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# Children in Prostitution

*How Many are There  
and What to Do?*



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## EXECUTIVE SUMMARY

Most people can agree that children caught up in the commercial sex industry need help. How to help those children trapped in the sex industry — and even knowing *how many* child victims are involved — is often the point at which radically differing opinions enter the conversation.

In the past four years, several states — Illinois, Tennessee, Vermont and Connecticut — have passed legislation, commonly called Safe Harbor laws, to decriminalize prostitution for minors. New York and Washington State have laws that divert minors arrested for prostitution into services and rehabilitation programs at the discretion of the judge in New York and at the discretion of the prosecutor in Washington.

Massachusetts has the best model for legislation in HB 3808, signed into law in November 2011. In Massachusetts, the law diverts minors found in prostitution into services and treatment but keeps the charges pending against them in place until they successfully complete the rehabilitation programs after which the charges are dropped.

Those who push legislation that decriminalizes prostitution for minors contend that arresting these minors further traumatizes them. Proponents of decriminalization want to remove the possibility of arrest. They argue that what the children need are services directed towards restoring their dignity and rehabilitating them out of a life of selling sex. They want this accomplished outside the juvenile justice system.

Others strenuously argue that removing the discretion of law enforcement, district attorneys, and judges from the process takes away one of the most effective means of rescuing children; they say that taking law enforcement out of the picture is not the answer. These children's advocates argue that a comprehensive approach is necessary and accomplished by leaving every available option on the table to help these children, including arrest and detention to ensure the evaluation and handling of their situations on a case-by-case basis.

Those who advocate the decriminalization of prostitution for minors claim that thousands of minors are arrested every year. The Federal Bureau of Investigation's Uniform Crime Report shows though that less than two percent of all arrests for prostitution are minors, averaging 1,117 a year. The Human Trafficking Reporting System identified 248 minors 17 years old and

younger as victims of sex trafficking during the January 2008-June 2010 reporting period. According to the FBI's Innocence Lost National Initiative, as of April 2011, more than 1,600 children have been rescued since 2003.

So how many children are victims of sex trafficking in the United States? It depends on who you ask. There are estimates, all based on guesses, that range from 100,000 to 2.4 million children. The United States Department of Justice uses the number 293,000 as the estimate for youth "at risk" of being commercially sexually exploited. The only hard data available are from the government sources listed above.

It is very difficult to make good policy relying on estimates based on questionable methodologies. In 2006, the Government Accounting Office said, "The U.S. government has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking related data that resides within government entities."

With states moving in the direction of decriminalizing prostitution for minors, are there sufficient shelters to house the minors? According to a 2007 study done for the U.S. Health and Human Services Department, there were only four residential facilities in the United States, with thirty-five beds between them. The Trafficking Victims Protection Reauthorization Acts of 2005 and 2008 authorized funding for shelters for minors, but the money has never been appropriated.

There is no one-size-fits-all solution to the problem of commercial sexual exploitation of children. Arresting minors in prostitution and sex trafficking, but not making counseling and support services available to them, will leave them without help to create a better future. Decriminalizing prostitution for minors will leave them at the mercy of pimps and johns and without the judicial system to advocate for their treatment and rehabilitation. The collaborative program in Oakland, California, run by the Alameda County District Attorney's office shows that, with proper training, law enforcement can be compassionate, understanding, and provide resources to help; the District Attorney's office can use its discretion as to which cases to charge and which to send to support services outside of the juvenile detention system; and the juvenile detention system can provide counseling and support services for the minors in it.

Concerned Women for America (CWA) believes keeping all the tools in place to assist minors found in prostitution and holding the government accountable to fulfill the TVPRA mandates to fund shelters for minors and find out how many minors are involved in prostitution are important steps for eradicating the commercial sexual exploitation of minors.

## Children in Prostitution: What to Do?

In the past four years several states have passed legislation to decriminalize prostitution for minors — Illinois,<sup>1</sup> Tennessee,<sup>2</sup> Vermont,<sup>3</sup> and Connecticut.<sup>4</sup> Critics question whether this effort will reduce the number of children in commercial sexual exploitation: While decriminalization of prostitution for minors does not make pimps and johns innocent of a crime, it does nothing to end demand and may, in fact, increase it.

New York<sup>5</sup> and Washington State<sup>6</sup> have laws that divert minors arrested for prostitution into services and rehabilitation programs at the discretion of the judge in New York and at the discretion of the prosecutor in Washington, instead of into the justice system. Without criminal charges pending, though, the minors can walk away from the diversion programs and right back into the arms of their pimps.

Massachusetts has the best model for legislation in HB 3808,<sup>7</sup> which was signed into law in November 2011. This new law diverts minors found in prostitution into services and treatment; however, it keeps charges pending against them in place until they successfully complete the rehabilitation programs and then the charges are dropped. This system gets the minors the help they need and incentivizes them to complete the program.

Most people will agree that a sexually exploited minor child is a victim. People also agree that many people and factors aid the victimization. They are victims of the pimps and traffickers who force them to sell their bodies. They are victims of the adults who pay to have sex with them. They are victims of the circumstances that force them to sell their bodies for necessities such as food, clothing, and shelter (also known as “survival sex”). Moreover, some are victims of their own bad judgment when they make the decision to sell their bodies for money to buy luxury items. Others are victims because they run away from home and are vulnerable to those who prey on children who hang out at the malls or are stranded at the bus stations.

Within the anti-sex trafficking coalition there is agreement that without the demand for commercial sex, there would be no sex trafficking. The buyers, so-called “johns,” drive the commercial sex industry. The purchasers of commercial sex services are mostly men, and they think there is nothing wrong with buying another human being’s orifice(s) for a certain time. But in today’s culture, finding sex outside of marriage is not difficult. So why would men have to buy sex? Some want the “girlfriend” experience without the actual girlfriend to pay attention to and romance. Some want to act out what they see in pornography, and their wives or girlfriends will not perform those acts. Others act out their anger on the women whose services they buy. No matter the reason, johns are responsible for the exploitation of women and children in the commercial sex industry. If johns stopped buying sex, pimps and sex traffickers would be out of business overnight.

While all can agree that children caught up in the commercial sex industry need help, there are many differing views about how best to help sexually exploited children.

Those who push legislation that decriminalizes prostitution for minors, often called Safe Harbor legislation, contend that arresting these minors further traumatizes them. Proponents of

decriminalization want to totally remove the possibility of arrest. They argue that what the children need are services directed towards restoring their dignity and rehabilitating them out of a life of selling sex. They want this accomplished outside the juvenile justice system.

Others strenuously argue that removing the discretion of law enforcement, district attorneys, and judges from the process takes away one of the most effective means of rescuing children; they say that taking law enforcement out of the picture is not the answer. These children's advocates argue that a comprehensive approach is necessary and accomplished by leaving every available option on the table to help these children, including arrest and detention, to ensure the evaluation and handling of their situations on a case-by-case basis.

