



Human Trafficking – Part II

By Judy Helein with Karole McKalip

INTRODUCTION

The FBI has identified the Washington, D.C., area as one of the 14 major sex trafficking centers in the U.S. The area is considered to be a “hot spot.” In this article we will focus primarily on domestic sex trafficking of minors in the Washington, D.C., Northern Virginia and Fairfax County areas.

Teen sex trafficking has often been linked to runaway, homeless and kidnapped teens. Did you know traffickers are now manipulating and trapping “typical” teens into selling sex after school before going home to unsuspecting parents in time for dinner and homework? Teen sex trafficking is the act of manipulating or forcing anyone under the age of 18 to engage in sexual acts in exchange for anything of value (money, drugs, shelter, food, clothes, etc.). The FBI reports that sex trafficking of domestic teenage children is the second-fastest growing crime in America. Drug trafficking is first. An estimated 100,000 children in America are at risk for sex trafficking each year. The average age for entry into prostitution and pornography is 13 to 14 for girls and 6 to 8 for boys. Teens younger than 18 years old induced into commercial sex are legally considered victims, not criminals, according to federal law.

Sex trafficking generates tremendous profits. Pimps can earn up to \$632,000 per year by selling four young women or children. Traffickers are marketers. They are in a business.

Northern Virginia Human Trafficking Task Force

Founded in 2004, the Northern Virginia Human Trafficking Task Force is a collaboration of federal, state, and local law enforcement agencies – along with nongovernmental organizations – dedicated to combating human trafficking and related crimes. Members of the Task Force include the Fairfax County Police Department, the Polaris Project, the

United States Attorney’s Office for the Eastern District of Virginia, the FBI, Virginia Attorney General’s Office, and the Department of Homeland Security, as well as other local law enforcement agencies in Northern Virginia.

In October 2013, the task force announced the receipt of a \$1 million grant from the Department of Justice’s Office of Justice Programs and the Office for Victims of Crime. Under the terms of the grant, a total of \$500,000 was awarded to the Fairfax County Police Department over two years to fund, among other things, a Human Trafficking Unit. A full-time detective (Detective Bill Woolf) and a full-time crime analyst are now dedicated to conducting human trafficking investigations in Fairfax County. They also coordinate the overall investigative efforts of federal, state, and local law enforcement members of the Human Trafficking Task Force in Northern Virginia. An additional \$500,000 over two years was awarded the Polaris Project to

provide services to victims of human trafficking issues in collaboration with the task force.

At a recent meeting in Falls Church, Detective Woolf stated that human trafficking statistics are incomplete because there is no stand-alone law and no method of tracking trafficking. However, he reported that the task force had received 156 leads in the past year, of which 44 percent were juvenile sex trafficking. The task force recovered and offered services to 108 victims. One hundred and two of the victims identified are

U.S. citizens.

Detective Woolf said that he works with the FBI and Homeland Security on every case. The average length of an investigation is 8 to 12 months. Detective Woolf said that law enforcement cannot do it alone. The number one priority is that victims are taken to a safe place and receive proper

The League of Women Voters of the United States Position on Human Trafficking

The League of Women Voters opposes all forms of domestic and international human trafficking of adults and children including sex trafficking and labor trafficking. We consider human trafficking to be a form of modern day slavery and believe that every measure should be taken and every effort should be made through legislation and changes in public policy to prevent human trafficking. Prosecution and penalization of traffickers and abusers should be established, and existing laws should be strictly enforced. Extensive essential services for victims should be applied where needed. Education and awareness programs on human trafficking should be established in our communities and in our schools.

treatment. He said that outreach, awareness and education are very important and, in general, he thinks a stand-alone felony offense for human trafficking would be beneficial.

LEGISLATION

Virginia has no separate human trafficking law. Virginia Code 9.1-102(55) gives the Department of Criminal Justice Services the power and duty to: “In conjunction with the Office of the Attorney General, advise law enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia.”

The Polaris Project’s policy program is viewed as a premier source of human trafficking legislation and policy expertise in the United States. For the past four years, Polaris has rated all 50 states and the District of Columbia based on 10 categories of laws that are critical to establishing a basic legal framework to effectively combat human trafficking, punish traffickers and support survivors. It is important to note that these 10 categories are not the entirety of the important legislation that helps to combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates and to focus attention of the states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.



