



# Sexual Exploitation/ Sex Trafficking in Virginia

October 11, 2018



## Sexual Exploitation/Sex Trafficking in Virginia

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- Sex Trafficking Study Findings
- Recommendations to Combat Sex Trafficking in Virginia

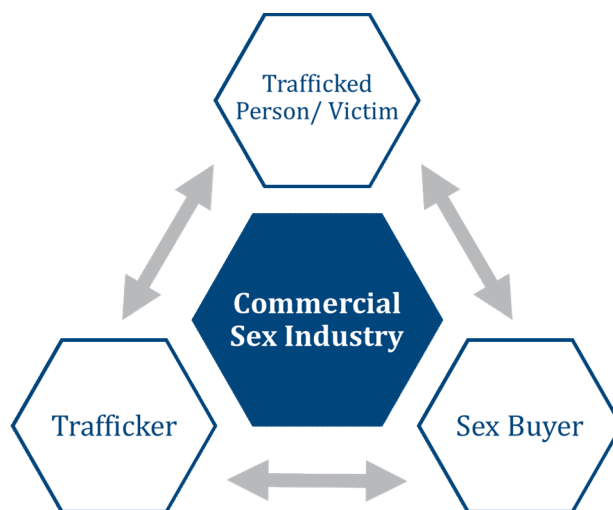


## Sex Trafficking Study Findings

- Sex trafficking is occurring in Virginia and continues to be a serious problem.
- Data in regard to sex trafficking in Virginia is limited and does not fully capture the extent of the problem.



## Sex Trafficking Study Findings



Credit: Benjamin Gauen, King County, WA - Prosecuting Attorney's Office



## Sex Trafficking Study Findings

- Combating sex trafficking requires proactive multi-disciplinary collaboration to:
  - Identify and intervene with at-risk youth;
  - Increase awareness, education, and training;
  - Identify, recover, and treat victims; and,
  - Reduce recruitment and demand.
- Other states and localities in Virginia have experienced success by implementing this collaborative approach.

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## Combating Sex Trafficking in Virginia

Sex trafficking intersects with numerous other problems facing Virginia, such as:

- Child physical and sexual abuse;
- Drug addiction/Opioid crisis;
- Behavioral issues in schools;
- Juvenile delinquency/status offenses;
- Suicide;
- Mental health;
- Health care (e.g., pregnancy, STD's);
- Gangs; and,
- Domestic violence.

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## Sex Trafficking Study Findings

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- Commercial sex is a lucrative industry.
  - Minimal start-up costs
  - High profit margins
  - Low-risk for the trafficker
- Sex trafficking does not involve *consenting adults*.



## Sex Trafficking Study Findings

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- The internet and social media easily allow for the recruitment of victims and sale of sex across the United States.
  - Recruitment: social media platforms, e.g. Facebook, Instagram, Snapchat.
  - Demand: message boards for “hobbyists”; and,
  - Supply: numerous websites, both domestic and international, to advertise the sale of sex.



## Sex Trafficking Study Findings

- Victims are often vulnerable, struggling with dysfunctional families, past abuse, trauma, and low self-esteem.
- Victims are frequently recruited into the lifestyle as juveniles because of their vulnerabilities.
  - Traffickers prey on victims' desire for love, hope, and sense of belonging.
  - Traffickers target at-risk youth (i.e. missing, endangered, runaways, foster children).
  - Victims form an emotional and psychological bond with their trafficker.

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## Sex Trafficking Study Findings

- Victims do not identify themselves as “victims” and do not realize they are being “trafficked”.
- Traffickers often provide juveniles with false identities, dates of birth, and coach them to lie about their true identity.
- The criminal justice system often treats victims as criminals.

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## A Sex Trafficking Victim's Progression (1-2 yrs.)



Source: <https://www.evangelicalforsocialaction.org/sexual-justice/portrait-of-exploitation-the-real-face-of-prostitution/>  
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## Sex Trafficking Study Findings

- Adolescent brain development is significantly altered by traumatic experiences.
- Trafficking victims often suffer from multiple forms of trauma, which may have occurred both prior to and/or during the trafficking, and require enormous amounts of services:
  - Physical, verbal, and mental abuse;
  - Sexual abuse or violence;
  - Drug abuse or dependence; and,
  - Mental health challenges.

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## Sex Trafficking Study Findings

- Victims face numerous challenges when attempting to leave the lifestyle, such as:
  - No support structure due to isolation;
  - Lack of basic life skills due to reliance on trafficker;
  - Difficulty securing housing and employment;
  - Challenges obtaining identification documents;
  - Health issues due to inadequate medical care; and,
  - Criminal record.
- It typically takes a victim numerous attempts to successfully leave the lifestyle.



## Sex Trafficking Study Findings

- Resources for both juvenile and adult victims of sex trafficking are extremely limited in Virginia.
  - No standards exist in Virginia for providing services to sex trafficking victims.
- The lack of resources leaves Virginia law enforcement officers with few options other than to arrest a trafficked victim.



## Sex Trafficking Study Findings

Three common types of traffickers include:

- **Pimp Control**: “Man in sex-trafficking case found guilty”; *The Daily Progress* (4/26/18) (Albemarle)
- **Gang Control**: “Local Bloods gang member sentenced for prostituting minor”; *WTKR* (6/3/2016) (Norfolk)
- **Familial**: “Portsmouth man sentenced to 40 years in prison for pimping and beating his wife for a decade”; *The Virginian-Pilot* (11/20/17) (Norfolk)

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## Sex Trafficking Study Findings

- The demand for commercial sex is high.
- Different types of sex buyers exist:<sup>1</sup>
  - Situational;
  - Preferential; and,
  - Opportunistic.
- Steps must be taken to address the demand by:
  - Deterring the purchase of sex;
  - Holding sex buyers accountable; and,
  - Educating sex buyers on the impact to victims.

