



POLICY GOAL 6.2

State law should expressly authorize statewide training for juvenile justice agencies on identification and response to child sex trafficking.

MANY CHILDREN WHO HAVE BEEN IDENTIFIED AS VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION (CSE) have been involved with the juvenile justice system, either preceding the CSE or as a result of acts committed during CSE victimization.¹ While many states have taken the important step of enacting non-criminalization laws that prevent victims from being charged with commercial sex or sex-based offenses related to their own rape, CSE children may still interact with the juvenile justice system due to other crimes related to their victimization such as theft, truancy, or other petty offenses.² CSE children may also use drugs or alcohol as a coping mechanism or as a result of forced use by their traffickers, which can also lead to juvenile justice involvement.³ Therefore, juvenile justice, as a rehabilitation and child-serving entity, plays a vital role in identifying potential CSE children and ensuring provision of specialized care to all CSE children identified in its care. To facilitate identification and the provision of appropriate care, state law should, at a minimum, expressly authorize (ideally, mandate) the provision of training on identification and appropriate responses to child sex trafficking for all juvenile justice agency personnel.

While some juvenile justice agencies do this voluntarily, codifying these training requirements in state law is important for many reasons. Mandating this effort through state law recognizes and emphasizes the important role that juvenile justice personnel have in identifying and serving sex trafficking and CSE victims. It also ensures that these efforts will continue as agency-level priorities as needs change. Federal law has included juvenile justice as a key aspect of service response for sex trafficking and CSE survivors. In 2015, the Justice for Victims of Trafficking Act (the “JVTA”) required child protective services personnel to provide comprehensive services for sex trafficking and CSE victims and coordinate with agencies, such as juvenile justice, in serving this population.⁴ Training juvenile justice personnel on an on-going basis, utilizing up-to-date information from the anti-trafficking field, is a key part of providing continued collaborative service responses for CSE survivors.

To guide the implementation, states should consider including additional language on training requirements within the law. For example, state law should ensure that the training content is survivor-informed by a group of survivors with a diverse set of experiences. Survivors of CSE and sex trafficking can provide valuable first-hand knowledge related to traffickers, buyers, grooming and recruitment tactics, and victim vulnerabilities as well as successful methods for identifying, engaging, and serving this population.⁵ State law may also provide direction related to content, requiring the training to address definitions, recruitment tactics, common venues, vulnerabilities, trauma associated with victimization, and how to report suspected trafficking involving minors and adults. With the breadth of survivor-informed training resources available, juvenile justice agencies could utilize existing resources to fulfill training requirements.

Finally, because juvenile justice serves as a key intervention point, it is imperative that states mandate juvenile justice agencies to screen all children at risk of sex trafficking for CSE victimization regardless of when, how, or why they enter the system. Effective screening practices can initiate advocacy efforts to ensure that CSE children avoid harsh punitive measures and have access to multi-disciplinary, trauma-informed services. The screening process, if not done in a trauma-informed and child-centered way, can be retraumatizing.⁶ State law addressing CSE screening within juvenile justice should also include a mandate that professionals responsible for screening receive additional training on how to administer the screening in a trauma-informed way prior to conducting any screenings.

DRAFTING CONSIDERATIONS:

TO ACCOMPLISH THIS POLICY GOAL, STATE LAW SHOULD...

- ▶ Mandate ongoing, statewide training for juvenile justice agencies on identification and response to child sex trafficking and CSEC.
- ▶ Ensure CSEC training for juvenile justice includes a fiscal plan to ensure these efforts can be implemented on an on-going basis.

1 Eraka P. Bath, et al., *A Specialty Court for U.S. Youth Impacted by Commercial Sexual Exploitation*, 100 CHILD ABUSE & NEGLECT 1, 2 (2020).

2 *Id.*

3 *Id.*; *Seeking Justice: Legal Approaches to Eliminate Criminal Liability for Juvenile Sex Trafficking Victims*, SHARED HOPE INT'L 18 (2018), https://sharedhope.org/wp-content/uploads/2018/08/ANALYSIS-OF-STATUTORY-APPROACHES_ver7.pdf.

4 34 U.S.C. § 20302.

5 MARISSA CASTELLANOS, M.S.W., GRETCHEN HUNT, J.D., BETHANY GILOT, M.S., AMY NACE-DEGONDA, B.A., MELODY WRAY, THE SOUTHEAST REGIONAL HUMAN TRAFFICKING ADVISORY GROUP, GUIDING PRINCIPLES: FOR AGENCIES SERVING SURVIVORS OF HUMAN TRAFFICKING (2018).

6 *Id.*