



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

STAFF REPORT  
June 17, 2008

Honorable Members of the  
Law and Legislation Committee

**Subject:** Legislative Position: Support AB 499 Adding a section to the Welfare and Institutions Code, relating to commercially sexually exploited minors.

**Location/Council District:** Citywide

**Recommendation:** Staff recommends that the Law and Legislation Committee adopt a support position on AB 499.

**Contact:** Michelle Heppner, Special Projects Manager, (916) 808-1226

**Presenters:** Michelle Heppner, Special Projects Manager

**Department:** Office of the City Manager

**Division:** Governmental Affairs

**Organization No:** 0310

## **Description/Analysis**

**Issue:** Sexually exploiting minors, also referred to as human trafficking, is becoming an increasing concern for Federal, State and many local jurisdictions. According to Planned Parenthood, "Teen prostitution is a growing problem across the nation." A study by University of Pennsylvania researchers says that "child exploitation is the most hidden form of child abuse in the United States and North America today. It is the nation's least recognized epidemic." The study results say that tens of thousands of United States, Mexican and Canadian children and youths become victims of juvenile pornography, prostitution, and trafficking each year.

Assembly Bill 499, authored by Assembly Member Sandré Swanson, is intended to emphasize and highlight the sexual exploitation of minors involved in prostitution, rather than the prosecution of these minors, via a specific training curriculum and alternative criminal disposition. The author contends that codifying a pilot program to increase coordination between government, law enforcement and child advocates, helps sexually exploited minors escape the cycle of abuse. While AB 499 is limited to Alameda County, its success will serve as a future model for other local jurisdictions throughout the state to replicate.

Existing law does not afford sexually exploited minors with protections. Unless a petition to declare the child a dependant of the court has been filed, the child must be released within 48 hours after being taken into custody. With nowhere else to go, these victims find themselves in "survival mode" with no alternatives but to resort back to an abusive life of crime and prostitution.

The commitment for treating, rather than prosecuting, victims of sexual exploitation and human trafficking has increased with the passage of Trafficking Victims Protection Act (TVPA) of 2000. The TVPA is designed to protect victims and help them rebuild their lives and prosecute traffickers of persons under stiff Federal penalties. In 2003, the Bush Administration authorized more than \$200 million to combat human trafficking through the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA). TVPRA renews the U.S. government's commitment to identify and assist victims exploited.

The Sacramento Police Department (SPD) has a task force (Innocence Lost Task Force) specifically directed at actively recovering sexually exploited children. The task force consists of 1 SPD Sergeant, 4 SPD Detectives and 1 FBI agent.

The Sacramento Police Department is in favor of supporting AB 499.

**Policy Considerations:** Through a comprehensive multidisciplinary approach, AB 499 will create a pilot program in Alameda County to develop a uniform statewide diversion model to address the needs and requirements of commercially sexually exploited minors.

**Environmental Considerations:** None.

**Committee/Commission Action:** None.

**Rationale for Recommendation:** With the successful creation and implementation of a comprehensive multi-disciplinary model sets the stage for other local law enforcement agencies to use alternative methods to address the needs and requirements for commercially sexually exploited minors.

**Financial Considerations:** None.

**Emerging Small Business Development (ESBD):** None.

Respectfully Submitted by: \_\_\_\_\_



Michelle Heppner  
Special Projects Manager

Approved by:   
Patti Bisharat  
Director of Governmental Affairs

Recommendation Approved:

  
RAY KERRIDGE  
City Manager

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**Attachment 1 - Draft Letter of Support**

June 17, 2008

The Honorable Sandré Swanson  
California State Assembly  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0016  
ATTN: Legislative Director

**SUBJECT: Support AB 499 Commercially Sexually Exploited Minors.**

Dear Assembly Member Huffman:

On behalf of the City of Sacramento, I am pleased to write in support of AB 499. It is evident with the passage of Trafficking Victims Protection Act (TVPA) of 2000 and Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), that human trafficking and sexual exploitation of minors has become a national concern and focus. TVPRA renews the U.S. government's commitment to identify and assist victims exploited. The successful implementation of AB 499 would develop an alternative to criminalizing the exploited, addressing the needs and requirements of commercially sexually exploited minors which could easily be adopted by other law enforcement agencies.

Thank you for introducing this important legislation and your commitment to protecting commercially sexually exploited minors in California.

Sincerely,

SANDY SHEEDY, Chair  
Law and Legislation Committee

cc: Senator Darrell Steinberg  
Senator Dave Cox  
Assembly Member Dave Jones  
Assembly Member Alan Nakanishi  
Assembly Member Roger Niello  
Mayor Fargo and Members of the City Council  
David Jones, Emanuels and Jones and Associates

**Attachment 2 – Bill Analysis**

AMENDED IN SENATE MAY 21, 2008

AMENDED IN ASSEMBLY JANUARY 29, 2008

AMENDED IN ASSEMBLY JANUARY 9, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 499**

**Introduced by Assembly Member Swanson**

February 20, 2007

An act to add and repeal Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of the Welfare and Institutions Code, relating to sexually exploited minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 499, as amended, Swanson. ~~Sexually-Commercially sexually~~ exploited minors.

Existing law declares the findings of the Legislature that there is a need to develop programs to ameliorate, reduce, and ultimately eliminate the trauma of child sexual abuse, and that, for the purposes of developing and providing these programs and services, and for the training of, and providing information to, city and county personnel throughout the state, it is necessary to expand specified services.

This bill would, *until January 1, 2012, authorize the District Attorney of Alameda County to create a pilot project, in effect until January 1, 2012, which may be implemented within the County of Alameda, contingent upon local funding, for the purposes of creating, implementing, and delivering a standardized developing a comprehensive, multidisciplinary model to address the needs and*

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*effective treatment of commercially sexually exploited minors, as specified. The bill would authorize the District Attorney of Alameda County, as part of the pilot project, to develop protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation, and to develop a diversion program reflecting the best practices to address the needs and requirements of those minors. The District Attorney would also be authorized to develop, offer, and provide a training curriculum that will provide training for certain county employees on the commercial sexual exploitation of minors in Alameda County, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *It is the intent of the Legislature to encourage the*  
2 *development of a comprehensive, multidisciplinary model reflecting*  
3 *the best practices for the response of law enforcement and the*  
4 *criminal and juvenile justice systems to identify and assess*  
5 *commercially sexually exploited children who have been arrested*  
6 *or detained by local law enforcement.*

7     ~~SECTION 1. Chapter 4.3 (commencing with Section 18259)~~  
8 ~~is added to Part 6 of Division 9 of the Welfare and Institutions~~  
9 ~~Code, to read:~~

10  
11     ~~CHAPTER 4.3. SEXUALLY EXPLOITED MINORS PILOT PROJECT~~  
12

13     ~~18259. (a) There is hereby created a pilot project in the County~~  
14 ~~of Alameda which may be implemented, contingent upon local~~  
15 ~~funding, for the purposes of creating, implementing, and delivering~~  
16 ~~a standardized training curriculum that will provide training on~~  
17 ~~the sexual exploitation of minors in Alameda County, and in~~  
18 ~~accordance with current law, the district attorney may establish a~~  
19 ~~Section 654 program for sexually exploited minors who are~~  
20 ~~otherwise eligible under Section 654. The standardized training~~  
21 ~~curriculum may include, but not be limited to, advocacy or case~~  
22 ~~planning, including advocacy from the point of detainment, court~~  
23 ~~advocacy, advocacy and joint case planning with probation officers,~~  
24 ~~developing and understanding case studies, and intensive case~~  
25 ~~management and advocacy throughout any legal process involving~~

1 the district attorney's office and law enforcement, deprogramming,  
2 empowerment, including surviving child sexual exploitation  
3 workshop series, self-sufficiency workshop series, and  
4 self-discovery and self-esteem-based workshop series, intensive  
5 case management, including working with a child welfare worker  
6 or parents and probation officers on placement options, educational  
7 options, employment options, engagement activities, and other  
8 services recommended for the minor or requested by the minor  
9 commencing with the custody process and continuing through and  
10 after release.

11 ~~(b) The District Attorney of the County of Alameda, in~~  
12 ~~collaboration with the appropriate community partners, may design~~  
13 ~~and create a training curriculum for advocates and case managers~~  
14 ~~consisting of a 40-hour sexually exploited minor crisis counseling~~  
15 ~~training. The training shall be administered by a nonprofit~~  
16 ~~organization that is established specifically to serve sexually~~  
17 ~~exploited children. The 40-hour sexually exploited minor crisis~~  
18 ~~counseling training shall include, but not be limited to,~~  
19 ~~understanding child sexual exploitation or commercial child sexual~~  
20 ~~exploitation, the impact of child sexual exploitation or commercial~~  
21 ~~child sexual exploitation, understanding childhood sexual abuse,~~  
22 ~~overview of sexual assault or rape, suicide prevention, sexually~~  
23 ~~exploited minors interfacing with law enforcement and the child~~  
24 ~~welfare and juvenile justice systems, domestic violence and~~  
25 ~~sexually exploited minors, sexually exploited minors with~~  
26 ~~disabilities, crisis intervention, substance abuse and sexually~~  
27 ~~exploited children, overview of post-traumatic stress disorder,~~  
28 ~~survivors of childhood sexual abuse, lesbian, gay, questioning,~~  
29 ~~bisexual, and transgendered sexually exploited children, sexually~~  
30 ~~exploited children from immigrant families, and mandated~~  
31 ~~reporting.~~

