeatedly emphasized about our general approach to the promotion of human rights, our ability to help other governments combat trafficking is only as strong as the example we provide through the strength of our domestic response. As the chairman of the Senior Policy Operating Group which coordinates interagency policy and supports the President's Interagency Task Force to combat human trafficking, I'm proud to support the Department of Justice as it continues to lead the world in its prosecutions of all forms of traffickers and



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work with its staff at home and abroad on our collective mandate to stop child sex trafficking.

The State Department, along with significant contributions from the Department of Justice, recently compiled information provided from numerous federal agencies on the U.S. Government's efforts to protect children from sexual exploitation. As part of our larger initiatives to protect children both here and abroad, and to report in a timely way on the implementation of our treaty obligations, the United States on January 22 submitted to the U.N. Committee on the Rights of the Child its periodic reports on U.S. implementation of the two Optional Protocols to the Convention on the Rights of the Child. One report was submitted pursuant to the Optional Protocol on the sale of children, child prostitution and child pornography. The other report was submitted pursuant to the Optional Protocol on the involvement of children in armed conflict. These reports, in particular the one addressing the Optional Protocol on the Sale of Children, document the extensive legal, policy, and programmatic efforts at the Federal and State levels aimed at preventing various forms of child exploitation and holding accountable individuals who victimize children. Each of these reports represents an ambitious undertaking, involving contributions by and coordination among many departments and agencies within the U.S. government, as well as information about state efforts, as well as input from non-governmental organizations. In the next year or so, the U.S. expects to reappear before the Committee on the Rights of the Child to discuss these two reports and answer questions.

In the multilateral context, the U.S. Government has engaged with the United Nations, the Group of Eight (G-8), and the Organization for Security and Cooperation in Europe to introduce and support resolutions, to host side events focused on combating commercial sexual exploitation of children, and to produce a



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"best practices" document on effective law enforcement measures to address child sex tourism. Additionally, a large interagency U.S. delegation participated in the World Congress III against Sexual Exploitation of Children and Adolescents, and its preparatory regional conferences to share U.S. Government efforts and guide future global initiatives. The U.S. is currently working with other member states of the Organization for American States to develop a regional plan of action on trafficking in persons, which will include actions to assist and protect children.

We recognize that combating child sex trafficking whether at home or abroad requires many partners in the public and private sector. It is through our colleagues and foreign partners that we have learned about new and evolving forms of child sex trafficking—both the new ways that offenders are using chat rooms, message boards, and specialized Web sites to obtain information about where young victims can be found, but also how new technologies can be harnessed for the good of identifying traffickers, pimps, and customers, and to facilitate arrests, prosecutions, and convictions of exploiters.

We have learned that across the globe, the most vulnerable are often runaways, so-called throwaways, and street children, with a history of child physical and sexual abuse in the home or the extended family. In addition to sexual exploitation, many children are forced to steal or sell drugs by adult street gangs or beg—often making their first interactions with law enforcement about the smaller crime rather than the larger ones just beneath the surface.

As I mentioned earlier, though often unreported due to social stigmas, boys around the world also face the trauma of commercial sexual exploitation. The sexual exploitation of boys frequently takes place in informal, unorganized settings, making them vulnerable to abuse and less likely to be identified by authorities. Young street boys form relationships with older boys for protection, and are sometimes forced by these boys to have sex with older men for profit as



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part of the relationship. These young boys may also be prostituted at public meeting places such as parks, bus terminals, rail stations, markets, hotels, or beaches. Armed with the knowledge that street children and runaways are among the most vulnerable, and that boys have long been an under-reported and unrecognized population, we must redouble our efforts to focus attention and resources on these often forgotten children.

As I imagine the grim news of late has reminded you, in the aftermath of natural disasters, where people are displaced and separated, children are at higher risk and vulnerable to sex trafficking. We know that partnerships are critical in protecting vulnerable children, registering unaccompanied and separated children, educating citizens about the risks of giving away children in times of crisis, rebuilding the capacity of local NGOs, and tracing and reuniting families.

The U.S. Government has worked to foster good working relations with civil society, recognizing their expertise and resources. Whether at home or abroad, we know that civil society partners often provide victim identification training to first responders, such as law enforcement, medical professionals, and teachers; critical information on the special needs of trafficked minors; and the provision of direct services. We urge foreign government officials to engage social service providers in direct outreach to vulnerable populations, for example teenage runaways, and refer potential victims to hotlines or assistance programs. We encourage foreign governments to fully support NGOs that provide care and immediate-need assistance, such as medical care, food, and clothing, as well as long-term rehabilitation of the victims, including education, vocational training, medical and psychological care. Much of our assistance is provided through grants to NGO service providers abroad. We also press other governments to have investigators, prosecutors, law enforcement victim-witness coordinators, and non-governmental



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victim advocates collaborate so that investigations proceed in an appropriately child-friendly manner.

As is set forth in the Trafficking Victims Protection Act's minimum standards for assessing foreign government efforts to combat trafficking, we also press foreign governments to address demand, recognizing that demand for children in prostitution provides the profit-motive for the pimps and traffickers. With government support, NGOs have collaborated with law enforcement to address demand for exploited children in prostitution and to develop public awareness campaigns aimed at deterring Americans from traveling abroad and engaging in child sex tourism. Echoing the President's words in Tokyo when he stated our resolve to ensure "that a young girl can be valued not for her body but for her mind; and so that young people everywhere can go as far as their talent and their drive and their choices will take them," I will continue to speak out on the need for men to stand up and reject the notion that women and girls are commodities.

The Trafficking in Persons (TIP) Report is the most comprehensive worldwide report on governments' efforts to combat trafficking in persons in all of its forms –for labor and sex, of children and adults, and of foreign born victims and citizen victims. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it. Child sex trafficking is an issue addressed by the TIP Report and in our subsequent foreign government engagement.

This year, our public diplomacy will be strengthened by incorporating in the TIP Report a self-assessment of the United States' anti-trafficking efforts. We take very seriously our role as a global leader in the fight against human trafficking and understand that if we are assessing the world that we, too, must be assessed. Moreover, the United States gains a great deal of credibility by acknowledging and



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being transparent about our own challenges. We are currently working together with our interagency colleagues government-wide to carry out a collaborative self-assessment.

America has been a leader on the human trafficking issue and foreign governments will continue to press us for progressive answers and innovative solutions. Most importantly, trafficking victims and survivors are counting on us not to fail them.

When I was a prosecutor, a girl told me that she had felt so scared and alone when she was being turned out to the "clients." With all of us, and those who we will touch, young people need to know that they are not alone: that we will not turn a blind eye to their abuse. Thank you.



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**Opening Statement of Senator Tom Coburn, M.D.**
**"In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States"**
**United States Senate Committee on the Judiciary**
**Subcommittee on Human Rights and the Law**
**February 24, 2010**

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Let me start by saying I regret that I will be unable to attend today's hearing. I have a number of scheduling conflicts that cannot be avoided. Senator Durbin, your staff was kind enough to try and work around those, but in the interest of advancing the issue, I thought it best to go forward with the hearing at this time. I assure you and our witnesses that I will closely review the transcript and will continue to study this troubling issue.

I would like to welcome the excellent witnesses who have appeared today to help us shed light on the tragic issue of domestic child sex trafficking. I have reviewed the written statements you submitted and am truly impressed by each of your experiences and the insight you have to offer. All three of our government witnesses have dedicated significant portions of their careers to pursuing justice for these most vulnerable victims, and I commend them for their contributions. Our advocate witnesses have risen above some unimaginable challenges and devoted themselves to rescuing and empowering other young women in the same circumstances. There is no telling how many lives they have touched and saved because of their efforts. Their stories are an inspiration. I thank you for your work and for your insight, and I look forward to hearing more about your perspectives and suggestions for moving forward.

Chairman Durbin, I thank you for convening this important hearing. Too often, this issue has been lost in larger conversations and debates. Yet, what could be more important than addressing the abuse and exploitation of American children on American soil? This kind of targeted conversation is long overdue, and I look forward to working with you on the issue in the future.

To the witnesses, I am particularly interested in hearing more about the effectiveness of existing law, and whether there are loopholes or problems that need to be fixed in order to make our efforts more effective. If you could make a point to address that question, I would greatly appreciate it.

