



Jeff Slowikowski, Acting Administrator

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Effects of Federal Legislation on the Commercial Sexual Exploitation of Children

William Adams, Colleen Owens, and Kevonne Small

In the United States, estimates suggest that as many as 300,000 children may become victims of commercial sexual exploitation each year (Estes and Weiner, 2001). This bulletin describes the findings of a study that the Urban Institute conducted to examine the effects of the passage of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA) on the federal prosecution of commercial sexual exploitation of children (CSEC) cases. It discusses U.S. enforcement of TVPA and succeeding laws enacted to strengthen penalties against CSEC, describes features of successful prosecutions, and examines how the legislation has affected court penalties and service providers. The authors also discuss recommendations for policymakers and practitioners who work with children and youth who have been the victims of commercial sexual exploitation.

Background

The 1996 Declaration and Agenda for Action for the First World Congress Against the Commercial Sexual Exploitation of Children provided the first working definition of the commercial sexual exploitation of children and youth:

[CSEC] comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.

TVPA (Public Law 106-386) is considered to be the seminal piece of U.S. legislation in the fight against CSEC. As the first comprehensive law to combat human trafficking, TVPA criminalizes human trafficking on a federal level. Section 112 of TVPA states that sex trafficking of children involves a commercial sex act in which the victim is younger than 18 years old. Traffickers who exploit children younger than age 14 for the purposes of a commercial sex act can be sentenced to up to life in prison (18 U.S.C. § 1591(b)(1)).¹ If the victim is between 14 and 18 years old, the trafficker is eligible for as much as 20 years in prison under TVPA (18 U.S.C. § 1591(b)(2)); subsequent federal legislation has increased this penalty to life imprisonment (pursuant to the Adam Walsh Act of 2006).²

A Message From OJJDP

Each year, as many as 300,000 children become victims of commercial sexual exploitation in the United States. Such victimization can have devastating effects on a child's physical and mental health and well-being.

In an effort to stop the commercial sexual exploitation of children (CSEC), Congress enacted the Victims of Trafficking and Violence Prevention Act (TVPA) in 2000. As the seminal legislation in America's efforts to end CSEC, the Act criminalizes human trafficking on a federal level.

This bulletin describes the results of a study funded by OJJDP to examine TVPA's impact on the prosecution of CSEC cases. The authors draw on CSEC cases processed in federal courts between 1998 and 2005 to take a look at how current laws addressing CSEC are enforced, indicate key features of successful CSEC prosecutions, and describe how legislation has affected sentences imposed on CSEC perpetrators, as well as legislation's effects on the provision of services to victims. The bulletin concludes with a discussion of how the juvenile justice community and policymakers could improve the prosecution of CSEC crimes.

The information provided in these pages should inform our efforts to develop policies and practices to combat CSEC more effectively. To this end, the authors call for comprehensive data collection at the state level, increased training opportunities, and more consistent definitions of this heinous crime.

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Several events following TVPA's passage also helped combat CSEC. In 2003, Congress passed the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act (Public Law 108–21) to help the government fight child sexual exploitation. The PROTECT Act expanded territorial jurisdiction so that Americans abroad who commit CSEC may be prosecuted. It also increased maximum incarceration sentences from 15 to 30 years for U.S. citizens or permanent residents convicted of child sex tourism and for persons convicted of transporting a minor in interstate or foreign commerce with the intent that the minor engage in prostitution or other commercial sex acts (PROTECT Act, Public Law 108–21; Shared Hope International et al., 2006; Fraley, 2005). Additionally, since its launch in 2003, the FBI's Innocence Lost National Initiative has become the largest U.S. government initiative against child sex trafficking. The Innocence Lost Initiative operates task forces and working groups in 28 U.S. cities.³ As a part of the initiative, the National Center for Missing & Exploited Children (NCMEC) and U.S. Attorneys' offices involved in the task forces or working groups train local and federal law enforcement and social service providers on multidisciplinary approaches to addressing the prostitution of children in the United States.

The Urban Institute's Study

To assess the impact of TVPA on the prosecution of CSEC cases in the United States, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) commissioned the Urban Institute to conduct a study to answer four research questions:

- ◆ Is the United States enforcing existing federal laws against CSEC?
- ◆ What are key features of successful CSEC prosecutions? What factors predict convictions in cases? What factors predict sentence length?
- ◆ Have U.S. courts increased penalties associated with commercial sexual crimes against children?
- ◆ What are the effects of CSEC legislation on service providers who work with these victims?

The Urban Institute partnered with the Polaris Project⁴ to carry out this research.⁵



Research Methods

The Urban Institute researchers used a variety of methods to answer the four research questions and provide guidance for policy and practice. Their methods included a literature review, interviews with four federal prosecutors, a focus group with eight Washington, DC-area CSEC service providers and advocates, and statistical analyses of federal CSEC cases filed by U.S. Attorneys from 1998 through 2005.

