

DOMESTIC MINOR SEX TRAFFICKING

Baton Rouge / New Orleans,
Louisiana



Shared Hope International exists to rescue and restore women and children in crisis. We are leaders in a worldwide effort to prevent and eradicate sex trafficking and slavery through education and public awareness.



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Baton Rouge/New Orleans Area Assessment

Identification of domestic minor sex trafficking
victims and their access to services

April 2008

**Prepared for
Shared Hope International**

By Jennifer Bayhi-Gennaro

Acknowledgements

To the untrained eye, victims of domestic minor sex trafficking (DMST) can easily go unnoticed and often do. At best, victims of DMST are identified as sexual assault victims and receive short-term counseling for sexual trauma. At worst, these victims are identified as juvenile delinquents and spend much of their juvenile life in a detention facility for prostitution-related activity. The likelihood of revictimization is high, and many of these juveniles are entrapped in a cycle of violence and victimization as they continue to be misidentified and mistreated.

The crime of human trafficking is vast and complex and the Baton Rouge/New Orleans area has only just begun to recognize American juvenile victims exploited through the commercial sex industry as victims of sex trafficking.

Special acknowledgment goes to the Louisiana Human Trafficking Task Force. This outstanding group of law enforcement, government, and social service professionals has come together to develop a plan for understanding and responding to the crime of human trafficking statewide.

Services providers interviewed for this assessment in the Baton Rouge/New Orleans area work around the clock, pounding the pavement into the early morning hours, reaching out and interacting with potential victims of DMST on the streets. Underfunded and overstretched service providers are often DMST victims' first potential hope in exiting exploitation. They are the critical link in building trust with the domestic trafficked minors (DTMs) and providing the services necessary to prepare DTMs to assist with investigations and live restored lives outside of sex trafficking.

We thank every individual, agency, and organization that participated in this research. Without their energy, dedication, and honesty, this report would not be possible. It is our hope that all who read this report will find it to be a springboard to future action in advancing the fight to combat DMST in Louisiana with specific focus on the areas targeted for this assessment, which include the Baton Rouge/New Orleans area.

This assessment is a call to service not just for those who work with children in their official capacities but also for all citizens of the Baton Rouge/New Orleans area. We are all mandatory reporters in the fight to end DMST.

Sincerely,



Jennifer Bayhi-Gennaro
Lead Field Assessor



Linda Smith, Founder and President
Shared Hope International

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EXECUTIVE SUMMARY

In 2000, the United States enacted the federal Trafficking Victims Protection Act (TVPA) in order to enhance the laws enforcing the 13th Amendment and to combat trafficking in persons, which includes slavery and peonage, sex trafficking in minors and adults, and unlawful confiscation of a victim's documents. Under the TVPA and its reauthorization acts of 2003 and 2005, minors under the age of 18 who are United States citizens or lawful permanent residents involved in any commercial sex act for monetary or non-monetary exchange without needed proof of force, fraud, or coercion are defined as victims of domestic minor sex trafficking (DMST).

With funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA), Shared Hope International (SHI) is researching the access and delivery of services to DMST victims in ten locations in the United States. In Louisiana, the region surrounding Baton Rouge and New Orleans was selected for the assessment for several reasons. Baton Rouge is the capital of Louisiana and was greatly affected by an influx of refugees from New Orleans after Hurricane Katrina. New Orleans was identified as having a unique environment due to the devastation Hurricane Katrina brought and the resulting recovery efforts. Additionally, Baton Rouge is home to the Louisiana Sheriff's Association, the law enforcement leader of the Louisiana Human Trafficking Task Force (LAHTTF), while New Orleans is home to the Metropolitan Center for Women and Children, the lead social service provider for the Louisiana Human Trafficking Task Force. Therefore, the geographical region targeted in the following assessment for the reasons outlined above will be referred to as the Baton Rouge/New Orleans area.

The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States was developed by SHI and implemented in the Baton Rouge/New Orleans area by Jennifer Bayhi-Gennaro, journalism graduate of Louisiana State University and victim advocate. Project staff at Shared Hope International, especially Melissa Snow, Project Director, provided direct assistance. This assessment includes information collected from November 2007 to April 2008 through comprehensive research of existing information and the completion of 25 interviews with representatives of 17 organizations and agencies that frequently interact with DMST victims or children at risk for DMST victimization.

Best practices are noted throughout the report, as are gaps and challenges that presented themselves while working with this population of victims. Human trafficking is a relatively new concept to the Baton Rouge/New Orleans area, and little has been done to educate or train organizations, agencies, or the public at large to understand this newly defined population of victims. Less is understood about the specific trafficking subgroup of DMST victims, even by those who interact with potential victims of DMST on a daily basis.

In spite of the few efforts led by the LAHTTF, most DMST victims remain hidden and those who are identified or self-disclose their involvement in prostitution often plead guilty without legal counsel present to explain the consequences. As a result, domestic trafficked victims are detained in the juvenile justice system rather than rescued and restored. The most commonly identified victim of DMST in the Baton Rouge/New Orleans area is the child pornography victim. However, few individuals interviewed from law enforcement and the judiciary are connecting the child victim of commercial pornography to the TVPA definition of a victim of sex trafficking.¹ Victims of other commercial sex activities, such as prostitution and exotic dancing, are also infrequently identified as victims of DMST. Instead, they are

¹ Child pornography falls under the definition of DMST when a commercial exchange occurs. The Trafficking Victims Protection Act defines "commercial" as either a monetary or in-kind exchange for a commercial sex act made to any person.

often blamed and resented for their uncooperative behavior toward those who offer assistance.

This rapid assessment (RA) employed three factors commonly used as effective measures to combat sex trafficking worldwide: prevention, prosecution, and protection. The “three Ps” approach has been recognized for its comprehensive method of assessing human trafficking. Used in the annual Trafficking in Persons Report by the U.S. Department of State (DOS), Office to Monitor and Combat Trafficking in Persons, the “three Ps” offer a holistic evaluation of a country’s actions to counter all forms of trafficking in persons:

- **Prevention** of DMST requires identification of commercially sexually exploited children as victims. The first component in prevention and identification is public awareness. The second component is the training of law enforcement, judiciary, detention staff, and other professionals who interact with DMST victims.
- **Prosecution** of cases against traffickers/pimps is essential, and it is important that these cases result in convictions with appropriate sentences. Ensuring strong legislation that criminalizes the trafficking of minors and protects victims is critical, as is the training of law enforcement, prosecutors, and judges to ensure that they are aware of these laws and are able to build effective cases against traffickers.
- **Protection** requires victim-centered rescue and restoration. Rescue is critical in order to remove a domestic trafficked minor (DTM) from the trafficking situation; however, the importance of completing the rescue without revictimizing the DTM cannot be overstated. Victim-centered, long-term restoration is essential, including protective, safe homes, and appropriate services and programs.

Throughout this RA, all DMST victims—commercially sexually exploited children, as well as prostituted children detained in the juvenile justice system under prostitution or prostitution-related charges—are considered victims of sex trafficking, not juvenile delinquents, regardless of their legal status.

The ultimate goal of this assessment is to provide first responders, the LAHTTF, and the Baton Rouge/New Orleans community at large with a comprehensive report that will serve as the foundation for improved DMST-victim identification and access to and delivery of services for these victims authorized by the TVPA and subsequent reauthorizations. The methodology and information included in this report can be used as tools for other locations wishing to assess their community’s needs regarding the proper identification of and access to services for DTMs.

Key Findings

1. DMST is Occurring in the Baton Rouge/New Orleans Area

Conservative estimates from various state and nonprofit agencies interviewed on the number of DMST victims they served totaled over 100 victims in the Baton Rouge/New Orleans area since 2006. Staff at Youth Oasis, a Baton Rouge shelter, reviewed their computer records and reported that 57% of the 157 youth who came to the shelter in 2006 qualified as DMST victims, though they were not identified at the time. The Office of Community Services (OCS) reported 35 confirmed instances in Louisiana of a parent or caretaker directly involved in the prostitution of their child since 2006. There are many more DMST victims who are misidentified and not counted.

2. The Trafficking Victims Protection Act and Louisiana Criminal Statute on Human Trafficking Have Not Been Applied in Louisiana To Date

In Louisiana, there have been no investigations or arrests leading to charges under the TVPA or the state anti-trafficking statute. Law enforcement and prosecutors continue to apply laws related to the acts committed

against DMST victims, such as rape or molestation, to cases of sexual exploitation as they have greater familiarity with these laws than with the federal and state anti-trafficking laws. The Louisiana anti-trafficking law is fairly new, passed only in 2005. The lack of experience with these laws and resulting lack of application is resulting in a failure to count the true numbers of the victims of human trafficking, particularly DMST.

3. Awareness Crisis

Out of 25 formal interviews with representatives from 17 professions likely to come in contact with DMST victims or at-risk youth in the Baton Rouge/New Orleans area, only three people were familiar with the TVPA and its subsequent reauthorizations. Two of these three people were involved with key agencies leading the Louisiana Human Trafficking Task Force. Furthermore, only two people interviewed were aware that an anti-trafficking law had been added to the Louisiana Criminal Code in 2005. This lack of awareness of the crime, the statutes, and the victims of DMST on the part of people who come into contact with DMST victims in their daily work is an impediment to the identification of DTMs and blocks the delivery of specific services to victims. This also indicates a strong likelihood that the average citizens of the state are not aware of DMST. In short, there is an awareness crisis in the Baton Rouge/New Orleans area regarding DMST.

4. Breakdown in Response Is Causing Revictimization

Several interviewees identified as being responsible for cases fitting the definition of DMST stated, after learning what DMST is, that DMST cases were not their responsibility. Delays by the Office of Community Services (OCS), the agency responsible for child welfare, in responding to reports of alleged abuse by a minor in the care of a service provider may result in the flight of the child before OCS arrives to interview the at-risk youth. In this case, OCS does not open an investigation into the allegation, even if the child has provided a name and address of the perpetrator. With the high incidence of flight by victimized minors from service provider and non-secure facilities, the practice by OCS to not initiate an investigation into an allegation containing substantial information is a barrier to stopping the exploitation of children in Louisiana.

5. DMST Victims Must Plead Guilty to Receive Services

Law enforcement and the judiciary affirmed that DMST victims must plead guilty to a delinquency charge in order to access services. Though services are available through treatment and placement with community service providers it was stated that the courts and families often advocated for secure placement to minimize the potential flight risk that DMST victims often pose. As a result, the lack of knowledge regarding the application of the TVPA to define these commercially sexually exploited minors as DMST victims has detained many victims in the juvenile justice system. Additionally, the label of delinquent can bar access to services provided by the Crime Victims Reparation Board despite the reality that the minor is a victim of DMST.

6. Juvenile Delinquents' Allegations of DMST Rarely Investigated

Detention staff at the Florida Parishes Juvenile Detention Center recalled numerous children who had been detained on delinquency charges of robbery, burglary, and drugs but were later revealed to have been exploited through DMST, especially prostitution and stripping. Though half of the persons interviewed identified these delinquency crimes and status offenses as common masks obscuring commercial sexual exploitation and abuse, allegations that surface from detained juvenile delinquents rarely instigate investigations or prosecutions of alleged traffickers/pimps of these minors and the men buying these minors for sex.

7. There Are Few Appropriate Services for DMST Victims

In the Baton Rouge/New Orleans area, dedicated non-governmental organizations (NGOs) and service providers have made a myriad of services available to victims of sexual abuse. Currently, however, no services are specifically designed for DMST victims. In order to effectively treat victims of DMST, service providers need funding to develop programs that address issues unique to DMST victimization, such as recruitment tactics, grooming techniques, and pimp control.

8. Current Placement Options Are Not Appropriate for DMST Victims

Victims of DMST who have experienced severe psychological trauma by their trafficker/pimp often pose a flight risk. Nevertheless, a child identified as exploited through prostitution, pornography, or stripping is typically placed in non-secure facilities, group homes, or returned to their family home—all places from which they can, and often do, flee. Service providers most apt to deal with exploited children usually do not have the legal or logistical means to hold a child, or their facility is not secure. This lack of appropriate options for placement of DMST victims prevents proper protection of these children and results in their frequent return to their trafficker/pimp.

9. The Pursuit of Buyers of DMST Is Limited to Computer-aided Solicitation

Buyers, or “johns,” who surf the web to interact with and solicit DMST victims have been successfully prosecuted in the Baton Rouge/New Orleans area. However, there have been fewer prosecutions of buyers of prostituted children, even though certain geographical areas have been identified as hotspots for prostitution in the Baton Rouge/New Orleans area. The disparity in arrests is often attributed to a difficulty in catching the buyer of commercial sex in the act and an inability to use decoy police officers to pose as minors being prostituted. The Internet provides a means of using a decoy to catch the predator. A different perspective heard in the interviews was simply, “People seem to be concerned about the john’s image.”

Conclusion

The Louisiana Human Trafficking Task force (LAHTTF) is an important first step in tackling the hidden and complex issue of human trafficking. Training of agencies, organizations, businesses and community members has been offered through the LAHTTF, however much more education and training is needed. Furthermore, training on victim identification must include DMST rather than focus almost entirely on foreign national victims of human trafficking. Each victim population is equally important and deserves comprehensive training to ensure all victims of human trafficking as defined by the federal Trafficking Victims Protection Act and Louisiana state human trafficking law receive access to and delivery of services as a victim population.

A variety of service providers/NGOs are already engaged in identifying and treating DMST victims though they were unfamiliar with the specific term. A common concern by both Child Protective Services and NGOs was their inability to protect the children from returning to their situation of exploitation. While a myriad of counseling and services are available and offered, the children have to be “willing” to engage in their rehabilitation. Additionally, though offered services may address some of the needs of a DMST victim, there are no services specific to the unique needs and issues related to victimization through pimp control and the commercial sex industry. In order for a child to be fully restored they have to desire change; however the systemic inability to protect a child from harm outside of juvenile detention was seen as a systemic gap.

Furthermore, in order to effectively combat trafficking the LAHTTF must make the prosecution of traffickers/pimps a priority. Utilizing either the state or federal human trafficking laws to secure lengthy sentencing is mandatory in sending a message that the crime of human trafficking will not be tolerated in Louisiana.

Methodology

This project is a rapid assessment (RA) of the practices and procedures used to identify and deliver services to domestic trafficked minors (DTM) in the Baton Rouge/New Orleans area in Louisiana. The Louisiana Human Trafficking Task Force (LAHTTF) is a statewide effort with a focus on areas along the I-10 corridor, which has been recognized as a hub for human trafficking.² The LAHTTF is funded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) and Office for Victims of Crimes (OVC). It is a partnership between victim services providers and law enforcement to address the growing problem of human trafficking. BJA awarded funding to the Louisiana Commission on Law Enforcement who then identified the Louisiana Sheriffs Association in Baton Rouge as the lead law enforcement agency for the human trafficking task force. OVC awarded funding to the Metropolitan Center for Women and Children (Metro) in New Orleans as the lead social service provider for the task force.

The RA was conducted in the East Baton Rouge and Orleans parishes, as well as relevant outlying parishes for several reasons. Baton Rouge is the capitol of Louisiana and was greatly affected by an influx of refugees from New Orleans after Hurricane Katrina. Similarly, New Orleans was targeted due to the devastation brought by Hurricane Katrina and the resulting recovery efforts. Baton Rouge and New Orleans are also headquarters for the law enforcement and social service leads of the LAHTTF. For the purpose of this assessment, this region targeted is referred to as the Baton Rouge/New Orleans area.

This assessment is based on background research as well as qualitative and quantitative information provided during interviews with the diverse contributors who interact with DTMs at various stages of the minors' exploitation, involvement in the criminal justice system, and recovery.

Shared Hope International developed *The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States* to guide the systematic collection of information in ten target locations. The complete document can be accessed at www.sharedhope.org. The Field Interview Tool contains the questionnaire for interviews with professionals who have been identified as most likely to interact with DMST victims during the various stages of victimization. Specific interviews were developed for seven different populations: law enforcement, social service providers, juvenile court judges, prosecutors, public defenders, juvenile detention facilities, and child welfare agencies. The interviews for this research in the Baton Rouge/New Orleans area were conducted for Shared Hope International by Jennifer Bayhi-Gennaro, a victim advocate and journalism graduate of Louisiana State University. The protocol for this research was approved by the Western Institutional Review Board (WIRB) Protocol #20070540.

25 interviews were conducted with representatives from 17 different agencies and organizations in the Baton Rouge/New Orleans area during a three-month period (November 12 to February 14, 2008). Several additional agencies were contacted for interviews but either declined to participate or did not return telephone calls and e-mails. These are identified as gaps in the research.

Participating agencies and organizations are as follows:

- Baton Rouge Police Department
- Baton Rouge Juvenile Court Judge
- Healing Place Church/Outreach, Baton Rouge

² B. Bohrer, "Gonzales cites I-10 in Human Trafficking," *The Boston Globe*, October 6, 2006. < http://www.boston.com/news/nation/articles/2006/10/04/gonzales_cites_i_10_in_human_trafficking/?rss_id=Boston.com+%2F+News>. Accessed on May 8, 2008.

- Florida Parishes Juvenile Detention Facility
- Baton Rouge District Attorney's Office
- Youth Oasis, Baton Rouge
- New Orleans Police Department
- Covenant House, New Orleans
- Juvenile Regional Services, New Orleans
- Juvenile Justice Project of Louisiana
- Jefferson Parish District Attorney's Office
- Louisiana Sheriff's Association
- Office of Community Services, Sexual Abuse Investigators
- Office of Community Services, Families in Need of Services (FINS)
- U.S. Attorney's Office in the Middle District of Louisiana
- Crime Stoppers, Baton Rouge
- Rape Crisis Center

Interviews were completed in one to five hours (one and a half to two hours average per interview). Informed consent was received in writing prior to commencing the interview; however, in instances where informed consent was not obtained, interviewees were provided with an information sheet outlining the human protections currently in place and approved by Western Institutional Review Board (IRB). Information given in the interviews is synthesized in this report to highlight different practices, gaps within the system, challenges in the identification and protection of DMST victims, and challenges in prosecuting traffickers/pimps and buyers, or "johns."

Recommendations for improved services to DMST victims in the Baton Rouge/New Orleans area are given at the end of the assessment report. The recommendations are based on gaps identified by the professionals who participated in the research.

The findings in this report will be submitted to the Louisiana Human Trafficking Task Force and community at large in the Baton Rouge/New Orleans area and are intended to serve as a springboard to action in the area to assist DMST victims and prosecute their traffickers in accordance with the federal Trafficking Victims Protection Act of 2000 and the state anti-trafficking laws.

Great lengths were taken to make the assessment as comprehensive as possible. Unfortunately, several factors placed constraints on both the field interviewer and the interview process. A targeted timeframe for the assessment was necessary, as it is meant to capture a snapshot of the situation. Nonetheless, the timeframe may have hindered the inclusion of professionals who were qualified to speak on the matter of DMST. Additionally, the timeframe only allowed for limited follow-up questions to the participants.

GLOSSARY OF ACRONYMS AND TERMS

ADA	Assistant District Attorney
Adjudication	Judicial determination or judgment that a youth is a delinquent or a status offender
At-risk Youth	often homeless, runaways, or from broken homes - who are at risk of being lured into the commercial sex industry
BRPD	Baton Rouge Police Department
Buyer	A purchaser of a commercial sex act
CPS	Child Protective Services, currently OCS (see also OCS)
CSW	Clinical social worker
DA	District Attorney
DMST	Domestic minor sex trafficking
DTM	Domestic Trafficked Minor
DOJ	Department of Justice
EBR Parish	East Baton Rouge Parish (see also Parish)
FFLIC	Families and Friends of Louisiana's Incarcerated Children, a statewide membership-based organization fighting for a better life for all of Louisiana's youth, especially those involved in or targeted by the juvenile justice system.
FINS	Families In Need of Services, a legislatively created juvenile court proceeding unique to Louisiana that serves as a pre-delinquency intervention and provides social work services to assist children and their families
FPJDC	Florida Parishes Juvenile Detention Center, for juveniles requiring safe and secure detention in five Florida parishes of Louisiana (Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington Parishes)
GSRCPI	Gulf States Regional Center for Public Safety Innovations, the provider for human-trafficking training for the Louisiana Human Trafficking Task Force
LAHTTF	U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance funded the Louisiana Commission on Law Enforcement/Louisiana's Sheriff's Association in partnership with the Metropolitan Center for Women and Children which was funded by the Department of Justice, Office of Justice Programs, Office for Victims of Crime. Their funding was to create a statewide human trafficking task force to identify and rescue victims of human trafficking and bring their perpetrators to justice.

ITM	Intentional Therapeutic Milieu, a method implemented by the FPJDC that seeks to eliminate a punitive environment and focuses on spiritual qualities and growth for the detained youth in order to ensure no physical, mental, or emotional harm is incurred during detainment
JDAI	Juvenile Detention Alternatives Initiative, of the nationally known Annie E. Casey Foundation
JJPL	Juvenile Justice Project of Louisiana, a statewide law and advocacy center for youth in the juvenile justice system
John	See also Buyer
JRS	Juvenile Regional Services, juvenile public defenders of Orleans Parish
LCLE	Louisiana Commission on Law Enforcement, the recipient of BJA funds for the Louisiana Human Trafficking Task Force
LSA	Louisiana Sheriff's Association, the established law-enforcement arm of the Louisiana Human Trafficking Task Force
Metro	Awarded funding through OVC, Metropolitan Center for Women and Children is the lead social service provider for the Louisiana Human Trafficking Task Force
NGO	Non-governmental organization, a legally constituted organization created by private persons or organizations with no governmental affiliation
NOPD HAU	New Orleans Police Department's Homeless Assistance Unit, tasked with the identification of the city's homeless individuals
OCS	Office of Community Services, provides for the public child welfare functions of the state and administers federal grants for services directed at meeting the special needs of Louisiana's most vulnerable citizens
OYD	Office of Youth Development, provides at-risk and delinquent youth the opportunity to become responsible and productive citizens using partnerships with families, communities, and other entities with emphasis on the safety of youth and the public
Parish	the state of Louisiana's term for "county," a local area of government
RAI	Risk Assessment Instrument of the JDAI, guides detention intake personnel making the critical decision of whether to detain or release a referred juvenile based on labeling of low, medium, or high risk
RCC	Rape Crisis Center in Baton Rouge, provides free rape crisis counseling
SHI	Shared Hope International
TVPA	Trafficking Victims Protection Act of 2000

TVPRA 2003 Trafficking Victims Protection Reauthorization Act of 2003
TVPRA 2005 Trafficking Victims Protection Reauthorization Act of 2005
USAO United States Attorney's Office

BACKGROUND RESEARCH

Human trafficking is modern-day slavery committed all around the world in every major city by organized criminal groups and less sophisticated traffickers. According to a report issued by researchers at the University of Pennsylvania in 2001, as many as 300,000 children in the United States are at risk for commercial sexual exploitation, which includes trafficking, at any given time.³ The average age of entry into prostitution and pornography is 12 years of age.⁴ Statistics from the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMAART) say 450,000 American children run away from home each year.⁵ Additionally, 30% of shelter youth and 70% of street youth are victims of commercial sexual exploitation.⁶

The U. S. Government has identified human trafficking for commercial sexual exploitation as a major problem worldwide and nationally. On October 3, 2006, just over a year after Hurricane Katrina, Attorney General Gonzales announced at the 2006 National Conference on Human Trafficking in New Orleans that the Louisiana Commission on Law Enforcement would be one of ten recipients of a three-year federal grant of \$450,000 to combat human trafficking through the establishment of a Louisiana Human Trafficking Task Force (LAHTTF).⁷ The LAHTTF is a statewide effort with a focus on areas along the I-10 corridor. It is intended that the LAHTTF identify and investigate all forms of human trafficking by providing training and public awareness to task force members and the community.

At the time of the announcement by Attorney General Gonzales to fund the Louisiana Commission on Law Enforcement, a partner social service agency was not identified. Shortly afterwards the Metropolitan Center for Women and Children, a domestic violence service provider in New Orleans was awarded funding by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime to serve as the lead victim service organization for the LAHTTF. The collaboration between the two task force components is important to the success of the task forces.

In 2000 the United States enacted the Trafficking Victims Protection Act (TVPA). The TVPA enhanced the government's activities in the arenas of the "three Ps" and provided a new range of protection and assistance to the victims of human trafficking. The TVPA expanded the crimes and enhanced the penalties available to federal investigators and prosecutors pursuing traffickers. Under the TVPA, federal felony offenses that may apply to trafficking in persons include slavery and peonage, sex trafficking in minors and adults, and the unlawful confiscation of a victim's documents. Traffickers of minors under the age of 14 who use force, fraud, or coercion can be imprisoned for life.⁸ Traffickers of minors between the ages of 14 and 18—even if there is no force, fraud or coercion involved—can receive up to 40 years in prison.⁹ Prior to 2000, no specific federal law existed to protect victims of human trafficking or to prosecute their traffickers. The TVPA made sex trafficking a separate, specific crime. The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA 2003) was authorized by

³ Estes, Richard and Neil Weiner. "Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico." University of Pennsylvania, 2001. <http://www.sp2.upenn.edu/~restes/CSEC_Files/Complete_CSEC_020220.pdf>. Accessed April 30, 2008.

⁴ "Child Prostitution: Domestic Sex Trafficking of Minors." U.S. Department of Justice Child Exploitation and Obscenity Section. <www.usdoj.gov/criminal/ceos/prostitution.html>. Accessed April 30, 2008.

⁵ "Runaway/Thrownaway Children: National Estimates and Characteristics." National Incidence Studies of Missing Abducted, Runaway and Thrownaway Children. October 2002. <<http://www.ncjrs.gov/html/ojjdp/nismart/04/>>. Accessed April 30, 2008.

⁶ Estes, Richard and Neil Weiner. "Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico." University of Pennsylvania, 2001. <http://www.sp2.upenn.edu/~restes/CSEC_Files/Complete_CSEC_020220.pdf>. Accessed April 30, 2008.

⁷ "Attorney General Alberto R. Gonzales Announces Enhanced Programs to Combat Human Trafficking," Press Release. Department of Justice. October 3, 2006. <http://www.usdoj.gov/opa/pr/2006/October/06_crt_671.html>. Accessed April 30, 2008.

⁸ Trafficking Victims Protection Act 2000, P.L. 106-386.

⁹ Ibid.

the Bush Administration, adding \$200 million to combat human trafficking.¹⁰ The TVPRA 2003 enhanced prevention, prosecution, and protection by mandating information campaigns to combat sex tourism and creating a new civil action that allows trafficking victims to sue their traffickers federally. Additionally, the TVPRA 2003 mandated a yearly report from the Attorney General to Congress on the U.S. Government's activities to combat human trafficking.¹¹ Under the TVPRA 2003, sex trafficking and forced labor were included as offenses under the nation's Racketeering Influenced and Corrupt Organization (RICO) statute.¹²

The TVPRA was reauthorized in 2005, adding more resources to the fight against human trafficking.¹³ Furthermore, the definition of "sex trafficking" came to highlight the instance of U.S. citizens and lawful permanent resident children exploited in commercial sexual activities.¹⁴ Though included in previous versions of the TVPA, the highlighting of this population of victims reflected an evolved understanding of domestic victim status under the TVPA.

Stated simply, citizens of the United States or lawful permanent residents who are under 18 years of age and used for purposes of commercial sexual exploitation, whether on the streets, in private residences, in escort agencies, in strip clubs, or other commercial sex venues, are domestic minor sex trafficking (DMST) victims.¹⁵ This is in contrast to foreign victim sex trafficking, which involves the enslavement of foreign national victims in the United States.

"Minor sex trafficking" is the recruitment, harboring, transportation, provision, or obtaining of a minor for the purpose of a commercial sex act. The TVPA defines a minor as anyone under the age of 18. In 2005, The Louisiana state criminal code, which was amended to include sex trafficking, also defines a minor as any person under the age of 18.¹⁶ This code is in contrast to the Louisiana age of consent, which is 17.¹⁷ It is important to stress that the TVPA does not require proof of force, fraud, or coercion when the victim is a under the age of 18; however, this burden of proof is necessary under the Louisiana state anti-trafficking law.

Proof of trafficking under the TVPA does not hinge on the physical movement of a person. Technology, particularly the Internet and cell phones, can serve as the nexus to interstate commerce. Any connection to interstate commerce, such as the use of a cell phone or purchase of condoms for the minor's rape places the offense within the federal jurisdiction.

A "trafficker" is not narrowly restricted to the stereotypical pimp depicted glamorously in popular culture. Under the TVPA definitions, a trafficker can be a local gang member who recruits young females or males into his "ring" for the purpose of commercial sexual exploitation, or a trafficker could be a single mother who allows her landlord to have sex with her child in lieu of paying the rent for that month. A trafficker is anyone who recruits, harbors, transports, obtains, or provides a person for the purposes of commercial sexual exploitation.¹⁸

A "commercial sex act" means any sex act, not just intercourse, in exchange for something of monetary or in-kind value.¹⁹ As is typical with the estimated 1,000 homeless children on the street every

¹⁰ Trafficking Victims Reauthorization Act of 2003. 18 U.S.C. § 1591.

¹¹ Ibid.

¹² Ibid.

¹³ Trafficking Victims Reauthorization Act of 2005. H.R. 972.

¹⁴ Ibid.

¹⁵ Trafficking Victims Protection Act 2000, P.L. 106-386.

¹⁶ LRS 14:46.2.

¹⁷ LRS 14:80.

¹⁸ Trafficking Victims Protection Act 2000, P.L. 106-386.

¹⁹ Ibid.

night in Baton Rouge alone, that “something else” is often shelter or food for the night.²⁰ Stripping/exotic dancing, prostitution, and the buying/selling of pornography all qualify as commercial sexual exploitation.

Labeling minors exploited through DMST as “victims” is a radical statement considering the widely held view that they are delinquents. This perception of delinquency has proven to be the single largest factor obstructing access to and delivery of services to this population in the Baton Rouge/New Orleans area. New Orleans, with its Mardi Gras, French Quarter, and Bourbon Street lined with bars and strip clubs, is a city infamous for debauchery and corruption. A quick Google search turns up hundreds of thousands of articles lauding Bourbon Street as “America’s Greatest Party” and the “Amsterdam of America.” Located in the heart of the French Quarter, Bourbon Street boasts at least seven strip clubs in seven blocks, one of which is Larry Flint’s “Barely Legal Club.” The drinking age is loosely enforced on Bourbon Street, and the street is constantly packed with the drunk and disorderly who carry “to-go” cups and trade plastic Mardi Gras beads in exchange for a flash of nudity. Bourbon Street is an endless party, endless chaos, and endless opportunity for a pimp or trafficker to cycle in girls to any seedy strip joint, most of which are constantly demanding fresh bodies for their customers to watch. This culture of tolerance allows for a high-risk atmosphere where vulnerable youth can be easily recruited and sold. As an officer with the Baton Rouge Police Department put it, chuckling, “We don’t get complaints about those [victims] in the strip clubs.”

Following Hurricane Katrina in August 2005, the city of New Orleans received another huge flood: thousands of illegal migrant workers recruited to rebuild the Gulf Coast. Upon arrival, they found they had nowhere to live and were paid little or nothing by private contractors.²¹ They stay silent though, fearing deportation. Attorney General Alberto R. Gonzales said at a New Orleans press conference in October 2006 that some of the human trafficking task force money would be used to “put a stop to the exploitation and abuse of laborers” brought into New Orleans to help rebuild after the hurricane.²² Participants of the assessment stated that these laborers are being exploited sexually. In particular, it was noted that some employers use sex trafficking victims as “payment” to those in the newly formed workforce population who had been victimized through labor trafficking. The goal, according to interviewees, is to keep workers “quiet” and “contained” for a period of time. If true, labor and sex trafficking are deeply interconnected in the post-Katrina region of Baton Rouge and New Orleans.

Corresponding with these allegations, news sources reported post-Katrina that “waves of hurricane refugees and looters filled the French Quarter’s streets. Then, soldiers in red berets and boots took Bourbon Street by storm. Then came the journalism corps, construction workers, and prostitutes.”²³ Additionally, in an interview with FOX news, Captain Kevin Anderson stated, “Prostitutes from Milwaukee, Minneapolis, Detroit, and Las Vegas have been found working New Orleans streets.”²⁴ The article continued, explaining that during a two-week crackdown, the police had arrested 53 women on prostitution charges.²⁵ In hindsight, law enforcement participants interviewed have wondered how many of these women arrested for prostitution may have been under pimp control, brought in by traffickers to serve the demand of a male workforce rebuilding a destroyed city.

²⁰ “Fact Sheet,” *Youth Oasis*. 2007. <http://www.youthoasis.org/fact_sheet.htm>. Accessed April 30, 2008.

²¹ Bradley, Tahman. “Katrina Contractors Stiffing Migrant Workers.” *ABC News*. July 18, 2006. <http://blogs.abcnews.com/theblotter/2006/07/katrina_contrac.html>. Accessed April 30, 2008.

²² France-Presse, Agence. “Louisiana: Human Trafficking,” *The New York Times*. October 4, 2006. <<http://www.nytimes.com/2006/10/04/us/04brfs-004.html?n=Top/Reference/Times%20Topics/People/G/Gonzales,%20Alberto%20R>>. Accessed April 30, 2008.

²³ “16 Months after Hurricane Katrina, French Quarter is in a funk.” *LaCrosse Tribune*. January 22, 2007. <<http://www.lacrossetribune.com/articles/2007/01/22/travel/travel.txt>>. Accessed January 30, 2008.

²⁴ “New Orleans Cracks Down on Post-Katrina Prostitution in French Quarter.” *Fox News*. October 25, 2006. <<http://www.foxnews.com/story/0,2933,224830,00.html>>. Accessed January 30, 2008.

²⁵ *Ibid.*

The city of New Orleans is about 80 miles south via Interstate 10 from Louisiana's capital city, Baton Rouge. Following Hurricane Katrina's devastating visit to New Orleans and the resulting displacement of many people, Baton Rouge's population of 417,000 virtually doubled overnight. A sharp increase in crime followed suit, which has been documented in Baton Rouge as well as other major cities to which refugees fled, and racial tensions heightened.²⁶

The sex industry is well known in Baton Rouge/New Orleans area and, in the recent past, was home to at least one well-known sex tour operation. Gunter Frenz operated a sex tour business, named G&F Tours and G.F. Tours, for nearly 20 years. Until Hurricane Katrina, Frenz operated his business out of New Orleans (its current location is listed as Fort Worth, Texas).²⁷ Frenz arranges airline travel and hotel accommodations for groups or individuals to Thailand to engage in what the tour calls the "local nightlife."²⁸ Equality Now, a human rights organization that works to end discrimination against women and girls around the world, has continually contacted the U.S. Attorney's Office in the Eastern District of Louisiana to insist Frenz and his business be prosecuted.²⁹

In 2006, in Monroe, Louisiana, Judy Holloway, the mother of a 14-year-old girl, allowed a 39 year old crack dealer, Henry Lee Bass, to have sex with her daughter in exchange for drugs. Holloway was arrested and charged with cruelty to a juvenile.³⁰ Upon Holloway's arrest, she allowed her daughter to remain in the custody of Bass, who continued to supply the juvenile with crack and sexually abuse the minor. Furthermore, Bass, a registered sex offender, introduced the minor to 35-year-old Fredrick Alexander who also provided the minor with crack and then prostituted her. Bass and Alexander made an arrangement with Roy Myers to purchase sex with the juvenile for \$300.³¹ Myers was later arrested as he was checking out of a different hotel. This case would qualify as DMST under the federal TVPA.

There have also been several Internet-related crimes against children cases in Louisiana that have made headlines. Five media reports were reviewed that revealed the crime of computer-aided solicitation of a minor and solicitation of a juvenile for sexual purposes. It is difficult to know if these cases would have qualified as DMST since details of monetary or non-monetary exchange are absent from the media coverage. Furthermore, task forces that investigate Internet crimes against children do not use human trafficking language or laws when investigating cases involving commercial child pornography.

One recent case of DMST touched a number of states, including Louisiana. In October 2007, a Pennsylvania court convicted two Toledo, Ohio, men, Eric Hayes and Terrance Williams, of conspiracy to engage in interstate prostitution, interstate travel in aid of racketeering, and coercion of women into prostitution in a number of states, including Louisiana.³² Terrance Williams, in particular, was convicted of the sex trafficking of children.³³ The men referred to themselves as "pimp partners" and inflicted brain damage and broken bones on many of their victims. All of the prostitution money was turned over to the pimps, and some of the victims were as young as 12. ³⁴ The investigation was a nationwide effort involving the Pennsylvania State Police, the Internal Revenue Service, and the Federal Bureau of Investigation as part of the Innocence Lost National Initiative.³⁵

²⁶ Haygood, Wil. "After Katrina, Baton Rouge Weathers a Storm of Its Own." *The Washington Post*, August 25, 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/24/AR2006082401918_2.html>. Accessed April 30, 2008.

²⁷ Alfano, Pete. "The Shadowy World of Sex Tours." *Fort Worth Star-Telegram*. August 6, 2006.

²⁸ "United States: G&F Tours – A Call for Law Enforcement to End Sex Tourism." *Equality Now*. October 2005. <http://www.equalitynow.org/english/actions/action_2701_en.html>. Accessed April 30, 2008.

²⁹ Ibid.

³⁰ Fitch, E. "Grand Jury Indicts Murder Suspect." *The News-Star*. June 14, 2006.

³¹ Ibid.

³² "Two Men Convicted of Prostitution and Related Charges," Press Release. *Department of Justice*. October 16, 2007. <<http://philadelphia.fbi.gov/doj/pressrel/2007/ph101607a.htm>>. Accessed April 30, 2008.

³³ Ibid.

³⁴ Ibid.

³⁵ Sheffield, R. "Two Convicted of Promoting Prostitution," *The Patriot News*, October 18, 2007.

Applicable Louisiana Laws

In 2005, Louisiana amended their criminal code to include the crime of human trafficking which indicates a positive and aggressive step in the fight against human trafficking.³⁶ Unfortunately, the Louisiana law, in contrast to the federal TVPA, does not remove the requirement of proof of force, fraud, or coercion for situations of trafficking that involve a person under the age of 18. The definition of “force, fraud, or coercion” is broad and can be evidenced by any of the following:

- Causing or threatening to cause serious bodily injury;
- Physically restraining or threatening to physically restrain another person;
- Intentionally destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person.

Additionally, of interest is the definition of “commercial sexual activity” outlined in the Louisiana anti-trafficking law which states, “Commercial sexual activity means any sexual act performed or conducted when anything of value has been given, promised, or received by any person.”³⁷

Though the state law does not entirely align with the TVPA, its definitions are broad enough that most victims of DMST, under the federal law would also be classified as victims under the state law.

DMST victims are often identified as victims of a crime other than DMST. Louisiana state laws that can apply to situations of DMST include but are not limited to the following:³⁸

- §3.80 Felony carnal knowledge of a juvenile;
- §3.80.1 Misdemeanor carnal knowledge of a juvenile;
- §3.81 Indecent behavior with juveniles;
- §3.81.1 Pornography involving juveniles;
- §3.81.2 Molestation of a juvenile;
- §3.81.3 Computer-aided solicitation of a minor;
- §3.82 Prostitution; definition; penalties; enhancement;
- §3.82.1 Prostitution; persons under 17; additional offenses;
- §3.83 Soliciting for prostitutes;
- §3.83.1 Inciting prostitution; §3.83.2 Promoting prostitution, and §3.84 Pandering (see Appendix A).

The Louisiana State Constitution of 1974, Article I, Section 3 prohibits slavery:

§3. Right to Individual Dignity

No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.³⁹

³⁶ Louisiana Revised Statute 14:46.2. <<http://law.justia.com/louisiana/codes/146/320889.html>>. Accessed January 30, 2008.

³⁷ Ibid.

³⁸ West’s Louisiana Statutory Criminal Law and Procedure Handbook, 2007 ed. Thompson/West Publishing, 2007.

³⁹ “Article 1: Declaration of Rights.” Louisiana State Constitution of 1974. <<http://senate.legis.state.la.us/Documents/Constitution/Article1.htm#%A73.%20Right%20to%20Individual%20Dignity>>. Accessed April 30, 2008.

Louisiana's Juvenile Justice System

Juvenile justice in Louisiana has long been at the center of debate and outrage over the detention facility conditions and treatment of children.⁴⁰ Juvenile justice is based on the premise of rehabilitative care, but in Louisiana this has not been the case. According to a 2005 report, in Louisiana “some 70–90% of jailed youth later spend time in adult prisons.”⁴¹

With detention often being a direct and indirect placement option for DMST victims, it is important to understand the structure and services offered to youth during their incarceration. Delinquency services are organized at both the state and local level in Louisiana, and secure detention is administered by parish governments, parish boards and commissions, juvenile courts, and law enforcement departments.⁴² The Office of Youth Development (OYD) is tasked with administering public commitment facilities, as well as providing predisposition investigation, probation supervision, and aftercare supervision through 13 offices across Louisiana.⁴³

The Louisiana legislature created a Juvenile Justice Commission (JJC) in 2001 to study the Louisiana juvenile justice system and make recommendations for system improvement. In March 2003, the JJC proposed more than 60 structural and substantive recommendations that included measures to change the organization and administration of basic delinquency services and redirect certain juvenile justice funding.⁴⁴ In addition, the JJC created a Juvenile Justice Implementation Commission.⁴⁵ Moreover, under the leadership of David Utter, Director of the Juvenile Justice Project (JJP) in Louisiana, the system is seeing some much needed changes. When Utter assumed his role at the JJP, Louisiana incarcerated more children than any other state in America.⁴⁶ Shortly following Utter's aggressive reform and focus on restorative justice, Louisiana's juvenile prison population has dropped from 1,900 to fewer than 500.⁴⁷

Secure detention in Louisiana is organized at the local level, with 19 secure detention facilities throughout the state. Secure detention services are funded by parish government funds and parish boards and commissions, and juvenile courts and law enforcement departments administer the funds.⁴⁸ Local juvenile courts and detention facilities determine the guidelines for detention, as the Children's Code does not specifically outline them.⁴⁹ Currently, a statewide detention-screening tool is not applied to decisions.⁵⁰ Alternatives to detention include electronic monitoring, intensive day treatment, shelter facilities, and home detention.⁵¹

The court having jurisdiction in a case involving a juvenile typically enters the order for secure detention during the time leading up to the adjudication hearing and courts also have authority to order

⁴⁰ “In Pursuit of Justice: 2005 Award Recipients: David J. Utter. Juvenile Justice Project of Louisiana – New Orleans Louisiana.” Leadership for a Changing World. <<http://leadershipforchange.org/awardees/awardee.php3?ID=328>>. Accessed March 10, 2008.

⁴¹ Ibid.

⁴² “State Profile: Louisiana.” National Center for Juvenile Justice. 2006. <<http://www.ncjj.org/stateprofiles/>>. Accessed April 30, 2008.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ “In Pursuit of Justice: 2005 Award Recipients: David J. Utter. Juvenile Justice Project of Louisiana – New Orleans Louisiana.” Leadership for a Changing World. <<http://leadershipforchange.org/awardees/awardee.php3?ID=328>>. Accessed March 10, 2008.

⁴⁷ Ibid.

⁴⁸ “State Profile: Louisiana.” National Center for Juvenile Justice. 2006. <<http://www.ncjj.org/stateprofiles/>>. Accessed April 30, 2008.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

secure detention in the disposition of the case.⁵² Juveniles may also be held in secure detention after being committed to state custody to await OYD placement.⁵³ Juvenile courts may impose a 14-day limit on detention from the time they sign a disposition order for a state commitment to the time the juvenile is placed in secure custody.⁵⁴

⁵² "State Profile: Louisiana." National Center for Juvenile Justice. 2006. <<http://www.ncjj.org/stateprofiles/>>. Accessed April 30, 2008.

⁵³ Ibid.

⁵⁴ Ibid.

I. PREVENTION

Prevention efforts are a crucial step in combating domestic minor sex trafficking (DMST). Without them, victims can remain unidentified or misidentified, which can result in the criminalization of the minor and/or continued entanglement of the minor in the commercial sex industry. Prevention includes any awareness efforts and/or training to educate both the general public as well as professional entities on the issue of DMST.

Through public awareness campaigns, knowledge of DMST can reach the groups who come in contact with or have responsibility for youth. Prevention efforts must also be targeted to minors who are at risk for becoming DMST victims, as well as buyers, or “johns,” of commercial sex activities. The training of police officers, judges, prosecutors, and social service providers is essential, as they are placed in positions of authority with the power to intervene and assist the victim, as well as to disrupt and prosecute the trafficker/pimp.

This section includes the prevention components of identification, training, procedures, and collaborative approaches that different professional entities take. Explanations on how victims and interviewed agencies have established initial contact, how these agencies classified the victims, and different successes, gaps, and challenges encountered are also incorporated.

1.1 LAW ENFORCEMENT

1.1.1. Law Enforcement for Baton Rouge/New Orleans Area

Louisiana Sheriffs Association (LSA)

The Louisiana Sheriff's Association (LSA) is the law enforcement arm of the Louisiana Human Trafficking Task Force (LAHTTF) funded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA). LSA membership consists of 65 sheriffs and roughly 12,500 deputy sheriffs.⁵⁵ LSA has committees of special interest, one of which is the LAHTTF. In an effort to establish a state-wide response to human trafficking six parish sheriffs' offices received federal money to participate on the LAHTTF. They are Calcasieu, Jefferson Davis, Iberville, West Baton Rouge, St. John the Baptist, and Lafourche. According to members of the LAHTTF, these parishes, save Lafourche, were selected because they are situated along the route from Baton Rouge to New Orleans; Lafourche was selected because it is a major port in southern, coastal Louisiana.

Baton Rouge Police Department (BRPD)

The Baton Rouge Police Department (BRPD) consists of 645 sworn officers and is responsible for enforcing city ordinances encompassing the city limits of Baton Rouge, an area of 76 square miles.⁵⁶ The BRPD is organized into four major bureaus with 50 divisions and offices.⁵⁷ The bureaus are: Administration, Uniform Patrol, Operational Services, and Criminal Investigations. The divisions within the BRPD most likely to have contact with DMST victims are within the Uniform Patrol Bureau and the Criminal Investigations Bureau.

Within the BRPD, the Uniform Patrol is the largest bureau. Patrol officers patrol all areas of the city, respond to calls, and conduct preliminary investigations of all crimes. According to a lieutenant with the BRPD who participated in this assessment, this unit is most likely to come in contact with DMST victims first. The Criminal Investigations Bureau is primarily responsible for follow-up investigations of major crimes. The Criminal Investigations Bureau includes the Crimes Against Persons Unit, which investigates three main criminal areas that are likely to include cases of DMST: juvenile/sex crimes, major assaults/missing persons, and computer crimes.

Crime Stoppers Baton Rouge (CSBR)

Crime Stoppers is a nonprofit community involvement program that solves and prevents crimes within an eight-parish area: East and West Baton Rouge, East and West Feliciana, Livingston, Iberville, Ascension, and Point Coupee Parishes. Crime Stoppers gives citizens a way to report felony criminal activity anonymously and provides cash rewards of up to \$1,000 for doing so.⁵⁸ Crime Stoppers is included here because the organization works directly with law enforcement in Baton Rouge on tips reported through their hotlines.

New Orleans Police Department (NOPD)

Divisions within the New Orleans Police Department likely to come in contact with DMST victims are the Homeless Assistance Unit, Child Abuse Unit, Crime Prevention Unit, Bureau of Investigations, Technology Division, Juvenile Intake Section, Narcotics Major Case Squad, and Vice Squad. Complete information as to the level of DMST knowledge and interaction with DMST victims was not obtained, as the LAHTTF "could not get NOPD to join the task force effort," a LAHTTF leader said, allegedly because the department was having a difficult time getting the force back together following Hurricane Katrina. However, the NOPD Homeless Assistance Unit did participate in this assessment. This unit consists of two people who frequently come in contact with potential victims of DMST.

⁵⁵ "About Us." Louisiana Sheriff's Association. <http://www.lsa.org/Louisiana_Sheriffs_Associatio/About_Us/about_us.html>. Accessed April 30, 2008.

⁵⁶ "Frequently Asked Questions." Baton Rouge Police Department. <<http://ci.baton-rouge.la.us/Dept/brpd/>>. Accessed April 30, 2008.

⁵⁷ Ibid.

⁵⁸ "Rewards." Crime Stoppers Baton Rouge. <<http://www.crimestoppersbr.com/>>. Accessed April 30, 2008.

Federal Bureau of Investigation (FBI)

The Federal Bureau of Investigation (FBI) agents who are part of the LAHTTF were very cooperative in speaking informally on the issue; however, due to the tight timeframe for interview collection, no agent was able to grant a formal interview.

1.1.2. Training

The Louisiana Sheriff's Association offers human trafficking training sessions to all sheriffs' departments, and it is mandatory that departments receiving grant money have at least one sheriff in attendance. The training is also open to Cox Communications and Entergy, as they have the ability to be the "eyes and ears" of suspicious activity in rural areas while on the job. Training sessions were also open to community members who were interested in attending. Three LAHTTF-sponsored training sessions took place in Louisiana last year and were provided by the Gulf States Regional Center for Public Safety Innovations (GSRCPPI). The training, however, focused primarily on incidences of human trafficking of foreign nationals, leaving the issue of DMST virtually untouched.

A lieutenant of the Baton Rouge Police Department stated that, to his knowledge, no member of the BRPD had received training on DMST. Nearly all officers had been through forensic training and were expected to be able to identify victims of sexual abuse. If a child is identified as a sexual abuse victim, the BRPD immediately contacts the Office of Community Services (OCS), Louisiana's child welfare agency, to set up services and medical assistance.

Detectives in the Juvenile/Sex Crimes and Missing Persons divisions at the BRPD are required to complete 40–48 training hours that are specific to sexual assault investigations. These training hours, however, do not include information specific to DMST, such as indicators of child exploitation through prostitution, use of child-sensitive questions to reveal pimp involvement, or identification factors, such as likelihood of familial abuse, runaway status, and tendency to refer to the trafficker/pimp as a "boyfriend."

In New Orleans, an officer on the NOPD Homeless Assistance Unit (HAU) attended DMST training at Covenant House in October 2007. The training provided by Shared Hope International was mostly attended by the staff at Covenant House, a homeless and runaway shelter for youth between the ages of 16-21. Prior to the training, the NOPD HAU officer "didn't even know they had anything like [DMST]." Upon completion of the training, the officer recalled numerous situations that would have classified an exploited homeless youth as a victim of DMST under the federal TVPA and potentially the Louisiana anti-trafficking law.

In New Orleans, HAU officers are police technicians without authority to arrest suspected criminals. Their primary focus is to help with homeless-related issues, such as assisting with locating shelter and food. For example, HAU's partnership with Covenant House New Orleans provides identified homeless youth with direct access to service should they decide to use it. Until this assessment, the HAU interviewee was neither aware of DMST nor was he trained to view homeless-related issues from a DMST perspective.