Polaris State Rating Category Descriptions:

1. **Sex Trafficking** – A statute that criminalizes sex trafficking and includes elements of inducing another through force, fraud, or coercion to engage in a commercial sex act. Some states have related laws in the prostitution code and were given credit if they had the same criminal elements.
2. **Labor Trafficking** – A statute that creates the crime of labor trafficking or trafficking when a person is compelled through force, fraud or coercion into providing labor or services.
3. (a) **Asset Forfeiture for Human Trafficking** – A statute that provides for the forfeiture of assets used in the course of the crime or acquired with proceeds from the crime of human trafficking.
- (b) **Investigative Tools for Law Enforcement** – A

statute that amends existing racketeering statutes to include the crime of human trafficking or authorizes the use of wiretapping by law enforcement in human trafficking investigations.

4. (a) **Training in Human Trafficking for Law Enforcement** – A statute that mandates or encourages law enforcement to be trained in human trafficking issues and the law.
- (b) **Human Trafficking Commission or Task Force** – A statute that creates, establishes or encourages a task force, commission or advisory committee dedicated to addressing human trafficking.
5. **Lower Burden of Proof for Sex Trafficking of Minors** – A statute that ensures that the elements of force, fraud or coercion are not required for a trafficker to be prosecuted for the sex trafficking of a minor. This statute must be under the sex trafficking section in order for the state to receive credit.
6. **Posting a Human Trafficking Hotline** – A statute that mandates or encourages the public posting of a human trafficking hotline such as the National Human Trafficking Resource Center hotline or a state human trafficking hotline.
7. **Safe Harbor** – Protecting Sexually Exploited Minors – A statute that recognizes sexually exploited individuals under 18 as victims of a crime in need of protection and services by granting immunity from prosecution or diverting minors from juvenile delinquency proceedings and instead directing them to child welfare services. In order to receive full credit, the state must have provisions that relate both immunity or diversion and services for the child.
8. **Victim Assistance** – A statute that provides assistance, mandates the creation of a victim services plan or funds programs to help victims of human trafficking. Victim services and protection may include counseling, job assistance, housing, continuing education, legal services and/or a human trafficking caseworker privilege.
9. **Access to Civil Damages** – A statute that provides victims of human trafficking with the ability to seek civil damages from their traffickers.
10. **Vacating Convictions for Sex Trafficking Victims** – A statute that permits victims to have convictions for prostitution that were committed as a result of being trafficked vacated from their criminal records.

Virginia State Rating: Tier one; Total Points 7.

Credited Categories:

1. Sex Trafficking
2. Labor Trafficking

3. a) Asset Forfeiture
 - b) Investigative Tools
4. a) Training and Law Enforcement
5. No requirements of Force, Fraud, or Coercion for minor Victims of Sex Trafficking
6. Posting of a Hotline

Categories Still Needed:

4. b) Human Trafficking Task Force
 - Safe Harbor for Minors
8. Victims Assistance
9. Civil Remedy
10. Vacating Convictions

Virginia is one of 12 states that failed to make minimal efforts to pass laws that support victims. It is important to understand that to truly address human trafficking we must also ensure that the victims of the crime and abuse receive the assistance they need to rebuild their lives.

Shared Hope International

Shared Hope International was founded in 1998 when U.S. Rep. Linda Smith traveled into the heart of the brothel district in Mumbai, India, where she witnessed the brutal exploitation and sexual slavery of women and children. She established Shared Hope International to rescue and restore women and children enslaved in sex trafficking. Shared Hope is a Christian nonprofit non-governmental organization that strives to prevent the conditions that foster sex trafficking, restore victims of sexual slavery and bring justice to vulnerable women and children who have been victimized through sex trafficking. Shared Hope envisions a world passionately opposed to sex trafficking and a committed community restoring survivors to lives of purpose, value and choice - one life at a time. Shared Hope is part of a worldwide effort to prevent sex trafficking and slavery. This organization operates programs in the United States, India, Nepal and Jamaica.



Shared Hope's Protected Innocence Challenge (PIC) is a comprehensive study of existing state laws designed to inspire and equip advocates. Under the Challenge, every state receives a report card that grades the state on 41

key legislative components that must be addressed in a state's laws in order to effectively respond to the crime of minor sex trafficking. In addition, each state receives a complete analysis of the 41 component review and practical recommendations for improvement.

Virginia's 2013 Report Card – Final Score was 62 and the Final Grade was D.

