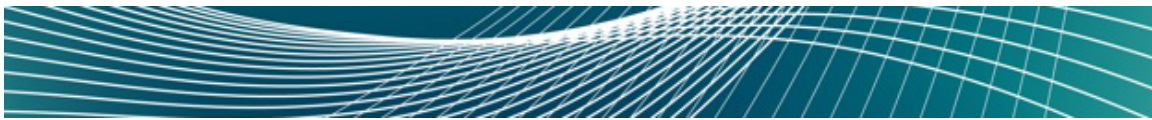


# Uniform Response Protocol

for the Commercial Sexual Exploitation Of Children

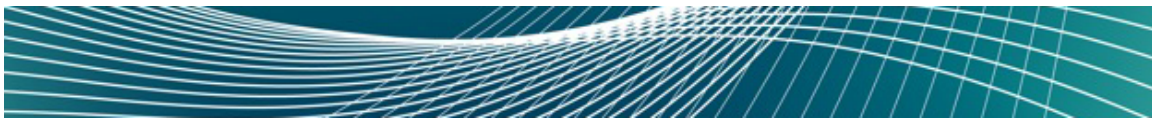
January 2016



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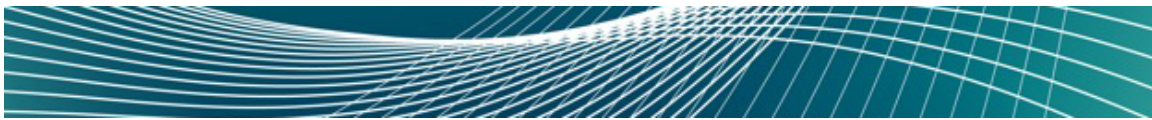
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# ACRONYM GUIDE

<b>CASA</b>	Court Appointed Special Advocate
<b>CSEC</b>	Sexual Exploitation of Children
<b>DCYF</b>	Department of Children, Youth and Families
<b>FBI</b>	Federal Bureau of Investigation
<b>FSU</b>	Family Support Unit
<b>HSI</b>	Homeland Security Investigations
<b>HTTF</b>	Human Trafficking Task Force
<b>MDT</b>	Multi-Disciplinary Team
<b>PD</b>	Police Department
<b>POC</b>	Point of Contact
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>RIAG</b>	Rhode Island Attorney General
<b>RISP</b>	Rhode Island State Police
<b>USAO</b>	United States Attorney's Office



# INTRODUCTION

The commercial sexual exploitation of children (CSEC) is a growing problem in Rhode Island and New England. It is, in a sense, a form of modern-day slavery involving the sexual abuse and exploitation of children for financial gain. In response, local, state and federal law enforcement agencies have partnered with Day One, the Department of Children, Youth and Families (DCYF), the Aubin Center at Hasbro Children's Hospital, the Rhode Island Attorney General's Office (RIAG), the United States Attorney's Office (USAO), and other social service organizations in an effort to develop a multi-disciplinary approach to the problem.

The success of the multi-disciplinary approach depends entirely on prompt and sustained information sharing and coordination between the law enforcement agencies and social service agencies that are often called to respond to reports of CSEC.

This Protocol is intended to serve as a guide and resource to victim advocates, social service providers, healthcare providers, law enforcement, and prosecutors on how to detect and investigate human trafficking, successfully prosecute the crimes, and address the recovery needs of the victim.

## Who developed the Protocol?

The Protocol was developed over a series of meetings, hosted by Day One, beginning in late 2013. Participants in those meetings have included the RIAG, the Rhode Island State Police (RISP), the Providence Police, Cranston Police, Warwick Police, Pawtucket Police, East Providence Police, Department of Homeland Security Investigations (HSI), Federal Bureau of Investigation (FBI), United States Marshal Service (USMS), the USAO, the RI Public Defender's Office, Day One, DCYF, and the Aubin Center at Hasbro Children's Hospital.

The Rhode Island Human Trafficking Task Force (RI HTTF) is a collaboration of federal, state and local law enforcement agencies, the USAO, and the RIAG that is coordinated by HSI. The RI HTTF is dedicated to targeting and prosecuting offenders (pimps and sex buyers), dismantling human trafficking rings, and rescuing children and adult victims of human trafficking.

Day One is a social service organization committed to coordinating a victim-centered, multi-disciplinary team (MDT) response to CSEC crimes. Day One is prepared to convene an MDT comprised of social service organizations, medical and mental health agencies, law enforcement and prosecutorial agencies in every instance a CSEC victim is identified. In addition, Day One will work with DCYF and other social service agencies to obtain needed services for CSEC victims.

## **DISCLAIMER**

Nothing in this Protocol is intended to create any substantive or procedural rights, privileges or benefits enforceable in any administrative, civil or criminal matters by any prospective or actual defendants, witnesses, or parties.

# Commercial Sexual Exploitation Of Children First Responder Response Protocol

## SCREEN FOR POTENTIAL VICTIM:

- Age (Under 18)
- Signs Of Violence, Fear, Coercion

### Suspicion of CSEC but insufficient evidence:

Refer to DCYF and Day One for additional screening

### VICTIM IDENTIFIED

- Admits being trafficked, and/or
- Independent evidence of prostitution

## IMMEDIATE RESPONSE

1. On Scene Assessment

2. Call the PD POC for CSEC

3. Report to DCYF Hotline  
1-800-RI-CHILD

4. Call Hasbro Aubin Center

5. Call Parent or Guardian

6. Call Day One

### ON SCENE ASSESSMENT:

- Assess victim's safety
- There should be no arrest of victim for prostitution crimes
- Collect evidence (condoms, phones, money)
- *Limited* interview if possible
- Consult with AAG and AUSA whenever possible
- Transport to Hasbro after consultation with Aubin Center

### POLICE DEPARTMENT'S CSEC POC

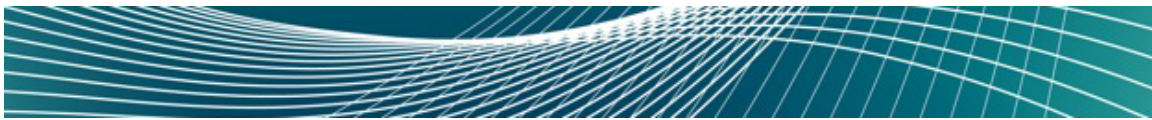
- POC should email and call DCYF, RI HTTF and Day One MDT Coordinator ASAP
- Email should include: names of victims; names of targets; time, date and location of encounter; any other pertinent information
- RI HTTF Coordinator should add to database and offer task force assistance
- RIAG and USAO will coordinate assistance and discuss possible charges ASAP

### HASBRO AUBIN CENTER

- Hasbro Aubin Center will assess need for immediate hospital admission
- If no admission, Aubin Center will schedule outpatient visit
- Aubin Center Representative should participate in MDT process

### DAY ONE

- MDT Coordinator will convene MDT conference call within 48 hours of encounter
- MDT may consist of: Aubin Center, DCYF, service provider, Day One, investigating agency, HTTF representative, RIAG and USAO
- Additional team members may be added as necessary
- Future meetings will be scheduled as necessary by MDT coordinator



## Reporting & Notification of CSEC Cases

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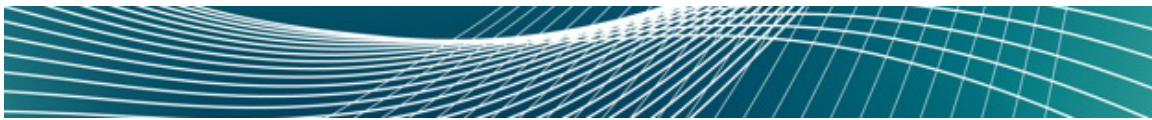
CSEC is child abuse. Consequently, if law enforcement or any person suspects a child is being commercially sexually exploited, s/he should notify DCYF **immediately**. DCYF should notify the appropriate law enforcement authorities.

Law enforcement should notify Day One, the Hasbro Aubin Center, the RI HTTF, and the RIAG and USAO, in addition to DCYF reporting.

It is also recommended that every police department designate a Human Trafficking/CSEC Point of Contact (POC) who should be contacted by patrol officers or detectives to respond to possible CSEC victims and make the notifications outlined in this Protocol.

### These notifications will trigger the MDT response set forth on the following pages:

- Reports should be made to DCYF CHILD ABUSE HOTLINE at **1-800-RI-CHILD (1-800-742-4453)**
- HASBRO CHILDREN'S HOSPITAL AUBIN CENTER should be called at **401-444-4000** (Ask for Aubin Center Physician)
- DAY ONE HELPLINE should be called: **1-800-494-8100**
- RI HTTF DUTY AGENT should be called at any of the following numbers:  
**1-800-973-2867**  
**1-401-639-0292**  
**1-617-593-0435**



# 1. Screening & Identification of CSEC Victims

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## Definition of “Victim”

A victim is a child or teenager, under age 18 (or up to age 21 with developmental disabilities who is in the care of DCYF) who is forced, coerced, enticed or persuaded to exchange sex for food, money, shelter, drugs, clothing, or anything of value to the child.

