

SAMPLE LETTER SB 382 (CABALLERO)

The Hon. Steve Bradford, Chair
Senate Committee on Public Safety
Hon. Committee Members
State Capitol, Room 2031
Sacramento, CA 95814

RE: SB 382 (Caballero) – **SUPPORT**

Dear Chair Bradford and Honorable Members of the Committee:

ORGANIZATION NAME AND PURPOSE supports SB 382, a common-sense and clarifying measure aimed at facilitating the use by judges and prosecutors of the tools available under current law to protect the repeat commercial sexual exploitation of children (CSEC).

According to the Los Angeles County Department of Public Health, “[CSEC] is a rampant and fast-growing problem: Three of the nation’s 13 high-intensity child prostitution areas as identified by the FBI are located in California: Los Angeles, San Francisco and San Diego metropolitan areas.”¹

However, when criminal authorities do catch up to an exploiter and criminal charges are brought, a small oversight often occurs that can have dire consequences for the traumatized child victim. Restraining order, although available under current law, are not routinely requested during a criminal case where an exploiter is charged with child sexual exploitation. This is a uniquely important omission in CSEC cases because of the unique emotional vulnerability of the victims and because perpetrators are frighteningly expert in bonding themselves to their victims emotionally: “[E]xploiters have developed sophisticated techniques to keep young children compliant and willing to work in dangerous and violent situations. Employed against a young girl or boy who feels alone, violence, manipulation, and isolation are horribly effective tactics.”² As the California Child Welfare Council

¹ http://file.lacounty.gov/SDSInter/dmh/211312_2014_DMH_CSEC_Fact_Sheet_FINAL.pdf

² *Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California*, California Child Welfare Council, p.1 available at: http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf, at p. 14., emphasis added.

summarized: “Even if a CSE[C] victim does not experience extreme forms of violence firsthand, it makes threats against a victim or her family entirely plausible and extremely effective from the exploiter’s perspective. Thus, manipulation, violence, and fear of violence keep a child in his exploiter’s grasp. One survivor expert likens the tactics exploiters use to cult recruitment tactics.”³

Keeping these children away from their exploiters is a life-and-death matter for them as “*the average life expectancy of an exploited child is a shockingly short time: seven years*. Homicide and HIV/AIDS account for a majority of the deaths.”⁴

Commonly, victims of crimes recoil at the idea of ever again encountering the person who committed the crime against them. For the reasons described above, this is tragically not so for the child victims of CSEC. Children who are sexually exploited for profit *are likely to want to return to being exploited*. Many do not even view themselves as victims at all.⁵ “[CSEC] victims often relapse to exploitation many times before they permanently leave their exploiters, and interventions *must take this cycle into account*.”⁶

In courtrooms that routinely address the needs of abused and neglected children in or out of foster care, lawyers and judges routinely -- almost every case -- issue orders that establish boundaries between the child and the adults in their lives. When CSEC cases are heard there, orders preventing the exploiter from having contact with the child-victim are frequently issued and often issued *sua sponte*.

The same should be commonplace in our criminal courts but it is not. There are two reasons for this. The first reason is simply custom and practice. District Attorneys and judges in criminal trials do not as routinely seek and judges do not as routinely

³ Id. at 16.

⁴ Ibid., emphasis added.

⁵ “Additionally, many CSEC are not able to see themselves as victims; and either rationalize or actively deny that they are being exploited.” *Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California*, California Child Welfare Council, p.1 available at: [http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-](http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf)

[System_Collaboration-in-CA.pdf](http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf) While generally speaking adults always have more options than children, women who are subject to domestic violence also frequently, additionally, and tragically suffer from being controlled by their abusers. <https://iocdf.org/wp-content/uploads/2014/08/Assessment-Tools.pdf> This is why domestic violence is repeatedly, explicitly, and properly singled out in Penal Code section 136.2.

⁶ http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf at p. 2, emphasis supplied.

issue restraining orders in criminal cases. This even though they could. Which leads to the second reason: only the most technical reading of current law reveals the pathway available to aid CSEC by the issuance of restraining orders. While, for example, the availability of orders in domestic violence cases are explicitly mentioned eight times so as to stand out from the litany of string-cited code sections, CSEC victims are not. The availability is only clear if one looks up all the sections cited to what statutes those sections, in turn, cite. Expert judges and attorneys consulted were unaware of this treatment in current law.

SB 382 simply clarifies that current law permits and sets standards for orders protecting CSEC as a part of criminal prosecutions by adding explicit references to CSEC. Given the unique vulnerability of CSEC to continued exploitation, and the seven year life expectancy for them, such a modest clarification of current law comparable to the welcome and needed clarity benefitting victims of domestic violence who face a similar risk, is overdue.

Please support SB 382 (Caballero).

Sincerely,

cc Hon. Members of the Committee: