The Commercial Sexual Exploitation of Children and Adolescents in the United States: A Call to Action for Psychology and Law

Abigail M. Judge, Ph.D.
Advanced Post-Doctoral Fellow
Harvard Medical School
Massachusetts General Hospital

Jennifer A. Murphy, Ph.D.
Clinical Instructor
Harvard Medical School
Massachusetts General Hospital

Introduction

by Joel A. Dvoskin, Patty Griffin

At the APA Convention in August, we attended an excellent presentation on the heartbreaking topic of children who are bought and sold within the United States for the purposes of sexual exploitation. This presentation expanded upon the forced prostitution and human trafficking Presidential Plenary symposium at our annual conference in March. Although the presentation at APA on commercial sexual exploitation of children was well attended, it occurred to us that many more forensic psychologists and scholars in psychology and law would greatly benefit from learning about this form of sexual organized crime.

We asked the presenters if they would be willing to share some of this vital information with the members of AP-LS, many of whom work in tough settings and whose clients and evaluatees might include perpetrators and/or victims of these tragic crimes. It is our hope that this information will stimulate AP-LS members to pay more attention to the study and prevention of this form of sexually motivated kidnapping and slavery.

We are grateful and pleased to present this article summarizing this form of organized crime, along with some suggestions regarding the manner in which the field of psychology and law can contribute to its demise.

Introduction and definition of the problem

In recent years, the international trafficking of women and girls for commercial sexual purposes has deservedly received increased attention in the popular press as well as by governmental and law enforcement officials. In contrast, considerably less attention has been paid to the trafficking of youth for sexual purposes within the boundaries of the United States. This lack of attention or systemic commitment to ending the practice persist despite what Estes and Weiner (2001) asserts is the “most hidden form of child abuse in the United States and American today.”

This limited awareness about the prevalence of forced prostitution of children and adolescents in the United States has maintained a troubling status quo: youth are routinely arrested and prosecuted under state sexual solicitation statutes and imprisoned. Most disturbingly, prosecution of children occurs while their adult customers and third-party exploiters typically face few if any legal consequences. Due to increased awareness and federal legislation (see TVPA, 2008), international trafficking victims receive protection and resources, including expedited visas, food assistance, shelter, education, and job training. However, American victims, regardless of their age, are typically treated as criminals in the justice system and provided with little or no services upon their release from the system, thereby invariably ensuring their return to their exploiters.

The challenges that face this child population are significant and varied. Such dilemmas begin with the seemingly benign task of deciding the appropriate terminology to use when identifying affected youth. Although lay people and professionals have used the terms prostitution and prostitute for years, other language (e.g., prostituted child) has been proposed. This is not only to shift the onus and agency of the behavior away from the individual child, but also to buttress the growing recognition that involved children are, in fact, victims. From a historical perspective, youth involved in prostitution constitute a population that has been radically misperceived as to their degree of choice and agency concerning their participation in sexual exploitation. Affected girls have been commonly seen as morally corrupt, sexually deviant, or “bad” rather than in need of help (Birkhead, 2011). Thus, legal scholars, along with many supporters in the survivor-led advocacy movement and the child protection community, propose that the most apt terminology is the “commercial sexual exploitation of children” (CSEC), or sexually exploited child for commercial purposes. Unfortunately, at the current time, there remains no consensus about language among the many systems and agencies charged with protecting and responding to child victims (e.g., law enforcement, court officials, survivor-led services, child protection agencies, and the general public). Importantly, how an agency or discipline names and defines an involved child will portend its attitudes and assumptions about commercial sexual exploitation, and may also determine the child’s ultimate treatment as either a criminal or a victim or some hybrid of both. Further, it is our clinical experience that involved youth are keenly aware of how the majority of people perceive the term prostitute and the industry it represents, including the effects of this language and entrenched attitudes on their own self-perception (e.g., self-perceived culpability and self-conceptualization as “damaged goods”). These prevailing attitudes and stigmatization impacts the child’s sense of entitlement to services and help.
**Prevalence of the problem: What we know and do not know**

