

House Committee on the Judiciary
Subcommittee on Crime, Terrorism, Homeland Security and Investigations
Hearing on: Innocence for Sale: Domestic Minor Sex Trafficking
March 26, 2014

Witness Testimony for
The Honorable Donna Quigley Groman
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Los Angeles County Juvenile Delinquency Court

Good morning, Chairman Goodlatte, Ranking Member Conyers, Chairman Sensenbrenner, Ranking Member Scott, and Committee and Subcommittee Members.

Thank you for inviting me to testify today. My name is Donna Quigley Groman and I am the Site Judge for the Compton Juvenile Delinquency Court in the County of Los Angeles. Our juvenile court system is confronted by the crisis of domestic sex trafficking. My job is to ensure that the court system has the capacity to address this issue through training, technical assistance, and the development of resources. I have been working on this issue since 2010, serving as the chair of the domestic trafficking subgroup of the Interagency Child Abuse Network (ICAN) and working to create Los Angeles County's collaborative court, the STAR court, a court dedicated to youth charged with prostitution related crimes.

I am here today on behalf of the National Council of Juvenile and Family Court Judges, one of the nation's largest and oldest judicial membership organizations serving judges and other professionals in the juvenile and family justice system.

Federal law defines the term "severe forms of trafficking in persons" as "(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."¹

¹ Victims of Trafficking and Violence Protection Act of 2000 [United States of America]. Public Law 106-386 [H.R. 3244]. 28 October 2000. Section 103(9).

Between 100,000 and 300,000 youth are at risk for commercial sexual exploitation annually in the United States.² The average age of entry into the commercial sex industry is 12-14 years old for girls³ and 11-13 years old for boys and transgender youth in the United States.⁴ In our courtrooms, the gender of the victims of domestic child sex trafficking is overwhelmingly female, but studies also suggest boys may be as affected by child sexual exploitation as girls but are hidden away and less well-served by human service and law-enforcement systems.⁵

The children arrested for prostitution related offenses have come via several paths: they may have been coerced or lured by gangs to engage in the commercial sex trade; they may have run away from abusive foster care placements or were recruited from group homes and coerced into sexual exploitation. Some may be LGBT youth who have fled unaccepting homes and end up in the commercial sex trade in order to survive. Perhaps less well-known are the youth who still live at home, but are trafficked by a family member or enter into a relationship with a pimp because of challenges encountered in their own homes. What many of these youth have in common is a history of child sexual abuse, early childhood trauma, and involvement in the child welfare system.

It is important to understand that these youth are not criminals. They are children who are being abused by sex traffickers, and they deserve the same protections and resources to which other child victims of sexual or physical abuse and neglect are

² R. Estes and N. Weiner. *Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. University of Pennsylvania, 2001, page 144. Determination of “at risk” status includes consideration of factors such as children who are runaways, “throwaways,” victims of physical or sexual abuse, users of psychotropic drugs, and members of sexual minority groups

³ National Report on Domestic Minor Sex Trafficking: *America’s Prostituted Children*. Washington, D.C.: Shared Hope International, 2009, page 30.

⁴ *Domestic Human Trafficking of Children and Youth Initial Findings Brief*. The National Clearinghouse on Families & Youth, 2005, page 3.

⁵ *Id.* at page 4.

entitled. Child victims of sexual abuse are comforted by assurances that they are not responsible for the abuse. Child victims of commercial sexual exploitation deserve the same assurances. The criminalization of commercial exploitation of children holds these children responsible for not preventing their exploitation.

Our society should not punish these young victims of crime who, as children, are legally incapable of consenting to sex acts. They should be protected from sex traffickers and pimps and provided treatment and not punishment. These children are desperately in need of safe housing, food, clothing and other basic necessities. These children should receive counseling, medical care, mental health services, and be reconnected with education. Between 70 and 90 percent of commercially sexually exploited youth have a history of child sexual abuse.⁶ Youth who have had contact with the child welfare system are at a higher risk for commercial sexual exploitation than children who have not had involvement in the child welfare system.⁷ For example, in Los Angeles, approximately 77% of youth charged with a prostitution-related offense have had prior contact with the Department of Children and Family Services (DCFS).⁸

Traffickers are known to specifically target youth shelters, group homes, and foster care facilities as locations for recruitment of vulnerable foster youth.⁹ Approximately 1.6 million children run away from home every year in the United States,¹⁰ and these children are at high risk of child sexual exploitation due to their mental,

⁶ Bagley, C. & Young, L. (1987). Juvenile Prostitution and Child Sexual Abuse: A Controlled Study. *Canadian Journal of Community Mental Health.*; See also, Annual Report. (1991). Council for Prostitution Alternatives. Portland, Oregon.; See also, Murphy, Patricia. (1993). *Making Connections: Women, Work, and Abuse.* Paul M. Deutsch Press, Florida.

⁷ National Report on Domestic Minor Sex Trafficking, Shared Hope International, page 9.

⁸ Los Angeles County Juvenile Delinquency Collaborative STAR Court Data, Assessment of open cases in November 2012.

⁹ Id, page 58.

