FINAL REPORT

An Analysis of Federally Prosecuted CSEC Cases since the Passage of the Victims of Trafficking and Violence Protection Act of 2000

Final Report

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List of Acronyms

AOUSC	Administrative Office of the U.S. Courts
BJS	Bureau of Justice Statistics
CAST	Coalition to Abolish Slavery and Trafficking
CEOS	U.S. Department of Justice's Child Exploitation and Obscenity Section
CSEC	Commercial sexual exploitation of children and youth
CST	Child sex tourism
DHHS	Department of Health and Human Services
DHS	Department of Homeland Security
DUACS	Division of Unaccompanied Alien Children's Services
EOUSA	Executive Office for U.S. Attorneys
DOJ	U.S. Department of Justice
ECPAT	End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes
FBI	Federal Bureau of Investigation
FJSRC	Federal Justice Statistics Resource Center
GEMS	Girls Educational and Mentoring Services
ICAC	Internet Crimes Against Children
ICAID	Interpol Child Abuse Image Database
ICE	U.S. Immigration and Customs Enforcement
ILO	International Labour Organization
IOM	International Office of Migration
IRISEM	International Repository of Institutions against Sexual Exploitation of Minors
LAYSS	Los Angeles Youth Supportive Services, Inc.
LEASEC	Law Enforcement against Sexual Exploitation of Children
NCMEC	National Center for Missing and Exploited Children
NGOs	Nongovernmental organizations
OJJDP	Office of Juvenile Justice and Delinquency Prevention
ORR	Office of Refugee Relocation
PROTECT Act	Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today
TVPA	Victims of Trafficking and Violence Protection Act
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
USAO	U.S. Attorney's Office
USMS	U.S. Marshals Service
USSC	U.S. Sentencing Commission
WTO	United Nations' World Tourism Organization

CHAPTER 1. INTRODUCTION

Each year, many children and youth are victims of commercial sexual exploitation involving acts of sex trafficking, prostitution, sex tourism, mail-order-bride trade and early marriage, pornography, stripping, and sexual performances. Reportedly, more than two million children worldwide are commercially sexually exploited every year, with as many as 300,000 of them being victimized in the United States (Estes & Weiner, 2001). The commercial sexual exploitation of children and youth (CSEC) is a fundamental violation of human rights that has devastating effects on its victims. Victims face violence, physical, emotional and sexual abuse, sexually transmitted diseases, and often are arrested and detained as criminals.

To help deter the spread of this crime, to punish its perpetrators, and to protect its victims, the U.S. Congress passed legislation aimed specifically at acts associated with CSEC, the most notable being the Victims of Trafficking and Violence Protection Act (TVPA) in 2000. Though several years have passed since the introduction of CSEC-focused legislation, we are just beginning to understand the impact of this legislative effort.

To increase understanding of this problem and how it has been addressed through legislation, the Urban Institute, a non-partisan social and economic policy research organization, along with Polaris Project an anti-human trafficking organization based in the United States and Japan, were awarded a cooperative agreement from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct a 12-month study on CSEC in the United States. The purpose of this research was to conduct a national analysis of federal prosecutions of CSEC-related cases from 1998 through 2005. This document reports our research findings. Our goal was to answer to the following questions:

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

To answer these questions, the research team conducted a literature review, informational interviews with four federal prosecutors, and statistical analyses of federal CSEC cases filed by U.S. Attorneys from 1998 through 2005. These cases are contained in the Federal Justice Statistics Resource Center (FJSRC) database that has been managed by the Urban Institute's Justice Policy Center for the past 10 years. Though the analysis of CSEC cases contributes to the field's knowledge of enforcement aspects of the CSEC problem, this report goes further. We also assess the inter-relationship between enforcement and services provided to victims. This connection is of critical importance to CSEC providers and victims. To better understand it, we also conducted a half-day meeting with eight Washington, D.C. area CSEC service providers to inform study findings.

In terms of the report organization, Chapter 2 briefly summarizes the literature on CSEC in the United States. In Chapter 3, we present our analysis of federal CSEC case data. Chapter 4 provides an overview of what we learned from CSEC service providers, and Chapter 5 summarizes our study findings and presents our suggested next steps for the field. Attached Appendices include supporting documents (e.g., comprehensive literature review, glossary of CSEC terms, detailed description of research methods, and interview guide) that provide additional context for this report.

In conclusion, this review and assessment is intended to provide: (1) the field with a thorough description of federal CSEC case data contributing to the knowledge that we have about such cases; (2) law enforcement and prosecutorial agencies with information that may be useful during CSEC investigations and prosecutions; and (3) policy makers with a means of assessing the effects of legislation aimed at combating CESC.

CHAPTER 2. REVIEW OF THE LITERATURE

This chapter briefly reviews the literature on the commercial sexual exploitation of children and youth (CSEC) in the United States from roughly 1998 through 2005. A fuller and more detailed review of the literature on CSEC can be found in Appendix A of this report, along with a glossary of key CSEC terms. Here, we highlight the efforts of the United States to combat CSEC, paying particular attention to legal remedies aimed at protecting victims of this crime.

2.1 United States Actions to Combat CSEC

As early as 1996, the United States began developing its strategy to address CSEC. The U.S. plan involved coordinating the efforts of various government agencies and domestic and international Non-Governmental Organizations (NGOs). First, we discuss significant changes in U.S. legislation against CSEC, followed by U.S. government agency efforts, and the efforts of various NGOs across the country. We illuminate the scope of actions taken to combat CSEC within the United States, as well as acts committed by U.S. citizens abroad. This section frames the structure of the present study and the findings presented in chapters 3 and 4. Specifically, the information presented here is intended to help readers better understand the context in which law enforcement, prosecutors, and service providers are working by highlighting the awareness of CSEC offenses in the United States and the tools put in place to prevent this crime and prosecute its offenders. It also helped us form the boundaries of data we included in the study dataset.

2.1.1 United States Legislation Aimed at Combating CSEC

Prior to the passage of the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003, prosecutors addressed crimes involving CSEC using the Mann Act of 1910 and the Violent Crime Control and Law Enforcement Act of 1994 (also known as the Crime Bill). The Mann Act, commonly called the White Slave Traffic Act, was enacted in 1910 to fight against forced prostitution in

keeping with the Thirteenth Amendment to the U.S. Constitution passed in 1865 (Katyal, 1993).[1] However, the Act did not explicitly protect minors until it was amended in 1978. Amendments passed in 1986 and 1994 further protected minors from slavery-like practices. These amendments extended the reach of the Act in three important ways: (1) The Act became gender neutral—focusing on both males and females; (2) Specific attention was paid to the transportation of minors, defined as those under the age of 18; and (3) The amendments broadened the Act to prosecute against "any sexual activity" not just prostitution. The FBI investigates possible Mann Act cases and refers them directly to U.S. Attorneys. The U.S. Department of Justice's Child Exploitation and Obscenity Section (CEOS) located within the Criminal Division supervises the prosecution of these cases (Criminal Resource Manual, 2007).

The Crime Bill passed in 1994 includes a provision that specifically addresses the growing concerns about child sex tourism. This provision, known as the Child Sexual Abuse Prevention Act, makes it a crime to travel outside of the United States with the intent of engaging in sexual activity with a minor. While this provision represents a significant step towards fighting child sex tourism, few cases were prosecuted using this law (Andrews, 2004). As a result, the Sex Tourism Prohibition Improvement Act of 2002 was passed to address these concerns. Perhaps most significantly, the Act removed the intent requirement for individuals and criminalized the actions of sex tour operators (Fraley, 2005).

Despite what preceded it, the TVPA of 2000 is considered by most to be the seminal piece of U.S. legislation leading the fight against CSEC. The TVPA federally criminalized human trafficking focusing on prevention, protection, and prosecution. Educational and public awareness campaigns were authorized through its focus on prevention. In order to better protect victims of severe forms of human trafficking, which include both U.S. citizens and non-U.S. citizens, the TVPA authorizes access to benefits and social services such as housing, educational programs, job training, health care, and legal services. In addition, non-U.S. citizen victims may be able to obtain a T-visa classification allowing them to become temporary U.S. residents. The TVPA was significant in extending the broad range of services and benefits traditionally available to refugees to victims of trafficking in the United States. Adding teeth to the TVPA is its provision on prosecution and punishment. Specifically with respect to CSEC,

[1] For background information on how the Mann Act applies to states, we suggest reading about the Civil Rights Act of 1964 and the Interstate Commerce Clause.

traffickers who exploit children under the age of 14 using force, fraud, or coercion for the purposes of a commercial sex act can receive a sentence of life in prison. If the crime does not involve force, fraud, or coercion, but the victim is between the ages of 14 and 18 years old, the trafficker is eligible for up to 20 years in prison (TVPA Fact Sheet, 2000).

In 2002, the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) hosted a national summit on legislation about protecting children from prostitution. A key finding was that legislation and policy often adversely affect the handling of child prostitution cases because of inequities in how the system deals with child victims and offenders. Recommendations were made to: (1) develop model policies, laws/statutes and enforcement strategies, (2) enforce existing laws, (3) encourage prosecutors to take a more proactive approach to these cases, (4) establish victim-focused and victim-sensitive protocols for investigation and prosecution, and (5) use vertical prosecution strategies where appropriate (Protecting Our Children, 2002).

One year later, Congress enacted the PROTECT Act of 2003 (Public Law 108-21) to further strengthen the ability of the government to fight child sexual exploitation.[2] The PROTECT Act expanded territorial jurisdiction to prosecute Americans abroad who commit acts of CSEC and increased maximum incarceration from 15 to 30 years (Shared Hope International et al., 2006; Fraley, 2005). Moreover, the 2003 reauthorization of the TVPA (TVPRA of 2003) created educational campaigns against sex tourism, gave victims the ability to sue their traffickers in federal district court, mandated the Attorney General to produce a yearly report to Congress on U.S. government efforts to combat trafficking in persons, and created a Senior Policy Operating Group (SPOG) on trafficking in persons (Assessment of U.S. Government Efforts to Combat Trafficking in Persons, 2006).[3] The SPOG meets quarterly to follow-up on activities of the President's Interagency Task Force—a cabinet-level task force, chaired by the Secretary of State and formed in 2001, to coordinate federal efforts to combat trafficking (U.S. Department of State Office to Monitor and Combat Trafficking in Persons Fact Sheet, 2006). The combined passage of the PROTECT Act and the TVPRA of 2003 expanded U.S. efforts to combat child sex tourism (CST) both at

[2] For full text of legislation, see: http://thomas.loc.gov/cgi-bin/query/D?c108:6:./temp/~c108hif2SY

[3] For full text of the Trafficking Victims Reauthorization Protection Act of 2003, see: http://www.state.gov/documents/organization/28225.pdf

home and abroad. In fact, with 30 years maximum incarceration in the United States, the PROTECT Act contains the most severe incarceration penalties for CST in the world, compared with twelve years in Australia, ten years in Germany, and three years or a fine of up to one million yen (roughly $8,341 U.S. dollars) in Japan (Fraley, 2005).[4]

The TVPRA of 2005 reauthorized the TVPA through 2007.[5] With respect to CSEC, the 2005 TVPRA included pilot programs to establish residential rehabilitative facilities for victims. It established grant programs for state and local law enforcement to combat human trafficking and expanded victim assistance programs in the United States (Assessment of U.S. Government Efforts to Combat Trafficking in Persons, 2006).

2.1.2 Governmental Agency Action in the United States

While significant, it is not the passage of federal legislation alone that marks the U.S. effort to combat CSEC. Additionally, many government agencies are working to combat the various forms of CSEC. A few notable agency efforts are discussed here.

The Innocence Lost initiative, which began in 2003, is the largest U.S. government initiative against child trafficking. Headed by the FBI's Crimes Against Children squad and with involvement from CEOS and the National Center for Missing and Exploited Children (NCMEC), task forces were formed in U.S. cities with high volumes of these crimes.[6] As a part of the initiative, NCMEC and the U.S. Attorney's Office (USAO) train NGOs and law enforcement on CSEC.[7] DOJ's Civil Rights Division and Criminal Division both deal with issues of CSEC. Within DOJ's Criminal Division is CEOS which was

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[4] See Fraley, A. *Child Sex Tourism Legislation Under the PROTECT Act: Does it Really Protect?,* St. John's Law Review. 79, 445 (2005).

[5] For full text of the Trafficking Victims Protection Reauthorization Act of 2005, see: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:h972enr.txt.pdf

[6] Examples of cities include: Detroit, Michigan; Harrisburg, Pennsylvania; and Atlantic City, New Jersey.

[7] In 1996, the U.S. Congress established the Exploited Child Unit (ECU) within the NCMEC. The ECU serves as a resource center for the public, parents, law enforcement, and others about the issues surrounding the sexual exploitation of children. The NCMEC website has a "CyberTipline" that the public may call to report suspected instances of child sexual exploitation.

created in 1987 to enforce federal criminal statutes relating to the exploitation of children and obscenity. CEOS collaborates with the 93 USAO's to prosecute violations of federal law related to child pornography, the transportation of women or children interstate for the purpose of engaging in criminal sexual activity, interstate or international travel to sexually abuse children, and international parental kidnapping.[8] DOJ's Civil Rights Division is also responsible for prosecuting human trafficking and CSEC violations as well as funding and staffing the national complaint line for reporting trafficking crimes.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) located within DOJ is also involved in efforts to combat CSEC. As an office, they work nationally to provide leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. Most notably, with respect to CSEC, OJJDP funds collaborative networks such as the Internet Crimes Against Children (ICAC) task forces and is supporting the development of a regional data collection and tracking system which will collect data on risk factors indicating whether a particular child is at-risk of CSEC. These data will then be shared with law enforcement, court personnel, and state and local agencies to enhance identification, protection, and prosecution efforts. The data system, the first of its kind, is being piloted in Fulton County, Georgia with plans to duplicate it in communities across the country. In addition, OJJDP funds direct services such as a demonstration program in NYC and another in Atlanta (Fulton County), Georgia aimed at reducing the demand for CSEC and providing services to victims (Shared Hope International et al., 2006).

Operation Predator is an initiative between U.S. Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS) to identify, investigate and arrest foreign national predators, human traffickers, international child sex tourists, and other predatory individuals (including Internet predators). There are four significant efforts that comprise Operation Predator: (1) the

[8] Kidnapping is defined as: n. the taking of a person against his/her will (or from the control of a parent or guardian) from one place to another under circumstances in which the person so taken does not have freedom of movement, will, or decision through violence, force, threat or intimidation. Although it is not necessary that the purpose be criminal (since all kidnapping is a criminal felony) the capture usually involves some related criminal act such as holding the person for ransom, sexual and/or sadistic abuse, or rape. It includes taking due to irresistible impulse and a parent taking and hiding a child in violation of court order. An included crime is false imprisonment. Any harm to the victim coupled with kidnapping can raise the degree of felony for the injury and can result in a capital (death penalty) offense in some states, even though the victim survives. Originally it meant the stealing of children, since "kid" is child in Scandinavian languages, but now applies to adults as well (Law.com accessed online at: http://dictionary.law.com/default2.asp?typed=kidnapping&type=1 on February 14, 2008).

establishment of a single web portal to access all publicly available state sex offender registry (known as "Megan's Law") databases;[9] (2) the creation of a National Child Victim Identification System (in partnership with NCMEC, FBI, U.S. Postal Inspection Service, U.S. Secret Service, DOJ, the ICAC Task Forces, and other agencies); (3) the stationing of ICE agents abroad to work with foreign governments to promote cooperation and coordination on cross-border CSEC cases, and (4) the combining of ICE and Interpol efforts to build global intelligence on child predators.

Researchers from the Bureau of Justice Statistics (BJS) recently analyzed data from the Federal Justice Statistics Program in an effort to shed light on violations of federal human trafficking statutes from 2001 to 2005 (Motivans and Kyckelhahn, 2006). Motivans and Kyckelhahn (2006) found that more than half (58 percent) of the matters opened were for offenses created as a result of the TVPA of 2000. They also found that of the 58 percent of suspects in TVPA offense cases, 23 percent (129 suspects) were for sex trafficking of children. The statutes BJS used to define human trafficking were taken from U.S. Criminal Code, Chapter 77 on Peonage, Slavery, and Trafficking in Persons (18 U.S.C. §§ 1581-1594). With respect to children, only one of these statutes directly addresses sex trafficking of children (18 U.S.C. § 1591). Therefore, while these data are valuable, they only provide a very small glimpse of the larger picture.

In addition, the Department of Health and Human Services (HHS) is working to help combat human trafficking and CSEC. The HHS Family and Youth Services Bureau (FYSB) is involved in the fight against CSEC by offering programs such as transitional living and street outreach to runaway and homeless youth through its Youth Development Division. The HHS Office of Refugee Relocation (ORR) launched the Rescue and Restore Campaign that provided over $3 million in grants to fund projects that raise awareness of human trafficking and/or provide case management and direct services to victims (Shared Hope International, et al., 2006). ORR operates the Unaccompanied Refugee Minors Program that assists juvenile victims by establishing their legal status, working with the U.S. Citizenship and Immigration Service within DHS, and providing assistance and benefits.[10] ORR also operates the Division

[9] The Megan's Law database is a sex offender registry (Office of the Attorney General for the State of California accessed online at http://ag.ca.gov/ on May 2, 2007).

[10] Two lead voluntary organizations, The Lutheran Immigration Refugee Services (LIRS) and The United States Catholic Conference (USCC), help ORR with the Unaccompanied Refugee Minor Program.

of Unaccompanied Alien Children's Services (DUACS) that provides housing and a wide range of services to unaccompanied alien children under age eighteen who have been apprehended by DHS immigration officials.[11] HHS is training staff at DUACS shelters to identify CSEC/trafficking victims who may be housed in their facilities.

Other governmental agencies or offices involved in anti-human trafficking and anti-CSEC efforts include: the Naval Criminal Investigative Service, Army Criminal Investigative Division, Air Force Office of Special Investigations, the Diplomatic Security Service of the Department of State, the Criminal Investigative Division of the Department of Labor, and DOJ's Office for Victims of Crime.

2.1.3 NGO Action to Combat CSEC in the United States

The variation in agencies involved in combating CSEC speaks to the need for effective coordination, communication, and information sharing (where possible). It also speaks to the scope of CSEC and the complexity involved in the identification and protection of victims, and the prosecution and punishment of traffickers/exploiters. This work would not be complete without the work of NGOs, nonprofits, social service organizations, researchers, victims and survivors of CSEC, and other individuals who further support and inform the government's efforts to prevent, prosecute, and protect against the commercial sexual exploitation of children. Among these are organizations such as ECPAT USA, the Polaris Project, Girls Educational and Mentoring Services (GEMS), Safe Horizon, the Coalition to Abolish Slavery and Trafficking (CAST), the Protection Project, Boat People SOS, Children of the Night, Sisters Offering Support, Vital Voices, and Breaking Free, to name a few among many others.[12] These organizations are on the ground, in communities in almost every state, working on a daily basis with CSEC victims in a variety of capacities—providing food, shelter, clothing, education, medical care, counseling, translation services, outreach, legal expertise, life skills programming, job training, and family reunification to survivors of CSEC. In addition, they also provide training and technical assistance to law enforcement, judges, prosecutors, and other criminal justice system personnel; serve as advisors on

[11] For more information see generally, http://www.acf.hhs.gov/ebrochure/unaccompanied.htm.

[12] For more information on the organizations listed, please visit their websites. For a more comprehensive listing of U.S. organizations fighting against CSEC visit UNICRI's IRISEM on the United States at: http://www.unicri.it/wwd/trafficking/irisem/irisem.php?cntr_=United+States+of+America&keyw_=&submit=GO

various committees and research projects; organize task forces; and conduct advocacy, outreach, and public awareness campaigns. (Please see Appendix A for a detailed discussion on some of the work of these organizations.) Just as important as the activities NGOs accomplish on their own, are the activities they accomplish together. Anti-human trafficking and anti-CSEC organizations across the country came together in 2003 to host *Breaking the Silence*, the first national summit on CSEC (GEMS website, 2007). As a result of this summit, OJJDP allocated funding for additional research and data collection on CSEC (OJJDP Videoconference: Working Together to Stop the Prostitution of Children).

2.2 Highlights of Comprehensive Literature Review

Our review of the literature reveals that CSEC has been and continues to be focused on by the criminal justice community, policymakers, academics, advocacy organizations, and the international community. In Appendix A we include our comprehensive literature review as well as two tables that chart the activities both internationally and within the United States. Here, we highlight key points from our full literature review:

- A formal definition of CSEC was made widespread in the 1996 Declaration and Agenda for Action for the First World Congress Against the Commercial Sexual Exploitation of Children.
- The most cited estimate of CSEC is from the report, *The Commercial Sexual Exploitation of Children In the U.S., Canada, and Mexico* (Estes & Weiner, 2001) that states each year in the United States as many as 300,000 children are at risk of being sexually exploited.[13]
- Research suggests that the average age a child first falls victim to CSEC is 13 or 14, and that in the United States, more often than poverty, family dysfunction, family sexual abuse, school or other social failures, the presence of existing adult prostitution markets, and drug dependency by family members or CSEC victims are cited by victims as leading factors contributing to their involvement in CSEC.

[13] These estimates are based on seventeen discrete categories of sexually exploited children identified by Estes and Weiner. For a more detailed discussion about how this estimate was derived, please see *The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, pp. 139–155.

- While most studies on CSEC focus on the causes of this crime and its victims, few studies focus on its perpetrators, however, research shows that the majority of child sexual exploiters are males between the ages of 20 and 65.
- Prior to the passage of the TVPA (2000) and the PROTECT Act (2003), prosecutors addressed crimes involving CSEC using the Mann Act of 1910 and the Violent Crime Control and Law Enforcement Act of 1994; however, despite what preceded it, the TVPA is considered by most to be the seminal piece of U.S. legislation.
- Several things occurred in 2003 that worked together to help combat CSEC, namely the passage of the PROTECT Act, the reauthorization of the TVPA, the start of the Innocence Lost initiative, and the *Breaking the Silence* national summit on CSEC.

There is great breadth to the legislation passed to help combat CSEC, as well as numerous projects and activities of advocates. But how much of an impact have these laws and efforts had in the prosecution of those who exploit children for financial gain? To what extent have existing laws related to CSEC been enforced? Penalties for CSEC have increased through legislation, but are cases being disposed of accordingly? And what, if any, effects have these changes in legislation had on service providers who work with CSEC victims? To answer such questions we conducted a comprehensive analysis of federal CSEC case data, which is presented next in chapter 3.

CHAPTER 3. ANALYSIS OF FEDERAL CSEC CASE DATA

A primary goal of this study is to increase our understanding of the commercial sexual exploitation of children and youth (CSEC) and to help fulfill the federal government's mandate to better understand "investigations, arrests, prosecutions, and incarcerations of persons engaged in sex trafficking and unlawful commercial sex acts," and "the differences in the enforcement of laws relating to unlawful commercial sex acts across the United States." (TVPRA of 2005, Title II, §201 (a)(1)(B)(ii)(III) and (IV)). To help achieve this goal, and to answer our research questions of interest, researchers from the Urban Institute conducted secondary data analysis of federal criminal case data of CSEC offenders obtained from the Federal Justice Statistics Resource Center (FJSRC), a Bureau of Justice Statistics (BJS)-sponsored program.

This chapter includes: our research methods, starting with a detailed explanation of informational interviews we conducted with federal prosecutors; descriptive statistics and key findings from the secondary data analysis of the federal CSEC data; and our predictive models of case outcomes. Several documents that should be reviewed along with this chapter are included in Appendix B.

3.1 Prosecutor Interviews

To help inform the construction of the study dataset, the research team consulted the *Federal Criminal Code*, reviewed social science research literature on CSEC, and also conducted interviews with federal prosecutors with experience handling CSEC cases. The Polaris Project, our research partner, helped us identify federal prosecutors to interview, providing us with a list of potential candidates. Prosecutors were selected based on their years of experience working on CSEC cases and their availability to meet with us. The scope of this project's budget limited the number of prosecutors we could interview. Ultimately, we interviewed: an Assistant U.S. Attorney from the District of Columbia, two prosecutors from the Child Exploitation and Obscenity Section (CEOS) within the Department of Justice (DOJ), and a prosecutor from DOJ's Civil Rights Division.

We conducted one hour, semi-structured, face-to-face or telephone interviews using the interview protocol found in Appendix B. During these interviews we obtained information on four main topic areas:

- Experience prosecuting CSEC cases at the federal level;
- Collaboration with other criminal justice stakeholders who work on CSEC issues;

- Prosecutorial decision-making with respect to handling a CSEC case; and
- Methods of data collection and reporting (i.e., how prosecutors record and track information on CSEC cases).

At the beginning of each interview, the interviewer presented the prosecutor with a list of federal statutes that we thought should be included in the study. This initial list included 21 statutes (see Appendix B). Throughout the course of our interviews, federal prosecutors helped us narrow down the final list to the 10 most relevant federal statutes (see Exhibit 3-1). These 10 statutes were used to flag cases in the FJSRC database that ultimately comprised our study dataset (a more detailed explanation of the construction of our study dataset is provided in the research methods section of this chapter and in Appendix B).

In addition to providing feedback on the list of statutes, we capitalized on this opportunity to pilot test a CSEC prosecutor interview protocol and were able to collect initial prosecutor viewpoints on prosecution policies, charging decisions, and case practices at the federal and state levels, how these procedures can be replicated, and how they could be better informed to ensure that there is an appropriate balance between prosecutor efforts and protecting CSEC victims from additional harm. This information provided context for the quantitative data analysis and was instrumental in serving as a "check and balance" against the literature review and service provider data (presented in Chapter 4). A summary of the five main points gathered from the prosecutor interviews follows.

Exhibit 3-1 Federal Statutes Pertaining to the Commercial Sexual Exploitation of Children and Youth

Federal Statute	Description
18 U.S.C. § 2251	Sexual exploitation of children
18 U.S.C. § 2251A	Selling or buying of children
18 U.S.C. § 2252	Certain activities related to material involving the sexual exploitation of minors
18 U.S.C. § 2252A	Certain activities related to material constituting or containing child pornography
18 U.S.C. § 2253	Criminal forfeiture (in violation of sexual exploitation of minors)
18 U.S.C. § 2257	Record keeping requirements (offenses involving production of materials involving the sexual exploitation of minors)
18 U.S.C. § 2260	Production of sexually explicit depictions of a minor for importation into the U.S.
18 U.S.C. § 2422	Coercion & enticement (transportation for prostitution or other criminal sexual activity)
18 U.S.C. § 2423	Transportation of minor with intent for minor to engage in criminal sexual activity
18 U.S.C. § 1591	Sex trafficking of children (or by force, fraud, or coercion)

3.1.1 While prosecutors agreed that CSEC is distinguishable from human trafficking, they had differing opinions on what constitutes CSEC, thus affecting charging decisions.

The four prosecutors we interviewed differentiated CSEC from human trafficking based on the types of victims that are associated with these crimes. According to them, most prosecutors working in the field view CSEC as primarily involving domestic trafficking victims, while they view human trafficking as involving foreign national victims. This definitional distinction has been shaped around the manner in which these groups of children become involved in human trafficking and the response strategies put in place to address their needs. For example, foreign national victims are victims who have been brought to the United States from other countries and have certain protections afforded them as a result of the TVPA such as secured housing and relief services. These protections and relief services may not be available to the same extent for domestic victims. Prosecutors who focus on domestic trafficking

believe that CSEC and human trafficking are distinct, and although the victims may have similar needs, they get treated differently by the criminal justice system and service industry.

Prosecutors also defined CSEC in varying ways, thus affecting which pieces of legislation they thought pertained to this crime. Interestingly, no prosecutor fully agreed with the definition of CSEC that broadly interprets CSEC to include any form of commercial child sexual exploitation. Instead, one prosecutor defined CSEC as only encompassing child prostitution. To others, CSEC did not include child sex tourism. Additionally, child pornography was not considered a form of CSEC by some who tended to view it as more of an "add-on charge" in child prostitution (CSEC) cases. These differences in the definition of CSEC may be a function of the division of labor that goes on at the federal level in deciding which government agency and which division within each government agency handles certain types of CSEC cases (e.g., cases handled by CEOS versus the Civil Rights Division).

3.1.2 Task forces have been very instrumental in combating CSEC but need further development especially at the local level.

Prosecutors reported that it has not been the passage of the TVPA alone that has made the difference in combating CSEC. Task forces established for these crimes have also played a major role. An often cited example of a promising task force is the Internet Crimes Against Children task forces funded by the United States Office of Juvenile Justice and Delinquency Prevention. Prosecutors reported that these and other task forces have enhanced their capabilities to more effectively investigate and prosecute cases. They also mentioned that the collaborations that take place have increased knowledge at the state level. As more states enact human trafficking and CSEC legislation and assume a greater CSEC caseload, prosecutors expressed that taskforce participation will be vital in successfully combating this crime.

3.1.3 Some disagreement exists over whether or not certain types of CSEC cases should be prosecuted federally or at the state level.

When asked how they decide to prosecute a case at the federal level, prosecutors expressed that there are no "hard and fast" rules governing how to make this decision. Generally, we heard that this decision is based on the particular facts of the case with factors such as egregiousness, jurisdictional complexity, and resources being leading factors. Prosecutors had varying viewpoints on how state entities should be involved in CSEC cases. Some argued that the federal level is better equipped to investigate

and properly go after CSEC offenders and therefore, the federal level should be responsible for all CSEC cases. Others argued that investigators and prosecutors at the state level are capable of handling CSEC cases and should be better trained to do so. Many agencies (and many divisions within agencies) are involved in different aspects of CSEC cases and the prosecutors felt that better collaboration among all actors would do much more to increase the number of investigations and prosecutions than the creation of more statutes.

3.1.4 Prosecutors need more information on data collection practices and usage.

The prosecutors all agreed that it is important to collect CSEC data so that policies and practices can be data-driven. However, they were unaware of any formal procedures for data collection or even what types of data were being tracked across the agencies. Some prosecutors discussed keeping case lists for their own records but were not aware of any automated mechanisms that collected and tracked standard case information. Better and more transparent data collection efforts were seen as being instrumental in developing better collaboration among and within various government agencies.

3.1.5 Plea bargaining is the preferred prosecutorial method for CSEC cases.

Prosecutors generally agreed that plea bargaining is fairly standard in cases involving children because traditionally they do not consider it to be in the "best interest of the child" to make child victims witnesses in a prosecution. However, some current CSEC legislation may actually create disincentives for some offenders to engage in plea bargaining. For example, one prosecutor felt that because there are mandatory minimums for some CSEC offenses, offenders are often less willing to plea and more likely to go to trial, thereby making the child victim go through the trial process, which can be traumatic.

As the field collects more information on CSEC prosecutorial practices, especially state-level practices, we will be able to refine the research design employed here and to provide even greater context to the descriptive statistics presented in section 3.3 below.

3.2 Research Methods

The secondary data analysis of federal CSEC case-defendants that we conducted relied on detailed federal criminal case processing data obtained from the Federal Justice Statistics Resource Center (FJSRC), a project sponsored by the Bureau of Justice Statistics and operated by the Urban Institute (for

more information about the FJSRC and a fuller description of our research methods, see Appendix B). We utilized the FJSRC database to examine the prevalence and characteristics of CSEC offenses and offenders across all stages of the federal criminal justice system, including: criminal suspects investigated by U.S. attorneys, persons arrested by federal law enforcement, defendants prosecuted and adjudicated in U.S. district court, and offenders sentenced and imprisoned. To measure and assess trends in the federal prosecution of CSEC offenders, our approach defined a key analytic cohort—defendants in cases filed in U.S. district court each fiscal year, from 1998 to 2005—and used the FJSRC data linking system and its special "link index file"[14] to link our cohort to data from both prior and subsequent stages of case processing.

To identify CSEC defendants in the FJSRC database that comprise our cohort, we relied on the criminal statutes of the U.S. Criminal Code (mainly those from Chapter 110 of Title 18) that pertain to CSEC crimes. The list of the specific statutes that we included (see Exhibit 3.1) was informed by several interviews that we conducted with federal prosecutors who routinely work on and prosecute CSEC cases for the U.S. Department of Justice.[15] It was also informed by feedback obtained from our research partner, Polaris Project, whose staff are in the field working together with victims and prosecutors of CSEC cases on a daily basis.

