



RAPID ASSESSMENT ON

**DOMESTIC MINOR
SEX TRAFFICKING**

MISSISSIPPI

**HINDS, MADISON, RANKIN
AND WARREN COUNTIES**

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Rapid Assessment on Domestic Minor Sex Trafficking

Mississippi
Hinds, Madison, Rankin, and Warren Counties

March 2015

Acknowledgements

In an effort to identify the scope of the problem and the services needed for victims of domestic minor sex trafficking in central Mississippi, an assessment team interviewed individuals from law enforcement, the court system, government agencies, and non-governmental service providers in Hinds, Rankin, Madison, and Warren counties.

The assessment team would like to thank everyone who participated in the interview process. Without each interviewee and their candor, this assessment would not have been possible. Many of the interviewees must remain anonymous for their own protection, as well as for the protection of trafficking victims.

Although advocates in central Mississippi are working to address the domestic minor sex trafficking issue, numerous challenges and problems were identified. It will take deliberate collaboration among all entities involved to adequately address these issues.

Sincerely,

Wendy Bradford

Wendy Bradford
Founder
Beautiful Ones Ministries, Inc.

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Glossary

Acronyms:

CSEC: commercial sexual exploitation of children

DHS: Department of Human Services

DMST: domestic minor sex trafficking

DOJ: Department of Justice

TVPA: Trafficking Victims Protection Act

Terms:

Child sex trafficking: the sale of children for sex; includes any child under age 18 involved in commercial sex. Children can be commercially sexually exploited through prostitution, pornography, or erotic entertainment. Child sex trafficking victims are often referred to as: child prostitutes; runaway or homeless youth engaged in survival sex; sex abuse victims; exploited youth; or at-risk youth.

Commercial sex act: any sex act for which anything of value is given to or received by any person. Money does not have to be exchanged, sex may be exchanged for anything of value, such as shelter, baseball tickets, a television, drugs, or clothing. *See* 22 U.S.C. § 7102(4) (2013).

Domestic minor sex trafficking: any child under age 18 engaged in commercial sex. Children involved in commercial sexual exploitation are *always* victims. Under federal law, children cannot consent to being prostituted; there is no requirement to prove force, fraud, or coercion was used to secure the victim's actions or that a third party controlled the victim's actions if the victim is a minor.

Facilitator: any person who permits, encourages, or allows child sex trafficking to occur (e.g., cab drivers, truck stop owners, hotel managers, hotel security). A facilitator can also be a place or a thing (e.g., truck stops, adult ads, escort services).

John: any purchaser of commercial sex; a buyer; any person paying money or giving other non-monetary items of value (e.g. food, shelter, transportation) in exchange for the performance of sex acts.

Minor: under both state and federal law, a minor is any individual under the age of 18.

Sex trafficking: when a person is forced or coerced into the commercial sex trade against their will, except when the person is a minor (see “child sex trafficking” above). Federal law defines sex trafficking as “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.” *See* 22 U.S.C. § 7102(10) (2013). When the person being trafficked is under 18 years old, federal law calls it “severe forms of trafficking in persons.” *See* 22 U.S.C. § 7102(9) (2013).

Target area: the area assessed for this report; four counties in central Mississippi were assessed – Hinds, Rankin, Madison, and Warren Counties.

Trafficker: anyone who benefits from the sexual exploitation of another person or controls the sexual exploitation of another person for monetary or other non-monetary gain. A trafficker can be a pimp, kidnapper, friend, boyfriend, relative, coach, teacher, or anyone exerting physical or psychological control over an individual.

4P Paradigm: Prevention, prosecution, protection, and partnership are the elements of the 4P Paradigm, which is the framework used internationally to combat trafficking.

Introduction

Human trafficking is the fastest growing criminal industry.¹ Internationally, human trafficking is the second largest criminal enterprise, second only to drug trafficking.² While drugs can be sold only once, a human being can be sold multiple times each day for many years. Some organizations expect human trafficking to surpass drug trafficking and become the number one criminal enterprise within a decade.³ In 2014, the International Labour Office estimated that forced sexual exploitation generates nearly \$100 billion a year worldwide.⁴

Estimates indicate that children account for half of all human trafficking victims.⁵ Conservative estimates are that 200,000 to 400,000 American children are victims of sex trafficking each year.⁶ The average age of entry into the commercial sex industry is 12 to 14 years old, but it is not uncommon for much younger children to be victims of sexual exploitation.⁷

Commercial sexual exploitation of children, or domestic minor sex trafficking (DMST), is defined as any child under the age of 18 involved in commercial sex.⁸ The Trafficking Victims Protection Act (TVPA)⁹ defines sex trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”¹⁰ A “commercial

¹ U.S. Dep’t of Health & Human Services, Fact Sheet, *HHS Fights to Stem Human Trafficking* (Aug. 15, 2006). See also FBI.gov, Podcasts and Radio, Inside the FBI, *Human Trafficking*, Podcast transcript (Jan. 30, 2015), located at www.fbi.gov/news/podcasts/inside/human-trafficking.mp3/view; Laura Riley, *Human Trafficking: Global Threat to Fundamental Human Rights*, Global Peace Convention, www.globalpeaceconvention.org/component/content/article/47-global-peace-convention/238-human-trafficking-global-threat-to-fundamental-human-rights.html (Dec. 1, 2012).

² Dep’t of Homeland Security, Blue Campaign, *What is Human Trafficking*, www.dhs.gov/blue-campaign/what-human-trafficking (last accessed Feb. 19, 2015); Sean Reyes, *Protecting children from modern day slavery*, WASHINGTON EXAMINER (Jan. 30, 2015).

³ See Amy Garcia, *3 Things Everybody Needs to Know about Sex Trafficking*, The Exodus Road (Aug. 3, 2013); Laura Riley, *Human Trafficking: Global Threat to Fundamental Human Rights*, www.globalpeaceconvention.org/component/content/article/47-global-peace-convention/238-human-trafficking-global-threat-to-fundamental-human-rights.html (Dec. 1, 2012); Elizabeth M. Wheaton, et al., *Economics of Human Trafficking*, INT’L MIGRATION (2010).

⁴ U.S. Dep’t of State, 2014 TIP Report, p. 432 (June 2014) (citing Int’l Labour Office, *Profits and Poverty: The Economics of Forced Labour*, p. 13-15 (2014) (estimating that profits from forced sexual exploitation amount to \$99 billion per year). See also FBI.gov, Podcasts and Radio, Inside the FBI, *Human Trafficking*, Podcast transcript (Jan. 30, 2015), located at www.fbi.gov/news/podcasts/inside/human-trafficking.mp3/view.

⁵ Tresa Baldas, *Human trafficking a growing crime in the U.S.*, USA TODAY (Jan. 12, 2012).

⁶ See A Guide to Human Trafficking for State Courts, p. 78 (July 2014); U.S. Dep’t of Justice, Office of Juvenile Justice & Delinquency Prevention, Juvenile Justice Bulletin, *A Message from OJJDP* (July 2010); Rowena Fong & Jodi Berger Cardoso, *Child human trafficking victims: Challenges for the child welfare system*, EVALUATION & PROGRAM PLANNING, p. 313 (2010) (citations omitted); Richard Estes & Neil Weiner, *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*, Univ. of Pennsylvania School of Social Work (2001).

⁷ See A Guide to Human Trafficking for State Courts, p. 78 (July 2014); U.S. Dep’t of Health & Human Services, *Human Trafficking Into and Within the United States: A Review of the Literature*, aspe.hhs.gov/hsp/07/human-trafficking/LitRev/ (Aug. 2009); Shared Hope Int’l, *Frequently Asked Questions*, sharedhope.org/learn/faqs (last accessed Feb. 19, 2015); FACT Alliance: Fight Against Child Trafficking, *Quick Stats*, www.letsrespond.com/get-the-facts (last accessed Feb. 19, 2015).

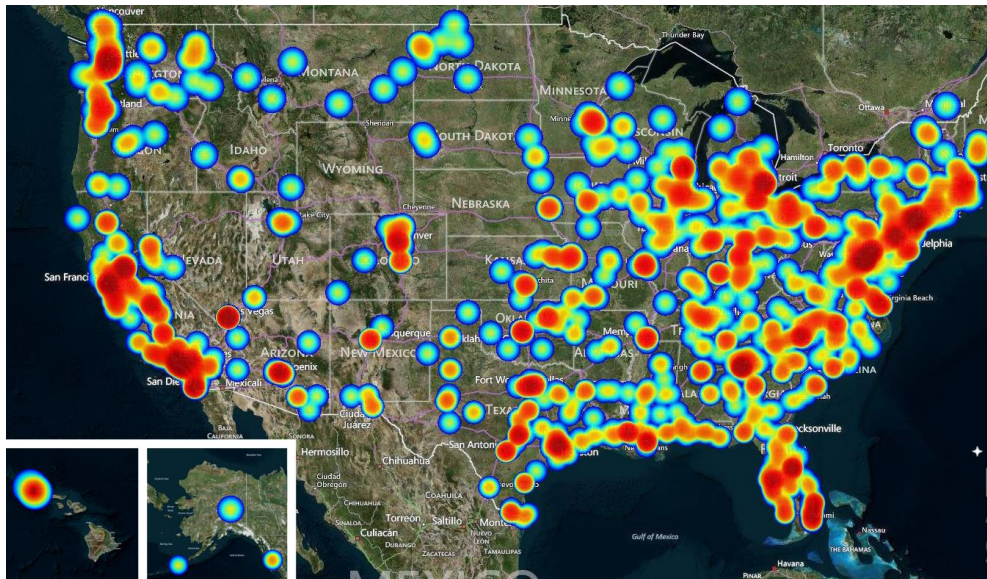
⁸ Shared Hope Int’l, *What is Sex Trafficking?*, sharedhope.org/learn/what-is-sex-trafficking (last accessed Feb. 7, 2015).

⁹ The Trafficking Victims Protection Act (TVPA) was signed into law in 2000. Congress reauthorized the TVPA in 2003, 2005, 2008, and 2013. The TVPA is codified in various sections of Title 8, Title 18, and Title 22 of the United States Code.

¹⁰ 22 U.S.C. § 7102(10) (2013).

sex act” is any sex act where something of value, monetary or non-monetary, is exchanged.¹¹ Sex trafficking can occur in many ways, including: prostitution, pornography, stripping, private parties, erotic or nude massage, phone sex lines, escort services, brothels, and internet-based sexual exploitation.¹²

Under federal law, children cannot consent to being prostituted.¹³ There is no requirement to prove force, fraud, or coercion when a minor is involved.¹⁴ A child under 18 years of age is always considered a victim, not a prostitute.¹⁵ DMST is considered the most under-reported, most under-identified, and most extreme form of commercial sexual exploitation facing children today.¹⁶ As shown in this map, no state is exempt.¹⁷



The *Rapid Assessment Methodology and Tool: Domestic Minor Sex Trafficking in the United States* was implemented in Hinds, Madison, Rankin, and Warren counties in central Mississippi. The purpose of the *Rapid Assessment* was to identify the scope of the problem and the services needed for DMST victims in central Mississippi.

¹¹ 22 U.S.C. § 7102(4) (2013).

¹² A Guide to Human Trafficking for State Courts, p. 78 (July 2014). See also Office of the Attorney General State of Miss., *Human Trafficking*, www.ago.state.ms.us/victims/human-trafficking/ (last accessed Feb. 18, 2015).

¹³ U.S. Dep’t of Justice, Child Exploitation & Obscenity Section, *Frequently Asked Questions*, www.justice.gov/criminal/ceos/faqs/faqs.html (last accessed Feb. 19, 2015).

¹⁴ Shared Hope Int’l, *What is Sex Trafficking?*, sharedhope.org/learn/what-is-sex-trafficking (last accessed Feb. 8, 2015).

¹⁵ U.S. Dep’t of Justice, Child Exploitation & Obscenity Section, *Frequently Asked Questions*, www.justice.gov/criminal/ceos/faqs/faqs.html (last accessed Feb. 19, 2015).

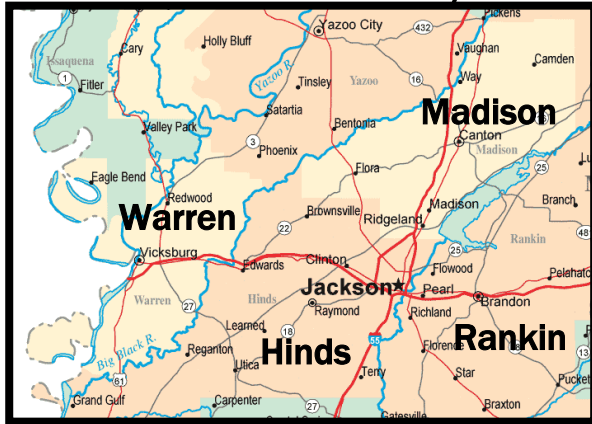
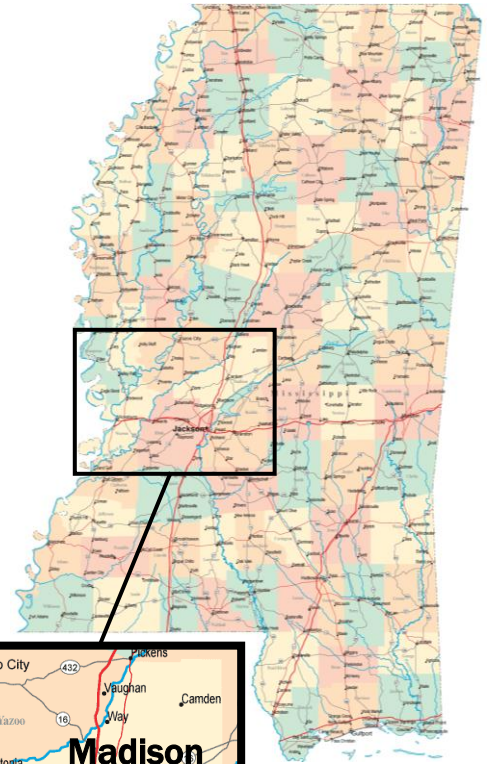
¹⁶ Linda Smith, et al., *The National Report on Domestic Minor Sex Trafficking: America’s Prostituted Youth*, p. 4 (Shared Hope Int’l: July 2009) (internal citations omitted).

¹⁷ Polaris, *2014 Human Trafficking Hotlines Data Released*, www.polarisproject.org/media-center/news-and-press/press-releases/1099-polaris-releases-2014-human-trafficking-hotlines-data (Feb. 2, 2015). Map shows locations of human trafficking cases reported in 2014 through the National Human Trafficking Resource Center hotline.

