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WELCOME

Linda Rosen

Program Manager

Office of Juvenile Justice and Delinquency
Prevention (OJJDP)



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Chat (Everyone)

Liane Rozzell: sean johnson, would love to discuss the family engagement services you are talking about in Richmond. Please email me at liane@nyouth.org

MARK TOBIN: Thanks, everyone

Jennifer Marr: I just highlight ans copied

Brian Schulz: Thanks all

Christina Hanna: It is not about coding. It is about making connections. I would put my future on it. the connections are there

Rachel Loupe: Tracy... I can email it to you...

Sheila Pessingua: when you highlight and copy, it doesn't include all of the chat text

Jacqueline Scott: Thank you everyone, this was a great webinar. And a special thank you to the presenters for sharing your stories with us.

Malcolm Joseph 2: Take care everyone. You're all doing amazing work.

gwen burton: thanks

Armen Santiago Roberts: Thanks everyone! Great job!

sherry calloway: nice seminar

1 2 3



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Moderator



Angie Wolf, Ph.D.
National Girls Institute
National Council on Crime and Delinquency



Child Trafficking, Girls, and Detention: A Call to Reform

Tuesday, September 10, 2013

Presented by



Rights4Girls



Malika Saada Saar
Executive Director,
Rights4Girls



Yasmin Vafa
Director of Law and
Policy, Rights4Girls



Webinar Objective #1

- **Recognize that in many states, victims of domestic child sex trafficking are being arrested and detained for juvenile prostitution-related status offenses.**



Webinar Objective #2

- **Understand why child sex trafficking victims require trauma-informed, gender-specific services instead of being subject to conditions of confinement that exacerbate their existing trauma.**



Webinar Objective #3

- **Learn how juvenile justice facility staff can begin to identify and assess for commercial sexual exploitation and trafficking within existing caseloads so they can connect these youth with vital services and interventions.**



Malika Saada Saar
Executive Director,
Rights4Girls



Introduction

- **Domestic Child Sex Trafficking also known as domestic minor sex trafficking (DMST), commercial sexual exploitation of children (CSEC), child prostitution, survival sex, etc.**
- **Until recently, believed to be an issue abroad.**
- **Estimated that between 100,000-300,000 American children at risk of CSEC.**



- **Domestic Child Sex Trafficking is a form of CSEC here in the United States. As defined in the Trafficking Victims Protection Act, it is the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” where the victim is a U.S. citizen or lawful permanent resident under the age of 18. Domestic Child Sex Trafficking is not limited to the selling of children through prostitution.**



- **FBI reports that between 2008-2010, 83% of confirmed sex trafficking victims in the U.S. were U.S. citizens.**
- **40% of those cases involved the trafficking of children.**
- **Internet and unchecked demand are fueling the market for sex with underage girls.**

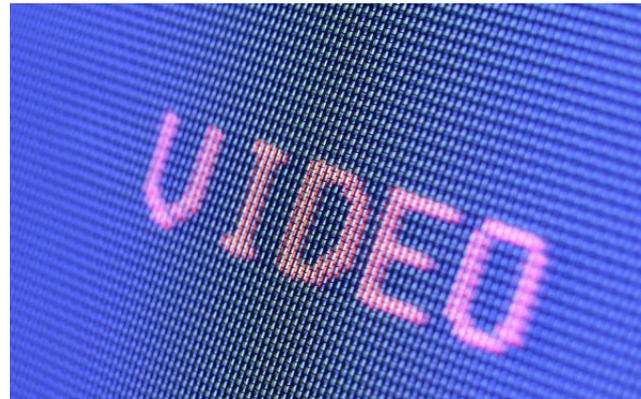


Who are these girls?





