BOARD OF SUPERVISORS RESPONSE TO GRAND JURY REPORT NO. 1605: CARING FOR THE VICTIMS— COMMERCIAL SEXUAL EXPLOITATION IN CONTRA COSTA COUNTY

FINDINGS

F1. A comprehensive system of care for victims of CSEC still has not been fully implemented in Contra Costa County.

Response: Agree.

F2. The County is now 15 months into developing and implementing this comprehensive system of care for victims of CSEC that it began developing in January 2015.

Response: Agree.

F3. A CSEC Protocol, which provides a comprehensive system of care for victims of CSEC, was prepared under the leadership of CFS.

Response: Agree.

F4. The CSEC Protocol provides the framework for cooperation and coordination among the County, its cities and NGO's.

Response: Agree.

F5. The State Department of Social Services has released Contra Costa County's allocations of CSEC monies under the Commercially Sexually Exploited Children Program administered by the State Department of Social Services.

Response: Agree.

F6. Many social workers in CFS, law enforcement, officers in Juvenile Hall and victim advocates in the DA's office are not implementing the CSEC Protocol because they have not seen it.

Response: Disagree. The protocol Memorandum of Understanding among the partner agencies that addresses the requirements of Welfare and Institutions Code (WIC) 16524, includes protocols related to screening and identification, assessment, multi-disciplinary teaming, and data collection. Each required partner agency per WIC 16524 (Child Welfare, Mental Health, Public Health, Probation, Juvenile Court) has a copy of the protocol and are in the process of implementing the CSEC Protocol requirements.

F7. CFS, the leader of the Oversight Committee, has not followed up with its interagency partners that have signed off on the Protocol, but have not submitted their own CSEC department plan/protocols to the Oversight Committee.

Response: Disagree. The CSEC Protocol Steering Committee launched in March 2015 in order to develop the Interagency Protocol. It was submitted to the California Department of Social Services (CDSS) October 1, 2015 and approved in December 2015. The work of the restructured Steering Committee, now called Human Trafficking Protocol, Policy and Data Committee, is to follow up on the Protocol and make changes as needed. This committee has followed-up with interagency partners to help assist them in creating their own CSEC plans and protocols. However, there is no statutory requirement for interagency partners to submit their own CSEC plan or protocols to CFS.

F8. CFS lacks personnel who can act as the hub of all CSEC referrals from law enforcement by assessing the health, psychiatric and physical needs of victims of CSEC and who can navigate these services for them.

Response: Partially Disagree. CFS does not have a designated role as a "hub" as defined in this finding. Respondent agrees that CFS is the mandated agency to receive all child abuse referrals. CFS is required to run a 24 hour Child Abuse Hotline and receive all suspected child abuse referrals from Law Enforcement and other mandated reporters through the hotline. All suspected exploitation of children must be reported to the CFS hotline per Senate Bill 855 (Chapter, 29 Statutes of 2014).

F9. Suspected CSEC victims are being arrested and booked into Juvenile Hall for their own safety pursuant to various statues under the Welfare & Institutions Code, relating to infractions and crimes committed by Youth, while the County assesses the appropriate health and social services to provide.

Response: Disagree. The Juvenile Hall admits youth based on crimes committed as defined in the Penal Code. Some of those youth whose crimes meet the criteria for detention and/or commitment to Juvenile Hall programs, are also victims of commercial exploitation. Services are provided for youth who are victims of exploitation while they are detained or committed to the facility.

The County Probation Department is responsible for Wards booked on a criminal charge into the Juvenile Hall following arrest by local police agencies. There are occasions where Wards are booked into the Hall, initially on a criminal charge such as petty theft, while a criminal investigation is ongoing, and it is later determined that the Ward is a victim of commercial sexual exploitation. In many cases, the Hall (a locked facility) is the safest physical location for CSEC youth, who receive mental/physical health care services while in custody.

The County does not have authority to order placement of a Ward currently in custody, including CSEC youth, to outside facilities. Such placements are ordered by the Superior Court once the Ward's case is adjudicated.

F10. The County has not provided funding to CFS for temporary housing facility for victims of CSEC.

Response: Agree.

F11. No single database covering all CSEC – related arrests, referrals and pending cases exists in the County.

Response: Agree.

F12. Due to the lack of a single database in the county covering all CSEC-related arrests, referrals and pending cases, the County does not know the number of victims of CSEC and where they are located.

Response: Agree. While the County and various agencies have their own specific, internal CSEC related data, this data is not amalgamated Countywide. The County has a snapshot of data available to it through Zero Tolerance's management of a federal human trafficking grant (which collects human trafficking data from 5 partner agencies, but this is not representative of the entire County).

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F13. County personnel and law enforcement dealing with victims of CSEC are well-meaning, compassionate and dedicated people trying to make the best of a very difficult situation.

Response: Agree.