32 ~~(c) The standardized training shall be made available for law~~  
33 ~~enforcement, in cooperation with police officer standards training,~~  
34 ~~for prosecutors and public defenders, in cooperation with the~~  
35 ~~California District Attorneys Association and the Prosecutors and~~  
36 ~~Public Defenders Education and Training Program created under~~  
37 ~~Title 1.5 (commencing with Section 11500) of Part 4 of the Penal~~  
38 ~~Code, for the judiciary, in cooperation with the Judicial Council~~  
39 ~~and the Administrative Office of the Courts, for social service~~  
40 ~~providers and probation officers, in cooperation with the California~~

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1 ~~Probation, Parole and Correctional Association, and for advocates,~~  
2 ~~in cooperation with local rape crisis centers and domestic violence~~  
3 ~~service providers.~~

4 *SEC. 2. Chapter 4.3 (commencing with Section 18259) is added*  
5 *to Part 6 of Division 9 of the Welfare and Institutions Code, to*  
6 *read:*

7  
8 *CHAPTER 4.3. SEXUALLY EXPLOITED MINORS PILOT PROJECT*  
9

10 *18259. (a) The County of Alameda, contingent upon local*  
11 *funding, may establish a pilot project consistent with this chapter*  
12 *to develop a comprehensive, multidisciplinary model to address*  
13 *the needs and effective treatment of commercially sexually*  
14 *exploited minors who have been arrested or detained by local law*  
15 *enforcement for a violation of subdivision (a) or (b) of Section*  
16 *647, subdivision (a) of Section 653.22, or subdivision (a) of Section*  
17 *653.23 of the Penal Code.*

18 *(b) The District Attorney of the County of Alameda, in*  
19 *collaboration with county and community-based agencies, may*  
20 *develop, as a component of the pilot project described in this*  
21 *chapter, protocols for identifying and assessing minors, upon*  
22 *arrest or detention by law enforcement, who may be victims of*  
23 *commercial sexual exploitation.*

24 *(c) The District Attorney of the County of Alameda, in*  
25 *collaboration with county and community-based agencies that*  
26 *serve commercially sexually exploited minors, may develop, as a*  
27 *component of the pilot project described in this chapter, a diversion*  
28 *program reflecting the best practices to address the needs and*  
29 *requirements of arrested or detained minors who have been*  
30 *determined to be victims of commercial sexual exploitation.*

31 *(d) The District Attorney of the County of Alameda, in*  
32 *collaboration with county and community-based agencies, may*  
33 *form, as a component of the pilot project described in this chapter,*  
34 *a multidisciplinary team including, but not limited to, city police*  
35 *departments, the county sheriff's department, the public defender's*  
36 *office, the probation department, child protection services, and*  
37 *community-based organizations that work with or advocate for*  
38 *commercially sexually exploited minors, to do both of the*  
39 *following:*

1     *(1) Develop a training curriculum reflecting the best practices*  
2 *for identifying and assessing minors who may be victims of*  
3 *commercial sexual exploitation.*

4     *(2) Offer and provide this training curriculum through*  
5 *multidisciplinary teams to law enforcement, child protective*  
6 *services, and others who are required to respond to arrested or*  
7 *detained minors who may be victims of commercial sexual*  
8 *exploitation.*

9     18259.3. For purposes of this chapter, ~~“sexually~~ “commercially  
10 *sexually exploited minor*” means a person under 18 years of age  
11 who has been detained for a violation of the law or placed in civil  
12 protective custody on a safety hold based only on a violation of  
13 subdivision (a) or (b) of Section 647, subdivision (a) of Section  
14 653.22, or subdivision (a) of Section 653.23 of the Penal Code.

15     18259.5. This chapter shall be in effect only until January 1,  
16 2012, and as of that date is repealed, unless a later enacted statute,  
17 enacted on or before January 1, 2012, deletes or extends that date.