Literature review. The researchers examined past publications on CSEC and published definitions of CSEC. In addition, researchers examined:

- ◆ Past international actions concerning CSEC.
- ◆ United Nations actions concerning CSEC.
- ◆ Major conventions and meetings on CSEC.
- ◆ U.S. legislation on CSEC.
- ◆ Governmental and nongovernmental organization actions related to CSEC.

Interviews with prosecutors. The researchers conducted 1-hour interviews with four federal prosecutors who worked on CSEC cases. Researchers asked about the prosecutors' experience, collaborations, data collection methods, decisionmaking processes, and the definitions of CSEC they used in daily practice.

Practitioner meeting. The Urban Institute hosted a half-day practitioner meeting in June 2007 for eight CSEC service providers and advocates. These experts discussed issues related to the Urban Institute's study and answered the following questions:

- ◆ Was information missing in the literature review?
- ◆ Did any information in the literature review need clarification?
- ◆ How could findings from the statistical analysis inform practice?
- ◆ What practical lessons did the data provide?
- ◆ How could the data generate future research?

Statistical analysis. The secondary analysis of federal CSEC defendants relied on data obtained from the Federal Justice Statistics Resource Center (FJSRC), a project that the Bureau of Justice Statistics sponsors and the Urban Institute operates. The researchers used the FJSRC database to examine the prevalence and characteristics of CSEC offenses and offenders in the federal criminal justice system. This included criminal suspects investigated by U.S. Attorneys, persons arrested by federal law enforcement, defendants prosecuted and adjudicated in U.S. district courts, and offenders who had been sentenced and imprisoned.

The Urban Institute downloaded the following datasets from the FJSRC Web site (<http://fjsrc.urban.org>):

- ◆ U.S. Marshals Service (USMS), *Arrests for Federal offenses*, annual file, FY1998–2005.
- ◆ Executive Office for U.S. Attorneys (EOUSA), *Suspects in criminal matters opened*, annual file, FY1997–2005.
- ◆ EOUSA, *Suspects in criminal matters concluded*, annual file, FY1997–2005.
- ◆ Administrative Office of the U.S. Courts (AOUSC), *Defendants in criminal cases filed*, annual file, FY1998–2005.
- ◆ AOUSC, *Defendants in criminal cases terminated*, annual file, FY1998–2005.
- ◆ U.S. Sentencing Commission (USSC), *Defendants sentenced*, annual file, FY1998–2005.

The Urban Institute examined all stages of case processing for defendants' cases filed in U.S. district courts from 1998 to 2005. To identify CSEC defendants in the FJSRC database, the Institute relied on the

appropriate criminal statutes in the United States Code, mainly those from chapter 110 (“Sexual Exploitation and Other Abuses of Children”) of Title 18.⁶ The researchers used these data to measure and assess trends in federal prosecution of CSEC offenders. FJSRC data factored prominently in answering the study’s key questions.

Research Findings

Findings From the Literature Review

Analysis of the literature revealed that CSEC remains a major focus of the criminal justice community. Key findings include:

- ◆ The Declaration and Agenda for Action for the First World Congress Against the Commercial Sexual Exploitation of Children created a widespread, formal definition of CSEC in 1996.
- ◆ Each year in the United States, as many as 300,000 children are at risk for sexual exploitation (Estes and Weiner, 2001).
- ◆ The average age a child first falls victim to CSEC is 13 or 14 (Barnitz, 2001; Friedman, 2005).
- ◆ Victims are becoming younger, largely because exploiters are concerned about victims having HIV or AIDS (Friedman, 2005; Spangenberg, 2001; Barnitz, 2001).
- ◆ Victims cite the presence of existing adult prostitution markets and their or their family members’ drug dependency as leading factors contributing to their involvement in CSEC in the United States (Estes and Weiner, 2001).
- ◆ Few CSEC studies focus on perpetrators (Barnitz, 2001; Estes and Weiner, 2001; Andrews, 2004; Gragg et al., 2007; Song, 2007).
- ◆ The majority of child sexual exploiters are men between the ages of 20 and 65 (Barnitz, 2001; Estes and Weiner, 2001).
- ◆ Prior to the passage of TVPA (2000) and the PROTECT Act (2003), prosecutors addressed crimes involving CSEC by using the Mann Act of 1910 (18 U.S.C. §§ 2421–2424) and the Violent Crime Control and Law Enforcement Act of 1994 (Katyal, 1993). However, TVPA is considered the seminal piece of U.S. legislation on CSEC.

A History of Commercial Sexual Exploitation of Children Legislation in the United States

Before passage of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA), prosecutors primarily used the Mann Act of 1910 (18 U.S.C. §§ 2421–2424) and the Violent Crime Control and Law Enforcement Act of 1994 (also known as the Crime Bill) to address crimes involving the commercial sexual exploitation of children.

The Mann Act, commonly called the White Slave Traffic Act, was enacted in 1910 to fight against forced prostitution as required by the Thirteenth Amendment to the U.S. Constitution (Katyal, 1993). However, the Act did not explicitly protect minors from slavery-like practices until it was amended in 1978 and again in 1986 and 1994. As currently written, the Mann Act makes it a felony to knowingly transport “an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense” (18 U.S.C. §§ 2421–2424). Currently, the FBI investigates possible Mann Act violations and refers them directly to U.S. Attorneys. The U.S. Department of Justice’s Child Exploitation and Obscenity Section supervises the prosecution of these cases (United States Attorneys Manual, 1997).

