

California Department of Justice
DIVISION OF LAW ENFORCEMENT
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INFORMATION BULLETIN

<i>Subject:</i>	<i>No.</i>	<i>Contact for information:</i>
Harm Reduction Techniques for Commercially Sexually Exploited Youth	2021-DLE-04	John D. Marsh, Acting Chief Division of Law Enforcement (916) 210-6300
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TO: CALIFORNIA LAW ENFORCEMENT AGENCIES

This bulletin provides additional guidance to law enforcement agencies regarding youth who are commercially sexually exploited (CSE). This bulletin is intended to provide further information in support of the previous bulletin entitled “Law Enforcement Obligations for Implementing Senate Bill 1322 and Protecting Commercially Sexually Exploited Children,” Information Bulletin DLE-2017-01 (Oct. 16, 2017). In the last five years, statutory changes have resulted in a shift in the way the State of California views and supports victims of commercial sexual exploitation. These laws have helped bring awareness to the growing epidemic that is child sex trafficking and, more importantly, highlighted the need for all entities interfacing with minor victims to work collaboratively and proactively in efforts to bring this abuse to an end. Given the challenge of engaging and supporting this population effectively, the California Department of Social Services has released guidance supporting the use of a **harm reduction approach** as an emerging practice to better engage and support victims, ultimately allowing law enforcement agencies to build stronger criminal cases against exploiters¹.

CSE of youth is defined as a commercial sex act where anything of value is given to the youth, including the provision of food, shelter, or payment, in exchange for the performance of a sexual act. Note that CSE victims may be girls or boys, and both groups are subject to the same risk factors.

This bulletin proceeds in four parts, covering: (1) A brief overview of the statutory change made by Senate Bill 1322; (2) An introduction to the harm reduction approach; (3) A general discussion of law enforcement’s role in utilizing harm reduction strategies; and (4) Application of the harm reduction approach through each of the stages of law enforcement’s involvement with a case.

Statutory Change

In 2016, the passage of Senate Bill (SB) 1322 made the laws that criminalize soliciting or engaging in prostitution inapplicable to children/youth under 18 years of age. For law enforcement officers, this changed the foundation of how child sex trafficking cases are investigated, and more specifically how minor victims are identified and engaged. SB1322 made the following changes to existing law:

¹ [Introduction to the Harm Reduction Strategies Series Regarding Commercially Sexually Exploited Children](#)

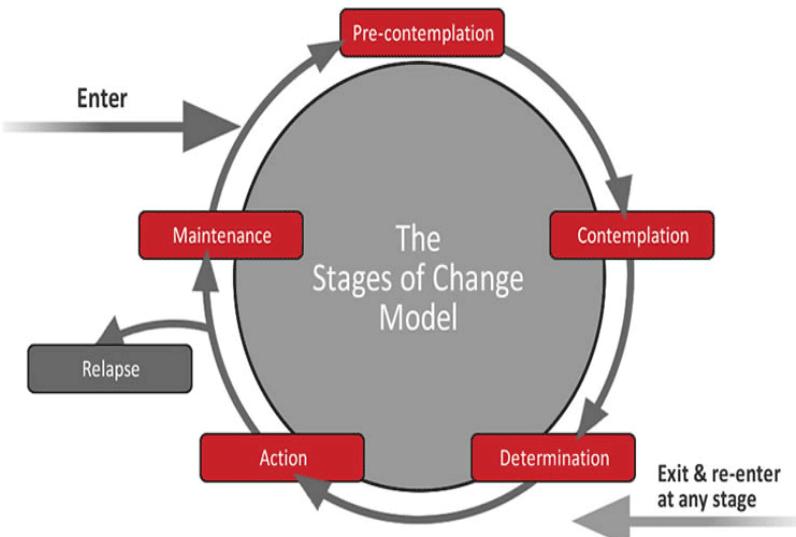
- CSE minors may no longer be prosecuted for soliciting or engaging in prostitution and, in turn, may not be detained in a county juvenile justice center on suspicion of that crime;
- Continues to require a child abuse and neglect report be made to the local county child welfare agency should officers encounter a minor involved in a commercial sex act; and
- Allows temporary protective custody pursuant to Welfare and Institutions Code section 300, subdivision (b), for either release to placement or a legal parent or guardian.²

As a result, SB1322 caused a shift in the way law enforcement officers engage minors they suspect are being commercially sexually exploited. Specifically, officers must take an approach that is **welfare and safety oriented**, including the use of trauma-informed rapport building and increased collaboration with community providers. In addition to benefiting the minor sexual exploitation victims, this creates an opportunity for officers to begin their initial interviews and build rapport with a victim.

