

**At the Intersections:
California's Response to the Link Between the
Child Welfare System and Sex Trafficking**

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Executive Summary

There are approximately 100,000 children trafficked for sex within the United States every year, and 50–90% of those children have been in the child welfare system at some point in their lives. The system that is designed to ensure the well-being of children is instead a risk factor for commercial sexual exploitation. I explore why this link exists, what is currently being done about it in California, and what other measures ought to be taken. In particular, I focus on a recently implemented California policy, the Safe Harbor law (SB1322), which decriminalized commercial sex for minors and instead connects trafficking victims to the child welfare system. I analyzed SB1322 based on established criteria for an “ideal” Safe Harbor law and questioned the effectiveness of Safe Harbor laws given the already established link between foster care and sex trafficking. My research involved a policy analysis of SB1322 and semi-structured interviews with advocates and experts who work in foster care or for anti-trafficking organizations.

The policy analysis of SB1322 revealed that in combination with other relevant California policy, the law fulfills the majority of the components of the “ideal” Safe Harbor law. Interviewees agreed that, while there may be some tension in the current system, decriminalization is the current best option and that the law has played a significant role in changing the narrative around trafficking survivors from “criminals” to “victims” and providing them the specialized services they need. The main reason this foster care–trafficking link exists is some combination of childhood experiences of abuse and neglect compounded by loss and inconsistency experienced in the foster care system, culminating in a lack of viable options upon aging out of the system. I recommend focusing future efforts on securing consistent funding for anti-trafficking efforts, providing targeted training and services to children in foster care and those who care for them, and strategically recruiting more involvement from the community.

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The academic and emotional labor I have invested in this project over the last several months is merely a drop in the bucket when compared to the work being done day in and day out by those in the field, including the professionals I had the opportunity to interview and the survivors with whom I did not speak but from whom I have everything to learn. It was an honor to join in this work in this small way, and I am grateful to everyone who walked this journey with me. Professors Matsuoka, Shamasunder, and Cha, thank you for your continued guidance and encouragement. Sylvia, you are the backbone of the UEP department, and I am so grateful for all the work you do. Matthew and Aunt Susan, I appreciate your grammatical editations. Mom and Dad, I would not be anywhere without you.

*“Love is at the root of everything — all learning, all relationships — love, or the lack of it. ...
The greatest thing we can do is to show someone they’re loved and they’re capable of loving.”*

— Fred Rogers

Introduction

Among the approximately 100,000 children trafficked for sex within the United States every year, 50–90% have been a part of the child welfare system at some point in their lives (Lillie 2015; Nasr, Coyne, and DiBiase 2017). This makes involvement in the child welfare system, a system designed to promote and protect the well-being of children, one of the greatest risk factors for commercial sexual exploitation (CSE). That is unacceptable. My aim in this study is to understand why this link exists, analyze current efforts to address it, and determine what future measures ought to be taken to combat this link.

It is impossible to present a comprehensive image of a trafficker, or “pimp,” or of a survivor of sex trafficking because within these categories are people of all races/ethnicities, genders, religions, and socio-economic statuses. However, first-hand accounts reveal certain tendencies in the industry, and the account below is among the most common narratives of sex trafficking in the United States (Walker 2013; Sherman and Goldblatt Grace 2011).

Generalizations can be problematic, but this story happens too often to go untold:

From a young age, a girl is taught all the wrong lessons. Sexually abused by a neighbor, a friend, her brother, her dad — she learns that her body is not her own, that to be loved is to be used. Abuse or neglect, maybe both, land her in foster care. Hopefully she is safer here, but it is just one more loss, one more thing out of her control. At some point in her journey from placement to placement, she finds the streets or the streets find her. Then, a man finds her, a man who showers her with gifts and with the attention and affection she has been longing for. He feeds off all of her insecurities and makes her feel like she belongs to a family for the first time in a long time. She trusts him. She loves him. But then, the family dynamic shifts. Money is short and she has to help contribute financially. So she's forced to give up her body once again. Over, and over, and over again.¹

¹ This story is a personally constructed compilation based on several first-hand accounts of girls' experiences in the sex trafficking industry, including (Lloyd 2012; Cecchet and Thoburn 2014; Countryman-Roswurm and Bolin 2014).

Often referred to as domestic sex trafficking or commercial sexual exploitation (CSE) and colloquially called “the life,” ultimately this is the primary form of modern-day slavery (Brodt 2018; Lloyd 2012; U.S. Department of Health and Human Services 2009). While trafficking is an industry with international reach affecting all genders and a wide range of ages, this study focuses on the commercial sexual exploitation of children (CSEC) within the United States. This study is not exclusive to girls, but girls are statistically more vulnerable and therefore a major focus of this analysis (Sherman and Goldblatt Grace 2011; Rafferty 2013).

My analysis centers around California’s recently implemented Safe Harbor law, SB1322. Safe Harbor laws throughout the United States are intended to better serve the needs of survivors of sex trafficking. They do so primarily by decriminalizing sex work for minors. That is, any person under 18 years old involved in commercial sex is automatically treated as a victim of commercial sexual exploitation in that state rather than as a criminal. As such, they come under the jurisdiction of the child welfare system. However, given the link between involvement in the child welfare system and CSEC, I question whether this is an effective solution.

In order to more fully understand the problem, I explored the current literature on the child welfare system and foster care (terms I use interchangeably) and CSEC. I begin by explaining the foster-care-to-sex-trafficking “pipeline” and providing an overview of the two systems, describing and quantifying their magnitude as well as the connection between them. The analysis of the literature explores risk factors for commercial sexual exploitation and how these risk factors are compounded for children in the welfare system — how, in fact, they are often perpetuated by the nature of the system. Next, I provide a brief history of relevant federal and state policy addressing CSE, introducing Safe Harbor policies in the United States. Through a policy analysis of SB1322 and semi-structured interviews of experts and advocates working in

the foster care system and for anti-trafficking organizations, I explore the following research questions:

- *Is SB1322, California's Safe Harbor law, properly addressing the needs of trafficking victims?*
- *What gaps exist in services and policy related to California's child welfare system that ignore, perpetuate, or exacerbate this link?*
- *How should those gaps be approached? What is the appropriate policy response?*

Based on my findings, I present policy-relevant recommendations and suggestions for important future research.

