

Policy Intervention for Domestic Minor Sex Trafficking Victims: A Policy Proposal

Sarah E. Gandam

Longwood University

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Professor Daniels, MSW, LCSW

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Minors who have been exposed to the domestic sex trafficking industry have endured a multitude of trauma. This has affected their mental and physical health, causing their transition into society to become a strenuous process. A particular issue that increases the difficulty in this process for Domestic Minor Sex Trafficking, or DMST, victims is the delinquency charges upon them. For survivors of Domestic Minor Sex Trafficking, they face significant challenges including the repairment of their mental health, physical health, and their place within the community, therefore there should be policy reformations to ensure their safety against delinquency charges. In reviewing this social problem for Domestic Minor Sex Trafficking victims in Virginia, social work advocates can develop policy interventions as strategies, analyze their merits in comparison to the National Association of Social Workers', or NASW, Code of Ethics, draft a proposal, seek support, and present to key stakeholders.

The social problem surrounding Domestic Minor Sex Trafficking survivors is the criminalization associated with them. This is due to policies, like Virginia's § 18.2-346, that fail to protect minors from prostitution charges (§ 18.2-346. Prostitution; Commercial Sexual Conduct; Penalties, 2018). This upholds the negative social stigma surrounding Domestic Minor Sex Trafficking victims as criminals. In "Obtaining Social Justice for Victims of Domestic Minor Sex Trafficking," Micetic discusses how people perceive Domestic Minor Sex Trafficking victims to have "agency in an illegal transaction" rather than being perceived as victims of the illegal transaction (Micetic, 2018). A particular social problem within interacting with Domestic Minor Sex Trafficking is the lack of trained professionals when questioning the survivors about their exploiter. Often times when law enforcement is questioning the victim, they are very aggressive, and cause more trauma toward the victim. Another social problem for Domestic Minor Sex

Trafficking survivors is substance abuse. Oftentimes their exploiter will use drugs as coercion, as an exchange, or to create the victim's dependence to the exploiter (Perkins & Ruiz, 2017). An important step in confronting these issues is decriminalizing prostitution for minors.

There are two policy proposal options that could greatly assist this population. The first policy proposal would amend § 18.2-346. In this proposal, the policy will directly exclude minors from being charged with prostitution. Instead of detainment, they have to be referred to the local social services departments. If questioning is needed to determine the exploiter's whereabouts or other information, the victim should be questioned by a professional trained in appropriately dealing with Domestic Minor Sex Trafficking survivors. The second policy proposal to amend this social issue involves § 18.2-346. This policy would be amended so it may explicitly exclude minors from being charged with prostitution, and then include specific directions so that Domestic Minor Sex Trafficking victims may receive services and assessments from the local social services departments. It would also drop the charges against the survivor regarding illegal substances abuse, if they had any. The local social services departments would assess the victim and provide treatments for the trauma as well as drug addiction.

Both competing policy proposals have their merits. A value of the National Association of Social Workers' Code of Ethics that both of these proposals fulfill is the "Social Justice" value. In intentionally amending the policy so that Domestic Minor Sex Trafficking survivors will be proceeded upon as a victim rather than a delinquent, the proposal defeats social injustice issue of discrimination and "ensures access to . . . services and resources" these survivors need (NASW, 2021). A merit for the first proposal is that it ensures that the survivor is being treated with care, while being questioned. In having a professional trained in interacting with Domestic Minor Sex Trafficking victims, the trauma received from aggressive questioning from law enforcement can

be avoided. This raises the likelihood that they will feel safer when giving information about their exploiter. According to the National Association of Social Workers' Code of Ethics, this proposal emphasizes the "Competence" value (NASW, 2021). In giving this vulnerable population a trained professional to appropriately communicate with the survivor, they apply "professional expertise" as well as "practicing within their areas of competence" (NASW, 2021). A merit for the second proposal is that it allows for the victim with substance abuse to gain treatment for their issue rather than being detained for it. The purpose of not charging Domestic Minor Sex Trafficking survivors with prostitution is that so they may be able to receive the services and care they need. If the minor is charged with illegal substance abuse, they will not have access to the services they need. Rather, the process to heal and transition back into society will be stunted, and may even inflict more trauma upon them. According to the National Association of Social Workers' Code of Ethics, this proposal emphasizes the "Dignity and Worth of the Person" value (NASW, 2021). In taking the survivors' drug issues into consideration by referring them to services and not detaining them for it, they address the survivors' needs and treat them "in a caring and respectful fashion" (NASW, 2021).

The final draft of the policy proposal would take both of these proposals' merits into consideration. Firstly, this draft would specify that minors that engaged with prostitution, coupled with substance abuse, shall not be viewed as a delinquent. Rather, the minors would be referred to the local social services departments for treatments and assessments relating to their trauma, guardians, substance abuse issues, and other services needed. This draft will also state that there shall be a trained professional in interacting with Domestic Minor Sex Trafficking victims, especially if the victim has to be questioned regarding information about the sex trafficking ring or the exploiter(s).