- 1) Criminalization of Domestic Minor Sex Trafficking. Virginia received a score of 5 out of 10 points. Virginia does not have a stand-alone human trafficking or sex trafficking law. Child sex trafficking can be prosecuted under the abduction for immoral purpose offense which includes for the purpose of prostitution and child pornography. However, the law requires force, intimidation or deception to be used to cause the abduction, even when the victim is a minor. The state commercial sexual exploitation of children (CSEC) laws include commercial exploitation of a minor, taking indecent liberties with children and receiving money for procuring a person. Prostitution laws do not refer to abduction for immoral purpose or federal trafficking laws to identify commercially sexually exploited minors as sex trafficking victims. The racketeering law includes abduction for immoral purpose, receiving money for procuring a person and child pornography offenses as predicate offenses.
- 2) Criminal Provisions Addressing Demand. Virginia received a score of 15 out of a possible 25.

The plain language of the definition of abduction, the statute used to prosecute sex trafficking, does not appear to apply to buyers of commercial sex with minors. Buyers may be prosecuted for commercial exploitation of a minor within the prostitution law which distinguishes between buying sex with minors versus adults. Certain provisions of taking indecent liberties with children could be used to apply to some buyers, but those provisions are not specific to commercial sexual exploitation. The state has enhanced penalties for using a computer to violate child pornography laws, and the statute on use of communication systems to facilitate certain offenses involving children might apply to buyers of commercial sex with minors. Defendants are not prohibited from asserting mistake of age as a defense to prosecution under any sexual offense law. A buyer must pay restitution for any medical expenses incurred by the victim as a result of the crime, and buyers face mandatory criminal asset forfeiture for child pornography offenses and vehicle forfeiture for second and subsequent commercial exploitation of minors. A buyer convicted of possession

of child pornography is required to register as a sex offender, but not a buyer convicted of commercial exploitation of a minor within the prostitution law.

- 3) Criminal Provisions for Traffickers. Virginia received a score of 12 out of a possible 15 points.

The abduction for immoral purposes law provides a sentence as high as federal trafficking offenses (10 years - life), but other applicable crimes do not. Taking indecent liberties with a child prohibits receiving money for a child to perform in sexually explicit material and is punishable by imprisonment of 1 to 10 years (or up to 12 months in jail and/or a fine up to \$2500). Producing child pornography is a felony punishable by 5 to 30 years imprisonment when the victim is under 15 and 1 to 20 years if the victim is 15 to 18 years of age. Statutes tackling the growing use of computers by traffickers include use of a computer to produce child pornography or promote a child in an obscene performance and use of the Internet to recruit minors for illegal sex acts, which may include prostitution and pornography offenses. Such tactics are subject to vehicle forfeiture for violations of abduction and prostitution laws. Victim restitution is mandatory. A trafficker is required to register as a sex offender if convicted of child pornography offenses or abduction for immoral purposes. Grounds for termination of parental rights do not include convictions for abduction or CSEC.

- 4) Protective Provisions for the Child Victims. Virginia received 12 out of a possible 27.5 points.

Victims of domestic minor sex trafficking in Virginia continue to be vulnerable due to gaps in the laws. Abduction for immoral purposes and CSEC offenses do not prohibit a defense to prosecution based on consent of the minor. The prostitution law is not limited in application to adults and does not identify a minor engaged in prostitution as a victim of sex trafficking. Victims of child sex trafficking could be subject to arrest and charged for the crime committed against them. A victim of commercial sexual offenses is not defined as a child in need of services. The definition of abuse and neglect, although it includes the undefined term of "sexual exploitation", does not expressly include exploitation through abduction for immoral purposes, CSEC, or child pornography crimes. The definition of "caregiver" for the purposes of removing abused and neglected children from the home includes only those with legal custody or those standing "in loco parentis" of the child, and thus is not sufficient to include a trafficker and allow for child welfare intervention.

Victims of child sex trafficking are eligible for crime victims' compensation but the program contains ineligibility criteria that could negatively affect their ability to recover compensation, including a requirement to cooperate with law enforcement and time requirements (waived for good cause). Virginia law provides several victim-friendly criminal justice provisions, including extending the "rape shield" law and the use of a two-way closed-circuit television for testifying victims of abduction for immoral purposes. The state law provides an automatic expunging of juvenile records if the juvenile is 19 and five years have elapsed since the last hearing, but records will be maintained for felony offenses. Offenders for any crime must make at least partial restitution for damages or losses caused by the crime and medical costs, and victims of child pornography offenses are entitled to mandatory restitution. No civil actions specific to CSEC or abduction are authorized in the law but sexual abuse victims have a 20-year statute of limitations on civil actions for damages. Misdemeanor actions must be brought within one year, but no statute of limitations exists for felonies.

