

TESTIMONY
BEFORE
THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE ON YOUTH SERVICES

AND

COMMITTEE ON JUVENILE JUSTICE

HEARING

ON

NEW YORK'S SEXUALLY EXPLOITED YOUTH

PRESENTED BY

ROBYN CAUSEY
DIRECTOR OF YOUTH INITIATIVES

NEW YORK CITY
DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT

MONDAY, JUNE 11, 2007

graduate this month. She has applied to college with hopes of enrolling this fall. This summer, Nancy will be employed through DYCD's Summer Youth Employment Program.

This story demonstrates the many factors that lead to homelessness among youth, including poor family relationships, neglect, physical abuse, substance abuse, sexual orientation, and sexual abuse. Many adolescents who run away or are forced out of their homes have a variety of health and mental health needs before they become homeless. Once homeless, youth are at increased risk for physical abuse, exploitation (including "survival sex" and prostitution), and violent victimization.

Diversifying Services for Runaway and Homeless Youth

To respond to the divergent needs of runaway youth, DYCD re-evaluated its existing Runaway and Homeless Youth (RHY) programs. Last July, the agency implemented a new continuum of service model that better serves the varied needs and issues facing runaway and homeless youth. In particular, DYCD made a concerted effort to expand and diversify the service providers in the RHY system.

DYCD worked closely with the State administrator of RHY services, the New York State Office of Children and Family Services (OCFS), to certify new residential service providers, which enabled them to receive public funding. Over the past 15 months, seven new organizations have been added to DYCD's RHY Initiative. Along with these, all of DYCD's RHY organizations provide services for sexually-exploited youth, as well as other vulnerable populations such as pregnant and parenting youth, and lesbian, gay, bi-sexual, transgender and questioning (LGBTQ) youth.

Citywide Street Outreach and Referral Services provide vehicle-based assistance to youth living on the streets. DYCD funds two street outreach vans that operate throughout the City, 7 days a week between the hours of 9 pm and 5 am. Each outreach vehicle is staffed with a minimum of two trained outreach workers; services are focused on areas where youth are known to congregate at night, including areas where prostitution is prevalent. Requests for street outreach transportation are also accessible by calling 311 and DYCD's Youthline. The outreach workers distribute information on RHY services; provide resources, materials and referrals; and transport youth to a safe environment, including back to their home or a DYCD crisis shelter.

DYCD has drop-in centers in all five boroughs. Trained social workers provide young people and their families counseling and referral services. These centers are open 7 days a week from 9 am to 9 pm, and help vulnerable young people who may not be prepared to seek shelter access services.

Another component of DYCD's RHY system is residential services, which consists of crisis shelters and the transitional independent living program. In FY 2007, DYCD increased the capacity of residential beds to 188 and the number of facilities to twelve.

The crisis shelters are the entry-point for residential services in DYCD's RHY system. These voluntary, short-term residential programs provide emergency shelter and crisis intervention services. In FY2007, with support from the City Council, DYCD funds 88 crisis shelter beds in four shelter facilities. These crisis shelters provide young people with an array of support services, including counseling, Individualized Service Plans, meals, and educational



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June 11, 2007

To The Members of the City Council Juvenile Justice Committee:

Thank you so much for the opportunity to speak with you today. My name is Susan Hazeldean and I am a staff attorney at the Peter Cicchino Youth Project of the Urban Justice Center.

The Peter Cicchino Youth Project

The Peter Cicchino Youth Project (PCYP) is dedicated to serving homeless and at-risk lesbian, gay, bisexual, and transgender (LGBT) youth. We provide free legal services for individual LGBT young people and systemic advocacy for the LGBT youth community. The Project is housed at the Urban Justice Center, a non-profit law collective serving New York City's most disenfranchised poverty populations. Since 1994, we have been providing legal services to LGBT teenagers and young adults who are poor, living on the streets, in the juvenile justice system or in foster care. Each week we travel to drop-in centers where homeless youth congregate to offer our services. We have helped hundreds of LGBT youth with legal problems like applying for legal immigration status, changing their names, fighting terminations of their public assistance benefits, and being wrongly turned down for disability benefits.

We also advocate for the LGBT youth community as a whole. We want to make sure that LGBT young people in foster homes, group homes, homeless shelters, and other institutions are safe and free from abuse, discrimination or harassment due to their sexual orientation or gender identity.

LGBT youth and sexual exploitation

I am here today to speak with you about Council Member Gonzalez' resolution in support of the Safe Harbor for Sexually Exploited Children Act. This piece of legislation is vital to saving thousands of youngsters in New York from a life of sexual exploitation and abuse. We believe it is particularly important to protecting LGBT youth, who are disproportionately likely to be involved in sex work and who face mistreatment and abuse in the juvenile justice system.

