

Stanislaus County
Commercial Sexually Exploited Children (CSEC) Investigation Protocol
July 2015-June 2018

I. PURPOSE OF THIS PROTOCOL

Stanislaus County has a Child Abuse and Neglect Investigation Protocol that has been in place since 2001. Minimizing trauma to children and agency collaboration are the tenets to investigating a child abuse/neglect case and providing services to the family. These agreements and philosophy remain in effect as this scope of work is expanded to Commercially Sexually Exploited Children. This protocol reflects Stanislaus County's commitment to treating sexually exploited children who have been exposed to severe violence, threats, and trauma as victims of child abuse and human trafficking, rather than criminalizing them as delinquents.

The term Commercially Sexually Exploited Children (CSEC) refers to children and adolescents (0-17 years) who have been victims of a range of crimes of a sexual nature, including:

- Recruiting, enticing, harboring, transporting, providing, obtaining, and/or maintaining 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, shelter, food, drugs);
- Using a minor in pornography; and
- Exploiting a minor by having her or him perform in sexual venues (e.g. peep shows or strip clubs).

II. GOALS

The U.S. Department of Justice convened a Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors, which adopted the following fundamental guiding principles:

- A. Commercial sexual exploitation and sex trafficking of minors should be understood as acts of abuse and violence against children and adolescents.
- B. Minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals.
- C. Identification of victims and survivors and any intervention, above all, should do no further harm to any minor or adolescent.

The goal of this protocol is to ensure the CSEC who are identified are treated as victims and routed to appropriate agencies, and that any evidence that can be used to prosecute traffickers is collected.

III. PROTOCOL

- A. Responding to the needs of CSEC and identifying an appropriate placement by law enforcement

Initial Contact

When an officer comes into contact with a CSEC, the officer will conduct an initial investigation in accordance with internal protocols and must decide whether to:

- Release the minor to lawful custodian. Advise the lawful custodian of what has happened and provide CSEC brochure to the family.
- Contact Community Services Agency, Child and Family Services Division (CSA-CFSD) to initiate the Joint Response Protocol as outlined in the Stanislaus County Child Abuse/Neglect Protocol. If a joint response does not happen then a cross report to CSA-CFSD will be made;
- Take the minor to Memorial Medical Center because he or she is in need of immediate medical care and/or has consented to a sexual assault exam. Haven Women's Center will be contacted to be present at the exam with the victim; or
- In rare cases, arrest the minor and take him or her to Juvenile Hall because:
 - a. There is a warrant for the minor's arrest;
 - b. The officer has probable cause to believe the minor has committed a crime unrelated to his or her commercial sexual exploitation for which arrest is appropriate; or
 - c. The minor is in immediate danger of physical violence, no appropriate non-criminal alternative placement is available, **AND** the minor has committed a crime for which she or he can be detained in Juvenile Hall.

In all cases, the officer will inform the CSEC victim that, as a victim of sexual exploitation, he or she has a right to Crisis Navigation services such as those offered by Without Permission, or other agency providing that service. If the CSEC consents, the officer will call Without Permission at (209-622-0156 or 209-277-7758 for after hours) or other identified provider of Crisis Navigation services to arrange for an advocate to assist the CSEC.

A Crisis Navigator will respond to offer assistance and accompany the minor during an investigative interview. Crisis Navigators can also provide support to the family of the CSEC minor and help to determine the next steps for the CSEC.

B. Determining whether to take the minor into protective custody

An officer has authority to take CSEC minor into temporary custody if the officer has reasonable cause to believe the minor could be deemed a dependent or ward of the court, or the minor has been abducted.

Taking a minor into Protective Custody:

Under Welfare and Institutions Code section 300 et seq., an officer may take a minor into temporary custody without a warrant for the following reasons:

1. The officer has reasonable cause to believe the minor is a victim of abuse or neglect as described in Section 300 and the minor has an immediate need of medical care, the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the minor is left unattended poses an immediate threat to the minor's health or safety. Minors fall within Section 300 if they are victims of commercial sexual exploitation and their parents or guardians failed, or were unable to, protect them from exploitation.
2. The officer has reasonable cause to believe the minor is a dependent of the court or the minor is the subject of section 319 temporary removal orders, and has violated an order of the Juvenile Court or left any placement ordered by the court.
3. The minor is found in any street or public place suffering from any sickness or injury which requires immediate treatment.

