



# Understanding the Commercial Sexual Exploitation of Youth and The Human Trafficking Intervention Courts of New York City

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## Overview of Commercially Sexually Exploited Children

Commercially sexually exploited children (CSEC) can be defined as juveniles (those 18 and under) who perform sexual acts in exchange for money, drugs, food or shelter. While accurate numbers of Commercially Sexually Exploited Children (CSEC) victims are scarce, the U.S. State Department estimates that between 244,000 and 325,000 American youth are at risk for sexual exploitation, and those currently being exploited in the U.S. is estimated to be 199,000 minors. The most common age of entry into the commercial sex industry in the U.S. is between 12-14 years of age. Research confirms that child maltreatment, particularly abuse, increases the likelihood of a child becoming commercially sexually exploited. Rates range from 70-90% of CSEC victims reporting a history of childhood abuse, and children who are victims of sexual abuse are 28 times more likely to be arrested for prostitution at some point in their lives. Furthermore, according to a growing number of studies on trauma and adolescence, 70-80% of CSEC victims experienced one or more traumatic events, most commonly witnessing violence followed by physical and/or sexual violence.

## The CSEC Population of New York City

Though there is a dearth of empirical data about the commercial sexual exploitation of children to offer guidance to policy makers, clearly, the larger context of the sex business in New York City – in which CSEC markets are embedded – has dramatically changed over the last two decades. Demographics

- Gender and age distribution: Youth estimates were 48% female, 45% male, and 8% transgender; and average age of entry into the market was 15.29 yrs.
  - Race/ethnicity: African-American and mixed race youth made up nearly half the sample (48%), and just over a quarter of were white (24%) or Hispanic (23%).
  - Place of birth: The majority of the youth said that they were born in New York City (56%), and less than one in ten (8%) said that they were born outside one of the 50 states, while the remainder where from other states within the country.
  - Living situation: Many of the youth were currently homeless, with 32% characterizing their housing situation as living in the street, although girls were more likely to describe themselves as living in their family home, in a friend's home, or in another home.
- Service Needs**
- Need for employment: Virtually all of those interviewed (95%) reported trading sex for money, and many expressed concerns about finding legal, stable employment for them to leave their current life. Besides employment, 51% cited education and 41% cited stable housing as necessary for them to leave their current life.
  - Role of family dislocations: Less than 10% of the youth said that they could go to a parent if they were in trouble, and only 17% said that they could rely on other family members or family friends to help them out, and another 17% said that they had no one who could assist them in times of trouble or doubt.

## Historic Criminal Justice Response in NYC

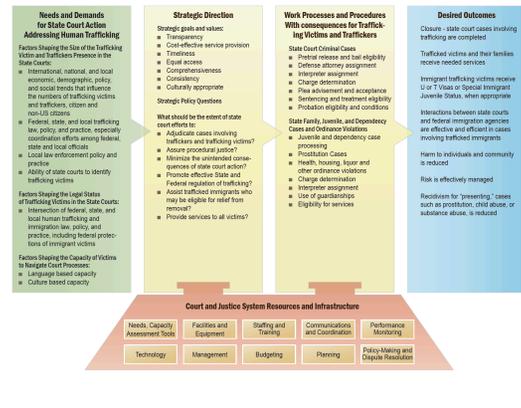
Prostitution, exploitation, and solicitation cases in New York City from 1982-2006 were examined to explore the preexisting criminal justice response to CSEC individuals between the ages of 16 and 18 years old. The annual number of child prostitution arrests fluctuated dramatically over the past 25 years ranging from more than 600 to less than 100.

- Prosecution: Over the past decade of the youth handled in adult criminal court (those ages 16-18), 79% were convicted, of which 22% were sentenced to jail, usually for 1-10 days.
- Youth characteristics: In the past decade, 77% of child prostitution defendants were female citywide, but 54% were female in Manhattan while 36% were male and 10% transgender. Most were on the older end of the age spectrum with average of 17.2 years), and the vast majority (79%) were born in the U.S.

## The Safe Harbor for Exploited Children Act

With implementation of the Safe Harbor for Exploited Children Act, which went into effect on April 1, 2010, New York State has an additional mechanism to address the challenge of trafficked youth under the age of 16. Its objectives include removing minor victims of commercial sexual exploitation from the jurisdiction of the criminal justice and juvenile delinquency systems. And the law aims to protect these children and provide them with specialized services in recognition of their status as victims of crime and unique traumas. The act mandated that trafficked children under 16 be treated as Persons in Need of Supervision in Family Court, instead of as delinquents.

## Human Trafficking Assessment Framework



## Human Trafficking Intervention Courts

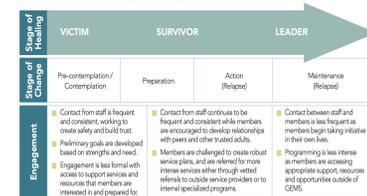
On September 25<sup>th</sup>, 2013, NY launched the Human Trafficking Intervention Initiative. Eligibility for the courts is determined by consensus between the judge, defense attorney and prosecutor, and defendants can choose not to participate. Individuals can attain an Adjudgment for Contemplation of Dismissal upon completion of a court-ordered program, generally rehabilitative services with counseling, and the charge is dismissed and record sealed after 6 months. Special service agencies referred to include Girls Education and Mentoring Services (GEMS), Jewish Child Care Association, Safe Horizon, and Sexual Assault and Violence Prevention Intervention Program at Mount Sinai.

## The Example of GEMS

GEMS Services include prevention and outreach as well as direct interventions including Short-Term and Crisis Care, Court Advocacy (Alternative to Incarceration and Family Court Advocacy), Transitional and Supportive Housing and Holistic Case Management. The Alternative to Incarceration program has for years been part of GEMS' legal advocacy efforts to provide defender-based alternative sentencing services and support for young women ages 16-21 who are survivors of commercial sexual exploitation and involved in the criminal court system in NYC on matters related to prostitution and correlating arrests. The goal of the ATI program is to ensure that all young women arrested for prostitution-related crimes are afforded the opportunity to connect with support services within the community to assist in exiting and recovery.

## The GEMS Victim, Survivor, Leader Model

Figure 2: The Girls Educational and Mentoring Services (GEMS) Victim, Survivor, Leader Model for Serving Trafficking Victims



## Conclusions

- Court strategies for addressing CSEC youth must involve training, cross-system coordination, and evidence-based screening and assessment.
- Attention must be given to unique characteristics and service needs of this population in specific regions. And specialized services should be trauma-informed, strengths-based, culturally competent, and developmentally guided.
- Non court-based and less social justice-oriented strategies remain critical.

## References and Acknowledgements

- U.S. Department of Health and Human Services Administration for Children, Youth and Families (September 2013) Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States (Washington, D.C.: DHHS, ACF).
- The Center for Court Innovation – Girls Education and Mentoring Services
- Human Trafficking and the State Courts – NY State Office of Children and Family Services
- National Institute of Justice, US Dept of Justice – The Polaris Project SAU