The issue is complex, encompassing not only the legal and social service systems, but also cultural attitudes. Public awareness and understanding of the issue is a necessary step towards helping minors trapped in prostitution.

What are the terms used to discuss this issue?

**Abolition:** Abolitionists believe all prostitution is harmful and strive for the eradication of prostitution and sex trafficking. Abolitionists target the demand, for without demand there would be no prostitution and, therefore, no sex trafficking (which occurs when demand exceeds the supply of women and children).

**Criminalization:** Criminalization makes it illegal to buy and sell sex. Except for several rural counties in Nevada, prostitution is criminalized in the United States. At the federal level, the Trafficking Victims Protection Act and its subsequent reauthorizations criminalize pimping and procuring and take an abolitionist approach towards demand while providing assistance for victims.

**Decriminalization:** Decriminalization changes that which is currently illegal into something that is no longer a crime. The laws in Illinois, Tennessee, Vermont, and Connecticut declare all minors in prostitution as victims, not criminals. It is still a crime to pimp, traffic, or buy a child in prostitution. New Zealand decriminalized adult prostitution in 2003, and since then, street prostitution has increased, as has the prostitution of children.<sup>8</sup> Sweden targeted demand by going after the johns, thereby criminalizing the buying of sex and decriminalizing the selling of sex.

**Legalization:** Legalization makes prostitution legal and entails government regulation and taxation of those involved. Germany and The Netherlands have legalized prostitution. In both countries, sex trafficking increased and organized crime is prevalent. Germany had hoped to see an increase in tax revenues, but that did not happen.<sup>9</sup> (Apparently, those in organized crime do not believe in paying taxes.)

**Sex trafficking:** The Trafficking Victims Protection Act of 2000 (Public Law 106-386) breaks sex trafficking down into two categories — severe sex trafficking and sex trafficking. The definitions, which also include a definition for forced labor, read:

SEVERE FORMS OF TRAFFICKING IN PERSONS. — The term “severe forms of trafficking in persons” means —

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

SEX TRAFFICKING. — The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

It is important to note that where there is prostitution, there will be sex trafficking. When the *supply* of prostitutes cannot meet the *demand* for prostitutes — as is typical in the more developed nations, where girls and women have attractive schooling and career options — vulnerable people are forced into sex slavery. The vulnerable ones include children because pimps/traffickers can now earn even more money by supplying younger girls to fill 1) the johns’ demands for girls that they believe are free of diseases and 2) their appetite for younger and younger girls. The only solution for the increased demand that leads to sex trafficking is abolition, ending the commercial sex industry.

Those who advocate decriminalization have much to learn from those countries that have actually tried decriminalization or legalization.

After legalization in Victoria, Australia, there was a *300 percent increase* in illegal brothels.<sup>10</sup> The Dutch saw an increase in trafficking victims from 716 in 2007 to 809 in 2008; almost 40 percent of those victims were Dutch girls pimped out by their boyfriends.<sup>11</sup> The increase in victims continued in 2009, with the number at 909, and was up to 993 by 2010.<sup>12</sup> Approximately 63 percent of the estimated 400,000 prostitutes in Germany are migrants, meaning German women do not want to prostitute, so they have to bring in women from other countries, an environment ripe for sex traffickers to exploit.<sup>13</sup> In 1995, Spain decriminalized prostitution. By 2008, Spain’s Equality Ministry said 80 percent of prostitutes in Spain came from places including China, Romania, and Latin America — many coerced by gangs.<sup>14</sup>

The United States does not fare much better in those Nevada counties where prostitution is legal. As shown above, where there is legal prostitution, illegal prostitution flourishes. In 2009, Nevada’s Governor Jim Gibbons signed Assembly Bill 380 into law, which establishes the toughest punishments in the nation for child prostitution and pandering. The Las Vegas Metro Police handled 150 cases of child prostitution in 2008 — and the prostitution of adults is not legal in Las Vegas, much less of children.<sup>15</sup> Johns are drawn to Nevada’s adult prostitution, but pimps cater to all their depravities.

There are few concrete numbers detailing the extent of the child prostitution industry in the United States, but one of the places containing arrest data for minors in prostitution is the Federal Bureau of Investigation’s Uniform Crime Reports (UCR). One of the reports breaks down

arrests in prostitution and commercialized vice by state into two categories — those over the age of 18 and those under 18.<sup>16</sup> A more detailed report goes further by breaking the categories down to under 15 and under 18.<sup>17</sup> These reports do not specify who is arrested — whether the arrestee is the pimp, the john, or the prostitute. However, Concerned Women for America (CWA) crafted an amendment in the Trafficking Victims Protection Reauthorization Act of 2008 that mandates the disaggregation of these arrest figures into categories representing john, prostitute, and pimp.<sup>18</sup> The 2013 UCR report will be the first one to contain the disaggregated data.

CWA believes that when these numbers are broken out it will show a disproportionate number of prostitutes are arrested, some johns, and very few pimps/traffickers. This arrest strategy is not effective in ending the demand for prostitution. Arresting and shaming johns will go a long way towards ending demand. In fact, a 2009 study in England, “Men Who Buy Sex,” asked johns what would deter them. Their answers were prison time, public exposure, or being issued an Anti-Social Behavior Order (ASBO).<sup>19</sup>

While it does not break down the Prostitution and Commercialized Vice category into john, pimp, and prostitute, the UCR does break down the arrests by sex and by age. According to the 2010 arrest table by sex,<sup>20</sup> about 31 percent of the arrests were males, while females made up almost 69 percent. It would seem that arrested prostitutes far outnumber pimps and johns. When the breakdown is by age,<sup>21</sup> 804 minors under the age of 18 were arrested for prostitution (less than two percent of all arrests for prostitution), and of those, 91 were under the age of 15. The arrest by state table shows California had the most, with arrests of minors under 18 with 363, Texas followed with 92, Nevada had 52, Florida had 46 and Washington state rounded out the top five with 33.<sup>22</sup>

Those who advocate the decriminalization of prostitution for minors do not want *any* child arrested for prostitution. Given that less than two percent of all arrests for prostitution are minors, it appears law enforcement officers are not arresting great numbers of minors. The UCR does not detail what happened to specific minors after arrest but does detail the disposition of all juvenile offender cases. The officers may have arrested them to separate them from their pimps but handled the issue within the department and released them or, if they were repeat offenders, perhaps put them into the juvenile court system.

