



---

---

**VILLANOVA UNIVERSITY  
CHARLES WIDGER SCHOOL OF LAW**

---

---

**THE INSTITUTE TO ADDRESS  
COMMERCIAL SEXUAL EXPLOITATION**

**REPORT ON COMMERCIAL SEXUAL  
EXPLOITATION IN PENNSYLVANIA  
SPRING 2017**

# Table of Contents

1. Introduction and Overview .....	1
2. Our Board of Advisors .....	3
3. Law on the Books: What We’ve Learned Since Act 105 (2014) Was Enacted & Next Steps Forward	
3.1 Reflecting: Lessons Learned & Challenges to Implementation .....	4
3.2 Adapting: Changes Needed in Current Law .....	5
3.3 Moving Forward: Legislative Changes to Look For .....	6
4. Law in Action: On the Ground Efforts	
4.1 Focusing on Demand .....	9
4.2 Pennsylvania by the Numbers for 2016: Arrests for Selling Sex vs. Buying Sex .....	12
4.3 “Masking Crimes” Increase Criminality for Prostituted Persons .....	13
4.4 Sex Trafficking in Pennsylvania .....	14
4.5 Emerging Task Forces & Initiatives Throughout Pennsylvania .....	20
4.6 Use of the Civil Remedy .....	24
5. Law and Social Change: Through the Implementation of Act 105	
5.1 The Survivor Voice .....	25
5.2 Collaboration .....	27
6. Organizations and Groups Working Against Commercial Sexual Exploitation in Pennsylvania .....	31

## Introduction and Overview

Dear Stakeholders:

Over the last year, our efforts have positively impacted the legal and social response to commercial sexual exploitation (CSE) across the Commonwealth. While we are excited by this progress, there is still an enormous amount of work to be done. This second annual Report on Commercial Sexual Exploitation in Pennsylvania, published by the Villanova University Charles Widger School of Law Institute to Address Commercial Sexual Exploitation (CSE Institute), provides an overview of our efforts during the past year, highlighting successes and identifying areas of ongoing need—always with an eye toward maintaining our commitment to being survivor-centered and trauma-informed.

Much of this report focuses on Act 105, Pennsylvania's anti-human trafficking law, which was enacted in 2014. Nearly three years after the law took effect, we reflect on what we have learned and how we can improve the law, both through legislative reform and on-the-ground implementation efforts. For example, we know that Pennsylvania needs to enact a "Safe Harbor" provision to ensure that exploited children are provided with appropriate support services, not criminalized for being victims. We know, too, that adult trafficking victims need an avenue to clear their record of crimes they committed as a direct result of their being trafficked. Without this needed remedy victims continue to be denied access to housing, education, jobs, and other opportunities they need to move forward and leave "the life" behind. On the ground, we have seen twelve individuals successfully prosecuted under Act 105. These convictions are a good start, but we need greater utilization of this effective tool to combat commercial sexual exploitation.

This report describes our efforts to effect these needed changes—from legislative advocacy, to innovative approaches to CSE training, to

collaborative initiatives with concerned citizens and organizations throughout Pennsylvania. As a result of our ongoing efforts—and those of the citizens and organizations we partner with—the general public, law enforcement, and legislators are increasingly recognizing that sex trafficking and commercial sexual exploitation take place in our state, and they are working to combat it. We have begun to see the paradigm shift to recognizing that demand for commercial sex is the driving force fueling the sex trafficking industry in the Commonwealth and beyond. With our continued efforts and your support, we will continue to push in the right direction—by effectively targeting demand, we can end commercial sexual exploitation.

The CSE Institute supports all agencies and individuals committed to combatting sex trafficking and commercial sexual exploitation. Our mission is as follows:

We educate and provide technical assistance to those who respond to commercial sexual exploitation in Pennsylvania, the United States and beyond, promoting victim-centered, trauma-informed multidisciplinary collaboration.

- We equip policy-makers and the broader community with the skills and knowledge they need to improve the legal system's response to commercial sexual exploitation, in order to support survivors and hold perpetrators accountable.
- We center the experiences of survivors to inform the development of policies and best practices to combat commercial sexual exploitation and are committed to engaging the survivor community in shaping our positions.
- We aim to create a community in which every human being is treated with dignity,



Shea Rhodes, Esq.  
Director & co-founder  
The CSE Institute

compassion, and respect inspired by Villanova University Charles Widger School of Law's Catholic and Augustinian mission.

On behalf of the CSE Institute, I thank you for reading this Report on Commercial Sexual Exploitation in Pennsylvania. To those who have collaborated with us over the past year, I want to express my sincere gratitude for your passion and zeal to eradicate this unconscionable crime perpetrated on our most vulnerable citizens. Please continue to reach out to us and engage with us so that we may continue transforming and improving the response to commercial sexual exploitation in our Commonwealth.

Sincerely,

*Shea*

Michelle Madden Dempsey, JD, LL.M., DPhil

Professor of Law and CSE Institute co-founder and faculty advisor, Michelle Madden Dempsey, has published extensively on commercial sexual exploitation from a perspective that incorporates both criminal law and philosophy. Her articles on this topic have appeared in the *American Criminal Law Review*, *Criminal Law Review (UK)*, *the University of Pennsylvania Law Review*, and other peer-reviewed journals and books.

In February 2017, Professor Dempsey published an article in the *Journal of Human Trafficking* entitled, "What Counts as Trafficking for Sexual Exploitation? How Legal Methods Can Improve Empirical Research." This article examines the methodological shortcomings of existing empirical research studying the prevalence of human trafficking. Professor Dempsey argues that social science researchers ought to incorporate the legal elements of trafficking into their research design, or risk underreporting the prevalence of sex trafficking. Further, she encourages peer-reviewed journals to reject submissions of empirical research that systematically undercount the prevalence of trafficking.

One of Professor Dempsey's previous articles, "How to Argue About Prostitution," was recently excerpted in the book *Being Ethical: Classic and New Voices on Contemporary Issues*. This anthology discusses ethical theory as applied to various topics, including oppression, sex, and identity. Professor Dempsey's article, first published in *Criminal Law and Philosophy* in 2011, examines three distinct methodologies for arguing about prostitution (philosophical, empirical, and political) and looks closely at the assumptions and conclusions embedded in each methodology.

In addition to teaching law, publishing articles, and speaking at presentations, Professor Dempsey was recently elected as a member of the American Law Institute, a fellow of the American Bar Association, and appointed as a Research Scholar at the University of Pennsylvania Ortner Center on Family Violence.

## Direct Legal Services: The Justice for Victims Fellow



Sarah Robinson, Esq.

We are grateful for Ms. Robinson's dedication and expertise as the inaugural CSE Institute's *Justice for Victims Fellow*.

As an institute centered within a legal academic environment, a great portion of our work is done behind the scenes, with an emphasis on education and policy guidance. However, over the past several months, we have accelerated our efforts to actively engage with victims and survivors of commercial sexual exploitation on the ground, reaching them where they are and addressing their legal needs holistically. An important CSE Institute vehicle for survivor engagement and victim advocacy is our recently established *Justice for Victims Clinical Fellowship* position, held by Sarah K. Robinson, Esq.

The Justice for Victims Clinical Fellowship was made possible entirely by donations from dedicated stakeholders including Julie Uebler and Steve Wall, the Carole Landis Foundation for Social Change, and the Defender Association of Philadelphia. Ms. Robinson serves victims and survivors of commercial sexual exploitation through two main objectives. First, she provides criminal defense representation to women in Philadelphia's *Project Dawn Court*. This objective was the primary focus in the first phase of the fellowship. Now, moving into the second phase, she is assembling a mobile legal clinic to provide direct services to victims alongside pro bono attorneys. To begin, Ms. Robinson is hosting weekly office intake hours at The Salvation Army's *New Day to Stop Trafficking Drop-in Center* in Kensington, Philadelphia.

The provision of holistic legal services has been a goal of the CSE Institute before our formal launch in 2015. Victims and survivors have complex and diverse legal needs, from family law and immigration, to public benefits, landlord-tenant issues, and more. Additionally, Pennsylvania's comprehensive human trafficking statute, Act 105, provides critical remedies such as vacatur, which greatly benefit victims and survivors as they endeavor to heal and move on with their lives. In order to effectively navigate the legal system and harness these remedies, victims and survivors need a designated legal advocate. Ms. Robinson will conduct intake interviews, connect individuals with trauma-informed lawyers, and maintain contact throughout the legal representation as necessary. We are grateful for Ms. Robinson's dedication and expertise as the inaugural CSE Institute's *Justice for Victims Fellow*.

## 2. Our Board of Advisors



**Mary DeFusco, Esq.**  
Director of Training and  
Recruitment, Defender  
Assoc. of Philadelphia



**Allison Crowe, Esq.**  
Associate,  
Drinker Biddle & Reath, LLP



**Les Glauner**  
Detective, Upper Merion  
Township Police Department



**Kelley Hodge, Esq.**  
Of Counsel, Elliot Greenleaf



**Viktoria Kristiansson, Esq.**  
Attorney Advisor, Aequitas:  
The Prosecutors' Resource  
on Violence Against Women



**Ashley Lynam, Esq.**  
Attorney,  
Bennett, Bricklin & Saltzberg  
LLC



**Jamie Manirakiza, MSW**  
Social Service Program  
Director, The Salvation Army



**R. Barrett Marshall, Esq.**  
Visiting Assistant Clinical  
Professor, Temple University  
Beasley School of Law



**Michelle Morgan, Esq.**  
Assistant United States  
Attorney, Eastern District of  
Pennsylvania



**Hon. Marsha H. Neifield**  
President Judge,  
Philadelphia Municipal Court



**John Rafferty, Esq.**  
Assistant District  
Attorney, Chester County,  
Pennsylvania



**David Wayne**  
Survivor Advocate,  
Pennsylvania

## 3. Law on the Books

### What We've Learned Since Act 105 (2014) Was Enacted & Next Steps Forward

Pennsylvania enacted its first comprehensive anti-trafficking statute in September 2014, Act 105. The law's purpose is threefold. First, prosecutors and law enforcement now have better tools to hold traffickers accountable for their crimes. Second, victims and survivors have new and enhanced legal protections including restorative civil remedies and the ability to have their criminal convictions vacated from their record. Finally, the law calls for a statewide action plan to raise awareness about the insidious crime to prevent it from happening in the first place.

#### 3.1 Reflecting: Lessons Learned & Challenges to Implementation

Nearly three years after Act 105 was enacted,<sup>[1]</sup> prosecutors have used the law to charge fifty-two individuals in fifteen different Pennsylvania counties and have secured twelve convictions.<sup>[2]</sup> Those successful prosecutions represent a big step in the right direction, but the fact that fifty-two counties have yet to bring a single charge under the new law reflects implementation challenges that remain. Among these challenges are persistent

patriarchal notions and stigmatizing rhetoric that advance the myth that most prostituted persons willingly sell sex as a matter of choice. In order to ensure the goals of Act 105 are fully realized, we must continue to work with local law enforcement officials and prosecutors to dispel this myth and to raise awareness of the true state of commercial sexual exploitation in Pennsylvania.

Over the past year, we have engaged in conversations with prosecuting attorneys throughout the Commonwealth seeking feedback on their views of Act 105. By all accounts, prosecutors are grateful to have this law as a tool to fight sex trafficking. For example, Assistant District Attorney Stewart Ryan, Chief of Rape Prosecutions in Montgomery County, described the law as an important “tool to protect children.”<sup>[3]</sup> Francis Chardo, First Assistant District Attorney of Dauphin County, described the law as a “great improvement” that “broadened [the law] in such a way that it is easier to prosecute offenders.”<sup>[4]</sup> Yet, while prosecutors agree the law is beneficial—and they are filing some charges under it—they are not using it frequently, and, at the same time, they continue to charge women with the crime of prostitution on a regular basis. For example, while there have

been fifty-two individuals charged under Act 105 since it became law almost three years ago, there were 1,670 charges filed against prostituted persons for the crime of prostitution<sup>[5]</sup> in 2016 alone.

So, with Act 105's focus on appropriately targeting traffickers, why do prosecutions for the crime of prostitution continue to far outpace charges under the new trafficking law? It seems that police and prosecutors may not view the problem through the same lens as organizations like the CSE Institute that are dedicated to ending all forms of commercial sexual exploitation. While prosecutors embrace the law as a tool to fight trafficking, they see the problem as occurring far less often than run-of-the-mill prostitution. For example, First Assistant Chardo and Assistant District Attorney Stephen Zawisky of Dauphin County report that most prostitution in their county involves individual women, working alone without the involvement of a trafficker, and is “born of drug addiction.”<sup>[6]</sup> Notably, any person who knowingly facilitates or controls an individual's access to a controlled substance as a means of obtaining any sex act in exchange for anything of value has committed the crime of human trafficking and could be charged under the new law, but

[1] Act 105 is codified at 18 Pa. Cons. Stat. Ann. §§ 3001-3072.

[2] These fifty-two individuals were charged in forty-four separate cases. Sixteen of the cases were dismissed or withdrawn, one case resulted in a mistrial, and an additional sixteen cases remained pending at the time this report went to publication. These data were provided by the Administrative Office of Pennsylvania Courts.

[3] Telephone Interview with Stewart Ryan, Chief of Rape, Montgomery County District Attorney's Office (Apr. 3, 2017).

[4] Telephone Interview with Francis Chardo, First Assistant District Attorney, and Stephen Zawisky, Senior Deputy District Attorney, Dauphin County District Attorney's Office (Apr. 3, 2017) [hereinafter Chardo Interview].

[5] The crime of “prostitution” is codified at 18 Pa. Cons. Stat. Ann. § 5902(a). Eight of the 1,670 charges were brought against minors.

[6] Chardo Interview, *supra* note 4.

prosecutors have not used the law in this way.[7] Instead, they have continued to prosecute the women who they believe, for the most part, are voluntarily selling sex.

Given this disconnect, we must continue to engage the law enforcement community in order to change the narrative and to ensure that the goals of Act 105 are realized. Unless law enforcement officials and prosecutors recognize that the “vast majority of prostituted people are the victims of force, fraud, coercion, or a total lack of options,”[8] prosecutions for prostitution will continue to outpace prosecutions for human trafficking and the crime of purchasing sex.[9] Most importantly, as long as the goals of Act 105 remain unrealized, victims of commercial sexual exploitation will continue to receive criminal penalties, including confinement, instead of receiving the victims’ services that they truly need.

### 3.2 Adapting: Changes Needed in Current Law

While Act 105 made significant improvements to Pennsylvania’s laws against human trafficking, there is still room for improvement in the law to make Pennsylvania one of the nation’s leaders in combating human trafficking. We recommend the following changes be made by the General Assembly in order to

make the law stronger.

First, section 3011(a) defines trafficking in individuals as recruiting, enticing, soliciting, harboring, transporting, providing, obtaining, or maintaining an individual if the person knows or recklessly disregards that the individual will be subject to involuntary servitude. This definition must be expanded to further address the acts by which traffickers subject victims and to bring Pennsylvania’s definition of trafficking into accordance with the federal statutes. The U.S. Justice for Victims of Trafficking Act (JVTA), which passed unanimously by Congress in May of 2015, amended the Trafficking Victims Protection Act (TVPA) to clarify that the demand, or sex buyers, can be charged as traffickers by including the acts of “advertises,” “patronizes,” or “solicits.” We must add “patronize” and “advertise” to the acts of trafficking for which traffickers may be prosecuted. With these two additions to section 3011(a), Pennsylvania’s law will be in line with the federal statute making it clear that our Commonwealth’s prosecutors can and should target the demand (i.e. those who buy sex) and those who advertise victims of trafficking and commercial sexual exploitation on Internet sites like Backpage.com.

Second, section 3013(a) defines the offense of patronizing a victim of sexual servitude as one who engages in any sex act or performance with an individual, knowing that the sexual act or

performance is the result of the person being a victim of human trafficking. In order to more effectively prosecute the demand under Act 105, this definition must be expanded to include the language “knows, reasonably should have known, or recklessly disregards the fact” that the sex act or performance is the result of the person being a victim of human trafficking. This addition will further disincentivize the demand for commercial sex with victims of trafficking and allow prosecutors to target those who facilitate the continued exploitation of victims of trafficking.