“Human Trafficking in America: Child Sex Trafficking” Video





- **Girls in the child welfare or juvenile justice system, or dually involved in both.**
- **Girls running away from troubled homes or abusive foster care placements/congregate care facilities.**
- **Girls are the majority of youth apprehended for status offenses (running away, loitering, truancy, etc.).**



- **In running away, girls risk juvenile justice involvement for status offenses or become vulnerable to trafficking and exploitation on the streets.**
- **Department of Justice estimates that nearly 450,000 children run away from home each year.**
- **1/3 will be lured into sexual exploitation/trafficking within 48 hours of leaving home.**



Risk Factors for Domestic Child Sex Trafficking



- **Being female and between the ages of 12-14.**
- **History of sexual/physical abuse, neglect.**
- **Child welfare involvement, especially out-of-home foster care placement.**



- **Being a runaway or homeless youth.**
- **Living in an impoverished community.**
- **Disconnected from education system and off track for achievement.**
- **Substance abuse.**



- **These factors echo characteristics of girls involved in the juvenile justice system.**
- **Factors make girls vulnerable to pimps and other exploiters who lure them with false promises of love, affection, and great lifestyle.**



- **Children who experience sexual abuse are 28 times more likely to be arrested for prostitution at some point in their lives than children who do not.**
- **2012 study from West Coast Children's Clinic in Oakland revealed over 75% of CSEC in the study experienced child abuse or neglect.**
- **History of trauma experienced by most CSEC included multiple episodes of childhood maltreatment.**



Child Welfare and Child Trafficking





- **While much more research is needed, current data suggest that the majority of trafficked youth in the United States are child welfare involved.**



- **In 2012, Connecticut reported 88 child victims of sex trafficking. 86 were child welfare involved, and most reported abuse while in foster care or residential placement.**



- **In 2007, New York City identified 2,250 child victims of trafficking. 75% of those experienced some contact with the child welfare system, mostly in the context of abuse and neglect proceedings.**



- **In Alameda County, California, a one-year review of local CSEC victim populations found that 55% were from foster youth group homes, and 82% had previously run away from homes multiple times.**



- **In San Diego, California, between 80-95% of CSEC had child welfare involvement. Many of those youth had multiple child welfare referrals, and in most instances the initial referrals took place prior to the age of 7.**



- **In Florida, FBI agent Gregory Christopher (head of Florida interagency rescue and restore law enforcement task force) estimated that 70% of victims identified in Florida were foster youth.**



“Foster care was the perfect training ground for transitioning into ‘the life.’ It was in foster care where I first recognized the duality of being cared for and raped, and it was in foster care where I got used to being attached to a paycheck.”

- Survivor Advocate, T Ortiz Walker Pettigrew



“Being in foster care was the perfect training for commercial sexual exploitation. I was used to being moved without warning, without any say, not knowing where I was going or whether I was allowed to pack my clothes. After years in foster care, I didn’t think anyone would want to take care of me unless they were paid. So, when my pimp expected me to make money to support ‘the family,’ it made sense to me.” ***-“Tina”***



- **Currently, child welfare does not identify or assess for commercial sexual exploitation or trafficking within its existing caseload, missing a critical opportunity for intervention.**



- **Even though child sex trafficking is at its core a form of child sexual abuse, many states' child welfare agencies will not intervene unless a parent or caretaker is committing the abuse.**
- **Thus, cases are referred to law enforcement, who typically arrest and detain girls for juvenile prostitution.**



Survivor Story:

- 2 girls, ages 13 and 16, arrested in North Hollywood.
- The 16-year-old was arrested for loitering because she was keeping watch for the 13-year-old, who was with the buyer/“John”.
- Police caught 13-year-old in the act with buyer in his mid 40s, but let buyer go and arrested the child for prostitution.

- Survivor Story from *Saving Innocence in Los Angeles, CA*



- **Compare with: When parent sells their child for sex, immediately recognized as child abuse mandating CPS intervention.**
 - Law enforcement recognizes child as victim.
 - Buyers charged and prosecuted for child endangerment, statutory rape, aggravated sexual assault of a minor, etc.
 - Child afforded services.



