

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF MIAMI-DADE**

**FINAL REPORT
OF THE
MIAMI-DADE COUNTY GRAND JURY**

FALL TERM A.D. 2012

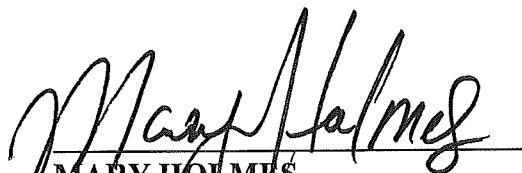
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ENSLAVEMENT OF OUR CHILDREN: IDENTIFYING AND COMBATING HUMAN SEX TRAFFICKING IN OUR COMMUNITY

I. INTRODUCTION

We, the members of the 2012 Fall Term Grand Jury, voted to look at Human Trafficking as the investigative topic for our term. In doing so, we embarked on a journey of education that was both eye-opening and horrific. Initially, we discovered that most of us suffered from an erroneous (and preconceived) notion about exactly what is encompassed by Human Trafficking. We discovered that the vast majority of the public hold this same erroneous notion about Human Trafficking. Based on history and movie depictions, we thought Human Trafficking consisted of foreign born persons brought under false pretenses to this country and put into forced labor, be it for sexual exploitation or otherwise. The images in our minds were of victims who had been discovered and rescued by law enforcement. The scenes included numerous faces seen peering out of shipping containers or the back of tractor-trailer rigs. Such was our understanding and definition of Human Trafficking. We had no idea that another completely different form of Human Trafficking occurs in communities all over the United States. It is pervasive and many of its victims are young children.

II. IDENTIFYING THE PROBLEM

We were shocked and appalled to discover that, in what we thought was our modern, enlightened society, slavery still exists right under our noses. It is an everyday occurrence and under this form of Human Trafficking bodies are sold solely for sex. The “bodies,” are the “commodity” that is sold or trafficked. The bodies being sold are those of young women, young men, boys and an incredible number of young girls. These victims live right here in our community. This general description of primarily children being sold for sex is commonly referred to as the “domestic form” of Human Trafficking, more accurately referred to by law enforcement as Domestic Commercial Sex Trafficking. The children, or victims, are referred to as “Commercially Sexually Exploited Children” or CSEC. To encourage a more accurate understanding of the issue currently before us, we would add the word “domestic” to the descriptor, making it “Domestic Commercially Sexually Exploited Children” or DCSEC.

A. Domestic Commercial Sex Trafficking

Domestic Commercial Sex Trafficking is an insidious form of slavery in which vulnerable victims are preyed upon by masterfully manipulative individuals who, in this report, may be referred to as “pimps.” The victims are sold over and over again as a sex commodity to a seemingly never ending customer base. At first blush, one might ask, “Isn’t this just a definition of prostitution?” a practice that has commonly been referred to as “the world’s oldest profession?” Wrong. Absolutely, stunningly wrong. In this manifestation, it is also an insidious form of slavery and a crime that, for a long while, had been operating under the radar. This is the domestic form of human trafficking; sex slaves trafficked right in our own neighborhoods. Such a crime against children is intolerable and it must be stopped.

B. When Victimization Begins

One of the most extraordinarily alarming facts we learned about this domestic form of Human Trafficking is the age at which the participants get drawn into this destructive lifestyle. For Domestic Commercially Sexually Exploited Children – DCSEC - it begins when the victims are, on average, 12 to 13-years of age. Pause for a moment and think about that. These are not the selected career choices of 12-13 year old kids. We would hope that there is not and has never been a little girl who, while growing up, dreamed of becoming a prostitute. Our hope and expectation is that girls today grow up wanting to be doctors and lawyers, scientists and teachers. And, perhaps little girls still dream of becoming ballerinas and princesses. But never, never ever, should they decide at a tender age that what they ought to do is sell their bodies for money. How can such a thing happen?

III. IDENTIFYING HOW CHILDREN BECOME VICTIMS¹

We learned that Human Trafficking victims are frequently the most vulnerable among us. They have usually suffered prior physical, psychological and/or sexual abuse, poverty, unaddressed trauma and low self-esteem. Although it seems beyond our belief and comprehension, it frequently plays out something like this: A 12-13 year old girl from an unfortunate and perhaps impoverished background has grown up in an environment in which she

¹ As the overwhelming majority of Human Trafficking victims are young girls we will use references to the female gender in our example below and elsewhere in the report. Inasmuch as the sex traffickers are almost exclusively males, references to them will be with the male gender. It should be understood that our comments apply with equal force when the victim is male as well as when the trafficker is female.

has learned that mistreatment is “just a normal way of life.” She does not know any better and probably had not experienced anything any better. She drops out of school. She runs away from home because it is so bad there she cannot stand it any longer. As a young girl on her own, she has no way to make a true living.

A. The “Rescuer” and the Ruse

She is spotted as a runaway by a trafficker, a pimp, a master manipulator, who sees her as a mere commodity, to be groomed and sold for his economic betterment. It seems that the trafficker can spot her from a mile away and zero in, finding out what she wants and needs most. Usually, it is just love and attention. He provides it to her, at least for a while. He woos her. He lies to her. Maybe he tells her he can get her a job “modeling.” Or maybe he throws out the bait, asking if she needs a place to live. When she says “yes,” he extends an invitation for this 12 to 13-year old girl to come live with him. In her eyes he has rescued her from a dire situation.

Initially, it may all seem fine. In fact, this may go on for a while, until one day the abuse begins. The manipulator might say to her, “Hey, did you really think you could live here for free? You can pay the rent by having sex with my buddy.” Or maybe, in connection with the “modeling” ruse, the abuse starts earlier with him taking nude pictures of the young girl. That activity later morphs to, “You can pay for those nude photographs by having sex with my friend.” Alternatively, and maybe even worse, if the pimp has chosen to introduce her to drugs, she now must use her body to pay for the drugs to which she is now addicted. In some limited instances, the pimp himself has sex with the child, who conceives and bears a baby. She does not gain any stature in his eyes with this change. This just becomes another vehicle through which she can be further manipulated and abused. For instance, “I got you pregnant, you’ve had the baby, and if you want to see your baby you will have to pay the fee. Have sex with my friend and then you can see your baby.” And so it goes, on and on.

We discovered that there are many outward signs and indications that a girl is being trafficked. These include: some involvement with an older man, for example, an older man picking her up from school; frequently running away; truancy; possession of a cell phone with unexplained payment; expensive grooming (hair and nails) with unexplained payment; marks indicating physical abuse; and tattooing. Tattoos which are obviously burned in the flesh are, in this context, a stamp of ownership, evidence of slavery, and branding by a pimp signifying “you

are owned.” The tragedy is that victims of Human Trafficking usually see the tattooing as a point of pride and interpret the act as, “He wants me.”

B. The Control and Manipulation

We have further found that the traffickers use an arsenal of control mechanisms to mold the behavior of their “property.” As indicated above, they will initially romance and woo the victim with proclamations of love and caring. To a victim who has likely never gotten true love from anyone, this is quite compelling indeed. She wants so desperately to love and be loved. Once the control is firmly in place, the inevitable change in the trafficker’s treatment of the victim begins, with repeated physical assaults and beatings with a “pimp stick.”² Punishment and beatings are administered often and even for very insignificant “infractions.”

The victimization continues with psychological manipulation. For example, telling the victim that her only worth is in selling her body, and that since that is the case, she might as well sell it for the pimp. The trafficker takes action to further isolate the victim from her family and friends. He brainwashes the victim so that if anyone inquires about what is going on she will not snitch on him. He tells her repeatedly, “If you get arrested, it’s your fault.” He further instructs her to never acknowledge to anyone that he is involved in this activity, and to always say that she is engaging in this behavior on her own. The pimp very effectively creates a belief in his young victim that she has nowhere to go and no one to turn to but him. He frequently provides his victim with a cell phone. Of course, it is programmed to only dial the pimp and she must use it to call for instructions and permission for anything, including, as outrageous as it may sound, for permission to go to the bathroom.