Abducted Minor:

An officer may also take a minor into protective custody if there are exigent circumstances such as:

1. It reasonably appears to the officer that a person (e.g. a trafficker) is likely to conceal the minor, flee the jurisdiction with the minor, or, by flight or concealment, evade the authority of the court;
2. There is no lawful custodian available to take custody of the minor;
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the minor; or
4. The minor is an abducted minor.

In exercising his or her discretion regarding whether to take a minor into protective custody, regardless of the minor's age, the officer needs to consider the following: need for immediate medical care; prior or current child welfare involvement; and risk of exposure to further abuse or exploitation.

C. Releasing the Minor to an Appropriate Agency or Placement

After taking the minor into protective custody, the officer must then decide whether the minor should be released to CSA-CFSD, Juvenile Hall, or a community based organization.

First, an officer should determine whether the CSEC is a dependent or ward of the Juvenile Court.

If the CSEC is a dependent of the Juvenile Court, the officer will work with the agency social worker to determine where they can meet and turn the minor over to CSA-CFSD.

If the CSEC is a ward of the Juvenile Court, the officer should consider Probation Department's advice as to whether the minor should be released, brought to Juvenile Hall, or taken to an alternate placement.

If the CSEC minor is not a dependent of the Juvenile Court or a ward, the officer may choose between the following options:

1. Release the minor to a lawful custodian, unless it reasonably appears that the release would cause the minor to be endangered, abducted, or removed from the jurisdiction;
2. Request a joint response by CSA-CFSD, transfer custody of the minor to the responding social worker, and prepare a Juvenile Contact Report (JCR);
3. Release the minor to Center For Human Services, Hutton House as a temporary option; or
4. In rare cases, if a law violation has occurred, the minor may be arrested and taken to Juvenile Hall. A Crisis Navigation case worker can respond to Juvenile Hall to begin to build a relationship with the minor.

D. Building a case against the victim's trafficker

"Victims and survivors may be distrustful of law enforcement, may not view themselves as 'victims', or may be too traumatized to report or disclose crimes committed against them." (*Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, Institute of Medicine and National Research Council, p. 2) A minor victim's inability or unwillingness to provide information to law enforcement or to identify him or herself as a victim are often directly connected to and caused by the trauma she or he has experienced. Regardless of whether a minor is willing or able to participate in the investigation, the minor will be treated as a victim.

E. Responding to the Needs of CSEC and Identifying an Appropriate Placement by Community Services Agency – Child and Family Services Division (AKA CPS)

1. How Referrals are Assigned:
Reports of CSEC minor are reported to the Stanislaus County Child Abuse and Neglect Hotline. If the minor is believed to be in immediate danger the referral will be assigned as a Path III and a social worker will respond within two (2) hours of the call. If Law Enforcement requests CSA-CFSD assistance the social worker will respond as soon as possible. If the minor is not believed to be in immediate danger then the referral can be assigned as a Path II and contact will be made with the family within ten (10) calendar days.
2. Investigation of Referrals:
Any investigation on a CSEC minor requires a joint response with Law Enforcement. As soon as the referral is assigned, contact the law enforcement

agency that has jurisdiction, usually the detective assigned to the Crimes Against Children/SVU unit, to determine an action plan. Also the social worker will contact Without Permission, or agency providing that service, and discuss an action plan for meeting the needs of the minor. The goal would be for a Crisis Navigator to respond and meet with the minor, but a different plan can be developed depending on the unique needs of the referral.

Initiate the required CSA-CFSD assessment for a child abuse investigation per Department protocols. The minor must be interviewed separately from parent or guardian. If the parent/guardian is not at the location, make all attempts to locate and interview them. Determine with law enforcement if:

- a. The minor can be released to lawful custodian. Advise the lawful custodian of what has happened and provide necessary referrals/services.
- b. The minor is not able to return home, but the parent/guardian is willing to make an arrangement, e.g., Hutton House could be a temporary option.
- c. The minor is in immediate need of medical care, is in immediate danger of physical or sexual abuse, or if the physical environment or the fact that the minor is left unattended poses an immediate threat to the minor's health or safety the minor can be placed into protective custody. If these standards are not met then the social worker would have to get a protective custody warrant and follow all Department procedures.

D. CSEC and At-Risk Youth Continuum of Care

Identifying a minor who is at-risk of becoming a CSEC is important because prevention and awareness is key to the minor getting the help they need so they are not sexually exploited. In addition, once a minor is identified as CSEC, providing services to the victim and their family is necessary to help in the recovery process. It is important to have a continuum of care for CSEC which includes the following principles:

- Safety planning for both the minor and the service providers
- Collaboration across the agencies
- Trust and relationship building to foster consistency
- Provision of culturally competent and appropriate services
- Trauma-informed interventions

One of the ways that the principles listed above can be met is by having a consistent screening tool used by those agencies that work with at-risk minors and victims. This specific screening tool is to be determined by service providers participating in the CSEC Multidisciplinary Team.