The Executive Director of Crime Stoppers attended a GSRCPPI training on human trafficking. However, the 25 call-takers for Crime Stoppers are not yet educated on the appropriate questions to ask callers in order to determine if the crime is human trafficking. It is recognized that such training should occur. Crime Stoppers is an international organization, and other locations have successful initiatives to combat human trafficking. As human trafficking grows as a problem in the Baton Rouge/New Orleans area, the local Crime Stoppers organization plans to mimic the successful campaigns of the other locations.

1.1.3. Identification

"Human trafficking is not something you see in big numbers," said a representative from the Louisiana Sheriff's Association. When first approached about starting the task force in early 2006, he said that he

was shocked at the amount of emphasis placed on sex trafficking, as he did not believe it was happening in his geographic area.

When sheriffs find a runaway juvenile, local law enforcement is alerted to check whether or not the minor in custody has been reported missing. LSA is one of 170 law enforcement agencies in Louisiana connected to Louisiana Civil and Criminal Information Network (LACCIE), a tracking system of more than 350 criminal justice databases at the state, local, and federal levels. The system allows Louisiana law enforcement agencies and officers in the field, who participate in the network, to access criminal information instantly and simultaneously from their desks, vehicles, or handheld devices, and the system is compatible with all types of computer operating systems.⁵⁹ The system is successfully backed up and will work even in the event of a catastrophe like Hurricane Katrina.⁶⁰

A lieutenant with the BRPD was unable to identify any DMST victims, or “child prostitutes,” since the TVPA passed in 2000, even though approximately 40 to 50 reports are made to the Juvenile/Sex Crimes Division weekly, roughly half of which pertain to juveniles. Typically, the cases consist of molestation in the home or a boyfriend and girlfriend relationship where the couple is having sex and there is more than a two-year age difference, thus constituting a charge of carnal knowledge involving a juvenile.

Minors arrested for prostitution are “very, very rare,” stated a statistician with the Sex Crimes Division of the BRPD, “[DMST] just doesn’t appear to happen in this area.” He had never viewed a prostitution case from a human trafficking perspective, even when a minor had been brought in from another area for the purpose of prostitution.

The Missing Persons division of the BRPD is tasked with the identification and recovery of runaway youth. However, the unit cannot arrest the runaway, as this is a status offense rather than a criminal offense. The officer contacting the runaway attempts to determine why the minor has run away, and if there is no indication of abuse or endangerment, then the minor is returned to their residence. If the minor is from another jurisdiction, a more thorough interview will commence, and the runaway will likely be returned to the home state. If abuse is indicated, law enforcement will contact OCS, and a joint investigation begins. If a runaway presents suspected false identification, fingerprints are run through the Air Defense Systems Integrator (ADSI) system, a complex information-sharing system used by intelligence agencies, and the resulting information is run through the National Crime Information Center (NCIC) computerized database. Both the ADSI and the NCIC are highly efficient technologies facilitating the sharing and obtaining of information among justice agencies.

In New Orleans, the Homeless Assistance Unit (HAU) of the NOPD is tasked with the identification of homeless adults and children, with the ultimate purpose of getting them off the streets. The HAU does outreach four nights per week to identify the homeless, build relationships, and earn this population’s trust. As police technicians, the HAU officers do not have arrest authority. This is a barrier to proper identification and can make age verification a challenge. “I think I may have come across a couple of these things over the years but never was able to respond,” one HAU officer said. In particular, a population of homeless youths referred to as “gutter punks” were identified. Nomadic in nature and consisting of minors from all over the country, the HAU does not believe they are looking for a way to get off the streets. This group of homeless teens gathers regularly at “the wall” located at the end of Elysian Fields by the Mississippi River on Thursday through Saturday nights. Of the approximately 100 people at “the wall,” an estimated 10 will be from this subpopulation of homeless teens. In the winter, there are about 30 out of every 100, with the newcomers coming predominantly from the north. The girls are “vulnerable, gullible, desperate, and usually fleeing a situation,” according to the HAU interviewee.

⁵⁹ “Thinkstream, Inc., Normatt, Inc. stand ready to meet law enforcement challenges of Hurricane Rita: Backup System Will Keep Louisiana Criminal Network Operational,” [Thinkstream, Inc.](http://www.thinkstream.com/news/press/2005_0923.php) September 23, 2005. <http://www.thinkstream.com/news/press/2005_0923.php>. Accessed April 30, 2008.

⁶⁰ Ibid.

As a result, they align with a gang of tough guys to feel protected. “A lot of those gutter punk type groups will take ‘their’ girls and prostitute them when times are tough,” he said, “and that’s been told to me by some of the gutter punks.”

The HAU officer recalled a man who frequented the food lines that the HAU sponsors at “the wall” to recruit young boys to work for his construction business. The man provided some minors with shelter and a job. The interviewee later heard from the other teens at “the wall” that the work would turn into “some kind of sex thing.” These boys had also received services at Covenant House, a service provider for homeless youth in New Orleans that the HAU works in partnership with but were suspended from the shelter for repeatedly violating shelter rules. This man at “the wall” preyed on the population of teenage boys who were most vulnerable and had almost nowhere else to turn.

1.1.4. Louisiana Human Trafficking Task Force Protocol

The three main components of the Louisiana Human Trafficking Task Force—the Louisiana Sheriff’s Association, the U.S. Attorneys from all three districts, and social service providers—has established a protocol for cases of DMST, although no cases have occurred to set the protocol in action. The protocol dictates that, depending upon the area of Louisiana and the specific case, the FBI will be alerted and may call for federal backup. The perpetrator will likely be held initially on state crimes in the jurisdiction in which the crime occurred, but the most appropriate conviction will be under the federal TVPA. “It’s best they go to federal prisons and are sent off using federal money instead of state money,” one practical interviewee stated.

1.1.5. Procedures

There are currently no procedures in place within the Baton Rouge Police Department to facilitate the identification of DMST victims. This is primarily due to the fact that victims are currently identified as sex abuse victims. There are no questions in place which attempt to identify the abuse as commercial in nature. One lieutenant who was interviewed was unaware of any preventative measures in place within the Computer Crimes Division to proactively target online predators.

BRPD Sex Crimes refers most sexual assault victims to the Stop Rape Crisis Center for free rape crisis counseling. If a juvenile is a victim of sex abuse, the Office of Community Services (OCS) is immediately contacted. The BRPD will bring the child to a Child Advocacy Center (CAC) to be interviewed. CACs provide safe havens for children who have been victimized by severe sexual abuse where that they may be interviewed by a trained forensic interviewer. These facilities were created to coordinate the various agencies that need to interact with the child during the investigation process in an effort to minimize revictimization.

Crime Stoppers is the information-distributing organization of the LAHTTF and has established protocols for information sharing with law enforcement agencies in the area on the federal, state, and local levels. In cases of human trafficking, the appropriate agency in the jurisdiction in which the crime occurred will be notified.

1.1.6. Collaborations

Louisiana Sheriff’s Association (LSA) has successful and ongoing collaborations with Catholic Charities in Baton Rouge as well as the Metropolitan Center for Women and Children in New Orleans. LSA is involved in a number of collaborations with other law enforcement agencies and holds meetings where representatives from the U.S. Attorney’s Office, sheriffs from all over Louisiana, the state police, and citizens attend—much like Louisiana Human Trafficking Task Force meetings. Meetings such as these are a primary means of information sharing. However, the LSA representative said the agency needs more involvement with the private sector and media. “The extent of the problem needs more publicity,” he said, but it was reported that the LSA did not have the means to provide this.

BRPD Juvenile/Sex Crimes Division collaborates with OCS in any case involving children, especially crimes within the home. The response time is usually immediate and the collaboration works well, but OCS is limited by personnel, budget, and a high caseload. Another important collaborator is the Stop Rape Crisis Center (RCC) in Baton Rouge. RCC provides free rape crisis counseling to sexual assault victims. One interviewee emphasized the importance of RCC's free counseling to the recovery of many victims who would otherwise have been lost.

Finally, various divisions and units of the BRPD participate in community programs and local initiatives, such as the D.A.R.E. program, the LAHTTF, Crime Stoppers, and the Amber Alert Foundation Louisiana, an emergency alert plan for abducted children.

The NOPD HAU has a successful, ongoing collaboration with Covenant House in New Orleans, which provides shelter and services to homeless teens ages between the ages of 16-21. Unfortunately, NOPD has found collaboration with OCS to be challenging at times. One of the examples cited to support this criticism took place in 2004, when a 14-year-old boy was found on the streets. The child was an orphan being raised by his 16-year-old sister. When the sister went to live with her boyfriend, the boy was left behind. He was referred to OCS, which tried to send him to other agencies for care, but the other agencies declined, as it was OCS's responsibility to take the child. Finally, upon a threat to expose this to the media, OCS took responsibility of the boy. NOPD found the boy on the streets one week later, overdosing on heroin. OCS is understandably overwhelmed and understaffed however such situations as exemplified above cause breakdown of trust and cooperation between agencies that is vital for proper DMST identification.

The Executive Director of Crime Stoppers boasts "fantastic collaboration" with law enforcement agencies in the area, and the statistics on convictions regarding other crimes back this claim. Crime Stoppers also collaborates with Louisiana's public school system in a program called Campus Crime Stoppers. They are present in nearly 80 elementary, middle, and high schools in eight parishes surrounding Baton Rouge, and teach children to be law enforcers by informing police of criminal activity, thereby deterring them from becoming criminals or victims. Crime Stoppers collaborates with Lamar Advertising to provide an effective, immediate, and widespread notification of felonious crime through the use of digital billboards in the city and along the interstates.

1.1.7. Law Enforcement Statistics and Hurricane Katrina

Statistics from the New Orleans Police Department document 4,468 total violent crimes in 2004, including 265 total murders and 189 total rapes.⁶¹ In 2005, the year of Hurricane Katrina, 1,008 violent crimes were reported, including 44 rapes and 65 murders.⁶² In 2006, there were a mere 364 violent crimes reported, 17 of which were murders and 23 were rapes.⁶³ Statistically, it appears crime went down in New Orleans following the Hurricane; realistically, however, any attempt at formal statistics is skewed due to the drastic population decrease and the National Guard's presence in the city. In the year prior to Hurricane Katrina, Baton Rouge reported 83 rapes and 47 homicides.⁶⁴ That number fluctuated by only two more homicides the following year.⁶⁵ In 2006, there were 101 reported rapes and 56 homicides in Baton Rouge.⁶⁶

⁶¹ "2004 Yearly Crime Statistics." City of New Orleans. 2005. <<http://www.cityofno.com/pg-50-12-2004-yearly-crime-statistics.aspx>>. Accessed April 30, 2008.

⁶² "Crime Stats: 2006 Compared to 2005." City of New Orleans. 2007. <<https://secure.cityofno.com/portal.aspx?portal=50&tabid=77>>. Accessed April 30, 2008.

⁶³ Ibid.

⁶⁴ "2004 Yearly Crime Statistics." City of New Orleans. 2004. <<http://www.cityofno.com/pg-50-12-2004-yearly-crime-statistics.aspx>>. Accessed April 30, 2008.

⁶⁵ "Baton Rouge Crime Statistics for 2005." Baton Rouge Police Department. 2006. <<http://brgov.com/Dept/brpd/csr/default.asp?GetYear=2005>>. Accessed April 30, 2008.

⁶⁶ "Baton Rouge Crime Statistics for 2006." Baton Rouge Police Department. 2007. <<http://brgov.com/Dept/brpd/csr/default.asp?GetYear=2006>>. Accessed April 30, 2008.

1.2 PROSECUTORS

The U.S. Attorney's Office (USAO) in the Middle District of Louisiana is the prosecutorial member of the LAHTTF. The Middle District of Louisiana is a nine-parish region that includes the following parishes: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Point Coupee, St. Helena, West Baton Rouge, and West Feliciana. The USAO is responsible for representing the federal government in virtually all of the litigation involving the United States in the Middle District of Louisiana, including all criminal prosecutions for violations of federal law, civil lawsuits against the government, and actions to collect judgments and restitution on behalf of victims and taxpayers.⁶⁷

The District Attorney (DA) represents the state government in the prosecution of alleged criminals. The Sex Crimes Division and the Juvenile Division of the District Attorney's Office are those sections most likely to come in contact with victims of DMST. One Assistant DA said the office sees only "traditional" victims, which were defined as "kids sexually abused in their home, victims of child pornography and solicitation." All three categories hold a high potential for victimization through DMST.

1.2.1. Training

Members of the U.S. Attorney's Office in the Middle District of Louisiana have received extensive training on human trafficking specifically on the issue of DMST. These have included:

- Gulf States Regional Center For Public Safety Innovations (GSRCP) on human trafficking
- Eighth Annual Gulf States Victim Witness Conference in Destin, Florida, September 11-14, 2007. The "All For One" Conference was attended by members of USAOs from the Gulf States
- Third National Conference on Human Trafficking: Maximizing Task Force Effectiveness and Coordination. The conference was held September 27-28, 2007, in Chicago
- 2006 National Conference on Human Trafficking in New Orleans when Attorney General Gonzales announced enhanced programs to combat trafficking

There is currently no formal training program for those who are charged with viewing the evidence in child pornography cases, which is a problem for processing the images viewed, as well as resulting in a truncated process to view the evidence.

The DA's Office staff in East Baton Rouge Parish has not attended training specifically pertaining to DMST or the TVPA. However, one DA did attend a continuing legal education seminar on the issue of online sexual predators and child pornography provided by the National College of District Attorneys. The interviewee stated that the training focused on dealing with "traditional victims: kids abused in their homes, victims of child pornography, or solicitation." These "traditional victims" often qualify as DMST victims as defined in the TVPA, but the lack of awareness in this area has prevented these potential DMST victims from being identified as such.

The New Orleans Adolescent Hospital (NOAH) has focused on perpetrators by offering Sexual Predator Training. This training does not include information that is specific to sex trafficking; however, it could easily incorporate the connection between the sexual predator and the DMST victimization.

1.2.2. Identification

The USAO in the Middle District of Louisiana has chosen to prioritize sex trafficking as well as labor trafficking. This office is aggressively pursuing child pornographers. The USAO prosecuted over nine

⁶⁷ "About Us." United States Attorney's Office – Middle District of Louisiana. Online. <<http://www.usdoj.gov/usao/lam/about/index.html>>. Accessed April 30, 2008.

child pornographers, as reflected in its most recent annual report on that topic. The office also prosecuted those who received and possessed a significant amount of child pornography.

Some of those perpetrators prosecuted were initially reported to the USAO for prosecution by the Louisiana State University Police Department (LSUPD). The Louisiana State University computer system detects significant numbers of child pornographic images on a user's computer. LSUPD has access to computer forensic expertise through the Internet Crimes Against Children (ICAC) Task Force. ICAC also investigates Internet-based child exploitation crimes and provides public education about Internet safety. The Internet is a particularly formidable opponent to those trying to impede the exploitation of children, and it has given pedophiles and traffickers international reach.

The USAO indicated that trained local law enforcement is necessary to make the initial detection of human trafficking crimes. At the same time, the USAO ensures training internally on human trafficking and pursuit of cases which they believe will influence the federal legal precedent.

The DA's Office in the East Baton Rouge Parish has not handled cases of DMST. However, it has been noted that the office sees "traditional victims," indicating a possibility that DMST cases are being mislabeled, as several "traditional" categories of victimization can encompass or fall under the definition of DMST. Often, a victim has already been misidentified by several other agencies by the time that victim reaches this prosecutorial stage.

1.3. PUBLIC DEFENDERS

Juvenile Regional Services (JRS) operates as the juvenile public defenders of Orleans Parish. JRS has a contract to provide public defender services for juveniles charged with delinquency. The origin or reasons behind this contractual agreement for juvenile public defenders in Orleans Parish was unable to be identified during the course of this assessment.

1.3.1. Training

National Juvenile Defender Center (NJDC) provided training to the public defender that addressed challenges specific to juveniles. DMST/child prostitution was not addressed in this training.

1.3.2. Identification

The offenses charged against juveniles often mask an underlying sex-trafficking situation. For example, in 2001 a case was brought against a 15-year-old child with a series of offenses against older men in and around the French Quarter. In court, he was accompanied by an older man claiming to be his uncle. Further investigation pursued by the public defenders proved the man was not his uncle; rather, he was a trafficker/pimp who was benefiting from the commercial sexual exploitation of this child.

The state of Louisiana was sued in 1998 for the conditions of confinement in their facilities for juveniles. The lawsuit continued for eight years until it was dismissed in 2006. The lawsuit revealed the story of one 15-year-old girl who, in 2000, was placed in Jetson Correctional Center for Youth, near Baton Rouge, after she had been stripping on Bourbon Street from the age of 12. This child was misidentified and treated as a delinquent instead of a victim. According to one interviewee the club which allowed the minor to strip dance at age 12 was never investigated.

JRS has handled approximately six cases of DMST since 2000. Four of the six cases involved African-American boys between the ages of 12 and 16 who were evicted from their homes. On the streets, they were befriended and then recruited by a trafficker/pimp. The other two cases involved girl victims of DMST through prostitution.

1.3.3. Collaborations

JRS is currently working with OCS, Mental Health Advocacy Service, Department of Health and Hospitals, and the Metropolitan Center for Women and Children (Metro) in New Orleans. Metro is the social service provider of the LAHTTF, which is funded by the U.S. Department of Justice, Office for Justice Programs, Office for Victims of Crime (OVC). Larger, private providers, such as the Children's Hospital, Tulane, and Louisiana State University, are not currently involved in collaborating to address human trafficking.

1.4 JUVENILE COURT

1.4.1. Training

The Baton Rouge Juvenile Court has not received training specific to DMST, but has had trainings by the Louisiana Judicial College on child abuse. The OCS, the DA's Office, and Court Appointed Special Advocates (CASA) have also organized training sessions. The training is not mandated, not specific to DMST, and motivated solely by the sponsors.

1.4.2. Identification/Classification

Cases of sexual abuse that come through the court are typically in the context of parental abuse or the sexual molestation of a child by the parent's partner. It should be noted, however, that there is a possibility of DMST if a commercial exchange was made. For example, if the parent allowed the abuse to occur in order to continue having shelter or sold pornographic images of his or her child.

Juveniles believed to be at-risk or identified as potential victims often come to the court's attention through behavioral issues that result in arrest. During an investigation, behavioral symptoms of past or current victimization can be revealed. One example of an issue viewed as a "symptom" of a larger problem is curfew violation. Particular attention is paid to curfew violations when they accompany a parental complaint, counselor notation, or a self-report of sexual promiscuity. Though viewed as a symptom of a larger problem, rarely is this behavior viewed as prostitution-related. More often this "acting out" is viewed as a truancy violation or ungovernable behavior. In addition, self-esteem issues were noted as a commonality among the sexually victimized youth and can be an indicator for DMST victimization.

According to the interviewees, youth who come before the court manifesting symptoms of potential DMST are commonly white females between the ages of 13 and 15 years. They are generally truant or have histories of school expulsion. The interviewees also report that potential victims often give testimony about a "boyfriend," usually around 19 years old or more. Another frequent complicating factor is drug use, especially marijuana, which the youth normally receive from the older boyfriend.

Currently, a case is pending involving a minor brought before the juvenile court for ungovernable behavior. Her mother reported that a man drove the minor to Port Allen (across the Mississippi River Bridge, a short distance from downtown Baton Rouge) to strip dance. The juvenile admitted that she "does lingerie modeling at a bar," which as a minor, she is neither legally allowed to be in bars nor allowed to perform as an exotic dancer. Given the nature of this case, it is very likely that the juvenile is in fact a DMST victim.

According to interviewees with the juvenile court, more young males are identified as being exploited through prostitution than females. Often, these young male victims lack solace and safety at home due to discrimination for being either homosexual or transgender, which increases their vulnerability to exploitation. A pattern noted by members of the juvenile court is the existence of older pedophiles targeting these vulnerable youth by providing a false sense of acceptance and security. For instance, one young transvestite informed a juvenile court judge that his older benefactor (the pimp) was "the only person who ever cared about me."

Transgender and transvestite youth are also at extreme risk for violence committed by the buyer, who can react violently upon discovering minor's biological sex. When this happens, the entire family can be put into jeopardy. Law enforcement can then become involved in order to protect the family of the child who has been prostituted. One juvenile court judge had seen an increasing number of cases involving the prostitution of young men—about four in the last two or three years.

It was noted that the state's response is to place sexually exploited children in group-home settings, but DMST victims, particularly those who are homosexual and/or transgender, may encounter more problems in this type of setting. Similarly stigmatized, DTM females are often labeled as promiscuous, further distancing them from victim status. The court has heard reports of the victimization of DTMs in a group home by both the staff and other youth in the home.

A "culture of secrecy" about sex is noted as a barrier to identifying DMST victims. Sex education is not taught in public schools in Louisiana; rather, many youth rely on peers for information and advice pertaining to sex. This culture of secrecy often causes adults to be uncomfortable asking the questions necessary to identify DMST victims. Older, adolescent teenagers are often viewed as voluntary participants in their victimization; however, it is the stance of the juvenile court to consider DTMs victims, understanding that no child would choose to engage in sex with strangers two and three times their age, multiple times a night.

1.4.3. Procedures

The judge facilitates interviews for law enforcement when they have an investigative interest in a juvenile with a case on the docket. In cases where commercial sexual exploitation is suspected and the minor is charged with an unrelated crime, the judge consults with the DA and the child's attorney (usually a public defender) to agree on a direction for the case. In cases of sexual abuse, the DA will add a request for Families In Need of Services (FINS), a program unique to Louisiana that is used to deal with status offenses. The areas of familial dysfunction are identified, and a conference call, which is mandatory for every public service agency with the ability to help the family, is held. During the conference call, a plan is developed to address the problems the minor and the family are having. If the plan does not work, the case is referred back to the court. The court has subpoenaed agencies refusing to participate, and the court has contempt power over the agency if they do not provide the services. Exceptions are given to agencies demonstrating a lack of resources.

1.4.4. Families In Need of Services (FINS)

Families In Need of Services (FINS) is based under the Judicial Administrator's Office operating under the Louisiana Children's Code.⁶⁸ It is considered a pre-delinquency intervention and provides interagency social work services to assist children and families.⁶⁹ FINS has the ability to sign contracts for school and family progress in lieu of court adjudication.⁷⁰

Written complaints are typically filed with the FINS program by law enforcement, school officials, and parents, and services are then administered based on the specific needs of a family. The program is intended to permit juvenile courts to coordinate community resources to assist families in an effort to prevent delinquency and family disintegration. The stated goals of the FINS program are to reduce formal juvenile court involvement while designating community services to benefit both the child and the family as a unit.⁷¹ The FINS program aims to provide early intervention and necessary services rather than impose a punishment.⁷²

A family may qualify as being in need of services if the child is truant, ungovernable, a runaway, or guilty of a criminal offense. These charges are typically noted as being "masks" of DMST.

⁶⁸ "Children and Families: Families In Need of Services (FINS)." Louisiana Supreme Court. <http://www.lasc.org/court_managed_prog/FINS.asp>. Accessed April 30, 2008.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ "Families in Need of Service." 4th Judicial District Court. 2002. <<http://www.4jdc.com/fins.htm>>. Accessed 30 April 2008.

⁷² "Children and Families: Families In Need of Services (FINS)." Louisiana Supreme Court. <http://www.lasc.org/court_managed_prog/FINS.asp>. Accessed April 30, 2008.

While a FINS Intake Officer conducts an initial interview with the family, the child is asked to complete an assessment to help identify different areas of concern, such as behavioral or mental health issues. Once completed, an Informal Family Service Plan Agreement (IFSPA) is developed, which includes the identification of any conduct that is causing harm to the juvenile in question.⁷³ The IFSPA also includes a description of the services that are needed and a plan for ensuring that all available services are delivered. A FINS Case Manager facilitates the plan's implementation and monitors the family's compliance.⁷⁴ The program lasts for an initial six months with the possibility of another six-month extension. A FINS flow chart is included in Appendix B of this report.

1.4.5. Collaboration

Child Advocacy Centers (CACs) are comprehensive facilities that assist with victim-centered case management involving child victims with a focus on minimizing revictimization through intervention in a child-focused, child-sensitive environment. In an effort to lessen the trauma experienced by child victims of sexual abuse, the Baton Rouge CAC offers forensic child-friendly interviews that allow multiple agencies to collect information from the child in order to assist investigation, prosecution, and treatment of child abuse. Members of this team include representatives from law enforcement, prosecutors, OCS, mental health specialists, and medical specialists.⁷⁵

Forensic interviews are done by specially trained forensic interviewers or counselors trained in play therapy, and the children are observed through one-way mirrors by the multidisciplinary team. The Baton Rouge CAC allows members of the team to be wired to the forensic interviewers during the interview process in order to communicate questions that the team need answered for the investigation to proceed.⁷⁶ This allows the victim to only go through one interview rather than multiple interviews with multiple agencies, potentially revictimizing the child in the retelling of the story.

The Board of Directors for the Baton Rouge Child Advocacy Center will not allow the interviews to be videotaped, although other CACs have done this. The inability of the Baton Rouge CAC to videotape interviews may result in the child being subjected to multiple interviews in relation to the sexual abuse. Sexually abused children who are repeatedly questioned tend to withdraw, making it difficult to move these cases forward. Interviewees state that this resistance to allow videotaped interviews by the Baton Rouge CAC hinders its effectiveness.