1. In a Pimp’s Own Words

As appalling as the following is, we found it to be very illustrative of the point: In the words of Mickey Royal, a self-proclaimed pimp who wrote in his book, *The Pimp Game: Instruction Guide*:

A ho’s [sic] desire can’t be fed because she has a need that isn’t material – security, love, acceptance, confirmation of one’s sense of self worth, etc. Just as young men join gangs for the same reason, a ho [sic] exchanges something she can see for something she can’t. This leaves the door open for exploitation, abuse, and misuse.

² A “pimp stick” is any weapon used against the victim, such as a wire hanger or cane.

Then the pimp begins to engage in a game of establishing trust - something Royal calls “an intricate process of psychological destruction and emotional construction”; his every move is designed to identify the needs, hopes, and dreams of the child so he can meet the needs and exploit the hopes and dreams. Meanwhile, the pimp is taking care of basic needs such as food, clothing, and shelter to establish a level of physical and psychological dependency.

The final tactic that a pimp uses to secure the loyalty and love of his child victim is to keep the original dream of a “real life together” alive by assuring the victim that the prostitution is only temporary. After a long night of servicing 20 to 30 strangers, then returning “home” and handing all the money over, the pimp will reinforce “the dreams they have together,” whatever they may be. Royal puts it this way:

*A pimp sells a ho [sic] a dream like a manager promises to take her to Hollywood and make her a star. By the time she realizes she's been had, she's trapped. A ho [sic] is in pursuit of her own fantasy and she feels that the pimp knows the direction or is already there. She can't leave because tomorrow **might** be that day. That day when the dream or fantasy she's chasing comes true. The same reason why that horse can't stop pulling the plow. The horse believes that each step, each pull of the plow brings a new hope of the dream coming true, eating the carrot.³*

Eventually, the trafficker might get arrested. At this point the victim's behavior and mindset is similar to that of victims of Domestic Violence.⁴ If her pimp has trained her well, she will come to court and lie for him. Why? So he can get out of jail and come back into her life. She does not understand that she is a victim in this process. Although he is the cause of her suffering, she still sees him as her savior and the man she loves. He gets out of jail and she continues to be the “commodity” that he sells for his economic betterment.

IV. IDENTIFYING SOLUTIONS

Naturally, upon our enlightenment as to the existence of this type of human trafficking, we wanted to know whether and how our community was responding to this problem. What is being done to combat this criminal activity? How prevalent are instances of this type of abuse? How many cases are there and who is handling those cases? Once girls are identified as victims, what kind of assistance is available to help those victims heal and live productive lives

³ *Renting Lacy / A Story of America's Prostituted Children / A Call to Action* by Linda Smith with Cindy Coloma, Revised 2011, pp. 119 -120.

⁴ See section on Trauma-Bonding, *infra* pp. 10-11; 13-15.

independent of their abusers? Is there an infrastructure in place to help them achieve these goals?

A. Uncovering the Problem

When our local State Attorney's Office (SAO) first began to look at this issue, there were only a handful of identifiable cases being handled by that office. With Miami being described as a "hub" of Human Sex Trafficking on one hand and with the police and prosecutors handling only a few cases of this sort on the other hand, it was clear that something was not adding up. The explanation proved to be two-fold. First, although this crime is **reportedly** prevalent in our community, it turned out that there was very little **reporting** being done. Second, although arrests were being made of the females who were victims, for crimes like soliciting and prostitution, there was almost no awareness of the type of victimization that was occurring. In other words, the victims were being arrested based on the criminal conduct they were engaging in and the reason they were engaging in such conduct was because of the criminal conduct of someone else. Remember, they had been trained not to snitch on their abuser. This "failure to report" resulted in these victims being arrested and treated as defendants. No one realized they were victims. Law enforcement's inability to identify this irony early on led to few, if any, arrests for Human Sex Trafficking. As it started to become clear there was a problem, the State Attorney called for an all-embracing conference comprising police, prosecutors, both local and federal, as well as all the other stakeholders to begin to plan a strategy to attack the problem together.

As this recognition evolved, the State Attorney created her Human Trafficking Task Force and Unit. This Unit is a partnership of experienced prosecutors, a paralegal, a victim witness counselor, SAO Investigators, and officers from several police departments who have been stationed to work **at** the State Attorney's Office. The Unit focuses solely on Human Trafficking cases, the vast majority of which involve Domestic Commercial Sex Trafficking.

One of the factors leading to the formation of the unit was a change in the SAO's manner of reviewing cases. Prosecutors looked for indications of sex trafficking in cases even where no specific allegations of such activity had been made and investigated the circumstances when tell-tale signs appeared. This simple change in focus had an astounding impact on the number of cases being investigated and prosecuted and pointed to the need for the unit. Furthermore, the

use of the officers working as a part of the Unit proved to be an essential component of successfully identifying victims and investigating their perpetrators. As a direct result of this partnership and new focus, the caseload grew, astoundingly, from three (3) cases to over ninety (90) in less than one year. And, the number of cases is still growing. We now see that by joining these forces to fight this monumental injustice, and by developing strategies to identify the problem, law enforcement has become far more effective in combatting this criminal activity.

We RECOMMEND that the police departments that have dedicated full-time officers to this effort at the SAO continue to do so, and, if budgets will allow, assign more officers to this fight.

B. Awareness

As a result of recognizing our collective ignorance as to the existence of Domestic Commercial Sex Trafficking in our community, we believe it is essential to shine a bright light on this dirty little secret. Just as we have been educated, a public awareness campaign needs to be launched to educate the public about this horribly destructive crime that is so devastating to one of our most vulnerable and important populations, our children. We understand that such an awareness campaign was even required for those in law enforcement who are tasked with arresting and prosecuting the pimps and traffickers who take advantage of and abuse these victims.

We discovered that our State Attorney's Office has formed an Anti-Sex Trafficking Policy Institute (hereafter referred to as the Policy Institute). This is a think-tank with monthly meetings that brings together community stakeholders, who deal specifically with Domestic Commercial Sex Trafficking, to discuss, coordinate and address the vast array of needs and challenges to combat this modern-day slavery.

One of the first projects proposed by the Policy Institute is a Public Awareness campaign tailored for our community. Witnesses advised us that although there have been many efforts in the past at raising the awareness of the public, the truth is that, thus far, those campaigns have failed. We, the Grand Jury, are proof of this. The Policy Institute's plan is to launch a campaign comparable to that staged for the opening of a blockbuster movie. The goal is to shine a brilliant and unflinching light on this horrendous criminal activity and to have everyone talking about this form of Human Trafficking such that it is not a dirty little secret anymore.

A planned outgrowth of the Policy Institute's Public Awareness campaign is the "Million Eyes Campaign." Once awareness is accomplished, this second campaign will seek to engage members of the public by alerting them to look for the signs⁵ of Domestic Commercial Sex Trafficking. In that manner, everyone can be part of the "Million Eyes Campaign" and be on the lookout for and report signs of Domestic Commercial Sex Trafficking.

In connection with the reporting aspect, the State Attorney's Office has established a Hotline, 305-350-5567, to receive those calls. This Hotline has also been established so that tipsters of any type, victims, desperate parents and everyday citizens can have a local, appropriate place to call.

We believe that there is a dire necessity for this awareness campaign and therefore

We RECOMMEND that the Public Awareness Campaign be launched as soon as practical.

We RECOMMEND that immediately after implementation of the Public Awareness Campaign, the Policy Institute launch its "Million Eyes Campaign."

C. Identifying the Crime

In Florida, the crime of Human Trafficking has been recognized generally since 2003. In its initial form, the law provided that it was unlawful for anyone to "knowingly recruit, entice, harbor, transport, provide, or obtain by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution"⁶ Prosecuting cases under that statute had its challenges because the law required prosecutors to prove, among other things, that the "trafficking" was committed "utilizing fraud, force or coercion." In 2012, the Florida Legislature amended our Human Trafficking statute by enhancing the penalties and removing the proof requirement of "fraud, force or coercion" in cases where the victim is a juvenile.⁷ This change significantly improved the ability of prosecutors to successfully prosecute traffickers who were preying on young victims.

⁵ See pages 3-4.

⁶ § 796.045, Fla. Stat. (2003).

⁷ That element is still in the statute as to cases involving adult victims. § 787.06 Fla. Stat. (2012).