Background + Literature Review

The Foster Care to Trafficking "Pipeline"

The link between the child welfare system and commercial sexual exploitation (CSE) is so strong that it has been considered a "pipeline," particularly in the popular media (NYFI 2018; Hill 2018; Saar 2013). While it is statistically safe to say that 50% of exploited children have a history in the foster care system, other studies have found the percentage to be upwards of 80% (Walker 2013). This is true throughout the United States, including in California. Accurate statistics are often difficult to obtain for this industry because, one, it is a "low-visibility" crime due to its hidden nature and, two, data are often extrapolated from less-targeted data sources, such as arrest, crime, and juvenile detention records (Sherman and Goldblatt Grace 2011). Nevertheless, there are clear examples of studies that confirm this statistic in major California cities. For example, a study of 149 young people identified as survivors of CSEC in San Francisco found that 55% were foster care youth from group homes ("Know the Facts: CSEC," 2018). In Los Angeles, a study of 72 exploited girls involved with the county's Succeeding Through Achievement and Resilience (STAR) Court found that 56, or 78%, had previous contact

with the Department of Children and Family Services (Walker 2013). In 2010, 59% of the 174 juveniles arrested on prostitution-related charges in Los Angeles County were in the foster care system (Sewell 2012).

These statistics are not a conclusion that involvement in the child welfare system *causes* a child to be trafficked. Lilie (2015) affirms, “The overwhelming majority of children in foster care placements in group homes are healthy and safe.” However, the purpose of the child *welfare* system is to promote the well-being of children, and clearly this is not always actualized. The intensity of this foster-care-to-sex-trafficking “pipeline” exposes glaring gaps in the system that need to be addressed. Before analyzing risk factors for trafficking, I provide an overview of the current state of the U.S. child welfare system and the trafficking industry.

Structure and Status of the U.S. Child Welfare System

In the United States, the child welfare system is a group of services “designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to care for their children successfully” (Child Welfare Information Gateway, 2013). At a federal level, the responsibility for implementing child and family legislation lies primarily with the Children’s Bureau, within the U.S. Department of Health and Human Services. The specific procedures, however, vary by state. In California, the Children and Family Services Division of the California Department of Social Services is responsible for providing a variety of programs for at-risk children and families in California, facilitating out-of-home care providers and services for children in out-of-home care, and enabling adoptions for children in need of permanent homes. Programs within California are managed by the state’s 58 individual counties.

Foster care, referred to above as “out-of-home” care, is a temporary service provided by states’ child welfare systems for children who, for various reasons, cannot live with their biological families (“Foster Care” 2018). These reasons include parental neglect, abuse, and/or exploitation, all of which are risk factors for trafficking, as will be expanded upon later.

The most recent available statistics from the Adoption and Foster Care Analysis and Reporting System (AFCARS, in fiscal year 2017) reported over 442,995 children in foster care in the United States. These numbers represent a high-turnover system — in 2017, 247,631 children exited foster care, while 269,690 children entered. Many children are adopted (59,430 in 2017), but adoption is only the goal in some cases when reunification with the child’s biological parents is not an option (Children’s Bureau 2018). In 2016, there were 65,211 children in foster care in California, representing 5.8 out of every 1,000 children (“California Child Welfare Policy” 2016; “Children in Foster Care” 2018).

The majority of these children live in a foster family home, but the length of time they spend in care varies significantly. Their lengths of stay ranged from less than one month to more than five years (“The AFCARS Report” 2017). The more time children spend in foster care, the more likely it is that they will be moved around and experience multiple different placement sites (Danielson and Liao 2010). These different types of placement sites include: foster family homes with relatives or non-relatives, group homes, institutions, or supervised independent living. All foster care must be licensed by the county or state, but the different placement types vary in their level of treatment, structure, and setting (Danielson and Liao 2010).

Historically, foster care has extended up to 18 years of age, at which point children who have not been reunited with relatives or adopted would “age out” of the system and transition into independence, for better or for worse. In 2012, however, AB12, the “California Fostering

Connections to Success Act” became law in California. This law allows foster care to extend up to age 21 for eligible youth, and other transitional housing programs offer services for some up to 24 years old (“AB12 Fact Sheet” 2016; “Program Information & History – THP-Plus” 2018).

Despite the existence of these and other programs, aging out of the foster care system is often a difficult transition for young adults. Too often, it is associated with a variety of negative outcomes, such as housing instability and homelessness, mental health and substance abuse issues, involvement in the criminal justice system, and — most relevant here — trafficking (Shook et al. 2011).

Overview of the Human Trafficking Industry

Human trafficking is the world’s third most profitable criminal activity, trailing only drug trafficking and counterfeiting (Walker 2013). Worldwide it is a \$150 billion per year industry, and the International Labor Organization (ILO) — a United Nations agency consisting of governments, employers, and workers that sets labor standards, develops policies, and devises programs to promote decent work for all people — estimates that 40.3 million people are victims of trafficking, or, in other words, victims of modern-day slavery (Belser 2005; “Forced Labour, Modern Slavery and Human Trafficking” 2017). The United Nations Office on Drugs and Crime defines “trafficking in persons” as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (“Human Trafficking” 2018).

“Human trafficking” is an umbrella term for a variety of crimes, and it is commonly divided into labor trafficking and sex trafficking. Both categories are growing, relevant, and

deserving of research and policy attention. This study focuses on sex trafficking, specifically domestic commercial sexual exploitation within the United States, because the current evidence indicates that involvement in the child welfare system is more strongly linked with sex trafficking than with labor trafficking (Richard, Stephenson, and Nickodem 2015). The primary focus will be on commercial sexual exploitation of children, i.e., those under 18 years of age, but this is not exclusive; statistics linking the child welfare system with CSEC also apply to young adults who have recently aged out of the child welfare system. Because of the structure of the foster care and criminal justice systems, most policy responsibility for child welfare and anti-trafficking efforts lies with states, and this study will be an in-depth analysis of California's response to these issues (Child Welfare Information Gateway, 2013). California is the focus because its Safe Harbor law is one of the most recently implemented and therefore has not yet been systematically reviewed.

According to the ILO, \$99 billion, or two-thirds, of the illegal global profits garnered by human trafficking come from commercial sexual exploitation. There are several reasons CSE is a particularly lucrative and growing illegal industry. Primarily, it is because slaves are inexpensive, produce a high return on investment, and are disposable (Campbell 2005; Rafferty 2013; Bales 2012). Estes and Weiner (2001) found that, among some people involved in trafficking children, involvement in CSE was considered more profitable and less risky than other crimes. Because trafficking victims are often kept under slave-like conditions and receive little to no wages, the pimps are able to keep the majority of the profit, which usually comes from multiple victims (Belser 2005). Additionally, the use of the internet in the industry has grown exponentially in the past several years through the use of online platforms such as Craigslist and Backpage. These are two prominent examples of Web sites increasingly being

used to advertise commercial sex, including by traffickers. These online platforms increase the accessibility and anonymity of buying and selling sex because traffickers and solicitors are able to hide their identities more easily, further lowering the risk of involvement (Halverson 2018).

