

San Francisco Chronicle

February 15, 2015

By Allison Newcombe and Kate Walker



Juvenile Justice System treats victims as criminals

“I’m angry,” 14-year-old Nikki told the judge. Sitting in a special juvenile court for commercially sexually exploited children, the diminutive teen slouched in her seat looking lost in her oversize county-issued sweat suit.

“You’re right, it’s not fair,” the judge, Commissioner Catherine Pratt of the Los Angeles Superior Court, said with genuine sympathy.

The frustration Nikki voiced was her way of saying that she is confused by a system that calls her a victim of human trafficking, and then locks her up for committing prostitution.

Nikki was first placed in foster care at age 6 after experiencing repeated sexual abuse. At 12, after many failed foster home placements, Nikki moved into a group home. She began skipping school, experimenting with drugs and running away. Just before her arrest, Nikki was on the streets under the watchful eye of her “boyfriend,” a 33-year-old man who arranged “dates” for her and beat her if she did not fulfill a nightly quota.

Children like Nikki are not criminals or prostitutes, but they are often treated this way because the child protection and juvenile justice systems have not understood the abuse, trauma and violence they have endured. As such, a majority of court services have been created under the juvenile-justice umbrella — meaning a child must be arrested to access such services. A system that cannot adequately assist victims without criminalizing their behavior is a flawed system.

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In 2000, a federal law was passed to make this point clear — it states that children who are bought and sold for sex are victims of human trafficking. Unfortunately, this law has not adequately shifted the environment for kids. In many states, prostitution laws still do not distinguish by age. Each day, boys and girls like Nikki are arrested and charged with crimes related to their exploitation.

In California, we have the opportunity to change this injustice. Recently, California amended existing law to clarify that children who are commercially sexually exploited and whose parents or guardians have failed to protect them can be served through the foster-care system as victims of abuse and neglect. Allowing these children to be served by the foster-care system provides them access to housing, education, health care and independent living resources without criminalizing their behavior.

Los Angeles' Succeeding Through Achievement and Resilience (STAR) Court is a model that provides intense and individualized support for commercially sexually exploited children. Developed in 2012, the STAR Court is an innovative program for youth who are on probation for prostitution and related charges. This collaborative, victim-centered court actively engages young survivors in decisions about their future. The presiding commissioner, public defender and probation officers assigned to the court are specially trained. In addition, community-based organizations partner with the court to provide legal advocacy to meet victims' needs.

In three years, the STAR Court has worked with nearly 250 victims and survivors. While all of these youths continue to heal from the trauma associated with their trafficking, many have gone on to graduate high school, attend college, secure meaningful employment and build healthy lives free from their traffickers. The court continues to engage youth by planning outings and celebrating milestones like graduations and birthdays. These lasting connections remind teens that there are supportive adults they can depend on and trust — something few have experienced.

While programs like this one are incredibly valuable, the futures of our most vulnerable children should not be left to the chance of having an innovative court or a sympathetic attorney. We can no longer allow these children to go unnoticed. We need to develop collaborative, interagency programs and protocols led by the child welfare system. Right now, counties across California have the opportunity to receive state funding to do just that. As counties prepare to opt into state funding, advocates and service providers should ensure they have a seat at the planning table. Line workers and community providers can offer a rare glimpse into these children's lives. As California Attorney General Kamala Harris recently noted, our foster-care system has become a pipeline to human trafficking. Let's invest now in building a strong, reliable system — one that clogs the pipe. Let's also invest in these children.

Allison Newcombe is a staff attorney and Skadden Fellow at the Alliance for Children's Rights in Los Angeles and provides direct legal services to victims and survivors of child sex trafficking. Kate Walker is a staff attorney at the National Center for Youth Law in Oakland, and serves as the project director for California's Commercial Sexual Exploitation of Children Action Team. To comment, submit your letter to the editor at www.sfgate.com/submissions/#1