Interventions for Victims of Domestic Minor Sex Trafficking

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Topics to be Addressed
- Defining Domestic Minor Sex Trafficking
- Relevant Federal Laws
- Relevant State Laws
- Providing Advocacy
- Best Practices/Working with Community Partners
- Resources
What is Domestic Minor Sex Trafficking (DMST)?

- “[T]he recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” where the person is U.S. citizen or lawful permanent resident under age 18 (Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, 22 USC 7102 § 103(8), 9.)
• Fraud, force and coercion (FFC)
  • Not necessary elements for DMST
  • Necessary elements for adult trafficking cases, not required for prostitution that is not considered trafficking
  • Removed from FL statutes in 2012 for DMST elements
Statistics

- Domestic Minor Sex Trafficking (DMST) is the 2nd most prevalent form of trafficking in FL behind labor trafficking (Florida Strategic Plan on Human Trafficking, October 2010)

- The average age a child enters prostitution is 13. (U.S. Dept. of Justice)

- Between 2008 and 2010, DMST made up 40% of all trafficking cases opened for investigation in the U.S. (U.S. Dept of Justice)
Forums for Trafficking

- Online (Backpage has replaced Craigslist)
- Backpage.com
  - Produced 70% of revenue from all U.S. online prostitution advertising revenue in January 2012 (AIM Group, http://aimgroup.com/2012/02/24/sites-set-combined-record-for-online-prostitution-ad-revenue/)

- Escort Services
Relevant Federal Laws

- Trafficking Victims Protection Act of 2000 (TVPA)

- 18 USC Sec. 1591 (DMST specific - referenced in TVPA)
TVPA of 2000

- Re-enacted in 2008

- Defines “sex trafficking” as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

- Defines DMST as a ‘severe form of trafficking’ with harsher criminal penalties
18 USC Sec. 1591

- Specifically address domestic minor sex trafficking

- Gives criminal penalties based on degree of FFC or age of victim
  - Criminal penalty applies to almost anyone involved in or receiving benefit from trafficking activity

- Defines ‘commercial sex act’ and ‘coercion’
Florida’s Safe Harbor Act includes:

- Fla. Stat. 39.001 - establishment of services for sexually exploited children
- Fla. Stat. 39.524 - safe harbor placement; establishment of safe houses
- Fla. Stat. 409.1678 – definitions and safe harbor provisions
Safe Harbor Act

- To protect and provide shelter for sexually exploited children

- Amends some definitions of Chapter 39, relating to abuse and sexual exploitation of children and allows for consideration of prostituted children as sexually exploited children

- SHA does not decriminalize child prostitution
• DCF may place a sexually exploited child in a safe house, if available

• Applies to all sexually exploited children not already receiving services, regardless of immigration status

• LE must deliver any sexually exploited child to DCF
• If safe house is available and appropriate, DCF will place children there

• Civil penalty for pimps and johns is $5000
  – $500 of each penalty will go to DCF to fund safe houses
• Allows for a child victim to have an advocate to accompany the child to all court appearances and meetings with LE and SAO

• ‘Advocate’ - an employee of a short-term safe house who has been trained to work with and advocate for the needs of sexually exploited children.
Prostituted Children Issue

- Florida Statutes is vague in distinguishing between ‘prostituted’ children and ‘sexually exploited’ children

- LE can make an arrest if the officer determines that the child is not a sexually exploited child but is a child engaging in prostitution
Relevant FL. Statutes cont.

- Chapter 787
  - Definition of ‘human trafficking’ changed
    - ‘for transport’ language eliminated
    - Important for DMST purposes
    - Allows trafficking laws to apply for cases within city, county or state lines
    - focus is now on ‘for the purpose of exploitation’
• ‘Coercion’ definition includes luring or enticing through fraud/deceit or providing a controlled substance

• No requirement that minors trafficked for commercial sexual activity be ‘coerced’ but assumes coercion based on age and inability to consent

• Provides an enhanced penalty for those who traffic minors and people not authorized to work in the U.S.
• Allows for violations to result in sex offender/predator status
• Gives Office of Statewide Prosecutor jurisdiction for trafficking cases
F.S. 480.0535

- Requires massage establishments to provide valid government ID to LE or DOH upon request

- Requirement to produce ID applies to employees, owners and any person providing a massage in the establishment
Providing Advocacy

• Know local law enforcement/prosecutor stance on issue

• Prepare victims for possible benefits/consequences of reporting and cooperation
Child Trafficking Indicators

- No access to parents/guardians
- Appear intimidated and/or behave in a way that does not correspond with their age
- No access to education, playing or other children
- Travels unaccompanied by adults or has telephone numbers for taxis
- Have an adult present who claims to have ‘found’ them
Best Practices

• Establish trust early on
  • Ask informal questions
  • Don't take extensive notes
  • Ask general questions
  • Keep comfortable conversational tone
Establish with the survivor:
- Who you are
- Who you are not
- What the survivor can expect
- What kinds of questions you will ask
• Be aware of community agencies/partners that specialize in DMST

• Familiarize yourself with the DCF safe house system and the availability for survivors with whom you are working.
Florida Strategic Plan on Human Trafficking

- Developed by FSU Center for the Advancement of Human Rights and the Florida Bar Foundation in 2010.

- Recommendations for ways to combat human trafficking in Florida
  - A lot of information on DMST
  - Recommended types of measures taken in new FL Safe Harbor Act

- [http://www.cahr.fsu.edu/sub_category/floridastrategicplanonhumantrafficking.pdf](http://www.cahr.fsu.edu/sub_category/floridastrategicplanonhumantrafficking.pdf)
QUESTIONS???
Resources

• Florida Coalition Against Human Trafficking  
  (727) 442-3064 Office / (727) 442-3531 Fax  
  http://www.stophumantrafficking.org/index.html

• Florida Council Against Sexual Violence  
  (850) 297-2000 Office / (850)  
  http://www.fcasv.org  
  http://www.fcasv.org/child-sexual-abuse/domestic-minor-sex-trafficking (list of local agencies in FL)

• FL Network of Youth and Family Services  
  (850) 922-4324  
  http://www.floridanetwork.org/

• The National Human Trafficking Hotline 1-888-3737-888

• The Florida Abuse Hotline 1-800-96-ABUSE (962-2873)

• Florida Rape Crisis Centers 1-888-956-RAPE (7273)