Third, section 3019(d) contains procedural flaws which must be rectified in order for the legislature’s intent to be realized. We have analyzed this issue in greater depth later in this report in section 3.3.

Fourth, section 3020 of Act 105 outlines the ways in which victims of human trafficking may seek restitution from their traffickers. Specifically, section 3020(2)(i)(C) allows for a victim of trafficking to seek the amount that an individual in the position of the victim would have reasonably expected to earn. However, this section states that this mode of calculating restitution for a victim shall not apply to the amount an individual would have reasonably expected to earn in an illegal activity. For many victims of human trafficking, their “involuntary servitude” is being forced, defrauded, or coerced into engaging in prostitution activity.

[7] See 18 Pa. Cons. Stat. Ann. § 3012(b)(12).

[8] *Arresting Demand: Disaggregating Prostitution Laws, Demand Abolition*, <https://www.demandabolition.org/resources/arresting-demand-disaggregating-prostitution-laws> (last visited Apr. 16, 2017).

[9] Although every commercial sex transaction involves both a buyer and a seller, in 2016, Pennsylvania prosecutors brought 1,670 charges under section 5902(a) for the crime of “prostitution”—or selling sex—but only 463 charges under section 5902(e) for the crime of “patronizing prostitutes”—or buying sex. The number of charges brought under section 5902(a) includes 1,662 charges against adults and eight charges against minors. Notably, under section 3011(b), a person who buys sex from a minor is guilty of human trafficking.

For violations of federal trafficking law, victims are entitled to restitution under 18 U.S.C. § 1593. Such restitution is often calculated by the amount charged for each “date” that the victim is forced to participate in, multiplied by the number of “dates” the victim is forced to participate in each day, multiplied by the number of days the victim is forced to “work” in commercial sex. Section 3020 should be updated to reflect that all victims of trafficking may appropriately seek restitution for their involuntary servitude, an “illegal activity” that was being perpetrated to them, not by them.

Finally, Section 3031 provides that the Pennsylvania Commission on Crime and Delinquency (the Commission) may make grants to state agencies, units of local government, and nongovernmental organizations. In order to successfully make grants to these organizations that provide victim assistance, the Commission must request an appropriation of funds from the Pennsylvania General Assembly to adequately provide funding for those assisting trafficking victims across the Commonwealth. Since the passage of Act 105, the legislature has not appropriated any funds for the Commission to make grants.

### 3.3. Moving Forward: Legislative Changes to Look For

#### Safe Harbor for Sexually Exploited Children (SB 554)

Act 105 enabled Pennsylvania to make great strides in combating commercial sexual exploitation and human trafficking across the state. With the amendments recommended above, we can make Pennsylvania’s human trafficking statute one of the most comprehensive in the nation. However, there is one reality that the Commonwealth still has not adequately acknowledged: prostituted children are not criminals.

Nineteen other states and the District of Columbia have passed laws recognizing prostituted children as victims, rather than criminals. These other jurisdictions recognize that prostituted children are victims of sex trafficking and commercial sexual exploitation, and therefore, it is legally untenable to criminalize a child for acts perpetrated to them, not by them.

Pennsylvania lawmakers have introduced Senate Bill 554<sup>[10]</sup> that would legally acknowledge this reality by granting immunity to prostituted children for crimes of prostitution and related

offenses. Senate Bill 554 also requires law enforcement officers who come into contact with prostituted children to refer them to appropriate service providers through the Department of Human Services (DHS). DHS considers prostituted children victims of child abuse, and SB 554 will aid DHS in providing these victims the services they need. Social service programs for child victims of commercial sexual exploitation will be funded by fees imposed on those convicted of trafficking or soliciting children for commercial sex. The bill also sends the message that children are not criminals for being manipulated and exploited into commercial sex, but are victims who law enforcement and other state agencies want to help and protect, rather than arrest and prosecute.

In addition to funding these services through fines collected from those exploiting these children, SB 554 also creates a statewide response to combat the commercial sexual exploitation of minors. Child victims of trafficking and commercial sexual exploitation are not confined to urban areas; wherever the demand for commercial sex exists, including rural areas throughout the Commonwealth, children are at risk of being victimized.



Data from the Administrative Office of Pennsylvania Courts

[10] S.B. 554, 2017-18 Reg. Sess. (Pa. 2017).

“The sexual exploitation and trafficking of minors in Pennsylvania is not a new phenomenon by any means, as evidenced by my own story. Yet our state is still hesitant to properly address the issue by preventing youth from receiving unjust criminal charges that only incur secondary trauma. If Pennsylvania is to be truly committed to ending the sexual

servitude of children and teens within the Commonwealth, then full support of Safe Harbor legislation is essential. Failure to do so perpetuates the cycle of violence and oppression, making our justice system an undeniable part of the problem rather than a solution.”

–David Wayne  
Survivor

We look forward to tracking the positive impact the passage of Safe Harbor legislation will have on the lives of all child victims of sex trafficking in Pennsylvania.

### Removing the Recidivism Penalties for Prostitution

In May of 2016, State Representative Joanna McClinton introduced House Bill 2090. The purpose of this bill was to remove the recidivism penalties from Pennsylvania’s prostitution statute. Recidivism provisions in criminal statutes impose harsher penalties for repeat offenders of the crime. With regard to the crime of prostitution, these draconian provisions wrongfully assume that the threat of harsher punishment will discourage offenders from repeating the behavior. However, prostituted persons are often not freely choosing to sell sex. Prostituted persons are often trafficked, and may have histories of physical and psychological abuse and trauma. They

are often drug-addicted and may lack education, job training, and stable home lives. Selling sex becomes their only option, not a free choice. Recidivism provisions for prostituted persons are impractical in thwarting prostitution. Furthermore, the crime of prostitution is often policed in such a way that those who sell sex are arrested while those who buy sex routinely walk away from their crime with little to no punishment. Therefore, while under the law, sellers and buyers alike are subjected to recidivism penalties, in practice, sellers are often the only party being subjected to recidivism penalties. Moreover those selling sex tend to be women while those buying sex tend to be men. Therefore, this mechanism materializes as gender-based inequality.

Pennsylvania’s prostitution statute imposes some of the harshest penalties for prostitution. Repeated convictions carry the potential for a sentence of up

to five years’ imprisonment. House Bill 2090 sought to remove these recidivism penalties. Unfortunately the bill was not passed into law last session. However, we look forward to working with the legislature to change Pennsylvania’s law to reflect the fact that recidivism penalties do not work for prostituted people. Representative McClinton told us, “After representing many women who were charged with prostitution and advocating for their full rehabilitation, it is my honor to lead the charge to ensure this group of citizens is not punished excessively.”

As we move forward, we hope to see Pennsylvania adopt legislation that removes recidivism penalties from the crime of prostitution, and instead provides robust social services to those who have been victimized by the sex trade. We are looking forward to working with the legislature on drafting laws that protect victims and place the penalties on the party that retains choice in their actions and fuels the demand for commercial sex—those who buy sex and traffickers who profit from their victims.

### Vacatur Lessons Learned: Procedural Remedy Needed

The Pennsylvania legislature wisely included a vacatur provision when it enacted Act 105, but three years later, this provision is not accomplishing the goals the legislature intended. Under the vacatur provision, 18 Pa. C. S. § 3019(d), a trafficking survivor is entitled to have certain crimes vacated from their criminal record if the crimes occurred as a direct result of being a victim of

human trafficking. However, to date, only a few survivors have successfully filed motions utilizing this provision. As such, a procedural change in the law is needed to ensure the vacatur provision achieves its intended goals.

Two requirements codified in the provision are preventing vacatur motions from moving forward. First, the law requires that the motion to vacate “[b]e consented to by the attorney for the Commonwealth.” Of the thirty-one states that have passed vacatur or expungement laws for victims of trafficking, Pennsylvania is one of only three states that require approval of the prosecuting authority. Requiring the

**Of the thirty-one states that have passed vacatur or expungement laws for victims of trafficking, Pennsylvania is one of only three states that require approval of the prosecuting authority.**

prosecutor’s office to consent to the filing of the vacatur petition puts that office in the uncomfortable position of second guessing the office’s own convictions. This conflict of interest is unfair to the prosecutor and unfair to the survivor. Instead of consent, the law should require that notice be given to the prosecuting authority, with an opportunity to object to the motion. The authority to review and consider the motion, however, should appropriately lie with the courts, and the courts should not be prohibited from considering the motion absent permission from the attorney for the Commonwealth.

A second major hurdle that victims face in filing a motion to vacate is the requirement that supporting evidence be described with particularity. Given the nature of human trafficking—and sex trafficking, in particular—this requirement will often be difficult to meet. Traffickers routinely use illegal substances such as crack-cocaine and heroin to control their victims. As such, victims’ memories of the details surrounding a specific event may be impaired. Additionally, this memory impairment may be heightened due to the

victims’ trauma response mechanisms. In order to avoid re-traumatizing victims of commercial sexual exploitation, the particularity requirement should be eliminated.

Finally, the Pennsylvania legislature should be applauded for providing a mechanism to vacate, not only the crime of prostitution, but also related crimes such as criminal trespass and disorderly conduct. However, the law omits a number of relevant crimes, and to be completely survivor-centered, the law should not limit vacatur to the six crimes currently listed. Victims of human trafficking need access to services, including housing and education, and they will not have full and fair access to these services unless and until their criminal records—which exist solely and directly due to their being victims of human trafficking—are cleared. Pennsylvania took a step in the right direction when it passed the vacatur provision, but, with the lessons of the past three years, the legislature needs to revise the law to ensure that it achieves its survivor-centered goals.

## 4. Law in Action

### On the Ground Efforts

#### 4.1 Focusing on Demand

Prostitution is commonly perceived as either the oldest profession—and thus a legitimate employment choice [1]—or merely a victimless crime. It is neither, but based on these incorrect perceptions, law enforcement officials and prosecutors often target prostituted persons—individuals who are sold for sex—as perpetrators of crime. In fact, the standard practice, both nationally and across Pennsylvania, has been to police the “sex industry” by investigating, arresting, and prosecuting prostituted persons, while the buyers—commonly referred to as “Johns,” “Tricks,” or “Dates”—typically escape arrest due to a “boys will be boys” mentality. For example, in Pennsylvania, selling sex (18 Pa.C.S. § 5902(a)) and buying sex (18 Pa.C.S. § 5902(e)) are defined in the same section of the criminal code, and both carry the same penalties. [2] Yet, despite the fact that every commercial sex transaction must include both a buyer and a seller, in 2016, there were 1,162 charges for selling, but only 463 charges for buying.[3]

This supply-sided approach—prosecuting sellers but not buyers—is entirely

ineffective because prostituted persons, many of whom are victims of human trafficking, feel trapped by and dependent on their pimps and traffickers and often believe—in many cases, rightly so—that they have nowhere else to go. As such, prostituted persons commonly revert back to “the life,” and thus recidivism rates for prostituted persons are incredibly high. More than being merely ineffective, however, this one-sided approach actually contributes to the maintenance and growth of the atrocities of human trafficking and other forms of commercial sexual exploitation.

In order to effectively combat commercial sexual exploitation, police and prosecutors must shift tactics: rather than target supply—or those who are sold for sex—they must target demand—those who buy sex. The basic economic tenet that supply follows demand[4] supports this approach. In the case of prostitution or human trafficking, the commodity being sold is a human being for the purpose of commercial sex. The demand includes those individuals who purchase sex. Without the demand for commercial sex, there would be no supply. Thus, the most

effective way to combat commercial sexual exploitation, including sex trafficking, is to investigate, arrest, and prosecute the buyers of sex, as opposed to the prostituted persons, who are themselves victims.[5]

#### How to Target Demand: The National Johns Suppression Initiative

Creating a uniform national approach to policing and prosecuting commercial sex crimes is crucial to ending commercial sexual exploitation in America. Recognizing this need for a unified nationwide movement, Sheriff Thomas J. Dart launched the National Johns Suppression Initiative (NJSI) in coordination with Marian Hatcher, a national survivor leader and Senior Project Manager and Human Trafficking Coordinator of the Cook County Sheriff's Office in Illinois.[6] Since its launch in 2011, the NJSI has worked to shift police practices to target demand. To that end, the organization's efforts include coordinating nationwide reverse-sting operations to identify and arrest “Johns” and traffickers. As of February 2017, these “initiatives [had] resulted in the

[1] For a discussion on why the notion of “sex work” as a legitimate employment choice is contrary to both reality and to international law, see Submission from the Villanova Law Institute to Address Commercial Sexual Exploitation (CSE Institute) to the UN Women Consultation on Approaches to Sex Work, the Sex Trade and Prostitution, The Villanova Law Institute to Address Commercial Sexual Exploitation, <http://cseinstitute.org/wp-content/uploads/2016/11/UN-Women-Consultation.pdf>.

[2] See 18 Pa. Cons. Stat. Ann. § 5902(a) (defining crime of prostitution); *id.* § 5902(e) (defining crime of patronizing prostitutes).

[3] See Section 4.2 “Pennsylvania by the Numbers.”

[4] See Mark Mattern, *Putting Ideas to Work: A Practical Introduction to Political Thought* 360 (2006) (“In dominant economic theory, supply follows demand, in that producers respond to the demands set by consumers.”).

[5] For a more complete discussion on demand-focused strategies to combatting commercial sexual exploitation, see *Recommendations for Anti-Demand Legislation for Commercial Sexual Exploitation*, The Villanova Law Institute to Address Commercial Sexual Exploitation, <http://cseinstitute.org/wp-content/uploads/2016/12/National-Demand-Analysis-and-Model-Legislation.pdf>.

[6] See *generally* Marian Hatcher, Senior Project Manager and Human Trafficking Coordinator, Cook County Sheriff's Office, CSE Institute Symposium on Engaging the Survivor Community in Advocacy, Healing, and Criminal Justice: Law Enforcement Tactics for Demand Reduction (Mar. 9, 2017), <https://youtu.be/m31eb4BFto>.

arrest or citation of nearly 7,000 sex buyers.”[7] The NJSI works with more than ninety arresting agencies and approximately 200 organizational partners across the United States, including nine arresting agencies in Pennsylvania alone [8] The Pennsylvania partners include the: Dauphin County Police Department, Derry Township Police Department, Harrisburg Bureau of Police, Philadelphia Police Department, Pittsburgh Police Department, Pennsylvania State Police, Swatara Township Police Department, Susquehanna Township Police Department, and Upper Merion Township Police Department.[9]

The involvement in the NJSI of the Upper Merion Township Police Department provides an exceptional example of a demand-focused approach to ending commercial sexual exploitation. According to Detective Les Glauner of the Upper Merion Township Police Department, about eight years ago, he began to realize that the township disproportionately arrested prostituted persons rather than sex buyers. At the time, he did not understand that prostituted persons are in fact victims of commercial sexual exploitation, but after receiving training on human trafficking, Detective Glauner began to change his

approach to prostitution-related stings. Now, Detective Glauner and his partner work with the NJSI and are focused on targeting demand. They still look for prostituted persons, but now they do so in an effort to recover victims of human trafficking as part of the NJSI. Additionally, Detective Glauner is currently cross-sworn with the Violent Crimes Against Children Task Force of the Philadelphia FBI, which enables him to make contact with law enforcement agencies in other jurisdictions—including Florida, California, and Louisiana—to safely recover victims from their traffickers. We applaud Detective Glauner’s demand-focused approach and his work to coordinate efforts nationally. We further commend the other eight Pennsylvania law enforcement agencies that are currently working with the NJSI, and we encourage all local and state law enforcement agencies to follow suit.

#### Who is the Demand?

Knowing who buys sex helps law enforcement, policy makers, and advocates develop and implement informed solutions to target demand in an effort to end commercial sexual exploitation. For example, in Montgomery County, Detective Glauner has observed

“If people are going to blame the women or the girls, then the men also need to be held accountable.”