Though this policy is for a beneficial cause, there will be opposition. In this year's session, there was a proposed bill, HB 413, that would have amended § 18.2-346 in a similar way to this final draft policy proposal, yet it was passed by in the House's Courts of Justice ("HB 413 Sex Trafficking; Minors Engaged in Prostitution, Etc.", 2022). Therefore, to gain support for this proposal, the advocate will have to persuade the majority of the House's Courts of Justice. The first step in this process is to secure a patron. A delegate that would certainly agree to becoming the chief patron of this bill would be Delegate Karrie Delaney. Delegate Delaney proposed HB 413; therefore, it is highly likely that she would become the patron for a bill nearly identical to the one she proposed in 2022's session ("HB 413 Sex Trafficking; Minors Engaged in Prostitution, Etc.", 2022). Delegate Elizabeth Bennett-Parker would also voice her support for this form of bill since she was another patron of HB 413 ("HB 413 Sex Trafficking; Minors Engaged in Prostitution, Etc.", 2022). Aside from the patrons of the previous bill, it would also be valuable to examine who voted to pass by the bill, versus who voted for the bill to not get passed by in the committee it would most likely be presented in. Delegates Delaney, Vivian Watts, and Charniele Herring were the only delegates who voted against the bill getting passed by, all of whom were a part of the Democratic party and who are women. In witnessing their support of the previous bill, it is clear that Delegate Watts and Delegate Herring would support the policy proposal draft. Yet, those who voted for getting the bill passed by include delegates Les Adams, Margaret Ransone, Ronnie Campbell, Wren Williams, and Robert Bell, all of whom were of the Republican party. Of all these delegates, only one of them was a woman. The rest of the delegates who voted to pass by the bill were men. Yet, one of these delegates that could support this bill would be Robert Bell. Though Robert Bell passed by HB 413, a multitude of issues he is passionate about includes domestic abuse, rape, child abuse/rape, sexual assault, and other topics in relation to this subject

(Bell, n.d.). As someone who was an assistant to the Commonwealth Attorney and created policies in relation to those issues, Bell could be persuaded to support this bill. Since he cares about this population and written multiple policies relating to Domestic Minor Sex Trafficking, having a meeting with him to discuss his thoughts behind the bill could persuade him into eventually supporting the bill.

In presenting this policy proposal to key stakeholders, the policy advocate would have to open with statistics and facts relating to Domestic Minor Sex Trafficking. Mentioning statistics on “childhood neglect and abuse[,] . . . sexual abuse[,] . . . emotional abuse[,]” and other issues within the home life’s correlation with Domestic Minor Sex Trafficking would be useful in showing those stakeholders the importance in receiving assessments and treatments to improve their mental state and help process trauma (Gezinski, 2021). Another fact that would persuade stakeholders to realizing Domestic Minor Sex Trafficking survivors have no agency within their situation is discussing how many unsuspecting minors are not only lured by exploiters into the trafficking industry, but they are mainly trafficked by guardians, peers, and family members (Gezinski, 2021). Sex trafficking survivors have reported that when questioned by law enforcement, they become “retraumatized” (Rajaram & Tidball, 2016). This is due to the aggressive and insensitive way law enforcement confront them. This information could help them be more open to the requirement of a professional trained in properly interacting with victims of Domestic Minor Sex Trafficking. After discussing facts and statistics, it would be useful to introduce organizations and programs that assist Domestic Minor Sex Trafficking. One in particular is the Virginia Department of Social Services. They are in charge of assessing survivors and providing treatments to aid them. Yet, their ability to help as many survivors as possible is stunted due to the current legislation that does not protect minors from being charged as delinquents on the account of prostitution. If there was an

amendment to the legislation to protect the minors, more of these survivors could receive the aid they need from the Virginia Department of Social Services. The advocate should stress how this legislation would greatly improve the mental health of survivors of Domestic Minor Sex Trafficking as well as set them on track in their reintegration into society. To conclude the presentation, the social work advocate would review the statistics and points, and then thank the stakeholders for their time. In showing courtesy and professionalism, the advocate will be able to gain respect from the stakeholders, yet it is important to also use a serious tone to convey the severity of the situation.

Victims of Domestic Minor Sex Trafficking deserve to be treated with respect, receive the appropriate services they need, and be protected from being charged as a delinquent due to their forced prostitution. In examining the social problem, the policy advocate could recognize how society perceives these survivors and how it connects to the current legislation that fails to protect them as well as the way they are treated by law enforcement. This social problem also involves their coercion through drugs, causing major substance abuse issues. With this information, the social work advocate could form two policy proposals that address this issue. Both of these would require that minors are not proceeded upon as delinquents regarding § 18.2-346. The first policy amendment would be to require a professional trained in interacting with Domestic Minor Sex Trafficking victims when they have to question them. The second policy amendment involves not detaining them for substance abuse, rather referring them to the local social services departments so that they may receive treatment. After examining the merits of each using the National Association of Social Workers' Code of Ethics, the advocate would determine that the final draft would include both of these amendments. The policy advocate would have to determine which delegates would be able to support the bill, then create a plan for presenting to key stakeholders.

In using this process, social work practitioners can fully advocate for this vulnerable population, allowing them to get the help and services they need to be able to have a smoother transition back into society.

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