

# An Analysis of Safe Harbor Laws for Minor Victims of Commercial Sexual Exploitation: Implications for Pennsylvania and Other States

The Field Center for Children's Policy, Practice & Research  
University of Pennsylvania

Sarah Wasch, MSW<sup>1</sup>, Debra Schilling Wolfe, MEd<sup>2</sup>, Elizabeth H. Levitan<sup>3</sup>,  
and Kara Finck, Esq.<sup>4</sup>

March 11, 2016

---

<sup>1</sup> Program Manager, Field Center for Children's Policy, Practice & Research

<sup>2</sup> Executive Director, Field Center for Children's Policy, Practice & Research

<sup>3</sup> Practice Associate Professor of Law, University of Pennsylvania Law School; Field Center Faculty Director

<sup>4</sup> Alan Lerner Fellow in Child Welfare Policy (JD anticipated 2017)

# **An Analysis of Safe Harbor Laws for Minor Victims of Commercial Sexual Exploitation: Implications for Pennsylvania and Other States**

## **Executive Summary**

Child sex trafficking is increasingly recognized as a compelling legal and social problem in the United States. Reliable data does not yet exist due to both the paucity of scientific research and underground nature of the crime, but some estimates suggest a minimum of 100,000 cases of sexually exploited children on an annual basis. Although this issue may have appeared on the nation's radar only recently, the term "child sex trafficking" has supplanted "child prostitution" as the prevailing thought, shifting responsibility to the perpetrator's actions rather than focusing on those of the victim.

By the end of 2015, a full two-thirds of states had passed some version of "Safe Harbor" legislation to move from a prosecutorial to a victim services focus for child sex trafficking victims. Safe Harbor legislation seeks to offer and engage victims in rehabilitative services in lieu of charging them with a crime. This paper examines the structure and components of Safe Harbor laws across the nation, challenges faced, and lessons learned, with recommendations for Pennsylvania and the other remaining states yet to pass Safe Harbor laws.

New York was the first state to enact a Safe Harbor law, which went into effect in 2010. Due to the variance in laws from state to state, relatively recent implementation, and a paradigm shift in the criminal justice system approach to victims of commercial sexual exploitation, little outcome data exists at the present time. One of the more promising findings is that Minnesota, considered model legislation, evaluated their program after its first year of implementation and found a dramatic increase in both charges and convictions against sex traffickers subsequent to enacting Safe Harbor legislation. It is important to note that a greater focus on sex trafficking of minors often accompanies such legislation and may play a part in such findings.

To inform recommendations for future legislation and program development for victims of sex trafficking, the authors conducted an examination of the research on victim compliance with specialized services, utilization of the child welfare system in lieu of the juvenile justice system, and approaches to gain compliance with prosecution of traffickers. The research supports engaging victims of sex trafficking in a voluntary system of trauma-informed specialized services to encourage their healing, foster service compliance, and develop trust so that they will assist in the identification and prosecution of sex traffickers. Involuntary detention was found to replicate the trauma experienced by sexually trafficked youth, preventing recovery, and increasing the likelihood of recidivism. In order to develop specialized services to be available in lieu of prosecution, it is suggested that implementation of new Safe Harbor legislation take place no less than six months after its passage.

Better data collection and further research will assist in better understanding the problem of sex trafficked youth and the impact of Safe Harbor legislation and its various components.

## Introduction

The recognition of and response to the commercial sexual exploitation of minors, or child sex trafficking, is a domestic problem gaining national attention in recent years. For many years, child sex trafficking was perceived as an international issue, not a domestic one. Increasingly, there is greater awareness and acceptance of the existence and prevalence of sex trafficking of children in the United States, a crime that shifted philosophically from child prostitution, with the onus on the child, to sex trafficking, with the onus on the predator. As a result, legal and social service systems face the challenge of addressing the multidimensional needs of these children.

Commercially exploited children are victims of human trafficking, defined as the recruitment and/or movement of someone within or across borders, through the abuse of power or position with the intention of forced exploitation, commercial or otherwise.<sup>1</sup> Despite numerous attempts to estimate the annual number of child trafficking victims in the United States, none are based on a strong scientific foundation and thus no reliable estimates exist.<sup>2</sup> The available estimates on the number of sexually exploited children in the U.S. vary greatly, from a low of 100,000 to a high of 500,000 annually, although later reports caution that preliminary estimates of this population may also include youth at risk for sexual exploitation, and that the true incidence is unknown.<sup>3,4,5</sup>

A 2013 Covenant House study of runaway and homeless youth in New York City found that 12% of youth who sought shelter at Covenant House had experienced some form of sex trafficking victimization.<sup>6</sup> As victims of human trafficking are often hidden from service providers, law enforcement, and researchers, the percentage of youth who experience human trafficking is very likely much higher.<sup>7</sup> Although, for example, in 2015 the National Human Trafficking Resource Center Hotline received reports of 1,621 cases of trafficking of minors, reliable data on its true prevalence does not exist. More research is still needed on the scope of human trafficking as the official number of victims nationwide is not known.<sup>8,9</sup>

How law enforcement responds to child victims of sex trafficking varies widely across states. Although nationally many youth are prosecuted for prostitution and related crimes, there are compelling reasons to address these youth as victims given their age, capacity to consent, and the documented use of force, fraud and coercion in these cases. The last few years have seen a national paradigm shift, in which minor victims of sex trafficking are not viewed as delinquents but rather as victims in need of services. Indeed, foreign victims of sex trafficking in the United States are protected by international laws and have traditionally received supportive services to address their victimization. In contrast, victims of trafficking that are United States citizens have historically been subject to prosecution and charged with criminal violations.<sup>10</sup>

Enacted on the state level, “Safe Harbor” laws provide protective provisions for juvenile victims, ensuring that they are not prosecuted for crimes and instead have access to rehabilitative and protective services. Safe Harbor laws often establish victim services,

develop protocols for targeting perpetrators and traffickers, and divert child victims of sex trafficking from the juvenile justice system to the child welfare system. The laws vary widely, and experts disagree on the exact provisions that best protect children from sexual exploitation.<sup>11</sup>

Safe Harbor laws are an important step in recognizing the needs of traumatized child victims of sex trafficking instead of continuing to arrest, prosecute, and detain them as criminals. States must determine the most effective way to allocate resources and address the problem from their own needs. Although the tactics and strategies may take different forms from state to state, the fundamental goals of Safe Harbor Legislation should include certain provisions, including: treating minor victims of sex trafficking as victims instead of criminals, providing social/psychological services and legal protections to victims, prosecuting pimps as sex traffickers, and ensuring that resources are available to protect these vulnerable members of society.<sup>12</sup>

### **National Perspective**

As of late 2015, 34 states have passed Safe Harbor legislation.<sup>13</sup> The provisions and protections in existing Safe Harbor laws differ greatly across states. There are a variety of choices that must be made when determining a policy response to this issue. Effective Safe Harbor statutes must address not only the issue of whether to charge a youth or provide immunity from prosecution (decriminalization), but also whether or how to obtain appropriate referrals to service providers regardless of legal outcomes.<sup>14</sup>