Hinds, Madison, Rankin, and Warren counties were selected because of their geographic location. Major north-south and east-west interstates intersect in the state capital of Jackson, making it a central location that connects large cities from all directions. Jackson has been called a “hub” for sex trafficking in the southeastern United States.¹⁸

The *Rapid Assessment* revealed an estimate of 90 victims identified in recent years in Hinds, Madison, Rankin, and Warren counties, but interviewees believe many victims remain hidden and many more are at risk. According to the interviewees, familial trafficking is the most common type of trafficking in the four counties assessed. Familial trafficking occurs when primary caretakers allow perpetrators access to their children for sex in exchange for anything of value – monetary or non-monetary – such as financial help, drugs, or shelter.

Interviewees identified challenges facing their agencies and organizations in the four counties assessed. The consensus is that central Mississippi is not equipped to care for victims of child trafficking. There are no shelters that specialize in the needs of DMST victims. Many victims slip through the cracks or are mislabeled as juvenile delinquents because some first responders do not recognize the profile of a DMST victim. With more awareness and prevention efforts, training for first responders, and a dedicated effort of collaboration among all entities involved, Mississippi can advance in the fight against child sex trafficking.



Interstates 55 and 20 intersect in the capital city of Jackson, Miss., connecting New Orleans from the south, Memphis from the north, and numerous large cities from east and west.

Map: www.mississippi-map.org/road-map.htm

¹⁸ Ronni Mott, *Sex Trafficking: A Local Problem*, JACKSON FREE PRESS (June 19, 2013).

Methodology

The *Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States* was developed by Shared Hope International to identify the pervasiveness of the DMST problem in designated geographic locations. It was originally funded by the Department of Justice and implemented in ten cities nationwide. The *Rapid Assessment* is used to determine how and where DMST victims access the system, to gain an understanding of victim labeling, and to determine if services are reaching DMST victims. The assessment is based on the 4P Paradigm – prevention, prosecution, protection, and partnership – which is used internationally in combatting trafficking.¹⁹

Prevention: Prevention includes awareness, education, and training. Raising awareness about DMST is vital, as it ultimately aids in identifying DMST victims. Awareness efforts help to prevent youth and communities from being victimized and help to reduce the demand for child sex trafficking. Training of law enforcement, first responders, prosecutors, and judges is crucial and gives those individuals tools for the next two phases – prosecution and protection.

Prosecution: It is critical for DMST cases to result in convictions and proper sentencing. Establishing strong legislation that criminalizes trafficking and provides protection for victims is essential. Once strong legislation is in place, it must be utilized. Awareness of existing laws and training among law enforcement agencies, prosecutors, and judges will help ensure effective investigations and prosecutions of traffickers, buyers, and facilitators.

Protection: The safety of DMST victims is an important piece in the fight against trafficking. The majority of victims will not self-disclose unless their safety is ensured. Further, preventing re-victimization during the process of rescue and assistance is critical. Long-term, victim-centered restoration is necessary; that includes providing care from temporary safe homes to permanent residences, and addressing medical, psychological, and counseling needs of DMST victims.

Partnership: Collaboration and partnership in the community and among the entities involved is imperative. All entities must work together in order to best help and serve DMST victims.

The *Rapid Assessment* performed in central Mississippi was a collaborative project between the Social Work Department at Belhaven University and Beautiful Ones Ministries, Inc. The assessment team included the following individuals as researchers, interviewers, writers, and editors: Rebekah Allen, Ali Coates, and Haley Crosby, students from the Social Work

¹⁹ U.S. Dep't of State, *Four "Ps": Prevention, Protection, Prosecution, Partnerships*, state.gov/j/tip/4p/ (last accessed Feb. 24, 2015).

Department at Belhaven University, under the guidance of Dr. Angela Gaddis, head of the Social Work Department; and Wendy Bradford, Candace Owens, Jacquie Taylor, and Lindsey Simmons from Beautiful Ones Ministries.

The geographic location chosen for this research was Hinds, Madison, Rankin, and Warren counties in central Mississippi. Researchers collected quantitative and qualitative data as a part of cross-sectional research from September through December 2014. Every effort was made to make the research as comprehensive as possible. Assessors contacted members of law enforcement, prosecutors, public defenders, juvenile court judges, juvenile detention centers, government agencies, and non-governmental service providers in an effort to gain involvement.

A total of 36 interviews were conducted. The interviews ranged from 20 minutes to three hours. Each interviewee signed a written informed consent prior to the interview process. Anonymity was maintained when it was requested. Despite concerted efforts to gain involvement from as many professionals as possible, barriers were encountered. Some entities and individuals were unable to gain clearance for the interview process, some did not believe they had come in contact with DMST victims, some refused to be interviewed, and some had time constraints due to professional obligations.

The objectives for this research were: (1) to determine how and where DMST is occurring in the counties assessed; (2) to give first responders and the community an initial report about the specific problems and needs in the area; and (3) to lay a foundation for the development of best practices in identifying and providing services to DMST victims in accordance with state and federal law.

Key Findings

Following the collection of the quantitative and qualitative data, several findings stood out that encompass the major issues regarding DMST in Hinds, Madison, Rankin, and Warren counties. The key findings are as follows:

- 1. Poverty, education gaps, and family structures directly affect the vulnerability of children to trafficking.*** Mississippi's economic and educational status, limited employment opportunities in vulnerable communities, and the common single-parent family structure puts Mississippi children at a high risk of becoming victims of trafficking. A "cultural norm" of exploiting children and youth has become a reality in vulnerable areas.
- 2. DMST victims have been identified in the four counties assessed, and familial trafficking is the most common type of child sex trafficking occurring.*** The majority of DMST victims in these counties are local children. The most common form of child sex trafficking identified by the interviewees was familial trafficking. Other forms identified were pimp-controlled, gang-related, and survival sex.
- 3. Lack of education, training, and awareness among agencies involved results in misidentification of DMST victims.*** Many first responders do not recognize the profile of DMST victims, and many victims are mistakenly treated as criminals. Due to lack of training and awareness among agencies, many victims remain hidden in plain sight.
- 4. Lack of coordination among agencies involved results in less than optimal means of identifying, recovering, and protecting victims.*** Many agencies do not have a uniform protocol for identifying and responding to victims. Those that do are unable to coordinate with other agencies that lack resources and protocols.
- 5. Current service providers are ill equipped to respond to DMST victims, and few services are targeted toward the specialized needs of DMST victims.*** Common placements such as foster homes and state-run group homes are often inappropriate for DMST victims due to lack of security and specialized care. Currently, short-term and long-term housing that specializes in the needs of DMST victims is not available.
- 6. Entities responding to DMST victims lack funding.*** Nearly every interviewee said that lack of funding is a major problem in providing services to DMST victims.

Background Research

As part of the *Rapid Assessment*, a desk review was conducted that incorporated a thorough search of all local news and media for articles and reports about trafficking in the target area. In addition, efforts were made to identify prevention and awareness activities in the target area. The desk review also included research and assessment of Mississippi laws pertaining to sex trafficking and the implementation of those laws.

News and Media Coverage

Approximately thirty articles pertaining to sex trafficking were published between 2000 and 2014. Additional articles about sex trafficking in other parts of the state were located, but this report includes only those specific to the four counties assessed. Some articles pertained to awareness, while others were about specific instances of trafficking that occurred in the state. Appendix A includes a summary of the relevant articles.

Prevention and Awareness Efforts

The Center for Violence Prevention has held more than 50 training events at schools and colleges since 2012. Nearly 1,500 students have attended these events, and more than 500 adults have been trained to recognize DMST victims. The Center for Violence Prevention media campaign has reached an estimated 260,000 people. In addition, Executive Director Sandy Middleton has facilitated training at the Law Enforcement Academy, the FBI National Academy, and the Police Chief's Association.

Instructor Ron Crew at the Mississippi Law Enforcement Officer's Training Academy has held seven events and reached approximately 450 law enforcement officers. Advocates for Freedom, an awareness organization in Mississippi, has held more than 1,100 training and awareness events throughout the state, reaching 116,000 people.

Law Review

Mississippi initially enacted anti-human trafficking laws in 2006; the Mississippi Legislature revised and strengthened those laws in 2013. The Mississippi Human Trafficking Act, codified at Mississippi Code Section 97-3-54 through 97-3-54.9, pertains to forced labor and forced commercial sexual activity of both minors and adults.²⁰

The Mississippi Human Trafficking Act provides the following definitions that are relevant to this discussion:

- Consistent with federal law, a “minor” is any person under 18 years old.²¹

²⁰ The Mississippi Human Trafficking Act is set forth in full in Appendix D.

²¹ Miss. Code Ann. § 97-3-54.4(j) (2014).

- A “trafficked person” is defined as any person “subjected to the practices prohibited by this act regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted[.]” A trafficked person also may be referred to as a “victim,” “victim of trafficking,” or “trafficking victim.”²²
- The term “services” means “an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, commercial sexual activity, sexually explicit performances, or the production of sexually explicit materials.”²³
- “Commercial sexual activity” is defined as “any sex act on account of which anything of value is given to, promised to, or received by any person.”²⁴

Section 97-3-54.1 identifies the crimes under the Mississippi Human Trafficking Act as **human trafficking**, **procuring involuntary servitude**, and **procuring sexual servitude of a minor**.

Any person who attempts to or does recruit, entice, harbor, transport, provide, or obtain another person “intending or knowing that the person will be subjected to forced labor or services” will be guilty of **human trafficking**.²⁵ Also, any person who benefits – financially or by receiving anything of value – from participating in an enterprise engaged in such activity is guilty of **human trafficking**.²⁶ A person “who knowingly purchases the forced labor or services of a trafficked person” is guilty of **procuring involuntary servitude**.²⁷

If the trafficked victim is older than 18, the punishment for human trafficking and procuring involuntary servitude is a minimum of two years and a maximum of 20 years in prison, or a fine of \$10,000 to \$100,000, or both imprisonment and a fine. If the trafficked victim is a minor, the punishment for these crimes is five to 20 years in prison, or a fine of \$20,000 to \$100,000, or both imprisonment and a fine.²⁸

If the trafficked victim is a minor and the person “who recruits, entices, harbors, transports, provides or obtains” the minor knows “that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material” that person will be guilty of **procuring sexual servitude of a minor**. The punishment is a minimum of five years and maximum of 30 years in prison, or a fine ranging from \$50,000 to \$500,000, or both imprisonment and a fine. That a minor consented to his or her involvement or that the defendant believed the minor was 18 or older is not a defense to the crime.²⁹

²² Miss. Code Ann. § 97-3-54.4(p) (2014).

²³ Miss. Code Ann. § 97-3-54.4(n) (2014).

²⁴ Miss. Code Ann. § 97-3-54.4(d) (2014).

²⁵ Miss. Code Ann. § 97-3-54.1(1)(a) (2014).

²⁶ *Id.*

²⁷ Miss. Code Ann. § 97-3-54.1(1)(b) (2014).

²⁸ Miss. Code Ann. § 97-3-54.1(2) (2014).

²⁹ Miss. Code Ann. § 97-3-54.1(1)(c) (2014).

Any person who “aids, abets, or conspires” with another person to violate the Mississippi Human Trafficking Act and commit one of these offenses will be considered a principal in the offense and will be subject to the same punishment as a principal.³⁰ Further, under Mississippi law, facilitators – those who assist, enable, or financially benefit from sex trafficking – are treated the same as traffickers.³¹ Facilitators are an essential element of the sex trafficking enterprise, but they rarely are held accountable.³² Including broad language in trafficking laws that criminalizes assisting and benefitting from trafficking “allows law enforcement to fully investigate cases, enables prosecutors to obtain convictions, and provides judges appropriate sentencing for these perpetrators who facilitate the commercial sexual exploitation of children.”³³

Section 97-3-54.1(4) provides that a “minor who has been identified as a victim of trafficking shall not be liable for criminal activity in violation of this section.”³⁴ This section also requires that anyone who suspects that a minor is being trafficked “shall immediately make a report of the suspected child abuse or neglect to the Department of Human Services and to the Statewide Human Trafficking Coordinator.”³⁵

Section 97-3-54.8 established a relief fund for human trafficking victims, which consists of funds appropriated by the legislature, donations, and grants. The fund is to be used by the Attorney General’s office “solely for the administration of programs designed to assist victims of human trafficking, to conduct training on human trafficking to law enforcement, court personnel, attorneys, and nongovernmental service providers, and to support the duties of the statewide human trafficking coordinator[.]”³⁶

Finally, Section 97-3-54.9 created a Human Trafficking Coordinator position at the Attorney General’s office, whose duties include: collecting and maintaining data on human trafficking within the state; evaluating the state’s efforts in combating trafficking; submitting an annual report and recommendations to the legislature; assisting with the creation and operation of task forces around the state; promoting awareness; and coordinating among relevant state agencies and boards.³⁷

Several other statutes outside the Mississippi Human Trafficking Act are relevant to the prosecution of these crimes and the protection of victims:

³⁰ Miss. Code Ann. § 97-3-54.3 (2014).

³¹ Miss. Code Ann. § 97-3-54.1(1)(a) (2014).

³² Shared Hope Int’l, Protected Innocence Challenge, *A Legal Framework of Protection for the Nation’s Children*, p. 77 (2014).

³³ *Ibid.*

³⁴ Miss. Code Ann. § 97-3-54.1(4) (2014).

³⁵ *Id.*

³⁶ Miss. Code Ann. § 97-3-54.8 (2014).

³⁷ Miss. Code Ann. § 97-3-54.9 (2014).

- The Mississippi Child Protection Act of 2012 requires mandatory reporting by specific individuals – law enforcement, clergy, film processors, teachers, childcare providers, and medical professionals – if they suspect a sex crime against a minor has occurred.³⁸
- According to Mississippi Code Section 99-1-5, there is no statute of limitations for the prosecution of any human trafficking offense.³⁹
- The crimes of procuring sexual servitude of a minor and aiding, abetting, or conspiring to procure sexual servitude of a minor are “registerable” sex offenses (convicted offenders must maintain registration of their address and other information with the state).⁴⁰
- If a minor is taken into custody for suspected involvement in prostitution related activity, law enforcement must immediately notify the Department of Human Services (DHS), and DHS “shall commence an initial investigation into suspected child sexual abuse or neglect[.]”⁴¹
- If it is determined that a minor suspected of involvement in prostitution related activity was engaged in the activity as a direct result of being trafficked, the child is immune from prosecution.⁴²

Cases Prosecuted

When research was conducted for the *Rapid Assessment* in late 2014, no cases were identified that had been prosecuted under the revised state trafficking laws.⁴³ However, a few cases have been prosecuted in Mississippi under federal law. One case involved Marco Rogers and Jemery Hodges, who met in May 2012 at a motel in Jackson to have sex with a female child under five years old. They recorded the abuse. The case was investigated after Hodges showed the video to a man in Massachusetts, who contacted local authorities. Rogers and Hodges were charged with sex trafficking and sexual exploitation of a child.⁴⁴ Hodges entered a guilty plea for sexual exploitation of a minor and “transportation of a minor child to engage in commercial acts”; he was sentenced to 23 years in federal prison.⁴⁵ Rogers was found guilty by a jury and sentenced to 40 years for child sex trafficking and 30 years for sexual exploitation of a child.⁴⁶

³⁸ Miss. Code Ann. § 97-5-51(a)(viii) (2014).