According to studies cited by the National Center for Missing and Exploited Children (NCMEC), the average age of entry into CSEC is 14 and the median age of involved teens is 15-16 years old. These numbers are consistent with the trends seen in Rhode Island. Sexually exploited children are quite diverse, representing a range of life circumstances and socioeconomic backgrounds (Estes, R. & Weiner, N., 2001).

*It cannot be overstated that there is no such person as a child prostitute; these children and youth are victims of sexual abuse. These individuals are manipulated, coerced and controlled by pimps and johns, and they require interventions that empower the child to acknowledge and attempt to address their victimization.*

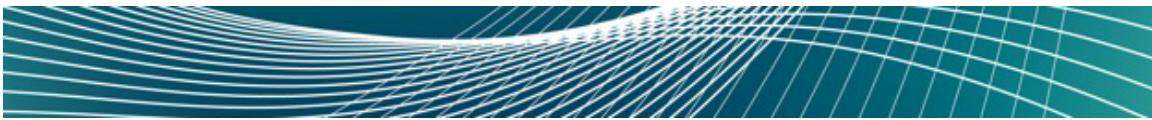
## Risk Factors

The following conditions and life circumstances do not predict youth involvement in prostitution. However, their presence and influence create a climate of risk in which children and teens are more susceptible to exploiters:

- Homelessness
- Substance Abuse
- Sexual Abuse
- Trouble in school
- Involvement in the child welfare system
- Physical abuse
- Neglect
- History of missing from care

## Common Indicators

- Is the child under 18?
- Is s/he hanging out with older males?
- Does s/he have unexplained access to cash, jewelry, provocative clothing?
- Indication of drug/alcohol abuse?
- Indication of physical abuse? (Bruises, etc.)
- Presence of a large number of condoms? Presence of multiple cell phones/pagers?
- Is the child exhibiting signs of PTSD, anxiety, fear, etc? Is s/he exhausted?
- Does the child act or appear older than s/he is? Lie about name/age?
- Does the child use words from “the life”? Call herself/boyfriend by street names?



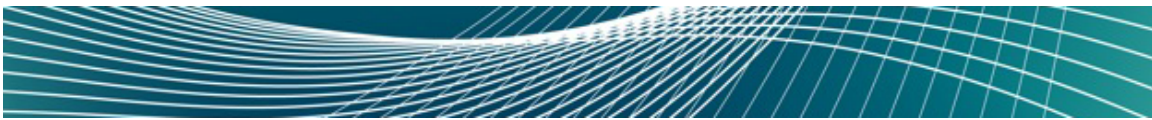
- Does s/he have tattoos s/he is reluctant to explain?
- Is s/he frequently absent from school? From home?
- Does s/he spend a lot of time online? Withdrawn from friends/family?
- Does s/he have an online presence on Backpage.com? Craigslist?

**If a child is willing to engage, the following steps are suggested:**

- Separate the child from others on scene
- Ask the child whether s/he is feeling safe with the people s/he is with
- Ask the child if s/he is hurt, afraid, or needs help
- Ask whether anyone has ever asked her/him/friends to exchange sex for money, food, shelter or anything of value to the child
- Ask whether anyone has taken pictures of her/him and posted those pictures online

*Treat the child as a victim; not as a suspect. Ideally, the interviewer will not wear uniform/carry firearms. Make sure the child knows that s/he is safe and not in trouble or danger of being arrested.*





## 2. Initial Response

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### Law Enforcement Encounter