Some states, such as Connecticut, Tennessee and Texas have Safe Harbor laws that prohibit prosecution but offer little else in terms of protection or services. Other states do not decriminalize prostitution and/or related crimes for minor victims, but have created a diversion to social services program for minors that are arrested or charged. This diversion is subject to the discretion of authorities: in New York, a judge; in Washington, the prosecutor; or in Vermont and Massachusetts, both. Illinois and Minnesota offer both decriminalization plus a mandatory diversion to services model.<sup>15,16</sup> Minnesota's Safe Harbor Program, known as *No Wrong Door*, includes a mandatory diversion for the first offense of prostitution or prostitution-related charges for 16 and 17 year olds. Although youth in this age group who have a second offense may be arrested and charged, youth under 16 years old are deemed not delinquent and are immune from prosecution for sex crimes.<sup>17</sup> Many states allow for youth to be arrested and charged, but youth may use an "affirmative defense," a set of facts that defeats or negates the legal consequences of the defendant's otherwise unlawful conduct or criminal liability, to have charges dismissed without requiring proof of force or coercion; the states that have adopted this provision are Connecticut, Arkansas, Kansas, Texas, and New Jersey. Other states, including Alabama, New Hampshire, South Dakota, Georgia, Iowa, Massachusetts, Missouri, Oregon, South Carolina, and Rhode Island, permit a defendant to raise affirmative defense only in cases where force, fraud, or coercion

occurred. Ohio offers conditional dismissal of prostitution charges if the child complies with the requirements of diversion into social services programs.<sup>18</sup>

A number of organizations and researchers have collected information on the various statutes and components of each state's Safe Harbor legislation.<sup>19,20,21,22,23</sup> Each organization provides a slightly different definition of what constitutes "Safe Harbor." Shared Hope International has conducted extensive research in the field of human trafficking and provides one of the most comprehensive overviews of existing Safe Harbor laws nationwide. The 2015 "JuST Response State System Mapping Report: A Review of Current Statutes, Systems, and Services Responses to Juvenile Sex Trafficking" notes that although some states use a blended or unique approach, most states fall into one of four categories of response to juvenile sex trafficking:

- *Immunity without referral*: provides immunity from prostitution-related charges to direct juvenile sex trafficking victims away from a punitive response but does not statutorily direct them into an alternative system or specialized response for access to services.
- *Immunity with referral*: provides immunity from prostitution-related charges and directs juvenile sex trafficking victims to an alternative system or specialized response for access to services.
- *Law enforcement referral to a protective system response*: does not make minors immune from prostitution charges but directs or allows law enforcement to refer minors suspected of prostitution offenses to child welfare or other system-based services instead of arrest.
- *Diversion process*: does not make minors immune from prostitution charges but allows or requires juvenile sex trafficking victims to be directed into a diversion program through which victims can access specialized services and avoid a delinquency adjudication.<sup>24</sup>

In 2014, The Polaris Project released a comprehensive report rating all 50 states' approaches to combatting human trafficking. At the time of that report, 15 states received "full credit" for having Safe Harbor Laws with provisions that relate to both immunity/diversion and services for the child. Seven states received half credit, as they only provided either services for child victims or immunity from prosecution/diversion from juvenile delinquency proceedings. Five states were noted as having a law that meets the partial requirements of the category, and 23 states, including Pennsylvania, did not receive any credit in the category of Protecting Sexually Exploited Minors.<sup>25</sup>

Shared Hope's Protected Innocence Challenge conducts an annual study of state laws addressing domestic minor sex trafficking and provides a report card to each state grading its laws and an analysis with recommendations.<sup>26</sup> This study is designed to equip policy makers and advocates address gaps in the protection of child victims. In 2015, Pennsylvania ranked 35<sup>th</sup> in the nation on the effectiveness of 41 legislative components addressing domestic minor sex trafficking. On the specific measure of

providing protective provisions to child victims, Pennsylvania ranked near the bottom, rating of 45<sup>th</sup> out of 51, including all 50 states and Washington DC.<sup>27</sup>

Although no comprehensive studies of all existing Safe Harbor law implementations and outcomes exist, a study published in 2015 analyzed Safe Harbor laws in the nine states with over two years of experience implementing them as of the time of the research, and found some consistent themes and recommendations. In this study, 37 experts on Safe Harbor laws were interviewed. The interviewees represented the nine participating states (Connecticut, Florida, Illinois, Massachusetts, Minnesota, New York, Tennessee, Vermont, and Washington). The study also interviewed three experts providing a national perspective, and one expert from Texas, as Texas decriminalized juvenile prostitution through a Supreme Court decision in 2012.<sup>28</sup> Participants in the study concurred on several key issues:

- Delayed implementation of Safe Harbor laws is recommended, as development of programs often lagged behind the dates designated by the laws. It can set the program up for failure if youth are referred to systems that are not ready to receive them for treatment. It is more sustainable to develop high quality programs in the beginning than to build the programs as you go, which can be chaotic.
- Providing alternatives to criminalization is a core component of Safe Harbor laws and many participants expressed that placing traumatized children in the criminal justice system is never best for the child. Rather, a referral to the child welfare system is viewed as not punitive and will not result in the youth having a criminal record.
- Related to the implementation timeline, participants cautioned that adequate diversion options need to be in place to make decriminalization a sound option.
- All participants in the study agreed that Safe Harbor laws should protect all youth until the age of 18 years, and many cited that Illinois and Minnesota were the states closest to model legislation.<sup>29</sup>

Some of the challenges of implementation are currently being addressed in Florida, where cases of commercially sexually exploited children are diverted from the juvenile justice system to the child welfare system. A June 2015 Florida Legislature Report stresses the importance of determining the effectiveness of treatment interventions. The lack of longitudinal data, small number of clients served, and high frequency of commercially sexually exploited youth refusing to remain in out-of-home care indicate the need for continued efforts to evaluate state responses.<sup>30</sup> The Florida Senate Analysis further found that there were insufficient beds in designated “Safe Houses” (only 18 in the state) and that increased training in trauma counseling is needed to effectively treat these youth.<sup>31</sup>

Although some lawmakers or policy advocates feel that detaining youth in “Secure Safe Houses,” facilities that mirror a detention center in locked nature and inability to leave, is

the best practice to protect them, others disagree.<sup>32</sup> Both researchers and advocates assert that, regardless of whether the child is under the jurisdiction of the criminal justice or child welfare system, detainment against their will may delay a victim's recovery. A mandatory placement places the child in the role of a criminal and thus they are controlled and victimized again by the system charged with protecting them.<sup>33</sup> Counselors and treatment team members will be hampered in gaining the victim's trust when the services are mandatory.<sup>34</sup> Locking up youth as a mechanism to protect them sets a harmful policy precedent and violates the child's basic human rights. These children should be treated as any other victim.<sup>35</sup> As experts in the field of human trafficking assert, treatment, healing and recovery cannot occur in a locked, forced environment on a prescribed timeline. Such a facility only replicates the control, isolation and stigma experienced during trafficking. A comprehensive multidisciplinary community approach offering victim-centered services will be more effective in fostering healing and growth for the child.<sup>36</sup>

In 2007, the U.S. Department of Health and Human Services studied existing programs and facilities addressing the needs of minor victims of domestic sex trafficking and made recommendations to improve services to this vulnerable population. Promising components of effective treatment programs include serving a homogenous population, a voluntary stay of at least 18 months, a location that provides safety and security, trained professional staff, and a range of trauma-informed services while residing in the program.<sup>37</sup> Trauma-informed care, an organizational structure and treatment framework involving understanding, recognizing, and responding to the effects of all types of trauma, requires professionals to learn how to minimize the effects of trauma without causing additional trauma.<sup>38,39</sup> Victims of human trafficking should have access to trauma-informed services to meet their complex variety of needs in addition to trauma-specific treatment designed to treat the ongoing symptoms of their victimization.<sup>40</sup> Therapeutic safe houses utilizing the components described above are regarded by many experts in the field as the most effective and cost-efficient means to provide services to victims.<sup>41</sup>

## **Victim Compliance with Services**

One of the primary goals of Safe Harbor laws is to enhance and improve current services available in each state to sexually-trafficked youth. These children may be offered services through a referral to the public child welfare system or specialized programming to respond to the unique needs of this population. Without a Safe Harbor law in place, minor victims of sex trafficking may be detained by authorities and charged with prostitution and related crimes, often being convicted and incarcerated. Incarceration serves the sole purpose of separating the victim from the perpetrator of the abuse; does not guarantee a willingness to engage in treatment. Prosecution and detainment of victimized children repeats the cycle of trauma and control that they have already experienced during their trafficking, and leaves youth with a criminal record for crimes that were perpetrated against them.