The Mann Act was not originally intended to prosecute cases of child sex trafficking or general sex trafficking, but it has been, and still is, used to do so. Rather, TVPA was the first comprehensive law intended to combat human trafficking. It criminalized human trafficking in the United States and focused efforts on prevention, protection, and prosecution. Unlike the Mann Act, TVPA does not require transportation across state lines to prove human trafficking.

In addition to actions prosecuted through TVPA, the 1994 Crime Bill includes a provision, known as the Child Sexual Abuse Prevention Act, which states that traveling outside of the United States with the intent of engaging in sexual activity with a minor is a crime. This provision represented a significant step toward fighting child sex tourism, but few cases have been prosecuted using this law (Andrews, 2004). As a result, the Sex Tourism Prohibition Improvement Act of 2002 was passed to address these concerns. Perhaps most significantly, the 2002 Act removed the intent requirement and criminalized the actions of sex tour operators (Fraleigh, 2005). These acts help provide the basis for CSEC arrests and prosecution.

For more comprehensive information on the federal laws used to prosecute CSEC, see the Urban Institute’s full research report: *An Analysis of Federally Prosecuted CSEC Cases since the Passage of the Victims of Trafficking and Violence Protection Act of 2000*, available at www.ncjrs.gov/pdffiles1/ojdp/grants/222023.pdf.



- ◆ Several major initiatives in 2003—the passage of the PROTECT Act, the reauthorization of TVPA, the start of the Innocence Lost National Initiative, and the “Breaking the Silence” national summit—successfully enhanced CSEC prosecution.

Highlights From Prosecutor Interviews

Interviews with federal prosecutors highlighted several key issues in the field that needed improvement.

Definitions of CSEC. Prosecutors used different definitions of what constitutes CSEC. For example, many felt that CSEC involved U.S. citizen victims, whereas human trafficking involved foreign national victims. These differing definitions affected which legislation they thought pertained to CSEC-related crimes.

Task forces. Task forces need further development, particularly at the local level.

Prosecution. Prosecutors disagreed as to whether certain cases should be processed at the state or federal level. In addition, researchers learned that prosecutors preferred to plea bargain rather than bring cases to court.

Data collection. Prosecutors need to improve their methods of collecting data on CSEC. Currently, their agencies do not prioritize data collection, and they have no automated systems for this purpose.

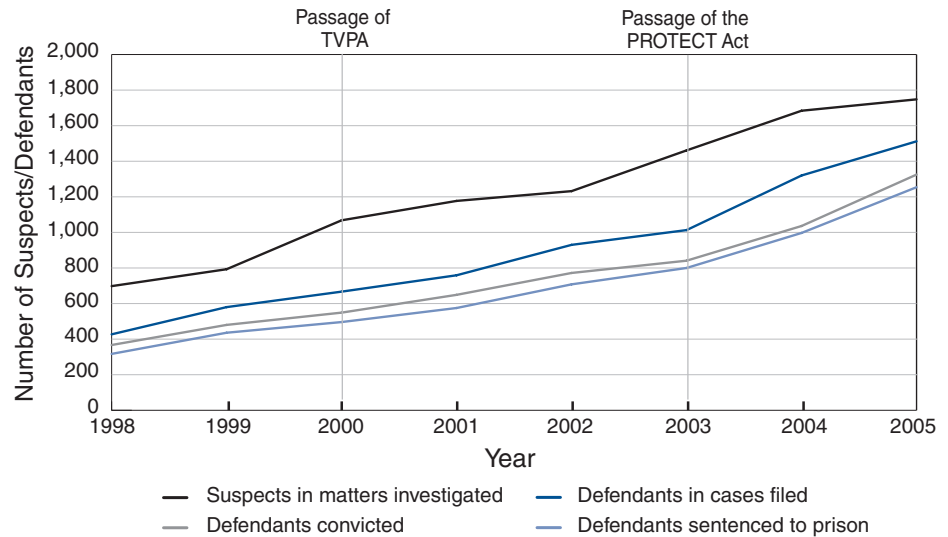
Prosecutor interviews helped researchers develop advice on policy and practice (see sidebars “Recommendations for Practice” and “Recommendations for Policy”).

Findings From the Practitioner Meeting

Researchers convened a focus group meeting attended by CSEC service providers and advocates to elicit feedback on preliminary research findings and to identify issues that had not been addressed previously. Practitioners identified a number of key issues and discussion points and made recommendations for policy and practice (see sidebars “Recommendations for Practice” and “Recommendations for Policy”):⁷

- ◆ Current federal CSEC data do not represent the full range of CSEC offenders. Practitioners had concerns about the types of CSEC cases included in federal data sources and suggested that state data might better represent the full

Figure 1: Case-Processing Trends for Federal CSEC Cases, 1998–2005



Note: CSEC investigations at the federal level have increased since the Victims of Trafficking and Violence Protection Act of 2000 (TVPA) and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act were passed.

spectrum of CSEC cases being investigated nationally. Data collection efforts, particularly at the state level, need improvement (see section 4.1.1 in the full report).