D. A Dual Track Approach to Eradicating Domestic Commercial Sex Trafficking

If we are ever to eradicate Domestic Commercial Sex Trafficking, it is important to understand the absolute need for a dual-track approach. First, there must be an aggressive track pursuing the traffickers themselves. This will require continued partnerships between police and prosecutors. Second and closely related thereto, there is a need for an effective infrastructure in place to rescue, restore and heal the victims.

1. Prosecuting the Criminals

Prosecuting Domestic Commercial Sex Traffickers is a daunting task. The traffickers are, if nothing else, skilled manipulators. If they have done an effective job with their “commodities,” they know that police and prosecutors will have a difficult time obtaining cooperation from the victims to give the necessary evidence that would assist in convicting the trafficker. Therefore, we recognize that the biggest challenge to eradicating Domestic Sex Trafficking, ironically, has been the victims. As a result, law enforcement officers consistently have to seek other means and tools to help build cases against these child abusers. Frequently, law enforcement will need additional training. For example, sex traffickers and patrons now use innovative methods to market and buy children. The commercial sexual exploitation of children has entered the digital age. Cell phones, computers, social media sites, online escort service ads and child pornography sites are commonly used to facilitate this. We were surprised to discover that some of the police officers who were assigned to investigate this type of case had minimal or no training in digital evidence investigations. Clearly, this deficiency needs to be addressed.

While we know much training has been conducted, we strongly believe there would be great benefit from the further enhancement in various areas, including: advanced training specifically in Domestic Commercial Sex Trafficking; putting Community Policing⁸ into effect; training regarding cyber evidence collection; and working with the concept “If the girl won’t

⁸ Community Policing is based upon a partnership between the police and the community whereby the police and the community share responsibility for identifying, reducing eliminating and preventing problems that impact community safety and order.

talk, her cell phone will.”⁹ All of these efforts, coupled with further law enforcement partnerships, should increase the successful prosecution of these cases. Accordingly,

We RECOMMEND that police departments assess current investigative methods, provide training on those and additional methods and further enhance their use of innovative investigative techniques, including the use of digital evidence investigation.

2. Focusing on the Protection and Care of Our Most Vulnerable Victims

We recognize that the biggest obstacle to eradicating human sex trafficking will be the victims. That is why the eradication of Domestic Sex Trafficking must rely on a two-track approach. The second track to battling sex trafficking in our communities is one that focuses on providing protection services and care for the victims. This second track has a dual purpose. On the one hand, we must rescue the victims from the web of deceit and abuse into which they have been drawn. We must help them to heal and overcome the physical and the psychological abuse they have experienced at the hands of the traffickers. The psychological consequences of being trafficked are numerous and devastating. They often include fearfulness, hopelessness, worthlessness, guilt, shame, self-blame, dissociative disorders, high incidences of Post-Traumatic Stress Disorder (PTSD), anxiety and depression.

On the other hand, we must also work toward enabling the victim to recognize her victimization and ultimately provide reliable testimony against her abuser. A critical part of the healing process, we have heard, is that moment in court when a victim can look her abuser in the eye and say, by virtue of her testimony, “You did this to me. Never again. Not to me and not to anyone else.”

a. Trauma-Bonding and its Impact

We learned that one of the most distressing psychological consequences for these victims is trauma-bonding. In general, it is described as follows:

Where one person exerts power or control over another, with the result that the other person feels intimidated or confused, harmed or diminished in some way, abuse has taken place. The abuse can be physical, verbal, psychological, financial or spiritual, and can be intentional or unintentional.

⁹ Invariably, a victim and her trafficker communicate by cell phone. Phone calls, text messages and photos are examples of evidence that can be obtained if a cell phone is seized as part of an investigation, and can prove to be invaluable evidence, independent of a victim’s testimony.

The term “Trauma Bond” (also known as Stockholm Syndrome and the Betrayal Bond), describes a deep bond which forms between a victim of abuse and her abuser. Victims of abuse often develop a strong sense of loyalty and compassion towards their abuser, despite the fact that the bond is detrimental to the victim. Such a bond seems quite bizarre and incomprehensible to an observer of the relationship, who can see quite clearly what is going on. People develop trauma bonds as a means of survival.

The way human beings respond to trauma has a biological basis, which is neither rational nor irrational. People who are overwhelmed with distressing emotions suffer from an overload of their system and shut down emotionally, feeling frozen or numb, in order to cope. They simply cannot take action, even if it would be more helpful for their longer term well-being to leave the dangerous or unhealthy situation. The immediate priority is to survive, whether that means protecting themselves physically, or remaining emotionally intact.

People tend to seek consistency in their beliefs and perceptions. When a person’s behavior conflicts with your beliefs about what you think he or she is like, you might experience cognitive dissonance. Consider the following example. A woman begins a relationship with a man she is attracted to because of his apparently kind and caring nature. He then drops into conversation that he once caused grievous bodily harm to somebody in a bar who disagreed with him. The woman is likely to experience cognitive dissonance, because her initial impression of the man (as one whose values fit with her own) conflicts with what she has just heard. There are various ways in which she can reduce this dissonance: she can walk away from the relationship there and then, she can deny, minimize or distort what she has just heard, she can focus on the positives, or she can give him the benefit of the doubt: “Maybe I misheard him” or “There must have been a good reason why he did that” or “That was in the past. He’s a different person now” or “He’s the perfect partner otherwise”. The woman’s response will depend a lot on how she sees herself and others. If she sees herself as trusting, and others as basically trustworthy, she is likely to give him the benefit of the doubt.

This seems a healthy enough response. But trauma-bonds become stronger over time, and strategies of denial and distortion severely undermine people’s ability to accurately evaluate the state of their relationship and impairs their ability to see or even look for a way out. Even when people do realize that their relationship is abusive, by that time they have invested a lot of time and energy and resources in it, making it all the more difficult to leave.¹⁰

¹⁰ *Abusive Relationships: Trauma Bonding*, by Julia Crane Counselling, <http://www.counsellingwestonsupermare.co.uk/featured/trauma-bonding/>.

We have also learned that a prevalent aspect of trauma-bonding is that the strength of the bond between victim and abuser (here, between the victim and the trafficker) becomes so strong that, if the victim becomes separated from the trafficker, she will go back to him. This occurs frequently and sometimes will occur over and over again. This is, in fact, predictable and even expected behavior. The trauma-bond is very difficult to break and requires time, separation from the abuser and treatment, hopefully leading to recognition by the victim that she has been abused, not loved. To break this cycle requires trauma-informed services.

b. The Need to Cooperate With Law Enforcement

The vast array of services needed to treat this multitude of conditions is challenging indeed. These victims have suffered, are suffering and without appropriate treatment will continue to suffer. We must do all we can to make sure their suffering comes to an end.

As crucial as it is for us to help the victims heal, however, it is also critically important that we encourage the victims to help the police and prosecutors in securing convictions against the traffickers. During our term, we learned much about the psychological conditioning of the victims, as foisted upon them by the traffickers, and heard about how difficult this makes prosecuting cases against the traffickers. Again, these victims are conditioned to not talk and not testify. Further, they are trauma-bonded to their trafficker and do not recognize and/or are unwilling to acknowledge their victimization. This makes it incredibly difficult when law enforcement officers are conducting interviews of human trafficking victims and it makes it almost impossible for prosecutors to place these victims on the witness stand. There must be a focused effort on encouraging these victims to cooperate and participate in the prosecution of these cases. If such an effort is not taken, there will be two major consequences. One, instead of being sent to jail or prison, the traffickers will come back into our communities to re-acquire their “already trained and controlled commodities.” Two, if they cannot get a victim back, the trafficker will pursue a new victim, thereby perpetuating the problem.

During our term, it became clear to us that on this issue there exists a tension between those representing each of two camps. In one camp, we have police and prosecutors who seek to protect victims and society by building cases to prosecute traffickers. In the other, we have victim advocacy groups. There is a Human Sex Trafficking victim advocacy community that very ardently believes that Human Sex Trafficking victims in particular, should choose whether,

when and how to come forward or cooperate with law enforcement. They argue that a victim who is not ready will not be a productive witness.