When commercially sexually exploited children are viewed as victims instead of offenders or criminals, participation with services becomes voluntary. Service providers must gain the trust of juvenile victims for therapeutic or treatment services to be effective. Windie Lazenko, founder of 4her North Dakota and a survivor of sex trafficking, says it's only possible to help victims when they're ready to leave the sex trade. "Rescue missions are not possible. When they are ready, victims need a safe place to go that can serve as an entry point to other helpful programs," she states.<sup>42</sup>

Unfortunately, due to the recent implementation of Safe Harbor laws, there is little data available on the outcomes for youth who are referred to social services instead of detained through the criminal justice system. New York was the first state to enact a Safe Harbor law, which went into effect in 2010, and there is not yet a strong body of research specifically in this area.<sup>43</sup> Many articles in peer-reviewed journals, law reviews, and legislature reports confirm the scarcity of information related to juvenile compliance with services. Safe Harbor laws represent a paradigm-shift for legal and social systems and very few external evaluations of commercial sexual exploitation child treatment programs currently exist.<sup>44,45</sup> As of early 2015, no studies have systematically examined the quality of services offered to sexually exploited youth in the United States. Similarly, researchers have not yet examined the effects of repeated contact with the criminal justice system on sexually exploited youth, and there are no studies to date that have systematically evaluated the implementation of Safe Harbor policies in various states.<sup>46</sup>

Despite the lack of national data, Minnesota is making unique advances in evaluation. The Minnesota Department of Health and Human Services recently released *The Safe Harbor First Year Evaluation Overview*, the first report of its kind in the nation. The evaluation of Minnesota's Safe Harbor Program, *No Wrong Door*, highlights promising findings. Out of 163 independent referrals that were made by child welfare agencies, law enforcement, community agencies, and other youth-serving systems to Regional Navigators, statewide coordinators of human trafficking victim services, 129 clients accepted and participated in services. The clients all participated voluntarily, as there were no pending criminal charges or detainment. Services provided include housing, health care, counseling, and legal services. An additional 37 clients were referred for services but were ineligible to receive them through Safe Harbor funding, mostly due to being over the age of 18. Respondents reported that the first year of the *No Wrong Door* program impacted Minnesota by increasing awareness, understanding and conversation about the response to and prevention of the commercial sexual exploitation of youth. Recommendations from the report called for increased funding for the program, developing more transportation, housing, and 24-hour services, and expanding the age limit of the Safe Harbor Law so that more victims are eligible to receive services.<sup>47,48</sup>

The *CHANCE* (Citrus Helping Adolescents Negatively impacted by Commercial Exploitation) pilot program in Florida, a partnership among Citrus Health Network, Florida DCF, and Our Kids of Miami-Dade/Monroe, was evaluated in 2014. The

program served 53 clients out of a capacity of 55. Youth were either placed in therapeutic foster homes or served in a community-based model. Clients received individualized clinical treatment, family therapy, a targeted case manager, a life coach, and behavioral services when necessary. In the first pilot year of the program, youth functioning and strengths increased across more than 10 life domains, including social and recreational functioning, developmental, sexuality, legal involvement, and school behavior, attendance, and achievement. Risky behaviors, including intentional misbehavior, delinquency, running away, sexual aggression, and danger to others decreased during this time.<sup>49,50</sup>

## **Victim Compliance with Prosecution of Traffickers**

One of the concerns in decriminalizing prostitution and related crimes for minor victims is that, when victims are not detained, they will not cooperate with prosecution of traffickers and/or purchasers of illegal commercial sex. Safe Harbor laws aim to increase prosecution of the perpetrators of human trafficking while working with the states and communities to decrease buyer demand. For the maximum impact and most effective outcomes, it is essential that the trafficked minors cooperate with authorities. However, a victim who is referred to social services and remains in the community may choose not to assist with investigations or testify against their trafficker.

Although it may seem effective to detain minor victims through the legal avenues of arrest and prosecution with an eye to increase cooperation, a trafficked youth is unlikely to cooperate simply due to the threat of legal action against them.<sup>51</sup> Traffickers often threaten their victims or their victims' families if they cooperate with law enforcement.<sup>52</sup> Many of the youth victims perceive their trafficker as a boyfriend or father figure, or have developed an intense connection to their trafficker, displaying symptoms of Stockholm syndrome, a psychological response when a captive or victim begins to identify or sympathize with their captor or abuser.<sup>53,54,55</sup>

When victims of sex trafficking irrationally see their trafficker in a positive light, despite the controlling or abusive behavior that is displayed towards them, they may deny that they have traffickers, thus further protecting the traffickers from prosecution.<sup>56</sup> Traffickers use tactics such as developing loving relationships and then slowly coercing victims into commercial sexual activities as a way to pay off debts or maintain the relationship. Similar to the perspective of many battered women who do not leave their abusers, many victims of sexual exploitation dismiss these experiences while holding on to the hope that the love and life promised by their trafficker or pimp will follow.<sup>57</sup> Traffickers frequently target vulnerable individuals, including young and/or insecure girls who are often not capable of protecting their own best interest, and victims of abuse who may see the abuse of the trafficker as still better than the situation they left.<sup>58</sup> Victims may be hesitant to turn against the trafficker or pimp due to either not wanting to give up on the hope of a better life or having nowhere else to turn if this person is not providing for them, in whatever meager way that may be.

The National Center for Missing and Exploited Children reports that commercially exploited children are targeted, tricked, and traumatized by their traffickers or pimps. They are psychologically manipulated to believe they are loved and cared for, often while experiencing physical control. Youth may develop a “trauma bond,” or a relationship that results from coercive control in which the perpetrator instills in the victim fear as well as gratitude for being allowed to live.<sup>59</sup> This relationship may also cause a strong emotional attachment between a manipulative abuser or exploiter and victim that may take many months of treatment to reframe.<sup>60</sup>

Better outcomes can be achieved when victims willingly participate in investigations and prosecutions. Victims who are receiving supportive services such as counseling and victim advocacy will be better equipped to participate in legal proceedings against their traffickers. It is easier for states and authorities to build trusting relationships with victims when there is no risk of their being prosecuted and they are supported by a continuum of trauma-informed services, and thus their cooperation comes from their own volition.<sup>61</sup>

Minor victims of sex trafficking have often been conditioned by their traffickers to fear punishment from law enforcement, decreasing the likelihood that the youth will seek help on their own. In some states, such as Washington and Oklahoma, law enforcement officers and prosecutors are attempting to build rapport with victims of exploitation in their communities in hopes of getting them to testify against their traffickers.<sup>62</sup> They are finding that to increase chances of cooperation during an investigation, police should approach victims with non-judgmental and empathetic questions about their needs. Additionally, youth who are not known to law enforcement may be more willing to seek legal or medical assistance, which could lead to their rescue and rehabilitation, if they do not fear prosecution against themselves.<sup>63</sup>

Preliminary data in this area is encouraging. Minnesota, a state widely regarded as one of the best models for combatting sex trafficking, has seen an increase in cooperation with law enforcement in addition to higher numbers of convictions against traffickers since passing Safe Harbor legislation.<sup>64</sup> The Minnesota Safe Harbor Law, passed in July 2011, includes a comprehensive and enhanced approach to investigating and prosecuting traffickers, resulting in a dramatic increase in charges and convictions against sex traffickers in Minnesota from 2010 to 2013.<sup>65</sup> Additional research on the relationship between Safe Harbor legislation and legal outcomes would be beneficial.