We organized descriptive statistics in a set of detailed tables (in Appendix B) that cover all stages of case processing (including arrest, investigation, prosecution, adjudication, and sentencing), as well as defendant demographics such as race, gender, age, citizenship, and marital status. Since CSEC covers several different types or "groupings" of offenses that vary considerably on many aspects, including offense seriousness, associated penalties, and offender characteristics, we developed a typology of CSEC

[14] The FJSRC link index file is a publicly available file of unique sequential number identifiers that permits the linking of records from different agency data files across various stages of processing. For example, we can link arrest data with case disposition and sentencing data. This feature allows for the tracking of an analytic cohort of offenders to prior and/or subsequent stages, thus permitting us to build a more comprehensive dossier of case history and characteristics for each defendant-case in the cohort. The link index file is available to the public to download from the FJSRC website at: (http://fjsrc.urban.org).

[15] We interviewed an Assistant U.S. Attorney from the District of Columbia, two prosecutors from the Child Exploitation and Obscenity Section of the DOJ Criminal Division, and a prosecutor from DOJ's Civil Rights Division—all of whom have experience prosecuting CSEC offenders at the Federal level.

offenses[16] that we used to organize and display information in the descriptive tables. This typology, with groupings of federal statutes associated with each type, consists of the following three CSEC offenses:

- Sexual exploitation of children (18 U.S.C. § 2251; 18 U.S.C. § 2251A; 18 U.S.C. § 2260);
- Child pornography (18 U.S.C. § 2252; 18 U.S.C. § 2252A)
- Child prostitution/sex trafficking (18 U.S.C. § 2422; 18 U.S.C. § 2423; 18 U.S.C. § 1591)

In addition to the descriptive analyses described below, we also conducted a variety of multivariate predictive analyses. First, we conducted a time series analysis to assess the impact of federal initiatives (e.g., passage of the TVPA) on CSEC prosecutions. We constructed multivariate predictive models to analyze the key case outcomes of case disposition (conviction or not) and sentence length imposed, for those who were convicted. We used logistic regression[17] modeling, with case disposition as the dependent variable, to examine the characteristics related to conviction (guilty pleas, as well as trial outcomes), and we used Ordinary Least Squares (OLS) regression to build multivariate models predicting sentence length.

3.3 Descriptive Analyses

This section presents findings from our comprehensive descriptive analyses of federal CSEC case-defendant data from 1998 through 2005. Since the passage of the TVPA in 2000, the total number of CSEC investigations conducted by federal law enforcement as well as cases filed by federal prosecutors has increased each year, particularly after 2003 (see Figure 3.2, below). After 2003, the rate of increase in the numbers of CSEC prosecutions and convictions became noticeably steeper. This rate increase coincides with the passage of the TVPRA and PROTECT Acts, as well as the Innocence Lost Initiative, a relationship which we analyze in our time series model presented later in this chapter. Despite the higher caseloads, rates of prosecution and conviction have been maintained or even increased, while the mean processing time for these cases from filing to disposition has decreased, and mean prison sentences for

[16] Discussions held at the project's Practitioner Meeting helped to refine the definition of this typology.

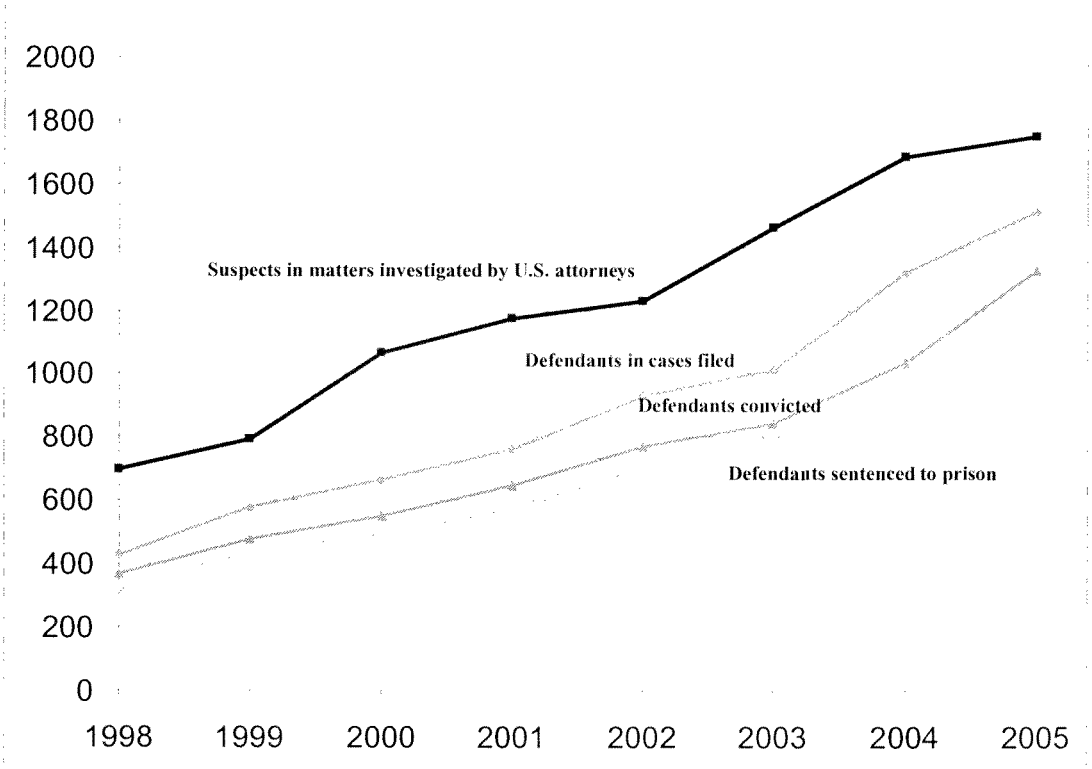
[17] Logistic regression models are used when dependent variables are binary or categorical in nature. In this instance, the binary outcome measure is conviction or no conviction.

convicted offenders has increased. Finally, more than one-quarter of the cases declined by federal prosecution are sent to other authorities (including state prosecutors) for prosecution.[18]

The discussion that follows is grouped into eight parts. In general, the information structure mirrors how an offender would be tracked and processed through the criminal justice system, from the initial investigatory phase of a CSEC case all the way through to the sentencing phase.

[18] The data available for this study did not permit researchers to determine outcomes of cases declined for federal prosecution.

Figure 3.2. Case Processing Trends for Federal CSEC Cases, 1998–2005
Suspects in criminal matters investigated by U.S. attorneys, defendants in cases filed, defendants convicted, and offenders sentenced to prison

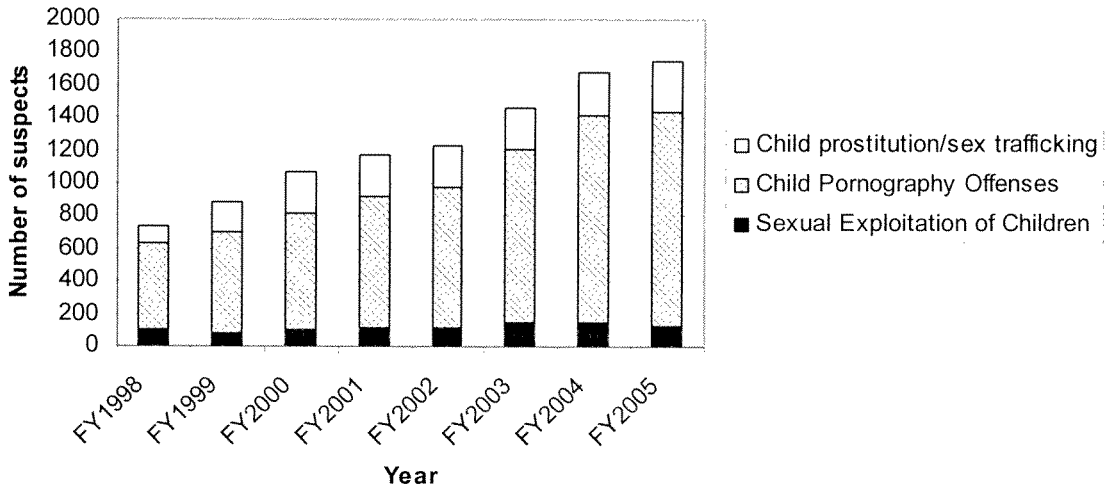


3.3.1 Suspects in criminal matters investigated and concluded

Once law enforcement becomes aware of a possible CSEC violation, a formal investigation into the alleged crime(s) ensues. Information on federal criminal investigations is collected and tracked by the Executive Office for U.S. Attorneys. Our analysis of these data revealed that the total number of suspects in criminal matters investigated and concluded by U.S. attorneys where the lead charge was a CSEC-related offense more than doubled from 1998 to 2005, from 742 to 1,748 suspects (see Figure 3.3 and Appendix B, Table 1). Increases in the number of child pornography suspects accounted for most of the overall growth in the number of CSEC suspects, rising 148 percent from 526 in 1998 to 1,307 in 2005. The largest annual increase (19 percent) in the number of CSEC suspects during this period occurred between 2002 (n=1,233) and 2003 (n=1,462). In 2005, the latest reporting year, most investigated and

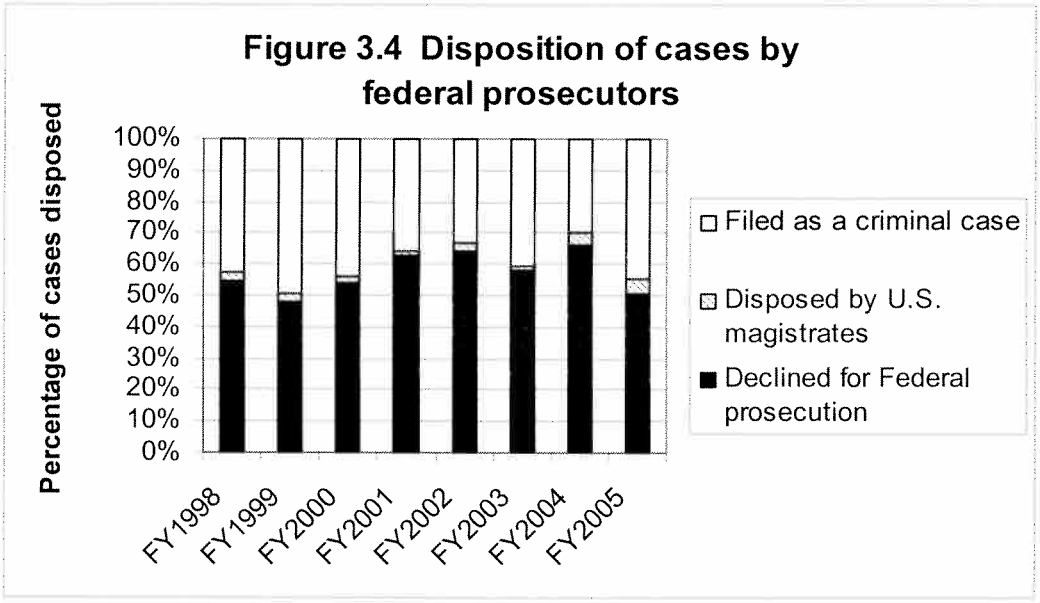
concluded CSEC offenses were for child pornography (n=1,307), almost three times as many cases as child prostitution and child sexual exploitation combined (n= 436) in that same year. However, the greatest percentage change among the three types of CSEC offenses from 1998 to 2005 was for child prostitution, which nearly tripled, followed by child pornography offenses which increased one-and-a-half times, and sexual exploitation of children (28 percent change). Within the child prostitution category, the largest increase was for 18 USC §2422 (nearly 7 times its 1998 value) which covers coercion and enticement—transportation for illegal sexual activity and related crimes. Although comprising a small percentage of overall CSEC charges in criminal matters investigated, the explicit sex trafficking of children statute (18 U.S.C. §5191) from the TVPA of 2000 began to make an impact in 2003 and increased in subsequent years.

Figure 3.3 Suspects investigated in federal criminal matters



In terms of the disposition of suspects in federally investigated and concluded criminal matters by U.S. attorneys (see Appendix B, Table 2), most CSEC matters (about 58 percent) were disposed by federal prosecutors who declined to move forward with a case in federal court. Among CSEC offense types, child sex exploitation matters had the highest declination rate during the period (62 percent), followed by child pornography (59 percent), and child prostitution matters (52 percent)[19] (see Figure 3.4 and Appendix B, Tables 2a, 2b, and 2c). Prosecutors were, however, able to bring a fairly steady proportion of CSEC cases (usually 40–45 percent) overall to federal court despite a caseload which more than doubled between 1998 and 2005.

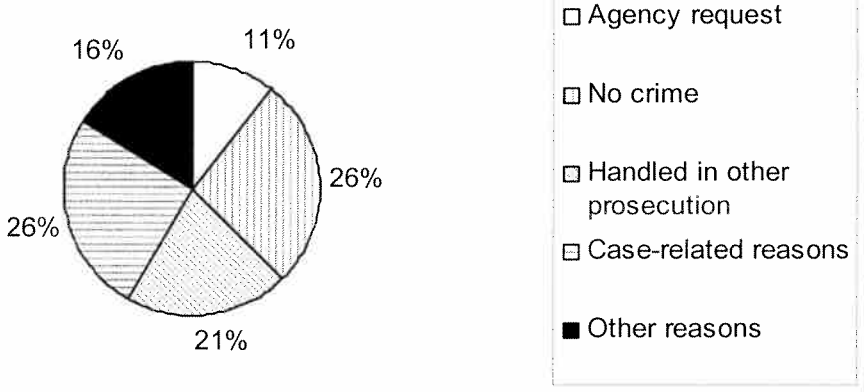
Figure 3.4 Disposition of cases by federal prosecutors



[19] It should be noted that these declination rates for CSEC matters are fairly high when compared with federal offenses as a whole (22 percent), as well as compared to the major federal offense categories of drug trafficking (15 percent), weapons (26 percent), violent offenses (32 percent), and fraud (38 percent). On the other hand, they are fairly close with the declination rate for the detailed offense category of sexual abuse (53 percent). [Source: *Compendium of Federal Justice Statistics, 2004* (NCJ 213476), Bureau of Justice Statistics, Washington, D.C., December, 2006.]

Figure 3.5 present the major reasons and Table 3 in Appendix B presents the detailed reasons as to why federal prosecutors declined CSEC cases for federal prosecution. Based on total counts in 2005, prosecutors declined cases for the following reasons: because the investigation revealed that there was no federal crime committed[20] (26 percent of declinations); for case-related reasons[21] (26 percent); "agency request" (11 percent); the case was handled in a prosecution other than federal court (21 percent); or, for other reasons[22] (16 percent). Among the detailed reasons for federal case declinations, "weak or insufficient evidence"(21 percent), "lack of evidence of criminal intent" (19 percent), and "prosecuted by other authorities"(18 percent) were the most frequently cited; in fact, together these three detailed reasons accounted for 58 percent of all case declinations.

Figure 3.5 Major reasons for case declination, 2005



[20] The "No federal crime" category consists of the detailed reasons of "no federal offense was evident" and "lack of evidence of criminal intent".

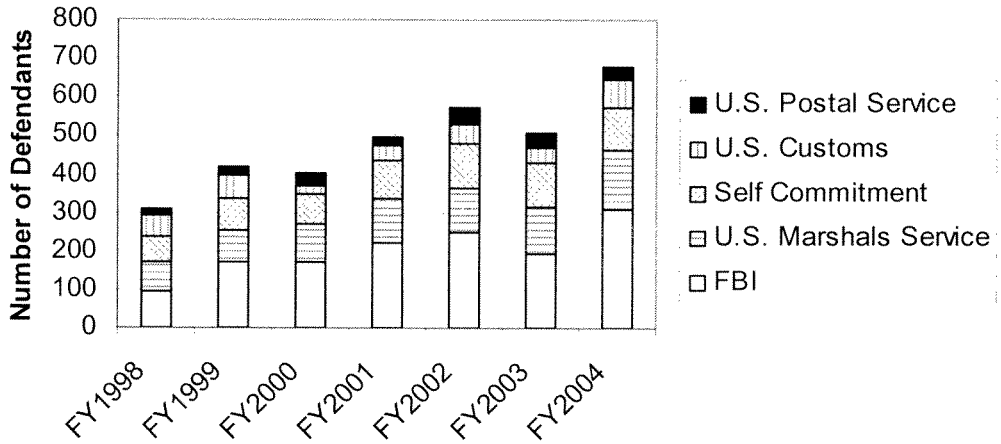
[21] Case-related reasons for declinations include: "weak or insufficient evidence" (which comprised the vast majority of all case-related reasons), "jurisdictional or venue problems", "statute of limitations exceeded", "witness problems", and "stale case".

[22] "Other reasons" for declinations include: "lack of resources", "Petite policy", and "minimal federal interest", among others. For the full range of detailed reasons for matters declined for federal prosecution, please see Appendix B, Tables 3, 3a, 3b, and 3c.

3.3.2 Information at arrest

If an investigation produces evidence to support probable cause of a crime occurrence, an alleged offender is arrested. The U.S. Marshals Service collects and tracks information on federal arrests, which we linked to our cohort of defendants in cases filed with a CSEC charge. These federal arrest data show that the FBI was the agency responsible for the highest share of federal CSEC suspects arrested, and its proportion of CSEC arrests increased over time, from 29 percent in 1998 to 41 percent in 2004 (see Figure 3.6 and Appendix B, Table 5).[23] The U.S. Marshals Service contributed about 21 percent of the arrests, although this number fluctuated slightly from year to year. U.S. Customs arrests of CSEC offenders dropped from 17 percent to 10 percent of total federal arrests. Self commitments[24]-where an offender either surrenders voluntarily or in response to an outstanding warrant-dropped from 21 percent in 1998 to 15 percent in 2004.

Figure 3.6 Arresting Agency for CSEC cases, 1998-2004

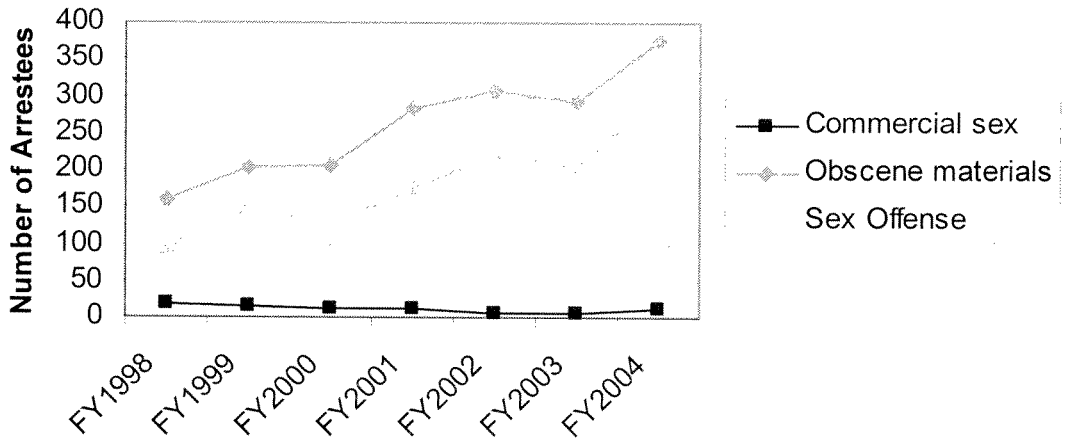


[23] Arrest data for 2005 are not included because the majority of 2005 arrests had not yet gone to trial (as of the end of FY2005), and trial cases are the starting point of the federal data linking process.

[24] According to a 7/12/07 e-mail correspondence with U.S. Marshals Service staff, "Self commitments, typically [occur] from a warrant, but what you may be seeing is a larger number of these due to a program called 'Operation Surrender'. This is where the USMS has teamed with churches/pastors, and the 'wanted' are turning themselves in as part of the experience of being spiritually 'found.'"

At the time of arrest, most CSEC defendants were classified under the U.S. Marshals Service's booking offense categories of "obscene material" offenses (47 percent in 2004) or simply "sex offenses" (40 percent in 2004). "Obscene material" arrests doubled from 1998 to 2004 and "sex offense" arrests tripled over the same period. "Sex offense" arrests rose sharply, by 50 percent from 1998 to 1999, and by another 50 percent from 2003 to 2004, while "obscene materials" arrests increased gradually each year over the same period. Interestingly, "Commercial sex arrests", the next largest offense category designation at the time of arrest, declined from 6 percent to 2 percent of arrests from 1998 to 2004. Other offense categories designated at the time of arrest for CSEC defendants included "prostitution," "sex assault," "fraud," "kidnapping," and even "drug trafficking"[25] (see Figure 3.7 and Appendix B, Table 5).

Figure 3.7 CSEC Arrests by Offense Type, 1998-2004

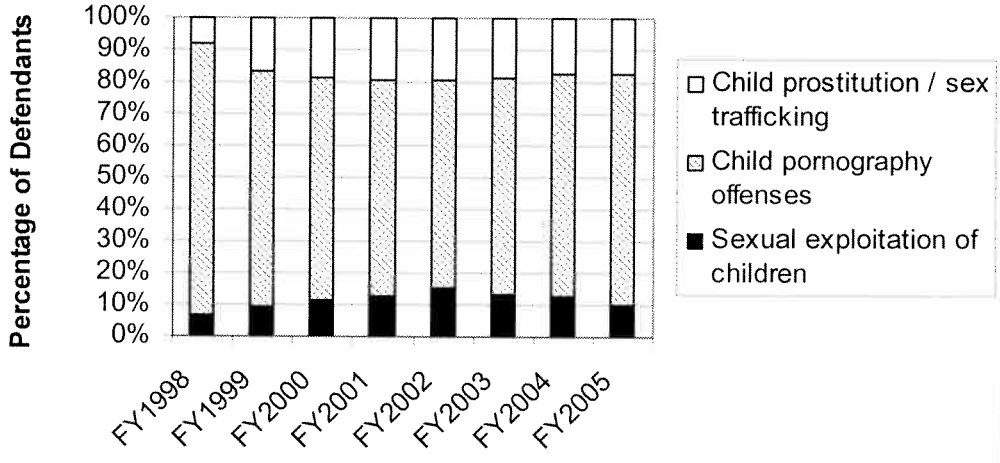


[25] These classifications were developed by the U.S. Marshals Service and are used to reflect the most serious offense according to information known at the time of arrest and booking.

3.3.3 Defendants in cases filed in U.S. district court with a CSEC charge

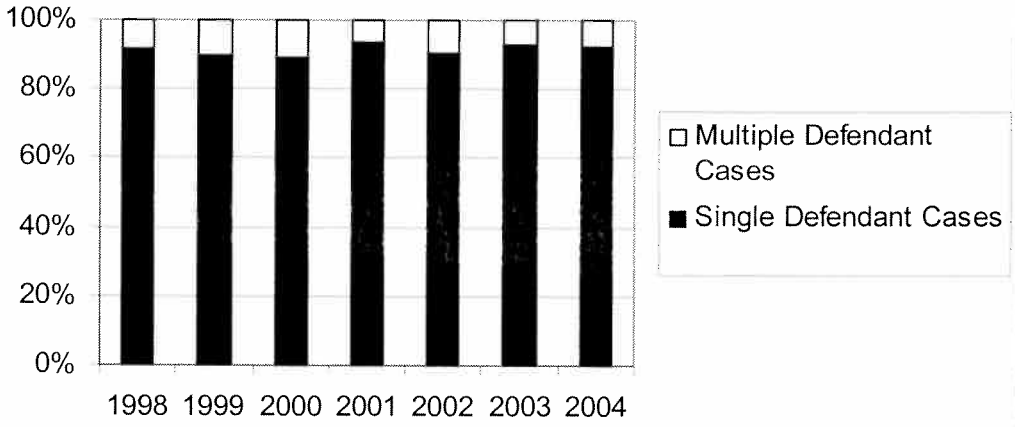
After more information is learned as a result of the criminal investigation, federal prosecutors who decide to go to trial on a particular case settle on specific charges to file, based on the evidence and perhaps other factors (e.g., witness cooperation). Information on charging practices is collected and tracked by the Administrative Office of the U.S. Courts. These data reveal that the total number of defendants in cases filed in U.S. district court with a CSEC charge more than tripled between 1998 (n=427) and 2005 (n=1,512) (see Appendix B, Table 4). The number of defendants charged with child pornography offenses, which also tripled during the period, comprised the majority of all CSEC defendants, though this majority decreased from 85 percent in 1998 to 72 percent in 2005 (see Figure 3.8). Among the three CSEC offense types, defendants charged with child prostitution had the largest proportional growth, increasing by 642 percent over the period, from 35 to 260 defendants. Despite the growth in number of defendants charged with child prostitution, these defendants accounted for only 17 percent of all CSEC defendants charged during the period. Sexual exploitation of children defendants had the second largest proportional growth, increasing by 454 percent from 28 to 155 defendants, but comprised only 12 percent of total CSEC defendants over the period. In sum, the number of CSEC prosecutions increased three-fold during the 1998–2005 period, and all three types of CSEC offenses experienced growth during that time.

Figure 3.8 Defendants in CSEC Cases, 1998-2005



We also investigated the extent to which CSEC cases in the federal data involved single or multiple defendants. Our analysis revealed that 90 percent of federal CSEC cases had only one defendant.[26] (see Figure 3.9).

Figure 3.9 Number of Defendants per Case, 1998-2004



3.3.4 Geographic dispersion of CSEC prosecutions in the United States

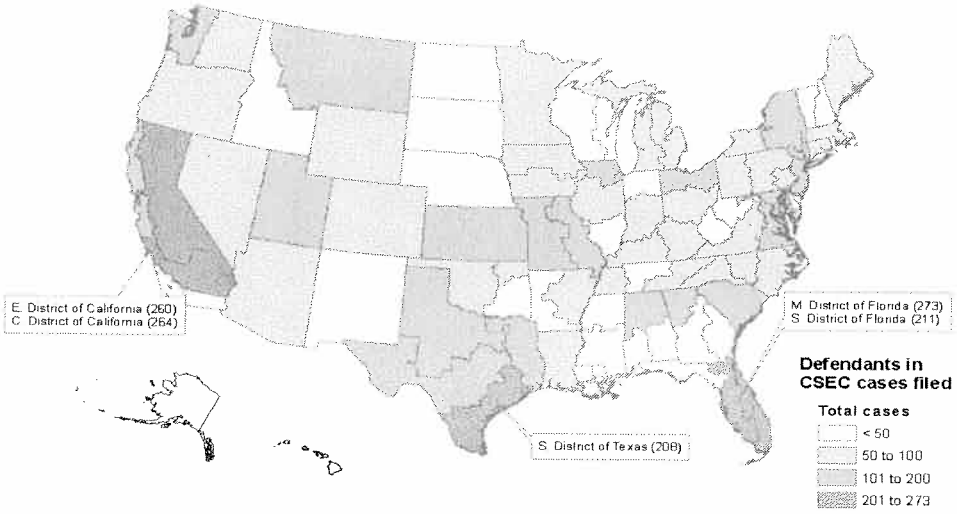
To examine the geographical distribution of CSEC prosecutions throughout the United States, we examined the AOUSC criminal data on CSEC defendants according to the judicial district where the CSEC prosecutions were filed. Figure 3.10 displays a U.S. map that delineates states and judicial districts, aggregating the total number of CSEC cases filed over the entire 1998–2005 period. Districts that emerged with the most CSEC cases were: the Middle District of Florida (n=273), the Central District of California (n=264), the Eastern District of California (n=260), the Southern District of Florida (n=211),

[26] This finding ran somewhat counter to what we had expected, based on commentary about federal CSEC cases that we received from both the prosecutor interviews and the practitioner meeting. Several interviewees indicated that their impression was that a large share of federal CSEC cases contained multiple defendants. This is not what we observed in the data.

and the Southern District of Texas (n=208). These same five districts also had the highest mean number of cases filed in U.S. district court each year (see Figure 3.11).

Figure 3.10 Defendants in Cases Filed in U.S. District Court with a CSEC Charge, 1998 - 2005

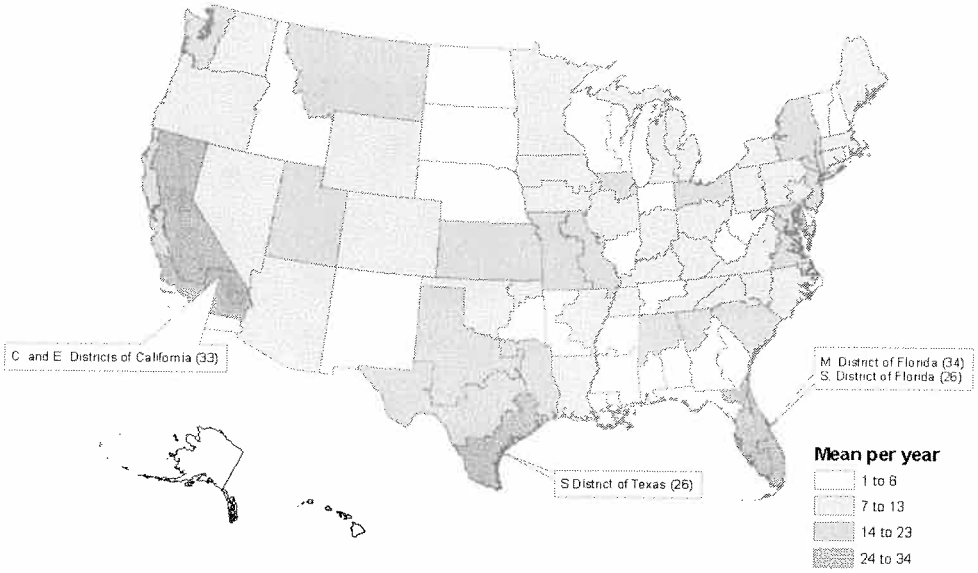
Federal judicial districts in the States of California, Texas, and Florida had the greatest number of defendants charged with Commercial Sexual Exploitation of Children (CSEC)



Note: Districts not shown on map include the District of Columbia (28), District of Guam (6), District of Northern Mariana Islands (1), District of Puerto Rico (42), and District of Virgin Islands (3).

Source: Federal Justice Statistics Resource Center, AOUSC criminal master files, annual, 1998 - 2005.

Figure 3.11 Mean Number of Cases filed in U.S. District Court with a CSEC Charge, 1998 - 2005



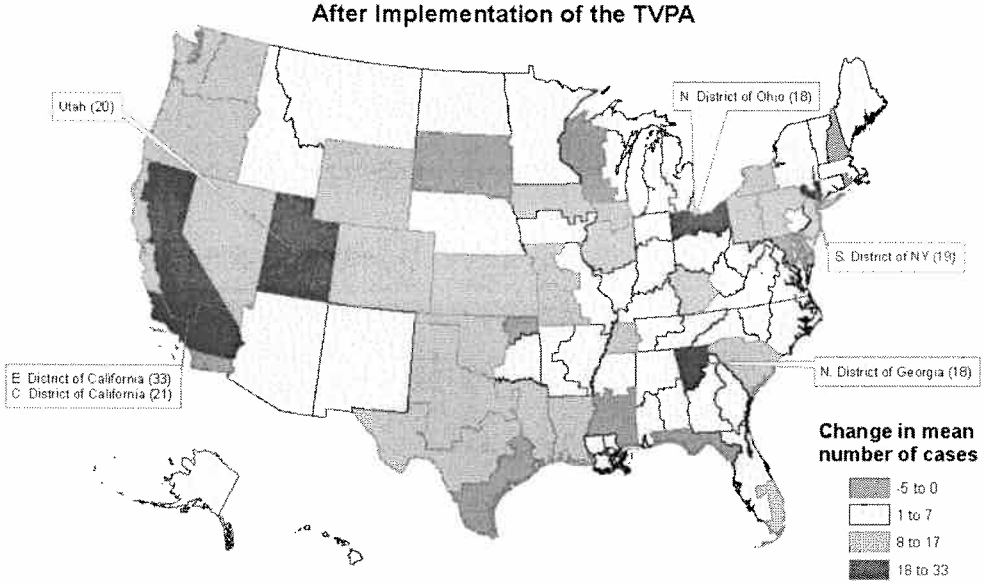
Note: Districts not shown on map include the District of Columbia (3.5), District of Guam (0.8), District of Northern Mariana Islands (0.1), District of Puerto Rico (5.3), and District of Virgin Islands (0.4)

Source: Federal Justice Statistics Resource Center, AOUSC criminal master files, annual, 1998 - 2005

Finally, we also considered the change in the mean number of CSEC cases prosecuted per district between the pre-TVPA years (1998–2000) and the post-TVPA years (2000–2005). Districts that experienced the greatest increases in the mean number of CSEC prosecutions included Eastern District of California (+33), the Central District of California (+21), Utah (+20), the Southern District of New York (+19), the Northern District of Ohio (+18) and the Northern District of Georgia (+18). (See Figure 3.12.)

The maps presented in this section include all CSEC cases according to our definition of CSEC. Since most CSEC offenders are child pornography offenders, they have a large influence on the geographic dispersion of offenders presented in these maps. To see the geographical dispersion of these cases separately, according to CSEC offense type (child pornography, child prostitution, and child sex exploitation), please refer to the maps in Appendix B-4.