– Det. Les Glauner, Upper Merion Twp. Police Dept

that many sex buyers are married, middle-aged, middle class, and employed. In response to these observations, Detective Glauner and his colleagues often conduct sting operations during the lunch hour or in the early evening to catch those individuals who buy sex during their lunch break from work or immediately after their workday ends.[11]

Across the Commonwealth in 2016, there were a total of 463 arrests for “patronizing prostitution.”[12] As we have previously reported, recent buyers arrested in the Commonwealth include a school board member, youth football coach, police officer, court house worker, and a Lilly Pulitzer executive.[13] Forty-five percent of all sex buyers charged in 2016 were Caucasian and thirty-seven

[7] *Buyers and Sellers: A Window into Sex Trafficking*, Cook County Sheriff 1,3 (Feb. 8, 2017), [http://www.cookcountysheriff.org/pdf/Press/BuyersAndSellers-AWindowIntoSex-Trafficking\\_020817.pdf](http://www.cookcountysheriff.org/pdf/Press/BuyersAndSellers-AWindowIntoSex-Trafficking_020817.pdf).

[8] See Hatcher, *supra* note 6 (describing nationwide partner agencies and organizations); Email from Marian Hatcher, Senior Project Manager and Human Trafficking Coordinator, Cook County Sheriff’s Office, to Shea Rhodes, Director, The Villanova Law Institute to Address Commercial Sexual Exploitation (Apr. 13, 2017, 10:54 AM) (on file with author) (listing Pennsylvania partner agencies) [hereinafter Hatcher Email].

[9] See Hatcher Email, *supra* note 8.

[10] Interview with Les Glauner, Detective, Upper Merion Township Police Department, in Villanova, Pa. (Mar. 27, 2017) [hereinafter Glauner Interview].

[11] See *id.*

[12] This number includes only sex buyers who were arrested and charged with 5902(e), “patronizing a prostitute.” Law enforcement officers do not always charge sex buyers with 5902(e), however. Instead, officers may give the sex buyer a citation for disorderly conduct.

[13] See *On Duty Mercer County Police Officer Accused of Buying Sex*, The Villanova Law Institute to Address Commercial Exploitation (Jan. 25, 2017), <https://cseinstitute.org/duty-mercer-county-police-officer-accused-buying-sex>; *Beaver County School Board Member and Coach Arrested for Seeking to Buy Sex*, The Villanova Law Institute to Address Commercial Exploitation (Dec. 29, 2016), <https://cseinstitute.org/beaver-county-school-board-member-coach-arrested-seeking-buy-sex>; *Six Men Charged with Patronizing Prostitutes in King of Prussia Sting Operation*, The Villanova Law Institute to Address Commercial Exploitation (Dec. 5, 2016), <https://cseinstitute.org/six-men-charged-patronizing-prostitutes-king-prussia-sting-operation> (reporting arrest of Vice President and Chief Information Officer of Lilly Pulitzer); *Former Judge Accused of Sexual Exploitation*, The Villanova Law Institute to Address Commercial Exploitation (Nov. 23, 2016), <https://cseinstitute.org/former-judge-accused-sexual-exploitation>.

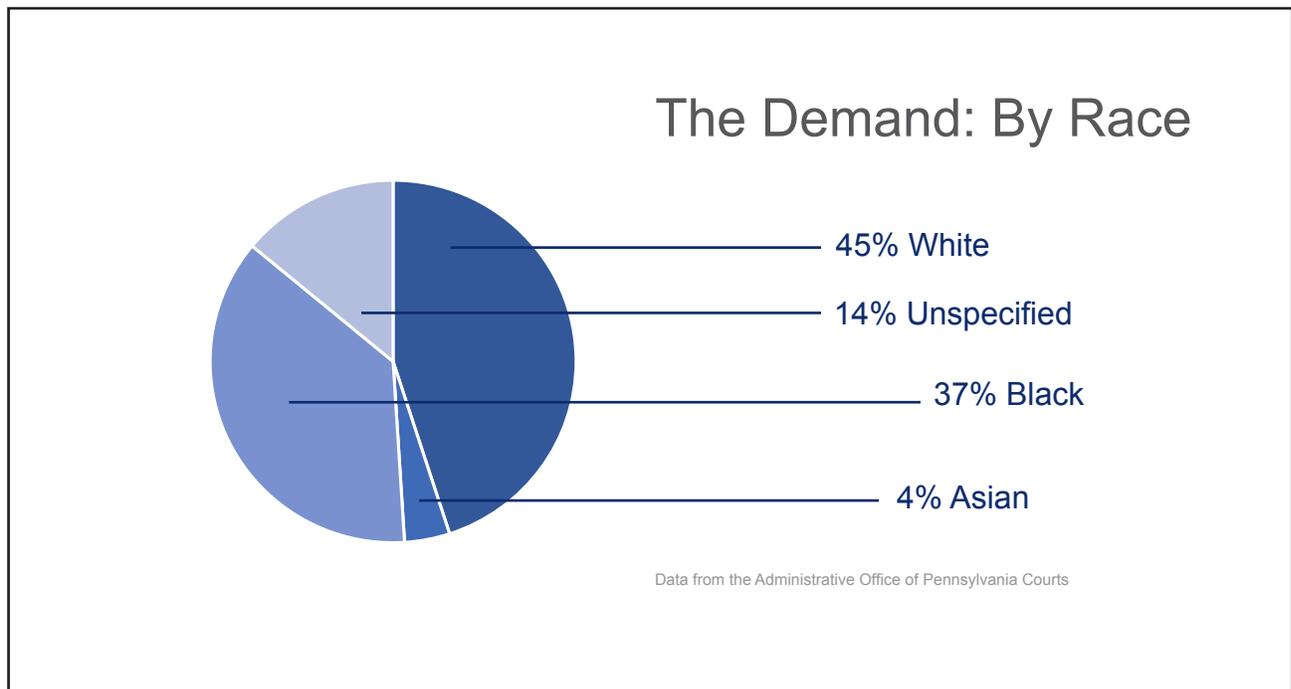
percent were African-American.[14] However, anecdotally, Detective Glauner has recently observed more Hispanic-American and Indian-American (South Asian) buyers in Montgomery County.[15]

While these data provide some measure of insight, understanding a sex buyer's mentality can be especially useful. According to Detective Glauner, many of the men he catches in the act of buying sex understandably refuse to give an explanation as to why they pay for sex. Many men, however, use the excuse of a "bad marriage." Others simply

think that it is normal to buy sex, and, therefore, may be repeat offenders. For example, Detective Glauner recalls one sex buyer commenting that buying sex "is cheaper than having a girlfriend." Not surprisingly—given the patriarchal, "boys will be boys" mentality that pervades modern media and society—many buyers genuinely do not realize that they are harming the girls and women who they are buying for sex. These buyers can be deterred through awareness and education campaigns. Other buyers are simply angry about getting caught and blame law enforcement for "ruining" their

lives. These buyers can likely be deterred by criminal penalties.

Again, we commend the work that Detective Glauner is doing to target demand in Montgomery County and we encourage other law enforcement agencies across the Commonwealth to follow suit and join the efforts of the NJSI. By getting to know who is buying sex, targeting the demand, and providing victims' services to survivors, Pennsylvania can effectively combat commercial sexual exploitation here at home.



[14] See Email from Joel Mankoski, IT Manager, Administrative Office of Pennsylvania Courts, to Shea M. Rhodes, Director, CSE Institute (Mar. 21, 2017, 4:04 PM) (on file with author); Email from Joel Mankoski, IT Manager, Administrative Office of Pennsylvania Courts, to Shea M. Rhodes, Director, CSE Institute (Mar. 21, 2017, 1:47 PM) (on file with author); Email from Joel Mankoski, IT Manager, Administrative Office of Pennsylvania Courts, to Shea M. Rhodes, Director, CSE Institute (Mar. 21, 2017, 1:44 PM) (on file with author).

[15] See Glauner Interview, *supra* note 10.

### 4.2 Pennsylvania by the Numbers for 2015-2016: Arrests for Selling Sex vs. Buying Sex

County	Selling	Buying
Adams ^	0	0
Allegheny	366	81
Beaver	13	5
Berks	13	0
Blair ^	0	0
Bradford ^	0	0
Bucks	98	3
Butler	5	0
Cambria	1	0
Carbon ^	0	0
Chester	3	2
Clearfield +	1	0
Clinton ^	0	0
Crawford ^	0	0
Cumberland	8	3
Dauphin	83	36
Delaware	24	0
Erie	34	1
Fayette	12	1
Franklin	5	2
Huntingdon ^	0	0
Indiana +	1	1
Jefferson	1	1
Lackawanna	14	0
Lancaster *	12	44
Lawrence ^	0	0
Lebanon *	0	2
Lehigh	39	0
Luzerne	22	4
Lycoming	6	2
McKean *	0	1
Monroe	13	12
Montgomery	11	8
Montour ^	0	0
Northampton *	13	22
Perry	1	0
Philadelphia	797	222
Union +	1	0
Venango ^	0	0
Washington	28	0
Westmoreland	31	6
York	31	6

Data from the Administrative Office of Pennsylvania Courts



Only 4 out of 42 counties in Pennsylvania that reported arrests targeted the demand for commercial sexual exploitation, by arresting buyers more frequently than sellers.

\* Counties where reported arrests for buying sex outnumbered arrests for selling sex.  
 ^ Counties that reported in 2014-15 but did not in 2016  
 + Counties that did not report in 2014-15 but did in 2016

### 4.3 “Masking Crimes” Increase Criminality for Prostituted Persons

County	5507 adjusted total
Allegheny	132
Beaver	1
Bedford	1
Berks	4
Blair	4
Bucks	5
Cambria	2
Carbon	1
Chester	1
Clearfield	1
Clinton	1
Dauphin	3
Delaware	20
Erie	1
Fayette	1
Forest	2
Indiana	2
Jefferson	1
Lancaster	2
Lackawanna	1
Luzerne	1
Montgomery	5
Northampton	8
Philadelphia	27
Schuylkill	3
Somerset	1
Venango	2
Washington	3
Westmoreland	6
Wyoming	1
York	1

Data from the Administrative Office of Pennsylvania Courts

\* To our knowledge, the obstruction of the highways is traditionally charged when the underlying crime pertains to prostitution-related activities.

The disparity in the number of criminal charges filed under sections 5902(a) and 5902(e) of Pennsylvania’s criminal code clearly demonstrates that those who sell sex—i.e., prostituted persons—are charged with criminal activity at a far greater rate than those who buy sex. These numbers, however, actually may underestimate the disproportionality of charging. In order to get a true understanding of how frequently prostituted persons are charged with criminal activity, so-called “masking crimes” must also be counted.

Masking crimes are “routinely charged in place of . . . prostitution.”[1] “Obstructing highways and other public passages”—codified at 18 Pa.C.S. § 5507—is one such crime.[2] For this reason, obstructing the highways is included among the list of crimes for which minors shall be immune from prosecution under Pennsylvania’s Safe Harbor legislation, introduced by Senator Greenleaf, which recently passed a vote in the Senate.[3] Additionally, 5507 is included among the list of crimes that may be vacated if committed as a direct result of a person’s having been trafficked.[4]

While we cannot determine exactly how many of the two hundred forty-four charges[5] brought under section 5507 in 2016 were charged in lieu of prostitution,

we know that this crime has traditionally been used in cases involving prostitution-related offenses. On the other hand, we also know that both sellers and buyers may be charged with masking crimes such as disorderly conduct.[6] While these masking crimes complicate the picture, at a minimum, these data suggest that the actual disparity between charges for selling and charges for buying may be greater than the raw data on 5902(a) and 5902(e) reflect. This disparity demonstrates that prostituted persons continue to be treated as criminals—rather than the victims they are—while sex buyers often escape prosecution due to a persistent “boys will be boys” mentality. Shifting this paradigm is imperative. We must continue our efforts to reverse this disparity; by targeting demand, we can effectively combat commercial sexual exploitation.

**Prostituted persons continue to be treated as criminals—rather than the victims they are—while sex buyers often escape prosecution due to a persistent “boys will be boys” mentality.**

[1] *Amendments on the Horizon for SB851*, The Villanova Law Institute to Address Commercial Sexual Exploitation (Mar. 3, 2016), <https://cseinstitute.org/1976-2>.

[2] *See id.*

[3] *See Legislation to Protect Child Victims of Human Trafficking Passes Senate*, Stewart J. Greenleaf (Apr. 25, 2017), <http://www.senatorgreenleaf.com/2017/04/25/legislation-to-protect-child-victims-of-human-trafficking-passes-senate>.

[4] *See* 18 Pa. Cons. Stat. Ann. § 3019(d) (listing crimes for which vacatur may be secured).

[5] There were actually two hundred forty-six charges brought under section 5507 in 2016 in Pennsylvania, but two of the charges were brought alongside a charge for “prostitution” under section 5902(a) and have, therefore, been excluded.

[6] *See Amendments on the Horizon for SB851, supra* note 1.

### 4.4 Sex Trafficking in Pennsylvania

Since Act 105 (2014) was enacted, fifteen counties in Pennsylvania have charged at least one person with either Trafficking in Individuals (18 Pa.C.S. § 3011(a)), Involuntary Servitude (18 Pa.C.S. § 3012), or both. A total of fifty-two defendants in forty-four cases were charged under either of these two sections, and twelve of those defendants were convicted in eleven successful cases. Seventeen cases are still pending, while the remainder have been withdrawn or dismissed. Bucks County charged the most cases (eleven); however, eight of them were dismissed, and only two cases resulted in convictions. Philadelphia charged seven cases, and of five pending cases, three have been scheduled for trial. Delaware County charged

five cases, although three cases were withdrawn. Lehigh County has charged three cases, and they all have resulted in convictions.

Berks, Bucks, Delaware, Lackawanna, Lehigh, Montgomery, Philadelphia, and Wayne all have convicted at least one defendant. The convicted offenses varied from Involuntary Servitude by Serious Harm (18 Pa.C.S. § 3012(b)(1)) to Trafficking in Individuals (18 Pa.C.S. § 3011(a)(1) and § 3011(a)(2)) to Trafficking in Minors ((18 Pa.C.S. § 3011(b)). Out of the eleven cases that resulted in convictions, five of the convictions were for trafficking in minors. When a victim is a minor, the Commonwealth does not have to prove that any of the means set

forth in section 3012(b) were used by the perpetrator. The thirteen different means set forth in Section 3012(b) are presumed, and the Commonwealth does not have to prove that the victim has been subject to threats, harm, restraint, etc.

The minimum sentence given to a defendant was 3-6 years confinement, and the maximum sentence was 17-34 years confinement. In addition, three defendants will have to be registered as sex offenders and cannot come into contact with the victim. Two defendants, one in Lackawanna County and one in Philadelphia County, were awaiting sentencing at the time of publication.

