

HUMAN TRAFFICKING: AN OVERVIEW AND SPECIAL FOCUS ON COMMERCIALLY SEXUALLY EXPLOITED MINORS (CSEC)



ADMINISTRATIVE OFFICE
OF THE COURTS



Beyond the Bench 21 San Francisco Marriott at Moscone Center Thursday, December 15, 2011





Faculty:

Hon. Douglas Hatchimonji,
Presiding Judge, Orange County
Juvenile Court

Hon. Catherine Pratt,
Commissioner, Los Angeles
Superior Court





- Overview of human trafficking
- Special focus on Commercial Sexual Exploitation of Children (CSEC)





There are three categories of human trafficking victims:

1. Those under 18 involved in commercial sex acts





2. Those 18 or over involved in commercial sex acts through force, fraud or coercion
3. Those forced to perform labor and/or services in conditions of involuntary servitude, peonage, debt bondage or slavery through force, fraud or coercion



Federal: What is Trafficking of Minors?

The federal Trafficking Victims Protection Act identifies trafficked minors as:

- Any person who is under the age of 18 years old and coerced, defrauded, or forced to work while a third party benefits from their labor



- Any person who is under the age of 18 years old and induced to participate in the commercial sex trade (even if there is no force, fraud, or coercion involved).
- All minors are equally protected under the law, the statute does not distinguish between foreign-born youth and U.S. citizens or between young people of different genders.





California Trafficking Statute

Penal Code §236.1 – “The Legislature finds that the definition of human trafficking in this section is equivalent to the federal definition of a severe form of trafficking...”





How might human trafficking appear in court?





A young Vietnamese girl in a nail salon, seems tired, working during school hours





A young boy using intimidation and threats in a robbery for the benefit of a street gang





A string of prostitution arrests
on the same street in the
same town





Dependent girl in group home,
ran away 4 times, taking
another girl with her, went to
be with her boyfriend



“When we think about children who are sexually exploited in other countries, we acknowledge the socioeconomic dynamics that contribute to their exploitation – the impact of poverty, of war, of a sex industry...





...Yet in our country, the focus on individual pathologies fails to frame the issue appropriately. We ask questions such as, 'Why doesn't she just leave?' and 'Why would someone want to turn all their money over to a pimp?' instead of asking,...





... 'What is the impact of poverty on these children?' 'How do race and class factor into the equation?' 'Beyond their family backgrounds, what is the story of their neighborhoods, their communities, their cities?'"