Young people are manipulated, forced or coerced into prostitution every day throughout the United States. According to the United States Department of Justice’s Center for Child Exploitation and Obscenity, the average age of entry into the commercial sex industry for is 12-15 years. For boys and transgender youth the age is even younger.\(^1\) Trafficking of minors within the United States happens in all communities, whether urban, suburban, or rural. Pimps, also known as traffickers or exploiters, seek out vulnerable youth by targeting them in places where they typically spend time: shopping malls, schools, bus stations, all-age nightclubs, and group homes. Of note, imagery in popular culture and music has come to glamorize aspects of pimp culture and some youth perceive the associated lifestyle to offer status, wealth and upward mobility (Sher, 2011). Absent from this popular discourse in which “pimpology” (Gohlson, 2011; Ken & Hunter, 2008) is lauded as a reflection of male prowess and power, however, are the manipulation tactics that exploiters utilize to deliberately target vulnerable youth. Pimps target youth from varied backgrounds and trap/entice teenagers based on their vulnerabilities. This process may resemble “grooming,” a process more widely understood as associated with other forms of childhood sexual abuse. Our clinical observations in juvenile court clinics as well as stories in the popular press indicate that some pimps actively seek survivors of abuse and neglect, especially youth in the care of the state child protection system.

The most oft cited statistic by the Department of Justice, survivor-led agencies, child protection agencies, and some researchers assert that the estimated number of children who are being commercially exploited for sexual purposes at any given time in the U.S. is around 300,000 (Estes & Weiner, 2001). This figure is an estimate only, however, and not derived from epidemiological research. Leading maltreatment researchers have critiqued prevalence estimates and concluded that no scientifically credible estimate of the commercial sexual exploitation of children (CSEC) in the U.S. currently exists (Stransky & Finkelhor, 2008). This lack of evidence may be due to the inherent difficulties of empirically studying this population (Melrose, 2002) as well as a general underestimate of the prevalence and severity of the problem. The authors expressed concern about the possible unintended harm of continuing to reference numbers that could vastly underestimate (or overestimate) the true extent of the problem. Thus, they advocate for developing better research methodologies rather than citing a potentially misleading figure (Stransky & Finkelhor, 2008).

Despite these methodological limitations, several trends suggest an increasing number of girls and youth are being coerced into the commercial sex industry in the U.S. First, there has been a proliferation of online commercial sexual exploitation on advertising websites such as Craigslist and “backpages” as well as social networking sites (see 2010 Report to Congress). Experts in child exploitation from the fields of law enforcement and computer forensics assert that the Internet and social networking sites are the new means by which recruitment and exploitation now occurs. This, too, has contributed to the problem’s relative social invisibility (e.g., from the streets to “online brothels”). Second, there are lesser penalties currently contained in the United States’ and individual states’ criminal codes regarding the consequences for the exploitation girls and women compared to the increasingly more strict penalties for drug offenses. This disparity has served to shift many criminal enterprises away from the selling of drugs for profit to the selling of girls for profit. As one FBI agent poignantly stated, “The sex trade is the new drug trade” (Sher, 2011). Finally, with respect to our own clinical experience and anecdotal observations in the juvenile justice and child protection systems in the city of Boston, the number of girls presenting to the court and child protection officials appears to be on the upswing. This increase suggests that the child exploitation has become more prevalent.

In addition, the sociocultural influences we previously noted regarding the normalization and glamorization of the life of exploiters and those exploited are increasingly mainstream and appear in multi-media outlets (e.g., music and movies that glorify the lifestyle of a pimp, video games such as Grand Theft Auto that allow the player to earn additional points for killing a prostitute and getting their money back, multiple books sold on Amazon.com that promote the pimp lifestyle and provide instructions on how to “turn out” a girl.)

The word pimp itself is colloquially used to suggest social status, prestige and upward mobility (e.g., MTV’s now cancelled but formerly popular program, “Pimp My Ride”). Although research on these trends is limited, the American Psychological Association’s Task Force on the Sexualization of Girls (Zurbriggen et al., 2007) details the many ways in which girls are being socialized into viewing themselves as objects to satisfy the sexual needs of others as opposed to their own sexual agency, desire, and self-assertion.

**The consequences for victims of sexual exploitation**

In our experience, the consequences for girls who are coerced into the world of sexual exploitation are brutal and enduring. In the legal realm, criminalization of girls remains the prevailing legal framework and many believe that this treatment is re-traumatizing and logistically problematic. One of the ongoing tensions within the legal world regarding the sexual exploitation of children is the contradiction between age of consent laws and laws regarding prostitution. Most states place the age of consent to sex at age sixteen. Yet, in these same states, girls as young as eleven, twelve, and thirteen are being prosecuted under the states prostitution laws. Thus, a child who is too young to consent to sex can be prosecuted as a prostitute even while the adults who bought and sold her face minimal if any penalties. Slowly but steadily, new state and federal laws reinforce the need to treat these young people as victims and attempt to defeat the longstanding acceptance of the practice of selling and purchasing young women for sex. For example, at the current time, anti-trafficking legislation has been introduced in the majority of states, and this legislation seeks to increase the penalties against third-party exploiters. Some states have used this legislation to increase penalties against customers as well. In addition, some states have implemented stricter penalties for men who seek services from underage girls. Currently, in many states, a customer or “john” still receives the same penalty for purchasing sex from a woman over the age of 18 or an underage child (Sher, 2011). States are beginning to change these laws, some legislative initiatives going as far as placing the onus on the customer regarding the age of sex worker and not permitting the customer to state that they did not know the age of the woman/child as a defense in court.

