



Public Chapter 1023:
Human Sex Trafficking of Children

Report to the Members of
Senate and House Judiciary Committees

Report prepared by the Office of the Select
Committee on Children and Youth

March 1, 2011

Human Sex Trafficking at a Glance.

- “Neither slavery nor involuntary servitude. . . shall exist within the United States, or any place subject to their jurisdiction.” – *Thirteenth Amendment to the U.S. Constitution*
- Although the practices of importing slaves into the United States was officially outlawed more than two centuries ago, the clandestine practice of trafficking human beings for the purposes of enslavement, either for labor and sexual services, has persisted on American soil. – *Southern Legislative Conference of the Council of State Governments’ July 2009 report **Human Trafficking: Preventing, Prosecuting and Protecting***
- Experts in anti-human trafficking work nationally and internationally say human trafficking is second only to transfer of arms as the largest and fastest growing illegal activity in the world. – *The Polaris Project, a Washington, DC based nationally focused organization combating all forms of human trafficking*
- Although it is difficult to discern the degree to which trafficking affects children within the United States, it is estimated that as many as 300,000 children in the United States are at risk of becoming victims of human trafficking at any given time. – *University of Pennsylvania study by Richard J. Estes and Neil Alan Weiner: **Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico (2001)**. This study is cited in multiple pieces of professional literature on this topic*
- Tennessee law enforcement has seen a dramatic increase in human sex trafficking of minors in the past nine (9) months. We have both domestic and international human sex trafficking going on in our state. No single agency is keeping the numbers so the exact extent of the problem in Tennessee is not known. Victim services are clearly lacking in our state. – *Comments made by TBI Special Agent in Charge Margie Quin in testimony to the Select Committee on Children and Youth during August 26, 2010 hearing*
- In 2009, the Tennessee Bureau of Investigation received 9,276 report of missing children for an average of 773 reports per month. Of those reports, roughly one-third, or 3,051, were girls between the ages of 13 – 17. Estimates are that as many as 1,000 of those teen girls have been exploited and compelled to engage in commercial sexual exploitation. – *TBI data for calendar year 2009*
- In Tennessee, names and information for approximately 14,500 registered sex offenders are on the Tennessee Sex Offender Registry; of the registrants, 71% are convicted of offenses against children. Many of these persons, especially those convicted of statutory rape and rape of a child may have in some way been involved in commercial sexual exploitation of a child. – *Discussion in TBI focus groups*
- On March 1, 2011, 153 children and youth in the custody of the state of Tennessee were on runaway, their whereabouts is unknown; 54 of them are girls between the ages of 13 – 17. – *Department of Children’s Services, Absconder Recovery Unit data*

Introduction

Pursuant to Public Chapter 1023 of the Public Acts of 2010, herein is the report of the Select Committee on Children and Youth (SCCY) to the Judiciary Committees of the House of Representatives and the Senate of the 107th Tennessee General Assembly. The topic of this report is human sex trafficking as it especially relates to children. A copy of PC1023 is attached to this report as Exhibit 1.

Herein, the reader will find a description of the issue of human sex trafficking of minors, primarily focused on domestic trafficking, although in reviews of professional literature and fact gathering on this topic it is difficult to fully differentiate between domestic and international trafficking. The reader will find an example for a *Strategic Response Framework* for developing a public policy response approach which will include (1) prevention; (2) protection; and (3) prosecution. This report will outline current legislation pending before the 107th General Assembly, and other potential policy changes and activities to enhance and complete a comprehensive approach to combating human trafficking of minors for sex. Conclusions and recommendations, as they can be confidently be made at this time, will be made herein, as well.

In this report, the definitional use of the word “trafficking” connotes the buying and selling of goods, products of a wrong or illegal kind. The goods and products referred to herein are sex and human beings. In keeping with this intended meaning, traffickers are persons who are wrongfully and illegally carrying out the acts of trafficking and are, thus, conducting criminal activities. For purposes of this report, the trafficking of persons for sexual purposes refers solely to illegal activities involved in the selling and delivering of human beings who are victims for sex by persons with criminal intent who hold physical, psychological and/or emotional control over these victims. While activities of human trafficking often do involve the actual transporting of persons from one location to another for purposes of selling and delivering the goods, i.e. sex services; physical movement among locations is not definitionally necessary for activities to constitute human sex trafficking.

The reader should be aware that the Tennessee Bureau of Investigation (TBI) is currently conducting a thorough study of this topic. TBI pursued their study in partnership with SCCY and with funding from the Office of Criminal Justice Programs, Tennessee Department of Finance and Administration. The two (2) primary foci of the TBI study are first to analyze law enforcement data and statistics in order to quantify the extent to which human sex trafficking of minors is occurring in Tennessee. Secondly, the report will give some qualitative information in the form of profiles of some cases of human sex trafficking of minors that have been worked in Tennessee to date. Also, to be provided is input of law enforcement across the state gleaned from a widely distributed survey which inquires about what is being seen at the “street level” that resembles or is identified as sex trafficking of minors, and what law enforcement, prosecutors and non-government agencies (NGOs) believe to be their training and support needs. The TBI report will be released later in Spring 2011.

