

NATIONAL CENTER FOR YOUTH LAW

Using the law to help children in need



2016 Legislative Wrap Up

Commercially Sexually Exploited Children

September 23, 2016

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Roadmap

- **Overview**
 - Policy Context
 - State of the Issue
- **2016 Legislation**
 - Postmortem
 - Lessons Learned
- **Looking to 2017**
 - Conversation
 - Anticipated challenges and needed fixes
 - Anti-Child Sex Trafficking Legislation work group



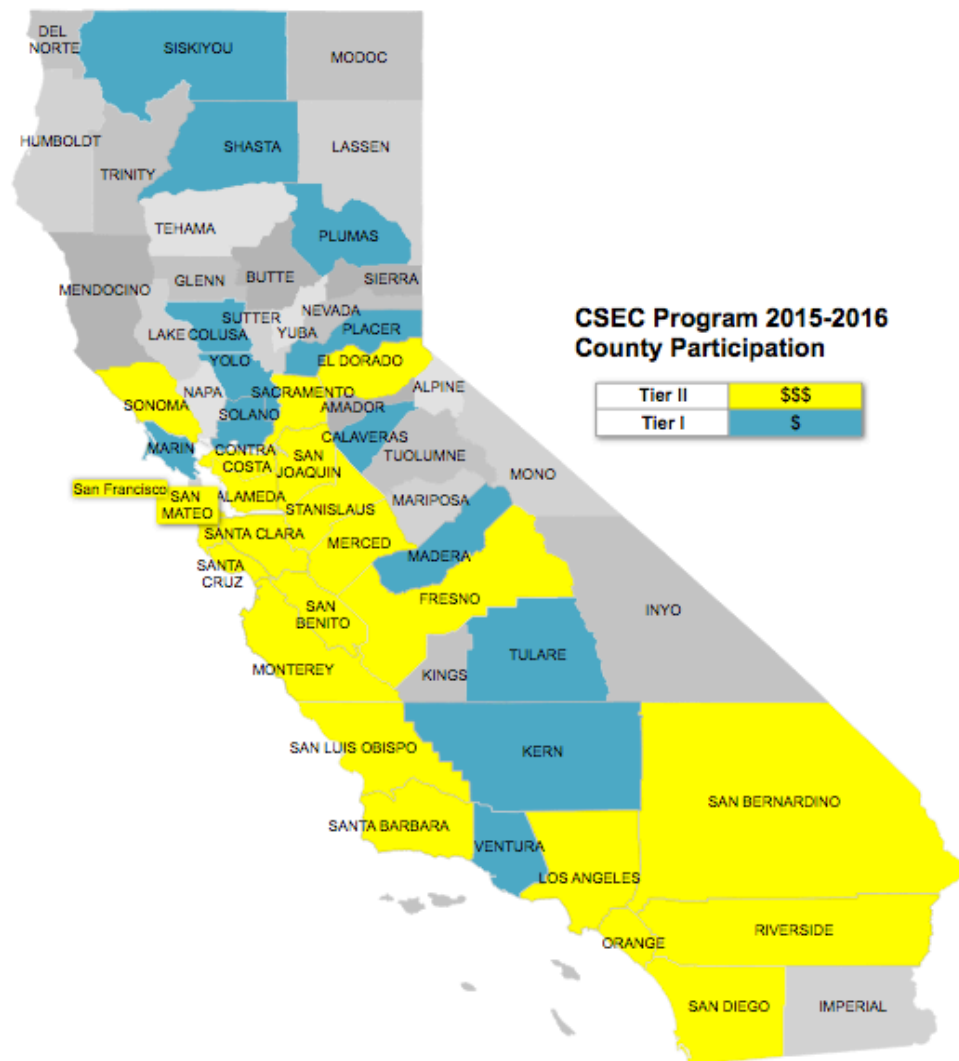
Policy Context

Shifts in Policy: California recently began investing in child welfare's capacity to identify and support victims with its partners, while simultaneously shifting away from criminalization

- **2014** → SB 855 (1) clarifies that CSEC may be served by child welfare and (2) creates the CSEC Program, incentivizing counties to develop multidisciplinary CSEC responses
- **2015** → SB 794 requires ALL county child welfare and probation agencies create protocols to identify, report, document, and serve CSEC and at-risk children. It also added the definition of sex trafficking to PC § 11165.1, clarifying that child sex trafficking must be reported as child abuse.