³⁹ Miss. Code Ann. § 99-1-5 (2014).

⁴⁰ Miss. Code Ann. §§ 45-33-23(h)(xiii), 45-33-25 (2014).

⁴¹ Miss. Code Ann. § 97-29-49(3) (2014).

⁴² Miss. Code Ann. §§ 97-29-49(4), 97-29-51(3) (2014).

⁴³ As this report was being finalized, a Madison County court sentenced Montavious Warner after he pleaded guilty to human trafficking. Warner was the first to be prosecuted under Mississippi’s revised human trafficking laws in the counties assessed. See Appendix B.

⁴⁴ Rogers and Hodges were charged under 18 U.S.C. § 1591(a) and 18 U.S.C. § 2251(a).

⁴⁵ *United States v. Jemery Atral Hodges*, 3:12-cr-00127-DCB-FKB (S.D. Miss) (judgment entered Oct. 9, 2013).

⁴⁶ *United States v. Marco Laquin Rogers*, 3:12-cr-00127-DCB-FKB (S.D. Miss) (judgment entered Dec. 27, 2013).

Research Findings

Research from the *Rapid Assessment* has been compiled to address the gaps, challenges, and strengths regarding prevention, prosecution, and protection of DMST victims in central Mississippi. The research is organized based on six key findings. Readers must first understand that the risk factors that make children vulnerable to sex trafficking are prevalent in Mississippi. An increase in awareness among the general public is imperative so that the community at large can begin to recognize DMST occurring locally. Further, first responders are the front line for recognizing and helping victims of trafficking. Unfortunately, first responders' lack of understanding of victim profiles is likely resulting in numerous victims falling through the cracks or being labeled as criminals. Finally, there is a lack of resources and a dearth of services available for those victims who are identified.

1. Poverty, education gaps, and family structures directly affect the vulnerability of children to trafficking.

Mississippi's economic and educational status, in addition to the common single-parent family structure, makes Mississippi children more vulnerable to trafficking. Organizations fighting sex trafficking have identified common risk factors that make individuals vulnerable to becoming victims of sex trafficking. The most common risk factors are:

- Poverty
- Lack of education
- History of sexual abuse
- Running away from home
- Lack of family support
- Living in a vulnerable area (areas with police corruption, high rates of crime, high number of runaways, high demand for prostitution)⁴⁷

⁴⁷ See Catholic Relief Services, *Human Trafficking: An Overview*, www.crs.org/public-policy/in_depth.cfm (last accessed Feb. 19, 2015); National Human Trafficking Resource Center, *The Victims*, traffickingresourcecenter.org/what-human-trafficking/human-trafficking/victims (last accessed Feb. 8, 2015); Shared Hope Int'l, *Frequently Asked Questions*, sharedhope.org/learn/faqs/ (last accessed Feb. 8, 2015); U.S. Dep't of Justice, Child Exploitation & Obscenity Section, www.justice.gov/criminal/ceos/subjectareas/prostitution.html (last accessed Feb. 8, 2015); U.S. Dep't of Health & Human Services, *Human Trafficking Into and Within the United States: A Review of the Literature*, aspe.hhs.gov/hsp/07/humantrafficking/LitRev/ (Aug. 2009); U.S. Dep't of State, *Trafficking in Persons Report*, p. 35 (June 2007).

According to the United States Department of Health and Human Services, children who are “exploited through prostitution are most often runaways or throwaways.”⁴⁸ Two-thirds of DMST victims report that they have run away at least once.⁴⁹ DMST victims report a history of childhood abuse at a rate of 70 to 90 percent.⁵⁰ Catholic Relief Services writes that trafficking disproportionately “affects poor women, children[,] and members of disadvantaged minority groups.”⁵¹ Sex traffickers “take advantage of the unequal status of women and girls” in disadvantaged communities and capitalize on the demand for sex.⁵²

“[C]hildren who are victims of sexual abuse are 28 times more likely to be arrested for prostitution at some point in their lives.”
- A Guide to Human Trafficking for State Courts (July 2014)

The common risk factors that result in vulnerability to DMST are pervasive in Mississippi. Thus, many Mississippi children have a high risk of becoming victims of child sex trafficking. Mississippi has a poverty rate of 24 percent, making it the most poverty-stricken state in the nation.⁵³ More than one out of three children in Mississippi lives in poverty.⁵⁴ According to a 2013 report on child homelessness, Mississippi was rated the second worst state for child homelessness in the nation.⁵⁵

Regarding lack of education, *Education Week* ranks Mississippi 51st among the 50 states and Washington, D.C. in kindergarten through 12th grade achievement.⁵⁶ In 2011, the high school graduation rates in the counties assessed were: 79 percent in Rankin County, 77 percent in Madison County, 69 percent in Hinds County, and 55 percent in Warren County.⁵⁷

Adolescents who runaway from home are at a great risk of becoming victims of DMST. The Hinds County Youth Court has made strides in addressing the problem of chronic runaways

⁴⁸ U.S. Dep’t of Health & Human Services, *Human Trafficking Into and Within the United States: A Review of the Literature*, aspe.hhs.gov/hsp/07/humantrafficking/LitRev/ (Aug. 2009).

⁴⁹ *Ibid.*

⁵⁰ A Guide to Human Trafficking for State Courts, p. 78 (July 2014); U.S. Dep’t of Health & Human Services, *Human Trafficking Into and Within the United States: A Review of the Literature*, aspe.hhs.gov/hsp/07/humantrafficking/LitRev/ (Aug. 2009) (Most girls and boys who are “exploited through prostitution come from dysfunctional homes and a large percentage have been the victim of some kind of abuse in the past.”).

⁵¹ Catholic Relief Services, *Human Trafficking: An Overview*, www.crs.org/public-policy/in_depth.cfm (last accessed Feb. 19, 2015).

⁵² U.S. Dep’t of Health & Human Services, *Human Trafficking Into and Within the United States: A Review of the Literature*, aspe.hhs.gov/hsp/07/humantrafficking/LitRev/ (Aug. 2009).

⁵³ U.S. Census Bureau, *Census Bureau’s American Community Survey Provides New State and Local Income, Poverty, Health Insurance Statistics*, census.gov/newsroom/press-releases/2014/cb14-170.html (Sept. 18, 2014). See also Kathryn Dill, *The Richest and Poorest States in 2014*, FORBES, www.forbes.com/sites/kathryndill/2014/10/13/the-richest-and-poorest-states-in-2014 (Oct. 13, 2014); Tami Luhby, *Mississippi has highest poverty and lowest income*, CNN Money, money.cnn.com/2012/09/20/news/economy/income-states-poverty/ (Sept. 20, 2012).

⁵⁴ Tony Pierce, *The 10 poorest states in America*, CNBC.com, www.cnbc.com/id/101068491/page/11 (Sept. 27, 2013).

⁵⁵ America’s Youngest Outcasts, *A Report Card of Child Homelessness*, p. 17 (Nov. 2014).

⁵⁶ “Quality Counts 2015: State Highlights Reports,” *Education Week* (Jan. 8, 2015); “Quality Counts 2014: State Highlights Reports,” *Education Week* (Jan. 9, 2014).

⁵⁷ Averages compiled from: Mississippi Center for Public Policy, *MS High School Graduation Rates*, www.msppolicy.org/mcpp_reports/mcpp_reports_view.php?entryID=334 (2011). See Appendix C for a complete list of the graduation rates for all high schools in the counties assessed.

by appointing one counselor to specialize in counseling runaway youth. She builds rapport with them, tracks their movement, tries to address the root issues of their problems, and determines proper placement. Hinds County has seen a reduction in the runaway recidivism rate due to the counselor's targeted efforts.

Youth living in "vulnerable areas" have a higher probability of victimization. Vulnerable areas include areas with high rates of crime and police corruption.⁵⁸ In June 2014, *Fortune* magazine named Mississippi the most corrupt state in the nation.⁵⁹ Also in 2014, the *Washington Post* put Mississippi among the top five most corrupt states, due in part to police and prosecutorial corruption.⁶⁰ Local reports and indictments support these findings.⁶¹

The statewide crime rate is slightly lower than the national average, and Mississippi is ranked 25th in the nation.⁶² Several cities in the target area have been ranked among the safest cities in Mississippi, including Brandon, Pearl, and Florence in Rankin County; the city of Madison in Madison County; and Byram and Clinton in Hinds County.⁶³ However, the crime rate in the city of Jackson is very high – approximately three to five times higher than the national average.⁶⁴ Jackson was ranked the eighth most dangerous city in America with 36 murders, 77 forcible rapes, and 454 robberies per 100,000 people in 2012.⁶⁵ Another report listed the 30 cities with the highest murder rates in the country, and Jackson ranked 19 on that list.⁶⁶ The

⁵⁸ U.S. Dep't of Health & Human Services, *Human Trafficking Into and Within the United States: A Review of the Literature*, aspe.hhs.gov/hsp/07/humantrafficking/LitRev/ (Aug. 2009).

⁵⁹ Chris Matthews, *The 10 most corrupt states in the U.S.*, *FORTUNE* (June 10, 2014).

⁶⁰ Reid Wilson, *The most corrupt state(s) in America*, *THE WASHINGTON POST* (Jan. 22, 2014).

⁶¹ See, e.g., Geoff Pender and Jimmie E. Gates, *Epps, "I'm shocked by this"*, *CLARION LEDGER* (Nov. 6, 2014) (former commissioner of the Mississippi Department of Corrections indicted for corruption); *WAPT.com, 3 JPD Officers Arrested in Corruption Case*, www.wapt.com/3-JPD-Officers-Arrested-In-Corruption-Case/9743860 (Feb. 22, 2012); Thyrie Bland, *2 JPD officers arrested on sex charges*, *CLARION LEDGER* (DEC. 9, 2000) (11 officers arrested in two months). See also *City of Jackson v. Sandifer*, 107 So. 3d 978 (Miss. 2013) (repeat runaway girl was murdered by her boyfriend; parents sued the city of Jackson for failure to investigate the juvenile's earlier claims that she was having sex with a police officer; evidence revealed that two Jackson police officers had sex with the child on several occasions); *L.T. v. City of Jackson*, 145 F. Supp. 2d 750 (S.D. Miss. 2000) (Jackson police officer pulled over a minor and had sex with her in exchange for letting her go).

⁶² USA.com, *Mississippi Crime and Crime Rate*, www.usa.com/mississippi-state-crime-and-crime-rate.htm (last accessed Feb. 19, 2015).

⁶³ See Alexia Chianis, *The SafeWise Report, 10 Safest Cities in Mississippi*, www.safewise.com/blog/10-safest-cities-mississippi/ (Oct. 7, 2014) (based on 2012 FBI crime data and independent research; cities from the target area were: Madison, Brandon, Florence); Safe Choice Security News, *14 Safest Cities in Mississippi: Safest Places to Live in MS*, www.safechoicesecurity.com/blog/safest-cities-in-mississippi/ (Aug. 27, 2014) (based 2012 FBI crime data; cities from the target area were: Madison, Brandon, Byram, Pearl, Clinton); Angela Williams, *Mississippi's safest cities ranked*, *WAPT* (Aug. 28, 2014) (citing Safe Choice Security report); Natalie Grigson, *MOVOTO Blog, The Lighter Side of Real Estate, These are the 10 Safest Places in Mississippi*, www.movoto.com/blog/top-ten/safest-places-in-mississippi-2013/ (June 16, 2014) (data based on U.S. Census Data and the 2012 FBI Uniform Crime Report; cities from the target area were: Brandon, Madison, Byram, Pearl, Clinton).

⁶⁴ *City-Data.com, Crime rate in Jackson, Mississippi*, www.city-data.com/crime/crime-Jackson-Mississippi.html (last accessed Feb. 19, 2015). See also *NeighborhoodScout.com, Crime rates for Jackson, MS*, www.neighborhoodscout.com/ms/jackson/crime/ (last accessed Feb. 19, 2015).

⁶⁵ Anmargaret Warner, Erin Fuchs, and Gus Lubin, *The 25 Most Dangerous Cities in America*, *BuisnessInsider.com*, www.businessinsider.com/most-dangerous-cities-in-america-2013-6 (June 13, 2013). See also *City-Data.com, Crime rate in Jackson, Mississippi*, www.city-data.com/crime/crime-Jackson-Mississippi.html (last accessed Feb. 19, 2015).

⁶⁶ *NeighborhoodScout.com, NeighborhoodScout's Murder Capitals of America - 2015*, www.neighborhoodscout.com/top-lists/highest-murder-rate-cities/ (last accessed Feb. 19, 2015).

crime rate is high in the city of Vicksburg in Warren County as well.⁶⁷ Crime in that city is approximately twice the national average.⁶⁸ In 2012, Vicksburg had 8 murders, 89 forcible rapes, and 122 robberies per 100,000 people.⁶⁹

A local pastor who has helped victims in his church said that poverty is the most common factor among victims. Another youth pastor stated, “Typically all inner-city kids are at risk

“Typically all inner-city kids are at risk because of poverty, the location where they live, educational status . . . most of them come from broken families.”
– Local pastor

because of poverty, the location where they live, educational status. And with Jackson public schools most of them come from broken families.” Several interviewees stated that the majority of DMST victims they have encountered have come from single-parent homes.

When asked to describe the disposition toward trafficked minors in the counties assessed, interviewees repeatedly referred to it as a “cultural norm.” Interviewees reported that employment opportunities are limited in vulnerable communities, and a “cultural norm” of exploiting children and youth has become a reality in these areas. Further, tolerance of commercial sex and popularity of the “pimp culture” decreases sensitivity to sexual exploitation in vulnerable areas.

Several reasons contribute to this apparent “normalization” of child sex trafficking. From media output to common slang, society at large consumes and uses things that contribute to the normalization and glorification of commercial sexual exploitation. Society has contributed to the desensitization of youth to the dangers of commercial sex – the objectification of women is common; boys are praised for being “players”; the word “pimp” is used to refer to something that is cool; and music portrays pimps and players as successful, rich, and popular. Young girls are led to believe that escorting, stripping, and exotic dancing lead to a glamorous lifestyle. Officer Tony Willridge said: “The local girls and high school students don’t feel that they’re doing anything wrong. So, trying to get them to understand that this is against the law, you get, ‘Everybody’s doing it’ and ‘I’m not hurting anybody.’”