Thank you again for being here today. More importantly, thank you for the work you do on a daily basis to rescue children and to fight for justice on their behalf.



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**Opening Statement for Sen. Dick Durbin**
**February 24, 2010**
**Senate Judiciary Committee**
**Subcommittee on Human Rights and the Law**

Today's hearing is entitled "*In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States.*" The sexual exploitation of our children is a criminal problem; it is a social problem; and it is a human rights problem.

President Obama has called human trafficking "a debasement of our common humanity." President Bush said: "the trade in human beings for any purpose must not be allowed to thrive in our time."

Congress has worked on a bipartisan basis to combat human trafficking, both in the United States and in foreign lands. During the past decade, we have passed four major anti-trafficking laws with strong bipartisan support to advance our strategy known as the "3 P" approach: punishing traffickers, protecting victims, and preventing trafficking crimes.

But despite the efforts of Congress and the executive branch, the scourge of human trafficking continues to plague our nation and our world. There is no more heartbreaking part of this problem than the sexual exploitation of children.

Recently I saw a powerful documentary about this tragedy called "Playground," which was directed by a visionary filmmaker named Libby Spears. We are fortunate that Libby could be with us today.

I would like to show a short excerpt from this documentary to provide some context for our discussion. [Video showed.]

Thank you, Libby, for making this documentary and for opening our eyes to a human rights abuse that occurs not only in foreign lands, but here at home as well, in our own communities and neighborhoods. It is estimated that over 100,000 American children become sex trafficking victims each year. Studies indicate the average age of entry into prostitution is 13.



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Many child trafficking victims are chronic runaways who are fleeing sexual and physical abuse at home.

Americans tend to think of forced prostitution as the plight of women from other countries trafficked into the United States and locked up in brothels. Such trafficking is indeed a problem, but equally scandalous is the violence involving American teenage girls.

The "Playground" documentary forces us to confront this reality, and it raises another challenge we will discuss with our witnesses at today's hearing: the need to treat sexually exploited children as victims and survivors, not criminals. In many states, child trafficking victims are often arrested rather than assisted. These victims are badly in need of basic services like medical care, housing, and counseling, and a jail cell isn't the solution. We must change the way our criminal justice system treats these victims.

Congress has tried to help. When we passed the Trafficking Victims Protection Act a decade ago, we said that all children who were involved in commercial sex acts are victims and should be treated accordingly, entitled to protection, services, and restitution.

But at the state and local level, child sex trafficking victims are still considered criminals. Nearly every state in the nation allows children of any age to be prosecuted for prostitution -- even though children are too young to consent to sex with adults. By charging children with crimes, we compound the harm.

My friend and former colleague, the late Senator Paul Wellstone, was a great champion in the fight against human trafficking. He pointed out in a Senate floor speech in 2000: "The bitter, bitter, bitter irony, colleagues, is that quite often the victims are the ones who are punished, and these mobsters and criminals who are involved in the trafficking of these women and girls with this blatant exploitation get away with literally murder."

We have created a legal dichotomy in America in which the federal government views prostituted children as victims, yet most states treat them as criminals. If state laws treated child prostitution more like human trafficking, then state social service agencies would play a more important role in helping this vulnerable population.



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The State of New York has been a leader in rising to this challenge. They recently passed a "safe harbor" law. Under these laws, trafficking victims are given services, not sentences. Safe harbor laws recognize that the sexual exploitation of children is a child welfare issue, not a criminal justice issue. One of our witnesses today, Rachel Lloyd, played an important role in advocating for passage of the New York law.

Congress should build on New York's fine work and make clear that children who are subjected to sex trafficking should not be treated like criminals. I hope to work with the Ranking Member of this Subcommittee, Senator Coburn, on legislation to accomplish this goal.

State and local governments will have to play the lead role in changing the way we look at child sex trafficking – because they are on the front line – but I believe there are additional steps Congress can take to help.

**Senate Judiciary Committee**
**Subcommittee on Human Rights and the Law**
**Hearing on "In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States"**
**Wednesday, February 24, 2010**

**Statement of U.S. Senator Russell D. Feingold**

First, let me thank Chairman Durbin for holding this hearing on an issue of great and urgent importance – protecting our nation's children from exploitation and prostitution. Many people mistakenly think that child prostitution and child trafficking only occur in foreign countries. This is not the case. We must do more to address the growing problem of children forced into prostitution in this country.

Last year in Wisconsin a 39-year-old Milwaukee man was arrested and charged with recruiting at least six young girls for prostitution with the help of his 20-year-old son. He posted partially nude photos of the girls on Craigslist advertising "erotic services" in Wisconsin, Minnesota, Illinois and Iowa. He had been engaged in this kind of activity for 20 years before he finally was arrested and charged with fourteen federal criminal counts, including sex trafficking of children and taking children across state lines for the purpose of prostitution.

Although it is fortunate that these girls were saved, there are many more children who will never be located and who will never receive services to help them get back on their feet and out of the grasp of their exploiters. According to the Department of Justice, child prostitution has become a problem of epidemic proportions. Approximately 300,000 children are at risk of becoming commercial sex workers. Unfortunately, those estimates may not accurately reflect just how large this problem is, especially when you consider that many children living on the street -- runaways, throwaways, and cast-offs from the foster care system -- remain unaccounted for in America. Left to fend for themselves, many of these young girls and boys quickly become vulnerable to abuse and exploitation.

We need to protect child victims of sexual exploitation by ensuring that they are not treated as criminals. The federal Trafficking Victims Protection Act recognizes that sexually exploited children are too young to consent to commercial sex, and it properly defines children as victims of trafficking. At the state level, however, children are often being detained in the juvenile justice system for prostitution or charges related to their exploitation. Rather than arresting child victims, we should focus our efforts and law enforcement resources on arresting and prosecuting the traffickers and buyers of children.

We also must continue to provide restorative care for victims. This year's budget includes a significant increase in funding to assist trafficking victims, and for the first



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time since the passage of the Trafficking Victims Protection Act in 2000, the budget provides specific federal funding to support U.S. citizens who are trafficking victims. This is a great first step, but I hope as we move forward with the budget process for next year, Congress will ensure that funding is available for both foreign national and U.S. citizen victims in need of assistance.

Finally, I want to applaud Secretary Clinton's decision to include the United States in the Department of State's annual Trafficking in Persons Report. I firmly believe that we must turn a critical eye towards our own country's efforts to combat trafficking in order to ensure that the U.S. is doing everything it possibly can to fight to put an end to these egregious crimes against children.

Mr. Chairman, thank you again for holding today's hearing. I look forward to supporting your efforts to fight child prostitution and to better protect America's children.



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US Senate Judiciary Committee
Effective Community Responses to the Commercial Sexual Exploitation of Children (CSEC)
Written Testimony from:
Lynne Johnson, Advocacy Director
Chicago Alliance Against Sexual Exploitation
February 9, 2010

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Thank you for the opportunity to provide the Senate Judiciary Committee with written testimony regarding proposed community and governmental responses to the issues presented by the commercial sexual exploitation of minors. If additional information is needed, please contact Lynne Johnson, Advocacy Director, at lynne@caase.org.

About Chicago Alliance Against Sexual Exploitation - CAASE is a non-profit organization whose mission is to address the culture, institutions, and individuals that perpetrate, profit from, or tacitly support sexually exploitive acts against people. To accomplish our mission, CAASE provides legal representation to survivors against perpetrators of sexual harm; advocates for policies and legislation that hold sexual exploiters accountable; creates and implements prevention initiatives such as curricula and community toolkits that empower individuals and communities to stand with victims of sexual harm and take powerful actions against sexual exploiters. CAASE is the lead agency for End Demand Illinois[1], a multi year statewide campaign that is advocating for new tools and resources for law enforcement to investigate and convict traffickers, pimps, and the people who are buying sex. End Demand Illinois also seeks the creation of a statewide infrastructure of supportive services for people who have been prostituted or trafficked.

Proposals to Improve Community and Government Response to CSEC – CAASE recommends the development of a federal model code that includes funding incentives for states that pass the following broad policy reforms:

(1) **Eliminate criminal liability of minors who have been prostituted or trafficked and ensure that jurisdiction over victims rests with the state's child welfare system.** Throughout the country, children who have been prostituted or trafficked are treated in disparate ways by the local, state, or federal entities that encounter them. Some states such as New York identify these minors as children in need of assistance and child welfare systems assume jurisdiction. Some states such as Florida have a coordinated state response to provide specialized services within the child welfare system and, if the victim is foreign born, a system to certify their eligibility for federal protections under TVPA. Other states consider young people engaged in the sex trade as juvenile delinquents and authorize their detention.

Many states, including Illinois, have a patchwork of inconsistent statutes that complicate the response to this already complex issue. Currently, Illinois code:

- criminalizes prostituted or trafficked youth as delinquent[2], and
- identifies minors engaged in commercial sexual activity as crime victims under our Anti-Trafficking Code[3], and
- establishes that minors 16 years or younger lack the legal capacity to consent to a sexual act with an adult.[4]

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[1] www.enddemandillinois.org
[2] 720 ILCS 5/11-14(a).
[3] 720 ILCS 5/10-9(c)
[4] 720 ILCS 5/12-16(d)



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A uniform legal framework would reduce confusion among local law enforcement and service providers and create a structure for first responders that will direct victims toward desperately needed services and away from detention centers.

(2) **Fund specialized supportive services for US and foreign born victims of commercial sexual exploitation.** States that pass the model code should be eligible for federal funds to support a comprehensive array of supportive services for victims of commercial sexual exploitation. Services should be trauma-based and specialized to meet the unique needs of children who have been victims of commercial sexual exploitation. This population has very complex needs that are often misunderstood or misdiagnosed by mainstream service providers. Service models should include: an array of housing options appropriate to the meet the individual needs of victims, including family-based care, long term residential programs, and specialized foster care homes; peer-led outreach programs such as drop in centers, street outreach, and youth empowerment programs; individual and group trauma-based counseling; medical care; family therapy and reunification supports; case management; aftercare services; legal advocacy.

(3) **Receipt of federal anti-trafficking dollars should be contingent upon the achievement of measurable outcomes for local authorities regarding the initiation of criminal investigations and the successful prosecution of traffickers, business owners facilitating the sex trade, and people who buy sex.** The common response from law enforcement investigating prostitution-related offenses is to arrest or detain the people being prostituted, including minors. This response is an ineffective use of limited resources because the industry supporting the commercial sexual exploitation of children is never touched, and the buyers and recruiters are never held accountable. In addition, many law enforcement agencies falsely believe that it is extremely difficult if not impossible to go after these offenders. Local authorities need incentives to go after the demand for commercial sex and learn from existing effective community responses.

An excellent example of an effective local prosecutorial response is in Dallas, Texas, where a specialized unit within the police department identifies youth who are at high risk of being exploited, and they are interviewed as crime victims. The interviewer seeks to obtain corroborating evidence in order to avoid reliance on victim testimony. Dallas prosecutors work closely with this unit, and in 2008 the office prosecuted 14 pimps and 3 people who bought sex from a minor. Dallas officials provide a training on this response entitled, "Protecting Victims of Child Prostitution" through the National Center on Missing and Exploited Children.

An effective law enforcement response is occurring in Cook County, Illinois under the leadership of Cook County Sheriff Tom Dart. Beginning in September 2009, the Sheriff's Office began enforcing a county ordinance against buyers of commercial sex using street-based stings with undercover female officers. The sheriff's office has cited over 100 buyers and collected over $30,000 in fines, which is being used to fund services for women impacted by the sex trade. The community where the stings have occurred has seen a decrease in prostitution related offenses since enforcement began.

(4) **Fund prevention efforts.** The federal government should support community based outreach and education programs that seek to prevent men and boys from buying commercial sex[5]; that reach young women and girls at risk of being recruited into the sex trade[6]; and support community education campaigns that communicate directly to traffickers and people who buy sex that they will be held accountable for their crimes through prosecution and other interventions.

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[5] An example is "*Empowering Young Men Toward Ending Sexual Exploitation*," Chicago Alliance Against Sexual Exploitation. Chicago, Illinois.

[6] An example is "*My Life, My Choices*," Breaking Free. Minneapolis, Minnesota.



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Statement of

# The Honorable Patrick Leahy

United States Senator
Vermont
February 24, 2010

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Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Subcommittee Hearing On

"In Our Own Backyard: Child Prostitution And Sex Trafficking in the United States"
February 23, 2010

Today, the Human Rights Subcommittee holds a hearing on human trafficking and child prostitution. These are matters about which I have been concerned for years. I worked with then-Senator and now Vice President Biden, Senator Brownback and Senator Wellstone on landmark legislation, the Trafficking Victims Protection Act in 2000. I was proud to support reauthorization of this law in 2008.
Trafficking in human lives is the world's fastest growing criminal enterprise, victimizing children, women, and men throughout the world. It is easy to pretend that such an abhorrent practice does not exist here in our own country, but the sad truth is that the United States is not immune. We must do all we can to end human trafficking in the United States and around the world.

Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded or coerced into sexual, military, or labor exploitation. These practices oppress millions of people worldwide. The United Nations estimates that at least 12 million people are enslaved. And as Secretary Clinton noted last October, because so many victims are hidden from public view, this number is almost certainly too low.

The United States, like nearly every country in the world, is affected by the scourge of human trafficking. According to recent government estimates, 14,500 to 17,500 people, primarily women and children, are trafficked to the United States annually for the purpose of sexual and labor exploitation. To see thousands of cases here in our own country is an affront to human dignity that we cannot ignore. The United States offers a beacon of hope to so many who face human rights abuses abroad, we cannot sit back idly while this problem continues.

I have long supported legislation to combat human trafficking and punish the criminal enterprises that profit from the trade. The Trafficking Victims Protection Act (TVPA) protects victims of human trafficking and gives prosecutors new tools to encourage cooperation from victims, witnesses and informants. Among other tools, the TVPA created the T visa which has



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proven to be a critical resource for those who have been trafficked into the United States, have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, and who would face extreme hardship if returned to their native countries. I have worked to ensure that victims are able to avail themselves of the T visa and do not face unnecessary bureaucratic hurdles in seeking refuge in the United States. We reauthorized the TVPA as the William Wilberforce Trafficking Victims Protection Reauthorization Act in 2008 and it continues to be instrumental in helping put criminals behind bars.

Despite these important improvements to the law, human trafficking continues to be a problem throughout the United States and the world. It is no surprise that border states are at a particularly high risk for criminal trafficking. I am proud that my home state of Vermont is taking the issue seriously. Vermont State legislators are developing a comprehensive plan to combat this appalling practice. The Vermont State Senate Judiciary Committee heard testimony in early February on a bill to establish a comprehensive system of criminal penalties, prevention programs, and services for human trafficking victims. I commend the Vermont legislature for taking on this important issue.

Earlier this month, Secretary Clinton hosted an annual meeting to improve the Federal Government's interagency strategy to combat modern slavery. In June 2009, the State Department released the 2009 Trafficking in Persons Report, the most comprehensive worldwide report on efforts of governments to combat trafficking in persons. This report serves as a tool to foster partnerships and a guide for future progress. I would like to thank today's witness, Ambassador Luis CdeBaca, the Director of the Office to Monitor and Combat Trafficking in Persons, and his partners throughout the administration for their commitment to this issue.

Nowhere on earth should it be acceptable to deceive, abuse, and force a person into a life of enslavement. I welcome all of the witnesses at today's hearing and I look forward to working with all of you to strengthen our laws nationwide.

# # # # #

**Testimony of Rachel Lloyd**

Thank you Senator Durbin and members of the Subcommittee for inviting me here today to testify about the commercial sexual exploitation and trafficking of children and youth in the US.

In 1997, I came to the US as a survivor of commercial sexual exploitation to work with adult women in the commercial sex industry. As I did outreach on the streets and prisons, I was struck by how many of the women I was meeting were actually girls, often very young girls who had experienced unimaginable violence and abuse. Yet they were, at best, falling through the cracks of systems unwilling and ill-equipped to address their needs. At worst, and most frequently, they were shamed, vilified and stigmatized by a society that viewed them as 'bad girls' or 'dirty girls' and regularly incarcerated them as 'criminals'.