*“They are seduced, they are tricked, they are lured into this practice,
and then they lose the ability to walk away.
These kids literally become 21st century slaves.”*

*Ernie Allen, President and CEO
National Center for Missing and Exploited Children*

Description of the Issue

Exploitation of Vulnerabilities for Profit

Human trafficking is, essentially, an umbrella term for activities involved when one person obtains or holds another person in compelled service; in human sex trafficking, that compelled service involves engagement in sex activities. For an adult to be a victim of sex trafficking as opposed to prostitution there must be coercion, force or deception involved in causing their actions. However, a person less than 18 years old is a human trafficking victim whenever they are induced to perform sex activities whether or not coercion, force or deception is involved. Sex trafficking of minors is also referred to as Commercial Sexual Exploitation of Children (CSEC).

The following assertions are according to the National Incidents Studies of Missing, Abducted, Runaway and Throwaway Children (NISMART)*.

- 1.6 million children between the ages of 12 – 14 will run away this year
- 1:3 will be recruited by a pimp for sexual exploitation within 48 hours of leaving home
- 1:3 of street level prostitutes are less than 18 years old
- 1:3 of off-street prostitutes are less than 18 years old
- 250,000 10-17 year olds are involved in commercial sexual exploitation, of those 60% are believed to be runaways, throwaways or homeless children

In Tennessee, TBI is the repository for reports of missing children; Amber Alerts for missing children are issued through the Fusion Center at TBI. During calendar year 2009, the Fusion Center received a total of 9,276 reports of missing children, including those who are known to be runaways, for an average of 773 reports per month. For 2009, 3,051 of the total reports, or 33%, were of females between the ages of 13 – 17. How many of these teens, especially girls, are being pulled into commercial sexual exploitation can not be determined exactly. But according to these numbers and considering the rapidity with which girls on the streets are approached and recruited by pimps and traffickers, Tennessee could have as many as 1,000 girls per year becoming CSEC and trafficking victims. While we know how many children are reported to TBI as missing, we don't know exactly what happens to them. However, all persons consulted in regard to this study agreed that a significant number of these missing and runaway teens are quite likely being compelled into sexually exploitive situations and are, thus, being trafficked by pimps who hold serious psychological and physical control over them.

For a couple reasons it is difficult to make any determination about the extent of sex trafficking of minors in Tennessee based on law enforcement arrest records. First, the arrest records of persons charged with prostitution do not differentiate between adult and minor, and there is no reporting category for human trafficking. Secondly, situations that could involve sex trafficking of a minor are, in all likelihood, not charged out that way. Law enforcement indicates these arrests are likely to be charged out as runaway, unruly, domestic dispute, assault, statutory rape or rape of a child. Informants to this report were in agreement the root cause of the misidentification of trafficking cases by law enforcement is a basic lack of understanding of trafficking as a criminal act and a general lack of knowledge of the characteristics and indicators of human sex trafficking. In short, if you don't know what sex trafficking looks like then you

NISMART or the **National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children**, was a research project supported by the United States Department of Justice. It was enacted to address the 1984 Missing Children's Assistance Act (Pub.L. 98-473). This required the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct periodic national incidence studies to determine the actual number of children reported missing and the number recovered. The first study, NISMART-1 in 1988 categorized the various missing children reports and estimated the number of missing and recovered children in each. In 1999, a second study dubbed NISMART-2 was initiated.

won't know it when you do, in fact, see it. It seems current reporting systems do not have specific fields and categories to definitively capture data relative to CSEC and human trafficking, a dilemma also identified within the state's child welfare agency.

Minors who become victims of sexual exploitation and trafficking are almost always teenagers who have runaway from home, a good many believed to be wards of the state who are running from foster care settings. On 3.1.11, the Department of Children's Services, Absconder Recovery Unit reported 153 individual children in the custody of the state of Tennessee were on runaway, their whereabouts unknown; 54 of them are girls who are ages 13 – 17. Others who are victims of CSEC have been forcibly abducted by strangers, some pressured by parents into sex activities for profit, and some become victims due to deceptive agreements between parents and traffickers in which the latter takes possession and control of the minors. Sources including federal agencies and NGOs say the average age of these children is approximately 13, with victims referenced to be almost exclusively girls. However seldom noted, though, boys are known to be CSEC victims as well and should be acknowledged as such in policy discussions on this topic. Child welfare and juvenile justice expertise says many missing and runaway youth run to get away from real or perceived dangers in abusive home situations or are simply abandoned by their parents. On the streets they are without protection, thus, highly vulnerable to exploiters in search of youth to lure into their intended criminal activities. Once lured in by typical promises of love, protection and support, exploiters then apply a myriad of threats and pressures to these youth to hold physical, emotional and mental control of them. Some researchers have found the mental state of trafficking victims to be similarly characteristic of the Stockholm syndrome*. Considering the immaturity of adolescence in terms of character judgment and decision-making coupled with the traumas these youth may well have experienced in their own homes, it is easy to understand the exceptional vulnerabilities they have which makes them perfect prey to the lures of pimps and traffickers.