Beyond media and societal influence, negative conditioning of a victim’s mindset can result from a history of sexual abuse. When a child has been a victim of sexual abuse, they tend to normalize the negative circumstances and have little concept of their own value. Traffickers manipulate this vulnerability. Steve Pickett, Chairman of the Mississippi Parole Board and Executive Director of Joyce’s Hope Home for Girls,⁷⁰ said, “These young girls will be put into a position where this is just what they know, this is what they accept as life. They will in essence be pimped out for their early years . . . and it will continue into adulthood. . . . [They] believe that this is a way of life.”

⁶⁷ City-Data.com, *Crime rate in Vicksburg, Mississippi*, www.city-data.com/crime/crime-Vicksburg-Mississippi.html (last accessed Feb. 19, 2015).

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Joyce’s Hope Home for Girls is an emergency shelter for runaway girls.

Interviewees confirmed that all of the risk factors that make youth vulnerable to becoming victims of trafficking – poverty; lack of education; lack of family support; and living in areas with high crime, police corruption, a large number of runaways, and high numbers of homeless youth⁷¹ – are present in central Mississippi and are contributing to the DMST problem.

2. DMST victims have been identified in the four counties assessed, and familial trafficking is the most common type of child sex trafficking occurring.

Interviewees have identified an estimated 90 victims in recent years. However, they all believe that many more exist, as under-reporting and misidentification are huge problems. Interviewees estimated that the average age of identified victims was 14 to 15 years old. Detailed descriptive statistics about the identified victims are not included in this report due to concerns that providing further detail might compromise the anonymity of either the interviewees or the victims. One of the agencies interviewed maintained some form of documented statistics relevant to DMST. Two other agencies indicated that they had documented statistics, but they were unable to provide the data when requested, likely due to the sensitive nature of the information and concerns about anonymity. All other entities interviewed indicated that they do not maintain statistics or information specifically related to DMST victims.

Although adolescent girls are the most at risk, adolescent males are victims of DMST as well. Several sources reported that young males are participating in survival sex. According to interviewees, the percentage of foreign victims in the counties assessed is small. Foreign victims are not entirely unheard of, but those that have been identified were older than 18. Interviewees agreed that most DMST victims in the four counties assessed are Mississippi children. The same is true nationwide, as the U.S. Department of Justice estimates that 83 percent of sex trafficking victims in the United States are American citizens.⁷²

Types of Trafficking

During the interviews, several common forms of trafficking were identified. Numerous interviewees reported that familial trafficking is the most common form in the four counties assessed. However, other forms are present, including gang-related trafficking, pimp-controlled trafficking, and survival sex.

⁷¹ U.S. Dep't of Health & Human Services, *Human Trafficking Into and Within the United States: A Review of the Literature*, aspe.hhs.gov/hsp/07/humantrafficking/LitRev/ (Aug. 2009).

⁷² U.S. Dep't of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*, p. 6 (April 2011) ("Four-fifths of victims in confirmed sex trafficking cases were identified as U.S. citizens (83%), while most confirmed labor trafficking victims were identified as undocumented aliens (67%) or qualified aliens (28%).").

Interviewees said that drug use is a common thread among all types of trafficking. Examples were given of traffickers using drugs as a form of coercion, drugs being exchanged for sexual services, or victims using drugs as a coping mechanism. Christina McCool, with the Center for Violence Prevention, said drug use is the most common factor in the cases she has seen. Another interviewee reported that, of the female DMST victims identified in a detention center, all but one had a drug addiction problem.

Familial Trafficking

Familial trafficking occurs when family members allow their children to be sexually exploited in exchange for something of value, monetary or non-monetary. Interviewees reported that this often occurs in exchange for drugs. Sources gave the example of mothers allowing live-in boyfriends to sexually exploit their children in exchange for the boyfriend paying bills or providing drugs.

One social service provider said that DMST “usually starts out with a family member and then escalates into abuse from others.” Steve Pickett reported: “These children that we have encountered typically are homegrown. That goes back to the recognition of the overall trafficking issue. If mama prostitutes herself, she would ultimately, if she had access to the child, would do the same to the child, that’s what we’ve seen.” Christina McCool, who works directly with this population at the Center for Violence Prevention, said, “You can call [her] a pimp, but usually it’s a mom.” Because these kinds of “pimps” are family members, they are rarely detected

“[DMST] usually starts out with a family member and then escalates into abuse from others.”
- Local service provider

It is important to realize that victims are not always picked up and whisked away by their traffickers. In cases of familial trafficking, the children still go to school, attend functions, and go out in the community. Even when victims have freedom of movement, it does not mean they are not trapped. In fact, this can make them even more loyal to their trafficker because it allows them to think they have a “choice” in staying. Regarding familial trafficking, Jody Dyess, Director of Mississippi Louisiana Youth Alive,⁷³ said a victim told him: “I’d rather be living in a hell with someone I do know than [living] with someone I don’t.”

Pimp-Controlled Trafficking

Pimp-controlled trafficking occurs when a controlling individual coerces victims to perform commercial sex acts. The control of a pimp can manifest itself in different ways such as physical, psychological, and/or emotional bondage. Pimps often present themselves as caring boyfriends or girlfriends, showering the victim with attention at first. Once trust is gained and the victim has a sense of loyalty to the pimp, trafficking begins.

⁷³ MS.LA Youth Alive is a faith-based ministry working in Mississippi and Louisiana schools. The ministry includes talking to students about human trafficking and raising awareness about issues and choices that lead to trafficking. See youthalivemsla.com.

There is a common process that takes place as traffickers/pimps obtain minors for the sake of commercial sex. Typically, the trafficker begins by seeking to build some type of relationship and trust with the victim. This is called the “grooming phase” and can last a few days, a few months, or even years. During the grooming phase, children become dependent on traffickers to meet the monetary and emotional needs that parents and the community are not meeting. Traffickers will offer opportunities for escape and make unrealistic promises, such as a modeling career. A first responder from Hinds County said, “[Traffickers] welcome them in, treat them like family, spoil them, and buy them things that the family cannot buy them, things to make them feel accepted.” But it is not always tangible items or gifts; affection or opportunities from a respected individual can be attractive.

After trust is gained through the grooming phase, the “seasoning phase” begins. A social service provider said that once the victim becomes comfortable with the trafficker, the trafficker presents the victim with, “I bought you those clothes. Why don’t you do this for me?” or “You know, I have a friend who wants you to do this . . .” or “If you love me, you will do this.” The victim is conditioned to believe that the only way to keep the trafficker’s affection, or the only way to show appreciation for the gifts provided, is to perform the desired sexual acts. Now the trafficking has begun and the individual has entered “the life.”

Two inner-city pastors gave specific examples of how young girls are being recruited into trafficking in this area. They explained that older men circle middle schools and high schools looking for girls who “will take the bait they put out there.” They take the girls shopping, befriend them, and tell them they are beautiful. The girls are flattered and longing for attention, so they begin to “date” these men. This scenario plays out so often that teenage boys have complained at church, saying they cannot date girls their age because all of the girls are taken by older men. Hinds County Youth Court Judge William Skinner confirmed the pastors’ accounts. Judge Skinner said the girls he has encountered do not call these men “pimps,” they refer to them as their boyfriends.

Gang Trafficking

“Gang trafficking differs from pimp-controlled trafficking in that the controller is not just a single pimp, but the entire gang ‘family’ consisting of brothers, sisters, cousins, and elders.”⁷⁴ Gang-related trafficking may occur when victims are sold to get into a gang, as a part of their loyalty to the gang, or as a means to earn some level of protection within the gang. Gangs typically view trafficking as “a low-risk, high profit form of revenue.”⁷⁵ The profits benefit the gang as a whole and provide a certain amount of protection for the individual being sold. “Gangs commit most of their crimes in the territory run by their crew . . . and typically prostitute their victims to trusted buyers, using intimidation and their reputation for violence

⁷⁴ Shared Hope Int’l, *Gang Sex Trafficking Fact Sheet*, sharedhope.org/wp-content/uploads/2014/03/Fact-Sheet-on-Gang-Trafficking.pdf (last accessed Feb. 7, 2015).

⁷⁵ *Ibid.*

to control their criminal enterprise.”⁷⁶ Several interviewees reported that it is easier and safer for a gang to sell a young girl repetitively than it is to sell drugs.

Gangs are often found in areas with high rates of crime.⁷⁷ Judge Skinner reported that Hinds County has a significant gang problem. He has identified over 400 gang members in his court in the last two years by verbal verification.⁷⁸ Judge Skinner began noticing youth who had tattoos behind their ears, on their forearms, and on their hands. In an effort to obtain more information about the youth he serves, he sought expertise from a private source who is an expert in gang activity. The expert verified that gang members tattoo victims to mark them as their property.

Judge Skinner said girls get into gangs in one of two ways: they can “fight in” or “sex in.” He explained: “They can jump in like a boy and fight in, and if they do that, then the boys cannot pass them around and use them sexually; they are on the same equal footing as a guy. But if they ‘sex in’ they have to have sex with the guys anytime they want to, anywhere. They can pass them around like that. So that’s where you start seeing, not only do they pass them around amongst themselves, they will pass them out and pimp them out. They’ll use them.”

Survival Sex

Some individuals enter into trafficking as a means of survival. Youth involved in survival sex are often runaways, homeless, and victims of poverty. Victims may exchange sexual services for food, a cell phone, or a place to stay; sex is not always exchanged for money. According to multiple interviewees, survival sex has become a social norm among the vulnerable population in the counties assessed.

Lack of Awareness

Despite efforts by several organizations, multiple interviewees indicated that the public remains largely unaware of DMST occurring locally. A DHS representative said that many people simply do not want to believe that sex trafficking happens here.

Only when society becomes more educated will there be a rise in identifying and responding to DMST victims. Educating youth should become a top priority. Interviewees agreed that educating youth about the signs of a perpetrator can result in less DMST victims. Further, parents, neighbors, educators, doctors, and everyone in the community can play a role in identifying DMST victims if they know the signs. Interviewees agreed that educating people about what trafficking looks like is a huge issue, because most people do not recognize it when

⁷⁶ Ibid.

⁷⁷ See James C. Howell, *Gang Prevention: An Overview of Research and Programs*, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice Bulletin*, p. 8 (Dec. 2010) (“Gangs tend to cluster in high-crime and economically disadvantaged neighborhoods.”); *2011 National Gang Threat Assessment – Emerging Trends*, National Gang Intelligence Center, p. 9 (2011) (“Gangs are responsible for an average of 48 percent of violent crime in most jurisdictions[.]”).

⁷⁸ Judge William Skinner. Personal interview. Jackson, Miss. (Sept. 29, 2014).

they see it. Steve Pickett said, “[I]t’s not just people being smuggled into the country in cargo boxes, it is a 15-year-old girl being prostituted out in Jackson off of Meadowbrook Drive.”

Further, the face of prostitution and commercial sex is changing with technology. Many websites allow facilitators to advertise without ever walking the streets. Law enforcement identified the Internet as the main source for locating victims. Tony Willridge with the Ridgeland Police Department said, “It’s very seldom we run into them on the street because they’re not on the street corner, per se. The motive now is websites like the Jackson backpage.com.”

A comprehensive understanding of the risk factors for commercial sexual exploitation and how DMST presents itself in central Mississippi should enable first responders to recognize DMST victims.

3. Lack of education, training, and awareness among agencies involved results in misidentification of DMST victims.

Many first responders do not recognize the profile of a DMST victim. Due to lack of training and awareness among agencies, many victims remain hidden in plain sight and others are mistakenly treated as criminals.

Training and increased awareness is needed among first responders.

First responders are the front line for recognizing and helping victims of trafficking. There is a significant need for training on how to recognize and respond to DMST victims.

Law Enforcement

There has been little utilization of the new Mississippi human trafficking laws. Research shows that this is not due to unwillingness of law enforcement to implement the new laws, but simply due to lack of education about recent changes. Currently, law enforcement lacks knowledge of both the TVPA and state trafficking laws. The majority of law enforcement agencies interviewed expressed a desire to learn more about the issue and to understand how to charge criminals effectively.

A public defender said: “On the streets of Canton there are teenage girls out walking freely dressed as prostitutes and [the police] will not pick them up and they will not track down the johns. And when you call them and say so and so is out on such and such street they will not go get them.” With increased education, law enforcement may begin to better prioritize their response.

Several strengths were identified among law enforcement. Many officers and officials are eager to learn more about DMST, and they are dedicated to finding the best intervention for each child. The Hinds County Youth Court has begun training initiatives, and the Mississippi

Law Enforcement Officer's Training Academy requires training for all new officers and investigators coming through that program. However, not all members of law enforcement go through that training, including sheriffs, police chiefs, and the Mississippi Highway Patrol. Training should be required for all law enforcement, and it should be ongoing so that officers are able to recognize the changing face of this growing crime.

Medical Community

Only one healthcare professional was willing to be interviewed; all others who responded said they had not encountered any DMST victims. Research shows that a lack of awareness among the medical community is a problem nationally.⁷⁹

Healthcare professionals need training on how to identify sex trafficking victims who present in their clinics or in emergency rooms. Raising awareness and educating medical professionals on recognizing trafficking victims is imperative, as healthcare providers are some of the few professionals who may interact with trafficking victims.⁸⁰ "One study found that 28% of trafficked women saw a health care professional while still in captivity. This represents a serious missed opportunity for intervention."⁸¹

More sexual assault nurse examiners (SANEs) are needed in central Mississippi. Evidentiary examinations, which are crucial in sexual assault cases, can be traumatic to victims if not performed by trained professionals who specialize in sexual assault, like SANEs.⁸² SANEs are trained to "provide assistance to patients from the initial evidence collection through prosecution," and, although they are not patient advocates, they "often collaborate with advocates to ensure that necessary crisis intervention, safety planning, and referrals are provided."⁸³ SANEs generally are part of a Sexual Assault Response Team, which utilizes "a multi-disciplinary approach, bringing together healthcare providers, law enforcement, prosecution, victim advocates, and public health organizations."⁸⁴ These teams ensure a victim-centered approach with collaboration among all service providers, which is needed in DMST situations.⁸⁵ SANE-A (Adult/Adolescent) training is free in Mississippi. Nurses need to be made aware of how imperative the training is for identifying and helping sexual assault

⁷⁹ Institute of Medicine, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, p. 2 (Sept. 2013); U.S. Dep't of Health & Human Services, *National Symposium on the Health Needs of Human Trafficking Victims Post-Symposium Brief*, aspe.hhs.gov/hsp/07/humantrafficking/Symposium/ib.shtml#Training (July 2009)

⁸⁰ Makini Chisolm-Straker, et al., *Information and Resources for Emergency Healthcare Providers*, humantraffickinged.com (last accessed Feb. 19, 2015); Tiffany Dovydaitis, *Human Trafficking: The Role of the Health Care Provider*, *JOURNAL OF MIDWIFERY & WOMEN'S HEALTH* 55(5) (2010).