The Minnesota Office of Justice Programs cautions that the reported numbers of human trafficking victims and crimes do not reflect the full extent of the issue, as most individuals involved in human trafficking do not come to the attention of the authorities. The biannual reports to the Minnesota Legislature on Human Trafficking in Minnesota show that the numbers of juvenile victims of sex trafficking who received services were much higher than the number of criminal cases pursued.

In 2009, Minnesota service providers reported assisting 197 child victims of sex trafficking, in 2011, 243 youth victims were served, and in 2013, only 154.<sup>66,67,68</sup> The large increase from 2009 to 2011 is followed by a sharp decline from 2011 to 2013, indicating that the passage of Safe Harbor legislation in 2011 does not appear to have an effect on the total number of sex trafficking cases; rather the legislation is effective at increasing prosecutions and convictions in cases known to the authorities.

Table 1 displays the bi-annual numbers of child victims known to and assisted by service providers in Minnesota from 2009 to 2013. Table 2 shows the comparison of individuals charged with crimes of sex trafficking and those convicted spanning the time before Safe Harbor legislation was implemented through two years after.

**TABLE 1**

<b>Description</b>	<b>2009</b>	<b>2010</b>	<b>2011*</b>	<b>2012</b>	<b>2013</b>
Child Victims assisted by service providers	197	data not reported	243	data not reported	154

**TABLE 2**

<b>Description</b>	<b>2009</b>	<b>2010</b>	<b>2011**</b>	<b>2012</b>	<b>2013</b>
Number of Perpetrators Charged with Sex Trafficking	26	17	38	81	72
Number of Perpetrators Convicted of Sex Trafficking	7	14	7	31	63

\* Safe Harbor Legislation passed in July 2011

The bi-partisan Safe Harbor legislation and increased focus on identifying and prosecuting traffickers has widespread support throughout the state. Minnesota Representative Erik Paulsen states that Safe Harbor “helps law enforcement because when you remove that fear of criminalization, they share more about the bad guys. It’s worked very effectively in Minnesota.”<sup>69</sup>

## **Emerging Trends, National Developments, and Implications for States Considering Enacting Safe Harbor Legislation**

Although the National District Attorneys Association (NDAA) has not officially endorsed or opposed Safe Harbor laws, a number of their own publications from the National Center for Protection of Child Abuse adopt a framework where juveniles involved in domestic minor sex trafficking should be viewed as victims and not criminals.<sup>70,71</sup> NDAA uses the example of a 45-year-old man having sex with 14-year-old girl and emphasizes that, for the same behavior, the only differentiation in treatment of the child is whether or not there is an exchange of funds for the sex act.<sup>72,73</sup>

As early as 2008, attorneys at the NDAA began advocating for courts to recognize these minors as victims of prostitution and consider reclassifying their legal status. It was recognized that resources must be developed to protect them from further victimization.<sup>74</sup> Grace M. Broughton, a Staff Attorney with the NDAA's Center for Prosecution of Child Abuse, writes that "Safe Harbor laws are a step in the right direction and that states continuing to treat victims as perpetrators re-victimize children who have already suffered tremendously."<sup>75</sup>

It is important that the provisions of the legislation are communicated to and supported by those responsible for implementation of Safe Harbor legislation. After the passage of the new Safe Harbor Law in Minnesota, the Department of Health worked closely with the County Attorney Offices to distribute information to all law enforcement professionals. The summary and memo that was developed clearly addressed the new legal statutes and rationale, implications for professional conduct, and who to contact during a juvenile sexual exploitation investigation or with questions.<sup>76</sup> Such a document or training and development plan is essential during the initial implementation period of a Safe Harbor law.

There is growing consensus among experts about the fundamental characteristics of Safe Harbor laws. The preference for immunity from prosecution for prostitution and related crimes is shared by many legal scholars and policy advocates. The Uniform Law Commission (ULC) recommends immunity for minor victims of sex trafficking, in addition to advocating for immunity from prosecution to apply to minor victims of labor trafficking and for related crimes they may have been forced to commit during their exploitation.<sup>77,78</sup>

In 2011, the American Bar Association Commission on Youth at Risk passed a resolution urging states not to charge children under the age of 18 with prostitution or related crimes but instead to develop and provide services.<sup>79</sup> Polaris, a global leader in fighting human trafficking, recognizes that the decisions on the best legislation for a state to address the sexual exploitation of minors are complex and hopes to support evolving best practice in this area.<sup>80</sup>

Federal Legislation has already addressed the treatment of child victims of sex trafficking with the passage of the Federal Trafficking Victims Protection Act of 2000 (TVPA). The TVPA defines “sex trafficking” as “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.” “Severe forms of trafficking in persons” is defined to be by “force, fraud, coercion” or to be for persons “less than eighteen years old.”<sup>81</sup> The TVPA establishes federal guidelines for combatting human trafficking. A relevant provision is the disbursement of grant funding to states to expand services for victims of sex trafficking and severe sex trafficking. For states to be eligible for federal funding under TVPA, they must (1) have Safe Harbor laws in place and (2) must provide assurance that a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to residential care or services. The legislative intent of removing sexually exploited children from the criminal justice system and instead providing them with child welfare services protects children from the threat of criminal conviction to secure cooperation.<sup>82</sup>

The Justice for Victims of Trafficking Act of 2015 is the most recent reauthorization of the TVPA. The intent to expand services to victims while limiting their involvement in criminal proceedings is clear. Grant funding to states is available from the Domestic Victims Trafficking Fund to combat trafficking, provide protection and assistance for victims of trafficking, develop and implement child abuse investigation and prosecution programs, and provide services for victims of child pornography. All states, including Pennsylvania, have incentives to pass comprehensive Safe Harbor laws to be competitive for federal grant funding. The Act encourages states to treat minors involved in commercial sex acts as “victims of a severe form of trafficking in persons” and discourages the prosecution of such individuals for a sex trafficking or prostitution offense. It is recommended to divert such an individual to appropriate service providers, including child welfare services, victim treatment programs, child advocacy centers or other social services.<sup>83</sup>

In 2010, the Texas Supreme Court set a national precedent by ruling that a child below the legal age of consent cannot be found guilty of prostitution.<sup>1</sup> In this case, *In re B.W.*, the legal age used was 14, as the sexual assault statutes determined that there may be some defenses in non-consensual sex charges for youth ages 14-17, but that no one under 14 may consent to sex.<sup>84</sup> Although nationwide many youth have been prosecuted and convicted for prostitution, this was the first appeal of its kind heard in a state supreme court. The decision emphasized some important distinctions about society’s responsibility to protect juvenile victims of sex trafficking. The Texas Supreme Court pointed out that the juvenile justice system is not the only option for prostituted children to receive needed social services. Laws currently exist or that can be amended to allow

---

<sup>1</sup>**Background:** Juvenile defendant was convicted of engaging in delinquent conduct by committing offense of prostitution, following guilty plea in the 314th District Court, Harris County, John Franklin Phillips, J. Defendant appealed. The Houston Court of Appeals, First District, 274 S.W.3d 179, affirmed. Defendant appealed.

**Holding:** The Supreme Court, O’Neill, J., held that defendant could not legally consent to sex, and thus could not be adjudicated delinquent for offense of prostitution. Thomas L.J. 96.

child survivors of commercial sexual exploitation to receive medical, physical, social, and therapeutic services through child welfare agencies.<sup>85</sup>

*In re B.W.* highlights that child welfare agencies should be appropriately prepared to work with victims of human trafficking. Simply charging juveniles with a crime and detaining them does not ensure that they receive support and rehabilitation. Incarceration for non-violent youth such as victims of sexual trafficking or exploitation often does more harm than good.<sup>86</sup> Traditional approaches to treating sexually exploited youth as delinquent are not effective because they focus on the youth's delinquency and not the underlying causes. These youth are actively being victimized and are in need of a multitude of services that the juvenile justice system is not equipped to provide.<sup>87</sup> Although the child welfare system may not have a perfect solution in place for each child, overall the system is accustomed to handling the needs of abused and neglected children.