The Appendix of this report goes into detail about the government data available on how many minors are arrested for prostitution or found in sex trafficking cases. The data spans the years from 2005 through 2010 and includes the data on the disposition of all juvenile offender cases. Oakland, California, has the reputation for being a hub of underage sex trafficking. The way they currently handle the prostitution of minors is for the Oakland Police Department (OPD) to arrest them, temporarily incarcerate them, and offer them social services. The OPD has had a Child Exploitation Unit since 1999, and its Commander, Lieutenant Kevin Wiley, explains the reasoning for the process, “Most are sent to Juvenile Hall as a protective measure, since it is our experience these victims run back to their pimps or at least back to the streets or the ‘game.’”<sup>23</sup>

Ursula Dickson, an Alameda County deputy district attorney, says that once minors are sent to Juvenile Hall they are paired with an advocate. Probation officials determine how to process the

case; they can close it and refer the girls to support services or send it on to the District Attorney's office for charging.<sup>24</sup>

The District Attorney's (DA) office received authorization in 2008 to create a pilot program that would be a diversion program for sexually exploited youth, away from incarceration and into counseling and support services, and it was extended in 2011 for five more years to go through 2016.<sup>25</sup> This is not decriminalization, though, because not every minor will qualify. Judicial discretion is part of the process. The program would begin after a minor's arrest, and if juveniles qualify for the program, they would be released into their parents' home, foster care, or a group home and be required to attend classroom instruction two days a week for twelve weeks. Minors with multiple arrests will more than likely remain in Juvenile Hall because DA office experience has shown that pimps will send girls to foster homes and group homes to recruit others. Dickson said, "For lack of a better word, we don't want this to become recruiting grounds."<sup>26</sup>

One argument, as referenced above, for keeping the law against minors involved in commercial sex in place is that sometimes arresting a minor for prostitution and putting them into the system separates them from their pimp long enough for them to realize they need help. Pimps are master manipulators, and they seek out vulnerable children, who often come from broken homes. They start out slowly with the girls and pretend to be boyfriends. Over time, they groom them to prostitute. By that time, the girl looks at the pimp as the only person who loves her, cares for her, and provides for her.

Alameda County Assistant District Attorney Sharmin Bock said, "Having a court involved with a case hanging over your head provides that added incentive to stay in a program, at the end of which a great likelihood exists you will recognize that you were in fact exploited."<sup>27</sup>

Another argument for keeping the law in place is that it sets a community standard that prostitution is not acceptable. In recent years, stories have appeared that talk about teens selling themselves for sex to earn money for shopping, drugs, and luxury goods. In Hong Kong, it is called "compensated dating," and teens are trading sex for money.<sup>28</sup> A story in 2009 discussed British schoolgirls working shifts at escort agencies to earn money to buy designer clothes, CDs, iPods, alcohol, and cigarettes.<sup>29</sup> Sharlene Azam has a documentary and book, *Oral Sex is the New Goodnight Kiss*, wherein she explores the recent emergence of teen prostitution in affluent suburbs in Canada.<sup>30</sup>

If it is happening in Hong Kong, Britain, and Canada, is it happening here? Yes, it is. In 2008, a 13-year-old girl was arrested in Dallas for bringing other young girls to dance and prostitute at a club.<sup>31</sup> In California in 2008, CNN interviewed a 14-year-old girl who admitted to posting dozens of ads a day on Craigslist selling herself as a prostitute when she was 11-years-old. She said, "I wanted to feel loved. ... I wanted to feel important."<sup>32</sup> A 16-year-old in Kentucky and her middle-class suburban friends sold themselves online to johns, according to an interview she gave in 2010.<sup>33</sup>

A 2010 study from the University of New Hampshire found that of the juvenile cases studied, thirty-one percent of the cases were solo prostitution, meaning they had no pimp. Fifty-seven percent of cases involved a third-party exploiter, and twelve percent of the cases involved child

abuse with payment.<sup>34</sup> Some of the thirty-one percent with no pimp are most likely runaways that engage in survival sex or drug addicts in need of money to support their habit; and some have a history of child sexual abuse that leaves them at risk for prostitution. However, some choose to do it for other reasons.

Decriminalization for minors sends a message to those thirty-one percent who may choose to prostitute, saying that their behavior is acceptable and without legal consequences. Teenagers can make some terrible decisions due to their youth and inexperience, and the law should not make it easier for them to experiment in this dangerous world of commercial sexual exploitation.

There are always johns out there who will pay to have sex with a minor. To reiterate, johns are criminals who should be arrested and prosecuted every time they are caught. A teen may start out as a solo participant, but all it takes is a pimp to find them, and then they are trapped. Decriminalization also sends a message to the pimps that it is less risky to pimp minors; they will coach their girls to say they are under 18, and the police will not pursue it further. Pimps are very deft at locating vulnerable children and drawing them into their web of destruction; decriminalization for minors hands them yet another recruiting tool.

How are other states handling the issue of minors in prostitution?

In 2008, New York passed the Safe Harbor for Exploited Children Act.<sup>35</sup> The bill recognized that most minors in prostitution are victims and declares them “persons in need of services” (PINS) instead of criminals. The law went into effect on April 1, 2010, but there are questions as to how many beds are available statewide for victims. The law requires each local social service district to provide a short-term safe house for victims — if funds are available. Funding is scarce in this economy, and this may not be a priority for localities.

New York’s Safe Harbor Act presumes a person under the age of 18 charged with prostitution is a severely trafficked person according to the TVPA definition. However, the law gives discretion to judges. If the judge determines the minor does not meet the definition of a severely trafficked person, has previously committed a prostitution offense, has previously been placed with a local social service commissioner as a PINS, or is not willing to participate in services ordered by the court, the judge may continue with a Juvenile Detention petition.

Allowing judges to have the discretion enables them to assess individual cases and choose the course they think will best assist the minor found in prostitution. For many, that path will lead to services and rehabilitation when available. For some, that path will lead to juvenile detention for reasons that could include the fact that they do not see themselves as victims and may need time in detention, separate from their pimp, to see things differently and prevent them from running back to their pimp. For some, it may be a case like those discussed in *Oral Sex is the New Goodnight Kiss*, where girls prostitute to afford luxuries. These girls need to learn that prostitution for any reason is a wrong and harmful decision and that there are consequences for engaging in this behavior. Others need separation from other victims because they are using their time in contact with them to recruit for their pimp, or they may be violent towards the other girls.

There is no one-size-fits-all solution to the problem, and keeping the laws in place that criminalize prostitution gives one more tool to law enforcement and the judiciary to combat prostitution and sex trafficking and find help for the victims. It gives the police the right to investigate suspected prostitution offenses, giving them access to victims. Prosecutors can utilize prosecutorial discretion in handling the cases brought to them by law enforcement; they may choose not to prosecute every case.

