SAFE HARBOR OF MINORS INVOLVED IN PROSTITUTION: UNDERSTANDING HOW CRIMINAL JUSTICE OFFICIALS PERCEIVE AND RESPOND TO MINORS INVOLVED IN PROSTITUTION IN A STATE WITH A SAFE HARBOR LAW

A dissertation presented

by

Stephanie R. Fahy

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In partial fulfillment of the requirements for the degree of
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ABSTRACT OF DISSERTATION

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ABSTRACT

Minors involved in prostitution have traditionally been perceived and treated as criminals or delinquents within the criminal justice system despite the passage of laws, including federal and state human trafficking statutes, which define them as victims in need of treatment rather than criminals deserving of punishment. Because of the disparity between existing laws that define these youth as victims and their subsequent treatment within the criminal justice system, dozens of states have passed safe harbor laws, which are designed to grant minors who are arrested for prostitution immunity from prosecution or redirect them into victim services. The types of safe harbor laws vary by state, however, with some laws granting minors arrested for prostitution immunity from prosecution while others leave their fate to the discretion of criminal justice officials. Cognitive representations, or stereotypes and attitudes about criminals and victims may guide criminal justice officials’ decision making processes in states with discretionary laws. This study includes in-depth interviews with criminal justice officials working in two counties in Massachusetts - a state with a safe harbor law that is discretionary in nature – that reveal cognitive representations of minors involved in prostitution that are shared by criminal justice agents both before and after the passage of the safe harbor law. This study also examines how cognitive representations are reflected in case processing decisions prior to and following the law. Finally, cognitive representations are compared between sites in order to understand if there are “clusters of representations” that are unique to criminal justice agents in each site and how these “clusters of representations” guide decisions about minors involved in prostitution.
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CHAPTER 1: INTRODUCTION

In recent years the U.S. criminal justice system has been engaged in an ongoing struggle sparked by federal human trafficking legislation to transform the way criminal justice officials identify and treat minors involved in prostitution. The Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) Program revised its definition for prostitution by making distinctions between assisting or promoting prostitution, purchasing prostitution, and prostitution as required by the act (Federal Bureau of Investigation, 2013). Prostitution as required by the act is defined as, “to engage in commercial sex acts for anything of value,” assisting or promoting prostitution is defined as, “to solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution,” and purchasing prostitution is defined as, “to purchase or trade anything of value for commercial sex acts.”

Prostitution is criminalized in all states except for some rural counties in Nevada, and in most states juveniles could be charged criminally or adjudicated as a delinquent for prostitution offenses since the majority of prostitution statutes did not distinguish between adults and juveniles involved in prostitution (Adelson, 2008; Annitto, 2011).

Over the years laws have been passed that are designed to increase penalties against individuals who exploit minors or patronize minors for prostitution, including The White-Slave Traffic Act (“Mann Act”) passed by Congress in 1910. The Mann Act makes it a felony to knowingly transport “an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such
individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense” (18 U.S.C. § 2421-2423). Since the passage of the Mann Act (1910), the federal government has subsequently passed laws to prosecute individuals who are involved in the Commercial Sexual Exploitation of Children (CSEC) (18 U.S.C. § 2251-2260). CSEC is defined as the sexual abuse of a minor for economic gain, and it involves exploiting a minor through prostitution or through survival sex (e.g., exchanging sex/sexual acts for money or something of value such as food, shelter, or drugs), using a minor in pornography, exploiting a minor by having her or him perform in sexual venues such as strip clubs, and the smuggling of children for unlawful purposes (Albanese, 2007; Clayton, Krugman & Simon, 2013).

In 2000, the U.S. Congress passed the Victims of Trafficking and Violence Protection Act. The TVPA (2000) and its subsequent reauthorizations (2003, 2005, 2008, 2013) have been called the “most significant national action” to combat CSEC (Barnitz, 2001:602) because it defines anyone under 18 years induced to perform a commercial sex act as a victim of sex trafficking (18 U.S.C. § 1591). However, federal prosecutions of child sex traffickers are not frequent enough so as to be considered a serious deterrent,¹ which has led to the passage of human trafficking laws at the state level (Smith & Vardaman, 2010-2011). Presently, 49 states and the District of Columbia have enacted sex trafficking laws.² Although some state statutes mirror the TVPA,

¹ Prosecutors may prefer other types of cases, such as drug and weapons trafficking cases that do not present the same types of evidentiary challenges that are inherent in human trafficking cases.
² Hawaii is the only state to not have enacted a sex trafficking law.
which treats sex trafficking of a minor like statutory rape, others require evidence that the commercial sex act resulted from force, fraud, or coercion\(^3\) (Adelson, 2008).

### I. STATEMENT OF THE PROBLEM

Despite the enactment of federal and state laws designed to protect children from sexual abuse and exploitation and to increase penalties against individuals who exploit these youth, minors involved in prostitution are still viewed as criminals or delinquents by agents in the criminal justice system (Barnitz, 2001; Epstein & Edelman, 2013; Finkelhor & Ormrod, 2004; Halter, 2010; Clayton, Krugman & Simon, 2013; Mitchell, Finkelhor & Wolak, 2010; Polaris Project, 2011). Gender stereotypes likely play a significant role in affecting how law enforcement officials perceive both female and male minors involved in prostitution. For example, Anitto (2011) suggests there is an assumption that “good girls who are worthy of protection would not accept payment for their own exploitation and would somehow escape” (p.18). Boys are largely perceived as perpetrators of sex crimes rather than victims, and there is also the assumption that girls are more likely to be exploited by a third party (e.g., pimps); whereas, boys are voluntarily engaging in prostitution (Figlewski & Brannon, 2011; Finkelhor and Ormrod, 2004; Greenbaum, 2014; Lillywhite & Skidmore, 2006; Walker, 2013; YAP International, 1998). Furthermore, research indicates that the judicial system follows what sociologist Ronald Weitzer refers to as an “empowerment paradigm” (2009: 214) and in doing so

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\(^3\) Under the TVPA (2000) sex trafficking of an individual 18 years and older occurs when a commercial sex act is induced by force, fraud, coercion; however, these elements are not necessary if the individual has not attained 18 years of age.
the system assumes that minors are rationally choosing to engage in prostitution and should therefore be subject to prosecution (Cohen, Edberg, and Gies, 2011; OJJDP, 2014).

The assumption that minors involved in prostitution are complicit in their victimization has not only led to more punitive treatment of these youth within the criminal justice system but has also largely led to the exclusion of child prostitution as a recognized form of child sexual abuse or child sexual exploitation (Brown, 2004). Minors involved in prostitution are at risk for physical and sexual violence, increased exposure to sexually transmitted diseases, and forced use of drugs and/or alcohol, which can lead to serious, long-lasting, and sometimes life-threatening physical health and psychological problems (Greenbaum, 2014; Clayton, Krugman & Simon, 2013; Muftic & Finn, 2013; Walker, 2013; Williamson, Dutch & Clawson, 2010). The majority of youth involved in prostitution have an average life expectancy of seven years, and the majority of youth who die are murdered or die from complications related to HIV/AIDS (Walker, 2013).

In an effort to bring state statutes in line with statutory rape laws that assume minors are incapable of consenting to sex and the federal human trafficking law, which recognizes all minors involved in commercial sex acts as victims, 27 states have enacted safe harbor laws or laws that meet partial requirements of safe harbor (Polaris Project, 2014). Safe harbor laws are designed to protect minors involved in prostitution by granting them immunity from prosecution or diverting them from juvenile delinquency proceedings to child welfare proceedings (Polaris Project, 2014).

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Project, 2012). However, laws on the books do not always translate into action on the ground, particularly when left to the discretion of criminal justice officials. The types of safe harbor laws vary from state to state, and some states that have enacted safe harbor laws have been criticized for adopting models that give criminal justice officials too much discretion over the fate of minors involved in prostitution.

Contemporary scholarship that has examined how criminal justice officials use their discretion to process cases finds that officials use stereotypes of gender, race, and age, for example, to predict offenders’ future dangerousness and assess their culpability (Hawkins, 1981; Spohn, Beichner & Davis-Frenzel, 2001; Steffensmeier, Ulmer & Kramer, 1998). Additionally, victims are often measured against standards that incorporate stereotypes of “real” or “credible” victims (Stanko, 1981). Individuals associated with groups perceived as deviant by criminal justice officials, such as prostitutes, typically do not meet those standards and are consequently not seen as real or credible victims. Thus, despite the legal change, criminal justice officials who do not perceive minors involved in prostitution as victims may exercise their discretion in ways that are not consistent with the goals of safe harbor laws. In other words, some youth may not be protected by the law, or they may be treated as delinquents or criminals instead of victims. This study focuses on understanding how criminal justice officials, in a state with a discretionary safe harbor law that is designed to protect prostituted youth from criminal prosecution, perceive minors involved in prostitution before and after the passage of the law. This study also examines how these perceptions are reflected in the decisions that criminal justice officials report are made in cases involving prostituted youth that are handled by their agency prior to and following the
safe harbor law. Finally, this study compares how minors involved in prostitution are perceived and treated by criminal justice officials across study sites.

II. CONCEPTUAL FRAMEWORK & RESEARCH QUESTIONS

This research is guided by a theoretical framework that assumes that criminal justice officials, when using their discretion to process cases, rely on attitudes, stereotypes, and impressions of individuals (Smith & Queller, 2004). These concepts are referred to as cognitive or mental representations. Cognitive representations affect how we perceive others, including how criminal justice officials perceive criminal offenders and victims of crime. Furthermore, these perceptions ultimately impact how decisions are made and the types of decisions that are made within the criminal justice system. Perceptual theories and/or perspectives related to criminal justice decision-making utilize the theory of cognitive representations since they all underscore the influence of perceptions on decisions made by actors who are in positions to exercise discretion within the criminal justice system. Perceptual theories related to criminal justice decision making include causal attribution theory, the theory of uncertainty avoidance, and focal concerns perspective (Kautt & Spohn, 2007). According to these theories, criminal justice officials utilize stereotypes that characterize different groups of individuals (e.g., young, black males, prostitutes) when making decisions. Offenders and victims associated with groups that are perceived as deviant or criminal are either treated more harshly by criminal justice officials (Bridges & Steen, 1998; Steffensmeier, Ulmer & Kramer, 1998), or, in the case of

\[5\] I refer to these youth as “minors involved in prostitution” because that term includes youth who act alone along with those who are prostituted by others. Also, I refrain from using terms like “child prostitute,” “teen prostitute,” and “juvenile prostitute” since these imply the notion of consent or choice, which undermines the intent of safe harbor laws.
victims, are seen as lacking credibility and therefore as not measuring up to the standard of a real victim (Stanko, 1981).

Prostitutes are members of one of the most highly stigmatized groups and are associated with a “spoiled identity” (Goffman, 1963). In the case of new laws and/or policy changes officials are often forced to abandon existing schemata that they had relied on to make decisions prior to the policy change and are instead encouraged to adopt new schemata that are in line with existing policy. This often involves looking at victims and/or offenders through a different lens. In the case of states with safe harbor laws, criminal justice officials are asked to abandon existing schemata of minors involved in prostitution as offenders and identify them as victims instead. However, this may be easier said than done, as there is evidence that officials find it hard to give up pre-existing perceptions. For example, a study that utilized schema theory to examine police perceptions and responses to human trafficking found that police largely had trouble understanding the crime of human trafficking unless they viewed it through an existing schema of prostitution; however, police struggled to change their perceptions of prostitutes from criminals to victims of sex trafficking (Farrell, Pfeffer, & Bright, 2015). Another study examined police perceptions of domestic violence victims following the enactment of mandatory arrest laws revealed that officials who had developed a domestic violence schemata prior to the policy change were also more likely to view victims negatively, or as less cooperative (Robinson, 2000). As research has revealed, victims who are perceived as uncooperative or who are not perceived as credible are less likely to have their cases result in arrest or the filing of charges (Frohman, 1997; LaFree, 1981; Spohn & Tellis, 2012b).
Research also reveals that criminal justice officials not only consider the identity of offenders when making decisions (Higgins & Mackinem, 2008); they also negotiate criminal and/or delinquent identities based on face-to-face interactions, verbal and written reports, and practical organizational constraints (Cicourel, 1968). Minors involved in prostitution rarely self-identify as victims and may come across as combative or uncooperative to authorities, which can impact how they are identified by agents in the criminal justice system, or whether or not their cases result in the arrest or filing of charges against suspects (e.g., pimps, johns). Thus, states that have enacted safe harbor laws that leave much discretion in the hands of criminal justice agents may fall short of reaching the goal of treating minors involved in prostitution as victims. As LaFave (1970) points out, “discretion which is largely unrestricted and uncontrolled carries with it an enormous potential for abuse,” and the end result is that “the interests of society may on occasion be poorly served (P. 547). In a study that examined the responses of judges, prosecutors and defense attorneys to recently enacted rape shield laws, Spohn and Horney (1991) state, “these laws are not self-executing. They must be interpreted and applied by criminal justice officials, who may or may not share the goals of those who pushed for reform and who therefore may or may not feel compelled to comply with the restrictions contained in the laws” (P. 139).

This study seeks to understand how criminal justice officials perceive minors involved in prostitution by examining their cognitive representations of these youth, including stereotypes of and attitudes about minors involved in prostitution. The four primary research questions for this study are:
1. What are criminal justice officials’ cognitive representations of minors involved in prostitution?

2. How do cognitive representations shape reported case outcomes?

3. How do cognitive representations of minors vary across study sites?

4. How have cognitive representations changed with the passage of the safe harbor law, and what is the impact of safe harbor on criminal justice officials’ decisions about prostitution cases involving minors?

III. RESEARCH DESIGN AND METHODOLOGY

This study utilizes a qualitative approach that is exploratory in nature to answer the primary research questions listed above. The qualitative approach that is used is phenomenological in nature and involves analyzing interview transcripts and materials from participant observations for significant statements and phrases that are grouped into themes that inform the findings of this dissertation. Phenomenology has been described as the ideal research process for eliciting cognitive representations (since it provides the richest and most descriptive data) (Anderson & Spencer, 2002; Creswell, 2007). Multiple forms of qualitative data were collected, including data from semi-structured, in-depth interviews. Data were also collected from observing day-long law enforcement, prosecutor, and child welfare trainings on the commercial sexual exploitation of children, and from observing bi-monthly state-wide human trafficking task force meetings.

Data. Interview data were collected from a total sample of 58 participants from Massachusetts between October 2013 and April 2014. Interviews lasted between 45 minutes and two hours with the average interview lasting about an hour. All interviews were conducted in-person at the interviewee’s place of business. Data were also collected from observing three trainings: one training for law enforcement that focused on investigating the commercial sexual
exploitation of children, a training on understanding and responding to child victims of commercial sexual exploitation that was conducted for child welfare agents working with the Department of Children and Families (DCF), and a human trafficking training for state and local prosecutors in Massachusetts. A detailed description of these trainings and how they contributed to this study is included in Chapter 5. These trainings occurred between May 2012 and May 2014, and data were also collected from materials collected at these trainings. Data were also collected from observing several state-wide human trafficking task force meetings in 2012 and from materials collected at these meetings (e.g., task force meeting minutes, presentations, and reports).

Sample. Interview participants were selected from two counties in the state. Since this study asked criminal justice officials about their perceptions of minors involved in prostitution it was important to select counties that could potentially have cases involving prostituted youth, or cases where criminal justice officials could potentially come into contact with these youth. An aggregate count of prostitution-related arrests from 2006 to 2011 obtained from UCR summary reports revealed a low number of minor arrests (N=46) for Massachusetts; thus, prostitution-related arrests across all ages were used as a proxy for prostitution enforcement generally. The number of prostitution-related arrests varied across counties, with one county reporting 1,710 arrests and another county reporting just four arrests. Thus, an initial sampling criterion was set

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6 Minors involved in prostitution are more likely to be arrested for other crimes (e.g., drug possession, loitering, curfew violation) than for prostitution, they are more likely to lie about their age or use false identification, or they may be picked up and detained by police but not actually arrested (Friedman, 2005; Strasky and Finkelhor, 2008; Mitchell, Finkelhor and Wolak, 2010).
that eliminated counties reporting fewer than 100 prostitution-related arrests in order to focus on counties that had a sufficient number of arrests.\footnote{Five counties were eliminated from the sample based on their low number of overall prostitution-related arrests reported for the specified time period, which left seven counties.}

Final selection criteria involved comparing counties that differed from each other in their approach to confronting prostitution and in their level of awareness and organizational preparedness around prostitution cases involving minors. For each county the number of arrests for prostitution, which includes individuals who are selling sex, was compared to the number of arrests for assisting or promoting prostitution, which includes the arrests of pimps or third parties who are controlling commercial transactions between prostitutes and purchasers of sex acts.\footnote{Data were collected from 2000 to 2012 for all prostitution-related offenses reported by police agencies in Massachusetts participating in the Federal Bureau of Investigation (FBI) National Incident Based Reporting System (NIBRS). Prostitution-related offenses included arrests for prostitution (40A) and arrests for assisting or promoting prostitution (40B).}

Counties with higher percentages of arrests for promoting prostitution were flagged as having more of a victim-centered approach since these arrests were presumably for individuals who act as third parties, or pimps. Of the two counties selected, one county had the highest percentage of arrests for promoting prostitution, or arrests for pimps and was also considered one of, if not the, most progressive in the state in that it responded to minors involved in prostitution using a victim-centered approach even prior to the passage of the safe harbor law, which included not arresting youth for prostitution-related offenses. On the other hand, counties with higher percentages of arrests for selling sex are presumably arresting individuals who are engaging in commercial sex acts and are taking a more traditional, or punitive approach that is not victim-
centered. The other county had the third highest number of prostitution arrests for the state but the lowest percentage of arrests for promoting prostitution, so law enforcement officials were arresting mostly women and/or girls who were involved in prostitution. Additionally, one county had demonstrated a higher level of organizational commitment to responding to minors involved in prostitution as measured by the level of preparedness to identity and respond to these youth. The other county had a low level of organizational commitment to responding to minors involved in prostitution as demonstrated by the low level of preparedness to identify and respond to these youth. A more detailed description of the sampling approach is included in Chapter 5.

Interviews were conducted with local law enforcement and local prosecutors in both counties. Within each county, interviews were also conducted with at least one juvenile court judge, juvenile probation officer, juvenile correctional officer, juvenile defense attorney, child welfare case worker, and victim service provider. Federal and state law enforcement officials who had experience with prostitution cases involving minors were also interviewed. See Appendix A for a table that breaks down interviewees by agency and county.

Analysis: All but two interviews were audio-recorded and then transcribed verbatim. For the two interviews that were not audio-recorded, detailed hand-written notes were taken, and these notes were transcribed verbatim. Observation data were documented in field notes and other materials collected during observation. All of the interview transcripts and transcripts of observation notes were then uploaded into NVivo, a qualitative data analysis program developed by QSR International. Prior to coding a list of start codes was developed based on questions that were included in the interview questionnaire. However, as coding progressed other codes were
created in response to significant statements and phrases within the transcripts that revealed
cognitive representations of minors involved in prostitution, including stereotypes, schemas, and
attitudes shared by criminal justice officials in their characterizations of these youth. Codes
related to prostitution cases involving minors reportedly investigated by criminal justice officials
were also examined for cognitive representations and compared to case outcomes in order to see
if stereotypes and attitudes about these youth translated into their treatment by law enforcement
or criminal justice officials’ decisions about prostitution cases involving minors.

IV. STUDY CONTRIBUTIONS

Theoretical Implications. This study hopes to find support for existing perceptual theories
related to criminal justice decision making. However, and more importantly, this study attempts
to integrate a theory from the field of social psychology, cognitive representations, and in so
doing this study provides a broader conceptual framework for understanding perceptual
theories/perspectives related to criminal justice decision making (e.g., causal attribution theory,
bounded rationality/uncertainty avoidance, focal concerns perspective), which suggest that
perceptions about criminal offenders and victims of crime influence decisions made by actors in
the criminal justice system. The foundation for these theories/perspectives is the theory of
cognitive representations, which reveals that individuals form perceptions about people based on
stored representations, including stereotypes, schemas, and attitudes about the social groups to
which people belong. A stored representation can also subconsciously affect how individuals are
perceived and can influence subsequent decisions or judgments. Finally, this study identifies
shared or common representations that are unique to criminal justice actors in each study site. In
doing so “clusters of cognitive representations” of minors involved in prostitution are developed that influence or guide decisions that are made in prostitution cases involving minors.

Contributions to policy, practice, and the community. This study is designed to increase our understanding of how criminal justice officials in two counties in Massachusetts think about minors involved in prostitution and how their perceptions are reflected in their decisions about minors involved in prostitution. It is also designed to determine if perceptions and treatment of minor involved in prostitution have changed since the passage of safe harbor laws. Safe harbor laws are relatively new, and although they are designed to change the way minors in prostitution are perceived and treated, as victims rather than criminals, to date no study has examined how actors in the criminal justice system think about minors involved in prostitution in states with safe harbor laws and how perceptions are reflected in the decisions made by criminal justice agents. An implication of this study may be the need for increased training to identify prostitution cases involving minors and to respond to these cases using a victim-centered approach, increased community awareness on how to identify and recognize minors who are or may be involved in prostitution, increased victim services to adequately serve youth who are involved in prostitution, and increased resources to investigate and prosecute these cases.

V. OVERVIEW OF SUBSEQUENT CHAPTERS

This following chapter will discuss the prevalence of minors involved in prostitution, including limitations of existing estimates. It will also describe the characteristics of minors involved in prostitution, including the risk factors for becoming involved in prostitution and the long-term physical and emotional effects that result from their being involved in prostitution.
Chapter three will discuss the law enforcement response to minors involved in prostitution as well as federal and state laws that have been passed to redefine minors involved in prostitution as victims in need of treatment as opposed to criminals or delinquents deserving of punishment. It will also discuss the limitations of state trafficking laws, which led to the passage of safe harbor laws. Finally, it will describe different types of safe harbor models and provide examples of states that are utilizing different types of safe harbor laws. Chapter four will discuss the theoretical framework for this study, including a description of cognitive representations and perceptual theories related to criminal justice decision-making. Chapter five will discuss the research design and methodology for this study, including sample and site selection, methods used to collect data, and data analyses. Chapter six will set up the findings for subsequent chapters by providing a general overview of both of the study sites, including community background with respect to demographics and crime. It will also provide a general overview of the agencies or venues that make up each study site, including agency characteristics and characteristics of individual participants who make up each agency. Chapter seven will identify cognitive representations, including stereotypes of and attitudes about minors involved in prostitution, that are reflected in the characterizations of these youth by criminal justice officials and in their reported cases. Stereotypes will be broken out by personal characteristics or internal characteristics and by environmental characteristics or external characteristics. This chapter will also compare cognitive representations across sites and identify “clusters of cognitive representations” that are unique to each site to see how these representations influence decisions about these youth. Chapter eight will examine the impact of the safe harbor law on cognitive
representations in both sites in order to understand whether cognitive representations changed or stayed the same after the law went into effect. It will also examine if and how criminal justice officials’ decisions around prostitution cases involving minors in each site changed following the passage of the law. Finally, chapter nine will discuss major findings from this study, policy implications, limitations of this study, and directions for future research.
CHAPTER 2: NATURE AND EXTENT OF MINORS INVOLVED IN PROSTITUTION

I. PREVALENCE OF MINORS INVOLVED IN PROSTITUTION

Estimates of the number of juveniles involved in prostitution in the United States vary widely, ranging from fewer than two thousand to more than two million; however, the estimate cited most often is from a study conducted by Estes and Weiner (2001), which revealed that more than 300,000 children are at risk of commercial sexual exploitation each year. However, the Estes and Weiner (2001) estimate includes the number of children at risk for prostitution and not the number of children actually involved in prostitution. Additionally, there are a number of methodological problems with their study. The strategy used to estimate at risk youth involves a series of educated guesses about the number of youth making up various at risk categories, and there is also the potential for double counting at risk youth who fall into more than one category (Stransky & Finkelhor, 2008). Existing reports also include an estimate issued in a statement by the President and CEO of the National Center for Missing and Exploited Children (NCMEC) that at least 100,000 juveniles are involved in prostitution each year in the U.S.; however, it is unclear from these reports how NCMEC determined this estimate (Geist, 2012; Smith, Vardaman & Snow, 2009). Additionally, studies that have examined the extent and nature of juvenile prostitution have relied primarily on anecdotal evidence collected from interviews with individual police officers or a limited population of juveniles involved in prostitution (Finkelhor & Ormrod, 2004). Overall there is a lack of evidence-based research, there are inconsistent definitions for commercial sexual exploitation of children and sex trafficking of minors, and various researchers use different sampling methods, all of which make it difficult to obtain a
reliable estimate of minors involved in prostitution (Greenbaum, 2014; Clayton, Krugman & Simon, 2013).

Existing estimates also vary widely from law enforcement data on prostitution arrests of minors. According to the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program, which collects data supplied by over 12,000 law enforcement agencies across the country, more than 37,000 individuals were arrested for “prostitution and commercialized vice” in 2014⁹ (Federal Bureau of Investigation, 2014a). Females accounted for nearly 67 percent of the arrestees (Federal Bureau of Investigation, 2014b), and 580 individuals arrested for prostitution were under the age of 18 (Federal Bureau of Investigation, 2014a). The FBI, in conjunction with the National Center for Missing & Exploited Children (NCMEC) and the U.S. Department of Justice, Child Exploitation and Obscenity Section, also launched the Innocence Lost National Initiative, which investigates cases of domestic minor sex trafficking, or prostitution of children. Since its inception in 2003, the Initiative had identified more than 4,800 domestic minor sex trafficking victims, and more than 2,000 individuals had been convicted for prostituting children (Federal Bureau of Investigation, 2015).

Official records that rely on law enforcement identification of minors involved in prostitution likely under estimate the problem since prostituted youth who do not come to the attention of law enforcement or who are not arrested by law enforcement are not counted. ¹⁰ Additionally, data

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⁹ UCR data do not distinguish between the type of arrestee, so individuals arrested for prostitution and commercialized vice include individuals engaging in prostitution as well as individuals who solicit or purchase prostitutes (e.g., pimps and johns).

¹⁰ In January 2013, the national UCR Program began collecting offense and arrest data regarding human trafficking as authorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, including
collection programs such as UCR do not require law enforcement agencies to participate. Additionally, minors involved in prostitution largely make up a hidden population of homeless and runaway youth (Klain, 1999). More visible forms of street-level prostitution have moved underground or have been replaced with what appear to be legitimate businesses that are actually fronts for prostitution, including unlicensed massage parlors and escort services that are advertised on the Internet or through online social media (Barnitz, 1998; Clawson, Small, Go, & Myles, 2003; Farrell, McDevitt, & Fahy, 2010; Newton, Mulcahy & Martin, 2008). An examination of data reported to the National Incident-Based Reporting System (NIBRS) between 1997 and 2000 revealed that prostitution involving juveniles was more likely than that involving adults to occur in homes and residences as opposed to out in the open (Finkelhor & Ormrod, 2004). In addition to the underground nature of the phenomenon, minors involved in prostitution are also reluctant to self-identify as victims to law enforcement (Laczko and Gramengna, 2003; Newton, Mulcahy & Martin, 2008; Tyldum and Brunovskis, 2005; Walker, 2013). Minors involved in prostitution may be controlled and/or manipulated by their exploiters, they may fear retaliation by their exploiter for coming forward to law enforcement, or they may not self-identify because of the shame and stigma associated with prostitution (Clawson, Dutch & Cummings, 2006; Greenbaum, 2014; Walker, 2013). Law enforcement may also not identify minors involved in prostitution because of a general lack of public awareness and understanding of commercial sexual exploitation and sex trafficking of minors in the U.S. (Clayton, Krugman
& Simon, 2013; OJJDP, 2014; President’s Interagency Taskforce to Monitor and Combat Trafficking in Persons, 2014).

Arrests for prostitution are less likely to be made in cases involving juveniles, which would also account for the discrepancy between estimates of minors involved in prostitution and law enforcement data on prostitution arrests involving minors (Finkelhor & Ormrod, 2004; Stransky & Finkelhor, 2008). Mitchell, Finkelhor and Wolak (2010) conducted a national survey of U.S. law enforcement agencies and asked whether their agency detained or arrested any juveniles for crime involving prostitution for the calendar year 2005. Although they estimated that 1,450 arrests for crimes related to juvenile prostitution occurred in the U.S. in 2005\(^1\), the study also revealed that 95 percent of U.S. law enforcement agencies did not make arrests in juvenile prostitution cases for that year (Mitchell, Finkelhor & Wolak, 2010). Of the more than 13,000 prostitution incidents included in NIBRS between 1997 and 2000, less than one and a half percent involved juvenile offenders (Finkelhor & Ormrod, 2004). Officials account for the low number of juvenile prostitution arrests by arguing that minors involved in prostitution are more likely to be arrested for other crimes, including drug possession, loitering, and curfew violation, as opposed to being arrested for prostitution (Friedman, 2005; Mitchell, Finkelhor & Wolak, 2010; Stransky & Finkelhor, 2008). Furthermore, youth engaging in prostitution may lie about their age or use false identification (Friedman, 2005; Mitchell, Finkelhor & Wolak, 2010).

\(^1\) The authors note that their numbers do not reflect the actual number of juveniles exploited by prostitution but only those in case where someone was arrested or detained. Furthermore, these numbers do not capture those juveniles who may have been involved in prostitution but arrested on other charges such as loitering, drug use, or disturbing the peace. Additionally, six large agencies did not respond to the survey, and a number of agencies reported problems retrieving cases.
Pimps often coach prostituted minors to lie about their age, so they are charged as an adult and generally subjected to a small fine before being released back to their pimp (Geist, 2012). Thus, many agencies misidentify minors involved in prostitution as adults.

II. CHARACTERISTICS OF MINORS INVOLVED IN PROSTITUTION

Much of what is known about the characteristics of prostituted youth is qualitative in nature and includes interviews with professionals working in the field or individuals formerly and currently involved in prostitution. These studies largely indicate that the vast majority of youth involved in prostitution are female; however, these studies suffer from the same methodological problems as studies examining the prevalence of prostituted youth, including small sample sizes and samples of youth that are not nationally representative (Greenbaum, 2014; Klain, 1999). Studies that are based on police data reveal similar findings with respect to gender. Using UCR data, Puzzanchera (2013) examined the characteristics of juveniles arrested for prostitution in 2011, finding that of the 1000 estimated prostitution arrests for that year, 76 percent of arrests involved females. Recent studies that are more representative of minors involved in prostitution have revealed that boys make up a larger percentage of prostituted youth than previous studies would suggest (OJJDP, 2014; Walker, 2013). For example, a study that examined the experiences of youth engaged in survival sex in New York found that most of the youth included in the sample identified as boys (Dank, Yahner, Madden, Banuelos, Yu, Ritchie, Mora, & Conner, 2015). Another study based on respondent driven sampling methods as opposed to just youth identified by law enforcement or victim service providers revealed that the percentage of prostituted boys was nearly the same as the percentage of prostituted girls (Curtis, Terry, Dank,
Dombrowski & Khan, 2008). Finally, a study that included a nationally representative sample of more than 13,000 adolescents found that males accounted for two thirds of adolescents who indicated they had ever exchanged sex for drugs or money (Edwards, Iritani & Hallfors, 2006). Although research on boys involved in prostitution is limited, studies have revealed that boys primarily work underground, making them harder to identify, and that boys rely less on pimps and more on each other for protection (Barnitz, 1998; Gragg, Petta, Bernstein, Eisen & Quinn, 2007). This belief that boys rely more on peers than pimps suggests that boys are not being sexually exploited and further prevents boys from coming forward to law enforcement out of fear they will be labeled and treated as offenders (Figlewski & Brannon, 2011).

Despite research suggesting minority youth are largely victims of commercial sexual exploitation (Sherman & Grace, 2011), findings for the racial makeup of prostituted youth vary by study. A study that examined the commercial sexual exploitation of children in New York revealed that black youth made up a larger proportion of prostituted youth in major metropolitan areas, and white adolescents were more likely to be identified in less urban areas (Gragg, Petta, Bernstein, Eisen & Quinn, 2007). Furthermore, reports of prostitution in NIBRS between 1997 and 2000 revealed that white youth were involved in more than 70 percent of prostitution incidents involving both juvenile offenders and juvenile victims (Finkelhor & Ormrod, 2004).

Findings on the age of entry for prostitution are more consistent across studies. On average individuals become involved in prostitution between the ages of 12 and 14 with the average age reported as 14 (Friedman, 2005; OJJDP, 2014; Sherman & Goldblatt Grace, 2011; Smith, Vardaman & Snow, 2009). A study based in the Chicago metropolitan area reported that about
one-third of female study participants who were involved or previously involved in prostitution started before the age of 15, and 62 percent of women interviewed for the study indicated that they entered into prostitution before they turned 18 (Raphael & Shapiro, 2002). Another study revealed that 62 percent of 200 juvenile and adult female prostitutes in the San Francisco Bay Area became involved in prostitution before turning 16 and 78 percent became involved before the age of 18 (Silbert & Pines, 1982.)

Although certain demographic characteristics such as gender or race may appear to be risk factors for prostitution, other factors are likely setting up some youth for exploitation over others, including child neglect, physical abuse and/or sexual abuse, being a runaway or homeless, and involvement in child welfare or juvenile justice systems (Gragg, Petta, Bernstein, Eisen & Quinn, 2007; Clayton, Krugman & Simon, 2013; Smith, Vardaman & Snow, 2009; Walker, 2013). In her testimony before the Senate Judiciary Subcommittee on Human Rights and the Law, the founder of the nation’s largest provider of services to commercially sexually exploited and trafficked girls indicated that commercial sexual exploitation affects children of all races and socio-economic backgrounds; however, it “disproportionately affects low-income children, children of color, children who’ve been in the child welfare system, children who’ve been in the juvenile justice system, children who rarely have a voice in public policy, [and] children who are frequently ignored” (Rachel Lloyd, 2010: 4).