Youth who are placed in the juvenile justice system are not detained forever, so the problem is only delayed, not solved. Youth leaving juvenile detention centers have dismally high rates of negative life outcomes, including reoffending, substance abuse, mental health issues, unemployment, lack of education, and homelessness after reintegration into society.<sup>88</sup> The poor outcomes for youth leaving juvenile justice facilities are estimated to cost \$1.5 million for each person who begins criminal activity as a youth and does not successfully reintegrate into society.<sup>89</sup>

The children in the juvenile justice system in the United States face less-than-desirable conditions. Although the goal of juvenile confinement is stated to be rehabilitation, most facilities are primarily punitive in nature. Most children are not given psychological treatment, appropriate education, and other supportive services.<sup>90</sup> Juvenile justice facilities systematically fail to provide appropriate treatment and rehabilitation to children who need services in preparation for reintegration. If facilities do offer any type of support services, they are typically generic rather than specialized, and do not address the underlying needs causing a particular behavior, for example commercial sexual activity<sup>91</sup>. Victims of sex trafficking need access to services that will ultimately allow them to function in society as independent adults.

Further, many studies show that recidivism in the juvenile justice system is alarmingly high. A 2005 study of almost 2,500 parolees from a juvenile correctional facility in the southwest United States found that as many as 85% of state delinquents were re-arrested in a five year follow up period.<sup>92</sup> Commercially sexually exploited youth are more likely to follow a trajectory of delinquency if they remain in a criminal placement instead of receiving services for their victimization. Additionally, if youth complete their criminal sentence and then are returned back to the setting in which they were exploited, they are likely to experience continued victimization, especially if they did not receive treatment and intervention during incarceration.<sup>93</sup>

Diverting victims of commercial sexual exploitation from juvenile detention facilities to other systems of care has both a victim-centered and financially responsible outcome. Detention facilities can cost between \$200-\$300 per day, and many youth spend time in detention centers awaiting legal proceedings and permanent placement decisions.<sup>94,95</sup>

## **Enacting Safe Harbor Legislation in Pennsylvania**

The Shared Hope Protected Innocence Challenge's Pennsylvania State report card finds that gaps in the state laws do not address the needs of vulnerable domestic minor sex trafficking victims, and makes a number of recommendations for improvement to the protective provisions for child victims. Their recommendations include:

- Amending the Crime Victims Act to specify that victims of human trafficking and commercially sexually exploited children qualify as victims
- Adding a provision that prohibits a consent defense in prosecutions where the sexual offense is commercial in nature and involves minors
- Eliminating liability for prostitution offenses for all minors under 18
- Enacting a mandatory protective response for juvenile sex trafficking victims that provides an avenue to specialized services outside detention
- Amending the definition of "custodian" and the definition of "perpetrator" to allow child welfare protection for juvenile sex trafficking victims irrespective of the perpetrator of the abuse
- Amending the crime victims' compensation rules to stipulate an exception to the ineligibility factors for minor victims of sexual offenses where the sexual offense is commercial in nature and for minor victims of trafficking in when the purpose is for sexual servitude
- Eliminating the statute of limitations for commencing prosecutions of trafficking in persons and commercial sexual exploitation of children offenses<sup>96</sup>

The Shared Hope recommendations for Pennsylvania address many of the fundamental aspects of a comprehensive Safe Harbor law. Victims would be easily referred to the child welfare system for trauma-informed care and Pennsylvania could increasingly target the perpetrators of abuse.

Pennsylvania can take advantage of federal money to ensure that effective programming is developed to target this population. Pennsylvania is well-positioned to service juvenile victims of sex trafficking through its existing network of Child Advocacy Centers (CACs) - child-friendly facilities where multidisciplinary teams, including representatives from child welfare and law enforcement, can collaborate on child sexual abuse investigations and case planning.<sup>97</sup> Pennsylvania's Child Advocacy Centers are accredited through the National Children's Alliance in accordance with 10 nationally-determined standards. The Pennsylvania Chapter of CACs and Multidisciplinary Teams lists 25 operational CACs as of January 2016.<sup>98</sup> This number has increased from 2014, when Pennsylvania had 22 CACs. In 2014, the Pennsylvania Commission on Crime and

Delinquency (PCCD) commissioned the Field Center for Children’s Policy, Practice, and Research to conduct a statewide assessment and propose a plan to provide all victims of child sexual abuse in Pennsylvania with access to the specialized services of child advocacy centers, including trauma-informed specialized behavioral health services.<sup>99</sup> With the support of PCCD, Pennsylvania is making progress in ensuring that such specialized services to address the legal, physical, emotional, and social needs of victimized youth will be broadly available.

## Summary

The national trend among state legislators, policy advocates, and service providers is moving toward a victim-centered approach that does not treat commercially sexually exploited youth as criminals. Many themes and approaches have emerged that incorporate the most contemporary responses to victims of human trafficking.

- The number of states with Safe Harbor legislation continues to grow each year. Beginning in 2010 with New York, every passing year sees an increase in the number of states that are developing Safe Harbor laws for victims of human trafficking. Although the provisions and protections for victims vary from state to state, 34 states to date have developed a legislative response to the commercial sexual exploitation of children.
- Safe Harbor legislation complies with federal guidelines for combatting human trafficking. The Trafficking Victims Protection Act of 2000 and The Justice for Victims of Trafficking Act of 2015 encourages states to treat minor victims of trafficking as victims and to expand services while discouraging the prosecution of victims.
- Treating minor victims of commercial sexual exploitation as criminals violates the child’s human rights. Recognition of these children as victims and not criminals is viewed by human rights scholars as the best approach to responding to victims of human trafficking. Detainment against their will, even with the goal of protection from further abuse, replicates the control and stigma experienced during trafficking.
- Victim services are more effective when they are voluntary and trauma-informed. Empowering victims to choose to participate in treatment is essential for therapeutic services to be effective. Victims of sex trafficking have been disempowered, having lost control of the essence of their being, and empowering them to have choices is the first part in the healing process. When victims are forced to participate in services or incarcerated, the ability of the service provider to gain the trust of the victim is undermined. Trauma-informed services are regarded as the most effective in addressing victimization without causing additional trauma.

- Victims are more likely to cooperate with prosecution of traffickers when they are not treated as criminals. A voluntary, victim-centered approach leads to better compliance with prosecution of the traffickers. Victims may be afraid or unwilling to cooperate with law enforcement, and are unlikely to cooperate simply because of the threat of prosecution against them. A trusting relationship with victims, supported by professionals who are trained in trauma-informed practice, increases the chances of cooperation and likelihood of victims seeking help in the future.
- The child welfare system is already designed to provide services to victims of abuse or neglect. This system is not punitive in nature and does not leave youth with a criminal record. Additional services may be developed within this system to meet the specific needs of this population.
- The juvenile justice system is not effective at providing treatment and rehabilitation. Youth who are prosecuted and convicted of prostitution or related crimes may be removed from their trafficker while incarcerated, but the long term life outcomes and chance of successful reintegration into society for youth in the juvenile justice system are poor and recidivism rates are high.

## **Recommendations for Pennsylvania**

Pennsylvania has the opportunity to utilize the growing body of information in this area to develop an effective and sound Safe Harbor law. Comprehensive legislation in this area will best protect and assist Pennsylvania's juvenile victims of human trafficking.

1. Pennsylvania should enact a Safe Harbor law that provides immunity from prosecution from prostitution and related crimes, and provide referrals to voluntary, victim-centered services, enabling the Commonwealth to be a national leader with model legislation based on research and lessons learned from across the country.
2. The Safe Harbor implementation timeline from the date of passage should be a minimum of six months, giving enough time for adequate options for intervention, treatment, and protection through the child welfare system to be developed.
3. Safe Harbor Laws should protect all children up to age 18 from prosecution for prostitution or related crimes.
4. Pennsylvania should develop an evaluation and data collection plan on the implementation and impact of Safe Harbor, including longitudinal studies on the outcomes for victims of human trafficking.