⁸¹ Tiffany Dovydaitis, *Human Trafficking: The Role of the Health Care Provider*, *JOURNAL OF MIDWIFERY & WOMEN'S HEALTH* 55(5) (2010) (citing Family Violence Prevention Fund, *Turning Pain into Power: Trafficking Survivors' Perspectives on Early Intervention Strategies*, p.14 (2005)).

⁸² U.S. Dep't of Health & Human Services, *Medical Treatment of Victims of Sexual Assault and Domestic Violence and its Applicability to Victims of Human Trafficking*, aspe.hhs.gov/hsp/07/HumanTrafficking/SA-DV/index.shtml#Practices (April 2010).

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

and trafficking victims. Pediatric SANE training is also needed; however, currently, there is no funding for pediatric SANE training in Mississippi.

Service Providers

According to interviewees, the main first responder for minors, the Department of Human Services, has not been trained sufficiently and is not prepared to support this population. One interviewee recalled a situation in which a social worker did not call law enforcement to accompany them on a call where a minor was under the control of a pimp. The victim was moved before the DHS worker arrived, once again slipping through the cracks. The worker did not think law enforcement was necessary and did not adequately prioritize the situation, showing a lack of education on the issue and the related safety concerns. Further, the intake call had not been adequately prioritized or flagged, likely due to lack of training and education among employees taking calls from the child abuse hotline. DHS does not differentiate between sexual abuse and sex trafficking in documentation of services to victims.

An independent service agency speculated, "Looking back over the girls we've had over the past few years . . . I'm beginning to think that so many clients we have coming in as adults I'm thinking were they trafficked as children. Just looking at the number of sexual partners they've had and the age they began sex, it's really making me question that. And they weren't our clients at the time, but it's making me think, 'Are we missing something?' We're definitely missing something as a community if not us specifically."

Prosecutors and Public Defenders

Only one public defender and one prosecutor agreed to an interview. Many more were contacted, but most declined to participate saying that they had not encountered any DMST victims. This may indicate a lack of understanding of a victim profile on the part of public defenders and prosecutors.

One local lawyer reported that cases of procuring child prostitution have gone un-prosecuted in lieu of prosecution for other crimes committed at the scene. Law enforcement commented on the difficulty in prosecuting these cases due to lack of evidence. Law enforcement in the counties assessed said that, especially with sexual assault cases, pressing charges is difficult because extensive evidence is required.

Detention Centers

Despite the lack of formal staff training, two local detention centers have identified several trafficking victims. Training initiatives have begun in Hinds County, and other counties recognize that significant training is needed at detention centers, so that employees are able to recognize DMST victims.

DMST victims are misidentified in delinquency settings.

Misidentification of victims is directly related to a lack of education. One social worker commented, “You have law enforcement saying ‘I realize they’re a victim but they’re breaking the law.’ They do not understand the coercion and the victim mentality, the brainwashing and fear that goes into the victim’s acting the way they do . . . ‘A prostitute is a prostitute, they are intentionally breaking the law’ – that is the mentality out there. That needs to change. . . . We have to stop looking at them as lawbreakers.”

A law enforcement officer interviewed stated in reference to juveniles, “They are prostituting, they’re charged with prostitution.” The attitude among some police officers was that DMST victims are “just prostitutes,” rather than children who have been coerced, manipulated, brainwashed, and abused. Therefore, some law enforcement officers arrest DMST victims for prostitution or another crime, instead of arresting the pimps or johns who perpetrate the crime. Judge Skinner said, “We started seeing little girls get arrested in a hotel room with seven or eight guys. They will be 13 or 14 years old, [and] all the guys are over 20. Law enforcement would arrest the girl because she would be a runaway, [but] they would not do anything to the guys.”

Under state and federal law, minors under 18 cannot consent to being prostituted, so children involved in commercial sexual exploitation are *always* victims, not willing participants.⁸⁶ Because children cannot legally consent to being prostituted, they should not be labeled or charged as prostitutes. The U.S. Department of Justice explains:

. . . [U]nder federal law, children cannot consent to engage in prostitution or be sexually exploited. Because children are exploited through prostitution, they are considered to be victims, rather than perpetrators, of crime. Congress has indicated that victims of severe forms of trafficking, which include child victims of prostitution, should not be punished for activities they undertake while being trafficked. In addition, many minors who become involved in prostitution are runaway or thrown away children from abusive or otherwise dysfunctional homes. They are often lured into prostitution by sophisticated criminals who convince them not only that they will earn money to survive, but also that they will be taken care of and have the secure loving environment that they lacked at home. These promises are often honored only in the breach - pimps take the money a child earns on the streets and pimps engage in severe physical abuse to build a relationship of dependency. As a result, children victimized through prostitution are not typically voluntarily engaging in prostitution and should be considered victims.⁸⁷

The Mississippi Human Trafficking Act, set forth in full in Appendix D, is commensurate with

⁸⁶ See 18 U.S.C. § 1591 (2014); Miss. Code Ann. §§ 97-3-54.1(4), 97-3-54.4(j) (Rev. 2014).

⁸⁷ U.S. Dep’t of Justice, Child Exploitation & Obscenity Section, www.justice.gov/criminal/ceos/faqs/faqs.html (last accessed Feb. 18, 2015).

federal law described in this quote.

Researchers found that a strength in the counties assessed is that juveniles who are picked up for suspected prostitution related activity usually are not charged with prostitution. However, often they are charged with other crimes. Further, when prostitution related activity is suspected, police often fail to investigate who is behind it and fail to arrest traffickers, johns, and facilitators.

One Hinds County service provider said that, when police officers encounter minors who are involved in prostitution related activity, they are not sensitive to the underlying problems. The officers focus on and investigate other crimes being committed rather than recognizing and investigating the situation as trafficking.

When charged with other crimes, officers and intake personnel do not ask questions that would identify minors as DMST victims. The attitude of some law enforcement officers toward minors involved in other crimes while being trafficked is often insensitive and evidences a misunderstanding of the root issues. Officers most often focus on a “masking offense” that the victim committed – such as petty crimes and minor drug offenses – and fail to recognize that they are victims of sexual exploitation. In the counties assessed, a minor charged with a crime is seen as a lawbreaker, and typically no further questions are asked that may reveal underlying issues.

Judge Skinner noted that even though female adolescents usually are not charged with prostitution, they often are charged with disorderly conduct or drug possession. However, often, when girls are arrested for possession of drugs they do not test positive for drug use. Officers, detention center staff, and others involved should then determine who made them hold the drugs. Traffickers make young girls hold their drugs since the girls are minors and will not get charged as heavily as the pimp would if he were caught carrying the drugs.

“[U]nder federal law, children cannot consent to engage in prostitution or be sexually exploited.”
– USDOJ

Victims rarely self-disclose.

A law enforcement officer interviewed disclosed that the greatest challenge is getting victims to cooperate. He said, “So many times you don’t have that [cooperation] because they see it as a way of life, a source of income . . . And then the other part, as it relates to victims, is fear of the person who is perpetrating the crimes.” Due to the extreme trauma that takes place during the seasoning and conditioning of a victim, they are brainwashed to be loyal to their perpetrator, ensuring control.

While fear constitutes a large part of this problem, it is closely followed by shame and self blame. Explaining this, a local pastor narrated, “She doesn’t see herself as a victim . . . [e]ven

though you were snatched and put in a car and put on the street, and when they use you up in one state they send you somewhere else, . . . she sees it as she made a choice to stay in it.”

Part of that shame comes from the common attitude that prostitution is a choice, even for juveniles. Many of the victims act belligerent and put on a tough front, as do most victims of complex trauma. Sandy Middleton from the Center for Violence Prevention explained, “Our major obstacle is the system . . . the attitudes of law enforcement, courts, DHS, about these victims . . . they typically consider them to be there by choice.”

By considering the cultural issues and risk factors discussed that make up the profile of a victim, first responders will be better prepared to identify victims of trafficking, rather than mislabeling them as criminals.

4. Lack of coordination among agencies involved results in less than optimal means of identifying, recovering, and protecting victims.

The majority of agencies interviewed do not have a uniform protocol for identifying and responding to victims. Those that do have a protocol in place are unable to coordinate with other agencies that lack protocols.

DMST-specific identification and assessment tools are not utilized.

DHS has no specialized intake tool or way to distinguish sex trafficked minors from other sexually exploited minors. Youth Court officials also stated that if they knew the right questions to ask, they are confident more victims could be identified. Suspicions need to be verified through interviewing at the initial intake.

There is a need for more child forensic interviewers as well as integration of current interviewers into the process. Ron Crew with the Mississippi Law Enforcement Officer’s Training Academy said, “A lot of police departments do not know what a child forensic interviewer is or the investigator is the only one that knows what it is, so if they are doing something and the investigators don’t get involved, there is a gap in communication. There are a limited number of forensic interviewers in Mississippi and, generally, they are not within the law enforcement system.”

Efforts are being made in cases where very young victims are identified. If a child under age 12 is found involved in trafficking, the Children’s Advocacy Center, the Children’s Justice Center, and/or forensic interviewers will be contacted. Younger children must participate in videotaped forensic interviews. However, several interviewees said that, in the majority of cases, this response does not carry over for teenagers.

Children’s Advocacy Centers across the United States offer a multi-disciplinary approach to investigating child abuse. The response team includes members from all entities involved –

law enforcement, child protective services, prosecutors, mental health professionals, medical personnel, and victim advocates.⁸⁸ The CAC model puts the needs of the victim first. “[R]ather than having a child taken from agency to agency throughout the law enforcement and child protection systems, and having to endure multiple, sequential interviews, the CAC model brings the system to the child[.]”⁸⁹ Part of the CAC model is a recorded forensic interview, which is “conducted in a supportive and non-leading manner” by trained professionals, and is meant gain information from the child about their specific abuse.⁹⁰

While the use of CAC services and forensic interviews is beneficial, it focuses on children age 12 and under. The CAC, or a similar model, is not in place for children over 12 year old. Further, the CAC model may need to be adapted to address the specific needs of DMST victims, as DMST victims differ from other child sexual abuse cases.

DMST-specific protocols for processing victims are not in place.

Neither service providers nor law enforcement have a protocol in place for handling victims of sex trafficking. According to Sandy Middleton, “There is not a clear roadmap in our state as far as the process with these victims. The law says DHS is mandated to be involved, but our biggest problem is DHS workers don’t know what that means. A lot of them do not know . . . ‘do I follow the same procedure that I follow for the child abuse case?’ There is just not a lot of clarity out there as far as the process within our state and lack of education about what we do with these kids.”

A public defender said that, currently, the only way to keep a victim safe is to bring them into police custody on a delinquent charge. Taking a victim into custody, even as a means to protect them, violates their status as a victim and sends mixed messages to the victim.

There has not been a concerted effort among entities to centralize protocols or collaborate on cases. Each entity involved works autonomously from others. To be successful in the overall fight against trafficking, all entities involved must collaborate.

There is no centralized hotline for DMST victims.

DHS identified the need for a centralized reporting center in Mississippi. An infrastructure is needed so the public has a place to call when someone becomes aware of a DMST situation. Mississippi has a centralized child abuse hotline, pursuant to a statutory mandate, which is meant to be used for reporting abused, neglected, or sexually exploited children.⁹¹ Victims of

⁸⁸ Children’s Advocacy Centers of Mississippi, *Before and After CAC*, childadvocacymss.org (last accessed Feb. 19, 2015).

⁸⁹ National Children’s Alliance, *CAC Model*, nationalchildrensalliance.org/cac-model (last accessed Feb. 19, 2015).

⁹⁰ National Children’s Advocacy Center, *Forensic Interview Services*, nationalcac.org/intervention/forensic-services.html (last accessed Feb. 19, 2015).

⁹¹ Mississippi Abuse, Neglect, and Exploitation Reporting System, www.msabusehotline.mdhs.ms.gov (last accessed Feb. 19, 2015). DHS maintains the Mississippi Abuse, Neglect, and Exploitation Reporting System to facilitate a statutory mandate that law enforcement must report all cases of suspected child abuse, neglect, and exploitation. The website provides a hotline that should be used in cases of emergency, rather than making a report through the online system.

DMST are sexually exploited children by law, and that hotline should be used to report suspected child trafficking as well. The public and first responders should be made aware of the hotline.

Local police stations and service providers do not have adequate security for identified DMST victims.

Currently, there are no adequate facilities specifically for minor victims in the counties assessed. The location of shelters and temporary homes must be undisclosed. Because of victims' loyalty to their pimps and fear of their pimps, they must be kept safe where pimps cannot find them. Security must be provided at these locations due to the threat of pimps trying to retake their victims and due to victims' high flight risk.

When asked if enough safety measures are in place to protect victims who disclose life threatening information, the consensus from most interviewees was "no." One pastor said, "I do not feel like there's adequate protection for them. The crime rate is so bad in Jackson; the police have so much to do. I don't know of any special victims unit that we have in Jackson that focuses on sex crimes."

Further, interviewees noted an extremely low rate of self-identification by victims because of the lack of security. DMST victims rarely self-disclose and seek help. This is due in part to the victim's loyalty to their traffickers and in part to safety concerns. Victims believe that they do not have any opportunities outside of the trafficking life. There must be a high level of trust and a secure environment for victims to self-disclose. Once victims feel safe and trust law enforcement or social workers, they are often the best resources for finding other victims and prosecuting perpetrators.

Collaboration among all agencies is imperative.

It is important to have all agencies working together on an issue like DMST, which involves so many facets of the community. However, in the counties assessed, interviewees revealed a lack of coordination among agencies involved. One reason for this is lack of awareness. Another reason is that many of the key players have only recently joined the fight. A non-governmental service agency stated, "I know that the FBI is working really hard to reach out and work with us on cases but, again, we have a huge gap as far as that is concerned, partnerships between organizations like us and law enforcement in general."

Several service providers reported that when a victim is in DHS custody, they have difficulty accessing services offered by outside providers. For instance, the Center for Violence Prevention offers services that are not available through DHS such as trauma therapy, case management, advocacy, communication with victims and families during prosecution, and housing assistance, among other things. While DHS offers some similar services, if a victim in DHS custody requests outside services, it is difficult for them to access those services.

While lack of coordination is a serious problem, several strengths were identified in the counties assessed:

- Madison County has a multi-disciplinary team, which is a coordinated effort to share information on child sex abuse crimes.
- In Hinds County, the Catholic Charities Rape Crisis Center tries to collaborate with law enforcement and the FBI sex trafficking division.
- The Mississippi Office of Homeland Security recently appointed a Special Projects Coordinator to focus on trafficking issues.
- Victim Witness Coordinators from Homeland Security and local police departments are good resources for DMST victims.
- The Children’s Advocacy Center and the Children’s Justice Center are being utilized among first responders for forensic interviews of younger children.

Mississippi Governor Phil Bryant recently created a human trafficking task force to assess and address human trafficking occurring in Mississippi. The task force consists of representatives from law enforcement, the judicial system, social services, education, and other community leaders.⁹² The task force should look to the positive things occurring in each county and implement a statewide model.

5. Current service providers are ill equipped to respond to DMST victims, and few services are targeted toward the specialized needs of DMST victims.

Interviewees agreed that central Mississippi lacks much needed services targeted toward the needs of DMST victims. Common placements such as foster homes and state-run group homes are often inappropriate for DMST victims due to lack of security and specialized care. Short-term and long-term housing that specializes in the needs of DMST victims is not available in central Mississippi.

Short-term and long-term facilities are needed.

The initial labeling of a DMST victim – as either a victim or a delinquent – usually determines where the victim is placed. Generally, law enforcement, child protective services, or another first responder makes the initial identification.⁹³ “When a child is identified as a victim of

⁹² Geoff Pender, *Bryant creates human trafficking task force*, CLARION LEDGER (Dec. 9, 2014).

⁹³ Shared Hope Int’l, *National Colloquium 2012 Final Report*, p. 19 (2012).

DMST, both immediate and long-term needs must be assessed.”⁹⁴ If a victim is in immediate danger, emergency placement may be necessary before the victim’s long-term needs can be assessed.⁹⁵

“The lack of placement options [for DMST victims] facilitates the cycle of enslavement . . . They lost hope of getting out of the cycle. I could not find a place for them to go that was safe.”
- Local public defender

When asked about the immediate needs of DMST victims and the problems with placing DMST victims with other youth, one social service provider responded: “We are looking at how to set services up. One of the concerns we have is that it might not really be appropriate. And we are not really set up to do that [in our emergency shelters].”

Interviews with local social service providers revealed that they are beginning to recognize that they are not prepared for this population. A Hinds County social worker said, “Looking back through the human trafficking lens into group homes we see girls who were recruiters, getting other girls to run away with them. . . . Back then we were not aware of what was going on.”

This is also the case at local detention centers. DMST victims often are held in detention centers on unrelated charges, so “it is critical that detention facility staff is trained to identify DMST and to respond in a trauma-informed manner.”⁹⁶ An employee at one detention center reported, “We don’t have services for people who have been involved in that. I know they’re safe here [in the juvenile detention center] so I’m okay with that, but there is really nowhere for girls to go to. We work hard at trying to get the kids services. There again, there’s not a whole lot of things to plug the kids into.”

Although the DMST victims might be safe at the detention center, it is not an ideal placement. They are victims, not criminals, but they must be held at the detention center because there is not another safe place for them to go. Judge Skinner explained that the more contact an individual has with the detention center, the higher the rate of recidivism will be. Less contact with the detention center reduces the rate of recidivism.

Runaway shelters may provide short-term options, but they are not ideal for DMST victims. Runaway shelters often are less restrictive, have less security, do not require vital records, and may not be equipped to take children in the middle of the night when many DMST victims are identified.⁹⁷ DMST victims are a flight risk and often runaway to return to their traffickers. Recruitment is also a concern that must be considered when placing DMST victims with other children.

⁹⁴ Ibid. at 20.

⁹⁵ Ibid.

⁹⁶ Ibid. at 22.

⁹⁷ Ibid. at 21.

One service provider said, “Placement looks different for them because of their propensity to run away, so unfortunately placements for them tend to be more secure which can at times almost mimic the cages they were held in by their captors. Treatment for them needs to be more specific to trauma, brainwashing, coercion, guilt, and shame . . . all those things that go with sexual abuse.”

A public defender said, “The lack of placement options [for DMST victims] facilitates the cycle of enslavement.” She explained: “The first two we had . . . once I was able to break through and get the truth, they were like ‘help me get me out of this, I don’t want to do this anymore.’ They did not want to be prostituting. I was unable to find a place for them to go. They ended up going back home which ended up putting them back on the street. We repeated that cycle several times. They believed me less and less. They didn’t think I was being truthful. They lost hope of getting out of the cycle. I could not find a place for them to go that was safe.”

Services are not targeted toward the specific needs of DMST victims.

Providing services to DMST victims can prove difficult, because every child is different. Each victim will respond differently and need varying services. Service providers must assess each victim’s specific mental, physical, and emotional needs, as well as the victim’s level of cooperation, and make treatment decisions on a case-by-case basis.⁹⁸

Victims generally have a sense of loyalty to their trafficker. If victims are identified, they often return to their traffickers because they are not receiving necessary services and there is a lack of coordination among agencies to monitor and support the victims. Sandy Middleton stated, “If you take them and you put them in a place where it’s not an appropriate placement and they don’t receive the services they need it is doubtful there will be a successful turnaround.”

Steve Pickett with the Mississippi Parole Board reported: “Currently there is no follow up care or any kind of wrap around services available. After kids leave the emergency shelters, there is neither the manpower, funding, nor time allocated to follow up and make sure they are not going back to enslaving environments.”

Rankin County Court Youth Judge Thomas Broome, said, “There is no place for treatment locally. Outpatient treatment is available at the Center for Violence Prevention, but that’s our biggest problem, lack of treatment.” Judge Skinner agreed, saying, “In an ideal world I’d have a secure place to place them. And Department of Human Services would have a secure place . . . some of those cases the best option I have is to lock them up in my facility for 90 days and let my counselors do their job in the 90 days.”

A staff member at the detention center said, “What I’ve seen is these girls don’t have a stable home to go to, so they would need somewhere to go to get the treatment and be able to stay there long term and, ultimately, we want them to get past this[.]”

⁹⁸ Ibid. at 34.

DMST victims have complex trauma and programs for these survivors may look different than traditional programmatic responses to child abuse. Sandy Middleton said, “We do know in what we’ve learned after a lot of work and with quite a few of these cases is that they are a lot longer term than anybody realizes. It’s a lot harder to reach them than we might think. The public has the attitude that they are a little bird in a cage when you open the door they’re going to fly away and be happy, be a completely different person. The reality is that is just not how it is.”

One report explained that DMST survivors need victim-centered, trauma-informed care combined with therapeutic services.⁹⁹ They need educational, vocational, and spiritual services and mentorship.¹⁰⁰ DMST victims often runaway and return to their traffickers, so programs must be prepared to handle that situation.¹⁰¹ Service providers need the ability to measure success, which likely will look different in a program for DMST survivors than in a program for other abused or neglected children.¹⁰² The goal of a DMST program should be “to promote the youth’s ability to have a self-sustaining life while lowering the risk of re-victimization.”¹⁰³

Currently, the only service in the counties assessed that is specific to DMST victims is outpatient care provided at the Center for Violence Prevention. Emergency shelters, short-term shelters, long-term residential programs, therapeutic foster care specific to DMST, and transitional housing are all needed in the target area.

6. Entities responding to DMST victims lack funding.

Nearly every interviewee said that lack of funding is a major problem in providing services to DMST victims and attempting to respond to this issue. Steve Pickett said, “There is no direct funding for human trafficked children in central Mississippi.” When service providers were asked how much funding was allocated for human trafficking efforts, and the service providers consistently responded “none.”

It is especially imperative for law enforcement to make funding changes and target certain funds for rescuing and protecting trafficked victims. A Hinds County service provider said that the Jackson Police Department previously had a sex crimes unit that was influential in discovering sexual assault crimes in the area. However, the unit was eliminated due to lack of funding. As a result, officers in other units are overworked and not trained on how to respond to DMST victims, service providers have more difficulty reaching victims, and victims themselves are likely overlooked and misidentified.

⁹⁹ See Shared Hope Int’l, *National Colloquium 2012 Final Report*, pp. 55-56 (2012).

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid. at 65 (internal citations omitted).

The Legislature created a Human Trafficking Coordinator position at the Attorney General's office, but the position is not currently funded. That position could be critical to the fight against trafficking, as the Human Trafficking Coordinator is designed to serve as a central source for human trafficking information and work with state and federal authorities to improve the state's response to trafficking offenses.¹⁰⁴ Although that position has not been filled at the Attorney General's Office, the Mississippi Office of Homeland Security recently funded and filled a Special Projects Coordinator position to focus on trafficking.

"There is no direct funding for human trafficked children in central Mississippi."
- Steve Pickett
Miss. Parole Board

The lack of funding is a reality for private entities as well. The Center for Violence Prevention offers much needed outpatient services to DMST victims, but they have no funding to support those services. A local pastor said, "We do not have any safe housing. I wish we had the money. We would." More awareness among the community could lead to donations from private citizens to these organizations. Individuals and entities are ready and willing help DMST victims, but they do not have funds to do the work and provide the needed services.

¹⁰⁴ Miss. Code Ann. § 97-3-54.9 (2014). See also Chris Davis, *Women, Children Sold for Sex in Mississippi: January is Stalking, Human Trafficking Awareness Month*, NEWS MS (Jan. 13, 2014); Office of the Attorney General State of Mississippi, *Attorney General's Office and MVLP to Host Human Trafficking CLE in September*, www.ago.state.ms.us/releases/attorney-generals-office-and-mvlp-to-host-human-trafficking-cle-in-september/ (Aug. 29, 2013).

Recommendations

The following recommendations are based on the research, interviews, and assessment of needs in the target area.

Awareness and Training

1. Raise public awareness by implementing media campaigns to educate the public about indicators of trafficking. Particularly utilize Facebook, Instagram, and other social media to raise awareness among young people.
2. Prepare and implement a statewide effort to educate first responders on current laws and on how to recognize DMST victims.
3. Require initial and ongoing training for all law enforcement.
4. Develop specialized training programs regarding identification of and response to DMST victims for all state youth court workers, DHS, and juvenile justice centers.
5. Implement continuing education programs for healthcare professionals regarding how to identify sex trafficking victims who present in clinics or emergency rooms.
6. Promote the SANE training among existing nurses and nursing students.
7. Raise awareness about the existing child-abuse hotline, which should facilitate reporting of suspected DMST as well. All hotline employees should receive specialized training to identify DMST victims and prioritize the calls.

Victim Identification

1. Assessment tools specific to identifying DMST victims need to be utilized by service providers and law enforcement during intake. First responders, juvenile justice centers, DHS, and others should use Shared Hope International's "Intervene" intake and assessment tool.
2. Each county needs a specialized counselor for runaways, as in Hinds County, to counsel runaways and address the root causes of their behavior. A counselor could prevent runaway youth from becoming victims of DMST.
3. Responders who currently track runaways in juvenile detention and DHS should begin monitoring trafficking victims as well.

Victim Protection and Services

1. Police departments need specific units for sex trafficking or, at a minimum, several law enforcement officers with specialized training.
2. Training for law enforcement is needed that is specifically geared toward a victim-centered approach to DMST victims. Training should encompass the state and federal mandates that victims cannot be charged with crimes attendant to the commercial exploitation – such as drug possession or disorderly conduct.
3. Establish a statewide protocol for supporting DMST victims who are identified at intake so that officers and other first responders know who to notify and what steps to take.

4. Existing organizations and shelters need to develop specialized services for DMST victims.
5. New organizations may be required to address specific needs that current service providers cannot meet. DMST victims need access to emergency and short-term shelters; drug rehabilitation; long-term residential facilities; specialized therapeutic foster care; transitional housing; and outpatient care.

Trafficker Prosecution

1. More training for prosecutors and law enforcement on the revised trafficking laws is needed.
2. Law enforcement must understand the value of preserving evidence relevant to sex crimes and must prioritize sex crimes over other crimes that may be occurring at the scene so that these cases can be successfully prosecuted.
3. Prosecutors should prioritize investigations and prosecutions for trafficking over other crimes that may be involved. If drug abuse is occurring at the same time as trafficking, the trafficking should take first priority since it involves human victims.
4. Local law enforcement should monitor Backpage.com and other websites to find victims. They should also investigate and monitor known hot spots.

Collaboration

1. The Governor's Task Force should look to other states that have a centralized response model, such as Florida, Kentucky, Minnesota, and Connecticut, and work to create, implement, and maintain a uniform response protocol. Coordinated responses must be implemented locally among law enforcement, government agencies, shelters, and service providers.
2. DHS protocols should be revised to allow more collaboration with outside services. DHS must determine what is preventing victims in their custody from receiving outside services and foster a more open communication with service providers offering DMST-specific services.
3. Collaboration between law enforcement agencies, the FBI, and homeland security should be implemented for trafficking across state lines.

Funding

1. Funding for the identification, recovery, protection, and rehabilitation of DMST victims must become a priority. Looking at how other states allocate money and resources could be beneficial. Then partnership with local legislators is needed to ensure that funding is allocated to the entities involved.
2. The legislature should provide funding for the human trafficking coordinator position in the Attorney General's office.

Conclusion

It is evident that the problem of domestic minor sex trafficking is serious in the counties assessed. Using the 4P Paradigm, needs and challenges currently faced by those involved were identified. Many victims of child trafficking slip through the cracks or are mislabeled as juvenile delinquents because of lack of awareness of the problem. For those victims who are identified, central Mississippi is not equipped to care for them. There are no shelters that serve the specific needs of DMST victims, which means they cannot be adequately protected. Victims often return to their traffickers because they are not receiving necessary services and there is a lack of coordination among agencies to monitor and support the victims.

This report is meant to shed light on the growing problem of DMST and on the lack of preparedness to respond to the problem in central Mississippi. Many advocates are in place, but more information, coordination, and funding is needed before significant progress will be achieved.

Appendix A

News and Media Coverage

The following articles pertaining to sex trafficking were published between 2000 and 2014. Additional articles about sex trafficking in other parts of the state were located, but this report includes only articles specific to the four counties assessed. Some articles pertain to awareness, while others are about specific instances of trafficking that have occurred in the state.