In 1998, in response to the overwhelming need for services for this population, I founded Girls Educational and Mentoring Services, GEMS, on my kitchen table. Twelve years later, GEMS is the nation's largest provider of services to commercially sexually exploited and trafficked girls and young women, serving over 275 girls and young women through direct services and providing outreach and preventive education to over 1,000 at-risk girls each year.

"In Our Own Backyard" is a fitting title for this hearing as every day GEMS sees the commercial sexual exploitation and trafficking of children in New York, and as a national trainer and advocate sees the exploitation of children in every community across the country. Yet for many years the approach to this issue has been "Not in My Backyard". Trafficking and sexual exploitation has been something that people believed, or wanted to believe, happened in other places. Yet the few statistics that there are on this issue paint a disturbing picture. There are an estimated 100,000 children bought and sold for commercial sex in the US and an estimated 300,000 children are at risk for commercial sexual exploitation each year.

Some studies estimate the median age when a girl is first exploited to be between 12-14 years old. Throughout the US, girls are being bought and sold by adults to adults. Girls are sold on the streets, in strip-clubs, brothels, truck-stops and with increasing frequency on internet sites like Craigslist and Backpages. In 2001, a report from the University of Pennsylvania called this issue the 'most hidden form of child abuse' in our country. I would add that for years it's also been the most ignored.

The same strategies used with international trafficking victims are used on American girls and women. You don't have to be chained to a bed to think you can't leave, you don't have to be from another country to not believe that you have options and resources in this one and you don't have to be undocumented to be mistrustful of law enforcement.



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Like their international counterparts, some girls in the US are literally kidnapped and forced into the sex industry, although you'll rarely see these girls on the news or hear about an Amber Alert for them. Many girls are lured by the promise of a better life, seduced by an adult man who preys upon their youth, naïveté and most commonly their prior histories of abuse. An estimated 70-90% of commercially sexually exploited youth are victims of childhood sexual abuse prior to their recruitment into the sex industry. Many of these children are runaways or homeless, making them easy targets for exploiters and traffickers. The promises quickly turn to threats and violence, girls are isolated from any source of support and become solely dependent upon their abuser, their family may be threatened, their ID taken, and they are consistently told that no-one will believe them, no-one will help them. Sadly, many victims find this to be true, as they encounter social workers, cops, nurses in emergency rooms, judges and prosecutors, and community members who either treat them with scorn and disgust or simply look the other way.

While the Trafficking Victims Protection Act was passed in 2000, and reauthorized three times since, it is only very recently that there has been a concerted effort to view and treat American girls as trafficking victims. As a nation, we've graded and rated other countries on how they address trafficking within their borders and yet have effectively ignored the sale of our own children within our own borders. We've created a dichotomy of acceptable and unacceptable victims, wherein Katya from the Ukraine will be seen as a real victim and provided with services and support, but Keshia from the Bronx will be seen as a 'willing participant', someone who's out there because she 'likes it' and who is criminalized and thrown in detention or jail. We've turned a blind eye to the millions of adult men who create the demand because they believe they have the right to purchase another human being. We've allowed popular culture to glorify and glamorize the commercial sex industry and particularly pimp culture. Our policies and economic choices have left huge numbers of children at high risk for many things, including commercial sexual exploitation, simply because of the zip code they live in. And we've allowed the juvenile and criminal justice systems to treat victims of heinous violence and abuse as criminals, while the adult men who've bought and sold them go free. We've sent 12, 13, 14 year old girls to juvenile detention facilities and ignored the fact that these children aren't often even old enough to legally consent to sex, and they are in fact statutory rape victims.

Yet there is change. Today's hearing signifies how far we have come in beginning to address this issue. The attention of the federal government is critical in addressing this issue and the presence of representatives from law enforcement, the Department of Justice and the State Department's Trafficking in Persons Office demonstrates significant progress in the recognition of what's happening to children in our own backyard. Slowly we're beginning to use the appropriate language, recognizing that calling children who are victims of rape, sexual assault, and violence prostitutes is neither helpful nor accurate. Using the terminology 'child prostitution' or 'child prostitute' conjures up stereotypes and misconceptions about who these children and how to treat them. One of the most important things for the domestic violence movement to do was name what was happening. It was violence and it was happening in a domestic situation. It is critical that



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we accurately label this crime against children as commercial sexual exploitation and domestic trafficking. In doing so, we can begin to make the shift from treating these youth as criminals, and instead treating them as victims, which they rightfully deserve.

In 2008, New York became the first state in the nation to pass legislation that addressed the criminalization of children who were sexually exploited and trafficked. This victory was due in large part to the efforts, courage and voices of the girls and young women at GEMS who journeyed up to Albany year after year, who testified before state legislators and city council members, spoke to the press and participated in awareness raising events – sharing their stories with the hope of changing the system for their peers. New York's Safe Harbor for Exploited Youth Act converts charges of prostitution for children under 16 to a Persons In Need of Supervision case, thereby shifting the focus from juvenile justice into child welfare. The Safe Harbor Act also mandates the creation of a safe house for victims and training for law enforcement and service providers who come into contact with trafficked and exploited children. While the law does not go into effect until April 1, 2010, the shift in New York's systemic and institutional response is already happening. Across the country, several states are trying to follow suit and pass their own version of the Safe Harbor Act. It is my hope that in 10 years, it will seem ludicrous that we once incarcerated some of our nations most victimized and vulnerable children.

Yet despite gains made in awareness and advocacy, in law enforcement prosecuting cases of traffickers and service providers recognizing a need for different treatment, we still have a long way to go. Children across the country are still being treated as criminals. In Texas a 13 year old girl was recently charged with an act of prostitution, while the adult man who had recruited and sold her was set free. In the last few months alone, GEMS has been contacted by organizations and individuals looking for training and technical assistance in cities and states across the nation including, San Diego, San Bernadino, Tennessee, Hawaii, Miami, Tampa, Indiana, Ohio, Portland, Oakland, Connecticut, and Philadelphia. All of these places are witnessing the sale of children in their own communities and yet few have any resources to address this issue. Currently there are less than 50 beds specifically for victims of commercial sexual exploitation and domestic trafficking and approximately a dozen specialized service providers. Many states do not have any specialized services at all, and those of us who are directly serving victims do so with a scarcity of resources and support. Monies allocated in the TVPRA for services for domestic victims have yet to be appropriated.

Incarcerating children for their victimization is not only unjust, it doesn't work. Services work, support works. Love works. When girls are afforded the opportunity to be safe and valued and cared for, they are able to thrive and flourish. Victims of commercial sexual exploitation and trafficking have myriad needs and require comprehensive services. They need to be in an environment where they're supported, not judged, cared for, not shamed. They need a variety of shelter and housing options, including crisis shelter, therapeutic foster homes, residential treatment and long-term independent and transitional living programs. They need individual, group and family counseling and mental health treatment to address the intense trauma that they've experienced in the commercial sex industry and often prior to their recruitment, which has manifested as



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depression, anxiety, PTSD, self-mutilation and substance abuse. They need medical treatment that is sensitive and comprehensive, addressing not only their sexual health, but their physical trauma from repeated violence, and their overall wellness including lack of proper nutrition and pregnancy and parenting issues. They need education, both formal and informal, to help them return to school and to learn critical life skills which they've been deprived of during their exploitation. They need job readiness skills, employment training and viable employment opportunities to help them achieve economic independence. They need the opportunity to develop their skills and talents, to have fun, to create healthy relationships with their peers, and to be supported in a strengths-based environment. They also need to see other girls, young women and adult women who have experienced and overcome the same challenges so that they can be empowered to make the transition from victim to survivor from survivor to leader. All of these services require resources which are currently limited.

Commercially sexually exploited and trafficked youth have not been high on anyone's agenda or priority list. While commercial sexual exploitation can and does happen to any child, this issue disproportionately affects low-income children, children of color, children who've been in the child welfare system, children who've been in the juvenile justice system, children who rarely have a voice in public policy, children who are frequently ignored. Traffickers and exploiters know who to target, who'll be featured on the news, who'll be seen as a 'real' victim. Issues of race, class, and prior victimization have ensured that these children are frequently invisible in our national dialogue, yet it's incumbent on us to make sure that all victims, all children and youth are treated with equity and compassion and afforded the resources that they need and deserve to heal and grow.