Research suggests that childhood abuse is associated with entry into prostitution, and that child sexual abuse is a leading risk factor for commercial sexual exploitation of minors (Clayton, Krugman & Simon, 2013; McClanahan, McClelland, Abram & Teplin, 1999; Widom, 1995;
Wilson & Widom, 2010). According to some leading experts in the field, the most common characteristic of girls involved in prostitution is a history of childhood sexual abuse (Sherman & Goldblatt Grace, 2011). One study revealed that the odds of being arrested for prostitution as an adult were 28 times higher for children with a history of sexual abuse than for children who had not experienced sexual abuse (Widom, 1995). Minors with a history of sexual abuse are often easy targets for pimps who prey upon vulnerable youth who have been exposed to physical, sexual, emotional, or verbal abuse, have a history of running away, or come from a dysfunctional family where they may have witnessed interparental violence as well as parental alcohol abuse and/or drug use (Dank, Khan, Downey, Kotonias, Mayer, Owens, Pacifici & Yu, 2014; Epstein & Edelman, 2013; Friedman, 2005; Koverola, Nadon & Schudermann, 1998; Lloyd, 2010; McClanahan, McClelland, Abram & Teplin, 1999; Raphael & Shapiro, 2002; Widom & Kuhns, 1996). Existing studies suggest that female adolescents involved in prostitution are more likely to be under the control of a pimp or third party, and individuals who are gay or bisexual indicate that these are largely youth who engage in what is referred to as survival sex, or exchanging sex for money, food, a bed, clothes or drugs (Curtis, Terry, Dank, Dombrowski & Khan, 2008; Finkelhor & Ormond, 2004; Kruks, 1991; Pennbridge, Freese & MacKenzie, 1992; Rotheram-Borus et al., 1992). According to research, the majority, or between 80 and 95 percent of prostitution is pimp controlled by techniques that are designed to increase the minor’s emotional, psychological, and financial dependency, including purchasing expensive clothes and jewelry, giving them a place to live, and promising them a better life (Albanese, 2007; Friedman, 2005; Klain, 1999; Lloyd, 2010; Smith, Vardaman & Snow, 2009). The relationship changes once
emotional and/or financial control is asserted over the youth and may turn violent as the pimp tries to force the youth into having sex for money (Albanese, 2007; Dank, Khan, Downey, Kotonias, Mayer, Owens, Pacifici & Yu, 2014; Raphael, Reichert & Powers, 2010; Walker, 2013).

According to some studies, more than 80 percent of women involved in prostitution reported that they had been physically assaulted by their pimps or johns (Dalla, Xia & Kennedy, 2003; Farley and Barkan, 1998; Klain, 1999; Raphael & Shapiro, 2002). Minors involved in prostitution are reportedly beaten, burned, struck with objects, and cut with knives (Walker, 2013). As more visible forms of street level prostitution move underground and under the radar of law enforcement, youth are at an increased risk of physical and sexual violence (Newton, Mulcahy & Martin, 2008; Walker, 2013). For example, youth are often exploited through online advertisements that are listed on websites such as Backpage and are therefore less visible and harder to identify (Walker, 2013). Reports of violence by purchasers of sex acts, or Johns, include being stabbed or cut, gang raped, choked and/or strangled, beaten, kidnapped, stalked, held at gun point, tied up, tortured, beaten with a baseball bat or crowbar, and run over (Nixon, Tutty, Downe, Gorkoff & Ursel, 2002). Pimps will inflict violence to control and manipulate youth into having sex with customers or to enforce daily quotas (Dank, Khan, Downey, Kotonias, Mayer, Owens, Pacifici & Yu, 2014; Greenbaum, 2014; Raphael, Reichert & Powers, 2010). In addition to inflicting physical violence, pimps often use coercion. For example, pimps may threaten violence, withhold love and affection, withhold money or drugs, or threaten to expose the youth’s involvement in prostitution to family members thereby perpetuating
feelings of shame and guilt about their victimization (Epstein & Edelman, 2013; Leidholdt, 2011; President’s Interagency Taskforce to Monitor and Combat Trafficking in Persons, 2014; Raphael, Reichert & Powers, 2010; Walker, 2013).

In addition to physical and sexual violence, minors involved in prostitution are at risk of increased exposure to sexually transmitted diseases, and forced use of drugs and/or alcohol, which can in turn lead to a number of physical health problems, including cardiovascular problems, respiratory problems, liver disorders, cervical cancer, reproductive health problems, neurological problems, HIV infection, suicide, and drug and/or alcohol addiction (Greenbaum, 2014; Clayton, Krugman & Simon, 2013; Muftic & Finn, 2013; Walker, 2013). Minors involved in prostitution are also at risk for a long list of psychological or emotional problems, including post-traumatic stress disorder, depression, anxiety disorders and/or panic attacks, self-harm behaviors, and personality disorders (Clawson & Goldblatt-Grace, 2007; Greenbaum, 2014; Clayton, Krugman & Simon, 2013; Williamson, Dutch & Clawson, 2010). Extreme anxiety and fear can result in “trauma bonds” (Clawson & Goldblatt-Grace, 2007; Smith, Vardaman & Snow, 2009:4). Trauma bonds are described as emotional bonds that victims use to cope with their victimization and may result in victims sympathizing with and even caring for their abuser (Walker, 2013). Thus, despite physical and emotional abuse that is often experienced at the hands of a pimp, prostituted girls rarely self-identify as victims and may not cooperate in law enforcement investigations against their pimps out a misguided sense of loyalty and may even express feelings of love and admiration for their pimps (Barnitz, 2001; Klain, 1999; Smith, Vardaman & Snow, 2009; Williamson & Cluse-Tolar, 2002).
Summary. An estimated 300,000 children are at risk of commercial sexual exploitation each year (Estes and Weiner, 2001). Existing estimates, however, have been described as unreliable guesstimates “or extrapolations based on questionable assumptions” (Stransky & Finkelhor, 2008:1) and vary widely from law enforcement data on prostitution arrests of minors, which do not count youth who are not arrested for prostitution. Arrests for prostitution are less likely to be made in cases involving juveniles, who are more likely to be arrested for other crimes, including drug possession, loitering, and curfew violation (Friedman, 2005; Mitchell, Finkelhor & Wolak, 2010; Stransky & Finkelhor, 2008). Extant studies reveal that the majority of minors involved in prostitution are female; however, more recent studies that include nationally representative samples of youth indicate that boys make up a larger percentage prostituted youth than previous studies would suggest (OJJDP, 2014; Walker, 2013). Individuals become involved in prostitution at a young age with the average age reported as 14 (OJJDP, 2014; Sherman & Goldblatt Grace, 2011). Risk factors for prostitution include child neglect, physical abuse, being a runaway or homeless, involvement in the child welfare or juvenile justice system, and research suggests that child sexual abuse is a leading risk factor for commercial sexual exploitation of minors (Clayton, Krugman & Simon, 2013; Smith, Vardaman & Snow, 2009; Walker, 2013). Both physical violence and coercion are used by pimps to control youth and force or manipulate them into prostitution. Minors involved in prostitution suffer from physical health problems and psychological problems, including extreme anxiety and fear, which can result in “trauma bonds” that instill a misguided sense of loyalty toward their perpetrators (Clawson & Goldblatt-Grace, 2007; Smith, Vardaman & Snow, 2009:4; Walker, 2013).
 CHAPTER 3: IDENTITY TRANSFORMATION OF MINORS INVOLVED IN PROSTITUTION: FROM “TEEN PROSTITUTES” TO “DOMESTIC MINOR SEX TRAFFICKING VICTIMS”

It’s well known in law enforcement circles that cops throughout the country have used the moniker NHI (no humans involved) to describe cases involving homeless people, addicts, drug dealers, and rapes and murders involving women and girls in the sex industry. At a training conference on the West Coast I mention this police jargon in my presentation, being careful to make it clear that I’m not suggesting any of the cops in the room would use that type of language. At the break, one of the cops comes up to me. “They call it the trash run,” he says. It takes me a minute to get what he’s talking about. “Picking up the girls?” “Yeah.” He looks embarrassed.

*Girls like Us: a Memoir* (2011), by Rachel Lloyd

In her book *Girls like Us*, New York based GEMS (Girls Educational and Mentoring Services) founder and executive director Rachel Lloyd (2011) describes an interaction with a police officer during a training conference in which the officer described the arrest of minors for prostitution as the “trash run” (p. 147) Minors involved in prostitution have traditionally been perceived as criminals within the criminal justice system, with most states adjudicating them delinquent in the family or juvenile court systems (Mitchell, Finkelhor & Wolak, 2010; Schwartz, 2009). Despite the passage of federal and state laws that are designed to protect these youth and treat them as victims in need of services as well as research that connects childhood abuse to prostitution, recent reports suggest that minors involved in prostitution continue to be treated as criminals even if they have previously been identified as victims within the child welfare system (Epstein & Edelman, 2013; Halter, 2010; Clayton, Krugman & Simon, 2013; Polaris Project, 2011; Puzzanchera, 2013; Raphael, Reichert & Powers, 2010). According to Sherman and Goldblatt-Grace (2011), it is not uncommon for minors involved in prostitution to first be identified “as victims in the child and family services system as a result of familial
abuse” and then later identified as “delinquents in our juvenile justice system, criminalized for their exploitation” (p. 331).

The following sections of this chapter discuss laws that are in place to protect minors involved in prostitution and to punish individuals who are charged with exploiting these youth. Although laws have been passed with the intention of viewing minors involved in prostitution as victims, minors are still perceived and treated as criminals or delinquents rather than victims; thus, “Viewing these minors as victims of domestic sex trafficking instead of “criminals” or “prostitutes” represents a huge paradigm shift that has occurred in statute, but not in practice” (Clawson & Goldblatt-Grace, 2007: 2). Some states have passed safe harbor laws that are designed to recognize minors involved in prostitution as victims in need of treatment as opposed to criminal offenders or delinquents deserving of punishment and detention (Anitto, 2011; Geist, 2012). The sections below include descriptions of different types of safe harbor laws or models that have been implemented in states.

I. STATUTES DESIGNED TO PROTECT MINORS FROM SEXUAL EXPLOITATION

All states have enacted one or more statutes that criminalize adult sexual contact with children (Broughton, 2013). Commonly referred to as statutory rape laws, these statutes are codified as statutory rape, sexual abuse, child molestation, unlawful sexual conduct with a child, lewd conduct with a minor, or sexual assault (NDAA, 2010). However, according to a 2013 study by the Institute of Medicine and the National Research Council that examined the commercial sexual exploitation and sex trafficking of minors in the Unites States, prostitution statutes in most states can be and often are applied to minors who engage in sex acts, which
presents a paradox since statutory rape laws assume that minors are incapable of consenting to sex (Adelson, 2008; Annitto, 2011; Clayton, Krugman & Simon, 2013).

In addition to statutory rape laws, a number of federal laws designed to protect children from sexual exploitation have been passed in the United States. Among them are federal statutes that specifically address the prostitution of minors in the United States. These laws are included in the Citizen’s Guide to U.S. Federal Law on the Prostitution of Children, which is on the Department of Justice, Child Exploitation & Obscenity Section web site (see Appendix B for a table of federal statutes designed to protect minors involved in prostitution). Laws pertaining to the transportation of minors for prostitution and other criminal sexual activity (18 U.S.C. § 2421-2423) fall under the jurisdiction of the Mann Act (1910), which is also referred to as the White Slave Traffic Act. Designed to abolish forced prostitution, The Mann Act, keeping in line with the Thirteenth Amendment (1865) to the U.S. Constitution abolishing slavery, included amendments that specifically addressed the transportation of minors for sexual exploitation (Small, Adams, Owens & Roland, 2008). Although the Mann Act is cited as the first law to specifically address the prostitution of juveniles in the U.S., it focuses primarily on increasing penalties for individuals who sexually exploit minors and less on the physical and psychological needs of exploited youth (Adams, Owens & Small, 2010; Annitto, 2011).

Victims of Trafficking and Violence Prevention Act (TVPA). The passage of the Victims of Trafficking and Violence Protection Act, or the Trafficking Victims Protection Act (TVPA) in
2000\textsuperscript{12} is considered a pivotal piece of U.S. legislation that paved the way for a host of other laws and initiatives designed to recognize minors involved in prostitution as victims of a crime (Adams, Owens & Small, 2010; Small, Adams, Owens & Roland, 2008; Smith, Vardaman & Snow, 2009). Although all states have laws that criminalize adults who engage in sexual acts with children who legally cannot consent, the age of consent varies by state, with some jurisdictions protecting only minors under the age of 17 or 16 years, for example (Broughton, 2013). Under the TVPA (2000), sex trafficking is defined as:

\begin{quote}
a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age (Section 103, (8)(A)).
\end{quote}

The federal trafficking law marked a fundamental shift in how U.S. minors involved in prostitution are legally viewed since any individual who is younger than 18 and induced to perform a commercial sex act\textsuperscript{13} is a victim of trafficking under the TVPA. Unlike the Mann Act, the TVPA does not require transportation across state lines to prove human trafficking (Adams, Owens & Small, 2010). Consequently, minors who legally reside in the U.S. and are induced to perform a commercial sex act, including prostitution, are defined as sex trafficking victims, or domestic minor sex trafficking victims (Smith, Vardaman & Snow, 2009).\textsuperscript{14} Although the initial focus of the TVPA may have been on protecting foreign-born individuals, some legislators

\textsuperscript{12} In 2000, the Trafficking Victims Protection Act (TVPA) was enacted and defined as the recruitment, harboring, transportation, provision, or obtaining of a person for one of three following purposes: 1) Labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery; or 2) a commercial sex act through the use of force, fraud, or coercion; or 3) if the person is under 18 years of age, any commercial sex act, regardless of whether any form of coercion is involved.

\textsuperscript{13} A commercial sex act is defined as any sex act on account of which anything of value is given to or received by any person (TVPA, 2000: Section 103 (3)).

\textsuperscript{14} The commercial sexual exploitation of American children is also referred to as domestic minor sex trafficking (DMST).
recognized early on the connection between the international trafficking of children into the United States and commercial sexual exploitation of U.S. born children (Adelson, 2008).

According to one member of Congress (Adelson, 2008:101),

Even in the United States . . . American citizens and nationals, who are trafficked domestically, often from one State to another, are still viewed through the lens of juvenile delinquency, rather than as victims of crime, worthy of compassion and assistance. Enactment of this bill will begin to shift the paradigms so that these exploited girls and women will receive assistance that they so desperately need. It will make a difference for many American girls, mostly the runaways who are then victimized by the traffickers…. Part of the problem is that current laws and enforcement strategies in the U.S. and other countries often punish the victims more severely than they punish the perpetrators.

U.S. Representative Christopher Smith, (R-N.J.)

In 2005, Congress reauthorized the TVPA and in doing so officially recognized U.S. born minors as trafficking victims by expanding the scope of the trafficking service provision to explicitly include domestic minor trafficking victims. Most notably, it defined the term “juvenile subjected to trafficking” to mean:

a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons (Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005, 42 USC § 14044b(f) (2006)

The TVPRA (2005) also established a pilot program to provide benefits and services to juveniles subjected to trafficking, including shelter, psychological counseling, and assistance in developing independent living skills (42 USC § 14044b(b)). The most recent TVPA reauthorization, which was included in the Violence Against Women Reauthorization Act of 2013, enhanced support for state, territorial, tribal, and local efforts to address human trafficking investigations, prosecutions, and victim services, with a particular focus on the sex trafficking of
minors (President’s Interagency Taskforce to Monitor and Combat Trafficking in Persons, 2014). The TVPA and its subsequent reauthorizations (2003, 2005, and 2008, and 2013) also include enhanced penalties, including a maximum sentence of life in prison for individuals who prostitute children younger than 14 (18 U.S.C. § 1591(b)(1)) or between 14 and 18 years of age (18 U.S.C. § 1591 (b)(2)).\footnote{In 2003 Congress passed the PROTECT Act (Public Law 108-21) which increased the maximum penalty for trafficking victims between 14 and 18 years old from 20 years in prison to 40 years, and the Adam Walsh Act of 2006 (Public Law 109-248) further increased the penalty from 40 years to life in prison (Adams, Owens & Small, 2010).} Furthermore, the TVPA has authorized considerable resources toward assisting state and local law enforcement in identifying and treating prostituted minors as victims, including training and awareness programs and the creation of multi-agency anti-human trafficking task forces\footnote{The U.S. Department of Justice, Bureau of Justice Assistance began an Anti-Human Trafficking Task Force initiative in 2004 and awarded grants to 18 local and state law enforcement agencies throughout the U.S. to form victim centered human trafficking task forces. There are currently 16 federally funded human trafficking task forces across the U.S. and the U.S. Department of Justice also provides training to local and state law enforcement throughout the U.S.} (U.S. Dept. of Justice, 2011). Other more recent federal laws that are designed to protect domestic minor sex trafficking victims include the Justice for Victims of Trafficking Act (JVTA), passed in 2015, and the Preventing Sex Trafficking and Strengthening Families Act, passed in 2014. The JVTA includes a domestic trafficking victims’ fund that would be used to provide services to victims and a victim-centered model block grant program to help states and local governments develop and implement comprehensive victim-centered programs to train law enforcement, rescue exploited children, prosecute traffickers, and restore the lives of victims (Shared Hope International, 2015a). The Preventing Sex Trafficking and Strengthening Families Act was designed to strengthen the child welfare response to domestic
minor sex trafficking by identifying, documenting, and determining services for children and youth at risk of sex trafficking (Children’s Defense Fund, 2014). This includes the requirement that states submit data on the annual number of children in foster care who are identified as victims of sex trafficking. Since the passage of the TVPA, all 49 states in the U.S. and the District of Columbia have adopted sex trafficking laws that criminalize sex trafficking, with some states including additional provisions for victim services and training that are designed to improve the ability of law enforcement to identify and respond to victims of trafficking (Polaris Project & International Justice Mission, 2013). The enactment of state trafficking laws is important since most domestic juvenile prostitution prosecutions occur in state courts under state laws (Schwartz, 2009). Furthermore, as one U.S. congressional representative who testified during a 2010 hearing on domestic minor sex trafficking pointed out, the existence of federal statutes does not guarantee that these cases will be prosecuted, particularly when other types of cases may not present the same types of evidentiary challenges that are inherent in human trafficking cases (Speier, 2010).

During a 7-year period, 60 percent of child sexual exploitation cases presented to the U.S. Attorney’s Office, 60 percent, have been declined [for] prosecution. Meanwhile, in contrast, just 15 percent of drug trafficking and 26 percent of weapon charges were declined. Why the disparity? Our priorities are clearly out of balance and perpetrators are taking full advantage. In fact, a pimp selling just four children can earn over $600,000 a year. Today, we live in a country where a person is more likely to go to jail to serve time for selling marijuana than for selling a child in sex.

U.S. Representative Jackie Speier, (D-CA)
States vary in their coverage, however, with some statutes not distinguishing between the sex trafficking of adults and minors\(^{17}\) (PolarisProject, 2014). Consequently, prosecutors are forced into proving minors are induced into prostitution through force, fraud, or coercion. A report that assessed the effectiveness of state laws in responding to domestic minor sex trafficking revealed that more than half of all states are failing in their efforts to address and prevent the trafficking of minors (Shared Hope International, 2011). The report assessed states on six areas of law, including the criminalization of domestic minor sex trafficking.\(^{18}\) Twenty-six states received failing grades for adopting laws that either 1) did not align with the federal trafficking law in clearly defining a human trafficking victim as any minor under the age of 18 used in a commercial sex act without regard to use of force, fraud, or coercion, 2) did not identify commercial sexual exploitation of children (CSEC) as a separate and distinct offense from general sexual offenses, or 3) enacted CSEC or prostitution statutes that did not refer to the sex trafficking statute to identify the commercially sexually exploited minors as trafficking victims (Shared Hope International, 2011).\(^{19}\) A more recent report revealed an improvement in state grades on state laws addressing domestic minor sex trafficking; however, 49 percent of states received a grade of C or below (Shared Hope International, 2015b).

\(^{17}\) As of 2014, 46 states had passed laws with a lower burden of proof for minors identified as sex trafficking victims.
\(^{18}\) Other areas of law assessed were criminal provisions for demand, criminal provisions for traffickers, criminal provisions for facilitators, protective provisions for the child victims, and law enforcement and criminal justice tools to effectuate investigation and prosecutions
\(^{19}\) Some states that are cited in the 2011 Shared Hope National Report as failing to adopt laws criminalizing domestic minor sex trafficking have since enacted statutes that provide a lower burden of proof for the sex trafficking of minors and/or provide minors involved in prostitution immunity from prosecution and/or diversion from the juvenile justice system to the child welfare system.
Despite efforts by the federal government and the enactment of state anti-trafficking laws that criminalize the sex trafficking of U.S. minors, state and federal law enforcement officials and prosecutors struggle with the concept of domestic sex trafficking, or the notion that U.S. minors involved in prostitution are victims of sex trafficking (Newton, Mulcahy & Martin, 2008). An evaluation of human trafficking victim programs administered by the U.S. Department of Health and Human Services revealed a belief shared by law enforcement, child protective services workers, and shelter providers that “these girls had ‘chosen’ to become involved in prostitution and therefore should be held accountable for their ‘criminal’ actions” (Clawson & Goldblatt Grace, 2007:2). According to Clawson and Goldblatt Grace (2007), “Viewing these minors as victims of domestic sex trafficking instead of ‘criminals’ or ‘prostitutes’ represents a huge paradigm shift that has occurred in statute, but not in practice” (p. 2). One U.S. Senator, speaking on the topic of child prostitution and sex trafficking in the United States, remarked (The Human Trafficking Project, 2010):

We have created a legal dichotomy in America in which the federal government views prostituted children as victims, yet most states treat them as criminals.

U.S. Senator Dick Durbin (D-IL)

Testifying before the Senate Judiciary Committee, Subcommittee on Human Rights and the Law in 2010, Rachel Lloyd, the founder of the nation’s largest provider of services to commercially sexually exploited and trafficked girls and women, echoed this sentiment (Lloyd, 2010):

We’ve created a dichotomy of acceptable and unacceptable victims, wherein Katya from the Ukraine will be seen as a real victim and provided with services and support, but Keshia from the Bronx will be seen as a ‘willing participant’, someone who’s out there because she ‘likes it’ and who is criminalized and thrown in detention or jail.
Rachel Lloyd, GEMS Founder

This contradiction in state and federal law and practice is highlighted in a 2004 decision by a New York Appeals Court that rejected an argument challenging the rationale of prosecuting children for prostitution if they are under the age of consent (In the Matter of Nicolette R., 779 N.Y.S. 2nd 487). The case involved a 12-year-old girl, Nicolette R., with a long history of physical and sexual abuse who offered to perform oral sex on an undercover police officer for $40 (Annitto, 2011; Geist, 2012). On appeal, the Supreme Court of New York upheld Nicolette’s adjudication as a delinquent. The court reasoned that the prostitution statute did not have an age requirement; thus, minors could be prosecuted for a prostitution-related offense and that statutory rape laws did not apply to prostitution involving minors (Annitto, 2011; Geist, 2012).

A 2008 report by Curtis, Terry, Dank, Dombrowski and Khan that looked at the commercial sexual exploitation of children in New York City found that while the annual number of child prostitution arrests dwindled from 600 in 1982 to less than 100 throughout the early 1990s, it rose again to more than 500 in 2002 a little more than a year after the enactment of the TVPA. The authors acknowledge that the increase in arrests likely reflected a shift in political leadership and police practices, which focused on “quality of life” crimes, such as prostitution. Although the number of minors arrested for prostitution nationwide is low compared to the number of adult arrests - the proportion of juveniles arrested for prostitution and commercialized vice has averaged between one and two percent since at least 1990 (Snyder, 2012) – they are often arrested or detained on other charges, including loitering, drug use, theft, or disturbing the peace.
(Mitchell, Finkelhor & Wolak, 2010; Smith & Vardaman, 2010-2011). These charges of delinquency are referred to as “masking charges” as they often undermine a prostituted minor’s credibility; thereby, obscuring his or her victimization (Smith, Vardaman & Snow, 2009).

Finkelhor and Ormrod (2004) revealed that while police were less likely to arrest minors involved in prostitution than adults, they were more likely to categorize minors involved in prostitution as offenders within the National Incident-Based Reporting System (NIBRS). Those minors categorized as victims were more likely to be female and young while older teens and males were more likely to be categorized as offenders (Finkelhor & Ormrod, 2004). Adelson (2008) includes a quote from a longtime employee of the Florida Department of Children and Families (DCF) who stated that “All child prostitutes are not victims of trafficking” (p. 120) and went on to say that “she might consider children as young as nine or ten years old as trafficking victims, but that young women who had reached sixteen years of age were prostitutes, not victims of trafficking” (p. 120). Another study that examined how police conceptualize youth involved in prostitution revealed that 40 percent of youth included in the sample were viewed by police as offenders (Halter, 2010). The Halter (2010) study, which examined case files from police agencies in six major U.S. cities, found that police were more likely to consider youth with no prior record and youth who cooperated with authorities as victims. A report on domestic minor sex trafficking similarly revealed that prosecutors and juvenile court judges perceived commercially sexually exploited children as victims if they self-identified, cooperated with law enforcement, fully rejected their abuser, and willingly complied with service treatment plans (Smith, Vardaman & Snow, 2009). Domestic minor sex trafficking victims, including minors
involved in prostitution, rarely meet these “perfect victim” criteria because they often resist assistance and/or protection from law enforcement and service providers or even exhibit trauma-induced behavior, including aggression and hostility (Clawson & Goldblatt Grace, 2007; Schwartz, 2009; Smith, Vardaman & Snow, 2009).

Adoption of Safe Harbor Laws. In an effort to better align state trafficking laws with federal tracking laws and statutory rape laws, states began adopting safe harbor laws that are designed to recognize minors involved in prostitution as victims in need of treatment as opposed to criminal offenders or delinquents deserving of prosecution and detention (Annitto, 2011; Geist, 2012). Since 2010, 27 states have enacted safe harbor laws or laws that meeting partial requirements of safe harbor (Polaris Project, 2014).²⁰ The TVPA reauthorization of 2013 includes a mandate that safe harbor provisions be included in a model state law; thereby, providing an impetus for other states to adopt safe harbor laws and promoting greater consistency among safe harbor provisions (Clayton, Krugman & Simon, 2013). Although there is no fixed legal definition of a safe harbor law, the two primary objectives of safe harbor legislation are: 1) remove minor victims of commercial sexual exploitation from the jurisdiction of the criminal justice and juvenile delinquency systems, and 2) provide minor victims of commercial sexual exploitation with specialized services, in recognition of their status as victims of crime and of the unique trauma that child victims of sex trafficking endure (Clayton, Krugman & Simon, 2013; Polaris Project, 2008). In addition to the primary objectives listed above, states taking a more comprehensive

approach to addressing the sex trafficking of children have implemented two additional features, they: 1) amend state statutes prohibiting sex trafficking of children or pimping and pandering of children to ensure that stiff penalties apply and that force or coercion is not a required element of the crime, and 2) prevent commercial sexual exploitation of children through training of law enforcement officers and other state officials and educating the general public about its dangers. According to Geist (2012), states have adopted one of three safe harbor models: a decriminalization model, a diversion model, and a model that combines decriminalization and diversion. The decriminalization model decriminalized prostitution of minors. The diversion model is designed to divert youth arrested and/or charged with prostitution-related offenses into treatment programs; however, criminal justice officials still have the option to adjudicate youth as delinquent. Finally, some models both decriminalized prostitution of minors and divert them into services.

The first state to enact a safe harbor law was New York. The New York State Safe Harbour for Exploited Children Act was passed in 2008,\(^{21}\) and is based on a diversion model. Although New York passed the Safe Harbor Act in 2008,\(^{22}\) the state legislature first introduced the bill in 2005 following the New York court’s decision in the case of Nicolette R. Prior to the passage of the Safe Harbor Act, New York minors involved in prostitution were arrested, charged, and treated as offenders (Meisner, 2009). In 2005, a total of 189 individuals under the age of 18

\(^{21}\)Safe Harbour for Exploited Children Act (effective April 1, 2010) - amends Family Court Act §§ 311.4, 712, 732; and amends NY Social Services Law 447-a, -b.

\(^{22}\)While the New York Safe Harbour for Exploited Children Act was passed in 2008, it did not go into effect until April, 2010.
were arrested for prostitution-related offenses\textsuperscript{23} in the state of New York (Gragg, Petta, Bernstein, Eisen & Quinn, 2007). Under the New York Safe Harbor Act, minors arrested for prostitution are presumed victims of a “severe form of trafficking” as defined in the TVPA 2000 (22 USC 7102(8)). \textsuperscript{24} Based on this presumption, all cases involving minors arrested for prostitution-related offenses are converted from juvenile delinquency proceedings to Persons in Need of Supervision (PINS) proceedings, which mandate diversion into specialized services (N.Y. Fam. CT. Act § 311.4(3).

Although the New York statute is considered groundbreaking in that it marks a pivotal shift in the paradigm from prosecution to protection of minors involved in prostitution, it has been criticized for including certain conditions, including a prior arrest(s) for prostitution and a victim’s refusal of services (N.Y. Fam. CT. Act § 311.4(3), which could preclude prostituted minors from receiving the Person In Need of Supervision (PINS) certification that is required for diversion into programs with specialized services (Meisner, 2009). Prostituted minors who are denied PINS certification can instead be charged and adjudicated as delinquents. This happened in the case of Bobby P., a prostituted minor adjudicated as a juvenile delinquent following the enactment of the New York Safe Harbor Act (In the Matter of Bobby P., No. 20207, slip op. at 3 (Fam. Ct. 2010). The Bobby P. case involved the arrest of a 15-year-old girl for offering to perform oral sex on an undercover police officer in exchange for $50. Bobby P’s background

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\textsuperscript{23} Prostitution-related arrests included patronizing and promoting prostitution.

\textsuperscript{24} The term “severe forms of trafficking in persons” means (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjecting to involuntary servitude, peonage, debt bondage, or slavery.
revealed she began prostituting at the age of 12 for an adult pimp. She subsequently gave birth to a daughter at the age of 15. At her hearing a family court judge denied her law guardian’s request for diversion of the case into a PINS rather than a delinquency proceeding stating, “while respondent has no prior juvenile delinquency or PINS adjudications [which could disqualify her from receiving a PINS petition]...this Court has serious doubts as to respondent’s current willingness to accept and cooperate with specialized services for sexually exploited youth” (In the Matter of Bobby P., 2010). The Court also questioned her willingness to assist the prosecution in a criminal investigation against her alleged perpetrator given that she left a meeting at the District Attorney’s Office on a prior occasion and failed to return (Anitto, 2011; Geist, 2012).

The New York Safe Harbor Act is modeled using diversion as opposed to decriminalization since minors can still be arrested, charged, and prosecuted as delinquents following the enactment of safe harbor laws. Other states that do not specifically decriminalize prostitution for minors are Washington, Massachusetts, and Vermont (Geist, 2012). For example, The Washington Sex Crimes Act (2010) redefines minors involved in prostitution as victims of commercial sexual exploitation and increases criminal penalties for those who commercially sexually exploit minors (Wash. Rev. Code Ann §§ 9.68A.100, 9.68A.101; 9.68A.102). However, similar to New York’s Safe Harbor Act, the Washington statute does not prohibit arrest or prosecution of juveniles involved in prostitution (Ahan, 2010). Although the law diverts minors arrested for first-time offenses involving prostitution or prostitution loitering to the
Department of Social and Health Services (DSHS)\textsuperscript{25} (Wash. Rev. Code Ann. § 13.40.070(7), prosecutors are required to initiate prosecution if the alleged juvenile offender is: 1) accused of a class A felony, a class B felony or an attempt to commit a class B felony, certain class C felonies; or 2) is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or 3) has previously been committed to the DSHS; or 4) has been referred by a diversion unit for prosecution; or 5) has two or more diversion agreements; or 6) was armed with a firearm (Wash. Rev. Code Ann. § 13.40.070(5).\textsuperscript{26}

States that have enacted safe harbor laws based on a decriminalization model include Connecticut and Tennessee. Although these states have safe harbor laws that prohibit the prosecution of minors for prostitution, they have been criticized for doing little else to protect prostituted minors (Geist, 2012). Connecticut passed “An Act Providing A Safe Harbor For Exploited Children” (Public Act No. 10-115) in February, 2010; the law prohibits a child under 16 years of age from being charged with prostitution (Conn. Gen. Stat. Ann. § 53a-82(a)\textsuperscript{27} and creates a rebuttable presumption of coercion when the individual engaging in prostitution is 16 or 17 years of age (Conn. Gen. Stat. Ann. § 53a-82(c). The Connecticut Safe Harbor Act also increases penalties for prostitution of children less than 16 years of age (Conn. Gen. Stat. Ann. §

\textsuperscript{25} If a case is diverted away from prosecution, DSHS will file a “child in need of services” (CHINS) petition to adjudicate the placement of the child with DSHS. Once the child is designated as a CHINS, DSHS is required to place the child in a secure or semi-secure residential center where the child will receive services (Ahan, 2010).
\textsuperscript{26} If alleged offenses involving prostitution or prostitution loitering are not the minor’s first prostitution offense, then the prosecutor has the discretion to either initiate a prosecution in juvenile court or to divert the case depending on whether the country provides a comprehensive services and shelter program for minor victims (Wash. Rev. Code Ann. § 13.40.213(1))
\textsuperscript{27} In Connecticut the legal age for consensual sex is 16 years.
53a-86(a), but it does not mandate specialized services for victims who are identified by law enforcement, nor does it require a criminal investigation into individual(s) who may be suspected of prostituting youth or soliciting sex from underage youth (Geist, 2012). Tennessee’s safe harbor provision is similar to Connecticut’s in that it decriminalizes prostitution for any minor under 18 years of age (S.B. 64 § 1, 107th Leg. Sess. 2011 (Tenn. 2011). Like Connecticut’s Safe Harbor Act, Tennessee’s safe harbor law does not provide services to victims who are identified by law enforcement or require a criminal investigation. Instead, it mandates that law enforcement officials who take anyone under 18 years of age into custody for prostitution or prostitution-related offenses “shall, upon determination that the person is a minor, provide the minor with the telephone number for the National Human Trafficking Resource Center hotline and release the minor to the custody of a parent or legal guardian” (S.B. 64 § 1, 107th Leg. Sess. 2011 (Tenn. 2011).

States that have adopted a model that incorporates decriminalization and diversion include Illinois and Minnesota. The Illinois Safe Children Act (Pub. Act 96-1464, 2010) has been recognized for providing the most comprehensive legislation to address the prosecution of prostituted minors, including immunity from prosecution for anyone under the age of 18 (HB 6462 § 15(d) (Ill. 2010) and temporary protective custody in secure facilities such as shelters, hospitals, or other medical facilities (Annitto, 2011). Additionally, the term “juvenile prostitute” was replaced with “Soliciting for a minor engaged in prostitution” in the criminal code (Ill. Penal Code § 11-15.1), which reinforces the original intent of Safe Harbor Legislation that prostituted minors are victims rather than criminals (Annitto, 2011). The Illinois Safe Harbor Act also
requires an investigation into possible child abuse or child neglect for all minors who are taken
into custody by police for prostitution or prostitution-related offenses (HB 6462 § 15(d) (Ill.
2010). In signing the Illinois Safe Children Act into law in 2010, former Governor Pat Quinn

For too long, exploited children have been treated as criminals, while the adults who stole
their innocence go free. Illinois does not tolerate exploitation of our children. Today, we
give important new tools to aid law enforcement in this fight and help our victimized
children to heal.