- **If that same child was sold by her pimp on Backpage.com:**
 - In most cases she would end up behind bars for prostitution or prostitution-related offense.
 - In most cases the buyers are let go or at most given a citation.



- **All suspected instances of ‘child prostitution’ should be handled in a manner akin to the CPS protocol in cases of suspected child abuse.**
 - **Prior to an enforcement action, law enforcement should identify potential child victim aka child victim of domestic child sex trafficking.**
 - **Collaborate with local Child Advocacy Center (CAC) and/or local trafficking response team to connect child to services.**



**Questions submitted during the presentation
will now be addressed!**



Yasmin Vafa
Director of Law
and Policy,
Rights4Girls



Trafficking Survivors' Pathways Into the Juvenile Justice System





- **Girls falling through cracks in child welfare, education system, and end up in juvenile justice system.**
 - **Since 2010, Florida's Department for Children and Families has investigated 1,266 cases of child sex trafficking.**
 - **717 of those cases were already involved in the Department of Juvenile Justice.**



- **Since these youth are not being identified by their schools or child welfare system, or are runaway or homeless youth, most end up interacting with the juvenile justice system at some point.**



- **School-to-prison pipeline for boys is the sexual violence-to-prison pipeline for girls.**
- **More than 70% of girls in detention have experienced instances of previous physical and/or sexual abuse.**



- **Often, it is the abuse that renders girls vulnerable to JJ involvement.**
 - **Girls running away from abuse at home/foster care.**
 - **LGBTQ youth kicked out of homes by families.**
 - **Trafficked youth detained for prostitution or prostitution-related offenses (often status offenses) tied to their exploitation.**



- **Every state and most localities have laws prohibiting prostitution, including both purchase and sale of sex acts, as well as facilitation of prostitution by ‘pimps’.**
 - Various degrees of penalties.
 - Not often used to go after buyers/“Johns.”



- **Prostitution statutes often applied to minors who engage in sex acts.**
- **Thus children can be arrested and prosecuted for prostitution despite existence of other laws in state providing that minors cannot legally consent to sex.**



- **Girls also arrested and detained for status offenses or non-violent offenses related to exploitation (loitering, curfew violations, drug possession, etc.).**
- **35 states allow secure detention of status offenders pursuant to a valid court order.**



- **Once in detention, girls forced to navigate system designed for boys.**
- **System not equipped to address complex trauma endured by most girls behind bars, and particularly by survivors of child sex trafficking.**



- **Juvenile court judges and detention center staff rarely provided trauma training.**
- **Unaware of damaging impact of policies such as strip searches, physical restraints, and solitary confinement on survivors of sexual violence and trauma.**



- **Girls in detention also report sexual and physical abuse by guards as well as other girls.**
- **More than half of young women in custodial settings have reported attempting suicide, with 64% having attempted more than once to kill themselves.**
- **Detention reinforces perception to community and the girls that they are ‘bad girls’, delinquents, etc.**



- **American victims do not self-identify as “trafficked.”**
- **Because victims have been arrested/detained multiple times, they internalize a view that they are ‘bad girls’ instead of victims of crime.**
- **Many victims experience Stockholm Syndrome or trauma bonds to their exploiter.**



- **This is the only form of child abuse where we routinely criminalize the abused child.**
- **Critical for adults in the systems they encounter to be educated on the signs so they can identify these youth early on.**
- **Highlights importance of implementing assessment protocols in order to connect these youth with vital services they need.**

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Need for Improved Identification and Service Delivery



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Recommendations:

1. Shifting View from Criminal to Victim Status



Recommendations:

All juvenile justice systems must recognize through policies and procedures that children who fall victim to domestic child sex trafficking are not criminals but victims of crime in need of services.



Recommendations:

2. Improved Screening, Assessment, and Documentation



- **Lack of identification in the JJ system means girls are returned to the communities where they were first victimized without appropriate services and supports.**
- **Fuels cycle of justice involvement for victims.**
- **Once girls enter the sex industry, their average life expectancy is 7 years, with homicide and AIDS being the top causes of death.**



Recommendations:

Juvenile justice facilities should focus on the development and implementation of screening/assessment tools and protocols for accurate documentation of children at risk for or who are victims of commercial sexual exploitation and trafficking.



Recommendations:

Assessments must include all forms of possible abuse including specific indicators of domestic child sex trafficking, the youth's strengths, needs, and risks to determine how to allocate resources and plan a strategy of service delivery.



- **Examples of assessment tools for Juvenile Justice:**
 - *Shared Hope's Intervene, Specialized Training for Juvenile Justice:*

Goal is to improve identification and intake procedures to account for indicators of trafficking using strengths-based, trauma-informed intervention and assessment techniques appropriate for adolescent victims of trafficking.



- **Examples of assessment tools for Juvenile Justice:**
 - *West Coast Children’s Clinic’s Child and Adolescent Needs and Strengths mental health and assessment tool (CANS-CSE):*
A tool to better understand the needs and strengths of exploited youth as well as to measure outcomes and guide treatment decisions.



Promising Practices: Juvenile Justice Facility Responding to CSEC

- **Maryland DJS & TurnAround, Inc.**



- **TurnAround, Inc. and Department of Juvenile Services (DJS) in Maryland worked together to train all DJS staff on domestic child sex trafficking and their assessment tool from March – May 2013.**
- **Implemented a form of CANS assessment tool to all girls housed at 2 all-girls juvenile detention facilities.**
- **Girls determined to be victims referred to TurnAround for trauma-informed, gender responsive, individual and group services.**



Promising Practices: Juvenile Justice Response to CSEC

- Los Angeles County STAR Program



- **LA County Juvenile Court developed the Succeed Through Achievement and Resilience (STAR) Collaborative Court to supervise youth arrested for prostitution and to collaborate with LA County Probation Department to improve services to CSEC youth.**
- **STAR Court works with the DA and defense counsel to defer prosecution while youth are engaged in treatment.**
- **Court meets weekly with youth and their services providers, DA, defense counsel to monitor and facilitate progress.**
- **After successful completion of the treatment program, the court dismisses the prostitution charge.**



Recommendations:

Components of appropriate service delivery for this population should include gender responsive, trauma-informed interventions to address the complex trauma endured by survivors.



Recommendations:

3. Cross Systems Approach



Recommendations:

Domestic child sex trafficking will require cooperation and collaboration among law enforcement, child welfare system, juvenile justice system, victim service organizations, education system, and the judicial system.



**Questions submitted during the presentation
will now be addressed!**



Emergence of State “Safe Harbor” Laws





FBI Operation Cross Country

- **In August 2013, FBI rescued over 100 child trafficking victims from over 70 cities in a nationwide sweep.**
- **Footage from raids showed some “rescued” victims in plastic cuffs.**
- **FBI and NCMEC acknowledged that some victims ended up in juvenile detention in states where there was a lack of services/legal protections available.**



FBI Operation Cross Country

- **Approximately 3/4 of the children rescued live in states where they do not have legal protections from prostitution charges.**
- **Those charged with prostitution may face up to 2 years in juvenile detention and/or thousands of dollars in fines.**



- **New movement among the states to pass Safe Harbor Laws.**
- **Growing number of states have enacted laws designed to redirect youth victims of trafficking out of the juvenile justice system and into the child welfare system (or other agencies) to receive support services.**



Some of these states include:

- **Connecticut, Florida, Hawaii, Illinois, Massachusetts, Minnesota, New York, Vermont, Washington, Texas (via judicial decision), and New Jersey**



No fixed legal definition of safe harbor law, however most possess 3 core components:

- 1. Prevent child victims of sex trafficking from being prosecuted for prostitution.**
- 2. Ensure that coercion is not required to prosecute sex trafficking of children.**
- 3. Protect and assist child victims of sex trafficking by providing them with specialized services.**



- **Current safe harbor laws vary with regard to multiple factors:**
 - **Whether it is automatic diversion to services on proof of age.**
 - **Age cut-off (whether applies to all youth under 18).**
 - **Whether it is an affirmative defense to prostitution that the youth has the burden to establish.**



- The relationship forged between juvenile justice, law enforcement, and child welfare laws and agencies.
- What services the law provides for, if any.
- Whether the law includes any funding for services.



- **In addition to safe harbor laws, some states have enacted expungement laws to clear survivors' records in cases where they can demonstrate crimes were a result of their exploitation.**



Secure vs. Non-Secure Facilities





This issue arises in two scenarios:

- **Where judges recognize girls as victims and feel they have no alternative but to relegate youth to detention to keep them safe.**
- **Emergence of ‘secure’ residential programs or safe havens to treat child trafficking victims.**



- **Using secure facilities to ‘protect’ trafficked and sexually exploited youth is potentially harmful to the children.**



- **In many states, if and when a juvenile court judge recognizes a girl as a victim, there are few safe alternatives to detention for victims.**
- **Therefore, judges may choose to remand girls to detention to keep them safe from further exploitation, rather than risk releasing them back onto the streets.**



In the juvenile detention context:

- It is not safe for girls, further traumatizes youth.**
- Reinforces perception of criminality.**
- Leaves victims with criminal record that may follow them.**
- However, it is important to note that in many jurisdictions, court involvement is the first opportunity to connect these youth with services.**



In the context of secure residential/treatment facilities:

- **Reinforces perception of criminality – “If I’m a victim, why am I being confined?”**
- **Ignores reality that survivors must be ready for treatment.**
 - **Many survivors repeatedly run from treatment but will return for longer increments if programs continuously allow them to return without consequence.**
- **However, helps keep youth safe and keeps them from running away from care, risking further exploitation/harm.**



- **Many believe that secure confinement should not be an option for abused and exploited youth, especially those who have not committed any crimes.**
- **However, in many states, few viable alternatives exist to provide protection and connect child trafficking victims to services.**

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Conclusions & Recommendations



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- **Reality is that child trafficking victims are and will continue to be arrested and adjudicated delinquent for prostitution and other offenses.**
- **Therefore, it is imperative that juvenile justice facilities begin to identify and assess for CSEC and implement a trauma-informed approach to service delivery.**



Malika Saada Saar
Executive Director,
Rights4Girls



Recommendations

- **Develop and implement in juvenile justice facilities screening/assessment tools for accurate documentation of children at risk or who are victims of domestic child sex trafficking.**
- **Add all forms of possible abuse in assessments, especially specific indicators of domestic child sex trafficking, the youth's strengths, needs, and risks to determine how to allocate resources and plan a strategy of service delivery.**



Recommendations

- **Include components of appropriate service delivery for trafficked and exploited children that are gender responsive, trauma-informed interventions to address the complex trauma endured by survivors.**
- **Coordinate cooperation and collaboration among law enforcement, child welfare system, juvenile justice system, victim service organizations, education system, and the judicial system.**



Recommendations

- **Advance formal protocol for law enforcement to take children and youth involved in domestic child sex trafficking and exploitation to Children Advocacy Centers (CAC).**
- **Train law enforcement, judges, and juvenile justice personnel on the issue of domestic child sex trafficking and exploitation, and in the identification of victims.**



Recommendations

- **Establish diversion programs for trafficked children and youth to be able to receive treatment and healing through trauma-informed, gender-specific programs in lieu of adjudication.**
- **Advocate for alternatives to detention for at-risk or trafficked youth, as detention is not an appropriate setting for girls, who are disproportionately victims of sexual violence.**



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