- Beverly Kraft, *Teens fall prey to sex via Net*, CLARION LEDGER (FEB. 7, 2000). Three accounts of teenagers meeting older men online.
- Gary Pettus, *Is it time for press to ask WWJD?*, CLARION LEDGER (JUNE 16, 2005). Awareness of lack of online searches and press reports about child slavery compared to trivial news.
- Kathleen Baydala, *Prostitutes move from corner to Web*, CLARION LEDGER (May 27, 2008). Nick Clark, commander of the Hinds County Sheriff's Department's Street Crimes Task Force, said prostitutes are using websites like Craigslist to attract clients. The author wrote, "Prostitution, whether found on the street or online, is a misdemeanor. That's why Clark says often his task force officers will 'trade up' meaning they will negotiate with suspected prostitutes to drop or lighten charges in exchange for their help in catching felons - namely drug dealers."
- Nicklaus Lovelady, *Police take aim at sex crimes*, CLARION LEDGER (MAR. 7, 2008). "The JPD child protection unit has made 19 arrests in 2008 in such crimes as rape, sexual battery, statutory rape, and gratification of lust, according to the jail docket. In all of 2007, there were 15 arrests."
- WLBT: Mississippi News Now, *State gets poor grade in dealing with sex trafficking* (Dec. 1, 2011). Linda Smith, founder of Shared Hope International: "The state legislatures are the place that have to bring about the laws that will protect these children, the laws that say they're victims, not criminals."
- Charlie Butts, *Human trafficking in Mississippi's backyard*, onenewsnow.com/culture/2013/01/02/human-trafficking-in-mississippi-backyard (Jan. 2, 2013). Reporting on an upcoming conference about trafficking in Mississippi. Susie Harvill of Advocates for Freedom, who works with rescued victims, said that a majority of victims are under 17 years old, and the youngest victim she had seen was three years old.
- ClarionLedger.com, *Feb. 19 trial date set in child sex trafficking case*, CLARION LEDGER (Jan. 12, 2013). Trial set for two men charged with sex trafficking; they made a video of themselves having sex with a female child under five years old.

- Ronni Mott, *Tackling Human Trafficking in Mississippi*, JACKSON FREE PRESS (Feb. 5, 2013). Heather Wagner from the Attorney General's Office and Sandy Middleton from the Center for Violence Prevention worked together to draft Mississippi trafficking laws. Wagner said, "Human trafficking doesn't just happen in other parts of the world. It happens right here in Mississippi."
- Chris Davis, *Atty. Gen. Hood "Proud" of Several Laws Passed*, NEWS MS (May 14, 2013). Several laws passed during the 2013 legislative session "strengthen what the government can do about human trafficking, domestic violence[,] and child pornography."
- Ronni Mott, *Sex Trafficking: A Local Problem*, JACKSON FREE PRESS (June 19, 2013). Victims of sex trafficking share many problems with victims of domestic violence, including post-traumatic stress, fear, low self-esteem, and lack of resources. The author identified Jackson as the sex trafficking "hub for the southeast[.]" He wrote, "In Mississippi, the geography and the interstate highways make Jackson a stopping-off point for the sex trade, which is highly portable. Midway between Memphis and New Orleans on the north-south axis, and Atlanta and Dallas on the east-west route, traffickers - pimps - shuttle their wares between sports and music events looking for buyers."
- Ronni Mott, *Sex Trafficking: It's Not About the Sex*, JACKSON FREE PRESS (June 26, 2013). Heather Wagner, assistant attorney general in charge of the domestic violence unit, said, "it's unclear just how big the problem is in the state." She reported that a "majority of victims are the 'girl next door.'" Wagner also said that law enforcement agencies are eager to get training and information about trafficking.
- Ronni Mott, *Sex Trafficking: The Portable Crime*, JACKSON FREE PRESS (July 3, 2013). In September 2012, Arizona State University researchers monitored the website Backpage.com for one week. Out of 1,145 postings, more than 900 advertisements offered sex or prostitution in Phoenix, and the authors of the study believed many of the girls were younger than 18. (*The Jackson Free Press reported on the study from Arizona State University as part of a series of articles that preceded an annual event to raise money for the Center for Violence Prevention in Jackson.*)
- Courtney Ann Jackson, *Updated human trafficking law protects victims*, WLBT: MS News Now (July 5, 2013). Mississippi human trafficking laws strengthened; took effect July 1, 2013. "Mississippi's interstate system serves as a huge hub for the [trafficking] business."
- Ronni Mott, *Sex Trafficking: What Now?*, JACKSON FREE PRESS (July 10, 2013). Mississippi laws on human trafficking were revised; the law now mandates "that law enforcement should not treat sex trafficking victims as criminals." The author wrote, "Mississippi

needs to step up to protect the victims and provide the support that will allow them to rebuild their lives.”

- Ronni Mott, *Just Average Girls*, JACKSON FREE PRESS (July 17, 2013). The writer recognized that “authorities should protect trafficking victims, not criminalize them; however, many state and local laws make prostitution, pimping, and buying sex illegal, and the women – who are the victims – are the ones usually arrested.”
- Ruth Ingram, *FBI operation nets 10 child prostitution pimps, a child’s rescue in MS*, CLARION LEDGER (July 29, 2013). “At least one child forced into prostitution was rescued and 10 pimps making children sexual slaves were arrested in MS over the weekend as part of the FBI’s Operation Cross Country VII, a three day enforcement to address commercial child sex trafficking.”
- Ruth Ingram, *Child sex trafficking arrests ‘tip of iceberg’*, CLARION LEDGER (July 29, 2013). Sandy Middleton, executive director of the Center for Violence Prevention, said “Once law enforcement starts to ask the right questions, these cases will come out of the woodwork.”
- The Clarion Ledger, *Operation Cross County suspect gives fake ID*, CLARION LEDGER (July 31, 2013). The number of pimps arrested in Jackson was fifth highest of the 76 cities across the nation involved in FBI Operation Cross Country VII.
- The Clarion Ledger, *FBI seeks Miss. help in locating Fla. kidnapping suspect*, CLARION LEDGER, (Aug. 13, 2013). Woman trafficked from Mississippi to Panama City, Florida, for sex. “The woman who was abducted was a cooperating witness in an FBI investigation of a network of brothels and prostitution delivery services in Tennessee and Kentucky.”
- Katie Eubanks, *Prostitution different than some suspect*, NORTHSIDE SUN (Aug. 15, 2013). Operation Cross Country took place in Ridgeland in 2013 and was aimed at getting children out of the sex trade. No minors were found in Ridgeland. The article also addressed the revised state law passed in 2013. Boty McDonald, prosecutor for the City of Ridgeland, said the victims seemed more naïve and needy than street smart. Lieutenant John Neal, commander of criminal investigations with the Ridgeland Police Department said he was surprised at how women did not exercise much caution and how openly they operated. Neal said his office needed to become familiar with the new laws.
- Iris Barnes, *Teaching Police How to Battle Human Trafficking*, NEWS MS (Aug. 26, 2013). Discussing training law enforcement on Mississippi’s new human trafficking laws.

- WLBT: Mississippi News Now, *Man sentenced to 23 years for child sex trafficking* (Sept. 30, 2013). Jemery Hodges was sentenced to 23 years in federal prison for sexually assaulting a female child and filming the assault.
- WAPT News, *Sentencing set for man convicted in child sex trafficking case* (Dec. 12, 2013). Marco Rogers scheduled to be sentenced after being convicted of trafficking of a minor child and production of child pornography.
- Chris Davis, *Women, Children Sold for Sex in Mississippi: January is Stalking, Human Trafficking Awareness Month*, NEWS MS (Jan. 13, 2014). The main reason people are trafficked is for prostitution or pornography.
- Jimmie E. Gates, *Bills target domestic violence*, CLARION LEDGER (Feb. 23, 2014). Article discusses new laws on domestic violence and trafficking.
- Emily Alexander, *College students on mission to end slavery, human trafficking*, wapt.com, (Feb. 27, 2014). Recognized the Interstate-20 corridor as a huge means for movement of victims.
- Deborah Madden, *Two Juveniles Recovered in Mississippi Operation Targeting Commercial Child Sex Trafficking*, Federal Bureau of Investigation, Jackson Division (June 23, 2014). "Initial arrests are often for violations of local and state laws relating to prostitution or solicitation. Information gleaned from those arrested frequently reveals organized efforts to prostitute women and children across many states."
- Anna Wolfe, *Sex Trafficking: Close to Home*, JACKSON FREE PRESS (July 14, 2014). Ron Crew, an instructor at the Law Enforcement Training Academy in Pearl, said "It's a victim-based crime. Unless there's a support system already in place for the victims, then they're just kind of left out to dry." Crew reported no improvements for trafficking victims in Mississippi since 2013 revisions to Mississippi's trafficking law. He said there is little to no funding for victims although he reported "a positive uptick in community awareness."
- Geoff Pender, *Bryant creates human trafficking task force*, CLARION LEDGER (Dec. 9, 2014). Mississippi governor, Phil Bryant, created a task force on human trafficking in the state.

Appendix B

Research for this report concluded in December 2014. At that time, researchers had been unable to identify any cases that had been brought under the Mississippi Human Trafficking Act since the 2013 amendments to the law. However, on January 15, 2015, a Madison County court handed down sentencing for a Jackson man who had pleaded guilty to human trafficking.¹⁰⁵

Montavious Warner had been arrested in April 2014 when police officers found him with a 16-year-old girl at a hotel in Ridgeland. Officers discovered an ad for prostitution on jacksonpackpage.com on Warner's cell phone, and the 16-year-old told police that Warner was her pimp. She said Warner had taken her to the hotel to have sex with someone for \$150. Warner admitted the same to an inmate while he was in jail. Warner was charged with human trafficking, and he entered a guilty plea. He was sentenced to twenty-five years, with twelve years suspended.¹⁰⁶ Warner was the first to be prosecuted under Mississippi's revised human trafficking laws in the counties assessed.

¹⁰⁵ Angela Williams, *Jackson man sentenced for human trafficking*, WAPT.com, wapt.com/news/central-mississippi/jackson-man-sentenced-for-human-trafficking/30732744 (Jan. 15, 2015).

¹⁰⁶ *Ibid.* See also Jimmie E. Gates, *Human trafficking is a growing criminal enterprise*, CLARION LEDGER (Jan. 15, 2015); Mary Grace Eppes, *Man sentenced for human trafficking in Madison Co.*, WLBT: MS News Now, msnewsnow.com/story/27862158/man-sentenced-for-human-trafficking-in-madison-co (Jan. 15, 2015).

Appendix C

The following chart includes the 2011 high school graduation rates for all high schools in Hinds, Madison, Rankin, and Warren counties.¹⁰⁷

County	District	High School	Graduation Rate 2011
Madison	Madison	Madison Central High School	92.1
Hinds	Clinton	Clinton High School	90
Madison	Madison	Ridgeland High School	86.1
Rankin	Rankin County	Florence High School	84.5
Rankin	Rankin County	Brandon High School	84.2
Rankin	Rankin County	Northwest Rankin High School	84
Rankin	Rankin County	Puckett Attendance Center	82.3
Rankin	Rankin County	McLaurin Attendance Center	81.7
Rankin	Pearl	Pearl High School	79.8
Rankin	Rankin County	Pelahatchie Attendance Center	78
Hinds	Hinds AHS	Hinds County AHS	77.9
Hinds	Jackson Public	Bailey Magnet	77.6
Hinds	Hinds County	Terry High School	77.5
Rankin	Rankin County	Pisgah High School	77.4
Hinds	Jackson Public	Murrah High School	75.6
Madison	Madison	Velma Jackson High School	70.9
Hinds	Jackson Public	Jim Hill High School	67.5
Hinds	Jackson Public	Lanier High School	65.5
Hinds	Jackson Public	Forest Hill High School	64.6
Rankin	Rankin County	Richland High School	62.5
Hinds	Hinds County	Raymond High School	62
Madison	Canton	Canton Public High School	62
Hinds	Jackson Public	Callaway High School	60.7
Warren	Vicksburg-Warren	Warren Central High School	59.7
Hinds	Jackson Public	Wingfield High School	53.3
Hinds	Jackson Public	Provine High School	52.5
Warren	Vicksburg-Warren	Vicksburg High School	51.2

¹⁰⁷ Mississippi Center for Public Policy, *MS High School Graduation Rates*, www.msppolicy.org/mcpp_reports/mcpp_reports_view.php?entryID=334 (2011).

Appendix D

Mississippi Human Trafficking Act Mississippi Code Section 97-3-54 – 97-3-54.9

§ 97-3-54. Human Trafficking Act; short title

Sections 97-3-54 through 97-3-54.9 may be known and cited as the Mississippi Human Trafficking Act.

§ 97-3-54.1. Human Trafficking Act; prohibited conduct; penalty

(1) (a) A person who 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 or services, or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of human-trafficking.

(b) A person who knowingly purchases the forced labor or services of a trafficked person or who otherwise knowingly subjects, or attempts to subject, another person to forced labor or services or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of procuring involuntary servitude.

(c) A person who knowingly subjects, or attempts to subject, or who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or causes or attempts to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, shall be guilty of procuring sexual servitude of a minor and shall be punished by commitment to the custody of the Department of Corrections for not less than five (5) nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$ 50,000.00) nor more than Five Hundred Thousand Dollars (\$ 500,000.00), or both. It is not a defense in a prosecution under this section that a minor consented to engage in the commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or that the defendant reasonably believed that the minor was eighteen (18) years of age or older.

(2) If the victim is not a minor, a person who is convicted of an offense set forth in subsection (1) (a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars (\$ 10,000.00) nor more than One Hundred Thousand Dollars (\$ 100,000.00), or both. If the victim of the offense is a minor, a person who is convicted of an offense set forth

in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than five (5) years nor more than twenty (20) years, or by a fine of not less than Twenty Thousand Dollars (\$ 20,000.00) nor more than One Hundred Thousand Dollars (\$ 100,000.00), or both.

(3) An enterprise may be prosecuted for an offense under this chapter if:

(a) An agent of the enterprise knowingly engages in conduct that constitutes an offense under this chapter while acting within the scope of employment and for the benefit of the entity.

(b) An employee of the enterprise engages in conduct that constitutes an offense under this chapter and the commission of the offense was part of a pattern of illegal activity for the benefit of the enterprise, which an agent of the enterprise either knew was occurring or recklessly disregarded, and the agent failed to take effective action to stop the illegal activity.

(c) It is an affirmative defense to a prosecution of an enterprise that the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons associated with the enterprise from engaging in the unlawful conduct and to promptly correct any violations of this chapter.

(d) The court may consider the severity of the enterprise's offense and order penalties, including: (i) a fine of not more than One Million Dollars (\$ 1,000,000.00); (ii) disgorgement of profit; and (iii) debarment from government contracts. Additionally, the court may order any of the relief provided in Section 97-3-54.7.

(4) In addition to the mandatory reporting provisions contained in Section 97-5-51, any person who has reasonable cause to suspect a minor under the age of eighteen (18) is a trafficked person shall immediately make a report of the suspected child abuse or neglect to the Department of Human Services and to the Statewide Human Trafficking Coordinator. The Department of Human Services shall then immediately notify the law enforcement agency in the jurisdiction where the suspected child abuse or neglect occurred as required in Section 43-21-353, and the department shall also commence an initial investigation into the suspected abuse or neglect as required in Section 43-21-353. A minor who has been identified as a victim of trafficking shall not be liable for criminal activity in violation of this section.