- ◆ Children can become overwhelmed as witnesses. The investigation process can make CSEC victims feel criminalized, making them reluctant to testify. Preparing a child to participate in prosecution should be only one of several methods of handling this type of criminal case. Prosecutors should also focus on other types of corroborating evidence that can substantiate a victim’s claim (see section 4.1.2 in the full report).
- ◆ Language used to discuss CSEC affects how victims are characterized. For example, U.S. child victims may be referred to as “prostitutes” and foreign national child victims may be referred to as “sex trafficking victims.” This language difference creates a dichotomy between these two groups of victims. Other considerations include confusion over the terms “pimp,” “commercial,” and “sex trafficker” (see section 4.1.3 in the full report).
- ◆ U.S. citizen and foreign national CSEC victims are treated differently when they are identified, characterized, and

offered services (see section 4.1.4 in the full report).

Answers to Key Questions

Researchers analyzed statistical data from the FJSRC Web site to answer the study’s key questions (p. 2). These data were placed in context with information gathered from the literature review, prosecutor interviews, and practitioner meeting to provide the following answers.

1. Is the United States enforcing existing federal laws against CSEC?

Although legislation existed before 2000 to address criminal acts associated with CSEC, specific federal laws such as TVPA (2000) and the PROTECT Act (2003) were passed to address this crime. At the federal level, the U.S. Department of Justice is using these laws.

The numbers of CSEC investigations, case filings, convictions, and sentences to prison have increased each year since these laws were passed (see figure 1). The average number of case filings increased the most in the following federal judicial districts: the eastern and central districts of California, the Utah district, the northern district of Ohio, the northern district of Georgia, and the southern district of New York (see figure 2).

Although the number of suspects in criminal CSEC matters that the federal government investigated and referred to U.S. Attorneys increased substantially each year between 1998 and 2005, federal prosecutors declined to prosecute more than half of those criminal matters each year in U.S. district courts. Federal prosecution was most frequently denied because the case was referred to other authorities (e.g., the states), there was weak or insufficient evidence for prosecution, or no federal offense was evident.⁸ Nonetheless, prosecutors brought a fairly steady proportion of CSEC cases (usually 40 to 45 percent) to federal court, despite a caseload that more than doubled in volume between 1998 and 2005. Therefore, the number of defendants in CSEC cases filed in U.S. district courts more than tripled between 1998 and 2005 (from 412 to 1,512 cases).

CSEC investigations at the federal level have increased since TVPA and the PROTECT Act were passed. From 1998 to 2005, the number of CSEC suspects in criminal cases that U.S. Attorneys investigated and concluded more than doubled (see figure 3). Increases in the number of child pornography suspects accounted for most of this growth. The number of suspects investigated for child prostitution or sex trafficking experienced the greatest proportional growth during this time period, nearly tripling.

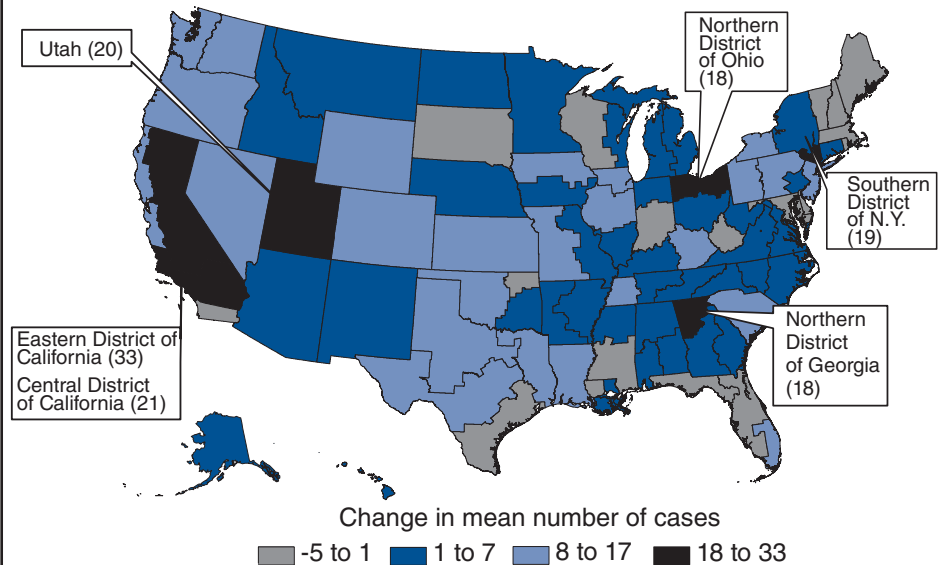
These increases in case investigations occurred mostly after 2003, when efforts converged (i.e., legislation, creation of task forces)⁹ to bring greater awareness to CSEC and to prosecute its perpetrators by using a collaborative, victim-centered approach (Office of Juvenile Justice and Delinquency Protection, 2002).