Common misconceptions around sex trafficking include the ideas that it is only a problem outside of the United States or that the victims are brought in from other countries. However, in the United States, the majority of sex trafficking victims are U.S. citizens or Legal Permanent Residents (Marques dos Santos 2016). In addition to the number of adult victims of CSE in the US, the commercial sexual exploitation of children is increasingly more common. The Federal Bureau of Investigations estimates that around 100,000 children are commercially sexually exploited within the United States each year, and up to 300,000 children in the U.S. are at risk for the same exploitation (Walker 2013; Estes and Weiner 2001).

Health Impacts of Commercial Sexual Exploitation

The commercial sexual exploitation of children causes substantial physical and psychological harm. Victims often experience violence at the hands of their traffickers and solicitors, necessitating care for broken bones, wounds, and other physical health problems associated with beating and rape (Rafferty 2013). The most consistently reported physical health consequences of CSE are infectious diseases, including sexually transmitted infections and HIV, and myriad other reproductive health problems such as unsafe abortions (U.S. Department of Health and Human Services 2009; ACYF 2013; Konstantopoulos et al. 2013). Because pimps often prevent girls from receiving preventative healthcare, they are most often seen in emergency rooms and clinics once the healthcare issue is critical (Sherman and Goldblatt Grace 2011). For this and other reasons, women in prostitution face a higher risk of homicide than “any other set

of women ever studied,” making it one of the most dangerous professions (Emery, 2015). The authors clarify that this does not mean women in prostitution are getting killed, rather that the risk of murder is higher than any other field.

Research consistently suggests that victims of CSE may be at risk of depression, suicide, and Post-Traumatic Stress Disorder. Child victims are also at risk for other mental health issues and interpersonal problems, such as hopelessness, fear, anxiety, skepticism about the future, self-harm, and substance abuse (Rafferty 2018; Sherman and Goldblatt Grace 2011). In some cases, survivors display symptoms of “Stockholm Syndrome,” a trauma-bond in which the victim identifies with the captor and is grateful for the smallest act of kindness, such as decreased violence or a food item. This can result in a victim wanting to defend or protect their pimp and being reluctant to testify against them (Hardy, Compton, and McPhatter 2013). The trauma-bond can be particularly strong between pimps and trafficking victims because of “romantic” relationships pimps often generate as their method of recruitment. Understanding the physical and psychological harm trafficking survivors experience is important because it could potentially help identify victims of trafficking and it provides insight into the type of specialized services these survivors require.

Risk Factors for Trafficking

There are a number of risk factors that increase people’s vulnerability to sex trafficking. First, people who are marginalized because of race, ethnicity, sexual orientation, and/or gender identity face a higher risk. In both the child welfare system and commercial sexual exploitation, people of color are disproportionately represented. In particular, African American youth are overrepresented in CSE. The average age of entry into “prostitution” for African American girls also appears to be lower (Walker 2013). Additionally, youth from the LGBTQ community are

particularly vulnerable to CSE because they experience higher rates of homelessness than non-LGBTQ youth. The fact that some sub-populations are more heavily recruited than others has important implications for prevention and policy response. As Lloyd (2012) states, “If this issue had affected white middle-class girls at the same rate as low income girls of color, we would have seen a very different social and political response by now.” People with intersecting identities, such as women of color, of low socio-economic status, and folks within the LGBTQ community face compounded vulnerabilities that place them at an increased risk for trafficking. This must be taken into account when considering the distribution of resources and other policy-relevant factors.

Second, age is a major risk factor of child sex trafficking. Research shows an inverse relationship between age and vulnerability, i.e. the lower the age, the greater the vulnerability. Third, prior emotional, physical, or sexual abuse significantly increases children’s vulnerability to exploitation. Sexual abuse is especially influential in this case; a 1994 report by the National Institute of Justice states that “minors who were sexually abused were 28 times more likely to be arrested for prostitution at some point in their lives than minors who were not sexually abused” (U.S. Department of Health and Human Services 2009). Fourth, children who have run away and/or are homeless are in a particularly vulnerable position, desperate for basic necessities such as food and shelter (Murphy 2018). Finally, and most relevant, a history of involvement with a child welfare agency, most commonly in the form of foster care placement, is a major risk factor.

History of Abuse Creates a Desire for Love

Significantly, these events and vulnerabilities do not exist independent of each other. Often, children come in contact with the child welfare system because of prior abuse or neglect

by their parents or guardians. Countryman-Roswurm and Bolin (2014) reviewed several studies, all of which corroborate the finding that “survivors of [domestic minor sex trafficking] often have a history filled with a myriad of neglect, abuse, and trauma.” Studies by Raymond and Hughes (2001) and Lloyd and Orman (2007) found that between 65 and 90% of CSEC survivors had experienced child sexual abuse, including molestation, rape, and/or incest, prior to their entry into trafficking (as cited by Countryman-Roswurm and Bolin 2014). Risk factors are commonly clustered; child sexual abuse survivors may have also faced physical abuse, familial neglect, and problematic relationships with caregivers (Countryman-Roswurm and Bolin 2014). These experiences of abuse and neglect serve as a form of “boot camp” for commercial sexual exploitation. Children are “trained” to not have any real boundaries and learn to associate love with pain and sexual abuse; they are taught that they are only valuable for sex and for their bodies (Lillie 2015). Abuse and neglect in childhood often leave survivors with feelings of insecurity, worthlessness, and a strong need to please others. Sherman and Goldblatt Grace (2011) describe it this way:

“Girls who have survived child sexual abuse have already been taught lessons prior to their recruitment that make the pimp’s job easier — their bodies are not their own, adults having sex with children is normal, secrets are to be kept, and no one can keep you safe” (337).

As I expand upon later, this negative self-image can be exacerbated by the loss children experience in the child welfare system.

Homelessness Drives Desperation

Homelessness among youth, another strong risk factor for trafficking, commonly occurs for one of two main reasons. Children in foster care run away from their placements and go

missing, often ending up homeless because they do not know where to turn for help.

Alternatively, children in foster care who have not been reunited with family or adopted “age out” of the foster care system and some become homeless. In 2015, the American Youth and Policy Forum reported that 26,000 youth turn 18 and age out of the foster care system each year (Reock 2015). Because the “California Fostering Connections to Success Act” was passed in 2012, some foster youth are able to receive services up to 21 or 24 years old, depending on eligibility. However, it is unclear thus far how these policies have influenced the prevalence of trafficking among young adults who have recently aged out of the foster care system.

In general, there are not many people looking out for homeless and runaway youth. These young people do not have the support system of a family, community, or organization to keep track of their whereabouts and know if they are missing; this leaves them more exposed and vulnerable (Vander Velde 2010). The transition time is usually very short — runaway and homeless children are often approached by pimps within 48 hours of being on the streets because pimps are often adept at recognizing vulnerable young people and knowing how to recruit them (Sherman and Goldblatt Grace 2011; Moorer 2017).

