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CITY OF OAKLAND

2017 FEB 16 PM 7:26

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** David E. Downing  
Assistant Chief of Police

**SUBJECT:** Changes in Child Exploitation Law  
Supplemental Report

**DATE:** January 27, 2017

City Administrator Approval

Date:

2/16/17

## RECOMMENDATION

Staff Recommends That The City Council Accept This Informational Report Regarding The Oakland Police Department (OPD Plan To Implement California Senate Bill (SB) 1322 And Any New Policies And Processes Regarding Commercially Sexually Exploited Children (CSEC).

## REASON FOR THE SUPPLEMENTAL REPORT

OPD has provided this supplemental report to provide additional information regarding the implementation of SB 1322 and accompanying training on changes in CSEC law.

## BACKGROUND / LEGISLATIVE HISTORY

On September 26, 2016, California Governor Brown signed SB 1322 into law. SB 1322 was chaptered in Section 647 of the Penal Code. This change in the law takes effect on January 1, 2017 and provides that prostitution is no longer a crime for those juveniles who are compensated for engaging in sex. On October 27, 2016, Vice Mayor Campbell Washington submitted a request for an informational report on how OPD is responding to this change in state law.

## ANALYSIS AND POLICY ALTERNATIVES

For many years, OPD has taken a victim-centered approach to human trafficking. Adults and juveniles alike who are engaged in prostitution are treated as victims of the human sex trade and are offered a variety of services. Although adult and juvenile prostitutes (deemed prostitutes per the California Penal Code) have been arrested by OPD, prosecution is not sought against such individuals. Instead, the arrest and detention serve as an opportunity to provide those victims with services and to deter the arrestee from immediately returning to an environment where they continue soliciting payment for sex. In 2016 OPD conducted 51 human trafficking operations in conjunction with Bay Area Women Against Rape (BAWAR). From those

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operations, 423 adult females were arrested and connected with BAWAR and 36 juveniles were rescued.

With the passage of SB 1322, OPD will no longer arrest CSEC or any individuals under 18 years of age for engaging in prostitution. Instead, the child will be given services consistent with the current practice and then taken to the most appropriate resource location for the individual child. This process could entail returning the individual to an identified residence or to the authority of social services and taken to the non-secure assessment center.

When OPD officers come in contact with a suspected CSEC victim they begin an investigation. They determine whether they have a crime, if the victim self identifies, the age of the victim and the cooperation and trauma level of the victim. They contact BAWAR and begin the process of determining the best placement for the juvenile victim. In some cases, the victim's family is a viable option. The timeframe is based on the individual's needs and circumstances.

However, if family is not an option, then the juvenile will be placed in the care of Alameda County Social Services and brought to a non-secure facility (Social Services Assessment Center), where they can continue to be offered services, consistent with current practice. OPD already works with community-based groups, such as BAWAR, who provide advocacy and services for individuals who engage in what California law deems prostitution. BAWAR, the nation's first rape crisis center, was formed in 1971 to provide 24-hour comprehensive services for survivors of sexual assault and their significant others. In 2009, responding to an alarming increase of sexual exploitation in Alameda County, BAWAR implemented a new program to address the needs of CSEC as well as commercially sexually exploited adults. BAWAR offers immediate crisis stabilization and advocacy to help bring a voice to victims who are living in day-to-day with intense trauma.

OPD and BAWAR work together to provide a trauma-informed approach to caring for victims of human trafficking through victim-centered investigations and referrals. Once a victim is in a place where they are receptive to services, BAWAR provides clients with referrals in a respectful and caring manner. Resources include Motivating, Inspiring, supporting, and Serving Sexually Exploited Youth (MISSEY); West Coast Children's Clinic; Love Never Fails; and other service providers. The passing of SB 1322 does not change the mission or goals of the work already being performed by OPD and partner organizations. All partners understand there are many elements and issues surrounding human trafficking. Continuing to work together to address the individual needs of each person will continue to provide the best possible outcomes.

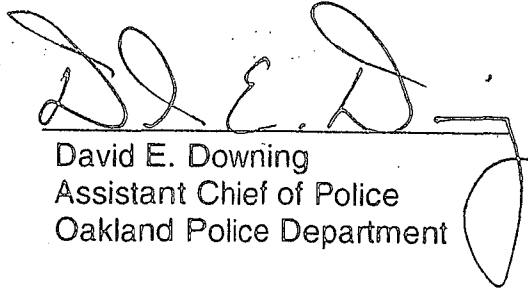
OPD is currently waiting and anticipating policy changes by Alameda County Social Services regarding the CSEC population. The hope is that a separate assessment center equipped to deal with the specialized needs and safety concerns of these traumatized children will be made available.

ACTION REQUESTED OF THE CITY COUNCIL

**Staff Recommends That The City Council Accept This Informational Report Regarding The Oakland Police Department (OPD Plan To Implement California Senate Bill (SB) 1322 And Any New Policies And Processes Regarding Commercially Sexually Exploited Children (CSEC).**

For questions regarding this report, please contact Jill Encinias, Lieutenant of Police, Criminal Investigation Division, Special Victims Section, at (510) 238-3253.

Respectfully submitted,



David E. Downing  
Assistant Chief of Police  
Oakland Police Department

Reviewed by:

Jill Encinias, Lieutenant, Police Services Manager  
OPD, Special Victims Unit (SVU)

Prepared by:

Tim Birch, Police Services Manager  
OPD, OCOP, Research and Planning



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