Law enforcement says that the vast majority of promotion of sex trafficking of minors is done through the internet. In 2010, Tennessee Attorney General Robert Cooper joined his counterparts from other states in calling for the popular website "craigslist" to close down its adult services and escorts section. Although this effort was successful, it is widely known that pimps and traffickers simply moved their ads to other websites and no appreciable reduction in this mode of promotion of prostitution and sex trafficking of minors has occurred. Through extensive intelligence gathering, law enforcement knows for a fact that many traffickers have their girls operating on circuits, physically moving them from town to town, city to city and state to state typically on a 7 – 21 day cycle. This not only decreases their risk of being busted but it also keeps different girls available to their clientele in any given locale. As importantly, though, the frequent movement in and out of various cities and towns increases the isolation of the girls, keeping them in a constant state of unfamiliarity with their surroundings and locales decreasing the likelihood they will know who or where to reach out for help – a specific technique traffickers use in managing their victims. Other techniques routinely used by pimps and traffickers are cruel and dehumanizing to their girls, including physical assaults and beatings, deprivation of food and basic necessities, and even threats of harm of victims' family members or other significant persons. Fear is a powerful controlling factor and is used mercilessly against trafficking victims.

Most of the movement of sex trafficking victims along these circuits in the southeastern United States is done by ground travel. Inasmuch as Tennessee has so many major transportation arteries crisscrossing the state, it is reasonable to assume a large amount of trafficking of persons moves through our state. Make no mistake; traffickers definitely have destination cities and towns in Tennessee where there is a viable, even robust, market for the sale of the services of their victims. Over the past year cases have been discovered and arrests made in Nashville, Knoxville, Smyrna and Columbia.

In psychology, **Stockholm syndrome** is a term used to describe a paradoxical psychological phenomenon wherein hostages express adulation and have positive feelings towards their captors that appear irrational in light of the danger or risk endured by the victims, essentially mistaking a lack of abuse from their captors as an act of kindness.

We know that between 1.1.08 and 8.5.10, Memphis police made 50 arrests of juveniles between the ages of 13 – 17, from which 64 juvenile complaints and 71 charges of prostitution were made. It is believed that a good number if not all these arrests involved some element of CSEC by pimps and trafficking organizations. At a recent meeting in Knoxville, a Department of Children’s Services staff person stated he had recently worked 4 cases of DCS custody kids – 3 girls and 1 boy – who were being trafficked by pimps for purposes of CSEC, in rural counties surrounding Knox.

Atlanta is identified as a major national and international hub for human trafficking. Considering the close proximity of the Atlanta metropolitan area to Tennessee’s southern border, law enforcement and anti-trafficking advocates say we should not deny CSEC demand exists within Tennessee and that many transportation routes that traffickers use come right into and through our state. Aside from routine destination cities and towns in the southeast, authorities know that major traffickers especially target trade shows, conventions and major sporting events such as the Super Bowl or the World Equestrian Events held last Fall in Louisville as locations to move women and girls into. These venues present opportune business circumstances for traffickers – a concentrated demand in a specific locale for a relatively short period of time.

Strategic Response Framework

Prevention, Protection and Prosecution. . . .

Human trafficking as a policy issue for legislators is complex, multi-faceted and still emerging in terms of understanding and clarity of the challenges it presents for jurisdictions, systems and communities to address. Since no single entity in the state is responsible for or carrying out comprehensive data collection, allocating funds and issuing mandates with a reasonable degree of certainty of return on investment is somewhat tricky. Establishing a comprehensive and effective statewide anti-human trafficking policy can not be done quickly; instead, it will likely take several years to do so. More so than relying on numbers and data to drive our response at this point in time and going forward in the short term, policymakers should consider adopting what is referred to as the “3P” paradigm: prevention, victim protection and criminal prosecution. By using this paradigm as a framework to first assess what current Tennessee laws fall under each of the three categories it will become more obvious where we are strong and where we have room for improvement in our laws to combat human trafficking and CSEC. Below are examples of various activities and policy components that would fall under each of the “3Ps”.

“3Ps” Needed to Combat Human Trafficking and CSEC

Prevention – public awareness campaigns to promote personal safety and increase likelihood of timely involvement of authorities in assessing possible trafficking and CSEC cases; strategies to decrease demand; hotline as a source of general information and training for interested parties; deferral programs such as “john schools”; public posting of names and pictures of johns and pimps; local and statewide anti-human trafficking coalitions to arm the community with prevention messages as well as protection resources.

Protection – improving capacity of key stakeholders to recognize human trafficking and CSEC; hotline as a means for victims to self-identify and seek help, and a means for persons suspecting of knowing of sex trafficking and CSEC to report to authorities; emergency shelters with access to basic services and ability to meet basic needs; treatment aimed at recovery for victims; foster care and therapeutic resources for victims of CSEC.

Prosecution – well trained law enforcement to conduct investigations and present strong cases of legal proceedings; sentencing laws strong enough to serve as deterrent; high level of cooperation between local, state and federal authorities with multi-jurisdictional authorities; multi-jurisdictional task forces such as the state drug task forces.

The “3P” paradigm approach can also brings much needed balance across categories in terms of passing legislation and adopting policies aimed at combating human trafficking and CSEC. For example, to focus a legislative initiative heavily on public awareness campaigns and law enforcement training to increase victim identification and arrests of pimps and traffickers may well be quite successful. Unless, though, the NGO network to provide shelter, legal services and other basic needs with which victims present is strong

with an appropriate array of services, available, resources for care and protection of victims will be sorely lacking and inadequate to support victims as they emerge from what is likened to a state of mental and physical captivity and destitution. Experience working with identified trafficking cases has shown across the board that victims who are not properly protected, treated and supported are very high risk to be uncooperative in legal proceedings against their pimps and traffickers; in fact, these victims are extremely high risk to abscond and, thus, be unavailable to assist in any prosecutorial actions that could otherwise take place. A similar example might be that of strengthening sentencing laws without properly training law enforcement to recognize indicators of trafficking and CSEC activity. This would quite likely not result in an overall decrease of the criminal activity; the crimes will simply continue being un- or misidentified and opportunities to bring trafficking charges traffickers and exploiters will continue being missed.