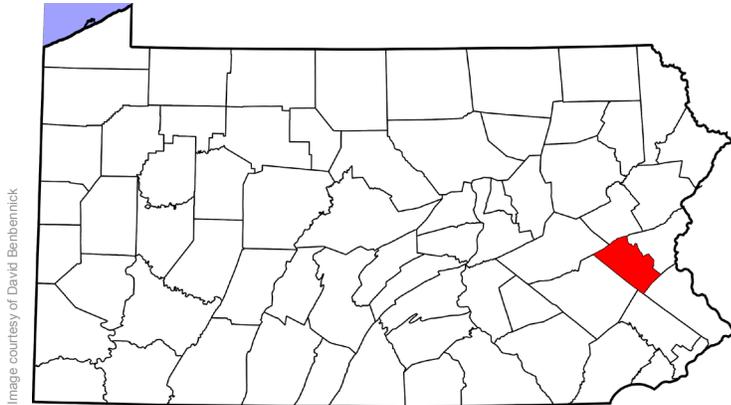
County	Convictions	Withdrawals/ Dismissed	Pending	Total
Berks	1	0	0	1
Bucks	2	8	1	11
Cambria	0	0	1	1
Chester	0	0	1	1
Dauphin	0	2	4	6
Delaware	1	3	1*	5
Lackawanna	1	0	0	1
Lancaster	0	1	0	1
Lehigh	3	0	0	3
Lycoming	0	0	1	1
Monroe	0	0	2	2
Montgomery	1	0	1	2
Philadelphia	1	1	5	7
Wayne	1	0	0	1
York	0	1	0	1
<b>Total</b>	<b>11</b>	<b>16</b>	<b>17</b>	<b>44</b>

Data from the Administrative Office of Pennsylvania Courts

\* According to Michael Galantino, Chief of the Special Victims Unit of the Delaware County District Attorney's Office, the pending case in Delaware County resulted from a mistrial due to a hung jury on March 6, 2017. The case is scheduled to be retried on May 22, 2017. See Telephone Interview with Michael Galantino, Chief of the Special Victims Unit, Delaware County District Attorney's Office (May 1, 2017); see also Criminal Docket, Pennsylvania v. Brockington, No. CP-23-CR-0002546-2016 (C.P. Delaware Apr. 29, 2016), <https://ujportal.pacourts.us/DocketSheets/CPReport.aspx?docketNumber=CP-23-CR-0002546-2016>.

#### Successful Prosecutions

We had the opportunity to have in-depth conversations with four prosecutors who have secured five convictions under Act 105. While these early convictions represent progress, our discussions revealed a number of challenges to prosecuting these cases. Despite these challenges, we are hopeful that other prosecutors will learn from these early successes and will embrace this new law as an effective tool to target traffickers, while protecting and empowering victims.



## Lehigh County

Deputy District Attorney Robert Schopf of the Lehigh County District Attorney's Office has successfully prosecuted two individuals under Act 105. In the first of these two prosecutions, *Commonwealth vs. Isaac Pearson*, Schopf secured a jury verdict against Pearson for trafficking adult women out of Allentown motels, including the Rodeway Inn where he was arrested.[1] Pearson, who coerced his victims by controlling their access to heroin,[2] was sentenced by Judge Maria L. Dantos to seventeen to thirty-four years in state prison, the maximum allowable sentence for his crimes.[3]

Schopf's successful trial strategy involved the use of powerful metaphor, expert and victim testimony, and damning jailhouse telephone recordings. During the trial, Schopf helped the jury to understand the psychology of survival by repeatedly

emphasizing the concept of "invisible chains" to illustrate how these trafficked women were being held captive by Pearson, despite what might be perceived as opportunities to escape.[4] Schopf also presented expert testimony to drive home this message. Homeland Security Special Agent Stefanie Snyder "educate[d] the jury on the characteristics of traffickers and victims, specific vernacular used, money amounts, and reasons victims [do not] leave their traffickers." [5]

Furthermore, evidence presented through the testimony of one of Pearson's victims was particularly illustrative of the struggles of drug abuse. This victim, who was a recovering heroin addict, had a nursing background. According to Schopf, the victim "was able to testify about her personal experience with the drug [heroin], and, consequently, was able

## Federal Prosecutions in Pennsylvania

Our public records search found that only three cases were filed under the federal sex trafficking statute in Pennsylvania federal courts during 2016. All three cases were filed in the Eastern District of Pennsylvania.

First, on September 22, 2016, a grand jury indicted Abdul Lopez for three counts of Sex Trafficking of Children (18 U.S.C. § 1591(a)(2)) and attempting to commit Sex Trafficking of Children (18 U.S.C. § 1594(a)).[1]

Next, FBI Special Agent Glenn Booth filed a criminal complaint against Derrick Heppard for Sex Trafficking of Children or by Force, Fraud, or Coercion (18 U.S.C. § 1591(a)) on November 30, 2016.[2]

Finally, on December 8, 2016, a grand jury indicted Collin Cowell, Rocio Ramos, Idalis Mendez, and Robert Broaddus on many counts, including Sex Trafficking of Children (18 U.S.C. § 1591(a)(2)) and conspiring to commit Sex Trafficking of Children (18 U.S.C. § 1594(c)).[3]

[1] U.S. v. Lopez, Docket No. 2:16-cr-00394 (E.D. Pa. Sept. 22, 2016).

[2] U.S. v. Heppard, Docket No. 2:17-cr-00144 (E.D. Pa. Mar. 22, 2017).

[3] U.S. v. Cowell et. al., Docket No. 2:16-cr-00498 (E.D. Pa. Dec. 8, 2016).

[1] Pearson was found guilty of two counts of Trafficking in Individuals (18 Pa.C.S. § 3011(a)(1)-(2)), one count of Promoting Prostitution (18 Pa.C.S. § 5902(b)(3)) and one count of Criminal Use of a Communication Facility (18 Pa.C.S. § 7512(a)). See Criminal Docket at 3-4, *Pennsylvania v. Pearson*, No. CP-39-CR-0004988-2015 (C.P. Lehigh Nov. 20, 2015), <https://ujportal.pacourts.us/DocketSheets/CPReport.aspx?docketNumber=CP-39-CR-0004988-2015> [hereinafter *Pearson Docket*].

[2] See 18 Pa. Cons. Stat. Ann. § 3012(b)(12) ("A person may subject an individual to involuntary servitude through any of the following means: . . . Facilitating or controlling the individual's access to a controlled substance.").

[3] See *Pearson Docket*, *supra* note 1, at 3-4; Laurie Mason Schroeder, *Allentown Pimp Gets Maximum Sentence*, *The Morning Call* (Mar. 7, 2016, 8:07 PM), <http://www.mcall.com/news/breaking/mc-allentown-human-trafficking-pimp-sentenced-20160307-story.html> [hereinafter *Schroeder 1*].

[4] Telephone Interview with Robert Schopf, Deputy Dist. Attorney, Lehigh Cty. Dist. Attorney's Office (Feb. 27, 2017) [hereinafter *Schopf Interview*].

[5] *Id.*

to provide a unique, articulate medical perspective as well.”[6] She was not admitted as an expert, but it was clear that her medical background resonated with the jury and was an asset to the prosecution. The victim’s testimony also resonated with the court. At Pearson’s sentencing hearing, Judge Maria L. Dantos praised the victim, telling her, “You were seen, heard, and believed. You are strong.”[7]

While the imagery and testimony were powerful, some of the most damning evidence against Pearson came from his own recorded phone calls from jail. During his incarceration pending trial, Pearson made approximately thirteen phone calls that were played to the jury during the trial. During these calls, Pearson harassed his victims, some of whom he believed were cooperating with police. Most significantly, Pearson threatened his victims and urged them to stay away from court, telling one woman that “she was required to ‘bow down’ and ‘submit’ to him.”[8]

Like this first conviction, Schopf’s second conviction under Act 105, Commonwealth vs. Cedrick Boswell, also was secured by a jury verdict. Boswell was convicted of trafficking women—at least four, but possibly more—out of hotels and motels within Lehigh County, including the Staybridge Suites on Airport Road in Allentown. Like Pearson, Boswell was sentenced by the Honorable Maria L. Dantos to the maximum term of incarceration for his crimes: thirteen to twenty-six years.[9]

Boswell was arrested after undercover officers responded to an advertisement for “escorts” that Boswell placed on Backpage.com. At the time of his arrest, police arrested both Boswell and one of his victims. This victim informed police that Boswell arranged for her “dates” through Backpage.com and took all of the money from the “dates.” Besides the victim’s cooperation, two pieces of evidence proved extremely important to Schopf’s case: (1) evidence of physical abuse and (2) corroborating cell phone

data. Boswell committed physical abuse against all of his victims, including punching a seventeen-year-old child for “disrespecting him.”[10] These injuries proved crucial to Schopf’s ability to prove the case. Additionally, Boswell’s cell phone contained various photos and correspondence that demonstrated Boswell was, in fact, involved in human trafficking.

In the end, Schopf spent over a year-and-a-half developing these two prosecutions. Although the cases took a significant amount of time to build, the results were positive, and we commend Schopf for taking a victim-centered approach. Schopf’s handling of these cases demonstrates his understanding of the importance of empowering survivors. As Schopf explained, by enabling these survivors to testify against their trafficker and victimizer, they were given an opportunity to “achieve something greater than themselves.”[11]

## Montgomery County

Unlike the two jury convictions in Lehigh County, Montgomery County’s first successful prosecution under Act 105, Commonwealth v. Kieffer, resulted in a plea agreement on October 11, 2016.[12] Under this agreement, Brian Jonathan Kieffer, a 33-year-old man from Lansdale, Pennsylvania, was sentenced to five to



Image courtesy of David Benbennick

[6] *Id.*

[7] Schroeder 1, *supra* note 3.

[8] *Id.*

[9] See Criminal Docket at 3-4, Pennsylvania v. Boswell, No. CP-39-CR-0004801-2015 (C.P. Lehigh Nov. 6, 2015), <https://ujsportal.pacourts.us/DocketSheets/CPReport.ashx?docketNumber=CP-39-CR-0004801-2015> [hereinafter Boswell Docket]; Laurie Mason Schroeder, *Another Allentown Pimp Gets Maximum Sentence*, The Morning Call (June 2, 2016, 5:43 PM), <http://www.mcall.com/news/breaking/mc-allentown-pimp-maximum-sentence-20160602-story.html> [hereinafter Schroeder 2].

[10] Schroeder 2, *supra* note 9.

[11] Schopf Interview, *supra* note 4.

[12] See Criminal Docket at 7-9, Pennsylvania v. Kieffer, No. CP-46-CR-0001488-2016 (C.P. Montgomery Mar. 1, 2016), <https://ujsportal.pacourts.us/DocketSheets/CPReport.ashx?docketNumber=CP-46-CR-0001488-2016>; Michael Goldberg, *Police: Lansdale Man Sex-Trafficked Teen*, 16, The Mercury Crime (Feb. 24, 2016, 11:18 PM), <http://www.pottsmmerc.com/article/MP/20160224/NEWS/160229816>; Carl Hessler, *Judge: Lansdale Man’s Human Trafficking of Teen ‘Inexcusable’*, The Mercury News (Oct. 11, 2016, 6:35 PM), <http://www.pottsmmerc.com/article/MP/20161011/NEWS/161019913>.

ten years in state prison, followed by eight years of probation. Kieffer was originally charged with more than forty counts of criminal activity and faced up to 411 years in prison for the crimes he committed against a teenage girl from Hatfield Township. After initiating a relationship on social media with the then-fifteen-year-old girl, Kieffer began soliciting sex from her in exchange for money and drugs. Kieffer subsequently created an advertisement for the girl on Backpage.com and began selling her to other sex buyers. After the girl's father informed authorities that his teenage daughter had run away with Kieffer, law enforcement officials in Orange County, Florida were successful in apprehending Kieffer and recovering the girl.

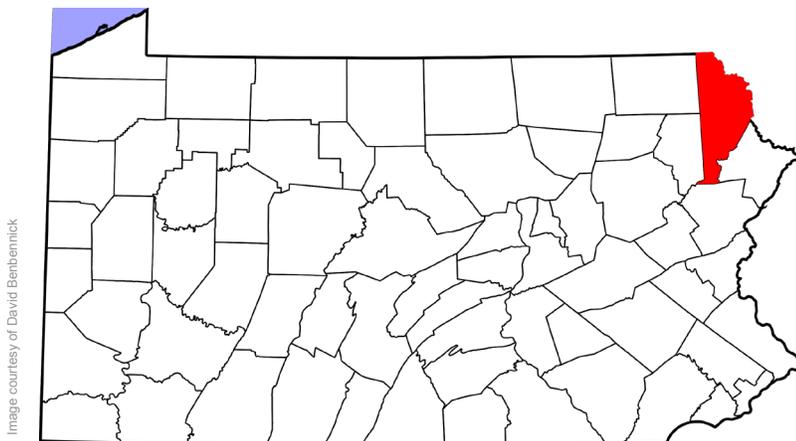
Despite apprehending Kieffer in another state with his teenage victim, prosecutors still faced a number of challenges in prosecuting this case. According to Montgomery County Assistant District Attorney and Chief of the Rape Prosecutions Unit,

Stewart Ryan, one of the big issues in prosecuting trafficking cases is the willingness of the victim to cooperate. "Individuals who are victims of trafficking often present with a complicated array of emotions towards the offender," said Ryan. [13] In this particular case, there was a sexual relationship between the victim and her trafficker, and she initially viewed him as her "boyfriend." Victims' advocates with expertise in providing survivor-centered services are often helpful in working with women who have been traumatized by commercial sexual exploitation. In this case, the DA's Office worked in collaboration with the Montgomery County Child Advocacy Project. After receiving victim's services, this young girl—who was terribly victimized by Kieffer—offered powerful testimony against him at his sentencing hearing.

Kieffer pleaded guilty to one count of Trafficking in Minors (18 Pa.C.S. § 3011(b)), one count of Promoting Prostitution of a

Minor (18 Pa.C.S. § 5902(b.1)(3)), and one count of Corruption of Minors (18 Pa.C.S. § 6301(a)(1)(i)). In exchange for his guilty plea, Kieffer was sentenced to five to ten years in a state prison facility, followed by eight years of probation. The remaining thirty-seven charges against Kieffer were nolle prossed as part of the agreement.

The county's successful prosecution of Brian Jonathan Kieffer is a step in the right direction, but there is more work to be done. Ryan described the value of Act 105 as "significant" because "[it is] directed at a problem that was under-recognized and has now come to the forefront of sexual assault cases and protecting children." [14] Although Ryan described Act 105 as an additional tool to use in protecting children, he also recognizes its value in protecting trafficked adults. According to Ryan, his office evaluates each case on its own merits, and if trafficking is the appropriate charge, they plan to use



## Wayne County

In *Commonwealth v. Brown*, Wayne County's first successful prosecution under Act 105, District Attorney Janine Edwards secured a jury verdict against Noel Brown for, among other charges, Trafficking in Minors (18 Pa.C.S. § 3011(b)). [15] Brown was sentenced by Judge Raymond L. Hamill to fifteen to thirty-two years in the state correctional facility on February 3, 2017. In addition, Judge Hamill ordered Brown to pay a fine and deemed him a "sexually violent predator." Brown will have to register as a sex offender for life.

[13] Telephone Interview with Stewart Ryan, Chief of Rape Prosecutions Unit, Montgomery Cty. Dist. Attorney's Office (Apr. 3, 2017).

[14] *Id.*

[15] See Criminal Docket at 3-4, *Pennsylvania v. Brown*, No. CP-64-CR-0000258-2016 (C.P. Wayne July 20, 2016), <https://ujportal.pacourts.us/DocketSheets/CPReport.ashx?docketNumber=CP-64-CR-0000258-2016>. In addition to his conviction for a single count of Trafficking in Minors, Brown also was convicted of one count of Interference with Custody Children (18 Pa.C.S. § 2904(a)), one count Dissemination of Photographs of Child Sexual Acts (18 Pa.C.S. § 6312(c)), one count Corruption of Minors (18 Pa.C.S. § 6301(a)(1)(ii)), and one count Furnishing Liquor to Minors (18 Pa.C.S. § 6310.1(a)).

Brown's victim was a fifteen-year-old girl, who he lured from her home by pretending to be a lost Uber driver in need of assistance. Brown then took the child to his residence, where he proceeded to serve her alcohol and posted partially-naked photographs of her on the Internet. Thereafter, Brown took her to the Days Inn Hotel in Tannersville, Pennsylvania to engage in sexual acts. Brown had the intoxicated young girl sign a contract to engage in services with sex buyers, which included services for massages, stripping, and "comfort as defined by the host."<sup>[16]</sup>

In reflecting on the case, Edwards shared specific lessons she learned from prosecuting Noel Brown. First, because Act 105 is relatively new, Edwards discussed the difficulties of defining what constitutes trafficking of a minor under Section 3011(b). Under this section, "[a] person commits a felony of the first degree if the person engages in any activity listed in subsection (a) that results in a minor's being subjected to sexual servitude."<sup>[17]</sup> According to Edwards, it is unclear when a victim is "subjected to sexual servitude."<sup>[18]</sup> For example, does the victim need to have sexual intercourse with the trafficker or a sex buyer in order to fall under the language of the statute? The answer is no. "Sexual servitude" is defined in Section 3001 of the statute as "[a]ny sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or

provided by any individual and is induced or obtained from . . . [a] minor."<sup>[19]</sup> In addition, "sex act" is defined as "[a]ny touching or exposure of the sexual or other intimate parts of any individual for the purpose of gratifying sexual desire of any individual."<sup>[20]</sup> Thus, a victim need not be subjected to sexual intercourse to fall within the language of the law.