- 5) Criminal Justice Tools for Investigation and Prosecutions. Virginia received 12 out of 15 points.

Virginia law directs the Department of Criminal Justice Services to advise law enforcement on "the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia." Single party consent to audiotaping is allowed by law, and wiretapping is authorized for most felony offenses related to domestic minor sex trafficking. Use of a law enforcement decoy in child sex trafficking or CSEC investigations is not specifically authorized by law; however, an investigation under use of a communications system to facilitate certain crimes involving children which could include CSEC offenses is protected from a defense that the "minor" was in fact over 15 by statutory language indicating culpability if the offender had reason to believe the person involved was less than 15. This same law can permit law enforcement to pose as a minor under 15 on the Internet to investigate CSEC cases as well. Law enforcement must report missing children into the "Missing Children Information Clearinghouse" and must notify the clearinghouse upon recovering a missing child.

- 6) Criminal Provisions for Facilitators. Virginia received 5 points out of a possible 10.

While Virginia has no human trafficking law, aiding

and assisting in abduction for prostitution is included in the abduction for immoral purposes law and is a felony punishable by 1 to 10 years imprisonment. Also, aiding in the production of child pornography, including through financing, is a felony punishable by 5 to 30 years imprisonment when the victim is under 15 and 1 to 20 years when the victim is 15 to 17. Selling and distributing child pornography is a felony punishable by 5 to 20 years imprisonment. Intentionally operating websites that facilitate payment for access to child pornography is a felony punishable by 2 to 10 years imprisonment and a possible fine up to \$100,000. A facilitator may also be subject to criminal gang and racketeering laws resulting in greater penalties and civil forfeiture. No law in Virginia addresses sex tourism. Facilitators are subject to vehicle forfeiture for convictions of assisting abduction and prostitution-related offenses and mandatory asset forfeiture for child pornography offenses, but not for convictions of assisting abduction. A facilitator must pay restitution for any property loss or medical expenses incurred by a victim as a result of the facilitator's crime.

INTERVENTION

Youth For Tomorrow (YFT)

Youth For tomorrow was started in 1986 by Redskins coach Joe Gibbs to help at-risk youth in Washington, D.C. The organization has a 200-acre campus in Prince William County, Virginia. It introduced the Girls on a Journey program in 2008 when staff discovered that several of its girls had been forced into prostitution against their will.



Youth For Tomorrow is the only facility in Virginia and in the mid-Atlantic region that works to provide

safe and secure residential and specialized recovery service for girls ages 12 to 19 who have been sexually exploited/sex trafficked. YTF served 17 girls in 2014. Sixty two girls have been reached through the organization since its Girls on a Journey program began in 2008.

YFT professionals help girls who are victims of sexual abuse and trafficking to regain their lives through individual service plans that set weekly priorities and goals for each girl in their residence, counseling/therapy, supervision and safety, self-reliance and relationships.

YFT collaborates with Shared Hope International, The Polaris Project and works closely with federal, state and

local law enforcement agencies and is a member of the Northern Virginia Human Trafficking Task Force. It has recently signed a Memorandum of Agreement with the state of California to provide Girls on a Journey services to girls rescued from domestic minor sex trafficking in their jurisdictions.

Courtney's House

Courtney's House, a drop-in center in Washington D.C., was founded in 2008 by Tina Fundt. Tina is a trafficking survivor. Courtney's House searches for children who are being forced into prostitution in the streets, in brothels, strip clubs, private homes and hotels. Staff spend every Friday and Saturday night on the streets reaching out to suspected victims. They target specific areas where girls, boys and women are trafficked or at high risk of being trafficked. They hand out unassuming items that carry the Survivor Hotline phone number on them to provide a way for the victims to contact Courtney's House when they need to. Survivors need a way to quickly find help and connect with an understanding individual. The Survivor Helpline is run by survivors for survivors. Victims can call the support line 1-888-261-3665 for immediate help or 911 for emergencies.

Each child and teen who comes to Courtney's House is welcomed by those who have walked in their shoes. Once a preliminary sex trafficking screening is done, a specialized intake process is followed to help to comprehend the full extent of the trauma that each victim has endured. Courtney's House takes a holistic approach to healing. Staff work with each child on an individual basis in counseling and therapy coupled with group interactions to support the child's recovery. Survivor support groups are an integral component of Courtney's House. These groups are open to boys, girls, and transgender survivors. They focus on trauma, recovery, education and life skills along with fun, therapeutic activities like dance, art, and yoga.

