

Senate Judiciary Committee
Improving Outcomes for Youth in the Juvenile Justice System
Questions for the Record
February 28, 2017

Senator Amy Klobuchar

[*To Ms. Vafa, Executive Director, Rights4Girls*]: In your testimony, you share the story of one girl who was a victim of sex trafficking and was later arrested and charged with prostitution. Last Congress, I was proud to lead bipartisan anti-trafficking legislation with Senator Cornyn that was signed into law in May 2015. One provision that I authored was modeled after Minnesota's "safe harbor" law. This provision incentivizes states to have a safe harbor provision in effect, which helps to ensure that minors sold for sex are not prosecuted, but are instead treated as victims.

- Can you elaborate on how victims of trafficking are impacted by involvement with the juvenile justice system, and what we can do to better support these victims?

Victims of child sex trafficking in the United States are too often routed into the juvenile justice system for offenses that are directly related to their exploitation. These children are victims of an "abuse to prison pipeline" where instead of being identified and treated as victims of crime and violence, they are instead funneled into the justice system and labeled perpetrators. These victims are not only re-traumatized by involvement with the justice system, but they are often bogged down with arrest and adjudication records that can negatively impact their ability to get their lives back on track and access housing, education, jobs, or other important needs. Although approximately seven hundred youth are arrested for prostitution offenses across the country each year, the total number of incarcerated child trafficking victims is likely much higher. From our work with survivors, probation departments, and community-based providers, we have learned that not all trafficking survivors enter the system on prostitution charges. In fact, most child sex trafficking victims come in contact with the system for other offenses including status offenses (running away, truancy, curfew violations, alcohol/tobacco use, etc.) or for offenses directly related to their exploitation (loitering, trespass, substance abuse, etc.). Therefore whereas Safe Harbor laws are important in terms of changing the culture around child exploitation to ensure that children are seen and treated as victims instead of criminals, they alone cannot keep all child trafficking victims out of the juvenile justice system. These laws must be paired with screening and assessment mechanisms to help identify *all* potential victims of trafficking that come in contact with the juvenile justice system. Last year, this Committee supported S. 1169 which included language requiring state juvenile justice facilities to screen all youth upon intake for trafficking and recommended diverting those children into programs and services where possible. Such concrete identification measures throughout our nation's juvenile justice systems, together with laws that help solidify culture change around the sexual exploitation of children, can help dismantle this harmful pipeline for survivors and help ensure we do not re-victimize trafficking victims.