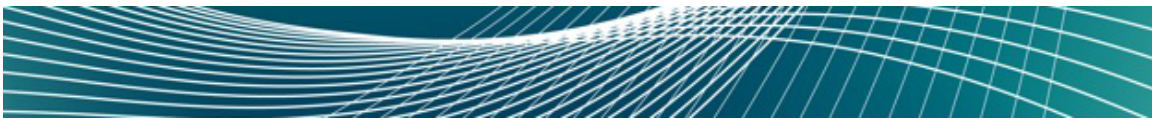
- Limited Interview
- Collect cash, cell phones, personal computing devices, cameras
- Attempt to obtain consent to search phones/computers/etc.
- Collect condoms, evidence of sexual activity (soiled sheets, etc.)
- Photograph the scene
- **Photograph the victim** (if possible)
- Whenever possible, arrest pimps and johns on the scene
- Whenever possible, avoid arresting or using any restraints on victim
- Transport victim to Hasbro Children's Hospital for evaluation, medical treatment, rape kit, and possible admission
- **Notify PD's POC, DCYF, Hasbro Aubin Center, Day One, RI HTTF, RIAG, and the USAO as soon as possible (See Page 6)**
- Day One should assign MDT coordinator to track the case and communicate with law enforcement, DCYF, service provider, and victim as soon as possible

### Non-Law Enforcement Encounter

- Engage the child in conversation
- Listen to the child
- Determine if the child is safe
- Observe the child for any change in appearance. For example, any unusual tattoos, inappropriate clothing, too much makeup, etc.
- Contact DCYF, Aubin Center, Day One

#### **If the child is engaging, the following are some suggested questions:**

- When is the last time you have eaten?
- Where were you?
- Who were you with?
- Does s/he have a cell phone?
- What do you use for social media?
- Where was the last place you lived?
- Who are your friends?



### 3. Initial Medical Treatment Of CSEC Victims

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A medical evaluation is recommended for all children when there is suspected or confirmed sex trafficking.

In certain circumstances the victim should be brought to the hospital for **immediate** evaluation and treatment. These circumstances include:

- The victim is identified in the field (e.g. during a motel raid)
- The victim discloses sexual contact within the past 72 hours
- The victim is making suicidal statements or gestures
- The victim has physical complaints

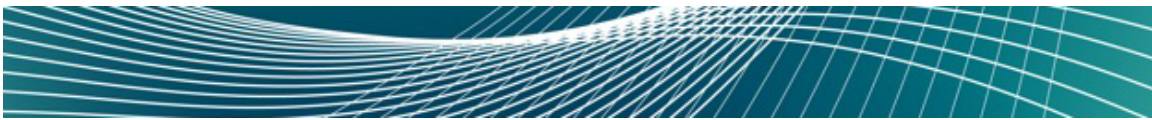
The victim should be brought to The Hasbro Children's Hospital Emergency Department. The Emergency Department will notify the Aubin Center's on-call physician and the child may have a psychiatric evaluation. Admission to the hospital will be determined on a case-by-case basis.

When there is strong suspicion or confirmation of sex trafficking but the above circumstances do not exist, the concerned party (DCYF, law enforcement, parent, school, etc.), should call the Aubin Center to schedule an outpatient evaluation.

*Note: An Aubin Center physician is on call 24/7 and is available to answer questions and to help determine when and where a child should be evaluated.*

Monday - Friday 8:30 am- 5:00 pm, call 401-444-3996.

All other times, call the operator at 401-444-4000 and ask to page the on-call Aubin Center physician.



## 4. Coordination of Investigation

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Law enforcement investigation should be led by the police department that began the investigation, unless the department refers the matter to the HTTF/RISP/FBI.

In every case, it is recommended that the law enforcement investigation involve state and federal agencies in order to facilitate intelligence gathering, deconfliction, and multi-jurisdictional evidence gathering. Human trafficking cases are rarely confined to one city or state. Often, the same pimps, johns, and victims appear in multiple cases.

Where appropriate, law enforcement should utilize trained forensic interviewers to interview child victims. Law enforcement should discuss the advisability of the interview with the MDT and assigned prosecutors in order to limit the number of interviews a victim is exposed to.

Whenever possible, law enforcement should share relevant information concerning the victim with the MDT.

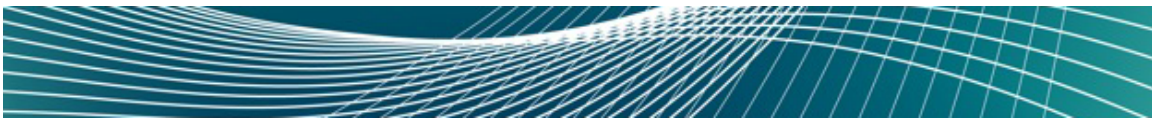
This is subject to grand jury secrecy rules and other investigative considerations.

