

What Should Judicial Officers Know About Domestic Child Sex Trafficking?

How is domestic child sex trafficking defined?

Domestic child sex trafficking (DCST) is a type of human trafficking that involves the commercial sexual exploitation of children in the U.S. While human trafficking includes *both* sex trafficking and laboring trafficking, DCST is defined as “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has *not* attained 18 years of age” (22 USC 7102 § 103(8)).¹ It is important to note that a child or minor is not legally able to make the “choice” to become involved in the commercial sex industry. As [Rights4Girls](http://www.rights4girls.org) (<http://www.rights4girls.org>) has campaigned,² “*there is no such thing as a child prostitute.*”

What are the statistics on DCST?

It is estimated that minors are at great risk of domestic sex trafficking, however, due to the hidden nature of the crime, the actual number of victims who are trafficked for sex in the U.S. is relatively unknown.³ Unfortunately, to date, there are no reliable national

If you suspect a case of child sex trafficking, contact the National Center of Missing and Exploited Children at 1-800-THE-LOST (1-800-843-5678), visit www.cybertipline.org, or call 1-800-CALL FBI (1-800-225-5324).



Domestic child sex trafficking is sometimes also referred to as:

- Commercial Sexual Exploitation of Children (CSEC);
- Domestic Minor Sex Trafficking (DMST);
- Child or juvenile prostitution;
- Teen or underage sex work; or
- Survival sex.

estimates of the incidence or prevalence of the sex trafficking of minors in the U.S.⁴

In 2003, the Federal Bureau of Investigation joined forces with the Department of Justice Child Exploitation and Obscenity Section and the [National Center for Missing and Exploited Children](http://www.missingkids.com) (<http://www.missingkids.com>) to launch and sustain the Innocence Lost National Initiative (ILNI),⁵ in an attempt to gauge the growing DCST problem. To date, ILNI has assisted in the development of 74 Child Exploitation Task Forces within over 400 law enforcement agencies, recovered more than 6,000 children and youth, and convicted more than 2,500 individuals for DCST.⁶

In more recent years, the [National Human Trafficking Hotline](https://humantraffickinghotline.org/states) (National Hotline) (<https://humantraffickinghotline.org/states>) has collected data on sex and labor trafficking. Since 2007, more than 40,000 cases of human trafficking have been reported to the National Hotline from all across the U.S.⁷ More than 8,500 cases were reported in 2017 alone.⁸ National Hotline data show that sex trafficking makes up a significant number of cases reported to National

Hotline staff (see Figure 1), with an average of 72 percent of *all* cases reported involving sex trafficking.⁹ While the majority of the National Hotline reported cases involved adults, on average, one-third of cases reported involve minors (see Figure 2).

Figure 1. Percentage of Cases Reported to the National Human Trafficking Hotline That Involve Sex Trafficking, by Year

Note. Data includes child and adult sex trafficking victims.

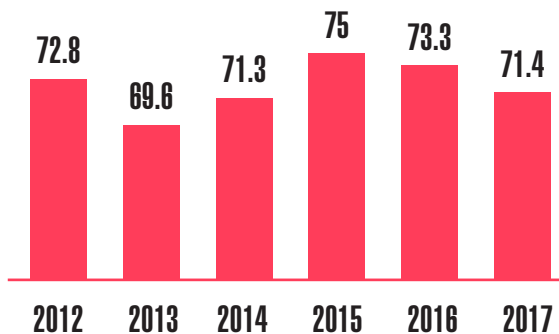
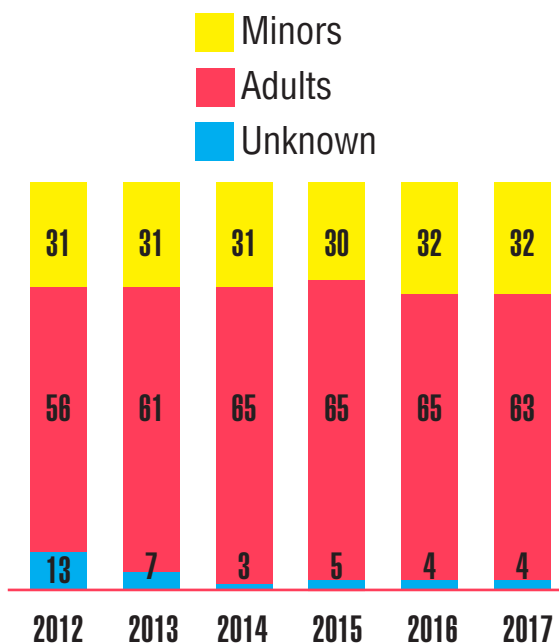


