



DOMESTIC CHILD SEX TRAFFICKING AND THE JUVENILE JUSTICE SYSTEM

DOMESTIC CHILD SEX TRAFFICKING

Domestic Child Sex Trafficking (DCST)—also known as “domestic minor sex trafficking,” “survival sex,” “child prostitution,” and “juvenile prostitution”—is the exchange of anything of value (e.g., food, shelter or money) for sex with a person under 18.ⁱ It is among the most heinous abuses of children. While child sex trafficking is most often considered an international crime, or one only involving foreign nationals, data shows that over 80% of all confirmed sex trafficking cases in the U.S. involve U.S. citizens.ⁱⁱ Unfortunately, due to a lack of understanding and the hidden nature of this vulnerable population, survivors are often criminalized and placed behind bars when they are in fact victims of crime, as federal and most state laws define these youth as victims of trafficking.

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 having a history of sexual and physical abuse and/or involvement in the child welfare system, being a runaway or homeless youth, and poverty.ⁱⁱⁱ Sadly, many of these characteristics are also risk factors for girls’ involvement in the juvenile justice system.^{iv}

JUVENILE JUSTICE INVOLVEMENT

Too often, children who fall victim to domestic child sex trafficking are charged with prostitution or prostitution-related offenses. Between 2010 and 2013, Florida’s Department for Children and Families investigated 1,266 cases of alleged child sex trafficking and of those cases, 717 were already involved in the Department of Juvenile Justice.^v Girls are disproportionately affected by these practices as they comprise 78% of all juvenile arrests for prostitution.^{vi} Racial and ethnic disparities also cannot be ignored as nationally, 52% of all juvenile prostitution arrests are black children.^{vii}

Victims of child sex trafficking are also frequently arrested for non-violent status offenses directly related to their exploitation, like truancy and running away.^{viii} A study on “juvenile prostitution” found that of cases involving a third-party exploiter, victims were almost exclusively female. Eighty-four percent 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 offense.^{ix} There is no mandate that juvenile justice agencies or law enforcement screen children upon intake for possible victimization. Consequently, these victims are not clearly identified. Instead they are funneled through the Sexual Abuse to Prison Pipeline^x, where they are arrested for their victimization, unable to receive appropriate services and supports, and returned to communities or remanded to placements that do not contemplate their unique vulnerabilities and needs as trafficking victims.

CONDITIONS OF CONFINEMENT

Once trafficked and exploited girls are remanded to the justice system, they are forced to maneuver a system designed for males that does not address the specific needs of girls or take into account the complex trauma and violence they have endured. Upon intake, victims are subject to invasive searches and physical restraints including shackling that can be especially damaging for children with extensive histories of sexual abuse.^{xi} One study demonstrated that 22% of girls entering juvenile hall had been sexually assaulted within seven days of their arrest.^{xii} For trafficking victims, many have been sexually assaulted within hours or even minutes of arrest, and yet they are rarely screened for this trauma. Instead, they are treated as criminals and denied the necessary mental and physical health interventions afforded other child abuse victims. Once inside the system, girls are also susceptible to further sexual victimization at the hands of staff and/or other youth.^{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 “prostitution” as offenders or delinquents, and to instead view such children as victims of child sexual abuse or sex trafficking.^{xiv} Several jurisdictions have implemented first responder protocols that mandate law enforcement to refer identified victims to child welfare or community-based services rather than arrest them.^{xv} Rights4Girls and the National Council of Juvenile and Family Court Judges have also launched a National Judicial Institute to train judges to better identify and respond to these victims when they appear in their courtrooms.

Other recommendations include:

- **Shift from Criminal to Victim Status** – All juvenile justice systems and law enforcement agencies must recognize implement policies and procedures that ensure that children who fall victim to domestic child sex trafficking readily identified and treated as other victims of crime and child abuse.
- **Improved Screening, Assessment, and Documentation** – New efforts must be put into place across systems that are focused on developing and implementing screening and 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 for service delivery.
- **Cross System, Multi-Disciplinary 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 justice and child welfare system is imperative. It is equally necessary to engage other stakeholders including community-based agencies, healthcare providers, placements, families and guardians, defenders, and prosecutors to develop interagency protocols and a continuum of care that addresses the specific needs of each victim.

ⁱ As defined in the Trafficking Victims Protection Act, DCST is the “recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting 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. 22 U.S.C. §§ 7102(9)-(10). A commercial sex act is defined as “any sex act on account of which anything of value is given to or received by any person.” § 7102(4).

ⁱⁱ Bureau of Justice Statistics, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010* (April 2011).

ⁱⁱⁱ Kate Walker, California Child Welfare Council, *Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California* (2013), pp.18-20.

^{iv} Rebecca Epstein, Lindsay Rosenthal, Malika Saada Saar, & Yasmin Vafa, Georgetown Law Center on Poverty and Inequality, Ms. Foundation for Women & Rights4Girls, *The Sexual Abuse to Prison Pipeline: The Girls’ Story* (2015).

^v Margie Menzel, The News Service of South Florida, “[Foster care sex trafficking: Pimps, labor contractors targeting youth in Florida foster care system](#)” (January 24, 2013).

^{vi} Federal Bureau of Investigation, *Crime in the United States 2014*, Tables 38, 40.

^{vii} Federal Bureau of Investigation, *Crime in the United States 2014*, Table 43B.

^{viii} Coalition for Juvenile Justice, Safety Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth, *Girls, Status Offenses, and the Need for a Less Punitive and More Empowering Approach* (2013), p.3.

^{ix} David Finkelhor, Kimberly J. Mitchell, & Janis Wolak, University of New Hampshire, *Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study* (2009).

^x *Supra*, n. iv.

^{xi} Stephanie Covington, National Girls Initiative Webinar Series, *Trauma: A Recurring Theme in Girls’ Lives* (June 7, 2016).

^{xii} Leslie Acoca & Mana Golzari, *Girls Health Screen Validation Study* (2013).

^{xiii} Bureau of Justice Statistics, *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007-2012* (2016).

^{xiv} Jessica Ashley, Illinois State Bar Association, *Child sex exploitation study probes extent of victimization in Illinois* (June 2008).

^{xv} Peter Edelman & Rebecca Epstein, Georgetown Law Center on Poverty & Inequality, *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls* (2014); See also County of Los Angeles, *Los Angeles County Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children* (2015); See also Hennepin County, *No Wrong Door Protocol*.