Experience in Foster Care Exacerbates Vulnerability

Placement in foster care is intended to safeguard children from unsafe home environments, but in some cases, it can serve to exacerbate children’s vulnerabilities. Children placed in foster care are often removed from their homes with little to no advance notice. The trauma of abuse and/or neglect is thus coupled with the sudden separation from parents, siblings, friends, and everything familiar. This relational loss is only one form of “non-death” loss

experienced by children upon entrance into foster care: Children may also experience a loss of self and loss of power (Mitchell 2018).

The length of time children spend in foster care depends on a number of factors, but the longer a child spends in foster care, the more likely it is that they will experience multiple placements (Danielson and Liao 2010). Being moved frequently without warning and not having consistent family figures can result in confusion and instability that leave children seeking relationship and validation in any form (Lillie 2015; Cecchet and Thoburn 2014). One young survivor explained,

“After years in foster care, I didn’t think anyone would want to take care of me unless they were paid. So when my pimp expected me to make money to support ‘the family,’ it made sense to me” (Lillie 2015).

Traffickers Prey on Vulnerability

Traffickers understand these vulnerabilities and prey on them methodically. Rachel Lloyd (2012), a survivor of trafficking and the founder of an anti-trafficking non-profit called Girls Educational & Mentoring Services, states that trafficking is the only industry that intentionally preys upon the most marginalized members of our society. The method of recruitment is one of the ways domestic trafficking in the U.S. differs from international trafficking. Cecchet and Thoburn (2014) found that the international sex trade is a system of organized crime that occurs through kidnapping, parents selling their children, and false promises of jobs. By contrast, the system within the United States, as exemplified in the introduction, is a pimp-prostitute-john system “organized around interpersonal and romantic relationships between pimps and prostitutes... .”

Interviews by Cecchet and Thoburn (2014) and other studies demonstrate this common storyline in the recruitment of young girls in particular. Playing into her desire for love and

relationship, a pimp will befriend a young girl and begin to gain her trust and intimacy in the manner of a significant other. In this style of recruitment, pimps are called “romeo pimps” because they will flood victims with gifts, affection, and attention until “the money gets tight” and she has to start contributing financially by selling her body for sex (Walker 2013). In this way, pimps feed off the victims’ emotional and psychological vulnerabilities, especially those with a history in the child welfare system, by creating a falsely familial structure in which the victim feels a sense of belonging and value (Lloyd 2012). While many of these risk factors may be thought of as “push” factors, factors that push people toward trafficking — abuse, neglect, homelessness — this familial structure is a “pull” factor in that it draws people in, especially children in the foster care system who have a strong, unfulfilled desire for belonging (Brodth 2018).

The intimacy and intricacy of the risk factors for CSEC contribute significantly to the complexity of this issue. This is a multifaceted problem that demands a multilevel solution. For decades, non-profits and policy makers have wrestled with the question of how best to address these issues individually and at their intersection. Below is an overview of relevant policy that has been introduced and implemented in the past 25 years, culminating in California’s most recent step: the Safe Harbor law, SB1322.

A Brief History of Relevant Federal and State Policy

The 1996 First World Congress Against the Commercial Sexual Exploitation of Children formulated a definition of “Commercial Sexual Exploitation of Children” that began the ongoing process of reframing the discussion of “child prostitution” as “sexual exploitation.” Without such a definition, children could be arrested and convicted for an act to which they were not legally

allowed to consent, an act that without an exchange of money or goods, would have been considered statutory rape (Marques dos Santos 2016).

In 2000, the United States passed the Trafficking Victims Protection Act (TVPA), which states that any individual under 18 years old who is induced to perform a commercial sex act is a victim of a “severe form of trafficking” (Trafficking Victims Protection Act 2000). This was a landmark development in the U.S., but, as a policy, it had severe limitations. In particular, there continued to be a disconnect between federal and state law. While the TVPA provided recommendations for how to treat victims of CSEC, the majority of CSEC cases are handled at the local and state levels, and states were not mandated to abide by these laws. Therefore, minors continued to be prosecuted at the state level even though they were federally protected.

It was not until 2008 that this disconnect began to be remedied. In 2008, New York passed the first Safe Harbor law in the United States. By 2015, 34 states had passed Safe Harbor laws, but their provisions vary significantly. In her 2016 analysis of Safe Harbor laws, Marques dos Santos described the overall goal of states’ Safe Harbor laws as: decriminalizing prostitution for minors, recognizing that the needs of those victims exceed the capabilities of the criminal justice system, and acknowledging that criminal justice responses are more often than not harmful to minors.

One of the major provisions of Safe Harbor laws is to connect child victims of sexual exploitation with support services, often through the child welfare system. Yet because, as the literature demonstrates, involvement in the child welfare system is a major risk factor for CSEC, this compromised the effectiveness of this pathway. The question arises of whether placement in the child welfare system, in its current state, satisfies the needs of these victims, or whether it instead creates the potential for the cycle to continue.

While some organizations have done partial analyses of Safe Harbor laws (Richard, Rawal, and Tiwari 2015), the analysis of Safe Harbor laws performed by Marques dos Santos was the first comprehensive systematic analysis of the impact of these policies on the number of arrests of children. However, she found that it was too soon to do an effective study of the policies' overall impacts. In 2017, California passed its own Safe Harbor law, SB1322. Because the law was implemented so recently, there has yet to be a systematic analysis of California's Safe Harbor law.

Although it is too soon to do an impact analysis of SB1322, this study will include an analysis of the policy based on criteria used by Marques dos Santos (2016) and the Coalition to Abolish Slavery and Trafficking (CAST), in order to understand how this law compares to an "ideal" Safe Harbor law. In addition, through interviews with experts and advocates in the fields of child welfare and sex trafficking, I will investigate the short-term impacts of California's Safe Harbor law and other potential programmatic and policy responses.

Methodology

Research Questions

Given that placement in foster care is a major risk factor for commercial sexual exploitation of children within the United States, this study addresses the following questions:

- *Is SB1322, California's Safe Harbor law, properly addressing the needs of trafficking victims?*
- *What gaps exist in services and policy related to California's child welfare system that ignore, perpetuate, or exacerbate this link?*
- *How should those gaps be approached? What is the appropriate policy response?*

Policy Analysis

I conducted a policy analysis in order to assess how thoroughly SB1322, California's Safe Harbor law, has addressed the needs of sex trafficking victims. The criteria I used to analyze the policy are based on previous reviews of states' Safe Harbor laws, including by Marques dos Santos (2016) and by the Coalition to Abolish Slavery and Trafficking (2015), the leading organization in the fight against trafficking through service provision and policy development. These criteria state that Safe Harbor laws ought to provide at a minimum: decriminalization, training, funding, jurisdiction, specialized services, increased penalty for traffickers and solicitors, and lower burden of proof (see Table 1 for more detailed criteria descriptions). These criteria constitute an "ideal" Safe Harbor law, that is, one that comprehensively addresses the needs of minor trafficking survivors on a system and personal level. By methodologically reviewing the policy, I gained a preliminary understanding of which needs of trafficking victims are being met and which are not, and thus have identified gaps that need to be intentionally addressed.