Figure 2. Percentage of Cases Reported to the National Human Trafficking Hotline, by Age

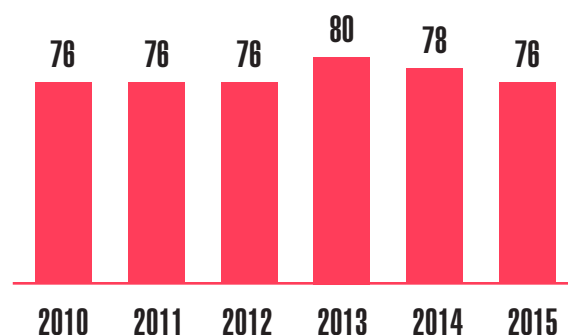


Do judicial officers come into contact with victims of DCST?

Judicial officers are likely to interact with DCST victims in their courtrooms. A minor who is system-involved (either through child welfare or juvenile justice) has high risk of DCST victimization.

- Youth with a history of DCST victimization were more likely to (a) runaway, (b) test in the clinical range for substance abuse issues, and (c) exhibit greater externalizing behaviors (e.g., emotionally aggressive behaviors, truancy, etc.), compared to their nonexploited peers.¹⁰
- The National Center for Missing and Exploited Children reported that about 16 percent of runaways were likely sex trafficking victims in 2016.¹¹ It is estimated that over 80 percent of sex trafficking victims went missing when in the care of social services or foster care.¹²
- In a study of commercially sexually exploited children in New York City, researchers found that 85 percent of children had prior child welfare involvement and/or 75 percent had been in foster care placement.¹³
- Juvenile arrest data suggests that female minors are likely to be penalized by the system, with an average of 77 percent of annual female juvenile arrests classified as prostitution or commercialized vice (see Figure 3).¹⁴ Data also shows that Black female juveniles are more likely to be arrested for prostitution and commercialized vices, compared to their White counterparts.¹⁵

Figure 3. Percentage of Female Minors Arrested for Prostitution or Commercialized Vice, by Year



However, this issue is not just limited to juvenile court. Judicial officers may see victims later on in adult systems or may see victims testifying against traffickers or buyers in criminal court.

- An adult charged with prostitution may have started as a trafficked youth: 70% of women involved in prostitution were introduced into the commercial sex industry before the age of 18.¹⁶
- Victims of DCST face psychophysiological consequences that can affect them into adulthood: physical ailments, stress-related diseases, shorter life expectancy, and many psychological issues such as anxiety, depression, suicidality, dissociative disorders, post-traumatic stress disorder, and drug and alcohol dependency.¹⁷

These findings suggest that family and juvenile court judges and other court stakeholders can play a critical role in identifying DCST victims. Whether youth are arrested for solicitation or for unrelated offenses (e.g., truancy, theft, drug possession, etc.), judicial officers and their court teams should look for red flags behind every charge. Judicial officers should also recognize that DCST victims may present themselves across case types and assignments, and should stress the importance of protecting victims by holding exploiters accountable for their actions.

Endnotes

- 1 Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A, § 103(8), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at 22 USC 7102 § 103(8). Retrieved from <https://www.state.gov/documents/organization/10492.pdf>
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- 16 Kotrla, K. (2010). Domestic minor sex trafficking in the United States. *Journal of Social Work*, 55 (2): 181-187, doi: 10.1093/sw/55.2.181.
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