Rhode Island passed a law in 2009 that closed the loophole on indoor prostitution and added a provision that helps those who are pimped or trafficked. Since the 1980s, the Rhode Island law made outdoor prostitution illegal, but indoor prostitution legal. With the closing of the loophole, Rhode Island added an affirmative defense for those charged with prostitution who are under the control of a pimp/trafficker. Georgia, Massachusetts, New Jersey, and Minnesota also have affirmative defense in their laws. Section 11-34.1-2 (d) of the Rhode Island General Laws<sup>36</sup> reads,

“In any prosecution for a violation under this section it shall be an affirmative defense if the accused was forced to commit a commercial sexual activity by:

- (1) Being threatened or, subjected to physical harm;
- (2) Being physically restrained or threatened to be physically restrained
- (3) Being subject to threats of abuse of law or legal process;
- (4) Being subject to destruction, concealment, removal or confiscation, of any passport or other immigration document, or any other actual or purported governmental identification document; or
- (5) Being subject to intimidation in which the accused’s physical well being was perceived as threatened.”

In addition, the new law added a section which, at the court’s discretion,<sup>37</sup> allows for the criminal records for persons convicted under Section 11-34.1-2 (Prostitution) or 11-34.1-4 (Loitering for prostitution) to be expunged after one year. This means that an arrest for prostitution will not follow people for the rest of their lives if they have escaped and been rehabilitated. Both the affirmative defense and the expunging of records are tools that help those victimized in the commercial sex industry and keep judicial discretion in the process.

In September 2011, the first case to expunge prostitution records in the United States occurred in New York. The 22-year-old was a victim of sex trafficking and the judge ruled that as such her prostitution conviction should be expunged.<sup>38</sup> New York’s Criminal Procedure Law was changed in August 2010<sup>39</sup> to allow for the expungement of records for victims of sex trafficking.

Connecticut passed legislation in 2010 which offers an affirmative defense for adults who are coerced. However, it went a step further with minors. “In any prosecution of a person under the age of seventeen for an offense under this section, there shall be a presumption that the actor was coerced into committing such offense by another person in violation of section 53a-192a.”<sup>40</sup>

According to an article about this, the state Judicial Branch reports that between 2001 and 2008 only two 15-year-old girls were charged, and neither was convicted. Francis Carino, the state’s

supervisory juvenile prosecutor, said, “I don’t ever recall prosecuting a minor for prostitution. ... It’s just not something we see in juvenile court.”<sup>41</sup>

In 2010, Georgia introduced Senate Bill 304,<sup>42</sup> which in its first format decriminalized prostitution outright for minors 16 and under. When opposition to this move increased, substitute language was introduced that removed judicial discretion from the matter, deemed minors under 18 subjected to sexual exploitation to be “unruly children” under the corresponding Georgia code (section 15-11-2), and placed them straight into the Governor’s Office for Children and Families’ system of care (Georgia Care Connection). What this substitute bill language in essence did was decriminalize prostitution for minors under 18, as it bypassed the judicial system. The bill was defeated and, in 2011, House Bill 200 was signed into law instead. HB 200 kept all the criminal laws in place but struck a balance between tougher penalties for criminals and more treatment for victims.<sup>43</sup>

Georgia deserves praise for establishing a system of care; victims of sex trafficking and sexual exploitation need medical services, a safe shelter, and counseling, to name a few things. However, if SB 304 had passed and succeeded in excluding the judicial system from all minors found in prostitution, the Georgia Care Connection would have been responsible for providing complete services for these minors. It is not clear how the children would have remained in the system if they did not wish to be in care. Under SB 304 they were not charged with a crime, so completion of the program was not conditional on anything, especially getting rid of a charge. The bill language also did not address what happens to repeat offenders or those who are violent.

In December 2009, the Governor’s Office for Children and Families announced that the Georgia Care Connection does not have sufficient funding.

“One of the first milestones for this state initiative was the establishment of the Georgia Care Connection Office, designed to connect victims to essential services and support. However, a challenge has emerged in maintaining adequate funding so that these girls can remain in a safe house treatment setting as long as needed to receive the services vital for recovery. To address this challenge, the Georgia Care Connection Office has established the Safety Gap Fund with Community Foundation for Northeast Georgia to cover the gap for girls who need residential care but have no other source of funding. The Georgia Care Connection Office is asking for community partners to make a contribution in an effort to raise \$1.6 million to match what GOCF has already budgeted to address the needs of victims. GOCF supports this public-private partnership in ensuring that all victims receive the services and care they need, and believes that any monetary contribution can make a significant impact.”<sup>44</sup>

According to the same article, they estimated that 374 girls are sexually exploited in Georgia each month. Through this program, they identified 25 girls as needing help; half of these girls were in the custody of their parents. At a cost of \$5,600 a month for safe residential treatment, they will need almost \$1.7 million a year to support these 25 girls. They created the Safety Gap Fund in 2009 to ask for donations to support the care of these girls.<sup>45</sup> Two years later, sufficient funding was still an issue. The Safety Gap Fund was seeking \$600,000 “to match what the

Governor's Office for Children & Families has invested in victim-centered safe house services in 2009 and 2010."<sup>46</sup>

New York also confronts a funding challenge. The Safe Harbor Act went into effect April 1, 2010. It is not clear how many beds are available in New York. The Safe Harbor Act makes the provision of shelters in localities dependent on available funding.

The New York State Anti-Trafficking Coalition wrote about the lack of funds in New York:

"The Safe Harbor Act was scheduled to go into effect on April 1, 2010, but the state of the economy and the New York State budget crisis has put the funding necessary to make Safe Harbor a success at risk.

"The good news for the bill is that training is already under way in the family courts that deal with these cases, and emergency shelter is being put into place within existing shelters. The downside is that a lot more is going to need to be done, especially to establish the long-term housing and the training of police, nurses, judges, attorneys, and advocates that are necessary to make this program effective."<sup>47</sup>

There is at least one residential shelter in New York, Girls Educational and Mentoring Services (GEMS), founded by Rachel Lloyd. Miss Lloyd gave testimony in 2010 at the Senate Judiciary Committee, Subcommittee on Human Rights and the Law.<sup>48</sup> She addressed the issue of available beds nationally when she said, "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."

A 2007 study done for Health and Human Services echoed the same number. The study identified only four residential facilities in the United States that help children who survive commercial sexual exploitation. They are GEMS with nine beds, Standing Against Global Exploitation (SAGE) in San Francisco with six beds, Children of the Night in Van Nuys, California, with twenty-four beds, and Angela's House in Georgia with six beds.<sup>49</sup>

The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164) authorized funding for shelters for minors, but the money has never been appropriated.<sup>50</sup> The bill authorized \$10 million for fiscal year (FY) 2006 and \$10 million for FY 2007 to establish grant programs to assist U.S. citizens who are victims of human trafficking. The bill also authorized \$5 million for FY 2006 and \$5 million for 2007 (the TVPRA of 2008 reauthorized through 2011) to establish a pilot program for residential treatment facilities in the United States for juvenile victims. If both of those provisions had been funded since 2006, there would be more resources available for the treatment of victims. Unfortunately, Health and Human Services continued to ignore the authorizations and did not add them to their FY 2011 request either.<sup>51</sup>

The William Wilberforce Trafficking Victims Protection Act of 2008 (Public Law 110-457) authorized a new program to provide services to U.S. citizen survivors of human trafficking.<sup>52</sup> The program was authorized for \$2.5 million in 2008, \$5 million for 2009 and \$7 million each for 2010 and 2011. So far, these authorizations have not been appropriated. According to the Department of Health and Human Services, the funds they appropriate are for international victims located in the United States, not U.S. citizens or legal aliens who have been victims of human trafficking.<sup>53</sup>

So how do we best help minors involved in prostitution and sex trafficking?

