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The Honorable RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

BACKPAGE.COM, LLC,

Plaintiff,

and

THE INTERNET ARCHIVE

Plaintiff Intervenor

v.

ROBERT M. MCKENNA, Attorney  
General of Washington State, et al,

Defendants, in their official capacities.

NO. C12-954-RSM

DECLARATION OF  
LANA WEINMANN

I, Lana S. Weinmann, hereby declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am over the age of eighteen and am a resident of the state of Washington.
2. I am an Attorney with the Washington State Attorney General's Office Criminal Justice Division, and I represent the defendant Rob McKenna in this matter. I submit this declaration in support of Attorney General and Prosecuting Attorneys' Opposition to Plaintiffs' Motions for Preliminary Injunction.
3. Attached hereto as Exhibit A is a true and accurate copy of *The National Report on Domestic Minor Sex Trafficking; America's Prostituted Children* (2009) (Executive

1 Summary) that I downloaded from the web site of Shared Hope International, at  
2 [http://www.sharedhope.org/Portals/0/Documents/SHI\\_National\\_Report\\_on\\_DMST\\_20](http://www.sharedhope.org/Portals/0/Documents/SHI_National_Report_on_DMST_20)  
3 09.pdf.

4 DATED this 10<sup>th</sup> day of July, 2012, at Seattle, Washington.

5 ROBERT M. MCKENNA  
6 Attorney General

7   
8 LANA S. WEINMANN  
9 Senior Assistant Attorney General  
10 Attorney General's Office  
11 800 5<sup>th</sup> Avenue, Suite 2000  
12 Seattle, WA 98104  
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EXHIBIT 

**THE NATIONAL REPORT ON**

# DOMESTIC MINOR SEX TRAFFICKING

*America's Prostituted Children*

BY:  
LINDA A. SMITH  
SAMANTHA HEALY VARDAMAN  
MELISSA A. SNOW



**The National Report on Domestic  
Minor Sex Trafficking:  
America's Prostituted Children**

M a y 2 0 0 9

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## Executive Summary

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Domestic minor sex trafficking (DMST) is the commercial sexual exploitation of American children within U.S. borders. It is the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” where the person is a U.S. citizen or lawful permanent resident under the age of 18 years.<sup>i</sup> The age of the victim is the critical issue — there is no requirement to prove force, fraud, or coercion was used to secure the victim’s actions. In fact, the law recognizes the effect of psychological manipulation by the trafficker, as well as the effect of threat of harm which traffickers/pimps use to maintain control over their young victims.<sup>ii</sup> DMST includes but is not limited to the commercial sexual exploitation of children through prostitution, pornography, and/or stripping. Experts estimate at least 100,000 American juveniles are victimized through prostitution in America each year. Domestic minor sex trafficking is child sex slavery, child sex trafficking, prostitution of children, commercial sexual exploitation of children (CSEC), and rape of a child.

Shared Hope International first actively addressed the sex trafficking of American children through research on the markets that create demand for commercial sex and which result in the commercial sexual exploitation of women and girls. The DEMAND. Project investigated buyers, facilitators, and traffickers in four countries: Jamaica, Japan, the Netherlands, and the United States. The startling findings highlighted the fact that sex trafficking is demand-driven and the product for sale is most commonly local (domestic) children. Dedicated to ending the human rights violation of sex trafficking internationally and domestically, Shared Hope International received a grant from the U.S. Department of Justice to perform field research on domestic minor sex trafficking — the commercial sexual exploitation of American children in the United States.

