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COMMERCIALLY SEXUALLY EXPLOITED CHILDREN

Within the nation, California has been identified as a magnet for the Commercial Sexual Exploitation of Children (CSEC). Child sex trafficking, child pornography, and child sex tourism are all forms of CSEC. Children who are victimized by exploiters tend to be those with prior involvement with the child welfare system, such as through child abuse report investigations and placement in foster care. In many instances, they are exploited through multiple forms of abuse and cycle through the stages of exploitation many times before they are able to leave their exploitative relationships.

Thus, in October 2017, the California Legislature passed Assembly Bill 1227, the Human Trafficking Prevention Education and Training Act. Specifically, the Legislature found that to reduce the vulnerability of all children in California to incidents of commercial labor or sexual exploitation and to begin to eradicate human trafficking from the state, it was necessary that the state, schools, and counties implement comprehensive prevention education and training procedures designed to do all of the following:

- (a) Coordinate the efforts of counties, local agencies, and other stakeholders through agreed-upon protocol.
- (b) Train county leadership, administrators, and educators to identify children that have been, or may be at risk of being, exploited and how to proceed when potential victims are identified.
- (c) Teach California's school-age population how to avoid becoming victims of exploitation, and help them understand the problem of human exploitation and learn ways to address the problem through service initiatives.
- (d) Evaluate how the implementation of prevention education and training affect both the incidence of human trafficking and the levels of knowledge and vigilance about the issue.

The goal is to develop a coordinated interagency approach to ensure that children who are commercially sexually exploited and children at risk of becoming exploited are identified, protected, and receive the services they need to overcome trauma and thrive. Historically, the primary means of identifying and serving CSEC has been through contact with the juvenile or criminal justice systems, such as arrests for solicitation, loitering, or a related offense. The punitive approach typically taken often has failed to address the holistic needs of the victim.

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In developing responses to CSEC, it is important not to become sidetracked by focusing on a small percentage of the CSEC population consisting of those who have parents capable of addressing their child’s needs as they related to the child’s exploitation and children who have engaged in serious and/or violent criminal behavior who must be served through the juvenile justice system because the public safety risk makes it impractical to serve them in the child welfare system.

Pursuant to §11165.1(d) PC, “commercial sexual exploitation” refers to either of the following:

- A. The sexual trafficking of a child described in §236.1(c) PC or,
- B. The provision of food, shelter, or payment to a child in exchange for the performance of any sex act described in §11165.1 PC or §236.1(c) PC.

§11165.1(d) PC

§236.1(c) PC

In determining whether a minor was caused, induced, or persuaded to engage in a commercial sex act, the totality of the circumstances, including the age of the victim, his or her relationship to the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be considered.

I. Identification

Paramount to successfully intervening in the lives of and providing services for CSEC victims is their identification, which is rendered all the more difficult in that many of them do not perceive themselves to be victims and may deny being exploited. The education of first responders and a screening protocol are vital to this effort. There are both risk factors and warning signs associated with CSEC which Probation staff should be attuned to, which are delineated below.

A. Risk Factors

There are several risk factors that increase a child’s vulnerability to Commercial Sexual Exploitation (CSE); specifically:

- Age – younger children are easier to manipulate and deceive
- History of emotional, physical, or sexual abuse
- Parental alcohol or substance abuse

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- Truant or learning disabled
- Runaways, foster care placements, or those in treatment facilities
- History of child welfare involvement
- History of exploitation within the family or community
- Exposure to domestic violence
- Lack of supervision and care
- Lack of basic necessities such as food, clothing and shelter

B. Warning Signs

There are also warning signs and common characteristics of those who are CSE. Warning signs are divided into three categories: personal, educational, and legal, and are as follows:

Personal

- Inappropriate dress
- Lack of personal hygiene
- Association with an older male or female “friend”
- Possession of large amounts of money
- Chronic runaway behavior
- Signs of violence or psychological trauma
- Homelessness
- Substance abuse
- Multiple sexually transmitted diseases/infections
- Tattoos – specifically, diamond, dollar sign or crown

Educational

- Behind in grade level
- Chronic truancy or absenteeism
- Developmentally delayed
- Tired and lethargic
- In special education programs
- Exhibiting behavioral problems

Legal

- Contact with the juvenile justice system

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- Frequent status offenses – running away, truancy, curfew violations, possession of alcohol/drugs
- Arrests in areas known for prostitution
- Use of fake identification

C. At Risk Definition per the California Department of Social Services:

1. Has a minimum of **one** of the following indicators:
 - a. Child/youth exhibits behaviors or otherwise indicates that she/he is being controlled or groomed by another person;
 - b. Child/youth spends time with people known to be involved in commercial sex;
 - c. Child/youth's use of internet, cell phone, or social media involves social or sexual behavior that is atypical of his/her age;
2. **Or** has a minimum of **two** of the following indicators:
 - a. Child/youth has a history of running away, unstable housing, including multiple foster care placements, or periods of homelessness including 'couch surfing';
 - b. Child/youth has had prior involvement with law enforcement or the juvenile justice system;
 - c. Child/youth is frequently truant;
 - d. Child/youth's relationships are concerning, placing him/her at risk or in danger of exploitation;
 - e. Child/youth has a history of substance abuse specifically narcotics, opiates, crack/cocaine and amphetamines.

