



THE JUVENILE JUSTICE SYSTEM AND DOMESTIC CHILD SEX TRAFFICKING

WHAT IS DOMESTIC CHILD SEX TRAFFICKING?

Domestic Child Sex Trafficking (DCST) occurs any time a U.S. citizen or lawful permanent resident under the age of 18 exchanges sex for anything of value (e.g., food, shelter, money, etc.).ⁱ Unfortunately, due to a lack of understanding about DCST, survivors are often criminalized and placed behind bars when they are in fact victims of crime.

WHAT MAKES A YOUTH VULNERABLE TO TRAFFICKING?

The following factors make youth vulnerable to sex trafficking and exploitation.ⁱⁱ Many of these characteristics are also risk factors for girls' involvement in the juvenile justice system.ⁱⁱⁱ

- A history of sexual and/or physical abuse
- Community or family instability and dislocation
- Child welfare involvement, especially out-of-home foster care placement
- Being a runaway or homeless youth
- Disconnection from the education system and being off-track for achievement
- Poverty

DCST SURVIVORS ARE ROUTINELY ARRESTED FOR PROSTITUTION

Though they are often too young to legally consent to sex and are considered victims under most state and federal laws, survivors of DCST are often charged with prostitution.

- In 2018, 199 children were arrested for prostitution.^{iv}
- Girls are disproportionately affected by these practices as they comprise nearly 61% of all juvenile arrests for prostitution.^v
- Racial and ethnic disparities also cannot be ignored as Black children comprise only 14% of the youth population^{vi} but account for 38% all juvenile prostitution arrests.^{vii}
- In some states, children continue to be arrested for prostitution despite 'safe harbor' laws that protect minors from being held criminally liable for their exploitation.^{viii}

SURVIVORS ARE ARRESTED FOR BEHAVIOR DIRECTLY TIED TO THEIR EXPLOITATION

Trafficked girls also become involved in the juvenile justice system for offenses other than prostitution, that are committed as a direct result of their exploitation.^{ix}

- For example, victims of child sex trafficking are frequently arrested for offenses such as trespass or loitering or for status offenses like truancy and running away.^x
- Girls account for almost 55% of youth arrested for running away^{xi} and runaway youth are at increased risk for child sex trafficking.^{xii}
- A study on "juvenile prostitution"^{xiii} found that in cases involving a third-party exploiter, 84% of victims had a history of running away.^{xiv}



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- 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 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.
- ⁱⁱⁱ 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).
- ^{iv} Federal Bureau of Investigation, [*Crime in the United States 2018*](#), Table 38.
- ^v Federal Bureau of Investigation, [*Crime in the United States 2018*](#), Tables 38, 40.
- ^{vi} National KIDS COUNT Data Center, [*Child Population By Race*](#) (2018).
- ^{vii} Federal Bureau of Investigation, [*Crime in the United States 2018*](#), Table 43B.
- ^{viii} Department of State, Trafficking in Persons Report 20th Edition, (2020), p.516.
- ^{ix} Shared Hope Intl., [*Justice for Juveniles: Exploring Non-Criminal Response Mechanisms for Child Sex Trafficking*](#), (2015), p. 5.
- ^x 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.
- ^{xi} Office of Juvenile Justice and Delinquency Prevention, Runaway Offenses: Cases per 1,000 youth ages 10-upper age by sex, https://www.ojjdp.gov/ojstatbb/court/JCSCR_Display.asp?ID=qa06271 (2018)
- ^{xii} See National Center for Missing and Exploited Children, [*Child Sex Trafficking in America: A Guide for Child Welfare Professionals*](#) (June 2017), p.1.
- ^{xiii} Though this is the term used in the study, Rights4Girls believes there is no such thing as a juvenile prostitute, see our [*No Such Thing Campaign*](#) fact sheet for more information.
- ^{xiv} 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).