

HUMAN RIGHTS PROJECT FOR GIRLS

DOMESTIC CHILD SEX TRAFFICKING AND THE JUVENILE JUSTICE SYSTEM

DOMESTIC CHILD SEX TRAFFICKING

Domestic child sex trafficking (aka “child prostitution,” “juvenile prostitution,” commercial sexual exploitation of children (CSEC), domestic minor sex trafficking, survival sex, etc.) is among the most heinous abuses of children. While domestic child sex trafficking is most often considered an international crime, it is estimated that there are currently 100-300,000 U.S. born children at-risk of becoming victims of domestic child sex trafficking.ⁱ Unfortunately, due to a lack of understanding and the hidden nature of this vulnerable population, often times survivors are criminalized and placed behind bars when they are in fact victims of crime.

Numerous independent studies and information from providers working with this population have painted a picture of this vulnerable and overlooked population. Risk factors for domestic child sex trafficking include, but are not limited to:ⁱⁱ

- Being between the ages of 12 and 14
- Having a history of sexual and physical abuse
- Community and family instability and dislocation
- History of child protective services and/or foster care involvement
- Being a runaway/throwaway, or homeless youth
- Poverty
- Being female

These characteristics, which largely resemble those of girls involved in the juvenile justice system, make youth vulnerable and easy prey for traffickers and exploiters looking to make an easy profit. Not only are domestic child sex trafficking victims survivors of prior abuse, but they also endure the violence and trauma associated with sex slavery. Victims’ lives are often characterized by manipulation and violent coercionⁱⁱⁱ by traffickers and pimps that often includes:

- Aggravated assault resulting in broken bones and other serious injuries, and at times death
- Sexual abuse, rape, and frequent and repeated sexual activity with strangers
- Reproductive health problems including higher rates of HIV and other sexually transmitted infections, unintended pregnancies, and fertility problems
- Illness and malnutrition
- Alcohol and drug addiction^{iv}

Moreover, once girls enter the sex industry, their average life expectancy is just 7 years, with homicide and AIDS being the top causes of death.^v Victims of domestic child sex trafficking often experience feelings of shame, guilt, low self-esteem, lack of worthiness “of rescue,” a profound sense of betrayal by those that they trust,^{vi, vii} and are typically diagnosed with an array of mental health disorders that come under the rubric of complex trauma.^{viii} It has also been noted in many studies that the majority of child sex trafficking victims suffer from a phenomenon known as “Stockholm Syndrome” or “trauma bonding” to their exploiter, making service delivery difficult until stabilization of the victim has been reached.^{ix}

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JUVENILE JUSTICE INVOLVEMENT

Too often, children who fall victim to domestic child sex trafficking move through our educational and child welfare systems unidentified – eventually landing in the juvenile justice system for “juvenile prostitution” or under innocuous offenses such as running away and other non-violent status offenses. In fact, since 2010, Florida’s Department for Children and Families has investigated 1,266 cases of alleged of child sex trafficking and of those cases, 717 were already involved in the Department of Juvenile Justice.^x

This lack of clear identification translates into victims being remanded to the justice system and then returned to the communities where they were first victimized without appropriate services and supports – fueling a vicious cycle of justice involvement for many domestic child sex trafficking victims. A study on “juvenile prostitution” found that of cases involving a third-party exploiter, victims were almost exclusively female.^{xi} Moreover, 84% of these girls had a history of running away and 43% had a history of prior arrests or detentions; including 45% who were detained or arrested as part of the current crime.^{xii} In the rare case that a juvenile court judge recognizes these girls’ vulnerability, there are few safe alternatives to detention for victims. Therefore, even these judges choose to remand the girls to detention to keep them safe from exploitation, rather than risk releasing them back onto the streets.

CONDITIONS OF CONFINEMENT

Once girls are remanded to the justice system, they are forced to maneuver a system designed for boys that does not address the specific needs of girls or take into account the complex trauma they have endured – especially for victims of domestic child sex trafficking. Juvenile court judges and detention center staff are rarely provided appropriate trauma training and are unaware of the damaging impact of policies such as strip searches, physical restraints, and solitary confinement on survivors of sexual violence and trauma. Moreover, studies on conditions of confinement have determined that detention is not safe for girls or youth in general. A 2008-2009 DOJ study found that 12% of detained girls and young women experienced sexual violence while being held in a juvenile justice facility.^{xiii}

NEED FOR IMPROVED IDENTIFICATION AND SERVICE DELIVERY

To combat this growing problem, DOJ has encouraged law enforcement agencies nationwide to change policies that once treated youth engaged in “child prostitution” as offenders or delinquents, and to instead view such children as victims of a crime or commercial sexual exploitation and trafficking.^{xiv} This change in policy will require a shift in approach by first responders, service providers, and juvenile justice administrators and staff to girls who become system involved if we are to meet the challenges faced by this high need population.