As a survivor-led agency, GEMS believes that survivors need to be at the forefront of this movement and has been committed for over a decade to ensuring that the voices and experiences of survivors are integral in the development and implementation of programs and policies designed to serve them. Today, you have the opportunity to hear from Shaquana, a young woman, college student, outreach worker, activist and leader who I have the privilege of working beside every day. And while Shaquana is an extraordinary young woman, she is not unique in either her experiences, nor in her intelligence, resilience and courage. Every day at GEMS, we serve extraordinary girls and young women who are growing, learning and most importantly healing in the community of love and support we've created and who are in turn supporting and empowering their peers, advocating for change, raising public awareness and demonstrating leadership on this issue. If teenage girls and young women who've experienced heinous violence and exploitation are able to take action and be change agents in fighting against commercial sexual exploitation and domestic trafficking, it begs the question: what are our local, state and federal legislators and representatives doing? I challenge you today to join our young women in ending the sale of children in our country.

# Department of Justice

**STATEMENT OF**

**BETH PHILLIPS**
**UNITED STATES ATTORNEY**
**WESTERN DISTRICT OF MISSOURI**

**BEFORE THE**

**COMMITTEE ON THE JUDICIARY**
**SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW**
**UNITED STATES SENATE**

**HEARING ENTITLED**

**"IN OUR OWN BACKYARD: CHILD PROSTITUTION AND SEX TRAFFICKING IN THE UNITED STATES"**

**PRESENTED**

**FEBRUARY 24, 2010**

**STATEMENT OF**
**BETH PHILLIPS**
**UNITED STATES ATTORNEY – WESTERN DISTRICT OF MISSOURI**
**BEFORE THE**
**SENATE JUDICIARY SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW**
**FEBRUARY 24, 2010**

Good afternoon, Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee. Thank you for your invitation to address the Subcommittee. As you may know, I was sworn in as the new U.S. Attorney for the Western District of Missouri on December 31, 2009. Previously, I was an Assistant U.S. Attorney in Missouri where I was the Project Safe Childhood Coordinator for our District. It is an honor to appear before the Subcommittee to discuss Department of Justice efforts around the country to prosecute individuals involved in the prostitution of children.

Let me clearly describe at the outset the crime I am here to discuss. I speak to you today about the commercial sexual exploitation of American children by American citizens. No doubt the commercial sexual exploitation of children exists around the world in many forms. Children are moved from Africa to Europe or Asia to the Middle East and are bound in sexual slavery. Young children in Southeast Asia are sold to tourists who have traveled from their home to seek sexual gratification. Girls and boys are smuggled into the United States from Asia or Central America and then held in brothels to pay off their debts. The Department of Justice is committed to doing its part to fight against all of these crimes.

But my area of focus today is on the commercial sexual exploitation of children that occurs solely within our borders. The prostitution of American children is often folded into the larger topic of human trafficking, in part because this crime falls within the definition of a "severe form of trafficking," and in part because the statute we often use to prosecute these offenders is the sex trafficking provision found at 18 U.S.C. § 1591. It is important to keep in mind, however, that the dynamics of this particular crime, and the obstacles to combating it, are not the same as those involved when children are transported across international borders and then trapped in sexual servitude. The forces that conspire against foreign children are primarily economic. In a world with little to no economic prospects, families may tolerate their children's involvement in prostitution as a simple means to earn money to buy food for survival. Children living in such poverty are vulnerable to the false promises of a trafficker, and agree to be transported to a new country thinking they will get work as a waitress or domestic servant, learning too late that they were bound to live in a brothel.

American children who are victimized through prostitution, however, come from all socioeconomic backgrounds and all races. It is not necessarily poverty that makes these children vulnerable, but rather abandonment, abuse, or unhappiness. Runaways, throwaways, children who are chronically truant, or who are suffering physical, sexual, or psychological abuse in the home – these are the children who are targeted by pimps. The pimps will purport to offer these children the love and attention they never had, but then will manipulate them and force them into prostitution. Unlike international sex traffickers, who incur the risk and expense of moving



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children illicitly across international borders, American pimps can recruit children at almost no cost. They view their victims as an entirely fungible commodity, knowing they can easily replace one child with another. They have little fear of getting arrested and prosecuted, confident in their ability to keep the victims from cooperating with law enforcement. And they may have customers who have made clear their specific sexual interest in children. I am here today to talk to you about our efforts to protect American children from this crime.

**Department of Justice Efforts across our Nation to Combat the Commercial Sexual Exploitation of Children inside the United States**

Although I am here representing the U.S. Attorney's Office for the Western District of Missouri, I would also note that several DOJ agencies are involved in combating the commercial sexual exploitation of children inside the United States. I appreciate this opportunity to present to the Subcommittee examples provided by the field of what the Department's many components are doing to combat such exploitation of children.

In June 2003, the Federal Bureau of Investigation's (FBI) Criminal Investigative Division, Justice Department's Child Exploitation and Obscenity Section (CEOS), and the National Center for Missing and Exploited Children (NCMEC), a non-profit organization, launched the Innocence Lost National Initiative (Initiative or ILI). The focus of the Initiative has always been the rescue and recovery of domestic victims of child prostitution. At the time it was formed, there was little recognition at the national level that this form of child sexual exploitation even existed. The Initiative sought to bring this crime to light, and to educate social service providers, law enforcement, and prosecutors so that they are equipped to address this unique crime problem.

There is also an Innocence Lost Working Group, which is comprised of representatives from numerous government and non-governmental agencies, including the Justice Department, FBI, the State Department, the Department of Health and Human Services, Immigrations and Customs Enforcement, NCMEC, Polaris Project, the American Prosecutors Research Institute, Salvation Army, and Catholic Charities. These agencies meet quarterly to share information, develop strategies, and coordinate efforts.

The heart of the Innocence Lost Initiative is the establishment of task forces or working groups that bring together state and federal law enforcement agencies, prosecutors, and social service providers, who then employ a multi-faceted, victim-centered strategy designed to identify the child victims, provide them the services they need, and to prosecute the offenders. By the end of last year, thirty-four dedicated task forces and working groups have been established throughout the United States. According to the FBI, in the 6 years from its inception through October 2009, the Innocence Lost Initiative has resulted in the identification of almost 900 child victims of prostitution; has led to 510 convictions in state and federal courts; and has seized over $3 million of real property, vehicles, and monetary assets.

The efforts of the Innocence Lost Task Forces often result in prosecutions like the one currently taking place in Houston, Texas. In August 2009, six individuals were indicted and arrested in Houston on charges of conspiracy and sex trafficking of children, as well as forcing



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and coercing adults to engage in commercial sex acts. According to the unsealed indictment, the defendants allegedly operated commercialized sex businesses often disguised as modeling studios, health spas, massage parlors and bikini bars in Houston, and used sexually oriented publications and web sites to advertise their illicit business. The criminal enterprise allegedly transported women and minors to and from the Houston area and had ties to Kansas, Nevada, Arizona and Florida. Women and minors as young as 16 were allegedly enticed and coerced into prostitution and were routinely beaten and threatened. The defendants allegedly collected any proceeds the women and minors received as a result of "dates," rendering them dependent upon the defendants for basic necessities. The defendants face up to life in prison if convicted.

The Initiative has recently increased its law enforcement efforts through coordinated, national takedowns. Between June 2008 and October 2009, the FBI Crimes Against Children Unit coordinated a series of four national stings entitled Operation Cross Country, in order to rescue children, identify targets, and gather intelligence about the commercial sexual exploitation of American children. The first Operation Cross Country took place from June 18 to June 23, 2008. Innocence Lost Task Forces in 16 cities, ranging from Boston to Miami to San Francisco, participated in the operation by targeting venues where children are trafficked, such as truck stops, motels, casinos, and via the Internet. According to the FBI, the operation involved over 350 law enforcement officers from over 50 state, local, and federal law enforcement agencies who joined together to rescue child victims and arrest the criminals who victimize them. This operation resulted in the arrest of 356 individuals and the recovery of 21 children.