Semi-Structured Interviews

I complemented this policy analysis with semi-structured interviews of advocates and experts in the child welfare system and in anti-trafficking efforts. I interviewed eight individuals, four who work for anti-trafficking organizations and four who work (or have worked for foster care organizations). Each interviewee is engaged with these issues on a daily basis and works with trafficking survivors and/or children in the foster care system. These interviews allowed me to gain a more nuanced and well-rounded understanding of the preliminary impacts of the Safe Harbor law and a hands-on grasp of the gaps in the system and potential solutions. The

interviews were driven by open-ended questions geared toward the interviewee's area of expertise. This allowed for a flexible but focused conversation. The questions for professionals in the child welfare field focused on their concerns for children aging out of the system, their understanding of the link between foster care and sex trafficking, and their perspective on California's Safe Harbor law. For those working in anti-trafficking fields, the questions centered on their experience working with trafficking victims, what gaps in policy and/or services in the child welfare system might contribute to the intersection, and their perspective on California's Safe Harbor law. (See appendix B for the full list of interview questions.)

All of the interviewees were over 18 years old and voluntary participants in the interviews. Initially, interviewees were recruited through personal connections and internet searches. After making these initial contacts, I recruited the rest via a snowball sampling technique in which interviewees connected me to other contacts in the field. Informed consent forms were used to explain to participants the purpose of the study, risks, benefits, and the researcher contact information for any follow-up. With the permission of the interviewee, all of the in-person interviews (seven of the eight) were recorded and later roughly transcribed. Thematic analysis of interviews was conducted retroactively using transcriptions and interview notes.

Findings + Analysis

Policy Analysis: SB1322, California's Safe Harbor Law

For the first part of my research, I conducted a policy analysis of Senate Bill 1322, California's Safe Harbor law, which was passed in September of 2016 and went into effect January 1, 2017. Based on the criteria for an ideal Safe Harbor policy generated from the work of

Marques dos Santos (2016) and CAST (2015), I was able to identify the ways in which SB1322 does and does not serve the needs of California’s trafficking victims. Table 1 summarizes my findings. In the course of my research, I found that although SB1322 fulfills only some of the seven criteria for an ideal Safe Harbor law, it is not acting in isolation, and thus should not be analyzed in isolation. The remaining criteria for the ideal Safe Harbor law are fulfilled or partially fulfilled by other California state policies, and those policies are referenced in Table 1 and in my discussion below.

| Table 1 — Policy Analysis of California’s Safe Harbor Policy (SB1322) As Compared to Criteria for an ‘Ideal’ Safe Harbor Law | | | |
|--|---|---|---------------------|
| Criterion | Fulfilled by SB1322? | Fulfilled alternatively? | Criteria Satisfied? |
| Decriminalization: No one under 18 years old can be arrested or convicted for the crime of prostitution | Yes. | | Yes. |
| Training: All professionals who might encounter victims of CSEC, primarily first responders, should be trained to use their first opportunity for intervention | No. | Partly. California has implemented mandatory human trafficking awareness training for law enforcement. Additionally, training continues to be mandated for more fields of employees. However, there are still professionals who might encounter victims of CSEC but are not receiving mandatory training. | Partly. |
| Funding: Adequate funding is provided for the protection and provision of services to victims of CSEC and for training of first responders | Partly. A portion of the fine from a convicted solicitor is allocated to the county in which the offense occurred to and designated for the use of providing services for victims of human trafficking. | Partly. California state legislature has approved several one-time funding requests for organizations providing comprehensive direct legal services, but the long-term solution of a Continuing Budget Request is necessary and is being pursued. | Partly. |
| Jurisdiction: The child welfare system has jurisdiction over victims of CSEC even if their trafficker is not a parent or guardian | Yes. Law enforcement must report any allegation of commercial sexual exploitation of a minor to the county child welfare department. | | Yes. |

| Table 1 — Policy Analysis of California’s Safe Harbor Policy (SB1322) As Compared to Criteria for an ‘Ideal’ Safe Harbor Law | | | |
|--|--|--|---------------------|
| Criterion | Fulfilled by SB1322? | Fulfilled alternatively? | Criteria Satisfied? |
| Specialized Services: Victims of CSEC have access to appropriate supportive services, such as counseling, shelters, and psychological and physical therapy | Yes. The law broadens the definition of trafficking victims to include anyone under 18 who has participated or agreed to participate in sex work. (Wigle Weiss 2013) | Yes. All children who are victims of trafficking have access to specialized services within the child welfare system. | Yes. |
| Increased Penalty: Harsher punishments and penalties for traffickers/pimps and solicitors | No. | Yes. In 2012, California passed Proposition 35 to increase criminal penalties for human trafficking, including prison sentences and fines. | Yes. |
| Lower Burden of Proof: Guarantees that proof of force, fraud, or coercion is not necessary for the prosecution and conviction of traffickers of children | Yes. Any commercially exploited child becomes a dependent of the court, irrespective of the use of force, fraud, or coercion. | | Yes. |

As Table 1 indicates, four out of the seven criteria for the ideal Safe Harbor law are fulfilled by SB1322: decriminalization, jurisdiction, specialized services, and lower burden of proof. SB1322 effectively eliminates the legal concept of “child prostitute” and ensures that any minor engaged in a commercial sex act is a victim of commercial sexual exploitation. For this reason, the burden of proof for convicting traffickers of children is lower and the county child welfare department has jurisdiction over any case in which a child is commercially sexually exploited. Within the California Department of Social Services, there is a CSEC division dedicated to serving children who are trafficking survivors. By expanding the definition of trafficking victims to include any minor engaged in a commercial sex act regardless of proof of force, fraud, or coercion, SB1322 expands the reach of these specialized services to those who

previously would have been criminalized. Access to these services was identified by interviewees as one of the main benefits of the policy's implementation, as I will discuss later.

