

SEX TRAFFICKING OF GIRLS

SUMMARY

The 2011-2012 Orange County Grand Jury studied the sexual exploitation of youth under 18 years of age in Orange County. Although sex trafficking involves both males and females; for the purpose of this study the focus was limited to girls. “There are many forms of trafficking, but one consistent aspect is abuse of the inherent vulnerability of the victims”.¹

The 2011-2012 Orange County Grand Jury discovered that sexual exploitation of girls is growing rapidly throughout the United States. Limited awareness exists among Orange County government officials, social service agencies, law enforcement and the general public in recognizing sex trafficking as a crime for the victim.

PURPOSE

The purpose of this study is to raise awareness of the sex trafficking of girls under the age of 18 in Orange County. The 2011-2012 Grand Jury is sending a message to law enforcement and governmental agencies that they should more effectively combat this injustice through greater communication and collaboration.

METHODOLOGY

The 2011-2012 Orange County Grand Jury’s findings are based on research using the following methods:

- Attended a conference on sex trafficking at Vanguard University in Costa Mesa, California March 2-3, 2012;
- Interviewed personnel trained in the field of sex trafficking at select police departments;
- Interviewed agencies providing services to victims of sex trafficking, including the Human Trafficking Task Force (HTTF), Salvation Army, Orange County Probation Department and the Orange County Judicial System;
- Interviewed nationally known experts on sex trafficking including members of the Federal Bureau of Investigation, Homeland Security and Vanguard University Global Center for Women and Justice;
- Interviewed the Orange County Sheriff and OCSD Captain of Investigations Division;
- Interviewed Orange County Probation Department supervisors;

¹ INTERPOL, 2012

- Interviewed two Orange County deputy district attorneys who are knowledgeable regarding the implementation of Penal Code §1275.1 involving the incarceration of pimps;
- Participated in a ride-along with police vice squad personnel who work in the area of sex trafficking; and
- Researched articles found on the Internet web sites related to sex trafficking.

BACKGROUND

The term trafficker according to the dictionary is defined as a person who trades or deals in a specific commodity or service, often of an illegal nature. “Human trafficking involves the recruitment, transportation or harboring of persons for the purpose of exploitation (typically in the sex industry or for forced labor)”.² The 2011-2012 Grand Jury study focuses on the sexual exploitation of girls under 18 years of age in Orange County.

Traffickers use a variety of methods to maintain control over their victims including force, sexual assault, threats of violence and physical or emotional abuse. Traffickers exploit vulnerabilities and lack of opportunities, while offering promises of housing, food, clothing, marriage, employment, education and/or an overall better life. Ultimately, promises may never be fulfilled and the girls become dependent on the trafficker. Eventually the trafficker demands “payback” for providing these essential elements in life by introducing the girl into prostitution.

Some girls who are easy targets for traffickers come from homes where sexual or physical abuse occurred. Often these girls become runaways without resources and fall into the hands of traffickers. The girls are then at the mercy of traffickers who use a variety of methods to maintain control over their victims, including trauma bonding, a psychological development that occurs when the victim begins to see the captor as a savior. The victims are so dependent on the trafficker for survival that they do not see the injustice being perpetrated on them.³

The 2011-2012 Grand Jury learned that in years past, the girls were known to walk along major Orange County streets soliciting customers. Due to the Internet, the sex market has expanded into advertising young girls in a provocative way. Websites attract customers and make the traffickers more difficult to identify and arrest. *“The Internet has been identified as the number one platform that ‘pimps,’ traffickers, and ‘johns’ currently use for buying and selling women and children for sex in the United States. Victims are trafficked through pimp-controlled sex trafficking, escort services, chat rooms, pornography, and brothels disguised as massage parlors which are commonly marketed on websites such as Backpage.com, Eros.com and others. Sex trafficking crosses state or county boundaries. The transient nature of the trafficking markets*

² Royal Canadian Mounted Police; November 2, 2011,

³ Information obtained from interviews with, the Global Center for Women and Justice, Vanguard University, Costa Mesa, CA ; DA Office; Westminster PD

keep pimps below the radar of most law enforcement agencies. This allows the traffickers to move with their victims from city to city evading detection and preventing the girls from becoming identified as minors to law enforcement or service providers such as social services.⁴

Criminal cases show a clear link between dangerous street gangs and human trafficking. *“With state and national crackdowns on drug trafficking, gangs have turned to sex trafficking for financial gain. Unlike drugs, girls can be used more than once, and it is the girls, not the traffickers, who run the greatest risk of being caught and prosecuted.”*⁵ Through multiple interviews, the 2011-2012 Grand Jury learned that as gangs became aware of the lucrative aspects of sexually exploiting young girls they expanded to sex trafficking and created a huge revenue source.

