

*Little Girl Lost: Secondary Victimization of Teenaged Girls Treated Like
Enemy Combatants: the Las Vegas Metro Police Vice Detail and the Use of
Material Witness Holds--Work in Progress*

Geneva Brown
UNLV Boyd School of Law
Thomas & Mack Legal Clinic
4505 Maryland Parkway
Las Vegas, NV 89154
Phone: (702) 895-2503
geneva.brown@cmail.nevada.edu

Hope was a seventeen year old runaway. Las Vegas Metro Police arrested her after she violated curfew and gaming rules by being a minor in a casino at 4:00 a.m. The officers arrested Hope believing she was in the company of her pimp. Hope dressed in a very provocative style. The goal of arresting a teenaged girl sitting in a bar was not just to give her a solicitation record but to prosecute her pimp. Hope assumed that she would be detained and released after her initial appearance. Hope was wrong.

The Las Vegas Metro Police Vice Detail routinely detains young runaways. The charges range from minor in a gambling establishment to solicitation. District attorneys request 'courtesy holds'¹ for the girls. The courtesy holds detain the girls no matter what the state of their pending charges. The district attorney explains to the court that the courtesy hold is used to protect the girl from being released into the arms of her pimp. However, the material witness hold gives the Las Vegas Metro access to a potential witness no matter what the state of her case.

Hope remained in juvenile detention wondering why she could not be released to a family member. The district attorney argued that if she were released, her pimp would influence her not to cooperate or remove her from the jurisdiction. The Las Vegas Metro concomitantly expected

¹ Courtesy holds are the nomenclature for Material Witness holds.

cooperation for the prosecution in adult court while Hope remained in custody. The stance of Las Vegas Metro in detaining young girls hoping that they will cooperate countermands the argument that detaining the girls protects them. If the pimps are as dangerous and violent as Metro claims, they place the girls in danger by requesting their cooperation in statements and potential testimony. Where can a teenaged girl hide when she is a runaway and a potential juvenile delinquent?

The profile of most girls like Hope includes a home where physical and sexual abuses are common. Young girls find escape from such homes only to be used by men who readily seek to exploit youth and vulnerability. Las Vegas Metro further exploits them by seeking to gain their knowledge of the sex industry.

The girls on material witness holds suffer secondary victimization. The criminal justice system places them in extremely caustic position of testifying against their former boyfriend/lover/caretaker/abuser. It is well documented that pimps use physical and sexual intimidation to gain cooperation of their victims. Requiring cooperation and testimony that result in the girls facing their pimps in court compounds their fear. The cooperation does not guarantee that the girl will not be prosecuted. Seeking to prosecute pimps in the sex industry, the approach used by the Las Vegas Metro Vice unit exploits and revictimizes girls. The exploitation and victimization is a violation of their basic human rights.

The United Nations Commission on Human Rights Special Rapporteur wrote a report detailing the world wide problem of trafficking of women and children for sexual exploitation. The women are not seen as persons who aided and abetted in their sexual exploitation but are seen as victims of human rights violations. The Las Vegas Metro needs to observe the international standards set forth by the UN and recognize a new paradigm in dealing with sex trafficking and sexual exploitation cases.

The use of material witness holds are coercive and have a chilling effect on prosecuting the true criminals of the illegal sex trade. The girls are treated as enemy combatants. Once the prosecution seeks to gain cooperation of girls who worked the sex trade, they are placed on material witness holds. The district attorneys generally request a bail that an incarcerated youth or her family cannot afford to post. Thus, the girl must stay in custody pending the outcome of the pimp's case.

The use of material witness holds can be analogized to the U.S. Department of Defense's use of enemy combatant status to detain alleged terrorists. The U.S. Supreme Court granted detainees who are categorized as enemy combatants basic due process rights in *Hamdi v. Rumsfeld*². The rights granted are similar to those allowed under Nevada Revised Statutes for material witness holds.³ Teenaged girls working in

² *Hamdi v. Rumsfeld*, 124 S. Ct. 2633, 159 L. Ed. 2d 578 (2004)

³ Nev. Rev. Stat. 178.494 (2003).

the sex industry must be given more consideration than those rights granted for Guantanamo detainees.

Las Vegas Metro Police Vice Detail

Clark County is the few counties in Nevada that outlaw prostitution.⁴ However, the tourist trade and the transient population are ripe formulas for a thriving illegal sex trade. Las Vegas Metro routinely uses sting operations to contain prostitution.⁵ The undercover operations have met with mixed results and prompted threats of lawsuits.⁶ Las Vegas Metro exploits the lowest rung of the sex trade ladder to garner convictions.

Hope's initial conversations with the police immediately began with the Vice Detectives wanting to know the identity of her pimp. The Detectives assumed that the man arrested along with her was her pimp but they needed Hope's corroboration.

The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention authored a report that gives a more reasoned approach to teenage girls who are victims of sexual exploitation.⁷ The report outlines outreach techniques that include counseling, monitoring

⁴ Prostitution is banned in high population counties such as Clark and Washoe.

⁵ Glenn Puit, *Outcall Industry Sting Operations: Detective Testifies That Evidence Destroyed*, L.V. Review Journal, February 4, 2004.

⁶ Glenn Puit, *Prostitution Sting Reduced Doubts About Loitering Cases*, L.V. Review Journal, February 11, 2004.

⁷ *Female Juvenile Prostitution: Problem and Response*, United States Department of Justice, OJJDP, National Center for Missing and Exploited Children (November 2002).

and community referrals.⁸ The overall goal is not only to service the exploited youth but to also keep an anonymous database that can identify trafficking trends.⁹

⁸ Id at 45.

⁹ Id.