Acknowledging that strategic responses to sex trafficking require comprehensive understanding of the local situation, Shared Hope International aligned with the U.S. Department of Justice-funded human trafficking task forces to assess domestic minor sex trafficking and the access to victim services in ten U.S. locations:

1. Dallas, TX
2. San Antonio, TX
3. Fort Worth, TX
4. Salt Lake City, UT
5. Buffalo, NY
6. Baton Rouge and New Orleans, LA
7. Independence, MO
8. Las Vegas, NV
9. Clearwater, FL
10. The Commonwealth of the Northern Mariana Islands (U.S. Territory)

The assessment process investigated the three areas of Prevention, Prosecution, and Protection (“three Ps”) as the key components necessary to effectively combat trafficking in persons. The assessments involved qualitative interviews of professionals likely to come into contact with victims of domestic minor sex trafficking, as well as quantitative data collection when available. Seven professional groups were identified as likely to come into contact with victims of domestic minor sex trafficking and targeted for interviews: Federal, State, and Local Law Enforcement; Federal and State Prosecutors; Juvenile Court; Juvenile Probation and Detention; Public Defenders; Child Protective Services; and Social Services/Non-Governmental Organizations. A total of 297 interviews were conducted. Statistics were requested but were not always available. In many cases, statistics

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<sup>i</sup> Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A, § 103(8), (9), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at 22 USC 7102 § 103(8), (9). [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106\\_cong\\_public\\_laws&docid=f:publ386.106](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_public_laws&docid=f:publ386.106). Accessed on April 8, 2009.

<sup>ii</sup> Id. at §1591(b)(2).

provided did not disaggregate data on domestic minor sex trafficking — a term and crime most interviewees were not familiar with yet; in these cases the statistics were reviewed for extrapolation in determining numbers of suspected domestic minor sex trafficking victims. For example, juvenile detention facility statistics reflecting numbers of youth detained under charges of prostitution could be properly counted toward the number of domestic minor sex trafficking victims in that facility as juveniles in prostitution are victims of sex trafficking under the federal Trafficking Victims Protection Act of 2000 (TVPA). The reliance on extrapolated data reflects the glaring lack of identification of domestic minor sex trafficking victims and highlights the need for training as well as data collection on this victim population.

Each assessed location produced information that was documented in an area-specific report, including information on the scope of the problem, how victims of domestic minor sex trafficking were accessing the system, how they were being labeled, and, as a result of that label, how victims of domestic minor sex trafficking were accessing or being barred from accessing services as victims of a violent crime. The findings from the 10 site assessments, research studies, and field work are the foundation for this National Report on the Identification and Response to America's Trafficked Youth. Substantiation of the findings was gained through Shared Hope International's National Training Conference on the Sex Trafficking of America's Youth held September 15-16, 2008, in Dallas, Texas, which brought together nearly 200 first responders from across the nation to share their experiences and best practices for responding to domestic minor sex trafficking. Also, experts on the trauma and services required to counteract the trauma endured provided guidance in forming best practices in this field.

The key findings of the study can be grouped into four components of domestic minor sex trafficking: identifying the victims; prosecuting the traffickers; combating demand; and providing protection, access to services, and shelter for victims.

### *1. Misidentification*

Shared Hope International found misidentification of the victims to be the primary barrier to the rescue and response to domestic minor sex trafficking victims. This misidentification occurs at all levels of first responses from law enforcement arrest on the streets to homeless and runaway youth shelters' intake process, to court adjudication of the victim as a delinquent for habitual runaway or drug possession, or other offense occurring as a result of the prostitution of the child. Misidentification causes a chain reaction of negative outcomes. It is responsible for the failure to deliver the necessary services to interrupt and treat the trauma they have endured. It is often the cause of their adjudication as delinquents or criminalization as adult offenders of prostitution, leading to detention and/or a criminal record with resulting lack of access to victim of crime funds. Misidentification can be remedied only through awareness and education of first responders and the community at large to properly identify the indicators of domestic minor sex trafficking and to respond with the appropriate treatment and approach developed by experts in the specific trauma caused by trafficking.

### *2. Criminalization of the Victim through Misidentification*

Victims of domestic minor sex trafficking are frequently processed as juvenile delinquents or adult prostitutes. Prostituted juveniles are trained by their trafficker/pimp to lie to authorities and are provided with excellent fraudulent identification resulting in their registration in the arrest records as an adult — an identification that follows them through their years as a minor unless and until it is corrected by the insight of a law enforcement officer who recognizes the victim is a minor and pursues a correct identification. Law enforcement cited this problem as a barrier to identifying a child sex trafficking victim. Those victims who are identified as minors are frequently charged with a delinquent act either for prostitution-related activities or for a related offense, such as drug possession or habitual runaway. These children are found in detention facilities across the country, as well as in juvenile justice rehabilitative programs. Due to the unique trauma bonding that occurs between a victim and her trafficker, these children often run from juvenile facilities right back to the person that exploited them.

### *3. Criminalization as a Response to No Options for Placement*

Law enforcement officers report they are often compelled to charge a victim of domestic minor sex trafficking with a delinquency offense in order to detain her in a secured facility to keep her safe from the trafficker/pimp and the trauma-driven response of flight. The frustration of first responders with this maneuver was widely expressed; however, in the absence of better options, this stop-gap measure continues. The results are detrimental for the victim who rarely receives any services in detention, much less services specific to the trauma endured through sex trafficking. Also, the entry of the juvenile into the delinquency system can disqualify her from accessing victim of crime funds for services in some states.

### *4. Inappropriate or Inaccessible Services for Domestic Minor Sex Trafficking Trauma*

Experts speak of the trauma suffered by child sex trafficking victims as more severe than most sexually-based trauma given the chronic nature coupled with the reinforced victimization from the community at large of buyers. Therefore, the services required for a child sex trafficking victim are unique and rarely available. Many victims cannot access the services due to their detention and resulting label of juvenile delinquent. In some cases, the victim's access to services can be contingent on cooperation with law enforcement in an investigation into the trafficking crime. Sex trafficking is the only sex crime in which the victim is threatened with incarceration or denial of services to elicit facts about the crime.

### *5. Burden on the Victim to Build the Case Against the Trafficker/Pimp*

Arrest and prosecution of the traffickers is too frequently based solely on the victim's cooperation and testimony. This approach places the burden on the victim rather than on the investigators — a burden that is most often too heavy for these traumatized children who typically require a lengthy amount of time before they will disclose the facts of their victimization and only if approached with advanced interview techniques to help them with this disclosure. For these reasons, it is critical in cases of domestic minor sex trafficking that law enforcement pursue innovative or alternative investigation to corroborate the victim's allegations. Currently, law enforcement agencies typically are not trained in alternative investigative approaches and/or are not provided with adequate resources to develop and initiate these alternative techniques.

### *6. Lack of Protective, Therapeutic Shelters for Domestic Minor Sex Trafficking Victims*

Only five residential facilities specific to this population exist across the country. These include the Girls Educational and Mentoring Services (GEMS) Transition to Independent Living (TIL) in New York City, Standing Against Global Exploitation (SAGE) Safe House in San Francisco, Children of the Night in Los Angeles, Angela's House in Atlanta, and the Letot Center in Dallas. There are initiative groups striving to establish these unique shelters for the population of domestic minor sex trafficking victims in their areas, but the need outpaces the development. The New York State Safe Harbor for Exploited Children Act passed in 2008 calls for the establishment of such shelters, as will future safe harbor legislation in states already considering it — establishing these protective shelters is critical for an effective strategy to combat domestic minor sex trafficking.

### *7. Insufficient Priority on Combating Demand*

Buyers are not being recognized as a critical component in the sex trafficking of children, yet demand is the primary driver of the commercial sex industry within which children are being exploited for commercial sex activities and performance. Buyers of sex with children can be preferential (pedophiles), opportunistic (thrill-seekers), or situational (do not care how old the person being prostituted is) — they are all committing a crime. Frequently, arrests of buyers are pursued in the traditional investigative technique of decoys which is limited to targeting "johns" in general and cannot specifically target a buyer of child sex given the decoy's age. Innovative investigative techniques that shift the burden of making the case against a perpetrator away from the juvenile victim and focus instead on arresting all parties to the crime of the sexual exploitation of a child are required.