The experience of the juvenile court with the Office of Community Services (OCS) has not been collaborative, as OCS will not become involved in cases of commercial sexual exploitation by any person other than a family member or caretaker. OCS is mandated only to engage in cases of guardian abuse or cases of a guardian's live-in partner abusing the child. While OCS has the obligation to provide services to minors in the FINS program, there is a perceived reluctance by OCS to become involved in dysfunctional family situations unless there is documented abuse. The Family Services Division of OCS is mandated to provide therapeutic services; however, OCS seems to limit use of services to families that have been identified as abusive. This perception causes some disagreement between OCS and the juvenile court on where services and resources should be placed. Ultimately, the court can provide oversight of OCS' FINS-mandated work through its subpoena power.

⁷³ Ibid.

⁷⁴ "Families in Need of Service." 4th Judicial District Court. 2002. <<http://www.4jdc.com/fins.htm>>. Accessed April 30, 2008.

⁷⁵ "Multidisciplinary Team (MDT) Approach to Child Abuse." The Baton Rouge Child Advocacy Center. <<http://www.batonrougecac.org/mdt.pdf>>. Accessed April 30, 2008.

⁷⁶ "Services." The Baton Rouge Child Advocacy Center. <http://www.batonrougecac.org/batonrougecac_007.htm>. Accessed April 30, 2008.

Constrained by an underfunded and overburdened system, OCS does not have enough social workers in the field to address the needs of their clients. According to interviewees from the OCS, although the city of Baton Rouge has enough resources, the city does not allocate it in the appropriate places to best help this population of minors.

1.5 JUVENILE DETENTION FACILITIES

Florida Parishes Juvenile Detention Center (FPJDC) is a secure residential detention facility that has territorial jurisdiction throughout the 21st and 22nd Judicial Districts, which does not include Orleans, Jefferson, or East Baton Rouge parishes, although the facility is off the Interstate 12 corridor and about an hour away from both New Orleans and Baton Rouge. FPJDC was interviewed for this assessment because of its reputation for being a detention facility that also provides services and counseling to juveniles.

1.5.1. Training

The FPJDC staff attended the 12th Annual Conference on Adult and Juvenile Female Offenders, a nationwide conference held every two years in a different state, most recently in Baltimore, Maryland. Only one module of the conference touched on prostitution and sex trafficking. The staff received substantial information on how children are trafficked and prostituted and what was being done in Baltimore by local service provider You Are Never Alone (YANA), which provides drop-in services, counseling, and assistance to women and children caught in the cycle of violence. The training also helped to explain the intersections of prostitution and sex trafficking for minors.

1.5.2. Identification

The primary purpose of FPJDC is to detain minors. There is no staff specially tasked to oversee minors charged with prostitution. Staff noted numerous examples of DMST victims in FPJDC. At the time of the interview, three cases of DMST were noted with all three victims detained on delinquency charges. One detained DMST victim had been prostituted by a trafficker/pimp. Another different DMST victim revealed being sexually exploited by the owner of a club where she was illegally employed.

1.5.3. Procedures

STD testing is administered upon admittance to the facility at an onsite clinic on a voluntary basis, though testing for HIV is not offered. Should testing reveal STDs and/or evidence of a possible rape, a clinician meets and counsels the patient and tries to determine what happened. A rape kit is then conducted and the victim is referred immediately to the medical department. If an offender is identified, an investigation report is filed with law enforcement for follow up.

When a detained child discloses being a victim of a crime, such as sexual abuse or assault, FPJDC contacts both OCS and law enforcement. FPJDC further assists by providing support and services to the minor during the investigation process. A participant in the assessment stated that the establishment of STD testing upon admittance allows for sexual abuse detection in the event that pre-adjudication identification had fallen through the cracks. This provides an opportunity for law enforcement to investigate and prosecute the perpetrators.

1.6 OFFICE OF COMMUNITY SERVICES

1.6.1. Training

Office of Community Services interviewees had not heard the term “human trafficking” and had not received training on the issue. Training is sometimes provided by the Children’s Advocacy Centers on child sexual abuse but interviewees did not recall the training addressing prostituted children as a victim population.

The Internet Crimes Against Children Task Force provided trainings on child pornography and also participated in speaking engagements. However, the term “human trafficking” was not used in these trainings or presentations.

1.6.2. Identification

Though unfamiliar with the issue of DMST, one OCS interviewee had encountered two cases involving children that would have qualified as victims of DMST. Though these cases predate the passage of the federal TVPA in 2000, they are still considered relevant in establishing the scope of the problem. In one case study, allegations of sexual abuse led to an OCS investigation that identified a young girl’s father as her abuser, and OCS was able to terminate parental rights. Throughout the next ten years, the child was placed in multiple homes, resulting in further abuse and chronic running away. During this time, the minor was victimized through prostitution and stripping. Shortly after turning 18, the victim became pregnant and OCS eventually had to take custody of the baby. The next time the victim was identified, she was a murder victim of a serial killer in Louisiana.

In another case example, a very young mother allowed her landlord to engage in intercourse and sex acts with her daughter in exchange for the rent. The mother’s prostitution of her child eventually expanded beyond the landlord until a citizen reported the child going into a hotel room with an older man. OCS investigated and promptly terminated parental rights. The child revealed during testimony against her mother that she had been involved in horrific sex acts during the course of her exploitation through prostitution.

OCS investigators and caseworkers use codes to indicate varying levels and types of abuse. Until September 2006, there was a generic code that encompassed all forms of sexual abuse, leaving the caseworker or investigator to further explain specific allegations of sexual abuse in a different section of the file. As a result, specific types of sexual abuse allegations, such as fondling, rape, and prostitution, are not searchable data in the computer system. Specific types of sexual abuse would be found only through a manual search of each case file. In September 2006, a new statewide computer program was introduced improving the previous system. Each general code now has a drop-down menu where specific allegations can be recorded in the computer system. One of the new allegations on the additional menu under the sexual abuse code is “prostitution.”

1.6.3. Data on DMST

According to data provided by the OCS, July 2006 through December 2007, 35 reports of prostitution of minors were recorded from 19 parishes in Louisiana. Of specific interest for the locations targeted by this assessment, Jefferson Parish reported one instance of prostitution in 2006 and one in 2007, Orleans Parish reported one instance in 2006, and East Baton Rouge Parish reported one instance in 2006. These numbers are specific to familial prostitution and were recorded in the new statewide computer system as a specific category of sexual abuse.

1.6.4. Initiating Investigations

The Office of Community Services (OCS) immediately responds to reports from social service providers of sexual abuse allegations made by minors. However, in the event the child who had made the outcry of abuse runs away from the facility prior to OCS' arrival to interview the child, OCS will document the allegation but no further investigation will ensue due to the child's unavailability. OCS must complete an interview with the child who is alleging abuse to substantiate the claim before an investigation can be initiated. Even if full information is provided by the child, including name and address of the perpetrator, OCS will not open an investigation without interviewing the child and is not legally obligated to investigate the allegation.

1.7 NGOs/SERVICE PROVIDERS

Members of the social service/nonprofit community were interviewed with the goal of attaining a clear picture of their role in DMST victim identification and outreach in the Baton Rouge/New Orleans region. The following are two interview excerpts:

If you don't live in the world where I live every day, it's hard to believe it's so extensive. Here in the shelter, you see it. You see the moms and girls prostituting. You see the boys being groomed as pimps and predators. You see the girls fight. You see the moment they come in, they want to team up with another girl, and they want to create a gang. It's not simplistic.

—Youth Service Provider

I had a girl [doing outreach] one Saturday who started bawling when we pulled up at the Alamo [a rundown motel notorious for prostitution]. "You didn't tell me we were coming to the Alamo...I spent most of my life here." Another girl on outreach started crying. "My mother raised me here. I was a prostitute here as a child." Three prostitutes came around the corner and recognized her, asked what happened to her. "I got busted, I did my time, and now I'm getting my life straight." We told the prostitutes, "Do you see these two girls? You know them. They're making it. You don't have to live like this. You can do this too." Those prostitutes just cried... they couldn't believe there is another way of life.

—Outreach worker

1.7.1. Intake Questions

Participating NGO and social service entities have clinical social workers and/or psychologists on staff. However, no organization has formal next-step questions to identify potential DMST victims on their intake forms. Interviewees stated that through either trainings or professional experience, staff members are equipped to identify potential victims without formal intake procedures.

1.7.2. Training

The State of Louisiana requires 15 hours of training for certain social service professionals. Shelters, such as Youth Oasis in Baton Rouge, require 40 hours per year. Most often, staff members attend self-harm training, mental health training, child separation anxiety, sexual abuse, and suicide assessment training. All employees are trained to manage aggressive behavior by nationally certified trainers.

Most of the staff interviewed at the various locations did not receive DMST-specific training; however, most were aware of the crime through their work with at-risk, vulnerable, and homeless youth. Those who participated in street outreach had the most firsthand experience and understanding of the prevalence of prostituted children in Baton Rouge. Some shelters and nonprofit organizations use employees' extensive work experience to provide informal training to other less experienced staff and even the staff of other NGOs.

One exception is Covenant House in New Orleans which has proactively educated most staff members on human trafficking. Recently, the Outreach Coordinator for Covenant House attended a seminar in New York on starting coalitions geared towards combating DMST. Covenant House also established the "9 Line" (1-800-999-9999), a hotline number specifically for at-risk youth. In addition, staff members attended GSRCP training on sex trafficking in New Orleans, a very effective training that revealed identifying factors for victim identification. In September 2007, DMST-specific training was provided by Shared Hope International at Covenant House. More than 30 staff members from Covenant House and a member of the New Orleans Police Department Homeless Assistance Unit (HAU) were present for the

training, which covered victim identification, risk factors, recruitment, psychological and physical pimp control tactics, and recommendations for prevention activities with youth at the facility.

Current preventative measures undertaken by Covenant House New Orleans include education of youth about homeless issues through school presentations, informational fairs, and maintaining a speaker's bureau. Planned preventative measures include starting routine education on DMST for staff. Covenant House is currently lobbying for legislative support for additional youth services and collaborating with other local agencies in an effort to restructure the juvenile justice system.⁷⁷

1.7.3. Identification

In stark contrast to law enforcement and prosecutors reports, social service providers report that DMST is a very common sight on the streets of Baton Rouge and that they have identified over 100 victims of DMST since 2000. For this assessment, the Clinical Supervisor of Youth Oasis shelter reviewed computer records and reported that 57% of the 157 youth that came to the shelter in 2006 were DMST victims, though they were not identified as such at the time. Other nonprofit organizations such as Covenant House in New Orleans corroborated this frequency. The youngest DMST victim currently being assisted by Healing Place is eight years old.

Healing Place operates an outreach program in Baton Rouge and has created an official tracking system of DMST victims. They have created a map and database of geographic hotspots for prostitution activity, which includes prostituted minors, within the city.

Healing Place Dream Center is located in the inner city of Baton Rouge in an area identified as a hotspot for prostitution. The Dream Center provides respite for those on the street through the first drop-in center in Baton Rouge and a lounge for the homeless, as well as a multitude of programs targeting at-risk youth, teens, and adults.

It is important to note that the nonprofit organizations coming in contact with DMST victims are oftentimes not using trafficking terminology. They are very familiar with the crime but are mostly unaware of the legal options and rights afforded to DMST victims through both the state and federal law. In addition, the issue of "survival sex" - a frequent form of exploitation within the homeless and runaway youth population - complicates the identification of DTMs.⁷⁸

Louisiana's Safe Harbor Act allows shelters to provide services to minors without notifying the parent or guardian for 72 hours.⁷⁹ During that time, OCS can conduct an investigation while the shelter attempts to gain the child's trust in order to identify any indications of victimization. Notably, interviewees report that at-risk teens regularly ask shelters not to notify their family. Though the Safe Harbor Act allows additional time for social service workers to interact with the child, participants stated that this time was still too short for significant headway to be made for increased identification of specific victimization, such as prostitution by a trafficker/pimp.

Finally, though aware of the commercial sexual exploitation of many of the children seeking services, many social service providers have not included specific identifiers of DMST on intake forms or interviews. This leaves disclosure of DMST to the child, which is unlikely to occur especially within the allotted 72 hours.

⁷⁷ For more information on Covenant House New Orleans' activities and programs, see www.covenanthouseno.org.

⁷⁸ "Survival sex" is a term commonly used by social service and outreach workers when a homeless or at-risk youth is forced to trade a sex act for a necessity, such as food, water, or shelter.

⁷⁹ LRS 46:1353.

1.7.4. Outreach

The Louisiana Human Trafficking Task Force has formed a subcommittee of social service providers that recruits a volunteer base for community outreach. Collaboration between Metro, Covenant House, and the NO/AIDS Task Force is in progress to exchange handout materials. NO/AIDS has relationships with at-risk communities through their work providing free HIV/AIDS testing, counseling, case management, and support groups. The goal of the collaboration is to educate specific populations with a high probability of coming into contact with human trafficking victims.

1.7.5. Procedures

Many nonprofit organizations have an informal referral process that helps deliver services to the victims they serve; however, formal referral arrangements are mostly lacking. For example, there is a common practice among law enforcement officers to unofficially refer or deliver a child to a private shelter or nonprofit organization. In other cases, youth will arrive at shelters or service providers on their own after being directed by a different organization. Furthermore, hospitals or mental health facilities will also guide a rape victim to a local shelter.

All shelters and service providers stated that they would immediately contact OCS in the event of receiving a DMST victim in need, as it is legally mandated; however, most expressed concern that OCS does not prioritize adolescent minors and, therefore, would not respond aggressively.

1.7.6. Collaborations

The historical relationship between the service providers, OCS, and law enforcement is frustrated. The service providers are not confident of follow-through by either OCS or law enforcement on cases involving “throwaway or at-risk” children who report abuse. This strained relationship has reached the point of which some nonprofits are no longer relying on OCS or law enforcement. Due to these broken relationships, agencies and organizations are not collaborating, which results in sexually abused children falling through the cracks. One outreach worker stated, “OCS is so overloaded! They can’t do any more, and the cops are just worn out. There is nowhere to put [criminals]...they almost let it be anarchy; just let them [criminals] kill themselves or each other.” Similar fears were heard in Baton Rouge and New Orleans. In one case in Baton Rouge, a social service provider was nearly arrested for refusing to return some children to their home after they had been removed by OCS because the father had made sexual advances toward the children. The police stated that they could not arrest the father without proof of penetration. Later, one child was found in street prostitution.

A source of informal collaboration exists between outreach workers and the adult homeless population that helps to identify potential DMST victims on the streets. Recently, a homeless man told one outreach coordinator that he saw a ten-year-old kid “working” by the bus station. The boy was trying to gather money because his parents were on drugs. In situations like this, “the streets will recruit him,” the outreach coordinator said. “Either he’ll be dealing, or he’ll end up a male prostitute. Those are kind of his options.” She worked with the homeless man to try locating the child.

Covenant House has a successful and ongoing collaboration with the NOPD Homeless Assistance Unit, who refers all homeless minors to their shelter. They also collaborate with Crescent House Healing & Empowerment Center, which serves survivors of domestic abuse; Liberty House, which runs a transitional housing program with resources to aid pregnant women; and the Salvation Army Women and Children’s Shelter. Covenant House is a member agency of UNITY of Greater New Orleans, a 60 agency collaborative that works to end homelessness.

Healing Place Outreach has established a positive reputation in the Baton Rouge and New Orleans inner city among prostituted youth and their traffickers/pimps. Their approach, though not contributive to the

prosecution of traffickers, builds trusting relationships with those on the streets and successfully reaches at-risk populations, victims, and traffickers with the ultimate intent of helping them off the street.

1.7.7. Court Appointed Special Advocates (CASA)

Capital Area CASA Association was established as a private, nonprofit organization that serves East Baton Rouge Parish in 1992. CASA trains volunteer members of the community to give special representation to abused children in order to prevent the child from falling through the cracks of the juvenile justice and child protection systems.⁸⁰ Volunteers receive training on child development, courtroom procedures, OCS, and child abuse issues.⁸¹ Multiple speakers, including judges, attorneys, and volunteers, share their expertise and, after training, CASA volunteers are sworn in by a juvenile court judge and appointed to advocate for a child in foster care.

Once appointed to a child, the CASA volunteer identifies the child's (or sibling group's) needs through both a relationship with the child and interactions with others involved in that child's life, such as relatives, case workers, foster parents, etc. From these interactions, a CASA volunteer makes recommendations to a judge about what is in the child's best interests. CASA volunteers play a significant role in acting as the voice for the child, however, training for DMST victim identification was not identified. Participants in the assessment highly recommended outreach and training to CASA volunteers as they were seen as consistent resources acting to represent the child's best interests.

⁸⁰ "About CASA." Capital Area CASA Association. <http://www.casabr.org/About_CASA.htm>. Accessed April 30, 2008.

⁸¹ "Becoming a CASA Volunteer." Capital Area CASA Association. <http://www.casabr.org/Become_Volunteer.htm>. Accessed April 30, 2008.

1.8 CONCLUSIONS

Although cumulative data on DMST was not available, nearly every agency and organization interviewed recalled DMST victims who they had interacted with during the course of their work. Conservative estimates taken from various state and nonprofit agencies on the number of DMST victims served counted over 100 cases in the Baton Rouge/New Orleans area since 2006.⁸² In particular, an interviewee from Youth Oasis, a shelter in Baton Rouge, stated that 57% of the total youth served in 2006 met DMST criteria. The Office of Community Services reported 35 confirmed instances in Louisiana of a parent or caretaker directly involved in the prostitution of their child since 2006. It is important to note that none of these DMST victims were labeled victims of sex trafficking. Instead, other various labels were applied, such as child prostitute, sexual abuse victim, and at-risk youth.

Of significant concern is the lack of knowledge about human trafficking, most specifically involving DTMs. Of the 25 interviewed for the assessment, only three were familiar with the term “human trafficking.” Of those three, two were aware of the existence of a local task force because they were key organizers of the LAHTTF.

The Louisiana Sheriff’s Association has offered human trafficking training, funded by the DOJ LAHTTF grant, to all sheriffs’ departments. In addition to anyone in the community, the training is also open to Cox Communications and Entergy. Three LAHTTF-sponsored training sessions took place in Louisiana last year, which were provided by the Gulf States Regional Center for Public Safety Innovations (GSRC-PI). The training focused primarily on incidences of foreign national human trafficking into the United States, unfortunately missing the opportunity to train on domestic minor sex trafficking as a crime under the same anti-trafficking statutes.

Only three of the persons interviewed for this assessment attended the LAHTTF trainings. The others indicated that they were unaware it was offered. Numerous training sessions focusing on child sex abuse were attended, though attendance was not mandatory and training did not include information specifically about prostituted children or human-trafficking language. The Children’s Advocacy Centers, CASA, the DA’s Office, and OCS often provided this training.

Overall, there is a dearth of public awareness, professional training, and media coverage on the issue of prostituted children and underage exotic dancers as victims of DMST. Additionally, media articles that covered successful actions against Internet child pornography rings did not connect the issue to human trafficking. However, the nearly unanimous concern of those interviewed for the assessment confirmed that if properly trained on DMST, significant identification could follow.

⁸² This number does not include media reports of victims of DMST, only data collected through interviews.

1.9 SUMMARY OF BEST PRACTICES AND GAPS

1.9.1. Best Practices

Louisiana has a Human Trafficking Task Force and an Internet Crimes Against Children Task Force. Both groups are tackling the commercial sexual exploitation of children in Louisiana.

Since nearly all interviewed for the assessment referred to OCS as the agency where DMST would most commonly be found, it was encouraging to find that their computer system had been updated to better track victims of prostitution. This tracking system may be able to serve as a template for other agencies interested in delineating between various types of sexual abuse.

Similarly, the Louisiana Civil and Criminal Information Network (LACCIE), a tracking system connecting 170 law enforcement agencies to more than 350 criminal justice databases at the state, local, and federal levels, is a positive example of information sharing. The system allows Louisiana law enforcement agencies and officers in the field who participate in the network to access criminal information instantly and simultaneously from their desks, vehicles, or handheld devices, and the system is compatible with all types of computer operating systems.

The OCS, Family In Need of Services (FINS) intervention program is a key prevention component to addressing at-risk and behavioral issues that could cause a child to be vulnerable for recruitment into prostitution, pornography, or exotic dancing or for identifying a child who is already a victim of DMST. Established protocols and tools, such as the Informal Family Conference or Mandatory Conference and the Informal Family Service Plan Agreement (IFSPA) intake forms are solid identification and prevention planning techniques that could be a starting point for future identification and prevention of DMST.

1.9.2. Gaps and Challenges

Most agencies and organizations interviewed are not satisfied with their interaction or collaboration with the state child welfare agency, the OCS. Both members of law enforcement and members of the NGO/social service sector seem to have lost confidence in OCS' ability to handle and respond to cases involving children with severe sexual exploitation. In addition, OCS seems reluctant to prioritize adolescents who are close to aging out of the system.

The USAO in the Middle District of Louisiana is highly trained in identifying human trafficking cases, but local and state law enforcement agencies as a whole remain largely untrained and uneducated on the issue. Trained local law enforcement is necessary to make the initial detection so that federal prosecution of traffickers and buyers can occur.

There have been no local efforts to educate the public on DMST. Furthermore, the only local effort to educate professionals on human trafficking is GSRCP's Human Trafficking Training, which has been attended primarily by representatives from the LAHTTF and focuses solely on identifying and serving foreign nationals who are victims of sex trafficking; no domestic minor sex trafficking component is taught.

Due to the lack of awareness, law enforcement and other officials label DMST victims as sex abuse victims, child prostitutes, or ungovernable teens. This labeling as delinquents or status offenders contributes to their revictimization and can lead the victim to become more entangled in the justice system as well as expose them to interactions with delinquents in detention and secure placement

facilities. Most social service providers referenced poor relationships with law enforcement and a reluctance to notify them in DMST cases because of this lack of consensus on the labeling and the resulting inappropriate response to services for the DMST victims.

Juvenile courts are overwhelmed with cases of narcotics, robbery, and other offenses. At the time of this assessment, DMST cases were not a stated priority.

II. PROSECUTION

§3. Right to Individual Dignity

No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.⁸³

Prosecution of traffickers/pimps for the crime of human trafficking is a necessary step in combating domestic minor sex trafficking (DMST). The power of the Trafficking Victims Protection Act of 2000 lies in its implementation. Convictions and appropriate sentences are important to establishing precedent to encourage more prosecutions and deter those who are or might become traffickers. Ensuring strong legislation criminalizing trafficking and protecting victims in each state is critical, as is the training of law enforcement, prosecutors, and judges to ensure that they are aware of these laws and able to conduct effective investigations of traffickers/pimps. Furthermore, collaborative efforts between all agencies and organizations in the prosecution process are critical to the considerate and safe treatment of the victim during an investigation, as a witness in a trial, and post-trial.

In order to effectively combat DMST, there must be investigation and prosecution of all three actors in the trafficking crime:

- Traffickers/pimps: a relative, friend, kidnapper, etc.
- Facilitators: any person or institution encouraging trafficking to occur, such as cab drivers, truck stop owners, hotel managers, hotel security, adult advertisers, strip clubs, bars, etc.
- Johns/buyers: any purchaser of commercial sexual service

⁸³ “Article 1: Declaration of Rights.” Louisiana State Constitution of 1974. <<http://senate.legis.state.la.us/Documents/Constitution/Article1.htm#%A73.%20Right%20to%20Individual%20Dignity>>. Accessed April 30, 2008.

2.1 LAW ENFORCEMENT

2.1.1. Investigation of Traffickers

Louisiana is an easy place to operate for traffickers. Though the TVPA does not require physical movement or travel to prove the crime of trafficking, Louisiana provides for easy movement of victims on its extensive interstate systems, as well as its proximity to other destinations, such as Florida, Georgia, Texas, and Mexico. Parts of Louisiana present a culture of tolerance for sexual entertainment, notably New Orleans, generating an environment tolerate of commercial sex establishments in which traffickers can operate more freely and profitably. Always a factor in current societal problems in Louisiana, the effects of Hurricane Katrina continue to destabilize the region's population and present situations of impoverishment and the neglect of youth, many of whom do not remember a time before the evacuee camps located in and around Baton Rouge were established

The rapid and sophisticated development of technology, particularly the Internet and cellular telephones, has increased opportunities for traffickers to contact vulnerable minors. There have been a number of arrests and prosecutions of Internet predators, many resulting in charges of computer-aided solicitation of a minor and, in more severe cases, charges of attempted felony carnal knowledge of a juvenile—a charge that holds the threat of up to ten years in jail.

In October 2007, a Pennsylvania court convicted two men from Toledo, Ohio, Eric Hayes and Terrence Williams, of conspiracy to engage in interstate prostitution, interstate travel in aid of racketeering, and coercion of women into prostitution in a number of states.⁸⁴ Terrence Williams was also convicted of the sex trafficking of children. For the Baton Rouge/New Orleans area, this case is significant because the traffickers operated out of Louisiana, among other places. The men referred to themselves as “pimp partners” and inflicted brain damage and broken bones on many of their victims, some as young as 12, whose prostitution earnings were turned over to the traffickers/pimps.⁸⁵ As part of the Innocence Lost Initiative, the investigation was a nationwide effort involving the Pennsylvania State Police, the Internal Revenue Service, and the Federal Bureau of Investigation.⁸⁶

The state laws related to prostitution are used locally in charging a trafficker/pimp, but federal law enforcement is notified if the crime crosses state lines or affects interstate commerce. All sex offenses occurring in Baton Rouge are handled by the Sex Crimes Division of the BRPD, but no cases of DMST in Baton Rouge have been reported.