F14. Most County personnel and law enforcement dealing with victims of CSEC lack in-depth CSEC training, necessary facilities for temporarily accommodating the victims and a clear-cut plan of action, which lays out how to rescue, protect and serve the victims of CSEC in a manner that is caring and trauma-informed.

Response: Agree.

RECOMMENDATIONS

R1. The Board of Supervisors should review the Interagency Protocol for Serving Commercially Sexually Exploited Children in Contra Costa County finalized in October, 2015.

Response: The recommendation has not yet been implemented, but will be implemented in the future. A presentation will be planned to the Board of Supervisors for later in the calendar year.

R2. The Board of Supervisors, City Councils and Sheriff's Department should consider recommending that all CSEC interagency partners, as listed in the CSEC Protocol, in Contra Costa County adopt their own CSEC protocols and submit them to CFS for approval.

Response: The recommendation will not be implemented because it is not warranted. The County agrees that interagency partners should develop their own CSEC protocols. However, we disagree that the CSEC Protocols should be submitted to CFS for approval. Partner agencies, such as city councils, should participate in the Zero Tolerance for Human Trafficking Coalition meetings and submit their protocols to the Human Trafficking Coalition Executive Team for inclusion in the Human Trafficking Operating Guidelines, which is a document that includes all entities involved in Human Trafficking countywide.

R3. The Board of Supervisors should consider directing CFS, as the lead implementing bureau, to follow up on the required plans and protocols from the interagency partners, as listed in the CSEC Protocol, implementing the CSEC Protocol.

Response: The recommendation will not be implemented because it is not warranted. This is the proper role of the Human Trafficking Policy, Planning and Data Committee and this Committee has the clear goal of implementing the Protocol and working with required WIC 16524 partner agencies to develop their own internal policies around CSEC.

R4. The Board of Supervisors should consider directing CFS to expand its CSEC Response flow Chart to include all critical steps to be taken for the welfare of the child victim, including mental health evaluation by the Health Department and child welfare hold requests by the social workers.

Response: The recommendation has not yet been implemented, but will be implemented in the future. The County agrees that the CSEC flow chart can be expanded to include other steps in CSEC response. The flow chart can be used to engage other departments and agencies to contribute and finalize protocols.

R5. The Board of Supervisors should consider directing CFS to train or hire specialized CSEC personnel who will serve as points of primary referral and assist in navigating the services provided to victims of CSEC utilizing funds provided by the State Department of Social Services.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable. This is already a State requirement under WIC 16524 and has already occurred. No further mandate is required by the Board of Supervisors.

R6. The Board of Supervisors should consider directing CFS to follow the model of the Family Justice Centers in assisting victims of CSEC navigate the multitude of available services.

Response: The recommendation is being implemented. CFS is working closely with the Family Justice Centers to assist victims of CSEC. In addition, the Family Justice Centers are co-leading the Contra Costa Human Trafficking Multi-Disciplinary Team meetings which include review of, and response to, CSEC/CFS cases. These meetings include numerous service providers and government agencies to ensure wrap-around services are available and accessible for survivors.

R7. The Board of Supervisors should consider seeking funds to acquire or lease a physical facility to temporarily house victims of CSEC, which would allow suspected victims of CSEC to be placed in a legal, non-criminal temporary hold, rather than having law enforcement book the child into Juvenile Hall with a criminal charge.

Response: The recommendation will not be implemented at this time. Currently, Federal and State funding for CSEC does not extend to leasing or developing a facility. Further, evidence-based practice has shown that congregate living for these youth is not the optimal choice, rather a therapeutic foster family based setting, or, reunification with stable family members produces the best outcomes. Youth involved in human trafficking activities often are very mobile and cross county lines, creating housing and treatment challenges which may best be met through a regional rather than a single-county approach.

R8. If the County secures funding to construct or lease a CFS physical facility, the Board of Supervisors should consider housing specialized CSEC navigators at the facility, similar to the model used by the Calli House.

Response: The recommendation will not be implemented because it is not warranted. Assistance with navigating the complex services system is and will continue to be provided through the MDT's.

R9. The Board of Supervisors, City Councils, and Sheriff's Department should consider recommending that all first responders (usually law enforcement) refer suspected victims of CSEC to specialized and dedicated CSEC personnel, to be established within CFS.

Response: The recommendation has been implemented. As stated in F8, CFS is required to run a 24 hour Child Abuse Hotline. Per current statute, all suspected exploitation of children must be reported to the CFS hotline.

R10. The Board of Supervisors should direct CFS to formulate CSEC training programs, containing different emphases for different County departments, interacting with victims of CSEC.

Response: The recommendation will not be implemented. CSEC training programs are necessary, however, this is not the CFS' responsibility. The Zero Tolerance for Human Trafficking Coalition has developed a standardized Human Trafficking 101 curriculum and training that has been offered countywide for over a year.