The 2011-2012 Orange County Grand Jury read The National report on Domestic Sex Trafficking and learned that *“misidentification of victims to be the primary barrier to properly addressing America’s trafficked children. Consequently, this misidentification often leads to the criminalization of victims, barring them from receiving proper treatment and care. In fact, in nearly every location American child victims of sex trafficking are being arrested for the crime committed against them while their abusers walk free. In addition, the study found a severe lack of appropriate protective and therapeutic shelters. Finally, the National Report emphasizes that although buyers are critical in addressing the issue of child trafficking, buyers most often escape criminalization.”*⁶ The arrest of a child trafficking victim for prostitution sends a very clear message that she is to blame.

Grand Jury members attended a human trafficking conference held at Vanguard University, Costa Mesa, California on March 2-3, 2012. During this conference it was confirmed many of the children victimized by human traffickers were brought to Orange County from outside the area. Multiple speakers at this conference reiterated collaboration and communication between agencies as key components toward remediation of this problem. It was learned during the conference that sexual exploitation of girls is growing rapidly throughout the United States. The Grand Jury members learned that there is limited awareness among Orange County government officials, social service agencies, law enforcement and the general public in recognizing sex trafficking as a crime for the victim.⁷ This was confirmed through interviews with police departments, probation personnel and Orange County Deputy District Attorneys.

Sex trafficking of girls under the age of 18 is beginning to be recognized as a significant problem throughout the state of California. See Appendix B for a recent description of Los Angeles County’s campaign efforts to address this issue.

⁴ Supra, information from interviews

⁵ Laura Lederer; *“Sold For Sex.; The Link Between Street Gangs and Human Trafficking.”* October 21, 2011; The Witherspoon Institute

⁶“National Report on Domestic Minor Sex trafficking, *“America’s Prostituted Children,”* Shared Hope International, May 2009

⁷ Supra, Vanguard University Conference

LEGISLATION

Penal Code § 1275.1 states that upon *arrest* “*Bail, pursuant to this chapter, shall not be accepted unless a judge or magistrate finds that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained.*”⁸

This provision allows the courts to deny bail and hold perpetrators in custody if there is probable cause to believe that the source of the bail money was illegally obtained, which prevents “pimps” from intimidating and victimizing young girls once they are released from custody. Police officers and district attorneys can become more proactive by filing more declarations setting forth probable cause in cases where they believe that the source of bail money was illegally obtained.

A proposed state initiative entitled the CASE Act (Californians Against Sexual Exploitation) is scheduled for the November 2012 election. This initiative, if passed, provides greater penalties for sexual exploitation of minors. The provisions of the CASE Act are listed in Appendix A.

FACTS

Fact: Sex trafficking of American children is considered by criminals and gangs to be a low risk crime.

Fact: “*The average age that a victim is first trafficked for sex in the United States is just 12-14 years old.*”⁹

Fact: End Child Prostitution and Trafficking (ECPAT-USA) provides training, awareness raising and policy recommendations to organizations in the United States as they work toward resolving the issues of human trafficking.

Fact: The February 29, 2012 Human Trafficking Task Force (HTTF) estimated that over 1,000 victims of human trafficking may be in Orange County although current data does not exist to determine how many are girls under the age of 18. The primary agencies involved are Community Services Programs (CSP); Anaheim Police Department; Westminster Police Department and the Salvation Army. At a HTTF meeting, the need for more training for law enforcement was reinforced. This task force also developed a list of indicators used to identify a human trafficking victim.

Fact: Shared Hope International reported that using a conservative estimate, “a domestic minor sex trafficking victim who is rented for sex acts with five different men per night, for five nights per week, for an average of five years, would be raped by 6,000 buyers during the course of her victimization through prostitution.”¹⁰ According to a study done in Oceanside, California, in

⁸ Penal Code 1275.1

⁹ National report on Domestic Minor Sex Trafficking “*America’s Prostituted Children*,” Shared Hope International, Chapter 3, page 30, Vulnerability, May 2009

¹⁰ Laura Lederer, “*Sold for Sex: The Link Between Street Gangs and Human Trafficking*”, October 21, 2011, Witherspoon Institute

April 2011, the victims of sex trafficking trapped in a hotel for twelve hours a day each brought in between \$1,000 to \$3,000 dollars per day.¹¹