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In addition to anti-trafficking laws, Safe Harbor Legislation (SHL) has been introduced and/or passed in a much smaller number of states. SHL seeks to decriminalize children engaged in “prostitution” and divert them to child protection services, counseling and treatment program. Currently, approximately five states have passed Safe Harbor Legislation and a few other states have Safe Harbor bills in various stages of being presented to state legislative bodies. Unfortunately, laws are few and remain problematic in some respects. For example, in some states this law only applies to girls under the age fifteen (i.e., New York), even though the age of consent in New York is seventeen and Federal Laws define a child victim of sexual exploitation as under age eighteen. Additionally, many of these laws (including a new law being considered by the Massachusetts legislature) mandate that the child’s case return to the juvenile justice system if he/she does not cooperate with services. In addition, repeat “offenders” are not protected. Nevertheless, these evolving changes in the laws do reflect a nascent transformation in how the legal system perceives and responds to involved girls. Even more encouraging is a federal law (the reauthorization of the Trafficking Victims Protection Act) spearheaded by Congresswoman Carolyn Maloney and passed by US Congress in 2009 that strongly equated the commercial sexual exploitation of children with slavery (Sher, 2011). In fact, the law was named after William Wilberforce, the abolitionist who fought to end slavery in the 19th century.

In addition to this complicated range of legal consequences, in our experience, substantial psychological consequences may result from girls’ involvement in commercial sexual exploitation. As girls are initiated into the lifestyle, exploitors may use a variety of techniques to gain control over them and to ensure their long-term commitment to the exploiter and the lifestyle. Girls are isolated from their previous family and friends and inducted into a new “family” (i.e., their exploiter and the other girls and women working for that person) that demands unwavering loyalty and strict adherence to a multitude of rules. Girls may be repeatedly told that no one in the “outside” or “square world” will understand them and will condemn and judge them for the choices they have made. Of course, this indoctrination may have critical implications for girls’ capacities to trust and engage with adults in a position to help (i.e., psychologists). Girls commonly endure severe and frequent violence by exploiters and customers. Pimps may encourage girls to use illegal, intoxicating, and addictive substances, which is another means to control girls’ behavior, foster dependence, and compromise their capacities for self-protection.

When girls attempt to leave their exploiters, they are threatened, beaten, and raped. Girls who have escaped often report stories of girls who have “disappeared” when they have attempted to leave. The girls also face severe medical consequences stemming from repeated violence, malnutrition, sleep deprivation, exposure to STDs, pregnancy, addiction, and infertility. The mental health consequences are enormous, ranging from post-traumatic stress disorder, symptoms of complex traumatic stress, depression, suicidality and self-harm, etc. Paradoxically, girls may often feel better about themselves while involved in sexual exploitation because they may be intermittently praised by their exploiters for earning money and by their customers for appearing attractive. When they leave, they often experience a plummeting in their sense of self as they interact with a world that identifies them first and foremost as a “prostitute,” and fails to either see or help the girl identify her considerable strengths for having exited the world her exploiter created. This, too, poses challenges to mental health systems where youth may reject the identity of a “patient” or “group home kid.” The girls have often missed years of education and/or vocational training and need assistance in ferreting out avenues to accomplish her goals. The girls often face legal consequences either as identified perpetrators or as witnesses against their exploiters. Both of these legal avenues are often retraumatizing for the girls. The girls also face the lack of very concrete needs such as food, obtaining identification (often kept by their exploiter), shelter, medical care, legal assistance, security (if there are concerns regarding the lethality of their exploiter), psychological treatment, substance abuse treatment, social/emotional support and a supportive community, educational opportunities, as well as the more abstract needs of finding ways to build their sense of self and identify internal strengths that provide them with hope. All of these outcomes serve a more insidious purpose as well: the consequences become significant barriers to exiting the lifestyle, seeking help and resisting the understandable pull to return to one’s exploiter.