What we are left with is the untenable situation of having victims who are unable or unwilling to come forward, a victim advocacy community that wants law enforcement to wait until a victim is ready to cooperate and the reality that a trafficker is still out on the street plying his trade. The tension has got to be worked out because each of these areas of victim support is critical; rescuing and healing victims while at the same time focusing on prosecuting to reduce or eradicate Human Sex Trafficking. We believe it is axiomatic to say that preventing future victimization is an obvious societal obligation. One of the ongoing goals of the Policy Institute is to continue to forge partnerships between these entities and ultimately resolve these tensions. This must be a high priority.

c. A Proposal for Providing Greater Protections for Victims

A Domestic Human Sex Trafficking victim's emotional ties and desire to return to her abuser is similar to the struggles experienced by victims of Domestic Violence. In that vein, when a domestic violence victim decides to finally "make a break for it" or take decisive action to separate herself from her abuser, there are laws, processes and procedures in place to assist her. This model could be adapted for the protection of Domestic Commercially Sexually Exploited Children.

A victim of domestic violence can call the police and have the perpetrator arrested. Even without an arrest, under certain circumstances victims can file a petition for an injunction (defined below). Thereafter, even though a victim may be wavering to remain firm with her decision to stay away from her abuser, there are tools available to that victim and to the court to help ensure he stays away from her. One such document that assists in this regard is commonly referred to as a Stay Away Order (defined below).

Such an order is usually issued following an arrest where domestic violence is alleged to have occurred. Most Stay Away Orders, more appropriately called Orders of Pretrial Release Conditions, are issued by judges at "first appearance" or "bond hearings." Such hearings are held after defendants have been arrested and thus have cases pending in the system. Stay Away

Orders are designed to impact the actions of the abusers and prevent their continued interaction with their victims. Specifically, most stay away orders prohibit abusers from:

. . . having any contact with the victim directly or indirectly, in person, in writing, by telephone, pager, fax, or through third persons. The Defendant must stay at least 500 feet away from the victim, the victim's home, place of employment, and/or school at all times.

In a criminal case, the prosecutor has the power to request the issuance of a Stay Away Order, even over the victim's objection. In a sense, the law operates to help save the victim from herself. A violation of a Stay Away Order may (1) constitute a criminal violation or (2) may lead to a finding by the judge that the defendant /abuser's conduct amounts to criminal contempt of court. Either type of violation could result in the defendant/abuser being fined and/or sent to jail.

However, even absent an arrest, a victim of domestic violence has another tool available to her in the civil arena. Similar in nature to the Stay Away Order, a victim of Domestic Violence (or repeated acts of violence or dating violence) may Petition the court seeking an Injunction for Protection against Domestic/Repeat/Dating Violence.¹¹ In many instances, upon the filing of such a petition, a Temporary Injunction is issued without prior notice to the abuser/respondent. The judge may issue such an injunction based solely on the allegations set forth in the petition. The Temporary Injunction takes effect upon service of the Injunction on the abuser/respondent. Thereafter, a hearing is held. At the hearing the abuser/respondent has the opportunity to contest the allegations in the petition and the evidence presented at the hearing. Based on that evidence, the judge can issue an injunction for a specified time-period or may even issue a permanent injunction. Such an injunction, for the most part, mirrors the prohibitions found in the Stay Away Orders. Among other things, it prohibits the Respondent/Abuser from committing any acts of violence against Petitioner and includes provisions:

- a. prohibiting Respondent from going to or within 500 feet of any place Petitioner lives;

¹¹(1)There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is either the victim of domestic violence as defined in s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(b)This cause of action for an injunction may be sought whether or not any other cause of action is currently pending between the parties. § 741.30, Fla. Stat.

- b. prohibiting Respondent from going to or within 500 feet of Petitioner's place(s) of employment or the school that Petitioner attends; the address of Petitioner's place(s) of employment and/or school is;
- c. prohibiting Respondent from contacting Petitioner by telephone, mail, by e-mail, in writing, through another person, or in any other manner;
- d. ordering Respondent not to use or possess any guns or firearms;
- e. prohibiting Respondent from going to or within 500 feet of place(s) Petitioner or Petitioner's immediate family must go often;
- f. prohibiting Respondent from knowingly and intentionally going to or within 100 feet of Petitioner's motor vehicle; and
- g. any other terms the Court deems necessary for the safety of Petitioner and Petitioner's immediate family.¹²

Regardless of which tool is used, the end result is that an effort has been made to protect domestic violence victims from further abuse by their abusers/defendants. Accordingly, we believe the Florida Legislature should work toward creating a similar system of protection for victims of Human Sex Trafficking. When the traffickers are arrested, even though the crime might not meet the statutory definition required for domestic violence, prosecutors and victims ought to be able to request the issuance of Stay Away Orders while the criminal case is pending. Further, the law should include the ability of Domestic Human Sex Trafficking victims to file petitions for Injunctions against their traffickers. Modifications will have to be made to existing statutes to accomplish that result. We think it is critically important that such changes be made.

We are mindful of the fact that utilization of either of these procedures will eventually result in a victim of Domestic Human Sex Trafficking having to face her abusive trafficker in a court of law, look into his eyes and declare that he is the person who committed these horrible acts against her. In addition to assisting in the prosecution of the trafficker and hopeful punishment for the criminal acts he committed, such an event could also prove to be cathartic for the victim and considered a crucial step toward her emotional and psychological healing. We believe both of these results are worth pursuing. Accordingly,

We RECOMMEND that the Task Force, Policy Institute and State Legislature work together to create a system of protection for DCSEC similar to that used to protect victims of domestic violence.

¹² Id.

V. SHELTER OPTIONS AND SERVICES

We have looked at the victim population among the currently pending State Attorney's Office's cases and investigations. In doing so, we learned that there are adult victims of Domestic Commercial Sex Trafficking. But most distressingly, we learned that the vast majority of victims on these pending cases are children. More specifically, they are, most often, dependent children without homes and families willing or able to properly care for them. These children are therefore in the care and custody of the Department of Children and Families (hereinafter referred to as DCF or the Department), our state agency that has the responsibility for dealing with abused and neglected children. We also learned that as a result of privatization, this task has been contracted out to community based care¹³ lead agencies (CBC). Here in Miami-Dade County, that CBC is Our Kids.¹⁴

Because there are so many dependent children represented among the population of Domestic Commercially Sexually Exploited Children, we decided to concentrate our efforts directly on them. We think it is important to note that traffickers deliberately target this type of child for victimization. After all, they are the most vulnerable among us, having already suffered some type of abuse or neglect. They are tailor-made as targets, with low self-esteem and with no family to look out for them.

So, how do we balance the needs of these victims to heal and still achieve success in the dual-track approach? We must provide the best shelter and services possible to heal the victims. We must break the trauma-bond, thereby enabling them to recognize their victimization and encourage them to cooperate productively with law enforcement.

A. The Grand Experiment

The needs set forth in the preceding paragraph seem simple enough. After all, this problem has been around and recognized by some for many years now. Naturally, we thought

¹³ Community-Based Care is a comprehensive redesign of Florida's Child Welfare System. It combines the outsourcing of foster care and related services to competent service agencies with an increased *local community ownership* of service delivery and design. This innovative statewide reform increases accountability, resource development, and system performance.

¹⁴ Our Kids, in its role as the community care based lead agency is responsible for finding placement for children who don't have homes or families or for children whose homes and families are in such sad shape that it is not safe for the child to remain in that environment. Our Kids is also responsible for conducting assessments and determining appropriate placement for such children either through adoption, foster care or group homes.

that there must be some established evidence-based best practices that our community could implement here. We were wrong. We heard over and over that there are no evidence-based best practices studies to tell us what shelter models and treatment modalities are empirically proven to work best for victims of Human Trafficking. Now to be fair, there are many studies that talk about treating victims with trauma-bonding issues, PTSD, depression and the other psychological issues that are prevalent among this population. Those proven treatment modalities are available and are being provided to those victims in need of them. However, there are no such studies looking at treatment modalities that are specifically applied to victims of Human Sex Trafficking, which, as we know now, carries with it additional complications not considered in those other treatments. We heard about various types of shelters for the victims, but again have not learned what works best or, what is tried and true. There are promising trends, but no definitive information on what the approach should be. And so that leaves us with what we refer to as “The Grand Experiment” and “The Potpourri of Shelter Options.”