Recommendations include:

- Shift from Criminal to Victim Status – All juvenile justice systems must recognize through policies and procedures that children who fall victims to domestic child sex trafficking are not criminals but victims of crime.
- Improved Screening/Assessment, and Documentation – New efforts must be put into place that are focused on developing and implementing screening/assessment tools and protocols for accurate documentation of children at risk for or who are victims of domestic child sex trafficking. 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.
- Cross System Approach – All victims of domestic child sex trafficking must be viewed and treated as children in need of child protective services. Therefore, a cross system approach between the juvenile

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justice and child welfare system is imperative. This approach should include many of the recommendations put forth by Siegel and Lord in their report “When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases.”^{xv} The authors noted several viable approaches for cross system approaches including:

- Holistic Case Assignment – Judges, attorneys, court appointed advocates, and those working on cases involving crossover or dual-involved youth must have knowledge and understanding of the child, including family history and prior court history, as well as the dynamics of both child welfare and juvenile justice. Specific recommendations include implementing one family/one judge courts, dedicated dockets, and specially trained attorneys to handle dual jurisdiction cases.
- Efficient and Complete Case Flow Management – Case flow management should focus on efficient and timely court practices. Joint pre-hearing conferences, combined dependent/delinquency hearings, joint court reports, and court orders have been suggested along with mandated appearances by probation officers and social workers at court hearings.
- Specialized Case Planning and Supervisions – Developing and implementing case plans often determine the fate of the involved youth. Consideration should be given to the use of specialized case management and supervision units, multidisciplinary teams in case planning, special training for these units or teams, and reduced caseloads.
- Interagency Collaboration – A dedicated entity must exercise its leadership and oversight function to ensure that interagency collaboration occurs and translates into effective action on behalf of involved youths.

ⁱ Kaufka Walts K, French S, Moore H, Shai S. Building Child Welfare Response to Child Trafficking. Center for the Human Rights for Children, Loyola University Chicago.

ⁱⁱ MISSEY. MISSEY Statewide and National Advocacy Plan. March 2008, available at <http://www.missey.org/resources.html>.

ⁱⁱⁱ Mitchell KJ, Finkelhor D, Wolak J. Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Prostitution Study. *Child Maltreatment*, February 2010, 15(1): 18-36.

^{iv} Id.

^v Fang, Bay. “Young lives for sale: Why more kids are getting into the sex trade—and how the feds are fighting back.” *U.S. News & World Report*, October 16, 2005, available at: <http://www.usnews.com/usnews/news/articles/051024/24sextraffickers.htm>

^{vi} Id.

^{vii} ECPAT. (2001) Questions & Answers about the Commercial Sexual Exploitation of Children: An Information Booklet. ECPAT International. Available at: www.ecpact.net.

^{viii} WestCoast Children’s Clinic, (2012). Research to Action: Sexually Exploited Minors (SEM) Needs and Strengths. CA: WestCoast Children’s Clinic.

^{ix} WestCoast Children’s Clinic, 2012.

^x Menzel, Margie. “Foster care sex trafficking: Pimps, labor contractors targeting youth in Florida foster care system. January 24, 2013. <http://www.wptv.com/dpp/news/state/foster-care-sex-trafficking-pimps-labor-contractors-targeting-youth-in-florida-foster-care-system#ixzz2J0S2Ot7A>

^{xi} Mitchell, K. et al. Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study. 2009, available at <http://cmx.sagepub.com/content/15/1/18.abstract>

^{xii} Id.

^{xiii} Beck, A. et al. *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09*. Bureau of Justice Statistics. Jan. 2010, available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svjfry09.pdf>

^{xiv} Ashley, J. Child sex exploitation study probes extent of victimization in Illinois (Research Bulletin). Illinois: Criminal Justice Information Authority. 2008.

^{xv} Nash M, Bilchik S. Child Welfare and Juvenile Justice – Two Sides of the Same Coin, Part II. *Juvenile and Family Justice Today*, Winter 2009, pp. 22-25.