The Harm Reduction Approach

Law enforcement officers working with CSE youth will often find that they have a difficult time building and maintaining rapport with the youth and, as a result, conducting a thorough investigation. Tools like **harm reduction**, which help law enforcement officers to better understand CSE youth and recalibrate their expectations of those youth, may prove useful when serving and engaging this population.

Harm reduction practice framework aims to reduce the negative impact of risky behaviors over time, versus immediately eliminating them altogether—meaning that expecting youth to immediately leave an exploitative situation is both unrealistic and ineffective. Instead, a harm reduction approach demonstrates that allowing youth to define their own safety and re-establish their sense of authority will help reduce the reliance on the exploitative situation.



When interviewing CSE youth, it is helpful to consider the **Stages of Change (SOC) model**. This model frames why youth may remain involved in sexual exploitation and can help guide officers in engaging these youth in a more effective manner. The different stages of the model help identify a youth's mindset, and thus inform how an individual working with the youth may more effectively intervene at a specific point in time. It also allows officers to take a more open-minded approach in working with this population—one that better acknowledges the complex dynamics of sexual exploitation, including psychological coercion by the perpetrator.

Progression through these stages is different for every youth. Recovery is not immediate, nor is it consistent. As such, youth may enter and exit stages several times before they are willing or able to leave an exploitative

² [Senate Bill 1322](#)

situation. Below are common behaviors associated with a particular stage of change that officers may observe when engaging with minor victims:

Stage	Behavior
Pre-Contemplation	<ul style="list-style-type: none"> • Defensive, confrontational, angry • Denies involvement in the life, or admits involvement, but does not believe it is a problem • Defends the exploiter, and/or professes care, love, and loyalty to them
Contemplation	<ul style="list-style-type: none"> • Less defensive and more open to talking about experiences • Not yet ready to leave, but is processing the abuse
Determination	<ul style="list-style-type: none"> • More responsive to and engaged with support • Answers exploiter's calls less frequently
Action	<ul style="list-style-type: none"> • May still engage with purchasers for financial stability • Decreased incidences of running away from current placement and/or law enforcement • Open to support, communicates openly
Maintenance	<ul style="list-style-type: none"> • Open and connected to services and a new support system

The SOC model does have limitations, as it does not take into consideration other factors that impede a young person's ability to change, such as threats or acts of violence from their exploiter/abuser, or unmet basic needs. Change for this population is not only an internal process for the young person, but also requires external changes—such as systems of care providing for their basic needs and protecting them from their exploiter.

Law Enforcement's Role in Utilizing Harm Reduction Strategies to Address Commercial Sexual Exploitation

For law enforcement, harm reduction allows for mindful and authentic engagement that will build trust with the youth, ultimately leading to their willingness to share more information that will assist in investigations and eventually prosecutions. Most importantly, it recognizes that **change is difficult**, and that it may take a period of time before a youth is willing or able to leave an exploitative situation. This approach acknowledges that youth will likely continue to engage with purchasers and/or exploiters, as well as defend and protect their exploiter. Throughout the course of an investigation, it is likely a youth will experience periods of instability and frequent instances of running. Harm reduction strategies will help officers work within this reality while cultivating rapport, ultimately supporting a youth's rehabilitation.

Central to the effective use of a harm reduction approach is the understanding that the commercial sexual exploitation of minors is child abuse, and that CSE youth do not feel they have a choice as to whether or not to engage in the exploitative behavior. For those youth who do not have an exploiter, but rather are engaging in survival sex, this too remains a form of abuse and exploitation. For these youth, they feel they do not have a choice *but* to sell themselves to meet basic needs.

Traffickers are skilled manipulators, breaking youth down and rebuilding them in their own image. **It is their goal to make youth believe they are in fact choosing to participate in the life.** This illusion of choice often

leads CSE youth to be uncooperative with law enforcement, displaying anger, combativeness, and/or defiance. More importantly, it results in the youth's denial of their exploitation and causes difficulty when attempting to engage them in the field. It is important to remember that even when a youth presents this way, or states that they chose to engage in the life, that they are conditioned to do so.