LGBT youth face rejection and violence at home, at school, and in their communities. This leads to high rates of truancy, substance abuse, running away, and homelessness, all of which increase the likelihood of sexual exploitation. One study found that 90% of LGBT youth reported hearing anti-gay slurs in their school and more than a third said

they heard those slurs from staff members. Another noted that 26% of LGBT kids are forced to leave home because of conflicts over their sexual orientation. Nationally between 25 and 40% of homeless young people are estimated to be LGBT youth. And as we all know, homelessness can force young people into sex work in order to provide for themselves on the street. One study by the Hetrick Martin Institute found that up to half of the gay and bisexual young men forced out of their homes due to sexual orientation turned to prostitution to survive. LGBT youth also face rampant discrimination when they go to apply for jobs and often have few employment opportunities outside of sex work. This makes them particularly vulnerable to sexual exploitation.

Like all sexually exploited young people, LGBT youth involved in sex work who come to the attention of the authorities are arrested, jailed, and punished through the juvenile justice system. Far from helping these children re-build their lives, rehabilitate themselves, and get on the path to a secure future the current system fails sexually exploited LGBT youth.

Not only is there no treatment to help sexually exploited LGBT children in the juvenile justice system cope with the trauma they have experienced, these youth are struggling to survive in a culture of rampant discrimination and harassment. Although LGBT youth constitute a significant percentage of the young people held in juvenile justice facilities, there are no anti-discrimination policies regarding sexual orientation and gender identity to prevent anti-gay mistreatment or abuse. There is no comprehensive training for staff on how to deal with homophobia, and there are no system-wide protocols to protect LGBT young people. LGBT youth report being slapped, hit, punched, kicked, threatened and called names by other residents. Not only have staff members failed to prevent such incidents, some young people reported it was a staff person who abused or assaulted them.

I would like to talk with you about one young woman who was a client of mine who I will never forget. I'll call her Maria. Maria was 16 years old when I met her. She was transgender, and her birth certificate said she was male, but Maria had felt like a girl from an early age. Growing up, Maria faced a lot of abuse because of who she was. Eventually she ended up in foster care. Like many LGBT youth, Maria got involved in sex work. When she was just 15 she was out on the street at all hours of the night having sex with 40- and 50-year-old men for money. At 16, Maria got arrested and she was sent upstate to a boy's juvenile detention facility. The verbal harassment, physical violence, and sexual abuse that she suffered in that program was unbelievable. She wrote me letters that were filled with desperation and pain. In one, she said, "The way the staff have treated me has gotten more intense. One staff stated 'I hate fucking faggots. I want a fucking real bitch to fucking suck my dick. Faggots are a fucking disgrace to men.'" Later she said: "I fear Tryon is way beyond uncomfortable for me now. It's unsafe and mentally challenging for me. I was put on suicide watch this week. Things are spinning out of control and I'm in the middle of it." Not surprisingly, Maria did not get any treatment to address the reasons she had gone into sex work, or to help her heal from the trauma of being sexually exploited. When Maria was finally released, she went right back to selling her body on the streets. In 2003, a friend of hers

Urban Justice Center

saw her get into a car with a strange man late at night in the West Village. No one has seen Maria or heard from her since. She remains missing and is presumed dead.

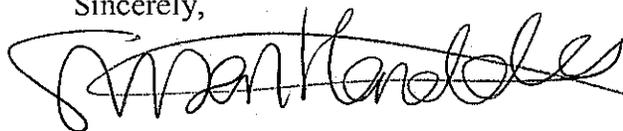
Maria's story is absolutely tragic, but it is unfortunately not unique. When we talk about children's involved in sexual exploitation, we are literally talking about a matter of life or death.

If Maria had come to the attention of the authorities when the Safe Harbor for Sexually Exploited Children Act had been in effect, she would not have been locked up in an abusive, hostile environment where there was no treatment or help for her. She would have had access to services targeted to her needs and she might still be with us today.

The Safe Harbor for Sexually Exploited Children Act would create crisis intervention, counseling, and emergency and long-term housing services for children like Maria. It would mandate the creation of services specifically targeted to special populations like LGBT youth. It is a vital piece of legislation and I urge you to vote for this resolution in support of it.

Thank you in advance for your consideration of our concerns.

Sincerely,



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**The Council of New York City
Juvenile Justice and Youth Services Committees
June 11, 2007**

Good morning. My name is David Nish, and I am an Associate Vice President for Youth Programs at Safe Horizon. I would like to thank Chairperson Sara Gonzalez and the members of the Juvenile Justice Committee and Chairperson Lew Fidler and the members of the Youth Services Committee for inviting us to testify today in support of Resolution 863 urging the State legislature to pass the Safe Harbor for Exploited Children Act.