Where there is sufficient evidence to initiate criminal prosecution of an offender, the human trafficking prosecutor for the RIAG and the USAO will confer in order to determine where the best venue lies. Factors that should be considered include, but are not limited to:

- 1) whether the trafficking occurred across state lines
- 2) whether facilities of interstate commerce were used to facilitate the trafficking
- 3) age of the victim
- 4) use of force, fraud or coercion
- 5) availability of mandatory minimum sentences
- 6) where most appropriate punishment will likely be imposed

In any event, cross designation of a human trafficking prosecutor by the RIAG and the USAO should facilitate the seamless prosecution of offenders, whether in state or federal court.

Prosecutors and victim witness coordinators should participate in the MDT and advise the MDT participants about the status of the prosecution.



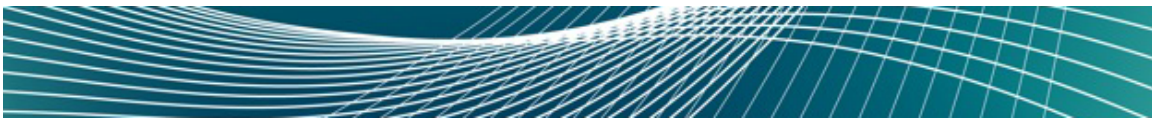
## 5. The MDT Process

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The MDT process is designed to ensure the medical, social services, and law enforcement response to child sex trafficking is victim-centered. The goal of the MDT process is the stabilization and well-being of the child, as well as support for the law enforcement investigation.

When a child is in the care of DCYF, any participation and/or discussion of treatment, treatment plans and family support/cooperation must be authorized by DCYF. DCYF will determine whether participation in the MDT is clinically appropriate and in the child's best interest.

- 1) Day One will be prepared to convene MDT conference call within 48 hours after the victim is identified. An in-person follow up MDT should take place within 1-2 weeks after initial intake. Day One can coordinate the scheduling of all MDT meetings.
- 2) The initial MDT should consist of representatives from the responding law enforcement agency, the RI HTTF, the Aubin Center, and state and federal prosecutors. Additional members could include DCYF, social service providers, mental health professionals, school representatives, foster/group home representatives. If victim is on probation or under court supervision, a probation officer and representative of the Public Defender's Office may also be involved.
- 3) Topics to be discussed at the initial MDT call include:
  - Physical and mental state of the victim
  - Placement of victim (hospital, foster care, home)
  - Treatment plan
  - Family support/cooperation
  - Names of associates from whom victim should be separated
  - Names of perpetrators
  - Investigative leads
- 4) Follow-up MDTs should:
  - Be scheduled regularly by Day One
  - Involve case agents, prosecuting attorney, assigned social worker, health care provider, representative from placement, DCYF, CASA, others as needed
  - Focus on sharing updates on victim's well-being and on prosecution



## 6. Coordination of Social Services

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The MDT Coordinator is responsible for facilitating appropriate information sharing among members of the MDT as well as coordination of all services for victims as necessary. The MDT Coordinator will oversee team meetings and notifications of changes in victim's MDT plan. In the case of a runaway, the MDT coordinator will alert law enforcement, DCYF, and other team members of the victim's status.

The MDT Coordinator will notify the multi-disciplinary team regarding service options and changes in the victim's placement, services and ongoing needs. The MDT Coordinator will advise DCYF of any placement concerns/recommendations, including a list of individuals from whom the victim should be separated.

The MDT Coordinator will work directly with the family, caregiver and service provider to ensure consent is obtained for MDT meeting participation.

### **For youth in the care of DCYF:**

- Information sharing specific to the child's identity, placement and treatment plan must be authorized by DCYF on a case-by-case basis. Any disclosure of information will be on a strict "need to know" basis.
- Coordination of all services will be made by DCYF and incorporated into the youth's service plan.
- All youth who are absent from care are to be reported immediately to DCYF and DCYF policy and protocol will be implemented.



# APPLICABLE LAWS

## Frequently Used Federal Statutes

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### Sex Trafficking of Children

#### 18 USC § 1591

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is—

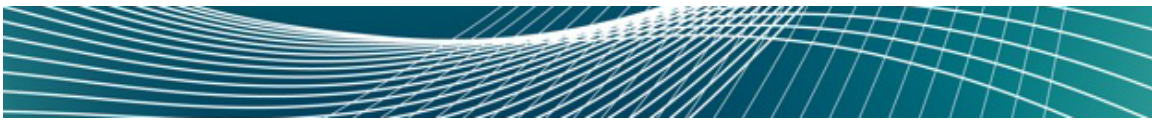
(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, or obtained had **not attained the age of 14 years** at the time of such offense, by a fine under this title and **imprisonment for any term of years not less than 15 or for life**; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of **14 years but had not attained the age of 18 years** at the time of such offense, by a fine under this title and **imprisonment for not less than 10 years or for life**.