First and foremost, go after demand and arrest johns. If there were no johns paying for commercial sexual exploitation, there would be no sex trafficking. In the “Men Who Buy Sex” study on johns, the johns admitted that being arrested and convicted of purchasing sex would deter them from further action, as would the possibility of being exposed publicly. Posting photos of convicted johns on police websites would go a long way towards ending demand. Shielding johns from public scrutiny of their shameless choice to exploit someone must end.

In addition to arresting and prosecuting johns, why not make them testify against pimps and traffickers if they are arrested during the same bust? Johns may have observed the pimp threatening the prostitute. Or in a brothel, the john may have seen evidence of slavery. Prostitutes are made to give evidence and/or testify against their pimps/traffickers, so why not require testimony from the other party to the crime?

Training for law enforcement on how to recognize victims and interview them is also a priority. Law enforcement officers are more likely to come across victims than most people. A culture shift must occur: Instead of blaming the women and children involved in prostitution, the pimps and johns deserve the blame. It is not a normal response to think it is okay to buy or sell another human being. The police should be looking to arrest exploiters in droves.

The federal government should fund the shelters authorized in the Trafficking Victims Protection Acts. Localities need to make shelters a priority if they have identified child prostitution in their area. Without a system of care in place, how can you help victims? Laws written to help victims should establish and fund the support system for them; there should be no unfunded mandates.

Shelters will not be appropriate for every minor found in prostitution. Many victims do not self-identify as victims and will head right back to their pimp upon release or will run away from the shelter. Some will be sent into systems to recruit other victims for their pimp. Some will be violent and need special care. For those cases, keeping the option of juvenile detention allows for judicial discretion in each individual case.

The TVPRA of 2008 added a section<sup>54</sup> that gives victims of sex trafficking the right to receive restitution from their exploiters in the form of assets forfeited in trafficking cases. Such laws are in addition to another provision that expands a victim’s right to bring civil action against his or her perpetrators, as established in the TVPRA of 2003 (Public Law 108-193),<sup>55</sup> to being able to bring a civil action against anyone who knowingly benefits from participating in trafficking.

Restitution provisions are important for several reasons. First, any assets forfeited by traffickers render the business of trafficking less profitable. It reduces the incentives and increases the risk of engaging in trafficking. Second, it transfers the wealth made off the backs of victims to the victims, which helps in their restoration process. It is empowering to victims to receive restitution from their exploiters. The third reason it is important is that it signifies the arrest and conviction of a pimp/trafficker. Catching, prosecuting, convicting, and disgorging pimps/traffickers' ill-gotten gains would send a strong signal to others that they are no longer safe from arrest and prosecution.

It is also up to the public to stop buying into the normalization and glamorization of prostitution and pimping. Movies and television shows make light of these crimes and, in fact, portray them as a glamorous way of life. Children absorb these messages, and adults do not disabuse them of the notion that it is not normal or acceptable. How many movies and TV shows make jokes of a boy going to a prostitute or watching pornography as a rite of passage into manhood? The message should be that real men do not buy sex or watch the exploitation of women and children.

There is no one-size-fits-all solution to the problem of commercial sexual exploitation of children. Keeping the laws on the books, adding laws that give victims an affirmative defense, the ability to expunge their records and to seek restitution from their pimps and traffickers, training law enforcement, and creating shelters for victims should all be part of the plan to help get minors out of prostitution. Arresting minors in prostitution and sex trafficking but not making counseling and support services available to them will leave them without help to create a better future. Decriminalizing prostitution for minors will leave them at the mercy of pimps and johns and without the judicial system to advocate for their treatment and rehabilitation. The system in Oakland, California, shows that, with proper training, law enforcement can be compassionate, understanding, and provide resources to help; the District Attorney's office can use its discretion as to which cases to charge and which to go to support services outside of the juvenile detention system; and the juvenile detention system can provide counseling and support services for the minors in it.

Several cities in the United States have established prostitution courts which at this point in time are mainly for adults. There is one court though in Las Vegas, Nevada, run by Family Court Judge William Voy that deals exclusively with minors arrested for prostitution.<sup>56</sup> These prostitution courts handle limited numbers of people arrested for prostitution and make the dismissal of their charges contingent on their successful completion of treatment and programs designed to put them on the road to rehabilitation and restoration. Some examples include Project Fresh Start in Wayne County, Michigan, the Midtown Community Court and the Queens Criminal Court in New York, the Dallas Police Department's Prostitution Diversion Initiative and the PRIDE (Program for Reintegration and Development Empowerment of Exploited Individuals) Court and the STAR (Strengthening, Transition and Recovery) Court in Dallas, Texas, the Project Dawn Court in Philadelphia, Pennsylvania, East of the River Community Court in Washington, DC and the Hartford Community Court in Connecticut. The adult courts could serve as a model to establish ones that deal with minors.

Lieutenant Wiley of the Oakland Police Department sums up the emerging attitude best. He said, “It has changed from the old days of just ‘Hook em up, lock em up, don’t look back,’ to ‘Hey, we may have a victim here.’”<sup>57</sup>

## APPENDIX

# Sex Trafficking of Children: What are the Numbers?

How many child victims of sex trafficking are there in the United States today? Honestly, it depends on who you ask. Surprisingly, there are no comprehensive surveys of the illegal commercial sex industry in the United States which would likely uncover the extent of the problem. The only hard numbers we have must be dug out of arrest data, victims identified by the Federal Bureau of Investigation's (FBI) Innocence Lost Task Forces, and, on cases compiled by the Human Trafficking Reporting System (HTRS) of victims, identified during human trafficking investigations and prosecutions. Those numbers reflect victims who have been found. Sadly, the number of victims still out there is unknown.

Data compiled annually in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program shows an average of 1,100-1,200 arrests each year for minors in prostitution. The HTRS reported 248 minors 17 years old and younger identified as victims of sex trafficking during the reporting period of January 2008-June 2010.<sup>58</sup> Other estimates, based on guesses, put the number as high as 2.4 million children involved in the commercial sex industry.