Operation Cross Country II took place in October 2008. A total of 630 law enforcement personnel participated in the operation, which resulted in 642 arrests, the disruption of 12 large-scale prostitution operations, and, most importantly, the rescue of 49 children—ages 13 to 17 years old—from the sex trade. Ten of those children had been reported as "missing" to NCMEC. Operation Cross Country III was conducted in 29 cities across the country in late February 2009. This operation led to the recovery of 48 children being prostituted domestically. Additionally, 571 criminals were arrested on a combination of state and federal charges for the domestic trafficking of children for prostitution and solicitation. Finally, Operation Cross Country IV took place in late October 2009. This operation included enforcement actions in 36 cities across 30 FBI Divisions around the country and led to the recovery of 52 children who were being victimized through prostitution. Additionally, 691others, including 84 pimps, were arrested on state and local charges. In total, 1,547 local, state and federal law enforcement officers representing 112 separate agencies have participated so far in Operation Cross Country and ongoing enforcement efforts.

The results of these operations make one thing very clear: that concerted, multi-pronged efforts are absolutely critical to make these defendants account for their crimes. For example, late last year in Anchorage, Alaska, three men and one woman were charged in a forty-one count indictment with conspiracy to commit sex trafficking of children, promoting the prostitution of children, child pornography and other charges pertaining to the conspiracy. This indictment resulted from the investigative efforts of the Anchorage Police Department Vice Unit, the FBI, and the Internal Revenue Service–Criminal Investigation, with assistance from agents and detectives from the Innocence Lost Task Force and the Alaska Internet Crimes Against Children Task Force. In 2008, a single defendant went to trial in Anchorage, Alaska, on charges that he



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forcibly prostituted girls and women. The investigation began in 2005, and required daily, round the clock commitment from the federal and local law enforcement agencies through the trial in early 2008. Three prosecutors worked on the trial itself, along with five victim-witness professionals.

One of the reasons these cases require such dedication is because a successful prosecution often turns on the testimony of children who have suffered extreme forms of psychological abuse and physical abuse at the hands of their pimps, who may lack a supportive familial structure, and who may be addicted to drugs, often because their pimp pushed drugs on them. These children may feel ashamed, distrustful and uncooperative, or even feel that nothing wrong has occurred. Quite often they may feel they are in love with their abusers, and do not want to testify against them. It takes a great deal of time for law enforcement officers to overcome these barriers and gain the victim's trust and cooperation.

Of course, law enforcement officers investigating these crimes always seek to gather as much corroborating evidence as possible, to minimize the pressure on the victim, or even to permit the prosecution to proceed without the victim's cooperation. The collection of this evidence requires the commitment of more time and more resources. But that is what is needed to prosecute these cases, as they target those defendants who view children as fungible objects that can be sold for sex.

In addition to building task forces, the Initiative also includes an emphasis on training. When it began, a week-long seminar called "Protecting Victims of Child Prostitution" was held at NCMEC in Alexandria, Virginia, approximately five times a year, although this program is no longer funded. Nonetheless, the Justice Department's Criminal Division continues its training efforts in a variety of forums, including a training conference for prosecutors and investigators at the National Advocacy Center, a conference sponsored by the Department of Education, and a conference attended by juvenile court and family court judges.

The Department of Justice's Office for Victims of Crime (OVC) expanded its Services for Trafficking Victims Discretionary Grant Program in 2009 to include three Demonstration Projects focused on the provision of services to child victims of commercial sexual exploitation. The purpose of this expansion is to identify promising practices in the delivery of a wide array of services to domestic minors who have been subjected to sex or labor trafficking. Specifically, the goals of this demonstration project are to (1) provide a comprehensive array of timely and high quality services to victims of sex and labor trafficking who are U.S. citizens or lawful permanent residents under the age of 18; (2) develop, enhance, or expand the community response to domestic minor victims of all forms of human trafficking; and (3) produce a final report about the implementation of the project, including a discussion of successes, challenges, and lessons learned, that may be disseminated through OVC to the victims' field. OVC has dedicated this funding to ensure that grantees can work in coordination with existing community-based organizations to meet the immediate and long-term needs of trafficked children regardless of whether or not the trafficked child is returned to a family or relative, placed in a group home or foster care, or placed in a detention facility.



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OVC's Grant Program recognizes that secured housing and specialized services are absolutely critical to help stabilize these young victims. Secured housing allows law enforcement officers to ensure the safety of the children, and to maintain the steady contact with the victims necessary to build a rapport and establish trust. Specialized services are also required to address the full range of trauma experienced by these children. Victims of child prostitution often have been abused in the home at the outset, and then also suffer violence, at the hands of their pimps, with whom they also have sexual relationships; they also are victims of sexual assaults by the customers, in addition to any addiction or other medical conditions they may have. In order to be meaningful, the services offered to a victim must be able to account for the full dimension of their trauma.

As another example, on October 1, 2009, the Department of Justice transmitted to Congress the first Biennial Comprehensive Research and Statistical Review and Analysis of Severe forms of Trafficking, Sex Trafficking and Unlawful Commercial Sex Acts in the United States, prepared by the National Institute of Justice (NIJ) in the U.S. Department of Justice Bureau of Justice Statistics. The report noted the lack of definitive data on unlawful commercial acts in the United States due to the inherent difficulties in researching an illegal, mostly hidden operation with a population that is uncooperative for varying reasons.

Nevertheless, it reported that some scientifically rigorous studies focused in small geographic locales, such as cities, revealed demographic profiles of individuals involved in prostitution in those areas. Well over half of the individuals in a study of Chicago had first begun engaging in prostitution before their 18th birthday. A study in San Francisco found that 78 percent of individuals engaging in street prostitution reported that they started doing so as juveniles, with 60 percent starting when they were 16 years old or younger. For those who began as juveniles, 53 percent had household members who engaged in prostitution. Available information indicates that the children at risk are not just teenagers. Some studies indicate that pimps have preyed on victims as young as 12.

In addition to the efforts at OVC and NIJ, the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been supporting efforts to address the commercial sexual exploitation of children. In FY 2006, OJJDP provided funding and training resources under its Commercial Sexual Exploitation of Children Community Response Program, also known as C-CIP. Five communities, including San Diego, Denver, Chicago, Atlantic City, and Washington, DC, received financial assistance through C-CIP to develop a better understanding of the commercial sexual exploitation problem and local plans that involved law enforcement, prosecutors, human and social service personnel, and NGOs already working with victims. As part of this initiative, OJJDP also funds the development and delivery of a comprehensive training program created in cooperation with the Girls Educational and Mentoring Services (GEMS), the Polaris Project, and the Salvation Army.

In FY 2009, OJJDP awarded funding under a new program titled, "Improving Community Response to the Commercial Sexual Exploitation of Children" to three communities, including: Oakland, California; Portland, Oregon; and Miami, Florida. This program focuses on developing a comprehensive community approach similar to the efforts supported under the C-



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CIP. Each of the three new communities will receive the C-CIP training, delivered by GEMS. In fact, the first training event is currently underway in Miami, Florida.

As the NIJ report previously referenced suggests, there is a lack of definitive data on unlawful commercial acts. This is particularly true for cases that involve the commercial sexual exploitation of children. In an effort to close that knowledge gap, OJJDP is funding research to study the prevalence of commercial sexual exploitation of children in the United States. Among the key questions for this study to answer are: 1) how many youth under 18 were victims of commercial sexual exploitation in 2008 in the United States; 2) how many of these victims were known to law enforcement; and 3) how many of these victims were not known to law enforcement but received services. Preliminary findings from the study are due in early 2011.

**Conclusion**

The Justice Department is committed to its multi-pronged attack against the victimization of American children through prostitution. From a law enforcement perspective, our efforts are focused through the Innocence Lost Initiative, which seeks to build capacity through the establishment and training of task forces, so that we can successfully prosecute these offenders, and announce to others who are considering engaging in this crime that if they try to make money off of the backs of children, they risk serving a substantial federal sentence.