B. The Potpourri of Shelter Options

We thought, in particular, that the concept of shelter for these victims would be pretty simple. If we can provide a safe place for these victims to reside while they receive their treatment and work with law enforcement, then all would be good. “Safe” is the key word here. However, we were informed that the victims can and often do run away from shelters and, as predictably, return to their pimp at least once if not multiple times. This is clearly an act that endangers the victim. Yet, this has been described to us as something to be expected, almost as though it is an essential part of the victim breaking free from the experience. So, of course we said to ourselves, if we know they are prone to run away and return to the abuser, and if we know this puts them in danger, then surely, the victims are secured while in the shelter, right? Wrong. The shelter staff are prohibited from locking them in or restraining them in any way.¹⁵ When these victims run away and return to their pimp, the shelter must let them go. The shelter staff can try to talk them out of it, they can follow them down the street and beg and plead for them not to go and tell them they are making a big mistake. However, ultimately it is the victim’s choice to go or stay and if they want to go, there is absolutely nothing that can be done about it. This result does not just apply to adults. Adults can make all the life choices they want and there

¹⁵DCF and Our Kids told us repeatedly that they do not have the legal authority to stop a child from running away. Fla. Admin. Code R. 65C13-029 (1)(e)

is nothing we can do about that, though we wish we could. But should this law apply to young juveniles and teenagers, when science has shown fully-formed brains, specifically that part of the brain that controls judgment,¹⁶ are not developed until people are in their mid-twenties? Certainly, parents can prevent their child from running away. So why can't a shelter acting *in loco parentis* (Latin for "in place of the parent") prevent a child from running away?

C. The Florida Safe Harbor Act

In 2012, the Florida Legislature enacted the Florida Safe Harbor Act. In doing so, it recognized that child sexual exploitation is a serious problem, that the children at greatest risk of being sexually exploited are runaways and throwaways, and that these children are difficult to serve and even more difficult to rehabilitate.¹⁷

The Florida Safe Harbor Act seeks to establish four goals: (1) ensuring the safety of sexually exploited children; (2) providing for their treatment as dependent children; (3) severing the bond between them and traffickers, while reuniting them with their families or providing them with appropriate guardians; and (4) enabling them to be willing and reliable witnesses in the prosecution of their traffickers.¹⁸

The legislature sought to further these goals by providing procedures that begin with a child's initial encounter with law enforcement and that continue thereafter. Thus, the Act requires that when law enforcement officers taking children into custody have probable cause to believe the children have been sexually exploited, and there are allegations of dependency, the officers must deliver those children to the Department of Children and Families (DCF).¹⁹ The Act also expands the grounds upon which such children can be found to be dependent to include situations in which they "have been sexually exploited and have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care."²⁰

¹⁶ Raznahan A, Shaw P, Lalonde F, Stockman M, Wallace GL, Greenstein D, Clasen L, Gogtay N, Giedd JN. How does your cortex grow? J Neurosci 2011; 31(19): 7174-7177.

¹⁷ Ch. 2012-105, § 4(a) at 1200, Laws of Fla.

¹⁸ Ch. 2012-105, § 4(b) at 1200, Laws of Fla.

¹⁹ § 39.401(2)(b), Fla. Stat. (2012).

²⁰ § 39.01(15)(g), Fla. Stat. (2012).

Under such circumstances, DCF is authorized to place the child in an appropriate short-term safe house,²¹ which is defined in pertinent part as “a shelter ... [with] gender-specific, separate, and distinct living quarters of sexually abused children ... [which] provide[s them with] services and care ..., including food, clothing, medical care, counseling, and appropriate crisis-intervention services”²² Once the emergency situation is resolved and court hearings are concluded, the victim may be relocated from the “short-term safe house” to a “safe house.”

When dependent children six years of age or older (no, that is **not** a typo) are found to be victims of sexual exploitation, the Act mandates that they be “assessed” for placement in a safe house.²³ The definition of a “safe house” incorporates the above-noted requirements for a “short-term safe house,” but also requires the facility to be “secure,” meaning that it must provide “staff members who are present and awake, 24 hours a day,” and that it “have available staff or contract personnel who have the clinical experience, credentials and training” to provide the listed services.²⁴

A short-term safe house is a small group home populated by victims who have just been taken from their trafficker. All group homes have the potential problem of victims seeking new recruits for their sex traffickers. This is exacerbated when the population of residents includes recently rescued victims. Based on their recent rescue and what we know about their prior psychological condition, these victims will most likely run back to the trafficker and/or try to recruit other victims in the shelter. After all, they are still under the spell of their abuser. As yet, there has been no opportunity to break the trauma-bond. The law only requires that the safe house be “secure” in the sense that there is 24-hour staff present and awake. There is no such requirement for the short-term safe house. Even so, with whatever number of staff present, try as they may to listen and watch for recruitment, a girl set on recruiting will do so. As to running away, the staff can cajole and plead but ultimately a victim has the power to walk out that door.

How can this type of facility be the appropriate setting for this type of victim? Again, this is a predictable recipe for disaster. Perhaps this type of shelter would be more suitable for

²¹ § 39.401(2)(b), Fla. Stat. (2012).

²² § 409.1678(1)(e), Fla. Stat. (2012).

²³ § 39.524(1), Fla. Stat. (2012).

²⁴ § 409.1678(1)(b), Fla. Stat. (2012).

victims where the trauma-bond has already been broken. Clearly this model is lacking as an ideal placement for the recently rescued and still trauma-bonded victim.

D. Miami-Dade County's Short-Term Safe House

During the course of our investigation, a real life example of the pitfalls inherent in this type of shelter model came to fruition. A safe house, such as that provided for by the Safe Harbor Act, opened here in Miami-Dade County. We visited that safe house. It is located in one of our county's more unfortunate and crime-ridden neighborhoods with boarded up homes close by.²⁵ While the house and property are lovely, the area is one fraught with danger.

We were told that the original plan, prior to the enactment of the Safe Harbor Act, was to open this shelter as a "drop-in center,"²⁶ a place where victims, on their own initiative, could turn for refuge. The neighborhood was chosen deliberately because it is in an urban location, near traffickers and accessible to victims who wished to use its services. We certainly think that when the model of the shelter changed from a drop-in center to a safe house for recently rescued victims, consideration should have been given to a different choice of location.

Almost immediately upon opening, victims were referred and accepted. Within a very short time, there were five victims residing in the six-bed safe house. Each of them had been recently rescued from her trafficker. Consistent with the trauma-bonding research, within days, several of the girls ran away. One of the girls, while on runaway status, was raped. While we believe that all the intentions in opening the safe house were good, we feel we must point out that the results vividly demonstrate the deficiencies presented by the use of this safe house model at this stage of a victim's rescue.

The response to these tragic events reveals not only some of the deficiencies in the statutory model, but a lack of communication between the involved entities. The administrators of the safe house (which is currently not receiving referrals) are embarking on a plan that includes increasing staff, security and training, and to then resuming operations as a safe house where victims will reside. The increase in security, for example, will include more fencing and bushes with thorns beneath the windows. DCF, however, is considering completely re-purposing

²⁵ Because this is a "safe house" we cannot reveal the exact location.

²⁶ The "drop-in center," in this context, is a shelter where victims could, on their own, seek refuge from their trafficker. It would provide housing and care. The point should be made that this would be a **choice** on the part of the victim and therefore the issues of running away and recruitment would not be present.

the house, and it may well be used only for a few hours with regard to any particular child for assessments of that victim's condition and needs. It may also be used as a venue for trainings and counseling. Consideration is also being given to no longer using this venue to house any victims. We suggest that these entities need to work to improve communication and to move forward to the most appropriate resolution of this matter.

As to the safe house (as opposed to the short-term safe-house), if it has been determined that a victim has progressed sufficiently to have broken the trauma-bond and is beyond the recruitment phase, this may be a viable option. However, there is no statutory requirement that such a determination be made. While there are plans for two such safe houses in Miami-Dade County, none is open at this time.