Policy Context



Landscape

- ~35 counties developing CW led MDT responses to CSEC, and receiving \$ for service delivery, training, staffing & more
- **ALL** counties must:
 - ID CSEC / at risk among children receiving CW services, and connect them to services
 - Document CSEC data
 - Report CSEC as child abuse and neglect
 - Train SW/POs to fulfill the requirements above

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State of the Issue

- **2016 Legislation**

- Legislature considered a significant # of HT bills
- Many had similar objectives
 - E.g., Decriminalization
- Growing acknowledgement of #NoSuchThing – though disagreement about right approach to serving victims

HT Bills Covered:

- *Budget*
- *Training*
- *Court Process*
- *Decriminalization / Protective*
- *Criminal Penalties & Enhancements*
- *Pilots / Task Forces*



2016 Legislation



Budget

- **\$5 million augmentation to existing CSEC program for CSEC services and supports (CWDA)**
 - CSEC Program Budget for 2016-2017 (\$18.7 m total)
 - \$16.3 m | Funding SB 855 implementation in CSEC Program counties
 - Will increase number of counties participating as well as total allocations to select counties
 - \$1.7 m | Funding SB 794 implementation in all 58 counties
 - \$800,000 | Training
- **One-time funds in the amount of \$10 million for specialized services for trafficking victims (CAST)**



Chaptered Bills

- **AB 1684 (Stone)**
 - Authorizes Dept of Fair Employment and Housing to receive, investigate, conciliate, mediate, and prosecute complaints alleging, and bring civil actions for, a victim of human trafficking
- **AB 1702 (Stone)**
 - Allows for reunification services to be bypassed when the court finds that the parent or guardian knowingly participated in, or permitted, the sexual exploitation or human trafficking of the child, except if the parent or guardian was also a victim



Enrolled Bills

- **AB 1276 (Santiago)**
 - Child (15-) witnesses testifying for an alleged offense of HT by closed circuit
- **AB 1678 (Santiago)**
 - Provision of incident reports to victims of human trafficking, among other crimes
- **AB 1682 (Stone)**
 - Settlement agreements & nondisclosure provisions
- **AB 1708 (Gonzalez)**
 - Mandatory minimum sentences & recasting the crime of prostitution
- **AB 1730 (Atkins)**
 - Pilot programs for CSEC services (Sacramento, San Diego, San Joaquin & Santa Clara)



Enrolled Bills

- **AB 1761 (Weber)**
 - Affirmative defenses
- **AB 1762 (Campos)**
 - Vacating convictions
- **AB 2027 (Quirk)**
 - Immigrant status & victims
- **AB 2147 (Eggman)**
 - Vehicle impoundment for person buying or attempting to buy sexual services
- **AB 2498 (Bonta)**
 - Confidentiality of information for victims of human trafficking



Enrolled Bills

- **SB 823 (Block)**
 - Petitioning the court for relief of human trafficking victims
- **SB 1064 (Hancock)**
 - Alameda DA diversion program
- **SB 1129 (Monning)**
 - Repeals prostitution mandatory jail terms



Enrolled Bills

- **SB 1322 (Mitchell)**

- Despite recent policy advances, CSEC continue to be arrested for prostitution, loitering with intent and, more often, other committed as a result of their victimization
 - 146 minor arrests for prostitution, 89 for loitering (2015)
- SB 1322 renders prostitution and loitering with intent charges inapplicable to minors
- References existing WIC 305 “temporary protective custody”
- Important #NoSuchThing messaging victory
- CA would join only 15 other states + D.C. in eliminating or otherwise altering prostitution charges for minors

“Identifying best practices for ‘Safe Harbor’ legislation to protect child sex trafficking victims: decriminalization alone is not sufficient” (2015)



Stalled Bills

- **AB 1595 (Campos)**
 - Requires private or public employers that provide mass transportation services to train employees to identify HT
- **AB 1675 (Stone & Gonzalez)**
 - Requires PO to delineate program of supervision for minor alleged to have committed prostitution
- **AB 1681 (Cooper)**
 - Unlocking of smartphones
- **AB 1731 (Atkins)**
 - Statewide interagency human trafficking task force
- **AB 1760 (Santiago)**
 - Peace officer to determine if minor suspect is victim of human trafficking and provide such record to DA



Lessons Learned

- **SB 1322 (Mitchell)**
 - Early and targeted education of committee staff is essential
 - Advocate coalitions are necessary but most effective when unified and proactive in approach
 - Sometimes, having a lot of similar bills can be a good thing
 - E.g., Distracted opposition, benefits of comparison
 - Engaging the administration early is key
 - Tap into promising and catchy communications frameworks
#NoSuchThing
 - Opposition framing evolves – responding to the “child’s safety” argument became priority
 - Map out supporters and identify intersections that lead to new allies
- *Oakland child sexual exploitation scandal*



Looking to 2017

- **Discussion**

- *Given the CSEC policy landscape, and should SB 1322 become law, what are some of the challenges or fixes you anticipate advocates will need to address in 2017?*

- **Ideas**

- Implementation of SB 1322 (e.g., law enforcement training)
- Law enforcement training
- Evaluation and accountability on CSEC protocols
- Placements

- **CSEC legislative work group – elaferriere@youthlaw.org**

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Ensuring victims of child trafficking are supported rather than criminalized

Building the capacity of agencies to better support victims of child trafficking

Reducing the number of Commercially Sexually Exploited Children (CSEC)

Producing resources and identifying promising practices