The underground “Stop Snitchin’ Campaign,” which seeks to deter people from informing law enforcement about crimes, has caused problems for law enforcement, possibly contributing to local unawareness of the issue.⁸⁷ Though the origins of the campaign are not known, the message is clear: inform and face retaliation. This effective campaign has silenced some activists who had attempted to rid their neighborhoods of drug abuse, violence, and sexual exploitation.

Many arrests of Internet predators are due to Louisiana's Internet Crimes Against Children (ICAC) Task Force which made 25 arrests in the first five months of 2007 alone.⁸⁸ These include buyers and traffickers of minors through the Internet. The ICAC Task Force is funded by the DOJ, Office of Juvenile Justice Delinquency and Prevention (OJJDP). The Louisiana ICAC Task Force is under the leadership of the Deputy Attorney General of the Louisiana Attorney General's Office, and the Deputy Director of the

⁸⁴ “Two Men Convicted of Prostitution and Related Charges,” Press Release. Department of Justice. October 16, 2007. <<http://philadelphia.fbi.gov/doj/pressrel/2007/ph101607a.htm>>. Accessed April 30, 2008.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Hampson, Rick. “Anti-snitch Campaign Riles Police, Prosecutors.” USA Today. March 3, 2006. <http://www.usatoday.com/news/nation/2006-03-28-stop-snitching_x.htm>. Accessed April 30, 2008.

⁸⁸ Legendre, Raymond. “Online sex sting nabs alleged predator.” Houma Courier. May 10, 2007. <<http://www.houmatoday.com/article/20070510/NEWS/70510012>>. Accessed April 30, 2008.

Louisiana Department of Justice.⁸⁹ The ICAC Task Force Program helps state and local law enforcement agencies develop an effective response to cyber enticement and child pornography cases. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education.

2.1.2. Prosecution of Traffickers

There have been no major investigations or arrests that have led to the prosecutions of traffickers/pimps in the Baton Rouge/New Orleans area. With human trafficking laws not being utilized, law enforcement has relied on the following state laws to investigate prostitution-related crimes, some of which are potential DMST cases.⁹⁰ In many cases, these laws were applicable only because the trafficker/pimp was also sexually assaulting the juvenile victims:

- Felony carnal knowledge of a juvenile
- Misdemeanor carnal knowledge of a juvenile
- Indecent behavior with juveniles
- Molestation of a juvenile
- Prostitution

The following laws directly address the trafficker's role in the crime of prostitution:

- Soliciting for prostitutes
- Inciting prostitution
- Promoting prostitution
- Pandering
- Pornography involving juveniles

2.1.3. DMST Victims as Witnesses

The BRPD's Criminal Investigations Unit is responsible for investigating DMST. One barrier to investigating these crimes is the frequent reluctance on the part of the victim to disclose information about their trafficker/pimp, whom they typically identify as their "boyfriend." Similarly, victims are not forthcoming or cooperative in investigations against an alleged buyer, as they fear retaliation from their trafficker/pimp for the loss of business.

2.1.4. Prosecution of Minors

All participating law enforcement agencies stated that they had not seen DMST in the Baton Rouge/New Orleans area. The most relevant offenses identified by the BRPD—ones potentially masking DMST—were sexual abuse or runaway minors; prior to this assessment, no member of the BRPD had been educated on the TVPA or DMST. Questions intended to expose incidences of DMST are not asked when interviewing the minors.

The Homeless Assistance Unit (HAU) of the NOPD has identified a group known as "gutter punks" that likely includes DMST victims, but the HAU does not have arrest authority, and has not been aware of the definition of DMST. When the HAU comes in contact with at-risk youth on the street, they work to build a relationship with youth and then refer them to Covenant House New Orleans for shelter and services. If a juvenile is determined to be in danger, the HAU will request an arrest by the NOPD.

⁸⁹ "Task Force Contacts." *Office of Juvenile Justice and Delinquency Prevention*. <<http://ojjdp.ncjrs.org/about/icac.html>>. Accessed April 30, 2008.

⁹⁰ See Appendix A for a detailed reading of applicable laws.

2.1.5. Crime Stoppers

Crime Stoppers is the information gathering and sharing organization of the LAHTTF. Anonymous callers to the Crime Stoppers hotline provide tips about serious crimes. If the crimes lead to an arrest, callers receive a cash reward of up to \$1000 and maintain their anonymity.⁹¹ According to a participant from the Baton Rouge Crime Stoppers, the program has a 99% success rate of convictions and is considered one of the most successful in the country. In December 2007 alone, Crime Stoppers assigned 149 code numbers to anonymous callers and solved 32 felony crimes, including carnal knowledge of a juvenile.

⁹¹ For more information concerning the program, as well as how to submit an anonymous tip, visit the Crime Stoppers of Baton Rouge website. <<http://www.crimestoppersbr.com/>>.

2.2 PROSECUTORS

2.2.1. Prosecution of Traffickers

There have been no major prosecutions of traffickers/pimps in the Baton Rouge/New Orleans area. With human trafficking laws not being utilized, prosecutors have relied on state laws to prosecute prostitution-related crimes (see Appendix A).

The choice of laws are utilized in the prosecution of traffickers/pimps can have a profound effect on the deterrence. Low sentences not only trivialize the severity of the crime but also fail to act as a deterrent for future criminal activities.

Table 1 shows the maximum years in prison possible for several of the federal and state laws under which a trafficker/pimp can be charged.

Table 1

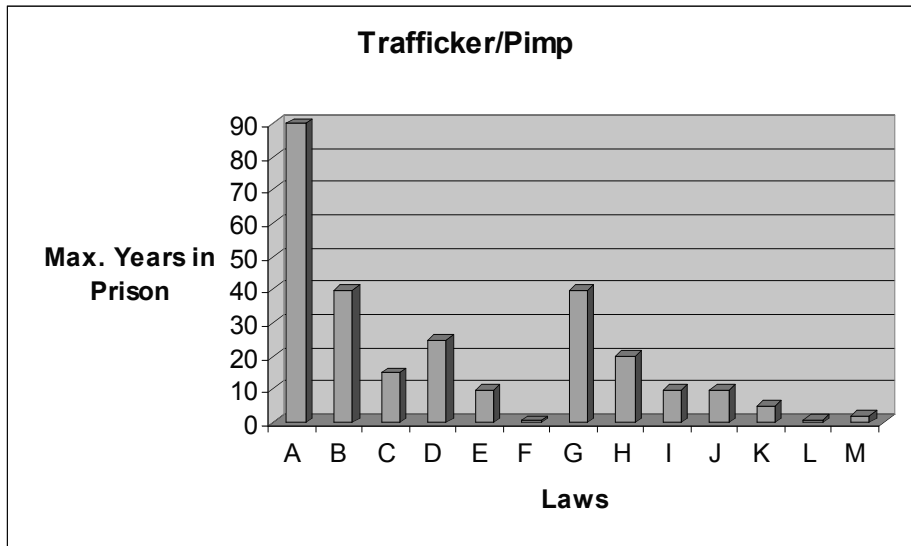


Table 1 Key

A	TVPA in cases involving victims under 14
B	TVPA
C	MANN Act
D	Louisiana Human Trafficking Law
E	Felony Carnal Knowledge of a Juvenile
F	Misdemeanor Carnal Knowledge of a Juvenile
G	Molestation of a Juvenile with over one year of abuse
H	Molestation of a Juvenile where the perpetrator had control over the victim
I	Molestation of a Juvenile
J	Prostitution with persons under 17 and additional offenses
K	Pandering
L	Inciting Prostitution
M	Promoting Prostitution

Tables 2 and 3 illustrate the importance of recognizing and charging a perpetrator of DMST as a trafficker in order to obtain the most severe sentence, rather than relying solely on pimping and prostitution-related charges.

Table 2 Federal and State Laws

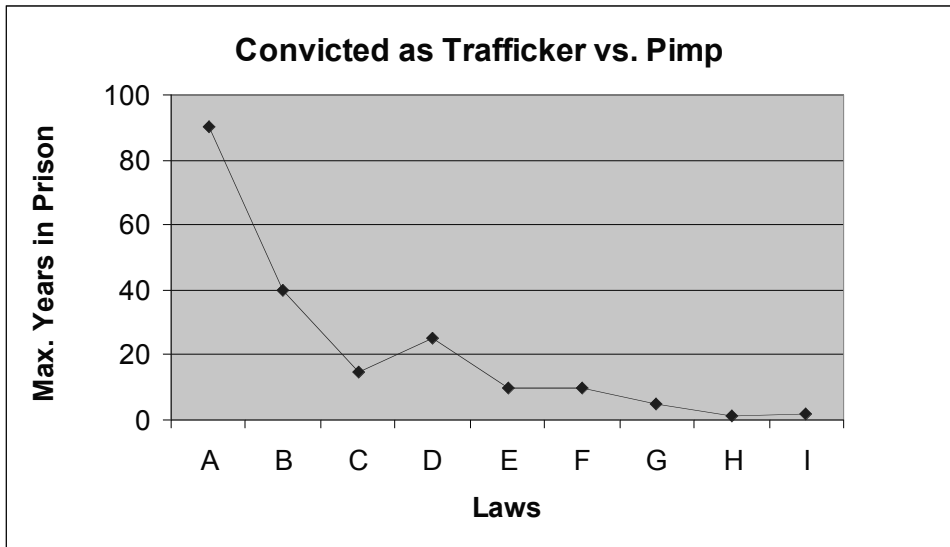


Table 2 Key:

A	TVPA in cases involving victims under 14
B	TVPA
C	MANN Act
D	Louisiana Human Trafficking Law
E	Felony Carnal Knowledge of a Juvenile
F	Prostitution with persons under 17 and additional offenses
G	Pandering
H	Inciting Prostitution
I	Promoting Prostitution

Table 3: State Laws

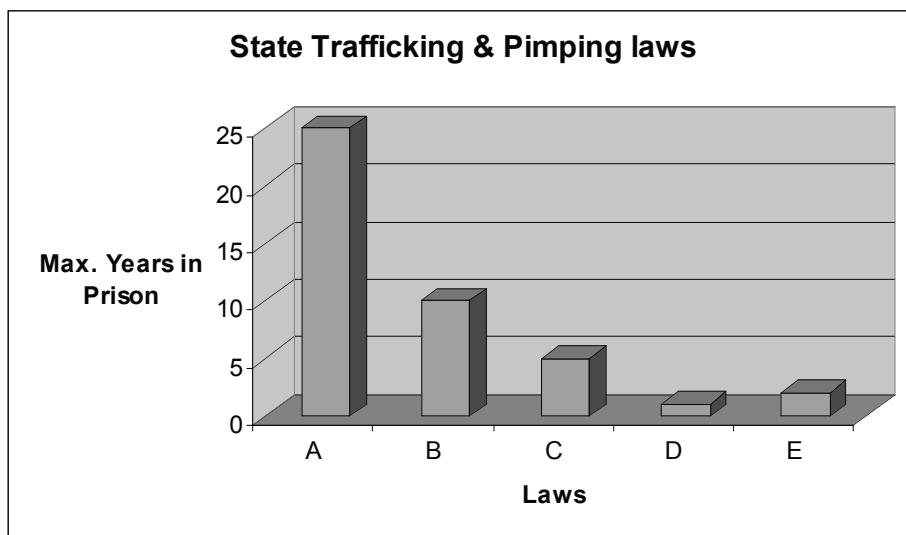


Table 3: Key

A	Louisiana Human Trafficking Law
B	Prostitution in cases with persons under 17 and additional offenses
C	Pandering
D	Inciting Prostitution
E	Promoting Prostitution

Furthermore, within the Louisiana Revised Statutes pertaining to the sexual victimization of a minor, age discrepancies exist. For example, the Louisiana Human Trafficking Statute coincides with the TVPA by setting the age of a minor at 18 years.⁹² Conversely, Felony Carnal Knowledge of a Child sets the age of a minor at 17 as does Prostitution; Persons under 17.⁹³

2.2.2. Prosecution of Facilitators

The Alamo Hotel has been cited by media reports and individuals as a notorious location for adult and juvenile prostitution, making it a facilitator through its apparent neglect of the crime occurring on its premises. Several reports have surfaced of minors dancing in strip clubs on Bourbon Street in New Orleans. No legal action taken against these facilitators could be identified during the course of this assessment.

2.2.3. DMST Victims as Witnesses

Prosecutors face a difficult challenge in prosecuting cases that involve sexual abuse of a child due to the lack of victim cooperation – it was a stated expectation that DMST victims would be even more difficult. Victim-witnesses can contribute to the difficulty of proving the case for several reasons. One prosecutor noted the typical problems of proof and cooperation, in addition to inappropriate social behavior often displayed by the traumatized minors. Sexually exploited youth are often not inclined to cooperate. A representative from Families In Need of Services (FINS), a program unique to Louisiana that works to obtain services for at-risk children and their families, concurred, adding that in roughly half of the cases the interviewee had seen female victims deny that sexual intercourse occurred.

The victim's relationship to the offender is another complicating factor in securing a victim-witness's cooperation in a prosecution. At times, the victim can be protective of the trafficker/pimp, as s/he may be a family member, family friend, a "boyfriend" or "girlfriend." Physical retaliation against the victim or a family member of the victim is also a very real danger for cooperating victim witnesses. One Assistant District Attorney agreed with the difficulty of a victim as a witness, and was not able to recall one case in which a child testified against the trafficker/pimp.

In certain cases, it is necessary to appoint a guardian to protect the interest of the juvenile victim. A case example relayed by a participant of the assessment dealt with a federal child pornography case where a guardian ad litem was appointed to represent the best interests of the victims, who were siblings. The guardian ad litem was appointed to prevent influence by the victims' mother, whose role in the exploitation was unclear.

2.2.4. Prosecution of Minors

At the state level, minors arrested for prostitution commonly receive status offenses, such as ungovernable behavior or runaway status, and are referred to FINS. The victims are only brought back into juvenile court if they or their families do not cooperate with the service plan determined by the FINS Intake Officer. When a DMST victim is found with a much older "boyfriend," prosecutors stated that they are reluctant to press charges against the victim, as they believe she is being manipulated.

⁹² LRS 14:46.2.

⁹³ LRS 14:80; 14:82.1.

2.3 PUBLIC DEFENDERS

2.3.1. DMST Victims of Prostitution Charged as Delinquents

The JRS public defender represents all indigent minors arrested in Orleans Parish who have been charged criminally. Since 2000, the JRS public defender recalled representing six cases of DMST through prostitution. Most of the cases came through the arrest of the child on prostitution or prostitution-related charges. The others were juveniles who were incarcerated and disclosed their abuse while in detention.

2.3.2. Procedures

The public defender is involved after the District Attorney decides to pursue charges, usually within 24 hours of arrest.

The JRS employs a staff investigator because in the several cases of minors charged with prostitution, as a result of the trauma and the arrest, the charged youth does not normally trust the JRS staff or anyone in a position of authority. The staff investigator works to build trust with the victim and extract information from the victim to assist in their defense. The initial client interview takes place during the child's detention.

2.3.3. DMST Victims as Witnesses

If the victim decides to testify against his or her trafficker/pimp, the public defender is responsible for representing the victim. Public defenders can reassure the victim-witness with attorney-client confidentiality, which often increases the victim's disclosure and comfort with the testimony process. The responsibility of the public defender to the victim-witness is to work with the prosecution to obtain the most favorable, safe environment for the victim's testimony. This involves determining and communicating any unfavorable consequences to the victim, such as retaliation against the victim or the victim's family members, the stigma of public testimony, and other dangers. There is generally some danger involved, which the public defender presents to the court during the criminal case. Ideally, the information that would have been included in the victim's testimony is able to be corroborated through other evidence and sources, making the minor's testimony unnecessary. While this process involves extra work on behalf of the public defender, it lessens revictimization of the minor and helps avoid situations where victims may recant on the stand.

2.3.4. Procedures & Placement

Typically, public defenders advise DMST victims to plead to lesser charges, such as the non-delinquent status offense of truancy or ungovernable behavior. In this case, the public defender can request that the juvenile court refer the case to FINS or argue that the minor is in need of state care. Either disposition would avoid labeling the minor with a delinquency charge and record. Nevertheless, pleading typically results in a probation period or secure detention, neither of which addresses or solves the issue of DMST.

2.4 JUVENILE COURT

2.4.1. Prosecution of Minors

A juvenile court judge in Baton Rouge stated that, to her knowledge, neither she nor any local judges had adjudicated a minor on charges of prostitution though exploitation through prostitution has surfaced during the court process. Evidence or disclosure of prostitution by a minor is viewed as a situation of victimization rather than delinquent behavior. Children who are involved in prostitution normally appear before the court on status offenses, which are symptoms of DMST.

The juvenile court in Baton Rouge has seen male DMST victims exploited through prostitution more often than females. Demographically, these victims are most often African-American males who have been referred to the court by family members. Many of these youth are homosexual and/or cross-dress, which has put them at increased risk for violence perpetrated by johns who then threaten both the minor and the victim's family. Once a threat occurs, police are notified and the DMST victim receives a status offense charge of ungovernable behavior. Whether or not the threatening johns are then investigated and charged could not be substantiated during the assessment process. Once in the juvenile justice system, the DMST victim is commonly referred to the FINS program.

A participating juvenile court judge also reported that a high number of prostituted white females had been brought before the court on status offenses, such as ungovernable behavior, truancy, or running away. The status offense is also frequently coupled with a parental complaint of sexual promiscuity. The DMST victim's are 13-15 years old and there is typically a disagreement over the boyfriend, who is usually 19 or older. The interviewee had also noticed a pattern of drugs being supplied by the older "boyfriends" to the DMST victims.

2.5 JUVENILE DETENTION FACILITIES

The Florida Parishes Juvenile Detention Center (FPJDC) is unique among detention facilities in Louisiana. The Intentional Therapeutic Milieu (ITM) instituted at FPJDC is different from the institutional approach typical of other detention centers and is based on a more holistic philosophy. ITM emphasizes spiritual qualities, such as patience, gentleness, and altruistic service, while simultaneously providing opportunities for growth and development, such as outdoor activities and educational programming.⁹⁴ Professionals in juvenile justice consider detention to be a substantial risk factor for healthy development, and the FPJDC has worked very hard to minimize psychological, emotional, or physical harm that might occur to a child as a result of his or her placement in the detention facility.

The FPJDC is a secure facility; all doors are locked and minors are kept in single rooms. The yards are surrounded by a 12-foot fence with razor wire and a top razor ribbon. More than 80 cameras are connected to digital servers that make it possible to pull up footage from targeted areas any hour of the day.

2.5.1. Placement

Placement is determined by the severity of the offense and any history of delinquent behavior. A psychologist with the FPJDC provides an evaluation and recommendation to juvenile court judge who then decides on placement.

In the absence of other charges, a minor involved in prostitution while still in the parents' custody is viewed as a case of familial neglect, at which point, the FPJDC will consider recommending a less restrictive placement in the community than detention for the child. One option is a group home; however, this environment can pose certain challenges for DMST victims. Given the nature of DMST, the fear of retaliation and the extreme psychological manipulation exercised by traffickers/pimps, DMST victims frequently pose high flight risks. Participants throughout this assessment noted the difficulty of securing a DMST victim at a voluntary facility. FPJDC interviewees have also noticed a trend of increased delinquent behavior and victimization once minors are back on the streets or with their traffickers/pimps. The result is a recycling of the DMST victim through the juvenile justice system and FPJDC, as additional offenses are committed by the juvenile consequent to the trafficking.

2.5.2. Detention of DMST Victims

Minors detained at the FPJDC are awaited adjudication, have violated juvenile probation, and/or have been adjudicated to the facility for their offense. Though the juveniles are detained as a punishment for their actions, significant steps have been taken by the FPJDC to provide a restorative environment. Interviewees expressed that the emphasis on holistic restoration is a rarity within juvenile detention centers.

Minors remain in the FPJDC an average of 30 days before adjudication and 30 days after adjudication. There is no maximum length of stay, except minors must leave the facility upon their 21st birthday. Currently there are 12 girls placed at FPJDC for juvenile life (until their 21st birthday).

Staff members from the FPJDC were unaware of the TVPA; regardless, they maintained the belief that everyone held in their facility is first and foremost a child rather than a "juvenile delinquent." Juveniles fitting the description of DMST victims are currently being held within the FPJDC on charges, such as possession of drug paraphernalia, which participants believe serve to mask the victimization. Interviewees from the FPJDC staff did not believe that DMST victims exploited through prostitution should be incarcerated for prostitution or prostitution-related crimes.

⁹⁴ "About." *Florida Parishes Juvenile Detention Center*. <http://fpjdc.org/?page_id=2>. Accessed April 30, 2008.

2.5.3. Discloser of DMST

Juveniles typically disclose a situation of DMST after living in the facility for some time and developing trust with staff members. Revelation of a child's exploitation changes the treatment plan slightly, though specific resources for prostituted children are scarce. When an incarcerated minor discloses issues of abuse, neglect, or assault, staff at the FPJDC notifies the proper authorities, such as law enforcement and OCS. If a perpetrator is disclosed, FPJDC staff will report the identity to law enforcement in order to assist with any investigation that may emerge. Unfortunately, participants in this assessment did not believe that reports of DMST victimization are a priority for either law enforcement or OCS. As one interviewee stated, "I mean, they'll get to it, but if nobody's bleeding and nobody's on fire, they'll get to it when they can." Detention facility staff reported that the response time by law enforcement and the Child Advocacy Center, who conducts the forensic interview, could be unduly long, sometimes two to three days.

A common form of disclosed victimization by detained minors is past and/or current sexual relations with an adult. Though this alone does not guarantee that the victim has been exploited through DMST, it is a major indicator calling for further screening of the child for DMST. In the past, FPJDC staff participants have discovered that members of the juvenile justice system were aware of the existence of statutory rape yet no punitive action was taken against the adult. The result is further victimization of the minor, discouragement of future disclosures, and a perpetrator free to victimize other children.

2.6 OFFICE OF COMMUNITY SERVICES

2.6.1. Recognition of Victim Status

OCS staff was not familiar with the federal Trafficking Victims Protection Act or the state anti-trafficking law. Despite the lack of awareness of the laws, it was stated that children engaged in prostitution would be viewed as victims. OCS New Orleans would report the matter to the Child Abuse Unit of the New Orleans Police Department and would work jointly on an investigation sharing any information necessary to pursue the case.

OCS Baton Rouge also would view children engaged in prostitution as victims. If OCS referred a case to the Baton Rouge Police Department, however, the victim engaged in prostitution would be viewed as a status offender and taken into custody. The juvenile would be held in detention while OCS investigated familial involvement in the prostitution or neglect. If familial involvement cannot be substantiated, the child would most likely be returned to the home.

2.6.2. Protection

OCS operates under a mandate that defines “caretaker” as outlined in the Children’s Code, Article 603, or by a person meeting the criteria of Articles 606 and 610. In Article 603, “caretaker” is defined as:

Any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a family day care home, or other person providing a residence for the child ... this definition includes restrictive care facility administrators and staff persons.⁹⁵

Articles 606 and 610 provide further inclusion of “other adults in the household,” as well as “perpetrators with dating or engagement relations with the parent” (see Appendix C). Though broader than many other states, the mandate limits OCS involvement to cases of substantiated direct involvement by families in the sex trafficking of a minor. As such, many DMST victims do not qualify for assistance and are returned home ill prepared to deal with the predatory tactics and mental and physical trauma of their traffickers/pimps.

⁹⁵ Article 603. Louisianan Children’s Code. <<http://www.legis.state.la.us/lss/lss.asp?doc=73195>>. Accessed April 30, 2008.

2.7 NGOs/SOCIAL SERVICE PROVIDERS

2.7.1. Victim Labels

Covenant House New Orleans was the only NGO or social service provider with knowledge of the TVPA, but all service providers who participated in the assessment were in accord with the trafficked minor's status as a victim rather than as a delinquent. Nevertheless, DMST victims were classified by participating agencies under a number of different labels. Some of these labels included: child prostitute, sexual abuse victim, engaging in survival sex, at-risk, and sex trafficking victim.

A commonly expressed concern was that law enforcement would not view these children as victims. As a result, NGOs and social service providers experienced difficulty in working with law enforcement agencies. In particular, participants pointed to the use by law enforcement of certain labels which they felt were indicative of law enforcement's lack of understanding and treatment of the victims. For example, some law enforcement officers referred to DMST victims as "sluts on drugs" and "fast girls." These experiences have resulted in a breakdown in communication between the NGOs and law enforcement, which has ultimately led to the absence of information sharing on traffickers/pimps that could lead to prosecutions.

Similarly, labeling issues with OCS have emerged. Participants were skeptical that OCS staff would understand a report concerning DMST. Instead, interviewees believed it would be necessary to refer to the trafficking situation as child abuse or prostitution. Even then, participants cited the OCS mandate to work with victims exploited by their defined "caretaker" or "family member"; all other cases are outside their jurisdiction. This is problematic, as the primary recipient of suspected DMST reports is OCS due to their responsibility for the child welfare.

According to the professional experience of the participating social service community, there is a severe divide between the identification and response to a child experiencing sexual abuse in the home and that of a child engaged in prostitution. The sexually abused child is identified as a victim, provided with services, and has two state agencies (law enforcement and OCS) that can pursue investigation into allegations. The prostituted child is viewed as a delinquent and a potential informant.

2.7.2. Victims as Witnesses

Upon identifying a minor involved in prostitution, OCS and/or the police are contacted immediately and a treatment plan is established. The expectations of law enforcement for the cooperation of a DMST victim in building a case against the trafficker/pimp were viewed as unrealistic by interviewees. These high expectations are often disappointed because DMST victims will often change their story, fail to cooperate, and seek to run away, which often results in a closed investigation.

"They (law enforcement) threaten the victim and all but beat the information out of her, but it will not work because the victim will not talk because her pimp has threatened her with death, and she knows that the threat is real." – NGO staff

NGO/social service providers participating in the assessment report repeated confusion between key agencies supposed to be working together for the protection of the child. The confusion stems from differing beliefs regarding the agencies primarily responsible for the investigation and those primarily responsible for the safety of the child. As such, participants are skeptical of the support provided by OCS, law enforcement, and prosecutorial offices.

Given the historic complications between NGOs/social service agencies, OCS, and law enforcement, participants reported that the NGO/service provider staff will make the required report to OCS, but often leave it to OCS to inform and coordinate with law enforcement. One participating agency reported that there had been three active cases in the last three years involving the police—one case was dropped because the child would not testify.

The CACs in Baton Rouge and New Orleans have state-of-the-art child-friendly facilities that provide venues for the forensic interview of a child alleging or suspected of suffering sexual abuse. CAC also provides forensic medical exams and will serve any youth under the age of 18. The specially trained forensic interviewers, medical staff, and mental health staff have proven very helpful in working with child-victims of sexual crimes.

2.7.3. Prosecution of Buyers

There was a perception among participating NGO/social service agencies that buyers of commercial sex from minors are not a priority in terms of investigation and prosecution. It is the experience of the interviewees that the victim is more likely to be arrested for prostitution or some prostitution-related offense.

2.8 CONCLUSIONS

A lack of awareness of the TVPA and the Louisiana anti-trafficking statute, coupled with a lack of victim identification, has allowed traffickers/pimps free range to recruit, groom, and exploit children in the Baton Rouge/New Orleans area. The various state and federal laws available to charge a trafficker/pimp can carry extremely different penalties. When pimps are not identified, charged and convicted as human traffickers, the sentencing falls dramatically and serves as little punishment for the crime committed.

Some in law enforcement and the judiciary indicated that a child engaged in prostitution is a status offense; this also leads to misidentification of the victim as an offender and results in a placement and treatment plan that is inappropriate for a victim of DMST. The prosecution of DMST victims violates the victim's rights as set forth by the TVPA.

A lack of procedures and protocols results in an ad hoc response to DMST victims when encountered. Little voluntary information sharing and a breach in trust between agencies and service providers has led to the frequent revictimization of the exploited minors. This is exacerbated by law enforcement arresting and prosecutors charging DMST victims with prostitution and prostitution-related offenses. NGOs/social service providers reported being reluctant to cooperate with law enforcement and prosecutors due to victim treatment by these entities.

In a conservative estimate from NGOs, service providers, and state agencies, since 2006, over 100 youth had met the requirement for a DMST victim. Yet, there was no recall of any traffickers/pimps investigated in these cases. Furthermore, although some sting operations conducted by the Baton Rouge Police Department have resulted in media coverage, according to participants, very few buyers of DMST victims are ever investigated or arrested.

2.9 SUMMARY OF BEST PRACTICES AND GAPS

2.9.1. Best Practices

Actions are being taken to combat DMST on a law enforcement and prosecutorial level. Louisiana's Criminal Code was amended to include a statute on human trafficking. Additionally, the U.S. Department of Justice has provided nearly one million dollars to establish a Louisiana Human Trafficking Task Force that coordinates a statewide effort to combat human trafficking. These are the good first steps in combating DMST and providing tools to raise awareness, train professionals, and investigate and prosecute perpetrators.

The Florida Parishes Juvenile Detention Center's approach to treating children in detention as victims has resulted in increased trust from the juveniles. Although it is a detention facility, the staff's incorporation of the Intentional Therapeutic Milieu philosophy creates a sense of safety for the minors to disclose previously unrevealed physical and sexual abuse.

The Children's Advocacy Centers provide advanced care and sensitivity to victims of child sexual abuse. These facilities have received national recognition for implementing a process that creates a safe environment for victims to interact with experts on sexual abuse where behavioral signs can be viewed as symptoms of abuse. CAC should be used to interact with suspected victims of DMST.

2.9.2. Gaps and Challenges

The Louisiana anti-trafficking statute does not completely conform to the standards set by the federal TVPA in two important respects. First, the TVPA states that a victim of human trafficking cannot be held accountable for any crimes committed during the course of their victimization.⁹⁶ In Louisiana this protection is not provided and DMST victims are charged for the crime committed against them.

Secondly, the TVPA specifically removes the requirement to prove force, fraud, or coercion when the victim is a minor.⁹⁷ The Louisiana law is in direct conflict by not removing the requirement to prove force, fraud, or coercion by the trafficker/pimp against the minor victim.⁹⁸ These two conflicts between the federal and the state laws pose a problem for the investigation and prosecution of trafficking cases.

Due to a lack of identification and understanding around DMST, victims are being brought before the juvenile court on charges related to their exploitation. Though the juvenile court allows DSMT victims to plead to lesser charges or status offenses, the experience and labeling that occurs revictimizes the minor and can result in a barring of services or inappropriate placement.

There is a lack of information sharing between key agencies involved in the investigation and prosecution of a trafficker/pimp and the protection of the child. As a result, NGOs and social service providers are reluctant to pursue reporting measures outside of what is required by law.

A primary obstacle in prosecuting trafficking cases in Louisiana is the lack of awareness of the TVPA and the Louisiana law on human trafficking. The result is a mislabeling of trafficked minors as delinquents, child prostitutes, sexual abuse victims, runaways, etc. The various labels can cause conflict and confusion

⁹⁶ Trafficking Victims Protection Act 2000, P.L. 106-386.

⁹⁷ Ibid.

⁹⁸ LRS 14:46.2.

between relevant agencies and can lead to inappropriate treatment and placement of a DMST victim.

Age discrepancies within Louisiana statutes that pertain to the sexual victimization of minors create additional hurdles for prosecutors to bring additional charges against traffickers/pimps. While the age of a minor is set at 18 years of age in the Louisiana Human Trafficking law, other statutes set the age of a juvenile at 17.⁹⁹

The absence of a protective, restorative shelter appropriate for DMST victims hinders the prosecution and investigation of traffickers/pimps. Victims must either be detained in a secure juvenile detention facility, released to their home environment where there is often a history of instability, or placed in a non-secure shelter or group home. All three options pose specific hurdles to facilitating the cooperation of DMST victims as witnesses as well as providing the environment necessary for restoration.

To facilitate the process of building a case against an abuser, CACs generally provide a full array of services and protections for child sex abuse victims. These services include videotaped interviews by people trained in forensic or play therapy, observation rooms with one-way mirrors, and law enforcement who have been wired to the child interviewer and who are able to ask questions during the interview, subsequently reducing the number of retellings. The Baton Rouge Child Advocacy Center does not allow videotaped interviews, and according to most participants in the assessment this hinders its effectiveness.

⁹⁹ Ibid.

III. PROTECTION

Protection requires victim-centered rescue and restoration as well as immediate removal from the situation of domestic minor sex trafficking (DMST), which must be done in partnership with trained and experienced victim service providers who can work during and after the rescue to stabilize the minor and prevent revictimization. Protocols and services must be established for both immediate and long-term aftercare. Victim-centered restoration includes providing for basic needs, as well as mental health care, medical services, education, and life-skills development.

This section seeks to identify the restoration and rescue services provided by various agencies and organizations and reveal how the identification of a DMST victim affects services. Additionally, this section aims to identify major gaps, challenges, and best practices for access to and delivery of services to these victims.

3.1 LAW ENFORCEMENT

3.1.1. Resources

The Louisiana Sheriff's Association (LSA) has established a protocol for responding to DMST cases, though to date, the LSA has not encountered any such cases. The protocol establishes immediate notification to the appropriate law enforcement officials, such as the Federal Bureau Investigations (FBI), in the jurisdiction in which the crime occurred.

Due to stipulations within the TVPA, funding for services to human trafficking victims through the Office for Victims of Crime (OVC) grant to Metro as the LAHTTF service provider leader is restricted to foreign nationals.¹⁰⁰ Still, the protocol for responding to all cases of human trafficking, including instances of DMST, is to refer the victim to Metropolitan Women and Children's Alliance (Metro). Metro is building a coalition of service providers within the Baton Rouge and New Orleans communities to serve all potential cases of human trafficking that may surface.

The New Orleans and Baton Rouge Police Departments have not established a victim-centered protocol for victims of DMST, primarily because these agencies do not classify commercially sexually exploited children as victims nor have the departments received training to properly identify such victims.

The Baton Rouge Police Department (BRPD) does have an established relationship with the Stop Rape Crisis Center that DMST victims can access for services. In particular, the Stop Rape Crisis Center's free counseling program was cited by law enforcement as a main resource to use when encountering a DMST victim. Law enforcement would also contact the Office of Community Services (OCS) to take custody of the minor.

The New Orleans Police Department (NOPD) Homeless Assistance Unit (HAU) refers all minors encountered on the street to Covenant House New Orleans for shelter and case management; however, it was recognized that this might not always be the best solution. Though the services and staff at Covenant House are believed to be "top-notch," the shelter does not have the ability to keep the child in its care for more than 72 hours without notifying the parent or guardian due to Louisiana's Safe Harbor Act.¹⁰¹ Additionally, the location of Covenant House is well known, and traffickers/pimps have been known to linger outside the facility, aiming to make contact with victims. If all shelters are full or if safety within the shelter is a concern, HAU has the ability to house the minor in a hotel for one night. Another option of protection available to the HAU is to refer potential DMST victims to the Juvenile NOPD unit, which must charge the child in order to hold him or her. Recently, the HAU received training on DMST and is now more aware of the role of the pimp and the ability of the NOPD to investigate the trafficker/pimp in a DMST case.

¹⁰⁰ Trafficking Victims Protection Act 2000, P.L. 106-386.

¹⁰¹ LRS 46:1353.

3.2 PROSECUTORS

3.2.1. Rescue

Victims of sexual abuse are referred to the Children's Advocacy Center (CAC) for streamlined questioning and intake. To date, the CAC has not been accessed for assistance in serving minors specifically identified as DMST victims.

3.2.2. Access to Services

In Louisiana, minors are frequently encouraged to plead guilty to prostitution-related charges or lesser status offences in order to more readily access services provided in the juvenile detention facilities and the FINS program. Another option is to access the services provided by the OCS; however, the OCS will only take jurisdiction for cases with substantiated familial abuse or neglect.

The District Attorney's Office tries to inform DMST victims of services available to them as victims of crime prior to their trafficker/pimp's trial. However, the Crime Victims Reparation Board (CVRB), which can provide funds for needed services, is less likely to award restitution if it appears that the victim participated in criminal activity. Among its stipulations for receipt of an award, the CVRB states the right to deny an award based on "implication ... your past criminal activity caused or contributed to the incident."¹⁰²

This condition of the CVRB could disqualify many DMST victims from receiving services, as victims are regularly charged for crimes committed throughout the course of their victimization. Obtaining funds through the CVRB board is also complicated by indications of DMST victims being recycled through the juvenile justice system, which creates a history of delinquency for these children. If approved by the CVRB, reimbursable expenses include medical care, hospital stay, psychiatric care, physical therapy, and counseling as a result of being the victim of a violent crime (see Appendix D).

Prosecutors noted that a central resource to direct the services for juvenile crime victims is needed, as well as a better coordinated effort and increased information sharing to help in the prosecution efforts. Specifically, they noted the value of case managers to liaise with the various agencies and ensure proper treatment of the victim throughout the investigation and trial.

3.2.3. The Stigma of the Delinquent Label

While "child prostitutes" are not being prosecuted in Louisiana, minors are being pulled into the juvenile justice system for other behavioral or legal crimes that mask the problems of commercial sexual abuse, such as drugs or truancy. This delinquency obscures the sexual victimization of these teens and creates a label of delinquency, which is detrimental to their credibility and futures. A case example cited by prosecutors involved a girl detained in an East Baton Rouge Parish detention center for drug charges. In her counseling, she revealed a guard at the detention center was having sex with her and other girls in the facility. A participating Assistant District Attorney stated that the adults at the center were more protective of the alleged offender than the "juvenile delinquent"; however, the guard was ultimately charged with molestation and carnal knowledge of a juvenile.

¹⁰² "Crime Victims Assistance." East Baton Rouge Parish Sheriff's Office. <<http://www.ebrso.org/ebrso.php/victims>>. Accessed April 30, 2008.

3.3 PUBLIC DEFENDERS

3.3.1. Pre Adjudication Services

Detention is the only secure “shelter” available for potential or actual DMST victims awaiting adjudication by the juvenile court in the Baton Rouge/New Orleans area. A lack of available beds, both within NGO-run shelters and within detention facilities, is a hurdle to finding the best possible placement for victims. In addition, populations likely to be potential or actual DSMT victims are considered flight risks, which have caused attempts by the JRS public defender to obtain restorative placements outside of secure detention to be unsuccessful. Interviewees stated that there is a preference on the part of family members, law enforcement, prosecutors, and the juvenile court to secure the victim in a detention facility due to their often “ungovernable” behavior.

During the pre-adjudication phase, interviewees reported that counseling is available for a client who discloses DMST abuse; however, public defenders do not normally seek out such information. While attorney-client privilege does serve to gain the trust of the clients, the interviewees stated that the short time available with clients before adjudication procedures is detrimental to facilitating disclosure.

3.3.2. Post Adjudication Services

According to juvenile public defender participants, it is necessary for a DMST victim to plead guilty to access most services as the services are provided through the juvenile justice process. In New Orleans, there are many diversionary and post-adjudication programs for juvenile delinquents who may also be victims of DMST, such as drug treatment, boot camps, and mental health programs for sex addictions.

In the experience of participating JRS public defenders, a major hurdle in advocating for services is the lack of evaluation and performance measures for relevant programs. Without systematic knowledge on what programs or services would best serve DMST victims, juvenile public defenders are left to make an educated guess.

Post-adjudication, juveniles are typically returned home, placed in non-secure group homes, or remanded to a juvenile detention facility. Secure placement usually yields little in terms of holistic restoration. Needed services, such as self-esteem building, life skills training, and appropriate mental health services, are lacking. As a result, JRS participants reported clients being revictimized, having to rely on further delinquent activity, and falling deeper into depression.

3.4 JUVENILE COURT

3.4.1. Placement with the State

The Families In Need of Services (FINS) program receives referrals from the court in cases involving sexual abuse or parental complaints of ungovernable behavior. The FINS program attempts to treat the family as a whole, recognizing that the family environment can often be the cause of the problems leading to the court case. If the case does not fall within the FINS arena or the minor has no home in which to return, participants reported that the response is often to place the minor in a group home. It was the belief of the interviewees that many group homes do not have the proper supervision or services for DMST victims. There is also a concern as to whether youth labeled as prostitutes would be at risk for further victimization by other residents or staff.

In the state of Louisiana, a juvenile court can adjudicate a child to either private or public custody. The Office of Youth Development (OYD) controls public custody of adjudicated minors. Placement options include:

- Three correction centers that are secure juvenile facilities, similar in all respects to prisons
- A number of group homes
- 19 juvenile detention centers
- Some residential treatment placements
- A fairly new program that places children in foster homes that specialize in delinquent or at-risk youth

Once adjudicated, the court can order secure or non-secure placement; however, OYD has control over both the specific placement location and the service plan. Throughout the term of commitment, the adjudicating juvenile court retains jurisdiction and has final authority, though OYD submits recommendations.¹⁰³

Participating juvenile court judges repeatedly noted the lack of placement options for juveniles that had been victimized. One example given pertained to the serious lack of resources for mentally ill adolescents. In particular, a lack of hospital beds through the Department of Health and Hospitals was discussed at a quarterly meeting for the Louisiana Council of Juvenile and Family Court Judges.

3.4.2. Alternative Options for Delinquents

Alternatives to detention or secure placement are probation supervision (either by the Office of Youth Services (OYS) or the parish probation officer), a day treatment program, or a residential group home. OYS contracts with approximately 60 programs and facilities across the state for monitoring, day treatment, shelter, or residential services. A map showing available residential placements in Louisiana by parish is included in Appendix E of this report.

Data from the Juvenile Justice Project of Louisiana (JJPL) shows that the vast majority of juveniles under OYS custody are supervised by parole or probation and a smaller number are placed in non-secure, group homes. The statistics say that of 6,021 youth under OYS custody, 5,275 are supervised by OYS probation or parole and 746 are in DPSC custody in a non-secure (group home) placement; the year of these statistics is not given, but it is likely after 2000.¹⁰⁴

¹⁰³ "State Profile: Louisiana." National Center for Juvenile Justice. 2006. <<http://www.ncjj.org/stateprofiles/>>. Accessed April 30, 2008.

¹⁰⁴ "Non-Incarcerated Youth in the Juvenile Justice System." Juvenile Justice Project of Louisiana. <<http://www.jjpl.org/What-sHappeningToOurKids/NonIncarceratedYouth/nonincarceratedyouth.html>> Accessed April 30, 2008.

Professional interviewees reported that group homes are poor placement options for DMST victims, as the supervision and services offered do not meet the unique safety and population needs of the youth. In particular, there was a stated concern over safety when stigmatized youth, particularly transgender victims of DMST, are adjudicated to group homes. Similarly, participants noted that, though DMST victimization is confidential, the information often leaks to fellow residents and staff members, which can increase stigma and revictimization.

3.4.3. Accessing Treatment

The Office of Youth Development (OYD) administers correctional services for adjudicated juveniles committed to public custody. These services include in-home interventions, day/extended-day programs, specialized foster care, residential non-secure community programs, and secure correctional institution placement. Delinquent youth between the ages of ten and 16 years old can be placed at Louisiana's juvenile secure care facilities; children under ten years old are managed through FINS; and youth who have reached their 17th birthday are tried as adults. However, juvenile courts have adjudicatory jurisdiction over youth through age 21.¹⁰⁵

¹⁰⁵ "Reducing Juvenile Incarceration in Louisiana." The Casey Strategic Consulting Group for the Joint Legislative Juvenile Justice Commission. 2003. <<http://jjc.legis.state.la.us/Doc1%20Casey%20Foundation%20Final%20Report1.pdf>>. Accessed April 30, 2008.

3.5 JUVENILE DETENTION FACILITIES

3.5.1. Placement

Delinquency services are organized at both the state and local level in Louisiana with local government entities, juvenile courts, and law enforcement administering secure detention. Once adjudicated to public custody by a juvenile court judge, the Office of Youth Development (OYD) oversees the case, although the court continues to have jurisdiction and final authority.

3.5.2. Secure Institutions

In 2003, published research from the Juvenile Justice Program of Louisiana reported that the yearly cost of incarceration of a minor at Tallulah Juvenile Detention facility (now defunct) totaled \$67,525, which the research noted was more costly than a year at Harvard University.¹⁰⁶

In Louisiana, certain services, such as health care and education, are required for youth in secure facilities. The Louisiana State University Health Sciences Center has been contracted by the Louisiana OYD to provide healthcare services to incarcerated youth in the state's three secure juvenile facilities.¹⁰⁷ Services include dental, medical, nursing, and select mental health services. Contractors also provide social services, with roughly 60 community program providers being private or nonprofit organizations. Two of the three secure facilities are outlined in detail below. Information on the Swanson for Youth in Monroe could not be obtained for this assessment.

BRIDGE CITY CORRECTIONAL FACILITY FOR YOUTH (BCCFY)

BCCFY is a secure correctional facility operating in Jefferson Parish for adjudicated males between the ages of 12 and 19, with an average stay of 92 days.¹⁰⁸ It is the stated goal of BCCFY to provide the services necessary for a juvenile's eventual reintegration into society. To this end, programs have been developed to facilitate both punishment for the crime committed, as well as treatment.

The education of the minors is provided by certified teachers who have a low turnover rate, which provides a sense of consistency. There are seven teacher aides in the special education classes, as well as student teachers. The student teacher ratios are 5:1 for special education classes, 13:1 for regular education, and 10:1 (maximum) for GED and language arts classes. In addition, two psychiatrists, two educational diagnosticians, and one speech therapist are also on staff. Juveniles have an individualized plan to which both the staff and service providers have access.¹⁰⁹

JETSON CORRECTIONAL CENTER FOR YOUTH (JCCFY)

Accredited in June of 1994, JCCY is a secure facility in Baton Rouge that houses both male and female adjudicated minors. Like BCCFY, the purpose of the JCCFY is to not only hold juveniles accountable through detention but also prepare them for reintegration into society. As such, JCCFY is outfitted with a diagnostic center that provides a specialized one-month intake process.

¹⁰⁶ *Juvenile Justice Reform Fact book for Louisiana Leaders*. Juvenile Justice Project of Louisiana. 2003. <http://www.jjpl.org/PDF/JJReform_factbook.pdf>. Accessed April 30, 2008.

¹⁰⁷ "Juvenile Justice Program: Health & Mental Health Screening and Assessment." *The Louisiana State University Health Sciences Center*. <<http://publichealth.lsuhsu.edu/jjp/html/services/assessment.htm>>. Accessed April 30, 2008.

¹⁰⁸ "Site Visit: Louisiana: Bridge City Correctional Facility for Youth." *The National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At Risk (NDTAC)*. 2004. <<http://www.neglected-delinquent.org/nd/Sitework/sitevisitLA003.asp>>. Accessed April 30, 2008.

¹⁰⁹ *Ibid*.

In September 2007, citing recent rapes, beatings, and fights, two juvenile prison advocacy groups called for Jetson Correctional Center for Youth to be closed and for OYD, the state agency running JCCY, to be investigated for corruption.¹¹⁰ These allegations came after reports earlier in the month of three rapes, an outbreak of gang fights, an attack on a correctional officer, and allegations that some of the female correctional officers were both having sex with male inmates and providing them with drugs.¹¹¹

3.5.3. Families & Friends of Louisiana's Incarcerated Children (FFLIC)

FFLIC was established in 2000, three years after the Juvenile Justice Project of Louisiana was initiated and launched to combat the state's juvenile justice system, filing a lawsuit on behalf of the incarcerated children in Tallulah Juvenile Detention Facility. The lawsuit gained attention, support, and public outcry, especially from the families and friends of the state's incarcerated youth who were "tired of getting phone calls about broken jaws and trips to the hospital" and "sick of being told [they] are bad parents and [their] children are beyond help."¹¹²

The FFLIC has utilized marches, legislative testimonials, local and governmental advocacy, as well as innovative events such as a "Mock Jazz Funeral", in order to advance the rights of juveniles who have been adjudicated to secure detention centers. The FFLIC was highly active in launching the "Close Tallulah Now!" campaign, which was successful with the Act 1225: The Juvenile Justice Reform Act of 2003 and the closing of the detention center.¹¹³

3.5.4. Detention

The purpose of detention is "(1) to ensure that alleged delinquents appear in court and (2) to minimize the risk of serious re-offending while current charges are being adjudicated."¹¹⁴ Organized and administered at the local level, there are 19 juvenile detention facilities in Louisiana, two of which remain closed following Hurricane Katrina.

Local juvenile courts and detention facilities determine the guidelines for detention, which are not detailed in the Louisiana Children's Code. The court can make the decision to detain a minor both pre- and post-adjudication and has 14 days to transfer a juvenile out of the detention center if the minor has been adjudicated to a secure facility. Alternatives to detention include electronic monitoring, intensive day treatment, shelter facilities, and home detention.

Services within detention center vary depending on location. Currently, however, participants in the assessment reported that five parishes participating in the Juvenile Detention Alternatives Initiative (JDAI)—Caddo, Calcasieu, East Baton Rouge, Jefferson, and Orleans—are each working to develop, test, and implement a risk assessment instrument (RAI) unique to their parish. The results of the RAI are to be factored into placement and treatment plans.

¹¹⁰ Davis, S. "Jetson allegations 'horrible.'" *The Advocate*. September 16, 2007. <www.theadvocate.com>. Accessed April 30, 2008.

¹¹¹ Ibid.

¹¹² "History." *Families and Friends of Louisiana's Incarcerated Children (FFLIC)*. <<http://fflic.org/history>>. Accessed on April 30, 2008.

¹¹³ The Juvenile Justice Reform Act of 2003 instigated a major renovation of the Louisiana juvenile justice system. A summary of the Act can be viewed at: <http://www.jjpl.org/PDF/Act_1225_summary.doc>. Accessed on April 30, 2008.

¹¹⁴ "The Use and Abuse of Juvenile Detention: Understanding Detention and Its Uses." *National Juvenile Defender Center*. January 2004. <<http://www.njdc.info/pdf/factsheetdetention.pdf>>. Accessed on April 30, 2008.

3.5.5. Florida Parishes Juvenile Detention Center

FPJDC provides safe and restrictive placement for male and female juveniles placed in detention in the Florida Parishes. The Center was targeted for this assessment because of its drastic change in practice and policy from a punitive environment for delinquents, to an “intentional therapeutic milieu” for kids. Additionally, FPJDC was recognized for its initial intake practices of offering (not requiring) STD and pregnancy testing for juveniles.

According to interviewees, FPJDC has extensive access to physical and mental health care, including psychiatric care. A psychiatrist from Johns Hopkins University consults weekly with youth placed in FPJDC via teleconferencing, and all juveniles in the facility receive counseling on a weekly basis. Participants noted that the counseling is individualized; for example, a child with an anger problem receives anger-management counseling, a minor with a sex addiction gets counseling for that specific issue, etc. The FPJDC has medical clinicians on site who are able to administer pregnancy and STD testing for minors upon arrival. If necessary, the interviewees reported that a rape kit could be conducted and appropriate medical and legal action could immediately be taken.

