



UNIVERSITY OF MARYLAND
SAFE CENTER
FOR HUMAN TRAFFICKING SURVIVORS
MPOWERING THE STATE
SUPPORT, ADVOCACY, FREEDOM, AND EMPOWERMENT CENTER

BILL NO: House Bill 0827

TITLE: Child Sex Trafficking Screening and Services Act of 2019

COMMITTEE: Judiciary

HEARING DATE: February 21, 2019

POSITION: SUPPORT

Summary. -- The University of Maryland SAFE Center for Human Trafficking Survivors supports HB0827. The SAFE Center urges a favorable report for this legislation as it will make a significant impact on survivors of human trafficking across the state.

About the University of Maryland SAFE Center. -- The University of Maryland SUPPORT, ADVOCACY, FREEDOM, AND EMPOWERMENT (SAFE) Center for Human Trafficking Survivors (“SAFE Center”) provides survivor-centered and trauma-informed services that empower trafficking survivors to heal and reclaim their lives. The SAFE Center is an initiative of the University of Maryland Strategic Partnership: MPowering the State, a collaboration between the University of Maryland Baltimore and University of Maryland College Park. The SAFE Center supports survivors of sex and/or labor trafficking of all nationalities, ages, and genders through bilingual case management, mental health, economic empowerment, legal, and crisis intervention services. The SAFE Center also aims to prevent trafficking and better serve survivors through research and policy advocacy.

The Difference We Can Make

“Toni”

Toni started using heroin when she was 12 years-old; a family member made the introduction. After six years of heavy drug use, Toni’s physical and emotional scars were evident. At age 15, Toni was forced to engage in commercial sex to pay her rent at a family member’s home. She soon gave birth to a child, who was later put up for adoption.

In 2015—shortly after her eighteenth birthday—Toni finally encountered a specialized human trafficking service provider for the first time. By then, she was being held at Thomas J.S. Waxter Children’s Center (“Waxter”), a female-only detention facility run by the Department of Juvenile Services, on an old juvenile warrant. Toni had crossed paths with multiple state agencies before the specialized service provider screened her as a potential human trafficking victim during the admission process at Waxter. She had never been screened for human trafficking before.

Unfortunately, at that point, it was too late. Toni was quickly released from Waxter into a drug treatment program. Although the service provider urged her to get into a residential treatment program after her inpatient program ended, Toni wanted to return to her family member’s home. One of the last times the service provider heard from her was in a letter she wrote from the inpatient program. In the letter, Toni confided being scared she was going to die soon. Within a few weeks, she overdosed.

“Ariana”

At age 13, motivated by a spiraling marijuana habit, Ariana ran away from home. She quickly fell victim to the controlling influence of a “friend” who offered to provide her with shelter and drugs in exchange for engaging in commercial sex. Before long, Ariana’s trafficker was in complete control of every aspect of her life and was forcing her to engage with dozens of customers every week.

Law enforcement found Ariana in a hotel room with her trafficker when she was 14 years-old. Her trafficker was arrested and charged. Because Ariana was a runaway, law enforcement took her to Waxter. As part of the standard admission screening process, Ariana was quickly identified as a sex trafficking survivor. Rather than being charged with a crime, Ariana was immediately released to her family and began receiving services from a specialized victim service agency. Case managers assisted in her required testimony against her trafficker and offered her therapeutic support and intensive holistic services.

As is common with trauma victims, Ariana had ups and downs throughout her recovery process, including absconding from a specialized anti-trafficking program. Nevertheless, she always stayed in contact with the provider and continued receiving services.

Ariana is now an adult. She is the proud mother of a baby girl and is pursuing higher education. She never engaged in commercial sex again after being recovered. Importantly, she was never criminalized but was, instead, immediately recognized as a victim. Despite her teenage instincts, this recognition allowed her to continue working with the agency—which supported her and did not judge her past actions. Ariana’s long-term goal now is to help other young victims in situations like that in which she found herself at age 14.

The difference

The stories of Toni and Ariana share many common threads. Both young women had a history of substance abuse. Both were trafficked as teenagers. Both were detained at Waxter. Both had access to a specialized service provider.

The remarkable difference between the epilogues of Toni and Ariana’s stories is the result of timing: the determinative difference-maker is when each of them was screened, identified as a victim, and provided access to specialized services. The proposed bill creates a safety net across the state to ensure that every child has access to services as soon as possible. It ensures that those services are specialized and recognizes that what a child sex trafficking victim really needs is a service response rather than a criminal justice response.

What is the impact of Child Sex Trafficking?

While precise data on the prevalence of child sex trafficking are difficult to develop given the hidden and complex nature of human trafficking, the available data indicates that child sex trafficking is a serious problem in Maryland. Maryland enacted laws mandating the reporting of

child sex trafficking to Child Protective Services (“CPS”) in 2012.¹ Since then, over 500 individual children have been identified to the agency. However, the problem is notoriously under-identified and under-reported. The National Center for Missing and Exploited Children estimates that one in seven missing children (the number deviated from one in five and one in six in recent years) are trafficked. Maryland’s missing child rates are in the thousands each year.²

Human trafficking exploits vulnerabilities. Traffickers prey on vulnerable youth, especially those who have grown up in poverty, have experienced domestic abuse or sexual violence, or have been homeless or in foster care.³

The criminalization of child sex trafficking victims is a cruel paradox. An act that makes a child a victim of a crime, including both statutory rape and trafficking, can also make them a respondent in an adjudication for delinquency. Under federal law, the Trafficking Victims Protection Act (“TVPA”), and state law, the trafficking of a child is recognized as victimization and child sexual abuse. Yet a child sex trafficking victim could still be criminally charged.