Figure 3.12 Change in Number of Defendants in Cases Filed in U.S. District Court Charged with a CSEC Offense, 1998 - 2005 After Implementation of the TVPA



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

Source: Federal Justice Statistics Resource Center, AOUSC criminal master files, annual, 1998 - 2005

3.3.5 Defendant demographics

Once a defendant is in the federal criminal justice system we are able to gather general information on his/her background and to track them throughout the remainder of the process. The U.S. Marshals Service and the U.S. Sentencing Commission collect and track defendant demographics. A review of these data shows that the demographic profile for defendants in cases filed in U.S. district court for a CSEC charge (see Appendix B, Tables 6 and 7, and Figure 3.13) remained relatively constant over time, despite the number of defendants more than doubling from 1998 to 2004.[27]

Federal CSEC defendants are overwhelmingly non-Hispanic, white males who are U.S. citizens in their late 30's to early 40's, with a mean age of 40 years old in 1998 and 41.4 years old in 2004. During the 1998–2004 period, on average 94 percent of defendants were white, followed by 4 percent Black, 1.6 percent Asian/Pacific Islander and 0.3 percent Native American. Over 95 percent of defendants in all three categories of federal CSEC cases in U.S. district court were U.S. citizens. Only 5–10 percent of defendants were Hispanic in any year. Though comprising an extremely small proportion of all CSEC defendants, the number of females increased at a greater rate than males, and for child pornography increased at a greater rate than the other charges. The biggest rate increase of charges filed for males was for child sexual exploitation (Appendix B, Table 6c). Looking at federal CSEC defendants' family ties, about 43 percent identified as single over the period, with a large remainder identifying as married (29 percent), or divorced (16 percent). In addition, about 59 percent of CSEC defendants claimed no dependents,[28] while the remaining defendants claimed one or more dependents (Figure 3.13 and Appendix B, Table 7).

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[27] Appendix B ,Table 6-6c data comprise FJSRC AOUSC criminal data (1998–2004) linked with the U.S. Marshal's arrest file (1998–2005). Appendix B, Table 7-7c data comprise FJSRC AOUSC data (1998–2004) linked with U.S. Sentencing Commission data (1998–2005). Due to slight differences in the total number of defendants that occurred when linking to the various data sources, these tables are kept separate.

[28] According to USSC, a dependent is defined according to the definition used on tax forms. Therefore, the "dependents" variable reflects all persons in the household whom the offender supports (these could be, not only children, but spouses, grandparents, and other relatives).

Figure 3.13
Demographic Characteristics of Defendants in Cases Filed in U.S. District Court for a CSEC Charge,1998 - 2004

Gender of Defendant	
Female	1.6%
Male	98.4%

Race of Defendant	
White	94.0%
Black	3.8%
Asian/Pacific Islander	1.6%
Native American	0.3%
Unknown/Other	0.3%

Marital Status of Defendant	
Single	43.3%
Married	29.8%
Divorced	13.5%
Widowed	0.3%
Missing/Unknown	12.9%

Data Source:
Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004, linked with US Marshals' arrest file, annual, 1998-2005, via FJSRC's link index file.

Defendant's Number of Dependants	
0	61.7%
1	15.1%
3	6.4%
4	2.3%
5 +	1.2%
Missing	3.5%

Ethnicity of Defendant	
Non-Hispanic	88.5%
Hispanic	5.2%
Missing/Unknown	6.3%

Data Source:
Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004, linked with U.S. Sentencing Commission data, annual, 1998-2005, via FJSRC's link index

In terms of criminal history, slightly more than half of all federal CSEC defendants[29] (2,435 out of 4,693) had a prior criminal record.[30] About half of CSEC defendants charged with either child pornography or child prostitution had prior criminal history, while 7 out of 10 of those charged with child sexual exploitation had prior criminal convictions (see Figures 3.18, 3.19 and Appendix B, Table 7).

Figure 3.14 Criminal History for all CSEC offenders, 1998-2004

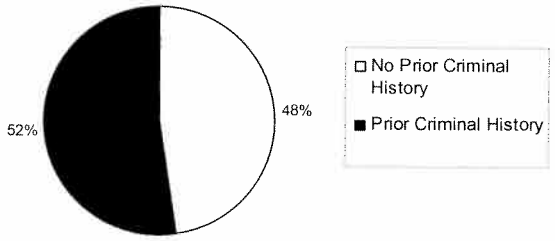
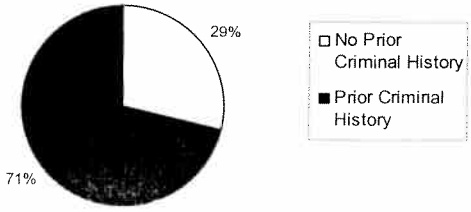


Figure 3.15 Criminal History for Child Sexual Explotation Charge, 1998-2004

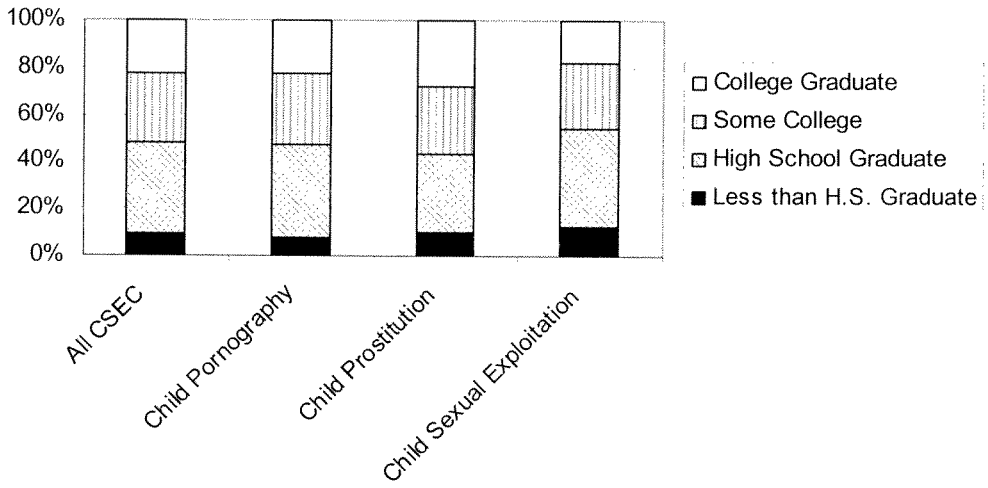


Defendants in federal CSEC cases filed during the 1998–2004 period were fairly well-educated, with 52 percent completing some college or graduating from college, followed by 39 percent with "high school graduate" listed as their highest level of education, while 9 percent did not complete high school (see Figure 3.20 and Appendix B, Table 7). Within the respective crime categories, cases filed for child prostitution included the largest proportion of defendants (57 percent) with either some college or a college degree. Most child pornography defendants (53 percent) had either some college experience or else graduated from college, while most defendants charged with child sexual exploitation (54 percent) were either high school graduates or had less than a high school education.

[29] It should be noted that the statistics reported here on criminal history are based on the 4,693 defendants in our cohort of defendants in cases filed from 1998–2004 (N=5,696) that we were able to link to USSC data and for whom information on criminal history was present.

[30] The U.S. Sentencing Commission data indicates whether a person had any prior criminal history (i.e., prior arrests or prior convictions and sentences for felonies or misdemeanors). However, the data do not provide further information on the type of offenses committed.

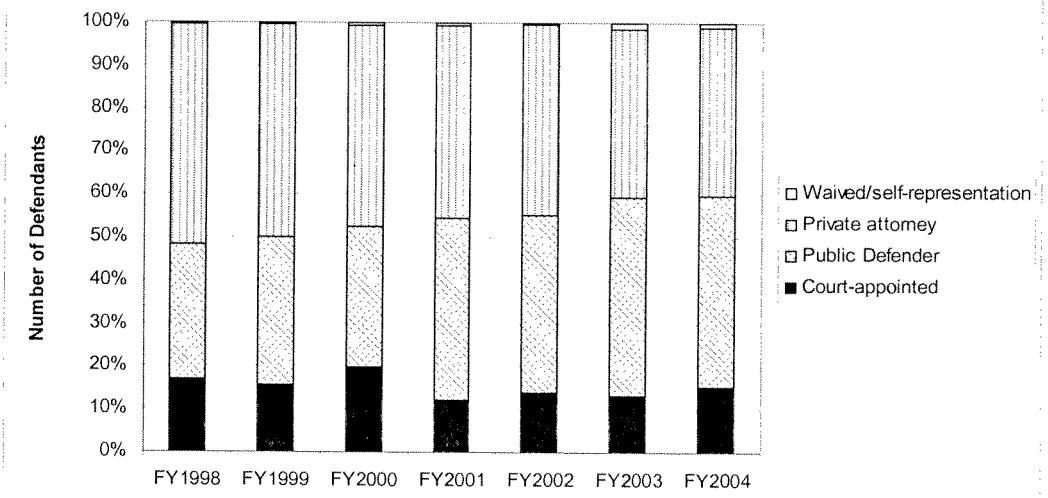
Figure 3.16 CSEC Offender Education, 1998-2004



3.3.6 Type of Counsel

Once a suspect is arrested he or she generally seeks counsel. Information on the type of counsel representing a CSEC offender is collected by the Administrative Office of the U.S. Courts. These data show that the use and type of counsel representing defendants in federal CSEC cases changed from 1998 to 2004. Defense counsel was court-appointed for approximately 15 percent of CSEC defendants overall, with little variation from year to year. However, use of public defenders (39 percent overall) rose from 31 percent in 1998 to 45 percent in 2004, while retention of private attorneys (45 percent overall) fell from 51 percent to 39 percent over the same period (Figure 3.21 and 3.22). Thus, although the use of private attorneys decreased, they remain one of the most prevalent forms of defense counsel. Since child pornography defendants tend to be more well-off economically, the relatively large share of CSEC defendants represented by private attorneys could be related to the large proportion of CSEC defendants charged with child pornography.[31]

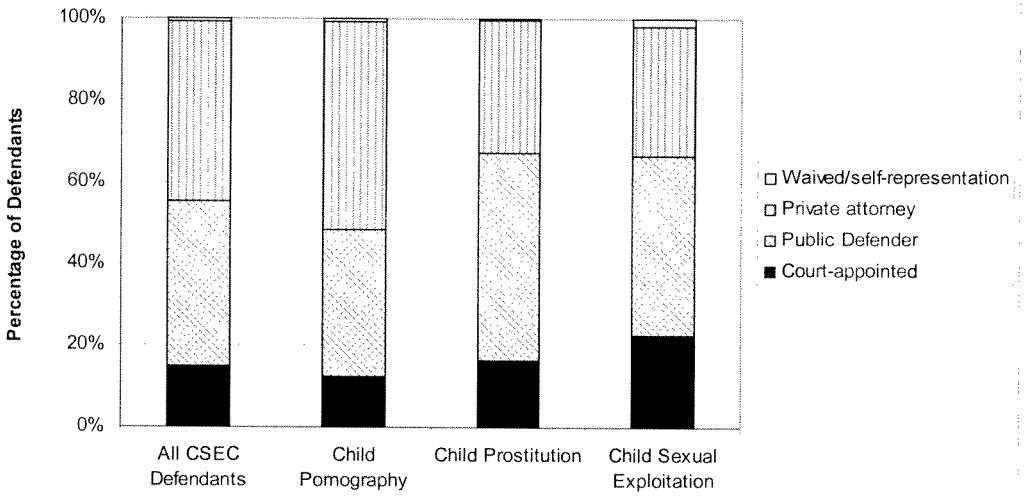
Figure 3.17 Type of Counsel for CSEC Defendants, 1998-2004



[31] Information learned from participants during the practitioner meeting held on June 4, 2007.

Defense counsel trends for federal child pornography cases were similar to those for all CSEC crimes, with private attorneys accounting for 51 percent of all defense counsel, 35 percent for public defenders, and 14 percent for court appointed counsel. For offenders charged with child prostitution offenses, the use of private attorneys increased (15 percent to 34 percent over time; 32 percent overall), while court appointed defense counsel decreased (33 percent to 16 percent over time; 18 percent overall); the rates for public defenders remained approximately 50 percent over the time period. For child sexual exploitation, court-appointed counsel (23 percent overall) and private counsel (33 percent overall) decreased, while the use of public defenders increased (43 percent of overall counsel) (See Figure 3.22). Thus, while private counsel represented a little more than half of the offenders charged with child pornography offenses, offenders charged with child prostitution and sexual exploitation offenses mostly relied on indigent defense services (i.e., public defender or a court appointed system).

Figure 3.18 Type of Counsel for CSEC offenses 1998-2004

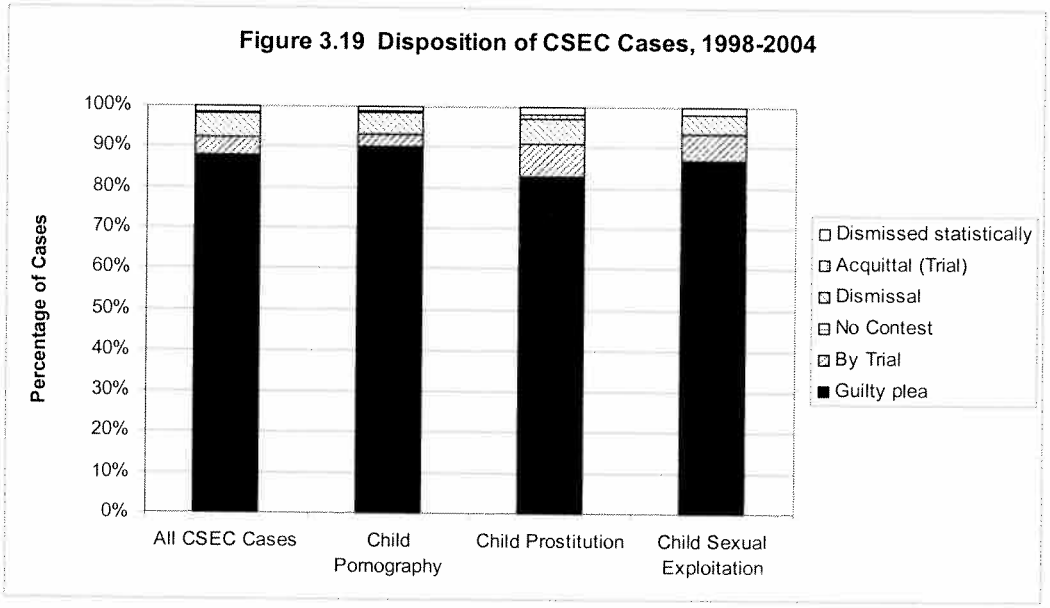


3.3.7 Case Disposition and Sentence Imposed

After charges are brought, a case may be disposed of in a variety of ways. Data on methods of case disposition are collected by the Administrative Office of the U.S. Courts. Our analysis of this information shows that the conviction rate of CSEC offenders is very high (exceeding 90 percent most

years and averaging 92 percent over the entire period), with over 95 percent of those convictions reached by guilty plea (see Figure 3.23 and Appendix B, Table 8). The federal courts convict slightly over 4 percent of CSEC offenders by trial, and a tenth of a percent submit no contest pleas. Six percent of cases are dismissed, less than one percent of offenders are acquitted, and one percent are "dismissed statistically"[32]. Percentages of overall CSEC convictions increased slightly over time. Trends for child pornography convictions are similar to those for all CSEC offenses. Child prostitution convictions are obtained 83 percent of the time by guilty pleas and 8 percent of the time at trial. Sexual exploitation cases are dismissed 5 percent of the time, with 86 percent convicted by guilty plea, and 7 percent convicted at trial.

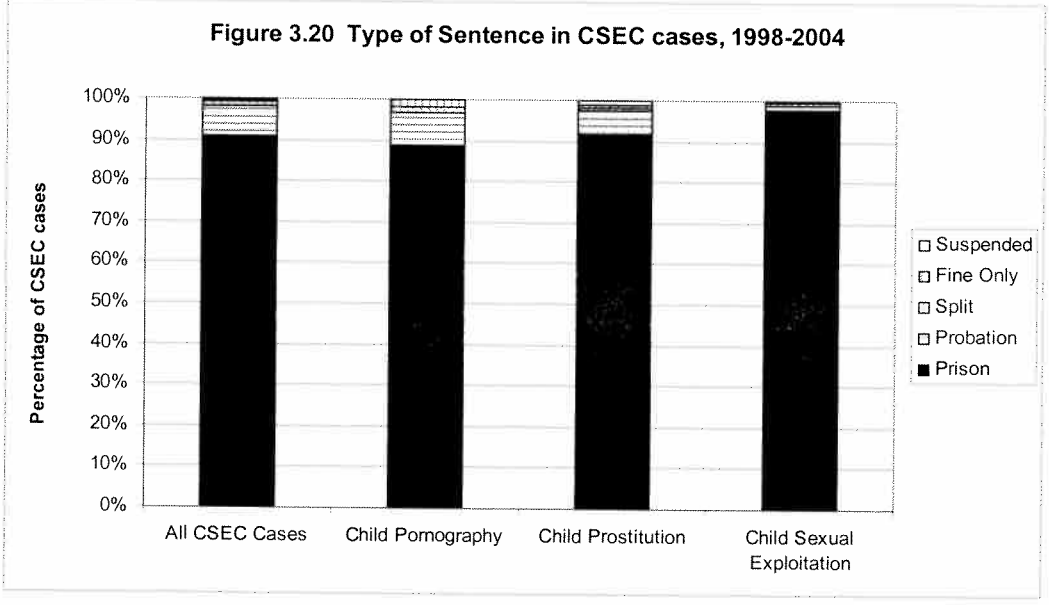
Figure 3.19 Disposition of CSEC Cases, 1998-2004



[32] According to correspondence with AOUSC staff, a case may be coded as "dismissed statistically" if, for some reason, the AOUSC did not initially receive complete closing data information for that case from the district court. Later, if/when the AOUSC receives the complete closing data from the district court, the data record for the case would be overwritten with the appropriate disposition information. Thus, in most cases, the "dismissed statistically" category essentially serves as a place holder until the corrected closing information is received from the district court. In rare occurrences, the "dismissed statistically' disposition category may also be used when the defendant dies prior to a verdict being reached in the case.

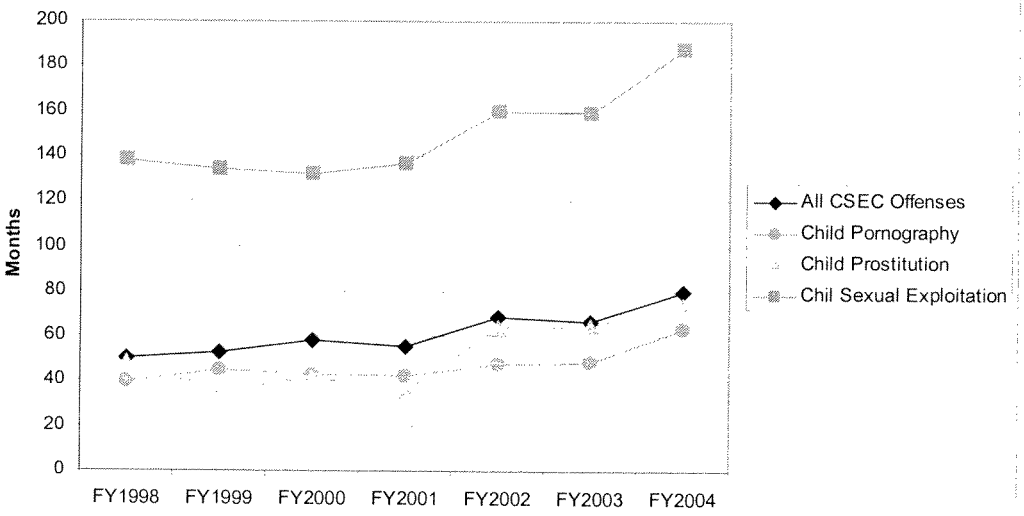
Overall, federal convictions for CSEC cases overwhelmingly resulted in a prison sentence being imposed, increasing from 87 percent in 1998 to 96 percent in 2004 (Figure 3.24 and Appendix B, Table 9). There has also been a 60 percent increase in the average number of prison months imposed, with the longest average sentence imposed in 2004 at 80 months. When looking specifically at our three crime categories, 85 percent of the child pornography offenders (Appendix B, Table 9a), received a prison sentence, which increased by 57 percent over time, with the largest average sentence imposed in 2004 (63 months). The data for child prostitution (Appendix B, Table 9b) reveal that 84 percent of these offenders received prison sentences that have increased by 54 percent over time, with the longest sentence also imposed in 2004 (74 months). Most child sexual exploitation offenders (91 percent) received a prison sentence. Although the average prison sentence imposed increased by only 36 percent over time, these offenders received the longest average sentence of the three CSEC offense types, 187 months imposed in 2004. Thus, sentences imposed for child pornography increased at the greatest rate over the period, while the average length of prison sentence imposed was greatest for child sexual exploitation. Sexual exploiters also received prison as a sentence slightly more of the time than the other types of CSEC offenders (see Figures 3.24 and 3.25).

Figure 3.20 Type of Sentence in CSEC cases, 1998-2004



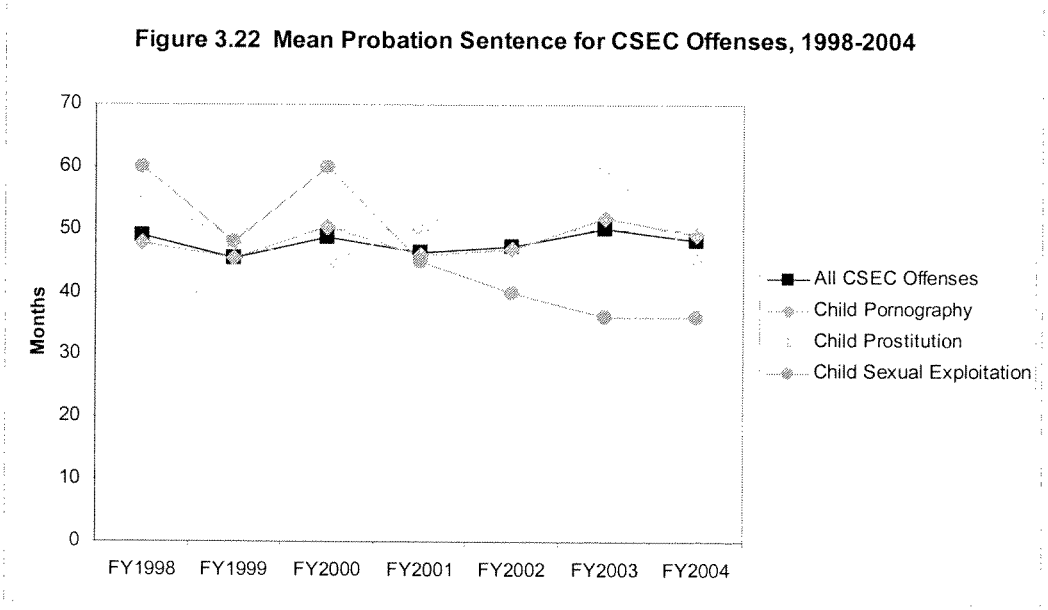
The Urban Institute, Justice Policy Center

Figure 3.21 Mean Prison Sentence for CSEC Offenses, 1998-2004



Probation sentences were imposed in only a very small percentage of federal CSEC cases for the years 1998–2004. The annual percentage of CSEC offenders sentenced to probation decreased from 13 percent in 1998 to 4 percent of offenders in 2004. Probation sentences for CSEC offenses averaged 48 months and remained close to that average throughout the seven year period. Trends for child pornography and child prostitution were similar to the overall trend, although the small number of probation sentences awarded makes it difficult to accurately determine trends.[33] CSEC offenders charged with child sexual exploitation received shorter probation sentences, averaging 40 months with extremely few sentences awarded (n=11) across all years (see Figure 3.26). Thus, for CSEC offenses overall, most convicted offenders are serving time in prison and being fined. Probation is used in only a very small number of these cases.

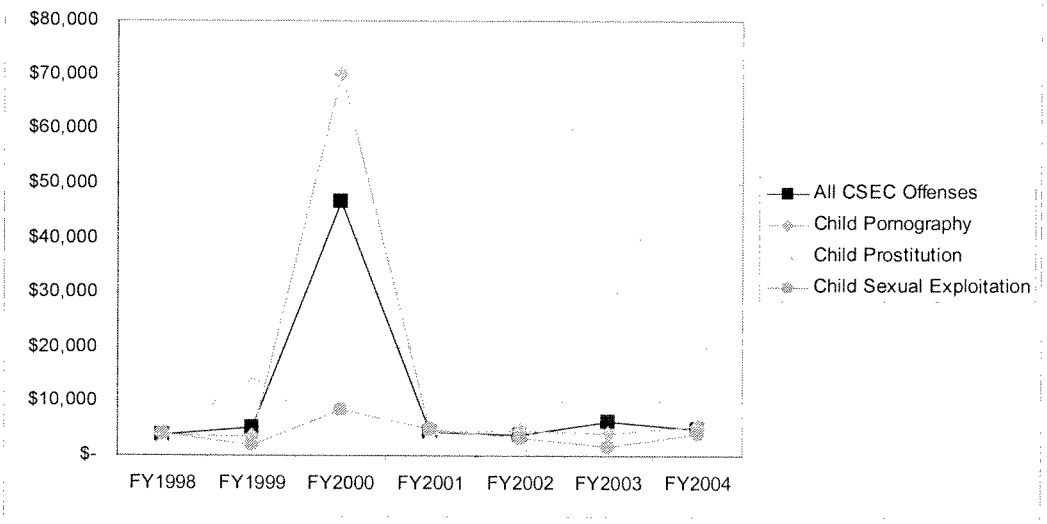
Figure 3.22 Mean Probation Sentence for CSEC Offenses, 1998-2004



[33] Note that in 2002, there were no defendants convicted of child sex exploitation who received a probation sentence, hence the dotted line appearing in Figure 3.26 between 2001 and 2003 is extrapolated.

The mean fine imposed on federal CSEC offenders increased from 1998–2004.[34] For all CSEC offenses, there was a 29 percent increase in the average fine imposed. Fines have fluctuated over the years with the lowest mean imposed in 1998 ($3,795) and the highest imposed in 2000 ($46,653).[35] Over the time period, 24 percent of CSEC offenders were fined. Child pornography offenders received fines that have increased by 41 percent over time with the lowest average in 1999 ($3,554) and the highest in 2000 ($70,084). Those convicted of child prostitution received fines 23 percent of the time with the rate of fines increasing by 20 percent from 1998 to 2004. The lowest average fine amount imposed for child prostitution was in 2002 ($2,223) and the highest imposed was in 2003 ($18,238). Lastly, 17 percent of child sexual exploiters received fines with the lowest average fine imposed in 2003 ($1,637) and the largest average fine imposed in 2000 ($8,480). Thus, child pornography offenders received the greatest percentage of fines at the largest average amount (See Figure 3.27).

Figure 3.23 Mean Fine Imposed for CSEC Offenses, 1998-2004



[34] Note that fines can be imposed in addition to prison or probation sentences. Less than 0.2 percent of convicted offenders received only a fine.

[35] In 2000, the average fine amount reported ($46,653) is vastly higher than other years, and was due to an extremely high fine imposed on a single offender convicted of child pornography.

3.3.8 Case Processing Time

The Administrative Office of U.S Courts also provides data that allows us to track how long it takes to process a CSEC case through the federal criminal justice system from case filing to disposition. From 1998 to 2004, the time necessary to process CSEC cases decreased, while the length of sentences and the amount of fines imposed increased (see Figure 3.28 and Appendix B, Table 9). The mean processing time for all CSEC offenders was 282 days, with the longest mean at 318 days in 2002 and the shortest at 260 days in 2004. The spike may be due to the increase in the total number of defendants from 2001 (n=748) to 2002 (n=912), or the allocation of federal resources after the September 11th terrorist attacks.[36] Interestingly, the total number of defendants increased from 977 in 2003 to 1,156 in 2004, while the mean processing time decreased to 260 days. This reduction in case processing time, or increased system efficiency, may reflect the impact of federal task forces funded after 2003 and improved knowledge on how to handle these cases.[37]

When looking specifically at child pornography (Appendix B, Table 9a), case processing trends match those of the overall CSEC trends—cases are being processed faster. The average processing time for child pornography cases was 274 days with its highest at 298 days in 2002, dropping to its lowest at 254 days in 2004. Child prostitution charges (Appendix B, Table 9b) are also being processed faster with an average processing time of 281 days, with its highest at 322 days in 2002, but dropping to its lowest at 247 days in 2004. Unlike child pornography and child prostitution, the average number of days to process a child sexual exploitation case (Appendix B, Table 9c) has increased by 16 percent over time. The average processing time of 323 days spiked to 404 days in 2002 and has not returned to its lowest point of 262 days in 1998.

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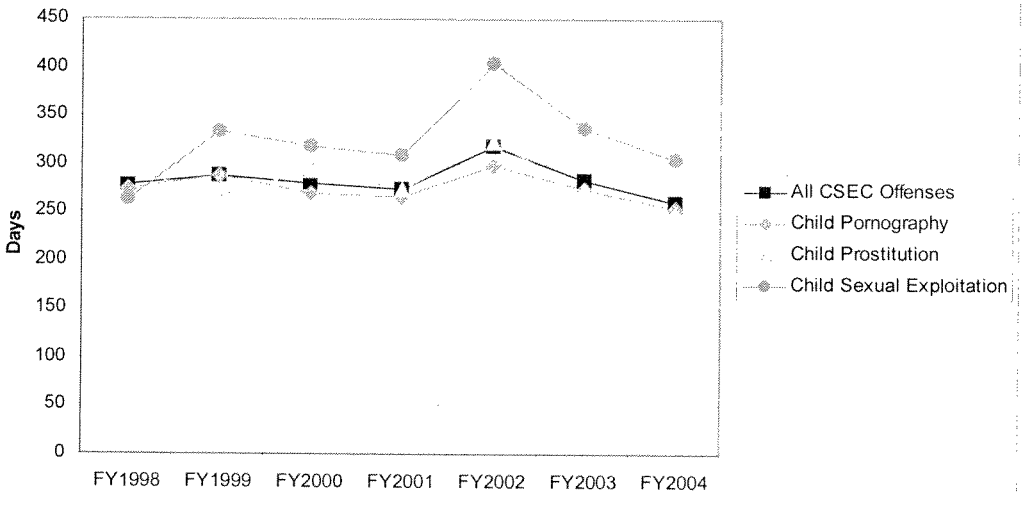
[36] This explanation for the change in mean processing time in 2002 and subsequent years was offered by several participants during this project's practitioner meeting held on June 4, 2007. After the 9/11 terror attacks, the Justice Department made prosecuting terrorism its top priority. Since U.S. attorneys have only a finite amount of time and resources to prosecute federal cases, after 9/11, the increased focus on investigating terrorism diverted some resources and U.S. attorneys' time that would formerly have been directed to CSEC cases to terrorism cases.

[37] Ibid.

Figure 3.24 Mean Processing Time for CSEC Offenses, 1998-2004



3.4 Predictive Models of Case Outcomes

For this study we focused on the outcome measures of conviction and sentence length because they serve as indicators (or "performance measures") of how CSEC cases are being prosecuted by U.S. attorneys in U.S. district court. We wanted to assess whether the new federal laws were being enforced and if the higher penalties were being applied after the passage of the TVPA in 2000. We also examined the raw number of federal CSEC prosecutions to ascertain whether the number of CSEC cases filed were increasing, and whether those increases were attributable to the new federal laws and initiatives.

To model these important CSEC case outcomes we constructed a set of multivariate predictive models.[38] First, we used a time series regression model to assess the impacts of important federal events and initiatives on the number of CSEC prosecutions filed during our study period. Next, we focused on predicting the verdict in CSEC cases, whether attained by trial or plea, by utilizing logistic regression techniques. Finally, for CSEC defendants who were convicted, we built a multiple regression model to explain the sentence length imposed by federal judges.

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[38] ***The following explanation of predictive models is provided for readers without a background in statistical modeling***: In criminal justice research, predictive models are constructed in order to understand the variation in key outcome measures, such as case conviction, in greater depth than is possible through graphs or data tables. It is important to understand how certain variables or factors are related to these outcome measures, and to the extent that it is possible, determine causality. We want to explain the relationship of certain factors to the outcome measure (e.g., is type of legal counsel—private attorney or court-appointed—important in determining whether a CSEC defendant gets convicted?). In order to get at these relationships, we build an explanatory model in which we include (or "control for") all other possible factors available in the data that could also be related to whether or not a defendant gets convicted. In this manner we can determine, after accounting for other factors that may be related to the outcome measure, whether a particular factor is found to be statistically related to the outcome measure, net of the effect of the variation in the outcome measure that the other factors explain. This type of modeling is a method of partitioning the variation or "spread" of the outcome measure across all possible factors related to the outcome measure. Together, all the variables that are included in the model have a certain explanatory power in predicting the outcome measure. This information can be very important, from a preventive standpoint, if we learn that certain factors have strong relationships to key criminal justice outcome measures (e.g., conviction) and if it is also possible for those factors to be controlled.