The roles of law enforcement, prosecutors and NGOs in combating human trafficking and CSEC are obvious. But when considering children as victims, both domestic and international, the child welfare agencies are important players whose role is not so clearly recognized. As a system child welfare is not well-equipped to take control and properly treat and manage child victims of CSEC and sex trafficking. Children and youth who have been victimized in this way have been manipulated by lies convincing them their pimps care for them and genuinely are their protectors; child victims often profess love for and have deep emotional attachments to those who hold them under their control. Threats by the traffickers to harm the individual or significant others such as family members are quite common. Brutal physical assaults upon them by their controllers is the consequence many of these young victims receive for any displays of non-compliance, resistance, rebellion or attempts to escape. Nevertheless, these teens are under so much mind-control by their pimps and traffickers that they are unwilling, at least initially, to trust and accept help of law enforcement and professionals. In fact, many of them make dramatic efforts to escape and run right back to their betrayers. Such characteristics of CSEC and trafficking victim makes assisting, supporting and initiating treatment with them very, very difficult.

Under any circumstance and irrespective of a victim's mindset with regard to their pimps and traffickers, any person under the age of 18 who is being used for purposes of profit through sexual exploitation activities is subject to the protection of the state via the child welfare system; in Tennessee, this is DCS. When identified, a child protective services (CPS) response is warranted and authorized under existing law; an investigation should be commenced as soon as the child becomes known to the DCS and all protection afforded any child known or suspected to be harmed or at risk of harm should be activated. Furthermore, unless a less restrictive placement alternative that provides safety and protection to the child is identified by the agency and agreed upon by the juvenile court, it is incumbent upon the presiding judge to place the minor in the custody of the state where they should be regarded as a victim and not an offender. But routine practice identified as happening around the state is for the minor to be charged and adjudicated as a delinquent youth, based on prostitution studies. Serious consideration should be given to this aspect of our state's policy content and response protocol. Minors who are trafficked are abuse victims of the johns who pay for and engage in sex acts with them; they are also victims of the pimps and traffickers who intentionally subject them to commercial sexual activities. Protocol that regards these minors as victims of abuse would allow that, through the course of a CPS investigation occurring simultaneous with the criminal investigation of law enforcement, the legally responsible parent or guardian of the child can be identified and a proper assessment of whether they have criminal involvement in the case or if they can provide proper care and supervision of the child can be determined.

Another aspect of protection for victims is treatment and support overcoming the psychological, emotional and possibly even physical damage they have experienced. For the great majority of human sex trafficking and CSEC victims, whether minors or adults, getting free of their exploiters and traffickers is a tremendous step to take. Some are willing and thankful to break that bond, while others who do not understand or believe their circumstance to be immoral, illegal and life-threatening may be resistant, even hostile to deal with. Nevertheless, all victims should receive a compassionate and supportive response, with some portion of them needing a specialized therapeutic response to assist with successful re-integration into their families, communities and daily living. Expertise in the mental health community to work with these victims is sparse, few clinicians and treatment facilities specialize in rehabilitation of trafficking victims. Reports indicated there are only approximately 1,000 treatment beds in the country to provide trafficking victim recovery and support. This writer is aware of only 10 beds in Tennessee, all located at Hermitage

Hall in Nashville, designated by the US Department of Health and Human Services (HHS) for trafficking victims. These beds are not reserved for Tennesseans only, victims may come from anywhere in the country to utilize these beds, the cost of which is reimbursed by HHS through its Rescue and Restore Campaign program.

Key Elements of State Policies and Laws

Polaris Project – key provisions for Comprehensive State Policies

Founded in 2002, Polaris Project is a Washington, DC based non-profit, non-governmental organization with a singular mission to combat human trafficking. Polaris Project operates the national human trafficking hotline (1.888.3737.888) and serves as the National Human Trafficking Resource Center (NHTRC); these functions of the organization are funded in part by HHS and multiple private donors. In August 2010, Polaris Project released its annual report rating states on how equipped each is to respond to human trafficking and serve as a resource for lawmakers on what specific laws should be enacted to improve each state's comprehensive approach to combating human trafficking. Each state's laws were assessed against a list of 10 provisions that are agreed upon as being essential in a comprehensive approach. Below is a list of these provisions of the 2010 State Rating Chart, with further information on the 2010 ratings of all states attached as Exhibit 2.