We RECOMMEND that a risk assessment requirement be put in place prior to assignment to a safe house.

Once that requirement is put in place, we RECOMMEND that the two planned safe houses be opened as soon as possible.

VI. IDENTIFYING A NEED FOR BETTER INFRASTRUCTURE

A. OTHER SHELTER OPTIONS

The other shelter options for children in the care and custody of DCF include Licensed Family Foster Home,²⁷ Medical Foster Care,²⁸ Group Homes²⁹ and Shelter Care.³⁰ In addition, there are shelter options that are specifically for mental healthcare. They are Residential Group

²⁷ This is a licensed family care setting. The child is placed with a family or individual that is licensed by the Department of Children and Families. No more than 5 children (to include the foster parents' children) can reside in the home. The home must meet all licensing standards as outlined in 65C-13 which includes training and background screening requirements. The family is reviewed on an annual basis to ensure they continue to meet licensing standards. The family receives a monthly board rate payment for each child in the home.

²⁸ This is a licensed family care setting. These are all licensed Family Foster Homes that receive specialized training to work with children identified as medically needy. The home meets all requirements of 65C-13 as well as the additional requirements for the Medical Foster Care program (more intensive and specific training requirements.) The family receives a monthly board rate for each child in the home.

²⁹ These are homes that are staffed by either full time house parents (reside in the home 24 hours a day with 2 days off when support staff cover to care for the children) or by shift workers (staff changes every 8-12 hours). The homes are licensed to care for 6 to 12 children based upon the staffing ratio in the home. This type of care is not recommended for children under the age of 12.

³⁰ This is a facility that is staffed by shift workers and the number of children allowed is based upon the staffing for the facility. Both group homes and shelters require a staffing ratio of 1 to 6 during waking hours and 1 to 12 during sleeping hours. These facilities are primarily used for emergency placement until a more appropriate placement can be located.

Care (RGC),³¹ Specialized Therapeutic Foster Care (STFC),³² with three levels of Specialized Therapeutic Foster Care, including STFC-Level I,³³ STFC-Level II³⁴ and STFC – Crisis Intervention;³⁵ Specialized Therapeutic Group Care (STGC)³⁶ and Statewide Inpatient Psychiatric Program (SIPP).³⁷

We have already discussed the recruitment issues as they relate to group homes. Anytime there is more than one victim, there is at least the potential for recruitment. When

³¹ Residential Group Care is a living environment for children who have been adjudicated dependent and are expected to be in foster care for at least 6 months with 24-hour-awake staff or live-in group home parents or staff. Children receive Behavioral Health Overlay Services (BHOS) which are on-site mental health, substance abuse, and support services designed to meet the behavioral health needs of children placed in certified Residential Group Care Agencies. The purpose of overlay services is to provide support in order to avoid a more intensive level of care. Capacity: No more than six (6) children may reside in the home.

³² Specialized therapeutic foster care services are intensive treatment services provided to children with emotional disturbances that reside in a state licensed foster home. Services incorporate clinical treatment services, which are behavioral, psychological, and psychosocial in orientation and must include clinical interventions by the specialized therapeutic foster parent(s), a clinical staff person, and a psychiatrist. The specialized therapeutic foster parent(s) serves as the primary agent in the delivery of therapeutic services to the child and are specially recruited and trained in interventions designed to meet the individual needs of the child. The treatment needs of the child require that a specialized therapeutic foster parent be available 24 hours per day to respond to crises or to the need for special therapeutic interventions. The three STFC services are: Level I; Level II; and Crisis Intervention. Capacity: No more than two (2) children may reside in the home. Only in the case of placement of a sibling(s) of the therapeutic foster care child may the two-child limit be exceeded and only when the home has the licensed capacity.

³³ Level I is characterized by close supervision of the child within a specialized therapeutic foster home and is for a child with serious emotional disturbance, including a mental, emotional or behavioral disorder as diagnosed by a psychiatrist or other licensed practitioner of the healing arts.

³⁴ Level II is characterized by frequent and intense contact between the specialized therapeutic foster parents, the child, and the professional staff. It is intended to provide a high degree of structure, support, supervision, and clinical intervention. The child requires more intensive therapeutic interventions and the availability of highly trained specialized therapeutic foster parents.

³⁵ Specialized therapeutic foster care services may be used for crisis intervention for a child for whom placement must occur immediately in order to stabilize a behavioral, emotional, or psychiatric crisis. The child must be in foster care or commitment status and meet Level I or Level II criteria.

³⁶ Residential 24-hour program providing community-based mental health treatment and mental health support services in a home-like setting designed for children and adolescents with moderate to severe emotional disturbances provided. Treatment includes provision of psychiatric, psychological, behavioral and psychosocial services to Medicaid eligible children who meet the specified clinical criteria described in this section. Therapeutic group care is intended to provide a high degree of structure, support, supervision, and clinical intervention within the home-like setting. Capacity: No more than twelve (12) children and adolescents may reside in the home.

³⁷ Intensive “locked” residential treatment program for children and adolescents licensed as a specialty hospital which provides 24-hour care and which has the primary functions of diagnosis and treatment of patients under the age of 18 having psychiatric disorders in order to restore such patients to an optimal level of functioning. Capacity: There are 68 contracted beds for Miami-Dade county children. These beds are shared between community and dependent children.

recency of rescue and continuing trauma-bonding is added, the potential for recruitment is exponentially increased. DCF has a definitive preference for foster homes vs. group homes for all children, and this also applies to Domestic Commercially Sexually Exploited Children. DCF believes that the individualized care and attention a child receives in foster care is preferable to the more distant attention received in group care. As such, DCF is currently engaged in a statewide foster parent recruitment effort.³⁸ There is currently no specific and separate effort for foster parents to care for Domestic Commercially Sexually Exploited Children. There are, however, plans to recruit for such fostering within the pool of general recruits.

We understand that foster parent recruitment for the care of Domestic Commercially Sexually Exploited Children is not the same as that for other foster children. The care of these victims is a daunting task. But there is an additional consideration for foster parents. The inherent and potential danger presented by the trafficker. The possibility that the trafficker could show up at the home and threaten or intimidate the foster parent is a concern that should be ameliorated, and one way to do that is to provide legal consequences for doing so. This would assist in the recruitment effort for this specific type of foster care. In addition, there should be legal consequences for revealing the location of a foster home. We add that safe houses and group home staff and locations should have the same protections. Therefore,

We RECOMMEND that legislation be proposed and enacted that penalizes those who improperly disclose the location of any foster home, safe house or group home.

We RECOMMEND that legislation be proposed and enacted that penalizes those who intimidate or threaten foster home parents, safe house staff or group home staff.

DCF has established a pilot program for Specialized Therapeutic Foster Home Care for victims of Domestic Commercial Sex Trafficking. The program began with two (2) foster homes. These foster parents received particularized training on sex trafficking. None of the victims has run away. While we recognize that these are very preliminary results, we are nevertheless encouraged. Therefore,

We RECOMMEND that DCF continue the pilot program of Specialized Therapeutic Foster Homes for Domestic Commercially Sexually Exploited Children.

³⁸ We just learned that DCF reached its goal of recruiting 1200 new foster parents statewide. *Miami Herald*, June 22, 2013.

Furthermore, we RECOMMEND that DCF continue to recruit Foster Parents to care for Domestic Commercially Sexually Exploited Children.

B. DCF's Response to Victims in Their Care

The Department of Children and Families is extremely concerned about the Domestic Commercially Sexually Exploited Children in their care and custody. It recognizes the pitfalls of the current Florida Safe Harbor Act safe houses and is actively working on a plan to both deal with the problem now and in the future. It freely admits that it did not understand the complexity of the issues involved and thought rather naively that a child would be placed in a safe house and simply go on with a productive life. It now realizes the error of its ways and is actively evaluating the current system for these victims. DCF has recognized that each of these victims is unique as to the services and shelter needed and that some of the shelters currently available may be inadequate. DCF also recognizes that, as to treatment modalities, there are no established evidence-based best practices and that the best it can do (the best anyone can do given that state of knowledge) is to offer treatment for the underlying psychological conditions without regard to the peculiar aspects attendant specifically to this victim population. It further recognizes that we, as a community, must provide services for our children. That cannot wait. And, in the meantime, we are engaged in a "Grand Experiment" as we try to determine the best ways to proceed.

