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To: Chairs of the County Boards of Supervisors
County Administrative Officers

From: DeAnn Baker, Director of Legislative Affairs

Re: Commercial Sexual Exploitation of Children (CSEC) – County Resolutions

Background. On May 28, the California State Association of Counties (CSAC) Board of Directors voted to approve a resolution to affirm CSAC’s commitment to developing and supporting strategies to prevent, reduce and serve the victims of commercial sexual exploitation of children and work to eliminate sex trafficking in California.

The commercial sexual exploitation of children (CSEC) is a pressing national, state, and local issue. The FBI estimates that 100,000 children in the United States are sold for sex each year, including child sex trafficking, child sex tourism, and child pornography.

In California, the issue is especially urgent. According to the FBI, three of the top 13 highest trafficking areas in the nation are located in California: San Francisco, Los Angeles, and the San Diego metropolitan areas. The age when most youth are lured into CSEC activities is shocking: the average age for boys is between eleven and thirteen, and for girls, it is between ages twelve to fourteen. Even more shocking: the average life expectancy of an exploited child from the time they first enter CSEC activities is 7 years (U.S. News & World Report, Oct. 16, 2005, “*Young Lives for Sale*” by Bay Fang).

County law enforcement, child welfare services, behavioral health, the courts, and community-based organizations all grapple with CSEC youth and report increasing numbers of exploited underage victims. The CSAC Board of Directors recognized the urgency of this issue when they approved the following new CSAC human services platform language on February 19 of this year:

“Counties support efforts to build capacity within local child welfare agencies to serve child victims of commercial sexual exploitation. Commercial sexual exploitation of children (CSEC) is an emerging national and statewide issue. In fact, three of the top ten highest trafficking areas in the nation are located in California: San Francisco, Los Angeles, and the San Diego metropolitan areas. Counties believe this growing and complex problem warrants immediate attention in the Golden State, including funding for prevention, intervention, and direct services through county child welfare services (CWS) agencies. Counties also support close cooperation on CSEC issues with law enforcement, the judiciary, and community-based organizations to ensure the best outcomes for child victims.”

This is also why CSAC actively supported a state budget augmentation last June to earmark more than \$20 million in funding to fund local prevention, intervention, and direct services for CSEC youth (See budget section below for more detail).

The County Counsels’ Association of California, on behalf of CSAC, has also submitted a brief to the United States Supreme Court in support of a Los Angeles City ordinance that

allows law enforcement to search motel and hotel guest registers without a warrant during efforts to apprehend human traffickers. The ordinance, which was struck down by the Ninth Circuit Court of Appeals, assisted law enforcement in capturing human traffickers and freeing CSEC youth in numerous cases.

The Supreme Court has yet to hear the appeal.

Other efforts at the state and national levels are underway, including legislation aimed at prevention, identification, and strengthening the tools available to law enforcement for identifying, arresting, and prosecuting child sex traffickers (See state and federal sections below).

Child sex trafficking occurs each day in California, as CSEC youth are transported through our counties and kept captive in varying cities or for specific events. While counties have led the effort to address the unique needs of CSEC youth, including working with law enforcement and the courts to divert suspected exploited children, the need for intensive services tailored to minors who have been ensnared in the illegal sex trafficking trade remains critical. The attached resolution affirms CSAC's commitment to working together to develop strategies to reduce and, hopefully, eliminate the incidence of minors caught in the sex trafficking trade in California.

State Budget. Last summer, CSAC supported a successful County Welfare Directors Association (CWDA) budget proposal last year to fund prevention, intervention, and direct services for CSEC youth through county child welfare services (CWS) agencies. In the current year, counties can access a total of \$20.3 million General Fund, which includes initial and one-time costs and can be matched at 50 percent with federal funding. In future years, county child welfare agencies may access up to \$9 million statewide for CSEC program activities through the Department of Social Services.

This year Congress passed the federal Strengthening Families Act – an act to prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery – which was supported by both CSAC and CWDA. The Act contained several new mandates for states – and in California, the county child welfare services agencies – that we agree have merit in our collective efforts to serve CSEC victims.

However, Governor Brown's Administration proposed diverting \$3.25 million in CSEC funding intended for local services to victims of sex trafficking to instead meet these new federal mandates. CSAC and CWDA are strongly opposed to diverting these funds and continue to engage the Legislature on this issue.