Fact: Orange County Probation supervisors stressed the need for a safe group home to shelter the victim from a trafficker or pimp and provide for stabilization to promote healing and independence. Law enforcement and prosecutors may request detention of a child to protect them from further exploitation by pimps. Three main components of a safe group home are:

- *“Distance: Isolate the shelter from major transportation centers and common trafficking;*
- *Staff Secure: A large ratio of staff to minors can help keep a minor from being re-trafficked and hinder running away;*
- *Formal Security: Security systems such as outdoor and indoor cameras can go a long way in providing security. Highly secure facilities that are restorative in nature can also assist in hindering both outsiders obtaining entry and youth running away.”¹²*

The 2011-2012 Grand Jury determined from interviews with Orange County Probation, the Salvation Army and a Community Coordinator from Flanders Pointe (supported by the Orangewood Foundation) that no safe group home currently exists in Orange County. A news release from the Los Angeles, California, Times newspaper, dated May 31, 2012 indicates a campaign has been launched to halt sex trafficking of underage girls by the Los Angeles County Board of Supervisors. Posters are being installed in Metro buses and rail cars in Spanish and English to call attention to the sexual exploitation of underage girls. Other agencies including the probation department are looking at sexually exploited underage girls more as victims than as criminals. In addition, agencies are exploring access to support services.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2011-2012 Grand Jury requires responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of Human Trafficking in Orange County, the 2011-2012 Orange County Grand Jury has findings:

F1. The Human Trafficking Task Force (HTTF) recognized that more law enforcement training is needed in sex trafficking.

F2. Child victims of sex trafficking require specialized shelter.

¹¹ Ibid, Laura Lederer

¹² Supra, Shared Hope International training conference: *“Sex Trafficking of America’s Youth,”* May 2009

F3. Child victims of sex trafficking are often misidentified. Due to the lack of proper identification of the child's age, law enforcement agencies may be unable to charge the trafficker/pimp with child related sex trafficking violations.

F4. Trafficked minors often flee non-secure shelters. Law enforcement and prosecutors may request detention of a child to protect them from repeated exploitation by pimps.

F5. Penal Code §1275.1 allows the courts to set conditions on bail, including presenting probable cause that the bail money (or the security for the bond) was illegally obtained. This provision allows law enforcement and the courts to hold the perpetrators, which may keep them from intimidating and victimizing young girls once released.

F6. No safe group home currently exists in Orange County to shelter the victim from a trafficker or pimp and provide for stabilization.

F7. Currently no data base is available to law enforcement agencies to check and identify victims of sex trafficking.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2011-2012 Grand Jury requires responses from the Orange County Sheriff/Coroner, District Attorney and the Police Chiefs in the cities set forth in the matrix and requested from the Orange County Executive Officer and Probation Department. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of the agencies in Orange County, the 2011-2012 Orange County Grand Jury makes the following recommendations:

R1. Police and Sheriff Departments should provide additional training for officers to clarify law enforcement's understanding and awareness of minor sex trafficking of girls.

R2. The Sheriff's Department, city police departments and responsible Orange County agencies should develop a data base using a single term such as "Minor Sex Trafficking" to allow the trafficked victims to be systematically tracked with the result of a proper identification and status as a victim of crime. A consistent label for the crime would allow multiple agencies, communities and regions to research and intervene in a single coordinated effort.

R3. Law enforcement agencies and district attorneys should consider using the provisions of California Penal Code §1275.1 more frequently if they have cause to believe that the source of bail money for a 'pimp' or 'john' was illegally obtained.

R4. The County Executive Officer should direct responsible agencies to develop a strategic plan to eliminate this growing problem and meet the immediate need for food, shelter, treatment and

protection from exploitation. The establishment of a safe group home in Orange County would be instrumental in meeting this need.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933 requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a.) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b.) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
 - (4) The recommendation will not be implemented because it is not warranted, or is not reasonable, with an explanation therefore.