Former Illinois Governor Pat Quinn

The Illinois Safe Harbor Act is upheld as a model approach to the safe harbor of minors
involved in prostitution since they are immune from prosecution and are provided services as
victims of sexual exploitation (Geist, 2012). Illinois’ law closely mirrors the TVPA in that it
provides immunity to anyone less than 18 years old. The real strength of this law is that
decriminalization and diversion are not subject to judicial or prosecutorial discretion (Geist,
2012). Conversely, those states with laws that open the door to judicial and prosecutorial
discretion place “the court and prosecutors in a gatekeeper role” (Annitto, 2011:56). This means
that prostituted minors can still be charged as criminals or placed in juvenile delinquency
proceedings. Critics of safe harbor laws that leave too much discretion in the hands of judges and
prosecutors argue that many minors, who are need of protection, may fall short of meeting
guidelines that determine who is eligible for protection and instead may be prosecuted,
dermining the original intent Safe Harbor Legislation (Annitto, 2011).

Safe harbor laws are similar to other laws that require criminal justice officials to redefine
behavior that was previously deemed socially acceptable or legal, or in the case of prostituted
minors, behavior that was previously deemed deviant or illegal. For example, in one study examining the police response to human trafficking, police acknowledged that using a prostitution schema for some types of trafficking cases would lead to an increase in the number of investigations since they had experience with and were familiar with investigating prostitution cases; however, a challenge police faced was in reframing prostitutes from criminals to sex trafficking victims (Farrell, Pfeffer, & Bright, 2015). Another study examining domestic violence laws found that despite the enactment of these laws, police responses to domestic violence were strongly influenced by officers’ perceptions of marriage, attitudes towards women’s roles, the personal characteristics of offenders, and the demographic characteristics of victims and offenders, including age, income, ethnicity and class (Trujillo & Ross, 2008). Police face similar challenges with hate crimes, or bias motivated crimes. For example, law enforcement officers have reported that they choose not to classify potential bias motivated crimes as hate crimes because of their personal belief that these types of crimes should not be treated as a special type of crime (Nolan & Akiyama, 1999). Similarly, in cases of minors involved in prostitution law enforcement perceptions of these youth influence how they are treated, including, for example, whether law enforcement gives priority to such cases, whether juveniles are charged with crimes, and what, if any victim services are offered to them (Halter, 2010; Mitchell, Finkelhor & Wolak, 2010).

The perceptions held by prosecutors and juvenile court judges of minors involved in prostitution are influential in determining whether these youth are charged and adjudicated as delinquents or whether their exploiters are charged and adjudicated criminally. Prosecutors, for
example, are less likely to prosecute cases where the victim is perceived as less credible in the eyes of the jury (Frohmann, 1997; Stanko, 1981). According to Stanko (1981), “inferences that a victim might be a prostitute or pimp, a homosexual, or an alcoholic…may seriously damage a victim’s credibility, (p. 230). Federal, state, and local prosecutors interviewed for a study looking at the challenges of prosecuting human trafficking cases revealed a number of factors they consider when deciding whether a case should move forward or not, including factors that may damage the credibility of victims and/or witnesses. Individuals who are not perceived as credible trafficking victims and/or witnesses include runaway or throwaway victims, victims with a history of physical and/or sexual abuse, victims (including minors) with a criminal history, including an involvement in prostitution/trafficking, victims with difficult personalities, victims who dress provocatively, victims with substance abuse problems, and victims with physical disabilities (Farrell, McDevitt, Pfeffer, Fahy, Owens, Dank & Adams, 2012).

Minors involved in prostitution have many of the same traits as victims who lack credibility in the eyes of law enforcement, prosecutors, and judges. They are often runaways with a history of physical and/or sexual abuse, and may have had prior run-ins with law enforcement that led to their arrest or detention (Friedman, 2005; Klain, 1999; Schwartz, 2009). Just the mere fact that these youth are involved in prostitution is a threat to their credibility regardless of any other factors that are involved. Prostitution is a highly stigmatized occupation or role, and individuals associated with this role are identified as deviant and discredited by society (Oselin, 2009). This point is articulated by a woman formerly involved in prostitution, who is quoted in Schur (1980), “It makes a kind of total state out of prostitution so that the whore is always a whore. It’s as if -
you did it once, you become it” (113). The stigmatized individual is “thus reduced in our minds from a whole and usual person to a tainted, discounted one” (Goffman, 1963:3). Law enforcement officials who identify minors involved in prostitution as deviant or “tainted” are more likely to treat them as criminals. In fact, law enforcement has typically targeted and arrested those individuals, primarily women and girls, who are engaging in prostitution as opposed to targeting individuals who are selling or buying prostituted individuals (Hughes, 2005; Shively, Kliorys, Wheeler & Hunt, 2012).

Summary. This chapter has included descriptions and examples of different types of safe harbor laws that fit into one of three models: 1) decriminalizing prostitution for anyone under a specified age, so they cannot be charged criminally or adjudicated as a delinquent; 2) diverting minors involved in prostitution from delinquency proceedings into victim service programs or other specialized programs; and 3) both decriminalizing prostitution and diverting minors into specialized services. Connecticut, for example, enacted a safe harbor law that is based on a decriminalization model; however, it does not require that victims identified by law enforcement receive specialized services nor does it require participation in programs designed to protect and restore prostituted youth. Thus, a major criticism of safe harbor laws that are straight decriminalization is that they fall short of protecting minors involved in prostitution, who often require specialized services to overcome their victimization (Geist, 2012). On the other hand, safe harbor laws that divert youth into specialized services but also leave the door open to prosecution are also subject to criticism. For example, although Massachusetts’ safe harbor law sets up a diversion program for prostituted youth, diversion is contingent upon certain
conditions, such as whether the youth willingly participates in victim services. Consequently, prostituted youth are still subject to the discretion of criminal justice officials as to whether they are charged, adjudicated, and detained as delinquents. Laws that include elements deemed critical to the safe harbor of prostituted minors (e.g., increased victim services, mandatory criminal investigation, increased penalties) but that largely leave the implementation of the law to the discretion of criminal justice officials run the risk of failing some youth who are never identified as victims and thus fall through the cracks. Furthermore, minors involved in prostitution could end up being re-victimized if they are treated as criminals or delinquents rather than victims. Thus, laws that leave discretion in the hands of criminal justice agents risk having pay-offs that are largely from the actual passage of the legislation rather than from its “actual translation into behavioral change” (Casper & Brereton, 1984:126).

The following chapter introduces perceptual theories, including cognitive representations that affect the types of decisions that are made by criminal justice agents who are in positions to exercise discretion. Understanding how other criminal justice officials, such as prosecutors and judges, perceive minors involved in prostitution will contextualize the criminal justice system response since perceptions are likely reflected in the way these youth are treated by criminal justice officials.
CHAPTER 4: COGNITIVE REPRESENTATIONS AND PERCEPTUAL THEORIES RELATED TO CRIMINAL JUSTICE DECISION-MAKING

This research is guided by a theoretical framework that assumes that criminal justice officials, when using their discretion to process cases, rely on attitudes, stereotypes, and impressions of individuals (Smith & Queller, 2004). These concepts are referred to as cognitive or mental representations and are discussed in more detail below. Cognitive representations affect how we perceive others, including how criminal justice officials perceive criminal offenders and victims of crime. Furthermore, these perceptions ultimately impact how decisions are made and the types of decisions made within the criminal justice system. Perceptual theories related to criminal justice decision making include causal attribution theory, the theory of uncertainty avoidance, and focal concerns perspective (Kautt & Spohn, 2007), all of which are discussed below.

I. COGNITIVE REPRESENTATIONS

A great deal of research, particularly in the field of social psychology, or social cognition, deals with the concept of cognitive representations. Cognitive representations are defined as “an encoding of information in memory [which] an individual can create, retain, and access” (Smith & Queller, 2004:5). Cognitive representations include attitudes, impressions of other people, self-concept or self-esteem, schemas, and stereotypes (Greenwald & Banaji, 1995; Leventhal, Leventhal & Cameron, 2001; Smith & Queller, 2004). Our representations of people, objects, and events impact our perceptions as well as subsequent judgments and behaviors (Wyer & Carlston, 1994).
Stereotypes, for example, have been defined as “a cognitive structure that contains the perceiver’s knowledge, beliefs, and expectancies about some human group” (Hamilton & Trolier, 1986:133) and influences our judgments about those groups (Greenwald & Banaji, 1995). Research exploring the role of skin tone on the cognitive representations of Black Americans, for example, revealed that perceptions are influenced by stereotypes relating to skin tone, with both Black and White participants describing dark-skinned Blacks using predominantly negative traits (Maddox & Gray, 2002).

The effects of cognitive representations are both explicit and implicit. A representation that is intentionally retrieved from memory is defined as explicit while a previously stored representation that subconsciously affects our perceptions or judgments is defined as implicit (Smith & Queller, 2004). Schemas, for example, are implicit in that they are unconscious patterns of thoughts or “cognitive frameworks” that we use to make sense of our social world; they affect how we perceive individuals and provide us with explanations for people’s behavior (Valian, 1998:104). According to Valian (1998), “without schemas, our world would consist of millions of unrelated individuals and events; we would be unable to form any generalizations. They are a cognitive necessity for making sense of the social world of everyday life” (p. 104).

Research shows that everyone, regardless of one’s social group, perceive and treat individuals based on schemas about their social groups, including race/ethnicity, economic and social status, gender, and sexual orientation (Wadia-Fascetti, Falcon, Issacs & Jones, 2012). Although the terms schema and stereotype are often used interchangeably (Smith & Queller, 2004), a schema is conceived of as broader and more neutral than a stereotype, which tends to
connote an inaccurate and negative view of a social group (Valian, 1998). Schemas, on the other hand, may be accurate or inaccurate, and they may be positive, negative, or neutral (Valian, 1998). For example, a used-car salesman is often associated with a negative schema that includes dishonesty, manipulation, and deception.

II. PERCEPTUAL THEORIES RELATED TO CRIMINAL JUSTICE DECISION-MAKING

Theories of social psychology, specifically cognitive representations, provide a conceptual framework for understanding how criminal justice officials make decisions. According to Grattet (2011), understanding how criminal justice officials use their discretion when making decisions “requires explication of both the cognitive frameworks social control decision makers use and the organizational constraints they face” (p. 194). Individuals form perceptions about people based on cognitive representations, including stereotypes, schemas, and attitudes about the social groups to which people belong. A stored representation can also subconsciously affect how individuals are perceived and can influence subsequent decisions or judgments.

Research examining the effect that cognitive representations have on the decisions of criminal justice officials include studies looking at the impact of law enforcement schema on their response to various crimes and criminals. For example, a study that examined probation officers’ schemata of different types of criminals found that more experienced probation officers, who have had the opportunity to develop a rich knowledge base about the characteristic behaviors and traits of different types of offenders, rely on these schemata to interpret and respond to cases (Lurigio & Carroll, 1985). Another study argued that police officers’ prior knowledge and experience with domestic violence organizes their schema, which in turn impacts
how they perceive and respond to the crime of domestic violence (Robinson, 2000). Police officers from a Midwestern police department were placed into one of two schema categories: those officers hired prior to a mandatory arrest policy and those officers hired after the policy went into effect. Although the study hypothesized that officers hired after the policy change would be more likely to perceive domestic violence as a crime with credible victims, it did not find much of a difference in the decision to arrest between officers whose schemata had formed before and after the policy change (Robinson, 2000). It did, however, find that officers whose schemata were formed prior to the mandatory arrest policy change perceived victims as uncooperative and unlikely to prosecute compared to officers whose schemata were formed after the domestic violence policy change.

Rich and Seffrin (2012) examined the influence of police attitudes about rape on their interviews with victims of sexual assault and found that attitudes matter and have a significant impact on interviewing skills. For example, while female police officers demonstrated significantly higher levels of interviewing skills than males, the effect was mediated by rape myth acceptance (Rich & Seffrin, 2012). In other words, the female officers were less likely than the males to endorse rape myths, or commonly held stereotypes about rape and victims of rape, including myths that rape is harmless, women secretly want to be raped, some women are asking to be raped, rape is a result of uncontrollable passion, and only certain kinds of women are raped (Rich & Seffrin, 2012).

A great deal of research has also explored how criminal justice officials rely on perceptions of the crime, the offender(s) and the victim(s) when making case processing decisions. For
example, since judges and prosecutors rarely have all of the information they need to make informed decisions, either about an offender’s future dangerousness or the likelihood of conviction, they develop a “perceptual shorthand” based on stereotypes of real crimes, credible victims and dangerous offenders (Hawkins, 1981; Spohn, Beichner & Davis-Frenzel, 2001; Steffensmeier, Ulmer & Kramer, 1998). Stereotypes are applied more in ambiguous situations, or when there is a lack of information (Fiske, 2002). In the sections that follow three perceptual theories/perspectives related to criminal justice case processing decision making are discussed. They are causal attribution theory, bounded rationality/uncertainty avoidance, and focal concerns perspective.

_Casual Attribution Theory._ Causal attribution theorists suggest that criminal justice decision makers attribute causes of crime either to an individual’s personal characteristics or to environmental influences (Kautt & Spohn, 2007). Personal characteristics, or internal characteristics, include antisocial personality, lack of remorse, or lack of cooperation with law enforcement while environmental factors, or external, characteristics include the influence of delinquent peers, a dysfunctional family, poverty, or drug or alcohol use (Kautt & Spohn, 2007). According to Hawkins (1981), attribution is a process that “is designed to simplify the perceiver’s perceptual world by explaining the present and past behavior of others and by predicting with some degree of accuracy what those people are likely to do in the future” (p. 207-208). Research has shown that characteristics such as gender, race, and family income affect whether crime causality is attributed to an individual’s personal characteristics as opposed to environmental influences (Hawkins, 1981). Furthermore, individuals whose crimes are
attributed to personal characteristics are perceived as more blameworthy and are therefore punished more severely (Hawkins, 1981; Kautt & Spohn, 2007).

In a study that examined juvenile probation officers’ perceptions of juvenile offenders and their assessments of the risk of re-offending, Bridges and Steen (1998) found that whereas probation officers largely attributed the delinquency of black youth to internal factors such as negative attitudinal and personality traits, they were more likely to attribute the delinquency of white youth to environmental factors. Furthermore, these perceptions shaped how they assessed the threat of future dangerousness and, thus, their sentencing recommendations. In determining the likelihood of future crime, court officials relied heavily on negative internal attributions, with black youth judged to have a higher risk of recidivism than white youth (Bridges & Steen, 1998). Thus, according to Bridges and Steen (1998), “insofar as officials recommend more severe sentences for black youths than whites, they do so because they recommend severe sentences for youths whose crimes they attribute to negative personality traits and who they perceive as more dangerous than others” (p. 567).

**Bounded Rationality/Uncertainty Avoidance.** Another theory that focuses on the connection between criminal justice officials’ perceptions of crimes, offenders, and victims and their subsequent decisions is the theory of bounded rationality/uncertainty avoidance. This theory incorporates components of both organizational theory and causal attribution theory (Kautt & Spohn, 2007). According to this theory, a decision is fully rational when it is made with the knowledge of all possible alternatives; however, the reality is that criminal justice decision makers rarely have all of the information they need to make informed, rational decisions.
(Albonetti, 1987). Decision makers may put structures in place (e.g., standard operating procedures, professional training, formal channels of communication, etc.) that absorb, or reduce uncertainty and thereby achieve a “bounded rationality” (Albonetti, 1986; 1987). However, they cannot control the behavior of other actors involved in the case, which leads to increased uncertainty about the outcomes of a case, or predictions about recidivism (Albonetti, 1986; Kautt & Spohn, 2007).

Albonetti (1986; 1987) examined the effects of uncertainty in her work on prosecutorial discretion and decisions to move forward with charges. Prosecutors have a considerable amount of discretion at their disposal and have been described as forming “the gateway to the criminal justice system” (Kerstetter, 1990:268). Since prosecutorial success is measured by the number of successful jury trial convictions, Albonetti (1986) argued that prosecutors will attempt to reduce uncertainty when deciding whether or not to move forward with a case. Furthermore, “discretion provides a latitude in which the prosecuting attorney can optimize the management of uncertainty in the criminalization process” (Albonetti, 1986:627). In order to reduce uncertainty that cases will result in conviction prosecutors consider not only legally relevant factors such as case seriousness, strength of evidence, and blameworthiness of the offender; they also factor in legally irrelevant offender and victim characteristics, such as gender, race, and prior criminal record as well as victim-offender relationship, victim behavior at the time of the incident, victim cooperation, and victim credibility (Albonetti, 1986; Pyrooz, Wolfe & Spohn, 2011; Spohn, Beichner & Davis-Frenzel, 2001; Spohn, Gruhl & Welch, 1987; Spohn & Spears, 1997). Frohman’s (1991, 1997) research on sexual assault also suggests that prosecutors attempt to
reduce uncertainty by creating a “downstream orientation” where they anticipate or predict how judges and juries will interpret and respond to a case. Victims who belong to groups or categories that are stereotyped as deviant or criminal are perceived as less credible in the eyes of the judge and jury and therefore the prosecutor may be less inclined to prosecute (Frohmann, 1997; Stanko, 1981). Littrell (1979) also suggests that prosecutors assess the strength of a case using “imaginary jurors,” and states that “if witnesses are weak, even though officials believe them, officials will charge a lesser rather than a higher possible crime” (p. 184). For example, “inferences that a victim might be a prostitute or pimp, a homosexual, or an alcoholic…may seriously damage a victim’s credibility” (Stanko, 1981:230). Thus, when deciding whether to move forward with a case prosecutors rely on stereotypes of real crimes and/or credible victims/witnesses (Spohn, Beichner, & Davis-Frenzel, 2001; Stanko, 1981).

Focal Concerns Perspective. The focal concerns perspective, developed by Steffensmeier, Ulmer, and Kramer (1998) as a framework for their criminal sentencing research, incorporates and builds on key themes introduced by the uncertainty avoidance perspective (Kautt & Spohn, 2007). According to Steffensmeier and his colleagues (1998), judges’ sentencing decisions are guided by three focal concerns. First, judges assess the blameworthiness of the offender and the degree of harm to the victim. Judges are also guided by a desire to protect the community by incapacitating offenders who they perceive as dangerous and who they predict will likely reoffend. Third, judges are guided by practical constraints and consequences, which include concerns about the offender’s “ability to do time,” the costs associated with imprisoning offenders who have special needs or health conditions, and the impact of incarceration on
dependent children or other family members (Steffensmeier, Ulmer & Kramer, 1998:767). Concerns about practical constraints and consequences also include maintaining working relationships with other members of the courtroom workgroup and protecting the court’s reputation or standing within the community by predicting which offenders are likely to recidivate.

Similarly to bounded rationality/uncertainty avoidance, the focal concerns perspective assumes that judges ordinarily do not have all the information they need to make accurate predictions regarding an offender’s blameworthiness, dangerousness, or likelihood of reoffending (Kautt & Spohn, 2007). Judges attempt to reduce the uncertainty of their predictions by grouping offenders into categories based on race, age, and gender that are stereotypically perceived as more blameworthy or dangerous (and in doing so may discriminate against racial minorities, men, and the poor whose race, gender, and social class are associated with an increased risk of reoffending (Albonetti, 1991; Steffensmeier, Ulmer & Kramer, 1998).

A number of studies have found support for the focal concerns perspective, including research examining the impact of extra-legal factors such as race and ethnicity on sentencing decisions. These studies reveal that African American and Hispanic defendants are sentenced more harshly than white defendants (Demuth & Steffensmeier, 2004). Looking at the interaction of race, gender, and age on sentencing decisions, Steffensmeier, Ulmer, and Kramer (1998) found that young, black males received the most severe sentences. According to Spohn and Holleran (2001), offenders with certain “constellations of characteristics” face more severe sentences; thus, young, black and Hispanic males are treated more harshly than middle-aged,
white males, and unemployed, black and Hispanic males are sentenced more severely than employed, white males.

Prosecutors are also guided by similar focal concerns when making decisions about charging. Like judges they consider the blameworthiness of the offender, the degree of harm to the victim, the seriousness of the offense, and they also consider the strength of the evidence (Spohn, Beichner & Davis-Frenzel, 2001). However, while judges are concerned about the social costs of punishment, prosecutors make decisions based on the likelihood of conviction and are thus more likely to reject cases when the likelihood of conviction is uncertain (Albonetti, 1987; Spohn, Beichner & Davis-Frenzel, 2001).

Studies examining prosecutorial discretion in cases of domestic violence and sexual assault find that legal factors, such as the presence of a weapon, the use of force, and the infliction of severe injuries to the victim, resulted in an increased likelihood of criminal charges (Albonetti, 1987, Schmidt & Steury, 1989). Extra-legal factors, including race and/or gender of victim and suspect, victim age, and the relationship between suspects and victims also influence charging decisions (Henning & Feder, 2005; Kingsnorth & MacIntosh, 2007; Spohn & Spears, 1996; Spohn & Tellis, 2012a) as well as practical conditions, such as the victim’s willingness to cooperate, the availability of evidence, and the presence of the accused (Albonetti, 1986; Dawson & Dinovitzer, 2001; Kerstetter, 1990; Spears & Spohn, 1997).

In her research on sexual assault prosecutions, Frohman (1997) indicates that prosecutors use a “repertoire of knowledge” that includes “typifications” of rape-relevant behavior (p. 217). In other words, prosecutors assess the credibility of victims and witnesses using a typical
credible victim standard, and they are more likely to reject cases involving victims who do not meet this standard (Frohman, 1997). This finding is consistent with other studies that reveal prosecutors are guided by focal concerns that incorporate stereotypes about real rapes and legitimate victims (Beichner & Spohn, 2012; Spohn, Beichner and Davis-Frenzel, 2001; Spohn & Holleran, 2001). For example, in sexual assault cases where the victim and suspect knew one another, prosecutors were less likely to file charges if the victim engaged in risk taking behavior (e.g., using alcohol and drugs, willingly accompanying the suspect to his residence) or if there were questions about her reputation or moral character (Spohn & Holleran, 2001). Beichner and Spohn (2012) found that even in cases of aggravated rape where there was compelling evidence to corroborate victim statements, prosecutors were less likely to charge if the victim had invited the suspect to her home.

A number of studies looking at police perceptions of crimes and crime victims reveal findings similar to those above. For example, studies examining police responses to sexual assault cases found that victim credibility plays an important role in decisions to investigate and make arrests (Kerstetter, 1990; LaFree, 1981). LaFree (1981) found that all cases involving what he labeled as victim misconduct (e.g., hitchhiking, drinking at the time of the offense, being at a tavern or bar without a male escort, allegedly engaging in sex outside of marriage, and willingly entering the suspect’s car, house or apartment) did not result in arrest. Another study also found that extra-legal factors influence police perceptions of credible victims, including victim behavior (e.g., whether the victim engaged in premarital or extra-marital affairs) and whether the victim had previous contact with the suspect (Campbell & Johnson, 1997).
Summary. The perceptual theories/perspectives related to criminal justice decision-making described in the sections above all have different components that distinguish them from one another; however, they also overlap and build upon one another. Bounded rationality/uncertainty avoidance incorporates components of causal attribution theory, and the focal concerns perspective incorporates and builds on key themes introduced by the uncertainty avoidance perspective. The common thread that ties them together is they assume that criminal justice officials perceive groups of individuals as deviant or criminal and rely on these perceptions when making decisions. This assumption is grounded in the theory of cognitive representations, which acts as a foundation for these theories and provides a more integrative framework for understanding how these theories fit together. The current study seeks to understand how criminal justice officials perceive minors involved in prostitution and in doing so it is guided by more than one perceptual theory or perspective related to criminal justice decision-making; thus, requiring a broader conceptual framework that integrates each of the different theories and/or perspectives. Cognitive representations is that framework, and it allows for a deeper understanding of how criminal justice officials perceive these youth since it encompasses stereotypes, schemas, attitudes, and impressions of individuals, all of which affect perceptions. Specifically this study seeks to answer the following research questions:

1. What are criminal justice officials’ cognitive representations of minors involved in prostitution?
2. How do cognitive representations shape reported case outcomes?
3. How do cognitive representations of minors vary across study sites?
4. How have cognitive representations changed with the passage of the safe harbor law, and what is the impact of safe harbor on criminal justice officials’ decisions about prostitution cases involving minors?

Understanding criminal justice officials’ cognitive representations of minors involved in prostitution both before and after the passage of the safe harbor law and how cognitive representations are reflected in decisions about these youth is an important step in understanding the impact or influence of a safe harbor law on criminal justice behavior. Other studies have examined the types of safe harbor laws; however, this is the first study to examine how criminal justice officials perceive and respond to the law. Prostitutes are members of one of the most highly stigmatized groups and are associated with a “spoiled identity” (Goffman, 1963). In the case of new laws and/or policy changes officials are often forced to abandon existing schemata, stereotypes, or attitudes that they had relied on to make decisions prior to the policy change and are instead encouraged to look at victims and/or offenders through a different lens. In the case of states with safe harbor laws, criminal justice officials are asked to redefine minors involved in prostitution from criminal or delinquents to victims. However, this may be easier said than done, as there is evidence that officials find it hard to give up pre-existing perceptions. Thus, states that have enacted safe harbor laws that leave much discretion in the hands of criminal justice agents may fall short of reaching the goal of treating minors involved in prostitution as victims, as clearly demonstrated in the case of Bobby P, discussed above.28

28 Bobby P. was a prostituted minor adjudicated as a juvenile delinquent following the enactment of the New York Safe Harbor Act (In the Matter of Bobby P., 2010).
CHAPTER 5: RESEARCH DESIGN AND METHODOLOGY

This study utilized a qualitative approach that is exploratory in nature to answer the research questions outlined in previous chapters. The qualitative approach that was used is phenomenological in nature and involved analyzing interview transcripts and materials from participant observations for significant statements and phrases that were grouped into themes, which informed the findings of this dissertation. According to Moustakas (1994), “the aim [of phenomenology] is to determine what an experience means for the persons who have had the experience and are able to provide a comprehensive description of it” (p. 13). Phenomenological studies generally involve collecting data from individuals who have experienced a phenomenon in order to develop an “overall essence of the experience” (Creswell, 2007:60). Phenomenology has been described as the ideal research process for eliciting cognitive representations (since it provides the richest and most descriptive data) (Anderson & Spencer, 2002; Creswell, 2007).

I. SAMPLE AND SITE SELECTION

Interview participants were selected from two counties in Massachusetts. Massachusetts was selected as a study site because the state’s safe harbor law, which was passed as part of the state human trafficking law in 2011, is discretionary in nature. Consequently, criminal justice officials can use their discretion when making decisions about prostitution cases involving minors and may be more likely than criminal justice officials who do not have discretion in these cases to rely on cognitive representations about these youth. Additionally, the safe harbor law had been in place for at least a year-and-a-half at the time of the interviews; thus, it had been in place long enough for law enforcement agencies to become familiar with the law but not so long
as to affect memory recall about their perceptions prior to the passage of the law. Since this study asked criminal justice officials about their perceptions of minors involved in prostitution it was important to select counties that could potentially have cases involving prostituted youth, or cases where criminal justice officials could potentially come into contact with these youth. To that end, an aggregate count of prostitution-related arrests by county from 2006 to 2011 was obtained that was broken out by age of arrestee (UCR summary reports). However, the number of prostitution-related arrests of minors (any person under age 18) in the state for this time period was very low (N=46). This was not surprising given minors involved in prostitution are more likely to be arrested for other crimes (e.g., drug possession, loitering, curfew violation) than for prostitution, they are more likely to lie about their age or use false identification, or they may be picked up and detained by police but not actually arrested (Friedman, 2005; Stransky and Finkelhor, 2008; Mitchell, Finkelhor and Wolak 2010). Consequently, prostitution-related arrests across all ages were used as a proxy for prostitution enforcement generally. The number of prostitution-related arrests varied across counties, with one county reporting 1,710 arrests and another county reporting just four arrests. Thus, an initial sampling criterion was set that eliminated counties reporting fewer than 100 prostitution-related arrests in order to focus on counties that had a sufficient number of arrests.29

29 Five counties were eliminated from the sample based on their low number of overall prostitution-related arrests reported for the specified time period, which left seven counties.
Final selection criteria involved comparing counties that differed from each other in their approach to confronting prostitution and in their level of awareness and organizational preparedness around prostitution cases involving minors. For each county the number of arrests for prostitution, which includes individuals who are selling sex, was compared to the number of arrests for assisting or promoting prostitution, which includes the arrests of pimps or third parties who are controlling commercial transactions between prostitutes and purchasers of sex acts. Counties with higher percentages of arrests for promoting prostitution were flagged as having more of a victim-centered approach since these arrests were presumably for individuals who act as third parties, or pimps. On the other hand, counties with higher percentages of arrests for selling sex are presumably arresting individuals who are engaging in commercial sex acts and are taking a more traditional, or punitive approach that is not victim-centered.

There is a large body of research that reveals that differences in organizational structure and culture shape decision-making processes within law enforcement agencies. For example, a study that examined the effect of hate crime policies on law enforcement practices revealed that agency characteristics played a significant role in transforming symbolic policies into action on the ground with those agencies more heavily integrated within communities more likely to report hate crimes (Grattet & Jenness, 2008). Another study that examined law enforcement responses to human trafficking found that law enforcement officials who not only perceived human

\(^{30}\) Data were collected from 2000 to 2012 for all prostitution-related offenses reported by police agencies in Massachusetts participating in the Federal Bureau of Investigation (FBI) National Incident Based Reporting System (NIBRS). Prostitution-related offenses included arrests for prostitution (40A) and arrests for assisting or promoting prostitution (40B).
trafficking to be a problem but were also better prepared to identify victims though trainings and the creation of specialized human trafficking units were more likely to identify cases for investigation (Farrell, McDevitt, & Fahy, 2010). Agencies that had experience with change in response to a new law were more likely to adopt a policy, train officers, or designate specialized personnel to respond to human trafficking (Farrell, 2014).

Of the two counties selected, one county (hereafter referred to as County A) had the highest percentage of arrests for promoting prostitution, or arrests for pimps. It was also considered one of, if not the, most progressive in the state in that it responded to minors involved in prostitution using a victim-centered approach even prior to the passage of the safe harbor law, which included not arresting youth for prostitution-related offenses. This county had also mandated training of law enforcement to identify and respond to prostitution cases involving minors, created a specialized unit in place to investigate cases, and implemented formal policies and protocols to respond to minors involved in prostitution. The other county (hereafter referred to as County B) had been taking a more traditional or punitive approach to confronting prostitution. This county had the third highest number of prostitution arrests for the state but the lowest percentage of arrests for promoting prostitution, so law enforcement officials were arresting mostly women and/or girls who were involved in prostitution. Additionally, preliminary conversations with criminal justice officials and victim service providers who provided training and assisted law enforcement across the state on human trafficking cases, including domestic minor sex trafficking cases, reported that this county trailed other counties in the level of awareness and preparedness to handle prostitution cases involving minors.
Once human subjects approval through the Northeastern University Institutional Review Board was obtained (see Appendix C for a copy of IRB approval form) to conduct the study, letters requesting agency participation in the study were sent to the police commissioners/chiefs for local law enforcement agencies in both counties. Letters were also sent to the district attorneys for each county requesting participation from local prosecutors who had experience with prostitution cases involving minors. See Appendix D for copies of participation letters. One police agency in County A and two police agencies in County B agreed to participate in the study. District attorneys in each county also agreed to participate. Letters of participation also requested the designation of a point person within each agency, who could assist in identifying personnel who had experience or who would be in a position to handle prostitution cases involving minors. Points of contact for each agency also assisted in the coordination of interviews with study participants. In addition to local law enforcement and local prosecutors, other interview personnel who would handle prostitution cases involving minors or who would be in a position to make decisions about minors involved in prostitution were identified for inclusion in the study. Within each county interviews were conducted with at least one juvenile court judge, juvenile probation officer, juvenile correctional officer (DYS), juvenile defense attorney, child welfare case worker (DCF), and victim service provider. Federal and state law enforcement officials who had experience with prostitution cases involving minors were also interviewed. Interview data were collected from 58 participants from Massachusetts between October 2013 and April 2014.

II. METHODS
Multiple forms of qualitative data were collected, including data collected from semi-structured, in-depth interviews with 58 participants. In addition to interviews conducted with the participants referenced above, interviews were conducted with a state prosecutor with the Massachusetts Attorney General’s Office, federal prosecutors with the U.S. Attorney’s Office, and federal law enforcement officials with the Federal Bureau of Investigation (FBI) and the Department of Homeland Security Immigration and Customs Enforcement (ICE). Data were also collected from observing day-long law enforcement, prosecutor, and child welfare trainings on the commercial sexual exploitation of children and human trafficking, and from observing bi-monthly state-wide human trafficking task force meetings.

_Semi-structured, In-Depth Interviews._ The primary mode of data collection for this study was semi-structured, in-depth interviews. Interviews lasted between 45 minutes and two hours with the average interview lasting about an hour. All interviews were conducted in-person at the interviewee’s place of business, and all but two of the interviews were audio recorded and transcribed verbatim. For the two interviews that were not audio-recorded, detailed hand-written notes were taken, and these notes were transcribed verbatim.

An interview protocol was developed prior to the interviews and included three different questionnaires: one for police, one for prosecutors, and one for victim service providers. See Appendix E for copies of interview questionnaires. Interview questions were guided by the primary research questions while adhering to a phenomenological method that approaches interviews using an informal, interactive process along with open-ended comments and questions (Moustakas, 1994). The police interview questionnaire was piloted by a sergeant detective.
working in a police department on the west coast, who had experience investigating domestic minor sex trafficking cases. The prosecutor interview questionnaire was piloted by a county prosecutor in a Midwestern state, who was the principle drafter of that state’s safe harbor law. Both the sergeant detective and the prosecutor reviewed the questionnaires for content and also to ensure that the questions were clear and understandable for their targeted audience (e.g., police and prosecutors). Both had suggested changes to questions as well as recommendations for new questions, or other issues to consider that would lead to a better understanding of how criminal justice officials perceived and responded to prostitution cases involving minors. For example, the prosecutor suggested adding questions around collaboration and investigative strategies or approaches that could be used by law enforcement in domestic minor sex trafficking cases. Once interviewing commenced, a grounded theory approach was also utilized, which involved identifying new people throughout the interviewing process who could shed light on the topic and interviewing participants multiple times until a point of saturation was reached and new information obtained from the interviews did not provide further insight into the phenomenon (Creswell, 2007). Throughout the interviewing process, questions were adjusted or new questions were added based on previous interviews, which is also consistent with a grounded theory approach. When conducting interviews the object under study was defined using a neutral term - minors involved in prostitution - so as not to bias the interview questions. This term is less likely to have a victim-oriented connotation that is associated with other terms – such as “sexually exploited child” or “domestic minor sex trafficking victim.” Conversely, terms like “prostituted minors” and “teen prostitutes” are more likely to have a negative connotation.
Prior to conducting all interviews, IRB approved letters of consent for participation in an interview were provided to interviewees (see Appendix F for a copy of the letter of consent). Interview participants were asked to sign the letter if they agreed to participate in the interview. Consent letters provided a description of the study and included language ensuring confidentiality.

Participant Observations. Data were also collected from observing three trainings: one training for law enforcement officials that focused on investigating the commercial sexual exploitation of children, a human trafficking training for state and local prosecutors in Massachusetts, and a training on understanding and responding to child victims of commercial sexual exploitation that was conducted for child welfare agents (DCF). These trainings occurred between May 2012 and May 2014, and data were also collected from materials collected at these trainings. Data were also collected from observing several state-wide human trafficking task force meetings in 2012 and from materials collected at these meetings (e.g., task force meeting minutes, presentations, and reports).

The CSEC trainings for law enforcement and child welfare officials were conducted by victim service providers and law enforcement officials working in Massachusetts, who had experience working with CSEC victims, including minors involved in prostitution. Law enforcement officials participating in the training were not from either of the study sites but rather worked in another county within the state. This training included active participation for some components, including an exercise that asked law enforcement to distinguish between a “teen prostitute” and a “commercially sexually exploited child” and how they would respond to
each. Law enforcement reactions and responses to this exercise were recorded and helpful in thinking through the development of interview questions as well as the analyses of interview responses. For example, in their descriptions of a “teen prostitute” law enforcement attending the training used language such as “addict” or “throwaways” and they described a “commercially sexually exploited child” as drug addicted or kidnapped. They also described how their responses to prostitution cases involving minors would differ based on how they perceived youth. These descriptions, or the different types of language used to describe minors involved in prostitution, was helpful in thinking through the analyses of interview data and helped to guide the development of key themes from which cognitive representations emerged and appeared to impact criminal justice official’s decisions about cases. Law enforcement officials attending the trainings also discussed their experiences with and challenges around prostitution cases involving minors and their level of knowledge and understanding of the safe harbor law, which allowed for a broader understanding of how law enforcement perceived the law and minors involved in prostitution that was not limited to the two study sites and also helped to contextualize the findings and inform policy implications. The DCF training was conducted by DCF case workers and victim service providers, including providers from County A who led a multi-disciplinary response team for commercially sexually exploited youth. The training also included active participation, including an exercise a series of case scenarios where participants were asked to describe how they would respond to a series of hypothetical case scenarios that were based on real situations. This exercise was helpful in understanding how some DCF case workers perceived minors involved in prostitution and how they would respond to these cases.
The trainings also provided perspective on the challenges faced by DCF around these types of cases and allowed for a broader understanding of the role of child welfare with respect to the safe harbor law. The training of state and local prosecutors came out of the National Attorneys General Training and Research Institute. The curriculum included an overview of human trafficking as well an overview of the federal and state human trafficking law. It also provided an overview of trafficking victims, including methods for recruitment, the impact of trafficking on victims, including psychological trauma, and reasons why victims may not come forward to law enforcement. The curriculum also included training on investigative techniques and a case study workshop; however, these were limited to state and local prosecutors and law enforcement only, so I was unable to participate and observe prosecutors in an interactive setting.

III. DATA ANALYSIS

The method for analyses for this study was based on similar methods used by Colaizzi (1978) and Moustakas (1994). Colaizzi’s (1978) method involves analyzing participants’ transcripts for significant phrases or sentences that pertain directly to their lived experience of the phenomenon under study, formulating meanings from the significant statements and phrases, and clustering meanings into themes common to all of the participants’ transcripts. Moustakas (1994) includes this approach in his simplified version of the Stevick-Colaizzi-Keen method, which involves reading and re-reading written transcripts (from the interviews or within the case records) for significant statements and phrases that pertain directly to how criminal justice officials perceive the phenomenon. Significant statements are then formulated into meanings, which are in turn
grouped into larger units of information, called themes that are common to all of the participants’ transcripts.

All of the interview transcripts and transcripts of observation notes were uploaded into NVivo, a qualitative data analysis program developed by QSR International. Prior to coding, a list of start codes was developed based on questions that were included in the interview questionnaire. However, as coding commenced other codes were created in response to significant statements and phrases within the transcripts that related to how criminal justice officials perceived the phenomenon of minors involved in prostitution and how their perceptions were reflected in their decisions. Once all of the transcripts and notes were coded they were analyzed for significant statements or phrases that revealed cognitive representations of minors involved in prostitution, including stereotypes, schemas, and attitudes shared by criminal justice officials in their characterizations of these youth. Codes related to prostitution cases involving minors reportedly investigated by criminal justice officials were also examined for cognitive representations and compared to case outcomes in order to see if stereotypes and attitudes about these youth translated into criminal justice officials’ decisions about prostitution cases involving minors. Cognitive representations were also compared across sites in order to understand if there were “clusters of representations” that were unique to criminal justice officials within each site that would influence case outcomes.

Validation and Evaluation. Techniques that contribute to the validity of a qualitative research project are verification and validation (Meadows & Morse, 2001). The first step in achieving validity of a research project is verification, which includes adhering to the phenomenological
method, keeping field notes, using an adequate sample, interviewing until saturation of data is achieved, and bracketing past experiences (Anderson & Spencer, 2002; Meadows & Morse, 2001). Bracketing is based on a concept conceived by Edmund Husserl called the Epoche in which “we set aside our prejudgments, biases, and preconceived ideas about things (Moustakas, 1994:85). This concept of bracketing was particularly important when developing the terminology for the phenomenon under study. Language that comes across as victim-centered, for example, may bias participant responses. Commonly used victim-centered terms, including domestic minor sex trafficking victims, commercially sexually exploited children (CSEC), and victims of CSEC were not included in the questionnaire and were not used by the interviewer during the course of the interviews. Conversely, language used to describe youth that have criminal undertones may also affect responses, including teen prostitute, child prostitute, and teenage prostitution. These terms were also not included in the interview questions or used to describe youth by the interviewer as well as language that would imply the youth was a willing participant.

This study included interviews with a wide range of key stakeholders in both study sites who had knowledge about the phenomenon under study and experience working with minors involved in prostitution or handling prostitution cases involving minors. Additional stakeholders whose participation could potentially contribute to an increased understanding of the phenomenon were identified throughout the interviewing process. These additional stakeholders were also interviewed until a point of saturation was reached and new information obtained from the interviews did not provide further insight into the phenomenon (Creswell, 2007). All but two
interviews were audio-recorded and transcribed verbatim and detailed notes were taken and transcribed for the interviews that were not recorded. Additionally, field notes were taken during observations of the three trainings, and the state-wide human trafficking task force meetings. Validation, or within project evaluation of validity, was achieved through the use of multiple methods of data collection (Meadows & Morse, 2001). Although the primary method of data collection was in-depth interviews, data from interviews were supplemented with information collected during participant observations. Another strategy for achieving validation is the use of computer-assisted data analysis (Meadows & Morse, 2001). All data were uploaded and coded in QSR NVivo, which helps manage, shape, and analyze qualitative data (Creswell, 2007).

The following chapter provides an overview of the study sites, including characteristics of participating agencies in each site, collaboration within and across agencies in each site, and the nature and extent of law enforcement training in each site to identify and investigate prostitution cases involving minors. Subsequent chapters will include findings from the analyses of data collected from interviews and observations that reveal criminal justice officials’ cognitive representations of minors involved in prostitution and the cognitive representations that are reflected in reported case descriptions and case outcomes. Cognitive representations were compared across sites to see if there are “clusters of representations” that are unique to criminal justice agents in each site and the impact of these representations on criminal justice officials’ decisions related to minors involved in prostitution. Finally, cognitive representations and case decisions were compared prior to and following the passage of the safe harbor law to examine the impact of the law on criminal justice officials’ representations and treatment of these youth.
CHAPTER 6: OVERVIEW OF STUDY SITES

The purpose of this chapter is to provide an overview of each study site in order to contextualize the findings revealed in the following chapters, which include the identification of cognitive representations (e.g., stereotypes, attitudes) of minors involved in prostitution that are shared by criminal justice agents along with an examination of how these representations are reflected in criminal justice officials’ decisions about prostitution cases involving minors. Since study sites are located in Massachusetts, this chapter will begin with an overview of the Massachusetts safe harbor law. Next it will discuss community demographics within each study site and criminal activity that is prevalent within each of the sites. This chapter will also discuss the characteristics of participating agencies within each of the sites, including the extent of and types of training to identify and respond to prostitution cases involving minors and whether or not agencies have specific policies and or protocols in place to respond to these cases. It will also discuss the collaboration within agencies and across agencies in each study site to identify and respond to prostitution cases involving minors. Finally, this chapter will include information about the prevalence of training and awareness raising within each county to identify and respond to prostitution cases involving minors and the availability and types of services and/or support of minors involved in prostitution.

I. MASSACHUSETTS SAFE HARBOR LAW
Massachusetts’ safe harbor provisions are part of the state human trafficking statute that went into effect on February 19, 2012. ³¹ The Massachusetts’ statute is similar to the statute enacted in New York State in that it did not decriminalize prostitution for anyone under a specified age; instead, the statute is based on a diversion model and grants considerable discretion to criminal justice officials, primarily prosecutors and judges, to determine the status of minors involved in prostitution. Massachusetts’s (old) law had required juveniles arrested for prostitution to be treated as delinquents and therefore subject to penalties including secure confinement (Justice Resource Institute, 2012). The new law defined a “sexually exploited child” as any person under the age of 18 who is a victim of the crime of sexual servitude; engages, agrees or offers to engage in sexual conduct with another person in return for a fee or in exchange for food, shelter, clothing, education or care. It also amended the definition of a “child in need of services” (CHINS) to include a sexually exploited child (e.g., a prostituted minor) (H. 3808 § 8). ³² The law also created a mandatory presumption that a CHINS petition or a “care and protection petition” should be filed whenever a juvenile delinquency or criminal proceeding was initiated against a sexually exploited child for violating Massachusetts laws prohibiting prostitution and prostitution-related offenses (H. 3808 § 9); thus, initiating a court hearing to determine whether

³¹ On November 21, 2011 the Governor of Massachusetts signed into law H. 3808, “An Act Relative to the Commercial Exploitation of People” which strengthens protections for victims of human trafficking and prostitution and increases the punishment for offenders by carrying a potential life sentence for traffickers of children. It also defines a “sexually exploited child” to include any person under the age of 18 who: is a victim of sex trafficking as defined under federal law; or who engages in conduct described as sex for a fee, is a victim of being induced into prostitution, or engages in acts of common street walking or common night walking, all as defined under Massachusetts’s law.

³² A CHINS action is a civil proceeding used by the juvenile court for status offenses, such as running away or being habitually truant, that are considered unlawful specifically because of the offender’s classification as a minor.
the case should be handled as a delinquency proceeding or whether it should be replaced with a CHINS or care and protection proceeding. The Massachusetts Safe Harbor Law also establishes a multi-disciplinary response for all reports involving a sexually exploited child that would be comprised of professionals trained or otherwise experienced and qualified to assess the needs of that child and would convene in order to recommend a plan for services to DCF, which is required to provide services for exploited children, including access to shelter, food, clothing, medical care and counseling (H. 3808 § 13). Furthermore, it mandated that cases of commercial sexual exploitation would be referred to and investigated by law enforcement and the district attorney. However, if the court found that the child had failed to substantially comply with the requirements of services, or was not in compliance with court orders pursuant to a CHINS case or a care and protection case, the court could re-initiate the delinquency case.

Shortly after the safe harbor law went into effect, in November, 2012, a new Massachusetts law entitled an Act Regarding Families and Children Engaged in Services, or FACES, replaced Child in Need of Services (CHINS) cases with Child Requiring Assistance (CRA) cases. The goal of the new law was to eliminate some of the criminal sanctions associated with CHINS. For example, it removed the ability of law enforcement to file petitions in runaway or stubborn child cases, but allows "custodians" of children to file runaway and stubborn applications, as well as parents and legal guardians. Other restrictions on police procedures are records of children

33 The five types of CRA (formerly CHINS) cases as defined in M.G.L. c. 119, § 21, are referred to as 1) Runaway; 2) Stubborn Child; 3) Habitual School Offender; 4) Habitual Truant; and 5) Sexually Exploited Child.
requiring assistance may no longer be kept in any criminal record system, records may no longer be maintained or remain active after the application for assistance is dismissed, and warrants of protective custody, but not arrest warrants, may be issued for a child who does not respond to a summons to appear in court. A child requiring assistance may also not be arrested, confined in shackles, or placed in a secured facility. Additionally, police officers may not take children requiring assistance to the police station, but must instead take them directly to the parent or guardian, an approved temporary shelter facility, or the juvenile court.

II. CHARACTERISTICS OF STUDY SITES

The sites selected for study differ both in how they are organizationally structured to respond to prostitution cases involving minors and in their organizational cultures around the issue of minors involved in prostitution. According to Jenness and Grattet (2005), “Law enforcement agencies as organizations constitute what we call the ‘law-in-between’ – organizational structures and policies that provide intermediary linkage between state statutes and officer discretion” (p. 339). Police agencies, for example, demonstrate a commitment to enforcing laws through changes in organizational structures, including the existence of training procedures, special polices and formal statements made by high-ranking law enforcement officials (Jenness & Grattet, 2005). A study examining organizational responses to human trafficking revealed that police departments that had experience with change and/or had adopted training policies, trained officers to identify human trafficking cases, or designated specialized personnel to responds to cases, increased their odds of identifying cases (Farrell, McDevitt & Fahy, 2010). The
differences between jurisdictions in their organizational structures will be examined in subsequent chapters to see what, if any, impact they have on case processing decisions.

County A.

Demographics and crime: County A is located in the eastern part of the state with a population of more than 700,000 in 2013 according to the U.S. Census Bureau. The racial makeup for County A in 2013 was mostly White followed by Black or African American, Hispanic or Latino of any race, and Asian. County A also had a higher percentage of single parent households than the percentage of single parent households for the state (16.39%) in 2012 and a higher percentage of people living below the poverty level. According to the FBI Uniform Crime Reports (UCR), the number of violent crimes reported in 2012 for County A was 6,240. Of the 6,240 violent crimes reported, 60 were for murder and nonnegligent manslaughter, 304 were for forcible rape, 2,241 were for robbery, and 3,635 were for aggravated assault. According to UCR data, there were 1,710 arrests for prostitution-related offenses between 2006 and 2011. Of those arrests, 22 or 1.29 percent were arrests of juveniles, or individuals under the age of 18. Prostitution and gang activity are described as prevalent within certain cities located in County A. According to one interviewee who assisted adult women within the county who were involved in prostitution, “the sex industry has exploded.” Another interviewee who works as a juvenile court judge stated that gangs were also prevalent, adding that gangs that had previously been in the business of trafficking drugs and guns have turned to the trafficking of

34 http://locallabs.org/
women and girls; it is perceived as less risky and more profitable since a human being can be sold more than once.

Characteristics of agencies/individuals study sites: Within County A interviews were conducted with five detectives working within one local police department that served a population of more than 600,000. All of the detectives worked within units that focus on special investigations (e.g., human trafficking, crimes against children) and would respond to prostitution cases involving minors. These units will hereafter be referred to as “Specialized Units.” All of the detectives had participated in specialized task forces that would investigate prostitution cases involving minors, including human trafficking task forces and an Internet Crimes Against Children Task Force, which includes local, state, and federal agencies that work collectively to investigate cyber enticement and child pornography cases. In addition, I interviewed the following individuals: 1) a local prosecutor working in the district attorney’s office, who had experience prosecuting prostitution cases involving minors and had participated in human trafficking task forces; 2) a juvenile probation officer, who was part of a multi-disciplinary response team that responded to minors involved in prostitution; 3) a juvenile correctional officer, who worked for the Department of Youth Services (DYS) and participated in the multi-disciplinary response team referenced above; 3) a juvenile court judge; 4) a juvenile defense attorney, who worked in the juvenile division within the state public defender agency; 5) three child welfare case workers, who worked for the Department of Children and Families (DCF), including a supervisor for the adolescent unit; 6) and victim service providers, or individuals working with agencies that would assist and/or provide services to commercially
sexually exploited youth, including officials working in County A’s children’s advocacy center (CAC), which serves children who are victims of sexual abuse, physical abuse, and exploitation.

**Training-awareness raising:** Most of the interviewees in County A reported they had adopted a victim-centered approach to prostitution cases involving minors even prior to the enactment of the safe harbor law. A multi-disciplinary response team made up of key stakeholders had been in place for nearly a decade that was designed to identify and treat minors involved in prostitution as victims of commercial sexual exploitation (CSEC) and to increase the identification and referral of CSEC victims. This mindset translated into mandatory training for law enforcement on how to identify and respond to the commercial sexual exploitation of minors, including minors involved in prostitution. Additionally, all new and incoming officers within the local police department are trained, which has resulted in an increased awareness and an increase in referrals to the sergeant detective’s unit. Other agencies within County A, including child welfare, or DCF, have implemented trainings that are designed to educate new case workers about commercial sexual exploitation of children. All new hires in the state, for example, learn about the risk factors for commercial sexual exploitation as part of the agency’s CORE training program, and they also learn about the red flags, or how to identify a youth who is at risk of or involved in prostitution. Although to date most of the training and awareness raising in County A has focused on girls, there is an effort underway in to increase awareness about the exploitation of boys and transgendered youth.

**Policies/Protocols:** The multidisciplinary response model that was in place includes policies and protocols for responding to minors involved in prostitution. For example, a case coordinator
is charged with receiving referrals, coordinating a multidisciplinary response, recording and disseminating a service plan, conducting follow-up to insure its implementation, and managing data about the cases. Youth who are identified are referred to the case coordinator who in turn identifies agencies that may already be involved with the youth, including law enforcement, DCF, DYS, probation, juvenile defense attorneys, and independent service providers. Typically, the coordinator would convene all of the agencies together in person or schedule a conference call where they would discuss concerns around exploitation and the types of services that the youth may need as well as share information about any alleged perpetrators who may be exploiting the youth. A collaborative action plan is developed and the coordinator is responsible for following up with each of the agencies to ensure the plan is implemented.

Victim Services/Support: Once a youth is identified as being at risk of or involved in prostitution it is critical that victim services are in place to prevent re-victimization, to reintegrate them into a healthy community life, and in some cases to allow victims to cooperate in criminal investigations against alleged perpetrators. According to a 2013 report issued by the Massachusetts Office of Attorney General Martha Coakley, “existing services in the state are currently underfunded and overburdened (p. 19). Within County A, however, there are a number of services that are targeted specifically for commercially sexually exploited youth. Several of the agencies interviewed for this study provide direct or indirect services to youth who are at risk of or involved in prostitution. For example, several agencies ran survivor mentoring programs designed to safely reintegrate exploited youth back into the community and into healthy lifestyles. One agency offered short term and long term care through residential treatment
programs based on the individual needs of the youth. Other agencies use a trauma informed care approach that similarly works to empower victims of commercial sexual exploitation. Although County A does have a number of providers who provide services specific to commercial sexual exploitation of youth, interviewees identified some gaps in services, including the lack of adequate shelters for commercially sexually exploited youth.

Within-Agency Collaboration: Detectives largely reported good overall collaboration with most units within the police agency. For example, they typically get case referrals from other units within the agency, including Domestic Violence and Sexual Assault. They also reported working closely with the officers in the Gang and Drug Units. A detective in charge of one of the specialized units attributed the increase in referrals to the in-service training on human trafficking that all officers are required to receive. Additionally, the specialized units are housed within the same building as some of the other units, including Sexual Assault, and Domestic Violence. Despite having an overall good collaboration with most of the units, detectives still struggle with some units that may uncover information relevant to prostitution cases involving minors during the course of their own investigations, but may not always contact the detectives in the specialized units who are charged with investigating those cases.

Across-Agency Collaboration: Dozens of agencies in County A, including law enforcement, juvenile justice, child welfare, and community based programs, have been working together for years as part of a multi-disciplinary team that responds to cases involving commercially sexually exploited youth. Detectives reported having a good working relationship with other criminal justice officials and victim service providers, largely because of the existence of the multi-
disciplinary model. Victim service providers also reported having a good working relationship with police and stated that they would refer minors involved in prostitution to detectives working in the specialized unit because they were “very victim-centered.” Several providers added that although they understood the primary objective for law enforcement was to arrest perpetrators who were prostituting youth, they did not feel pressure from detectives they worked with to get victims to cooperate in criminal investigations. One challenge reported by a detective working in one of the specialized units, however, was that they did not get as many referrals from service providers for cases involving commercially sexually exploited youth as they would like to get. A juvenile probation officer also reported that when they would refer youth to service provider agencies there was generally no follow up, so they often did not know what had happened to the youth. Despite the challenges that some law enforcement agencies report they face with getting referrals or with follow up from referrals they have made, more cases of commercial sexual exploitation of children were being referred to the district attorney’s office. A local prosecutor reported having received an increase in referrals from some DCF area offices for cases where commercial sexual exploitation was suspected, which she attributed in part to the area DCF office making the referrals and to the existence of a multidisciplinary response team coordinator. Both local law enforcement and local prosecutors also collaborated with state and federal law enforcement to investigate and prosecute prostitution cases involving minors. For example, the local prosecutors reported working with state police on CSEC cases as well as the state Attorney General’s Office and the U.S. Attorney’s Office on cases that crossed county and/or state lines. Detectives working within the specialized units of the local police department collaborated with
the Department of Homeland Security Immigration and Customs Enforcement (ICE) agency as well as the Federal Bureau of Investigation (FBI). A special agent working with the FBI reported having a strong partnerships in place with local agencies in County A, including law enforcement, prosecutors, child welfare, and victim service providers.

**County B.**

**Demographics.** County B is located in the southern part of the state with a population of more than 500,000 in 2013 according to the U.S. Census Bureau. The racial makeup for County B in 2013 was mostly White followed by Hispanic or Latino of any race. Interviewees described the county as having a large Hispanic and Asian population as well as a large population of Portuguese and Cape Verdean. The county is also described as having a large undocumented immigrant population. County B also had a higher percentage of single parent households than the percentage of single parent households for the state (16.39%) in 2012. ³⁶ One of the largest cities within the county was described by law enforcement as “a poor, working class community with high unemployment and low income.” According to the FBI Uniform Crime Reports (UCR), the number of violent crimes reported in 2012 for County B was 2,763. Of the 2,763 violent crimes reported, 6 were for murder and nonnegligent manslaughter, 179 were for forcible rape, 675 were for robbery, and 1,903 were for aggravated assault. ³⁷ According to UCR data, there were 877 arrests for prostitution-related offenses between 2006 and 2011. Of those arrests, three were arrests of juveniles, or individuals under the age of 18. Local law enforcement

interviewed in two of the largest cities within County B described prostitution of adult women and drugs as widespread. Additionally, local prosecutors with the county district attorney’s office reported getting about 1,000 referrals for sexual abuse of minors a year.

Characteristics of agencies/individuals study sites: Within County B interviews were conducted with detectives working in two police departments located in neighboring jurisdictions hereafter referred to as Local PD-1 and Local PD-2. Within Local PD-1, I conducted interviews with two detectives working in the Vice Unit, including the commander of the Unit, and two detectives working within a unit that focuses on special investigations (e.g., child abuse, elder abuse, domestic violence) and would respond to prostitution cases involving minors. This unit will hereafter be referred to as a “Specialized Unit.” I also conducted an interview with the Captain that oversees both the Vice unit and the Specialized Unit. The Vice Unit within Local PD-1 investigated crimes involving drug trafficking, drug possession, drug distribution, and prostitution. One of the detectives within the Vice Unit was also part of an Internet Crimes Against Children Task Force and conducted computer forensics and digital forensics for the department. Within Local PD-2 I conducted interviews with three detectives working with the Vice Unit, and four detectives working within a unit that focuses on special investigations (e.g., sexual assault, child abuse and exploitation, missing persons) and would respond to prostitution cases involving minors. This unit will hereafter be referred to as a “Specialized Unit.” It is important to note that although both Local PD-1 and Local PD-2 had specialized units that would be responsible for prostitution cases involving minors, they were not specifically focused on these types of cases. In addition, I interviewed the following individuals:
1) two local prosecutors working in the district attorney’s office; 2) two juvenile probation officers; 3) two juvenile correctional officers working for DYS, including a manager; 4) a juvenile court judge; 5) a juvenile defense attorney who worked in the juvenile division within the state public defender agency; 6) three child welfare, or DCF case workers, including a director; 7) two clinical managers who supervised DCF caseworkers; and 8) victim service providers, including an official with the county’s children’s advocacy center (CAC) as well as other service providers who provided social services and intervention services through residential and non-residential treatment programs designed for at-risk adolescents. None of the individuals associated with the agencies mentioned above participated in a task forces that would respond to minors involved in prostitution with the exception of the detective in Local PD-1, who participated in the Internet Crimes Against Children Task Force. However, the majority of those cases involved child pornography and not prostitution of minors.

**Training/Awareness Raising:** None of the local police departments (Local PD-1 and Local PD-2) required their law enforcement personnel to receive training on the commercial sexual exploitation of children, or training that would assist law enforcement in the identification and/or investigation of prostitution cases involving minors. Typically what happened was that detectives within Specialized Units would choose to attend training conferences or seminars that were put on by other agencies across the state or across the country, including the National Center for Sexually Exploited Children. For example, one detective working within the Specialized Unit in Local PD-1 attended a one-day seminar that was held in another county within the state. The seminar included training about identifying commercially sexually
exploited youth and information about how to interview youth who are suspected of being exploited. Although certain detectives may go to these trainings, they reported that the information may not get funneled down to other personnel within the department, including patrol officers, who may be positions to identify minors involved in prostitution. A detective working within the Vice unit at Local PD-1 indicated that he has attended trainings due to his role as an Internet Crimes Against Children representative for the department; however, the commander of the Vice Unit stated that he was not aware of any other detectives within the unit who had been trained on how to identify or investigate prostitution cases involving minors. One detective who worked within the Specialized Unit in Local PD-2 indicated that he would like to go to more trainings, but there was not enough funding within the department to pay for the cost of traveling to and attending the trainings. Prosecutors working within the county district attorney’s office had received training about the commercial sexual exploitation of children and were attempting to bring in more training to law enforcement within the county, including a “train the trainer” where law enforcement could get trained and then train other law enforcement within their respective agency. An official with the county’s CAC reported that training should not only focus on identifying minors involved in prostitution but also on how to investigate these cases once they are identified by law enforcement. Other agencies indicated that they have had minimal training about the commercial sexual exploitation of children; however, trainings were not specific to CSEC. For example, juvenile correctional officers with DYS indicated that they typically received general training on female centered services and gender specific services but not services specific to sexual exploitation. Similarly, several victim service providers
interviewed for this study reported that their agency offers training about sexual abuse as part of their core curriculum but not training about sexual exploitation. Although training about commercial sexual exploitation is not mandated or offered by their agency, some victim service providers have taken the initiative to attend trainings on their own. One service provider attended a training that discussed the terms that are often used by youth or women to describe their exploitation. For example, individuals who say they are or were “In the life” are referring to being involved in prostitution.

*Policies/protocols:* County B did not have policies and/or protocols in place that dealt specifically with minors involved in prostitution, or CSEC victims. There was a county response team protocol coordinated out of the CAC that had been in place for serious cases around child abuse and neglect. For example, if someone was identified as a victim of child abuse, the CAC would coordinate a forensic interview that involved the local police, local prosecutors, and DCF, so children were not subject to multiple interviews. CAC officials had trained police in first responder, minimal facts interviewing for cases of child abuse and reported having developed a really strong relationship with the local police departments and the district attorney’s office around the shared response protocol to cases of child abuse. Detectives working in Local PD-1 acknowledged that they had a good working relationship with CAC officials around cases of suspected child abuse and neglect. However, although agency participants interviewed for this study reported that the response team protocol had worked well for cases of child abuse, they were still struggling with how to respond to cases involving commercial sexual exploitation, particularly since CSEC victims were largely reluctant to self-identify as victims or cooperate in
criminal investigations. According to local prosecutors with the county’s district attorney’s office, having a clear protocol with respect to commercial sexual exploitation of minors and having all involved agencies trained together on that protocol is critical to preventing cases from falling through the cracks.

**Victim services:** Unlike County A, there were no agencies within the jurisdictions under study within County B that offered services that were specifically for commercially sexually exploited youth. When questioned about the types of services available for commercially sexually exploited youth within the study jurisdictions in County B, police officers generally mentioned the CAC, DCF, the YMCA, or women’s centers that largely dealt with victims of domestic violence. The Young Men’s Christian Association (YMCA) had branches within County B that were affiliated with DCF and DYS and offered specialized services and treatment programs for at-risk male and female adolescents. None of the services or treatment programs, however, were specifically targeted toward commercially sexually exploited youth. Studies have revealed, however, that human trafficking victims, which would include minors induced into prostitution, have unique needs and often require specialized services. According to a 2013 report released by the Massachusetts Office of Attorney General Martha Coakley, “Existing resources (e.g., rape crisis centers and domestic violence agencies) are not necessarily appropriate or equipped to respond effectively to victims of trafficking. In addition, they are serving their identified populations with already limited resources and unable to fully meet the needs of trafficking victims” (p. 20). According to several individuals interviewed within DCF, which is mandated to provide services to sexually exploited youth under the safe harbor law,
referrals were often made to specialized providers in another county for cases involving commercially sexually exploited youth. These providers also worked with residential treatment programs within the county that provide services to adolescent girls. A director with DCF added that their numbers of youth identified as commercially sexually exploited had been small enough so that they could rely on referrals from other agencies to service these youth. However, according to one of the specialized referral agencies in County A who connects exploited youth in County B with survivor mentors, the numbers are probably much higher than what is being identified, and their agency is already stretched too thin. A CAC official reported that there is an overall deficit in services within County B particularly when compared to other counties in the state. Despite the lack of funding for services the CAC had applied for and received grants to provide free training to more than 100 clinicians from various agencies throughout the county on Trauma Focused Cognitive Behavioral Therapy, an evidence-based practice. Although clinicians in County B were primarily using this therapy to treat victims of child abuse, one of the recommendations set forth in the Massachusetts Interagency Human Trafficking Policy Task Force Report was the need for programs that offer comprehensive trauma informed evidence based programming, which included child-specific therapeutic services that were trauma-informed and evidence-based (Massachusetts Office of Attorney General Martha Coakley, 2013). Thus, this type of therapy could also be used for minor victims of sexual exploitation.

Within-Agency Collaboration: Although detectives working in the Specialized Units in Local PD-1 and Local PD-2 reported that they had good working relationships with detectives working in other units and regularly shared information about criminal investigations, this did
not extend to prostitution cases involving minors. According to a detective who worked in the Vice Unit in Local PD-1, it is not always clear how prostitution cases involving minors should be handled by detectives working in other units, including vice, which has traditionally arrested individuals for prostitution. The captain overseeing the Vice Unit and the Specialized Unit in Local PD-1 added that different units within the police department may not see eye to eye on prostitution cases involving minors, which can affect collaboration on these types of cases. For example, he indicated that detectives in other units may perceive minors who are involved in prostitution as “making a conscious choice” while others may perceive them as “a victim of their circumstance.” A detective working in the Specialized Unit in Local PD-2 reported that prostitution cases involving minors would be referred to the Division’s commanding officer who would then determine if the case should move forward. However they had not investigated any prostitution cases involving minors at the time of the interview, and they had not received referrals for prostituted minor cases from other units within the police department. Although detectives working in the Specialized Unit reported that they occasionally work with the Vice Unit, which investigates drug cases and cases involving prostitution, they did not have regular intelligence meetings. Vice detectives indicated that information sharing is done on a case-by-case basis, but they would refer prostitution cases involving minors to the Specialized Unit if they identified minors being sexually exploited during the course of another investigation (e.g., drugs) or if they encountered a minor out on the street who appeared to be involved in prostitution. However, their involvement with the case would end there.
Across agency collaboration: Local agencies in County B, including police, prosecutors, DCF, and the CAC reported that they had been working together on cases around child abuse and neglect and had implemented a response team protocol to respond to those cases. According to a CAC official, getting buy-in from law enforcement to change the way they had been responding to cases of child abuse and involve the CAC in their investigations was not easy in the beginning, but she added that the hard work had paid off for most of the jurisdictions within the county. According to a detective working in the Specialized Unit in Local PD-1, they had “an unbelievable rapport” with local prosecutors working in the district attorney’s office and added that the CAC did an “unbelievable job.” Although collaborations and partnerships were in place around cases of child abuse and neglect they were just beginning to cross over to cases involving commercial sexual exploitation of children. Several agencies in County B mentioned the need to form a task force or a coalition that could coordinate the investigation of commercial sexual exploitation of children cases that were identified within the county. However, local prosecutors added that agencies first need to be trained together on how to handle these types of cases before a task force is formed. Local prosecutors also reported that they have not had any referrals for cases involving sexually exploited children from DCF. However, a DCF clinical manager for one of the study jurisdictions indicated that they received referrals from local police for sexual exploitation cases, which they have referred to the district attorney’s (DA’s) office. The DCF director of area offices for the two study jurisdictions reported that they had a good relationship with the DA’s office and with local police particularly around shared responses to serious cases of child abuse and neglect. He acknowledged that although they had worked hard at developing
an early response protocol to serious child abuse cases, there had been fewer discussions around commercial sexual exploitation of children. Detectives working in the Specialized Unit in Local PD-1 had also been working with the state attorney general’s office on a trafficking case involving minor victims that had occurred in their jurisdiction following the interviews for this study. The case came to the attention of the Department of Homeland Security Immigration and Customs Enforcement (ICE) agency and was being prosecuted by state prosecutors on human trafficking charges. According to the lead prosecutor, who was interviewed for this study, the working relationship between the attorney general’s office and the district attorney’s office had been great. She was also working with detectives in the Specialized Unit in Local PD-1 on the case and reported that although they were not as far ahead as other police agencies with respect to their knowledge of how to handle these types of cases they were willing to learn and had been “really cooperative.”

Summary. This chapter provided an overview of each of the study sites, including demographics for each county, crime levels, and arrests for prostitution-related offenses. Participating agencies and individuals within study sites were also described as well as the extent of training and awareness around minors involved in prostitution occurring within each of the study sites, policies and/or protocols that were in place to respond to prostitution cases involving minors, the extent and nature of victim services, and collaboration within and between agencies within study sites to respond to these cases. The next chapter discusses the cognitive representations about minors involved in prostitution that emerge from interviews with criminal justice officials in both study sites.
CHAPTER 7: COGNITIVE REPRESENTATIONS OF MINORS INVOLVED IN PROSTITUTION

Safe harbor laws were designed with the intent that minors involved in prostitution would be viewed and treated by agents in the criminal justice system as victims of commercial sexual exploitation or victims of sex trafficking rather than criminals or delinquents deserving of punishment. Because this study asks respondents about their perceptions of minors involved in prostitution following the passage of a law that is designed to change the way criminal justice agents view and treat these youth, questions were designed to dig beneath the surface and to limit the effects of social desirability bias, or the tendency of respondents to respond in a way that is viewed as favorable. Therefore, rather than just asking criminal justice agents whether they thought minors involved in prostitution were victims or criminals, questions centered around how criminal justice officials would identify and characterize these youth, how they believed minors became involved in prostitution, and what, if any, challenges were associated with prostitution cases involving minors. A discussion of case outcomes for each site is also included. Although actual case records were not reviewed, criminal justice officials were also asked about prostitution cases involving minors that either they had investigated and/or prosecuted or that other personnel within their agency had handled.

Criminal justice officials’ characterizations of minors involved in prostitution and prostitution cases involving minors were then examined for cognitive representations, including stereotypes of minors involved in prostitution and attitudes shared by criminal justice officials about these youth. Stereotypes were attributed to personal characteristics/internal characteristics or environmental characteristics/external characteristics. Causal attribution theorists suggest that
criminal justice decision makers attribute causes of crime either to an individual’s personal characteristics or to environmental influences, and individuals or groups of individuals whose crimes are attributed to internal characteristics are often viewed as more blameworthy by criminal justice agents and are sentenced to harsher outcomes within the criminal justice system than individuals whose crime or delinquency is attributed to external or environmental characteristics (Bridges & Steen, 1998; Kautt & Spohn, 2007). Stereotypes of minors involved in prostitution that are attributed to internal characteristics, such as lack of cooperation with law enforcement, may contribute to perceptions by criminal justice officials that they are not victims of a crime and should therefore be treated differently from “traditional” or “real” victims.

Finally, cognitive representations that emerged from these characterizations were compared between sites, and from these comparisons clusters or groups of cognitive representations were identified that were unique to each site. These representations were examined to see if and how they are reflected in criminal justice officials’ decisions about these youth and cases. Research on criminal justice decision making processes, for example, suggests that criminal justice officials’ decisions are guided by focal concerns that are influenced by stereotypes associated with membership in various social categories, and offenders with certain constellations of characteristics are treated differently or more harshly (Spohn & Holleran, 2000; Steffensmeier, Ulmer & Kramer, 1998). Sites that are characterized by “clusters of cognitive representations” that are attributed to personal or internal characteristics rather than environmental or external characteristics may perceive and treat minors involved in prostitution differently or more harshly.
I. COUNTY A

Identification and Characterization of Minors Involved in Prostitution. Criminal justice officials in County A largely identified and characterized minors involved in prostitution as “chronic runaways.” Prior to 2010 the detectives with the Specialized Unit had prioritized investigations to focus on habitual runaway youth flagged as high risk for being involved in prostitution. However, detectives reported that this approach did not result in criminal investigations against third parties, which they attributed largely to the reluctance of youth to cooperate with law enforcement and their tendency to run. Thus, several years before the safe harbor law went into effect they shifted their investigative strategy to target known violent pimps and began using an organized crime approach to investigating cases that relied less on victim testimony. They also identified minors involved in prostitution as youth who had been or were involved in the child welfare system, or DCF. In fact, they reported that they primarily identified prostitution cases involving minors through 51A reports, which are mandated reports of suspected child abuse and neglect that are filed with DCF.38

Our priority is to target the most violent pimps, but we also investigate 51A reports which are mandated reports, so if a young girl is on the run, and I say girls because I feel we only have cases involving girls, we try to follow up to find out if in fact they may have been exploited, and we also periodically try to do demand stings.

County A, Local PD

Detectives from this unit reported that they also get referrals about minors involved in prostitution from other units within the department, including Domestic Violence, Sexual

38 Massachusetts’ safe harbor law requires that mandated reporters file a report of suspected abuse and neglect (51A) on behalf of child victims of commercial sexual exploitation.
Assault, and Missing Persons, and at the time of the interview the number of referrals from other units had increased. However, detectives reported that they had not come across cases involving boys or transgendered youth, and that they largely perceived minors involved in prostitution to be girls – a perception shared by other criminal justice officials.

I think when people think of trafficking to this day they think of women. They either think of women or children, and the boys fall right down the middle. Boys in trafficking to me are that subgroup that people can’t wrap their head around.

\textit{County A, Juvenile Court Judge}

A service provider for commercially sexually exploited boys in County A attributed the lack of identification to several things, including the tendency for people to stereotype commercially sexually exploited boys as perpetrators. He added that the tendency for boys involved in prostitution to be perceived as homosexuals also impacts the ability of law enforcement to identify them as victims. Research examining criminal justice interactions with lesbian, gay, bisexual, transgender, and queer and questioning (LGBTQ) youth in New York City, for example, revealed that gay and lesbian youth had experienced mistreatment by police, including the tendency of police to not take claims of victimization seriously because of sexual orientation (Dank, Yahner, Madden, Banuelos, Yu, Ritchie, Mora, & Conner, 2015).

Law enforcement identified poverty as a common denominator for minors involved in prostitution. However, one detective acknowledged that cases “run the gamut” and that her unit had investigated cases involving middle and upper-middle class girls. When describing prostitution cases they had investigated, some detectives were more likely to describe girls from the suburbs as “naïve” or as “not knowing any better;” whereas, girls from poor, urban areas were more likely to be described as “street smart” or has having the experience and/or
knowledge to navigate dangerous situations that are characteristic of urban environments. Street smart girls were more likely to be described as more mature and more likely to manipulate situations for their own benefit. Criminal justice officials described scenarios where girls, particularly those from a lower socioeconomic status, were drawn to the illusion that they would make a lot of money in the sex industry and were lured by the prospect of what they perceived as an exciting lifestyle. A detective recalled one case that spanned into a neighboring state and resulted in the indictment of an alleged pimp on charges that he trafficked minors for sex. The case involved two minor victims, both runaways from the city, who had been approached by the alleged pimp and asked if they wanted to be in a dance video. According to the detective, the girls agreed and were instead told they would be working in a strip club. Although the detective acknowledged that the girls were scared when they were found, she also worried that one of them, who had since been receiving services because of her exploitation, was at risk for revictimization.

She still wants to get her nails done and be all flashy, she can’t wait to get back online. She likes that attention that it gives her. She’s older than her chronological age. She thinks more like an 18, 19 year old. Even a 20 year old because she’s been through so much. She can make her way out there and she knows this. She can manipulate men. She knows this. She’s learned it.

*County A, Local PD*

According to a juvenile correctional officer with DYS, whose caseload included girls involved in prostitution, these youth largely do not self-identify as victims and will often reframe their exploitation, so they appear to be in control rather than the one being controlled. Law enforcement officials also largely perceived minors involved in prostitution as coming from neglectful households or as having a history of physical or sexual abuse regardless of their
socioeconomic status. They reported that a history of neglect and/or abuse could impact their self-esteem and could also lead to mental health issues that put them at risk for prostitution.

Methods for Recruitment. Criminal justice officials largely blamed third parties, or pimps, for targeting girls who had low self-esteem, or who had suffered from neglect, and for using their insecurity and need for attention to manipulate them into prostitution. In several of the prostitution cases involving minors described by law enforcement officials, girls appeared to voluntarily become involved with their alleged pimp(s), at least initially. Pimps were primarily identified by law enforcement officials as male. Some detectives described pimps as “bad guys” and even “killers.” Other detectives described pimps as “savvy” or “very charming” and reported that they preyed upon vulnerable youth, who they believed would not cooperate with police in criminal investigations. According to a juvenile court judge, these youth become emotionally attached to the person who is exploiting them because “that person has found them, has nurtured them, [and] knows every trick in the book to get that girl to say, ‘Boy, my mother and father don’t care about me, but this person loves me and would go to the nth degree for me.’” Detectives acknowledged that the suspect-victim relationship is complicated, and victims often presented as willing participants out of a misguided sense of loyalty toward their perpetrator(s). A detective described one case where a minor involved in prostitution, who would not initially cooperate in an investigation against her alleged pimp, reported spending Thanksgiving with him at his mother’s house.

When I first started talking to her she wouldn’t give me her pimp’s name, so I said to myself she still has a connection to this guy, she won’t tell me who he is. She’s being loyal. He would take his girls home for Thanksgiving dinner to his mother’s house. They’re prostitutes.
She goes, “Yeah pass the potatoes. I’m sitting here with his family. How screwed up is that? And then we had to work that night.”

*County A, Local PD*

A local prosecutor reported that victims who appear to be physically forced into prostitution may come across as more credible to a jury; however, her typical cases involved minors who appeared to willingly become involved with their perpetrators. In one case that she had recently prosecuted the defendant pled guilty to multiple counts of deriving support from a minor in prostitution and statutory rape. In that case the 15-year-old victim initially reported that she had been kidnapped and held against her will at knife point; however, she later recanted her story and admitted that she went along with the perpetrator because he offered her marijuana, bought her some clothes, and told her she was pretty. 39

That’s how the case came in, as a real, pardon the use of this word, but a real sexy case. Everybody wanted it, “Oh she’s such a real victim, she was kidnapped at knifepoint.” And then, doing this work for as long as I have…we never get a victim like that, ever. Ninety-nine percent of the cases where the child is dragged into the van, that didn’t happen. Being kidnapped at knifepoint by your pimp and held for two weeks is definitely not what we see.

*County A, Local Prosecutor*

Detectives also reported that it was rare to get a case where a minor was kidnapped or pulled off of the street and physically forced to engage in prostitution. However, pimps may use force or threaten victims into compliance. For example, a detective described one case that involved a victim who was approached by a pimp on the street, who told her she was cute and asked her if she wanted to be in a music video. Instead, he took her to a hotel, where he told her she would be

39 This case was not charged under the state human trafficking statute because it was charged in 2011 prior to the passage of the law.
engaging in prostitution. The detective reported that on the way to the hotel the pimp stopped at another girl’s house, brought the girl out onto the porch, and “beat the shit out of her” in order to frighten the victim into submission. Pimps will use violence against others as a scare tactic, or as a way to threaten victims into compliance (Dank, Khan, Downey, Kotonias, Mayer, Owens, Pacifici & Yu, 2014).

**Challenges Associated with Prostitution Cases Involving Minors.** Violence and threats of violence may result in extreme anxiety and fear, which in turn can result in “trauma bonds” or emotional bonds that victims use to cope with their victimization (Smith, Vardaman & Snow, 2009; Walker, 2013). Trauma bonds may result in victims sympathizing with their perpetrators or convincing themselves that they are in a romantic rather than an exploitative relationship.

Criminal justice officials reported that minors involved in prostitution were largely reluctant to self-identify as victims and cooperate in criminal investigations against their alleged perpetrators, and although these officials stated that they understood why and believed these girls were victims, they also expressed a sense of frustration at their inability to make cases due to a lack of cooperation.

The problem with those girls at that age, no one ever thinks they have a pimp. I’ve ever yet to have a girl admit to having a pimp. It’s her boyfriend, and they’re in love. They don’t disclose is the magic word. They don’t say yes I’ve been, you know, exploited or whatever, they’re like, no, I don’t know what you’re talking about.

*County A, Local PD*

Detectives reported that because they could not rely on victims to cooperate they would approach prostitution cases involving minors using an organized crime model where they would collect evidence to support their case, including conducting search warrants on laptops for any
online advertisements of minors for prostitution. They would also collect credit card and bank records that might reveal the prostitution of minors.

Basically you want this big preponderance of evidence without this girl ever having to speak, so that when it get to court you don’t need her because she’s going to disappear, flake out.

*County A, Local PD*

A local prosecutor also agreed that these cases should be investigated and prosecuted using an organized crime approach similar to the way drug cases are handled. She also indicated that minors involved in prostitution are unreliable and that corroboration is important particularly when making charging decisions about prostitution cases involving minors.

They’re like a drug case in the front end, and a DV case on the back end. So, we have the crappy victims, but then the business organization sort of model that a drug case would have.

*County A, Local Prosecutor*

Criminal justice officials largely reported that prostitution cases involving minors were time consuming and resource intensive, particularly since youth tended to run away or go missing for extended periods at a time. Because of the tendency of minors involved in prostitution to run, along with their reluctance to self-identify as victims, many criminal justice officials within County A reported that they needed a way to hold youth in a secure facility where they could receive services because they would not voluntarily submit to treatment. According to a juvenile probation officer, although treatment programs were available for minors involved in prostitution, most of the services were voluntary in nature, and these youth do not want help. Furthermore, criminal justice officials, including law enforcement officials, a juvenile probation officer, and a juvenile court judge, all worried about the impact of the CHINS repeal on the ability of law enforcement to pick up and detain runaway youth they suspected were at risk of or
involved in prostitution. According to one detective, their inability to file applications for runaway warrants on girls who were out there “just ripping and running” would cause more harm than good since law enforcement no longer had “teeth” to hold minors in order to secure services for them.

Case Outcomes. Law enforcement officials working in the local police department under study in County A were experienced with identifying and investigating prostitution cases involving minors and at the time of the interviews had been working these cases for nearly a decade. Investigations involving prostitution cases involving minors were largely conducted by detectives working within the Specialized Units. In 2005, a multi-disciplinary team was also formed that included law enforcement and prosecutors within the county who received training on the sex trafficking of children. These trainings focused on changing perceptions about minors involved in prostitution and defining them as victims of child abuse in need of services and not criminals deserving of punishment. Additionally, all incoming officers within the local police department received training, including line officers who typically make first contact with minors involved in prostitution and would refer cases to detectives working within the Specialized Units.

Detectives reported investigating 54 cases involving commercially sexually exploited children in the year prior to the interviews, 21 of which were confirmed victims of CSEC. At the time of the interviews the majority of the cases reportedly investigated by detectives involved adult women suspected of being trafficking victims. Although law enforcement would refer high risk youth who they suspected were involved in prostitution to victim service providers for
follow up, they were less likely to pursue criminal investigations into these cases unless there was a known pimp involved and often referred cases involving missing youth or high risk youth to school police, or let the missing persons unit handle cases.

According to criminal justice officials and victim service providers working within County A, minors involved in prostitution are not arrested or charged with prostitution-related offenses and have not been since the multi-disciplinary response model for commercially sexually exploited children was implemented. However, an aggregate count of prostitution-related arrests by county from 2006 to 2011 broken out by age of arrestee (UCR summary reports) revealed that between 2006 and 2011, 22 minors were arrested for prostitution.\textsuperscript{40} Of the 480 clients referred to the county’s CAC for commercial sexual exploitation between 2005 and 2011, 1 in 10 was arrested for prostitution (Piening & Cross, 2012). Since 2012 there had been 2 to 3 cases referred to the CAC that had resulted in minors arrested for prostitution; however, those cases were from other counties within the state.

With the CHINS repeal some law enforcement officials reported that they might find another charge to hold them on if they were committing another crime (e.g., disorderly conduct, trespassing) in order to engage them in services. Although a juvenile correctional officer reported that she had not seen an increase in the number of minors committed to DYS within the county, a juvenile probation officer reported that youth were being charged with other offenses in order to secure them and to engage them in services.

\textsuperscript{40} Arrests were not broken out by individual jurisdictions within county.
What they do is charge them with disorderly, or trespass, stupid charges, but enough to get them locked up for at least a week or two. DYS does a pregnancy test automatically, and they do a physical automatically, so at least you can get them stabilized. Sometimes we lock them up longer than that.

*County A, Juvenile Probation Officer*

At the time of the interviews arrests for prostitution cases involving minors by local law enforcement had largely resulted in state prostitution charges against third-parties and in some instances individuals were charged federally for sex trafficking of children. A local prosecutor reported having received an increase in referrals from some DCF area offices for cases where commercial sexual exploitation was suspected, which she attributed in part to the area DCF office making the referrals and to the existence of a multidisciplinary response team coordinator. Several years leading up to the interviews about a dozen individuals had been charged with state prostitution-related charges, including deriving support from a minor in prostitution and enticement of a child for the purposes of sex for a fee, and a handful of individuals from County A had federal sex trafficking of a minor charges pending against them. At the time of the interviews, one individual in County A was charged under the state trafficking law with forcing a minor into prostitution.\footnote{The human trafficking law carries a mandatory sentence of at least five years in prison and up to 20 years.}

**II. COUNTY B**

*Identification and Characterization of Minors Involved in Prostitution.* At the time of the interviews only detectives working within the Specialized Unit in Local PD-1 reported having identified and investigated prostitution cases involving minors over the past year. One detective
indicated that they worked closely with local DCF officials, who might refer suspected prostitution cases involving minors to them for further investigation. Detectives reported that minors who were identified as potentially being involved in prostitution would be questioned briefly by first responders and then referred to the county’s CAC for a forensic interview, which is what they had been doing in cases of minor sexual abuse. Although detectives working in the Specialized Unit at Local PD-1 had received some training on commercial sexual exploitation of minors, patrol officers and vice detectives had not received training nor were they required to be trained on how to identify or respond to minors involved in prostitution. Vice detectives reported that they had not identified any cases despite the high number of adult prostitution arrests, which they indicated were mostly of drug addicted women. One vice detective acknowledged that although investigations of juvenile cases for other crimes may uncover prostitution involving minors, it was not something with which he or others in his unit were prepared to deal.

Detectives working with the Specialized Unit and the Vice Unit at Local PD-2 reported that they had not identified any prostitution cases involving minors. In order to capture information about prostitution cases involving minors from agencies that reported not having investigated any of these types of cases, interviews included questions such as, “How do [or would] prostitution cases involving minors come to your attention?”, “Are there particular types of cases involving prostitution of minors that are more likely to be referred by your agency to the district attorney’s office, or are there cases that local prosecutors are more likely to accept?”, and “What, in your opinion, are the barriers or challenges to identifying and investigating prostitution cases involving minors?” One detective working in the Specialized Unit indicated that although they
had not investigated any prostitution cases involving minors, he suspected youth were being exploited and not being identified.

I strongly feel like it’s happening [but] it’s just not reported or it’s not being identified as a child sexual exploitation case because we only deal with what we get. Sometimes you look at something and you know there’s more than meets the eye here but you can’t identify to a certainty.

County B, Local PD-2

Similarly to the Vice Unit in Local PD-1, the Vice Unit in Local PD-2 reported that they were not identifying any prostitution cases involving minors and that they would not have the time nor the resources to investigate these types of cases even if they did come across them. Despite their relative inexperience with prostitution cases involving minors, criminal justice officials with Local PD-1 and Local PD-2 largely perceived prostituted youth as girls. Detectives in the specialized units for both Local PD-1 and Local PD-2 who had received some type of training on sexual exploitation of children were more likely to identify risk factors for minors involved in prostitution, such as running away, having a prior history of sexual abuse, or coming from a dysfunctional family. However, cases involving minors perceived as habitual runaways were less likely to be taken seriously by law enforcement. For example, a detective working in the Specialized Unit in Local PD-1 reported that it is common to have 12-year-old and 13-year-old girls who go missing, and if he gets a call in the middle of the night about a missing girl, his first question is, “Has she done it before?” If the girl is a habitual runaway he may choose not to respond. According to a detective in Local PD-2, officers perceive youth who are constantly running away as not wanting help and are less likely to perceive them as victims.

Again a lot of common perception is that these are kids that are constant runaways. We are going to 123 Main Street 13 times in the last year. Out of those 13 times, this one female has
been reported and returned a total of 8 times. So if she doesn’t want to stay in a safe environment and she keeps running from where she’s being placed, then why am I wasting my time?

*County B, Local PD-2*

**Methods for Recruitment.** Law enforcement working in the Specialized Unit in Local PD-1 were more likely to identify minors involved in prostitution as having a history of physical or sexual abuse that would put them at risk for exploitation. Detectives working in Local PD-1 and Local PD-2 largely reported that minors involved in prostitution were under the control of a third party, or pimp. Similarly to County A, pimps were identified as male and described as “masters of manipulation” and “hunters” by law enforcement.

The minor is the prey and...there are a lot of hunters out there and that’s where they can fall into this path. It’s not like you’re going to see this big werewolf out there in a costume and he’s the typical hunter. It’s going to be someone that’s going to be friendly or whatever it is and it’s going to charm the individual into gaining their trust. Before you know it, now they’re in a situation where they shouldn’t be.

*County B, Local PD-2*

Law enforcement working in the Vice Unit at Local PD-1 and detectives working in Local PD-2 were less likely to stereotype minors involved in prostitution as having a history of abuse and more likely to identify them as drug addicted. One detective working in the Specialized Unit in Local PD-2 reported that drugs, including marijuana, are a big problem and could be used to coerce minors into prostitution. Although detectives working in the Specialized Unit in Local PD-1 reported that they would consider minors involved in prostitution who did not have pimps as victims, this attitude did not translate into the perceptions shared by detectives working in their Vice Unit or the perceptions of law enforcement working in Local PD-2. Interestingly, although detectives working in Local PD-2 reported that they had not identified any prostitution
cases involving minors, detectives working in the Specialized Unit described several cases where minors appeared to be involved in prostitution; however, they did not consider them victims of commercial sexual exploitation or domestic minor sex trafficking because they did not appear to be under the control of a pimp. One case involved a 15-year-old girl, who was described by the detective as a “train wreck.” She had been sexually assaulted at the age of seven by a neighbor, and when she tried to report it her family they did not believe her. The detective reported that she had been meeting and having sex with older men through social media starting at the age of 11 and had reported multiple sexual assaults, which is how it came to his attention. However, the detective stated that “she was the one who was exploiting herself [rather] than [the one] being exploited.” According to local prosecutors in County B, law enforcement has a really difficult time understanding how to process and categorize minors involved in prostitution who “present as being willing participants.”

Challenges Associated with Prostitution Cases Involving Minors. Although law enforcement in Local PD-1 had not reported investigating many prostitution cases involving minors at the time of the interviews, some detectives reported that the reluctance of minors to self-identify as victims and cooperate with law enforcement in criminal investigations was a major challenge. One detective working in the Specialized Unit reported that although she understood the reasons why minors involved in prostitution may not self-identify, these youth were largely perceived as uncooperative by officers working outside of her Unit, who did not have the same level of understanding about these types of cases. Another detective working in the Special Investigations Unit in Local PD-1 discussed a case he had investigated that involved minors they
suspected were being prostituted. He referred one of the minors to the CAC for a forensic interview, but the case ultimately fell apart because she lied and was not forthcoming about her alleged pimp. According to an official with the CAC, these cases differ from other types of cases where victims immediately disclose. She indicated that the length of time it can take for minors involved in prostitution to self-identify as victims and talk about their victimization can be frustrating for law enforcement officials, who are trying to make a case against an alleged perpetrator. Law enforcement working in Local PD-2 did not stereotype minors involved in prostitution as uncooperative; however, they reported that that they would likely not pursue an investigation into a prostitution case involving a minor if the minor was not forthcoming or did not self-identify as a victim and cooperate with law enforcement. Consistent with the attitudes of detectives in County A, some detectives also expressed frustration over the new CRA law and indicated that it took away their ability to pick up and secure youth who would otherwise run. Some detectives indicated that taking away the option to pick them up on a status offense may result in youth being criminally charged or threatened with criminal charges in order to get them to comply with services.

_Case Outcomes._ At the time of the interviews only detectives working within the Specialized Unit in Local PD-1 reported investigating a handful of prostitution cases involving minors; however, at the time of the interviews those investigations did not result in the arrest of a third party (e.g., pimp, john). The detective within the Specialized Unit who reported investigating those cases also indicated that he had attended a one-day seminar in another county that included training about identifying commercially sexually exploited youth. Detectives working with the
Vice Units in Local PD-1 and Local PD-2, who had not received any training on minors involved in prostitution or CSEC, reported they had not identified any prostitution cases involving minors. Investigators working in the Specialized Unit in Local PD-2 also reported that they had not identified any of these cases despite some investigators reporting that they had received some type of CSEC training. Law enforcement in both Local PD-1 and Local-PD-2 also reported that there had been no arrests of minors for prostitution-related offenses within their respective jurisdictions; however, this could be attributed in part to their inability to identify cases. A DCF case worker working in County B and a clinical provider who worked with at-risk girls in secure lock-up both reported that minors within the county were being arrested for prostitution as recently as 2009; however, they did not specify in which jurisdictions these arrests had occurred. According to UCR summary reports, three minors were arrested for prostitution in County B between 2006 and 2011.

Like interviewees in County A, detectives from County B expressed frustration over the repeal of the CHINS law, and indicated that it was creating a culture of “let’s look the other way.” Juvenile probation officers agreed, reporting that with the new CRA law police had admitted to them that they were less likely to respond to reports of runaways because of their inability to pick them up.

We’re hearing this from the police departments themselves that they’re turning a blind eye and…runaways are probably most susceptible to being the victims of trafficking or prostitution or harm. I’m really afraid some child is going to get hurt really badly or killed because they’re out running the streets and the law doesn’t give the police the vehicle to pick them up.

County B, Juvenile Probation Officer
At the time of the interviews, county prosecutors reported that they had not prosecuted any third parties for prostituting minors; however, one case involving a minor in another jurisdiction within the county did result in the indictment of three individuals on federal human trafficking charges. Another case referenced in the previous chapter that occurred in one of the study sites involved the prostitution of minor girls and resulted in state human trafficking charges; however, that case was being prosecuted by the state attorney general’s office.

III. COGNITIVE REPRESENTATIONS OF MINORS INVOLVED IN PROSTITUTION ACROSS SITES

Analyses of criminal justice officials’ characterizations of minors involved in prostitution revealed a number of cognitive representations about these youth, including stereotypes and attitudes. According to Ashmore and Del Boca (1981), stereotypes are defined as “a set of beliefs about the personal attributes of a group of people” (p.16). It is important to understand that stereotypes can be true and are not necessarily good or bad in and of themselves; however, they take on a negative connotation when they are generalized to an entire group since they are not always true for all individual cases. Thus, although there are girls who are involved in prostitution, not all minors involved in prostitution are girls. Attitudes are another type of cognitive representation, and similarly to stereotypes, can have a very strong influence on a person’s behavior. Additionally, stereotypes and attitudes can influence each other and some research suggests that “a stereotype is the cognitive component of prejudiced attitudes” (Devine, 1989:5). In the sections below, stereotypes and attitudes that emerged from the analyses are broken out by site to form “clusters of cognitive representations” for each site that appear to guide decisions by criminal justice officials about minors involved in prostitution. Stereotypes
are also attributed to either personal/internal characteristic or environmental/external characteristics.

County A: Stereotypes Attributed to Personal/Internal Characteristics.

Minors involved in prostitution are primarily girls: Prostitution cases involving minors reportedly investigated by law enforcement in County A involved girls. Although victim service providers in County A were beginning to look at how they could improve their response to commercially sexually exploited boys, detectors reported that they felt they only had cases involving sexually exploited girls. According to a juvenile defense attorney in County A, a double standard exists where it is socially acceptable for boys to have sex and therefore they are less likely to be perceived as victims of sexual exploitation; whereas, girls are more likely to be viewed as in need of protection.

I think the thing that’s always been true, and the thing that’s still true, is that any time a judge or a probation officer has a girl in front of them who they think is having sex, that that becomes an issue of fear and a desire to control. My sense is there’s still this perception that, even if were, she has a boyfriend and she’s having sex with her boyfriend, that would be something that a judge would be upset about, and do something about. And probation would be concerned about. Whereas, you know I’ve had a couple of cases recently where, I’m working with a sixteen year old boy, and he’s got a 21 year old girlfriend. And nobody’s really….nobody’s really talking about exploitation. And in one of them, the judge forced the prosecutors to look into whether or not this young woman is going to be charged, because they became sexually involved when he was still 15. And they declined to do, you know, prosecute the matter.

County A, Juvenile Defense Attorney

A victim service provider for sexually exploited boys reported that there is an inherent gender bias where “males are considered perpetrators, not victims, and women are considered

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42 Although CAC officials reported that boys and transgendered youth were not being identified, at the time of the interviews they had started a subcommittee that was going to identify areas where they could improve their response to commercially sexually exploited boys.
victims, not perpetrators.” In fact, criminal justice officials in County A were more likely to describe perpetrators, or pimps, as males despite several reported cases that had involved female pimps, including one case described by a juvenile court judge that involved the prostitution of two girls by their older sister. According to a victim service provider in County A who works with sexually exploited male youth, the tendency for criminal justice officials to see boys as perpetrators is a form of gender bias and inhibits their ability to perceive boys as victims of commercial sexual exploitation. He described sexual encounters between boys and johns as typically violent, and some of the boys he provided services to indicated their johns’ powerful governmental positions or were prominent members of the community, which made it hard for victims to come forward and self-identify to law enforcement. There was also a shared belief that boys did not have pimps or that girls were more likely to be under the influence of a pimp, which could lead to the perception that boys were willingly prostituting themselves. At the time of the interviews no cases involving boys had been investigated by police despite victim service providers and child welfare reporting that they had prostitution cases involving boys.

Minors involved in prostitution are runaways: Criminal justice officials in County A overwhelming reported minors involved in prostitution as chronic or habitual runaways. Although detectives reported that they perceived running away as a risk factor for commercial sexual exploitation and that they used to proactively investigate cases involving runaway youth as high-risk for sex trafficking, they currently let the Missing Persons Unit handle those cases or they were assigned to school resource officers. This largely had to do with their inability to make prosecutable cases and with their lack of resources to investigate every case involving a
runaway youth. Additionally, although police were not arresting youth they suspected were involved in prostitution for prostitution-related offenses, criminal justice officials in both sites discussed the need to secure youth who were described as “running amok” or just wanting to “run the streets.” They reported that they used to have the ability to pick up runaway youth whom they suspected were involved in prostitution on a CHINS warrant for a status offense. However, because revisions to the CHINS law removed this ability, some detectives reported that they would charge youth with criminal offenses just to get them off the streets and get them into treatment programs.

Nine out of ten service agencies that are in place to help these kids are a voluntary service that the kid has to agree to. And they don’t! And they don’t want to! They just want to run the streets.

*County A, Juvenile Probation Officer*

A victim service provider who provided mentors for girls who have been involved in prostitution reported that although she does not want girls to be criminalized for their own victimization, minors who are under the control of a pimp are not going to voluntarily go with police who are trying to help them or seek out help on their own.

How do we both not criminalize kids like this for their victimization but not just say, “Hey, when you’re ready, let me know” and off they go. You have to sit with a lot of risk and have to be comfortable with that, and what’s challenging is when like in those moments a cop is face to face with a girl who’s missing but is not ready to go back, and she’s a minor and in a compromised situation and they can’t put their hands on her to get her to where she needs to go it relies on her being able to do that, and she’s incapable of doing that.

*County A, Victim Service Provider LGG)*

*Uncooperative:* Detectives in County A largely described minors involved in prostitution as uncooperative and unreliable. Although they understood the reasons why minors involved in prostitution might not self-identify as victims or cooperate in criminal investigations against their
alleged perpetrators, they still reported being frustrated, particularly since law enforcement
officials typically look at cases through an investigative lens where the intervention is going to
hinge on whether or not a minor identifies as a victim and is willing to cooperate.

These girls are entrenched in this. This is a lifestyle for them, so even though you want to
identify them as a victim they don’t identify themselves and they’re not trying to talk or tell
the police. I think that law enforcement…we kind of get aggravated sometimes with them
because they don’t get it, they don’t understand, and when you try to talk to them sometimes
they themselves become aggressive and abusive.

County A, Local PD

Despite their frustration, detectives acknowledged that it often takes years before minors
involved in prostitution will disclose their victimization; this is largely because of trauma
inflicted upon them from previous victimization as well as the trauma they have experienced
from their current exploitative situation. Other criminal justice officials, including a juvenile
correctional officer, reported that minors involved in prostitution will reframe their behavior
rather than admit that they are being exploited.

[They’ll say] it’s because I make a lot of money, and it’s because I get what I want, and these
suckers are going to pay me for it. They don’t want to be seen as victims of prostitution. Like
they’re in control of it, you know?

County A, Juvenile Correctional Officer

Despite their differences, victim service providers who worked closely with law enforcement
reported that detectives are very victim-centered in their approach to these cases, and that their
primary objective is to help victims and keep them safe. Detectives also reported that they
would refer minors they suspected were at risk for prostitution or involved in prostitution to
victim service providers for treatment.
Unreliable: Both police and prosecutors stated that with minor prostitution cases they typically needed corroborating evidence because they could not rely on victims who they assumed would either “disappear” or “flake out” or who would lie. A local prosecutor reported that prostitution cases involving minors needed to be prosecuted like a drug case on the front end and a domestic violence case on the back end because they have the “crappy victims” but then the business organization sort of model that a drug case would have. The prosecutor also indicated that she made charging decisions based on whether there was corroborating evidence since she could not rely on victims alone.

We’re not getting ideal victims ever. We know that during the course of the trial…they’re going to run away, they’re going to get pregnant. I mean anything you can think of that can go wrong in these girls’ lives seems to. So unless we have corroboration for what they’re telling us I may not even charge because they can’t do it by themselves.

County A, Local Prosecutor

Criminal justice officials acknowledged that there were good reasons why minors involved in prostitution would not be reliable. According to one detective, these youth often endure violence at the hands of pimps or johns that have long term physical and emotional affects.

They have been really victimized whether it’s been beating, having sexual intercourse with multiple partners, having STDs. They’re being deprived of sleep, being threatened [and] on top of the fact giving them drugs so they can perform.

County A, Local PD

A juvenile correctional officer also reported that minors involved in prostitution were “seriously victimized” which may impact their ability to assist law enforcement in criminal investigations and prosecutions against their alleged perpetrators. In one case described by the local prosecutor, for example, one of the victims had been on the run and had a nine week old child at the time of the trial and did not want to testify against her alleged perpetrator. According
to the prosecutor, the victim said, “Don’t fucking call me again.” They ended up entering a guilty plea, so the case did not have to go to trial; however, the prosecutor reported that this type of scenario was not uncommon.

**County A: Stereotypes Attributed to Environmental/External Characteristics.**

**Minors involved in prostitution are system involved:** Criminal justice officials in County A largely reported that minors involved in prostitution were system-involved or had some prior involvement with the child welfare system and/or the juvenile justice system. Law enforcement officials reported getting most of their cases from DCF, or from mandated reports of suspected child abuse (51A reports) that were filed with DCF. CAC officials also reported that around 65 percent of their clients had some involvement with the child welfare system, or DCF, and about 60 to 65 percent of clients were involved with DYS, the juvenile justice system. Nearly all of the cases referenced in this chapter included DCF-involved youth or youth who had some involvement with DYS. System-involved youth were also largely described as chronic runaways coming from single-parent households with a history of sexual abuse or sexual assault.

They’re all problem children. Horrible home lives most of them. It’s usually single parent. A lot of them are sexually abused as younger girls. This is what we find out with the older girls. Oh, at 13 you were raped by your stepfather, and at 18 you’re selling yourself.

_County A, Local PD_

A juvenile defense attorney also reported that minors involved in prostitution are not a “special population of girls” but rather the same kids who have been involved with the child welfare system (DCF) or the juvenile justice system (DYS) for other offenses. DCF and DYS officials also reported that they have youth who are at risk of or involved in prostitution. In many of these cases youth do not disclose their victimization right away but rather it takes years
for them to acknowledge that they were exploited. Criminal justice officials also reported that system-involved youth who are involved in prostitution may act as recruiters for pimps or actively try and recruit other minors into prostitution.