State Legislation. Governor Brown signed a raft of CSEC bills into law last fall, including SB 955 (Chapter 712, Statutes of 2014) by Senator Holly Mitchell allowing courts to authorize wiretaps for the investigation and prosecution of human trafficking, and AB 1585 (Chapter 708, Statutes of 2014) by Assembly Member Luis Alejo to allow the courts to set aside a conviction of solicitation or prostitution for those who can prove he or she was a victim of human trafficking. Senator Mitchell was also successful in passing SB 1165 (Chapter 713, Statutes of 2014), which allows sex trafficking prevention education in

California's schools. Fines increased from \$20,000 to \$25,000 for people convicted of placing a minor into prostitution.

Several CSEC bills have been introduced this legislative session, including AB 1051 by Assembly Member Brian Maienschein, which would amend Proposition 21 (2000) to add human trafficking to the list of activities and offenses that may be used to establish criminal gang activity.

SB 518, by Senator Mark Leno, would create clear guidelines for Trauma Recovery Center (TRC) services administered by the Victims Compensation & Government Claims Board (VCGCB) in California. By setting clear guidelines and bolstering training for new trauma recovery centers, this bill would ensure that victims of crime and trauma in California receive the comprehensive and timely services they need in order to heal, and to avoid negative economic consequences for themselves and their communities.

The TRC model has proven to be extremely successful, and since the grant program began, survivors of crime who received services through the TRC saw significant increases in health and wellness. In fact, 74 percent of those served showed an improvement in mental health, and 51 percent demonstrated an improvement in physical health. People who receive services at the TRC are 56 percent more likely to return to employment, 44 percent more likely to cooperate with the district attorney, and 69 percent more likely to generally cooperate with law enforcement. Providing all of these benefits are 33 percent lower than the cost traditional providers.

The Legislative Analyst's Office (LAO) estimates future additional funding for the TRC grant program at anywhere between \$10-20 million annually, stemming from language in Proposition 47 of 2014 that directed 10 percent of the savings realized from the proposition to this program.

Under current law, crime victims and witnesses to crime face various obstacles before receiving monetary compensation that they are lawfully entitled to receive. SB 519, by Senator Loni Hancock, would reform how crime victims are compensated for their suffering in several ways, including but not limited to: requiring that the Board applications be processed within 90 days of receipt, including appeals time; requiring that all Board correspondence with applicants be in English, Spanish, and Chinese; eliminating the "cooperation" requirement in order to get compensation for witnesses who are minors; and increasing the amount a victim's family would receive for funeral costs from \$5000 to \$7500.

Counties agree that reform is necessary to better support victims of crime, such as CSEC victims, and is currently supporting SB 519.

California Attorney General. Attorney General Kamala Harris led an Anti-Trafficking Working Group in 2012 and has created a resource center online for recognizing, treating, and prosecuting human trafficking, including minors, at www.oag.ca.gov/human-trafficking. She also released the report "The State of Human Trafficking in California 2012" (available in the Resources Section below) which identifies human trafficking as a top priority for her office.

In January 2015, the Attorney General announced the new Bureau of Children's Justice within the California Department of Justice (DOJ). The mission is to protect the rights of

children and focus the attention and resources of law enforcement and policymakers on the importance of safeguarding every child so that they can meet their full potential. The Bureau will focus its enforcement and advocacy efforts on California's foster care, adoption and juvenile justice system, including human trafficking of vulnerable youth. DOJ held meetings in Sacramento, Los Angeles and Oakland with the expectation of working with experts in the areas of children and family services, CSEC youth, juvenile justice, education, and other areas impacting children.

Federal Actions. The House acted early this year in passing by voice vote the Justice for Victims of Trafficking Act of 2015 (H.R. 181). Adopted on January 27, the bill would provide competitive grants to state and local governments from the U.S. Department of Justice to improve the investigation and prosecution of child trafficking crimes, provide training to personnel to respond to victims and address their need for specialized services. The bill would authorize the appropriation of \$5 million annually over FY's 2016-2019.

The Senate Judiciary Committee reported out a similar bill last month on a unanimous vote. That measure is also called the Justice for Victims of Trafficking Act of 2015 (S. 178). Under the Senate legislation, \$7 million is appropriated annually through a victim's compensation fund from assessments placed on persons convicted of sex trafficking and similar offenses. Funding would be made available to state and local governments through a competitive grant process similar to the one under the House counterpart bill.

Once it reached the Senate floor however, Democrats took a closer look at the language and discovered a statutory reference contained in the bill blocking money from the fund for paying for abortions. The so-called Hyde amendment language has been added to existing pots of funding under federal health programs for many years, but Democrats objected to it being tied to a new source of federal funding. The Senate spent nearly two weeks debating the bill and Republicans had been unable to break a Democratic filibuster against it. Senator Boxer (D-CA) had withdrawn her name as a co-sponsor of the bill and Senator Feinstein (D-CA) has made speeches on the floor stating that she will not support passage until the language is struck from the measure. The bill had been pulled from the Senate floor to make way for debate on the Senate budget resolution (S. Con. Res. 11), but was finally passed after the Hyde Amendment language was removed on April 22. It is now in the House.