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(c.) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary/or personnel matters over which it has some decision making aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section §933.05 are required from:

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RESPONSE MATRIX	F1	F2	F3	F4	F5	F6	F7		R1	R2	R3	R4
Anaheim PD	X		X	X	X		X		X	X	X	
District Attorney	X		X	X	X		X		X	X	X	
Brea PD	X		X	X	X		X		X	X	X	
Buena Park PD	X		X	X	X		X		X	X	X	
Costa Mesa PD	X		X	X	X		X		X	X	X	
Or. County Executive Officer		X		X		X						X
Cypress PD	X		X	X	X		X		X	X	X	
Fountain Valley PD	X		X	X	X		X		X	X	X	
Fullerton PD	X		X	X	X		X		X	X	X	
Garden Grove PD	X		X	X	X		X		X	X	X	
Huntington Beach PD	X		X	X	X		X		X	X	X	
Irvine PD	X		X	X	X		X		X	X	X	
La Habra PD	X		X	X	X		X		X	X	X	
La Palma PD	X		X	X	X		X		X	X	X	
Laguna Beach PD	X		X	X	X		X		X	X	X	
Los Alamitos PD	X		X	X	X		X		X	X	X	
Newport Beach PD	X		X	X	X		X		X	X	X	
OC HTTF	X		X	X			X			X		
OC Probation	X	X	X	X	X	X	X			X		
OC Sheriff/Coroner	X		X	X	X		X		X	X	X	
Orange PD	X		X	X	X		X		X	X	X	
Placentia PD	X		X	X	X		X		X	X	X	
Santa Ana PD	X		X	X	X		X		X	X	X	
Seal Beach PD	X		X	X	X		X		X	X	X	
Tustin PD	X		X	X	X		X		X	X	X	
Westminster PD	X		X	X	X		X		X	X	X	

Appendix A

Provisions of the CASE Act

- *“Increase prison terms for human traffickers (the current penalty for sex trafficking of a minor is 3-8 years); the CASE Act would increase the penalty to 15 years to life in prison;*
- *Increase fines for human traffickers, up to \$1,500,000 to be granted to organizations that provide direct victim services (the current penalty for sex trafficking of a minor is up to \$100,000);*
- *Remove the need to prove “force” to prosecute perpetrators of sex trafficking of a minor (to make it easier to prosecute perpetrators of sex trafficking of a minor);*
- *Mandate two hours of human trafficking training for law enforcement (currently, training is optional);*
- *Require sex traffickers register as sex offenders;*
- *Require all sex offenders disclose internet accounts (one of the main recruiting grounds for minors is on social media sites; requiring registration of internet accounts will prevent sex traffickers from using this communication tool);*
- *Prohibit use of sexual history to impeach or prove criminal liability of trafficked victims.”¹³*

¹³ CASEAct.org

Appendix B

COUNTY UNVEILS ANTI-CHILD SEX TRAFFICKING CAMPAIGN



Los Angeles County Supervisor Don Knabe joined local law enforcement officials, Metro executives and local businesses to unveil a multimedia awareness campaign aimed at informing the public about the heinous crime of child sex trafficking.

The campaign, originally called for by Supervisor Knabe, will appear at Metro train stations and bus stops, as well as on all rail cars, trains and over 3,000 buses in both English and Spanish. Thanks to a generous donation by Clear Channel Outdoor, over 50 digital displays and 15 traditional billboards will broadcast the message across Los Angeles County.

“This campaign is a first step in raising the public profile of child sex trafficking and finding a way to protect these young victims,” said Supervisor Knabe. “This is a great example of government and the private sector working together to shine a light on a travesty that is happening right here in Los Angeles County communities and neighborhoods. Together, we are saying, ‘No more. Not in our streets. Not to our young girls.’”

Metro released 77,000 brochures on child sex trafficking in early April, 2012. The brochures include basic facts, tips on how to recognize victims and what steps to take. At the end of April, 15,000 brochures also were released on Metrolink trains. All ads and posters include a QR code which, when scanned by a smartphone, will direct people to the Metro website for more information on what they can do to help fight child sex trafficking.

“Metro applauds the leadership of Supervisor Don Knabe in launching the campaign to fight child sex trafficking, and we encourage our many riders to be vigilant in telling Sheriff’s deputies or Metro employees if they see suspicious activity on our buses, trains and in our stations,” said Metro CEO Art Leahy.

Los Angeles County is also proud to partner with Clear Channel Outdoor to take its anti-child sex trafficking message to millions of residents.

“Child sex trafficking is a horrible and growing problem in Los Angeles county and Clear Channel applauds the work of Supervisor Knabe and the County to bring attention to this problem in order to encourage residents to take action to protect vulnerable children,” said Clear Channel Outdoor’s Southern California Division President Lee Ann Muller. “Clear Channel is honored to partner on this campaign to communicate this critically important public safety message so we, as a community, can save children from being sexually exploited.”

The digital displays will begin running the anti-child sex trafficking campaign today; traditional billboards will begin on June 4, 2012.

<http://www.publicceo.com/2012/06/county-unveils-anti-child-sex-trafficking-campaign/>

6/2/2012