<sup>1</sup> Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, 356-369.

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## Sex Trafficking Study Findings

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- The traditional criminal justice response to sex trafficking is not working.
  - Since Virginia's commercial sex trafficking statute was enacted in 2015, the large majority of arrests and prosecutions have occurred in one locality.
- Virginia needs to focus efforts on addressing the root causes of sex trafficking.



## Sex Trafficking Study Findings

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- Identifying victims and potential victims of sex trafficking is extremely difficult.
- Proactive steps must be taken to identify at-risk youth across all systems (e.g. schools, social services, law enforcement).
- Awareness, education, and training on the unique aspects of sex trafficking must be provided to numerous professionals across these systems.



# Recommendations to Combat Sex Trafficking in Virginia



## Recommendations

### **Recommendation 1:** Amend Va. Code

§ § 16.1-251, 63.2-1508, and 63.2-1517 to:

- Clarify that traffickers are considered caretakers;
- Allow Department of Social Services (DSS) to take emergency custody of Virginia children who are victims of sex trafficking; and,
- Require DSS to conduct family assessments of juvenile sex trafficking victims' residence.



## Recommendations

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**Recommendation 2:** Amend the Va. Code to allow sex trafficking victims to receive reimbursement for medical care and other expenses from the Criminal Injuries Compensation Fund, provided that the victim is cooperating with law enforcement and courts.



## Recommendations

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**Recommendation 3:** Request that the Department of Criminal Justice Services (DCJS) allocate a portion of VOCA funding for treatment and services for sex trafficking victims.



## Recommendations

**Recommendation 4:** Amend the commercial sex trafficking statute (Va. Code § 18.2-357.1) to allow the trafficker to be charged for each individual act of trafficking.



## Recommendations

**Recommendation 5:** Amend various sections of the Va. Code to increase the penalties for commercial sex trafficking if the victim is a minor, including:

- Va. Code § 18.2-49: Threatening, attempting or assisting in such abduction (clarification);
- Va. Code § 18.2-348: Aiding prostitution or illicit sexual intercourse, etc.;
- Va. Code § 18.2-349: Using vehicles to promote prostitution or unlawful sexual intercourse; and,
- Va. Code § 19.2-215.1: Functions of the multi-jurisdiction grand jury (clarification).



## Recommendations

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**Recommendation 6:** Amend Va. Code § 18.2-346 (prostitution and solicitation of prostitution statute) to include manual stimulation of another's genitals.



## Recommendations

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**Recommendation 7:** Create a new fund to be administered by DCJS for the treatment of sex trafficking victims and amend Va. Code § 18.2-346(B) to require any person convicted of solicitation of prostitution to pay a fee of \$100 into the fund in addition to any other court costs and fines.



## Recommendations

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**Recommendation 8:** Amend Virginia Code § § 18.2-67.9 and 63.2-1521 to allow juvenile victims of sex trafficking to testify via two-way closed-circuit television under existing rules:

- Age 14 or under at the time of offense and age 16 or under at the time of trial; or,
- Age 14 or under at the time of trial.



## Recommendations

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**Recommendation 9:** Amend Virginia Code § 9.1-102 to require DCJS to establish compulsory minimum entry-level, in-service, and advanced training standards for law enforcement officers on the awareness and identification of sex trafficking.



## Recommendations

**Recommendation 10:** Create a sex trafficking state coordinator position within the Virginia Center for School and Campus Safety at DCJS, with the following responsibilities:

- Create a statewide response plan of action for when a sex trafficking victim is identified;
- Develop a uniform statewide screening tool to identify at-risk youth;
- Draft standards and guidelines for treatment programs for sex trafficking victims;



## Recommendations

**Recommendation 10:** Create a sex trafficking state coordinator position to (cont.):

- Consult with experts for the development of a curriculum for persons convicted of solicitation of prostitution (“John school”); and,
- Develop strategies to promote education, training, and awareness of sex trafficking.



## Recommendations

**Recommendation 11:** Continue this study an additional year and request Crime Commission staff to work with stakeholders to:

- Identify strategies to enhance data collection and case tracking across multiple agencies;
- Examine the roles of existing multi-disciplinary teams and their response to sex trafficking;
- Work with stakeholders to include sex trafficking training at various conferences over the next year;



## Recommendations

**Recommendation 11:** Continue study (cont.):

- Work with the Department of Education and school divisions to examine prevention strategies for at-risk youth;
- Assess options for assisting sex trafficking victims with obtaining personal identification documents; and,
- Identify any other strategies to address sex trafficking in Virginia.





## Policy Decision Options

**Policy Decision Option 1:** Amend the Virginia Code to create pre-trial diversion programs for both juvenile and adult sex trafficking victims.


- Which charges will be eligible?
- Which entity will develop the program?
- Will resources be made available statewide?



## Policy Decision Options

**Policy Decision Option 2:** Amend the Virginia Code to allow for expungement of convictions related to sex trafficking for both juvenile and adult sex trafficking victims.

- Which charges will be eligible?
  - Will failed diversion convictions qualify?
- What will be the burden of proof?
- What will be the Commonwealth's role?



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**Discussion**

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