

SEXUAL EXPLOITATION AND HOMELESS YOUTH IN CALIFORNIA: WHAT POLICYMAKERS NEED TO KNOW

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OVERVIEW

Few crimes are as unsettling to a community as the sexual victimization of a child, yet an estimated 300,000 youth are either victims or at risk of becoming victims of the commercial sexual exploitation of children (CSEC) each year. **Sixty percent of these victimized children are homeless.**¹ Coerced into prostitution, pornography, stripping and other forms of exploitation, the problem of homeless youth entering into sex trafficking has reached a level of “epidemic proportion” in the United States according to the Federal Bureau of Investigation.²

Victims of sexual exploitation often have a history of child abuse (including neglect and sexual and/or physical abuse) that may have led them to run away from home in order to escape their abusers.³ Once homeless, these youth are an especially vulnerable population. Lacking social and financial support, 10 to 50 percent of homeless youth engage in “survival sex” – the exchange of sex for food, money, shelter, drugs or other basic daily needs – that may appear to be their only option.⁴

This issue brief establishes what is known about sexually exploited homeless youth and highlights

significant pieces of legislation in California aimed at addressing the problem. Finally, the brief reviews efforts underway in Alameda County to implement a diversion program aimed at better protecting and serving sexually exploited minors.^a

WHAT IS SEXUAL EXPLOITATION?

The sexual exploitation of children and youth involves physical abuse, pornography, prostitution, and smuggling for unlawful purposes involving economic gain. The cycle of sexual exploitation often begins when an adult family member or friend sexually abuses a child in their care. The resulting physical and emotional trauma makes these youth prime targets for further exploitation.⁵

Research on child sexual exploitation has revealed three levels of sex trafficking: local exploitation by one or a few individuals, small regional networks involving multiple adults and children, and large national or international networks where children are traded or sold as commodities.⁶ A trafficked individual can be American or foreign-born, and does not necessarily have to be moved across country or state lines.⁷

Domestically trafficked minors are rarely identified or are misidentified due to a number of barriers including a lack of training in identifying

^a The term “minor” refers to a person under the age of 18, and the term “youth” refers to a person between the ages of 12-24.

domestically trafficked youth, the invisibility of sex crimes (many of which take place on the internet or in private homes), the inability or unwillingness of victims to testify, and the lack of systematic data for tracking these victims.⁸

WHO IS AT-RISK FOR SEXUAL EXPLOITATION?

- ❖ **Youth of color** – 83 percent of youth under the age of 18 arrested for prostitution-related offenses identified as non-white (primarily African American).⁹
- ❖ **Lesbian, gay, bisexual and transgender youth** – LGBT youth are at an increased risk for becoming sexually exploited due to their over-representation in the homeless youth population (20 to 40 percent of homeless youth in California identify as LGBT).¹⁰
- ❖ **Youth who have been exposed to abuse and neglect** - About 70 percent of homeless youth are victims of all types of abuse (physical, verbal, sexual), and/or neglect, a link that has been directly made to risk for sexual exploitation.¹¹
- ❖ **Young girls** – Young girls are disproportionately victimized by sexual exploitation – girls under the age of 18 were over 14 times more likely to be arrested for prostitution than their male peers.¹²

HOMELESSNESS IS A PATHWAY TO SEXUAL EXPLOITATION

The root of the problem for many sexually exploited youth is homelessness itself – a circumstance most commonly brought on by family conflict and abuse at home. Lacking social and financial support, homeless youth engage in a number of risky behaviors and coping strategies in order to survive, making them easy targets for sex traffickers.¹³

There is little to distinguish sexually exploited youth and sexually exploited homeless youth; both populations lack permanent and safe residences, experience family breakdown, and suffer from system failure.^{14 15} Studies pointing to the link between sexual assault and homelessness note that 20 to 40 percent of homeless youth were sexually abused prior to becoming homeless.¹⁶ Sexual abuse often continues once these youth leave home, as they are at an increased risk of being sexually assaulted, raped, or exploited, due to their vulnerability on the streets.^{17 18}

Once on the street, these youth often turn to sex as a survival strategy. Researchers have found that **survival sex is nearly three times**

more prevalent among street youth (28 percent), than homeless youth in shelters (10 percent).¹⁹ This supports the conclusion that survival sex is an economic strategy linked to housing stability and duration of homelessness.