1. Statute that Criminalizes Sex Trafficking
2. Statute that Criminalizes Labor Trafficking
3. Statutes that provide for Asset Forfeiture in Human Trafficking Cases
4. Statute mandating or encouraging law enforcement be trained in human trafficking issues and the law
5. Statute that provides for a task force, commission or advisory committee dedicated to human trafficking issues
6. Statute providing for posting of a human trafficking hotline telephone number
7. Safe Harbor statute that dictates minors can not be prosecuted for prostitution, but instead are recognized as victims and diverted into the child protection system and victim services programs rather than into the state's criminal/juvenile detention programs
8. No requirement of force, fraud or coercion for sex trafficking of minors in the human trafficking laws
9. Statute(s) that specifically provide for services for victims of human trafficking
10. Statute providing ability of victims of human trafficking to seek civil damages from their traffickers

Upon request, SCCY staff attorney Elizabeth Insogna has done a legal review of current Tennessee laws as compared to the rating list. Her conclusions were that current law does provide for points #1 and #2. Only in limited situations would our current asset forfeiture laws apply, i.e. only if it could be proven that subject properties were purchased with proceeds from the trafficking activities. Two bills are pending that would put in code specific provisions for seizure and forfeiture of assets of traffickers. Exhibit 3 of this report is a listing of these and others bills addressing human trafficking that are now pending debate and action by the 107th General Assembly.

We currently have no statutory mandate for training of law enforcement about human trafficking. Although Tennessee does not have a state-level task force, commission or advisory committee, several local task forces are formed and active; a list of these groups is attached as Exhibit 4. Legislation is pending that would mandate posting of the NHTRC hotline number in multiple designated public locations. Another pending bill would decriminalize prostitution by a minor and, thus, create "Safe Harbor" in Tennessee for minors identified as trafficking and CSEC victims. TCA is not clear that there is no requirement of force, fraud or coercion as it relates to trafficking of minors and CSEC, statutory

clarification of this would be in order. Tennessee does not statutorily provide for services for victims, and we do not have statutes that specifically provide for victims to pursue civil remedies from their traffickers.

A number of federal agencies are involved in some aspect of combating all forms of human trafficking, including the US Departments of Justice, State, Defense, Agriculture, Labor, Education, Homeland Security, US Equal Employment Opportunity Commission, Agency for International Development and a presidential interagency task force; under the Trafficking Victims Protection Act of 2000 (TVPA) the U.S. Department of Health and Human Services (HHS) is designated as the agency responsible for helping victims of human trafficking become eligible to receive benefits and services so they may rebuild their lives safely in the U.S. As part of this effort, HHS has initiated the Rescue & Restore Victims of Human Trafficking campaign to help identify and assist victims of human trafficking in the United States.

Conclusion and Recommendations

What We now know, Some things that Can be done at this juncture. . . .

At this juncture in time regarding human sex trafficking, it can be said with certainty this is happening in our state and to Tennessee women and children. We do not know with confident certainty how much it is happening, though; for this we need reliable data collection and analysis capabilities. Nor do we have strong intelligence-driven certainty as to what the specific patterns and characteristics of this illegal activity are in our state. The release of the TBI report anticipated later this Spring is intended to quantify and qualitatively describe the current state of human sex trafficking, especially of minors, in Tennessee. Upon its release, all interested parties should study and assimilate the information contained therein into what will hopefully become an on-going discussion to make our state's overall anti-human sex trafficking policy as strong as it can be.

Following are specific recommendations for actions and activities that the General Assembly may wish to consider addressing. As the TBI report is released and the knowledge base of the topic continues to increase among members and legislative staff, the list should be modified to include future actions and directions the General Assembly and the key stakeholders in the state's anti-human trafficking work may wish to pursue.

- A legislative corps of members and key staff should continue gathering information and developing a solid knowledge base about the most effective methods for preventing human trafficking, prosecuting traffickers and protecting victims of this crime. A major focus of these efforts should be on children and learning more about commercial sexual exploitation of them as trafficking victims.
- The legislature should use the Polaris Project 10 Categories List (Exhibit 2) as a check-list for on-going legislative work to incorporate best practice knowledge into our state policy. Favorable consideration should be given to bills in the current General Assembly and going forward that address the specific provisions set forth in each of the 10 categories.
- Legislators and all others involved in anti-human trafficking work and advocacy should adopt the "3P" paradigm response framework of prevention, protection and prosecution to organize the work, to assess local procedures and practices and, ultimately, to assure development of a comprehensive and balanced public policy for the state that thoroughly combats human trafficking and promotes a strong anti-human trafficking message in Tennessee.
- Public awareness is necessary so the general populace, including especially children, youth and young adults, will become familiar with signs, indicators and response protocols to (1) insure their own personal safety; and (2) report to proper authority's suspicion of and actual knowledge of criminal trafficking activity.

- The formation and strengthening of local anti-human trafficking task forces should be encouraged; local task forces have great potential capacity to promote public awareness and advance training opportunities for all law enforcement, child welfare professionals and the general community at large.
- Explore ways to more definitively capture data specific to human trafficking and commercial exploitation of children within law enforcement and child welfare information management systems.
- Consider forming multi-jurisdictional task forces for human trafficking interdiction similarly to way drug task forces have been formed and authorized in Tennessee.
- Engage the mental health professional community in dialogues on human sex trafficking; encourage them to develop clinical expertise among practitioners about treating victims of human sex trafficking and CSEC. The reach of such efforts should extend into the child welfare arena and DCS' network of residential therapeutic foster care providers in order to strengthen therapeutic care available for child victims who come into the custody of the state.
- Study the needs for training for law enforcement on recognizing and responding to human sex trafficking and develop a plan for meeting those needs; the upcoming TBI report should be especially informative regarding law enforcement training needs and strategies for carrying out appropriate training.
- DCS case managers along with child advocacy center personnel and community-based child abuse prevention and family support services providers need to be trained and become proficient in recognizing and responding to signs and indicators of human sex trafficking and CSEC.