An important store of knowledge about commercial sexual exploitation is derived from the experiences of women formerly involved in this lifestyle who now mentor involved youth. Survivor-led programming and survivor-clinician collaborations have been at the forefront of raising awareness and promoting advocacy for this underserved child population. These initiatives have garnered needed attention for the problem of commercial sexual exploitation and helped to articulate the needs of affected girls. Survivor-led rehabilitation services (e.g., GEMS in New York City is among the most well known) have also been influential in designing a continuum of services that affected youth require. Such a continuum recognizes that exiting one’s exploiter and the lifestyle is a process, and that girls require services tailored to their particular stage in this process. One important point on this continuum of services is the prevention of girls’ involvement in the first place, and an organization in Massachusetts called My Life My Choice offers one such model program. At My Life My Choice, survivors co-lead prevention groups with clinicians that equip girls with ways to identify recruitment tactics commonly used by pimps and ways to identify factors in their own lives that may place them at particular risk. In addition to prevention groups, survivors mentor girls who are involved with and/or struggling to leave an exploiter. One role that survivor mentors may serve is to educate girls about the role of mental health treatment and its utility in their own recovery. Girls involved in commercial sexual exploitation may understandably harbor negative views of formal treatment systems due to past involvement in the child protection system or the courts. A survivor mentor, by virtue of shared experience and a common language—both powerful antidotes to traumatic experience - may also help girls to engage with needed treatment in addition to the mentoring bond.

The influence of survivor-led programming suggests the value of partnerships between survivors and mental health clinicians given the complementary knowl-
edge stores each group may offer the problem. From a psychological perspective, we suggest that the self-esteem, identity, and positive regard that youth may derive from their relationship with their exploiter is quite understandable given the previously unmet attachment needs and maltreatment that likely pervade girls’ early histories (Wilson & Widom, 2010). As such, the relationship between a girl and her exploiter may be conceptualized as form of traumatic bonding (Herman, 1992) and the difficulties associated with exiting the relationship reminiscent of domestic violence. Similar to the awareness associated with domestic violence movement only twenty years ago and that of child sexual abuse a decade prior, we suggest that awareness about commercial sexual exploitation of children as a form of child sexual abuse is experiencing a similar sea change. We believe that psychologists may play a unique and critical role in this paradigm shift.

Relevance to psychology, forensic practice and research

We suggest that the discipline and practice of psychology is highly relevant to the issue of commercial sexual exploitation of children (CSEC). Psychologists possess unique skills (e.g., research and program evaluation, assessment/testing, expertise with evidence based treatment) that the problem of CSEC urgently needs. In addition to this general contribution, however, forensic psychologists may play a particularly vital role and especially those with child training.

Forensic child psychologists specialize in the evaluation of youth in legal contexts and regularly assess children with psychological needs that straddle different systems (e.g., child protection, juvenile justice, mental health, school). Youth affected by CSEC may interface with the legal system due to a prostitution-related charge, arrest and/or preexisting court involvement. Although data are limited, our clinical experience suggests that many youth affected by commercial sexual exploitation are already involved in the child protection system and/or juvenile justice. Thus, youth vulnerable to or involved in commercial sexual exploitation are often the same population that forensic child psychologists routinely evaluate in the context of juvenile court proceedings. Given this, we strongly encourage forensic evaluators to ask child values about commercial sexual exploitation. Due to the foregoing difficulties around self-disclosure and identification, however, evaluators should consider the possible role of girls’ involvement on observed symptoms and behaviors even in the absence of a disclosure.

As Safe Harbor Legislation and anti-trafficking laws evolve to more closely reflect a model of child maltreatment, we predict that the courts may increasingly request forensic psychologists to provide information about the emotional effects of commercial sexual exploitation on a given child victim, as well as recommendations about what kinds of treatment youth require. Involved youth tend to fear and mistrust professional evaluation and yet they present to court with complex treatment and placement needs that child forensic psychologists are especially qualified to assess.

Although largely untested in the legal arena, financial restitution to youth affected by commercial sexual exploitation may also become more common if Safe Harbor Legislation and anti-trafficking laws proliferate, and some of these laws contain provisions that require restitution. Thus, forensic psychologists may be asked to evaluate emotional damages in the context of cases that involve financial restitution. A related line of jurisprudence involves victims of child pornography who have obtained financial restitution from those charged with the production (Schwartz, 2010) and more recently, possession (Bluestein, 2011) of child pornography. Of course, the production of child pornography may be one aspect of CSEC in some cases and the phenomena share the pernicious effects of repeated victimization by multiple perpetrators.

