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**Written Testimony of**

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**A program of the**

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**House Judiciary Committee**

**Subcommittee on Crime, Terrorism, and Homeland Security**

**United States House of Representatives**

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Chairman Scott, Ranking Member Gohmert, members of the Subcommittee, thank you for inviting me to testify today on behalf of the National District Attorneys Association (NDAA), the oldest and largest organization representing over 39,000 district attorneys, state's attorneys, attorneys general and county and city prosecutors with responsibility for prosecuting 95% of criminal violations in every state and territory of the United States.

Protecting our children from those who would sexually exploit them remains one of the most important challenges facing America's criminal justice system. Commercial sexual exploitation of children is particularly problematic since many criminal justice institutions have only recently

begun to address the victimization of our adolescents and our children that occurs in the guise of sex trafficking and prostitution. Emerging research on the adolescent brain, trauma bonding and the intimate partner violence dynamics of pimp/child relationships is reshaping our criminal justice responses to more appropriately address the needs of these children while bringing justice to those would commercially sexually exploit them.

As the Program Director of the National Center for Prosecution of Child Abuse (NCPCA), a program of the National District Attorneys Association, I provide technical assistance and training support to the 39,000 prosecutors charged with protecting the boys and girls in this country from commercial sexual exploitation. I am a former prosecutor and have served as a state and local prosecutor in multiple jurisdictions, handling a range of intimate partner violence and child abuse cases, many of which involved victims of human trafficking. The seasoned professionals within NCPCA train prosecutors, law enforcement officials and allied professionals in the investigation and prosecution of human trafficking, and work closely with state and local prosecutors in the trenches trying to protect these children. It is through these experiences that I applaud and thank you for appreciating the need to improve systems responses to bring justice to these victims and to end human trafficking in this country. The leadership demonstrated by each of members who serve on this Subcommittee in hosting this briefing suggests that that coordination of federal, tribal, state and local efforts in this area is now widely recognized as an increasing priority in America's criminal justice system.

There are countless cases where juvenile justice responses, civil child protection and criminal prosecution of child abuse do not reflect common schema or coordination. The statutory

frameworks which criminalize adolescent victimization through prostitution stand in stark contrast to the human trafficking statutes specifically outlining protection for victims of trafficking, while many jurisdictions have conflicting statutory frameworks for addressing the victimization of our children. Even the more progressive statutory responses to these victims too often reflect a lack of understanding of the intimate partner violence relationship between many adolescent and teen victims of trafficking and their trafficker and/or pimp.

Statutory frameworks which provide limited opportunities for the underage trafficking victim to cooperate with prosecution and make healthier choices fly in the face of our understanding of the adolescent brain, the IPV dynamics/trauma bonding in this cases, any post traumatic stress issues related to a history of repeated sexual assault and the inability of our child protection systems to respond appropriate to the needs of sexually exploited children/children in the foster care system. We have invited medical partners, including the American Academy of Pediatrics, to develop a public health model for addressing the medical needs of these children. A criminal justice framework is appropriate for responding to those who are commercially sexually exploiting these children; other frameworks might provide insights for better meeting the needs of these victims.

The need for adequate victim services is critical to improving the criminal justice responses with victim-centered investigative and prosecution practices. Too many of the very best prosecutors and investigators in this country acknowledge using criminal charging of minor victims as their only recourse for protection when housing and other victim service options are not available.

One increasing concern we've found in the field is for the need to expand our understanding of and outreach to male minor victims of commercial sexual exploitation. Law enforcement reports more contacts with boy victims of commercial sexual exploitation than with girls<sup>1</sup>, yet few services are available for boys and little outreach is directed towards male victims. Victim services for both populations need to be considered and should include at a minimum, housing, mental health, substance abuse screening and treatment where appropriate, and educational/vocational training.

Another concern that has been largely overlooked is that many of the underage female victims in these cases have children or are pregnant at the time of the investigation, often by their trafficker or pimp. Child protection needs to be involved to consider carefully the needs of the second generation victims in these cases.

Also, we too often find the inappropriately named "John Schools" included in victim service allocations. From a linguistic and victim perspective, "John" is a book in the bible and the name of many excellent individuals and the criminals who commercially sexually exploit our children should not have their criminal behavior minimized.

A recent study of individuals trying to purchase sex on Craigslist noted that almost half of those trying to purchase sex on-line were willing to purchase even when told that the female was under 18 years of age.<sup>2</sup> The rehabilitation programs often tout their services as applying only to those

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<sup>1</sup> Finkelhore and Omrod, Prostitution of Juveniles: Patterns from the National Incident Based Reporting System, OJJDP, 2004. [www.ojp.usdoj.gov](http://www.ojp.usdoj.gov).

<sup>2</sup> <http://afnap.org/research/demand-study/>

convicted of crimes involving adults. In law enforcement, we would never use someone underage in a sting operation so convicting a purchaser of attempted prostitution with a minor is problematic and only happens in a handful of scenarios.

Chairman Scott, Ranking Member Gohmert, members of the Subcommittee, I appreciate the opportunity to testify before you on this important topic and thank you for appreciating the need to improve systems responses for the domestic victims of sex trafficking in this country. I am more than happy to answer any questions that you may have at this time.