*Victims of prior abuse and/or neglect:* In nearly all of the cases reported by law enforcement officials, minors involved in prostitution were reportedly victims of prior sexual abuse or suffered from neglect. Detectives in County A largely perceived a prior history of sexual abuse as a risk factor for prostitution and characterized minors involved in prostitution as having a history of abuse or neglect when discussing cases. One detective indicated that 90 percent of youth involved in prostitution cases have been sexually abused, and a juvenile court judge reported that case histories involving DCF involved youth reveal that “more and more youth were victims of sexual abuse.” According to a CAC official in County A, the “vast majority of victims” have a prior history of either physical or sexual abuse, or both, as well as neglect. This awareness on the part of criminal justice officials that minors involved in prostitution are more likely to have been victimized at an early age has largely led to a victim-centered approach particularly on the part of detectives. Victim service providers who worked with law enforcement reported that detectives “get it” and that they will typically work with law enforcement to ensure victims’ needs are met, although they acknowledge that in doing so law enforcement increases their chances of securing cooperation in a criminal investigation. Other criminal justice officials in County A, including a juvenile correctional officer, described how minors with prior histories of abuse needed to feel safe before disclosing their victimization and
stated, “When they’ve been seriously victimized they’re not ready [to disclose], and nor should they be.”

Poverty: Although detectives in County A investigated prostitution cases involving minors who came from middle and upper class backgrounds, they largely described minors involved in prostitution as coming from impoverished backgrounds, and reported that poverty is risk factor for becoming involved in prostitution. They also reported that youth with a lack of viable options were more likely to be targeted by pimps, who would offer them a place to stay for the night, or who would “provide fancy clothes [and] pay for them to get their nails done and their hair done” in order to groom them for prostitution. According to one detective, once girls become involved with a pimp it is hard for them to leave since they turn most of their money over to the pimp and they often do not have the skills necessary to go out on their own.

These girls find themselves in a situation, and then they’re like, fucked. I mean, really. Where do they go? They live in these communities, with these guys. They see them every day. They can’t pack up and move. They don’t have a dime to their name.

County A, Local PD

According to another detective, it does not matter that these youth are not keeping the money. What matters is that they have the ability to make a lot of money that they would not otherwise have made working at a minimum wage job. She added that they need programs that can help them get their GED and that are connected to outside employment.

They’re not looking to do minimum wage because they already surpassed that minimum wage aspect, so now you need to connect with corporations and…people who are willing to give these children a second chance. We’re identifying them as children, but according to them they’re not, and their life experience has already surpassed being children.

County A, Local PD
A victim service provider in County A who worked with adult women who have been involved in prostitution added that youth are at risk for things like selling drugs or becoming involved in prostitution in poor communities where a “street economy” prevails and there is a lack of options for youth.

*Pimp-controlled:* Detectives in County A indicated that they did not distinguish between youth who were pimp controlled and youth who did not have pimps; however, they often characterized minors involved in prostitution as being under the control of a pimp. Pimps were described as “very, very, very, savvy” and as “killers” who “prey” upon “vulnerable” youth. Although there are cases where pimps physically force minors into prostitution and can become violent, victim service providers report that stereotypes of pimps as “killers” who are forcing girls into prostitution are more damaging than helpful because it creates an image of a “helpless victim” who needs to be rescued and it ultimately sets up police for failure. In the majority of cases described by criminal justice officials in County A, for example, the victims were largely presented as willing participants who appeared to voluntarily become involved with their perpetrators. In those cases law enforcement would still treat those youth as victims and would refer youth with no known pimps to victim service providers for treatment. However, detectives in the Specialized Unit had at one point proactively identified girls who were at risk for prostitution in an effort to make criminal cases against alleged perpetrators, and they had shifted their investigative focus away from at-risk minors to instead focus on the most violent pimps in an effort to make more criminal cases. As a result, many of the criminal investigations they were working on at the time of the interview, including those that had been charged under the state
human trafficking law, involved adult women. Detectives reported the reason for this was because they were not successful at bringing charges against pimps in prostitution cases involving minors, largely because minors were reluctant to cooperate in investigations or self-identify as a victims.

County B: Stereotypes Attributed to Personal/Internal Characteristics.

Minors involved in prostitution are primarily girls: Similar to County A, criminal justice officials in County B reported that minors involved in prostitution were primarily girls. One detective reported that although he did not have a lot of experience with cases he “would be confident that the majority of them, if not all of them would be females.” A juvenile court judge also perceived minors involved in prostitution to be girls, who were getting themselves into trouble.

Perhaps it’s a little sexist but I tend to think of it more with these young women than with young men… If you were to sit in on one of my sessions and listen to me with one of these young women, I just become this terrible paternal angry man like, “Don’t do that” kind of thing.”

County B, Juvenile Court Judge

This quote is also illustrative of the double standard referenced earlier in this chapter where criminal justice officials want to protect girls who are engaging in sexual activities while it is socially acceptable for boys to have sex. Consequently, boys are less likely to be perceived as victims of sexual exploitation. Although law enforcement in both Local PD-1 and Local PD-2 had not identified any prostitution cases involving males as potential victims, a victim service provider who worked with disadvantaged and runaway youth reported seeing a fairly even mix of boys and girls with histories of sexual abuse, who he suspected were involved in prostitution
or survival sex. A juvenile court judge indicated that boys involved in prostitution may be less likely than girls to self-identify because of the stigma that is associated homosexual activity, the implication being that boys involved in prostitution are gay. A DCF case worker reported that in her experience with boys in the child welfare system, it was more difficult for boys to admit that they “prostituted themselves” which suggests that boys are less likely to have pimps. Boys were also more likely to be perceived as perpetrators than victims.

Minors involved in prostitution are runaways: Law enforcement in County B also perceived minors involved in prostitution as runaways; however, they were less likely to identify “habitual runaways” as victims. For example, the detective in charge of the specialized unit in Local PD-1 indicated that if he got a call in the middle of the night and it involved a youth who was a chronic runaway, he may not respond to it. A detective working in Local PD-2 reported that they distinguished between youth who they considered “missing” and youth they considered “habitual runaways.”

There’s missing and there’s runaways. The habitual runaways we don’t have the man power to go looking for them. Missing persons are on a case-by-case basis.

County B, Local PD-2

According to a local prosecutor in County B, police do not want to take cases involving runaways because they consider them “the kids that you see all the time” or “throwaways.” She described one case that occurred in another part of the county involving a middle-class girl who was targeted by a pimp through a social networking site on the Internet. That case resulted in federal human trafficking charges against the alleged perpetrators. She added that because of the broad reach of the Internet, prostitution cases involving minors are encompassing youth who are
not perceived as “throwaways” or “the kids that you see all the time” and that law enforcement
will be more likely to perceive these youth as victims. Similarly to County A, some detectives in
County B expressed frustration over the new CRA law and reported that it since it took away
their ability to pick up runaway youth and detain them.

DCF puts these kids in a program called the [name of program] and it’s not a secure facility
so kids go in and they run from there. Then you find them, you bring them back, they go
right back to the [name of program] and in an hour they’re gone. It’s discouraging for us
because we’ll spend some time trying to find these kids and now the laws have changed. We
can’t even run after them or try to detain them anywhere so it seems like we are always being
handcuffed.

County B, Local PD-2

Several detectives reported that it created a culture of “let’s look the other way.” Thus, they
were more likely to ignore or turn a blind eye to reports of runaways who may be at risk for
prostitution.

Uncooperative: Detectives in Local PD-1 perceived minors involved in prostitution as
uncooperative and reported that in the handful of cases they had investigated minors had denied
being a victim. Several of the detectives working in the Specialized Unit in Local PD-1 had been
trained to understand why commercially sexually exploited victims may not cooperate with law
enforcement or self-identify as victims; however, one detective reported that other officers
working at the police agency would be unlikely to perceive minors involved in prostitution who
did not cooperate with law enforcement as victims.

I think we would do our best to figure out why this child’s involved in prostitution but it’s
difficult. It’s difficult to get them to say that they are and they will lie to you and try to get
away from you and have that attitude to protect themselves. I think that’s a huge barrier just
some people will say, “Okay well they don’t cooperate, that’s the end.” But it shouldn’t be
that way.

County B, Local PD-1
An official with the county’s CAC had worked closely with law enforcement officials on cases involving child abuse and neglect; however, she acknowledged that cases involving commercially sexually exploited children were much different particularly since victims do not cooperate or self-identify. She added that even detectives in Local PD-1, who had experience investigating a handful of cases, still struggled with the reluctance of minors involved in prostitution to cooperate in criminal cases against their alleged perpetrators. In Local PD-2 detectives did not characterize minors involved in prostitution as uncooperative, in large part because they had not identified or investigated any cases. For example, a detective working in the Vice Unit in Local PD-2 asked the interviewer if minors involved in prostitution typically revealed they were victims to law enforcement right away and was surprised to learn that they rarely disclosed their victimization. Several detectives working in the Specialized Unit in Local PD-2 reported that if a minor was not forthcoming they would not be able to do anything, or they would not pursue an investigation.

County B: Stereotypes Attributed to Environmental/External Characteristics.

Minors involved in prostitution are system involved: Criminal justice officials in County B also characterized minors involved in prostitution as being involved in the child welfare system and indicated that they also got most of their child abuse cases from DCF, or from mandated reports of suspected child abuse (51A reports) that were filed with DCF. Law enforcement perceived being involved with the system as going hand-in-hand with being a runaway. For example, a detective in Local PD-2 reported that as soon as they would find missing DCF-involved kids and bring them back they would run away. Criminal justice officials also
described system-involved youth as “manipulative” and “street smart.” A local prosecutor in County B described a case involving a DCF-involved girl who she described as able to “manipulate the best of them” and as “running DCF ragged.” In addition to the perception that minors involved in prostitution were involved in the child welfare system, or DCF, a juvenile justice case worker reported that she believed girls involved in DYS were at risk for prostitution or involved in prostitution.

*Victims of prior abuse and/or neglect:* Detectives working in the Specialized Unit within Local PD-1 in County B acknowledged that minors who were involved in prostitution were likely victims of prior abuse. One detective indicated that all minors involved in prostitution, including those who did not appear to be under the control of a pimp, should be treated as victims because they likely suffered from prior abuse or there was a reason why they were doing it.

Broken home, physical abuse, lack of parental guidance. There are kids in this community that are growing up and their mom’s a prostitute or a crack-head or their father’s a criminal, incarcerated.

*County B, Local PD-1*

Detectives working in Local PD-2 were less likely to characterize minors involved in prostitution as having a prior history of abuse or were less likely to associate a history of sexual abuse with future victimization. For example, one detective in Local PD-2 discussed a case that involved an 11-year-old girl who he described as a “train wreck” who was meeting and having sex with older men that she met online. The detective described her as the “one who was more exploiting herself than being exploited” despite reports made by the girl of multiple sexual assaults. When asked during the interview if he was aware of any prior sexual abuse, the
detective acknowledged that she had been sexually assaulted by her neighbor at the age of 7 and the abuse had continued for years. Similarly, a juvenile correctional officer in County B discussed a case involving a former 17-year-old client who she described as a “really active prostitute” who had “freelanced.” When prodded about whether her client had suffered prior abuse, she acknowledged that the girl came from a single parent family that involved drug abuse and was described as “very traumatic.” Despite having a history of sexual abuse, it appeared as though girls who presented as willing participants to law enforcement officials in Local PD-2 and by other criminal justice officials in County B were less likely to be perceived as victims.

*Drug addicted:* Vice detectives working in County B largely equated prostitution with drug use. Although vice detectives did not have experience with prostitution cases involving minors, they believed minors became involved in prostitution for drugs, or to support a drug habit. Some detectives working in the Specialized Unit in Local PD-2 also reported that “drugs go hand-in-hand” with prostitution.

If you’re a pimp and you want to apply your trade on one of these girls, you start off, “Hey take this pill, take this pill, it’s only a pill.” Before you know it you got them strung out on heroin and then they’re yours.  

*County B, Local PD-2*

Despite the perception that prostitution of minors was fueled by a drug addiction, detectives in Local PD-2 largely did not perceive minors who appeared to be willing participants as victims even if they were addicted to drugs. For example, one vice detective in Local PD-2 discussed several cases involving minors involved in prostitution that he did not identify as being commercially sexually exploited, including one case involving two 15-year-old girls who he described as “drug dependent.”
They’re doing that for the drug-dependency. Both of them, although they were 15, they had been on the streets since they were 12 or 13. So even when we dealt with them out there, at 16 they were like more advanced than some 20 and 30 year olds we see out there. But both of them were simply drug dependent, they were out there to get twenty dollars, to get high, that’s all it was.

*County B, Local PD-2*

Detectives working in the Specialized Unit in Local PD-1 who had experience investigating a handful of cases were less likely to characterize minors involved in prostitution as drug addicted even though they had investigated cases involving minors who became involved in prostitution in exchange for marijuana, for example.

*Pimp Involved:* Similar to County A, detectives in Local PD-1 reported that there was a reason why a minor would become involved in prostitution and that “Someone’s persuading her, pushing her to do it.” They also largely described pimps as “masters of manipulation” and “hunters” where the “minor is the prey.” Unlike County A, law enforcement officials in County B was less likely to identify minors without pimps as victims of commercial sexual exploitation or human trafficking. Although detectives working in the Specialized Unit in Local PD-1 reported that they did not distinguish between pimp-controlled prostitution and minors involved in prostitution without pimps, a vice detective working in Local PD-1 reported that minors who were “doing it on their own” were committing a crime and should be arrested; whereas; a minor who had a pimp would be a “true human trafficking case” and should be treated as a victim and receive services. A detective with the Specialized Unit in Local PD-1 reported that patrol officers working in her agency were also unlikely to perceive minors without pimps as victims.

You see a 17 year with no pimp and they view them as just another prostitute because there’s nobody making them do this

*County B, Local PD-1*
Law enforcement working in Local PD-2 were more likely to consider girls who were pimp-controlled or appeared to be forced into prostitution as victims of commercial sexual exploitation. For example, a vice detective with Local PD-2 reported that he would not consider a minor involved in prostitution without a pimp a victim of sex trafficking because they “brought it on themselves.”

They’re doing it willingly on their own with no push from anybody. It’s just their social status and their success. It’s not part of sex trafficking or anything like that.

County B, Local PD-2

According to a victim service provider who regularly works with law enforcement officials in County B on cases of child abuse and neglect, law enforcement who believe minors are voluntarily engaging in prostitution are less likely to understand the factors that put these youth at risk for prostitution in the first place.

County B: Attitudes about Minors Involved in Prostitution.

Prostitution cases involving minors are not a priority: In addition to stereotypes about minors involved in prostitution, interviews with law enforcement in County B revealed a number of attitudes about minors involved in prostitution. One attitude shared by law enforcement in County B was that prostitution cases involving minors were not as important or were not as serious as other types of crimes, such as drug cases and homicides, which were investigated by “real detectives.” There was also the perception by some law enforcement that prostitution cases involving minors were “quality of life” issues that did not measure up to more high profile cases that garnered more attention within the agency. When asked if the commercial sexual
exploitation of children should be included as part of in-service training for law enforcement, for example, one detective with Local PD-2 indicated that it would be a waste of time.

Because you’re forcing information down people’s throats that they really don’t have an interest in because a lot of officers are driven towards the big case, the firearms case, the murder case. Whatever’s going to be that high priority case is going to be most important. Most officers and I was probably the same way when I was new...don’t care about quality of life issues. People will adapt, they’ll get over it.

County B, Local PD-2

Another detective with Local PD-2 reported that because prostitution cases involving minors are not a priority, they do not look for them, or they are not given the resources that would be needed to identify them, including resources that could be used for training on how to identify and investigate these cases.

We don’t do any types of stings where we’re going to find juveniles in that population where they’re being exploited. Usually, don’t get me wrong I’m sure it happens and I’m sure that they’re using our local hotels, but for the most part we don’t see it because we don’t have the experience per se to get online and try to focus on that Backpage, that Craigslist, or anything like that where we can try to identify some of these kids that are being brought to the city.

County B, Local PD-2

A third detective with Local PD-2 indicated that it would take something sensational, like a murder of a minor involved in prostitution, or what he referred to as a “red ball”, before prostitution cases involving minors were perceived as important as other types of crimes.

Prostitution cases involving minors are not happening in my jurisdiction: Another attitude largely shared by law enforcement in County B was that prostitution cases involving minors were not happening in their jurisdiction or that they were more likely to happen in other parts of the state. According to a vice detective working in Local PD-1, if prostitution cases involving
minors existed in his jurisdiction they would know about them; however, he reported that they were not happening in his community, so they do not talk about it.

See because of the area, because it’s not prevalent here - we don’t talk about that, we don’t consider that. If it was prevalent here, I’m sure we would. It’s just not a factor here. If it is, I’m totally unaware of it.

County B, Local PD-1

Interestingly, two months after the interview with the detective quoted above, two individuals were arrested and charged with sex trafficking of minors in his jurisdiction. This case, which is referenced earlier in this chapter, was reported by a DCF case worker in a neighboring jurisdiction to the Department of Homeland Security Immigration and Customs Enforcement (ICE) and was being prosecuted by the state attorney general’s office. Detectives working in Local PD-2, including vice detectives, reported that it could be a problem, but they were not seeing it. Other criminal justice officials, including a juvenile court judge in County B, reported that prostitution cases involving minors were not widespread in the county although he acknowledged that he had limited knowledge about these types of cases. A CAC official, who worked with law enforcement on cases involving child sexual abuse and had trained law enforcement on sexual exploitation of juveniles, reported that although some detectives get it, it has been a struggle to get law enforcement throughout the county to acknowledge these types of cases could be happening in their jurisdictions.

IV. FINDINGS

County A and County B shared similar “clusters of cognitive representations,” which would suggest that their decisions about minors involved in prostitution, or their responses toward these cases would be similar. Despite the similarity between their clusters, the findings from above
reveal that study sites process decisions differently. For example, County A and County B shared similar stereotypes that were attributed to internal or personal characteristics. Research reveals that individuals whose crimes are attributed to internal characteristics are viewed as more blameworthy by criminal justice agents and are thus more likely to be treated more punitively. Stereotypes of minors involved in prostitution that are attributed to internal characteristics, such as lack of cooperation with law enforcement may contribute to perceptions of criminal justice officials that they are not real victims of a crime and should therefore be treated differently from “traditional” or “real” victims who would self-identify as victims and cooperate in criminal investigations against their alleged perpetrator. Although detectives in County A expressed frustration over minors who they perceived as constantly running away and uncooperative, they also identified them as victims. They would also pursue criminal investigations; however, they reported that they needed evidence to corroborate their stories because they perceived these youth as unreliable. For example, a local prosecutor in County A reported that she would likely not prosecute a criminal case against a third party unless there was evidence to corroborate a victim’s story. According to research examining criminal justice decision making processes, prosecutors make decisions based on the likelihood of conviction and are thus more likely to reject cases when the likelihood of conviction is uncertain (Albonetti, 1987; Spohn, Beichner & Davis-Frenzel, 2001).

On the other hand, although detectives in the Specialized Unit in County B had investigated a handful of cases involving minors involved in prostitution who were described as runaways, both detectives in Local PD-1 and Local PD-2 were less likely to identify minors they perceived as
habitual runaways as victims and in some cases distinguished between those youth they identified as “missing persons” and those youth they considered “the kids you see all the time.” Additionally, law enforcement in County B, particularly Local PD-2, was less likely to identify youth who were uncooperative as victims and indicated that they would not pursue a criminal investigation if a minor was not forthcoming or did not self-identify as a victim.

There are also a number of environmental or external characteristics associated with each site, including some shared stereotypes. Research reveals that individuals whose crimes are attributed to external characteristics, such as a dysfunctional family, poverty, or drug and alcohol use are perceived as less blameworthy than individuals whose crimes are attributed to internal characteristics. Minors who are involved in prostitution as a result of an external or environmental factor may be perceived as more of a victim than those whose involvement in prostitution is attributed to internal characteristics. However, similar to stereotypes attributed to internal characteristics there are a number of differences in case outcomes or in how external representations influence decisions about minors involved in prostitution. For example, when describing prostitution cases involving minors that they had investigated, criminal justice officials in County A were more likely to refer to external characteristics such as poverty or a prior history of sexual abuse as an explanation for why some youth became involved in prostitution and would treat minors involved in prostitution as victims regardless of whether they were under the control of a third party. In several cases where minors presented as willing participants, for example, law enforcement indicated that they had been victims of prior abuse and that the abuse had put them at risk for prostitution. In County B, detectives working in the
special victims unit in Local PD-1 perceived a history of abuse as a risk factor for becoming involved in prostitution; however, a history of abuse did not appear to impact decisions about these youth as much as in County A, particularly with law enforcement in Local PD-2, who largely did not perceive it as a risk factor and did not associate a history of abuse with future victimization. Law enforcement in County B largely perceived minors involved in prostitution as drug addicted; however, unless they appeared to be under the control of a pimp drug addiction by itself did not appear to impact decisions to identify these youth as victims. Minors involved in prostitution who appeared to be under the control of a pimp, however, were largely identified by law enforcement in County B as victims of commercial sexual exploitation regardless of whether they had a history of physical or sexual abuse or a drug addiction.

County B also shared a number of attitudes about minors involved in prostitution that were not shared by criminal justice officials in County A. Attitudes are also a type of cognitive representation and can influence behavior. In the case of County B, criminal justice officials largely believed that prostitution cases involving minors were not a priority and that these cases were not happening in their jurisdictions. These attitudes help to explain why law enforcement officials were not identifying minors involved in prostitution. Since they did not believe they had prostitution cases involving minors, they were not looking for them. Furthermore, they did not prioritize identifying and responding to these youth within their communities, so they were not identifying cases, which led to the attitude that they did not exist. Stereotypes have also been described as the “cognitive component of prejudiced attitudes” (Devine, 1989:5). Thus, attitudes can influence stereotypes. Interestingly though, these attitudes were not shared by criminal
justice officials in County A, who largely shared the same stereotypes as officials in County B but processed decisions about these youth differently. The key to interpreting the differences between how criminal justice agents in each study site respond to cognitive representations of minors involved in prostitution lies in understanding the organizational structure and the organizational commitment within each site to identify and respond to these cases. According to Nakamura and Smallwood (1980), when implementing policies criminal justice agents are in theory “guided by mandates legitimized by policy makers” however in reality they are also guided by “their own perceptions and/or attempts to gather support for their implementation efforts.” Agencies that are not supportive of policy change or do not provide adequate resources to implement change are less likely to experience an institutional change from the law. For example, agencies that implement special training and formal screening procedures for certain types of crimes demonstrate a higher level of organizational commitment to enforcing policies around those crimes (Walker & Katz, 1995). In her research on law enforcement responses to human trafficking, Farrell (2014) wrote, “Departmental policies, the assignment of specialized personnel, and officer training are expected to transform symbolic statements about the importance of a problem, such as public outcry or the passage of legislation into concrete action aimed at increasing identification of human trafficking crimes” (p. 17). Research on hate crimes, for example, has revealed that organizations prioritize hate crime reporting through training and allocating resources for hate crime investigation and reporting (Nolan & Akiyama, 1999). Additionally, the adoption of formal polices increase the likelihood that police will report hate crimes, underscoring “the importance of agency-level polices in translating between law-on-the-
books and law-in-action” (Jenness & Grattet, 2005:339). Using data from a national survey of medium-to-large municipal police agencies, Farrell (2014) found that agencies that had experience with implementing polices around new crimes were more likely to adopt policies, train officers, and designate specialized personnel to respond to human trafficking cases, all of which contribute to the identification of cases.

Chapter six provided an overview of each study site, including agency characteristics within each county. County A has demonstrated an organizational commitment to identifying and investigating prostitution cases involving minors through the adoption of formal policies and protocols to respond to these cases, mandated training of all police officers, and collaboration between criminal justice agencies and other key stakeholders through a multi-disciplinary response model designed specifically for minors involved in prostitution. Additionally, there are multiple victim service providers within the county who provide services specifically for this population; however, at the time of the study services were limited for boys and transgendered youth. Thus, even though criminal justice officials in County A and County B may share similar cognitive representations that are attributed to internal characteristics, law enforcement officials in County A are more likely to have received training on risk factors for becoming involved in prostitution – such as being a runaway and uncooperative. They are also more likely to learn that minors who are habitual runaways or who refuse to cooperate with law enforcement are likely to have suffered from prior physical or sexual abuse by a family member or someone in a position of authority and are therefore less likely to trust authority figures, including police. Additionally, the creation of formal polices and protocols for responding to minors involved in prostitution can
help to eliminate police discretion around these types of cases and increase the likelihood that
minors are identified and receive appropriate services for their victimization. Since all officers
receive training on how to identify minors involved in prostitution, detectives in the Specialized
Unit reported that they received case referrals from other units and from patrol officers.

County B had a lower level of organizational commitment than County A at the time of the
study as demonstrated through a lack of mandated training for law enforcement to respond to
prostitution cases involving minors and a lack of funding available for detectives who expressed
an interest in attending more trainings. Additionally, although a county response team protocol
was in place for serious cases around child abuse and neglect, it was not specific to prostitution
cases involving minors. Both the executive director of the county CAC and local prosecutors
reported that they were struggling with how to respond to cases involving commercial sexual
exploitation and that they needed to implement a multidisciplinary response model similar to the
one in County A. County B also did not have victim service providers who provided services
specifically for minors involved in prostitution and would need to reach out to other counties for
assistance.

Finally, there was a lack of collaboration between different units within each agency to
respond to prostitution cases involving minors. For example, detectives working in the special
victims unit in Local PD-1 had received training on how to identify and investigate prostitution
cases involving minors and worked closely with the county CAC, which coordinated the county
response team protocol; however, vice unit detectives and patrol officers who may be in the best
position to identify minors involved in prostitution had not received any training and largely did
not appear to collaborate or refer cases to the special victims unit. The lack of organizational commitment can lead to an increased reliance on police discretion around prostitution cases involving minors where law enforcement utilize stereotypes or cognitive representations about these youth when determining whether or not to identify a minor involved in prostitution as a victim of commercial sexual exploitation. The lack of organizational commitment appears to have led to an attitude on the part of law enforcement that prostitution cases involving minors were not a priority or that these types of cases did not exist in within their county. Interestingly, some detectives reported that in order for prostitution cases to be a priority, they would need to be occurring in their jurisdiction. However, the same detectives reported that because they were not a priority, they did not have the resources or the manpower to proactively identify and investigate cases, so they were not finding them. The lack of training also hindered the ability of law enforcement to identify cases. According to one detective working in the Vice Unit in Local PD-1, in order for law enforcement to identify a youth as a victim, it would have to be obvious, such as a 15-year-old flagging cars down. According to experts, minors involved in prostitution are largely advertised online, so it is occurring under the radar of law enforcement. A victim service provider based in County A, who also provided services to minors involved in prostitution in County B, reported that her agency could “have a whole program just based there [County B]” because of the large number of referrals for minors involved in prostitution from County B. Thus, prostitution cases involving minors appear to be occurring in County B but are not being identified by law enforcement officials who either do not think it is happening, do not prioritize these cases, or both.
The following chapter examines the impact of the safe harbor law on cognitive representations in both sites in order to understand whether cognitive representations changed or stayed the same after the law went into effect. It will also examine if and how criminal justice officials’ decisions around prostitution cases involving minors in each site changed following the passage of the law.
CHAPTER 8: IMPACT OF SAFE HARBOR LAW ON COGNITIVE REPRESENTATIONS AND DECISIONS MAKING PROCESSES

Twenty-seven states have passed safe harbor laws designed to shift the criminal justice paradigm, so that minors involved in prostitution who are identified by law enforcement are recognized and treated as victims of commercial sexual exploitation as opposed to criminals or juvenile delinquents. According to Polaris Project (2008), the intent of safe harbor laws is twofold: to remove minor victims of commercial sexual exploitation from the jurisdiction of the criminal justice and juvenile delinquency systems; and to provide minor victims of commercial sexual exploitation with specialized services, in recognition of their status as victims of crime and of the unique trauma that child victims of sex trafficking. Additionally, states taking a more comprehensive approach to safe harbor may amend state statutes by specifying that stiff penalties apply to sex trafficking or pimping and pandering of children, stating that force or coercion are not required elements of the crime, and requiring that law enforcement officers and other state officials are trained on how to prevent commercial sexual exploitation of children.

Research has revealed, however, that the passage of laws does not guarantee that those laws will produce the intended effects, particularly when implementation is left to the discretion of criminal justice officials, who may measure minors involved against prostitution against standards that incorporate stereotypes of “real” or “credible” victims (Stanko, 1981). The sections below are designed to understand what impact, if any, the adoption of a safe harbor law in Massachusetts has had on cognitive representations that emerged in law enforcement characterizations of minors involved in prostitution, the impact of safe harbor on law enforcements’ response to minors involved in prostitution and prostitution cases involving
minors, and criminal justice officials’ understanding of the law and what they perceived as the law’s objectives or goals.

I. IMPACT OF SAFE HARBOR ON COGNITIVE REPRESENTATIONS OF MINORS INVOLVED IN PROSTITUTION

In the previous chapter a number of cognitive representations about minors involved in prostitution were revealed through answers to interview questions, including questions that asked criminal justice officials how they would characterize these youth. Cognitive representations were distinguished by those that were associated with personal or internal characteristics and those that were associated with environmental or external characteristics. Cognitive representations associated with internal characteristics included the stereotype of minors involved in prostitution as primarily girls who are runaways, and who are uncooperative and unreliable. Cognitive representations associated with external characteristics included the stereotype that minors involved in prostitution are system-involved, victims of prior abuse, poor, drug-addicted, and pimp-controlled.

In order to understand what, if any, impact safe harbor has had on cognitive representations, respondents were asked how they would have answered certain questions 5 to 10 years ago, or prior to the passage of the safe harbor law. For example, one question asked, “Are there certain characteristics that you would use to describe minors involved in prostitution?” followed by “Are the types of characteristics that you would associate with a minor involved in prostitution different now than 5 to 10 years ago?” In County A law enforcement reported that a paradigm shift in the way law police identified minors involved in prostitution had occurred years before the passage of the safe harbor law with the implementation of the multidisciplinary response
program. They reported that their perceptions of these youth had not changed with the passage of the safe harbor law; they had viewed them as victims of commercial sexual exploitation or domestic minor sex trafficking both prior to the law and following the law. However, detectives reported that despite training around CSEC and domestic minor sex trafficking that was required of all law enforcement officials working in the police department, officers working in other units may be less likely to perceive youth who are uncooperative or constantly running away as victims of sexual exploitation since they did not have as much experience with those types of cases. One detective, who had been working in the Specialized Unit for a little more than a year but had been with the police department for more than 20 years, indicated that his perceptions largely changed when he began working in the Specialized Unit.

Generally before I took this job, I didn’t really think too much about it. Especially being a guy in this field, you think it’s a choice that people make, that this is what they choose. They want to make the money, they like the lifestyle, they could walk away from it if they wanted to. That’s generally how I came into it, and then I spent a year doing it, or a few months [and] you realize that it’s not completely their choice. They’ve been made to feel like it’s their choice, but it really isn’t their choice. They were forced into it and granted they might have been lured into by some of the excitement of it, but nobody makes a decision to do what they do and like that decision, I don’t think.

County A, Local PD

A victim service provider for girls involved in prostitution who worked closely with and conducted CSEC trainings for law enforcement in County A reported that there had been a major shift in how law enforcement officials perceived and talked about minors involved in prostitution that began with the implementation of the multidisciplinary response program; however, this respondent acknowledged that law enforcement officials working in other units still may struggle with how to respond to victims who do not cooperate or who lie to investigators.
It’s so much better than early 2003, 2004. I mean those trainings, the cops walk in and would be like, “Where are the hookers?” Like, you know, making hooker jokes, saying really derogatory comments. That never happens anymore. And I feel like there’s been more of an understanding that this is victimization, but then there’s like, the work is in the muck of it, you know, they’re like, “Yeah, but she’s being really resistant to me. I asked her this and she told me this and it was a lie and what do I do with that?”

*County A, Victim Service Provider*

A detective working in the specialized unit reported that these types of cases are not black and white and often require a deeper level of understanding on the part of law enforcement. A victim service provider agreed, adding that although minors involved in prostitution should not be criminalized and perceived as delinquent, the perception that they are “helpless victims” is not helpful either since it implies they need to be rescued. She indicated that minors involved in prostitution need help and support from law enforcement officials, but it needs to happen through collaboration, and law enforcement officials who enter into these cases with a “rescue mentality” are setting themselves up for failure.

Perceptions about minors involved in prostitution shared by criminal justice officials in County B generally had not changed with the passage of the safe harbor law. However, some detectives working in the Specialized Unit in Local PD-1 reported that there had been an increased awareness around the issue of child sexual exploitation and human trafficking, particularly with younger officers, since the law went into effect. It was unclear whether this change was an effect of the safe harbor law or the passage of the human trafficking law generally. For example, law enforcement officials in County B were largely unaware of the safe harbor law, and some detectives reported that they had read up on the law just prior to their interview for this study. Although several detectives working in the Specialized Unit in Local
PD-1 reported a shift in the way they perceived minors involved in prostitution since the passage of the law, this shift did not always translate into the language they used to describe these youth. For example, a detective who had investigated prostitution cases involving minors described these youth using language that implied they were voluntarily engaging in prostitution rather than being sexually exploited. Although this detective reported that he perceived these youth as victims, he also described a minor involved in prostitution as “a kid turning tricks.” Another detective overseeing the Specialized Unit and the Vice Unit in Local PD-1 reported that they were becoming aware of prostitution involving minors not because of the law but because kids are engaging in at-risk behaviors at younger ages.

I just think that kids are doing things earlier now. I guess what I’m trying to get at is kids are just different. This is my personal opinion that kids are just doing things that they shouldn’t be doing at such a young age. So I think I’d be foolish to think that it’s not going on in [Name of City], that there’s not girls out there that are sleeping with men and turning their money over to a boyfriend, or an uncle, or some male that’s forcing them to do that.

County B, Local PD-1

Other criminal justice officials, including a juvenile court judge and juvenile probation officers, reported that the philosophy of the juvenile court has been to identify minors involved in prostitution as victims of exploitation, so their perceptions have not changed with the passage of the safe harbor law.

I think that when we talk about the change or the mindset, I don’t think there’s going to be much of a change with probation officers because we’ve always dealt that way with the children anyways and really care about what happens to them. Its more the police that need to have a change in how they deal things because they’re going to come across them first before they come to us and then whatever they’re charged with is what we have to deal with when they walk into the courtroom.

County B, Juvenile Probation Officer
Local prosecutors in County B also reported that uniformed officers or vice detectives, who would be in a position to identify minors involved in prostitution, are not identifying them as victims in large part because they have not been trained on sexual exploitation of children and would view them as habitual runaways or as voluntarily engaging in prostitution.

II. IMPACT OF SAFE HARBOR ON TREATMENT OF MINORS INVOLVED IN PROSTITUTION BY CRIMINAL JUSTICE OFFICIALS

The safe harbor law did not appear to impact perceptions of minors involved in prostitution shared by criminal justice officials across both study sites, and similarly, it did not appear to impact the treatment of these youth across sites. A major component of the law, for example, requires mandated reporters, including law enforcement, to file reports with DCF, or 51As, when they suspect a child is sexually exploited; thus, initiating a multidisciplinary response that includes victim services for the child. However, in order to start filing these reports, law enforcement officials need to recognize and understand the issue. According to a victim service provider in County A, who helped draft the safe harbor law, most people do not even know the law exists, so law enforcement officials working in jurisdictions that have not received training on CSEC are not even going to identify minors involved in prostitution.