3.4.1 Time series model

To assess the effects of important federal events and initiatives on the prosecution of CSEC cases over time from 1998–2005, we developed a time series regression model. In order to do so, we first constructed an aggregated dataset organized at the monthly level (i.e., the dataset contained an observation for each of the 96 months during the FY1998–FY2005 period), with counts of CSEC defendants in cases filed in U.S. district court each month. The model included time (sequential month) and a "trend" variable (the "lagged" or previous month's value of the dependent variable (number of CSEC defendant-cases filed)) as predictors of the number of CSEC prosecutions in a given month. It also included several "dummy" variables to measure the impacts of three important federal events[39] that occurred during the period:

- The enactment of the TVPA in 2000;
- the 9/11 terrorist attacks; and
- Several changes that occurred around the same time in early 2003 (enactment of the TVPRA and the PROTECT Act, and the FBI's 'Innocence Lost' Initiative which set up task forces around the country).

The results of this time series model are depicted graphically, in figure 3.29. This figure plots the actual values of the dependent variable (i.e., the number of CSEC prosecutions each month) as blue +'s. The black line on the graph is the prediction line, or "line of best fit" of these data points, and is generated using the coefficients from the regression equation. The two important federal initiatives (TVPA of 2000 and the 2003 initiatives) as well as the 9/11 terrorist attacks appear as vertical gray lines on the graph at the point in time when they occurred. Our time series model measured the impact of these events on the number of monthly CSEC prosecutions.[40] The red line on the graph represents a "what if" or

[39] In both the prosecutor interviews we conducted and in the practitioner group meeting, participants indicated that they thought these major events (TVPA passage in 2000; the 9/11 terror attacks; and the passage of the PROTECT Act, TVPRA, and Innocence Lost Initiative in 2003) had a meaningful impact on the numbers of CSEC prosecutions brought in federal court.

[40] The results of our model indicate that the first two major federal events (the passage of the TVPA in 2000 and the 9/11 terrorist attacks in late 2001) had no statistically significant effects on the number of federal CSEC prosecutions, but the 2003 initiatives did.

counterfactual (i.e., what would have happened if the 2003 initiatives did not occur). The black line and the red line begin to diverge at the point when the 2003 initiatives were passed. This divergence represents the statistically significant effect[41] of the 2003 initiatives. Had the 2003 initiatives never occurred, the slope of the line would have remained flatter (i.e., the number of CSEC prosecutions would have increased at a much slower rate).

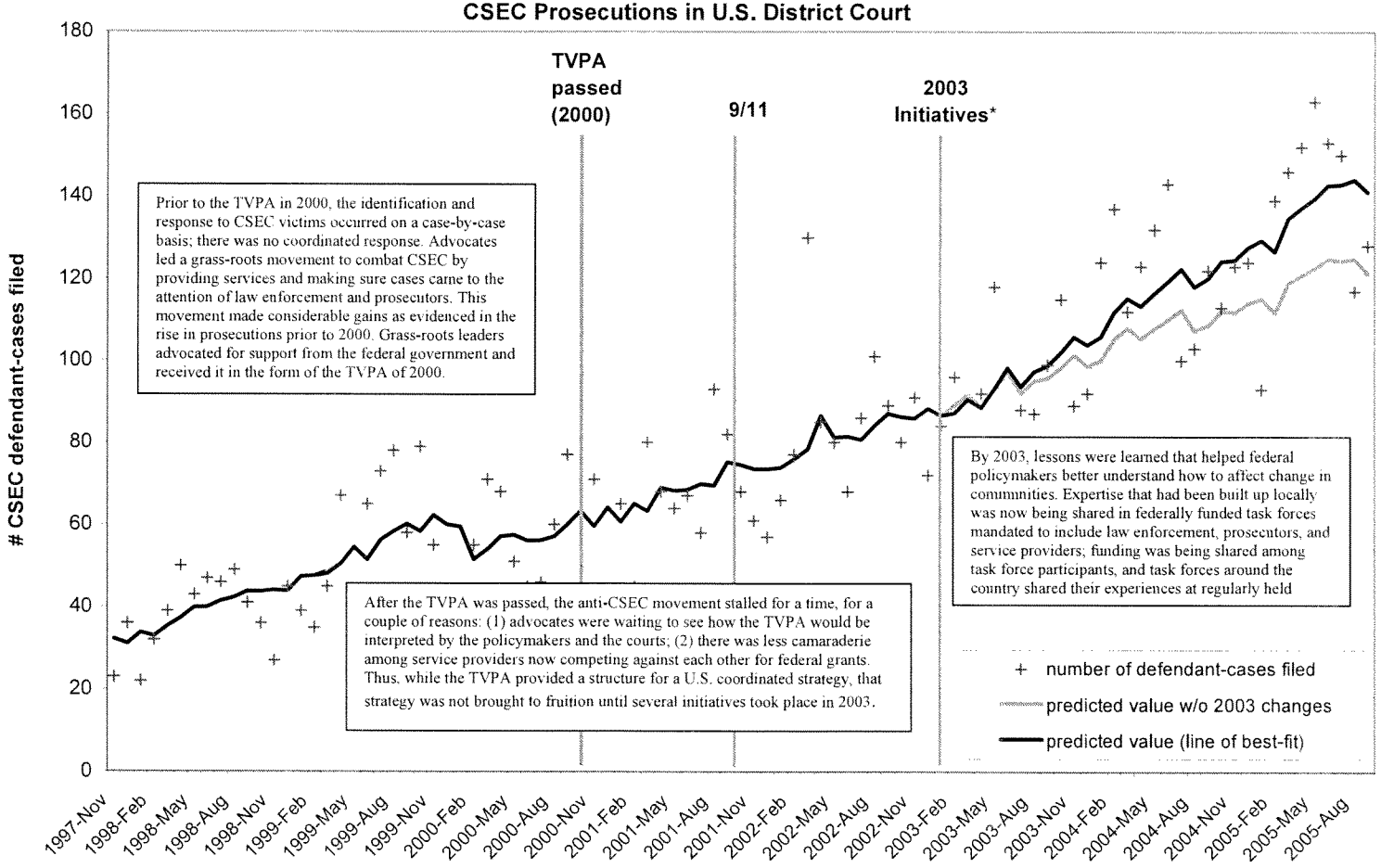
The impact of the TVPA of 2000, 9/11, and the 2003 initiatives as presented in Figure 3.29 supports what many in the trafficking movement have expressed over the years. Prior to the enactment of the TVPA in 2000, the identification and response to victims of human trafficking and CSEC in the United States was done on a case-by-case basis; there was no specific coordinated response. Service providers and advocates such as, immigrant advocacy focused organizations dedicated to working with vulnerable populations such as trafficking victims, led the anti-trafficking grass-roots movement to combat trafficking in the United States. These service providers and advocates provided needed social and legal services to victims as best they could with limited resources, and worked to make sure cases came to the attention of law enforcement and prosecutors. These dedicated early workers in this movement made considerable gains and contributions to this field as evidenced in the increasing rate of cases that were prosecuted prior to 2000. It was also during this time that grass-root leaders advocated for support from the federal government. This support came in the form of the TVPA of 2000.

However, after the TVPA was passed, the movement slowed down for a time. This may have been attributable to several factors such as advocates waiting to see how the TVPA would be interpreted by policy makers and the courts, and a spirit of less camaraderie among service providers (who are oftentimes front-line workers identifying trafficking cases) who now competed for federal grants (Small, 2007). It is interesting to note that 9/11 did not seem to have an affect on the rate of prosecutions. Thus, while the TVPA helped to provide a structure for the U.S. coordinated strategy, life was not brought to this strategy until several initiatives took place in 2003. By 2003, lessons were learned that helped federal policy makers better understand how to affect change in communities (Small, 2007). Expertise that was being built up in pockets were now being shared in federally funded task forces that were mandated to include law enforcement, prosecutors, and service providers; funding was shared among task force

[41] Statistically significant at the .07 level.

participants; and task forces across the country shared their experiences at regularly held national conferences. As Figure 3.29 shows, it was not the TVPA alone that produced the changes that we see today. The 2003 initiatives played a tremendous role in the progress the movement has experienced. As the predictive model shows, but for these 2003 initiatives, the goals of the TVPA very likely would not have been realized to as great an extent.

Figure 3.25 Time Series Model Measuring Impact of Federal Initiatives on CSEC Prosecutions in U.S. District Court



*** Federal efforts implemented in early 2003 include FBI's "Innocence Lost" initiative, the TVPRA, and the PROTECT Act)**

3.4.2 Model predicting conviction

To assess the factors that are important in predicting conviction in a federal CSEC case, we utilized multiple logistic regression to build a predictive model. The outcome measure in our model was a simple dichotomous 'verdict' variable (conviction/ no conviction). Our multinomial logistic regression analysis modeled the odds of a CSEC defendant being convicted as compared to not being convicted (through either acquittal or case dismissal). Four sets of factors that we hypothesized to be related to conviction were included as predictive variables in our model:

- *Organizational factors* (judicial circuits);
- *Case processing factors* (type of legal counsel, case processing time, whether the case was filed in U.S. district court before or after the passage of the TVPA, and investigative agency);
- *Offense-related factors* (type of CSEC charge filed and presence of co-defendants); and
- *Defendant demographics* (race, gender, age, citizenship, and marital status).

Results

Our model yielded a Likelihood Ratio Chi-Square of 133.49, which was highly statistically significant (at the .001 level).[42] This indicates that our model as a whole had significant explanatory power in predicting conviction in a CSEC case. All of the offense-related and nearly all of the case processing factors included in the model proved to be statistically significant predictors, while none of the factors pertaining to defendant characteristics were statistically significant. Organizational factors also proved important, as significant differences among judicial circuits emerged (See Exhibit 3.2).

[42] When a variable is found to have a "statistically significant" relationship with the outcome measure, it means that we can be reasonably assured (95 percent confident) that the relationship is "real" and not due simply to random sampling error. Of course, there is a small chance (less than 5 percent) that the relationship is due to random sampling error, but that is a chance that statisticians and criminologists are willing to accept.

Exhibit 3.2

Logistic Regression Model Predicting Conviction of CSEC Defendants

Variable	Estimate	Wald Chi-Square	Pr > Chi-Sq	Odds-Ratio
Intercept	3.7994	65.28	0.000	-
Case Processing Factors				
Type of legal counsel (Private Representation)	-0.0133	0.01	0.9390	0.987
Case processing time (months)	0.0185 **	3.57	0.0588	1.019
Case filed after TVPA of 2000	0.3003 **	4.42	0.0356	1.350
Investigative Agency: Customs	0.3452 *	2.77	0.0960	1.412
Investigative Agency: U.S. Postal Serivce	-0.0464	0.06	0.8093	0.955
Investigative Agency: State/Local Authorities	0.2697	0.59	0.4442	1.310
Defendant Demographics				
Race (Non-white)	0.3345	0.86	0.3550	1.397
Gender (Female)	-0.2894	0.28	0.5981	0.749
Age (years)	-0.0055	0.61	0.4355	0.995
Citizen (Non-Citizen)	-0.5610	1.89	0.1694	0.571
Marital status (Not married)	-0.1819	0.89	0.3446	0.834
Offense-Related Factors				
CSEC Charge: Child Sex Exploitation	0.2791	1.78	0.1822	1.322
CSEC Charge: Child Prostitution/Trafficking	-0.2558 *	2.78	0.0956	0.774
Presence of Co-Defendants in the Case	-0.3575 *	2.71	0.0995	0.699
Organizational Factors				
Judicial Circuit (District of Columbia)	11.6627	0.00	0.9747	>999.999
Judical Circuit 01	-1.4122 ***	18.62	0.0001	0.244
Judical Circuit 02 (NOTE: THIS IS THE REFERENCE CIRCUIT TO WHICH OTHER CIRCUITS ARE COMPARED)				
Judical Circuit 03	0.2053	0.2514	0.6161	1.228
Judical Circuit 04	-0.097	0.0926	0.7608	0.908
Judical Circuit 05	-0.4677	2.274	0.1316	0.626
Judical Circuit 06	-0.3066	0.8606	0.3536	0.736
Judical Circuit 07	-0.103	0.0754	0.7836	0.902
Judical Circuit 08	-0.9225 ***	9.2584	0.0023	0.398
Judical Circuit 09	-0.6171 **	4.6686	0.0307	0.540
Judical Circuit 10	-0.8933 ***	8.6273	0.0033	0.409
Judical Circuit 11	-0.2614	0.6713	0.4126	0.770

Number of Observations: 5,375 Pseudo R^2 = .30

LR Chi^2 (29) = 133.494 Log Likelihood = - 2358.391

Prob < Chi^2 = .0001

*** = Statistically significant at the p<.001 level

** = Statistically significant at the p<.05 level

* = Statistically significant at the p<.10 level

In terms of case processing factors, case processing time, whether the case was filed before or after the passage of the TVPA, and investigative agency were all statistically significant predictors, while type of legal counsel representing the defendant was not. For each additional month from case filing to disposition, the odds of a defendant being convicted increased by a factor of 1.019. Defendants whose cases were filed after passage of the TVPA of 2000 also had a greater likelihood of being convicted than those defendants whose cases were brought to U.S. district court prior to the TVPA (odds-ratio=1.35). In terms of investigative agency, defendant-cases investigated by the U.S. Customs Bureau were statistically more likely than defendant-cases investigated by the FBI and other federal investigative agencies besides the U.S. Postal Service and State and local authorities[43] to be convicted (odds-ratio=1.412). No statistically significant differences were found between defendants investigated either by the U.S. Postal Service or State/local authorities, respectively, and defendants investigated by the FBI and the remaining federal agencies. In addition, our model showed that type of legal counsel was not statistically significant, so it made no difference (in terms of conviction) whether a CSEC defendant was represented by a private attorney versus a court-appointed attorney or public defender.

We included several defendant demographic variables as controls in our model, namely race, gender, citizenship, marital status, and age. Although the coefficients were in the direction consistent with our hypotheses about the nature of the relationships of these variables with conviction in a CSEC case, none were found to be statistically significant.

In terms of offense-related factors, the type of CSEC charge, the presence of co-defendants, and the federal agency conducting the investigation were all factors that were statistically significant in predicting conviction in a CSEC case. For type of CSEC charge, we used child pornography as the

[43] When including categorical variables in a predictive model, it is necessary to determine a "reference category" against which all other categories are compared. Usually the category with most observations would bechosen as the reference category, although it really makes no difference analytically which category is used. If there are statistically significant differences between categories, these differences will still emerge, albeit in a different direction, perhaps. In this instance, for investigative agency, our reference category was primarily the FBI, but also included other agencies besides U.S. Customs, the U.S. Postal Service, and State/local authorities (these 3 agencies each had a dummy variable included as a predictor in our model). The FBI comprised about 90 percent of the reference group; there are a plethora of other federal investigative agencies (e.g., the Department of Defense, the State Department) that each conducted a small percentage of CSEC investigations which together comprised the remaining 10 percent in the reference group. Therefore, overall, the reference category is mainly capturing investigations conducted by the FBI.

reference category with which to compare the other types of CSEC cases.[44] We found that child prostitution/sex trafficking defendants were less likely (they had about .75 the odds) to be convicted as compared to child pornography defendants. This difference was statistically significant at the .10 level. Child sex exploitation defendants, on the other hand, were not statistically different from child pornography defendants in terms of their likelihood of being convicted. The presence of co-defendants in a case was also important in predicting conviction. Those cases with co-defendants had lower odds (about .70 the odds) of being convicted as compared to single defendant cases, and this effect was statistically significant at the .10 level.

Finally, our model also examined organizational factors to see if there were any judicial differences in terms of conviction in a CSEC case. The reference circuit with which we used to compare other circuits was the Second Circuit, which is comprised of the New York, Connecticut, and Vermont judicial districts. We found highly statistically significant[45] differences between the First, Eighth, Ninth, and Tenth Circuits, respectively, and the reference (Second) circuit. CSEC defendants in the First Circuit (Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico) had much lower odds (about .25 the odds) of being convicted compared to CSEC defendants in the Second Circuit. Defendants in the Eighth Circuit (Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota) also had lower odds (about .40 the odds) of being convicted as compared with the Second Circuit, as did defendants in the Ninth (about .50 the odds) and Tenth Circuits (.40 the odds).[46] Thus, if you are an offender in the Second Circuit—in New York, Connecticut, and Vermont—there is a greater chance that you will be convicted.

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[44] When including categorical variables in a predictive model, it is necessary to determine a "reference category" against which all other categories are compared. For CSEC offense type, we choose child pornography offenders as the reference group, since we hypothesized that child prostitution/sex trafficking and child sex exploitation offenses were more closely related to each other and different from child pornography crimes. Therefore, it made sense to choose child pornography as the reference category. However, it really makes no difference which category is used. If there are statistically significant differences between categories, these differences will still emerge, albeit in a different direction, perhaps.

[45] The 1st, 8th, and 10th Circuits were statistically significant at the .001 level, while the 9th Circuit was statistically significant at the .05 level

[46] The 9th Circuit is comprised of the following districts: California, Alaska, Arizona, Guam Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and the Northern Mariana Islands, while the 10th Circuit includes Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.

3.4.3 Model predicting sentence length

In order to assess the factors that are important in predicting the prison sentence length imposed by federal judges on convicted CSEC defendants, we used multiple linear regression[47] to build an explanatory model. Our outcome variable is prison sentence length in months. It is important to note that since our model only considers convicted CSEC defendants who were sentenced to a prison term, results may be generalized only to this population. Similar to our conviction model, our regression model predicting sentence length included five distinct sets of predictive factors:

- *Organizational factors* (judicial circuits);
- *Case processing factors* (type of legal counsel, case processing time, whether the case was filed in U.S. district court before or after the passage of the TVPA, and mode of disposition [plea or trial]);
- *Offense-related factors* (type of CSEC charge filed and presence of co-defendants);
- *Legal factors* (final offense seriousness level as measured by the federal sentencing guidelines,[48] criminal history category as computed by the federal sentencing guidelines,[49] and whether the judge "departed" from the prescribed sentencing range); and
- *Defendant demographics* (race, gender, age, citizenship, and marital status, education, number of dependants, and ethnicity).

Results

Our model yielded a "coefficient of determination" (R^2) of .33, indicating that the model is able to explain approximately 33 percent of the variation in prison sentence length (see Exhibit 3.3). The F-value of 54.79, significant at the .001 level, indicates that we can be nearly 100 percent confident that the

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[47] Ordinary Least Squares (OLS) Regression.

[48] The "final offense level" as calculated by the U.S. Sentencing Guidelines is a measure of offense seriousness ranging on a scale from 1 (least serious) to 43 (most serious).

[49] There are six criminal history categories according to the U.S. Sentencing Guidelines, ranging from 1 (least criminal history) to 6 (most criminal history). Offenders are placed into one of these categories based on their total number of prior criminal convictions. For more information about what is included in the federal sentencing guidelines, please consult the USSC website at: http://www.ussc.gov/guidelin.htm.

set of independent variables in our model are statistically related to the outcome variable, prison sentence length imposed. Not surprisingly, all of the legal factors included were highly significant in predicting sentence length. On average, for each one-unit increase on the offense seriousness level scale, the defendant's prison sentence increased by 6.5 months, and each "jump" to the next highest criminal history category netted the defendant an extra 7.7 months on his or her sentence. In terms of departures,[50] each defendant issued an upward departure received an extra 53.4 months on average, while each defendant given a downward departure received a sentence reduction of 19.9 months, on average. All four of these legal predictors were statistically significant at the .001 level.

In terms of case processing factors, only mode of disposition (trial versus plea) was a statistically significant predictor, while type of legal counsel, case processing time, and whether the case was processed before or after the passage of the TVPA were not. Defendants convicted by trial received a sentence 61.2 months higher than those defendants who pled guilty.

Only one of the two offense-related variables we included in the model proved statistically significant in predicting sentence length: the type of CSEC charge. Child exploitation defendants received, on average, sentences that were 46.7 months higher than child pornography defendants, the reference category for type of CSEC charge. Child prostitution/sex trafficking defendants received sentences that were not statistically different from defendants convicted and sentenced for child pornography. The second offense-related factor, presence of co-defendants in a CSEC case, yielded no statistically significant differences in prison sentences.

[50] "Departures" are sentences imposed by judges that fall outside of (either above or below) the applicable sentencing range for a defendant-case, as determined by the federal sentencing guidelines. If a judge determines that the sentencing range is not appropriate in a particular case because the case is unusual in some way, he or she may "depart" from the prescribed range, but then must supply reason(s) for that departure which are subject to appellate review. Most downward departures are petitioned for by the Government for "substantial assistance" to authorities that an offender provides about another criminal case or another crime.

Exhibit 3.3

OLS Regression Model Predicting Prison Sentence Length Imposed on CSEC Defendants

Variable	Estimate	Standard Error	Pr > | t |
Intercept	-106.39	11.05	-
Case Processing Factors			
Type of legal counsel (private representation)	-5.75	3.80	0.1309
Case processing time (months)	-0.10	0.22	0.6555
Case filed after TVPA of 2000	4.73	3.63	0.1923
Mode of disposition (trial)	**61.22 *****	**6.52**	**0.0001**
Defendant Demographics			
Race (Non-white)	16.15 **	7.41	0.0293
Gender (Female)	-0.97	14.21	0.4964
Age (years)	0.20	0.14	0.1641
Citizen (Non-Citizen)	9.06	10.09	0.3694
Marital status (Not married)	-4.74	3.95	0.2305
Education	-5.14 *	2.78	0.0647
Number of dependents	-1.78	1.21	0.1423
Ethnicity (Hispanic origin)	-0.29	6.36	0.6541
Offense-Related Factors			
CSEC Charge: Child Sex Exploitation	**46.74 *****	**4.80**	**0.0001**
CSEC Charge: Child Prostitution/Trafficking	0.20	3.78	0.9576
Presence of Co-Defendants in the Case	0.31	6.16	0.9594
Legal Factors			
Final offense seriousness level, 1-43 (USSG)	**6.50 *****	**0.24**	**0.0001**
Criminal history category, I - VI (USSG)	**7.72 *****	**1.33**	**0.0001**
Upward departure from sentencing range	**53.63 *****	**7.29**	**0.0001**
Downward departure from sentencing range	**-19.87 *****	**3.86**	**0.0001**
Organizational Factors			
Judicial Circuit (District of Columbia)	2.63	22.29	0.9061
Judical Circuit 01	5.27	9.02	0.5594
Judical Circuit 02 (NOTE: THIS IS THE REFERENCE CIRCUIT TO WHICH OTHERS ARE COMPARED)			
Judical Circuit 03	6.57	7.68	0.3924
Judical Circuit 04	8.86	6.65	0.1828
Judical Circuit 05	2.62	6.59	0.6910
Judical Circuit 06	**26.53 *****	**6.79**	**0.0001**
Judical Circuit 07	15.63 **	7.33	0.0330
Judical Circuit 08	10.46	6.88	0.1288
Judical Circuit 09	0.23	6.11	0.9705
Judical Circuit 10	5.23	6.95	0.4518
Judical Circuit 11	15.72 **	6.39	0.0139
Number of Observations: 4,456		R^2 = .33	
F (40) = 54.79		Prob > F = .0001	

*** = Statistically significant at the p<.001 level

** = Statistically significant at the p<.05 level

* = Statistically significant at the p<.10 level

We controlled for a number of "extra-legal" defendant demographic variables in our model, namely: gender, age, race, citizenship, marital status, education, number of dependents, and ethnicity. Of all these demographic variables, only two emerged as statistically significant: race and education. On average, non-white defendants received sentences that were 16 months longer than white defendants, a difference that was statistically significant at the .05 level. In addition, all else being equal, CSEC defendants who were more educated (either college graduates or those who had at least some college) received sentences that were 5.1 months lower than CSEC defendants who did not attend college, an effect that was statistically significant at the .10 level.

Finally, we also examined organizational factors to see if there were any differences in prison sentences imposed across judicial circuits. We found statistically significant differences on sentence length between the Sixth, Seventh, and Eleventh Circuits, respectively, and the Second Circuit (the "reference" circuit). CSEC defendants in the Sixth Circuit (Kentucky, Michigan, Ohio, and Tennessee) received sentences that were 26.5 months longer than CSEC defendants in the Second Circuit (New York, Connecticut, and Vermont), while CSEC defendants in both the Seventh Circuit (Illinois, Indiana, and Wisconsin) and the Eleventh Circuit (Alabama, Florida, and Georgia) received sentences that were about 15.7 months longer than CSEC defendants in the Second Circuit. Thus, an offender in the Sixth Circuit could expect to receive a longer prison sentence for a CSEC-related offense than offenders in other circuits.

3.4 Summary of Findings

Much was learned from speaking with prosecutors and from the analysis of federal CSEC case data. To help summarize these findings, highlights of key outcomes are included below. From the prosecutor interviews, the following information emerged:

- No prosecutor fully agreed with the definition of CSEC that broadly interprets CSEC to include any form of commercial child sexual exploitation;
- Charging decisions are based on the particular facts of the case with factors such as egregiousness, jurisdictional complexity, and resources being leading factors;
- Prosecutors felt that better collaboration among all actors (including law enforcement, prosecutors, and victim service providers) would do much more than the creation of more statutes to increase the number of investigations and prosecutions; and

- Prosecutors agreed that plea bargaining is fairly standard in cases involving children because traditionally they do not consider it to be in the "best interest of the child" to make child victims witnesses in a prosecution.

The informational prosecutor interviews conducted in this study were extremely useful in helping shape the analysis of the federal case data. With additional information from prosecutors, especially prosecutors at the state level who work on task forces, it will likely be possible to further explain some of the findings that were revealed from the secondary data analysis. What follows are the highlights from the analysis of federal CSEC case data. This information is presented in categories based on the factors used for the predictive models.

Organizational factors:

- Most CSEC cases were found to be in California, Texas, and Florida (Section 3.3.4);
- Most CSEC matters (58 percent) were disposed by federal prosecutors who declined to move forward with a case in federal court (Section 3.3.1);
- The FBI was responsible for the highest share of federal CSEC suspects arrested, and its proportion of CSEC arrests increased over time (Section 3.3.2);
- Defendant cases investigated by the U.S. Customs Bureau were statistically more likely than defendant-cases investigated by the FBI and other federal agencies besides the U.S. Postal Service and State and local authorities to result in a conviction (Section 3.4.2);
- Defendants tried in the First, Eighth, and Tenth Circuits were less likely to be convicted than defendants tried in other circuits (Section 3.4.2); and
- Defendants tried in the Sixth Circuit could expect to receive a longer prison sentence for a CSEC-related offense compared to defendants in other circuits (Section 3.4.2)

Case processing factors:

- While private counsel represented a little more than half of the offenders charged with child pornography offenses, offenders charged with child prostitution and sexual exploitation offenses overwhelmingly relied on indigent defense services (Section 3.3.6);

- It made no difference in terms of convictions whether a CSEC defendant was represented by a private attorney versus a court-appointed attorney or public defender (Section 3.4.2);
- The total number of suspects in criminal matters investigated and concluded by U.S. attorneys where the lead charge was a CSEC-related offense more than doubled from 1998—2005. Prosecutors were able to bring a fairly steady proportion of CSEC cases overall to federal court despite a caseload which more than doubled during the period (Section 3.3.1);
- Unlike child pornography and child prostitution, the average number of days to process a child sexual exploitation case has increased by 16 percent over time (Section 3.3.8);
- Defendants whose cases were filed after the passage of the TVPA of 2000 had a greater likelihood of being convicted than those defendants whose cases were brought to U.S. district court prior to the TVPA (Section 3.4.2);
- Had the 2003 initiatives (TVPRA, PROTECT Act, and 'Innocence Lost' Initiative) never occurred, the number of CSEC prosecutions would have been lower (i.e., they would have increased at a slower rate) (Section 3.4.1);
- Ninety-five percent of federal CSEC convictions are reached by guilty plea and convictions of CSEC cases overwhelmingly resulted in a prison sentence being imposed (Section 3.3.7);
- There has been a 60 percent increase in the average number of prison months, with child sexual exploiters receiving the longest average sentence (Section 3.3.7); and
- Defendants convicted by trial received a sentence 61.2 months higher than those defendants who pled guilty (Section 3.4.3).

Offense-related factors:

- Sex offense arrests rose sharply by 50 percent from 1998 to 1999, and by another 50 percent from 2003 to 2004, however, commercial sex arrests declined from 6 percent to 2 percent of arrests from 1998 to 2004 (Section 3.3.2);
- Among the three CSEC offense types, defendants charged with child prostitution had the largest proportional growth, increasing by 642 percent over the period; however, they were less likely to be convicted as compared to child pornography offenders (Section 3.3.3); and

- The vast majority of federal CSEC cases have only one defendant, and cases with one defendant were more likely to result in conviction than co-defendant cases (Section 3.4.2).

Legal factors:

- For each one-unit increase on the offense seriousness level scale, the defendant's prison sentence increased by 6.5 months and each jump to the next highest criminal history category netted the defendant an extra 7.7 months on his or her sentence (Section 3.4.3).

Defendant demographics:

- CSEC federal offenders tend to be white, non-Hispanic males between the ages of 30 and 40 who are single, with no children, have a prior criminal history, and are fairly well educated (Section 3.3.5);
- CSEC defendants who were more educated (college graduates or those who had at least some college) received sentences that were 5.1 months lower than CSEC defendants who did not attend college (Section 3.4.3); and
- Non-White CSEC defendants received sentences that were 16 months longer, on average, than did White CSEC defendants (Section 3.4.3).

Based on what we learned from the prosecutors and secondary data analysis, we are better able to address our research questions of interest for this study (see Chapter 5). With these data, we are able to see what accomplishments we have made to date in the fight against CSEC and have uncovered some possible areas where improvements could be made. More information on the possible lessons that can be learned from this study is included in Chapter 5. Next, in Chapter 4 we present the results from detailed discussions we had with CSEC service providers and advocates when we presented them with preliminary findings from the analysis of federal CSEC case data.

CHAPTER 4: PRACTITIONER MEETING

To vet preliminary study findings with local commercial sexual exploitation of children and youth (CSEC) service provider experts, a half-day meeting was planned for the study. Polaris Project provided the Urban Institute researchers with a list of practitioners and advocates in the Washington, D.C. metropolitan area to contact for the meeting. Using this list, Urban Institute staff sent invitations to each suggested person to recruit participants. This initial email was followed by a telephone call from staff to ensure that a minimum of eight people participated in the meeting. About two weeks prior to the meeting date, the participants were sent a meeting agenda and a copy of the study literature review.

On June 4, 2007, a group of eight service providers and advocates met for a half-day meeting at the Urban Institute. The purpose of the meeting was for the Urban Institute project team to present preliminary research findings and to use this opportunity as a means of not only obtaining feedback on information shared but also to collect original information from these experts about CSEC issues as related to the current study. Specifically, we wanted to know:

- Was information missing or needing clarification in the literature review?
- How could findings from the federal data analysis be contextualized in a practical setting?
- What practical lessons could be learned from the data that could be shared with the CSEC field to generate future research agendas, and where possible, create changes in practice for prosecutors and service providers?

During the meeting Urban Institute staff presented preliminary study findings and participants asked questions and provided feedback. What follows are the key points learned from the practitioner discussion, along with their suggestions for future research.

4.1 Key Findings

For ease of presentation we have grouped common themes discussed during the practitioner meeting into four sections below. These key findings were the most salient points learned from the four

hours that we spent with the eight service providers who willingly shared their experiences working on CSEC cases.[51]

4.1.1 Federal CSEC case data currently available do not capture the full spectrum of CSEC offenders.

When discussing a typical CSEC offender profile based on available federal data, participants expressed many concerns about what types of data are currently being collected by federal entities. In addition, they discussed how federal prosecutorial decision making about which cases to pursue also could be impacting the types of data currently being collected. For example, when we presented the group with information about CSEC offender profiles, they asked questions about why the majority of federal CSEC cases prosecuted were child pornography cases. While they understand that child pornography cases may be easier to build and prove in court, in their experiences, the types of offenders that they come into contact with are not primarily those engaging in child pornography. Also, they wanted to know why federal prosecutors are not going forward with "johns" cases, or more sex trafficker/pimp cases. They wanted to know why the statistics for these types of CSEC offenders were not showing up in the federal data to the same extent that they are coming into contact with these offenders through their work with victims.