To assess the impact of federal legislation (e.g., TVPA) and federal initiatives on the prosecution of CSEC cases over time, the Urban Institute constructed a time series regression model.¹⁰ This model used monthly data on the number of federal CSEC prosecutions from 1998 to 2005 and measured the effect of several occurrences:

- ◆ TVPA—enacted in 2000.
- ◆ The 9/11 terrorist attacks.
- ◆ The PROTECT Act, Trafficking Victims Protection Reauthorization Act, and the FBI's Innocence Lost National Initiative—enacted in 2003.

The model showed a statistically significant effect of the 2003 initiatives on the number of CSEC prosecutions brought to

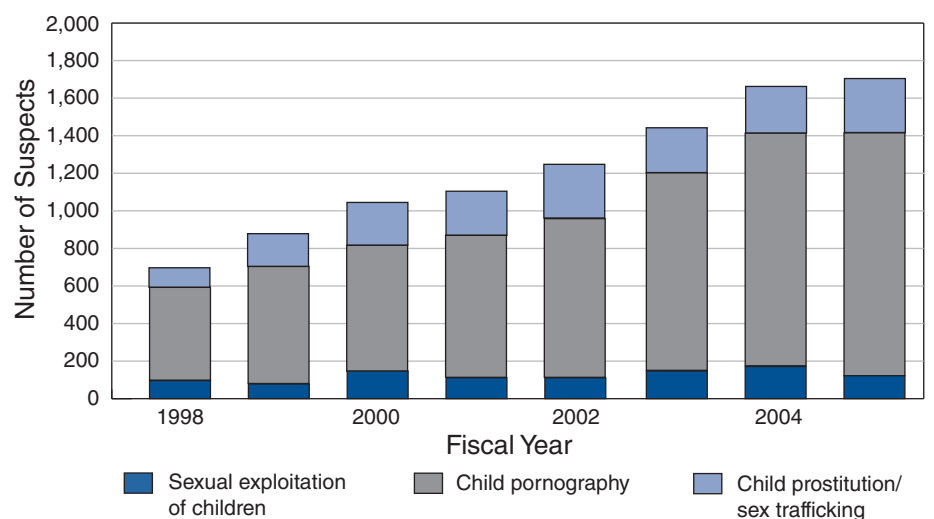
Figure 2: Change in the Number of Defendants in Cases Filed in U.S. District Court Charged With a CSEC Offense, 1998–2005, After Implementation of TVPA



Note: Districts not shown on map include the District of Columbia (5), district of Guam (1), district of the Northern Mariana Islands (0.2), district of Puerto Rico (7), and district of the U.S. Virgin Islands (0.6).

Source: Federal Justice Statistics Resource Center, Administrative Office of the U.S. Courts criminal master files, annual, 1998–2005.

Figure 3: Suspects Investigated in Federal Criminal Matters



Note: Between 1998 and 2005, the number of suspects investigated in federal criminal matters related to commercial sexual exploitation crimes against children more than doubled.

federal court, and the other two occurrences had no statistically significant effect on the number of CSEC prosecutions brought to court (see figure 4). The fact that enacting TVPA in 2000 was not statistically significant does not mean that the Act was ineffective; it took a few years for this legislation to take effect and for federally funded task forces to form and come into operation throughout the United States. These task forces consisted of federal, state, and local law enforcement; victim service providers; and prosecutors who worked together and shared information that helped identify CSEC victims and prosecute offenders in their communities.

2. What are key features of successful CSEC prosecutions? What factors predict convictions in cases? What factors predict sentence length?