I have total confidence that nobody is even aware of it [safe harbor law]. I just think the law is on the books and that individual jurisdictions are oblivious. A couple have trained, the rest are in the dark.

County A, Victim Service Provider

According to DCF case workers interviewed for this study, at the time of the interviews there had been no 51As filed specifically for sexual exploitation in County B; however, they may have been filed for other things such as sexual abuse or neglect. Although there had been 51As filed
for suspected sexual exploitation of minors in County A, DCF case workers reported that there had not been many filed specifically for sexual exploitation in the two years since the law went into effect, and those that were filed as sexual exploitation were largely open DCF cases presumably filed by a DCF case worker. A possible explanation for this is the reluctance of minors involved to self-identify as victims of sexual exploitation. Additionally, the repeal of the CHINS law restricted the ability of law enforcement to pick up youth who they suspected were being sexually exploited on runaway warrants. The law also does not include what is referred to as a “caregiver exception;” that is, although the law requires mandated reporters to file 51A reports for youth they suspect are sexually exploited, and those cases involving sexually exploited youth are referred to local prosecutors and law enforcement for criminal investigation, youth who are subject to care and protection cases where the exploiter is not defined as a caregiver are not eligible for services through DCF. However, even in cases where DCF is required to provide services to youth who are identified as sexually exploited by a caregiver and are therefore eligible for services, it is an unfunded mandated. Although County A has a number of victim service providers that provide treatment specifically for minors involved in prostitution, other counties, including County B, do not have services in place and would need to rely largely on DCF. According to a juvenile defense attorney working in County B, DCF is already struggling to provide services for existing cases, and there are not enough cases of commercial sexual exploitation in the county to justify increased funding.

43 A pimp would not be considered a caregiver by DCF unless he/or she is a legal guardian.
The safe harbor law also establishes a multi-disciplinary response for minors who are identified as sexually exploited. Although County A has had a multidisciplinary response team in place that was specifically designed for sexually exploited youth, County B did not have a coordinated response specifically for these youth. A local prosecutor in County B reported that they were struggling to fully understand the safe harbor law as well as their response to prostitution cases involving minors, particularly since many law enforcement officials in the county had not been trained about the law or how to respond to CSEC victims.

“What I see happening with this law [is that] nobody really fully understands it. Each team participant has their own interpretation. We’re not being trained together, we’re being trained individually, so I may learn something but if my law enforcement members don’t understand the law it’s really not going to get us very far. And if DCF, law enforcement, DA, [and the] victim advocate aren’t at the same table we’re not going to understand each other’s resources. So we’re not handling them [prostitution cases involving minors] well.”

County B, Local Prosecutor

Another local prosecutor in County B added that they are struggling with not only how to interpret the law but also how to enforce or implement the law given limited resources and personnel.

“It’s vague, unfunded, untrained, really? And then people are going to expect it to be successful? It’s not going to happen and we’re already drowning in the shit that we have. And I would love to know more, have it funded, absolutely. I think that most that are vested in this would too.”

County B, Local Prosecutor

Another major component of the law grants discretion to juvenile courts to divert minors arrested for prostitution-related offenses into child welfare proceedings for services. It is pre-adjudication, so there would be nothing on the child’s record that would suggest they had been arrested. However, minors were largely not being arrested for prostitution prior to the law or
following the law, so it has been a non-issue. According to an officials with County A’s CAC, the reluctance to arrest or charge minors with prostitution in County A was due in large part to the implementation of the multidisciplinary response program for sexually exploited youth and not the safe harbor law. However, they indicated that arrests may not be happening in other parts of the state, including County B, because law enforcement officials were not trained on how to identify minors involved in prostitution, so they were not even finding them. Additionally, law enforcement officials in both counties reported that their inability to pick up and detain youth on status offenses such as running away led to their inability to secure youth long enough to determine if they were sexually exploited, and they indicated that it may even lead to charging youth with criminal offenses to secure them and get them into services. So, although the intent of the FACES law was to reduce the stigma associated with status offenses, it may actually result in more youth being arrested for criminal offenses, including arrests for prostitution. Criminal justice officials indicated that the repeal of the CHINS law may undermine the intent of safe harbor by restricting the ability of law enforcement to pick up and hold youth they suspect may be at risk of or involved in prostitution. A juvenile court judge in County A agreed and added that although she is in favor of not criminalizing youth for prostitution, they also need to be able to identify them.

I do not think these kids should be prosecuted. I seriously don’t. I’m delighted that we’re going the way we’re going. But what worries me is it’s counterintuitive to do it on the criminal side and not give us something on the civil side to ID these kids because a lot of them start on the civil side. They start with, I hate my mother, I need to get away from her, they’re on the run, and they meet Johnny or Joanie, who says, “I’ll take care of you.”

County A, Juvenile Court Judge
Even in the worst case scenario where a minor was arrested, a juvenile defense attorney reported that the diversionary element of the law is not helpful since most of the youth who are involved in prostitution are already system-involved, so they would be returning to a system that was already failing them.

You know, we would sit in these rooms and all these people would talk about, it’s as if these girls are this rare breed of exotic fruit or something, and you know, that we were going to create this new system to deal with. And there was this total lack of insight that these girls were already right in front of us. Many are already the subject of a care and protection. Many already have CRAs that they’re not complying with. So, you’ve agreed to divert them if they take part in a system they’re already failing in. And you set a condition that says, okay, we’re going [to] keep you out of this system as long as you demonstrate substantial compliance with whatever treatment plan we put in place. And a lot of those girls or boys are not in any position to comply. They’re not ready, they’re not there. And some have had such horrible experiences with the various service providers that they just don’t want to comply, and they’re not going to comply because they see nothing there for themselves. So, I worry that it sets kids up to fail by having this alternative.

County A, Juvenile Defense Attorney

Finally, the law ensures that cases of commercial sexual exploitation will be referred to and investigated by law enforcement and the district attorney. Prior to the passage of the state human trafficking law and the safe harbor law arrests for prostitution cases involving minors by local law enforcement in County A largely resulted in state prostitution charges against third-parties and in some instances individuals were charged federally for sex trafficking of children. Since the passage of the law and at the time of the interviews with local law enforcement in County A, a dozen individuals had been charged with state prostitution-related charges, including deriving support from a minor in prostitution and enticement of a child for the purposes of sex for a fee, and a handful of individuals from County A had federal sex trafficking of a minor charges pending against them. At the time of the interviews, one individual in County A was charged
under the state trafficking law with forcing a minor into prostitution. At the time of the interviews, county prosecutors in County B reported that they had not prosecuted any third parties for prostituting minors; however, one case involving a minor in another jurisdiction within the county did result in the indictment of third parties on federal human trafficking charges after the passage of the safe harbor law.

Summary. The Massachusetts safe harbor law appears to be symbolic in nature and does not appear to have influenced criminal justice officials’ perceptions about minors involved in prostitution or their subsequent treatment by criminal justice officials. Other studies that have evaluated new laws or policies have revealed similar findings where there is a disconnect between the goals or objectives of the law and what is actually happening on the ground, or the criminal justice response to the law. A study examining the impact of rape reform laws on court processing of cases and case outcomes in six U.S. cities revealed that reforms had limited effects on reports of rape and the processing of rape cases and that they did little to constrain the enormous amount of discretion exercised by decision-makers in the criminal justice system (Spohn & Horney, 1992). For example, despite the elimination of legal requirements that mandated evidence of victim resistance in rape cases and corroboration of victim testimony, criminal justice officials still perceived these as important criteria for a conviction (Spohn & Horney, 1992). Another study that examined the impact of drunk-driving laws that imposed mandatory jail sentences for repeat driving while intoxicated (DUI) offenders found that judges

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44 The human trafficking law carries a mandatory sentence of at least five years in prison and up to 20 years.
largely did not imprison repeat offenders (Ross & Foley, 1987). The authors explained that judges may be unaware of prior offenses, may interpret the mandate to exclude certain types of cases, including those DUI convictions that had been classified as felonies, and some judges just appeared to “blatantly” disregard the laws (Ross & Foley, 1987:319).

Some studies indicate, however, that the passage of legislation in and of itself is important because it sends a message that policymakers care about the concerns of constituents (Casper & Brereton, 1984). For example, policies around mandatory-minimum sentences for certain offenses address constituents’ concerns around public safety although their effectiveness at reducing criminal behavior is questionable. For example, federal drug sentencing laws that impose longer sentences for drug offenders have not been shown to reduce drug use or recidivism rates for drug offenders (Public Safety Performance Project, 2015). In their study on the impact of rape reform laws, Spohn and Horney (1992) discussed the value of symbolic change in sending an “important symbolic message regarding the treatment of rape cases and rape victims” and added that “in the long run, this symbolic message may be more important than the instrumental change that was anticipated but generally not accomplished” (p. 165).
CHAPTER 9: CONCLUSION

The purpose of this research was to understand how criminal justice agents working in a state with a safe harbor law perceive and treat minors involved in prostitution. Law enforcement has traditionally responded to these youth as criminals or delinquents deserving of punishment. The intent of safe harbor is to shift the paradigm from prosecution of “teen prostitutes” to protection of victims of commercial sexual exploitation, including domestic minor sex trafficking victims. The passage of a law, however, does not guarantee a shift in the way criminal justice officials think about and ultimately handle prostitution cases involving minors.

Cognitive representations, including stereotypes of and attitudes about minors involved in prostitution, provided the theoretical framework for understanding perceptions since these representations are what influence perceptions in the first place. This study reveals two key findings. First, perceptions that are influenced by stereotypes and attitudes about these youth matter and can in turn influence criminal justice officials’ decisions. Second, the mere passage of a law will not necessarily change criminal justice officials’ perceptions about a phenomenon nor will it influence criminal justice decision-making processes unless there is a significant shift in organizational structure and culture that align with the goals of the law.

Despite sharing many of the same stereotypes of minors involved in prostitution, law enforcement officials in County A were more likely to identify and treat minors involved in prostitution as victims. County B also shared a number of attitudes about minors involved in prostitution that were not shared by criminal justice officials in County A and which likely influenced their stereotypes about these youth and subsequent behavior. However, criminal
justice officials in County A shared similar stereotypes as officials in County B and made different decisions about these youth. This is explained by County A’s higher level of organizational commitment towards the issue. For example, law enforcement received mandatory training about domestic minor sex trafficking, a multidisciplinary response team was in place to respond to youth who were identified as at risk of or involved in prostitution, and specialized services were in place to treat minors involved in prostitution. County B, on the other hand, had a low level of organizational commitment towards responding to minors involved in prostitution; thus, cognitive representations, particularly those attributed to internal characteristics, were more likely to influence decisions about these youth.

Research examining the impact of new laws or policies has revealed the value of symbolic change in altering criminal justice officials’ attitudes about rape victims, for example, or in the case of mandatory-minimum sentences, making the public feel safer. Certainly the fact that a safe harbor law was even passed is a huge step in the right direction and makes a statement that Massachusetts as a state endorses a paradigm shift from prosecution of minors involved in prostitution to protection of these youth. However, in order for this law to be truly effective and meet the objectives outlined in the law an instrumental change needs to occur where criminal justice officials perceive and treat these youth as victims.

In examining how criminal justice officials perceive minors involved in prostitution, this study was guided by multiple perceptual theories/perspectives related to criminal justice decision-making, including causal attribution theory, bounded rationality/uncertainty avoidance, and focal concerns perspective. Many existing studies only use one theory or perspective as a
theoretical framework since these theories all have components that distinguish them from one another. A goal of this research was to find a way to integrate all three; thus, creating a broader conceptual framework for understanding how criminal justice officials think about minors involved in prostitution. Existing perceptual theories/perspectives assume criminal justice officials perceive groups of individuals as deviant or criminal and rely on these perceptions when making decisions. This assumption is grounded in the theory of cognitive representations, which include stereotypes, schemas, attitudes, and impressions of other individuals, all of which influence perceptions. Cognitive representations thus provide a more integrative framework for perceptual theories related to criminal justice decision-making. Cognitive representations also provide for a deeper understanding of how perceptions are formed by criminal justice actors since they encompass different types of representations, including stereotypes and attitudes, which can influence one another.

Finally, this study builds upon existing perceptual theories/perspectives, including causal attribution theory. For example, some of the findings were consistent with causal attribution theory in that stereotypes attributed to internal characteristics in County B resulted in the likelihood that law enforcement would be less likely to adopt a victim-centered approach in their response to minors involved in prostitution. Additionally, stereotypes attributed to external characteristics in County A resulted in the likelihood that law enforcement would adopt a victim-centered approach in their response to these youth. However, despite County A sharing the same stereotypes that were attributed to internal characteristics as County B, law enforcement were still treating these youth as victims. Furthermore, County B shared some of the same stereotypes
attributed to external characteristics as County A, and this did not appear to make a difference in their treatment of youth unless minors appeared to be under the control of a pimp. This study also used focal concerns perspective as a guide in the development of “clusters of representations” that would influence decisions about minors involved in prostitution. However, interestingly, and surprisingly, the “clusters of representations” for each site were nearly identical despite each site taking a very different approach to their response of minors involved in prostitution. Equally surprising was the fact that sites processed decisions about these youth differently despite sharing many of the same representations. These findings suggest perceptions influenced by cognitive representations are important but that other factors play a role in the decision-making process as well – such as the organizational commitment of sites to the implementation of new laws and policies.

I. POLICY IMPLICATIONS

Mandatory Training. In order for safe harbor laws, and particularly those that are discretionary in nature, to be successful, mandatory training of officials at all levels of law enforcement should be required; this training should focus on how to identify and respond to these cases. For example, training should extend beyond those units that deal specifically with child sexual exploitation or human trafficking to vice or drug units; this is because law enforcement officials working in these units are frequently the ones who come across CSEC cases, and they need to understand how to identify and respond to these cases, including understanding how to file 51As, how to interview minors, and whom to contact for services. According to a victim service provider who trains law enforcement officials in Massachusetts on
CSEC, there is a direct relationship between the amount of training they do in communities and the number of referrals for girls who are at risk of or involved in prostitution. Law enforcement officials should also be trained on how to identify and respond to boys and LGBTQ youth, particularly since boys and LGBTQ youth are less likely than girls to be identified as commercially sexually exploited. Training around language is important as well. For example, a victim service provider in County B described a case with a former resident in her care who used the term “in the life,” which meant she had been involved in prostitution; however, the provider did not know what she was talking about and did not identify the resident as being involved in prostitution. According to another provider in County A, who was a mentor to girls involved in prostitution, the type of language that is used to describe these youth is important and can impact how youth will respond. For example, this provider reported that when she was involved in prostitution, or “in the life,” she did not consider herself to be a prostitute and warned against using language or phrases that included the word prostitute, or prostitution, when referring to victims.

Creation of Protocols. To ensure successful implementation of safe harbor laws, policies and procedures regarding the handling of prostitution cases involving minors and protocols for responding to these cases should be implemented; In addition, there should be a county-wide multi-disciplinary response team made up of key stakeholders who are trained to respond to minors involved in prostitution. A clear protocol can eliminate much of the discretion that would otherwise be used by law enforcement officials in responding to these cases. Having a coordinator in place, who can receive referrals, coordinate a response, and conduct follow-up to
ensure the service plan is being implemented is critical. Officials in County B reported that their lack of a multi-disciplinary response team for CSEC cases impacted their ability to identify and respond to cases.

**Funding for Victim Services.** Safe harbor laws should also provide funding for specialized services for minors, including boys and LGBTQ youth, involved in prostitution. In County A, a subcommittee had been formed to explore the needs of boys who were commercially sexually exploited. Survivor-led programs are also important, particularly since minors involved in prostitution often do not trust professionals, who may be perceived as authority figures. Victim service providers interviewed for this study also described the importance of trauma-informed treatment programs that are evidence-based and that could empower victims. Officials in both study sites expressed the need for secure settings or shelters for minors involved in prostitution, who had the tendency to run from treatment programs. Shelters should be tailored specifically for commercially sexually exploited youth, who have unique needs, and domestic violence shelters or rape crisis centers are not equipped to effectively respond to this population.

**Creation of Specialized Units.** Law enforcement agencies should allocate resources to fund specialized units to identify and investigate prostitution cases involving minors. Although this study included interviews with law enforcement working in specialized units, the specialized units in County B did not focus specifically on CSEC or domestic minor sex trafficking. Law enforcement officials who identify these types of cases are more likely to bring criminal charges against alleged perpetrators who can be prosecuted. Some detectives in County B reported that minors involved in prostitution was not a priority in their department because law enforcement
officials did not think it was happening or they did not have the numbers to prove that it was a problem in their jurisdiction. However, they were also not given the resources or the manpower to investigate these cases, so they were not identifying them. These cases need to be prioritized in order to identify them, and law enforcement officials who lead police departments should demonstrate they are a priority by allocating resources toward the identification and investigation of these cases.

*Increased Awareness.* A major component of safe harbor laws should be campaigns that are designed to increase community awareness around minors involved in prostitution, so the general public understands that these youth are victims, regardless of whether they are forced into prostitution, or whether they appear to be willing participants. Additionally, prostitution of minors is largely happening underground and is not visible to the general public. Because they are not visible, and the public is not complaining, law enforcement may not prioritize these cases or feel the need to identify and investigate them. It is important to educate the public on this issue and the trauma that youth who are involved in prostitution endure so that citizens are aware that it could be occurring in their communities and can hold law enforcement accountable. In order for these laws to be effective, minors involved in prostitution need to be taken out of the shadows and presented in the public arena not as troubled youth who are voluntarily engaging in prostitution but as victims of commercial sexual exploitation.

II. LIMITATIONS OF RESEARCH AND DIRECTIONS FOR FUTURE RESEARCH

This research advances the knowledge and understanding of how a safe harbor law in one state influences criminal justice officials’ perceptions of minors involved in prostitution and their
case decision-making processes and is the first study to do so. This study also adds to and builds upon perceptual theories/perspectives related to criminal justice decision making. Although this study was the first to examine how criminal justice officials working in a state with a safe harbor law view and respond to minors involved in prostitution, it has some limitations that should be acknowledged. Most importantly, this study is also limited to criminal justice officials in two counties within Massachusetts, so findings are limited to these two counties and cannot be generalized across the state or to other states. Additionally, interviews with criminal justice officials in both study sites began more than a year-and-a-half after the Massachusetts’ safe harbor law went into effect. In order to understand the cognitive representations of minors involved in prostitution prior to the law, criminal justice officials were asked how they would characterize these youth 5 to 10 years ago. A limitation of this approach includes problems around memory recall, or the inability of people to remember certain things after a given amount of time has passed. An ideal situation would have been to begin interviewing criminal justice officials prior to the passage of the law and then after the law had been in place long enough for it to have had an impact on criminal justice officials working in the state. Another possible outcome that occurs when individuals are asked questions that deal with personally or socially sensitive content is social desirability bias (Lewis-Beck, Bryman & Liao, 2004). It was a possibility that respondents would answer questions about minors involved in prostitution in a way that would appear favorable or in line with the intent of the safe harbor law. With this in mind, interview questions were designed to dig beneath the surface; thereby, reducing the effects of social desirability bias. For example, rather than asking criminal justice officials if they
perceived minors involved in prostitution as victims or criminals, they were asked to characterize these youth and to indicate why they believed some youth became involved in prostitution. Certain words, sentences and phrases included in respondents’ answers were examined for cognitive representations that were used to measure perceptions. For example, although a respondent might refer to a minor involved in prostitution as a victim, he or she might also use terms like “teen prostitute” or “kids turning tricks” to describe these youth, which would imply that they were complicit or responsible for their victimization. Another limitation is that this study did not examine actual case records but rather asked respondents to discuss cases they had investigated before and after the safe harbor law went into effect. In County B law enforcement in Local PD-1 reported that they had investigated two or three cases following the passage of the law but that none of the cases had resulted in charges against a third party. Law enforcement in Local PD-2 reported that they had not investigated any cases and therefore did not have any records. Law enforcement in County A reported that they would not release their records for this study. Finally, this study identified factors related to the organizational structure or organizational commitment of agencies to respond to minors involved in prostitution. There are a number of other environmental factors that could influence criminal justice officials’ perceptions and responses to minors involved in prostitution that are not discussed, including the political climate of study counties and the state around this issue, media coverage of minors involved in prostitution that could impact perceptions, and pressures from outside groups to respond to minors involved in prostitution.
Despite these limitations, this study sets the stage for future research, which could include larger scale studies, including those with a mixed methods approach that measures perceptions of minors involved in prostitution as well as the impact of safe harbor on the treatment of minors involved in prostitution both within and across states with safe harbor laws. From these studies participating states could be identified that would serve as safe harbor models for other states implementing these laws. This research also provides advances to the literature on perceptual theories/perspectives on criminal justice decision-making by introducing the concept of “clusters of cognitive representations” that are attributed to either internal or external characteristics. Similarly to research that suggests criminal justice officials’ decisions are guided by focal concerns, future studies examining the influence of new criminal laws or polices on criminal justice decision-making processes should examine if and how certain “clusters of representations” of either offenders or victims impact their subsequent treatment.
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APPENDIX A

Table 1: Federal Statutes Designed to Protect Prostituted Minors

<table>
<thead>
<tr>
<th>Federal Law</th>
<th>Description</th>
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<tbody>
<tr>
<td>18 U.S.C § 1591</td>
<td>Sex trafficking of children or by force, fraud, or coercion</td>
</tr>
<tr>
<td>18 U.S.C. § 2421</td>
<td>Transportation generally (transportation for prostitution or other criminal sexual activity)</td>
</tr>
<tr>
<td>18 U.S.C. § 2422</td>
<td>Coercion &amp; enticement (transportation for prostitution or other criminal sexual activity)</td>
</tr>
<tr>
<td>18 U.S.C. § 2423</td>
<td>Transportation of minors with intent for minor to engage in criminal sexual activity</td>
</tr>
<tr>
<td>18 U.S.C. § 2425</td>
<td>Use of interstate facilities to transmit information about a minor</td>
</tr>
</tbody>
</table>

## APPENDIX B
### Table 2: List of Interviewees by Agency and County

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Agency</th>
<th>*Unit/Division</th>
<th>No./Type Interviewee(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>County A</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Police Department</td>
<td>Specialized Unit 1</td>
<td>4 Detectives</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Specialized Unit 2</td>
<td>1 Detective</td>
</tr>
<tr>
<td></td>
<td>District Attorney’s Office</td>
<td></td>
<td>1 Local Prosecutor</td>
</tr>
<tr>
<td></td>
<td>Juvenile Court</td>
<td></td>
<td>1 Judge, 1 Probation Officer</td>
</tr>
<tr>
<td></td>
<td>Juvenile Justice Agency – Department of Youth Services (DYS)</td>
<td></td>
<td>1 Juvenile Correctional Officer</td>
</tr>
<tr>
<td></td>
<td>State Public Defender Agency</td>
<td>Juvenile Division</td>
<td>1 Juvenile Defense Attorney</td>
</tr>
<tr>
<td></td>
<td>Child Welfare Agency – Department of Children and Families (DCF)</td>
<td>Adolescent Unit</td>
<td>2 Case Workers, 1 Supervisor</td>
</tr>
<tr>
<td></td>
<td>Children’s Advocacy Unit</td>
<td></td>
<td>1 Executive Director, 1 Case Coordinator</td>
</tr>
<tr>
<td></td>
<td>Other Victim Service Provider Agencies</td>
<td></td>
<td>5 Victim Service Providers</td>
</tr>
<tr>
<td><strong>County B</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Police Department-1</td>
<td>Specialized Unit</td>
<td>2 Detectives</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vice Unit</td>
<td>2 Detectives</td>
</tr>
<tr>
<td></td>
<td>Local Police Department-2</td>
<td>Specialized Unit</td>
<td>4 Detectives</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vice Unit</td>
<td>3 Detectives</td>
</tr>
<tr>
<td></td>
<td>District Attorney’s Office</td>
<td></td>
<td>2 Local Prosecutors</td>
</tr>
<tr>
<td></td>
<td>Juvenile Court</td>
<td></td>
<td>1 Judge, 2 Probation Officers</td>
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<tr>
<td></td>
<td>Juvenile Justice Agency – (DYS)</td>
<td></td>
<td>2 Juvenile Correctional Officers</td>
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<td></td>
<td>State Public Defender Agency</td>
<td>Juvenile Division</td>
<td>1 Juvenile Defense Attorney</td>
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<tr>
<td></td>
<td>Child Welfare Agency – (DCF)</td>
<td></td>
<td>2 Case Workers, 1 Supervisor</td>
</tr>
<tr>
<td></td>
<td>Children’s Advocacy Unit</td>
<td></td>
<td>1 Executive Director</td>
</tr>
<tr>
<td></td>
<td>Other Victim Service Provider Agencies</td>
<td></td>
<td>3 Victim Service Providers</td>
</tr>
<tr>
<td>Other County</td>
<td>Child Welfare Agency – DCF</td>
<td>2 Case Workers</td>
<td></td>
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<tr>
<td>-------------</td>
<td>---------------------------</td>
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<td></td>
</tr>
<tr>
<td>State</td>
<td>State Attorney General’s Office</td>
<td>1 State Prosecutor</td>
<td></td>
</tr>
<tr>
<td>Federal</td>
<td>United States Attorney’s Office</td>
<td>3 Federal Prosecutors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Federal Bureau of Investigation</td>
<td>1 Federal Law Enforcement Agent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Homeland Security Investigations</td>
<td>4 Federal Law Enforcement Agents</td>
<td></td>
</tr>
</tbody>
</table>

*The name of the unit or division for a particular agency was not included if it could jeopardize the confidentiality of the interviewee(s)*
APPENDIX C

Copy of Approved IRB Form
Notification of IRB Action

Date: September 13, 2013  IRB #: 13-08-22

Principal Investigator(s): Ineke Marshall
                         Stephanie Fahy

Department: Sociology and Anthropology

Address: 513 Holmes Hall
          Northeastern University

Title of Project: Understanding the Response of Criminal Justice Officials to Minors Involved in Prostitution in a State with a Safe Harbor Law

Participating Sites: These are pending and will be added once recruitment begins

Informed Consent:
- One (1) signed consent form for Police
- One (1) signed consent form for Prosecutors

DHHS Review Category: Expedited #6, #7

Monitoring Interval: 12 months

Approval Expiration Date: SEPTEMBER 12, 2014

Investigator’s Responsibilities:

1. Informed consent form bearing the IRB approval stamp must be used when recruiting participants into the study.
2. The investigator must notify IRB immediately of unexpected adverse reactions, or new information that may alter our perception of the benefit-risk ratio.
3. Study procedures and files are subject to audit any time.
4. Any modifications of the protocol or the informed consent as the study progresses must be reviewed and approved by this committee prior to being instituted.
5. Continuing Review Approval for the proposal should be requested at least one month prior to the expiration date above.
6. This approval applies to the protection of human subjects only. It does not apply to any other university approvals that may be necessary.

C. Randall Colvin, Ph.D., Chair
Northeastern University Institutional Review Board

Nan C. Regina, Director
Human Subject Research Protection

Northeastern University FWA #: 4630
I am a senior research associate and a doctoral candidate at Northeastern University’s School of Criminology and Criminal Justice. I am writing to request [agency’s] participation in a study I am conducting to help us understand how criminal justice officials in Massachusetts are implementing the state’s safe harbor law in prostitution cases involving minors. Massachusetts is one of more than a dozen states that has passed a safe harbor law. Safe harbor for minors is included within the Massachusetts’ human trafficking law, An Act Relative to the Commercial Exploitation of People, which went into effect February 19, 2012. Safe harbor laws are designed to shield minors involved in prostitution from prosecution and to instead create an avenue by which a juvenile arrested for prostitution will have access to victim services.

Despite the passage of this law, we know little about the challenges that local communities within the state face identifying and assisting young people involved in prostitution. I believe that officers within your agency could provide valuable insight into understanding the potential benefits and challenges to implementing the safe harbor law in
Massachusetts. Findings from this study are anticipated to help improve law enforcement and social service agency responses to minors involved in prostitution in the Commonwealth.

This study would require a minimum of time and effort on the part of your agency. I am requesting permission to conduct interviews with a few key personnel within your agency who have experience handling prostitution cases involving minors. Participants would likely include patrol officers who come into contact with minors involved in prostitution and detectives who have experience with these types of cases. Interviews are not anticipated to last any longer than an hour and would occur at a place and time that is convenient for participants. I will ask participants questions related to their background and experience with prostitution cases involving minors, questions related to their beliefs about minors involved in prostitution and if these beliefs have changed or remained the same since the law passed, and questions related to the identification and investigation of prostitution cases involving minors.

The names of all agency personnel participating in this study and the names of all participating agencies will not be released to the public by researchers. Although I am identifying Massachusetts as the state under study, I will also not release the names of any counties within the state that are included in the study. Additionally, any information about specific suspects or victims that is revealed during an interview will be redacted from the interview transcripts of notes and will not be used in any published reports.

In the meantime, if you are agreeable to participating in the study and have no further questions at this point in time it would be very helpful if you could complete the attached certification of participation and designate a point person within your agency that we can contact with further inquiries about your agency’s participation in this study. If you do have any questions about this project, please do not hesitate to contact me, Stephanie Fahy, at 617-373-2176, or via email at s.fahy@neu.edu. You may also contact the Principal Investigator and my advisor for the project, Dr. Ineke Haen Marshall, at 617-373-4988.

Sincerely,

Stephanie Fahy
Senior Research Associate/Doctoral Candidate
School of Criminology and Criminal Justice
Northeastern University
400 Churchill Hall
Boston, Massachusetts 02115-5000

Phone: 617.373.2176  Facsimile: 617.373.8998
Email: s.fahy@neu.edu
Certification of Participation—Instructions

Please fax this completed form to Stephanie Fahy at (617) 373-8998 or scan and email to s.fahy@neu.edu. If you prefer, it can be mailed to:

Stephanie Fahy
401 Churchill Hall
Northeastern University
360 Huntington Avenue
Boston, MA 02115

If you would prefer this participation statement on your own letterhead, email s.fahy@neu.edu and we will send you an electronic copy of this form that you can copy and paste onto your agency’s stationery.

Certification of Participation

I acknowledge that [insert agency name] will participate in the project, conducted by researchers from Northeastern University (NU). For this study, researchers from NU will be granted access to:

- interview personnel who have experience with and handle cases of minors involved in prostitution and who have agreed to participate in the study
Signature

_____________________________________________   ________________________________

XXXX       Date

Point-person designation

The person indicated below has been designated to provide the requested information to the research project personnel and serve as the point-person for the coordination of interviews.

_____________________________________________   ________________________________

Name       Telephone

______________________________________________

Email address
Dear [personalize],

I am a senior research associate and a doctoral candidate at Northeastern University’s School of Criminology and Criminal Justice. I am writing to request [agency’s] participation in a study I am conducting to help us understand how criminal justice officials in Massachusetts are implementing the state’s safe harbor law in prostitution cases involving minors. Massachusetts is one of more than a dozen states that have passed a safe harbor law. Safe harbor for minors is included within the Massachusetts’ human trafficking law, An Act Relative to the Commercial Exploitation of People, which went into effect February 19, 2012. Safe harbor laws are designed to shield minors involved in prostitution from prosecution and to instead create an avenue by which a juvenile arrested for prostitution will have access to victim services.

Despite the passage of this law, we know little about the challenges that local communities within the state face identifying and assisting young people involved in prostitution as well as the challenges of prosecuting these types of cases. I have identified criminal justice agencies situated in a select group of counties within the state that have experience handling these types of cases. I believe your agency would provide valuable insight into understanding the potential benefits and challenges to implementing the safe harbor law in Massachusetts. Findings
from this study are anticipated to help improve law enforcement and social service agency responses to minors involved in prostitution in the Commonwealth.

This study would require a minimum of time and effort on the part of your agency. I am requesting permission to conduct interviews with a few key personnel within your agency who have experience handling prostitution cases involving minors. Participants would likely include prosecutors who have experience with these types of cases as well as victim witness advocates who assist minors involved in prostitution. Interviews are not anticipated to last any longer than an hour and would occur at a place and time that is convenient for participants. I will ask participants questions related to their background and experience with prostitution cases involving minors, questions related to their beliefs about minors involved in prostitution and if these beliefs have changed or remained the same since the law passed, and questions related to how prostitution cases are processed by their agencies.

The names of all agency personnel participating in this study and the names of all participating agencies will not be released to the public by researchers. Although I am identifying Massachusetts as the state under study, I will also not release the names of any counties within the state that are included in the study. Additionally, any information about specific suspects or victims that is revealed during an interview will be redacted from the interview transcripts of notes and will not be used in any published reports.

If you are agreeable to participating in the study and have no further questions at this point in time it would be very helpful if you could complete the attached certification of participation and designate a point person within your agency that we can contact with further inquiries about your agency’s participation in this study. If you do have any questions about this project, please do not hesitate to contact me, Stephanie Fahy, at 617-373-2176, or via email at s.fahy@neu.edu. You may also contact the Principal Investigator and my advisor for the project, Dr. Ineke Haen Marshall, at 617-373-4988.

Sincerely,

Stephanie Fahy

Senior Research Associate/Doctoral Candidate
**Certification of Participation—Instructions**

Please fax this completed form to Stephanie Fahy at (617) 373-8998 or scan and email to s.fahy@neu.edu. If you prefer, it can be mailed to:

Stephanie Fahy  
401 Churchill Hall  
Northeastern University  
360 Huntington Avenue  
Boston, MA 02115

If you would prefer this participation statement on your own letterhead, email s.fahy@neu.edu and we will send you an electronic copy of this form that you can copy and paste onto your agency’s stationery.

**Certification of Participation**

I acknowledge that [insert agency name] will participate in the project, *Understanding How Criminal Justice Officials in Massachusetts are Implementing a Safe Harbor Law in Prostitution Cases Involving Minors* conducted by researchers from Northeastern University (NU). For this study, researchers from NU will be granted access to:

- interview personnel who have experience with and handle cases of minors involved in prostitution and who have agreed to participate in the study
Signature

______________________________________________  ______________________

XXXX  Date

Point-person designation

The person indicated below has been designated to provide the requested information to the research project personnel and serve as the point-person for the coordination of interviews.

______________________________________________  ______________________

Name  Telephone

______________________________________________  ______________________

Email address
APPENDIX E

Copy of Law Enforcement Interview Questionnaire

UNDERSTANDING THE RESPONSE OF CRIMINAL JUSTICE OFFICIALS TO MINORS INVOLVED IN PROSTITUTION IN A STATE WITH A SAFE HARBOR LAW

LAW ENFORCEMENT INTERVIEW GUIDE

Name of Interviewee:

Agency:

Position Title:

Interview Date:

This is a study that focuses on understanding how criminal justice officials working in Massachusetts are implementing the state’s safe harbor law in prostitution cases involving minors. Before we begin I would ask that you read this “request to participate in research” form [give the participant a copy of the signed consent form to review]. Once you have read through this form and if you consent to participating in the interview please sign and date the form.