Moreover, they wanted to know why federal entities were not keeping more disaggregated information on CSEC victims and offenders (e.g., age of victim, sex of victim, number of victims per prosecuted case, and offender role in sex activity). With more information on the victim and a deeper understanding of prosecutorial decision making, the practitioners thought that they would be better equipped to operate and refine programs geared at identifying and responding to the needs of CSEC victims.

They reported that perhaps the CSEC phenomenon they are experiencing may be better captured in state-level data. For example, practitioners informed us that some states have laws regarding

[51] Viewpoints expressed in *Chapter 4: Practitioner Meeting* represent the views of a select group of 8 service providers from various local, national, and international organizations headquartered in the Washington, D.C. metropolitan area who work with commercially sexually exploited children.

"patronizing a trafficking victim" which effectively elevate the offense of having sex with a trafficking victim, resulting in more severe penalties (longer prison sentences). When presented with some of the reasons cases are not carried forward by federal prosecutors (such as prosecuted in other jurisdictions), practitioners wondered if this meant cases were being tried at the state level. Another example was given that in Washington, D.C. of the 27 pimps/traffickers prosecuted only two or three were federal cases. The practitioner reported that the majority of the cases were for state-level charges. The thought is that federal statutes (§1591, 2422, and 2423) are used at a lesser rate because most of those cases are being pursued with state charges. The belief is that most child pornography cases are tried at the federal level, while more child prostitution and sexual exploitation cases are tried at the state level.

Another type of data the practitioners thought were missing from the federal database and the CSEC literature in general is information on gang involvement in CSEC activities. They reported that Latino gangs now are using a "hand delivery service" instead of brothels to better avoid detection by law enforcement. Prostituted children are being directly taken to a "john" or "johns" instead of being housed in centralized localities such as brothels. This decentralizing practice may make it more difficult for law enforcement to see "red flags" of criminal activity to conduct raids. Also, the advocates we interviewed reported that there is an increase in the use of sex slaves by gangs. One advocate explained that in some cities, "crews" of girls 12–13 years old (e.g., "XXX Rated" and "Honeys") are made to "service" gang members; they are trained to be "girlfriends" of gang members in their mid-twenties. Based on their experiences working with victims, practitioners find that gangs are heavily involved in CSEC and that community members may be more aware of the extent and nature of gang involvement than law enforcement at this time.

4.1.2 CSEC cases seem to be built solely around the child as a witness and the time it takes for a CSEC case to be processed largely depends on where the case is being tried, the number and characteristics of the victims, and the number of defendants.

Meeting participants, when presented with preliminary findings from the analysis of federal CSEC cases, reported on their experiences with how CSEC cases are built and the issues that they face during the case processing time period. Based on their experiences, participants feel that prosecutors largely rely on the child victim as a witness for child prostitution cases. Considerable time is spent

extracting information from the child on every aspect of the CSEC situation and then preparing the child to testify in court. Participants expressed that children who are going through the investigatory and case processing phases are traumatized and overwhelmed by what is expected from them. Working with these children to help restore them to positions where they can remember exact details and be good witnesses for the prosecution takes a considerable amount of time and effort on the part of service providers and advocates. In addition, it was emphasized that differences exist between victims and these differences are important for service providers to take into account when preparing a victim for trial and securing needed services. Many felt that services available for victims need to be further specialized to take into account differences among CSEC victims feeling that there is a considerable lack of specialized services for domestic victims versus foreign national victims.

Regardless of whether the victim is domestic or foreign national, participants feel that preparing a child to participate in an investigation and prosecution should only be one method for handling this type of criminal case. They believe that prosecutors should also focus heavily on other types of corroborating evidence (e.g., hotel receipts, other witnesses, telephone records) that can substantiate a victim's claim. By not doing so, the child is placed in a situation where they may be constantly "re-victimized" by having to recount the details of their exploitative situation (while not getting needed services for domestic victims to help them deal with the stress of this ordeal), and service providers have to make sure the children stay in the system. Staying in the system entails having to be placed in secure housing for the length of the prosecution. As mentioned earlier, for foreign national victims this housing is oftentimes a shelter with staff who are trained to deal with this special population. However, participants observed that for domestic victims this often meant being detained in juvenile detention facilities or foster care with limited or no services. If the children leave the criminal justice or welfare systems, participants reported that it can be difficult to find them again, and if you do happen to find them you have to rebuild their trust and willingness to participate in the case process.

With respect to case processing times, participants had varying experiences. Some felt that cases tried at the state level moved faster than cases at the federal level. Others felt that foreign national CSEC cases took longer because they generally involve multiple victims and offenders. It was also felt that cases involving foreign national victims were less likely to be dropped than domestic CSEC cases since foreign national victims were more likely to see themselves as victims and be in a better emotional state to testify

whereas domestic CSEC victims were more likely to feel criminalized by the process and be reluctant to see themselves as victims and testify. Domestic CSEC victims are also harder to keep track of during case processing since they often run away or dropout of the system. Others felt that child pornography cases are often prosecuted quickly compared to other cases because evidence is easier to produce and rarely contested.

4.1.3 Language used in the CSEC field affects how victims are characterized and the definitional elements of this crime.

Participants agreed that it is important to pay close attention to the language that is being used when discussing CSEC because it affects the characterization of its victims and the type of acts that constitute CSEC. A goal of advocates is to shift the criminal justice field and public from viewing child prostitutes as criminals to viewing them as victims. While this shift in characterization has apparently occurred for foreign national victims, the advocates believe it has not been the case for domestic victims. For example, some people refer to domestically prostituted children as "prostitutes" and foreign national prostituted children as "sex trafficking victims" thus creating a dichotomy between CSEC victims. This dichotomy in how we label domestic versus foreign national CSEC victims may affect how children view themselves and how they are treated by those working to combat this crime (discussed in greater detail in next section).

Participants also expressed concern over the use of the term "pimp" in the CSEC context. Participants acknowledged that while child victims commonly refer to their exploiters as "my pimp," others (e.g., prosecutors, law enforcement, service providers, advocates, researchers) should instead refer to these exploiters as "sex traffickers." Their viewpoint is that while a pimp and a sex trafficker may be engaging in the same activities, "sex trafficker" seems to more readily imply that the child or controlled person is a victim. The word "pimp," on the other hand, seems to imply to some that the controlled person is part of the criminal enterprise and not a victim. To help shift the mindset of those in the criminal justice system that victims of CSEC, especially domestic victims, are indeed victims and not criminals participants agreed that the phrase "sex trafficker" should be adopted when talking about a person who engages in CSEC.

Another term causing concern in the CSEC field is the use of the word, "commercial." To some, "commercial" implies that a business or industry must surround the sex acts involving the child. In this case, for CSEC to occur, the sex acts must occur in commercial establishments such as brothels and strip clubs. However, others interpret "commercial" broadly so that CSEC involves any situation where sex is exchanged for something of value. For example, if a child exchanges sex for shelter or food this would also be deemed CSEC. Those with a narrower view of the word "commercial" would not consider this second example to be CSEC but only the exploitation of a child. The distinctions between these two definitions of "commercial," along with the other terms discussed above, can have a major impact on the definitional elements of CSEC, identification and response practices and even measures of the prevalence of this crime.

4.1.4 Differences exist in the way domestic CSEC victims and foreign national CSEC victims are viewed and treated.

The practitioners discussed the differences they face working with domestic CSEC victims as compared to foreign national CSEC victims. Based on their experiences, they feel differences exist in how victims are viewed, identified, and provided services. Participants discussed that a goal of the TVPA was to help shift the characterization of foreign national trafficked persons from criminals to victims. Prior to the TVPA, trafficked persons were thought to be criminals because of their involvement in criminal activities, detained in prison facilities, deported, and were not entitled to any social services or benefits while in the United States. As a result of the TVPA, foreign national victims are no longer being viewed and treated as criminals, but are now viewed and provided with benefits similar to refugees.

However, participants expressed that this shift in human trafficking characterization and treatment from "criminal" to "victim" has not permeated the CSEC field for domestic victims. For example, while foreign national CSEC victims seem to be identified by collaboratives, domestic CSEC victims seem to be identified mainly by law enforcement. While foreign national victims are placed in programs and given secure housing and needed social services while their case is being investigated and prosecuted, domestic victims are detained in juvenile detention facilities and often not provided with any services. In addition, domestic victims may also be placed back in foster care or returned to their homes, situations from which they often run away again. These differences in characterization and treatment

seem to further the criminalization of domestic CSEC victims. However, meeting participants explained that discussions are now occurring about changing policies and practices so that when domestic CSEC victims are arrested their cases would no longer be considered criminal cases but given a status demonstrating that the child is one who is in need of supervision by the criminal justice system.[52]

Practitioners also offered explanations for why they believe these differences exist. A primary reason expressed was that the particulars of some domestic CSEC victim cases are not as straightforward as foreign national CSEC victim cases. While foreign national victims may have gotten involved in CSEC acts as a result of being offered promises of employment (lured) or being sold by their parents, some domestic victims may voluntarily enter into a relationship with a person that then becomes commercially sexually exploitative. The varying methods of entry into the sexually exploitative situation may be a reason why foreign national CSEC victims are viewed differently from domestic victims. All practitioners agreed that this is something that needs to be studied carefully so that we can ensure that all CSEC victims are being treated as equally as possible.

4.2 Practitioners' Suggestions for Future Research

While information learned during the half-day meeting came from a group of only eight service providers and advocates from local, national, and international anti-human trafficking organizations headquartered in the Washington, D.C. metropolitan area, the focus group served a vital function in helping to provide context to information learned from the literature review and the analysis of federal data. Based on the practitioners' feedback we are beginning to learn some important lessons about the impact of federal legislation on the CSEC movement. However, with any good research, as some questions are answered, others emerge. What follows is a list of questions posed to us by the practitioners that we have formed into suggestions for additional research for the CSEC field.

- *Data collection on CSEC information.* There were many questions practitioners had that simply could not be answered by the federal data. Either the data were not disaggregated

[52] Sentiments expressed in this paragraph were also largely echoed by members of the 42 Bureau of Justice Assistance (BJA)-funded human trafficking task forces gathered at the 2007 U.S. Department of Justice Conference on Human Trafficking held September 26–28, 2007 and attended by members of the Urban Institute research team.

enough or data were not collected at the federal level (e.g., data on victims of CSEC cases). In addition, some missing CSEC information may be captured at the state level. A primary suggestion was to make recommendations to federal entities on what types of additional data need to be captured in federal databases, and to conduct a CSEC study focusing on state-level data. Better data collection activities need to take place so that we can fully understand the types of offenders and victims who are involved in CSEC. This will ensure that limited resources for identification and response strategies are targeted more effectively. Additionally, we should conduct studies on CSEC at the state and local level to see how these data compare and contrast with federal-level data. Doing an analysis of prosecution data in all 50 states would greatly benefit the CSEC field by increasing their understanding of all the state-level ways that CSEC cases are being prosecuted.

- *Gang involvement in CSEC.* A seemingly new area for CSEC activity is the involvement of gangs in CSEC. Is this a new problem or just a problem with a new name? To what extent are local gangs perpetuating CSEC activities in neighborhoods? Studies focusing on gang activity in CSEC could build on the wealth of information the criminal justice field has on gangs and also open up a new avenue for addressing the CSEC issue in our communities.
- *Prosecutor training.* With so much emphasis placed on the child victim as a witness for a prosecuted case, practitioners would like to see additional studies conducted on how CSEC prosecutors build their cases. Ideally this type of study would inform prosecutor trainings on how to build cases beyond relying so heavily on the child victim as a witness.
- *CSEC language*—Identify the language that is being used by key stakeholders (e.g., prosecutors, victims, service providers, advocates, law enforcement, court personnel) in the CSEC and human trafficking fields. Efforts need to be made to ensure that language is uniform, as much as possible, and that it best reflects the phenomenon taking place. Doing so could ensure that victims are not viewed as criminals and that all types of CSEC are clearly being identified and prosecuted.
- *Domestic versus foreign national CSEC victims.* There appear to be many differences between how CSEC victims are identified and treated within the justice system. A study should look at these differences, paying particular attention to the types of services CSEC

victims receive during the lengthy case processing time period, and make sure both populations are receiving appropriate services. Appropriate service provision will restore victims to positions of positive well-being in general and where they can most effectively participate in the prosecution of CSEC cases.

- *Other explanatory factors.* Aside from federal legislation, practitioners thought other factors may be affecting the CSEC movement. These additional factors include: the increased use of the Internet; the focus of the Bush administration on the CSEC issue; the work of the Internet Crimes Against Children (ICAC) task forces; increased federal prosecutor training; and increased public awareness in general on human trafficking. Studies on other historical effects, besides the passage of CSEC-focused legislation, should be conducted to help us better understand the increase in the prosecution of CSEC cases.

CHAPTER 5. CONCLUSIONS AND NEXT STEPS

Over the course of the study, we uncovered information we truly hope the field finds interesting and useful. While chapters 2 through 4 of this report each contain a conclusion section that highlights key findings, in this last chapter we attempt to synthesize this information and to present it in a digestible manner by answering the research questions we posed in Chapter 1. We conclude this chapter with our thoughts for implications for CSEC policy, practice and research.

5.1 Research Questions

In Chapter 1, we posed a series of research questions we aimed to answer by conducting secondary data analysis of the FJSRC CSEC data and the meeting we held with practitioners. Answers to these questions follow.

5.1.1 Is the United States enforcing existing laws related to CSEC?

Although there was existing legislation to address acts associated with CSEC, specific laws such as the TVPA and the PROTECT Act were additionally created to address this crime. We found that at the federal level, the United States is indeed utilizing these laws. Evidence was found that especially in California, Texas and Florida jurisdictions, the number of investigations, case filings, and convictions where a prison sentence is imposed has significantly increased. From 1998 to 2005, the total number of suspects in criminal matters investigated and concluded by U.S. attorneys nationally more than doubled. These increases have particularly occurred after 2003 when there was a convergence of efforts (i.e., legislation, creation of task forces, and a national summit) to bring awareness to this issue, and to prosecute its perpetrators using a collaborative, victim-centered approach. Although we did not look at prosecutions in other countries, we can affirmatively state that the United States is taking active steps to create and *use* laws to fight CSEC in America.

5.1.2 What are key features of successful CSEC cases? What factors predict convictions in cases? What factors predict sentence length?

We found the following factors were important in predicting conviction (or "success") in a CSEC case: (1) whether the case was filed before or after the passage of the TVPA; (2) the agency conducting the investigation; (3) case processing time; (4) presence of co-defendants in the case; (5) type of CSEC charge; and (6) judicial circuit where the case was prosecuted. In general, there was a greater chance of obtaining a conviction if the case was: filed after the passage of the TVPA; investigated by U.S. Customs (as opposed to the FBI); of longer duration in terms of case processing time; contained only one defendant; a child pornography case (as opposed to child prostitution or child sex exploitation offense); and filed in the Second, Third, Fourth, Fifth, Sixth, or Seventh Circuits (as opposed to the other circuits).

In terms of sentence length, we found the following factors to be statistically significant in predicting the prison sentence term imposed on CSEC offenders: (1) mode of disposition (trial or plea); (2) race; (3) education level; (4) type of CSEC charge; (5) "legal" sentencing guideline factors; and (6) judicial circuit. In general, longer prison sentences were associated with: offenders who go to trial (whose sentences are 61 months longer, on average, than offenders who plea); offenders who are Non-White; offenders with low education levels (high school or below); offenders charged with child sex exploitation (as opposed to other CSEC charges); offenders with higher guidelines for offense seriousness levels and criminal history categories; and offenders who were sentenced in the Sixth Circuit, as opposed to other circuits.

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

Laws associated with CSEC passed since 2000 increased the penalties associated with CSEC-related offenses. Prosecutors are utilizing these laws and securing stiffer punishments. The mean sentence imposed on offenders convicted and sentenced increased from 53 months in 1999 (prior to when TVPA went into effect) to 80 months in 2004. Meanwhile, the number of offenders receiving probation sentences during that same time period dramatically decreased (from 13 percent to 4 percent). Thus, a clear message is being sent to CSEC offenders—if you are convicted you will most likely be sentenced to prison.

5.1.4 What, if any, are the effects of CSEC legislation on service providers who work with these victims?

Federal CSEC legislation impacts the work of local service providers. Federal legislation oftentimes focuses on non-U.S. citizen victims, leaving service gaps and identity questions for U.S. citizen victims. Providers are left in a difficult position to secure social services for U.S. citizen victims because the focus has been on victims from other countries who do not have status in the United States. There is an assumption that U.S. citizen CSEC victims have access to needed specialized services simply because of their citizenship status. The experience of the practitioners included in this study has shown that to not be the case, especially in the case of secured housing for juvenile victims. Providers also felt that federal CSEC legislation shapes the identity of its victims. While non-U.S. citizen victims may have an easier time identifying themselves as victims largely because of how laws are worded and interpreted, U.S. citizen victims have a more difficult time identifying as a victim leading to U.S. victims feeling criminalized by the process and opting to drop out of prosecutions.

5.2 Implications for Policy, Practice and Research

In this section we give our thoughts on how the current study could inform policy, practice, and research on CSEC-related issues. While there are many lessons that can be gleaned from our study, we present only a few here.

5.2.1 Implications for Policy

- Do no enact additional federal CSEC-focused legislation—Data show that current laws are being used and prosecutors and practitioners all agree that at the federal level CSEC laws are sufficiently addressing this crime.
- Continue funding collaboratives—Congress should continue to fund CSEC-specific initiatives like they did in 2003 because we found it matters for securing convictions and longer sentences. Prosecutors and practitioners all cited task force participation as a key to success.

- Increase data collection efforts—Prosecutors and practitioners see the value in collecting and analyzing data, however, it is not a current practice for their agencies and organizations. Funding should be made available for data collection efforts, and Congress should make reporting of disaggregated data a requirement, especially data on crime victims that can be linked to offender data.
- Shift CSEC language—Efforts should be made to promote the use of language that views domestic CSEC victims as "real" victims so that domestic victims will not feel criminalized by the criminal justice process and will be more willing to participate in prosecutions.
- Access to specialized services—A review of services provided to domestic and foreign CSEC victims should be done to ensure that both populations are receiving the types of services they need regardless of their citizenship status.

5.2.2 Implications for Practice

- Allocation of staff resources—Attorneys from jurisdictions with the higher conviction rates should be matched with attorneys from jurisdictions with lower conviction rates such as the First, Eighth, and Tenth Circuits.
- Training opportunities—Training opportunities should be both national for uniformity and targeted based on circuit needs. Training topics should include: how CSEC is defined; how to decide whether a CSEC case should be tried at the federal or state level; and how to conduct an effective CSEC investigation (with the session possibly led by the U.S. Customs Bureau).
- Case declinations—Federal prosecutors should review why so many cases are declined for federal prosecution and if some declinations could be brought forward with different policies, or better training and resources.
- Task force participation—In jurisdictions where task forces or collaborations are not already happening, federal and state level prosecutors, law enforcement, and service providers should coordinate their efforts more effectively to ensure that cases are brought to court.
- CSEC defined—Develop an agreed upon definition of CSEC so that charging decisions are more uniform.

5.2.3 Implications for Research

As with most studies, on the journey to answer one set of research questions, another set of questions arise. Working on this project left us wanting to know more. Thus, we leave you with questions we would like to see answered and measures we would like to see implemented.

Why are most CSEC matters (58 percent) disposed by federal prosecutors who decline to move forward with a case in federal court? What happens to these cases?

- Compare federal-level prosecutions with prosecutions at the state-level to see if defendant demographics are different, and to determine at what rate are CSEC cases being handled at the state level.
- Talk to law enforcement officers who conduct investigations specifically on CSEC crimes.
- Compare U.S. CSEC prosecutions with prosecutions from other countries.

Why are service providers reporting a different CSEC offender profile than what was found in the federal data? Are domestic CSEC victims really treated differently than foreign CSEC victims?

- Look at perpetrator data at the state level.
- Collect and analyze data on CSEC victims that could then be compared to perpetrator data.

What other factors may be affecting the increase in CSEC prosecutions?

- Do more time series analysis to incorporate impacts of recent legislation such as the Sex Tourism Prohibition Improvement Act of 2002 and the Adam Walsh Child Protection and Safety Act of 2006.
- Look at the work of CSEC-focused task forces and see how this intersects with prosecution data.

Appendix A

Appendix A-1

Review of the Literature on the Commercial Sexual Exploitation of Children and Youth

This review of the literature on the commercial sexual exploitation of children and youth (CSEC) is done in four parts. First, we lay out a formal definition of CSEC and present estimates of its prevalence. Second, we discuss characteristics of CSEC victims and exploiters. Next, we provide details on international actions to combat CSEC specifically highlighting the efforts of the United Nations and nongovernmental organizations (NGOs). Lastly, we discuss U.S. actions to combat CSEC, including legal remedies to protect children from CSEC, and the actions of governmental agencies and NGOs. Included in Appendix A are a glossary of key CSEC terms and our list of references.

2.1 Definition and Prevalence of CSEC

In the literature on crimes against children and youth (hereinafter "children"), there are varying definitions of sexual violence. Common terms used interchangeably with sexual violence are sexual assault and sexual abuse (Ellison, 2003) and recently sexual exploitation. Acts constituting child sexual exploitation include fondling; genital exposure; intimate kissing; forced masturbation; oral, penile or digital penetration of the mouth, vagina, or anus; child prostitution; pornography; cult (or ritual) abuse; and incest (Small & Zweig, 2007). These sex acts may be categorized into crimes such as rape, statutory rape, molestation, exhibitionism, voyeurism, pedophilia, and forced marriage, and can be either noncommercial or commercial in nature. Noncommercial child sex acts are void of any exchanges for monetary or financial gain, whereas acts involving CSEC involve sexual transactions where there are exchanges of anything of value or worth. The focus of this literature review is on child sex acts that are commercial. In this sense, anything of value of worth can be understood to mean a wide range of remunerations, including money, gifts, jewelry, clothes, food, shelter, transportation, and other items or actions that can be given a market value.

A formal definition of CSEC was made widespread in the 1996 Declaration and Agenda for Action for the First World Congress Against the Commercial Sexual Exploitation of Children held in Stockholm, Sweden.[1] In the Declaration, CSEC is defined as follows:

[1] We include here only the most widely cited definition of CSEC. For other definitions of CSEC we suggest reading the work of Estes & Weiner (2001), and California state law addressing CSEC.

> It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labor and a contemporary form of slavery (Declaration and Agenda for Action for the First World Congress Against the Commercial Sexual Exploitation of Children, 1996).

Practitioners, advocates, and academics in the U.S. have adopted this formal definition and Congress further supported the definition of CSEC by including in §1591 (a) of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA) that sex trafficking of children involves a commercial sex act in which the person induced to perform such an act has not attained 18 years of age. Although the TVPA did not define CSEC for the United States it did provide political traction and funding for service providers and criminal justice agencies to more aggressively focus on CSEC. Moreover, in the 2006 *U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America*, it was clarified that "the four forms of CSEC, as demarcated in the outcome summary of the Second World Congress Against the Commercial Sexual Exploitation of Children [include]: child trafficking, child prostitution, child pornography, and child sex tourism"[2] (Shared Hope International, 2006, p. 6).

Using these definitions as boundaries, researchers are developing estimation methodologies to better understand the magnitude of this problem. The most cited estimate of CSEC is from the report, *The Commercial Sexual Exploitation of Children In the U.S., Canada, and Mexico* (Estes & Weiner, 2001). Estes and Weiner (2001) report that each year in the United States as many as 300,000 children are at risk of being sexually exploited. These findings were the result of a study conducted from January 1, 1999 to March 31, 2001, that included interviews and focus groups with key informants; reviews of national and sub-national statutes and international agreements related to CSEC; and several statistical surveys produced by governmental and nongovernmental agencies. Their estimate of children at risk of becoming victims of CSEC was based on data covering 17 at-risk categories. These categories included "runaway, thrownaway, and homeless children and youth as well as children who engage in commercial sexual exploitation while living in their own homes, i.e., high school students who perform sexual services for their peers, sexual minorities, female members of youth gangs, juveniles living in or near U.S. border cities and who cross into Canada and Mexico for sexual purposes, [and] three categories of youth who fall victim to on-line sexual victimization each year (Estes and Weiner, 2001, p. 140)." The authors note that their

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[2] Child sex tourism is a form of CSEC committed by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone aged under 18 (ECPAT International accessed online at http://www.ecpat.net/eng/CSEC/definitions/Child_sex_tourism.htm on May 2, 2007).

estimate is *in addition* to the more than 105,000 children that are substantiated or indicated to be victims of child sex abuse annually within the United States.

While the Estes and Weiner (2001) estimate is the most widely cited it is not without its limitations. The authors argue that "a different type of study from ours—one that uses a different methodology and a higher investment of resources—is needed to carry out a national prevalence and incidence survey that could produce an actual headcount of the number of identifiable commercially sexually exploited children in the United States and the frequency with which they engage in such behaviors (Estes & Weiner, 2001, p. 165)." To date, no such study has been funded or produced. However, studies have been conducted on child sexual exploitation and how these exploitative acts intersect with CSEC (see Edwards, Iritani & Hallfors, 2006; Green, Ennett & Ringwalt, 1999).

2.2 Characteristics of CSEC Victims

Research suggests that the average age a child first falls victim to CSEC is 13 or 14 (Friedman, 2005; Barnitz, 2001). Some contend that exploiters are seeking out younger victims for reasons such as a belief that one cannot contract HIV from having sex with a virgin or young child (Friedman, 2005; Andrews, 2004; Barnitz, 2001; Spangenberg, 2001).[3] While poverty, and the limited educational, occupational, and social mobility opportunities deeply entrenched within it, pushes many children into vulnerable situations where they could become victims of CSEC, one study found that it may be less of a leading factor for CSEC in developed countries such as the United States (U.S. Department of State, 2006; Estes & Weiner, 2001). In the United States, more often than poverty, family dysfunction, family sexual abuse, school or other social failures, the presence of existing adult prostitution markets, and drug dependency by family members or CSEC victims are cited by victims as leading factors contributing to CSEC.[4]

It has been documented that some victims of CSEC, as well as those who exploit children, have histories of prior sexual abuse (Spangenberg, 2001; Estes and Weiner, 2001). In a nationally representative study of the victimization of children and youth ages 2 to 17 years, it was found that 1 in 12 children and youth had experienced a sexual victimization within the study year (Finkelhor, Ormrod, Turner & Hamby, 2005). Moreover, it was reported that 97 percent of children and youth with any sexual

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[3] For additional reasons we suggest reading, Cooper, S., Estes, R., Giardino, A., Kellogg, N., and Vieth, V., (2006) Child Sexual Exploitation Quick Reference: For Healthcare, Social Service, and Law Enforcement Professionals, G.W. Medical Publishing, reference 1-878060-21-X.

[4] Estes and Weiner classify myriad factors contributing to CSEC as belonging to one of three major groups: 1) macro/contextual external factors; 2) micro/situational external factors; and 3) individual/internal factors. For a more detailed discussion of these factors, please see *The Commercial Sexual Exploitation of Children in The U.S., Canada, and Mexico.*

victimization would experience future victimizations (Finkelhor, et al., 2005). Additionally, sexual abuse is cited most often as the reason children run away from home and it is these youth who are at-risk of becoming victims of CSEC (Finkelhor et al., 2005). National Incidence Studies of Missing, Abducted, Runaway, or Thrownaway Children (NISMART) data estimates that nationally 450,000 children run away from home each year and 13,000 run away from juvenile facilities (NISMART-2, 2002). In a study of prostituted children and youth in New York City it was found that:

> After only an average of thirty-six to forty-eight hours on the streets, young people are solicited for sex in exchange for money, food or shelter, and their risk for sexual exploitation is increased by the lack of an adequate social safety net to care for them. In New York, there are only about five hundred beds in shelters for the estimated 15,000-20,000 homeless youth. Most shelters are for adults twenty-one and over, and most children are too scared to go to them because of their history of abuse from adults (Spangenberg, 2001).

This study begins to show the possible connections between sexual abuse, running away, and CSEC that may help shape the profile of a CSEC victim. In addition, while it was once thought that females were the primary victims of CSEC, new findings and growing anecdotal evidence point to the fact that boys and transgender youth may be equally at risk of and involved in sexual exploitation (Estes & Weiner, 2001).

A recent study on CSEC in New York State supports the above findings and offers additional insight into the lives of CSEC victims (Gragg, Petta, Bernstein, Eisen & Quinn, 2007). *The New York Prevalence Study of Commercially Sexually Exploited Children* was commissioned by the New York State Legislature through the New York State Office of Children and Family Services. The study used a combination of mail surveys to 159 agencies in four New York City (NYC) boroughs and seven Upstate counties, telephone interviews of public and private agencies that handle CSEC cases, and a focus group of 20 non-police agencies. The study found rates of previous child sex abuse, neglect, and family dysfunction. Victims were also predominantly female. However, when comparing children from Upstate New York to those in NYC differences were found. The number of CSEC victims in NYC outnumbered those identified Upstate by more than five times. There were also differences in gender. None of the CSEC victims in NYC identified as male, however 13 percent of those in Upstate counties were boys aged 13 or younger. No transgender children were identified Upstate, but 31 children were identified in NYC. Children in the Upstate counties were more likely to be younger than those in NYC. Lastly, with respect to race, 47 percent of Upstate CSEC victims were white, compared with 67 percent black victims in NYC. These findings help to further refine our knowledge about CSEC victim characteristics, suggesting important differences may exist between victims from urban and non-urban locations.

2.3 Characteristics of Child Sex Exploiters

While most studies on CSEC focus on the causes of this crime and its victims, there are few studies that focus on its perpetrators. Estes and Weiner (2001) identify six categories of child sex exploiters which include: (1) pedophiles; (2) "transient males" including members of the military, truck drivers, seasonal workers; (3) "opportunistic" exploiters who do not target children, per se, but who abuse whoever is available, often including children; (4) pimps; (5) traffickers; and (6) other juveniles.[5]

Research shows that the majority of child sexual exploiters are males between the ages of 20 and 65, however, some women and same-sex peers who are already on the streets engaging in prostitution, pornography, or trafficking have also been identified as perpetrators (Barnitz, 2001; Estes and Weiner, 2001). One misconception about child sex

[5] Some practitioners expressed difficulties understanding the differences between terms such as "pimp" and "trafficker" and other language used in the CSEC field. We address this point in Chapter 4 of this report.

exploiters is that they are all pedophiles. Research shows that pedophiles make up a portion of sex exploiters but are not the majority of CSEC offenders (Andrews, 2004). Recent studies are also showing that characteristics of perpetrators may differ based on location. In urban areas, CSEC victims are more likely to be exploited by adult strangers, while CSEC victims in non-urban settings are more likely to be exploited by an adult or minor acquaintance (Gragg et al., 2007).

Another type of CSEC perpetrator is exploiters who are associated with criminal activity such as gangs and organized, ethnically-based brothels and massage parlors (Shared Hope International, et al., 2006). The following two examples are by no means representative of a problem that can be found across all races, ethnicities, age groups, and social classes. Our purpose for including them here is to inform readers about a type of CSEC perpetrator that has been documented by law enforcement. Hmong gangs are known to be involved in violent crimes against non-members—the most frequent of which are rape and prostitution involving minors (some as young as 12 years old). According to the Federal Bureau of Investigation (FBI), Hmong gangs in Warren, Michigan have been involved in the kidnap, rape and prostitution of young girls. In April 1998, three girls from ages 12 to 14 came to the attention of authorities as being held against their will for two days in a motel. Further investigation revealed 33 victims between January 1997 and April 1998 that had been held anywhere from two days to three months. This case was so complex that it took two years and was pursued in three phases. In the first phase, 350 indictments were handed down on 14 suspects, a 323-count indictment was handed down on several suspects in the second phase, and the third phase involved nine victims and 20 suspects in an 826-count indictment. The lead investigator reported that 90 percent of the victims were lured, kidnapped, held against their will, repeatedly raped and forced into prostitution, and assaulted and threatened when they tried to leave (Straka, 2003).

Latino brothels have been involved in the sex trafficking of minors. In 2006, FBI agents in Nashville and Memphis, Tennessee raided three brothels uncovering trafficking of minors into prostitution. It was found that children were being lured and smuggled from El Salvador, the Dominican Republic, and Mexico under false pretenses of gaining employment in restaurants, only to be forced into prostitution upon arrival. Although brothel owners were arrested, many brothels continue to operate in the same area and are believed to be engaged in similar activity (The City Paper Online, 2007).