Edwards also faced challenges at trial because, thankfully, law enforcement officials successfully recovered the victim before Brown secured a sex buyer, so it was unclear whether the victim was "subjected to sexual servitude." In arguing to convict Brown, Edwards analogized trafficking in minors to crimes of attempt—by placing the victim in a room, telling her to stay there in order to provide services to sex buyers, and providing her with a can of mace, Brown attempted to sell her for sex. Even though Brown was unsuccessful, Edwards argued, by placing the girl for sale on the Internet his intent was clear—he intended to and actually attempted to subject the girl to sexual servitude.

While this prosecutorial strategy was successful in this particular case, Edwards recognizes that unless law enforcement officials are educated about the offense of trafficking in minors and understand that a minor may be "subjected to sexual servitude" even if the commercial sex act is not completed, charging defendants with the crime in the future may be challenging. Thus, it is imperative that law enforce-

ment officials not only are aware of the crime of Trafficking in Minors under Section 3011(b), but they also must be familiar with how to charge an individual with the offense. This point is illustrated by Brown's case specifically because Brown was not initially charged with Trafficking in Minors. After reviewing the criminal complaint prior to formal charging, however, Edwards determined that she could add the Trafficking in Minors charge.

Edwards discussed several additional challenges facing prosecutors in their use of this new law as it applies to minor victims. For example, many minor trafficking victims may be suffering from mental health and drug dependency issues that impact the case. Furthermore, minor victims may be placed in foster care, which is an issue prosecutors do not have to face with adult victims. Edwards's concerns are legitimate because child victims of sex trafficking are a particularly vulnerable population.

Notably, Edwards highlighted the fact that she never considered charging the victim with the offense of prostitution—or the offense of underage drinking—as she could have. For one, Edwards explained, because the victim was so young, there was no way she could have understood the consequences that could have come from her actions—namely, the fact that she could have been sold into sexual servitude by merely agreeing to assist a purportedly lost Uber driver. Furthermore,

[16] Kevin Kearney, *Sex Trafficking Def. Convicted*, Wayne Independent (Nov. 11, 2016, 12:43 PM), <http://www.wayneindependent.com/news/20161111/sex-trafficking-def-convicted>.

[17] 18 Pa. Cons. Stat. Ann. § 3011(b).

[18] Telephone Interview with Janine Edwards, Dist. Attorney, Wayne Cty. Dist. Attorney's Office (Mar. 24, 2017) [hereinafter Edwards Interview].

[19] 18 Pa. Cons. Stat. Ann § 3001.

[20] *Id.*

Edwards stated, “I see no benefit and only see disadvantages in charging [the minor victim with a crime] or involving minors in the criminal justice system.” Instead, she believes minor victims may benefit from alternative resources from agencies outside of the criminal justice system in order

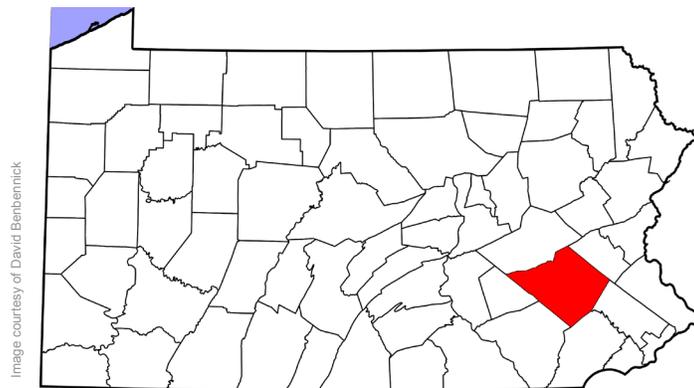
to address the various issues they may face as a result of being trafficked. [21] In reflecting on the case, Edwards said that she wants parents of minor children and the various agencies that address sex trafficking to learn a lesson from this case. Specifically, she stressed, “there must be

some watch-dogging for boys and girls [in order to protect them] because if it is that easy for [someone] to drive [an Uber] and take a [child] to subject her to sex in the small, rural Wayne County, it can happen to anyone and anywhere.”[22]

## Berks County

In November 2016, Berks County Assistant District Attorney Carmen White successfully prosecuted the county’s first case under Act 105, *Commonwealth v. Martin Mercado*. After entering a guilty plea, Mercado was sentenced to three to eight years in prison for Subjecting an Individual to Involuntary Servitude.[23]

Mercado’s victim was a sixteen-year-old girl, with whom he lived in her parent’s house. Mercado provided his victim with drugs—including cocaine, methamphetamine, ecstasy, and marijuana—in exchange for having sex with him. Additionally, Mercado routinely sent the girl to various locations with cash to pick up drugs and bring them back. In addition to controlling his victim with drugs, Mercado also used force. On one occasion, the victim refused to have sex with Mercado, so he threw her into a door, breaking both her nose and the door. In addition, he threatened to have a gang member kill the victim if she attempted to contact police or seek help. Mercado was eventually apprehended when the victim left school unannounced one day, ran away with



Mercado, and lied to her mother about her whereabouts. Police responded to a tip and found Mercado and the girl at a hotel with drugs, and police arrested Mercado. [24]

White initially charged Mercado with eleven different counts, including simple assault, recklessly endangering another person, terroristic threats, endangering the welfare of children, and solicitation of minors to traffic drugs. In deciding what sex crimes to charge Mercado with, White explained that when she looked at the facts of this case, the sexual assault

statutes “[did not] quite fit.”[25] For example, White noted the rape statute was not applicable to this case because a crime like rape “generally requires a lack of consent, the use or threat of force, or sexual contact with a minor under 16.”[26]

Unlike sexual assault offenses that existed prior to Act 105, “the human trafficking statute fills in a wide gap left by the current list of sexual assault charges,” said White.[27] She explained that Pennsylvania’s human trafficking statute matched the facts with the seriousness of the offense because “the statute is layered,

[21] Edwards Interview, *supra* note 18.

[22] *Id.*

[23] See Criminal Docket at 4-6, *Pennsylvania v. Mercado*, No. CP-06-CR-0001650-2016 (C.P. Berks Apr. 8, 2016), <https://ujspportal.pacourts.us/DocketSheets/CPReport.ashx?docketNumber=CP-06-CR-0001650-2016> [hereinafter Mercado Docket]. Mercado pleaded guilty to one count of Subjecting an Individual to Involuntary Servitude (18 Pa.C.S. § 3012(b)(1)), one count of Endangering the Welfare of Children (18 Pa.C.S. § 4304(a)(1)), and one count Simple Assault (18 Pa.C.S. § 2701(a)(1)).

[24] See Police Criminal Compl. at 4-6, *Pennsylvania v. Mercado*, No. CR-2-16 (Magis Ct. Berks Jan. 6, 2016) (Affidavit of Probable Cause of Officer Pamela Mathias).

[25] Email from Carmen White, Assistant Dist. Attorney, Berks Cty. Dist. Attorney’s Office, to author (Dec. 14, 2016) (on file with author) [hereinafter White Interview].

[26] *Id.*

[27] *Id.*

as was the evidence.”[28] During the prosecution, White was able to successfully argue the minor victim was being trafficked for sex for two central reasons. First, Mercado threatened the victim’s life in order to prevent her from seeking help and to force her to continue having sex with him. Second, the victim was addicted to drugs, and Mercado used drugs and her addiction to coerce her to continue to have sex with him—thus establishing that something of “value” was given to the minor in exchange for the “sex act.”[29] Although the victim is a minor and the means of force, fraud, and coercion need not be proven as elements of the crime, traffickers still utilize those means to maintain control over their victims.[30]

Like the successful convictions in Lehigh,

Montgomery, and Wayne counties, the Berks county conviction represents a step in the right direction to implement Act 105. We commend ADA White for recognizing that the trafficking law fit the facts and for using the law successfully.

### Conclusion

We applaud the work of the law enforcement and District Attorney’s offices of Lehigh, Montgomery, Wayne, and Berks Counties for these five successful convictions under Act 105. In addition, we are encouraged by the individual prosecutors’ use of victim-centered practices and their efforts to address and eliminate commercial sexual exploitation. Wayne County DA Edwards’s decision to protect and not prosecute child victims of sexual exploitation is especially laudable.

As more prosecutors throughout the Commonwealth recognize the importance of prosecuting offenders like Pearson, Boswell, Kieffer, Brown, and Mercado, we will be able to effectuate change in the way child and adult victims of human trafficking are treated in the criminal justice system and, in turn, better protect these individuals and provide them with much-needed resources to cope with their victimization.

Furthermore, we would like to commend Judge Dantos of Lehigh County for emphasizing the importance of incarcerating human trafficking offenders and for offering words of support to the victims who stood up to their traffickers. Judge Dantos clearly sees the victims for exactly what they are—survivors.

## 4.5 Emerging Task Forces

When most people think of commercial sex trafficking in the United States, they think of it going on in the hustle and bustle of inner cities and predominantly-urban areas. However, commercial sexual exploitation, including sex trafficking, does not discriminate based on geography; it is happening throughout the Commonwealth, including rural Pennsylvania, and is leaving victims behind who experience complex trauma. These victims often come from a background of sexual abuse, violence, and forced criminal activity, and they struggle with the overwhelming stigma of involvement in commercial sex and, sometimes, undocumented labor, as

well. These histories, combined with the additional stigma of co-occurring intimate-partner violence, rape, drug addiction, and immigration status, contribute to a victim population that simply cannot be served by a single person or organization.

Historically, we have seen the impact of failing to offer a complete, community-wide array of support services suited to meet victims’ complex needs. Victims fall through the cracks, relapse, and return to the life they were determined to leave behind simply because no one was there to take their hand when they needed it. In an effort to address this ongoing problem, Cambria, Lawrence, Northumberland, Snyder, Union, and York Counties have been working to establish collaborative multidisciplinary

task forces that can appropriately address the multidimensional needs of commercial sex victims. We applaud their efforts, and highlight them here.

### Cambria County

While many people associate sex trafficking with large, urban centers, the people of Cambria County, a small, rural community nestled in the middle of Pennsylvania, are well aware that sex trafficking can happen anywhere, and they are taking action to combat commercial sexual exploitation in their own backyard. The Cambria County Human Trafficking Response Team was founded in July of 2016 “to support and enable the discovery of and response to incidents of human trafficking through

[28] *Id.*

[29] See 18 Pa. Cons. Stat. Ann. § 3012(b)(12) (“A person may subject an individual to involuntary servitude through any of the following means: . . . Facilitating or controlling the individual’s access to a controlled substance.”).

[30] See *id.* § 3001 (defining sexual servitude as not requiring a showing of means defined in Section 3012(b) when the victim is a minor).

a victim centered, multidisciplinary, and collaborative community effort.”[1]

Chaired by Carla Smith, the Women’s Ministry Director at the Emmanuel Baptist Church, the Cambria County Human Trafficking Response Team is comprised of multidisciplinary stakeholders, including the Cambria County Transit Authority (CamTran), Cambria County’s Children and Youth Services (CYS), Circle of Support Child Advocacy Center (CAC), the Cambria County District Attorney’s Office (DA’s Office), law enforcement officials, the Cambria County Sexual Assault Response Team (SART), and the Sexual Assault Awareness Team coordinator from Victim Services, Inc. In recognizing that a coordinated, multidisciplinary approach was needed, the response team created three committees: education awareness, law enforcement, and direct services—or “aftercare”—for victims and survivors. Through the collaborative—and often-overlapping—efforts of these committees, each participating agency is able to leverage its strengths to holistically combat trafficking in the community.[2]

For example, Smith, the team’s chairperson, has focused on education awareness efforts, specifically working with local churches and faith-based community organizations. As a next step in her education efforts, Smith is working to engage local school districts. By involving the local schools, Smith hopes to educate and empower children to readily recognize the signs

of trafficking so they are equipped to protect themselves and their peers from becoming victims of commercial sexual exploitation.[3]

Rose Lucey-Noll, Executive Director at CamTran, has also been a leading force in Cambria County’s anti-trafficking education and awareness efforts. To that end, CamTran posts advertisements throughout the transit system to reach its 1,100,000 million riders annually, spreading the message of “say something if you see something” and engaging community members to help end the abuse of exploited persons. Additionally, CamTran drivers receive training to recognize signs that an individual may be a victim of sex trafficking and to report those observations to the appropriate authorities.[4]

When a victim of sex trafficking is identified at a police department or hospital, the Cambria County Sexual Assault Response Team becomes involved. SART members such as Erika Brosig, Clinical Supervisor with Victim Services, Inc., coordinate with local agencies to guide victims through the criminal justice process. When SART is contacted about a victim, an advocate is sent to meet the victim. The advocate supports the victim through the entire criminal justice process, including interviews, rape exams, preliminary hearings, testifying, and parole hearings. To build trust, the same advocate works with a single victim throughout the entire process, coordinating with other agencies

to give victims whatever support they need—from substance abuse treatment to food to housing assistance and more.[5]

Housing assistance can be an especially challenging service to provide when child victims are involved. Foster care, overall, is failing because people often feel there is a risk that comes with taking in these children. Thus, child victims often end up in group homes. Group homes present their own set of problems. For example, many have young, inexperienced staff who lack the training to meet the unique needs or to provide the special care that child victims of trafficking require.

To address these housing issues, Betzi White—an administrator at CYS who has handled cases involving trafficked children—has teamed up with the FBI field office in Pittsburgh to leverage additional resources. Although finding safe overnight accommodations for victims remains challenging for White and her staff, this collaboration has provided some assistance with housing needs and mental health evaluations.[6]

Paula Eppley-Newman, Executive Director at Beginnings, Inc. in Cambria County, is also working towards improving the home-life aftercare for child victims. Eppley-Newman has a dream of transforming a 150-acre farm into a recovery home for exploited children. Innovative ideas like Eppley-Newman’s keep aftercare evolving to better address the needs of child victims so that they will have the strongest chance of

[1] Cambria County Human Trafficking Response Team (@CambriaCountyHTRT), About, Facebook (last visited Apr. 25, 2017), <https://www.facebook.com/pg/CambriaCounty-HTRT/about>.

[2] See Telephone Interview with Carla Smith, Chair, Cambria County Human Trafficking Response Team (Feb. 15, 2017).

[3] See *id.*

[4] See Telephone Interview with Rose Lucey-Noll, Executive Director, CamTran (Feb. 13, 2017).

[5] See Telephone Interview with Erika Brosig, Clinical Supervisor, Cambria County Sexual Assault Response Team (Feb. 7, 2017) [hereinafter Brosig Interview].

