



ECPAT-USA IS A POLICY ORGANIZATION THAT WORKS AT A CRITICAL NEXUS BETWEEN NATIONAL POLICY MAKERS, LOCAL GOVERNMENTS, COMMUNITY LEADERS AND CASE WORKERS TO SHARE INFORMATION, BEST PRACTICES AND EFFECTIVE POLICIES THAT PROTECT CHILDREN'S RIGHTS.

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In the Eyes of the States:

IMPROVING THE RESPONSE TO COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AT THE STATE LEVEL

How Prostituted and Trafficked American Children Are Viewed by the States

As international and U.S. federal legislation moves rapidly toward viewing prostituted U.S. children as victims, the prevailing laws of 50 states lag far behind. They continue to adhere to punitive and outdated approaches that define these children as law breakers, deserving of arrest, detention, prosecution and incarceration. Support for state legislative reform is growing, albeit slowly, to grant trafficked and prostituted children immunity from culpability.

In 2000, the U.S. Congress passed a groundbreaking new law, the Trafficking Victims Protection Act (TVPA), which defines the crime of human trafficking for the first time under U.S. law and puts in place a number of steps to combat and prevent it within U.S. borders.

While public attention was growing about foreign children trafficked into the U.S., there was little recognition of the wide-ranging sex trafficking of U.S.-born children within their own country, cities and streets. The U.S. was seen primarily as a host country for children kidnapped from abroad and a home-base for American tourists who violated children in other countries. Under-age American girls engaged in commercial sex were considered prostitutes, not victims. In addition to the abuse, violence and trauma heaped upon them by pimps and johns they were—and to a large extent, still are—viewed and treated as criminals, arrested, prosecuted and incarcerated as prostitutes and further abused by the legal system, including those who enforce the law and are mandated to protect children.

Notwithstanding a handful of exceptions, the vast majority of states vacillate between two contradictory laws, thus holding children legally culpable for the very crimes that are being committed against them. On the one hand, statutory rape laws recognize children under the age of consent (determined by each state) as victims of rape; at the same time, because state prostitution laws define no minimum age for prostitution, they treat all persons engaged in commercial sex as criminals. Thus, in a state where the age of sexual consent is 16 years, a 12-year-old girl who would be considered a victim of rape according statutory rape laws, is considered a prostitute according to prostitution statutes. These conflicting

definitions send mixed messages about how our society and legal system should be treating child victims. Moreover, even if law enforcement correctly identifies the person as under 18, police are most likely to treat her as a juvenile offender and not as a victim of human trafficking. Among the many reasons for this are: a lack of training, an absence of alternative resources for victims, and police misperceptions about what child victims experience.

Turning to the juvenile justice system results in a predictable and endless cycle of arrest/detention and abuse for these child victims. The cycle increases a child's trauma as well as her distrust of the system and refusal to cooperate; it also wastes precious time that could be used more effectively to intervene with appropriate services and support. To correct the system's current and deleterious response to the sexual exploitation of children, six states have passed what are often called "safe harbor" laws. (These include New York, Connecticut, Illinois, Minnesota, Vermont and Washington.¹) Advocates, prosecutors and legislators in other states are working to develop new legislation. Safe Harbor laws can:

- Eliminate the conflicts between federal and state law by ensuring children exploited in the sex trade are treated as victims, not criminals;
- Require training for law enforcement and other first responders on how to identify and assist victims;
- Increase the penalties for traffickers and buyers; and
- Stimulate the collaboration of a multidisciplinary team to develop a state-wide system of care.

Although one Safe Harbor law may not be able to achieve all these goals, it will be a catalyst for a victim-centered response. Exploited girls and boys must be offered as many opportunities as they need to break free from their abuse and regain control of their lives.

A Note on Terminology

Commercially sexually exploited children have been stigmatized by demeaning language that casts them as criminals. Some terms, like "child prostitute," are enshrined in state criminal codes. Meanwhile, the criminals who buy and sell sex with children have been given linguistic immunity. Words like "john" and "pimp" detoxify and normalize criminal behavior. Changing our use of language is cost-free, effective and easy. Here are the terms used in this document:

A ***commercially sexually exploited child (CSEC)*** is a person under 18 who has been exploited through sex trafficking, stripping, or pornography. He/she is a victim of a crime deserving of dignity, safety and therapeutic treatment

¹ In addition, a decision by the Texas Supreme Court has had the same effect in that state as Safe Harbor law, though without reference to services for victims. <http://www.supreme.courts.state.tx.us/historical/2010/jun/081044.pdf>

A **trafficker** is commonly known as a “pimp,” someone who exploits children through sex acts and/or pornography and sexual performances. He (or she) is a criminal.

A **buyer/offender** is often called a “john.” Where sex is bought with a child, he is a criminal who commits a sex crime.

Boys, girls including LGBTQ youth may be victims of commercial sexual exploitation and should be a part of any community plan.

Good Practice Models and Approaches

Some states and local communities have implemented or planned noteworthy programs to address commercial sexual exploitation of children. Some examples are illustrated below. These programs or some version of them should be broadly expanded across the 50 states.

Service responses

The Department of Children and Family (DCF) in several states, including Connecticut, New Jersey, Illinois and Florida, have developed a variety of protocols to assist all child victims of trafficking, both international and domestic; they may include training for foster parents or CPS (Child Protective Services) workers.

Georgia Care Connection was initiated and is being funded by Georgia’s Governor’s Office for Children and Families (GOCF). Five full-time staff focus on case management, referral, and funding for all children identified as CSEC. GOCF provides training grants for law enforcement and for the Children’s Hospital of Atlanta to conduct child-friendly interviewing and medical care, and is now implementing a curriculum on awareness for mental health providers. <http://www.georgiacareconnection.com/>

Ramsey County Runaway Intervention Program, partnered by Ramsey County (MN) Prosecutor’s office and the Midwest Children’s Resource Center, provides home-based services to children at risk for or exploited in prostitution. A study was published in the *Journal of Adolescent Health* (Feb 2010; 46(2):180-8) reporting on promising outcomes.

The Safe Harbors Youth Intervention Program (SHYIP) is a Ramsey County (MN) pilot project that addresses the needs of homeless, runaway or truant youth who have been sexually exploited and is funded by the Minnesota legislature. Specifically, SHYIP aims to promote closer coordination and better communication among all agencies that serve the target population; it focuses on intervention and prevention reflected in multidisciplinary and collaborative protocol guidelines. The guidelines can be downloaded at:

<http://www.ncptc.org/vertical/Sites/%7B8634A6E1-FAD2-4381-9C0D-5DC7E93C9410%7D/uploads/%7BBBD0602A6-BF4D-412F-8A28-D9E2D0A5502B%7D.PDF>

Interagency Children's Policy Council (ICPC) is a county interagency body that facilitates the Sexually Exploited Minors (SEM) Network in Alameda County, CA that includes 11 service providers, government agencies, and organizations dedicated to raising awareness of child sexual exploitation as a form of child abuse. Network members provide prevention, child/victim centered intervention strategies and after-care services.

Support to End Exploitation Now – SEEN (Boston, MA) is a partnership of more than 35 public and private agencies, that treats CSEC as victims, assists them in regaining control of their lives and holds offenders accountable. This community-wide response model includes prosecutors, defense attorneys, police, social workers, probation officers and street workers. A step-by-step outline of the process at (<http://www.suffolkcac.org/programs/seen/>) could be useful to other county and state level responses.

Roxbury Youth Works' The Gift Program (Gaining Independence for Tomorrow), (Boston, MA) is a member of the SEEN program (above) that provides life coaches to children who have been commercially sexually exploited. They serve boys, girls and transgender youth ages 12-21.
<http://www.roxburyyouthworks.org/pages/giftprogram.html>

Law Enforcement Responses

Dallas PD High- Risk Victims & Trafficking Unit. In 2004, Dallas Police Department expanded its Child Exploitation Unit to track children who have run away four or more times in a year. The department assigns an officer to each case, giving the child consistent contact with one officer. All cases are child-centered, with the child's trauma kept in mind during the investigation. More about this program is included in Shared Hope International assessment of Dallas, Texas: at:
http://www.sharedhope.org/Portals/0/Documents/Dallas_PrinterFriendly.pdf

Sandy Springs Sex Trafficking Assessment Team (STAT) was created in 2010 by the Georgia Governor's Office for Children and Families. STAT is the nation's first law enforcement, state-government, and children's hospital partnership to provide expert victim advocate support, forensic interview services and comprehensive medical evaluations for victims (girls and boys) of sex trafficking. For more information, go to:
http://children.georgia.gov/00/article/0,2086,113927404_114432867_15600499_8,00.html

Alameda County – H.E.A.T (Human Exploitation and Trafficking) is a new innovative approach to tackling human trafficking unveiled in February 2010 by

Alameda County (CA) District Attorney Nancy E. O'Malley. The approach combines five strategies to combat trafficking at local, regional and national levels. They are:

1. Education and engagement of local business and communities;
2. Enforcement training, intelligence sharing, and coordinated operations;
3. Vigorous prosecution of offenders;
4. Engaging policy makers, legislators and community decision-makers;
5. Wrap-around services and housing to meet the special needs of victims.

These efforts are combined with legislation that directs young girls away from criminal prosecution and into specialized services through a diversion program run by the District Attorney's office. For more information, visit: http://www.alcoda.org/heat_watch

Safety on the Streets (SOS)—Minneapolis Police Department facilitates reporting of assaults against women trapped in prostitution. Researcher Lauren Martin found that the women feared arrest, faced social stigmas and had prior negative experiences with police—all of which served as barriers to reporting rapes and other violent assaults. SOS training of police and creating a safe space for women to report has resulted in several charges and continuing investigations by the Minneapolis PD. To read more on Lauren Martin's research and SOS, go to: http://www.sph.umn.edu/hpm/conferences/12th_hsr/pdf/4B%20-%20Martin.pdf

For more information about ECPAT-USA's work with state stakeholders to improve systems for the protection of sexually exploited children go to: <http://ecpatusa.org/what-we-do/helping-children-in-america/law-project/>

ECPAT (End Child Prostitution and Trafficking) is a network of organizations and individuals working together to eliminate the commercial sexual exploitation of children around the world. Our mission is to ensure that children everywhere enjoy their fundamental rights, free from all forms of commercial sexual exploitation. ECPAT-USA protects children from commercial sexual exploitation through research, training, awareness raising, policy development and advocacy to protect:

- Children who are sexually exploited by Americans who travel abroad;
- Children who are trafficked to the United States from other countries; and
- American children who are trafficked and exploited within their own country.

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