5. Additional trafficking-specific programs should be developed in the child welfare system if necessary so that child victims of human trafficking in Pennsylvania receive services through the child welfare system and not the juvenile justice system.
6. Pennsylvania should utilize and enhance existing networks of services for victims of child abuse, including child advocacy centers, county child welfare agencies, therapeutic foster homes, shelters, safe houses, or other residential programming to provide voluntary, trauma-specific services for victims of commercial sexual exploitation.
7. First responders and individuals working with youth who may have experienced trafficking should be trained in trauma-informed practices, approach youth as victims, and be informed about Pennsylvania's legal statutes and rationale.
8. Pennsylvania should apply for federal grant funding, contingent upon the assurance that victims are not required to collaborate with law enforcement to have access to residential care or services, to develop and expand interventions and services.

## References

- 1 The Human Trafficking Center. "About the Problem." Accessed January 6, 2016. <<http://humantraffickingcenter.org/problem/>>.
- 2 Mitchell, Kimberly J., David Finkelhor, and Janis Wolak. "Conceptualizing juvenile prostitution as child maltreatment: Findings from the National Juvenile Prostitution Study." *Child Maltreatment* 15.1 (2010): 18-36.
- 3 Salisbury, Emily J., Jonathan D. Dabney, and Kelli Russell. "Diverting Victims of Commercial Sexual Exploitation From Juvenile Detention Development of the InterCSEct Screening Protocol." *Journal of interpersonal violence* (2014).
- 4 Fong, Rowena, and Jodi Berger Cardoso. "Child human trafficking victims: Challenges for the child welfare system." *Evaluation and program planning* 33.3 (2010): 311-316.
- 5 Stransky, Michelle, and David Finkelhor. "How many juveniles are involved in prostitution in the US." *Durham, NH: Crimes Against Children Research Center, University of New Hampshire* (2008).
- 6 Bigelsen, Jayne. "Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York." Covenant House. May 2013.
- 7 National Human Trafficking Resource Center. "Hotline Statistics." Accessed February 29, 2016. <<https://traffickingresourcecenter.org/states/>>.
- 8 National Human Trafficking Resource Center. "Hotline Statistics." Accessed February 29, 2016. <<https://traffickingresourcecenter.org/states/>>.
- 9 Polaris Project. "Human Trafficking: The Facts". Accessed February, 29, 2016. <<https://polarisproject.org/facts/>>.
- 10 Brittle, Kate. "Child Abuse by Another Name: Why the Child Welfare System is the Best Mechanism in Place to Address the Problem of Juvenile Prostitution." *Hofstra L. Rev.* 36 (2007): 1339.
- 11 Polaris Project. "Human Trafficking Issue Brief: Safe Harbor Fall 2015." Accessed January 5, 2016. <<https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>>.
- 12 Geist, Darren. "Finding the Safe Harbor: Protection, Prosecution, and State Strategies to Address Prostituted Minors." *Legis. & Pol'y Brief* 4 (2011).
- 13 Polaris Project. "Human Trafficking Issue Brief: Safe Harbor Fall 2015." Accessed January 5, 2016. <<https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>>.
- 14 Greve, Ashley. "The Controversies behind Safe Harbor Laws." *The Human Trafficking Center Blog*. July 2014. <<http://humantraffickingcenter.org/human-trafficking/controversies-behind-safe-harbor-laws/>>.
- 15 ABA Commission on Homelessness and Poverty. "Safe Harbor Laws: Policy in the Best Interest of Victims of Trafficking." ABA Midyear Meeting 2013. <[http://www.americanbar.org/content/dam/aba/events/homelessness\\_poverty/2013\\_Midyear\\_Meeting\\_Safe\\_Harbor\\_Laws/rich\\_hooks\\_wayman\\_powerpoint.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/homelessness_poverty/2013_Midyear_Meeting_Safe_Harbor_Laws/rich_hooks_wayman_powerpoint.authcheckdam.pdf)>.
- 16 National Conference of State Legislatures. "Human Trafficking Crimes against Children: States Respond." July 2014. <[http://www.ncsl.org/documents/summit/summit2014/onlineresources/Human\\_trafficking\\_document\\_Summit\\_Handout.pdf](http://www.ncsl.org/documents/summit/summit2014/onlineresources/Human_trafficking_document_Summit_Handout.pdf)>.
- 17 Department of Public Safety Office of Justice Programs. "No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth." January 2013. <[https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20\(FINAL\).pdf](https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20(FINAL).pdf)>.
- 18 Dysart, Tessa L. "Child, Victim, or Prostitute-Justice through Immunity for Prostituted Children." *Duke J. Gender L. & Pol'y* 21 (2013): 255.
- 19 Shared Hope International. "JuST Response State System Mapping Report A Review of Current Statutes, Systems, and Services Responses to Juvenile Sex Trafficking." (2015). <<http://www.sharedhope.org>>.
- 20 AO: Advocating Opportunity. "Fifty-State Survey: Safe Harbor Laws and Expungement, Sealing, and Vacatur Provisions, with Related Statutes, Pertaining to Trafficked Persons." June 2015.
- 21 Polaris Project, "2014 State Ratings on Human Trafficking Laws." <<https://polarisproject.org/2014stateratings>>.
- 22 Polaris Project. "Human Trafficking Issue Brief: Safe Harbor Fall 2015." <<https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>>.
- 23 Barnert, Elizabeth S., Susan Abrams, Veronica F. Azzi, Gery Ryan, Robert Brook, and Paul J. Chung. "Identifying best practices for "Safe Harbor" legislation to protect child sex trafficking victims: Decriminalization alone is not sufficient." *Child abuse & neglect* (2015).
- 24 Shared Hope International. "JuST Response State System Mapping Report A Review of Current Statutes, Systems, and Services Responses to Juvenile Sex Trafficking." (2015). <<http://www.sharedhope.org>>.
- 25 Polaris Project. "2014 State Ratings on Human Trafficking Laws." <<https://polarisproject.org/2014stateratings>>.
- 26 Shared Hope International. "2015 State Report Cards – Protected Innocence Challenge." (2015). <<https://sharedhope.org/what-we-do/bring-justice/reportcards/2015-reportcards/>>.

- <sup>27</sup> Shared Hope International. "2015 Protected Innocence Challenge: A Legal Framework of Protection for the Nation's Children." (2015). <<http://sharedhope.org/wp-content/uploads/2015/11/PIC2015REPORT2.pdf>>.
- <sup>28</sup> Barnert, Elizabeth S., Susan Abrams, Veronica F. Azzi, Gery Ryan, Robert Brook, and Paul J. Chung. "Identifying best practices for "Safe Harbor" legislation to protect child sex trafficking victims: Decriminalization alone is not sufficient." *Child abuse & neglect* (2015).
- <sup>29</sup> Barnert, Elizabeth S., Susan Abrams, Veronica F. Azzi, Gery Ryan, Robert Brook, and Paul J. Chung. "Identifying best practices for "Safe Harbor" legislation to protect child sex trafficking victims: Decriminalization alone is not sufficient." *Child abuse & neglect* (2015).
- <sup>30</sup> The Florida Legislature: Office of Program Policy Analysis & Government Accountability. "State and Local Agencies Are in Initial Stages of Addressing Needs of Child Victims of Commercial Sexual Exploitation." June 2015 Report No. 15-06. <<http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1506rpt.pdf>>
- <sup>31</sup> The Florida Senate. "Bill Analysis and Fiscal Impact Statement." SPB 7088. March 14, 2014. <<https://www.flsenate.gov/Session/Bill/2014/7088/Analyses/2014s7088.pre.cf.PDF>>.
- <sup>32</sup> Zurita, Brenda. "Florida "Safe Harbor" Law Facing Problems." *Barbwire*. April 2014. <<http://barbwire.com/2014/04/01/florida-safe-harbor-law-facing-problems/>>.
- <sup>33</sup> Delores Barr Weaver Policy Center. "In Harm's Way: Child Abuse, Child Rape, Sex Trafficking." April 2014. <[https://www.seethegirl.org/wp-content/uploads/2014/04/In-Harms-Way\\_FINAL.pdf](https://www.seethegirl.org/wp-content/uploads/2014/04/In-Harms-Way_FINAL.pdf)>.
- <sup>34</sup> Delores Barr Weaver Policy Center. "Position Statement on Implementation of Safe Harbor Laws for Victims of Sex Trafficking Facing Risk, Runaways and Relapse: Lessons Learned from the Field." February 5, 2014. <<https://www.seethegirl.org/wp-content/uploads/2014/04/Position-Statement-Safe-Harbor-Final.pdf>>.
- <sup>35</sup> Cravey, Beth R. "'Secure safe house' for child sex trafficking victims a 'gross injustice'." *The Florida Times-Union*. Jacksonville.com. March 18, 2014.
- <sup>36</sup> Delores Barr Weaver Policy Center. "In Harm's Way: Child Abuse, Child Rape, Sex Trafficking." April 2014. <<https://www.seethegirl.org>>.
- <sup>37</sup> Clawson, Heather J., and Lisa Goldblatt Grace. "Finding a path to recovery: Residential facilities for minor victims of domestic sex trafficking." *Human trafficking: Data and documents* (2007): 10.
- <sup>38</sup> The Trauma Informed Care Project. "What is TIC?" Accessed February 2, 2016. <<http://www.traumainformedcareproject.org/index.php>>.
- <sup>39</sup> Child Welfare Information Gateway. "Trauma Informed Practice." US Department of Health and Human Services ACF Children's Bureau. Access February 2, 2016. <<https://www.childwelfare.gov/topics/responding/trauma>>.
- <sup>40</sup> Clawson, Heather J., Amy Salomon, and Lisa Goldblatt Grace. *Treating the hidden wounds: Trauma treatment and mental health recovery for victims of human trafficking*. Washington, DC: Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, 2007.
- <sup>41</sup> Brittle, Kate. "Child Abuse by Another Name: Why the Child Welfare System is the Best Mechanism in Place to Address the Problem of Juvenile Prostitution." *Hofstra L. Rev.* 36 (2007): 1339.
- <sup>42</sup> Beitsch, Rebecca. "More States Separate Prostitution, Sex Trafficking." *The Pew Charitable Trusts, Research & Analysis*. October 21, 2015.
- <sup>43</sup> New York Safe Harbour for Exploited Children Act, ch. 569, 2008. N.Y. Laws 4076 (codified as amended in scattered sections of N.Y. Soc. Serv. Law and N.Y. Fam. Ct. Act).
- <sup>44</sup> The Florida Legislature Office of Program Policy Analysis & Government Accountability. "State and Local Agencies Are in Initial Stages of Addressing Needs of Child Victims of Commercial Sexual Exploitation." June 2015 Report No. 15-06. <<http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1506rpt.pdf>>.
- <sup>45</sup> Geist, Darren. "Finding the Safe Harbor: Protection, Prosecution, and State Strategies to Address Prostituted Minors." *Legis. & Poly Brief* 4 (2011).
- <sup>46</sup> Shields, Ryan T., and Elizabeth J. Letourneau. "Commercial sexual exploitation of children and the emergence of safe harbor legislation: implications for policy and practice." *Current psychiatry reports* 17.3 (2015): 1-7.
- <sup>47</sup> Minnesota Department of Health. "Minnesota releases first youth sexual exploitation report and recommendations to improve services." November 17, 2015. <<http://www.health.state.mn.us/news/pressrel/2015/safeharbor111715.html>>.
- <sup>48</sup> Atella, Julie, Laura Schauben, and Emma Connell. "Safe Harbor First Year Evaluation Report." Wilder Research. September 2015. <<http://www.wilder.org/Wilder-Research/Publications/Studies/Safe%20Harbor/Safe%20Harbor%20First%20Year%20Evaluation%202015.pdf>>.
- <sup>49</sup> Armstrong, Mary I. and Kimberly McGrath. "Providing a Continuum of Comprehensive Services to Meet the Needs of CSE Youth in Child Welfare: One Year Findings." 19th Annual Conference. The Melissa Institute. 2014.
- <sup>50</sup> Citrus Health Network, Inc. "CHANCE Program." Accessed January 20, 2016. <<http://www.citrushealth.org/CHANCE>>.
- <sup>51</sup> Annitto, Megan. "Consent, coercion, and compassion: Emerging legal responses to the commercial sexual exploitation of minors." *Yale Law & Policy Review* 30.1 (2011): 1-70.

- 
- <sup>52</sup> Reid, Joan A. "Doors wide shut: Barriers to the successful delivery of victim services for domestically trafficked minors in a southern US metropolitan area." *Women & Criminal Justice* 20.1-2 (2010): 147-166.
- <sup>53</sup> Clawson, Heather J., Nicole Dutch, Amy Solomon, and L. Goldblatt Grace. "Human trafficking into and within the United States: A review of the literature." *Washington, DC: Office of the Assistant Secretary for Planning and Evaluation, US Department of Human and Health Services. Retrieved December 25 (2009).*
- <sup>54</sup> Encyclopedia Britannica. "Stockholm Syndrome." Psychology. <<http://www.britannica.com/topic/Stockholm-syndrome>>.
- <sup>55</sup> Adorjan, Michael, Tony Christensen, Benjamin Kelly, and Dorothy Pawluch. "Stockholm syndrome as vernacular resource." *The Sociological Quarterly* 53.3 (2012): 454-474.
- <sup>56</sup> Reid, Joan A. "Doors wide shut: Barriers to the successful delivery of victim services for domestically trafficked minors in a southern US metropolitan area." *Women & Criminal Justice* 20.1-2 (2010): 147-166.
- <sup>57</sup> Kennedy, M. Alexis, Carolin Klein, Jessica TK Bristowe, Barry S. Cooper, and John C. Yuille. "Routes of recruitment: Pimps' techniques and other circumstances that lead to street prostitution." *Journal of Aggression, Maltreatment & Trauma* 15.2 (2007): 1-19.
- <sup>58</sup> Reid, Joan A. "Doors wide shut: Barriers to the successful delivery of victim services for domestically trafficked minors in a southern US metropolitan area." *Women & Criminal Justice* 20.1-2 (2010): 147-166.
- <sup>59</sup> US Department of Health and Human Services Office on Trafficking in Persons. "Fact Sheet: Sex Trafficking." Administration for Children and Families. August 2, 2012.
- <sup>60</sup> National Center for Missing & Exploited Children. "Commercial Sexual Exploitation of Children: A Fact Sheet." March 2010. <[http://www.missingkids.com/en\\_US/documents/CCSE\\_Fact\\_Sheet.pdf](http://www.missingkids.com/en_US/documents/CCSE_Fact_Sheet.pdf)>.
- <sup>61</sup> Annitto, Megan. "Consent, coercion, and compassion: Emerging legal responses to the commercial sexual exploitation of minors." *Yale Law & Policy Review* 30.1 (2011): 1-70.
- <sup>62</sup> Beitsch, Rebecca, "More States Separate Prostitution, Sex Trafficking." *The Pew Charitable Trusts, Research & Analysis*. October 21, 2015.
- <sup>63</sup> Annitto, Megan. "Consent, coercion, and compassion: Emerging legal responses to the commercial sexual exploitation of minors." *Yale Law & Policy Review* 30.1 (2011): 1-70.
- <sup>64</sup> Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center. "Human Trafficking in Minnesota: A Report to the Minnesota Legislature." September, 2014.
- <sup>65</sup> Women's Foundation of Minnesota. "Successes 2011-2015." Accessed January 6, 2016. <<http://www.wfmn.org/mn-girls-are-not-for-sale/media/victories>>.
- <sup>66</sup> Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center. "Human Trafficking in Minnesota: A Report to the Minnesota Legislature." September, 2014.
- <sup>67</sup> Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center. "Human Trafficking in Minnesota: A Report to the Minnesota Legislature." September, 2012.
- <sup>68</sup> Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center. "Human Trafficking in Minnesota: A Report to the Minnesota Legislature." September, 2010.
- <sup>69</sup> Henry, Devin. "Minnesota 'safe harbor' law serves as federal model for combating sex trafficking." *MinnPost*. May 14, 2014.
- <sup>70</sup> Badawy, Rami S. "Shifting the Paradigm from Prosecution to Protection of Child Victims of Prostitution Part II of III." *Update*. National Center for Prosecution of Child Abuse. Volume 22, Number 8, 2010.
- <sup>71</sup> Broughton, Grace M. "Prosecuting Innocence: An Analysis of Statutory Efforts to Stop the Justice System's Re-Victimization of Exploited Youth in America's Sex Trade." *Update*. National Center for Prosecution of Child Abuse. Volume 23, Number 8. 2012.
- <sup>72</sup> National District Attorney Association. "Domestic Minor Human Sex Trafficking (Child Prostitution)." National Center for Prosecution of Child Abuse. March 2015.
- <sup>73</sup> Badawy, Rami S. "Shifting the Paradigm from Prosecution to Protection of Child Victims of Prostitution Part II of III." *Update*. National Center for Prosecution of Child Abuse. Volume 22, Number 8, 2010.
- <sup>74</sup> Tiapula, Suzanna L. and Allison T. Urkel. *Identifying the Victims of Human Trafficking*, Prosecutor, Volume 42, Number 2, April/May/June 2008, 10.
- <sup>75</sup> Broughton, Grace M. "Prosecuting Innocence: An Analysis of Statutory Efforts to Stop the Justice System's Re-Victimization of Exploited Youth in America's Sex Trade." *Update*. National Center for Prosecution of Child Abuse. Volume 23, Number 8. 2012
- <sup>76</sup> Ramsey County Attorney's Office and Minnesota Department of Health. "Memo: Safe Harbor & Juvenile Sexual Exploitation New Law." July 21, 2014.
- <sup>77</sup> Polaris Project. "Human Trafficking Issue Brief: Safe Harbor." Fall 2015. <<https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>>.
- <sup>78</sup> National Conference of Commissioners on Uniform State Laws. "Uniform Act on Prevention of and Remedies for Human Trafficking." July 16, 2013.