In addition to the evaluation of child victims, forensic psychologists may also be asked to assess customers (i.e., “johns”) as well as pimps/exploiters regarding risk and recidivism, aid in sentencing, etc. Unfortunately, there are limited data about the psychological characteristics of third party exploiters and men who buy sex, thus forensically informed research on men who buy sex is sorely required. Some factors associated with the demand for buying sex reflect sociocultural factors (e.g., poverty and social oppression, attitudes that normalize violence against women), but individually based factors must also be understood in order to design targeted prevention and treatment programs. For example, there is limited outcome data available of programs commonly ordered for men arrested for soliciting sex (e.g., “John schools”). The format of such programs, including the avoidance of criminal sanctions for participation, contradicts self-report data among men who buy sex which indicated that mandated educational programs are the least effective deterrent an that public exposure and criminal sanctions would be more effective (Farley, Bindel & Golding, 2009).

Conclusions and a call to action for psychologists

Although the commercial sexual exploitation of children and adolescents the United States is a relatively misunderstood topic, its possible increase and seeming penetration into broader segments of the child and adolescent population, and the significant rehabilitation needs of involved youth suggest the urgency of our profession’s timely response. Psychologists possess the requisite skills to contribute to needed research, program development, as well as the clinical sophistication to think critically about treatment design and evaluation. We conclude with three ways in which psychologists can substantively contribute.

1. Targeted research on different components of treatment programs is urgently required. The shortage of specialized rehabilitation programs for affected youth is widely noted (USDOJ, 2010) and yet no empirical research exists to define best clinical practices in this area. Currently, adult survivors of commercial sexual exploitation during childhood have initiated the majority of treatment programs, and there is a great deal of anecdotal evidence that survivors may play a critical role in engaging youth and providing clinical services. However, no aspect of survivor mentoring has been rigorously evaluated, thus its efficacy and/or mechanisms by which it supports youth remain unclear. Given the centrality of attachment trauma on what renders girls vulnerable to entry and difficulty exiting commercial sexual exploitation, we believe that the evaluation of new attachment relationships provided to youth during treatment (e.g., survivor mentoring and psychotherapy) is a critical part of outcome research. Additional unanswered questions include the best location for safe houses and treatment programs (e.g., urban versus settings more removed from areas of known commercial sexual exploitation), the ideal com-
more removed from areas of known commercial sexual exploitation, the ideal com position and format of residences (i.e., group care versus independent living), as well as critical components of programming (e.g., vocational training, case management, group therapy). Although a range of empirically supported interventions exist to treat complex trauma among youth, it remains an empirical question what form of therapy is the most efficacious for this particular population as well as how best to stage these interventions along various points in the exit/rehabilitation process.

2. Although past research has emphasized the etiological role of sexual abuse on later entry into commercial sexual exploitation, recent empirical work has identified mediators of this association; this research suggests important targets for prevention programs. For example, a longitudinally designed prospective study that employed path analysis indicated that only early sexual initiation significantly mediated the relationship between child abuse and later involvement in commercial sexual exploitation (Wilson & Widom, 2010). Accordingly, we suggest the development of prevention programs that target youth exposed to maltreatment with a known early sexual initiation. Early attachment trauma renders youth vulnerable to subsequently disturbed interpersonal relationships (Lyons-Ruth et al., 2006) and such youth are uniquely vulnerable to the promise of attachment that third party exploiters foster, gratify and ultimately leverage against girls. Our clinical observation suggests that it is this attachment that is so compelling and complicated for girls to subsequently leave. Additional research on such mediators may help identify youth most vulnerable to commercial sexual exploitation to whom prevention programs may be tailored.

3. We strongly encourage graduate students to undertake research on these topics given the limited empirical literature. In our own presentations on the topic, we have observed a strong interest in CSEC among graduate students and we encourage students to design dissertations in this understudied area. Although many research advisors may not study the topic of CSEC per se, we suggest that students identify mentors who conduct research in the inextricably related fields of child maltreatment, juvenile justice and developmental traumatology. Students may play a significant role in generating urgently needed data as in a dissertation that may lay groundwork for later external funding and programmatic research.

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(Footnotes)

1 We emphasize CSEC among girls in this article given our experience with this segment of the population and girls’ increased vulnerability to pimps and other third party exploiters. CSEC among boys and young men, however, is a similarly understudied and underserved group of youth. Currently, we have less experience and understanding about the dynamics impacting males and have chosen, in this article, to focus on females.

2 It should be noted that in some cases of commercial sexual exploitation, parents or other family members are the exploiters/pimps, which suggests the range of circumstances and involved youth.