The information from these interviews is designed to help us understand how with the passage of the safe harbor law prostitution cases involving minors are identified by law enforcement agencies in Massachusetts as well as how these cases are handled by different agencies. I anticipate that the findings will help inform the state attorney general’s office about the potential benefits and challenges of implementing this law in the state. Findings from this study are also anticipated to help improve law enforcement and social service agency responses to minors involved in prostitution in the Commonwealth.

As the consent form indicates, I will not release any confidential information or information that could identify you or your agency. This interview should last approximately 1 hour. We will start by getting some background information. Do you have any questions before we begin?

Part I: Background Information

1. How long have you been working in law enforcement?
2. What is your current position/title? What unit or department do you work within?
   a. How long have you been working at your agency and within your particular unit or department?
   b. Please describe your current role and the role of your unit/department.

3. Have you or other officers in your agency received training that is focused on either the identification or investigation of prostitution cases involving minors? If so, please describe the type of training, the source of the training and when it was conducted.

4. Are you or other officers in your agency part of a task force that would investigate prostitution cases involving minors? If so, please describe the task force and your agency’s involvement in the task force.

5. Does your agency have formal policies and/or protocols that deal specifically with prostitution cases involving minors? If so, please describe them and when they were implemented.

6. Are you familiar with the safe harbor law that was passed as part of the broader state human trafficking law in February of 2012?
   a. If yes, what is your understanding of the law? What is the goal of the law in your opinion?
   b. Have you received training that is specifically about the safe harbor law?
      i. If so, describe the type of training and the extent of the training.
   c. Do you believe the law will be effective in reaching its goal or objective? Why or why not?
The following questions are designed to understand how individuals and officers in your agency think about prostitution cases involving minors and how beliefs about these types of cases may influence case outcomes. I am also interested in understanding if your response to each of the questions would have been different before the law and if your response has changed following the passage of the law, so for each questions I will ask you what your response would have been 5 to 10 years ago and if your response has changed following the passage of the safe harbor law.

Part II: Agency/Individual Perceptions of Minors Involved in Prostitution

1. Are there certain characteristics that you would use to describe minors involved in prostitution (i.e., physical, behavioral)?
   a. Are the types of characteristics that you would associate with a minor involved in prostitution different now than 5 to 10 years ago? If so, how?
   b. Have the types of characteristics that you would associate with a minor involved in prostitution changed with the passage of the safe harbor law? If so, how?

2. Why, in your opinion, do minors become involved in prostitution?
   a. In your opinion, are some types of minors more susceptible to becoming involved in prostitution than others? If so, describe the types/characteristics of these minors and why you think they are more susceptible?
   b. How would you have answered this question 5 to 10 years ago?
   c. Has your opinion changed with the passage of the safe harbor law? If so, how?

3. What types of things have influenced how you think about or what you know about minors involved in prostitution (i.e., job experience, professional training, media)?
a. Are the types of things that influence your beliefs about minors involved in
prostitution the same or different than the types of things that influenced your beliefs
5 to 10 years ago? If they are different, how so?

b. Have the types of things that influence how you think about minors involved in
prostitution changed with the passage of the safe harbor law? If so, how?

4. In your opinion, how do other officers in your agency perceive minors involved in
prostitution (i.e., other detectives, patrol officers)? How does the leadership within your
agency perceive them?

a. Were their (other detectives, patrol officers, leadership) perceptions of minors
involved in prostitution different 5 to 10 years ago? If so, how?

b. Have their (other detectives, patrol officers, leadership) perceptions changed with the
passage of the safe harbor law? If so, how?

5. In your opinion, how should law enforcement respond to prostitution cases involving minors,
or what is the appropriate law enforcement response to minors involved in prostitution (i.e.,
lock them up/get them out of the community, protect them/get them help & services)?

a. Would your response to this question have been different 5 to 10 years ago? If so,
how?

b. How has your opinion changed, if at all, with the passage of the safe harbor law?

6. In your opinion, what is the appropriate law enforcement response to adults who are
suspected of promoting prostitution of minors or soliciting sex from minors?
a. Would your response to this question have been different 5 to 10 years ago? If so, how?

b. How has your opinion changed, if at all, with the passage of the safe harbor law?

7. In your opinion, what is the scope of the problem of minors involved in prostitution in your jurisdiction?

a. Would your response to this question have been different 5 to 10 years ago? If so, how?

b. How has your response changed, if at all, with the passage of the safe harbor law?

8. In your opinion, what is the scope of the problem in the state? In the nation?

a. Would your response to this question have been different 5 to 10 years ago? If so, how?

b. How has your response changed, if at all, with the passage of the safe harbor law? If so, how?

**Part III: General Questions about Prostitution Cases Involving Minors**

1. Is identifying and/or investigating prostitution cases involving minors a priority within your agency/unit? These could be cases where a minor is arrested for prostitution or cases where another individual is arrested for prostitution involving minors. Please explain why or why not.

   a. If it is not a priority, in your opinion, should it be? Why or why not?
   
   b. Was it more or less of a priority 5 to 10 years ago?
   
   c. Has it become more or less of a priority with the passage of safe harbor law?
2. How do [or would] prostitution cases involving minors come to your attention?
   
a. Are they identified by officers in your agency (i.e., during routine patrol, during the course of other crimes, calls for service)?
      
a. Are there red flags that would indicate to you that a minor is involved in prostitution or is at risk of being involved in prostitution?
   
b. Does your unit utilize any proactive techniques to try and identify prostitution cases involving minors, such as surveillance, or undercover investigations?
      
a. Do you have any knowledge or training about conducting internet investigations to identify minors involved in prostitution?
      
b. Do you have any plans or methods to track at-risk populations (i.e., runaways) for possible involvement in prostitution?
      
c. Do you develop or share criminal intelligence on known pimps in the area for possible involvement in the prostitution of minors?
   
c. Are cases referred to you by other agencies? If so, by whom?
      
a. Do you receive 51A reports? What types of information is included in the reports? Is there information about alleged perpetrators in the reports? Do you investigate these reports? If so, what is typically the outcome of the investigation?
      
d. How were prostitution cases involving minors identified 5 to 10 years ago?
   
e. Has the way minors involved in prostitution are identified changed with the passage of the safe harbor law? If so, how?
3. What happens OR would be most likely to happen to minors involved in prostitution once they come to your attention?
   a. Are minors arrested and/or charged with a crime? [IF YES, SEE QUESTION 4]
   b. Do you refer cases involving minors to victim service providers or would minors involved in prostitution be referred for services? If not, why not?
      a. If so, please describe the types of services that are available to minors involved in prostitution or the providers you would refer these youth to.
      b. What types of services, if any, do you think should be available for minors involved in prostitution? In your opinion, are services lacking?
   c. Do you initiate a criminal investigation into any alleged perpetrators? If not, why not? [IF YES, SEE QUESTION 5]
   d. What would have happened to minors identified as being involved in prostitution 5 to 10 years ago? What types of services, if any, were available for minors involved in prostitution then?
   e. Have you seen an increase in the number and types of services available for these youth since the passage of the law?

4. How many, if any, prostitution cases involving minors have resulted in the minor being arrested and/or charged with a crime?
   a. Are you directly involved with these cases? If so, what is your involvement?
   b. Please describe the types or characteristics of these cases. What are they charged with? What are the case outcomes?
c. Are some minors involved in prostitution more likely to be arrested and/or charged than others? If so, describe the characteristics of these minors and why they are more likely to be arrested and/or charged.

d. Have you seen an increase or decrease in the number of prostitution cases involving minors where the minor was arrested and/or charged with a prostitution related offense from 5 to 10 years ago?

e. Has the number of prostitution cases involving minors where the minor was arrested and/or charged with a prostitution related offense increased or decreased or stayed the same since the passage of the safe harbor law?

5. What happens OR would be most likely to happen to other individuals (i.e., pimps/johns) who are identified by your unit as being involved in prostitution cases involving minors?

   a. How many prostitution cases involving minors where another individual or individuals (not the minor) have been arrested and/or charged with prostitution related offense or another criminal offense (i.e., human trafficking) has your agency investigated?

      a. What proportion of your cases involves minors?

   b. Are you directly involved with these cases? If so, what is your involvement?

   c. Please describe the types or characteristics of these cases/

      a. What are they charged with? How many cases have been charged with the state human trafficking charge? For those cases that are not charged under the state human trafficking law, what are they charged with? Are
they charged federally? Are they charged with prostitution-related charges?

b. What are the outcomes of these cases? Are they prosecuted? If so, how many result in convictions?

d. In your experience, are some prostitution cases involving minors more likely to result in arrest/charges (of the pimp/john) than others?
   a. If yes, describe the characteristics of those cases, the characteristics of the minors involved in those cases, and the characteristics of the perpetrators involved in those cases.
   
e. Have you seen an increase or decrease in these types of cases from 5 to 10 years ago?
   
f. Has the number of cases increased, decreased, or stayed the same since the passage of the safe harbor law?

6. Do you [or would you] collaborate with other units or departments in your agency on these types of cases? Other law enforcement agencies? Prosecutors? Victim service providers? If not, why not?
   a. If yes, what is the nature and extent of your collaboration?
   
b. What is your opinion of how closely police should work with NGOs that are providing services to minors involved in prostitution?
   
c. Have you seen a change in the extent and nature of your collaboration with other agencies on these types of cases from 5 to 10 years ago?
d. Has there been a change in the extent and nature of your collaboration with other agencies on these cases since the passage of the safe harbor law?

7. Are there particular types of cases involving prostitution of minors that are more likely to be referred by your agency to the District Attorney’s Office, or are there cases that the DA is more likely to accept?
   a. If so, describe the characteristics of those cases and why you believe they are more likely to be accepted by the DA.
      a. What were the characteristics of those cases 5 to 10 years ago?
      b. How have the characteristics of those cases changed, if at all, with the passage of the safe harbor law?
   b. How involved is the DA’s office in investigations? Do they work with you to build the investigation or are they mainly reactive where you would present a case to them that is wrapped up?
   c. How is the DA’s involvement different from 5 to 10 years ago, and how, if at all, has it changed with the passage of the safe harbor law?

8. What, in your opinion, are the barriers or challenges to identifying and investigating prostitution cases involving minors?
   a. In your opinion, are there sufficient resources in place to identify and investigate these cases? If not, what resources are lacking?
   b. Do you have buy-in from the leadership in your agency? From community leaders?
c. Would your response to this question have been different 5 to 10 years ago? If so, how?

d. How has your opinion changed, if at all, with the passage of the safe harbor law?

_I am now going to give an example of a potential prostitution case involving a minor followed by some questions._

The parents of a local girl report their daughter has run away from home. They indicate that their daughter, who is 16-years-old has been seeing a man, who is suspected of being a pimp. They also report that their daughter has run away before. The girl is eventually located in an area known for prostitution. She is scantily dressed and approaching different cars that pull up. When questioned about whether she is being forced to engage in prostitution by the alleged pimp she indicates that she is not being forced to do anything and refers to the alleged pimp as her boyfriend.

1. How do you think officers in your agency would respond to this situation? How would you respond to this situation? What, in your opinion, should the response be?

   a. Do you think officers in your agency would respond differently if the girl was younger than 16, say 13 or 14 years old? Would you respond differently? If so, how would the response be different and why?

   b. Do you think officers in your agency would respond differently if the girl came from an affluent neighborhood as opposed to a socioeconomically disadvantaged neighborhood? Would you respond differently? If so, how would the response be different and why?
c. Do you think officers in your agency would respond differently if the situation involved a boy suspected of prostitution rather than a girl? Would you respond differently? If so, how would the response be different and why?

d. Would the response by officers in your agency be any different following the passage of the safe harbor law? Would your response have changed following the passage of the law? If so, how would the response be different and why?
This is a study that focuses on understanding how criminal justice officials working in Massachusetts are implementing the state’s safe harbor law in prostitution cases involving minors. Before we begin I would ask that you read this “request to participate in research” form [give the participant a copy of the signed consent form to review]. Once you have read through this form and if you consent to participating in the interview please sign and date the form.

The information from these interviews is designed to help us understand how with the passage of the safe harbor law prostitution cases involving minors are identified by law enforcement agencies in Massachusetts as well as how these cases are handled by different agencies. I anticipate that the findings will help inform the state attorney general’s office about the potential benefits and challenges of implementing this law in the state. Findings from this study are also anticipated to help improve law enforcement and social service agency responses to minors involved in prostitution in the Commonwealth.

As the consent form indicates, I will not release any confidential information or information that could identify you or your agency. This interview should last approximately 1 hour. We will start by getting some background information. Do you have any questions before we begin?

Part I: Background Information

7. How long have you been a prosecutor?

8. What is your current position/title? What unit or department do you work within?
a. How long have you been working at your agency and within your particular unit?

b. Please describe your current role and the role of your unit/department.

9. Have you or other prosecutors in your agency received training that is focused on minors involved in prostitution (i.e., domestic minor sex trafficking training)? If so, please describe the type of training, the source of the training and when it was conducted.

10. Are you or other prosecutors in your agency part of a task force that would handle prostitution cases involving minors? If so, please describe the task force and your agency’s involvement in the task force.

11. Does your agency have formal policies and/or protocols that deal specifically with prostitution cases involving minors (i.e., case flagging protocols, specific unit or specialized prosecutor assignments, prosecution or case review policies)? If so, please describe them, note when they began, and how they are implemented.

12. Are you familiar with the safe harbor law that was passed as part of the broader state human trafficking law in February of 2012?

   d. If yes, what is your understanding of the law? What is the goal of the law in your opinion?

   e. Have you received training about the law?

      i. If so, describe the type of training and the extent of the training

   f. Do you believe the law will be effective in reaching its goal or objective? Why or why not?
The following questions are designed to understand how prosecutors in your agency think about prostitution cases involving minors and how beliefs about these types of cases may influence case outcomes. I will also ask you to indicate how your response to each question may be different with the passage of the safe harbor law.

Part II: Agency/Individual Perceptions of Minors Involved in Prostitution

9. Are there certain characteristics that you would use to describe minors involved in prostitution (i.e., physical, behavioral)?
   a. Are the types of characteristics that you would associate with a minor involved in prostitution different now than 5 to 10 years ago? If so, how?
   b. Have the types of characteristics that you would associate with a minor involved in prostitution changed with the passage of the safe harbor law? If so, how?

10. Why, in your opinion, do minors become involved in prostitution?
    a. How would you have answered this question 5 years ago?
    b. Has your opinion changed with the passage of the safe harbor law? If so, how?

11. In your opinion, are some types of minors more susceptible to becoming involved in prostitution than others? If so, describe the types of minors and why you think they are more susceptible?
    a. Would your opinion have been different 5 years ago? If so, how?
    b. Has your opinion changed with the passage of the safe harbor law? If so, how?

12. What types of things have influenced how you think about minors involved in prostitution or your beliefs (i.e., media, job experience, training)? Please explain.
a. Are the types of things that influence your beliefs about minors involved in prostitution the same or different than the types of things that influenced your beliefs 5 years ago? If they are different, how so?

b. Have the types of things that influence how you think about minors involved in prostitution changed with the passage of the safe harbor law? If so, how?

13. In your opinion, how are minors involved in prostitution perceived by criminal justice officials (by police, other prosecutors in your agency, the district attorney, probation, juvenile court judges) within your jurisdiction?
   a. Were their (police, other prosecutors, DA) perceptions of minors involved in prostitution different 5/10 years ago? If so, how?
   b. Have their (other prosecutors, DA) perceptions changed with the passage of the safe harbor law? If so, how?

14. In your opinion, how are minors involved in prostitution perceived by DCF and other victim service providers who provide services to these youth?
   a. Were their perceptions of minors involved in prostitution different 5/10 years ago? If so, how?
   b. Have their (other prosecutors, DA) perceptions changed with the passage of the safe harbor law? If so, how?

15. In your opinion, what is the appropriate law enforcement response to minors involved in prostitution?
   a. Would your response to this question have been different 5 years ago? If so, how?
b. How has your opinion changed, if at all, with the passage of the safe harbor law?

16. In your opinion, what is the appropriate law enforcement response to adults who are suspected of promoting prostitution of minors or soliciting sex from minors?
   a. Would your response to this question have been different 5 years ago? If so, how?
   b. How has your opinion changed, if at all, with the passage of the safe harbor law?

17. In your opinion, what is the scope of the problem of minors involved in prostitution in your jurisdiction?
   a. Would your response to this question have been different 5 years ago? If so, how?
   b. How has your response changed, if at all, with the passage of the safe harbor law?

18. In your opinion, what is the scope of the problem in the state? In the nation?
   a. Would your response to this question have been different 5 years ago? If so, how?
   b. How has your response changed, if at all, with the passage of the safe harbor law? If so, how?

I am now going to give an example of a potential prostitution case involving a minor followed by some questions.

The parents of a local girl report their daughter has run away from home. They indicate that their daughter, who is 16-years-old has been seeing a man, who is suspected of being a pimp. They also report that their daughter has run away before. The girl is eventually located in an area known for prostitution. She is scantily dressed and approaching different cars that pull up. When questioned by police about whether she is being forced to engage in prostitution by the alleged pimp she indicates that she is not being forced to do anything and refers to the alleged pimp as her boyfriend.

2. How do you think police officers in your jurisdiction would respond to this situation?
   a. How, in your opinion, should police officers respond to this situation?
b. Do you think police should flag this case for additional investigation and or a possible referral for subsequent prosecution? Please explain.

3. How would this case be handled by your agency if it were referred for prosecution? How would you proceed with this case?
   a. How, in your opinion, should this case be handled by prosecutors?
   b. Do you think the case outcome would be any different if the girl was younger than 16, say 13 or 14 years old? Would you respond differently? If so, how would the response be different and why?
   c. Do you think the case outcome would be different if the girl came from an affluent neighborhood as opposed to a socioeconomically disadvantaged neighborhood. Would you respond differently? If so, how would the response be different and why?
   d. Do you think the case outcome would be different if the situation involved a boy suspected of prostitution rather than a girl? Would you respond differently? If so, how would the response be different and why?
   e. Would the case outcome be any different following the passage of the safe harbor law? Would your response have changed following the passage of the law? If so, how would the response be different and why?

Part III: General Questions about Prostitution Cases Involving Minors

9. How many prostitution cases involving minors has your agency prosecuted in the last 5/10 years?
a. Of those prostitution cases that you or other members of your agency have prosecuted, how many involved juveniles who were prosecuted for prostitution-related charges? How many involved prosecution of another individual(s) such as pimps or johns?

10. For those prostitution cases where a minor has been charged:

a. How do these cases come to your attention?

b. Please describe the characteristics of those cases, the characteristics of the minors involved in the cases, what they are charged with, and the case outcomes.

c. Are some prostitution cases involving minors more likely to result in charges (of the minor) than others? If yes, please explain.

d. How do the number and types of cases compare to the number and types of cases prosecuted 5/10 years ago?

e. Have the number and types of cases changed with the passage of the safe harbor law?

11. For those prostitution cases involving minors where other individuals have been charged:

a. How do these cases come to your attention?

   a. How many cases are referred to you by DCF? Are you part of their screening process, or their decision to screen out cases? What, if any recommendations do you have for improving how cases are screened.

   b. How many cases are referred by local police? Are their particular units in the local police department that are more likely to refer cases to you?
c. Are you involved in the early investigative phase of a case? Do you work with police to build an investigation or make a case, or is your role primarily reactive in nature?

1. How involved can or should the prosecutor be within the proactive or reactive investigation phases of these cases?

2. Are you aware of the ability to conduct HT wiretaps or undercover operations under state law?

3. Do you have any knowledge or training for conducting open source or internet investigations of minor sex-trafficking targets?

4. Have you heard of, or obtained training in, the “collaborative model” for the investigation/prosecuting human-trafficking cases?

b. Please describe the characteristics of these cases (characteristics of minors involved, individuals charged, victim-suspect relationship, how it came to their attention.

a. What are they charged with (sex trafficking of a minor, prostitution-related charges)?

1. Are some cases more likely to be charged/prosecuted using the state human trafficking charge versus prostitution-related charge?

If charged with the state human trafficking statute, what were they charged with prior to the law?
2. Does your office consult with federal prosecutors from the U.S. Attorney’s Office in your jurisdiction about whether a particular case should be prosecuted federally or locally (i.e., pursuant to state laws)?
   a. Are some prostitution cases involving minors more likely to be charged federally? If so, what are they charged with and why are they more likely to be charged federally?
   b. How closely can/should state or local law enforcement work with the federal investigator/prosecutors doing HT cases? (what could be the advantages/disadvantages of doing so)
   c. Are minors provided access to victim services, or access to a victim witness advocate within your agency during the period of trial preparation?
      a. If yes, what types of services are provided by your agency? Are the number and types of services adequate? If not, please explain what is needed.
      b. If not, are there any plans to network with HT service providers or other community stakeholders, or any plan to vet the services or assistance that they could provide?
c. In your opinion, how closely can/should law enforcement work with NGOs providing services? (what could be the advantages/disadvantages of doing so)

d. What prosecution strategy is used in your office for prostitution cases involving minors (i.e., vertical prosecution, horizontal prosecution, mixed prosecution)? Is the same prosecution strategy used for other types of crimes (i.e., serious felonies, general misdemeanors)?

e. What is typically the outcome of prostitution cases involving minors (charges dropped, plea bargain, trial)?

f. Were prostitution cases involving minors handled differently by your agency 5/10 years ago? Were the case outcomes different? If so, how?

g. Has the passage of the safe harbor law changed the way these types of cases are handled within your agency and/or the case outcomes? If so, how?

12. In your experience, are some prostitution cases involving minors more likely to result in charges/prosecution (of the pimp/john) than others?

   a. If yes, describe the characteristics of those cases, the characteristics of the minors involved in those cases, the characteristics of the perpetrators involved in those cases, and the case outcomes.

   b. What were the characteristics of those cases, the characteristics of minors involved in those cases, the characteristics of perpetrators involved in those cases, and the case outcomes 5 years ago?
c. How have the characteristics of those cases, the characteristics of minors involved in those cases, the characteristics of perpetrators involved in those cases, and the case outcomes changed, if at all, with the passage of the safe harbor law?

13. What, in your opinion, are the barriers or challenges to prosecuting prostitution cases involving minors?

a. Would your response to this question have been different 5 years ago? If so, how?

b. How has your opinion changed, if at all, with the passage of the safe harbor law?
This is a study that focuses on understanding how criminal justice officials working in Massachusetts are implementing the state’s safe harbor law in prostitution cases involving minors. Before we begin I would ask that you read this “request to participate in research” form [give the participant a copy of the signed consent form to review]. Once you have read though this form and if you consent to participating in the interview please sign and date the form.

The information from these interviews is designed to help us understand how with the passage of the safe harbor law prostitution cases involving minors are identified by law enforcement agencies in Massachusetts as well as how these cases are handled by different agencies. I anticipate that the findings will help inform the state attorney general’s office about the potential benefits and challenges of implementing this law in the state. Findings from this study are also anticipated to help improve law enforcement and social service agency responses to minors involved in prostitution in the Commonwealth.

As the consent form indicates, I will not release any confidential information or information that could identify you or your agency. This interview should last approximately 1 hour. We will start by getting some background information. Do you have any questions before we begin?

Part I: Background Information

13. Please briefly explain your organization and your role within the organization (in general and with respect to cases involving minors involved in prostitution).
14. How long have you been in your current position?

15. What is your background with respect to handling cases involving minors involved in prostitution?

16. Have you received training and/or conducted trainings that are focused on minors involved in prostitution? If so, please describe the type of training, the source of the training and when it was conducted.

17. Are you or other individuals within your agency part of a task force that would investigate prostitution cases involving minors? If so, please describe the task force and your agency’s involvement in the task force.

18. Does your agency have formal policies and/or protocols that deal specifically with prostitution cases involving minors? If so, please describe them and when they were implemented.

19. Are you familiar with the safe harbor law that was passed as part of the broader state human trafficking law in February of 2012?

   g. If yes, what is your understanding of the law? What is the goal of the law in your opinion?

   h. Have you received training that is specifically about the safe harbor law, or have you conducted training?

      i. If so, describe the type of training and the extent of the training.

   i. Do you believe the law will be effective in reaching its goal or objective? Why or why not?
The following questions are designed to understand how individuals and officers in your agency think about prostitution cases involving minors and how beliefs about these types of cases may influence case outcomes. I am also interested in understanding if your response to each of the questions would have been different before the law and if your response has changed following the passage of the law, so for each questions I will ask you what your response would have been 5 to 10 years ago and if your response has changed following the passage of the safe harbor law.

Part II: Agency/Individual Perceptions of Minors Involved in Prostitution

19. Are there certain characteristics that you would use to describe minors involved in prostitution (i.e., physical, behavioral)?
   a. Are the types of characteristics that you would associate with a minor involved in prostitution different now than 5 to 10 years ago? If so, how?
   b. Have the types of characteristics that you would associate with a minor involved in prostitution changed with the passage of the safe harbor law? If so, how?

20. Why, in your opinion, do minors become involved in prostitution?
   a. In your opinion, are some types of minors more susceptible to becoming involved in prostitution than others? If so, describe the types/characteristics of these minors and why you think they are more susceptible?
   b. How would you have answered this question 5 to 10 years ago?
   c. Has your opinion changed with the passage of the safe harbor law? If so, how?

21. What types of things have influenced how you think about or what you know about minors involved in prostitution (i.e., job experience, professional training, media)?
a. Are the types of things that influence your beliefs about minors involved in prostitution the same or different than the types of things that influenced your beliefs 5 to 10 years ago? If they are different, how so?

b. Have the types of things that influence how you think about minors involved in prostitution changed with the passage of the safe harbor law? If so, how?

22. In your opinion, how do local law enforcement that you work with perceive minors involved in prostitution? If you work with federal law enforcement (i.e., FBI, HSI), how in your opinion do they perceive these youth?

   a. Were their (other detectives, patrol officers, leadership) perceptions of minors involved in prostitution different 5 to 10 years ago? If so, how?

   b. Have their (other detectives, patrol officers, leadership) perceptions changed with the passage of the safe harbor law? If so, how?

23. In your opinion, how do prosecutors (local, state, and federal) perceive minors involved in prostitution?

   a. Were their (other detectives, patrol officers, leadership) perceptions of minors involved in prostitution different 5 to 10 years ago? If so, how?

   b. Have their (other detectives, patrol officers, leadership) perceptions changed with the passage of the safe harbor law? If so, how?

24. In your opinion, what should happen to minors who are identified by law enforcement as being involved in prostitution?

   a. Are there cases where a minor should be arrested? If so, please explain.
b. At what point, if any, after the minor has been identified should police notify a victim service provider?
   1. Should a victim service provider be present during the initial questioning of the minor? If not, why not?
   2. What types of services should be available for minors involved in prostitution?

c. Should there be a criminal investigation into individuals suspected or procuring prostitution of minors or individuals suspected of soliciting sex from minors? If not, why not?
   1. Should perpetrators accused of prostituting minors or soliciting sex from minors be prosecuted? If not, why not?
   2. What, in your opinion, perpetrators of child prostitution be charged with?

d. What, in your opinion, is the ideal outcome for these types of cases?

e. What would your response to this question have been 5/10 years ago?

f. Has your response changed with the passage of safe harbor?

25. In your opinion, what is the scope of the problem in your jurisdiction? If so, please describe the extent and nature of the problem.
   a. Would your response to this question have been different 5 to 10 years ago? If so, how?
   b. How has your response changed, if at all, with the passage of the safe harbor law?
26. In your opinion, what is the scope of the problem in the state? In the nation? If so, please explain.
   a. Would your response to this question have been different 5 to 10 years ago? If so, how?
   b. How has your response changed, if at all, with the passage of the safe harbor law? If so, how?

Part III: General Questions about Prostitution Cases Involving Minors

14. Approximately how many minors who are involved in prostitution does your organization serve per month/year?
   a. Can you describe the general characteristics of these minors (Age, gender, domestic or international, areas of need for services? 
   b. Do you have a screening process to determine whether or not a minor may be involved in prostitution? If so, please describe?
   c. What types of services are provided by your agency or do you refer these prostituted youth to other agencies for services? If you refer these youth to other agencies, please describe the types of agencies and the services provided by those agencies.
   d. In your opinion, what types of services are needed most by this population, and are there sufficient resources in place to provide these types of services?

15. Are minors involved in prostitution referred to you? If so, by whom?
   a. If referred by police, which unit within the police department refers would refer or is likely to refer these cases to you?
a. To your knowledge, are police arresting and charging minors for prostitution? Are they being arrested/charged with other crimes?
b. Were police arresting and charging minors 5/10 years ago?
c. Has anything changed with the passage of the safe harbor law?

b. Are 51As referred to you by the DA?

a. Are you part of the DCF 51A screening process, or subsequent DCF “51B” investigation?
b. What types of information is included in the 51A? Does the information include information about individuals who are exploiting the youth, such as pimps? Can a pimp be defined as a caretaker since DCF only investigates cases in which the abuse is perpetrated by a caretaker?
c. Aside from referrals, are there other ways that minors involved in prostitution would come to the attention of your agency?
d. How, if at all, has the referral process changed from 5/10 years ago?
e. Has the referral process changed with the passage of the safe harbor law?

16. Do you refer prostitution cases involving minors to law enforcement (local, state, federal)? If not, why not? If so, is there a particular unit within local law enforcement that you would refer these cases?

a. Under what circumstances would you refer a prostitution case involving a minor to law enforcement? Are there circumstances in which you would not refer a case to law enforcement? If so, please describe.
b. What typically happens when you refer a case to law enforcement?
   a. Do you know approximately how many prostitution cases involving minors have been investigated by police? What types of charges are being used with these cases?
   b. In your experience, are some prostitution cases involving minors more likely to be investigated by police than others? If so, please describe the characteristics of these cases.
   c. What is the extent of your involvement during a police investigation? Do you collaborate with police on these cases?
      1. What is your opinion of how closely NGOs or victim service providers and police should work together on these cases?
   d. In your opinion, is law enforcement effectively responding to these cases? If not, why not?
   e. What was law enforcement’s response to these cases 5/10 years ago?
   f. Has the response changed with the passage of the safe harbor law?

17. Approximately how many prostitution cases involving minors are being prosecuted?
   a. Are there types of cases that the DA or the AUSA is more likely to prosecute? If so, please describe the characteristics of these cases?
   b. How invested or involved are prosecutors in these cases? Do you collaborate with prosecutors on these cases or work with victim witness advocates?
   c. What typically happens to those cases? What are the outcomes of these cases?
d. Are there occasions where a prostitution case involving a minor should not be prosecuted? If so, please explain.

18. Do you collaborate with other victim service provider or other types of agencies/organizations when working with minors involved in prostitution?
   a. If yes, what is the nature and extent of your collaboration?
   b. Have you seen a change in the extent and nature of your collaboration with other agencies on these types of cases from 5 to 10 years ago?
   c. Has there been a change in the extent and nature of your collaboration with other agencies on these cases since the passage of the safe harbor law?

19. What, in your opinion, are the barriers or challenges to providing services to minors who are involved in prostitution?
   a. Would your response to this question have been different 5 to 10 years ago? If so, how?
   b. How has your opinion changed, if at all, with the passage of the safe harbor law?
APPENDIX F

Copy of Letter of Consent

Northeastern University, School of Criminology and Criminal Justice
Name of Investigators: Dr. Ineke Haen Marshall and Stephanie Fahy

Understanding How Criminal Justice Officials in Massachusetts are Implementing a Safe Harbor Law in Prostitution Cases Involving Minors

Request to Participate in Research

We would like to invite you to take part in a study that focuses on understanding how criminal justice officials working in Massachusetts are implementing the state’s safe harbor law in prostitution cases involving minors. Safe harbor for minors is included within the Massachusetts’ human trafficking law, An Act Relative to the Commercial Exploitation of People, which went into effect February 19, 2012. Safe harbor laws are designed to shield minors involved in prostitution from prosecution and to instead create an avenue by which a juvenile arrested for prostitution will have access to victim services. The Massachusetts law also includes a provision to ensure that cases of commercial sexual exploitation will be referred to and investigated by law enforcement and the district attorney. Despite the passage of this law, we know little about the challenges that local communities within the state face identifying and assisting young people involved in prostitution as well as the challenges associated with prosecuting these types of cases. We believe you could provide valuable insight into understanding the potential benefits and challenges to implementing the safe harbor law in Massachusetts.

This study involves conducting interviews with individuals who have handled cases involving prostituted minors, including patrol officers, police detectives, prosecutors, probation officials, juvenile court judges, employees with the Department of Children and Families (DCF), and other victim service providers who have experience with these cases. Interviews will take no longer than an hour. We may also need to schedule follow up interviews, which could take place in person or over the phone depending on the preference of the participant. We will ask you questions related to your background and experience with prostitution cases involving minors, questions related to your beliefs about minors involved in prostitution and if these beliefs have changed or remained the same since the law passed, and questions related to how prostitution cases involving minors are identified and processed within your agency.

Everything you report to us will be kept in confidence. Only the people doing the research will see any information that identifies you personally and your decision to participate in this study. Additionally, your name, the name of your agency, and the name of the county within which your agency is located will never be used in any report. The answers you provide during an interview will be combined with answers from many individuals and will be reported in the...
aggregate without a link to your name. If you provide any information about specific suspects or victims that information will be redacted from the interview transcripts of notes or will be disguised using a unique indicator in place of a name or other types of identifies.

There are no foreseeable risks or discomforts to you for taking part in this study. There are also no direct benefits to you for participating in the study. However, findings from this study are anticipated to help improve law enforcement and social service agency responses to minors involved in prostitution in the Commonwealth. The decision to participate in this research project is up to you. You do not have to participate and you can refuse to answer any question. Even if you begin the study, you may withdraw at any time. We may contact you at a later date to follow-up on the interview or clarify information if necessary.

If you have any questions about this study, please feel free to contact Stephanie Fahy, School of Criminology and Criminal Justice, Northeastern University, Tel: 617-373-2176, Email: s.fahy@neu.edu.

If you have any questions about your rights in this research, you may contact Nan C. Regina, Director, Human Subject Research Protection, 960 Renaissance Park, Northeastern University, Boston, MA 02115. Tel: 617.373.4588, Email: irb@neu.edu. You may call anonymously if you wish.

I consent to participate in this study. I understand that my participation is voluntary and information on my participation will not be known to anyone. I understand that I can stop participating at any time or refuse to answer questions in any interview.

With your permission, we would also like to audio-tape the interview for transcription and analysis purposes only. All tapes will be destroyed following transcription and analyses.

Please check one:
___ I agree to the interview being audio-taped
___ I do not agree to the interview being audio-taped

__________________________________________  __________________
Signature of person agreeing to take part                Date

____________________________________________  __________________
Printed name of person above                                

____________________________________________  __________________
Signature of person who explained the study to the participant above and obtained consent

______________________________________________
Printed name of person above