Safe Horizon is New York City's leading nonprofit victim assistance organization providing services to survivors of domestic violence, rape and sexual assault; children who are victims of physical and sexual abuse; families of homicide victims; and victims of trafficking and stalking. We welcome the assistance that the Safe Harbor for Exploited Children Act will provide for our extensive ongoing work with children and young people.

Safe Horizon's Child Advocacy Centers are the only service for severely abused kids in the City and play a critical, front-line role in responding to child physical and sexual abuse through expert multi-disciplinary coordinated investigation, treatment, management and prosecution of cases. There has been a huge increase in the demand for services at our existing CACs in Brooklyn and Queens this past year – nearly 140% more cases were investigated than in the previous year. We are in the process of expanding CAC services to all five boroughs to address this growing need.

Our Streetwork program, often the last stop for young people who have already been kicked out or suspended from other programs, offers support in a non-judgmental style with the goal of helping young people access services at their own pace. The program works with young people who have run away from abusive family situations or slipped through the cracks of the group home/foster care system of New York City. They have been physically abused, sexually abused and have experienced extreme trauma at the hands of people they were supposed to trust. In addition, they are coping with a system that defines them as criminals.

Safe Horizon's Anti-Trafficking program is the largest provider of anti-trafficking services on the East Coast serving men and women, including young people, who come from almost 50 countries and have been subjected to all forms of modern day slavery by using a two-tiered approach: we provide direct services through intensive case management and legal advocacy and we foster systemic change through training, advocacy and technical assistance.

The Safe Harbor for Exploited Children Act will provide young people with an alternative to the criminal justice system and an opportunity to be safe while they sort through the many problems they are coping with. The Safe Harbor for Exploited Children Act will also provide a much needed shelter option for undocumented, trafficked youth and may be a possible point of identification for such youth.

The provisions included in the Safe Harbor for Exploited Children Act - a redefinition of terms that describe exploited children; the development of Safe Harbor programming; and training for law enforcement officials who encounter such youth - strengthen the community of providers that serve this difficult and in-need population of young people and give us all better tools with which to do our work.

I am pleased to have this opportunity to speak in support of Resolution 863 and will gladly answer any questions.

Thank you.

**Dorchen A. Leidholdt, Director
Sanctuary for Families'
Center for Battered Women's Legal Services
Testimony before the New York City Council
on Sexually Exploited Youth and the Safe Harbor Act
Monday, June 11, 2007**

I am the Director of Sanctuary for Families' Center for Battered Women's Legal Services. Since its inception in 1984, Sanctuary has provided shelter, counseling, and legal representation and assistance to tens of thousands of victims of domestic violence, some of whom have been subjected to commercial sexual exploitation, including sex trafficking. For some, this exploitation started when they were still in childhood. Sanctuary for Families was one of the founding organizations of the New York State Anti-Trafficking Coalition and advocated vigorously for a strong law against human trafficking in New York State. While we are delighted at the passage of the law that was signed by Governor Spitzer on Wednesday, our work is far from complete. As long as sexually exploited youth—victims of human trafficking by definition under the Federal Trafficking Victims Protection Act—are prosecuted as criminals rather than protected as victims, New York State is turning its back on these children while aiding and abetting their exploiters. Sanctuary for Families and the New York State Anti-Trafficking Coalition join GEMS in calling for the immediate passage of the Safe Harbor Act.

Just as battered women do not “engage in domestic violence,” as Sanctuary's landmark class action lawsuit Nicholson v. Williams established, sexually exploited youth do not “engage in prostitution”—they are brutally exploited by the adults who buy and sell them. This reality is underscored by the fact that under the laws of this State children under 17 years of age cannot legally consent to sex. Nonetheless, New York State continues to prosecute such youth, mostly girls, for prostitution and incarcerates them in juvenile prisons as delinquents rather than offering them safe housing and counseling as victims. This in spite of the fact that the overwhelming majority of sexually exploited children have had prior child welfare involvement, typically related to child abuse and neglect. Indeed, more often than not, it is sexual abuse in childhood that leads to the commercial sexual exploitation of girls and boys in adolescence.

Having been abused by trusted adults, sexually exploited youth are further abused by pimps, pedophiles, and traffickers, who prey on their vulnerability, especially their need for caretaking and support. What these young people need are shelter, counseling, and other services specially tailored to help them escape abuse and heal, not stigmatization and revictimization by the legal system. Not only does juvenile detention often fail to provide counseling and support to sexually exploited children, it leaves them vulnerable to further abuse. Stories abound of sexually exploited children being revictimized in detention centers, both by other juveniles and the staff charged with protecting them.

Instead of being stigmatized and punished, sexually exploited youth need counseling and health care to address the psychological and physical trauma they have suffered. They need short and long-term housing to rebuild their lives safe from what Rachel Lloyd, the Executive Director of GEMS, calls psychological and physical kidnapping by pimps. Above all, they need to know

that society sees them not as criminals or prostitutes but as young people who, with the right kind of assistance, can overcome past hardships and realize their potential.

Passage of the Safe Harbor Act would help achieve these goals. By amending the social services law, the Family Court Act, and the penal law, this Act provides for the services and funding that sexually exploited children desperately need. To begin, it would prohibit the insidious practice of charging children with prostitution. Some have argued that that prostitution charges and imprisonment provide leverage and control necessary to induce prostituted youth to testify against their pimps. But, as a New York Times editorial recently pointed out, these vulnerable, traumatized teenagers are often in no condition to confront their abusers in court. Not only are counseling and a safe, supportive living environment infinitely better for their emotional and physical well being, they are a precondition to ability of sexually exploited youth to face their abusers in court.

The Safe Harbor Act mandates the Office of Children and Family Services and local social service districts to work with child advocates and service providers, as well as homeless and runaway youth programs, to provide state-funded crisis intervention services and community-based programs tailored to the needs of sexually exploited children. In addition, mandated training for all law enforcement personnel likely to encounter sexually exploited children would teach these officers how to identify victims and obtain appropriate services for them.

Local service districts would be required by the Act to provide short-term safe emergency housing and other programming specifically for sexually exploited youth. Of critical importance, the Act recognizes that the service needs of sexually exploited boys, girls, and transgender youth are different than those of children in general and require services tailored to their unique experiences.

The commercial sexual exploitation of youth is a particularly egregious form of human trafficking that must be met with the aggressive prosecution of its perpetrators and sustained, meaningful support and assistance for its victims. Without the Safe Harbor Act, sexually exploited youth are punished as criminals, intensifying their trauma, isolation, stigmatization, and vulnerability to abuse. With the Safe Harbor Act, sexually exploited children are identified as victims and provided with the protection and support they need to heal.



TESTIMONY

New York City Council

Committee on Juvenile Justice

Sara M. Gonzalez, Chair

Committee on Youth Services

Lewis A. Fidler, Chair

“Oversight: New York’s Sexually Exploited Youth”

June 11, 2007

New York, New York

Submitted by:

The Legal Aid Society

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Good morning, Chair Gonzalez, Chair Fidler, and other members of the City Council. My name is Katherine Mullen. I am an attorney with the Juvenile Rights Practice of The Legal Aid Society. The Legal Aid Society strongly urges the City Council to pass proposed Resolution 863, which would call on the New York State Assembly and the New York Senate to pass the Safe Harbor for Exploited Children Act. We appreciate the concern the City Council has expressed for sexually exploited youth in New York City.

The commercial sexual exploitation of children is a rapidly growing problem, which affects thousands of children in New York State. A recent report on the prevalence of commercially sexually exploited children in New York State estimated that there are at least 3000 children who are the victims of sexual exploitation.¹ Although this number fails to include countless other sexually exploited youth because of the methodology used and the short time-frame of the study, it does begin to quantify the vast scope of the problem.

Legal Aid's Juvenile Rights Practice represents (as attorneys) many of the children who have been the victims of commercial sexual exploitation in all types of family court proceedings. We are the largest child advocacy organization in New York State, and represent children in child protective proceedings, persons in need of supervision proceedings, and juvenile delinquency proceedings in all five boroughs of New York City. Legal Aid's Criminal Practice represents youth aged 16 and older who are charged with crimes in New York City. Children who have been prostituted may appear in family court as subject children in child protective proceedings, as persons in need of supervision, or in juvenile delinquency or criminal proceedings. What they frequently share in common is a history of being sexually abused as a

child, having been involved in the child welfare system, poor family support systems, and poverty¹.

These young victims of sexual abuse, who have been exploited by adults who are not their parents, do not fit within the current structure of the New York Family Court Act. The existing laws in New York State are woefully inadequate in terms of protecting these vulnerable children. The Safe Harbor Act will expand the jurisdiction of the family court by adding a new category of “sexually exploited youth” to the definition of a person in need of supervision [“PINS”]. It requires that New York State create safe lodging for these young victims, and through the PINS proceeding, youth under the age of eighteen will be able to access a full panoply of services, including twenty-four hour per day crisis counseling, therapy, medical attention, and an advocate who is available to them throughout family court proceedings and any criminal prosecutions of pimps and johns. It creates long-term treatment options, including a residential facility that will be specifically designed to help these young people overcome a long history of sexual abuse, and provide counseling, mentoring and educational development.

There has been significant media attention to the problem of human trafficking. The term human trafficking conjures up images of young women and children who are smuggled in from other countries, and forced into prostitution by the people who have brought them here. But a child who was born in New York State, and forced to prostitute herself by a pimp, is equally a victim. The child who was born in Brooklyn or Albany, who was solicited by a pimp, induced into a relationship based on false promises of love, and forced through fear and physical violence into a life of prostitution is quite similar to a child born in a foreign country, who was brought to the United States and forced to work in a brothel. Both children, too young, under

¹See New York Prevalence Study of Commercially Sexually Exploited Children Final Report, dated April 18, 2007, prepared for the New York State Office of Children and Family Services by WESTAT.

New York law, to consent to any sexual act, have been repeatedly raped and brutalized². In the course of our representation of these children, we have seen firsthand the fear in their eyes, documented burn marks on their bodies, tattoos of names of pimps branded on their bodies, and other physical devastation received at the hands of pimps and johns. It does not matter what the country of origin is; the sexual and physical trauma and loss of ability and will to escape are the same.

Under federal law, the child who was born in a foreign country is given the legal status of victim³. She is entitled to the full protection of the law, given safe housing and supportive services, and protected and assisted throughout any criminal proceedings against those who have been commercially sexually exploiting her. She has at her disposal federal agencies and any number of international organizations available to help in her recovery. But the child born in Brooklyn or Albany, is considered in the eyes of New York State law to have committed a criminal act, subject to prosecution and detention.

Opponents of the Safe Harbor Act argue that children who have been the victims of commercial sexual exploitation must be locked up for their own protection - that if not, they will run back to their pimps. That simply is not true. What is true is that they, like domestic violence victims and kidnapping victims, have, through fear and subjugation, sometimes come to view their pimps as their protectors. What is needed for these children is a safe, therapeutic

²N.Y. Penal Law §130.05 states that a person is deemed incapable of consent [to a sexual act] when he or she is: (a) less than seventeen years old.

³See Trafficking Victims Protection Act, which defines the term of “severe form of trafficking in persons” as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age . . .” 22 U.S.C. §7102 (2000). It also provides that “[v]ictims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall . . . not be detained in facilities inappropriate to their status as crime victims, [and] receive necessary medical care and other assistance . . .” 22 U.S.C. §7105 (2000).

environment, where their sexual trauma can be addressed, and they can begin to heal, free from judgment and the stigma of having committed a criminal act. The fact that children are arrested and locked up for an act of prostitution simply reinforces their view that they are “bad,” and completes their feeling that they have little or no self worth.

Through the Safe Harbor Act, and without the additional trauma of having to be found guilty of an act of prostitution, sexually exploited youth will be able to access both emergency safe houses and long term residential treatment facilities that are solely designated for the care of sexually exploited children. These safe homes will provide security to keep pimps and exploiters away, and intensive crisis counseling to assist children with understanding the victimization and trauma that has occurred. The safe houses will also provide victim assistance if the child becomes involved in the prosecution of a pimp or john, which, on a state level, may begin to happen once the threat of arrest and detention has been removed. Currently, in federal prosecutions, child victims are not arrested or incarcerated, but receive appropriate supportive services throughout the investigation and prosecution of pimps. The victim-centered nature of these investigations and prosecutions has encouraged several of our young clients to come forward, and actively participate in the federal prosecutions, without fear of arrest or incarceration.

The Safe Harbor Act recognizes that these vulnerable children are victims of a crime, not perpetrators. The Safe Harbor Act also recognizes that victims of sexual exploitation need the protection and assistance of the family court by giving the family court jurisdiction over sexually exploited youth, up to the age of eighteen, through a PINS proceeding. Thus, although youth sixteen through eighteen years of age can still be arrested and prosecuted for an act of

prostitution, the family court would have dual jurisdiction, so that those youth would have access to the safe housing and services mandated by the Safe Harbor Act.

Under the current Family Court Act, a twelve-year-old child who was the victim of sexual exploitation at the hands of step-parent or family member is considered a victim. A twelve-year-old child who engaged in a sexual act with a seventeen-year-old is considered a victim, based on her lack of capacity to consent because of her young age. But a twelve-year-old child, who was bought and sold by adults for sexual purposes, is considered to have committed a criminal act. The Safe Harbor Act is necessary to begin to reconcile the inherent inconsistency of the law, by clearly establishing that all youth under the age of sixteen, who have been sexually abused, are victims under the law.

The Legal Aid Society strongly supports the passage of the Safe Harbor Act, which creates the necessary services to help the young victims of commercial sexual exploitation overcome their trauma and abuse, in a safe, secure and appropriate environment. We urge the City Council to pass Resolution 863, expressing support for this important legislation.

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TESTIMONY

OF

MISHI FARUQEE

DIRECTOR OF THE JUVENILE JUSTICE PROJECT

CORRECTIONAL ASSOCIATION OF NEW YORK

BEFORE THE JUVENILE JUSTICE COMMITTEE AND
THE YOUTH SERVICES COMMITTEE

JUNE 11, 2007
CITY HALL

Good afternoon. My name is Mishi Faruqee and I am the Director of the Juvenile Justice Project at the Correctional Association of New York. For over 160 years, the Correctional Association has advocated for more humane and effective criminal justice policies in New York State. Before I begin my remarks, I would like to thank the Chairwoman Sara Gonzalez and Chairman Lewis Fidler and the Juvenile Justice and Youth Services Committees respectively for holding this public hearing today on the issue of sexually exploited youth in New York.

It was nearly five years ago when the City Council held a hearing on this the issue of sexually exploited children. During that time we have a come a long way on educating policymakers and the public on this issue. At that last City Council hearing, a representative from the New York City Police Department testified that the police department believed that there were approximately 15 commercially sexually exploited children in New York City. Although at the time, we knew this number was ridiculously low, we did not have official documentation to refute this claim.

Two months ago, New York State released a report on sexually exploited youth in eleven counties in the state – including 4 boroughs in New York City (Staten Island was excluded from the study). This study found that there are at least 2200 sexually exploited children in New York City and at least 400 children in the upstate. However, the researchers relied solely on surveys of law enforcement, detention centers, youth shelters, group homes, service providers etc. Therefore, the study only counted 1) children who came in contact with law enforcement and/or service providers during the study period and 2) children whom these various public and private agencies were able to

identify as commercially sexually exploited. Based on this methodology, we believe the estimates in this study represent an undercount of the number of sexually exploited children. These numbers are most likely just the tip of the iceberg regarding the problem of sexually exploited children in the city and across the state.

The New York State study found that the majority of sexually exploited children are girls. However, another study on sexually exploited children in New York City currently being conducted by John Jay College is finding a much larger representation of boys and transgender youth. The differences between these two studies exemplify how difficult and complex it is to try to quantify the numbers commercially sexually exploited children and to get a full picture of who these children are. What we do know is that the majority of sexually exploited children have experienced poverty, racism, physical and/or sexual abuse. The New York State study found that 67% of commercially sexually exploited children in NY state are African American. At least 85% had prior involvement in the child welfare system – including 75% who has a foster care placement.

Although commercially exploited children have suffered severe violence and trauma, our society continues to treat commercially exploited children as criminals rather than victims. Although children under 17 cannot legally consent to sex, sexually exploited children are routinely arrested, prosecuted as juvenile delinquents and incarcerated in youth detention centers. In order to remedy this cruel double standard in the law, the Juvenile Justice Project has joined with GEMS, the Legal Aid Society and other members of the Juvenile Justice Coalition to promote the Safe Harbor Act (A.5258/ S. 3175), to stop the prosecution of sexually exploited youth. In addition to recognizing that sexually exploited children are victims, the Safe Harbor Act would

provide a range of specialized services – including a safe house, crisis intervention and therapeutic residential programs – to help sexually exploited children break away from sexual exploitation and heal their lives.

We commend the Council for supporting this bill and for introducing a resolution calling on the Legislature to pass the Safe Harbor Act. This bill has been gaining steady momentum in the last few months, and I please to say that the bill passed the Assembly on May 30th with bipartisan support. We have also received editorial support from the New York Times and the Albany Times Union and extensive coverage on New York 1 News, WNYC radio, the New York Sun, AM New York among other news outlets.

Unfortunately, however, despite this broad-based support, the bill's chances of passing the State Senate and ultimately become law has become increasing uncertain. Several powerful groups have lined up against the legislation, including the District Attorney's Association, the New York State Association of Counties and most unfortunately, the Mayor's Office. Some of the arguments that these groups have presented against the bill vividly depict the widespread misperceptions and stigmatization of sexually exploited children. For example, in a memorandum of opposition, the New York State Association of Counties referred to sexually exploited children as "street-wise", "sexually active young adults" who do not obey rules or comply with authority and are on a "current path that will likely lead to incarceration." New York City's memorandum of opposition argues that the juvenile justice system must be able to hold the threat of prosecution over the children to force them to comply with services. In addition, due to opposition from the District Attorney's Association, the Safe Harbor Act was not included within the human trafficking bill that passed the Legislature in May.