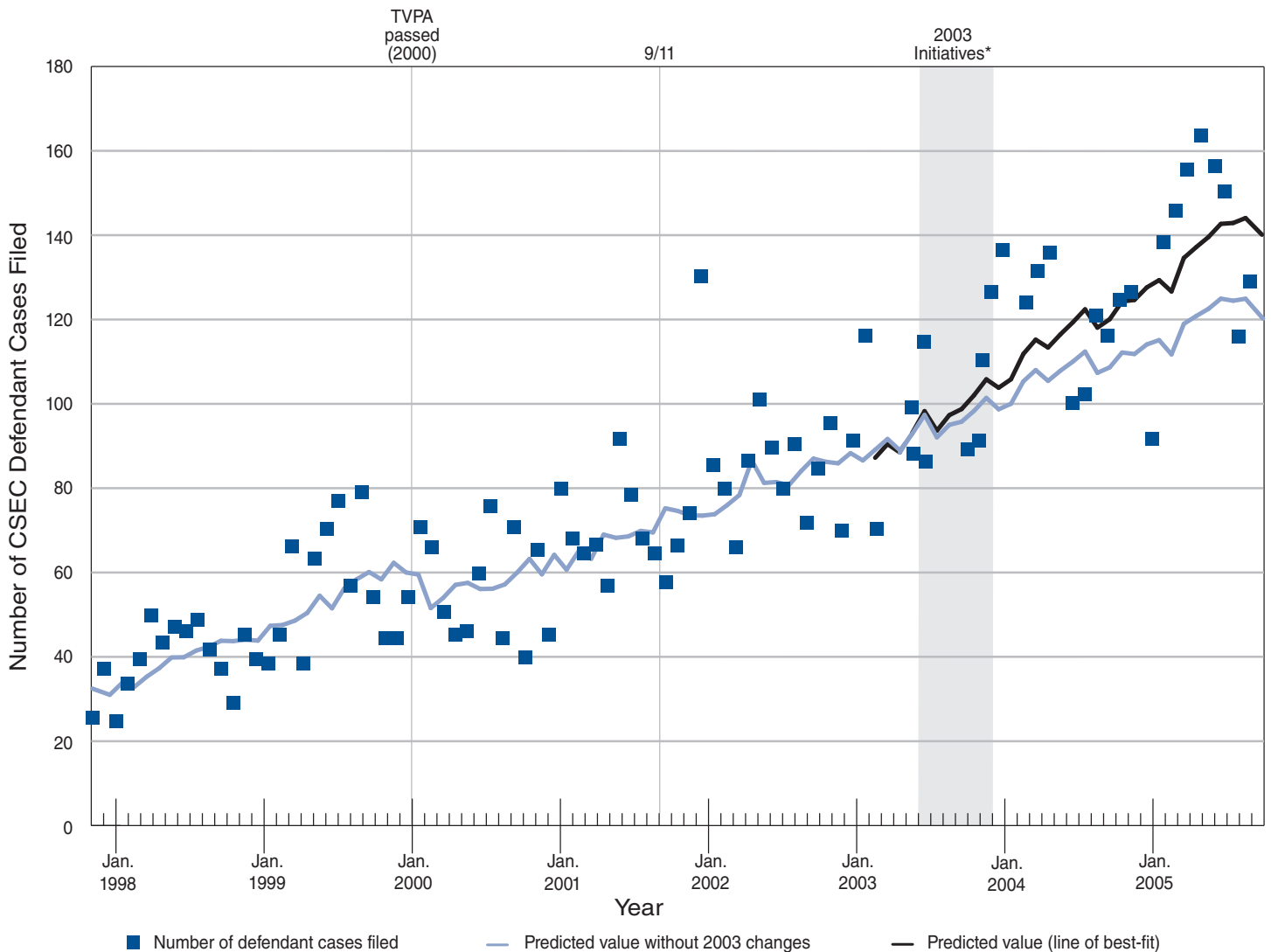
Analysis of FJSRC data showed that the following factors are important in predicting conviction in a CSEC case:

- ◆ **When the case was filed.** Defendants in cases filed after the passage of TVPA of 2000 had a greater chance of being convicted than defendants in cases filed prior to the enactment of TVPA.
- ◆ **Investigative agency.** Cases that the U.S. Customs Service investigated were

more likely to result in conviction than cases that the FBI investigated.

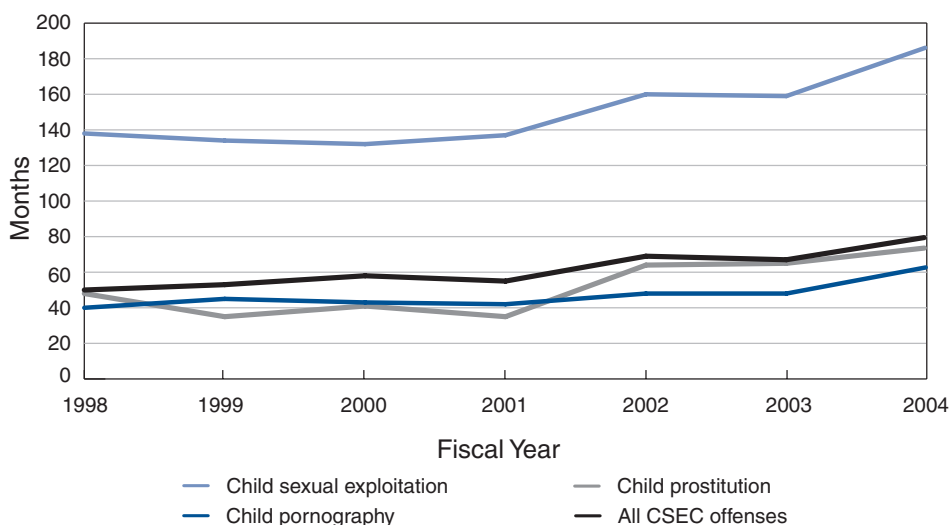
- ◆ **Case processing time.** Cases with longer processing times were more likely to end in conviction.
- ◆ **Presence of codefendants.** Cases with one defendant had greater conviction rates than cases with multiple defendants.
- ◆ **Type of CSEC charge.** Offenders charged with possessing or distributing child pornography were more likely to be convicted than those charged with child prostitution or child sexual exploitation.