II. Legal Requirements

Effective September 29, 2016, §16501.35 W&IC mandated that county child welfare agencies and probation departments shall implement policies and procedures that require social workers and probation officers do all of the following:

§16501.35
W&IC

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- A. Identify children receiving child welfare services, including dependents or wards in foster care, nonminor dependents, and youth receiving services pursuant to Section 677 of Title 42 of the United States Code, who are, or at risk of becoming, victims of commercial sexual exploitation.
 - 1. Children receiving child welfare services include:
 - a. Children and youth who are in foster care and under age 18 (or up to age 21 if they are receiving Title IV-E foster care assistance)
 - b. Children and youth who have not been removed from the home but for whom the agency has an open case file (including candidates for foster care).
 - c. Children and youth who have run away from foster care, provided they have not reached the age at which the state ends Title IV-E assistance (21) (or have not been formally discharged from care); or
 - d. Are youth (up to age 21) who are receiving services under the Chafee Foster Care Independence Program (including closed cases).
- B. Document individuals identified pursuant to Section III A in the Child Welfare Services/Case Management System (CMS) and any other agency record as determined by the county.
- C. Determine appropriate services for the child or youth identified in Section III A.
- D. Receive relevant training in the identification, documentation, and determination of appropriate services for any child or youth identified in Section III A.
 - 1. Specific mandated training is CSEC 101, available online and focused on awareness and identification of CSEC, and CSEC 102,

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which affords a hands-on learning experience regarding determining appropriate services.

- E. Develop and implement specific protocols to expeditiously locate any child missing from foster care. At a minimum, the policies shall do all of the following:
1. Describe the efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent missing from care, including, but not limited to, the timeframe for reporting missing youth, the individuals or entities entitled to notice that a youth is missing, any required initial and ongoing efforts to locate youths, and plans to return youth to placement.
 2. Require the social worker or probation officer to do all of the following:
 - a. Determine the primary factors that contributed to the child or nonminor dependent running away or otherwise being absent from care.
 - b. Respond to factors previously identified in subsequent placements, to the extent possible.
 - c. Determine the child's or nonminor dependent's experiences while absent from care.
 - d. Determine whether the child or nonminor dependent is a possible victim of commercial sexual exploitation.
 - e. Document the activities described above for federal reporting purposes, consistent with departmental instruction.

III. Assessment and Referral for Services

A. Legal Requirements

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Pursuant to §11166(j)(2) PC, a county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of §11165.1.

§11166(j)(2)
PC

Pursuant to §11166(j)(3) PC, when a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation (FBI) and to the National Center for Missing and Exploited Children.

§11166(j)(3)
PC

B. Juvenile Hall

In an attempt to identify and provide appropriate services to CSEC minors, during the Santa Maria Juvenile Hall (SMJH) intake process, the First Responder ID Tool for Commercial Sexual Exploitation of Children is utilized. In the event certain criteria are identified, a Suspected Child Abuse Report (SCAR) must be made with Child Welfare Services.

First Responder
ID Tool for
CSEC

Suspected Child
Abuse Report
Juv-SS 8572

If it is suspected that sexual assault has occurred, the law enforcement agency having jurisdiction over the case is also contacted in no more than 24 hours pursuant to §11166(j)(2) PC. The Rape Crisis Center shall also be contacted to determine if the minor needs immediate services, such as face to face counseling, SAFTY contact or a possible forensic Sexual Assault Response Team (SART) exam. If immediate services are needed, the intake process will be ceased until those services are arranged and provided.

Once the minor has received services and is stable, or if it is determined immediate services aren't needed, the minor is referred to receive services through Resiliency Interventions for Sexual Exploitation (RISE). The RISE program is run through Santa Barbara County Department of Behavioral Wellness and offers services countywide. Through trauma-specific services,

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collaborative partnerships, and community outreach, RISE works to restore and reintegrate survivors, eradicate sexual exploitation and reduce the stigma surrounding sexual trauma in Santa Barbara County. Various stages of the program involve stabilization, coping strategies, maintenance and leadership.

C. Field and Court Services

If, during the course of an interview conducted while preparing a court report, conducting intake functions, or through Probation supervision, a minor exhibits the aforementioned warning signs of CSEC, the assigned officer should engage in a discussion with the minor to try to determine whether exploitation is or has occurred and should complete the First Responder ID Tool for Commercial Sexual Exploitation of Children and make a SCAR referral as appropriate.