Source List

- Information distributed by Tennessee Bureau of Investigation (TBI) to Select Committee on Children and Youth in testimony on August 26, 2010.
- Information generated at 3 focus groups held by TBI to inform their Human Trafficking Study currently in progress. Focus groups were held in Nashville, Memphis, and Knoxville.
- Information from National Conference of State Legislatures (NCSL) and Southern Legislative Conference of Council of State Governments briefing papers and presentations.
- Memphis Area backpage.com Report: An Analysis of the Online Memphis Sex Industry and Human Trafficking. January 2011 report produced by Operation Broken Silence, Ryan Dalton, Anti-Trafficking Director.
- Trafficking in Persons Report, 10th Edition, U.S. Department of State: June 2010.
- Testimony at Select Committee on Children and Youth hearings in Nashville (August 26, 2010) and Chattanooga (October 20, 2010).
Witnesses included: Special Agent in Charge Margie Quin, TBI; Colette Bercu, Free for Life International, Franklin, TN; Bonnie-Marie Yager, Bryan College, Dayton, TN; Senator Renee Unterman, Georgia General Assembly; Cheryl Deluca, Street Grace, Atlanta, GA.
- Polaris Project, www.polarisproject.org
- U.S. Department of Justice
- U.S. Department of Health and Human Resources, Rescue and Restore Program
- Project REACHING OUT Anti-trafficking Compendium 2010, Southeastern Network of Youth and Family Services
<https://snyfs.memberclicks.net/assets/documents/PDFs/compendium%203.0.pdf>
- Shared Hope—The National Report on Domestic Minor Sex Trafficking, America’s Prostituted Children, May 2009.
<http://www.sharedhope.org/Resources/TheNationalReport.aspx>
- Tennessee Department of Children’s Services, Absconder Recovery Unit

EXHIBIT 1

PUBLIC CHAPTER NO. 1023

SENATE BILL NO. 1751

By Marrero, Kelsey, Yager

Substituted for: House Bill No. 1302

By Sherry Jones, Gilmore, Hardaway, Towns

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to crimes and civil liability for such crimes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) The Select Committee on Children and Youth is directed to study human sex trafficking, the improvements that should be made to existing laws relative to human sex trafficking and the impact of human sex trafficking on children and youth in this state. The committee shall study all issues associated with human sex trafficking and shall:

(1) Collect and organize available data, if any, on the nature and extent of human sex trafficking in this state;

(2) Examine collaborative models between governmental and nongovernmental organizations for protecting victims of human sex trafficking;

(3) Examine the progress of this state in preventing human sex trafficking;

(4) Examine the problems associated with identifying victims and establishing adequate sanctuary and rehabilitation opportunities for victims of human sex trafficking;

(5) Analyze current laws for their adequacy in protecting minor victims of human sex trafficking and, if necessary, recommend revisions to such laws that specifically address protecting minor victims of human sex trafficking;

(6) Identify available federal, state and local programs that provide services to victims of human sex trafficking, including health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English as a second language classes, voluntary repatriation and victim's compensation; and assess the need for additional services, including shelter services for human sex trafficking victims;

(7) Evaluate existing and potential programs to increase public awareness of human sex trafficking;

(8) Analyze existing state criminal statutes for their adequacy in preventing human sex trafficking and, if necessary, recommend revisions to such laws or the enactment of new laws that specifically define and address human sex trafficking;

(9) Consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent human sex trafficking, protect and assist victims of human sex trafficking and prosecute human sex traffickers, and make such recommendations, if any; and

(10) Examine any other issues relative to deterring and preventing human sex trafficking in Tennessee.

(b) The Select Committee on Children and Youth shall timely report its findings and recommendations, including any proposed legislation, to the Judiciary Committees of the House of Representatives and the Senate no later than March 1, 2011.

(c) All appropriate state and local agencies shall provide assistance to the Select Committee on Children and Youth upon request of the chair.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: June 4, 2010

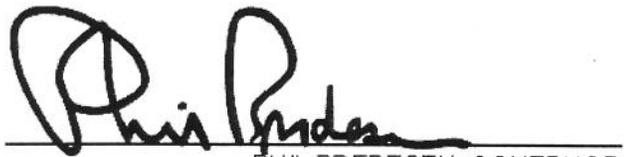


RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of June 2010



PHIL BREDESEN, GOVERNOR

EXHIBIT 2



POLARIS PROJECT

FOR A WORLD WITHOUT SLAVERY

FOR IMMEDIATE RELEASE

Contact: Andrea Austin
Cell: (202) 425-2307
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Polaris Project Releases the Dirty Dozen: State Ratings on Human Trafficking Laws and Policy

Washington, D.C., August 18, 2010 – Today Polaris Project released its 2010 human trafficking state ratings, featuring the “Dirty Dozen” – twelve states that have failed to enact basic human trafficking provisions or have provisions that fail to adequately address the growing crime. The ratings indicate how equipped states are to respond to human trafficking and serve as a resource for lawmakers on what specific provisions should be enacted to improve each state’s comprehensive approach to combating the issue.