The following agencies provide services to CSEC victims, minors who are at risk of becoming CSEC, and/or their families:

- **CHS – Hutton House** – 201 Jennie Street, Modesto, CA 95354, (209)526-5544. It is a state licensed temporary shelter for runaway and homeless youth ages 13-17. A CSEC youth can stay up to twenty-one (21) days while crisis concerns are addressed. Hutton House also provides shelter, food, clothing, counseling, drug abuse intervention/prevention and advocacy/referral services; individual, group and family counseling; aftercare services; and family education and parent support classes.
- **Haven Women’s Center** – 618 13th Street, Modesto, CA 95354, (209)577-5980 (crisis line). Haven Women’s Center offers a number of services including legal services, court accompaniment, individual counseling, support groups, advocacy and support through the criminal justice system, case management, crisis intervention, youth services and 24 hour crisis line and shelter.
- **Stanislaus County Behavioral Health and Recovery Services** – 800 Scenic Drive, Modesto, CA 95353 (209)558-2352 or (209)558-4600 (crisis line). BHRS offers mental health and substance abuse services to CSEC victims, Children’s System of Care (CSOC)/BHRS Child Welfare mental health program will be the primary point of entry. As well any BHRS program may offer mental health services at any time. Other services that could be provided are: mental health assessment to determine eligibility and client needs; crisis evaluation; case management; individual, family, or group counseling, substance abuse counseling through BHRS and/or their contractor, linkages and referrals to community partners based on their client’s needs; and Interagency Resource Committee (IRC) to help clients get connected to needed services with the help of many community partners.
- **Stanislaus County Health Services Agency** – 830 Scenic Drive, Modesto, CA 95353, (209) 558-7400. Home or community-based case management by public health nurses to meet the medical, social, educational, and other needs of high risk children and families. Anonymous, confidential and free STD/HIV testing, (209) 558-7700.
- **Victim Services Unit, Stanislaus County District Attorney’s Office** – 832 12th Street, Suite 300, Modesto, CA 95354. Each victim is assigned a Victim Advocate to help them navigate the criminal justice system, orient them to proceedings, and escort them to court. The Victim Advocate works with the victim to identify their specific needs, locate available resources, provide important information for their safety, assist with completion of a claim for any needed benefits through the California Victim’s Compensation Program, and help victims restore their lives.
- **Without Permission** – 1401 F Street, Modesto, CA 95354. Each survivor is assigned a team of Certified Navigators who help directly in their restoration process. The focus of the Certified Navigator is to support and direct a survivor through six (6) key cornerstones of their restoration: Criminal Justice, education, shelter, health, personal care, and faith.

IV. CSEC MULTIDISCIPLINARY TEAM MEETING

By this agreement, the parties are establishing a qualified child abuse multidisciplinary team (MDT), subject to the provisions contained in Welfare and Institutions Code 18961.7. The parties agree that each of its staff participating in any convened MDT meeting are qualified under Section 18961.7 to participate in an MDT and have been trained in the prevention, identification or treatment of child abuse and neglect and are qualified to provide a broad range of services related to child abuse. The purpose of the monthly MDT meeting is to prevent, identify, and treat child abuse and neglect and all participating agencies are allowed to share confidential information for that purpose. As part of the MDT, confidential information may be utilized to: investigate reports of suspected child abuse and neglect for all CSEC cases that have been received; create a safety plan for the minor, identify the minor's needs for proper placement and treatment, develop a plan to connect the minor to appropriate services and determine the appropriate placement for the minor. Additionally, confidential information that is shared among the participating agencies may be used by law enforcement, child welfare, or probation as evidence. The following guidelines reflect statutory requirements under California law:

1. Any discussion related to the disclosure or exchange of the information or anything that is written down during a team meeting is confidential. Testimony concerning the discussion is inadmissible in any criminal, civil, or juvenile court proceeding.
2. Every MDT team member who either receives information or records regarding children and families in the capacity of an MDT member shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records.
3. All information or records obtained during the MDT must be maintained in a manner that ensures the maximum protection of privacy and confidentiality laws.
4. Disclosure and exchange shall not be made to anyone other than members of the MDT.
5. Under WIC 18964 an MDT may allow a parent, guardian or other caregiver of the minor to attend the MDT meeting and provide information, without becoming a member of the MDT. The individual must sign a written statement that he or she will not disclose any confidential information received as a result of attending the meeting.
6. If the victim is a non-minor dependent, the MDT team may have access to confidential records only with the explicit written and informed consent of the non-minor dependent.