If it determined exploitation has occurred, the probation officer should investigate and evaluate the circumstances of the victim's exploitation, including interviewing offender(s), parents, relatives, collateral sources, witnesses, victims, and law enforcement. The minor should also be referred to the RISE program in order to receive supportive services as needed and participation in the Helping Achieve Resiliency Team (HART) calendar should be discussed (see section V).

IV. Santa Barbara County CSEC Program

Santa Barbara County has a CSEC Steering Committee, led by Child Welfare Services; required participating agencies are Probation, Behavioral Wellness, Public Health, and Juvenile Courts. Other participants include District Attorney Victim Witness, law enforcement agencies, and community based organizations. The purpose of the Steering Committee is to provide ongoing oversight and support to ensure the county agencies and partners effectively collaborate to better identify and serve CSEC and youth at risk of becoming CSEC.

A Memorandum of Understanding (MOU) has been executed involving Santa Barbara County Department of Social Services, Child Welfare Services; Santa Barbara County Probation Department; Santa Barbara County Department of Behavioral Wellness; Santa Barbara County Public Health Department; Santa

First Responder
ID Tool for
CSEC

Suspected
Child Abuse
Report
Juv-SS 8572

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Barbara County District Attorney Victim Witness Program; Santa Barbara Rape Crisis Center; and North County Rape Crisis and Child Protection Center for a Santa Barbara County Commercially Sexually Exploited Children (CSEC) Program. The MOU delineates that the involved parties form a multidisciplinary personnel team (MDT) in order to collectively meet the needs of CSEC. The role of the Probation Department in the MDT is as follows:

1. Complete a preliminary screening of all new out of custody referrals received or youth booked into the juvenile hall to identify those at risk of meeting CSEC criteria;
2. Complete screenings of all youth under the supervision of probation whenever a suspicion arises that a youth is at risk of meeting CSEC criteria;
3. Interface with the CWS hotline or designated staff to provide information regarding a youth's status on probation and who is assigned as the Probation Officer;
4. Ensure transportation to medical or therapeutic services necessary for any detained youth if those services are not available in the custodial setting;
5. Consider elements of the CSEC matter in determining whether to request the filing of a WIC Section 602 petition.

Immediate Crisis Multidisciplinary Team

The purpose of the Immediate Crisis MDT is to address the immediate safety and placement needs of the child and may involve both a rapid response within two hours, as well as ongoing support through the first 72 hours post-identification.

The following circumstances will require that an Immediate Crisis MDT be convened by the phone or in person within 2-24 hours when a high risk youth has been identified in the following circumstances:

- a. Youth leaves, is missing, runs away, or is otherwise absent from placement/home/shelter.

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- b. Youth’s placement changes or is becoming compromised;
- c. A new urgent issue, additional exploitation, or abuse emerges in the child’s life;
- d. Child’s service needs change, including preparation for step-down to a lower level of care;
- e. Youth prepares to testify in a court case against his/her exploiter;
- f. Youth’s behavioral health services needs change, including improvement or need for hospitalization;
- g. Contact with law enforcement;
- h. Violation of probation;
- i. Change in court disposition;
- j. 90 days prior to dismissal of dependency or completion of probation terms;
- k. A member of the MDT identifies a need requiring a case review or other response.

Should a minor who meets the above criteria be identified, the CSEC Coordinator, Dana Roscoe, with Child Welfare Services, should immediately be contacted by the assigned Deputy Probation Officer to convene an Intermediate Crisis MDT.

V. Juvenile Court

While the Santa Barbara County Juvenile Court is not a party to the CSEC Program MOU, it serves in an administrative/advisory role to the CSEC Program and supports the work of the Team as it relates to assessing and intervening on behalf of youth identified as CSEC. In North Santa Barbara County, there is a court calendar specific to CSEC, Helping Achieve Resiliency Team (HART). Participation in the HART calendar is voluntary and cases are heard bi-monthly.

Bi-monthly, a team consisting of a Deputy District Attorney, defense attorneys, RISE personnel, DA Victim Witness personnel, Child Welfare Services personnel, and Probation personnel, meet to discuss matters on the upcoming calendar. Treatment concerns, behavioral issues, and progress are discussed and the team collectively determines needed interventions, or alternately recommends when a minor’s case should be terminated based on positive progress. This collective effort

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allows all parties to have a more comprehensive understanding of the minor's circumstance and how best to support the minor.

VI. Probation Supervision

All participants in the HART calendar are assigned to one Probation Officer, as that officer is most familiar with CSEC care and therefore best poised to offer successful interventions. The assigned DPO will participate in HART case staffings and provide in depth notes and recommendations for the Court Hearing Officer (CHO) who manages the HART review calendar.

The officer will also regularly liaise with RISE and CWS as needed, including participating in meetings with those agencies, including the minor's family. The assigned DPO should recognize the unique challenges to engagement with CSEC victims and work to establish a trusting relationship with clients on their caseload. When developing a case plan for the client, it should fit CSEC needs, in collaboration with other provider agencies.

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