Human trafficking, not to be confused with smuggling, is a \$32 billion a year industry worldwide, and the United States is an active and profitable venue for both sex trafficking and labor trafficking. Human traffickers target the most vulnerable populations, which include an estimated 100,000 American children exploited in the commercial sex industry annually. Although a federal law exists, the hidden nature of human trafficking requires eyes and ears on the ground, and that calls for complementary state laws.

“Human trafficking is more prevalent than people realize, and the federal government alone cannot eradicate it,” stated Bradley Myles, Executive Director and CEO of Polaris Project. “Human traffickers constantly look for places where they can make high profits and where they feel like there is little chance of getting caught. States that fail to provide critical deterrents - strong penalties, asset forfeiture laws, or trained law enforcement - are at heightened risk.”

Standing out in the ratings are the “Dirty Dozen,” which include states that have not addressed the crime of human trafficking at all (Hawaii, Massachusetts, South Dakota, West Virginia, and Wyoming). The remaining states (Alaska, Arkansas, Colorado, Ohio, South Carolina, Oregon, and Virginia) criminalize only sex trafficking or labor trafficking but not both, only include human trafficking as a mere sentencing enhancement, or have laws that are too weak or so narrowly drafted that investigations and prosecutions of human trafficking cannot proceed. Conversely, states that have taken the most action to combat human trafficking in a comprehensive way include Connecticut, Minnesota, Texas, and Washington, among others.

Polaris Project is a leading organization in the United States combating all forms of human trafficking and serving both U.S. citizens and foreign national victims, including men, women, and children. For more information, visit www.PolarisProject.org.

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2010 STATE RATINGS CHART CATEGORY DESCRIPTIONS

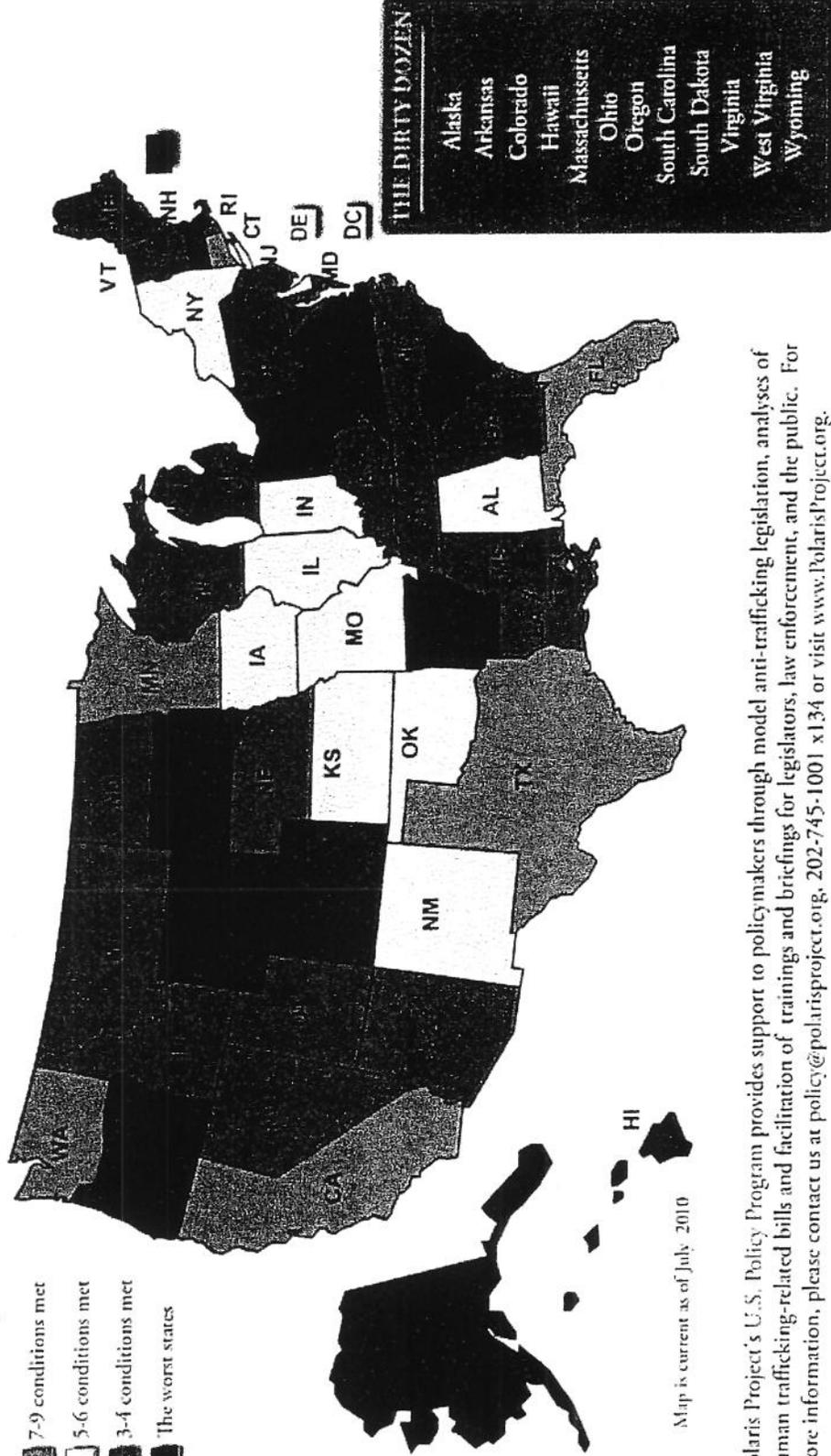
1. **Sex Trafficking:** A statute that criminalizes sex trafficking or trafficking in persons and includes elements of coercing another to engage in a commercial sex act. Some states have related laws under the prostitution code that do not necessarily qualify as sex trafficking laws.
2. **Labor Trafficking:** A statute that creates the crime of labor trafficking or trafficking in persons, in which a person is compelled through force, fraud or coercion into providing labor or services.
3. **Asset Forfeiture for Human Trafficking:** A statute that provides for the forfeiture of assets used in the course of conducting the crime or acquired with proceeds from the crime of human trafficking (*States with statutes that provide for vehicle forfeiture in similar crimes, such as prostitution or abduction as in the case of Virginia, are noted).
4. **Training on Human Trafficking for Law Enforcement:** A statute that mandates or encourages law enforcement to be trained in human trafficking issues and the law.
5. **Human Trafficking Commission or Task Force:** A statute that creates, establishes or encourages a task force, commission or advisory committee dedicated to addressing human trafficking.
6. **Posting a Human Trafficking Hotline:** A statute that provides, requires, encourages, allows or mandates the public posting of a human trafficking hotline, such as the National Human Trafficking Resource Center hotline or a state human trafficking hotline.
7. **Safe Harbor:** A statute that dictates that minor victims of sex trafficking cannot be prosecuted for prostitution, and instead are diverted to the child protection system and/or victim service programs rather than criminal/juvenile detention programs for prostitution crimes (NOTE: Because this is a relatively new trend, states are credited for taking the first steps toward “safe harbor” to ensure that minors are not prosecuted for prostitution).
8. **No Requirement of Force, Fraud or Coercion for Sex Trafficking of Minors in the Human Trafficking Law:** A statute that ensures that the elements of force, fraud or coercion are not required for a trafficker to be prosecuted for the sex trafficking of a minor.
9. **Victim Services:** A statute that specifically provides assistance or funds programs to help victims of human trafficking. Victim services and protection may include counseling, job assistance, housing, improving access to crime victim compensation funds or other existing state programs, and/or a victim/caseworker privilege.
10. **Civil Remedy:** A statute that provides victims of human trafficking with the ability to seek civil damages from their traffickers.