Exploiters of youth are likely to continue because it is viewed as a profitable enterprise and in some countries there is minimal or no legal risk for engaging in acts of CSEC. According to the FBI, human trafficking, the majority of which is the sex trafficking of minors, generates an estimated $9.5 billion in annual revenue for organized crime

networks worldwide (U.S. Department of State, 2006).[6] Also, while the United States is not considered a destination country for child sex tourism, U.S. citizen involvement in child sex tourism abroad also contributes to the profits made from CSEC. Americans are believed to make up 25 percent of the global sex tourism industry, and as much as 38 to 80 percent in such countries as Cambodia and Costa Rica, respectively, where it is known that the majority of the sex tourism industry is comprised of minors under the age of 18 (Song, 2007). In fact, an often unintended consequence of CSEC legislation and increased prosecution is that exploiters often flee countries with harsh penalties, such as the United States, and travel to countries where loopholes in laws against CSEC exist or where there are no existing CSEC laws (U.S. Department of State, 2006).

2.4 International Actions to Combat CSEC

Assessing the actions countries have taken to combat CSEC has been stymied by a lack of uniform data being systematically collected over time (Henschel, 2003). Despite these shortcomings, many important steps in the fight against CSEC have been and continue to be taken both internationally and domestically. The magnitude of work being carried out internationally by dedicated organizations and countries to uphold human rights protocols, devise and enforce their own laws, and identify and provide services to victims is too great to capture in this report. Instead, we highlight a few international actions to demonstrate the work being done to fight CSEC worldwide.

2.4.1 United Nations: Conventions and World Meetings

In response to growing concern over the exploitation of children, the United Nations Convention on the Rights of the Child (UNCRC), adopted by the United Nations General Assembly in 1989, became the first agreement obligating countries to recognize the human rights of all children.[7] In the treaty, freedom from exploitation is included as a basic right. Specifically, Article 34 of the UNCRC enumerates this provision with respect to sexual exploitation:

> State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, State Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

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[6] Practitioners we spoke with for this study suggested that the $9.5 billion dollar amount is seen as a low number because it is based off estimates of only transnational trafficking and does not include all the profits generated from domestic trafficking. With better data collection of human trafficking and CSEC-specific information, especially CSEC occurring within the United States, the field will be better able to assess the potential revenue generated from all aspects of CSEC. We address this point in Chapter 4.

[7] Children are defined by the United Nations as being people under 18 years of age. See http://www.unicef.org/crc/.

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitive use of children in pornographic performances and materials.

Of all the human rights treaties, the UNCRC is the most ratified by member countries.[8] As of March 2007, only the United States and Somalia have not ratified the Convention. The UNCRC is important, not only in committing all countries to recognize a child's human rights, but also in holding countries accountable before the international community for the protection and enforcement of those rights. However, while the UNCRC holds countries accountable in theory, in practice, the treaty lacks prosecutorial enforcement power. Further, its language is general in scope and unable to guide countries on specific measures to protect children against sexual exploitation.

A next step was the *First World Congress Against Commercial Sexual Exploitation of Children*, organized by the Swedish government, the United Nations Children's Fund (UNICEF)[9], and End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT International). This meeting, held in Stockholm in 1996, brought together representatives from 122 countries and a delegation of 47 youth. Participants unanimously adopted a *Declaration and Agenda for Action* defining CSEC and committing participants to the formation of a global partnership in the fight against child sexual exploitation. Participating countries charged themselves with devising national plans of action against CSEC and with collecting data on case investigations and prosecutions. As a follow-up, a Second World Congress was held in Yokohama, Japan in 2001. At this meeting it was learned that existing legislation and policies were generally considered inadequate or not enforced (Van Bueren, 2001) and that only 34 countries had developed national plans of action and 26 countries were working toward developing their plans.[10] Member countries are continuously encouraged to convene their own mid-term reviews on progress towards implementing national plans of action in anticipation of future World Congress meetings (ECPAT website, 2007).

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[8] As with all U.N. resolutions, resolutions are voluntarily accepted (or not) by individual countries.

[9] UNICEF stands for the United Nations International Children's Emergency Fund. In 1953, the name of the organization was changed to the United Nation's Children's Fund, however it is still referred to by the acronym "UNICEF."

[10] At the time of the current report, the United States had not developed a national plan to fight CSEC. For a comprehensive listing of countries who have developed national plans of action, see: http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/national_plan.asp

2.4.2 Other Actions Taken by the United Nations

The United Nations has taken several additional steps to address CSEC. First, in order to fully comply with the UNCRC and to support the efforts of the two world meetings, the United Nations devised the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography*. This added measure extended the reach of the UNCRC by providing a more explicit safeguard against the sexual exploitation of children through the criminalization of activities involving the sale and illegal adoption of children, as well as the prostitution of children and pornography. The protocol was devised in 2000.[11] Second, the United Nations Interregional Crime and Justice Research Institute (UNICRI) also focuses on CSEC issues. UNICRI was established in 1967 to support countries worldwide with crime prevention and criminal justice efforts. To this end, UNICRI conducts research, provides training and technical cooperation, and carries out documentation and information activities. Part of this work includes the development of a searchable database, known as the International Repository of Institutions against Sexual Exploitation of Minors (IRISEM). IRISEM is periodically updated with information on institutions around the world that are committed to reducing and preventing trafficking and the sexual exploitation of minors.[12]

Third, the United Nations Office on Drugs and Crime (UNODC) has also taken measures to address CSEC. As an office, UNODC works to leverage global attention and resources into initiatives that can control drugs and prevent crime and terrorism. In the fight against human trafficking, UNODC offers practical assistance to countries such as supporting legislative reform, developing anti-trafficking strategies, and providing countries with resources to implement their plans. To specifically address CSEC, UNODC drafted the *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2000)*. This Protocol supplements the *Convention Against Transnational Organized Crime*. The intent of the Protocol is to combat and prevent human trafficking by holding ratifying countries accountable for appropriate changes in domestic laws, to encourage international cooperation, and to promote the protection of victims.[13] It recognizes that all persons should be protected from trafficking, but focuses on women and children, and elicits specific language with respect to CSEC in defining trafficking and exploitation as:

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[11] The United States ratified the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography* in December 2002. For a list of other countries that have ratified the protocol, see: http://www.unhchr.ch/html/menu2/6/crc/treaties/status-opsc.htm. For a list of reservations and declarations to the protocol, see: http://www.unhchr.ch/html/menu2/6/crc/treaties/declare-opsc.htm.

[12] To access this database, see: http://www.unicri.it/wwd/trafficking/irisem/index.php

[13] For specific language, see: http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

> ...[T]he recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Thus, international protection against CSEC is also covered under this protocol which represented the first time *trafficking in persons* was defined in an international instrument (U.S. Department of State Fact Sheet, 2001).[14] Like UNICRI, UNODC publishes research reports, practitioner toolkits, and operates technical cooperation projects and public awareness campaigns (e.g., global meetings and exhibitions).

Fourth, the International Labour Organization (ILO), a specialized agency of the United Nations, brings together government representatives, employers and workers to advance opportunities for women and men to obtain decent jobs in humane working conditions. ILO established *Convention 182, Elimination of Worst Forms of Child Labour*, adopted in 1999 and put into force in 2000, which provides added strength to the global fight against the exploitation of children, including CSEC. Articles 3(a), 3(b), and 3(d) of the Convention define the worst forms of child labour with respect to CSEC as:

a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;

b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances[15]

c) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.[16]

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[14] The United States signed the protocol in December 2000. For specific language of protocol, see: http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

[15] The United States ratified the convention on February 12, 1999. For a list of other countries that have ratified the convention, see: http://www.ilo.org/public/english/standards/ipec/ratification/map/index.htm For specific language of ILO Convention 182, see: http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm

Finally, in an effort to combat child sex tourism,[17] the United Nations' World Tourism Organization (WTO), an intergovernmental organization that serves as a global forum for tourism policy, along with ECPAT in Sweden, and Nordic Tour Operators, created the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* for tourism operators (Shared Hope International, et al., 2006).[18] As of June 2007, 241 travel companies operating from 21 countries in Europe, Asia, North America and Latin America have signed the Code. Also, since 2000 over 30 countries have enacted extraterritorial legislation against child sex tourism resulting in a corresponding increase in prosecutions (The Facts About Child Sex Tourism, 2005).

2.4.3 NGO and Other Actions Taken

There are far too many NGOs doing great work for us to include them all in this report. We only highlight a few here. ECPAT was one of the organizers for the First World Congress against the Commercial Sexual Exploitation of Children in 1996. Since then, ECPAT has been a leader in the international fight against CSEC with offices in Africa, the Americas, Asia, Europe, and the Pacific. Although the field offices have diverse activities, ECPAT has identified on its website the following main objectives for its overall organization: (1) to perform monitoring activities to help governments comply with the U.N. Convention on the Rights of the Child; (2) to help build and develop the ECPAT network; (3) to combat child sex tourism; (4) to prevent child pornography on the Internet; (5) to conduct research on trafficking in children; (6) to train caregivers; (7) to circulate information and provide expert advice on best practices for law enforcement to find and punish child sex offenders, and promote best law practices; (8) to encourage and support the participation of youth in the fight against CSEC; and (9) to educate the public about CSEC and to disseminate information. ECPAT also works to build capacity in other organizations, such as the World Trade Organization and the International Criminal Police Organization (Interpol), and has been instrumental in helping make CSEC a priority issue for them (ECPAT International website, 2007).

In addition, ECPAT has created a database of information on what they consider "good practices" in combating CSEC internationally according to five main categories: (1) cooperation and coordination; (2) prevention; (3) protection; (4) recovery, rehabilitation, and reintegration; and (5) child participation. Programs highlighted on their website

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[16] Article 3(c) encompasses, "The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties."

[17] The U.S. Department of State Office to Monitor and Combat trafficking in Persons estimates that over a million children are exploited in the global commercial sex trade each year (The Facts About Child Sex Tourism, 2005).

[18] To read the code, please see: www.thecode.org

include Law Enforcement against Sexual Exploitation of Children (LEASEC) in Cambodia, and Costa Rica's Casa Alianza's database of sex tourist information. LEASEC is a collaborative project between the Cambodian Ministry of Interior and five international agencies: UNICEF, the International Office of Migration (IOM),[19] World Vision International, Save the Children Norway, and the United Nations Cambodia Office of the High Commissioner for Human Rights. Research findings show that about 30 percent of those commercially sexually exploited are between the ages of 12 and 17 and that law enforcement have challenges identifying potential incidents of CSEC and responding to CSEC victims who are among this age. As a result, the primary work of LEASEC is to train police officers, judges, and prosecutors. The project is innovative in its collaboration with numerous international agencies and has led to an increase in investigations and victim rescues (ECPAT International website, 2007).

Casa Alianza has worked in Central America for over 20 years and is recognized as a leader in service care delivery for street children and other at-risk children. Casa Alianza serves more than 9,000 children annually in residential and non-residential programs. In addition to their direct service work, Casa Alianza advocates for reliable data on arrests and convictions of CSEC offenders at the regional, national, and international level. In 1997, Casa Alianza's regional office in Costa Rica raised public concerns about what they witnessed as growing levels of child sexual abuse committed by tourists to Central America—particularly Honduras, Guatemala, and Costa Rica. Faced with little support from these governments, with the exception of Honduras, they developed and continue to publicize a database of sex tourists convicted of abusing children, and of any violations of children's rights as a result of tourism.

Casa Alianza is using this database as a tool for change. For example, about 60 percent of tourists to Central America come from North America, primarily the United States, and none of these tourists need passports. With the imposition of Megan's Law in the United States and the passage of stricter penalties against child sex offenders, Casa Alianza is concerned that many of these offenders are fleeing to Central America where laws are lax and they can arrive undetected. As a result of their publishing information on child sex tourists, offenders that may have otherwise gone free were arrested.[20] Interpol was created in 1923 and is the largest international police organization in the world, composed of 186 member countries. Interpol helps members prevent and combat international crime, and has dedicated resources to combat human trafficking. Notably, in 2001 Interpol created the Interpol Child Abuse Image Database (ICAID), which

[19] IOM is an intergovernmental body tasked with assisting with issues of migration. One of its many tasks is to provide assistance to victims of trafficking and to help its 120 member states and 29 observer states prevent trafficking in persons (IOM website 2007).

[20] For more information on Casa Alianza see: http://www.ecpat.com/eng/CSEC/good_practices/index.asp

contains hundreds of thousands of images of child sexual abuse from member countries. This tool helps countries share information leading to the identification of child victims and the prosecution of exploiters (Interpol website, 2007).

The actions of organizations mentioned in this section help illuminate the fact that CSEC is global in scope and effectively dealing with CSEC in one country may lead to unintended consequences in another. However, the work of these organizations, and many others like them, is an encouraging sign of the progress that is occurring.

2.5 United States Actions to Combat CSEC

Although the United States has yet to ratify the UNCRC, the United States began developing its strategy to address CSEC around the time of the First World Congress in 1996. The U.S. plan involved coordinating the efforts of various government agencies and domestic and international NGOs. This section discusses significant changes in U.S. legislation against CSEC, U.S. government agency efforts, and the efforts of various NGOs across the country. It illuminates the scope of actions taken to combat CSEC within the United States, as well as acts committed by U.S. citizens abroad. This section in particular frames the structure of the present study and the findings presented in chapters 3 and 4. Specifically, the information presented here is intended to help readers better understand the context in which law enforcement, prosecutors, and service providers are working by highlighting the awareness of CSEC offenses in the United States and the tools put in place to prevent this crime and to prosecute its offenders. It also helped us form the boundaries of data we included in the study dataset.

2.5.1 United States Legislation Aimed at Combating CSEC

Prior to the passage of the Trafficking Victims Protection Act (TVPA) and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003, prosecutors addressed crimes involving CSEC using the Mann Act of 1910 and the Violent Crime Control and Law Enforcement Act of 1994 (also known as the Crime Bill). The Mann Act, commonly called the White Slave Traffic Act, was enacted in 1910 to fight against forced prostitution in keeping with the Thirteenth Amendment to the U.S. Constitution passed in 1865 (Katyal, 1993).[21] However, the Act did not explicitly protect minors until it was amended in 1978. Amendments passed in 1986 and 1994 further protected minors from slavery-like practices. These amendments extended the reach of the Act in three important ways: (1) The Act became gender neutral—focusing on both males and females; (2) Specific attention was paid to the transportation of minors, defined as those under the age of 18; and (3) The amendments

[21] For background information on how the Mann Act applies to states, we suggest reading about the Civil Rights Act of 1964 and the Interstate Commerce Clause.

broadened the Act to prosecute against "any sexual activity" not just prostitution. The FBI investigates possible Mann Act cases and refers them directly to U.S. Attorneys. The U.S. Department of Justice's Child Exploitation and Obscenity Section (CEOS) located within the Criminal Division supervises the prosecution of these cases (Criminal Resource Manual, 2007).

The Crime Bill passed in 1994 includes a provision that specifically address the growing concerns about child sex tourism. This provision, known as the Child Sexual Abuse Prevention Act, makes it a crime to travel outside of the United States with the intent of engaging in sexual activity with a minor. While this provision represents a significant step towards fighting child sex tourism, few cases have been prosecuted using this law (Andrews, 2004). As a result, the Sex Tourism Prohibition Improvement Act of 2002 was passed to address these concerns. Perhaps most significantly, the Act removed the intent requirement and criminalized the actions of sex tour operators (Fraley, 2005). Despite what preceded it, the TVPA of 2000 is considered by most to be the seminal piece of U.S. legislation leading the fight against CSEC. As the first comprehensive law to combat human trafficking, the TVPA federally criminalized human trafficking while focusing its efforts on prevention, protection, and prosecution. Educational and public awareness campaigns were authorized through its focus on prevention. In order to better protect victims of severe forms of human trafficking, which include both U.S. citizens and non-U.S. citizens, the TVPA authorizes access to benefits and social services such as housing, educational programs, job training, health care, and legal services. In addition, non-U.S. citizen victims may be able to obtain a T-visa classification allowing them to become temporary U.S. residents. The TVPA was significant in extending the broad range of services and benefits traditionally available to refugees to victims of trafficking in the United States. Adding teeth to the TVPA is its provision on prosecution and punishment. Specifically with respect to CSEC, traffickers who exploit children under the age of 14 using force, fraud, or coercion for the purposes of a commercial sex act can receive a sentence of life in prison. If the crime does not involve force, fraud, or coercion, but the victim is between the ages of 14 and 18 years old, the trafficker is eligible for up to 20 years in prison (TVPA Fact Sheet, 2000).

As required by the TVPA, the U.S. Department of State's annual *Trafficking in Persons* report monitors global acceptance and enforcement of the international protocols listed earlier, with the exception of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.* [22] Countries are ranked according to four categories representing levels of compliance with the TVPA—tier 1, tier 2, tier 2 special watch list, and tier 3. Tier 1 countries demonstrate (or have made a good faith effort to

[22] Since "trafficking" includes trafficking humans for forced labor, the TIP Report also monitors compliance with the *Optional Protocol to the Convention on the Rights of the Child in Armed Conflict*, the ILO *Convention 29 on Forced Labor*, and ILO Convention *105 on the Abolition of Forced Labor.*

demonstrate) that they vigorously investigate, prosecute, convict and sentence violators of the TVPA, and submit evidence or data to the U.S. supporting their claims. These countries fully meet the requirements of the TVPA. Tier 2 countries do not fully meet the TVPA requirements but are working to improve. In 2003, the U.S. government added the Tier 2 Watch List for countries who are not showing evidence of increasing efforts to combat severe forms of human trafficking. Countries placed on the tier 3 list are non-compliant with the TVPA and may be subject to non-humanitarian, non-trade-related sanctions from the United States, such as a loss of foreign assistance (Trafficking in Persons Report, 2006).

In 2002, the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) hosted a national summit on legislation about protecting children from prostitution. A key finding was that legislation and policy often adversely affect the handling of child prostitution cases because of inequities in how the system deals with child victims and offenders. Recommendations were made to: (1) develop model policies, laws/statutes and enforcement strategies, (2) enforce existing laws, (3) encourage prosecutors to take a more proactive approach to these cases, (4) establish victim-focused and victim-sensitive protocols for investigation and prosecution, and (5) use vertical prosecution strategies where appropriate (Protecting Our Children, 2002).

One year later, Congress enacted the PROTECT Act (Public Law 108-21) to further strengthen the ability of the government to fight child sexual exploitation.[23] The PROTECT Act expanded territorial jurisdiction to prosecute Americans abroad who commit acts of CSEC and increased maximum incarceration from 15 to 30 years (Shared Hope International et al., 2006; Fraley, 2005). Moreover, the 2003 reauthorization of the TVPA (TVPRA of 2003) created educational campaigns against sex tourism, gave victims the ability to sue their traffickers in federal district court, mandated the Attorney General to produce a yearly report to Congress on U.S. government efforts to combat trafficking in persons, and created a Senior Policy Operating Group (SPOG) on trafficking in persons (Assessment of U.S. Government Efforts to Combat Trafficking in Persons, 2006).[24] The SPOG meets quarterly to follow-up on activities of the President's Interagency Task Force—a cabinet-level task force, chaired by the Secretary of State and formed in 2001, to coordinate federal efforts to combat trafficking (U.S. Department of State Office to Monitor and Combat Trafficking in Persons Fact Sheet, 2006). The combined passage of the PROTECT Act and the TVPRA of 2003 expanded U.S. efforts to combat child sex tourism (CST) both at home and abroad. In fact, with 30 years maximum incarceration in the United States, the PROTECT Act contains the most severe

[23] For full text of legislation, see: http://thomas.loc.gov/cgi-bin/query/D?c108:6:./temp/~c108hif2SY

[24] For full text of the Trafficking Victims Reauthorization Protection Act of 2003, see: http://www.state.gov/documents/organization/28225.pdf

incarceration penalties for CST in the world, compared with twelve years in Australia, ten years in Germany, and three years or a fine of up to one million yen (roughly $8,341 U.S. dollars) in Japan (Fraley, 2005).[25]

The TVPRA of 2005 reauthorized the TVPA through 2007.[26] With respect to CSEC, the 2005 TVPRA included pilot programs to establish residential rehabilitative facilities for juveniles. It established grant programs for state and local law enforcement to combat human trafficking and expanded victim assistance programs in the United States (Assessment of U.S. Government Efforts to Combat Trafficking in Persons, 2006). Finally, the Adam Walsh Child Protection and Safety Act of 2006 is the most recent piece of legislation passed in relation to CSEC.[27] The bill dramatically increases penalties for certain types of CSEC, among many other provisions related to the protection of children. Specifically, penalties for conduct relating to child prostitution were increased from "5 to 30 years" to "10 years or life." Penalties for sexual abuse were amended from possible imprisonment of "not more than 20 years" to "any term of years or life." Penalties for the aggravated sexual abuse of children were also increased from "any term of years or life" to "not less than 30 years or life" (H.R. 4472, Title II). The detailed provisions contained in the act further refine and target government efforts to protect children from CSEC and to further ensure that the dignity and rights of every child in the United States, whether citizen or non-citizen, are protected and upheld.

2.5.2 Governmental Agency Action in the United States

While significant, it is not the passage of federal legislation alone that marks the U.S. effort to combat CSEC. Additionally, many government agencies are working to combat the various forms of CSEC. A few notable agency efforts are discussed here.
The Innocence Lost initiative, which began in 2003, is the largest U.S. government initiative against child trafficking. Headed by the FBI's Crimes Against Children squad and with involvement from CEOS and the National Center for Missing and Exploited Children (NCMEC), task forces were formed in U.S. cities with high volumes of these crimes.[28] As a part of the initiative, NCMEC and the U.S. Attorney's Office (USAO)

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[25] See Fraley, A. *Child Sex Tourism Legislation Under the PROTECT Act: Does it Really Protect?,* St. John's Law Review. 79, 445 (2005).

[26] For full text of the Trafficking Victims Protection Reauthorization Act of 2005, see: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:h972enr.txt.pdf

[27] For full text of the Adam Walsh Child Protection and Safety Act, see: http://thomas.loc.gov/cgi-bin/query/f?c109:5:./temp/~c10961IbmA5:e79330:

[28] Examples of cities include: Detroit, Michigan; Harrisburg, Pennsylvania; and Atlantic City, New Jersey.

train NGOs and law enforcement on CSEC.[29] As of January 2007, the Innocence Lost Initiative had made 697 arrests with 160 informations and indictments,[30] and 136 convictions (Becker, 2007).

DOJ's Civil Rights Division and Criminal Division both deal with issues of CSEC. Within DOJ's Criminal Division is CEOS which was created in 1987 to enforce federal criminal statutes relating to the exploitation of children and obscenity. CEOS collaborates with the 93 USAO's to prosecute violations of federal law related to child pornography, the transportation of women or children interstate for the purpose of engaging in criminal sexual activity, interstate or international travel to sexually abuse children, and international parental kidnapping.[31]

In February 2006, DOJ's Criminal Division announced its Project Safe Childhood initiative that is comprised of a partnership of U.S. Attorneys, Internet Crimes Against Children (ICAC) Task Forces, the NCMEC, and other federal, state, and local law enforcement personnel and non-profit organizations. OJP dedicated $14 million in funding for the creation of 48 ICAC Task Forces across the country. The five main goals Project Safe Childhood aims to achieve are: (1) integrated federal, state, and local efforts to investigate and prosecute child sexual exploitation cases with a strategic plan specific to each locality; (2) case coordination by CEOS and the FBI's Innocent Images Unit to pursue leads; (3) increased federal involvement in child pornography and enticement cases to ensure maximum jail time; (4) training of all federal, state, and local partners through NCMEC and pursuit of leads from NCMEC's CyberTipline and Child Victim-Identification programs; and (5) community awareness and educational programs. According to DOJ, in 2005, federal prosecutors charged 1,447 child exploitation cases involving child pornography, coercion and enticement offenses against 1,503 defendants (Fact Sheet: Department of Justice Project Safe Childhood, 2006).

DOJ's Civil Rights Division is also responsible for prosecuting human trafficking and CSEC violations as well as funding and staffing the national complaint line for reporting

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[29] In 1996, the U.S. Congress established the Exploited Child Unit (ECU) within the NCMEC. The ECU serves as a resource center for the public, parents, law enforcement, and others about the issues surrounding the sexual exploitation of children. The NCMEC website has a "CyberTipline" that the public may call to report suspected instances of child sexual exploitation.

[30] An "information" is an instrument containing a formal accusation of a crime that is issued by a prosecuting officer and that serves the same function as an indictment presented by a grand jury. Definition obtained from: http://research.lawyers.com/glossary/information.html

[31] Kidnapping is defined as the crime of seizing, confining, abducting, or carrying away a person by force or fraud, often to subject him or her to involuntary servitude, in an attempt to demand a ransom, or in furtherance of another crime (Britannica Concise Encyclopedia accessed online at http://www.answers.com/topic/kidnapping-legal-term on May 2, 2007).

trafficking crimes. On January 31, 2007, then Attorney General Gonzales announced the creation of the Human Trafficking Prosecution Unit within this division to expand anti-trafficking enforcement and develop new strategies to combat human trafficking. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) located within DOJ is also involved in efforts to combat CSEC. As an office, they work nationally to provide leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. Most notably, with respect to CSEC, OJJDP funds collaborative networks such as the ICAC task forces and is supporting the development of a regional data collection and tracking system which would collect data on risk factors indicating whether a particular child is at-risk of CSEC. This data would then be shared with law enforcement, court personnel, and state and local agencies to enhance identification, protection, and prosecution efforts. The data system, the first of its kind, is being piloted in Fulton County, Georgia with plans to duplicate it in communities across the country. In addition, OJJDP funds direct services such as its funding a demonstration program in NYC and another in Atlanta (Fulton County), Georgia aimed at reducing the demand for CSEC and providing services to victims (Shared Hope International et al., 2006).

Operation Predator is an initiative between the U.S. Immigration and Customs Enforcement (ICE) unit and the Department of Homeland Security (DHS) to identify, investigate and arrest foreign national predators, human traffickers, international child sex tourists, and other predatory individuals (including Internet predators). There are four significant efforts that comprise Operation Predator: (1) the establishment of a single web portal to access all publicly available state Megan's Law databases;[32] (2) the creation of a National Child Victim Identification System (in partnership with NCMEC, FBI, U.S. Postal Inspection Service, U.S. Secret Service, DOJ, the ICAC Task Forces, and other agencies); (3) the stationing of ICE agents abroad to work with foreign governments to promote cooperation and coordination on cross-border CSEC cases, and (4) the combining of ICE and Interpol efforts to build global intelligence on child predators. ICE agents were responsible for providing leads to government officials in Denmark, Finland, Norway, Sweden, and Scotland that led to the arrest of 500 individuals involved in online child pornography. Additionally, through the use of the National Child Victim Identification System, roughly 1,230 children have been identified in pornographic images (Operation Predator Fact Sheet, 2004).

Researchers from the Bureau of Justice Statistics (BJS) recently analyzed data from the Federal Justice Statistics Program in an effort to shed light on violations of Federal human trafficking statutes from 2001 to 2005 (Motivans and Kyckelhahn, 2006). Motivans and Kyckelhahn (2006) found that more than half (58 percent) of the matters opened were for offenses created as a result of the TVPA of 2000. They also found that

[32] The Megan's Law database is a sex offender registry (Office of the Attorney General for the State of California accessed online at http://ag.ca.gov/ on May 2, 2007).

of the 58 percent of suspects in TVPA offense cases, 23 percent (129 suspects) were for sex trafficking of children. The statutes BJS used to define human trafficking were taken from U.S. Criminal Code, Chapter 77 on Peonage, Slavery, and Trafficking in Persons (U.S.C. §§ 1581-1594). With respect to children, only one of these statutes directly addresses sex trafficking of children (18:1591). Therefore, while these data are valuable, they only provide a very small glimpse of the larger picture.

In addition, the Department of Health and Human Services (HHS) is working to help combat human trafficking and CSEC. The HHS Family and Youth Services Bureau (FYSB) is involved in the fight against CSEC by offering programs such as transitional living and street outreach to runaway and homeless youth through its Youth Development Division. The HHS Office of Refugee Relocation (ORR) launched the Rescue and Restore Campaign that provided over $3 million in grants to fund projects that raise awareness of human trafficking and/or provide case management and direct services to victims (Shared Hope International, et al., 2006). ORR operates the Unaccompanied Refugee Minors Program, that assists juvenile victims by establishing their legal status, working with the U.S. Citizenship and Immigration Service within DHS, and providing assistance and benefits.[33] ORR also operates the Division of Unaccompanied Alien Children's Services (DUACS) that provides housing and a wide range of services to unaccompanied alien children under age eighteen who have been apprehended by DHS immigration officials.[34] HHS is training staff at DUACS shelters to identify CSEC/trafficking victims who may be housed in their facilities.

Other governmental agencies or offices involved in anti-human trafficking and anti-CSEC efforts include: the Naval Criminal Investigative Service, Army Criminal Investigative Division, Air Force Office of Special Investigations, the Diplomatic Security Service of the Department of State, the Criminal Investigative Division of the Department of Labor, and DOJ's Office for Victims of Crime.

2.5.3 NGO Action to Combat CSEC in the United States

The variation in agencies involved in combating CSEC speaks to the need for effective coordination, communication, and information sharing (where possible). It also speaks to the scope of CSEC and the complexity involved in the identification and protection of victims, and the prosecution and punishment of traffickers/exploiters. This work would not be complete without the work of NGOs, nonprofits, social service organizations, researchers, victims and survivors of CSEC, and other individuals who further support

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[33] Two lead voluntary organizations, The Lutheran Immigration Refugee Services (LIRS) and The United States Catholic Conference (USCC), help ORR with the Unaccompanied Refugee Minor Program.

[34] For more information see generally, http://www.acf.hhs.gov/ebrochure/unaccompanied.htm.

and inform the government's efforts to prevent, prosecute, and protect against the commercial sexual exploitation of children.

Among these are organizations such as ECPAT USA, the Polaris Project, Girls Educational and Mentoring Services (GEMS), Safe Horizon, the Coalition to Abolish Slavery and Trafficking (CAST), the Protection Project, Boat People SOS, Children of the Night, Sisters Offering Support, Vital Voices, and Breaking Free, to name a few among many others.[35] These organizations are on the ground, in communities in almost every state, working on a daily basis with CSEC victims in a variety of capacities—providing food, shelter, clothing, education, medical care, counseling, translation services, outreach, legal expertise, life skills programming, job training, and family reunification to survivors of CSEC. In addition, they also provide training and technical assistance to law enforcement, judges, prosecutors, and other criminal justice system personnel; serve as advisors on various committees and research projects; organize task forces; and conduct advocacy, outreach, and public awareness campaigns.

Through these efforts, innovative approaches in the prevention, protection, and prosecution of CSEC are emerging. For example, the NYC Police Department created a Juvenile Crime Special Projects Squad in which the police conduct street outreach to prostituted youth, attempt to build trust, and refer them to GEMS for services (OJJDP Videoconference: Working Together To Stop the Prostitution of Children).
Among ECPAT International's identified "good practices" in preventing CSEC is Los Angeles Youth Supportive Services, Inc. (LAYSS) which is recognized for being child-centered and supporting youth with issues around gender and sexual orientation by offering services such as professional support, guidance, life-skills, and education. Citing the statistic that up to 50 percent of homeless youth in Los Angeles self-identify as gay, lesbian, or bisexual and that homophobia was the driving cause of homelessness leading these youth into survival sex, pornography, or other crimes, LAYSS offers intensive counseling and support services to help youth exit the sex trade.[36]

Polaris Project, an anti-trafficking organization based in the United States and Japan is a unique example of an organization that combines grassroots activism with policy advocacy at the local, national, and international levels. Founded in 2002, Polaris Project includes four national and international offices and a network of over 6,000 volunteers and supporters. Their comprehensive approach to combating human trafficking

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[35] For more information on the organizations listed, please visit their websites. For a more comprehensive listing of U.S. organizations fighting against CSEC visit UNICRI's IRISEM on the United States at: http://www.unicri.it/wwd/trafficking/irisem/irisem.php?cntr_=United+States+of+America&keyw_=&submit=GO

[36] For more detailed information on this program see: http://www.ecpat.net/eng/csec/good_practices/index.asp

combines direct intervention, survivor support, policy advocacy, and movement building. Nationally, they operate the Slavery Still Exists Campaign and the Grassroots Network. As a part of their national U.S. Policy Program, they track and analyze state and federal legislative activity related to human trafficking and developed a model state law for legislators and advocates. They also offer training and technical assistance through their Polaris Training and Technical Assistance Program. On an international level, they operate the Japan Trafficking Intervention Program and have attracted over 200 fellows from a dozen countries for their Fellowship Program (Polaris Project website, 2007). Just as important as the activities NGOs accomplish on their own, are the activities they accomplish together. Anti-human trafficking and anti-CSEC organizations across the country came together in 2003 to host *Breaking the Silence*, the first national summit on CSEC (GEMS website, 2007). As a result of this summit, OJJDP allocated funding for additional research and data collection on CSEC (OJJDP Videoconference: Working Together To Stop the Prostitution of Children).