Additionally, the remaining criteria (training, funding, and increased penalty for traffickers and solicitors) are fulfilled or partially fulfilled by other California policy. First, SB1322 does not address training for professionals who might encounter victims of CSEC. However, mandatory human trafficking awareness training is required for several categories of first responders and other professionals, including law enforcement, teachers, and social workers (Oliveira 2018). Required training continues to be expanded, most recently to transit, hotel, and motel workers, but there are still fields in which training ought to be required, such as faculty and staff at colleges and universities (Constante 2018). Second, the funding criterion is partially fulfilled by SB1322 and partially fulfilled by other policy, as Table 1 explains. The need for a consistent, long-term funding solution in the form of a \$12.5 million "Continuing Budget Request for Specialized Services, Technical Assistance, and Training for Victims of Human Trafficking in California's General Fund" was identified by CAST in their 2019 Policy Priority Documents ("Support Policy" 2019). Third, the issue of increased penalties for traffickers and solicitors is not at all addressed by SB1322, but, since the passing of Proposition 35 in 2012, California has had high penalties for traffickers and solicitors in the form of fines and prison sentences ("California Proposition 35, Ban on Human Trafficking and Sex Slavery" 2012). In many ways, California has been at the forefront of progressive anti-trafficking policy, as this analysis indicates. However, although the analysis reveals that all components of the ideal Safe Harbor law are fulfilled or partially fulfilled in California, this does not resolve the question of whether or not Safe Harbor laws in general are the best solution.

Impact of Safe Harbor: Recognition and Services

Understanding that involvement in the child welfare system is a risk factor for sex trafficking adds a layer of complication to the Safe Harbor policy, which puts minor victims of sex trafficking under the jurisdiction of the child welfare system. It raises the question of whether there could be some tension in the policy or a possibility of the cycle repeating itself. I presented this question to my interviewees and got three primary responses.

First, Safe Harbor is better than the alternative. Prior to the implementation of this policy in California and still in some other states, victims of trafficking could be arrested for prostitution and sent to juvenile detention center or prison, sometimes receiving harsher sentences than their traffickers or, in one recent case, being placed in a cell right next to them (Editorial Board 2018). This does not provide trafficking survivors with the services they need, and often upon release they would often end up right back in the same position: unable to support themselves, but now with the added stigma of a criminal record. Placing a child in the foster care system, or returning them to the system in a better placement is a much safer and more effective alternative.

Second, because these children and youth have been identified as victims of CSEC within the foster care system, they become eligible for more specific services designed to address the physical and emotional trauma they have endured (Tobler 2018). Michelle Thompson, founder of a foster group home for children 0-5 years old called Bithiah's House, explained that even in their work with very young children, when staff know that physical or sexual abuse or abandonment has impacted a child's life, this knowledge significantly shapes the way the staff interact with that child (2019). They take practical precautions, such as staying with the child until they fall asleep and making sure the child is never left alone. The same is true for older

youth. Amber Davies, Senior Director of Saving Innocence, a non-profit working specifically with CSE children and youth, shared the statistic that one sex trafficking survivor requires as many services as 20 domestic violence survivors. This is not at all meant to undermine the experience or need of domestic violence survivors, but to spotlight the unique importance of recognizing and comprehending the experience of trafficking survivors so they can be provided with the services they need.

Third, the importance of seeing and understanding commercially sexually exploited children as victims rather than as criminals cannot be overstated, and that is another huge contribution made by the Safe Harbor policy. The policy has begun to change the perspective of law enforcement, service providers, the community, and, in some cases, the victims themselves. However, this perspective shift is by no means complete. Davies explains,

“The law changing is great, but it comes down to beliefs because there’s still this idea ‘these are bad kids.’ These are not bad kids — these are highly traumatized kids who’ve suffered extreme abuse and are now super confused about what love is” (2019).

Understanding the experience of these children can help us begin to recognize that they are just that — children. Not just children, but children with remarkable resilience and a desire to help others (Gibson 2019). Davies spoke with love and passion about the children they work with, saying,

“The way they come out of such trauma with humor and joy and excitement for the little things, I mean, tears of joy for the little things. They are the best kids to work with ever. And while there are a lot of behavioral things and the way they express trauma is really hard sometimes, they are incredible” (2019).

The impact of the Safe Harbor law in California has been significant and beneficial, and the state of California has done extensive work addressing the needs of sex trafficking survivors. But there is still a lot of progress to be made. The section below shows clear confirmation of the

link between foster care and CSE, and includes interviewees' explanations of why this link exists, analyzed in light of the relevant literature. In the following section I present policy and programmatic recommendations for how we ought to get to work based on the policy analysis results and the insight of these experts and advocates.

Unquestionable Link Between Foster Care and CSE

Although research shows a clear link between the foster care system and commercial sexual exploitation, I nevertheless opened the dialogue with interviewees by asking about their experience with this in the field. I asked foster care advocates whether they consider sex trafficking a possible risk for children in the child welfare system, and they all answered yes without hesitation. Jaime Zavala, Executive Director of Olive Crest, a non-profit that provides foster, adoption, and many other services for at-risk children, responded,

“Without a doubt. When people ask us about the intersection of sex trafficking and the work of Olive Crest, we say 100% of our kids are susceptible to trafficking. It sounds horrible, but it’s true. Any kid in the foster care system, even if they’re living at home with their parents.” (2019)

Similarly, every advocate working hands-on with trafficking victims confirmed that the vast majority, and sometimes all, of their clients have some kind of history in the foster care system.

After establishing this common starting point, I dove into the questions of why this link exists. The gaps and problems identified by interviewees as contributing causes can be divided into three categories: pre-foster care experiences, issues with the foster care system, and post-foster care or transitional problems.

Pre-Foster Care: Linking Love, Sex, and Abuse

The most commonly identified pre-foster care experience is a history of trauma and abuse, including sexual abuse. Sarah Hoppmeyer, the Program Manager for the Family Solutions Center and Family Shelter at Union Station Homeless Services, has years of experience as a wraparound therapist in South Los Angeles. Wraparound is a form of “comprehensive, holistic, youth and family-driven” therapy in which a team of professionals “wrap” the child in services and resources designed to meet their unique needs (National Wraparound Initiative 2019).

Hoppmeyer explains that trauma has long-term effects on development (2019). This means that childhood trauma can negatively affect learning and make it difficult to acquire necessary life skills down the line. In addition to cognitive impacts, sexual abuse can cause children to link love, sex, and abuse, which can destroy their understanding of boundaries and what is acceptable behavior in a relationship. Several interviewees noted that many of the children in the child welfare system have little to no experience with healthy relationships. Paula Tobler, who works for a prominent anti-trafficking organization in Los Angeles, described the experience of the trafficking survivors she works with:

“They have never experienced a relationship that wasn’t transactional... They don’t really know what a healthy relationship looks like with healthy boundaries. And then when a trafficker asks them to do things because they need money to pay the rent or whatever, it’s not so weird as it would be for someone who’s had people who just cared for them because they cared for them” (2018).

While the foster care and anti-trafficking sectors have made great strides in the last several years in terms of comprehending and beginning to address these kinds of vulnerabilities, Julia Attala, Executive Director of After Hours Ministry, says, we are still “playing catch up” with the exploiters (2019). Traffickers have a grossly sophisticated and opportunistic understanding of the emotional and other vulnerabilities of children in foster care and those who

have recently aged out. They know how to play into young people's desire for belonging, care, and love, and in this way manipulate them into trafficking situations. Paula adds,

“There have been interviews with people convicted of trafficking who say that it's really easy — they just tune into whatever [the victim's] dream is and they sell them that dream” (2018).

