Juvenile Victims of Human Trafficking

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Recent Focus on Human Trafficking Issues

• Approximately 14,000 persons are trafficked into the US each year
  ▫ Estimates range from 10,000 to 18,000

• Focus at the national and state level
  ▫ Creation of Human Trafficking Task Forces
  ▫ Passage of legislation
  ▫ Development of coalitions
  ▫ Assistance for victims
Texas and Human Trafficking

- 25% of all trafficking victims are found in Texas
  - Traveling through and/or residing in state

- Because of this, Texas has:
  - The highest number of statutes dealing with human trafficking
  - Some of the longest running and most active Human Trafficking Task Forces
  - Some of the most successful prosecution efforts against traffickers
Common Misconceptions

• Human trafficking is an immigration issue
  ▫ Trafficking versus smuggling

• Human trafficking victims are not US citizens
  ▫ International victims not from the United States
Human Trafficking Victims Defined

- Three categories of human trafficking victims:
  - Under 18 involved in commercial sex act
  - Over 18 involved in commercial sex act through force, fraud or coercion
  - Anyone forced to perform labor and/or services in conditions of involuntary servitude through force, fraud or coercion
Domestic Minors Involved in Human Trafficking

• For juveniles prostitution = trafficking
  ▫ “Domestic minors of sex trafficking” (DMST)

• Estimates of domestic minors involved in sex trafficking range from 100,000 to 300,000

• Enormity of the problem not known
Understanding and Addressing the Issue

• Difficult to determine extent of problem and even more difficult to address

• Related to:
  ▫ Identification
  ▫ Service provision
  ▫ JURISDICTION
Victim or Offender

• States moving to decriminalize prostitution for minors
  ▫ Safe harbor laws
  ▫ Develop mechanisms to refer youth to protective custody or child protective services
  ▫ Allow for discretionary referral to juvenile justice

• States with existing laws: Washington, Illinois, New York, Connecticut, Oregon
In Texas: Victim or Offender?

**Penal Code**

- Offense to offer, agree or engage in sexual conduct for a fee
- No defense against prosecution based on age

**Family Code**

- Age of consent is 18
- Juveniles 17 and younger can not legally consent to sexual conduct

So, should juveniles found engaging in prostitution be arrested or diverted?
Alternatives to Juvenile Justice Project

- Texas Juvenile Probation Commission mandated to conduct study “evaluating alternatives to the juvenile justice system for children accused of engaging in prostitution”
  - Mandate included in legislation creating the Human Trafficking Prevention Task Force
Referrals for Prostitution

- In 2009, 48 juveniles were referred to juvenile probation departments for prostitution
  - 53 referrals
  - 66 juveniles arrested for prostitution in same year
If No Prostitution Who is There to Divert?

- Juveniles involved with prostitution are referred to juvenile probation for other offenses or not referred at all

Dallas County, 2009

<table>
<thead>
<tr>
<th>Referrals to JPD for prostitution</th>
<th>Sexually exploited youth entering Letot Emergency Shelter</th>
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<tr>
<td>34</td>
<td>202</td>
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Using Risk to Identify Victims

- Study conducted by Shared Hope International found “risk factors” for DMST
  - Runaway
  - History of sexual abuse

- Other studies estimate that
  - 1 in 3 runaways will engage in prostitution within 48 hours of leaving home
  - 70 to 80% of DMST victims were sexually abused in the home before running away
Runaways in 2009

- Potentially large number of juveniles engaging in prostitution
- Not being identified as victims
- Come to probation for other offenses
DMST Not a Diversion Issue

• Diverting juveniles arrested/referred for prostitution will not begin to address the problem of DMST

• Real issue is how to identify victims and get them appropriate services
Identifying Victims of DMST

• Problem:
  ▫ No single point to identify
  ▫ Difficult to determine real age
  ▫ Very mobile
  ▫ Control and manipulation of “pimp” keeps them from seeking help

• Key to identification:
  ▫ Training!!
  ▫ Interview techniques/questions
  ▫ Use risk factors to identify potential victims
Access to Services

• Domestic juveniles identified as victims of trafficking have difficulty accessing services

• Unlike international minors found to be victims of trafficking, domestic victims have no dedicated services, shelters or agency responsible for their well being
Access to Services

• Problem #1
  ▫ State child protective services agency does not consider DMST victims to fall under their jurisdiction unless trafficked by parent or guardian

  ▫ If not considered victims of abuse and neglect DMST victims are not eligible for state funded shelter or residential care
Access to Services

• Problem #2
  ▫ DMST victims tend to be very high need and difficult to serve
  ▫ Non-profit agencies and “NGO’s” can offer community based services but few offer shelter or safe house services to DMST victims
  ▫ Victims generally need, at a minimum, mental health, medical care and residential services
Access to Services

• Problem #3
  ▫ There are NO safe house shelters for DMST victims

  ▫ Difficult to access appropriate residential services for this population
    • “Tough” population that tends to run away
    • Long-term placement to address needs

  ▫ Shelters to keep away from “pimp” and be available for law enforcement
Access to Services

• Problem #4
  ▫ **FUNDING, FUNDING, FUNDING!!**

  ▫ Few funds available to provide services to this population outside of the CPS or juvenile probation system
Appropriate Services in the Juvenile Justice System?

• The juvenile probation system has:
  ▫ Emergency shelters
  ▫ Detention (pre-adjudication) beds
  ▫ Community-based services
  ▫ Secure and non-secure residential facility beds

• Juvenile probation system can compel participation in services if juvenile is under supervision
Successful Program Associated with Probation Department

• Letot Emergency Shelter, Dallas Texas

• Staff secure emergency shelter for youth
  ▫ Serves non-offenders and “Class C” misdemeanor offenders

• Nationally recognized for work with DMST

• Collaborative effort between Dallas police, Juvenile Probation and Shelter

• Short-term shelter; can detain, prosecute and/or place under supervision to provide services
Texas Moving Toward Decriminalizing Prostitution for Juveniles

- Recent Texas Supreme Court ruling found that children under the age of 14 could not legally consent to sex so could not be charged with prostitution
  - BW versus State of Texas

- Dissenting opinion voiced concern over the ruling as the juvenile justice system was seen as the only “portal” to services for children “like BW”
A Way to “Divert” While Providing Services

• Mandate to divert juveniles to alternatives but what is “divert”?  

• A different perspective:  
  ▫ Referral to juvenile probation  
  ▫ Identify as DMST victim  
  ▫ Place under deferred prosecution or conditional supervision  
  ▫ Provide community-based services and/or residential care
Next Steps for Diversion Project

• Identify changes to existing statutes
  ▫ CPS eligibility for victims of trafficking
  ▫ Clarify definition of human trafficking
  ▫ Codify Supreme Court ruling/ clarify defense to prostitution charge

• Develop and implement training for probation officers to help identify trafficking victims
  ▫ Include suggested intake questions and interview techniques
Next Steps for Diversion Project

- Identify and assist juvenile probation departments to implement community programs for DMST victims and those at risk of victimization

- Explore avenues to fund services for victims
  - Asset forfeiture
  - State Victim Compensation Fund
  - Grants
Alternatives to Juvenile Justice Project

• Report due to legislature January 1, 2011

• Will continue working with state Human Trafficking Prevention Task Force

• Will continue working with juvenile probation departments and NGO’s to coordinate services to victims