Another example of NGO collaboration is the recent two-year collaborative agreement between the Salvation Army and its partners—the Polaris Project, the Bilateral Safety Corridor Coalition, and GEMS. Funded in 2006, OJJDP gave these organizations $1 million to help communities in five cities (Atlantic City, NJ; Chicago, IL; Denver, CO; San Diego, CA; and Washington, DC) strengthen victim services, and investigations and prosecutions of CSEC cases (OJJDP News At a Glance, 2007).

2.6 Conclusion

This review of the literature reveals that CSEC has been and continues to be focused on by the criminal justice community, policymakers, academics, advocacy organizations, and the international community. In Appendix A we also include two tables that chart the activities both internationally and within the United States. Here, we highlight some key points including:

- A formal definition of CSEC was made widespread in the 1996 Declaration and Agenda for Action for the First World Congress Against the Commercial Sexual Exploitation of Children.
- The most cited estimate of CSEC is from the report, *The Commercial Sexual Exploitation of Children In the U.S., Canada, and Mexico* (Estes & Weiner, 2001) that states each year in the United States as many as 300,000 children are at risk of being sexually exploited.

- Research suggests that the average age a child first falls victim to CSEC is 13 or 14, and that in the United States, more often than poverty, family dysfunction, family sexual abuse, school or other social failures, the presence of existing adult prostitution markets, and drug dependency by family members or CSEC victims are cited by victims as leading factors contributing to their involvement in CSEC.
- While most studies on CSEC focus on the causes of this crime and its victims, few studies focus on its perpetrators, however, research shows that the majority of child sexual exploiters are males between the ages of 20 and 65.
- Prior to the passage of the TVPA (2000) and the PROTECT Act (2003), prosecutors addressed crimes involving CSEC using the Mann Act of 1910 and the Violent Crime Control and Law Enforcement Act of 1994, however, despite what preceded it, the TVPA is considered by most to be the seminal piece of U.S. legislation.
- Several things occurred in 2003 that worked together to help combat CSEC namely the passage of the PROTECT Act, the reauthorization of the TVPA, the start of the Innocence Lost initiative, and the *Breaking the Silence* national summit on CSEC.

Appendix A-2

Glossary of Commercial Sexual Exploitation of Children (CSEC) Terms

At-risk children – any person under the age of 18 who is in danger of being a victim of commercial sexual exploitation. Examples include, runaway, thrownaway, and homeless youth as well as youth who engage in commercial sexual exploitation while living in their own homes, such as high school students who perform sexual services for their peers, sexual minorities, female members of youth gangs, juveniles living in or near U.S. border cities and who cross into Canada and Mexico for sexual purposes, and youth who fall victim to on-line sexual victimization.

Brothel - a house appropriated to the purposes of prostitution.

Child - a person under the age of 18. Used synonymously with juvenile, minor, and youth.

Child pornography - any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose. Child pornography includes material that visually depicts a minor or a person appearing to be a minor engaged in sexually explicit conduct or realistic images representing a minor engaged in sexually explicit conduct.

Child prostitution - the use of a child in sexual activities for remuneration or any other form of consideration. Generally, a party other than the child benefits from a commercial transaction in which the child is made available for sexual purposes – either an exploiter intermediary (pimp) who controls or oversees the child's activities for profit, or an abuser who negotiates an exchange directly with a child in order to receive sexual gratification.

Child sex abuse - contact(s) between a child and an adult, or person significantly older, or in a position of power or control over the child, where the child is being used for sexual stimulation of the other person.

Child sex exploiters - a person whose sexual behavior is directed towards a child or a person who receives some form of value or benefit from an occurrence where a child is made to engage in sexual activity.

Child sex tourism - the commercial sexual exploitation of children by men or women who travel from one place to another, and there they engage in sexual acts with children.

Child sex trafficking – the recruitment, harboring, transportation, provision, or obtaining of a person who has not attained 18 years of age for the purpose of a commercial sex act. Defined in the Trafficking Victims' Protection Act of 2000 as a severe form of sex trafficking.

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

Domestic trafficking – any form of human trafficking that occurs within the United States.

Domestic victims - victims of commercial sexual exploitation or human trafficking who are generally United States citizens.

Forced prostitution – the act of being forced by a third party to engage in promiscuous sexual relations especially for money. The prostitution of children is an inherently forced act.

Foreign national victims – victims of commercial sexual exploitation who are not United States citizens, but who are victimized while in the United States.

Human trafficking - as defined by the Trafficking Victims' Protection Act (TVPA) of 2000, 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 an 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 subjection to involuntary servitude, peonage, debt bondage, or slavery.

Juvenile – a person under the age of 18. Used synonymously with child, minor, and youth.

Juvenile facilities – places where youth are housed such as, juvenile detention centers, group homes, residential treatment centers, and shelters for runaway and homeless youth.

Minor - a person under the age of 18. Used synonymously with child, youth, and juvenile.

Noncommercial child sex acts – the sexual abuse or exploitation of a child which is void of any exchanges for monetary or financial gain.

Pedophile – one affected with sexual perversion in which children are the preferred sexual object.

Pimp – a person who solicits customers for a prostituted child or a brothel, in return for a share of the earnings.

Runaway children – a child who leaves home without permission and stays away overnight; or a child 14 years old or younger (or older and mentally incompetent) who when away from home chooses not to return when supposed to and stays away overnight; or a child 15 years old or older who when away from home chooses not to return when supposed to and stays away for two nights.

Sex industry – the sector of the economy in which sexual acts, performances, or images are exchanged for money.

Survival sex - sex in exchange for necessities needed to survive while generally living on the streets.

Survivor – a person who has previously been a victim of child commercial sexual exploitation.

Thrown-away children – a child who is told to leave home by a parent or other household adult and no adequate alternative care is arranged for the child by the adult, and the child is out of the household overnight; or a child who is away from home and is prevented from returning home by a parent or other household adult and no adequate alternative care is arranged for the child by a household adult, and the child is out of the household overnight.

Victim – a person who is injured, destroyed, or sacrificed under any of various conditions; a person that is subjected to oppression, hardship, or mistreatment; and/or tricked or duped.

Vulnerable situations – situations in which a child may be placed at risk of being commercially sexually exploited such as high levels of family dysfunction including substance abuse, physical and/or emotional abuse, and living in poverty with limited opportunities for advancement.

Youth – a person under the age of 18. Used synonymously with child, minor, and juvenile.

APPENDIX A-3

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Appendix A-4 International Actions Related to CSEC

Year[37]	Action	CSEC Significance
1990	*United Nations Convention on the Rights of the Child* (UNCRC)	• First agreement obligating countries to recognize the human rights of the child. • Freedom from exploitation included as a basic right. • Article 34 of UNCRC states that State Parties shall take all measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitive use of children in prostitution or other unlawful sexual practices; (c) The exploitive use of children in pornographic performances and materials.
1996	First World Congress Against CSEC (Stockholm, Sweden)	• Hosted by ECPAT International, UNICEF, and the Swedish government. • Representatives from 122 countries and 47 youth. • Adopted a definition of CSEC in the *Declaration and Agenda for Action* • Committed to developing national plans to combat CSEC.
1997	*Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*	• Code of conduct for tourism operators to protect against CSEC • 241 travel companies from 21 countries in Europe, Asia, North and Latin America have signed the code.
2001	Second World Congress Against CSEC (Yokohama, Japan)	• Follow-up to First World Congress to check progress on national plans. • Out of 122 countries, 34 had developed plans and 26 were working towards developing plans. • Countries encouraged to convene mid-term reviews on national plan implementation.
2000	*Convention 182, Elimination of Worst Forms of Child Labour*	• Developed by the UN's International Labour Organization • Defines CSEC as one of the worst forms of child labor
2002	*United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography*	• Extended reach of UNCRC by providing more explicit safeguard against sexual exploitation of children • Criminalized activities involving the sale and illegal adoption of children, the prostitution of children, and child pornography

[37] With respect to United Nations' protocols, represents the year the protocol went into force, not the year it was first developed.

2003	*Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*	• Drafted by the UN's Office on Drugs and Crime • First time trafficking in persons defined in an international instrument • Intended to hold ratifying countries accountable for changes in domestic laws, encourage international cooperation, and protection of victims • Specifically focuses on women and children and defines exploitation as including "the prostitution of others or other forms of sexual exploitation"

Appendix A-5 United States' Actions Related to CSEC[38]

Year[39]	Title	CSEC Significance
1910	Mann Act/White Slave Traffic Act	• Enacted to fight against forced prostitution in keeping with Thirteenth Amendment • Criminalized the transportation of minors (under 18 years of age)
1994	Child Sexual Abuse Prevention Act	• Provision within the Crime Bill of 1994 • Criminalized travel outside the U.S. with intent of engaging in sexual activity with a minor
2000	Victims of Trafficking and Violence Protection Act (TVPA)	• First comprehensive law to federally criminalize human trafficking • Focus on 3 P's – prevention, protection, and prosecution • Prevention – educational and public awareness campaigns • Protection – access to benefits and social services – housing, educational programs, job training, healthcare and legal services • Prosecution – life in prison for those who exploit children under the age of 14 and up to 20 years in prison if the victim is between 14 and 18 • No requirement to prove force, fraud or coercion if the victim is a minor (under 18 years of age)
2002	Sex Tourism Prohibition Improvement Act	• Removed intent requirement in the Child Sex Abuse Prevention Act • Criminalized actions of sex tour operators
2003	Victims of Trafficking and Violence Protection Reauthorization Act (TVPRA)	• Created educational campaigns against sex tourism • Victim able to sue trafficker in federal district court • Mandated Attorney General to produce yearly report to Congress on U.S. government efforts to combat trafficking in persons • Created a Senior Policy Operating Group (SPOG) – a cabinet-level task force to coordinate federal efforts to combat trafficking in persons • Most severe incarceration penalties for child sex tourism in the world (30 years maximum incarceration)
2003	Prosecutorial and other Tools to end the Exploitation of Children Today (PROTECT) Act	• Expanded territorial jurisdiction to prosecute Americans abroad who commit acts of CSEC • Increased maximum incarceration from 15 to 30 years

[38] This is not a comprehensive list of all U.S. actions

2006	Adam Walsh Child Protection and Safety Act	• Increases penalties for certain types of CSEC, e.g., penalties for conduct related to child prostitution were increased from 5-30 years to 10 years or life

Appendix B

Appendix B-1 Prosecutor Informational Interview Guide

Appendix B-1

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PROSECUTOR INFORMATIONAL INTERVIEW GUIDE

Read at beginning of interview:

Thank you for agreeing to participate in our study. The interview should last approximately 45 to 60 minutes. Before we begin, I would like to inform you that the information you provide today is considered confidential. Only members of the research team will have access to study information. Your responses to these questions will be reported only in the aggregate and they will never identify you as an individual. Furthermore, your participation in this study is completely voluntary. You may decline or withdraw your participation from the study at any time without consequences or penalties. Do you have any questions before we begin?

Background

First, I would like to ask a couple of questions about your experience.

1. How do you define the commercial sexual exploitation of children and youth? (Probe to see if their definition includes the elements of child prostitution, child pornography, child sex tourism, and child sex trafficking).

2. How long have you been working on cases involving CSEC and how would you describe your role on these cases?

Collaboration

Next, I would like to ask a few questions about how you collaborate with other criminal justice stakeholders who work on the CSEC issue.

3. What law enforcement agencies do you usually work with on a case? Who are the core players that you work with? How do you work with these entities? (Probe to see the extent to which CSEC cases are investigated through multi-jurisdictional interagency collaboration such as joint state and local and/or federal task forces.)

4. Aside from the agencies mentioned above, are you involved with other stakeholders such as the U.S. Marshall's Service, juvenile probation officers, court social services, juvenile detention centers, or a crime victims' compensation fund?

5. Do you work with victim advocates, victim witness specialists, and/or community victim service providers? What is the nature of the relationship (e.g., how often do you meet, what do you talk about)?

Prosecution

My next set of questions asks about how you actually handle a case.

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6. How do you determine whether a CSEC case should be tried at the state or federal level? (Probe for what factors influence the decision about where to try a case. Probe for the advantages of trying a case at the state/federal level.)

7. Are there cases for which both federal and state charges are brought against the same defendant? If so, under what circumstances and how often does this happen?

8. What experience do you have with plea-bargaining in a CSEC case?

9. Using the list of relevant federal CSEC statutes provided (see attached), which statutes have you used for CSEC cases? How do you determine which statute is most applicable for your case?

10. Are there any statutes that are missing from this list? Are there any statutes on this list that you think are not relevant for CSEC cases?

11. How often do cases involving CSEC get prosecuted under another statute (e.g., conspiracy, RICO, child abuse, kidnapping, etc.) as the lead charge and the CSEC statute as an ancillary charge?

12. What factors (e.g., evidentiary, procedural, witness testimony, corroborative evidence, etc.) do you think are most important in putting together a strong CSEC case?

Date Collection and Reporting

My last set of questions ask about how you record and track information on your CSEC cases.

13. How do you collect/track information on your CSEC cases? Is this information automated and/or in paper case files? Would researchers have access to this information?

14. What type of information do you routinely collect on CSEC cases?

15. Do you know whether this information is periodically reviewed to help inform office policies and practices? Is this information used to help inform trainings?

16. Do you know whether this information is reported to any state/federal agency?

17. What do you think can be learned from reviewing prosecuted CSEC cases?

Thank you for your participation in our research study!

Appendix B-2

RELEVANT STATUTES DEFINING POOL OF CSEC CASES IN INITIAL STAGES OF PROCESSING

Federal Statute	Description
18 U.S.C. § 1466A	Obscene visual representations of sexual abuse of children
18 U.S.C. § 1591	Sex trafficking of children by force, fraud, or coercion
18 U.S.C. § 1962D	Child pornography/obscenity
18 U.S.C. § 2251	Sexual exploitation of children
18 U.S.C. § 2251A	Selling or buying of children
18 U.S.C. § 2252	Sexual exploitation of minors
18 U.S.C. § 2252A	Activity related to material containing child pornography
18 U.S.C. § 2253	Criminal forfeiture in violation of exploitation of minors
18 U.S.C. § 2260	Production of sexually explicit depictions of a minor for importation into the U.S.
18 U.S.C. § 2422	Coercion & enticement (transportation for illegal sexual activity and related crimes)
18 U.S.C. § 2423	Transportation of minor with intent to engage in prostitution or illegal sexual activity
Related Statutes (Subject to Review)	
8 U.S.C. § 1328	Importation of alien for immoral purpose
18 U.S.C. § 1467	Criminal forfeiture/obscene materials
18 U.S.C. § 1468	Distributing obscene materials by cable or subscription television
18 U.S.C. § 1583	Enticement into slavery
18 U.S.C. § 1584	Sale into involuntary servitude
18 U.S.C. § 1590	Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor
18 U.S.C. § 1592	Unlawful conduct in respect to documents in furtherance of trafficking, peonage, involuntary servitude, or forced labor
18 U.S.C. § 2258	Failure to report child abuse
18 U.S.C. § 2421	Interstate or foreign transport of individuals for illegal sexual activity and related crimes (Mann Act Violation)
22 U.S.C. § 7101 et seq.	Prevention of human trafficking; protection and assistance for victims; standards for elimination; actions against governments failing standards

Appendix B-3

The Federal Justice Statistics Resource Center

The Federal Justice Statistics Resource Center (FJSRC), a project sponsored by the Bureau of Justice Statistics (BJS) and operated by the Urban Institute, is unique in its ability to provide comprehensive data about suspects and defendants processed in the federal criminal justice system. Compiling federal crime data from six different agencies (USMS, DEA, EOUSA, AOUSC, USSC, and BOP) and across six different stages of case processing (arrest, prosecution, adjudication, sentencing, appeals, and corrections) into a single standardized[40] database, the FJSRC is the only existing source of federal crime data that provides the ability to link an analytic cohort of records from one stage of the process to all the other stages. Thus, the FJSRC database permits a complete examination of CSEC cases as they progress through the system from one stage to the next, therein providing a rich and detailed source of comprehensive information about these cases gathered from all phases of the federal criminal justice process.

The FJSRC database covers the following stages, systems, and agencies involved in the federal criminal justice process:

- Arrest and Prosecution - FJSRC has arrest information from the Drug Enforcement Agency and the U.S. Marshals Service's (USMS) Prisoner Tracking System. The USMS data contain information on all persons arrested for violations of federal law,

[40] The FJSRC builds a reconciled federal justice database by reanalyzing the contributing agencies' data and applying a set of standard definitions to case processing events, units of count, offense classifications, and reporting periods. This is important because while different agencies collect similar information on criminal case processing events, they vary significantly in the way they define key case processing concepts, scope of reporting coverage, and methods used to determine the most serious offense at filing or conviction. The FJSRC reconciles these differences by applying a set of uniform standards across all contributing agencies' data, thus permitting valid comparisons and analyses across stages of the system.

regardless of the agency making the arrest[41]. After a federal agency makes an arrest, the suspect is transferred to the custody of the USMS for booking, processing, and detention. Hence, the USMS arrest data in the FJSP database contain comprehensive information for all federal arrestees on variables such as the arresting agency, offense at arrest, month and year of arrest, as well as the arrestee's country of birth, age, gender, race, citizenship status, and marital status. The Executive Office for U.S. Attorneys (EOUSA) data contain information on the investigation and prosecution of suspects in criminal matters received and concluded by U.S. attorneys, and cases filed and terminated. Data include referring enforcement agency,[42] charges filed and matters declined for prosecution, and most serious charge investigated.

- Adjudication and Sentencing - The Administrative Office of the U.S. Courts (AOUSC) also provides data on the criminal proceedings against defendants from cases filed through disposition and sentencing, for felony and misdemeanor cases adjudicated by U.S. district court judges and Class A misdemeanants adjudicated by U.S. magistrates. The U.S. Sentencing Commission (USSC) provides data on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984, with detailed information on offense conduct, criminal history, defendant characteristics, sentence type and length of sentence imposed.

[41] In addition to the USMS, other agencies such as the FBI, ICE, DEA, ATF, and even state and local joint task forces are empowered to make arrests for violations of federal law.

[42] Federal criminal investigations may be initiated by various different federal agencies (but are primarily conducted by the FBI, DEA, ICE, CBP, ATF, and the Secret Service) and are referred to a U.S. attorney for consideration. The U.S. attorney considers these "criminal matters" to determine whether to file charges in U.S. district court or before U.S. magistrates, or to decline to prosecute for reasons such as weak or insufficient evidence, minimal federal interest, lack or resources, or lack of criminal intent. Matters that are declined for prosecution by a U.S. attorney may be referred to another authority (e.g., the States) for prosecution.

- Appeals - The AOUSC provides data on criminal appeals filed and terminated in the U.S. Court of Appeals. The data include information on the nature of the criminal appeal, the underlying offense, and the disposition of the appeal.

- Corrections. The Federal Bureau of Prisons (BOP) provides data on all offenders admitted to and released from federal prison during the fiscal year, as well as the end of fiscal-year stock population. The data contain information such as sentence imposed, type of commitment to prison, term in effect, projected release date, sentence adjustments, and prisoner demographics.

Appendix B-4

Research Methods for Data Analysis

The secondary data analysis of Federal CSEC case-defendants that we conducted relies on detailed federal criminal case processing data obtained from the Federal Justice Statistics Resource Center (FJSRC), a project sponsored by the Bureau of Justice Statistics and operated by the Urban Institute (for more information about the FJSRC, see Appendix B). We utilized the FJSRC database to examine the prevalence and characteristics of CSEC offenses and offenders across all stages of the federal criminal justice system, including: criminal suspects investigated by U.S. attorneys, persons arrested by federal law enforcement, defendants prosecuted and adjudicated in U.S. district court, and offenders sentenced and imprisoned. Specifically, we downloaded the following set of publicly-available FJSRC "standard analysis file" datasets from the FJSRC website (http://fjsrc.urban.org):

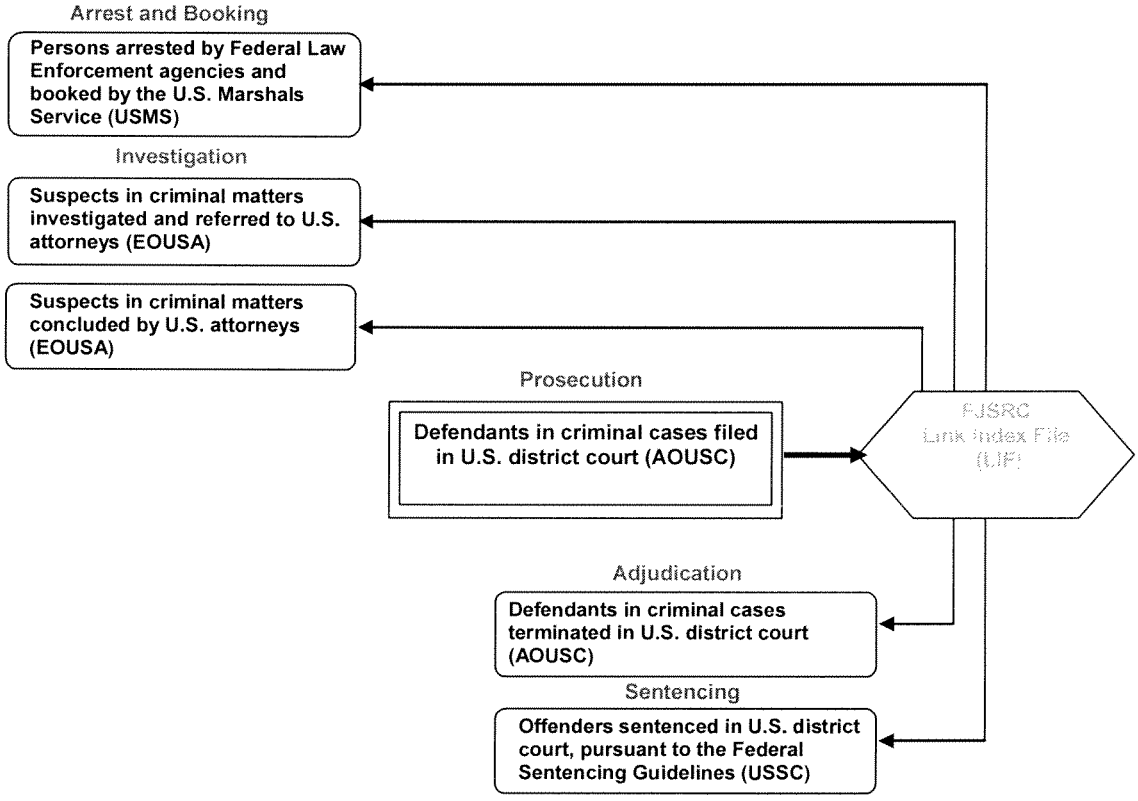
- U.S. Marshals Service (USMS), *Arrests for Federal offenses*, annual file, FY1998-2005.
- Executive Office for U.S. Attorneys (EOUSA), *Suspects in criminal matters opened,* annual file, FY1997-2005.
- Executive Office for U.S. Attorneys (EOUSA), *Suspects in criminal matters concluded*, annual file,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

To measure and assess trends in the federal prosecution of CSEC offenders, our approach defined a key analytic cohort–defendants in cases filed in U.S. district court each fiscal year, from 1998 to 2005–and used the FJSRC data linking system and its special "link index file"[43] to link our cohort

[43] The FJSRC link index file is a publicly-available file of unique sequential number identifiers that permits the linking of records from different agency data files across various stages of processing. For example, we can link arrest data with case disposition and sentencing data. This feature allows for the tracking of an analytic cohort of offenders to prior and/or subsequent stages, thus permitting us to build a more comprehensive dossier of case history

to data from both prior and subsequent stages of case processing (see Figure 3.1, below). We linked our cohort to the prior stages of investigation and prosecution (EOUSA data) and arrest and booking (USMS data), as well as to the subsequent stages of adjudication (AOUSC criminal data) and sentencing (USSC data). Thus, we were able to build a richer, more detailed and comprehensive profile of case history and case characteristics for each defendant-case in the cohort, by drawing on information across all stages of federal criminal case processing.

Figure 3-1 Linked-Cohort Design for Analyzing Federal CSEC Cases (Using FJSRC'S Data Linking System)



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and characteristics for each defendant-case in the cohort. The link index file is available to the public to download from the FJSRC website at: (http://fjsrc.urban.org).

To identify CSEC defendants in the FJSRC database that comprise our cohort, we relied on the criminal statutes of the U.S. Criminal Code (mainly those from Chapter 110 of Title 18) that pertain to CSEC crimes. The list of the specific statutes that we included (see Exhibit 3.1) was informed by several interviews that we conducted with federal prosecutors who routinely work on and prosecute CSEC cases for the U.S. Department of Justice[44]. It was also informed by feedback obtained from our research partner, Polaris Project, whose staff are in the field working together with victims and prosecutors of CSEC cases on a daily basis.

Federal criminal statutes associated with each of up to five filing charges per defendant were available in the AOUSC criminal data for our key analytic cohort: defendants in cases filed in U.S. district court. To define the appropriate universe of cases to include in this cohort, we developed an algorithm that searched through all 5 filing charges for the federal statutes related to CSEC listed in Exhibit 3.1. If any of the five charges were one of these CSEC statutes, we considered the case a "CSEC case" and included it in our cohort.

By utilizing the FJSRC data to build our analytic cohort in the manner described here, we were able to learn important case processing information pertaining to CSEC cases, such as:

- How the criminal matter was brought to the attention of the prosecutor (i.e., which law enforcement agency investigated and referred the matter to the U.S. attorney);
- Whether and why a matter was declined for federal prosecution by the U.S. attorney;
- Whether it was transferred to and prosecuted by other authorities (such as the states);
- What other types of crimes were associated with these cases; and
- The "offense of arrest" to find out what was designated as the most serious offense at the time of arrest.

[44] We interviewed an Assistant U.S. Attorney from the District of Columbia, two prosecutors from the Child Exploitation and Obscenity Section of the DOJ Criminal Division, and a prosecutor from DOJ's Civil Rights Division– all of whom have experience prosecuting CSEC offenders at the Federal level.

The classification of offense at arrest is sometimes a crime other than CSEC because of the limited information that was known about the case at the time. Due to the way commercial sexual exploitation of children cases progress, it is possible that initially only other criminal behaviors are detected, but as more facts are revealed as the investigation moves forward, the elements of commercial sexual exploitation are discovered.

In addition, our "linked-cohort" approach allowed us to look forward and analyze case outcomes such as case disposition (conviction or not), and for those convicted, type of sentence (prison, probation, fine) and sentence length. By linking our cohort to the USSC sentencing data we were able to analyze the rich sentencing information available from that dataset in order to understand the kinds of offense behaviors (e.g., aggravating and mitigating factors) and offender-based characteristics (e.g., criminal history) that led to the final sentence received by the offender. We computed descriptive statistics on these and many other factors associated with defendants charged with a CSEC offense, drawing on information gleaned from all stages of the federal justice system.

We organized descriptive statistics in a set of detailed tables that cover all stages of case processing (including arrest, investigation, prosecution, adjudication, and sentencing), as well as defendant demographics such as race, gender, age, citizenship, and marital status. Since CSEC covers several different types or "groupings" of offenses that vary considerably on many aspects, including offense seriousness, associated penalties, and offender characteristics, we developed a typology of CSEC offenses[45] that we used to organize and display information in the descriptive tables. This typology, with groupings of Federal statutes associated with each type, consists of the following three CSEC offenses:

- Sexual exploitation of children (18 U.S.C. § 2251; 18 U.S.C. § 2251A; 18 U.S.C. § 2260);
- Child pornography (18 U.S.C. § 2252; 18 U.S.C. § 2252A)
- Child prostitution/sex trafficking (18 U.S.C. § 2422; 18 U.S.C. § 2423; 18 U.S.C. § 1591)

In addition to the descriptive analyses, we also conducted a variety of multivariate predictive analyses. First, we conducted a time series analysis to assess the impact of federal initiatives (e.g., passage of the TVPA) on CSEC prosecutions. We constructed multivariate predictive models to analyze the key case outcomes of case disposition (conviction or not) and sentence length imposed, for those who were convicted. We

[45] Discussions held at the project's Practitioner Meeting helped to refine the definition of this typology.

used logistic regression[46] modeling, with case disposition as the dependent variable, to examine the characteristics related to conviction (guilty pleas, as well as trial outcomes), and we used Ordinary Least Squares (OLS) regression to build multivariate models predicting sentence length. Case characteristics and mode of case disposition (plea vs. trial) were used as independent variables in models examining sentence length. We considered many other factors related to the case, such as the type of defense counsel (private or court-appointed), and the presence of other co-defendants in the case, in order to assess their impact on the sentence an offender received.

[46] Logistic regression models are used when dependent variables are binary or categorical in nature. In this instance, the binary outcome measure is conviction or no conviction.

Appendix B-5

Descriptive Tables

Table 1: Suspects in criminal matters investigated & concluded by U.S. attorneys, 1998-2005 (with a CSEC offense as the lead charge)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Total # suspects	**742**	**888**	**1,068**	**1,177**	**1,233**	**1,462**	**1,684**	**1,748**
Lead charge determined by U.S. attorney:								
Sexual exploitation of children	**102**	**83**	**107**	**118**	**118**	**145**	**152**	**130**
18 USC § 2251	95	71	86	94	94	115	126	113
18 USC § 2251A	7	12	21	24	24	30	26	17
Child pornography offenses	**526**	**618**	**714**	**805**	**858**	**1,059**	**1,262**	**1,307**
18 USC § 2252	382	431	437	458	488	611	799	794
18 USC § 2252A	144	187	277	347	370	448	463	513
Child prostitution/sex trafficking	**111**	**186**	**243**	**250**	**255**	**254**	**265**	**306**
18 USC § 2422	21	48	84	128	134	116	100	159
18 USC § 2423	90	138	159	122	121	136	147	134
18 USC § 1591	0	0	0	0	0	2	18	13
Criminal forfeiture (exploiting minors)								
18 USC § 2253	1	1	2	4	2	2	4	3
Recordkeeping offenses (sex materials)								
18 USC § 2257	2	0	2	0	0	1	1	2

Data Source: Federal Justice Statistics Resource Center, EOUSA LIONS database, annual, 1998-2005

Table 2: Suspects in CSEC criminal matters investigated & concluded by U.S. attorneys, 1998-2005

(Disposition of the criminal matter)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	OVERALL
Total # suspects	**742**	**888**	**1068**	**1,177**	**1,233**	**1,462**	**1,684**	**1,748**	**10,002**
Disposition of the criminal matter:									
Declined for Federal prosecution	54%	48%	54%	63%	64%	58%	66%	51%	58%
Disposed by U.S. magistrates	3%	2%	2%	1%	2%	1%	4%	5%	3%
Filed as a criminal case in U.S. district court	42%	50%	44%	36%	33%	41%	30%	44%	39%

Data Source: Federal Justice Statistics Resource Center, Executive Office for U.S.Attorneys' LIONS database, annual, 1998-2005

Table 2a: Suspects in Child Pornography criminal matters investigated & concluded by U.S. attorneys, 1998-2005 (Disposition of the criminal matter)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	OVERALL
Total # suspects	**526**	**618**	**714**	**805**	**858**	**1,059**	**1,262**	**1,307**	**7,149**
Disposition of the criminal matter:									
Declined for Federal prosecution	53%	47%	54%	61%	64%	60%	69%	53%	59%
Disposed by U.S. magistrates	3%	2%	2%	1%	2%	1%	3%	4%	2%
Filed as a criminal case in U.S. district court	44%	50%	44%	38%	34%	39%	28%	43%	39%

Data Source: Federal Justice Statistics Resource Center, Executive Office for U.S.Attorneys' LIONS database, annual, 1998-2005

Table 2b: Suspects in Child Prostitution criminal matters investigated & concluded by U.S. attorneys, 1998-2005 (Disposition of the criminal matter)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	OVERALL
Total # suspects	**111**	**186**	**243**	**250**	**255**	**254**	**265**	**306**	**1,870**
Disposition of the criminal matter:									
Declined for Federal prosecution	50%	50%	48%	67%	62%	50%	52%	40%	52%
Disposed by U.S. magistrates	5%	3%	3%	1%	4%	2%	9%	7%	4%
Filed as a criminal case in U.S. district court	44%	47%	49%	32%	34%	48%	39%	53%	43%

Data Source: Federal Justice Statistics Resource Center, Executive Office for U.S.Attorneys' LIONS database, annual, 1998-2005

Table 2c: Suspects in Child Sex Exploitation criminal matters investigated & concluded by U.S. attorneys,1998-2005 (Disposition of the criminal matter)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	OVERALL
Total # suspects	**102**	**83**	**107**	**118**	**118**	**146**	**152**	**130**	**956**
Disposition of the criminal matter:									
Declined for Federal prosecution	64%	61%	51%	68%	72%	57%	67%	54%	62%
Disposed by U.S. magistrates	2%	1%	1%	3%	2%	1%	5%	4%	3%
Filed as a criminal case in U.S. district court	34%	38%	47%	29%	26%	41%	28%	42%	35%

Data Source: Federal Justice Statistics Resource Center, Executive Office for U.S.Attorneys' LIONS database, annual, 1998-2005

Table 3: Suspects in CSEC criminal matters declined for prosecution by U.S. attorneys, 1998-2005
(Basis for declination)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Total # declinations	**401**	**422**	**571**	**734**	**782**	**835**	**1,094**	**872**
Basis for declination of prosecution:								
No crime	**83**	**77**	**131**	**167**	**177**	**175**	**288**	**234**
No federal offense evident	29	33	46	47	37	49	119	71
Lack of evidence of criminal intent	54	44	85	120	140	126	169	163
Handled in other prosecution	**124**	**121**	**148**	**190**	**167**	**182**	**215**	**182**
Removed	12	7	7	14	17	12	22	11
Prosecuted on other charges	12	10	13	14	10	7	25	12
Prosecuted by other authorities	100	104	128	162	140	163	168	159
Alternative resolution	**13**	**11**	**10**	**10**	**7**	**14**	**9**	**10**
Civil or adminstrative alternative	2	2	1	3	3	2	1	1
Pretrial diversion	11	9	9	7	4	12	8	9
Supsect-related reasons	**20**	**13**	**23**	**34**	**38**	**37**	**32**	**25**
Suspect serving sentence	0	3	3	2	7	14	1	1
No known suspect	11	5	10	19	21	15	12	15
Suspect deceased	9	5	10	13	10	7	19	9
Suspect deported	0	0	0	0	0	1	0	0
Case-related reasons	**95**	**140**	**126**	**183**	**235**	**247**	**313**	**223**
Stale case	0	4	5	8	15	12	7	11
Weak or insufficient evidence	78	119	112	167	207	223	271	184
Statute of limitations exceeded	2	0	0	1	1	1	1	1
Jurisdictional or venue problems	12	11	6	5	8	4	31	21
Witness problems	3	6	3	2	4	7	3	6
All other reasons	**64**	**60**	**127**	**136**	**152**	**168**	**219**	**190**
Minimal federal interest	12	10	18	31	10	28	22	18
Petite Policy	3	2	8	7	6	6	5	5
Lack of resources	11	7	13	21	28	43	45	30
DOJ policy	2	3	2	3	4	1	9	1
U.S. attorney policy	6	14	28	10	23	9	12	26
Agency request	16	14	46	56	67	67	97	93
Juvenile suspect	5	3	7	3	8	10	21	12
Offender's health, age, prior record, or other personal circumstances	6	6	5	5	5	2	7	5
Suspect's cooperation	3	1	0	0	1	2	1	0
Unknown	**2**	**0**	**6**	**14**	**6**	**12**	**18**	**8**

Data Source: Federal Justice Statistics Resource Center, Executive Office for U.S. Attorneys' LIONS database, annual, 1998-2005

Table 3a: Suspects in Child Pornography criminal matters declined for prosecution by U.S. attorneys, 1998-2005
(Basis for declination)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Total # declinations	**277**	**290**	**382**	**485**	**543**	**626**	**858**	**683**
Basis for declination of prosecution:								
No crime	**53**	**45**	**92**	**116**	**129**	**127**	**244**	**185**
No federal offense evident	19	17	28	31	28	32	98	60
Lack of evidence of criminal intent	34	28	64	85	101	95	146	125
Handled in other prosecution	**76**	**76**	**83**	**112**	**118**	**124**	**141**	**134**
Removed	5	5	6	6	9	7	11	7
Prosecuted on other charges	6	7	7	9	5	6	17	8
Prosecuted by other authorities	65	64	70	97	104	111	113	119
Alternative resolution	**9**	**10**	**10**	**10**	**7**	**10**	**7**	**10**
Civil or adminstrative alternative	1	1	1	3	3	1	1	1
Pretrial diversion	8	9	9	7	4	9	6	9
Supsect-related reasons	**12**	**12**	**21**	**29**	**21**	**24**	**26**	**21**
Suspect serving sentence	0	3	3	1	6	13	1	1
No known suspect	6	4	9	16	6	6	9	13
Suspect deceased	6	5	9	12	9	4	16	7
Suspect deported	0	0	0	0	0	1	0	0
Case-related reasons	**75**	**101**	**86**	**113**	**166**	**197**	**241**	**178**
Stale case	0	4	5	7	12	11	5	8
Weak or insufficient evidence	62	89	78	105	147	179	208	149
Statute of limitations exceeded	2	0	0	0	1	0	1	1
Jurisdictional or venue problems	11	7	3	1	5	4	26	19
Witness problems	0	1	0	0	1	3	1	1
All other reasons	**51**	**46**	**88**	**95**	**99**	**136**	**184**	**147**
Minimal federal interest	10	8	14	22	7	19	22	15
Petite Policy	1	1	3	5	3	3	4	2
Lack of resources	9	6	10	17	20	37	32	23
DOJ policy	2	2	1	2	1	1	6	0
U.S. attorney policy	5	9	14	7	12	8	11	20
Agency request	13	10	34	35	47	56	84	70
Juvenile suspect	4	3	7	3	6	9	20	12
Offender's health, age, prior record, or other personal circumstances	4	6	5	4	3	1	5	5
Suspect's cooperation	3	1	0	0	0	2	0	0
Unknown	**1**	**0**	**2**	**10**	**3**	**8**	**15**	**8**

Data Source: Federal Justice Statistics Resource Center, Executive Office for U.S. Attorneys' LIONS database, annual, 1998-2005

Table 3b: Suspects in Child Prostitution criminal matters declined for prosecution by U.S. attorneys, 1998-2005
(Basis for declination)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Total # declinations	**56**	**81**	**116**	**167**	**157**	**125**	**134**	**119**
Basis for declination of prosecution:								
No crime	**11**	**12**	**22**	**33**	**37**	**32**	**28**	**33**
No federal offense evident	5	7	11	12	6	12	15	7
Lack of evidence of criminal intent	6	5	11	21	31	20	13	26
Handled in other prosecution	**30**	**28**	**38**	**53**	**29**	**29**	**43**	**30**
Removed	7	1	1	8	4	4	11	4
Prosecuted on other charges	3	1	4	2	2	0	2	2
Prosecuted by other authorities	20	26	33	43	23	25	30	24
Alternative resolution	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**0**
Supsect-related reasons	**0**	**1**	**0**	**3**	**16**	**7**	**5**	**2**
Suspect serving sentence	0	0	0	0	0	1	0	0
No known suspect	0	1	0	3	15	6	2	2
Suspect deceased	0	0	0	0	0	0	3	0
Suspect deported	0	0	0	0	1	0	0	0
Case-related reasons	**9**	**31**	**24**	**49**	**47**	**28**	**40**	**28**
Stale case	0	0	0	0	1	0	1	2
Weak or insufficient evidence	7	23	19	44	40	25	37	21
Statute of limitations exceeded	0	0	0	0	0	0	0	0
Jurisdictional or venue problems	1	3	2	3	3	0	0	1
Witness problems	1	5	3	2	3	3	2	4
All other reasons	**5**	**9**	**29**	**27**	**27**	**22**	**16**	**26**
Minimal federal interest	1	2	1	6	2	4	0	1
Petite Policy	1	1	3	2	1	3	1	0
Lack of resources	1	0	2	3	6	4	9	6
DOJ policy	0	0	1	1	1	0	0	0
U.S. attorney policy	1	5	13	1	8	1	0	2
Agency request	1	1	9	13	8	9	6	17
Juvenile suspect	0	0	0	0	0	0	0	0
Offender's health, age, prior record, other personal circumstances	0	0	0	1	0	1	0	0
Suspect's cooperation	0	0	0	0	1	0	0	0
Unknown	**1**	**0**	**3**	**2**	**1**	**4**	**2**	**0**

Data Source: Federal Justice Statistics Resource Center, Executive Office for U.S. Attorneys' LIONS database, annual, 1998-2005

Table 3c: Suspects in Child Sex Exploitation criminal matters declined for prosecution by U.S. attorneys, 1998-2005
(Basis for declination)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Total # declinations	**65**	**50**	**70**	**79**	**82**	**81**	**99**	**68**
Basis for declination of prosecution:								
No crime	**18**	**19**	**16**	**17**	**11**	**16**	**16**	**16**
No federal offense evident	5	9	7	4	3	5	6	4
Lack of evidence of criminal intent	13	10	9	13	8	11	10	12
Handled in other prosecution	**18**	**17**	**27**	**25**	**20**	**27**	**29**	**18**
Removed	0	1	0	0	4	1	0	0
Prosecuted on other charges	3	2	2	3	3	1	5	2
Prosecuted by other authorities	15	14	25	22	13	25	24	16
Alternative resolution	**4**	**1**	**0**	**0**	**0**	**1**	**2**	**0**
Civil or adminstrative alternative	1	1	0	0	0	1	0	0
Pretrial diversion	3	0	0	0	0	0	2	0
Supsect-related reasons	**7**	**0**	**1**	**2**	**1**	**6**	**1**	**2**
Suspect serving sentence	0	0	0	1	1	0	1	0
No known suspect	4	0	0	0	0	3	0	0
Suspect deceased	3	0	1	1	0	3	0	2
Suspect deported	0	0	0	0	0	0	0	0
Case-related reasons	**10**	**8**	**15**	**21**	**22**	**21**	**31**	**15**
Stale case	0	0	0	1	2	1	1	1
Weak or insufficient evidence	8	7	14	18	20	18	25	13
Statute of limitations exceeded	0	0	0	1	0	1	0	0
Jurisdictional or venue problems	0	1	1	1	0	0	5	1
Witness problems	2	0	0	0	0	1	0	0
All other reasons	**8**	**5**	**10**	**13**	**26**	**10**	**19**	**17**
Minimal federal interest	1	0	3	3	1	5	0	2
Petite Policy	1	0	2	0	2	0	0	3
Lack of resources	1	1	1	1	2	2	4	1
DOJ policy	0	1	0	0	2	0	3	1
U.S. attorney policy	0	0	1	1	3	0	1	4
Agency request	2	3	3	8	12	2	7	6
Juvenile suspect	1	0	0	0	2	1	1	0
Offender's health, age, prior record, (other personal circumstances	2	0	0	0	2	0	2	0
Suspect's cooperation	0	0	0	0	0	0	1	0
Unknown	**0**	**0**	**1**	**1**	**2**	**0**	**1**	**0**

Data Source: Federal Justice Statistics Resource Center, Executive Office for U.S. Attorneys' LIONS database, annual, 1998-2005

Table 4: Defendants in cases filed in U.S. district court for a CSEC charge, 1998-2005
(most serious filing charge)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Total # defendants	**427**	**580**	**667**	**759**	**930**	**1,013**	**1,320**	**1,512**
CSEC offense (charge at case filing)								
Sexual exploitation of children	**28**	**54**	**77**	**95**	**144**	**138**	**163**	**155**
18 USC § 2251	26	50	65	77	111	108	136	125
18 USC § 2251A	2	4	12	18	33	30	27	30
Child pornography offenses	**363**	**427**	**465**	**515**	**604**	**685**	**927**	**1,094**
18 USC § 2252	363	389	250	199	228	246	291	324
18 USC § 2252A	0	38	215	316	376	438	636	770
18 USC § 2260	0	0	0	0	0	1	0	0
Child prostitution / sex trafficking	**35**	**98**	**125**	**148**	**178**	**187**	**228**	**260**
18 USC § 2422	12	23	28	53	63	67	74	93
18 USC § 2423	23	75	97	95	112	109	134	140
18 USC § 1591	-	-	-	-	3	11	20	27
Criminal forfeiture (exploit minors)								
18 USC § 2253	0	0	0	1	4	3	2	3
Recordkeeping offenses (sex materials)								
18 USC § 2257	1	1	0	0	0	0	0	0

Data Source: Federal Justice Statistics Resource Center, Administrative Office of the U.S. Courts' criminal master file, annual, 1998-2005

Table 5: Defendants in cases filed in U.S. district court for a CSEC charge, 1998-2004 (Information at arrest)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	**329**	**443**	**422**	**529**	**618**	**547**	**746**
Arresting Agency							
FBI	96	170	171	219	246	195	307
U.S. Marshals Service	73	82	97	120	116	122	158
U.S. Customs	55	64	26	35	49	40	72
U.S. Postal Service	16	20	29	21	41	35	33
Self Commitment *	69	82	78	99	120	113	108
Offense at Arrest							
Alien Smuggling	1	0	2	1	1	0	0
Assault	0	1	1	0	3	0	0
Commercial sex	19	15	11	11	6	7	12
Drug trafficking	0	0	1	1	1	1	6
Fraud	7	5	4	3	5	3	2
Immigration	1	1	0	0	0	0	0
Indecent Exposure	0	1	0	0	0	6	0
Kidnapping	5	2	2	5	0	2	3
Money laundering	0	0	0	0	1	1	1
Neglect	2	1	1	1	0	0	2
Obscene materials	161	203	205	282	307	292	375
Prostitution	1	8	10	5	11	6	13
Sex Assault	8	5	9	11	11	2	12
Sex Offense	94	149	127	174	223	202	304
Weapon offense	2	0	1	0	2	2	2

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004, linked with US Marshals' arrest file, annual, 1998-2005, via FJSRC's link index file.

* According to the U.S. Marshals Service, "Self Commitment" indicates that the person either: 1) voluntarily turned himself in to authorities; or 2) had an outstanding warrant pending, for which he surrendered himself to authorities.

Table 6: Defendants in cases filed in U.S. district court for any CSEC charge, 1998-2004
(Demographics)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	329	443	422	529	618	547	746
Gender of defendant							
Female	4	6	6	9	12	8	12
Male	325	437	416	520	606	539	734
Race of defendant							
White	314	405	389	490	573	524	721
Black	12	18	28	23	29	12	15
Asian/Pacific Islander	3	15	4	10	12	6	7
Native American	0	3	0	3	1	3	2
Unknown/Other	0	2	1	3	3	2	1
Age of defendant (at arrest)							
Mean (years)	40	40	40	39	39	41	41
Median (years)	39	39	39	38	39	40	41
Citizenship of defendant							
U.S. citizen	295	387	384	475	549	510	699
Not U.S. citizen	15	13	8	23	22	10	15
Missing/Unknown	19	43	30	31	47	27	32
Marital status of defendant							
Single	140	194	188	209	268	241	335
Married	83	131	118	174	197	165	214
Divorced	39	58	57	70	77	73	118
Widowed	0	1	3	1	2	2	3
Missing/Unknown	67	58	54	75	72	65	76

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004, linked with US Marshals' arrest file, annual, 1998-2005, via FJSRC's link index file.

Table 6a: Defendants in cases filed in U.S. district court for a Child Pornography charge, 1998-2004
(Demographics)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	243	317	294	346	375	374	522
Gender of defendant							
Female	1	0	2	2	2	4	5
Male	242	317	292	344	373	370	517
Race of defendant							
White	237	306	282	328	357	364	514
Black	4	6	9	10	8	4	4
Asian/Pacific Islander	2	2	2	3	7	2	2
Native American	0	1	0	2	0	2	1
Unknown/Other	0	2	1	3	3	2	1
Age of defendant (at arrest)							
Mean (years)	40	41	40	40	39	41	42
Median (years)	39	40	39	39	38	40	42
Citizenship of defendant							
U.S. citizen	225	285	271	316	339	349	492
Not U.S. citizen	6	8	5	12	7	3	7
Missing/Unknown	12	24	18	18	29	22	23
Marital status of defendant							
Single	114	142	130	136	163	172	236
Married	59	93	85	114	126	114	159
Divorced	26	45	38	47	43	47	78
Widowed	0	1	3	1	2	1	2
Missing/Unknown	44	35	38	48	40	39	47

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004, linked with US Marshals' arrest file, annual, 1998-2005, via FJSRC's link index file.

Table 6b: Defendants in cases filed in U.S. district court for a Child Prostitution charge, 1998-2004
(Demographics)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	46	62	57	110	118	84	113
Gender of defendant							
Female	2	3	2	3	0	2	3
Male	44	59	55	107	118	82	110
Race of defendant							
White	38	52	47	95	104	76	101
Black	7	7	9	11	11	5	7
Asian/Pacific Islander	1	2	1	4	3	3	5
Native American	0	1	0	0	0	0	0
Unknown/Other	0	0	0	0	0	0	0
Age of defendant (at arrest)							
Mean (years)	38	38	38	38	38	39	40
Median (years)	37	36	36	37	39	40	39
Citizenship of defendant							
U.S. citizen	39	50	49	91	97	77	101
Not U.S. citizen	5	3	1	10	10	3	5
Missing/Unknown	2	9	7	9	11	4	7
Marital status of defendant							
Single	14	21	27	45	60	37	47
Married	10	20	17	36	32	24	37
Divorced	10	6	5	12	13	13	16
Widowed	0	0	0	0	0	0	1
Missing/Unknown	12	15	7	17	12	9	12

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004, linked with US Marshals' arrest file, annual, 1998-2005, via FJSRC's link index file.

Table 6c: Defendants in cases filed in U.S. district court for a Child Sex Exploitation charge, 1998-2004 (Demographics)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	20	41	50	59	89	49	63
Gender of defendant							
Female	1	2	2	4	4	1	2
Male	19	39	48	55	85	48	61
Race of defendant							
White	20	38	48	55	79	46	62
Black	0	2	1	1	8	1	1
Asian/Pacific Islander	0	0	1	3	1	1	0
Native American	0	1	0	0	1	1	0
Unknown/Other	0	0	0	0	0	0	0
Age of defendant (at arrest)							
Mean (years)	37	40	39	39	40	40	39
Median (years)	36	39	39	38	39	41	39
Citizenship of defendant							
U.S. citizen	17	39	46	55	80	49	61
Not U.S. citizen	0	1	2	1	5	0	1
Missing/Unknown	3	1	2	3	4	0	1
Marital status of defendant							
Single	6	17	21	22	26	18	24
Married	5	10	11	18	30	11	8
Divorced	3	7	11	9	16	11	17
Widowed	0	0	0	0	0	1	0
Missing/Unknown	6	7	6	10	17	8	14

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004, linked with US Marshals' arrest file, annual, 1998-2005, via FJSRC's link index file.

Table 7: Defendants in cases filed in U.S. district court for a CSEC charge, 1998-2004
(Demographics)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	367	493	567	654	770	835	1007
Prior Criminal History							
No	155	236	245	308	384	406	476
Yes	206	251	317	341	380	417	523
Missing	6	6	5	5	6	12	8
Number of Dependants							
0	239	293	354	395	485	539	592
1	52	71	70	109	123	131	151
2	31	46	64	58	81	80	101
3	21	33	46	47	40	40	75
4	7	11	11	17	23	10	30
5 or more	2	5	6	12	7	7	15
Missing	15	34	16	16	11	28	43
Education							
Less than H.S. Graduate	25	39	58	57	79	73	83
High School Graduate	130	174	197	258	290	320	407
Some College	108	144	177	161	217	241	307
College Graduate	92	122	124	157	171	183	188
Missing/Unknown	12	14	11	21	13	18	22

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004
linked with U.S. Sentencing Commission data, annual, 1998-2005, via FJSRC's link index file.

Table 7a: Defendants in cases filed in U.S. district court for a Child Pornography charge, 1998-2004 (Demographics)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	277	352	372	425	472	544	682
Prior Criminal History							
No	126	182	172	215	262	283	354
Yes	146	167	196	207	206	253	324
Missing	5	3	4	3	4	8	4
Number of Dependants							
0	177	208	244	264	303	359	414
1	43	51	40	74	78	82	101
2	22	32	39	36	47	52	65
3	14	27	29	28	25	26	45
4	7	7	5	5	10	6	15
5 or more	2	3	3	8	2	1	10
Missing	12	24	12	10	7	18	32
Education							
Less than H.S. Graduate	11	24	28	30	44	41	49
High School Graduate	100	133	129	184	183	212	268
Some College	82	109	124	98	134	166	213
College Graduate	77	80	82	102	103	112	139
Missing/Unknown	7	6	9	11	8	13	13

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004 linked with U.S. Sentencing Commission data, annual, 1998-2005, via FJSRC's link index file.

Table 7b: Defendants in cases filed in U.S. district court for a Child Prostitution charge, 1998-2004
(Demographics)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	48	71	96	123	143	138	162
Prior Criminal History							
No	18	29	47	61	73	74	76
Yes	29	41	48	60	70	62	84
Missing	1	1	1	2	0	2	2
Number of Dependants							
0	34	45	48	68	84	84	82
1	5	8	18	17	26	26	21
2	3	8	15	14	17	11	22
3	6	2	8	13	5	5	18
4	0	2	3	4	7	4	9
5 or more	0	1	1	3	3	2	4
Missing	0	5	3	4	1	6	6
Education							
Less than H.S. Graduate	8	5	15	9	17	10	12
High School Graduate	15	19	27	33	46	45	67
Some College	13	20	27	38	35	34	49
College Graduate	10	24	25	35	44	46	29
Missing/Unknown	2	3	2	8	1	3	5

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004
linked with U.S. Sentencing Commission data, annual, 1998-2005, via FJSRC's link index file.

Table 7c: Defendants in cases filed in U.S. district court for a Child Sexual Exploitation charge, 1998-2004 (Demographics)

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # defendants	22	45	67	83	110	100	98
Prior Criminal History							
No	7	15	21	27	32	27	22
Yes	15	30	46	56	76	72	75
Missing	0	0	0	0	2	1	1
Number of Dependants							
0	14	26	45	50	66	63	57
1	1	9	7	13	13	12	16
2	4	2	8	6	14	10	10
3	1	2	4	4	8	8	7
4	0	1	1	7	4	0	4
5 or more	0	1	1	1	2	4	1
Missing	2	4	1	2	3	3	3
Education							
Less than H.S. Graduate	3	3	3	11	13	17	13
High School Graduate	7	13	29	31	45	40	49
Some College	7	13	21	21	33	25	26
College Graduate	4	14	14	19	15	17	8
Missing/Unknown	1	2	0	1	4	1	2

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004 linked with U.S. Sentencing Commission data, annual, 1998-2005, via FJSRC's link index file.

Table 8: Defendants adjudicated in U.S. district court for a CSEC charge, 1998-2004

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # Defendants	450	585	656	748	912	977	1,156
Type of Counsel							
Court-appointed	43	43	69	45	70	73	95
Public Defender	80	96	115	157	210	255	277
Private attorney	131	138	164	166	224	217	245
Waived/self-representation	1	1	3	2	2	8	6
Type of Counsel not reported	195	307	305	378	406	424	533
Case Disposition							
Convicted							
Guilty plea	396	502	559	679	784	853	1,053
By Trial*	19	32	44	23	46	42	33
No Contest	0	0	3	0	0	2	0
Not Convicted							
Dismissal	27	46	34	37	64	59	49
Acquittal (Trial*)	4	0	3	1	2	7	4
Dismissed statistically	4	5	13	8	16	14	17
Type of Sentence**							
Prison	354	477	543	614	748	840	1,026
Probation	53	44	57	71	60	36	32
Split	6	11	2	7	12	11	17
Fine Only	0	0	1	1	2	0	6
Suspended	2	2	1	4	6	4	3
Unknown	4	5	15	13	18	20	19

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004

* Bench or jury trial; ** Many sentences include fines; combinations are not explicitly listed in this table

Table 8a: Defendants adjudicated in U.S. district court for a Child Pornography charge, 1998-2004

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # Defendants	337	410	435	492	556	624	780
Type of Counsel							
Court-appointed	25	28	30	22	34	38	48
Public Defender	53	57	67	89	100	135	159
Private attorney	113	109	114	105	150	161	174
Waived/self-representation	1	0	1	2	1	3	5
Type of Counsel not reported	145	216	223	274	271	287	394
Case Disposition							
Convicted							
Guilty plea	301	366	377	448	491	564	727
By Trial*	13	16	21	10	11	17	13
No Contest	0	0	3	0	0	1	0
Not Convicted							
Dismissal	19	26	25	26	44	36	29
Acquittal (Trial*)	2	0	2	0	0	1	2
Dismissed statistically	2	2	7	8	10	5	9
Type of Sentence**							
Prison	261	334	353	400	437	538	696
Probation	46	38	43	47	52	28	25
Split	4	10	2	4	9	3	13
Fine Only	6	10	2	5	9	10	13
Suspended	0	0	1	1	1	0	2
Unknown	1	0	0	1	2	2	2

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004

* Bench or jury trial; ** Many sentences include fines; combinations are not explicitly listed in this table

Table 8b: Defendants adjudicated in U.S. district court for a Child Prostitution charge, 1998-2004

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # Defendants	67	87	110	141	174	164	191
Type of Counsel							
Court-appointed	13	6	20	8	16	16	22
Public Defender	20	21	26	43	69	73	66
Private attorney	6	15	28	39	37	29	46
Waived/self-representation	0	0	0	0	1	2	0
Type of Counsel not reported	28	45	36	51	51	44	57
Case Disposition							
Convicted							
Guilty plea	56	71	91	124	138	133	159
By Trial*	3	5	11	8	21	15	15
No Contest	0	0	0	0	0	0	0
Not Convicted							
Dismissal	5	9	4	8	10	9	12
Acquittal (Trial*)	1	0	0	1	2	5	1
Dismissed statistically	2	2	4	0	3	2	4
Type of Sentence**							
Prison	53	72	91	112	144	144	162
Probation	5	2	11	18	6	2	5
Split	0	0	0	0	3	0	3
Fine Only	0	0	0	0	1	0	4
Suspended	1	2	0	2	4	1	0
Unknown	2	2	4	0	4	3	4

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004

* Bench or jury trial; ** Many sentences include fines; combinations are not explicitly listed in this table

Table 8c: Defendants adjudicated in U.S. district court for a Child Sexual Exploitation charge, 1998-2004

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # Defendants	24	50	76	89	127	120	115
Type of Counsel							
Court-appointed	3	8	5	7	18	14	16
Public Defender	4	11	17	16	28	30	33
Private attorney	3	10	17	21	24	13	12
Waived/self-representation	0	1	1	0	0	3	1
Type of Counsel not reported	14	20	36	45	57	60	53
Case Disposition							
Convicted							
Guilty plea	20	42	64	82	108	103	103
By Trial*	2	7	5	5	11	6	3
No Contest	0	0	0	0	0	1	0
Not Convicted							
Dismissal	2	1	4	2	6	6	7
Acquittal (Trial*)	0	0	1	0	0	0	0
Dismissed statistically	0	0	2	0	2	4	2
Type of Sentence**							
Prison	20	47	67	81	119	109	105
Probation	2	2	1	2	0	0	0
Split	0	0	0	2	0	1	1
Fine Only	0	0	0	0	0	0	0
Suspended	0	0	1	1	0	0	0
Unknown	0	0	2	1	2	4	2

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004

* Bench or jury trial; ** Many sentences include fines; combinations are not explicitly listed in this table

Table 9: Defendants adjudicated in U.S. district court for CSEC charge, 1998-2004* : avg processing time and sentence imposed

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # Defendants	450	585	656	748	912	977	1,156
Processing Time							
(case filing to disposition)							
Mean (days)	277	287	279	274	318	282	260
Median (days)	212.5	219	210.5	210.5	251.5	230	230.5
Prison Sentence Imposed							
N	360	487	543	620	760	851	1040
Mean (months)	50	53	58	55	69	67	80
Median (months)	30	30	30	33	41	41	60
Probation Sentence Imposed							
N	59	55	59	78	72	46	49
Mean (months)	49	45	49	46	47	50	48
Median (months)	60	36	60	36	48	60	60
Fine Imposed							
N	156	179	179	166	202	204	209
Mean ($)	$ 3,795	$ 5,142	$ 46,653	$ 4,234	$ 3,938	$ 6,237	$ 4,907
Median ($)	$ 2,000	$ 2,000	$ 3,000	$ 2,000	$ 1,900	$ 2,000	$ 2,000

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004

Table 9a: Defendants adjudicated in U.S. district court for Child Pornography charge, 1998-2004* : avg processing time and sentence imposed

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # Defendants	337	410	435	492	556	624	780
Processing Time							
(case filing to disposition)							
Mean (days)	273	287	270	266	298	273	254
Median (days)	211	209	210	201.5	235.5	224	228
Prison Sentence Imposed							
N	267	344	354	405	446	548	709
Mean (months)	40	45	43	42	48	48	63
Median (months)	27	30	30	31	33	33	48
Probation Sentence Imposed							
N	52	48	45	52	61	38	38
Mean (months)	48	45	50	46	47	52	49
Median (months)	60	36	60	36	48	60	60
Fine Imposed							
N	124	131	113	112	136	143	147
Mean ($)	$ 3,929	$ 3,554	$ 70,084	$ 4,329	$ 4,621	$ 4,183	$ 5,555
Median ($)	$ 2,000	$ 2,000	$ 3,000	$ 1,500	$ 2,000	$ 2,000	$ 2,000

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004

Table 9b: Defendants adjudicated in U.S. district court for Child Prostitution charge, 1998-2004* : avg processing time and sentence imposed

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # Defendants	67	87	110	141	174	164	191
Processing Time							
(case filing to disposition)							
Mean (days)	294	265	293	274	322	274	247
Median (days)	204	224	193	212	266	239	221
Prison Sentence Imposed							
N	53	72	91	111	147	144	164
Mean (months)	48	35	41	35	64	65	74
Median (months)	30	20.5	21	30	37	46	60
Probation Sentence Imposed							
N	5	2	11	18	9	1	8
Mean (months)	55	48	45	51	56	60	46
Median (months)	60	48	48	60	57	60	42
Fine Imposed							
N	14	27	33	40	36	32	36
Mean ($)	$ 3,045	$ 14,866	$ 2,917	$ 3,768	$ 2,223	$ 18,238	$ 3,665
Median ($)	$ 1,750	$ 2,500	$ 3,000	$ 2,500	$ 1,250	$ 2,000	$ 1,750

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004

Table 9c: Defendants adjudicated in U.S. district court for Child Sexual Exploitation charge, 1998-2004* : avg processing time and sentence imposed

	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Total # Defendants	24	50	76	89	127	120	115
Processing Time							
(case filing to disposition)							
Mean (days)	262	333	318	309	404	337	304
Median (days)	251	298	232	265	341	271	278
Prison Sentence Imposed							
N	20	47	67	83	119	110	105
Mean (months)	138	134	132	137	160	159	187
Median (months)	127.5	120	120	120	121	130	168
Probation Sentence Imposed							
N	2	2	1	4	0	1	1
Mean (months)	60	48	60	45	.	36	36
Median (months)	60	48	60	48	.	36	36
Fine Imposed							
N	8	14	21	12	17	17	15
Mean ($)	$ 4,089	$ 1,923	$ 8,480	$ 4,938	$ 3,227	$ 1,637	$ 4,101
Median ($)	$ 5,000	$ 1,900	$ 2,500	$ 3,750	$ 2,000	$ 1,000	$ 2,500

Data Source: Federal Justice Statistics Resource Center, AOUSC criminal master file, annual, 1998-2004

Appendix B-6

SAS Output for Time Series Model

The REG Procedure
Model: MODEL1
Dependent Variable: Number of observations, N_filed

Number of Observations Read	96
Number of Observations Used	95
Number of Observations with Missing Values	1

Analysis of Variance

Source	DF	Sum of Squares	Mean Square	F Value	Pr > F
Model	6	91522	15254	67.71	<.0001
Error	88	19825	225.28954		
Corrected Total	94	111348			

Root MSE	15.00965	R-Square	0.8219
Dependent Mean	79.11579	Adj R-Sq	0.8098
Coeff Var	18.97175		

Parameter Estimates

Variable	Label	DF	Parameter Estimate	Standard Error	t Value	Pr > |t|
Intercept	Intercept	1	24.74803	6.90790	3.58	0.0006
Month		1	1.02490	0.39555	2.59	0.0112
lagfiled		1	0.13806	0.10719	1.29	0.2011
d1		1	-5.06192	13.10664	-0.39	0.7003
d3		1	-47.50900	26.81485	-1.77	0.0799
Inter_TVP		1	-0.13506	0.44263	-0.31	0.7610
Inter_PRO		1	0.70153	0.38653	1.81	0.0729