Figure 4: Time Series Regression Model Measuring the Impact of Federal Initiatives on CSEC Prosecutions in U.S. District Courts



* Federal efforts implemented in early 2003 include the FBI's Innocence Lost National Initiative, the Trafficking Victims Protection Reauthorization Act, and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act.

Figure 5: Mean Prison Sentence for Commercial Sexual Exploitation of Children (CSEC) Offenses, 1998–2004



Note: The mean prison sentence for CSEC offenders increased to 80 months in 2004.

The following factors helped predict the prison term imposed on CSEC offenders:

- ◆ **Case disposition (plea vs. trial).** Offenders who went to trial received longer sentences (61 months longer, on average) than those who pled guilty.
- ◆ **Race.** Nonwhite offenders received longer prison terms (about 16 months longer) than white offenders.
- ◆ **Education.** Offenders with lower levels of education (high school diploma or less) received longer sentences than offenders with at least some college education.
- ◆ **Type of CSEC charge.** Offenders charged with child sexual exploitation received longer sentences (47 months longer, on average) than those charged with child prostitution or child pornography.
- ◆ **Offense seriousness and criminal history.** As an offender's federal guidelines scores¹¹ on offense seriousness and criminal history increased, so too did the average sentence imposed on the offender.

3. Have U.S. courts increased penalties associated with commercial sexual crimes against children?

Laws associated with CSEC passed since 2000 have increased the penalties associated with CSEC-related offenses. Prosecutors use these laws to secure harsher punishments.

For example, the mean sentence imposed on offenders convicted and sentenced increased from 53 months in 1999 (before TVPA went into effect) to 80 months in 2004 (see figure 5).

4. What are the effects of CSEC legislation on service providers who work with these victims?

Service providers and advocates reported that federal CSEC legislation often focuses on foreign or noncitizen victims, leaving service gaps and questions about the identity of U.S. citizen victims. Providers often have difficulty securing social services for U.S. citizen victims because the legislation focuses on victims from other countries who do not have status in the United States.

The service providers and advocates participating in the practitioner meeting¹² reported that there is an assumption that U.S. citizen CSEC victims have access to specialized services simply because of their citizenship status but suggested that this is not really the case. For example, many juvenile victims do not have access to secured housing.¹³ Practitioners also suggested that federal CSEC legislation shapes the identity of victims. Foreign and noncitizen victims may have an easier time identifying themselves as victims because of how the laws are worded and interpreted, but U.S. citizen victims have a

Recommendations for Practice

The authors analyzed the study's findings and provided several recommendations for practice:

- ◆ Federal prosecutors should examine the reasons why so many cases are declined for federal prosecution and determine whether some declined cases could be brought forward with different policies or better training and resources.
- ◆ Practitioners and prosecutors should support task force participation. If jurisdictions do not have task forces or collaborations, federal and state prosecutors, law enforcement, and service providers should coordinate their efforts to ensure that cases are brought to court.
- ◆ Training opportunities for law enforcement, prosecutors, and judges should be uniform nationwide in terms of content but also tailored to local needs. Training topics should include how to define CSEC, how to decide whether a CSEC case should be tried at the federal or state level, and how to conduct an effective CSEC investigation.
- ◆ The U.S. government should clearly define CSEC at the federal and state levels. It should develop a universal definition of CSEC so that charging decisions are more uniform.

more difficult time identifying themselves as victims. U.S. citizen victims may feel "criminalized" by the process of case investigation and prosecution and opt to drop out of prosecutions.

Conclusion

Key findings from the Urban Institute's study suggest that current federal CSEC-focused legislation is sufficient to address these crimes and that task force efforts are an important component in successful prosecution.

Although considerable progress has been made in CSEC prosecution, more improvements can be made:

- ◆ **Maintain consistent definitions of CSEC.** Greater consistency will help identify victims (both U.S. citizens and

Recommendations for Policy

The authors analyzed the study's findings and provided a number of policy recommendations:

- ◆ Prosecutors use current federal laws against commercial sexual exploitation of children (CSEC). Practitioners and prosecutors agree that these laws sufficiently address CSEC at the federal level, and additional legislation is not needed.
- ◆ Congress should continue to fund CSEC-specific initiatives such as task forces and the national conference in 2003. Without this coordinated strategy focusing on CSEC legislation, CSEC prosecutions probably would not have increased as much.
- ◆ Task force participation is key to success in prosecuting CSEC perpetrators.
- ◆ Service providers, advocates, researchers, and policymakers must agree on terms used in the CSEC field. This will help identify victims and cases.
- ◆ Everyone involved in working with CSEC should use language that qualifies U.S. citizen CSEC victims as “real” victims (e.g., as sex trafficking victims and not as prostitutes) so that the criminal justice process will not make these victims feel criminalized and so that they will be more willing to participate in prosecutions.
- ◆ Victims must have access to specialized services. The U.S. government should conduct a review of services provided to U.S. citizen and foreign national CSEC victims exploited in the United States to ensure that both populations receive the services they need.
- ◆ Policymakers and practitioners must support and fund data collection efforts at the state and local levels. Prosecutors and practitioners see the value in collecting and analyzing data but do not make it a current practice for their agencies and organizations. Congress should make reporting data on CSEC incidents, arrests, prosecutions, and sentences a requirement. Data on CSEC crime victims also should be collected and reported.

foreign nationals), inform how the legal and social services communities can help them, and determine how the legal system should handle offenders.