In addition, survivors have access to influential mentors and academic tutoring to enhance their ability to create a future full of hope and to accomplish their personal best. Courtney's House also recognizes that the survivors' parents have a key role in the recovery process and that they, too, need healing. Parents will find open arms and support at Courtney's House.

EDUCATION/AWARENESS/PREVENTION

Fairfax County Public Schools

The Fairfax County Schools developed a model Teen Sex Trafficking curriculum for 6th to 12th grades and are willing to share with other communities. The topic of teen sex



trafficking is incorporated into the Family Life Education and Physical Education curriculum. The subject is introduced in the 6th grade, incorporated into discussions about the Internet and social media in the 7th grade, as well as into the Health curriculum in 9th and 10th grades. In the 11th and 12th grades it is a part of the government/civic studies curriculum.

The School System developed a video, “Tricked”, which can be seen on U-tube or the DVD can be ordered for \$5. The video was shown on the local education TV channel in Phoenix during Super Bowl Week.

The Just Ask Prevention Project

The “Just Ask” Prevention Project is a public awareness campaign designed to expose the growing prevalence of Teen Sex Trafficking in Northern Virginia and to inspire the community to end the scouting, manipulation and recruitment of our teenagers.

Many citizens are unaware that these horrific crimes are affecting our own communities. The project’s objective is to decrease the number of trafficking victims in our community by exposing the recruiting tactics traffickers use and the typical profile of their victims. The campaign leverages a community intervention strategy: encouraging friends, family, teachers and neighbors to do their part to end teen sex trafficking.



The project strives to engender a sense of caring in the community at all levels, be it a business owner who sees suspicious activity that may be related to trafficking, a parent who is concerned about a child’s social media contacts or a teen at school who notices a classmate who appears to need a friend. “Just Ask” when you see something amiss; act proactively to help those in our community

The Just Ask Prevention Project is sponsored through collaboration by Fairfax County Public Schools, the Fairfax County Police Department Human Trafficking Unit, Office of Women and Domestic and Sexual Violence Services,

Northern Virginia community offices, organizations and faith-based groups, and Hidden Brook Communications.

WHAT CAN WE DO?

- 1) Be aware. Know the signs of possible problems:
 - Change in behavior, mood, style of dress, or withdrawal from family and friends.
 - A new boyfriend who might be considerably older
 - Keeping a relationship with someone a secret from family and friends
 - Drop in school attendance
 - Substance Abuse
 - Stopping activities
- 2) Just ask. Let them know you care. Sometimes one caring adult makes all the difference.
- 3) Report it. Call 1.888.373.7888
- 4) Educate others

There are many volunteer opportunities. For more information send an email to info@justaskva.org

Notes

1. December 3, 2014, meeting with Michelle Mueller, Commission for Women, Office for Women and Domestic and Sexual Violence Services, 12000 Government Center Parkway, Fairfax, VA.
2. “Human Trafficking Here and Now”, a forum and discussion of human trafficking in Northern Virginia in Falls Church, VA sponsored by the League of Women Voters of Falls Church and Arlington and the AAUW on January 25, 2015.
3. Information Session for Parents on Teen Human Trafficking” at West Springfield High School on January 28, 2015.
4. News release, October 11, 2013 from www.fairfax-county.gov/police/news-release
5. Polaris Project website <http://www.polarisproject.org>
6. Shared Hope International website <http://www.Sharedhope.org>
7. Meeting with Courtney D. Gaskins. Ph.D., Program Director, Youth for Tomorrow on December 16, 2014.

- 8. Courtney’s House website <http://www.courtneyshouse.org>
- 9. Fairfax County Public School’s website <http://www.fcps.edu/fairfaxnetwork/trafficking>
- 10. Just Ask Virginia website <http://www.justaskva.or>

- 3. Why do you think Virginia with its low ranking by Polaris and Shared Hope International has not made greater efforts to stem the sex trafficking of minors?
- 4. What are some things (legislative or otherwise) the state of Virginia or Fairfax County could do to get better “Report Card” grades?
- 5. Comment on the effectiveness of the County’s Education/Awareness/Prevention activities. Are there any other school/community/county activities or interventions that might be implemented?
- 6. What might our local Leagues or members do to address or publicize the issues related to Human Sex Trafficking, especially related to minors?

Discussion Questions

- 1. Discuss why our area is considered to be a “hot spot” of sex trafficking. What might be some possible reasons for this?
- 2. Regarding the Polaris State Rating categories, do you see anything that should be added or dropped? How reasonable are they for the states to enact?

s.