Application of Harm Reduction Strategies to Investigations and Prosecutions

1. Recovery/Initial Interview

Most commonly, law enforcement officers are the first authority figures CSE youth come into contact with. This encounter sets the tone and framework for that youth's experience, as well as how receptive they may be to all adults from that point forward. It is essential, for both the case and the youth's well-being, that this interaction be **positive, mindful, and rooted in harm reduction strategies**. As noted above, youth are trained to lie, defy, and distrust law enforcement. This behavior can be long lasting and requires patience to address. This first interaction's focus should be solely about the victim and getting to know them, reconciling that a "win" is not related to the amount of facts obtained, but rather building trust. Below are other common behaviors/actions youth may display during initial recovery, as well as harm reduction strategies that may be helpful to employ:

Action/Behavior	Strategies
Angry, defiant, combative, shut down, "I choose to do this, nobody makes me."	<ul style="list-style-type: none"> • Offer food, clothing, a nap, or to meet any other basic needs; consider keeping emergency backpacks on hand containing appropriate clothing (not to include those items worn by incarcerated minors) and hygiene items. • Allow time for decompression, and for the youth to use the restroom and to freshen up if desired. • Create a "soft space" for interviewing. Refrain from interviewing in any holding areas or interrogation rooms. Instead, utilize an office space with furniture, or create a room that more closely resembles a living room and offers comforts like books, games, stuffed animals, etc. • Allow the youth to make a phone call to a verifiable support person such as their social worker, a close adult friend, or a relative.
Nervous, Evasive, Preoccupied	<ul style="list-style-type: none"> • Establish your role and purpose-remind youth they are not in trouble or under arrest. You are there to help and to ensure they are safe. • If a phone is seized, attempt to process it as soon as possible so that it can be returned to the youth. If the youth is anxious and/or angry about their phone, this may be indicative that the youth is controlled and fearful that the exploiter will be angry if unable to reach them.

Disoriented	<ul style="list-style-type: none"> • Trauma impacts a youth's ability to recall information. There may be gaps in their story, and it may be presented in a non-linear fashion. Additional information will likely be recalled over time. • Exploiters may use chemical substances to control their victims; be mindful a youth may be under the influence or coming down. • Exploiters also use food and sleep deprivation as a means for control-ensure youth have access to these necessities.
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Other strategies to consider:

- Be aware of which detectives/unit to contact upon recovery, if applicable.
- Contact local child welfare agency and/or sexual assault recovery advocate for support during the initial interview.
- Be aware of local community based organizations to connect youth with immediately.
- Create multidisciplinary first responder protocol.
- Use discretion when using handcuffs.
- Consult with the local District Attorney to consider video recording interviews for investigative purposes.
- If any photos need to be taken of youth to document evidence, ask the youth's preference regarding who takes the photos, and offer the presence of an advocate if possible. Photos of them have likely been taken in the course of their exploitation, and there may be shame or discomfort associated with photography.
- Listen to the youth's story with an open mind. Be mindful of how hard it may be to share something so personal to them.
- It is likely you will recover the same youth multiple times. Continue engaging, maintain patience, and focus on building rapport.
- Educate the community through engagement with local churches, community agencies, and town hall forums to build awareness, create a wider net of support, and ultimately reduce the incident of trafficking.

2. Ongoing Investigation

Working with and supporting minor victims of trafficking is undoubtedly challenging and often frustrating. Exploiters have skillfully coerced and manipulated youth's thoughts, perceptions, and beliefs, making investigations particularly difficult for law enforcement officers. However, because the youth are often critical to successful prosecutions, supporting them and prioritizing their welfare benefits both the youth and the criminal case. Throughout the investigation, youth will likely experience emotional and logistical inconsistency. If in a foster placement, it is likely youth will leave and go missing for periods of time, commonly referred to as AWOL. Youth leave due to a number of different factors. Some may feel they do not have a choice but to leave, fearful their exploiter may harm them if they do not continue working. Some may feel the only thing they are good at is commercial sex, and that they are unworthy of anything else. For most, it is both. Regardless, AWOL is part of the healing

process. Harm reduction acknowledges this and engages CSE youth at all times, whether stable or not, recognizing that **consistency and rapport building is the way to long term stability**. Below are other common challenges officers may face during an investigation and strategies to support:

Challenge/Behavior	Strategies
Frequent AWOL	<ul style="list-style-type: none"> • Remain engaged and stay in contact with youth if possible, even while missing from placement. Avoid checking in for the sake of the case; rather, check-in on their well-being. • Identify any basic needs they may have while AWOL and utilize the team to assist in meeting those needs. • If able, meet with youth while missing in a neutral location—focusing on well-being, safety, and not pressuring them to return to care or provide case information. • Maintain communication with the youth’s support system, including their social worker/probation officer, therapist, placement provider/caregiver, etc. • If youth is suspected to, or known for moving outside of the immediate jurisdiction, contact neighboring agencies for information or engagement/recovery support.
Frequent Placement Changes	<ul style="list-style-type: none"> • Identify a consistent point of contact for the youth—ideally the social worker/probation officer, parent/guardian, or local county child welfare agency CSEC Coordinator. • Meet with each new placement provider/caregiver, supporting placement through consistent communication and visits if appropriate—potentially minimizing the incidence of AWOL.
Inconsistent Communication	<ul style="list-style-type: none"> • Maintain frequent contact with the youth to help build and maintain rapport, build trust, teach boundaries, and model a healthy interpersonal relationship. • Determine with youth the best and safest way to maintain contact. For example, if text or phone calls to their phone is unsafe consider using an alias, communicating via social media, scheduling weekly check-in’s at a certain time, and/or creating a “safe word” for the youth to utilize when in danger or need of help.
Ongoing/Changing Narrative	<ul style="list-style-type: none"> • Acknowledge that youth will share more as they become more comfortable; do not accuse youth of being dishonest unless certain it is the case; attempt to reconcile past and present narratives with other evidence.

Other strategies to consider:

- Keep the youth informed and remain as transparent and honest as possible.
- Help the youth to develop a sense of safety in order to facilitate them sharing their experience. Youth often feel deeply connected to their exploiters, and “snitching” on them will often feel like betrayal. Further, most exploiters have threatened to harm the youth and/or their families should anything ever be shared with law enforcement.
- Recognizing the transient nature of the population, consider sending out a statewide bulletin to seek out any other information from other law enforcement jurisdictions the youth may have come into contact with.
- Utilize National Center for Missing and Exploited Children (NCMEC) for support in locating missing minors. NCMEC has access to several internet search platforms that can assist in locating trafficked youth, as well as assist law enforcement in their investigation of traffickers.³
- Avoid causing a youth to feel like interviews are simply fact finding missions; build a relationship and take interest in the youth’s life and interests.
- Utilize Children’s Advocacy Centers for additional supports in interviewing and accessing services.⁴

3. Prosecutorial Submission

For most CSE youth, the most difficult part of a case is testifying. How a youth is prepared and protected leading up to a testimony is just as vital to the youth’s well-being as it is for a conviction. Below are strategies to consider when preparing a victim for, and supporting them throughout, testimony:

- Utilize District Attorney Victim Advocate for support.
- Be honest and explain the process for testimony in its entirety.
- Empower youth and help them regain a sense of power through this process.
- Consult with the local District Attorney and explore alternatives to in-person testimony if possible.
- For in-person testimonies, allow youth to have a support person sit with them on the witness stand.
- Request for courtroom to be closed to the public due to sensitive nature of the case and the victim’s juvenile status.
- Recognize and be considerate of the dangers the youth may be putting themselves in by testifying.
- Create a safety plan, in coordination with the youth’s support system, for how the victim can be protected and remain safe prior to, during, and most importantly, *following* testimony.
- If youth is in custody when testifying, allow for them to appear in plain clothes and without restraints.

³ [National Center for Missing and Exploited Children \(NCMEC\)](#)

⁴ [California Children’s Advocacy Centers](#)

4. Resolution

Traumatic impact does not end for a victim at the resolution of a case. For victims who testify, fear and anxiety around what happens next is a very real reality for them. As the court case draws to a close, it is important to connect the youth to the supports they need to maintain safety and seek stability. Below are strategies to consider following the conclusion of a case:

- Ensure the District Attorney's office is connecting youth to appropriate victim assistance services.
- Review/update the safety plan with youth regarding what to do should they feel in danger or receive threats.
- Ensure the youth is aware of how information regarding the case (sentencing, release, etc.) will be provided in the future.
- Recognize the space you occupied in their life throughout this process. Set up any parameters for future communication and support the youth may seek.

5. What to Avoid

A harm reduction approach ultimately requires patience, consistency, and a recognition that lasting change will take time. Most importantly, law enforcement officers should understand that when a youth is being exploited, a rescue mentality that seeks an immediate and complete break in the abusive relationship has proven ineffective. Assuming victims have a choice to leave will only result in their disengagement and distrust. Below are other things to avoid when working with minor victims of commercial sexual exploitation:

Do not:

- Be complacent—keep moving forward and do not give up.
- Overlook details and make assumptions.
- Assume the youth chose to be exploited, or wanted to be doing this—even if they repeatedly say they did.
- Place blame or shame on the youth.
- Refer to the youth as a prostitute, or reference their “prostitution” in any way.
- Focus immediately or solely on their exploitative history.
- Make threats of criminal action should a youth not be cooperative.