Both DCF and Our Kids are willing to be the subjects of a study to once and for all determine the evidence-based best practices. We would like to take this opportunity to applaud them for their openness and willingness in this regard. In addition, we feel it is important to state that we are very encouraged, in general, by the positive response by both DCF Secretary Wilkins and his leadership team and Our Kids and their leadership team to all the challenging issues presented by this topic.

DCF recognizes that there is a dire and immediate need for a tiered risk assessment system to determine what each individual victim needs, specifically to lower and remove the risk for running away and recruitment and to stabilize each child. In order to prevent running away by the highest risk level, serious consideration is being given to a secured protective shelter for children most likely to run. The question is, in light of the virtual guarantee these victims are going to run right back to their trafficker, how can DCF possibly protect these children from that danger if it does not have a secured protective shelter? Utilizing the current protocols to try to

de-escalate or diffuse the situation, and basically trying to talk a victim out of running away, is again a recipe for disaster. The only reliable solution is to do everything to protect that child while at the same time providing treatment that will break that trauma-bond. Once that is accomplished, the child can be re-assessed at a lower risk level and moved accordingly to another facility or shelter. It should be noted that even in the victim advocacy community, some have come around to understanding that some level of security may be necessary in the beginning when the risk for running away is at its highest.

DCF is also looking at perhaps categorizing the high risk factor victim as “ungovernable”³⁹ as a way to work within currently available statutes. This would provide an immediately available procedure to have a secured setting for these victims. Another possible secured setting is through the State In-Patient Program (SIPP).⁴⁰ This is one of the mental health programs referred to earlier. A child who has been diagnosed with a mental illness or (serious) emotional disturbance, can be held in a state mental health facility. However, consideration should be given to the potential stigmatization for a child to be declared mentally ill.

C. The Elephant in the Room

There is an elephant in the room. The elephant is represented by the discussions and serious consideration that is being given to locking victims up for their own good. There. We said it. We can call it anything we want. Our preferred term for this is a “secured protective” setting, but a rose is a rose is a rose. This is a concept no one wants to contemplate, much less recommend. But we are faced with a dilemma. We have been told that the victims of sex trafficking suffer from certain psychological consequences because of the maltreatment they received at the hands of their abusers. The consequences include trauma-bonding. The expected and predicted behavior stemming from trauma-bonding is that the victim will not only run away after being rescued, but will run straight back to the trafficker. Not only will she do that, but she will also, if she can, bring more victims with her. To benefit the trafficker to whom she is already bonded. We can only imagine the physical retaliations and punishment she may receive for having gotten caught. After all, we have been told that there is punishment for even the

³⁹ Children in need of services (CINS) is a statutory option for parents when a child persistently runs away, is habitually truant from school or is ungovernable. This is one of the options DCF is looking into as a method by which they can seek the possibility of a court-ordered **locked** placement for our victim. § 983.03 (25), Fla. Stat.

⁴⁰ § 39.407 (6), Fla. Stat.

smallest of infractions. So we are faced with the victim **both** endangering herself and also taking actions that will endanger and enslave others. How do we deal with that? How do we provide for the safety of victims and the safety of other potential victims if not by initially locking the victim up? At least until the trauma-bond is broken and the running away and recruitment risk is sufficiently diminished?

There are a myriad of levels of security that can be placed in a safe house or shelter. Some shelter models inherently have more security. And then there are the locked options. Let us consider each.

There are what is called hardware secure facilities. This means that there are literally locks and bolts on the doors and windows such that no one can get in and no one can get out. One facility that meets this definition would be the State In-Patient Program (SIPP), alternatively, the mental health facility, discussed earlier in this report. Also in this category is the CINS determination that a child is ungovernable and qualifies for the locked aspect of that statute. Clearly if a victim is placed here and treatment is successful, then the trauma-bond will be broken, the victim reassessed at a lower risk level and the victim can then be placed in a “non-secured” setting. Either is ideal for recently rescued victims who are assessed at the highest level of risk.

Another level of security is the staff-secure facility. At this type facility, running away is discouraged. There is hopefully a tight ratio of staff to resident, staff walks alongside a resident if they are leaving and tries to talk them out of going, or possibly stands in front of the door. But we know, based on our previous discussion, that if the resident really wants to go, the staff must by law let them. This is what the Miami-Dade safe house had, although, as was pointed out, it was understaffed. Nevertheless, the victims ran away and we have seen the consequences. This model is ideal for a victim who is not trauma-bonded to her abuser.

Next is the location-secure model or farm model or remoteness model. This is a safe house or home located “in the middle of nowhere,” miles from any road, and in an area unfamiliar to the resident. In this model, the argument goes, if a victim runs, where will they go? They are in unfamiliar territory and have little or no way of finding or re-establishing contact with the abuser. This model has potential even for the recently rescued victims, but is not ideal.

Last is the environmentally-secure model, with bougainvillea or cactus around fences and under the windows. We feel that the success of this will probably depend on how determined that resident is about leaving the facility. With trauma-bonding in place, are a few cactus stickers, albeit painful, likely to prevent her from running away? We think not.

This discussion reminds us, yet again, that we need to have a study that tells us what works and what doesn't work for these victims. We believe that many of these models are fraught with danger and shortcomings and are, yet again, recipes for disaster.

It seems to us, at this juncture, that if the protection and healing of victims is our highest priority, in fact, our duty and our obligation, then the balance tilts toward the strong belief that a secured - locked – setting must be available as an option. This option should only be available for the victim at the greatest risk of running away and returning to her trafficker but available nevertheless.

D. DCF's Plans For the Future

DCF would like to seek new legislation to codify the risk assessment tier system discussed earlier in this report. DCF also wants the Florida Legislature to create a secured protective safe house for the highest risk category of victim. We see the possibility of a vociferous negative reaction from the victim advocate community and therefore the potential for rejection. We therefore would like to see all the stakeholders brought together through the Policy Institute to work out the details and present a comprehensive, agreed-to statute that can meet everyone's needs and most importantly provide protection, security and healing for victims. Therefore,

We RECOMMEND that the Policy Institute take up the issue with all the stakeholders and draft new legislation for the Care and Protection of Domestic Commercially Sexually Exploited Children.

E. Time for the "Grand Experiment" Phase to End

Without the guidance of an evidence-based best practices study, we have been engaged in what can only be called a Grand Experiment. The single most important recommendation we want to make is that it is time to commission a definitive study to determine once and for all what are the evidence-based best practices for the treatment and care of victims of Domestic Sex Trafficking. It is, frankly, completely shameful that this has not been accomplished by now. We

asked witness after witness to tell us if there was any such study anywhere in the nation and we were consistently told, “no.” We have been told that the Department of Children and Families is going to put out procurement for such a study. We implore the Department to do this as soon as possible. In addition, we implore our legislators and state leaders to support DCF in this effort. Victims are suffering and future victims are in the wings. The more we can do to heal our victims and aggressively prosecute the traffickers, the safer our community will be. Let us be ever mindful that the vast majority of these victims are our children to whom we owe the highest duty and obligation. Let us also remember that the average age that the victimization begins is when the victim is a mere 12-13 years old. We can change their future. We can give them back their dreams. Therefore,

We emphatically RECOMMEND that a definitive study by a stellar and objective institution be commissioned as soon as possible to study and determine the evidence-based best practices for the treatment and care of Domestic Sex Trafficking Victims and Domestically Exploited Children.

VII. CONCLUSION

The sexual enslavement of fellow human beings, the vast majority of whom are our very own children, is a horror the likes of which we could never have imagined. The fact that we had no idea that this was occurring all around us is equally frightening, and obviously part of the problem. We are grateful that the relevant stakeholders have come together and despite some differences, and despite the lack of definitive paths to follow, are nevertheless doing their very best to save our children. We can only hope that our recommendations will be heard and that the next necessary steps will be taken as soon as possible so that the terrible suffering of victims will end, once and for all and for good.

VIII. RECOMMENDATIONS

1. *We RECOMMEND that the police departments that have dedicated full-time officers to this effort at the SAO continue to do so, and, if budgets will allow, assign more officers to this fight.*
2. *We RECOMMEND that the Awareness Campaign be launched as soon as practical.*
3. *We RECOMMEND that immediately after implementation of the Public Awareness Campaign, the Policy Institute launch its “Million Eyes Campaign.”*

4. *We RECOMMEND that police departments assess current investigative methods, provide training on those and additional methods and further enhance their use of innovative investigative techniques, including the use of digital evidence investigation.*
5. *We RECOMMEND that the Task Force, Policy Institute and State Legislature work together to create a system of protection for DCSEC similar to that used to protect victims of domestic violence..*
6. *We RECOMMEND that a risk assessment requirement be put in place prior to assignment to a safe house.*
7. *Once that requirement is put in place, we RECOMMEND that the two planned safe houses be opened as soon as possible*
8. *We RECOMMEND that legislation be proposed and enacted that penalizes those who improperly disclose the location of any foster home, safe house or group home.*
9. *We RECOMMEND that legislation be proposed and enacted that penalizes those who intimidate or threaten foster home parents, safe house staff or group home staff.*
10. *We RECOMMEND that DCF continue the pilot program of Specialized Therapeutic Foster Homes for Domestic Commercially Sexually Exploited Children.*
11. *Furthermore, we RECOMMEND that DCF continue to recruit Foster Parents to care for Domestic Commercially Sexually Exploited Children.*
12. *We RECOMMEND that the Policy Institute take up the issue with all the stakeholders and draft new legislation for the Care and Protection of Domestic Commercially Sexually Exploited Children.*
13. *We emphatically RECOMMEND that a definitive study by a stellar and objective institution be commissioned as soon as possible to study and determine the evidence-based best practices for the treatment and care of Domestic Sex Trafficking Victims and Domestic Sexually Exploited Children.*

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
ALBERTO SIERRA	First Degree Murder First Degree Murder First Degree Murder Burglary/Armed Kidnapping Kidnapping Kidnapping Human Body/Dead/Abuse Human Body/Dead/Abuse	True Bill
HILDA MARIN (A), ABEL PADRON ALFONSO (B), and LEMAY DORVIGNI SULET (C)	First Degree Murder Murder 1 st Degree/Conspiracy Burglary/Armed Kidnapping With a Weapon/ Firearm or Aggravated Battery/ Attempt	True Bill
RAFAEL ANDRES	First Degree Murder Burglary With Assault or Battery Therein/While Armed Robbery Using Deadly Weapon or Firearm Arson 1 st Degree	True Bill
TAJI PEARSON, also known as SLIM, JIMMY WASHINGTON, also known as JIMBO, Also known as HINCHMAN, DEONDRE LANE, also known as NUK NUK, Also known as LIL HAWK, GIBRIL PHILIPS, also known as BRIL, and WILLIAM HENRY BROWN, also known as LITTLE BILL	First Degree Murder Murder 1 st Degree/Conspiracy Murder/Premeditated/Attempt/ Deadly Weapon or Aggravated Battery Murder/Premeditated/Attempt/ Deadly Weapon or Aggravated Battery Murder/Premeditated/Attempt/ Deadly Weapon or Aggravated Battery	True Bill
DALE AINSELY LEO EWERS	First Degree Murder Robbery Using Deadly Weapon or Firearm Sexual Battery/Firearm/Deadly Weapon or Serious Injury Kidnapping/With a Weapon, Firearm or Aggravated Battery	True Bill
IFRAIN QUINTANA	First Degree Murder	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
JOSHUA NATHAN MANCAS (A) and ADRIAN CASTELLANOS (B)	First Degree Murder Kidnapping/With a Weapon, Firearm or Aggravated Battery Kidnapping/With a Weapon, Firearm or Aggravated Battery Kidnapping/With a Weapon, Firearm or Aggravated Battery Kidnapping/With a Weapon, Firearm or Aggravated Battery Kidnapping/With a Weapon, Firearm or Aggravated Battery Kidnapping/With a Weapon, Firearm or Aggravated Battery Kidnapping/With a Weapon, Firearm or Aggravated Battery Kidnapping/With a Weapon, Firearm or Aggravated Battery Robbery Using Deadly Weapon or Firearm Robbery Using Deadly Weapon or Firearm Robbery Using Deadly Weapon or Firearm Burglary With Assault or Battery Therein / While Armed	True Bill
LORENZO LEVOYN ANDERSON, also known as ZOE (A), and DOMINIC LEON STEVENS, also known as CUZZO (B)	First Degree Murder (A&B) Murder/Premeditated/Attempt/ Deadly Weapon or Aggravated Battery (A&B) Firearm/Weapon/Ammunition/ Possession by Convicted Felon or Delinquent (A)	True Bill
MARQUISE BESS	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
DWAINE KEITH MERCHANT	First Degree Murder Murder/Premeditated/Attempt	True Bill
JOSEPH TEMAN SWIFT	First Degree Murder First Degree murder Murder/Premeditated/Attempt/Deadly Weapon or Aggravated Battery Murder/Premeditated/Attempt/Deadly Weapon or Aggravated Battery Escape Resisting an Officer With Violence to His/Her Person Resisting an Officer With Violence to His/Her Person Resisting an Officer With Violence to His/Her Person Burglary With Assault or Battery Therein/While Armed	True Bill

ACKNOWLEDGMENTS

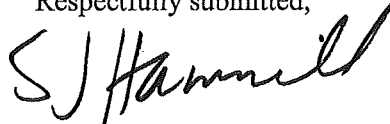
Nine months ago, twenty-one randomly selected individuals were brought together to form the Miami-Dade County Grand Jury, Fall Term 2012. These jurors, initially separated by age, ethnicity and cultural diversity, were able to unify as a group to form a motivated team. The experience resulted in a greater knowledge and lifelong respect and appreciation for our judicial system.

It was an honor to serve on the Miami-Dade County Grand Jury and encourage our fellow citizens to participate in this important civic duty when our local government calls them to serve. We are also grateful for having the opportunity to be an influential part of the judicial process. We would like to take this opportunity to express our heartfelt thanks to the following, who have all managed innumerable duties with a cheerful and friendly attitude:

- Honorable Judge Gisela Cardonne Ely, who not only stressed the importance of serving on a grand jury, but also the significance of being involved in the community;
- Honorable Judge Maria M. Korvick, for standing in when Judge Cardonne Ely was unavailable;
- State Attorney Katherine Fernandez Rundle, for her commitment to the cause of stopping human trafficking;
- Chief Assistant State Attorney Don Horn, for his professionalism and dedication. His depth of knowledge educated and guided our experience;
- Assistant State Attorney Susan Dechovitz, for her professionalism, enthusiasm and her soul felt belief in eradicating human trafficking and healing its victims. Our deepest thanks for making this a truly rewarding experience;
- Rose Anne Dare, who flawlessly took care of all administrative details for each and everyone of us. Her professionalism and skills made our task easier to perform;
- Nelido Gil, our Bailiff, who every day greeted us with a smile, served tirelessly and made our days as jurors run as smoothly as possible. His ability to keep us in good spirits was definitely appreciated by all;
- Tanya Settel, our court reporter, for her professionalism and commitment;
- The witnesses and experts who took time to come before us and answered all of our questions and concerns; and
- The detectives and other law enforcement professionals who showed their dedication by appearing before us.

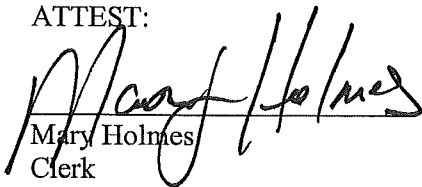
Our task was difficult and our journey through the judicial system was at times disturbing, frustrating, surprising and enlightening. Ultimately, despite the personal and professional sacrifices made by each of us, it was an experience we will never forget. It has truly been a privilege and honor to serve our community.

Respectfully submitted,



Sarah J. Hammill, Foreperson
Miami-Dade County Grand Jury
Fall Term 2012

ATTEST:



Mary Holmes
Clerk

Date: June 25, 2013