V. CONFIDENTIALITY

Agencies shall comply and require its officers and employees to comply with the provisions of Section 10850 of the Welfare and Institutions Code (WIC) and Division 19 of the California Department of Social Services Manual of Policies and Procedures to assure that:

1. Any and all information pertaining to the administration of public social services, for which grants in aid are received shall be confidential and will not be open to examination for any purpose not directly connected with the administration of public social services.

- 2. No person shall publish or disclose, or use or permit, or cause to be published, disclosed or used, any confidential information pertaining to an applicant or recipient.
- 3. Agencies shall inform all of its employees, agents, subcontractors and partners of the above provision and that any person knowingly and intentionally violating the provisions of said state law is guilty of misdemeanor.

VI. TERM

This Protocol shall be effective July 1, 2015, through June 30, 2018.

VII. ENTIRE AGREEMENT

A. This Protocol supersedes any and all other agreements, either oral or in writing, between any of the parties herein with respect to the subject matter hereof and contains all the agreements between the parties with respect to such matter. Each party acknowledges that no representations, inducements, promises or agreements, oral or otherwise, have been made by any party, or anyone acting on behalf of any party, which is not embodied herein, and that no other agreement, statement or promise not contained in this Agreement shall be valid or binding.

B. This Protocol may be executed in counterparts, each of which shall be deemed to be an original but all of which, taken together, shall constitute one and the same agreement.

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This Protocol has been signed by the parties or their duly authorized representatives to become effective as of the date referenced on the first page.

Our signatures below signify our commitment of the CSEC Protocol for the investigation of child abuse in Stanislaus County.



Kathryn M. Harwell, Director
Community Services Agency



Birgit Fladager
Stanislaus County District Attorney



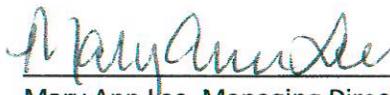
Adam Christianson
Stanislaus County Sheriff



John P. Doering
Stanislaus County Counsel



Brent Smith, Police Chief
Ceres Police Department



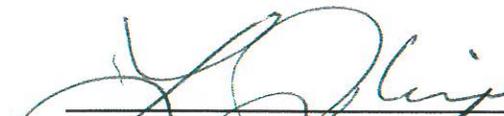
Mary Ann Lee, Managing Director
Health Services Agency



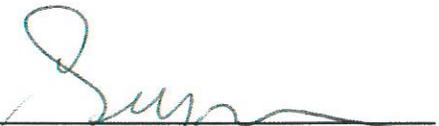
Randy Richardson, Chief of Police
Newman Police Department



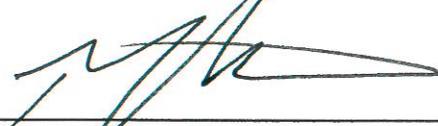
Erin Kiely, Chief of Police Services
Riverbank Police Services



Lester Jenkins, Chief of Police
Oakdale Police Department



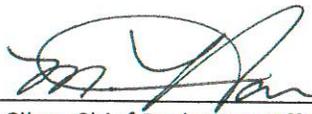
Mike Radford, Chief of Police Services
Waterford Police Services



Robert A. Jackson, Chief of Police
Turlock Police Department



Madelyn Schlaepfer, Ph.D., Director
Behavioral Health and Recovery Services



FOR CHIEF SILVA

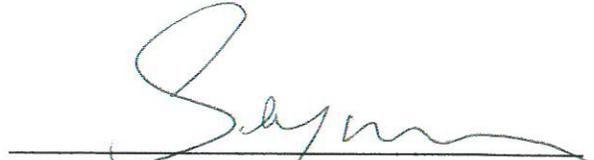
Jill Silva, Chief Probation Officer
Stanislaus County Probation Department



May Rico, Interim Director
Haven Women's Center of Stanislaus County



Jeff Dirkse, Chief of Police Services
Patterson Police Services



Larry Seymour, Chief of Police Services
Hughson Police Services



Galen Carroll, Chief of Police
Modesto Police Department



Debbie Johnson, Founder/CEO
Without Permission



Cynthia Duenas, Executive Director
Center For Human Services