Rachel Lloyd, p. 34





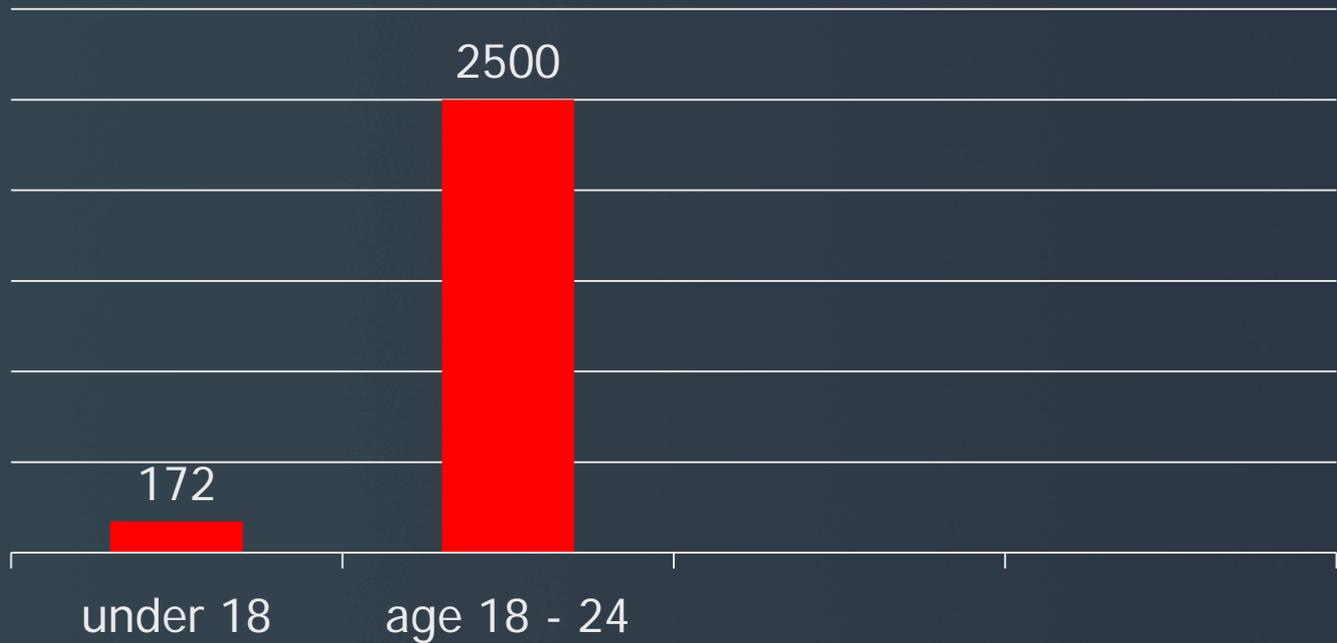
Scope of CSEC

- Average age of entry 12-14 years
- Belief that younger girls are “clean”



How many?

Prostitution Arrests, By Age Los Angeles County 2010



Alameda County H.E.A.T Watch:

- Since January 2011 – 160 Alameda County CSEC cases reviewed.
- Reported by Julie Posadas Guzman, J.D.
JPG Consultants
jpg@jpgconsultants.com





Alameda County H.E.A.T Watch:

Age:

- 58% between 16 – 17 years at time of referral
- 23% between 18 – 20 years
- 14% were 15 years old
- 5% were 12 – 13 years at time of referral.



Alameda County H.E.A.T Watch:

Race:

- 73% African American
- 14% Latina
- 8% Caucasian
- 4% Asian
- 1% unknown



Alameda County H.E.A.T Watch:

Residence:

- 67% Alameda County
- 31% other California counties
- 2% out of state.





Alameda County H.E.A.T Watch:

System involvement:

- 58% - 602 wards
- 32% - 300 dependents
- 12% - no system involvement
- 22% - referred to H.E.A.T. and now on the run or missing.



Other aspects of scope

- “The Circuit”
- Organized crime
- Street gangs
- More lucrative and less dangerous than selling drugs or weapons





Identifying the CSEEC Victim



Demographic Characteristics and Risk Factors

- Age -- young
- Poverty
- Race – children of color





- Dysfunctional home environment
- Victim of sexual abuse
- Victim of physical abuse
- DV in the home





- Mental health issues of both parent and minor
- Substance abuse issues – both parent and minor
- Loss of a parent or lack of a parent





- Runaway, “throwaway” child
- Homeless
- Truant/Learning disabilities
- Dependent child/prior CPS referral



Red flags –

- Multiple cities (“the circuit”)
- The child is a runaway
- AWOL to a “boyfriend”
- “Uncle” bails out the minor





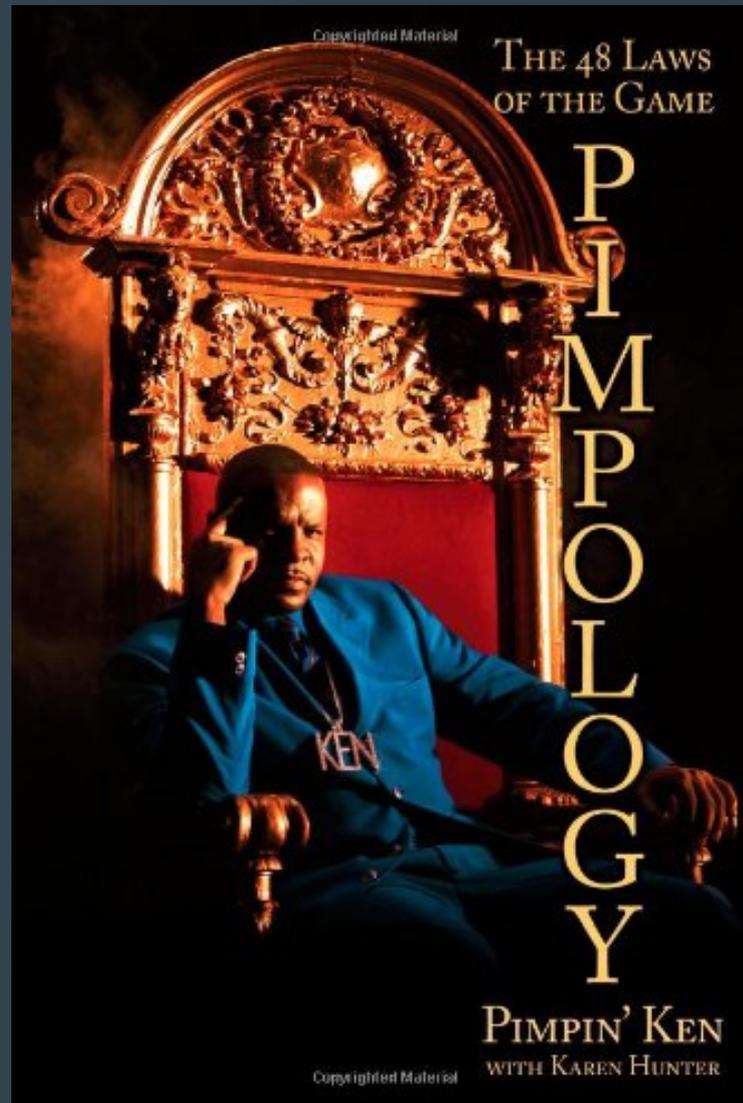
- The presence of STD's or pregnancy
- How old does the child look?
- AWOL or runaway returns with new luxury items?