The juvenile inmates at FPJDC are educated through the Tangipahoa Parish School System, while also receiving teen pregnancy prevention classes. As sex education is not provided in public schools in Louisiana, staff members reported that this is the first time the minors have received information in a structured environment on birth control, STDs, and related issues.

The FPJDC staff is careful and deliberate to point out that every juvenile who comes through the facility is simply a child—not a delinquent—regardless of crimes or charges. One successful approach has been the implementation of an “intentional therapeutic milieu” to prevent revictimization of the minors in FPJDC’s care. According to interviewees, the goal is that no youth will be physically, psychologically, or emotionally damaged by their detention experience at FPJDC.

Girls exploited through prostitution or who are victims of sex abuse and disclose the issue to staff receive group trauma therapy. Minors are given the option to discuss or disclose, and all long-term female residents, regardless of abuse, must attend. After group trauma therapy, the girls receive individual therapy. According to a FPJDC therapist, reversing the psychological damage inflicted by traffickers/pimps often takes years, and the victims must be allowed to process what has happened. Staff at the FPJDC teaches victims to identify triggers and implement coping strategies.

As the primary purpose of FPJDC is to detain, not to treat, the minors in their care, most juveniles are placed at FPJDC on average for 30 days before adjudication and 30 days after while awaiting permanent placement. The FPJDC staff reported that there is no current continued treatment provided to the minors after they leave the detention center. FPJDC does recommend further placement for female minors who are adjudicated to FPJDC long-term, with hopes that the girls will receive the services they need.

If a minor is involved in prostitution while in the parents’ custody, FPJDC will consider recommending a less restrictive placement than detention but does not return the child to the home.

3.5.6. Juvenile Detention Alternatives Initiative (JDAI)

In 2003, the Juvenile Justice Program of Louisiana reported that Louisiana relied heavily on juvenile incarceration. Incarceration costs were more than \$125 million a year, and incarceration has a recidivism rate double that of less expensive, more treatment-oriented systems implemented in other states.¹¹⁵ The Juvenile Justice Reform Act of 2003 was initiated to change the way Louisiana administered its juvenile justice system.¹¹⁶

In November of 2006, Caddo, Calcasieu, East Baton Rouge, Jefferson, and Orleans parishes partnered with the Louisiana Commission on Law Enforcement (the same agency that received an award from the U.S. Department of Justice to fund the LAHTTF) to develop the Juvenile Detention Alternatives Initiative (JDAI). JDAI is a comprehensive system-reform model developed by the Annie E. Casey Foundation, which took an interest in helping Louisiana continue its reforms. The JDAI system has been shown to safely reduce reliance on secure detention because “Detention is the gateway to the system’s deep end.”¹¹⁷ One of the eight core strategies of the plan is implementation of new or enhanced non-secure alternatives to detention in order to increase the options available for arrested youth, specifically targeting those who would otherwise be incarcerated.¹¹⁸

According to interviewees, each parish worked with a team leader from Casey Foundation to develop a risk assessment instrument (RAI) that examines relevant factors to determine if a child is low, medium, or high risk and, depending on the child’s rank, where he or she should be placed within that parish. Consultants from each parish then collected 300 previous cases to compare the actual outcome to the RAI-determined outcome. At the time of this assessment, data compilation was not yet completed, as the first meeting of the JDAI was March 2007, and it will require time to assemble a cohesive effort from necessary stakeholders, such as sheriffs, District Attorneys, prosecutors, health care professionals, etc. The JDAI has quarterly meetings that include training sessions on various relevant issues in the juvenile justice system. These training sessions focus on assessing and improving conditions of juvenile detention and alternatives and will likely lead to positive changes in Louisiana’s juvenile detention system.

3.5.7. Interviewees’ Recommended Alternatives to Detention

Several interviewees cited specific facilities that they believe can serve as alternatives to detention. Among these were the Cane River Children’s Services in Natchitoches, the Louisiana Methodist Children’s Home in Ruston, and Boys Town and Girls Town.

Cane River Children’s Services in Natchitoches is a residential facility for girls between the ages 12 to 17, with an independent living program for the girls after age 18. One juvenile judge praised it as an exceptional residential placement that makes a lifetime commitment to every child that graduates from their residential program. As a result, clients can return after graduating from the residential program for referrals and services. Participants familiar with the program stated that roughly 20 children are at Cane River at a time, and most stay for 18 months. Many of the children have been sexually victimized or are victims of neglect or abuse. They receive individual and group therapy, and have access to a psychologist and a psychiatrist. One hurdle faced by referring agents is the existence of a waiting list to get into the program.

¹¹⁵ *Juvenile Justice Reform Factbook for Louisiana Leaders*. *Juvenile Justice Project of Louisiana (JJPL)*. 2003. <http://www.jjpl.org/PDF/JJReform_factbook.pdf>. Accessed April 30, 2008.

¹¹⁶ A summary of the Act can be viewed at: <http://www.jjpl.org/PDF/Act_1225_summary.doc>. Accessed April 30, 2008.

¹¹⁷ Guidry, Katherine. “Juvenile Detention Alternatives Initiative.” *Louisiana Commission on Law Enforcement and Administration of Criminal Justice*. <<http://www.cole.state.la.us/programs/jdai.asp>>. Accessed April 30, 2008.

¹¹⁸ *Ibid*.

Social service entities recommended Louisiana Baptist Children's Home (LBCH) in Monroe, as LBCH, in their view, has a strong social work team and capacity for 120 children from kindergarten through 12th grade. Children from all over Louisiana qualify for services. Of particular interest to interviewees were the existence of ten "family-style" homes on campus for residential child care; as many as 12 children live in each home and are supervised by a live-in Christian couple. Another service of interest by referral agencies was a crisis pregnancy home for women aged 21 and under, marriage and family counseling, adoption, foster care, and family aid.¹¹⁹

The third alternative placement recommendation offered by assessment participants was the Louisiana Methodist Children's Home in Ruston, which provides care for children and their families. The Home's residential services include emergency shelter care for youth in transition, a supervised residential care program for boys and girls, and a Changing Attitudes and Behaviors Program with space for 24 boys and girls. The latter program is long-term and provides a high level of supervision and structure. Professional support services include case management, advocacy, individual and group therapy for all residents, a GED program, medical and health services for all residents, and an independent living training course. The Home's field services offer individual and in-home family counseling, as well as court mediation services.¹²⁰

The last recommendation was Boys Town and Girls Town in New Orleans, which provides intervention and assessment services in their short-term residential center for youth in crisis, where the average length of stay is 30 days.¹²¹ A long-term residential, supervised program is available to six girls or boys who stay an average of 18 months.¹²² Boys Town and Girls Town also offer in-home family services for families with at-risk youth.

¹¹⁹ "Residential Child Care." Louisiana Baptist Children's Home. 2005. <<http://www.lbch.org>>. Accessed April 30, 2008.

¹²⁰ "Our Programs." Louisiana Baptist Children's Home. 2008. <<http://www.lbch.org>>. Accessed April 30, 2008.

¹²¹ "Louisiana: Programs." Boys Town. <<http://www.boystown.org/aboutus/locations/louisiana/lprograms.asp>>. Accessed April 30, 2008.

¹²² *Ibid.*

3.6 OFFICE OF COMMUNITY SERVICES

3.6.1. Restrictions on Protection

The Office of Community Services (OCS) is not involved in the rescue or restoration of DTMs unless there is an issue of abuse and neglect in the home.¹²³ If the caregiver is suspected to be the abuser of a child, OCS will investigate to determine if the minor should be removed from the home or if parental rights need to be terminated. Though numerous professionals, including juvenile detention staff and juvenile court judges, adamantly declared a parent neglectful if their child was involved in prostitution, participants from OCS stated that investigators must prove that the caretaker had knowledge of the abuse or that the abuse was a product of the caretaker's inaction. If this cannot be proven, OCS will not have legal jurisdiction over the removal, care, or status of the child.

3.6.2. Services

35 cases of prostitution were recorded statewide from 19 parishes since July 2006 through OCS. Nonetheless, there are no services or protocols specifically in place for DMST victims of prostitution.

OCS partners with a variety of organizations, including state agencies, private organizations, and NGOs, to provide services to children who have been sexually abused by a caregiver. In terms of potential resources for DMST victims, participants noted that OCS has a Memorandum of Understanding with the Children's Advocacy Center of Baton Rouge.

Interviewees expressed concern with the lack of placement options for children exploited through prostitution who need to be removed from the home but do not have relatives for placement. One potential option is the existence of specialized therapeutic foster homes in which families have been provided additional training for children who have experienced a high level of sexual trauma. These environments usually have fewer children per home and a higher expectation level for oversight and participation in the child's life than regular foster parents.

3.6.3. Funding and Resources

The 2007–08 appropriation for OCS is \$93,850,334 from the state. According to the interviewees from OCS, this is well under what is necessary to fulfill their mandate and provide quality and comprehensive care to victims of familial abuse. Interviewees stated that mental health services for children are underfunded in the state of Louisiana. Lack of funding for mental health services was of particular concern for participants in dealing with DMST victims, as many of the minors may be suffering from post traumatic stress disorder, as well as a myriad of other mental health issues that accompany sexual, physical, and emotional trauma.

¹²³ For more information regarding the mandate of OCS and the definition of "caretaker," see Appendix C.

3.7 NGOS/SOCIAL SERVICE PROVIDERS

3.7.1. Services offered

YOUTH OASIS SHELTER—BATON ROUGE

Youth Oasis shelter provides transitional living and emergency shelter services to at-risk minors between the ages of ten and 17 through the “Kaleidoscope” program, which provides food, clothing, medical care, individual, group and family counseling, life skills training, and aftercare services.¹²⁴ Under Louisiana law, the Safe Harbor Act allows the shelter to provide care to minors for 72 hours before notifying a guardian, which is any person or entity with custody (state, parent, or legal guardian).¹²⁵ Youth are permitted to stay at the shelter a maximum of 105 days. If the youth is in custody of the state through OCS or OYD, the agencies will pay a daily rate for youth services provided by Youth Oasis. “Passages” is the aftercare transitional living program for 16-21 year olds that teaches independent living skills and responsibility. A psychiatrist comes to Youth Oasis one day a week and does assessment treatment and medication management on all youth involved at the shelter or Youth Oasis’s transitional living program.¹²⁶

COVENANT HOUSE—NEW ORLEANS

Covenant House New Orleans offers emergency shelter, transitional living, individual and group counseling, addiction management services, medical services, GED classes, and vocational training for at-risk and homeless youth between the ages of 16 and 21. According to staff, children in OCS custody are not permitted by law to stay at Covenant House New Orleans; however, in 2006, more than 680 children received emergency shelter at Covenant House and on an average night, 47 young people receive crisis services there.

Within 24 hours of the initial intake, a free health assessment is conducted for each youth at Covenant House.¹²⁷ The assessment provides immunizations, as well as testing, care, and counseling for HIV, Hepatitis B and C, STDs, substance abuse, and tuberculosis. A weekly psychiatric clinic is available, as well as health education. Masters-level staff at Covenant House help youth identify areas of improvement, goals, and practical next-steps. Case managers work with the minors both during their stay at the shelter and for up to a year after, including counseling sessions and referrals.¹²⁸ If the minors secure employment, they can move into one of three transitional living programs. The first program, called “Rights of Passage,” is for children with no expectation of returning to their families and houses an average of 28 children.¹²⁹ The second program is called “Rights of Passage Apartment Living,” in which six apartments are available for either two independent residents or a parent and their children.¹³⁰ The residents receive weekly counseling and attend monthly group meetings. The third program is called the Dove Home Ownership Program (HOP) and assists participants with the process of home ownership.¹³¹

¹²⁴ “About Us.” Youth Oasis. 2007. <http://www.youthoasis.org/about_us.htm>. Accessed April 30, 2008.

¹²⁵ LRS 46:1353.

¹²⁶ “About Us.” Youth Oasis. 2007. <http://www.youthoasis.org/about_us.htm>. Accessed April 30, 2008.

¹²⁷ “Health Services.” Covenant House New Orleans. <<http://www.covenanthouseno.org/covenanthouse.htm>>. Accessed April 30, 2008.

¹²⁸ “Counseling.” Covenant House New Orleans. <<http://www.covenanthouseno.org/covenanthouse.htm>>. Accessed April 30, 2008.

¹²⁹ “Transitional Living Programs.” Covenant House New Orleans. <<http://www.covenanthouseno.org/covenanthouse.htm>>. Accessed April 30, 2008.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

HEALING PLACE CHURCH—BATON ROUGE

Healing Place Church runs outreach in target areas in Baton Rouge, providing their contact information to at-risk youth and offering to transport them to a safe environment, usually to Youth Oasis shelter. According to participants, Healing Place and Youth Oasis work closely together.

Interviewees stated that Healing Place is currently in the process of opening a facility at Winbourne, off Plank Road, in what they have identified as a prostitution track within Baton Rouge, as well as having high-reported juvenile court referrals. Interviewees with Health Place state that the goal of the shelter is to serve at-risk populations, which includes potential DMST victims. The second floor of the building is poised to be shelter space with a target occupancy of 90 and will be secured with an alarm system on almost all doors. Below is a list of services, groups, and programs for at-risk youth that Healing Place is planning to offer at the facility:

- Computer room: The school board plans to send teachers to the center for free computer tutoring to homeless, at-risk youth in order to build the skills necessary for employment.
- Hair salon: Run by current beauty school students, the hair salon will provide services to homeless and at-risk populations. The goal, according to assessment participants, is to help the target population gain back dignity.
- Dance Room: An after school program for girls and staff that provides an avenue for relationship building.
- After school program: A comfortable, safe place for youth to gather after school that will be outfitted with couches, videogames, sports, and other activities.

METROPOLITAN CENTER FOR WOMEN AND CHILDREN—NEW ORLEANS (Metro)

Metro is the funded OVC social service provider for the Louisiana Human Trafficking Task Force. It provides emergency shelter, case management, and counseling and refers victims to medical, dental, and psychiatric services.¹³² Victims are able to stay up to eight weeks in the emergency shelter; however, there is also a long-term transitional program that is available for up to six months. If DMST victims are identified properly as a victim population, they are eligible for a variety of state and federally funded service programs though the TVPA restricts Metro's task force funding for human trafficking victim services to foreign national victims.¹³³

¹³² Metropolitan Center for Women and Children, Home Page. <<http://www.metrobatteredwomen.com/>>. Accessed April 30, 2008.

¹³³ Trafficking Victims Protection Act 2000, P.L. 106-386.

3.8 CONCLUSION

Historically, Louisiana has had the highest incarceration rate of any state in the country. As of 2005, “70% to 90% of jailed youth would later spend their adult life in prison.”¹³⁴ Through community coalitions and public outcry, juveniles in Louisiana were granted justice, and one juvenile detention facility known for its deplorable conditions, Tallulah, was successfully shut down. In the years that followed, the Juvenile Justice Reform Act began to pave the way for improvements and the efforts have been successful.

In the Baton Rouge/New Orleans area, dedicated NGOs and service providers are prepared to offer a myriad of services for victims of DMST. However, the services are not specifically defined for DMST victims, but are specialized in treating child, adolescent, or adult sexual victimization and the effects of sexual victimization and trauma. The services are beneficial and could address some of the needs of DMST victims; however, unique issues specific to DMST, are not formally taken into consideration.

A commonly expressed concern is that law enforcement does not view DMST victims as victims. As a result, NGOs and social service providers experience difficulty in working with law enforcement agencies. In particular, participants named several labels that law enforcement utilize that are indicative of their understanding and treatment of the victims, such as “sluts on drugs” and “fast girls.” Interviewees noted that histories of juvenile delinquency, placement in detention centers, etc., all serve to complicate and bar services for the youth.

Similarly, issues with OCS have emerged. Participants were skeptical that OCS staff would understand a report concerning DMST. Instead, interviewees believed it would be necessary to refer to the trafficking situation as child abuse or prostitution. Even then, participants cited the OCS mandate to work with victims exploited by the defined “caretaker” or “family member”; all other cases are outside their jurisdiction. This is problematic, as the primary recipient of suspected DMST reports is OCS due to its position of state child welfare responsibilities. The narrow mandate of OCS to provide services only for substantiated familial involvement in DMST places a heavy burden on social services to provide shelter and needed services for commercially sexually exploited youth.

When identified within detention centers and secure institutions, DMST victims do not have access to alternative placement. Services within these facilities vary and are focused mainly on confinement rather than restoration. FPJDC is a unique facility in its mindset and service plan towards detained youth. Participants from this facility, as well as members of the juvenile justice system, all noted the lack of alternative placement and the punishment of victims for “masking” offenses.

There is an overall agreement that there is no definitive expert or resource to which agencies or service providers can turn for advice or assistance in cases of suspected DMST. The absence of case managers with knowledge of DMST victims’ rights pursuant to the law, the services available to them, and service locations is a tremendous hole in the protection of these young victims. Few interviewees were aware that there is a Human Trafficking Task Force working in their community.

The lack of appropriate and secure shelter was universally cited as an impediment to proper victim protection and restoration. Minors under the control of a trafficker/pimp for an extended length of time are particularly in need of separation from their abuser. Interviewees stated that the combination of inadequate security, trauma, and resources contribute to either the victim running away or the trafficker/

¹³⁴ “In Pursuit of Justice: 2005 Award Recipients: David J. Utter. Juvenile Justice Project of Louisiana – New Orleans Louisiana.” *Leadership for a Changing World*. <<http://leadershipforchange.org/awardees/awardee.php3?ID=328>>. Accessed March 10, 2008.

3.9 SUMMARY OF BEST PRACTICES AND GAPS

3.9.1. Best Practices

The Office of Youth Development has started parenting classes that allow social workers to work with the parents of at-risk youth before the child is released back to them. The understanding of the impact familial environments have on youth is a positive step.

Service providers and professionals coming into regular contact with identified or mis-identified DMST victims seem to have an accurate understanding of the needs and hurdles facing this population. Their knowledge and experience can be drawn on to inform program development and systematic reform. Though services specific to DMST do not exist, the groups work directly with exploited youth to address the root causes and are open to innovative, alternative treatment programs.

The Louisiana Safe Harbor Act permits minors to stay in shelters for 72 hours before a legal guardian must be called. Social service providers do all they can for victims in the short period of time the law allows. If a minor discloses in those 72 hours that he or she is a victim of sexual abuse, the Office of Community Services (OCS) must be contacted, though OCS cannot assist if the case is not related to family or guardian abuse or neglect. This 72-hour window, though short, does allow trained social service providers with a chance to secure themselves as an advocate in the life of the child. Building trust during this timeframe often leads to disclosure of abuse that was not previously revealed.

Florida Parishes Juvenile Detention Center's (FPJDC's) Intentional Therapeutic Milieu appears to be meeting its goals. An atmosphere of mutual respect, adequate education, discipline among juveniles, participation in programs, and transparency are noted in the facility.

The Children's Advocacy Centers (CAC) and other NGO/social service providers are successful in identifying DMST victims, which can lead to restorative care and advocacy on behalf of the child. Understanding that these children have experienced much abuse, advocates focus on meeting the youth where they are at and building relationships. Healing Place offers night outreach for at-risk youth, which is particularly positioned to identify and interact with DMST victims.

Families and Friends of Louisiana's Incarcerated Children (FFLIC) campaigned to "Close Tallulah Now!" and were ultimately successful in pressuring the legislature to act. The Juvenile Justice Reform Act of 2003 has protected and enhanced the rights of children already involved in Louisiana's juvenile justice system. The Act's success garnered the attention of the nationally known Annie Casey Foundation, and its Juvenile Detention Alternatives Initiative (JDAI) has now been implemented in Louisiana. JDAI's risk assessment instruments (RAIs) are being developed in Jefferson, Orleans, East Baton Rouge, Caddo, and Calcasieu Parishes to help determine a more appropriate placement for youth than at detention centers.

The successful creation and implementation of the JDAI and the RAI is establishing restorative justice as the standard for minors. Proper training and use of the RAI has the potential to increase identification of DMST victims within the juvenile delinquent population group. JDAI can advance understanding of DMST, resulting in a more successful and meaningful treatment plan and appropriate alternatives to detention.

3.9.2. Gaps and Challenges

There are currently no restoration and recovery services in Louisiana that address the specific physical and mental trauma and safety issues that DMST victims suffer. There are several helpful venues that, combined, may possibly cover the necessary bases if DMST were more acknowledged among the appropriate agencies in the area and if there were collaboration among these agencies. There are successful collaborations among relevant agencies, but the collaborations are fragmented. For instance, the BRPD Sex Crimes Unit collaborates with the Stop Rape Crisis Center in Baton Rouge, but Healing Place and Youth Oasis are the agencies that do outreach to youth with a high risk of DMST victimization. These agencies do not willingly turn victims over to law enforcement, as that transfer has not proved to be beneficial for the victim historically.

The Metropolitan Center for Women and Children in New Orleans (Metro) is the OVC-funded social service provider of the LAHTTF. The grant Metro receives from OVC provides funding through the TVPA for services for foreign victims of human trafficking. It is up to Metro to establish a coalition of service providers that can offer services to DMST victims through various other state and federal social service and victim service funds. Furthermore, the primary focus of the LAHTTF is on the identification of foreign sex trafficking victims, as informed through training that predominately focuses on identification, investigation and service protocol for foreign national victims of human trafficking.

As lead members of the LAHTTF, the Louisiana Sheriff's Association has established written protocol for responding to human trafficking victims, including DMST victims; however, the Baton Rouge and New Orleans Police Departments do not have any such protocols pertaining to DMST.

Though services exist for many types of victimization that relate to DMST, such as rape crisis centers, the lack of protective, restorative shelter for DMST victims is a major gap. Safety issues, the psychological manipulation and trauma faced, and legal hurdles faced by DMST victims make both detention and non-secure shelters problematic for victim care. Law enforcement, juvenile judges, OCS, and NGO/social service providers all lamented the lack of appropriate shelter and alternatives to detention.

There is no one in a professional capacity in Baton Rouge or New Orleans designated specifically to coordinate or advocate for DMST victim's access to services. Agencies that are primarily responsible for the protection of DMST victims are not equipped or ready to handle the issue. There is confusion among participants regarding the role and responsibility of law enforcement, prosecutors, and OCS in victim safety.

Many interviewees commented that a minor must plead guilty in order to access services provided by the state. The resulting label of delinquent can bar access to services as a victim of crime provided by the Crime Victims Reparation Board.

An overwhelming consensus among interviewees is that OCS is not effectively investigating allegations of DMST victims. Allegedly, OCS in both Baton Rouge and New Orleans has a very slow response time and an excessive caseload. Consequently, OCS is not taking custody of some minors, notably those close to reaching the age of majority. A lack of funding and resources is often the root cause of inefficiency within child welfare agencies, but protecting and healing the abused and neglected children of Louisiana should be a primary intervention demanded by the public.

Though underfunded, overstretched, and disrupted by Hurricane Katrina, there are several agencies and organizations identifying and reaching out to victims of DMST. However, in the absence of appropriate services specific for this victim population and specified funding streams, the risk of being revictimized is extremely high.

Many professionals focus on victims' uncooperative nature as the reason that they are treated as delinquents and are not provided with assistance. "They don't want our help" was the response of several individuals. Blaming the juvenile with the outcome of their victimization should instead be viewed as the barrier to restoration, investigation, and prosecution of the real criminals: the traffickers/pimps and buyers of these young people.

Overall Conclusions

A lack of identification of the victims in the crime of domestic minor sex trafficking in the Baton Rouge/New Orleans area is the primary hurdle in the delivery and access to services for these minor victims. Law enforcement agencies, though sympathetic, primarily view the minors as child prostitutes, while service providers and NGOs view them as victims of sexual exploitation—few are making the connection to sex trafficking. The result is little or ineffective collaboration between the two groups that is critical in the identification and delivery of services to the victims of DMST.

Further complicating the identification of the victims of DMST and impacting potential investigations, prosecutions, and service delivery to these victims is the mixture of fear and affection that frequently develops between the child victim and the perpetrator. A known tactic of traffickers/pimps is to systematically employ a combination of violence, affection, and survival dependency (i.e., food, shelter, clothes, money) against the child. Different professionals in contact with victims often refer to this as “pimp control.” This conditioning, as well as the treatment by authorities as delinquents and the failure to provide adequate safety and restorative services, make DMST victims unsympathetic and uncooperative in many cases.

Several shelters are located throughout Baton Rouge and New Orleans, many with licensed clinical social workers on staff or accessible, who provide counseling to sex trauma victims. Though not specialized for DMST victims, these services can assist DMST victims with some of the effects of DMST. Unfortunately, these shelters and agencies do not have the provisions of long-term care for DMST victims. In addition, there is a shortage of both government funding and space in secure facilities to care for this population. Careful monitoring by trained professionals and specialized programming—which does not yet exist—are needed in facilities housing DMST victims in order to avoid revictimization.

Currently, many victims of DMST are identified as delinquents and adjudicated through the juvenile court system. The result is placement in detention facilities ill equipped to address their trauma or in the home that, according to interviewees, is often unstable and the site of previous abuse. Being adjudicated or arrested on status and criminal offenses can bar victims from current and future services and restitution programs.