Homeless youth are also more likely than their peers to engage in drug and alcohol abuse, limiting their ability to stop unwanted advances from pimps and johns.²⁰ A national study comparing substance use among street, shelter, and housed youth found that street youth have the highest rates of drug use in every category – particularly illicit drugs (e.g. marijuana, cocaine, and ecstasy).²¹

Finally, sexually exploited and homeless youth often suffer from physical and mental health problems. Post-traumatic stress disorder, depression, and anxiety disorders result from being displaced and abused.²² Life on the street also contributes to an increased risk of physical health problems for sexually exploited homeless youth, including tuberculosis, hepatitis, and HIV/AIDS.²³ Homeless and exploited youth often have difficulty seeking health or mental health care services due to a lack of access to appropriate services, and/or a distrust of providers within those systems.²⁴

RECENT CALIFORNIA LEGISLATION

Over the last five years, California has seen an evolution in its approach to helping victims of sexual exploitation. Recent legislation has involved increasing fines placed on perpetrators, reframing the definition and criminalization of sexual exploitation, and increasing funding for mental health services. The following is not a comprehensive list of bills aimed to fight sexual exploitation, but instead highlights recent landmark legislation.²⁵

- AB 499 [2008] authorized the District Attorney of Alameda County to create a three-year pilot program for the purposes of developing a comprehensive, easily replicated, and multidisciplinary model to address the needs and treatment of commercially sexually exploited minors. This included developing (1) a protocol for assessing and identifying minors arrested or detained by law enforcement who may be victims of commercial sexual exploitation, (2) a diversion program of best practices to address the needs and services of these youth, and (3) a training curriculum to be provided to county employees and law enforcement.

The pilot project was extended until January 1, 2017 through AB799 [2011]. The bill requires the District Attorney for the County of Alameda to submit a report by April 1, 2016, summarizing activities performed to determine if the pilot program should be extended and distributed to other counties in 2017.

- AB 12 [2011], the Abolition of Child Commerce, Exploitation, and Sexual Slavery Act (ACCESS), required that a person convicted of seeking the services of a prostitute under the age of 18 be ordered to pay an additional fine not to exceed \$25,000. This money is used to fund programs and services for commercially sexually exploited minors

in the counties where the offenses took place. Previous law only recognized minors under the age of 16, and an additional fine not to exceed \$5,000.

The ACCESS Act of 2011 recognized sexual exploitation of minors through human trafficking as one of the most sophisticated forms of organized crime in the country. The Act recognized California as a major hub for international and domestic interstate human trafficking. This law instructs the state to **treat sexually exploited minors as victims, rather than criminals, ensuring access to proper treatment and resources to remain safe from perpetrators.**

Where Does California Rank?

According to the Polaris Project, an organization that conducts annual state ratings tracking anti-trafficking laws and statutes around the country, California is currently ranked among the top 11 states in addressing the sexual exploitation of minors. Areas in which California was credited for its progress include:

- ✓ [Asset forfeiture](#): provides the courts with the authority to seize assets of convicted human traffickers which were gained due to human trafficking crimes.
- ✓ [Investigative tools](#): provides law enforcement with an exemption to any prohibition on one-party wire tapping during investigations of human trafficking.
- ✓ [Training for law enforcement](#): law enforcement are given instruction in the handling of human trafficking complaints and guidelines on responding to trafficking, including identifying and communicating with a victim, therapeutically appropriate investigative techniques, and protection of the victim.
- ✓ [Victim assistance](#): provides non-citizen victims of trafficking access to refugee cash assistance and employment services.

- ✓ **Access to civil damages:** allows a victim of trafficking to bring a civil action lawsuit for compensatory damages, punitive damages, and injunctive relief against their perpetrator.

Areas in which California could improve include:

- ✓ **Human trafficking task force:** California’s human trafficking task force expired in January 2008 and should be reinstated to address the needs of this population.
- ✓ **National hotline:** requires the posting of the National Human Trafficking Center Hotline or a state run hotline in certain targeted locations to ensure that victims are identified and served.
- ✓ **Safe harbor:** ensures that minors in commercial sex are not prosecuted for

prostitution and are instead provided with specialized services.

- ✓ **Lower burden of proof:** reduces the burden of proof to substantiate sex trafficking cases for minors.
- ✓ **Vacating convictions for victims of sex trafficking:** provides a mechanism for victims of human trafficking to have completely removed from their record arrests or convictions for prostitution that occurred during trafficking.^{26 27}

While California is making efforts to strengthen legislation in the fight against sexual exploitation, it is clear that there are areas where further policy change would be beneficial. A number of counties in California have also been working to address the needs of this vulnerable population, most notably in Alameda County.