[6] See Telephone Interview with Betzi White, Administrator, Cambria County Children and Youth Services (Feb. 17, 2017).

rehabilitation.[7]

While many stakeholders on the team focus on rehabilitating victims, Erin Dominick, Cambria County Assistant District Attorney, focuses on prosecuting traffickers. In doing so, Dominick takes a victim-centered approach, understanding that individuals who have been trafficked are victims, not perpetrators. According to Dominick, treating victims like criminals causes them to distrust law enforcement, which ultimately will not help to secure convictions against traffickers. Thus, in one recent case involving two adult victims, neither victim was charged with prostitution, although the current law would have allowed the charges. Beyond prostitution charges, however, Dominick recognizes that being trafficked may lead to related crimes, and she avoids charging those crimes, as well. For example, according to Dominick, “just because [a prostituted person is] a drug addict doesn’t mean it was [her] choice; drugs are held over their heads to control them.”[8] According to Dominick, if she files charges in this scenario, the victim “will not trust the office, and that [will not] help the office [with a successful prosecution].”[9] Ultimately, Dominick recognizes that prosecutors who have a clear understanding of victimology and who engage in victim-centered prosecution strategies will have more successful outcomes.[10]

Unfortunately, Dominick’s victim-centered approach is not shared uniformly across the law enforcement community. According to Diana Grosik, the Executive

Director for the CAC in Cambria County, one of the CAC’s most challenging tasks is working to change the way law enforcement officials view exploited children because these children are not always viewed as victims. The CAC is working to shift this paradigm as it works closely with the District Attorney’s Office to build prosecutions against traffickers. In helping to build these cases, Grosik and her staff support victims by conducting forensic interviews in a trauma-informed environment. Additionally, the CAC helps to secure mental health services for victims, a task that is facilitated because the CAC is housed in the same building as a mental health provider, which has seven licensed clinicians, six of whom are trauma trained.[11]

As is evident from the various efforts of the Cambria County Human Trafficking Response Team, combatting commercial sex trafficking requires a multifaceted, collaborative approach. The Response Team clearly understands this requirement and is employing education awareness, law enforcement, and aftercare to effectively combat commercial sexual exploitation. We are impressed by the significant strides the team has made in its efforts and encourage the team to keep making progress.

#### Lawrence County

The small county of Lawrence in the western part of the state has recently received specialized funding to address the problem of human trafficking through the implementation of a new task force.

Headed by Lawrence County Crisis Shelter Counselor, Brittany Fair, the task force intends to provide trainings to the aid the Lawrence County community and local providers in identifying human trafficking, as well as by adding targeted screening into the county’s established services to better aid trafficking victims. [12]

The task force is a collaborative made up of several county officials whose positions range from law enforcement to child advocacy. The members include; Assistant District Attorney Jonathan Miller and select detectives from his office, Executive Director of the Crisis Shelter of Lawrence County Deborah Henon, in addition to Juvenile Probation, Adult Probation, HUD, PSP, Human Services Center (mental health services in Lawrence County), CYS, the local Intermediate Unit, and numerous other community agencies that the Task Force intends to invite.[13]

“Just because [a prostituted person is] a drug addict doesn’t mean it was [her] choice; drugs are held over their heads to control them.”

– Erin Dominick, Cambria County Assistant District Attorney

[7] See Brosig Interview, *supra* note 5.

[8] Telephone Interview with Erin Dominick, Assistant District Attorney, Cambria County District Attorney’s Office (Feb. 23, 2017).

[9] *Id.*

[10] See *id.*

[11] See Telephone Interview with Diana Grosik, Executive Director, Circle of Support Child Advocacy Center (Feb. 14, 2017).

[12] Email from Brittany Fair, Counselor, Lawrence Cty. Crisis Shelter, to CSE Community Partners (Apr. 6, 2017) (on file with author).

[13] Email from Brittany Fair, Counselor, Lawrence Cty. Crisis Shelter, to Christian Wynne, Student Extern, The Vill. L. Inst. to Address Com. Sexual Exploitation (Apr. 14, 2017).

### Transitions of Pennsylvania (Union, Snyder, Northumberland Counties)

In 2012, the North Central Human Trafficking Response Team formed to address human trafficking in Northumberland, Union, Snyder, Lycoming, Bradford, and Tioga Counties. With leadership from Judge Joy McCoy, Judge Jim Sortman, Susan Mathias, and Mae Ling Kranz, this “Start-up Team” has advocated for the passage of Act 105, trained law enforcement, and adopted common protocols so counties are working with each other in an understandable and consistent fashion when responding to human trafficking incidents.

Transitions, a Comprehensive Crime Victim Center, serving victims of domestic violence, sexual assault and human trafficking in Union, Snyder, and Northumberland Counties, has been providing direct services to human trafficking victims consistently since 2014. Route 15 is a direct north-south route through the state, and it is through these counties, traffickers can easily transport victims from New York, through Pennsylvania, to the D.C./Maryland/Virginia area. While accurate rates of trafficking are not known, the existence of drug trafficking through this area and the presence of gangs are indicative of high corresponding rates of human trafficking.

From 2014 to 2016, the team at Transitions, led by CEO Susan Mathias, provided direct services to nine victims of trafficking in North Central Pennsylvania. They helped victims secure housing, counseling, employment, and general

assistance. This assistance includes accessing childcare, education, and public benefits, and in many cases, applying for documentation such as birth certificates and drivers licenses. Transitions works to protect victims of trafficking from further exploitation and helps them recover by connecting them with essential resources in the area. Grant funding received from the Office of Victims of Crimes allows Transitions to provide trainings to groups, as well. In the last three years, Transitions provided trainings to 825 professionals and community members, including state and local law enforcement and medical and public health professionals. Recent trainings for professional truck drivers, staff and inmates in federal and state prisons, and Student Assistance Program Professionals statewide reflect their broad reach.

In addition to providing training and direct services to victims, Transitions works closely with the District Attorney’s offices in all three of the counties in which it operates and is developing best practices for victim advocacy and conducting investigations that involve victims of trafficking. The Union and Snyder County STOP Teams, led by the District Attorneys Pete Johnson and Michael Piecuch, respectively, have representatives from state, local, and university law enforcement; youth and adult probation officers; sexual assault nurse examiners; and victims services organizations collaborating to implement protocols and raise community awareness of trafficking in central Pennsylvania.

Mathias is expecting major developments in the region in the next few years. She

“We need to get realistic, develop a plan to stop the unceasing demand for sex with children, and get to the root cause of the problem.”

– Susan Mathias, CEO of Transitions of Pennsylvania

says, “We need to get realistic, develop a plan to stop the unceasing demand for sex with children, and get to the root cause of the problem. Being able to buy sex on the internet and arrange for it in a hotel or residence, is too easy. We need to make it difficult.”<sup>[14]</sup>

### York County

The York County Human Trafficking Task Force, a program of the YWCA York, has approached human trafficking through collaborative efforts focused on utilizing victim-centered approaches throughout investigation, prosecution, and the long process of victim recovery. The YWCA York has brought together into focused workgroups each system needed to provide support, services, and advocacy for victims of this pervasive crime. These workgroups—which focus on law enforcement, child trafficking response, medical and behavioral health, victim service providers, and community engagement—develop protocols to ensure that throughout the county there are no questions about where victims can go to receive the support they need. Each group leader also acts as a liaison and is prepared to provide case management, resources, and a warm hand-off to

[14] Email from Susan Mathias, CEO, Transitions, to Shea M. Rhodes, Director, Villanova CSE Institute (Apr. 23, 2017).

whoever is best suited to handle the needs of an identified victim. The task force is also fully engaged in advocacy within each system, providing ongoing training and education to the community in order to end the stigma associated with prostitution and to educate the appropriate agencies and individuals on protections such as those outlined in Act 105, thus making it even easier for victims to navigate the systems needed for them to thrive.

While recognizing there is still a long way to go, York County has already seen a drastic increase in identified victims and has increased their capacity to serve those victims successfully. Michelle Cooper, Human Trafficking Advocate to the YWCA York, provides leadership to the task force and its many workgroups, but also offers ongoing case management to victims seeking assistance. Cooper focuses on collaboration with each workgroup leader, making it much easier to assist victims in accessing whatever outside services they may need and ensuring the person assisting the victim understands the complex needs of a trafficking victim.

“Collaboration has been the key to our success, and as we continue to branch out to include more partners, other task forces (such as the York Opioid Collective), and other engaged community members we feel certain our ability to serve victims of trafficking will grow as well,” Cooper stated.[15] “Our

goal is to send a message to anyone struggling to escape the life of sexual exploitation and forced labor; York County is a safe place for you to receive help, and begin the journey to recovery.”[16]

#### 4.6 Use of the Civil Remedy

Since Pennsylvania’s comprehensive human trafficking statute, Act 105, was passed in 2014, prosecutors have shown an increasing willingness to prosecute traffickers for charges under this new law. However, it is important to remember that Act 105 also includes civil remedies for victims of trafficking. Indeed, Pennsylvania’s anti-trafficking laws now include one of the most comprehensive civil remedies for victims of human trafficking anywhere in the country. While there has been a steady increase in criminal charges and convictions, only one civil case has been brought on behalf of trafficking victims against those who directly or indirectly profited from the trafficking.

On March 10, 2017, Kline & Specter, PC filed a lawsuit on behalf of a Philadelphia girl who was fourteen years old when she was initially trafficked. The suit alleges that the Roosevelt Inn in Northeast Philadelphia had knowledge that the girl was being sexually exploited at the motel but continued to rent rooms to her traffickers for financial gain. In speaking with the child’s attorney, Nadeem Bezar, he relayed to us that, “At Kline and

Specter, we recognize the epidemic that has overcome this vulnerable population. The time has come to hold those profiting from these unspeakable forms of revenue generation accountable. We all need to stop the harms being perpetrated upon children.”[17]

While civil cases in other states have been brought on behalf of trafficking victims against hotels that have financially benefited from the trafficking of the victim, such cases have been brought under theories of premises liability and consumer protection. However, this recently filed Pennsylvania case may encourage victims across the country to come forward in states that have enacted similar civil remedies, so that those who indirectly benefit from human trafficking may be held accountable.

The CSE Institute applauds the bravery of the trafficking victim in this groundbreaking civil litigation. While she surely has been traumatized by her trafficking experience, her bravery in seeking justice in this case shines a light on those who indirectly, but complicity, benefit from trafficking. Pursuing justice in such cases is no easy task. One of the most important things attorneys must do in such cases is serve as supportive and trauma-informed counselors for their clients. We hope that this lawsuit may encourage other victims and attorneys to hold accountable hotels and others who are complicit in profiting from human trafficking.

[15] Email from Michelle Cooper, Human Trafficking Advocate, YWCA York, to Shea M. Rhodes, Director, Villanova CSE Institute (Apr. 20, 2017).

[16] *Id.*

[17] Email from Nadeem Bezar, Partner, Kline & Specter, PC, to Shea M. Rhodes, Director, Villanova CSE Institute (Apr. 19, 2017).

## 5. Law and Social Change

### Through the Implimentation of Act 105

When the CSE Institute launched in 2015, we sought to have the greatest impact on social change by ensuring that all of our initiatives are survivor-centered. This commitment is reflected in the language of our mission, which focuses on “promoting victim-centered, trauma-informed multidisciplinary collaboration,” “center[ing] the experiences of survivors to inform the development of policies and best practices to combat commercial sexual exploitation,” and “engaging the survivor community in shaping our positions.”[1] More importantly, this commitment is reflected in our daily work, our ongoing projects, and even the Survivor Voice piece focusing on Cat Rojas’s experience, included in this very report. Over the past year, the CSE Institute has continued to engage the survivor community to guide our efforts in effecting positive change in both the law and the social landscape.

For example, in June of 2016, the CSE Institute collaborated with the Robina Institute of Criminal Law and Criminal Justice at the University of Minnesota Law School to hold a one-day conference titled *Commercial Sexual Exploitation: Shifting Perspectives and Policing Practices*. During the conference, law enforcement officers, prosecutors, and academic scholars joined with survivors of commercial sexual exploitation to discuss current law enforcement practices and to explore opportunities for reform. Some programs, such as the one titled, *Innovative Investigations and Shifting Police Practices*—which highlighted the

need to protect, rather than prosecute, victims of sex trafficking—included a survivor on a panel along with law enforcement experts. Others, like *Prosecuting Sex Trafficking: Diverting Victims, Deterring Demand and Targeting Traffickers*, were led entirely by experienced prosecutors, who reflected on the importance of involving the survivor at every stage of the process when prosecuting a trafficker. The final panel of the day, *Creating Real Opportunities for Survivors and Cultivating Survivor Leadership*, was unique, however, in that it was entirely composed of survivor leaders. Each panelist emphasized the need for viable opportunities for survivors within the survivor leadership movement, and we listened.

In responding to the survivor voices we heard at this conference, in March of 2017, we hosted a first-of-its-kind, survivor-led, two-day symposium focused on *Engaging the Survivor Community in Advocacy, Healing, and Criminal Justice*. Survivor leaders from across the country convened at the Villanova University Charles Widger School of Law to lead a series of workshops on topics ranging from advocacy to law enforcement tactics to issues of intersectionality and more. Lawyers, law students, professors, police officers, social workers, and public interest professionals were among the engaged participants who attended. By all measures, the symposium was an overwhelming success, and direct conversation with survivors clearly helped to broaden the attendees’ perspectives



Cat Rojas and Heather Evans at the VAST Gala, January 11, 2017.

on the complexity of human trafficking, its innumerable victims, and the importance of focusing on survivor-centered services.

Our experiences engaging the survivor community over the past year have reaffirmed the importance of remaining survivor-centered in our efforts to effect legal and social change. As we continue to engage with other organizations and with the law enforcement community, we will remain steadfast in our dedication to listening to survivors and keeping them at the center of our efforts.

#### 5.1 The Survivor Voice: Cat Rojas

In keeping with our commitment to being survivor-centered in all of our efforts—including this report—we sought the input of Cat Rojas, an impressive and

[1] The Villanova Law Institute to Address Commercial Sexual Exploitation, <https://cseinstitute.org/about-the-cse-institute/mission> (last visited Apr. 25, 2017).

strong survivor of commercial sexual exploitation who heads a support group for survivors at the Valley Against Sex Trafficking (VAST). Cat graciously agreed to share her story, offering insight into how she got into “the life” of commercial sexual exploitation, how she got out, and ultimately what law enforcement officials, advocates, and others working with survivors can do to help victims thrive and move forward.[1]

“ it is possible that [survivors] can overcome issues of the past.”

– Cat Rojas

At the age of eighteen, Cat, like so many of her contemporaries, was a college student. While attending an upstate university in Pennsylvania, she became pregnant. After her daughter was born, however, she unexpectedly became a single mother when her boyfriend, the baby’s father, was arrested on drug distribution charges and sentenced to a term of incarceration. Cat suddenly found herself in a difficult position—that of a single mother without the financial means to support her family.

In search of sufficient financial means, Cat secured a job as a “ring girl” at a boxing facility. There she met a man who suggested that he could make her a model. Cat had always dreamed of being

a model, so when this man set up a photo shoot for her in Washington D.C., she attended excitedly. Yet, this “photo shoot” was nothing that she expected. Cat was taken to a large home in Georgetown, where she recalls feeling like she would surely be killed. She did not die that day, but she was introduced to the first man who ever purchased her for sex, and from that day forward, Cat was forced to work for her first pimp in Washington D.C. Cat was only released from this pimp’s control when he was indicted on federal criminal charges.

After her pimp was indicted, Cat met her former husband and was able to remove herself from the life of commercial sexual exploitation. She led a fairly “normal” life with her former husband until she was hospitalized with severe injuries after being brutally drugged and raped by a New York City taxi driver. That traumatic event precipitated a downward spiral, causing Cat to turn to alcoholism as a coping mechanism and ultimately leading to the dissolution of her marriage. Again, Cat found herself in need of a way to support her family after her marriage fell apart, so she returned to the only place she knew how to make money—the streets.

On the streets, an acquaintance introduced Corderro Cody to Cat, and he soon became her second pimp. Cat was trafficked by Cody for three years, working as his “bottom girl”—a woman who assists a pimp in recruiting and selling other girls for sex. During this time, Cody frequently beat and raped Cat and kept her children away from her

as a means of controlling her. When one of those rapes resulted in Cat becoming pregnant, she found the courage and strength to leave Cody and to seek the assistance of law enforcement officials.

Having realized that Cody “was a monster,” Cat became determined to “take him down.”[2] She contacted the police to report Cody’s criminal activity, and, to their credit, the officers recognized her as a trafficking victim and took a victim-centered approach to working with her. After agreeing to cooperate with law enforcement to build a case against Cody, Cat returned to Cody while wearing a wire and was able to capture him on record admitting to everything he had done to her, including beating her, forbidding her from seeing her children, and taking her money. While she was successful in capturing this audio evidence against Cody, however, Cat was badly beaten by Cody when she attempted to leave. Cody beat her in the head with a gas pump, leaving her hospitalized with a cerebral hematoma and causing her to miscarry her unborn child.