- 
- <sup>79</sup> American Bar Association Commission on Youth at Risk. "Child Trafficking" August 2011. Accessed January 16, 2016. <[http://www.americanbar.org/groups/youth\\_at\\_risk/commission\\_policyresolutions/child\\_trafficking.html](http://www.americanbar.org/groups/youth_at_risk/commission_policyresolutions/child_trafficking.html)>.
- <sup>80</sup> Polaris Project. "Human Trafficking Issue Brief: Safe Harbor." Fall 2015. <<https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>>.
- <sup>81</sup> Trafficking Victims Protection Act of 2000. 22 U.S.C.A. 7102 (8) and 7105(b)(1)(A), reauthorized in 2003 and 2005.
- <sup>82</sup> Dysart, Tessa L. "Child, Victim, or Prostitute-Justice through Immunity for Prostituted Children." *Duke J. Gender L. & Pol'y* 21 (2013): 255.
- <sup>83</sup> S.178 - 114th Congress (2015-2016): Justice for Victims of Trafficking Act of 2015
- <sup>84</sup> *In re B.W.*, 313 S.W.3d 818 (Tex. 2010)
- <sup>85</sup> Dysart, Tessa L. "Child, Victim, or Prostitute-Justice through Immunity for Prostituted Children." *Duke J. Gender L. & Pol'y* 21 (2013): 255.
- <sup>86</sup> Gottesman, David M., and Susan Wile Schwarz. "Juvenile justice in the US: Facts for policymakers." National Center for Children in Poverty. (2011).
- <sup>87</sup> Salisbury, Emily J., Jonathan D. Dabney, and Kelli Russell. "Diverting Victims of Commercial Sexual Exploitation From Juvenile Detention Development of the InterCSEct Screening Protocol." *Journal of interpersonal violence* (2014).
- <sup>88</sup> Ramchand, Rajeev, Andrew R. Morral, and Kirsten Becker. "Seven-year life outcomes of adolescent offenders in Los Angeles." *American Journal of Public Health* 99.5 (2009): 863-870.
- <sup>89</sup> National Collaborative on Workforce and Disability. "Improving Transition Outcomes for Youth Involved in the Juvenile Justice System: Practical Considerations." Info Brief. Issue 25, March 2010.
- <sup>90</sup> Grahn-Farley, Maria. "Child Perspective on the Juvenile Justice System, A." *J. Gender Race & Just.* 6 (2002): 297.
- <sup>91</sup> Beyer, Marty, Gillian Blair, Sarah Katz, Sandra Simkins, and Annie Steinberg. "A better way to spend \$500,000: How the juvenile justice system fails girls." *Wisconsin Women's Law Journal* 18.1 (2003).
- <sup>92</sup> Trulson, Chad R., James W. Marquart, Janet L. Mullings, and Tory J. Caeti. "In between adolescence and adulthood recidivism outcomes of a cohort of state delinquents." *Youth Violence and Juvenile Justice* 3.4 (2005): 355-387.
- <sup>93</sup> Salisbury, Emily J., Jonathan D. Dabney, and Kelli Russell. "Diverting Victims of Commercial Sexual Exploitation From Juvenile Detention Development of the InterCSEct Screening Protocol." *Journal of interpersonal violence* (2014).
- <sup>94</sup> Salisbury, Emily J., Jonathan D. Dabney, and Kelli Russell. "Diverting Victims of Commercial Sexual Exploitation From Juvenile Detention Development of the InterCSEct Screening Protocol." *Journal of interpersonal violence* (2014).
- <sup>95</sup> Beyer, Marty, Gillian Blair, Sarah Katz, Sandra Simkins, and Annie Steinberg. "A better way to spend \$500,000: How the juvenile justice system fails girls." *Wisconsin Women's Law Journal* 18.1 (2003).
- <sup>96</sup> Shared Hope International. "Protected Innocence Challenge. 2015 Analysis and Recommendations: Pennsylvania." Arlington, VA, Vancouver, WA (2015). <[http://sharedhope.org/PICframe5/analysis/PIC\\_AR\\_2015\\_PA.pdf](http://sharedhope.org/PICframe5/analysis/PIC_AR_2015_PA.pdf)>.
- <sup>97</sup> Ranade, Richa, Debra Schilling Wolfe, and Jingru Hao. "Child Advocacy Center Statewide Plan Development: Technical Assistance to the Commonwealth of Pennsylvania." The Field Center for Children's Policy, Practice & Research, The University of Pennsylvania. May 15, 2014.
- <sup>98</sup> Pennsylvania Chapter of Children's Advocacy Centers and Multidisciplinary Teams. "CAC Accreditation." Accessed January 8, 2016. <<http://penncac.org/>>.
- <sup>99</sup> Ranade, Richa, Debra Schilling Wolfe, and Jingru Hao. "Child Advocacy Center Statewide Plan Development: Technical Assistance to the Commonwealth of Pennsylvania." The Field Center for Children's Policy, Practice & Research, The University of Pennsylvania. May 15, 2014.