Internet Crimes Against Children Task Forces are making significant progress in prosecutions of men engaged in Internet solicitation of minors. Additionally, ICAC was cited as providing training to the community. It is important that steps are taken in the training to link child pornography to situations of DMST. Often, Internet crimes are pursued more aggressively because evidence is easily obtained against the perpetrator. However, it is clear that DMST exists in the Baton Rouge/New Orleans area and it is just as important to pursue justice and provide services to these victims despite the systemic gaps and challenges outlined in this assessment. It is only through engaging with victims of DMST that we will better understand their needs, thereby increasing victim identification and access to services, as appropriate for victims of a violent crime.

Recommendations

The following recommendations are based on suggestions made by interviewees, as well as proposals from the authors of this report.

Training and Research

The goal of DMST training and research is to provide knowledge and resources to individuals who might come into contact with a domestic trafficked minor. Training should target specific individuals or groups, including but not limited to law enforcement, service providers, prosecutors, defenders, judges, and detention facilities. These individuals need a mature and in-depth understanding of this issue in order to identify and serve victims.

1. Training on DMST for all groups must go beyond simply identifying victims to include identification methods as well as more proactive strategies for managing and supporting domestic trafficked minors. Comprehensive training addressing the dynamic, overlapping challenges faced by DMST victims needs to be developed, including domestic violence dynamics (attachment to trafficker/pimp), sexual abuse trauma, post-traumatic stress disorder, substance abuse issues, psychological issues, medical concerns, life skills, and self-esteem problems. This training should be mandatory for professionals who are most likely to come in contact with a victim of DMST.
2. Once the above DMST training components are created, they should be included in the GSRCPI Human Trafficking training. The Louisiana legislature should mandate training to all professional populations likely to come in contact with DMST, especially training that covers the appropriate next-step questions to ask runaways and sex abuse victims utilizing victim-sensitive interview techniques.
3. Similar to the Juvenile Justice Reform Act, the Office of Community Services needs to be reviewed to further assess whether they are fulfilling their mandate to protect all children under the age of 18 from abuse and neglect. Due to strained resources, younger children often become the agency priority and older children with allegations of sexual abuse are left to fend for themselves.

Identification and Tracking of Victims and Traffickers

Identification and tracking of victims and traffickers/pimps is important because it allows service providers and law enforcement to gain a better understanding of the scope of the problem in the community. With better tracking, data on DMST can be furthered and victims' needs can be better understood and addressed.

4. Children exploited through prostitution, pornography, and stripping must be viewed as victims of a violent crime and provided with immediate victim status, safe shelter, and appropriate services.
5. Law enforcement is often the first point of contact for a DMST victim. Law enforcement agencies in both Baton Rouge and New Orleans noted several units that DMST victims could access. Identification of a child exploited through prostitution as a victim or delinquent differed, depending on the unit. These units include but are not limited to the Vice Squad, Juvenile Unit, Child Sex Abuse Unit, Homeless Assistance Unit, Missing/Runaway Unit, and the Domestic Violence Unit. Inter-agency information sharing is necessary to streamline victim identification and ensure proper investigation of DMST perpetrators.
6. The Office of Community Services (OCS) has recently added a separate allegation for specific sexual abuses. This is a promising key practice identified by this assessment, and this system of reporting should be made available to all Child Welfare agencies across the country. Additionally,

training of OCS workers to further identify cases of commercial sexual abuse as prostitution is important to fully utilize this new system.

7. The Juvenile Justice Reform Act mandated the creation of a risk assessment instrument (RAI) to be used statewide for juveniles in detention. The RAI should include questions to identify risk for involvement in prostitution or prostitution-related activities. These RAIs should be made available during the adjudication process to inform placement and treatment plan.

Public Education

Public education is necessary to increase awareness of DMST. Broad public support for the prioritization of combating DMST may help victim identification, funding, and media coverage.

8. Owners of and workers in adult entertainment businesses should be given information on how to identify minors to avoid any illegal activities in their businesses. Training on DMST should extend to all businesses (e.g., hotels and taxi companies) so prostituted minors are not ignored in public areas.
9. Media should prioritize the reporting of cases that involve children recruited for and used in prostitution to create a public outcry for these victims.
10. The state of Louisiana does not currently have sex education in their school system. Subsequently, there was no mention of programs in place in the Louisiana school system or community at large to educate children on the harms of recruitment into prostitution by traffickers/pimps. Children and teens would benefit from structured school education programs that outline the risks of prostitution, including a focus on the recruitment tactics of traffickers/pimps and how to access resources. Materials such as *Unmasking Sexual Con Games* should be included in school health courses.¹³⁵
11. Prevention programs should be developed targeting chronic runaways who are not yet involved in prostitution but are at great risk of recruitment. The school system, service providers/outreach workers, and law enforcement should work together in prevention efforts for these high-risk minors.

Protection of Domestic Trafficked Minors While Witnesses Against Their Traffickers/Pimps

Victim witnesses need better protection to prevent revictimization and further trauma. Such protection would create an opportunity for the victim to confidently and safely testify against her trafficker/pimp.

12. Children's Advocacy Centers are often applauded as victim-centered with a comprehensive design that allows for the investigation into allegations of child sexual abuse. However, the Baton Rouge CAC was believed to be less effective due to the decision to not allow forensic interviews with the children to be videotaped. A task force or study group should be funded to research the harmfulness or effectiveness in videotaped interviews for children who have been commercially sexually exploited.

¹³⁵ Magee, K.M. and L.J. Buddenberg. *Unmasking Sexual Con Games*. 3rd Ed. Boys Town Press: Boys Town, Nebraska. 2003.

Prosecution of Traffickers, Facilitators, and Buyers

A strong message stating that trafficking of minors for commercial sex in the Baton Rouge/New Orleans area will not be tolerated must be articulated through prosecution. Prosecution resulting in strong sentencing of traffickers, facilitators, and buyers will show that anyone involved in enabling or allowing DMST to occur will be held accountable for the sex trafficking of children. These individuals are key components in the trafficking networks.

13. There is a need for a renewed commitment to the investigation and prosecution of traffickers/pimps who sell domestic minors. While law enforcement did not seem to think DMST was a common occurrence in the Baton Rouge/New Orleans area, several NGOs and service providers who were interviewed were able to recall numerous cases and situations. Rebuilding trust between agencies and organizations is imperative in increasing information sharing. This flow of information is necessary for victim identification and investigation of their abusers.
14. Prosecution of buyers, or “johns,” of prostituted children should be made a priority for law enforcement and state prosecutors to deter demand for commercial sex from minors.
15. Media should cover and expose these prosecutions so the Baton Rouge/New Orleans area develops a reputation for strict prosecutions and punishments of buyers of sex with minors.
16. The Louisiana Human Trafficking statute should include the TVPA clarification that fraud, force, or coercion by the trafficker are not required elements of the crime when the victim of trafficking is under 18 years of age.
17. The age of a juvenile victim should be set at 18 in all state laws pertaining to sex-based crimes against minors.

Treatment of Domestic Trafficked Minors

Proper identification of a domestic trafficked minor must be followed with the necessary services that holistically address the complex and diverse issues experienced during their victimization. Proper services, including safe and protective shelter, can lead to increased information from the victim, which can assist the investigation and prosecution of traffickers/pimps, buyers, and facilitators.

18. A comprehensive model should guide services designed to meet the specific needs of DTMs. Holistic programs that address the multitude of issues faced by trafficked minors must be developed (e.g., substance abuse, post-traumatic stress disorder, physical and emotional challenges, drug addiction, abuse history, family dynamics, educational needs, self-esteem, life skills).

Psychological Services

19. Assisting DTMs in exiting prostitution often involves addressing the bond with a trafficker/pimp. This traumatic bond can be compared to attachment in domestic violence situations. Services that break this bond need to be available to DTMs.
20. Because of the chaotic backgrounds of many DTMs, life-skills training should be provided. Programs should address diverse issues (e.g., self-presentation, social skills, family relationships, friendship and peer relationships, healthy dating relationships, money management, job skills and career planning, stress management, decision making, self-awareness, spirituality).

Health Services

21. Health education should be part of the programming for DTMs. In addition to education about sexually transmitted diseases and other physical risks, DTMs often need basic information on personal hygiene, diet and nutrition, exercise, and healthy lifestyle choices.

Educational Needs

22. Without the career options that education provides, DTMs will face a greater likelihood of returning to prostitution. Services designed to help DTMs should address their educational needs. Many victims have dropped out of school and may have had inconsistent school attendance due to emotional and physical challenges (e.g., abuse history, self-esteem issues, undiagnosed learning disabilities, pregnancies, substance abuse).

Protective and Secure Shelter

23. Juveniles exploited through prostitution are a unique and separate victim population from other sex abuse victims. Trauma bonds with the trafficker/pimp cause DMST victims to act as a flight risk and placement in a non-secure facility can cause revictimization. A protective shelter for DTMs could begin to address the victim's immediate needs while providing a break from the psychological bondage of the trafficker/pimp.
24. A longer-term facility is required that can provide specialized training, life skills, education, and long-term programming. The long-term programming should build skills and continue treatment in an effort to reduce the factors of vulnerability prior to the minor exiting the facility.

Transition

25. Sufficient wraparound and transitional services need to be provided to DTMs as their physical, psychological, and emotional issues are complex and numerous, and can lead to recidivism into prostitution.

Appendix A

From West's Louisiana Statutory Criminal Law and Procedure Handbook 2007:

§3. 80 Felony carnal knowledge of a juvenile

A. Felony carnal knowledge of a juvenile is committed when:

(1) A person who is nineteen years of age or older has sexual intercourse, with consent, with a person who is thirteen years of age or older but less than seventeen years of age, when the victim is not the spouse of the offender; or

(2) A person who is seventeen years of age or older has sexual intercourse, with consent, with a person who is thirteen years of age or older but less than fifteen years of age, when the victim is not the spouse of the offender; or

(3) A person commits a second or subsequent offense of misdemeanor carnal knowledge of a juvenile, or a person who has been convicted one or more times of violating one or more crimes for which the offender is required to register as a sex offender under R.S. 15:542 commits a first offense of misdemeanor carnal knowledge of a juvenile.

B. As used in this Section, "sexual intercourse" means anal, oral, or vaginal sexual intercourse.

C. Lack of knowledge of the juvenile's age shall not be a defense. Emission is not necessary, and penetration, however slight, is sufficient to complete the crime.

D. Whoever commits the crime of felony carnal knowledge of a juvenile shall be fined not more than five thousand dollars, or imprisoned, without hard labor, for not more than ten years, or both, provided that the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with the provisions of Code of Criminal Procedure Article 893.

§3. 80.1 Misdemeanor carnal knowledge of a juvenile

A. Misdemeanor carnal knowledge of a juvenile is committed when a person who is seventeen years of age or older but less than nineteen years of age has sexual intercourse, with consent, with a person who is fifteen years of age or older but less than seventeen years of age, when the victim is not the spouse of the offender, and when the difference between the age of the victim and age of the offender is greater than two years.

B. As used in this Section, "sexual intercourse" means anal, oral, or vaginal sexual intercourse.

C. Lack of knowledge of the juvenile's age shall not be a defense. Emission is not necessary, and penetration, however slight, is sufficient to complete the crime.

D. Whoever commits the crime of misdemeanor carnal knowledge of a juvenile shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

E. The offender shall be eligible to have his conviction set aside and his prosecution dismissed in accordance with the appropriate provisions of the Code of Criminal Procedure.

F. The offender shall not be subject to any of the provisions of law which are applicable to sex offenders, including but not limited to the provisions which require registration of the offender and notice to the neighbors of the offender.

§3. 81 Indecent behavior with juveniles

A. Indecent behavior with juveniles is the commission of any of the following acts with the intention of arousing or gratifying the sexual desires of either person:

(1) Any lewd or lascivious act upon the person or in the presence of any child under the age of seventeen, where there is an age difference of greater than two years between the two persons. Lack of knowledge of the child's age shall not be a defense.

(2) The transmission of an electronic textual communication or an electronic visual communication depicting lewd or lascivious conduct, text, or images to any person reasonable believed to be under the age of seventeen and reasonable believed to be at least two years younger than the offender. It shall not be a defense that the person who actually receives the transmission is not under the age of seventeen.

B. The trial judge shall have the authority to issue any necessary orders to protect the safety of the child during the pendency of the criminal action and beyond its conclusion.

C.

H. (1) Whoever commits the crime of indecent behavior with juveniles shall be fined not more than five thousand dollars, or imprisoned with or without hard labor for not more than seven years, or both, provided that the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with the provisions of Code of Criminal Procedure Article 893.

(2) Whoever commits the crime of indecent behavior with juveniles on a victim under the age of thirteen when the offender is seventeen years of age or older, shall be punished by imprisonment at hard labor for not less than two or not more than twenty-five years. At least two years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

§3. 81.1 Pornography involving juveniles

See attached materials.

§3. 81.2 Molestation of a juvenile (see attached materials for full text)

A. Molestation of a juvenile is the commission by anyone over the age of seventeen of any lewd or lascivious act upon the person or in the presence of any child under the age of seventeen, where there is an age difference of greater than two years between the two persons, with the intention of arousing or gratifying the sexual desires of either person, by the use of force, violence, duress, menace, psychological intimidation, threat of bodily harm, or by the use of influence by virtue of a position of control or supervision over the juvenile. Lack of knowledge of the juvenile's age shall not be a defense.

B. Whoever commits the crime of molestation of a juvenile shall be fined not more than five thousand dollars, or imprisoned, with or without hard labor, for not less than one nor more than ten years, or both, provided that the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with the provisions of Code of Criminal Procedure Article 893.

C. Whoever commits the crime of molestation of a juvenile when the offender has control or supervision over the juvenile shall be fined not more than ten thousand dollars or imprisoned, with or without hard labor, for not less than one nor more than twenty years, or both, provided that the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with Code of Criminal Procedure Article 893.

D. (1) Whoever commits the crime of molestation of a juvenile when the incidents of molestation recur during a period of more than one year shall, on first conviction, be fined not more than ten thousand dollars or imprisoned, with or without hard labor, for not less than five years nor more than forty years, or both. At least five years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence. After five years of the sentence has been served, the offender, who is otherwise eligible, may be eligible for parole if a licensed psychologist of a licensed clinical social worker or a board-certified psychiatrist, after psychological examination, including testing, approves.

(2) Conditions of parole shall include treatment in a qualified sex offender program for a minimum of five years or until expiration of sentence, whichever comes first. The state shall be responsible for the cost of testing but the offender shall be responsible for the cost of the treatment program. It shall also be a condition of parole that the offender be prohibited from being alone with a child without the supervision of another adult.

(3) For purposes of this Subsection, a "qualified sex offender program" means one which includes both group and individual therapy and arousal reconditioning. Group therapy shall be conducted by two

therapists, one male and one female, at least one of whom is licensed as a psychologist or is board certified as a psychiatrist or clinical social worker.

§3. 81.3 Computer-aided solicitation of a minor
See attached materials.

§3. 82 Prostitution; definition; penalties; enhancement

A. Prostitution is:

- (1) The practice by a person of indiscriminate sexual intercourse with others for compensation.
- (2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation.

B.

- (1) Whoever commits the crime of prostitution shall be fined not more than five hundred dollars or be imprisoned for not more than six months or both.
- (2) On a second conviction, the offender shall be fined not less than two hundred fifty dollars nor more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both.
- (3) On a third and subsequent conviction the offender shall be imprisoned, with or without hard labor, for not less than two nor more than four years and shall be fined not less than five hundred dollars nor more than four thousand dollars.

C. Any offense under this Section committed more than five years prior to the commission of the offense with which the defendant is charged shall not be considered in the assessment of penalties under this Section.

D. If the offense occurred as a result of a solicitation by the offender while the offender was located on a public road or highway, or the sidewalk, walkway, or public servitude thereof, the court shall sentence the offender to imprisonment for a minimum of ninety days. If a portion of the sentence is suspended, the court may place the offender upon supervised probation if the offender agrees, as a condition of probation, to perform two hundred forty hours of community service work collecting or picking up litter and trash on the public roads, streets, and highways, under conditions specified by the court.

E. All persons who are convicted of the offense of prostitution shall be referred to the parish health unit for counseling concerning Acquired Immune Deficiency Syndrome. The counseling shall be provided by existing staff of the parish health unit whose duties include such counseling.

F. Repealed by Acts 2001, No. 944, §4.

§3. 82.1 Prostitution; persons under seventeen; additional offenses

A. It shall be unlawful:

- (1) For any person over the age of seventeen to engage in sexual intercourse with any person under the age of seventeen who is practicing prostitution, and there is an age difference of greater than two years between the two person. Lack of knowledge of the later person's age shall not be a defense.
- (2) For any parent or tutor of any person under the age of seventeen knowingly to consent to the person's entrance or detention in the practice of prostitution.

B. Whoever violates the provisions of the Section shall be fined not more than five thousand dollars or imprisoned, with or without hard labor, for not less than two years nor more than ten years, or both.

§3. 83 Soliciting for prostitutes

Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

Whoever commits the crime of soliciting for prostitutes shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

§3. 83.1 Inciting prostitution

A. Inciting prostitution is the aiding, abetting, or assisting in an enterprise for profit in which:

- (1) Customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services,
- (2) When the person knows or when a reasonable person in such a position should know that such aiding, abetting, or assisting is for prostitution, and
- (3) When the proceeds or profits are to be in any way divided by the prostitute and the person aiding, abetting, or assisting the prostitute.

B. Whoever commits the crime of inciting prostitution shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

§3. 83.2 Promoting prostitution

A. Promoting prostitution is the knowing and willful control of, supervision of, or management of an enterprise for profit in which customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services.

B. Whoever commits the crime of promoting prostitution shall be fined not more than five thousand dollars or imprisoned with or without hard labor for not more than two years or both.

§3. 84 Pandering

Pandering is the intentional:

- (1) enticing, placing, persuading, encouraging, or causing the entrance of any person into the practice of prostitution, either by force, threats, promises, or by any other device or scheme;
- (2) maintaining a place where prostitution is habitually practiced;
- (3) detaining any person in any place of prostitution by force, threats, promises, or by any other device or scheme;
- (4) receiving or accepting by a person as a substantial part of support or maintenance anything of value which is known to be from the earnings of any person engaged in prostitution;
- (5) consenting, on the part of any parent or tutor of any person, to the person's entrance or detention in the practice of prostitution; or
- (6) transporting any person from one place to another for the purpose of promoting the practice of prostitution.

Whoever commits the crime of pandering shall be fined not more than five thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

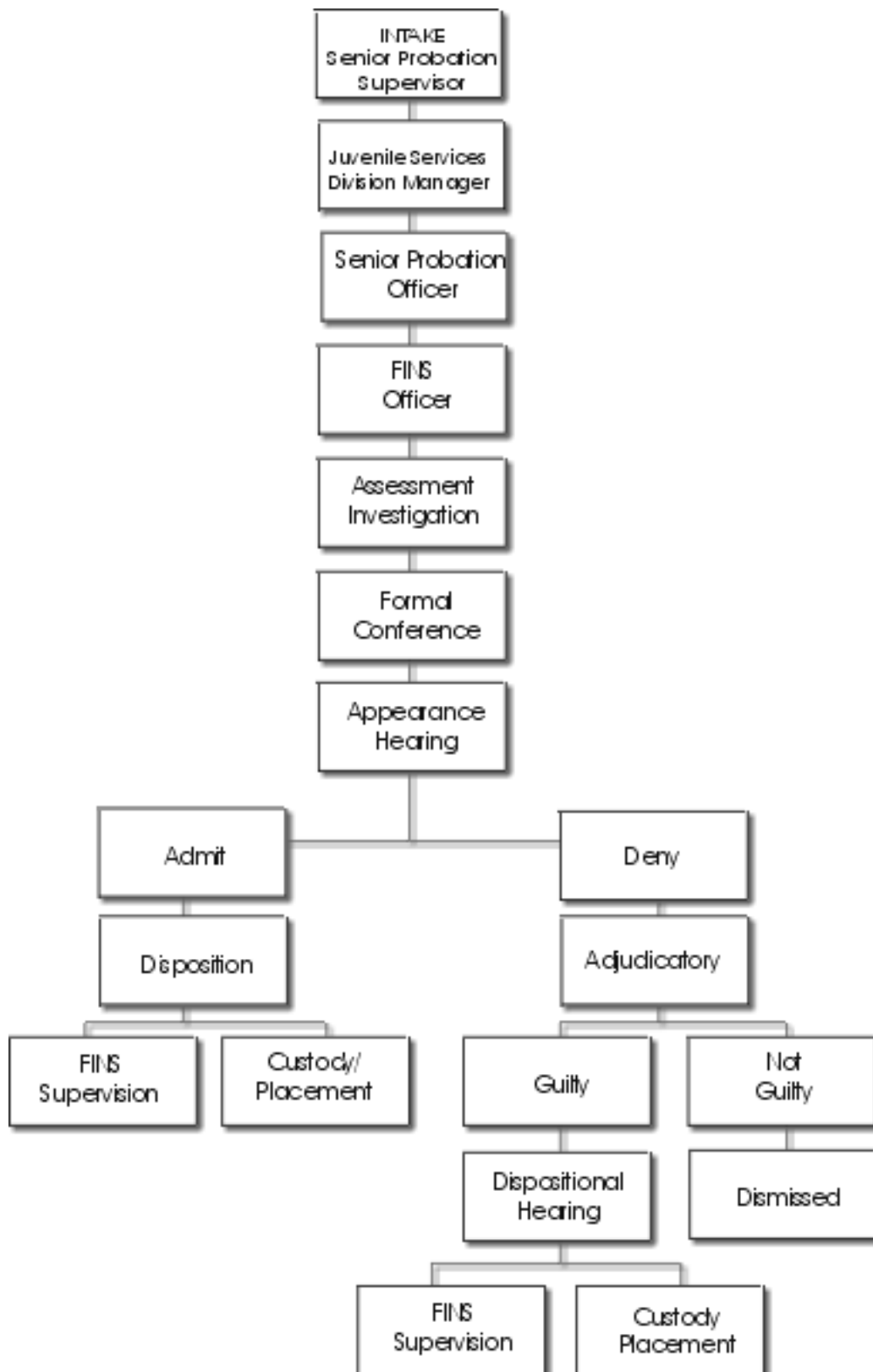
The current Louisiana law prohibiting slavery comes from the Louisiana State Constitution of 1974, Article I, Section 3:

§3. Right to Individual Dignity


No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.¹³⁶

¹³⁶ <http://senate.legis.state.la.us/Documents/Constitution/Article1.htm#%A73.%20Right%20to%20Individual%20Dignity>

Appendix B



Appendix C

	Agency Name	Office of Community Services (OCS)			
	Chapter No./Name	4. Child Protection Investigation			
	Part No./Name	4. Child Protection Investigation Intake			
	Section No./Name	4-403 Elements of a Report of Child Abuse or Neglect			
	Dates	Issue/Reissued	August 2006	Replacing	June 2005

through the action or inaction of the child's caretaker. Reports of abuse and/or neglect in which the culpability of the parent or caretaker is unclear or unknown shall be accepted for investigation.

C. CARETAKER

The abuse/neglect of a child must have been by a caretaker as defined in the Children's Code, Article 603, or by a person meeting the criteria of Articles 606 and 610. "Caretaker means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a family child day care home, or other person providing a residence for the child" as defined in Article 603 (3) of the Children's Code. This definition includes restrictive care facility administrators and staff persons.

1. Other adults in household

Although not defined in the Children's Code as a caretaker, when any adult member of the household in which the alleged child victim normally resides (Louisiana Children's Code, Article 610 A. and E.) is an alleged perpetrator the information is considered a report of abuse/neglect. This includes the following:

Person who lives in the same residence with the parent, caretaker, or person with legal custody as a spouse whether married or not; and,

*Live-in babysitters

Relatives such as grandparents, uncles, aunts, adult siblings when they normally reside or are in the home on a regular basis.**

2. Perpetrators with dating or engagement relationship with parent

When the alleged perpetrator is a person with a dating or engagement relationship with the parent/caretaker/legal custodian, even though they do not live with the parent/caretaker/legal custodian, and whether or not culpability by the parent/caretaker/legal custodian is alleged, the information is a report of abuse/neglect.

Information from a reporter that a child has been abused/neglected by a person who meets the legal definition of a caretaker (including a restrictive care facility administrator/staff person), and/or by a perpetrator who meets the above criteria, as well as cases in which the culpability of the parent or caretaker is alleged, suspected, unclear or unknown meet the criteria of a report of abuse/neglect.

Appendix D

Crime Victims Assistance

Corporal Carolyn Stapleton Phone: (225) 389-4993 Fax: (225) 389-8321

Effective July, 1982, the State of Louisiana established a program to provide for the payment of compensation to the victims of certain crimes. The law, known as the Crime Victims Reparations Act, Created the Crime Victims Reparations Board and established the Crime Victims Reparations Fund. The Board administers the provisions of the Act and awards payments from the Fund. Income for the Fund is composed primarily of monies paid as costs levied on Criminal Court cases. Other components of the Fund include a federal grant, court-ordered restitution from criminals, donations, and interest.

Eligibility To Apply For Awards

You may apply if you:

- Believe you are a victim of a violent crime.
- Are the victim's legal representative (his attorney or the person legally responsible for the expenses).
- Are the victim's dependant.

A claim may be filed regardless of whether the offender is known, has been arrested, and/or has been found guilty.

The crime must:

Involve the use of force or threat of use of force AND

result in personal injury, death, or catastrophic property loss AND

result in expenses covered by the statute and not reimbursable by any other source.

Appendix E

Revised 8/08/2007

Residential Providers

• Residential • Residential w/ school • Shelter
 ### - Total number of Residential slots (not including Shelters)