The recorded evidence, however, proved instrumental in securing an indictment against Cody. Additionally, Cat worked with Cody’s other victims, and, emboldened by Cat’s own strength and courage, others came forward. When presented with Cat’s recorded evidence and the testimony of these other exploited women, a grand jury indicted Cody on October 30, 2014.[3] Cody pleaded guilty in January 2016, to multiple counts of Conspiracy to Commit Sex Trafficking by Force, Fraud, or Coercion (18 U.S.C.

[1] Telephone Interview with Cat Rojas (Apr. 18, 2017) [hereinafter Rojas Interview].

[2] *Id.*

[3] See Indictment, United States v. Cody, No. 14-00583 (E.D. Pa. Oct. 30, 2014); see also Superseding Indictment, United States v. Cody, No. 14-00583, (E.D. Pa. May 14, 2015).

§ 1594(c)), Conspiracy to Transport an Individual Interstate to Engage in Prostitution (18 U.S.C. § 371), and Sex Trafficking of Children or by Force, Fraud, or Coercion (18 U.S.C. § 1591(a)). On March 10, 2016, Cody was sentenced to thirty years in federal prison.

As a result of her trafficking experiences, Cat has struggled to find work because she—like many trafficking survivors—suffers from severe post-traumatic stress disorder, and she has an extensive criminal record—filled with prostitution convictions—which has barred her from many employment opportunities. However, with the help of Heather Evans, founder of VAST, Cat has been working to re-build her life. According to Heather, she and Cat first spoke in May of 2014 and had “an instant connection.”<sup>[4]</sup> Cat came to Heather for help finding counseling services but also had other needs because, other than temporary housing, Cat had nothing—“[n]o income, no possessions, no clothing, no food.”<sup>[5]</sup> Since their initial meeting, Heather has supported Cat through every step of her journey, “walking alongside [her], choice after choice.”<sup>[6]</sup> According to Cat, it is because of this support from Heather and VAST that she is starting to feel semi-normal, or as normal as she thinks she will ever feel after suffering such great trauma.

While Cat has clearly benefited from Heather’s support, Heather explains that Cat has been her “greatest teacher,” too. <sup>[7]</sup> According to Heather, she has learned

lessons from Cat about numerous topics, including survivor trauma, “the role of fear and confusion in the mind and heart of a trafficking survivor,” and the importance of honoring a survivor’s choices because “[t]o provide choice is to acknowledge one’s humanity.”<sup>[8]</sup> These lessons have helped Heather in her support of Cat, while also informing her work with other trafficking survivors.

Additionally, Cat is using her own horrific experience for the good of others and has become a leader in the survivor movement in Pennsylvania. Two years ago, Cat co-organized the Women Initiating Networks of Growth and Survival (WINGS) support group at VAST with other survivors of commercial sexual exploitation. WINGS provides support to women who, like Cat, are survivors of commercial sexual exploitation or who are working to exit exploitation. Through WINGS and VAST, Cat has acquired a second family that has always supported her and that builds her up when she is feeling down.

Cat’s message for survivors and those who work with them is that “it is possible that [survivors] can overcome issues of the past.”<sup>[9]</sup> She recognizes that survivors have been through complex trauma, and many survivors believe they are so broken that they may never be fixed. However, Cat is living proof that it is possible to process the trauma and move forward. Individuals who work with survivors must understand that “it is a process,” and “it will take a lifetime to

heal wounds caused during ‘the life.’”<sup>[10]</sup> Nevertheless, Cat believes that it is most important to be patient and loving because at the end of the day, “[it is] not what you do, but [it is] the love that can heal.”<sup>[11]</sup>

Cat, thank you for sharing your story and for your efforts to support other survivors. We commend you, we support you, and we are listening.

## 5.2 Collaboration

As emphasized throughout this report, we strive to promote victim-centered, trauma-informed, multidisciplinary collaboration in our shared fight against sex trafficking and sexual exploitation. To successfully support individuals who have been victimized or exploited, while simultaneously holding offenders accountable for their crimes, organized, joint efforts across all systems are essential. Below we highlight several non-governmental organizations (NGOs) and state agencies that have formed cross-disciplinary collaborations with other organizations to construct creative and robust responses to commercial sexual exploitation (CSE) in the Commonwealth.

### PAATH

In 2014, following the enactment of Act 105, the Pennsylvania Alliance Against Trafficking in Humans (PAATH) was formed in order to facilitate the cohesive implementation of this new trafficking law. Over the course of 2016, the PAATH

[4] Email from Heather Evans, Founder, VAST, to author (May 1, 2017) (on file with author).

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] Rojas Interview, *supra* note 1.

[10] *Id.*

[11] *Id.*

Steering Committee expanded to include representatives from 23 governmental and non-governmental agencies, including the CSE Institute at Villanova Law, Children’s Resource Center, Child Advocacy Center (Harrisburg), Friends of Farmworkers, Mission Kids, Child Advocacy Center (Montco), Mount Nittany Health Children’s Advocacy Center of Centre County, the Pennsylvania Governor’s Office, Pennsylvania Coalition Against Domestic Violence, Pennsylvania Coalition Against Rape, Pennsylvania Chapter of CACs and Multi-Disciplinary Investigative Team (MDIT), Pennsylvania Chiefs of Police Association, Pennsylvania Commission on Crime and Delinquency, Pennsylvania District Attorney’s Association, Pennsylvania Governor’s Office of Homeland Security, Pennsylvania Department of Human Services, Pennsylvania Department of Transportation, Pennsylvania State Police, Pittsburgh Action Against Rape, The Salvation Army New Day to Stop Trafficking Program, The Valley Against Sex Trafficking, Transitions of PA, YWCA of Greater Harrisburg, and YWCA of York County.

PAATH’s primary objective is to promote widespread awareness about CSE and the new state trafficking law throughout the Commonwealth. One way PAATH works towards this objective is through the use of technology and online platforms, which the coalition recognizes as among the most effective ways to reach a broad audience and to truly engage the community in building awareness and challenging

preconceived notions about commercial sex. To establish an online presence, the chairs of the PAATH Public Awareness Committee—Michelle Cooper, Human Trafficking Advocate, and Jessica Castle, Community Education Director—from the YWCA of York County, teamed up with Villanova University Communications School seniors Elisabeth Bernasconi, Nicholas Crowley, Sally Martinelli, and David Shin, under the guidance of Professor Billie Murray, to create a brand new website: [www.educateandadvocate-paath.com](http://www.educateandadvocate-paath.com).

“Collaboration has been the key to our success.”

– Michelle Cooper, YWCA York Human Trafficking Advocate

This website was designed with the goal of providing straightforward and accurate explanations of Act 105, while also purposefully shifting perception and treatment of sex trafficking victims. By challenging stereotypes about trafficking and commercial sexual exploitation—such as the incorrect perceptions that victims are willing participants or utterly helpless, worthless members of society—the website seeks to spark critical conversations about how mainstream society perceives and treats prostituted people and trafficking victims. Shifting outdated beliefs of law enforcement

officials is especially crucial because they are often responsible for identifying victims.

In describing the value of the website, Michelle Cooper explains that the site is “already an asset to [the] community education efforts in York County, allowing us to explain the various aspects of the law to community members, and empowering them with the information needed to join the fight against trafficking in Pennsylvania. I feel that the website will allow us to reach so many more people, including potential victims who may not be aware of the support available to them.”<sup>[1]</sup> According to Cooper, her favorite aspect of the website is the clarity with which the law is explained; it is useful to anyone seeking information about Act 105, not just attorneys and law enforcement.

The accessibility and accuracy of information made possible through the website will empower task forces and victim-service providers throughout the state to further connect and collaborate, which will lead to more sustainable programming for human trafficking survivors statewide.

## PCCD

The Pennsylvania Commission on Crime and Delinquency (PCCD) was established in 1978 with the goal of improving all aspects of Pennsylvania’s criminal justice system. To that end, the organization’s mission is “to enhance the quality, coordination and planning within the criminal and juvenile justice systems,

[1] Email from Michelle Cooper, Human Trafficking Advocate, YWCA York County, to Shea M. Rhodes, Director, Villanova CSE Institute (Apr. 10, 2017) (on file with author).

to facilitate the delivery of services to victims of crime, and to increase the safety of our communities.”[2] Chairman Charles H. Ramsay, Philadelphia’s former Police Commissioner, leads PCCD’s diverse governing board, which includes the Pennsylvania Attorney General, the Secretary of the Department of Corrections, members of law enforcement, judges, legislators, and victims’ advocates.[3] With a “focus on research, policy, planning, training, evidence-based programming, technology, outreach, and support services,” PCCD “supports justice-related programs put forth by practitioners and experts in the justice system.”[4]

Consistent with the organization’s mission, PCCD has taken an active role in leading the Commonwealth’s fight against human trafficking. To that end, PCCD has committed to funding community enhancement projects that provide necessary services to victims of human trafficking. In the past year alone, PCCD has awarded grants to such projects under the OVS Victims of Crime Act, the Endowment Act, and STOP Projects—which are funded by federal Violence Against Women Act grants.

For example, with funding from a STOP Project grant, the Pennsylvania Coalition Against Rape (PCAR) provided training to the judiciary in a program titled *Commercial Sexual Exploitation of Youth*. Another PCCD-supported grant was

used in collaboration by the Pennsylvania Chiefs of Police Association, PCAR, and the Pennsylvania Commission Against Domestic Violence (PCADV) to develop an online virtual training module on *Investigating Human Trafficking*. This module, which won a Gold Creativity International Award, is designed to teach law enforcement officials about types of human trafficking, ways to assess a trafficking crime scene, how to access state and national trafficking resources, and, perhaps most significantly, methods for appropriately and effectively communicating with victims of human trafficking.[5]

Beyond providing financial support, PCCD also spearheaded statewide training efforts over the past year. In January of 2017, for example, the PCCD invited the CSE Institute to educate the Victim Services Advisory Committee (VSAC) about the scope of Pennsylvania’s human trafficking problem and the actions victims’ service agencies can take to adequately assist trafficking victims. Additionally, PCCD hosted a one-day Human Trafficking Symposium in collaboration with the CSE Institute in September of 2016. This sold-out event was attended by more than 250 prosecutors, victims’ advocates, social workers, law enforcement officials, human-trafficking task force members, and other individuals interested in learning more about child and adult sex trafficking. The symposium highlighted

ways in which government agencies at the federal, state, and local level can collaborate with nonprofit organizations in the Commonwealth to combat sex trafficking in Pennsylvania communities. [6]

Additionally, PCCD is a significant leader in the Pennsylvania Alliance Against Trafficking in Humans. In its unwavering commitment to train and educate judges, law enforcement officials, and other key players, PCCD is an important ally in the fight to end commercial sexual exploitation in Pennsylvania. We look forward to expanding our collaboration with PCCD over the next year in furtherance of our shared goal of combatting human trafficking in the Commonwealth.

### CACs

The Child Advocacy Centers (CACs) in Pennsylvania are hubs of multidisciplinary collaboration, coordination, and partnerships among many public and private NGOs, as well as local and statewide trafficking task forces.[7] There are over thirty CACs located in various counties across the Commonwealth.[8] All Pennsylvania CACs operate under the guiding principle that the criminal justice system should accommodate a child victim and not the other way around, resulting in child-centered casework.[9] Each CAC works directly with a county’s Child & Youth Services (CYS) to ensure

[2] Pennsylvania Commission on Crime and Delinquency, <http://www.pccd.pa.gov/AboutUs/Pages/default.aspx> (last visited Apr. 6, 2017).

[3] Pennsylvania Commission on Crime and Delinquency, Annual Report 14 (2014-15).

[4] Pennsylvania Commission on Crime and Delinquency, *supra* note 2.

[5] Email from Valerie McMahan, Director, Office of Victim Services, to Shea M. Rhodes, Director, Villanova CSE Institute (Mar. 29, 2017) (on file with author).

[6] *See id.*

[7] *See* Email from Abbie Newman, CEO & Exec. Dir., Mission Kids, Montgomery Cty. CAC, to Carolyn Ruth, Student, Villanova CSE Institute (Apr. 10, 2017).

[8] *See Find a Pennsylvania Children’s Advocacy Center*, Pa. Chapter of Children’s Advocacy Ctr. & Multidisciplinary Teams, <http://penncac.org/about/find-a-pa-advocacy-center> (last visited May 1, 2017).

[9] *See What is a CAC?*, Pennsylvania Children’s Advocacy Center, Pa. Chapter of Children’s Advocacy Ctr. & Multidisciplinary Teams, <http://penncac.org/about/what-is-a-cac> (last visited May 1, 2017).

“We should all be vigilant and do what we can to get assistance for victims, which is what we at PennDOT are trying to do.”

– Leslie S. Richards,  
PennDOT Secretary

that victims are given comprehensive care and provided with viable options for healing and moving forward.

The CACs understand that sex trafficking victims are a unique subset of abused children with their own specific needs. According to Abbie Newman, CEO and Executive Director of Mission Kids, Montgomery County’s CAC, “CACs work especially closely with prosecution and law enforcement, both state and federal, and CYS to make sure that the victims are treated with respect to earn their trust to give them options other than a life of trafficking.”<sup>[10]</sup> The specially-trained staff at the CAC are especially helpful to law enforcement during trafficking investigations, particularly when a child victim is not ready to talk about his or her experiences.<sup>[11]</sup> The CACs use

different approaches to interviewing children, sometimes with the assistance of family members or mental health professionals. At present, the CACs are working to determine which approach, if any, stands out as the best way to create an open dialogue with child victims of sex trafficking.

Over the past few years, the number of CAC facilities across the state has increased. While this growth has increased the number of children served, it also has increased the need for resources and funding. CACs receive some state and federal grant money, but this funding is tied to specific requirements and restrictions.<sup>[12]</sup> The CACs need sustainable funding for continued growth and success, especially with respect to the development of long-term responses and aftercare plans to meet the ongoing and unique needs of child sex trafficking victims. Please consider supporting your local Child Advocacy Center.

### **PennDOT**

The Pennsylvania Department of Transportation (PennDOT) is a valuable partner in the fight against sex trafficking and commercial sexual exploitation here in the Commonwealth. With a substantial

interstate highway system, Pennsylvania is a jurisdiction wherein trafficking victims are easily brought into, removed from, and/or transported throughout the state. To combat this troubling reality, PennDOT recently announced a statewide initiative to train all PennDOT employees on the risk factors, indicators, and legal aspects of human trafficking. “Unfortunately, the human-trafficking problem is spreading and touching more communities and families,” PennDOT Secretary Leslie S. Richards said.<sup>[13]</sup> “We should all be vigilant and do what we can to get assistance for victims, which is what we at PennDOT are trying to do.”

The CSE Institute has teamed up with PennDOT to develop and conduct trainings on sex trafficking, with a focus on relevant issues for the transportation industry. At the time of publication, Director Rhodes has led two trainings for PennDOT leadership and employees, in conjunction with members of the Pennsylvania Public Transportation Association (PPTA), at the PPTA Winter 2017 and Spring 2017 Conferences. We at the CSE Institute look forward to continued collaboration with PennDOT and are excited for the positive impact our joint efforts are expected to have on combating commercial sexual exploitation across the Commonwealth.<sup>[14]</sup>

[10] Telephone Interview with Abbie Newman, CEO & Exec. Dir., Mission Kids (Apr. 19, 2017) [hereinafter Newman Interview].

[11] Telephone Interview with Diana Grosik, Exec. Dir., Circle of Support Child Advocacy Ctr. (Feb. 14, 2017).

[12] Newman Interview, *supra* note 10.

[13] Email from Erin Waters-Trasatt, Press Secretary, PA Department of Transportation, to Shea M. Rhodes, Director, Villanova CSE Institute (Apr. 11, 2017) (on file with author).