The fact that the Safe Harbor Act was not included in the Human Trafficking legislation points to troubling attitudes that law enforcement and other public officials have that some victims of trafficking and commercial sexually exploitation are more sympathetic and worthy of help than other victims. Another puzzling assertion that opponents of the bill make is that involvement in the juvenile justice system is beneficial for sexually exploited children. They argue that detention centers and placement facilities are not like adult jails and prisons and therefore incarceration of sexually exploited youth is not damaging and counterproductive.

Even if the Safe Harbor Act passes, there is still much work to be done to change public attitudes and treatment of sexually exploited children. Unfortunately, sexually exploited children experience violence not only at the hands of pimps and johns but also from people who are supposed to help them. We have received numerous reports of police officers forcing sexually exploited children to have sex in exchange for not arresting them. In addition, sexually exploited children in detention have reported being verbally abused and even raped by detention workers charged with their care.

The legislative session will end in nine days. I ask you to join with us to do everything possible in these upcoming days to push the Safe Harbor Act through the State Senate and to work for justice for sexually exploited youth in New York State.

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BEFORE
THE COUNCIL OF THE CITY OF NEW YORK
COMMITTEE ON YOUTH SERVICES
AND
COMMITTEE ON JUVENILE JUSTICE

HEARING
ON
NEW YORK'S SEXUALLY EXPLOITED YOUTH

PRESENTED BY
ROBYN CAUSEY
DIRECTOR OF YOUTH INITIATIVES
NEW YORK CITY
DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT
MONDAY, JUNE 11, 2007

Good morning Chairpersons Fidler and Gonzalez and members of the Council. I am Robyn Causey, Director of Youth Initiatives at the New York City Department of Youth and Community Development (DYCD). I am joined by Nitza Monges, Special Advisor, Vulnerable and Special Needs Youth. On behalf of Commissioner Jeanne B. Mullgrav, thank you for this opportunity to discuss DYCD's services to assist sexually exploited youth in New York City.

DYCD is proud to work with other City agencies to address the needs of New York City's most vulnerable young people. With support from the City Council, we have raised awareness and strengthened the City's services to at-risk runaway and homeless youth.

DYCD is committed to protecting and assisting our City's vulnerable and at-risk youth and, whenever possible, reuniting them with their families. In cases where reunification is not possible, our programs help youth progress from crisis to transitional care and independent living.

Let me begin with the story of Nancy who has struggled for years with her mother's ongoing health issues and alcoholism, and dangerous family dynamics with her older brothers. Nancy always felt responsible for caring for her mother, but when her brothers' drug use started to overrun their home, Nancy ran away.

Nancy traded sex for places to stay. She learned about Girls Educational & Mentoring Services (GEMS), a program for young women who have experienced sexual exploitation and abusive relationships. She moved into crisis housing and eventually transitioned into the GEMS TIL program. Nancy has made great strides, including returning to high school, where she will

graduate this month. She has applied to college with hopes of enrolling this fall. This summer, Nancy will be employed through DYCD's Summer Youth Employment Program.

This story demonstrates the many factors that lead to homelessness among youth, including poor family relationships, neglect, physical abuse, substance abuse, sexual orientation, and sexual abuse. Many adolescents who run away or are forced out of their homes have a variety of health and mental health needs before they become homeless. Once homeless, youth are at increased risk for physical abuse, exploitation (including "survival sex" and prostitution), and violent victimization.

Diversifying Services for Runaway and Homeless Youth

To respond to the divergent needs of runaway youth, DYCD re-evaluated its existing Runaway and Homeless Youth (RHY) programs. Last July, the agency implemented a new continuum of service model that better serves the varied needs and issues facing runaway and homeless youth. In particular, DYCD made a concerted effort to expand and diversify the service providers in the RHY system.

DYCD worked closely with the State administrator of RHY services, the New York State Office of Children and Family Services (OCFS), to certify new residential service providers, which enabled them to receive public funding. Over the past 15 months, seven new organizations have been added to DYCD's RHY Initiative. Along with these, all of DYCD's RHY organizations provide services for sexually-exploited youth, as well as other vulnerable populations such as pregnant and parenting youth, and lesbian, gay, bi-sexual, transgender and questioning (LGBTQ) youth.

DYCD is pleased with the progress that we have made toward diversifying residential services for runaway and homeless youth. Included in the group of newly State certified residential providers is GEMS, which I spoke about earlier in my testimony. Through referrals from our crisis shelters, the GEMS TIL program provides housing and services for young women.