Within Foster Care: Under-resourced, Under-informed, and Inconsistent

“There's a crisis in the foster care system in Los Angeles County,” Jaime Zavala (2019) explained from the outset, in the form of over-worked employees and an under-resourced system. Zavala explains that caseloads of county social workers are exorbitantly large, and Hoppmeyer (2019) confirmed the same for mental health workers. When professionals have to manage increasingly high caseloads, it detracts from the quality of services they are able to provide and leads to burnout.

A second piece of the crisis is a lack of quality foster parents. Instead, social workers see foster parents who are “in it for the money” and/or foster parents who do not fully understand what they are getting into, are not trauma-informed, and thus do not have the skills to fully meet the needs of the children (Tobler 2018; Attala 2019; Gibson 2019).

Another consideration in this area is the question of who ought to be making decisions about children in the foster care system. Michelle Thompson (2019) argued that it can be problematic when the people making decisions and writing recommendations on behalf of a child, such as a county social worker, do not know that child and do not coordinate or communicate with those who do have a relationship with the child. In her experience, the court often makes decisions based on “the county's recommendation.” Thompson, who knows each of the children in her group home intimately, has never been asked to write a recommendation. She

contended that this has often left her and her staff in the dark and, ultimately, was not in the best interest of the child because the team is not able to help prepare them for their next steps.

Despite the impact Thompson's organization, Bithiah's House, has had on the children they have cared for, group homes were identified by several interviewees as an especially problematic sector of the foster care system. Zavala (2019), who shut down Olive Crest's group home in Los Angeles County, spoke very strongly against group homes, comparing their rigid institutional nature and regimented schedule to "junior prison." Group homes have been described as "breeding grounds" for trafficking because pimps are able to send a girl in to recruit other girls (Attala 2019). The inconsistency of staff at group homes due to both the nature of regular work schedules (i.e. the children are interacting with many different staff members over the course of a week) and staff impermanence due to burnout leaves children in group homes without constant, stable support systems.

The lack of a support system in foster care is just one example of the losses these children experience. Mitchell (2018) described the "non-death loss" experienced by children in the foster care system as the sudden loss of family and often all familiarity. Children in both the foster care system and victims of CSEC also experience loss of control and agency over their own lives and loss of their own voice, which can be incredibly disempowering.

Post-Foster Care: Lack of Support = Lack of Options

While this relational inconsistency might be most prominent in a group home, it is a problem pervasive throughout the foster care system, particularly as children are forced to move from placement to placement. This experience often leaves young adults without a stable support

system when they age out of the foster care system. Compounded with a deficit of necessary life skills, young adults suffer a real or perceived lack of viable options to support themselves, which places them at high risk for trafficking.

Recommendations

Stable and Consistent Funding

As my policy analysis revealed, there has been a history of funding support for anti-trafficking efforts in California. However, this support has been inconsistent and unsustainable. California should increase consistent long-term funding by implementing a “Continuing Budget Request for Specialized Services, Technical Assistance, and Training for Victims of Human Trafficking in California’s General Fund” as proposed by the Coalition to Abolish Slavery and Trafficking in their 2019 Policy Priority Documents (“Support Policy” 2019).

Acknowledge and Address Systemic Racism

As was expressed in the literature and confirmed in interviews, children of color are overrepresented in foster care and as victims of CSEC (Lloyd 2012; Attala 2019; Davies 2019). It is necessary to acknowledge these systemic biases and the factors that contribute to them, such as racism in the criminal justice system. As one step toward addressing this issue, resources and services such as funding, awareness raising campaigns, and mentorship programs, should be targeted toward communities of color and lower income communities. These interventions should be led by people, especially survivors, from those communities.

Experientially Relevant Training and Services for Children in Foster Care

Several different types of training are necessary: for children in the foster care system, foster parents, mental health-care providers, and adults who work with children and youth. Paula Tobler explained the importance of teaching children about their rights — letting them know, for example, that if their placement is not adequate, they can and should call to inform their social worker (2018). Beyond rights training, several interviewees identified a need for job skills training and life skills training, such as how to find housing and how to manage finances (Gibson 2019, Hoppmeyer 2019). Although extending the age range of young adults to whom the child welfare system can provide resources (as some recent policies have) is important and beneficial, it is critical that these young adults are provided with the life skills training they need, otherwise they will continue to age out of the system ill-equipped to face the demands of adult life regardless of the fact that they are 21 or 24 instead of 18 years old. Finally, because many of the children in the foster care system have experienced serious abuse and/or neglect, they ought to be afforded adequate mental health services to help them process their experiences (Tobler 2018).

Continue to Implement Trauma-Informed Care

In order for foster parents to be able to care for children well, they need to be more trauma-informed; i.e., they need to understand what these children have experienced and subsequently how to interact with them and help them establish healthy boundaries (Tobler 2018; Zavala 2019). Several organizations, such as Olive Crest, already utilize trauma-informed care and training strategies. This type of trauma-informed education should be required for all people seeking to become foster parents as a way to prevent burnout and to increase foster parents' ability to provide for the needs of the child. Other professionals who provide services

for children in foster care, such as mental health–care providers should have access to the most up-to-date therapy training so they can be providing children with the most effective care possible (Hoppmeyer 2019).

Expand Awareness and Prevention Training

Davies (2019) emphasized the importance of upstream prevention efforts to combat trafficking. She stressed the prevalence of a history of sexual abuse among trafficking victims and emphasized that as a necessary point of focus. Therefore, I recommend increased training for adults who interact with children on how to identify sexual abuse. Further, once sexual abuse has been identified, children then should be afforded specialized mental-health services to help them appropriately process those events. In addition to recognizing victims of sexual abuse, the policy analysis identified mandatory trafficking-awareness training as another key area where growth is necessary. Programs that train people to recognize signs of trafficking and how to respond appropriately should be mandated for every profession where interaction with trafficking victims is possible, including those working with children and young adults in any capacity, all forms of transportation, and all community organizations.

Not only does the awareness of individuals in certain professions need to increase, but awareness of the reach and severity of these issues needs to increase in the general public. For example, Brodt (2019) made it clear that exploitation is prevalent in every facet of the commercial sex industry, including pornography. If more people understood the negative impact pornography consumption can have, it could significantly decrease demand, and decreased demand for commercial sex decreases the demand for trafficked persons (Mickelwait and Mosteller 2013).