The truth is comprehensive data to determine how many children are victims of sex trafficking in the United States simply does not exist, despite the fact that the U.S. Department of Justice was charged with the responsibility of compiling that information in the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164) and again in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457).

Advocates for Safe Harbor laws argue that prostitution for minors should be decriminalized, because they are victims of sex trafficking and should not be arrested. They say thousands of domestic minor victims of sex trafficking are arrested and put into jail each year, although not necessarily on prostitution charges, but perhaps for being a runaway or for violating curfew and loitering laws. This report covers the information and data collected by the federal government as it relates to the arrest of children found in the commercial sex industry and in the juvenile justice system. While the numbers and arguments used by advocates of Safe Harbor laws may be true, the information currently available cannot be used to prove either their numbers or their arguments.

The University of New Hampshire's (UNH) Crimes Against Children Research Center released a paper in 2008 in which they discuss how the estimates that are commonly used by the government came into existence.<sup>59</sup>

They explain that one of the numbers is from Estes and Weiner (2001)<sup>60</sup>; it is the figure that 326,000 children are "at risk for commercial sexual exploitation." The UNH document points out several problems with that estimate, the first being that the determination of "at risk" of being commercially sexually exploited was made by compiling 14 categories of youth, including runaways and female gang members, who *could* [emphasis theirs] become or be involved in

commercial sexual exploitation, without presenting any evidence of how many or what proportion of these youth *actually were* [emphasis theirs] involved.<sup>61</sup>

Secondly, the numbers that comprise the “at risk” categories are based on a “crude guess that 35 percent of a national estimate of runaway youth out of their home a week or longer were ‘at risk’” and a “guess that one quarter of 1 percent of the general population of youth 10-17 were ‘at risk.’” These two groups total nearly 200,000 youth “at risk.”<sup>62</sup>

The third problem is the possibility of duplication among the 14 at risk groups — for instance, a youth may be a runaway and a gang member.<sup>63</sup> The Estes and Weiner study addresses the problem of duplication by giving a range of estimates — the “high estimate” is 325,575, the “medium estimate” is 286,506 (arrived at by subtracting 12 percent of the high estimate to allow for some duplicate counting) and the “low estimate” is 244,181 (arrived at by subtracting 25 percent of the high estimate to allow for any duplicate counting) but all of the numbers and percentages are still estimates.<sup>64</sup>

Estes and Weiner recognized the limitations of their study’s estimates<sup>65</sup>:

The estimates identified in Column D are based on the following sets of evidence: a) the estimated population size of each category of children at risk of sexual exploitation; b) perceived “magnitude estimates” of prostitution patterns among runaway and homeless youth provided by professional personnel working with these children; and c) field interviews with 200 runaway and homeless children in each of the 17 U.S. cities visited as part of this investigation. While we would have preferred, of course, to have acquired “hard” data about CSEC prevalence and incidence directly from the children themselves, we were forced to rely upon the expert judgment—i.e., magnitude estimates—of professionals about these patterns, for instance, the comparative risk of CSEC in the “general population” versus “public housing.” We understand that these judgments are not representative, in the statistical-sampling sense of the term. For example, the judgments were obtained from human service and criminal justice experts providing care to sexually exploited children in the 17 *urban* locales that were visited as part of our field research (which, we might add, cover about a third of the U.S. population). Nonetheless, the professionally derived magnitude estimates provide a baseline for both immediate discussion and debate as well as for future refutation or confirmation through the empirical evidence that we anticipate will be generated.

The Child Exploitation and Obscenity Section (CEOS) of the U.S. Department of Justice (DOJ) uses the estimate of 293,000 youth “at risk” based on the Estes and Weiner number.<sup>66</sup> A review of the pages from the Estes and Weiner Executive Summary of the larger report the CEOS webpage<sup>67</sup> cites does not show the 293,000 figure, although it does fall between the “high” and “low” estimates. In one of the DOJ’s Office of Juvenile Justice and Delinquency Prevention bulletins, the number they use is 300,000 children, citing Estes and Weiner as well.<sup>68</sup>

A second estimate discussed in the UNH document is that of the General Accounting Office (GAO), from 1982. The GAO “found that the ‘general perception’ estimates ranged from ‘tens of

thousands to 2.4 million.” The figure of 2.4 million began with a “gut hunch” of author Robin Lloyd, who used a “working figure of 300,000 male juvenile prostitutes” in America in his 1976 book, *For Love or Money: Boy Prostitution in America*. According to the UNH document, the president of the Odyssey Institute accepted the 300,000 figure, doubled it to 600,000 to include female juvenile prostitutes, doubled again to 1.2 million because he believed only half of the juvenile prostitutes were known, and doubled again to 2.4 million because he believed the other guesses did not include 16- and 17-year-old prostitutes.<sup>69</sup>

There are three government sources that document actual cases of juveniles involved in commercial sex crimes, the FBI’s Uniform Crime Reporting (UCR) program, the FBI’s Innocence Lost National Initiative, and the U.S. Department of Justice’s (DOJ) Human Trafficking Reporting System.

The FBI’s UCR, according to its [website](#), is produced from data supplied by nearly 17,000 law enforcement agencies from across the United States.

In the UCR, Table 38, “Arrests by Age,” includes the number of arrests for minors “Under 15” and “Under 18” for all crimes. This chart shows the numbers of arrests of minors for “Prostitution and commercialized vice” for the years 2005-2010.

| YEAR               | UNDER 15  | UNDER 18  |
|--------------------|---|---|
| 2005 <sup>70</sup> | 163 (Male <sup>71</sup> : 39; Female <sup>72</sup> : 124) | 1204 (Male <sup>73</sup> : 314; Female <sup>74</sup> : 890) |
| 2006 <sup>75</sup> | 164 (Male <sup>76</sup> : 41; Female <sup>77</sup> : 123) | 1208 (Male <sup>78</sup> : 317; Female <sup>79</sup> : 891) |
| 2007 <sup>80</sup> | 147 (Male <sup>81</sup> : 37; Female <sup>82</sup> : 110) | 1160 (Male <sup>83</sup> : 251; Female <sup>84</sup> : 909) |
| 2008 <sup>85</sup> | 129 (Male <sup>86</sup> : 29; Female <sup>87</sup> : 100) | 1158 (Male <sup>88</sup> : 280; Female <sup>89</sup> : 878) |
| 2009 <sup>90</sup> | 131 (Male <sup>91</sup> : 49; Female <sup>92</sup> : 82)  | 1079 (Male <sup>93</sup> : 235; Female <sup>94</sup> : 844) |
| 2010 <sup>95</sup> | 91 (Male <sup>96</sup> : 22; Female <sup>97</sup> : 69)   | 804 (Male <sup>98</sup> : 148; Female <sup>99</sup> : 656)  |

The limitation of the data is that there is no indication if the people in the totals were arrested once or multiple times during that year, and the information does not reveal the charge — some of the arrests may be for pimping, as well as prostitution.