HOW DOES YOUR STATE RATE ON HUMAN TRAFFICKING LAWS?

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States are evaluated on the strength and inclusion of the following 10 statutes on: (1) Sex trafficking (2) Labor trafficking (3) Asset forfeiture for human trafficking crimes (4) Training on human trafficking for law enforcement (5) Human trafficking commission, task force, or advisory committee (6) Posting of a human trafficking hotline (7) Safe harbor (8) No requirement for force, fraud, or coercion for minors (9) Victim Assistance (10) Civil remedy

-  7-9 conditions met
-  5-6 conditions met
-  3-4 conditions met
-  The worst states



Map is current as of July, 2010

Polaris Project's U.S. Policy Program provides support to policymakers through model anti-trafficking legislation, analyses of human trafficking-related bills and facilitation of trainings and briefings for legislators, law enforcement, and the public. For more information, please contact us at policy@polarisproject.org, 202-745-1001 x134 or visit www.PolarisProject.org.

EXHIBIT 3

**Bills Addressing Human Trafficking pending in the
107th Tennessee General Assembly**

Bill/Sponsor

Focus of Legislation

HB 35 (S. Jones)/SB 64 (Marrero)

Prohibits prosecution of minors under the age of 18 for prostitution. Increases penalties for patronizing prostitution. Impound procedures for offender vehicles.

HB 171 (Coley)/SB 604 (Marrero)

Forfeiture of property for human trafficking offenses. Disposition of funds for such offenses.

HB 172 (Coley)/SB 605 (Marrero)

Enacts Human Trafficking Resource Center Hotline Act

HB 1327 (S. Jones)/SB 1123 (Marrero)

Involuntary Servitude Labor Restitution

EXHIBIT 4

Tennessee Local Organizations and Referrals

Doctors At War
Franklin, TN
Main: 1-888-552-8927
Emergency: 615-969-8983
General: info@doctorsatwar.
To Contact Founder:
drbercu@doctorsatwar.
www.doctorsatwar.org

Community Coalition Against Human
Trafficking
Knoxville, TN
865-236-1046
info@ccaht.
<http://www.ccaht.org>

YWCA of Nashville & Middle
Tennessee, Weaver Domestic Violence
Center
Nashville, TN
24 Hr. Hotline: 615-242-1199
24 Hr. Hotline: 1-800-334-4628
Main: 615-983-5172
information@ywcanashville.
www.ywcanashville.com

End Slavery in Tennessee
Nashville, TN
615-290-5714
info@endslaverytn.
www.endslaverytn.org

Operation Broken Silence
Memphis, TN
901-283-0649
ryandalton@operationbrokensilence.
www.operationbrokensilence.org

Second Life of Chattanooga
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Free for Life International
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