The methodology of recruiting CSEC victims







“Most hoes have low self-esteem for a reason. A pimp looks for that weakness, and if it isn't on the surface, he brings that motherfucker out of them. It doesn't matter to a pimp what hoes' weaknesses are, so long as they have them. Then he uses those weaknesses to his advantage.”





Location

- Group home or foster home
- School, mall or park
- Bus stops or stations, Truck stops
- 7-11, hang outs



Weakness of the child

- Predatory
- Trolling for lost or weak kids
- Child is hungry, weak, or isolated
- Exploitation
- “Bottom bitch”–used to recruit other girls





Seduction

- Fills needs
- Provides food and shelter
- Provides attention, clothes, sex
- Promises safety, security





- Provides a sense of “family”
- Controls self esteem
- Builds dependency
- Ultimately asserts physical and emotional control





The Dynamics of Victimization (Why Don't They Just Leave?)





“Imagine,... that you’ve never seen a cow, never even seen a picture of one or had one described to you, and someone tells you that a horse is a cow. Of course you’ll believe them. If you haven’t had proper love and care, then a substitute will feel like the real thing, because you’ve got nothing to compare it to.” – Rachel Lloyd



Assertion of Power and Control

- Isolation
- Pregnancy
- Drugs
- Violence
- Branding
- No ID
- Threats to girl or family





Service and Treatment





No Generally Accepted Best Practice Service Model



Features

- Provide a victim advocate
- Create trust and deliver on promises
- Listen and talk to victims
- Prevent re-victimization
- Build self-esteem
- Utilize a multi-disciplinary model





Basics -

- Housing and shelter
- Legal services
- Physical medicine care
- Trauma based therapy
- Substance abuse treatment



Break the trauma bonds

Trafficker Provides	Response
Pimp seeks to fill emotional voids and roles	Meet the needs, such as for love and self-esteem
Pimp provides hope, which they exploit	Give hope through skill building, education & advocacy
Pimps fill physical needs	Provide wrap around services and programs
Pimps thrive off fear and intimacy creating instability	Create a safe place to stabilize and long term care
Pimps manipulate, lie, betray and let victims down, but are always there	Set realistic and honest expectations. Be consistent.





Court Leadership





Authorities:

- Standards of Judicial Administration Standard 5.40 (e) (Juvenile Court)
- Standards of Judicial Administration 5.30(f) (Family Court)



“Active leadership”

Judicial officers should provide “active leadership” to develop resources and services for children and at-risk families, develop cooperation and coordination among public agencies serving at-risk families, and unify private and public sector efforts to serve at-risk families.





- Raise awareness
- Form a multi-agency response
- Reach out to community based organizations





- Community based organizations and services
- Local task force
- Blue Ribbon Commission



Conclusion

- These children are victims, not offenders
- Trafficking is not a choice
- Judicial officers must modify their language
- The court and judicial officers have a leadership responsibility