The FBI definition of the category is: “**Prostitution and commercialized vice** — The unlawful promotion of, or participation in, sexual activities for profit, including attempts. To solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution.”<sup>100</sup>

In the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457), Concerned Women for America was responsible for the inclusion of Section 237 which requires the Uniform Crime Reporting program’s “Prostitution and commercialized vice” category to disaggregate the numbers into those unlawfully assisting or promoting commercial sex acts, i.e., traffickers; those unlawfully purchasing commercial sex, i.e., johns; and those unlawfully providing the commercial sex acts, i.e., the victims. To date, that has not occurred, so we do not know how many of the juveniles arrested for this crime were victims and how many were pimps or johns. According to the FBI, the first UCR report with disaggregated numbers will be issued in 2013.

There is an argument that many minor victims of sex trafficking are taken into custody for offenses other than prostitution (such as being a runaway or for curfew violations) and are then misidentified in the system and do not receive the appropriate help and services. According to the FBI, the arrests listed in the UCR are for the most serious crime committed. If a police officer did not want to charge a minor with prostitution, they might use a status offense (runaway, curfew, and loitering) as the means to take them into custody to get them off the streets and away from prostitution. There is no record of how often this happens, but the UCR shows the number of “Curfew and loitering law violations” and how many juveniles are taken into protected custody as “Runaways.” This chart shows the number of juveniles under 18, male and female, arrested for prostitution violations as compared to curfew violations and those picked up as runaways.

| <b>YEAR</b>               | <b>PROSTITUTION</b> | <b>CURFEW AND LOITERING</b> | <b>RUNAWAY</b>                 |
|---------------------------|---------------------|-----------------------------|--------------------------------|
| <b>2005<sup>101</sup></b> | <b>1204</b>         | <b>104,054</b>              | <b>81,222</b>                  |
| <b>2006<sup>102</sup></b> | <b>1208</b>         | <b>114,313</b>              | <b>83,874</b>                  |
| <b>2007<sup>103</sup></b> | <b>1160</b>         | <b>109,815</b>              | <b>82,459</b>                  |
| <b>2008<sup>104</sup></b> | <b>1158</b>         | <b>104,168</b>              | <b>84,054</b>                  |
| <b>2009<sup>105</sup></b> | <b>1079</b>         | <b>89,733</b>               | <b>73,794</b>                  |
| <b>2010<sup>106</sup></b> | <b>895</b>          | <b>73,897</b>               | <b>Data no longer provided</b> |

Again, there is no way to know how many of the curfew and runaway violations represent juveniles that are caught up in the commercial sex industry, and the arrest numbers reflect the number of arrests, not the number of individuals arrested. So some of the arrests may be the same person arrested multiple times in one year. It should also be noted that these figures are for arrests, not the disposition of the cases. All arrests do not end with jail time.

The UCR provides data for the disposition of juveniles taken into custody. The following chart reflects the disposition for all juvenile offenders for a given year; there is no breakdown available for the disposition of cases for specific crimes.

| <b>YEAR</b>               | <b>HANDLED WITHIN DEPARTMENT AND RELEASED</b> | <b>REFERRED TO JUVENILE COURT JURISDICTION</b> | <b>REFERRED TO WELFARE AGENCY</b> | <b>REFERRED TO OTHER POLICE AGENCY</b> | <b>REFERRED TO CRIMINAL OR ADULT COURT</b> | <b>TOTAL</b>   |
|---------------------------|---|--|-----------------------------------|--|--|----------------|
| <b>2005<sup>107</sup></b> | <b>133,664</b>                                | <b>467,288</b>                                 | <b>2,461</b>                      | <b>8,808</b>                           | <b>48,753</b>                              | <b>660,974</b> |
| <b>2006<sup>108</sup></b> | <b>140,758</b>                                | <b>469,670</b>                                 | <b>3,639</b>                      | <b>8,021</b>                           | <b>55,258</b>                              | <b>677,346</b> |
| <b>2007<sup>109</sup></b> | <b>129,404</b>                                | <b>461,909</b>                                 | <b>2,430</b>                      | <b>8,141</b>                           | <b>62,107</b>                              | <b>663,991</b> |
| <b>2008<sup>110</sup></b> | <b>131,631</b>                                | <b>399,059</b>                                 | <b>3,081</b>                      | <b>6,797</b>                           | <b>61,642</b>                              | <b>602,210</b> |
| <b>2009<sup>111</sup></b> | <b>121,162</b>                                | <b>365,961</b>                                 | <b>2,758</b>                      | <b>5,731</b>                           | <b>47,588</b>                              | <b>543,200</b> |
| <b>2010<sup>112</sup></b> | <b>111,876</b>                                | <b>335,279</b>                                 | <b>2,365</b>                      | <b>6,856</b>                           | <b>39,077</b>                              | <b>495,453</b> |

There are two sources for the numbers of juveniles in local jails and public and private facilities, the Census of Juveniles in Residential Placement Databook and the Statistical Table of Jail Inmates at Mid-Year. The Census is undertaken every few years, and the most recent available is for 2006. The Statistical Table is based on the population in local jails each year on June 30; the total includes unconvicted offenders in jail awaiting court action. In 2010, roughly 60 percent of those in jail were unconvicted offenders awaiting court action, which is about the same for the years 2005-2009 as well.<sup>113</sup> The number of juveniles in local jails for 2010 was

7,560 — 5,647 held as adults, and 1,912 held as juveniles. The numbers for the past six years are shown in the following table.<sup>114</sup>

| <b>YEAR</b> | <b>HELD AS ADULTS</b> | <b>HELD AS JUVENILES</b> | <b>TOTAL</b> |
|-------------|-----------------------|--------------------------|--------------|
| <b>2005</b> | <b>5750</b>           | <b>1009</b>              | <b>6759</b>  |
| <b>2006</b> | <b>4835</b>           | <b>1268</b>              | <b>6102</b>  |
| <b>2007</b> | <b>5649</b>           | <b>1184</b>              | <b>6833</b>  |
| <b>2008</b> | <b>6410</b>           | <b>1294</b>              | <b>7703</b>  |
| <b>2009</b> | <b>5846</b>           | <b>1373</b>              | <b>7218</b>  |
| <b>2010</b> | <b>5647</b>           | <b>1912</b>              | <b>7560</b>  |