¹⁰ National Runaway Switchboard, <http://www.1800runaway.org/faq/#>. Accessed 11/5/12.

physical, and financial vulnerability.¹¹ Pimps identify and exploit these vulnerabilities in order to bring them into the business and use psychological manipulation to keep them from leaving.¹² Youth who are commercially sexually exploited often suffer from negative long-term psychological, social and physical impacts, such as traumatic bonding.¹³

Trafficking takes a toll on minority youth. Although there is insufficient evidence to quantify the national prevalence and trends on child sex trafficking in the United States, local data from Los Angeles, a major hub for child sex trafficking in this country, indicate that there is a high disproportionate minority contact among victims of domestic child sex trafficking.¹⁴ Although race and ethnicity of the victims can vary dramatically by city and neighboring cities,¹⁵ a study conducted in New York State shows overrepresentation of minority youth among trafficked victims.¹⁶

But we still treat child victims of sex trafficking as criminals. In 39 states across the nation, youth who are victims of commercial sexual exploitation face criminal charges.¹⁷ Injecting these youth into the juvenile justice system is an inappropriate response to this crisis. Child welfare is better suited to provide treatment and placement

¹¹ National Report on Domestic Minor Sex Trafficking, Shared Hope International, page 31.

¹² National Report on A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls, Georgetown Law, Center on Poverty and Inequality, page 4.

¹³ National Report on Domestic Minor Sex Trafficking, Shared Hope International, page 41-44; Also see, National Report on A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls, Georgetown Law, Center on Poverty and Inequality, page 4.

¹⁴ Los Angeles Probation Department Data, 2010.

¹⁵ Research to Action: Sexually Exploited Minors (SEM) Needs and Strengths, West Coast Children's Clinic. (2012), page 7; *see also* National Report on Domestic Minor Sex Trafficking, Shared Hope International, page 9; *see also* Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota. (2009). Minnesota Indian Women's Resource Center, pages 33-34.

¹⁶ Sex Trafficking of Minors in New York: Increasing Prevention and Collective Action. (2012). The New York Women's Foundation, pages 5 & 7.

¹⁷ Polaris Project, Current Laws, <http://www.polarisproject.org/what-we-do/policy-advocacy/current-laws> (11 states have safe harbor laws protecting trafficked minors from criminal prosecution). Accessed 11/5/2012.

options. The dangers of incarceration which include exposure to criminally sophisticated youth, the attachment of the stigma of being labeled a criminal, and potential sexual and physical abuse while in custody are cruel responses to a social problem.¹⁸ The mere exposure to the juvenile justice system leads to poor educational outcomes including drop out, and a much higher chance of leading a criminal lifestyle as an adult.¹⁹ Judges need more solutions and services for this population. Detention can be re-traumatizing, exacerbating symptoms of PTSD that result from being trafficked.²⁰

The National Council of Juvenile and Family Court Judges (NCJFCJ) opposes the criminalization of victims of child sexual exploitation and supports the development and implementation of humane and appropriate laws and policies that are in line with the federal definition of a child victim of human trafficking. NCJFCJ is committed to assisting courts in understanding the complexities of these cases and is working with juvenile and family courts and stakeholders across the nation to define and operationalize what it means to be a trauma-responsive court, and develop a protocol to conduct "trauma audits" in courts to assess the degree to which environment, practice, and policy are trauma-responsive.

NCJFCJ promotes the development of specialized services and resources for victims of child trafficking in the juvenile court system, and within the community, including the development of non-detention triage facilities and specialized placement options that are equipped to effectively address the unique trauma suffered by victims of

¹⁸ The Case for Reducing Juveniles Incarceration: No Place for Kids, <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/Resources/May10newsletter/CloserLook2.aspx>; See also, Sentencing Project (1997), Facts About Prisons and Prisoners Briefing Fact Sheet; See also, Mendel, In Juvenile Justice Care, Boys Get Worse, Youth Today (2010); Growing evidence says juvenile systems exacerbate delinquency.

¹⁹ Kirk and Sampson. Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood. American Sociological Association, 2013; See also, Petrosino, Turpin-Petrosino, Guckenberger, Formal System Processing of Juveniles: Effects on Delinquency. 2010.

²⁰ National Report on A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls, Georgetown Law, Center on Poverty and Inequality, page 4.

child trafficking. We need a coordinated judicial response to decrease the number of children coerced into child sexual exploitation, including a network of communication among judges of different jurisdictions. Delinquency and dependency courts must work in partnership to identify child victims of human trafficking and protect them from exploitation. NCJFCJ is dedicated to promoting the exercise of judicial leadership to convene local stakeholder and community groups in an effort to improve and enhance system responses to the needs of child victims of sex trafficking. These collaboratives must include court personnel, law enforcement, government agencies and community organizations. Juvenile court judges must promote the development and implementation of training curricula within schools and foster care to address the risk factors for runaway youth and inform youth of the common tactics of, and risks associated with, human traffickers. NCJFCJ is developing a curriculum for juvenile and family courts and will make this training accessible to judges around the country. Judicial education is underfunded and legislation that includes funding should consider judicial education as a purpose area in order to make change happen around the country.