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**Testimony of Shaquana**

My name is Shaquana and I am a survivor of commercial sexual exploitation and domestic trafficking. At only 14 years old I was being manipulated and physically abused to sell my body for a pimp that I hoped would one day love me. I didn't have anyone in my life that I could have been completely honest about what was happening to me without them judging me. I was afraid and felt like everything I was suffering was always my fault. I was living in this big world but I felt small and alone. I cried myself to sleep many nights because I was very unhappy with my life but had no idea how to change it.

At 14, I got arrested and sent to a juvenile detention facility. Jail just made me continue thinking worse of myself. I was made to feel embarrassed and ashamed for all that I had went through. I never received counseling and was left to figure things out on my own. It was there though that I learned of GEMS, through the outreach team which was for girls that had been through the same stuff I had been through.

When I finally got out of jail I had been mandated to GEMS. It seemed like all my family and even the judge thought jail was what I needed as if I were the criminal. I started going to GEMS and created a new family for myself. It was like for the first time in life people understood me and didn't think that I was crazy. It took me a while to fully leave the life behind me but there was that constant hope for me at times when I didn't have it for myself from GEMS. I didn't get out of the life until I was 16 years old. I can't remember what actually happened but I was nearly killed after having sex with a man for money. I woke up in a hospital in New Jersey and after years of having an extremely low self esteem finally realizing I was beautiful all along.

I started participating in GEMS a lot more which helped me deal with a lot of the trauma that had happened to me and going to youth leadership where I learned about what it meant to be a victim of commercial sexual exploitation and trafficking. It was through GEMS that I learned that even though so much happened to me as a young girl it didn't mean I would have to spend the rest of my life crying. I could be a survivor which meant going back to school, graduating, having real friends, and first dates. I was able to experience those things and now I'm in college. Being in school means a lot to me because at one time I didn't think that I would ever make it. I used to think that all I had to offer anyone was my sexuality but I know the difference now.

Today I also work at GEMS as an Outreach Worker. I travel to juvenile detention facilities, group homes, and schools, to educate girls on the issue of commercial sexual exploitation. This is very important to me because a lot of the times girls have no idea what really goes on in the commercial sex industry and if I can reach them before an exploiter ever does they will know the truth of what that life really offers. Through my work at GEMS I am able to tell them that if they have been a victim of trafficking that there is a place where they can get helped and won't be judged.



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***Linda Smith (U.S. Congress 1994-98)***
***Founder and President, Shared Hope International***
***February 24, 2010***
***Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law***

Honorable Committee Chairman Leahy and Subcommittee Chairman Durbin, Ranking Member Coburn, and distinguished members of the Committee and Subcommittee, thank you for your consideration of our written testimony for the hearing entitled "In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States."

Shared Hope International has been working to prevent, rescue and restore women and children in crisis, particularly the crisis of sex trafficking and its devastating effects. This work began in 1998 when I was called by a constituent to witness the enslavement of women and girls in brothels in Mumbai, India. After witnessing the sex trafficking in Mumbai, I was compelled to organize Shared Hope International to provide a response to their desperate circumstances. Eleven years later, Shared Hope International has provided the resources and assistance to found seven holistic Villages of Hope, providing a substitute family and home to the victims of sex trafficking in India, Nepal, Fiji, Jamaica, the Netherlands, South Africa and the Dominican Republic. Currently, five of the seven Villages of Hope continue this critical restoration work abroad. These safe homes include the Women's Investment Network (WIN) which brings training and education to the women living in the Villages of Hope and other women living on the margins of their communities.

*Scope of the problem of child sex trafficking*

In 2005, Shared Hope International received funding through the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons to undertake a comparative examination of the sex trafficking and sex tourism markets with an eye toward identifying demand reduction strategies in four diverse countries: Japan, Jamaica, the Netherlands, and the United States. What we found was that demand is driving the markets and thriving due to the culture of tolerance that exists globally for the commercial sexual exploitation of women and girls. Without a buyer of commercial sex from a trafficking victim, there would not be a market. Thus the report and accompanying awareness documentary was titled *DEMAND.* (See www.sharedhope.org/what/enddemand3).

An equally disturbing finding related to the look into America. Expecting to find large numbers of foreign national women trafficked to the United States for commercial sexual exploitation, we were stunned to discover much larger numbers of U.S. citizen and lawful permanent resident minors being exploited through the commercial sex industry. American girls of all colors and ages were found stripping and being prostituted in the VIP rooms of gentleman's clubs, prostituted through escort agencies and Internet erotic websites, and controlled by pimps in the streets of Atlanta, Las Vegas and the Washington, DC-Baltimore corridor. Under the Trafficking Victims Protection Act of 2000 (TVPA) these girls are trafficking victims and anyone who has worked to restore



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their bodies, minds and souls from the trauma they have suffered can tell you they are victims of extreme forms of violence.

At the conclusion of the research project, Shared Hope International had accumulated information that strongly suggested a national crisis: our youth are at risk for extreme violence through prostitution. Furthermore, the large majority of adult trafficked women reported that they were trafficked originally when they were under 18 years old. After years of providing protection for the girls and women in other countries, Shared Hope International decided to take action here in the United States.

This discovery led to a research project funded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to investigate the scope of this domestic minor sex trafficking problem and to determine what services were or were not being provided to rescue and restore the victims. Eleven locations were researched over three years and individual assessment reports issued for each. In all cases, we found American minor children arrested and/or detained for prostitution or prostitution-related offenses rather than treated for the violence inflicted upon them.

The eleven reports were compiled into *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children* which was admitted into the Congressional Record at a hearing on October 21, 2009, before the House Foreign Affairs Subcommittee on International Organizations and Human Rights. The report reveals the startling facts that at least 100,000 children are used in prostitution every year in the United States and the average age of entry into prostitution is 13 years old. We learned through our research that in Las Vegas, 226 juveniles came before the Juvenile Court judge in just 20 months and in Dallas 165 juveniles were detained on prostitution and related charges in 2007 alone. These are numbers from just two cities – the real numbers in the communities across our country are certainly much larger. In nearly every case the child rather than the buyer is arrested. The minor, though defined by the federal Trafficking Victims Protection Act of 2000 (TVPA) as a victim, is arrested for the crime committed against her. This arrest and treatment of the victim as a criminal is a secondary violence committed against her, compounding the trauma of the sexual violence she has already endured at the hands of the trafficker and the multitude of buyers who have used her.

An interview with one survivor of domestic minor sex trafficking provides insight into how these girls and boys are becoming victims of commercial sexual exploitation:

> *When I was 12 years old, a guy I thought was just a "dope boy" kept following me in his car when I walked to school. He was older and real cool, and he said I was really cute. He paid a lot of attention to me and eventually I got in the car with him. For a while we were girlfriend and boyfriend; we would go everywhere together. It didn't take long before I experienced the real treatment—being beaten, stomped on, manipulated and sold all day every day.*



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> *When I think about how it must have looked to people, a baby-looking girl like me with an older "boyfriend," it makes me wonder why nobody was ever there to stop it, or even ask any questions at all. Nobody ever told me--I didn't understand--what a choice really was. People have asked me how I could have done what I did—sell my body on the street, in cars, in trucks, anywhere and everywhere and then deliver every last dollar to my pimp. Looking back on it from my vantage point today, I can't answer that question...I'm amazed myself, that I was so under the control of that man. He was the only person in my life that I felt connected to and I even felt like he was my only protection; therefore, I would have done anything to stay with him. The price was for me to sell the only thing I had, my body. He gave me a different name, a street name...it was Cookie. That was fine with me because Tonya would never do the things Cookie did; I was a different person when I was tricking.*

*Arrest instead of rescue*

The arrest of victims of domestic minor sex trafficking for the crime of prostitution is occurring across the country. One stunning example is found in the following declaration of arrest completed by a police officer in 2006. The declaration states:

> *"After watching the truck slow down and the female approach the truck, then later finding the truck on a side street with the female in the truck, through my training and experience I know this is a common practice for prostitution related crimes. We then approached the vehicle and came on a juvenile (DOB 3-19-1994) and male (DOB 11-4-1959) involved in a sex act. Due to the above circumstances, the stated agreement for $40 for a hand job, observation that he had $45 in U.S. currency hanging from his left front pocket of his pants, had lotion on both of his hands, she stating she was engaging in an act of prostitution.... she was placed under arrest for soliciting prostitution and was transported to CCJH. ... probable cause exists to hold said person pending plea and trial."*

The outcome of this arrest: a 12 year old girl was handcuffed, placed under arrest, and transported to the juvenile detention facility in Las Vegas. The man, nearly 48 years old, was allowed to drive away. This child is now turning 15 years old and is again in juvenile detention under prostitution-related charges. Her pimp reclaimed her after she was released the first time and the cycle of her exploitation and lack of justice continues.

Another survivor of domestic minor sex trafficking relates her experience with repeated arrests:

> *I was arrested 17 different times in all kinds of cities and every time I went to detention, they thought all they had to do is change where I was. So I ended up in group homes where people had serious drug and mental problems, but not my kind of problem...there was nothing to help me deal with the trauma of what happened to me. I wanted nothing to do with*



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*those places. Being with the "family" was at least something I was used to, so I ran away and back to my pimp every time. Each time I was transferred from out of state back to Ohio, it was in handcuffs and leg shackles and I was surrounded by policemen that I felt were my enemies. Despite my age, I spent 8 months in prison when my pimp caught a federal case. Yes,* ***I'm the one*** *that went to prison. I could never trust anyone. Sitting in a facility with criminals didn't help, it only made me more bitter.*

A domestic minor sex trafficking victim like the girl in the case above who is purchased for sex with an average of five men per night on five nights each week for five years would be exploited by 6,000 buyers during her victimization through prostitution. Our research revealed hundreds of children arrested, charged and prosecuted for prostitution, despite their status as minors and, therefore, as victims of child sex trafficking. Appropriate protective shelter and services are critical for the protection and restoration of child sex trafficking victims - but they do not exist in most of the country.

*Lack of shelter and specialized services is crippling the fight*

For those law enforcement who recognize the exploitation the domestic minor sex trafficking victim is experiencing and want to take a victim-centered approach to the investigation, the lack of secure shelter is cited as the biggest problem they face. Without access to secure shelter in some form it becomes nearly impossible to protect the child victim of sex trafficking. The first responders who want to help are currently limited to placing the victim in a runaway youth shelter or juvenile detention in the absence of a safe, secure facility to protect these children.

What can Congress do? There are two actions Congress can take to overcome this primary barrier to the proper response to the victims of domestic minor sex trafficking. First, Congress must appropriate the federal funds authorized in the TVPA for services and pilot shelters in the TVPA. You have the opportunity and obligation to send a strong message to the fifty states that Congress intends for these children to be treated as victims and be given all of the services and justice which the TVPA provides. The dichotomy between the funded and provided services and shelter for foreign victims and those mandated but not funded for domestic victims must be cured. We are providing greater protection and care for non-citizens than for our own children.

The second key action Congress can take to remedy the failure to protect the young victims of domestic minor sex trafficking is to tie standards of protection and services for the protected class of domestic minor sex trafficking victims to current federal funding streams to the states. Congress can ensure the proper victim rights and treatment for the child sex trafficking victim by requiring certain standards of care and the development and provision of certain protections for the victims by imposing conditions on federal funding to states.

To help guide the states in this endeavor, the federal government can promote the enactment of legislation similar to the newly enacted New York Safe Harbor Act which



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removes responsibility for crimes committed in the course of a juvenile's exploitation, converting the case of a child who comes before the court for the first time on a prostitution charge to a child welfare and protection case. With the label of victim, access to services and appropriate shelter becomes possible.

*Demand deterrence is essential to win*

The arrest and prosecution of buyers must be made a priority across the nation and at all levels of law enforcement. The sex trafficking of children is driven by demand for the commercial sex acts they perform. The supply of women and children in the sex industry serves as the fuel for this crime. As the demand increases, traffickers must increase the supply of victims.

How do we fight this demand? Innovative investigative techniques, technology, and protocols are needed to combat domestic minor sex trafficking. One example of this innovation is in the Western District of Missouri which includes Kansas City. A pioneering Assistant U.S. Attorney in that district, Cynthia Cordes, with the support of her office has pursued buyers of commercial sex with children by working with the local human trafficking task force to plan and implement an operation designed to satisfy the evidentiary requirements of the TVPA -- specifically sections 1591 and 2224(b) -- using the words "obtain" and "entice" to charge, indict and secure a guilty plea in three cases of attempted domestic minor sex trafficking thus far. Since this operation netting indictments of seven men seeking to buy sex with a minor, five other U.S. Attorney's Offices from Virginia to Alabama have initiated similarly modeled operations. The defense bar is positioning for an appeal asserting the inapplicability of the TVPA to buyers of commercial sex. With no intention of slowing down the filing of indictments, an appeal to the 8th Circuit is likely to come in the near future.

It is critical that Congress express its intent to reach all facets of the sex trafficking crime with the TVPA, including the demand facet – the buyer. A clear statement by Congress is needed to enable the federal prosecutors to continue to indict the buyers of commercial sex with minors, bringing to bear the tremendous deterrent value of the heavy federal penalties.

The enormous disparity in penalties between a state conviction and a federal conviction make the TVPA the key to deterring demand. Faced with a mandatory minimum sentence of 15 years for trafficking a child under 14 and 10 years for trafficking one over 14, the buyer is likely to think twice before proceeding with the crime of child sex trafficking. Comparable state convictions reflect penalties in the range of 3-10 years in comparison. Also, federal prosecutors can seek restitution – a moral and financial victory for the victim of domestic minor sex trafficking. Congress must speak to the intent of the TVPA to reach the demand component in the criminal markets of sex trafficking.

Select states are increasing penalties and introducing or increasing fines for buyers of sex with minors and adults in recognition of the deterrence value of both. Increased penalties will bring state penalties closer to federal sentences. Increased fines will make it more



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difficult for buyers to hide their crime from family, friends and the community. In Washington State a bill has passed the Senate and is pending in the House which increases the cost of releasing an impounded vehicle used in the commission of the crime of commercial sexual abuse of a minor (child sex trafficking) to $2,500 – a sum that is hard to retrieve from an ATM and easy to notice in the family checkbook. Those who buy sex with minors should be exposed and shamed.

Law enforcement have increasingly noted the critical part victim services plays in the prosecution of traffickers and buyers. For this reason, the advocacy for secure and semi-secure facilities has grown as the need becomes more urgent both as a protection for the victim and a deterrence through successful prosecution. Many survivors of child sex trafficking have said that they could not leave their trafficker because there was no safe place to go. The Innocence Lost Initiative, created through a partnership of the Department of Justice Child Exploitation and Obscenity Section (CEOS), the FBI, and the National Center for Missing and Exploited Children (NCMEC), has rescued over 900 trafficked children to date. Unfortunately, only a few states have shelters specifically tailored for their needs and these children often end up waiting for the trial of their exploiter in juvenile detention. Congress must make child victim protections, especially shelter development, a priority – the success of combating demand and restoring the victims depends on it.

Deterrence does not come solely in the form of investigation and prosecution. A grassroots, preventative approach is critical to an anti-demand effort. A survey of 117 men aged 15-80 indicated that websites were the predominant influence leading them to view pornography. Other influences included pop-up ads for pornographic websites, movies and TV commercials—electronic influences present in nearly every home in developed countries. This survey done by The Defenders USA indicates that respondents first viewed pornography at approximately twelve years of age. Early viewing of pornography may serve as an incubator of future buyers of commercial sex services in this and other markets. In response to this attack on our youth, especially boys, Shared Hope International developed an initiative called The Defenders USA. This initiative is member-led by males who are raising awareness about the dangers of prostitution and pornography to men personally and to the victims including those in the images of sexual exploitation.

In conclusion, it is clear that only a comprehensive attack on sex trafficking will succeed. We must have the shelter and services to provide child sex trafficking victims with the trust and security they require to escape and become witnesses in cases against the perpetrators – traffickers and buyers. More cases will result in deterrence, especially when combined with prevention and education efforts for men who patronize the commercial sex industry in its many forms.

Honorable Chairmen, members of the committee, on behalf of these children and the thousands more whose stories we will never hear, we urge you to take aggressive action to protect the youth of our nation from commercial sexual exploitation.

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