In the 2006 Census of Juveniles in Residential Placement Databook, there were a total of 92,854 juveniles in public and private facilities for all manner of offenses. There is no prostitution category; those offenses fall under the Other Public Order category (which excludes weapons and alcohol offenses). Some minors involved in prostitution probably fall into the Status offense category, which includes running away, truancy, incorrigibility, and curfew violations, but there is no way to know for sure.<sup>115</sup> The chart below also shows the breakdown between males and females,<sup>116</sup> as well as the placement status.<sup>117</sup>

| <b>OFFENSE</b>            | <b>MALE</b> | <b>FEMALE</b> | <b>PUBLIC</b> | <b>PRIVATE</b> | <b>COMMITTED</b> | <b>DETAINED</b> | <b>DIVERSION</b> |
|---------------------------|-------------|---------------|---------------|----------------|------------------|-----------------|------------------|
| <b>OTHER PUBLIC ORDER</b> | <b>5005</b> | <b>953</b>    | <b>3721</b>   | <b>2229</b>    | <b>4339</b>      | <b>1421</b>     | <b>191</b>       |
| <b>RUNNING AWAY</b>       | <b>412</b>  | <b>482</b>    | <b>340</b>    | <b>547</b>     | <b>574</b>       | <b>230</b>      | <b>85</b>        |
| <b>TRUANCY</b>            | <b>490</b>  | <b>373</b>    | <b>201</b>    | <b>662</b>     | <b>709</b>       | <b>135</b>      | <b>18</b>        |
| <b>INCORRIGIBILITY</b>    | <b>1162</b> | <b>755</b>    | <b>290</b>    | <b>1626</b>    | <b>1586</b>      | <b>250</b>      | <b>81</b>        |
| <b>CURFEW VIOLATION</b>   | <b>68</b>   | <b>28</b>     | <b>36</b>     | <b>59</b>      | <b>68</b>        | <b>18</b>       | <b>10</b>        |

By 2010 the numbers were markedly lower. In the 2010 Census of Juveniles in Residential Placement Databook, there were a total of 70,792 juveniles in public and private facilities.<sup>118</sup> The chart below shows the 2010 data for males and females,<sup>119</sup> as well as the placement status.<sup>120</sup>

| <b>OFFENSE</b>            | <b>MALE</b> | <b>FEMALE</b> | <b>PUBLIC</b> | <b>PRIVATE</b> | <b>COMMITTED</b> | <b>DETAINED</b> | <b>DIVERSION</b> |
|---------------------------|-------------|---------------|---------------|----------------|------------------|-----------------|------------------|
| <b>OTHER PUBLIC ORDER</b> | <b>4232</b> | <b>696</b>    | <b>3328</b>   | <b>1600</b>    | <b>3374</b>      | <b>1396</b>     | <b>130</b>       |
| <b>RUNNING AWAY</b>       | <b>256</b>  | <b>279</b>    | <b>239</b>    | <b>296</b>     | <b>327</b>       | <b>136</b>      | <b>71</b>        |
| <b>TRUANCY</b>            | <b>442</b>  | <b>201</b>    | <b>146</b>    | <b>497</b>     | <b>511</b>       | <b>82</b>       | <b>50</b>        |
| <b>INCORRIGIBILITY</b>    | <b>683</b>  | <b>397</b>    | <b>185</b>    | <b>895</b>     | <b>863</b>       | <b>151</b>      | <b>66</b>        |
| <b>CURFEW VIOLATION</b>   | <b>52</b>   | <b>13</b>     | <b>20</b>     | <b>45</b>      | <b>56</b>        | <b>5</b>        | <b>4</b>         |

In the Census data available online, it is not shown how many arrests of minors for prostitution offenses there were, so it is impossible to say how many of these offenses may be in place of an arrest for prostitution.

The government sources that compile data on the number of minors found in sex trafficking cases are the HTRS and the FBI's Innocence Lost National Initiative. According to the Innocence Lost website, as of April 2011, over 1,600 children were rescued since 2003.<sup>121</sup>

The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164) mandated biennial reporting of human trafficking data and, as a result, the DOJ created the HTRS. The first report was issued in January 2009 for the period from January 1, 2007-September 30, 2008. In the cases that were alleged to be human trafficking incidents, there were 184 sex trafficking victims ages 17 or younger.<sup>122</sup> In the cases that were confirmed to be human trafficking incidents, there were 58 sex trafficking victims ages 17 and younger.<sup>123</sup> The second report was issued in April 2011 for the period of January 2008-June 2010, and in that report there were 248 minor victims of sex trafficking in cases confirmed to be human trafficking. The report did not mention how many victims were identified in alleged human trafficking cases.<sup>124</sup>

In conclusion, the number of child victims of sex trafficking in the United States is still undetermined. Any numbers are estimates based on the information in this report.

- The current estimates of “children at risk” for sexual exploitation range between 100,000 and 300,000.
- Arrest data numbers average 1,117 arrests of minors for prostitution each year.
- The Innocence Lost Initiative has rescued 1,600 children since 2003.
- The HTRS reported 432 minor victims identified between 2007 and 2010.

Many more children caught up in commercial sexual exploitation may go through the justice system on other charges, but the exact number is still anybody’s guess. All those who talk about doing things “for the children” and “making children’s well-being a priority” could start by making sure we have good data about the number of victims.

It is very difficult to make good policy relying on estimates based on questionable methodologies. In fact, in 2006 the Government Accounting Office released a study on global estimates of human trafficking, but their conclusion about the United States government can apply to the domestic estimates as well. “The U.S. government has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking related data that resides within government entities.”<sup>125</sup>

A 2010 Congressional Research Service report on U.S. efforts and policies in regards to trafficking in persons found that four years after the GAO report, “comprehensive research on the number of children who are victims of DMST [domestic minor sex trafficking] does not exist. ...”<sup>126</sup>

We can only pray that the number of child victims is closer to the arrest data than to the guesstimates.

## ENDNOTES

- <sup>1</sup> 720 ILCS 5/11-14, <http://www.ilga.gov/legislation/ilcs/documents/072000050K11-14.htm> (accessed February 9, 2012).
- <sup>2</sup> Tenn. Code Ann. § 39-13-513 (2011), <http://www.lexisnexis.com/hottopics/tncode/> (accessed February 9, 2012).
- <sup>3</sup> Vermont Statutes Annotated Title 13, Chapter 60 §2652, <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=13&Chapter=060&Section=02652> (accessed February 14, 2012).
- <sup>4</sup> Conn. Gen. Stat. § 53a-82, <http://www.cga.ct.gov/2011/pub/chap952.htm#Sec53a-82.htm> (accessed February 9, 2012).
- <sup>5</sup> Family Court Act, Article 3, Part I, §311.4, [http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$FCT311.4\\$\\$@TXFCT0311.4+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=04656753+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$FCT311.4$$@TXFCT0311.4+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=04656753+&TARGET=VIEW) (accessed February 9, 2012).
- <sup>6</sup> RCW 13.40.213, <http://apps.leg.wa.gov/RCW/default.aspx?cite=13.40.213> (accessed February 9, 2012).
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