Attachment 3 – Bill Analysis

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(Without Reference to File)

ASSEMBLY THIRD READING  
AB 499 (Swanson)  
As Amended January 29, 2008  
Majority vote

PUBLIC SAFETY                    5-1                    APPROPRIATIONS                    11-0

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Ayes:   Solorio, Aghazarian, De	Ayes:   Leno, Caballero, Davis,		
	La Torre, Ma, Portantino		DeSaulnier, Huffman,
			Karnette, Kerkorian,
			Lieu, Ma, Nava, Solorio
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Nays:   Anderson			
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SUMMARY : Creates a pilot project in Alameda County which may be implemented contingent upon local funding for the purpose of diverting sexually exploited minors accused of prostitution offenses into supervised counseling and treatment programs. Specifically this bill :

- 1) States that in accordance with current law, the District Attorney for Alameda County may establish a program of supervision as defined in Welfare and Institutions Code (WIC) Section 654 (informal court probation) for sexually exploited minors accused of prostitution offenses.
- 2) Creates a pilot project in the County of Alameda which may be implemented contingent upon local funding for the purpose of creating, implementing, and delivering standardized training curricula that will provide training on the sexual exploitation of minors in Alameda County and other counties, as funding permits.
- 3) States that the standardized training curricula may include advocacy or case planning, including advocacy from the point of detainment, court advocacy, advocacy and joint case planning with probation officers, developing and understanding case studies, and intensive case management and advocacy throughout any legal process involving the district attorney's office and law enforcement; deprogramming; empowerment, including surviving

child sexual exploitation workshop series, self-sufficiency workshop series, and self-discovery and self-esteem-based workshop series; intensive case management, including working with a child welfare worker or parents and probation officers on placement options, educational options, employment options, engagement activities and other services recommended for the minor or requested by the minor commencing with the custody process through and after release.

- 4) Specifies that the District Attorney of the County of Alameda, in collaboration with the appropriate community partners, may design and create a training curriculum for advocates and case managers consisting of a 40-hour sexually exploited minor crisis counseling training.
- 5) States that the training shall be administered by a nonprofit organization that is established specifically to serve sexually exploited children.
- 6) Specifies that the 40-hour sexually exploited minor crisis counseling training shall include, but not be limited to: understanding child sexual exploitation or commercial child sexual exploitation; the impact of child sexual exploitation or commercial child sexual exploitation; understanding childhood sexual abuse; overview of sexual assault or rape; suicide prevention; sexually exploited minors interfacing with law enforcement and the child welfare and juvenile justice systems; domestic violence and sexually exploited minors; sexually exploited minors with disabilities; crisis intervention; substance abuse and sexually exploited children; overview of post-traumatic stress disorder; survivors of childhood sexual abuse; lesbian, gay, questioning, bisexual, and transgendered sexually exploited children; sexually exploited children from immigrant families; and, mandated reporting.
- 7) States that the standardized training shall be made available for law enforcement, in cooperation with police officer standards training, for prosecutors and public defenders, in cooperation with the Prosecutors and Public Defenders Education and Training Program and the California District Attorneys Association; for the judiciary, in cooperation with the Judicial Council and the Administrative Office of the Courts; for social service providers and probation officers, in cooperation with the California Probation, Parole and Correctional Association; and for advocates, in cooperation with local rape crisis centers

and domestic violence service providers.

EXISTING LAW :

- 1) Permits in any case in which a probation officer, after investigation of an application for a petition or any other investigation he or she is authorized to make concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, the probation officer may, in lieu of filing a petition to declare a minor a dependent child of the court or a minor or a ward of the court, with consent of the minor and the minor's parent or guardian, delineate specific programs of supervision for the minor, for not to exceed six months, and attempt thereby to adjust the situation which brings the minor within the jurisdiction of the court or creates the probability that the minor will soon be within that jurisdiction.
- 2) States that if a petition has been filed by the prosecuting attorney to declare a minor a ward of the court, the court may, without adjudging the minor a ward of the court and with the consent of the minor and the minor's parents or guardian, continue any hearing on a petition for six months and order the minor to participate in a program of supervision as set forth above.
- 3) Mandates that when a minor is taken into custody by a peace officer or probation officer, the minor shall be released within 48 hours after having been taken into custody unless a petition to declare the child a dependant of the court has been filed.

FISCAL EFFECT : According to the Assembly Appropriations Committee, no state cost as the bill is explicitly contingent upon local funding.

COMMENTS : Please see the policy committee analysis for full discussion of this bill.

Analysis Prepared by : Gabriel Caswell / PUB. S. / (916)  
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