Strategic Community Involvement

Because there is a scarcity of foster parents overall and an even more urgent scarcity of quality foster parents, it is important to be strategic about involving people who are willing and able to commit the time and money necessary for fostering children. Community support can help achieve this. The majority of interviewees stressed the importance of public-private partnerships and engagement of faith-based organizations as a strong base for gathering more people to get involved (Attala 2019; Zavala 2019; Gibson 2019; Thompson 2019; Hoppmeyer 2019; Brodt 2019). In previous years, the Department of Children and Family Services in Los Angeles has pursued faith based-partnerships as a way to encourage charitably-minded groups of individuals to get involved with the foster care system (Zavala 2019; Gibson 2019). Community support for foster parents is critical because fostering children is a significant commitment that often involves monitored parental visits, court hearings, psychological evaluations, and emotional/behavioral issues in addition to the “normal” elements of caring for children. Strategic community involvement is necessary to ensure effective, long-lasting, enduring foster care placements.

In addition to engaging new organizations and people from the community, there needs to be better collaboration and communication among organizations and departments already engaged in the issue. Hoppmeyer (2019) shared an example of one way this is already happening — through the Coordinated Entry System (CES) in Los Angeles County. The CES is a county-wide collaboration of social service agencies designed to improve communication between organizations and improve efficiency service provision for people who are homeless. Although the CES is focused primarily on homelessness, is a key example of a platform through which people from all different areas of service can come together to discuss relevant related issues,

including trafficking. As Hoppmeyer described, no longer does she feel pitted against people working for different agencies, but they are “essentially coworkers,” she said. “That’s where the change is going to happen, not when we’re all doing our own thing” (2019).

Ultimately, community involvement is necessary because the solution to these problems comes down to relationships. Davies explains, “We believe the relationship is the intervention” (2019). Therefore, trafficking prevention in part looks like forming relationships, especially one-on-one relationships, with children in schools or once they are in the foster care system (Brodth 2019). This goes hand in hand with increasing community awareness because community members begin to understand that, while the foster crisis is daunting and sex trafficking is an enormous and growing issue, seemingly small contributions can make a significant impact. This can, in turn, assuage their hesitation to engage and increase organizations’ relationship-building potential. When children who have been told their whole lives that they are only worth their bodies or the money they provide begin to hear opposing, empowering messages — that they are loved and valued simply for who they are — it can make a lifelong impact. As Attala shared, “All it takes is one life, one person who says, ‘You matter.’” (2019).

Limitations + Future Research

The main limitation of this study was the lack of breadth in the range of people I interviewed. Because of time and accessibility constraints, I was not able to speak to any survivors of trafficking nor graduates of the foster care system. This is a significant limitation because survivors’ voices ought to be at the forefront of every conversation related to trafficking. Additionally, my research included only people who work for private non-profit organizations. I was not able to interview anyone working on these issues in the public sector. Further, almost half of the interviewees work for faith-based organizations, which could be a source of bias.

All future research should more directly include the experiences and perspectives of survivors so their voices can drive every relevant decision. One specific future research project ought to be an impact analysis of California's Safe Harbor law once it has been in place for several years and long enough to have an effect. Evaluations ought to be done of the policy's impact on prostitution arrest rates for minors and on foster-care-to-trafficking cycles, i.e. minors who cycle from trafficking to foster care and back again.

Conclusion

The child welfare system in California is in place to protect and ensure the well-being of children, but instead it too often leaves children vulnerable to dangerous outcomes such as commercial sexual exploitation. The reasons for this prominent and, so far, unwavering link between involvement in the foster care system and sex trafficking are at the same time grossly systematic and deeply intimate for those involved. Additionally, these issues cannot be viewed or addressed in isolation or merely in conversation with one another. They are both complexly intertwined with other social and urban issues — unemployment, lack of affordable housing, criminal justice, institutional racism, sexism, poverty, homelessness — and a comprehensive solution will consider the necessity of progress in all of these areas.

In California, remarkable work has been done by survivors, non-profit organizations, politicians, and policy-makers to fight alongside and for children in foster care and survivors of trafficking. California's Safe Harbor law furthered the important work of reframing children who have been commercially sexually exploited from criminals to what they are, victims and — even

more accurately — survivors. They are survivors who are resilient in the face of trauma, have so much to offer and teach, and are valued, loved, and worthy of dignity and respect simply for the fact of being human.

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Appendix A — Definitions of Key Terms

For the purpose of this study, the following terms will be defined as such:

- Human Trafficking, or Trafficking in Persons, also called modern day slavery:

“the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (“Human Trafficking” 2018)

- Commercial Sexual Exploitation of Children: used interchangeably with “child sex trafficking” (within the U.S., “domestic minor sex trafficking”) and incorporates “a range of crimes of a sexual nature committed against children and adolescents, including:
 - recruiting, enticing, harboring, transporting, providing, obtaining and / or maintaining (acts that constitute trafficking) a minor for the purpose of sexual exploitation;
 - exploiting a minor through prostitution;
 - exploiting a minor through survival sex (exchanging sex / sexual acts for money or something of value, such as shelter, food or drugs);
 - using a minor in pornography;
 - exploiting a minor through sex tourism, mail order bride trade, and early marriage;
 - exploiting a minor by having her / him perform in sexual venues (e.g., peep shows or strip clubs)” (Lillie 2015)

- Child: a person who is younger than the age of 18

- Child Welfare System: “a group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to care for their children successfully” (Child Welfare Information Gateway, 2013)

- Foster Care: also “out-of-home care,” temporary service provided by states for children who cannot live with their families

Appendix B — Interview Questions

* Note: Interviews will take place in a semi-structured format; these questions serve only as a guide.

For professionals working in the child welfare field:

1. How would you describe your role at [organization/department]?
2. How long have you worked in this current field and in what other capacities?
3. As a child welfare advocate, what are your primary concerns when thinking about children leaving the system?
4. Does your organization consider the possibility of sex trafficking as a risk for children in the child welfare system?
5. Where do you think the leaks are that lead to this possibility?
6. Are there upstream choices that can be made to reduce this possibility?
7. How has California's Safe Harbor policy influenced the work of your organization?
8. Is California's Safe Harbor Policy properly addressing the needs of people who are victims of trafficking?
9. Is there anything else you would like to share?
10. Do you have any questions for me?

For professionals working in anti-trafficking fields and/or government workers:

1. How would you describe your role at [organization/department]?
2. How long have you worked in this current field and in what other capacities?
3. In general, how do you work with victims of trafficking?
4. Do you see victims who are leaving the child welfare system?
5. Where do you think the leaks are that create the possibility of children in the child welfare system becoming sex trafficking victims?
6. Are there upstream choices that can be made to reduce this possibility?
7. How has California's Safe Harbor policy influenced the work of your organization?
8. Is California's Safe Harbor Policy properly addressing the needs of people who are victims of trafficking?
9. Is there anything else you would like to share?
10. Do you have any questions for me?