(5) It is an affirmative defense in a prosecution under this act that the defendant:

(a) Is a victim; and

(b) Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.

§ 97-3-54.2. Human Trafficking Act; destruction, concealment, or confiscation of passport or other immigration document for purpose of preventing person's freedom of movement or ability to travel; penalties

Anyone who knowingly destroys, conceals, removes, confiscates or possesses, or attempts to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person, when the person is or has been a victim of a violation set out in Section 97-3-54.1, shall be punished by commitment to the custody of the Department of Corrections for not more than five (5) years.

§ 97-3-54.3. Human Trafficking Act; aiding, abetting, or conspiring to violate human trafficking provisions

A person who knowingly aids, abets or conspires with one or more persons to violate the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not.

§ 97-3-54.4. Human Trafficking Act; definitions

For the purposes of the Mississippi Human Trafficking Act the following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Act" or "this act" means the Mississippi Human Trafficking Act.

(b) "Actor" means a person who violates any of the provisions of Sections 97-3-54 through 97-3-54.4.

(c) "Blackmail" means obtaining property or things of value of another by threatening to (i) inflict bodily injury on anyone; (ii) commit any other criminal offense; or (iii) expose any secret tending to subject any person to hatred, contempt or ridicule.

(d) "Commercial sexual activity" means any sex act on account of which anything of value is given to, promised to, or received by any person.

(e) "Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact regardless of whether a legal entity has been formed pursuant to any state, federal or territorial law. It includes illicit as well as licit enterprises and governmental as well as other entities.

(f) "Financial harm" includes, but is not limited to, extortion as defined by Section 97-3-82, Mississippi Code of 1972, or violation of the usury law as defined by Title 75, Chapter 17, Mississippi Code of 1972.

(g) "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through an actor:

(i) Causing or threatening to cause serious harm to any person;

(ii) Physically restraining or threatening to physically restrain any person;

(iii) Abusing or threatening to abuse the law or legal process;

(iv) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;

(v) Using blackmail;

(vi) Causing or threatening to cause financial harm to any person;

(vii) Abusing a position of power;

(viii) Using an individual's personal services as payment or satisfaction of a real or purported debt when: 1. the reasonable value of the services is not applied toward the liquidation of the debt; 2. the length of the services is not limited and the nature of the services is not defined; 3. the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred; or 4. the individual is prevented from acquiring accurate and timely information about the disposition of the debt;

(ix) Using any scheme, plan or pattern of conduct intended to cause any person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.

(h) "Labor" means work of economic or financial value.

(i) "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the trafficked person to perform such labor or service.

(j) "Minor" means a person under the age of eighteen (18) years.

(k) "Obtain" means, in relation to labor or services, to secure performance thereof.

(l) "Pecuniary damages" means any of the following:

(i) The greater of the gross income or value to the defendant of the victim's labor or services, including sexual services, not reduced by the expense the defendant incurred as a result of maintaining the victim, or the value of the victim's labor or services calculated under the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS Section 201 et seq., whichever is higher;

(ii) If it is not possible or in the best interest of the victim to compute a value under paragraph (k)(i), the equivalent of the value of the victim's labor or services if the victim had provided labor or services that were subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS 201 et seq.;

(iii) Costs and expenses incurred by the victim as a result of the offense for:

1. Medical services;
2. Therapy or psychological counseling;
3. Temporary housing;
4. Transportation;
5. Childcare;
6. Physical and occupational therapy or rehabilitation;
7. Funeral, interment, and burial services; reasonable attorney's fees and other legal costs; and
8. Other expenses incurred by the victim.

(m) "Serious harm" means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual that would compel a reasonable person in similar circumstances as the individual to perform or continue to perform labor or services to avoid incurring the harm.

(n) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, commercial sexual activity, sexually explicit performances, or the production of sexually explicit materials.

(o) "Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

(p) "Trafficked person" means a person subjected to the practices prohibited by this act regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted, and is a term used interchangeably with the terms "victim," "victim of trafficking" and "trafficking victim."

(q) "Venture" means any group of two (2) or more individuals associated in fact, whether or not a legal entity.

(r) "Sexually oriented material" shall have the meaning ascribed in Section 97-5-27, Mississippi Code of 1972.

§ 97-3-54.5. Human Trafficking Act; use of undercover operative in detection of offense permitted.

The fact that an undercover operative or law enforcement officer was involved in any manner in the detection and investigation of an offense under this act shall not constitute a defense to a prosecution under this act.

§ 97-3-54.6. Human Trafficking Act; injunctive and other relief for victims of trafficking; confidentiality

(1) Any circuit court may, after making due provision for the rights of trafficked persons, enjoin violations of the provisions of this act by issuing appropriate orders and judgments, including, but not limited to:

(a) Ordering any defendant to divest himself of any interest in any enterprise, including real property.

(b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this act.

(c) Ordering the dissolution or reorganization of any enterprise.

(d) Ordering the suspension or revocation of a license or permit granted to any enterprise by any agency of the state.

(e) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of this chapter and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.

(2) Notwithstanding any provisions to the contrary in Section 99-37-1 et seq., the court shall

order restitution to the victim for any offense under this chapter. The order of restitution under this section shall direct the defendant to pay the victim, through the appropriate court mechanism, the full amount of the victim's pecuniary damages. For the purposes of determining restitution, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under eighteen (18) years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian. The court may order restitution even if the victim is absent from the jurisdiction or unavailable.

(3) Any person who is injured by reason of any violation of the provisions of this chapter shall have a cause of action against any person or enterprise convicted of engaging in activity in violation of this chapter for threefold the actual damages sustained and, when appropriate, punitive damages. The person shall also recover attorney's fees in the trial and appellate courts and reasonable costs of investigation and litigation.

(4) The application of one (1) civil remedy under any provision of this act shall not preclude the application of any other remedy, civil or criminal, under this act or any other provision of law. Civil remedies under this act are supplemental.

(5) At any time after a conviction under this act, the court in which the conviction was entered may, upon appropriate motion, vacate the conviction if the court finds the defendant's participation in the offense was the result of being a victim. Official documentation from a federal, state or local government agency as to the defendant's status as a victim at the time of the offense creates a presumption that the defendant's participation in the offense was a result of being a victim, but official documentation is not required to grant a motion under this subsection.

(6) In a prosecution or civil action for damages for an offense under this act in which there is evidence that the alleged victim was subjected to sexual servitude, reputation or opinion evidence of past sexual behavior of the alleged victim is not admissible, unless admitted in accordance with the Mississippi Rules of Evidence.

(7) In any investigation or prosecution for an offense under this act, the responsible law enforcement agency or prosecutor's office are required to take all reasonable efforts to keep the identity of the victim and the victim's family confidential by ensuring that the names and identifying information of those individuals are not disclosed to the public.

§ 97-3-54.7. Human Trafficking Act; forfeiture of assets and disposition of proceeds.

(1) In addition to any other civil or criminal penalties provided by law, any property used in the commission of a violation of this act shall be forfeited as provided herein.

(a) The following property shall be subject to forfeiture if used or intended for use as an instrumentality in or used in furtherance of a violation of this act:

(i) Conveyances, including aircraft, vehicles or vessels;

(ii) Books, records, telecommunication equipment, or computers;

(iii) Money or weapons;

(iv) Everything of value furnished, or intended to be furnished, in exchange for an act in violation and all proceeds traceable to the exchange;

(v) Negotiable instruments and securities;

(vi) Any property, real or personal, directly or indirectly acquired or received in a violation or as an inducement to violate;

(vii) Any property traceable to proceeds from a violation; and

(viii) Any real property, including any right, title and interest in the whole of or any part of any lot or tract of land used in furtherance of a violation of this act.

(b) (i) No property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the property is a consenting party or privy to a violation of this act;

(ii) No property is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent; if the confiscating authority has reason to believe that the property is a leased or rented property, then the confiscating authority shall notify the owner of the property within five (5) days of the confiscation or within five (5) days of forming reason to believe that the property is a leased or rented property;

(iii) Forfeiture of a property encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

(2) No property shall be forfeited under the provisions of this section, to the extent of the interest of an owner, by reason of any act or omission established by him to have been committed or omitted without his knowledge or consent.

(3) Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant.

(4) (a) When any property is seized under this section, proceedings shall be instituted within a reasonable period of time from the date of seizure or the subject property shall be immediately returned to the party from whom seized.

(b) A petition for forfeiture shall be filed by the Attorney General or a district attorney in the name of the State of Mississippi, the county, or the municipality, and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought, or the county in which the owner of the seized property is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized property is within the jurisdictional limits of the county court as set forth in Section 9-9-21. A copy of the petition shall be served upon the following persons by service of process in the same manner as in civil cases:

(i) The owner of the property, if address is known;

(ii) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of the secured party can be ascertained by the entity filing the petition by making a good faith effort to ascertain the identity of the secured party;

(iii) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the seizing law enforcement agency has actual knowledge; and

(iv) Any person in possession of property subject to forfeiture at the time that it was seized.

(5) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, inquiry of the Department of Revenue shall be made as to what the records of the Department of Revenue show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest that affects the vehicle.

(6) If the property is a motor vehicle and is not titled in the State of Mississippi, then an attempt shall be made to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, inquiry of the appropriate agency of that state shall be made as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device that affects the vehicle.

(7) If the property is of a nature that a financing statement is required by the laws of this state

to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, inquiry of the appropriate office designated in Section 75-9-501, shall be made as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property.

(8) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, inquiry of the Mississippi Department of Transportation shall be made as to what the records of the Federal Aviation Administration show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property.

(9) If the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust that affects the property, the record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust that affects the property is to be named in the petition of forfeiture and is to be served with process in the same manner as in civil cases.

(10) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, there shall be filed with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37, for publication of notice for attachments at law.

(11) No proceedings instituted pursuant to the provisions of this section shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by this section shall be introduced into evidence at the hearing.

(12) (a) An owner of a property that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the seizing law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in session within thirty (30) days after filing the answer. The court may postpone the forfeiture

hearing to a date past the time any criminal action is pending against the owner upon request of any party.

(b) If the owner of the property has filed an answer denying that the property is subject to forfeiture, then the burden is on the petitioner to prove that the property is subject to forfeiture. However, if an answer has not been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. The burden of proof placed upon the petitioner in regard to property forfeited under the provisions of this chapter shall be by a preponderance of the evidence.

(c) At the hearing any claimant of any right, title or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.

(d) If it is found that the property is subject to forfeiture, then the judge shall forfeit the property. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest, or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If the interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited.

(13) Unless otherwise provided herein, all personal property which is forfeited under this section shall be liquidated and, after deduction of court costs and the expense of liquidation, the proceeds shall be divided as follows:

(a) If only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Relief for Victims of Human Trafficking Fund, and fifty percent (50%) shall be deposited and credited to the budget of the participating law enforcement agency.

(b) If more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Relief for Victims of Human Trafficking Fund, twenty-five percent (25%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty-five percent (25%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty-five percent (25%), a petition shall be filed by any

one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.

(14) All money forfeited under this section shall be divided, deposited and credited in the same manner as provided in subsection (13).

(15) All real estate forfeited under the provisions of this section shall be sold to the highest and best bidder at a public auction for cash, the auction to be conducted by the chief law enforcement officer of the initiating law enforcement agency, or his designee, at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution at law. The proceeds of the sale shall first be applied to the cost and expense in administering and conducting the sale, then to the satisfaction of all mortgages, deeds of trust, liens and encumbrances of record on the property. The remaining proceeds shall be divided, forwarded and deposited in the same manner as provided in subsection (13).

(16) (a) Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes all property described in subsection (1)(a)(i) of this section that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. The county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (9) of this section.

(b) (i) If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.

(ii) If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.

(c) If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5 or in the manner provided by law for disposing of municipal property.

(17) The forfeiture procedure set forth in this section is the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.

§ 97-3-54.8. Human Trafficking Act; Relief for Victims of Human Trafficking Fund

(1) There is hereby created in the State Treasury a special fund to be known as the "Relief for Victims of Human Trafficking Fund." The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of:

- (a) Monies appropriated by the Legislature;
- (b) The interest accruing to the fund;
- (c) Donations or grant funds received; and
- (d) Monies received from such other sources as may be provided by law.

(2) The monies in the Relief for Victims of Human Trafficking Fund shall be used by the Mississippi Attorney General's office solely for the administration of programs designed to assist victims of human trafficking, to conduct training on human trafficking to law enforcement, court personnel, attorneys, and nongovernmental service providers, and to support the duties of the statewide human trafficking coordinator as set forth in this act.

§ 97-3-54.9. Human Trafficking Act; statewide human trafficking coordinator; duties

(1) There is created the position of statewide human trafficking coordinator within the Attorney General's office. The duties of the coordinator shall be as follows:

- (a) Coordinate the implementation of this act;
- (b) Evaluate state efforts to combat human trafficking;
- (c) Collect data on human trafficking activity within the state on an ongoing basis, including types of activities reported, efforts to combat human trafficking, and impact on victims and on the state;
- (d) Exclude from publicly released portions of the data collected under subsection (1)(c) the identity of any victim and the victim's family;
- (e) Promote public awareness about human trafficking, remedies and services for victims, and national hotline information;
- (f) Create and maintain a website to publicize the coordinator's work;

(g) Submit to the Legislature an annual report of its evaluation under subsection (1)(b), including any recommendations, and summary of data collected under subsection (1)(c);

(h) Develop and implement rules and regulations pertaining to the use of the Relief for Victims of Human Trafficking Fund to support services for victims of human trafficking in Mississippi;

(i) Assist in the creation and operations of local human trafficking task forces or working groups around the state, including serving on a task force; and

(j) Conduct other activities, including, but not limited to, applying for grants to enhance investigation and prosecution of trafficking offenses or to improve victim services to combat human trafficking within this state which are appropriate.

(2) The coordinator shall be authorized to seek input and assistance from state agencies, nongovernmental agencies, service providers and other individuals in the performance of the foregoing duties.

(3) Each state agency, board and commission shall be required to fully cooperate with the coordinator in the performance of the duties of that position.

(4) Every investigation of an offense under this chapter shall be reported to the coordinator by the initiating law enforcement agency pursuant to guidelines established by the coordinator.

(5) Notwithstanding the provisions of Section 43-21-261, disclosure by any state agency, nongovernmental agency, service provider or local or state law enforcement agency of nonidentifying information regarding a minor victim to the coordinator for the purposes of evaluating and collecting data regarding trafficking offenses in the state is specifically authorized.