

REVISED MOTION BY SUPERVISORS SHEILA KUEHL AND DON KNABE

October 20, 2015

Until very recently, most states and counties in our country believed that arrest and incarceration were an effective, and often only, means of stabilizing a commercially sexually exploited child. Fear of allowing a child to spend another night on the street, where they were bought and sold for sex, kept many jurisdictions from exploring non-punitive options. For many years, abused and neglected children were locked behind bars in order to protect them from exploiters and predators. Although well-meaning, this approach is neither victim-centered nor child-centered, and has resulted in unintended long-term consequences for the children, including removal from families and the community, re-traumatization, heightened distrust of law enforcement, stunted educational development and lengthy police records.

Los Angeles County, through the leadership of the Board of Supervisors, has begun to shift the paradigm away from arrest and detention and towards engagement and stabilization. In 2013, the Board of Supervisors charged key child-serving agencies with developing an approach for law enforcement that expeditiously meets the needs of commercially sexually exploited children (“CSEC”) and ideally provides them community-based services and support rather than locking them in a detention facility. The

MOTION

SOLIS _____
RIDLEY-THOMAS _____
KUEHL _____
KNABE _____
ANTONOVICH _____

Probation Department (“Probation”) and the Department of Children and Family Services (“DCFS”) led the effort, which eventually resulted in the creation of the award-winning Law Enforcement First Responder Protocol for CSEC (“Protocol”).

The Protocol involves a coordinated response to serving CSEC from point of identification through the subsequent 72 hours, a timeframe identified as critical for maximizing the likelihood of stabilization. The goal of the Protocol is to identify and respond to CSEC using a victim-centered, strengths-based approach that avoids arrest and detention and prioritizes building relationships with the youth, understanding where the youth is in his/her stage of exploration, and providing the youth with necessary services like medical and mental health screening and care. This Protocol was initially piloted in Compton and Long Beach, two areas known for high rates of sex-related crimes. The Protocol has since been implemented by the LAPD in a limited capacity and is to be expanded countywide.

The Protocol is proving to be an effective approach. It illustrates the importance of pairing the shift away from an arrest and detention model with a process that ensures that victims of child sex trafficking are treated with the same respect, dignity, urgency, and support that any victim of severe child abuse should receive. After nine months of implementation, law enforcement has identified 32 child victims of commercial sexual exploitation and has not arrested a single child for prostitution or a related offense in the pilot area. Beyond avoiding arrest, many children are being successfully stabilized within their communities and making connections to caring adults, effectively reducing the number of times they are re-exploited.

The Protocol is poised to serve as a promising model for other jurisdictions in California and across the country for many reasons: First, nearly 70 percent of youth identified through the pilot currently remain stable. Second, the Protocol has resulted in

law enforcement securing the arrest and prosecution of several high-profile exploiters. Individual officers no longer feel as though they have to arrest young victims to ensure that they receive services in a safe setting. Third, the agencies serving CSEC have built strong, collaborative relationships, which have led to increased efficiency and communication in serving these children. One significant barrier to providing adequate services to CSEC is changing mindsets and implementing procedures to ensure that the children are identified as victims rather than perpetrators.

That is why the Los Angeles County Board of Supervisors now publicly declares that there is no such thing as a “child prostitute” and that commercially sexually exploited children should not be treated as anything other than victims of child sex abuse.

Finally, we must work harder to protect CSEC victim witnesses when they bravely confront their exploiters in human trafficking prosecutions. Existing California law (Penal Code § 1346-1347.5) provides protections for children under the age of 13, who are called to testify as witnesses in certain crimes involving sexual acts with children, where the child would experience significant emotional distress if forced to face a defendant in open court. Upon motion from the prosecution, these child victims can testify outside of the physical presence of the jury and the defendant through closed-circuit television. Given the extraordinary vulnerability of child sex trafficking victims, and the potential risks to the emotional and physical safety of these child witnesses during the course of human trafficking prosecutions, it is vital to extend these protections to any minor victim witness in a human trafficking prosecution.

Los Angeles County is committed to the fight to end child sex trafficking. Removing the derogative labeling of exploited young girls and boys from our common vernacular and from the laws that govern our communities will strongly affirm that there is “No Such Thing” as a child prostitute.

WE, THEREFORE, MOVE that the Los Angeles County Board of Supervisors implement a county-wide effort to ensure that victims of child sex trafficking and CSEC are truly treated as victims. This effort should include, at a minimum:

- 1) Encouraging that no victim of child sex trafficking identified by the Los Angeles County Sheriff's Department be arrested for prostitution or a related offense or held in any facility that is used for the detention of criminal or juvenile offenders;
- 2) Encouraging all relevant County agencies, including the Sheriff's Department, to implement the Law Enforcement First Responder Protocol, and;
- 3) Ensuring the safety of minor victim witnesses in human trafficking prosecutions by the Los Angeles County District Attorney's Office is protected by:
 - a. Providing the ability for child victims of sex trafficking to testify outside of the presence of the defendant and jury by way of closed-circuit television, as is already permitted for children under the age of 13 under existing California law (Penal Code § 1346-1347.5) for prosecutions in certain crimes where the minor victim witness would experience substantial emotional distress or experience significant safety risks if they testified in open court, and;
 - b. Ensuring that each minor victim witness in a child trafficking prosecution is connected to a victim advocate who can assist the child in accessing benefits and services available to crime victims and work with the victim advocate, prosecutor, and law enforcement to create and ensure a safety plan for the minor victim witness' ~~prosecution~~ protection and safety.