[14] *See id.*

## 6. Organizations and Groups Working Against Commercial Sexual Exploitation in Pennsylvania

Over the last year, we worked in collaboration with the Victim Services committee of PAATH to gather and compile information pertaining to trauma-informed service providers working with survivors of human trafficking. All of the information gathered was self reported and in response to survey questions. The following information does not constitute an endorsement of any agency or services provided.

Organization	Web Address
Abuse Network, The	<a href="http://www.abusenetwork.org">http://www.abusenetwork.org</a>
A Child's Place (Mercy Health Place)	<a href="http://achildsplaceatmercy.org/home">http://achildsplaceatmercy.org/home</a>
A Safe Place, Inc.	<a href="http://www/jlc.org/resources/county-resource-guide/forest/safe-place-inc-forest-and-warren-counties">http://www/jlc.org/resources/county-resource-guide/forest/safe-place-inc-forest-and-warren-counties</a>
A Voice for Me Child Advocacy Center of Washington	<a href="http://www.cacwa.org">http://www.cacwa.org</a>
A Way Out	<a href="http://www.myawayout.org">http://www.myawayout.org</a>
A Women's Place	<a href="http://awomensplace.org/who/contact.html">http://awomensplace.org/who/contact.html</a>
Abuse & Rape Crisis Center	<a href="http://arcceducation.wix.com/arcc#!service/c1pna">http://arcceducation.wix.com/arcc#!service/c1pna</a>
ACCESS York, YWCA York	<a href="http://ywcaYork.org">http://ywcaYork.org</a>
Adams County Children's Advocacy Center	<a href="https://www.kidsagaincac.org/index.html">https://www.kidsagaincac.org/index.html</a>
Alice Paul House	<a href="http://www.alicepaulhouse.org">http://www.alicepaulhouse.org</a>
Beaver County Anti Human Trafficking Coalition	<a href="http://bcantihumantraffickingcoalition.weebly.com">http://bcantihumantraffickingcoalition.weebly.com</a>
Berks Women in Crisis	<a href="http://berkswomenincrisis.org">berkswomenincrisis.org</a>
Blackburn Center	<a href="http://www.blackburncenter.org">http://www.blackburncenter.org</a>
Bradley H. Foulk Children's Advocacy Center of Erie County, Inc., The	<a href="http://www.cacerie.org">http://www.cacerie.org</a>
Bucks Coalition Against Trafficking	<a href="http://bcatpa.org">http://bcatpa.org</a>
Bucks County Children's Advocacy Center	<a href="http://buckscac.com">http://buckscac.com</a>
Butler County Alliance for Children - Child Advocacy Center	<a href="http://www.butlercountycac.org">http://www.butlercountycac.org</a>
Cambria County Child Advocacy Center	<a href="http://cambriacac.org">http://cambriacac.org</a>
C.A.P.S.E.A., Inc.	<a href="http://capsea.org">http://capsea.org</a>
Care Center of Indiana County, The	<a href="http://carecenterofindianaco.org">http://carecenterofindianaco.org</a>
Centre County Women's Resource Center	<a href="http://ccwrc.org">http://ccwrc.org</a>
Chester County Anti-Trafficking Coalition (CCAT)	<a href="https://sites.google.com/site/ccatsite/">https://sites.google.com/site/ccatsite/</a>
Chester County Child Advocacy Center	<a href="http://www.chesco.org/1610/child-abuse">http://www.chesco.org/1610/child-abuse</a>
Children's Advocacy Center of Lawrence County	<a href="http://www.upmcjameson.com/cac">http://www.upmcjameson.com/cac</a>
Child Advocacy Center of Lehigh County	<a href="http://lehigh.pa.networkofcare.org/mh/services/agency.aspx?pid=ChildAdvocacyCenterofLehighCounty_794_2_0">http://lehigh.pa.networkofcare.org/mh/services/agency.aspx?pid=ChildAdvocacyCenterofLehighCounty_794_2_0</a>
Children's Advocacy Center of Northeastern PA	<a href="http://cacnepa.org">http://cacnepa.org</a>
Children's Advocacy Center of Mckean County	<a href="http://www.mmckeancountypa.org/CAC.aspx">http://www.mmckeancountypa.org/CAC.aspx</a>
Children's Alliance Center of Berks Co.	<a href="http://opphouse.org/looking-for-help/child-sexual-abuse-information-forensic-interviews.aspx">http://opphouse.org/looking-for-help/child-sexual-abuse-information-forensic-interviews.aspx</a>
Children's Center of Susquehanna & Wyoming Counties	<a href="http://www.fsawv.org/childac.php">http://www.fsawv.org/childac.php</a>
Children's Home of Easton, The	<a href="http://childrenshousepa.org">http://childrenshousepa.org</a>
Crisis Shelter of Lawrence County	<a href="http://crisishelter.org">http://crisishelter.org</a>
Dawn's Place	<a href="http://ahomefordawn.org">http://ahomefordawn.org</a>

Organization	Web Address
Delaware County Children's Advocacy Center	<a href="http://www.delcochildrenadvocacycenter.org">http://www.delcochildrenadvocacycenter.org</a>
Delaware County Women Against Rape	<a href="http://www.delcowar.org">http://www.delcowar.org</a>
Department of Human Services	<a href="http://www.dhs.pa.gov">http://www.dhs.pa.gov</a>
Domestic Violence Services of Cumberland & Perry Counties	<a href="http://www.dvscp.org/index.html">http://www.dvscp.org/index.html</a>
Easton Children's Home	<a href="http://thechildrenshome.org">thechildrenshome.org</a>
Faith Alliance Against Slavery & Trafficking	<a href="http://faastinternational.org">faastinternational.org</a>
Friends of Farm Workers	<a href="http://www.friendsfw.org">http://www.friendsfw.org</a>
Geisinger Child Advocacy Center	<a href="https://www.geisinger.org/sites/jwch/pediatric-specialties-advocacy-center/">https://www.geisinger.org/sites/jwch/pediatric-specialties-advocacy-center/</a>
HAVEN of Tioga County, Inc.	<a href="http://havenoftiogacounty.org">http://havenoftiogacounty.org</a>
Helping all Victims In Need (HAVIN)	<a href="http://havinpa.org">http://havinpa.org</a>
Huntingdon House	<a href="http://www.huntingdonhouse.net">http://www.huntingdonhouse.net</a>
Joseph J. Peters Institute, The (JJPI)	<a href="http://www.jjp.org">http://www.jjp.org</a>
Lancaster Anti-Trafficking Network (LATN)	<a href="http://latn-pa.com">http://latn-pa.com</a>
Lancaster County CASE Task Force	<a href="http://www.web.co.lancaster.pa.us/705/C-A-S-E">http://www.web.co.lancaster.pa.us/705/C-A-S-E</a>
Lancaster County Children's Alliance	<a href="http://lancastergeneralhealth.org/LGH/Our-Services/childrens-Advocacy-Center.aspx">http://lancastergeneralhealth.org/LGH/Our-Services/childrens-Advocacy-Center.aspx</a>
Lancaster Initiative Against Human Trafficking (LIGHT)	<a href="https://www.facebook.com/LIGHT-Lancaster-Initiative-aGainst-Human-Trafficking-186767311856/">facebook.com/LIGHT-Lancaster-Initiative-aGainst-Human-Trafficking-186767311856/</a>
Laurel House	<a href="http://laurel-house.org">http://laurel-house.org</a>
Lighthouse Counseling Services, LLC	<a href="http://lighthousecounselingpa.com">http://lighthousecounselingpa.com</a>
Luzerne County Child Advocacy Center	<a href="http://www.luzernecountycac.org">http://www.luzernecountycac.org</a>
Mid-Atlantic Dream Center	<a href="http://midatlanticdreamcenter.org">http://midatlanticdreamcenter.org</a>
Mission Kids	<a href="http://missionkidscac.org">http://missionkidscac.org</a>
Montgomery County Anti-Trafficking Coalition (MCAT)	<a href="http://mcatpa.org">http://mcatpa.org</a>
Mount Nittany Children's Advocacy Center of Centre County	<a href="https://www.mountnittany.org/childadvocacycenter">https://www.mountnittany.org/childadvocacycenter</a>
Nationalities Service Center, Anti Human Trafficking Project	<a href="http://nscphila.org/our-work/special-initiatives/anti-human-trafficking">http://nscphila.org/our-work/special-initiatives/anti-human-trafficking</a>
Network of Victim Assistance (NOVA)	<a href="http://novabucks.org">http://novabucks.org</a>
Not In My Back Yard (NIMBY)	<a href="http://www.nimby.me">http://www.nimby.me</a>
North Penn Legal Services	<a href="http://www.northpennlegal.org">http://www.northpennlegal.org</a>
North Star Initiative	<a href="http://northstarinitiative.org">http://northstarinitiative.org</a>
Oasis of Hope	<a href="http://oasisofhopeusa.org">http://oasisofhopeusa.org</a>
Over The Rainbow Children's Advocacy Center	<a href="http://overtherainbowcac.org">http://overtherainbowcac.org</a>
Partners for Justice	<a href="http://chscast.weebly.com">http://chscast.weebly.com</a>
Peace Promise	<a href="http://www.peacepromise.org">http://www.peacepromise.org</a>
Pennsylvania Alliance Against Trafficking in Humans-15 (PAATH-15)	<a href="https://www.facebook.com/PAAgainstTraffickinginHumans">https://www.facebook.com/PAAgainstTraffickinginHumans</a>
Pennsylvania Coalition Against Domestic Violence	<a href="http://pcadv.org">http://pcadv.org</a>
Philadelphia Anti-Trafficking Coalition	<a href="http://patcoalition.org">http://patcoalition.org</a>
Philadelphia Children's Alliance	<a href="http://www.philadelphiachildrensalliance.org">http://www.philadelphiachildrensalliance.org</a>
PinnacleHealth Children's Resource Center	<a href="http://www.pinnaclehealth.org/locations-and-providers/practices/6685">http://www.pinnaclehealth.org/locations-and-providers/practices/6685</a>

Organization	Web Address
Pittsburgh Action Against Rape	<a href="http://paar.net">http://paar.net</a>
PPC Violence Free Network	<a href="http://www.fscas.org/index.htm">http://www.fscas.org/index.htm</a>
Project to End Human Trafficking	<a href="http://endhumantrafficking.org">http://endhumantrafficking.org</a>
Project Safe	<a href="http://projectsafephilly.org">http://projectsafephilly.org</a>
Salvation Army New Day Drop-In Center	<a href="http://a.salvationarmy.org/greater-philadelphia/NewDay">http://a.salvationarmy.org/greater-philadelphia/NewDay</a>
She's Somebody's Daughter	<a href="http://www.shessomebodysdaughter.org">http://www.shessomebodysdaughter.org</a>
Schuylkill Community Action	<a href="http://www.schuylkillcommunityaction.com">http://www.schuylkillcommunityaction.com</a>
Southwestern Pennsylvania Legal Services, Inc.	<a href="http://www.splas.org/index-2.html">http://www.splas.org/index-2.html</a>
Sullivan County Victim Services	<a href="http://www.sulcovs.org">http://www.sulcovs.org</a>
Survivor's Inc.	<a href="http://enddvsa.org">http://enddvsa.org</a>
Transitions of PA	<a href="http://transitionsofpa.org">http://transitionsofpa.org</a>
Truth for Women - Truth Home	<a href="http://truthforwomenscenter.org">http://truthforwomenscenter.org</a>
Turning Point of Lehigh Valley	<a href="http://turningpointlv.org">http://turningpointlv.org</a>
Valley Against Sex Trafficking (VAST)	<a href="http://thevast.org">thevast.org</a>
Valley Youth House	<a href="https://www.valleyyouthhouse.org/locations/bucks-county-shelter/">https://www.valleyyouthhouse.org/locations/bucks-county-shelter/</a>
Victims Intervention Program of Wayne County	<a href="http://www.vipempowers.org">http://www.vipempowers.org</a>
Victim Outreach Intervention Center of Butler County	<a href="http://www.voiceforvictims.com">http://www.voiceforvictims.com</a>
Victim Resource Center of Carbon County	<a href="http://www.vrcnepa.org/index.php">http://www.vrcnepa.org/index.php</a>
Victim Resource Center of Luzerne County	<a href="http://www.vrcnepa.org/index.php">http://www.vrcnepa.org/index.php</a>
Victim Resource Center of Wyoming County	<a href="http://www.vrnepa.org/index.php">http://www.vrnepa.org/index.php</a>
Well of Bucks County, The	<a href="http://worthwhilewear.org">http://worthwhilewear.org</a>
Western PA Anti-Trafficking Coalition (WPAHTC )	<a href="http://facebook.com/WPAHTC">http://facebook.com/WPAHTC</a>
Western PA CARES for Kids	<a href="http://www.carescac.org">http://www.carescac.org</a>
Women Against Abuse	<a href="http://www.womenagainstabuse.org">http://www.womenagainstabuse.org</a>
Women's Center of Beaver County	<a href="http://womenscenterbc.org">http://womenscenterbc.org</a>
Women's Center of Montgomery County	<a href="http://www.wcmontco.com">http://www.wcmontco.com</a>
Women in Need	<a href="http://winservices.org">winservices.org</a>
Women Organized Against Rape	<a href="http://woar.org">http://woar.org</a>
Women's Resource Center, Inc.	<a href="http://wrcnepa.org">http://wrcnepa.org</a>
Women's Services of Crawford County	<a href="http://www.womensservicesinc.org">http://www.womensservicesinc.org</a>
York County Children's Advocacy Center	<a href="http://yorkac.org/default.aspx">http://yorkac.org/default.aspx</a>
Your Safe Haven	<a href="http://www.yoursafehaven.org">http://www.yoursafehaven.org</a>
YWCA Bradford/McKean County Victims' Resource Center	<a href="http://ywcabradford.org">http://ywcabradford.org</a>
YWCA Carlisle	<a href="http://www.ywccarlisle.org">http://www.ywccarlisle.org</a>
YWCA Greater Harrisburg	<a href="http://ywcahbg.org/programs/violence-intervention-and-prevention-services">http://ywcahbg.org/programs/violence-intervention-and-prevention-services</a>
YWCA Northcentral PA, Wise Options	<a href="http://ywcawilliamsport.org">http://ywcawilliamsport.org</a>
YWCA York County	<a href="http://www.ywcayork.org">http://www.ywcayork.org</a>

# About the CSE Institute

The Villanova University Charles Widger School of Law Institute to Address Commercial Sexual Exploitation (CSE Institute) provides legal research, technical assistance, policy consultation and training to partners throughout Pennsylvania, the United States and internationally.

To partner with the CSE Institute or support our work, please contact our Director, Shea M. Rhodes, Esq.

610-519-7183  
shea.rhodes@law.villanova.edu.

For more information about our work, please visit our website at <http://cseinstitute.org>.

Thanks to LBDesign for the design and development of our website.

## The CSE Institute Student Externs

We would like to thank the following CSE Institute student externs who contributed to researching and writing this report:

Marie Bussey-Garza (Class of 2017)

Kelly Conway (Class of 2017)

Jessica DiBacco (Rising 3L)

Gina Dietz (Class of 2017)

Rachael Gordon (Class of 2017)

Katie Grillo (Class of 2017)

Christian Martin (Class of 2017)

Jamie Pizzi (Rising 3L)

Maiza Rahman (Class of 2017)

Adison Richards (Rising 3L)

Carolyn Ruth (Class of 2017)

Brittany Saxton (Rising 3L)

Emily Schrank (Rising 3L)

Lia Washington (Class of 2017)

Kelly Weber (Class of 2017)

Christian Wynne (Rising 3L)

We would also like to thank members of the Villanova University Communications Department

Dr. Billie Murray (Associate Professor)

Elisabeth Bernasconi (VU class of 2017)

Nicholas Crowley (VU class of 2017)

Sally Martinelli (VU class of 2017)

David Shin (VU class of 2017)

Samantha Sullivan (VU class of 2017)