This year's Congressional activity on sex trafficking builds upon bipartisan work enacted into law last fall. The new law, the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980; P.L. 113-183) contains a number of federal, state and local reporting requirements to be implemented over the next few years in order to better understand the breadth of the sex trafficking problem. Included are requirements due to be implemented this fall for child welfare agencies to develop and implement protocols to locate children who have runaway or are missing from foster care; determine the child's experiences while absent from care; develop screening to determine if the child is a sex trafficking victim; and, report the information to the federal government.

Recommendation. The CSAC Board of Directors recommend that County Boards of Supervisors adopt the attached resolution to increase awareness of CSEC issues and affirm the County's commitment to combatting CSEC activities.

Attachments:

1. County-specific sample resolution regarding Commercial Sexual Exploitation of Children
2. CSAC resolution regarding Commercial Sexual Exploitation of Children

Resources:

- Los Angeles
 - [Succeeding Through Achievement and Resilience \(STAR\) Court](http://www.courts.ca.gov/27693.htm) - <http://www.courts.ca.gov/27693.htm>
 - ["Prostitution in Los Angeles: Court gives girls in sex trade a second chance"](http://www.dailynews.com/social-affairs/20140518/prostitution-in-los-angeles-court-gives-girls-in-sex-trade-a-second-chance) – Los Angeles Daily News <http://www.dailynews.com/social-affairs/20140518/prostitution-in-los-angeles-court-gives-girls-in-sex-trade-a-second-chance>
 - ["January Declared 'National Human Trafficking Month' in L.A. County"](http://patch.com/california/arcadia/january-declared-national-human-trafficking-month-la-county-0) – Arcadia Patch <http://patch.com/california/arcadia/january-declared-national-human-trafficking-month-la-county-0>
- Alameda
 - [H.E.A.T. \(Human Exploitation and Trafficking\) Watch](http://www.heatwatch.org/) <http://www.heatwatch.org/>
 - ["Alameda County DA Unveils Billboard Campaign Against Child Sex Trafficking"](http://sanfrancisco.cbslocal.com/2015/01/09/alameda-county-district-attorney-unveils-billboard-campaign-against-human-trafficking-child-sex-exploitation/) – CBS SF Bay Area <http://sanfrancisco.cbslocal.com/2015/01/09/alameda-county-district-attorney-unveils-billboard-campaign-against-human-trafficking-child-sex-exploitation/>
- San Francisco
 - [SFCaHT \(San Francisco Collaborative Against Human Trafficking\)](http://www.sfcaht.org/) <http://www.sfcaht.org/>
 - [SFCaHT Anti-Human Trafficking Teen Poster Contest](http://www.sfcaht.org/teen-poster-contest.html) <http://www.sfcaht.org/teen-poster-contest.html>
- Merced
 - ["Fight against human trafficking changing in Merced County"](http://www.mercedsunstar.com/news/local/article6729123.html) – Merced Sun-Star <http://www.mercedsunstar.com/news/local/article6729123.html>

Reports:

- 2012 Attorney General Report: ["The State of Human Trafficking in California"](http://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf) <http://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf>
- 2013 California Child Welfare Council Report: ["Ending the Commercial Sexual Exploitation of Children"](http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf) http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf
- National Human Trafficking Resource Center 2007-2012 Report: ["Human Trafficking Trends in the United States – Polaris Project"](http://www.polarisproject.org/human-trafficking/overview/human-trafficking-trends) - <http://www.polarisproject.org/human-trafficking/overview/human-trafficking-trends>
- April 2014 NACo Survey Report: ["The Problem of Human Sex Trafficking in America"](http://www.naco.org/newsroom/pubs/Documents/Surveys/SexTrafficking_Survey_April2014.pdf) http://www.naco.org/newsroom/pubs/Documents/Surveys/SexTrafficking_Survey_April2014.pdf

- Legislative Analyst's Office Report: "**The 2015-16 Budget: Improving State Programs for Victims of Crime**"
<http://www.lao.ca.gov/reports/2015/budget/crime-victims/crime-victims-031815.pdf>
- California State Auditor December 2008 Report: **Victim Compensation and Government Claims Board: It Has Begun Improving the Victim Compensation Program, but More Remains to Be Done**
<https://www.bsa.ca.gov/pdfs/reports/2008-113.pdf>

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