Alameda County: A Leader in Addressing the Sexual Exploitation of Youth

The Alameda County District Attorney’s Office (ACDAO) is a nationally recognized leader in combating CSEC, with the primary goals of victim safety and trafficker prosecution. Recognizing that eliminating the sexual exploitation of youth requires an active, committed collaboration between local agencies, the ACDAO created HEAT Watch in 2005, a partnership between the District Attorney, local law enforcement agencies, community based organizations, victim advocates, the probation department, the courts, child welfare services, health services, and community leaders in order to develop innovative solutions to effectively respond to this problem.

HEAT Watch uses the following five strategies to combat the commercial sexual exploitation of youth:

- Community Education, Engagement, and Collaboration
- Law Enforcement Training, Intelligence Sharing, and Coordination
- Innovative Charging of CSEC Cases and Vigorous Prosecution of Offenders
- Policymaker, Legislator, and Community Decision Maker Engagement
- Coordinated Delivery of Essential CSEC Services

Alameda County coordinates the delivery of services for victims of CSEC through its HEAT Watch “Safety Net” program. Participating organizations meet on a weekly basis to discuss potential CSEC cases and decide how to best connect these youth with the existing system of care. Most significantly, **a single point of contact is now assigned in order to coordinate the delivery of services and the collection of data for all CSEC cases.** The county has also developed an anonymous tip line to enlist the community as the “eyes and ears” for law enforcement in order to assist them in gathering information that could lead to the prosecution of a trafficker and the rescue of a victim.

ADDRESSING SEXUAL EXPLOITATION AND YOUTH HOMELESSNESS

Prevention and early intervention efforts hold the long-term answer to reducing sexual exploitation and youth homelessness. Breaking the cycle of family violence, preventing and addressing child abuse, and providing family support before crises erupt will all help reduce homelessness and sexual exploitation.²⁸ The following recommendations aim to address the needs of this population:

- When homes are too dangerous and reunification is not possible, homeless youth need immediate assistance finding safe and long-term homes, continuing education services, and job training to prevent a life on the streets.²⁹
- Collaboration between law enforcement and community-based organizations can be used as a gateway to services. Law enforcement often acts as a first point of contact for victims of sexual exploitation, thus partnerships with local resources for sexually exploited and homeless youth are crucial for immediate referral to the services and assistance they need.³⁰ This approach may also benefit law enforcement and prosecutors with cases against traffickers if their victims feel supported and cared for.³¹
- Increase access to health care and mental health services for sexually exploited and homeless youth, such as testing for sexually transmitted infections and trauma-informed therapy.
- Research that focuses on the sexual exploitation of boys, young men, and LGBT youth is needed to better understand the needs of these underserved populations.³²
- Improve data collection at the state level to accurately gauge the sexually exploited and homeless youth population.³³ The hidden nature of this problem leaves many questions unanswered, the number of victims uncounted, and the extent of their trauma largely unrecognized.
- Community leaders and policymakers need to be better informed of the long-term effects of sexual exploitation and homelessness on young people's lives so we are equipped to create new and improved public policy to assist these youth.

To Learn More:

A number of community-based organizations in California are currently working to address the sexual exploitation of minors, including:

The SAGE Project
<http://www.sagesf.org>

Freedom House in San Mateo
<http://www.freedomhousesfbay.org>

Bay Area Women Against Rape
<http://www.bawar.org>

The Bill Wilson Center
<http://www.billwilsoncenter.org>

West Coast Children's Clinic
<http://www.westcoastcc.org/index.html>

Courage to be You
<http://www.couragetobeyou.org>

Motivating, Inspiring, Supporting and Serving
 Sexually Exploited Youth <http://www.misseys.org>

Opening Doors
<http://www.openingdoorsinc.com>

Community Violence Solution
<http://www.cvsolutions.org/>

For more information regarding Alameda County's HEAT program, please contact the HEAT Watch Coordinator at the ACDAO: (510) 272-2222 or BAHC@acgov.org.

The Polaris Project (<http://www.polarisproject.org>) is a national organization working to end human trafficking. It operates the National Human Trafficking Resource Center Hotline (1-888-373-7888).

For research and policy information on youth homelessness in California, see The California Homeless Youth Project, John Burton Foundation, and the California Coalition for Youth websites and publications.

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