To raise awareness of the issue of sexually exploited youth, DYCD is working with public agencies and service providers, including GEMS, to conduct outreach and give presentations on DYCD RHY services. For example, last week, GEMS made a presentation to DYCD's Youth Board/Youth Council members. They participated on a panel discussion, which included information on their services and how these services benefit the needs of the young people in their care.

In addition to outreach and presentations, DYCD disseminates published materials and prominently displays posters at all of our RHY facilities informing individuals of DYCD's services and providing contact information for questions and concerns, including 311 and the DYCD Youthline, which also serves as an RHY Hotline.

How DYCD Serves Vulnerable Youth

Now, allow me to describe the continuum of service for runaway and homeless youth when they enter the DYCD-funded system. The coordinated model includes street-outreach and transportation services, a drop-in center in each of the boroughs, emergency shelters, transitional residential facilities, and an RHY Hotline.

Citywide Street Outreach and Referral Services provide vehicle-based assistance to youth living on the streets. DYCD funds two street outreach vans that operate throughout the City, 7 days a week between the hours of 9 pm and 5 am. Each outreach vehicle is staffed with a minimum of two trained outreach workers; services are focused on areas where youth are known to congregate at night, including areas where prostitution is prevalent. Requests for street outreach transportation are also accessible by calling 311 and DYCD's Youthline. The outreach workers distribute information on RHY services; provide resources, materials and referrals; and transport youth to a safe environment, including back to their home or a DYCD crisis shelter.

DYCD has drop-in centers in all five boroughs. Trained social workers provide young people and their families counseling and referral services. These centers are open 7 days a week from 9 am to 9 pm, and help vulnerable young people who may not be prepared to seek shelter access services.

Another component of DYCD's RHY system is residential services, which consists of crisis shelters and the transitional independent living program. In FY 2007, DYCD increased the capacity of residential beds to 188 and the number of facilities to twelve.

The crisis shelters are the entry-point for residential services in DYCD's RHY system. These voluntary, short-term residential programs provide emergency shelter and crisis intervention services. In FY2007, with support from the City Council, DYCD funds 88 crisis shelter beds in four shelter facilities. These crisis shelters provide young people with an array of support services, including counseling, Individualized Service Plans, meals, and educational

assistance. If appropriate, the trained staff will assist these young people with reuniting with their families or with moving into a transitional and long-term living program.

The Transitional Independent Living Programs (TIL) provide homeless youth under 21 years of age with the training and skills necessary to establish a self-sufficient life. At a TIL Program, youth receive educational services, vocational training, job placement assistance, counseling, and basic life skills training. Counselors also work with the young people to help them transition to independent living following their stay at the facility. DYCD funds 103 TIL beds at eight facilities for youth who have transitioned from our crisis shelters.

Collaborations and Partnerships

Aside from DYCD's RHY services, DYCD's Nitza Monges, chairs a workgroup under the Interagency Coordinating Council (ICC) on Youth. The ICC's Court-Involved Youth Workgroup is charged with developing and strengthening interagency collaborations and partnerships to improve the effectiveness and quality of services rendered to court-involved youth and their families. Workgroup members also coordinate referrals to ensure appropriate social services are available and accessible to sexually exploited youth.

The workgroup is comprised of representatives from the Administration for Children's Services, the Brooklyn Public Library, the Center for Court Innovation, Department for the Aging, Department of Correction, Department of Education, Department of Health and Mental Hygiene, Department of Homeless Services, Department of Juvenile Justice, Department of Probation, Deputy Mayor Dennis Walcott, Human Resources Administration, Mayor's Office of the Criminal Justice Coordinator, Legal Aid Society, Midtown Community Court, NYC Family

Court, NYC Voter Assistance Commission, the New York Public Library, OCFS, and the Juvenile Justice Project.

DYCD also participates on the Coalition against the Sexual Exploitation of Children Taskforce, led by the Mayor's Office of the Criminal Justice Coordinator. Some significant results of this partnership include: (1) the recommendation that sexually exploited youth be included in DYCD's 2005 RHY Services Request for Proposals, (2) heightened awareness of this issue, including presentations and workshops by industry experts for DYCD service providers, and (3) technical assistance and training for specialized service providers on RHY requirements and regulations.

DYCD is pleased to play a critical role in addressing the needs of youth who are sexually exploited or at-risk. We welcome the opportunities to work with our service providers, public agencies, and elected representatives to protect our youth and help them lead healthy lives.

Thank you for the opportunity to highlight DYCD's services to assist sexually exploited youth. We are pleased to answer any questions you may have.