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Governor Makes it Clear: Child Sex Trafficking Victims are Not Criminals

Senate Bill 1322 is Critical Step in Children's Recovery and Healing

SACRAMENTO – Child welfare agencies, children's attorneys and community providers are praising Governor Jerry Brown today for signing Senate Bill 1322, which sends a strong message to children who are victims of sex trafficking: You are not a criminal.

The bill by Senator Holly J. Mitchell of Los Angeles ends the practice of treating child victims of sex trafficking as criminals; specifically, by prohibiting law enforcement from arresting or charging minors for prostitution or loitering with intent to commit prostitution. The bill further requires peace officers who encounter children involved in commercial sex acts to report suspected abuse or neglect to county child welfare agencies.

Several statewide and community organizations that directly serve children who are victims of sex trafficking have worked closely with the Administration, Legislature, counties and community partners to educate and help them better understand why treating victims as criminals exacerbates the trauma of being trafficked.

"The youth we work with tell us repeatedly how harmful it is to be treated like a criminal," said Jodie Langs, policy director at WestCoast Children's Clinic. "One young person said, 'Being arrested reinforces that I'd be better off sticking with him – he said that this was going to happen – that I'd go to jail if I left him, and that no one else cares.' When our staff meet with exploited youth while they're in juvenile hall, they hear, 'If I'm a rape victim, why am I in this cell while he's out there?'" Now it's clear: whether an exploited youth is identified in a hospital room or by law enforcement, they are a victim of child abuse, not a criminal."

WestCoast Children's Clinic, which provides mental health services to vulnerable children, youth, and their families, National Center for Youth Law, a non-profit legal organization that advocates on behalf of low-income children, and the County Welfare Director Association of California (CWDA), which represents county child welfare agencies, worked together to

create a statewide campaign to decriminalize child sex trafficking.

“SB 1322 is important because it recognizes these children as serial rape victims who must be treated with care. These children need specialized treatment for months and even years after they are recovered in order to address the trauma associated with their exploitation as well as the years of abuse they often endured prior to trafficking,” said Frank Mecca, CWDA Executive Director. “For too long, child sex trafficking victims in California have been seen and treated as criminals, often arrested and taken to jail for prostitution, which only exacerbates their trauma.”

SB 1322 also builds upon state law – SB 855 – enacted in 2014 to clarify that commercial sexual exploitation is child abuse and victims should be served by child welfare agencies to the greatest extent possible. The Legislature provided \$20 million as part of SB 855 to help child welfare agencies and community partners get victims the immediate, appropriate services they need to heal.

“Community service providers and child welfare agencies have thoughtfully crafted the foundation of a program to provide victims with the services they need. These services address the continuum of victims’ needs – from the most immediate and basic such as clothing, a safe place to stay, medical care – to longer-term needs such as employment and therapy to ensure these children can begin rebuilding their lives after enduring chronic trauma,” said Kate Walker Brown, attorney at the National Center for Youth Law. “We are grateful to the leadership of Governor Brown and Senator Mitchell, and see SB 1322 as a critical next step in California’s work to fight and end child sex trafficking.”

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