### Transportation of Minors with Intent to Engage in Criminal Sexual Activity

#### 18 U.S.C. §2423

(a) A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be... imprisoned not less than 10 years or for life.



**(b)** A person who travels in interstate commerce or travels into the United States or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

“Illicit sexual conduct” is defined as a (1) sexual act with a person under 18 years of age that would constitute sexual abuse as defined in 18 U.S.C. §§ 2241-2248, or (2) any commercial sex act with a person under 18.

## Frequently Used Rhode Island Statutes

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### R.I. Gen. Laws Ann. § 11-9-1(c)

#### (Exploitation for commercial or immoral purposes)

Makes it illegal for a person to “exhibit, use, employ or... in any manner or under pretense so exhibit, use, or employ any child under the age of eighteen (18) years to any person for the purpose of prostitution or for any other lewd or indecent act.” A violation of R.I. Gen. Laws Ann. § 11-9-1(c) is punishable by imprisonment up to 20 years, a fine not to exceed \$20,000, or both. R.I. Gen. Laws Ann. § 11-9-1(c).

### R.I. Gen. Laws Ann. § 11-67

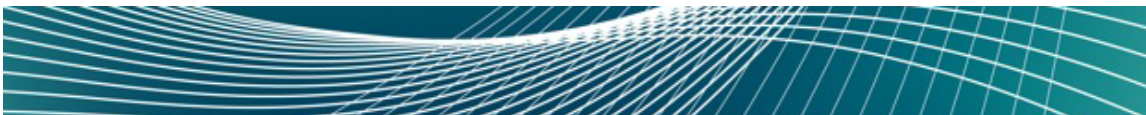
#### Sex Trafficking of a Minor

(a) *Definitions.* As used in this section:

- (1) "Commercial sex act" means any sex act or sexually explicit performance on account of which anything of value is given, promised to, or received, directly or indirectly, by any person.
- (2) "Minor" refers to any natural person under eighteen (18) years of age.
- (3) "Person" includes an individual, corporation, partnership, association, a government body, a municipal corporation, or any other legal entity.
- (4) "Sex act" means sexual intercourse, cunnilingus, fellatio, anal intercourse, and digital intrusion or intrusion by any object into the genital opening or anal opening of another person's body or the stimulation by hand of another's genitals for the purposes of arousing or gratifying the sexual desire of either person.
- (5) "Sexually-explicit performance" means an act or show, intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, or videotaped.

(b) Any person who:

- (1) Recruits, employs, entices, solicits, isolates, harbors, transports, provides, persuades, obtains, or maintains, or so attempts, any minor for the purposes of commercial sex acts; or
- (2) Sells or purchases a minor for the purposes of commercial sex acts; or



(3) Benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in subdivision (1) or (2); or

(c) Every person who shall commit sex trafficking of a minor, shall be guilty of a felony and subject to not more than forty (40) years imprisonment or a fine of up to forty thousand dollars (\$40,000), or both.

(d) Obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be guilty of a felony and subject to not more than twenty (20) years imprisonment, or a fine of up to twenty thousand dollars (\$20,000), or both.

(e) In a prosecution under this section, the government need not prove that the defendant knew the victim's age.

### R.I. Gen. Laws Ann. § 11-67- 3

#### Trafficking of Persons for Commercial Sexual Activity

Whoever knowingly:

**(a)** Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport provide, or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor in order to commit a commercial sexual activity; or

**(b)** Benefits, financially or by receiving anything of value, from knowing participation in a venture which has engaged in an act described in violation of § 11-67-2, or 11-67-3, is guilty of a felony and subject to not more than twenty (20) years imprisonment or a fine of not more than twenty thousand dollars (\$20,000), or both; provided, however, that this subsection shall not apply to a "victim" as defined in this chapter.

### R.I. Gen. Laws Ann. § 11-37-8.8(a)

#### Indecent solicitation of a child

Provides that "[a] person is guilty of indecent solicitation of a child if he or she knowingly solicits another person under eighteen (18) years of age or one whom he or she believes is a person under eighteen (18) years of age for the purpose of engaging in an act of prostitution." A violation is punishable by imprisonment of at least 5 years. R.I. Gen. Laws Ann. § 11-37-8.9.