Thirty-four (34) states have enacted “Safe Harbor” legislation. Safe Harbor in the context of child sex trafficking creates an alternate legal path for survivors and expands victim services to ensure every child has immediate access to the assistance they need and to prevent future trauma. A key element of Safe Harbor laws is meeting the service needs of child sex trafficking survivors. Too many areas in Maryland do not have services immediately available to children. This legislation can help address this issue and ensure assistance to child sex trafficking survivors throughout the state.

How Does House Bill 0827 Address This Problem?

Maryland laid the groundwork for safe harbor legislation through the Safe Harbor Working Group (“Working Group”) led by the Secretary of State and the Protecting Victims of Sex Trafficking Act of 2017 (“PVSTA”), which expanded the definition of child sex trafficking to include children who do not have an identified trafficker – congruent with federal law. The PVSTA recognizes that children are unable to consent to engage in commercial sex. The Safe Harbor Working Group as a collective body made recommendations over the last four years to address child sex trafficking in our state. This legislation is a direct result of the Working Group and its recommendations.

Our vision for Maryland is that every child who is a victim of sex trafficking is able to access services immediately. This will be accomplished by drawing from provisions from numerous models including the No Wrong Door Model in Minnesota and other state models. The Minnesota model works to ensure that no child falls through the cracks by providing for coordinated service provision for children who are confirmed trafficked youth, high-risk, and at-

¹ HB632, Maryland General Assembly (2017) at http://mgaleg.maryland.gov/2017RS/Chapters_noln/CH_152_hb0632t.pdf.

² National Center for Missing and Exploited Children. *The Issues – Child Sex Trafficking* at <http://www.missingkids.com/theissues/trafficking#bythenumbers> (last accessed 2/18/2019).

³ Smith, et al. *National Report on Domestic Minor Sex Trafficking*. Shared Hope International (2009) at http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf.

risk youth. The Minnesota model is a national emerging best practice and could be easily implemented in Maryland.

The Child Sex Trafficking Screening and Services Act of 2019 would establish:

- 1) Protection and not prosecution for child victims;
- 2) Regional coordinators of victim services for high-risk and trafficked youth;
- 3) GOCCP as the entity designating regional service providers
- 4) Provide for standardized and continuing evaluation of the model and grantees.

1) Protection and not prosecution for child victims

The PVSTA recognizes that a child engaged in commercial sex is a victim of sex trafficking. Accordingly, a child should not be prosecuted for a crime committed against him/her or an act to which (s)he was unable to consent. Maryland law enforcement rarely arrests or prosecutes children for the crime of prostitution. The number has steadily declined as law enforcement training on trauma and child sex trafficking has increased. However, current law does not reflect recognition of victimization.

One of the most common arguments – that placing a child in a detention facility is done for their own safety – does not address the need for trauma-informed services that facilitates healing. Further, arrest and detention of a child victim further perpetuates the myth that the youth is an offender and children’s fear that if they seek help they will be arrested.

This proposed legislation allows for protective temporary custody, which is already allowable under Maryland code and would be expanded to include child sex trafficking survivors.

Pursuant to MD Code Courts and Judicial Proceedings § 3-8A-14, a child may be taken into custody if the child is believed to be in immediate danger or if there is reason to believe the child ran away from home. Currently, the law requires law enforcement to contact the children’s parents and either (a) release the child to his/her parent or (b) place the child in shelter care or detention, at the court’s discretion. This bill requires law enforcement, on reasonable suspicion of human trafficking, to contact the Regional Navigator and initiate intake.

2) Regional coordinators of victim services for high-risk and trafficked youth

The need for the implementation of a comprehensive service model for child victims is documented throughout the Maryland Safe Harbor Working Group annual reports. An effective solution for the state is the usage of the Regional Navigator model first adopted in Minnesota. A similar model was recently introduced to Tennessee. Maryland already utilizes a similar model in other realms – namely, rape crisis centers and child advocacy centers, which provide and

coordinate service jurisdictionally for victims of abuse. To Maryland's benefit, there are already numerous victim service organizations meeting the needs of survivors within their community.

This legislation creates a network of providers to span the state by relying primarily on existing resources. Regional Navigators will be located in 6 Maryland geographic areas, covering the entire state. The Navigators will be involved in the annual evaluation process for the Safe Harbor program and will provide services for identified child sex trafficking victims and high-risk children in their respective regions

3) GOCCP as the entity designating regional service providers

Under the model, the Governor's Office of Crime Control and Prevention ("GOCCP") will select the Regional Navigators in Maryland. The ability of GOCCP to oversee grant funding and to create policy across state agencies is documented in other areas of criminal justice – the expansion into anti-trafficking work makes sense. GOCCP is also equipped to utilize existing funding sources or seek out federal grant funding to ensure the Regional Navigators have the necessary means to provide comprehensive services.

4) Provide for standardized and continuing evaluation of the model and grantees.

A critical element of the proposed legislation is the evaluation of Maryland's Safe Harbor program after its implementation. Children can fall through the cracks if the system does not function as intended. This legislation creates multiple points of evaluation, including when GOCCP (1) evaluates and designates the most experienced service providers in each region and (2) conducts a bi-annual independent evaluation after information is acquired by the Regional Navigators. The Department of Human Services ("DHS") is also required by the bill to provide statistics annually to ensure children are being referred into the Regional Navigators.

Conclusion

Child sex trafficking victims in Maryland are *our* children. Through Safe Harbor legislation we can ensure that every victimized child receives the services they need, that every victimized child is treated as a victim and not a criminal, and that every victimized child is not pushed further into the shadows of human trafficking. The approach suggested in this legislation is already working in states such as Minnesota and Tennessee; it is common sense and desperately needed. This is a first step to eradicating the scourge of child sex trafficking in our state.