- ◆ **Provide better training.** Law enforcement, prosecutors, and judges who handle or encounter CSEC cases should receive more training.
- ◆ **Improve data collection.** Researchers should improve efforts to collect and use data to understand what works in preventing and combating CSEC and what helps to identify victims and prosecute cases.

The findings of this study shed light on some important research questions regarding the handling and outcome of CSEC cases in the federal system, but many questions remain unanswered. Continued research on CSEC is needed to create more effective guidelines for policy and practice.

In particular, studies should be undertaken to collect state-level data and assess the efforts of state and local authorities

to prosecute CSEC offenders pursuant to state laws. This study focused solely on the prosecution of CSEC offenders by federal authorities, but these efforts constitute only part of the law enforcement efforts in the United States to apprehend and prosecute CSEC offenders. The efforts of state and local law enforcement should also be examined.

For More Information

To find out more about the study described in this bulletin, read the full report, *An Analysis of Federally Prosecuted CSEC Cases since the Passage of the Victims of Trafficking and Violence Protection Act of 2000*, at www.ncjrs.gov/pdffiles1/ojdp/grants/222023.pdf.

Endnotes

1. 18 U.S.C. § 1591(b)(1) was strengthened under Section 208 of the Adam Walsh Child Protection and Safety Act of 2006. For full text of the legislation, see www.usdoj.gov/

olp/pdf/adam_walsh_act.pdf. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 also refined the language of this section. For full text of the legislation, see www.usdoj.gov/olp/pdf/wilberforce-act.pdf.

2. The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003 increased this penalty to 40 years. Subsequently, the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) strengthened penalties under 18 U.S.C. § 1591(b)(1) to life imprisonment (also see endnote 1).

3. For more information about the Innocence Lost National Initiative, see www.fbi.gov/innolost/innolost.htm.

4. The Polaris Project is an international organization, based in the United States and Japan, committed to combating human trafficking and modern-day slavery.

5. For more detailed and comprehensive background information on CSEC, see the full research report, *An Analysis of Federally Prosecuted CSEC Cases since the Passage of the Victims of Trafficking and Violence Protection Act of 2000*, at www.ncjrs.gov/pdffiles1/ojdp/grants/222023.pdf.

6. See exhibit 3.1 on p. 14 in the full report for the list of the specific statutes that were included. This list was informed by several interviews conducted with federal prosecutors who routinely prosecute CSEC cases for the U.S. Department of Justice and by advice from the Polaris Project.

7. The practitioner focus group made suggestions for future research. See pp. 66–68 of the full report for more information.

8. See figures 3.4 and 3.5; appendix B; and tables 3, 3a, 3b, and 3c in the full report for a more detailed description of reasons why cases were not prosecuted, as listed by CSEC offense.

9. Legislation addressing CSEC in 2003 included the PROTECT Act and the 2003 reauthorization of TVPA (Trafficking Victims Protection Reauthorization Act, 2003). The FBI, in collaboration with the National Center for Missing & Exploited Children and the Department of Justice's Child Exploitation and Obscenity Section, also launched the Innocence Lost National Initiative in 2003, which created national task forces to address the domestic sex trafficking of children. In addition to legislative efforts, anti-human-trafficking and anti-CSEC



organizations from across the country came together in 2003 to host *Breaking the Silence*, the first national youth summit on CSEC (Shared Hope International et al., 2006).

10. For an indepth description of this time series model and its results, see section 3.4.1 in the full report.

11. The Federal Sentencing Guidelines, which federal judges were legally required to use for determining all federal sentences during the study period, consist primarily of two factors: offense seriousness and the offender's criminal history score category (a higher category indicates more criminal history). For more information, see the United States Sentencing Commission Web site at www.ussc.gov/guidelin.htm.

12. Service providers who participated in the practitioner meeting work primarily with victims of sex trafficking.

13. Service providers and advocates participating in the practitioner meeting reported that during the prosecution of a CSEC case, service providers have to make sure the children stay in the system to testify. Staying in the system entails being placed in secure housing for the length of the prosecution. For foreign national victims, this housing is often a shelter with staff trained to deal with this special population. However, for domestic victims, this often means being placed in juvenile detention facilities or foster care with limited or no services. If the children leave the criminal justice or welfare system, participants reported that it can be

difficult to find them again and, if found, service providers have to rebuild their trust and willingness to participate in the case process. See chapter 4: Practitioner Meeting in the full report (p. 60) for more details.

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This bulletin was written by William Adams, M.P.P., Senior Research Associate, Urban Institute; Colleen Owens, Research Associate, Urban Institute; and Kevonne Small, J.D., Ph.D., Trial Attorney, Criminal Section, Civil Rights Division, U.S. Department of Justice (and former Research Associate, Urban Institute).

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