



New York Juvenile Justice Coalition

c/o Juvenile Justice Project of The Correctional Association of NY ■ 135 East 15th Street New York, NY 10003 212-254-5700

The Safe Harbor for Exploited Children Act FACTS & FAQ'S

We urge the Legislature to enact the **Safe Harbor for Exploited Children Act (Bill A.5258, sponsored by Assembly Member William Scarborough and S.3175 sponsored by Senator Dale Volker)** which would create a continuum of services to meet the needs of New York's sexually exploited children. Despite the fact that, under New York Law, children under the age of 17 cannot consent to sex, children as young as 11 and 12 are routinely charged and incarcerated for prostitution. New York State needs to stop treating exploited children like criminals and provide them with services and safe houses - not jail cells.

Here are answers to some frequently asked questions (FAQ's) about the Safe Harbor Act:

Why is it important not to prosecute sexually exploited young people?

Experts agree that prosecuting sexually exploited children re-traumatizes them and makes the process of leaving the streets more difficult. In fact, both federal and international law¹ recognize sexually exploited young people as victims. Sexually exploited children already suffer violence and abuse at the hands of their adult pimps and johns - prosecuting them as criminals compounds that abuse and just doesn't make sense.

Don't we need to hold sexually exploited children in secure facilities in order to protect them?

No. Incarcerating sexually exploited young people is not necessary to protect them or provide services. The Safe Harbor for Exploited Children's Act would create a range of services, including crisis intervention and short-term and long-term safe houses that will be specifically designed to meet the needs of sexually exploited children. Experience has shown

¹ See the Federal Victims of Trafficking and Violence Protection Act of 2000 and the United Nations Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

that when their needs are met in a caring and supportive environment, sexually exploited children are much less likely to return to the streets.

Doesn't the juvenile justice system provide the services sexually exploited children need?

No. Juvenile facilities on both the state and local level are not equipped to meet the urgent and very specific service needs of sexually exploited young people. It is estimated that 80 to 90 percent of exploited children have been sexually abused. Two-thirds to three-quarters of exploited children experience mental health problems such as post-traumatic stress disorder. The Office of Children and Family Services (OCFS), which operates the placement facilities for juvenile delinquents, has no programs to address the very specific social and emotional needs of sexually exploited children.

If sexually exploited children aren't put through the juvenile justice system what will we do with them?

The Safe Harbor Act recognizes that sexually exploited children need and deserve the protection of the Family Court. The Court can require that sexually exploited children receive services by determining them to be "persons in need of supervision" (PINS). The Act would amend the Family Court Act regarding PINS cases to specifically incorporate sexually exploited children. The Act would also create a range of specialized, community-based programs designed to help children recover from the trauma of sexual exploitation and abuse.

Will this bill legalize prostitution?

No. The Safe Harbor Act simply recognizes that the sexual exploitation of children is a child welfare issue, not a criminal justice issue. Law enforcement resources are better spent targeting the root causes of sexual exploitation - the pimps and johns who are too often left out on the street to continue the cycle of abuse.

Won't the services created by this legislation cost a lot of money?

No. The money that New York State currently spends to incarcerate sexually exploited children in the juvenile system and to house them in other social service settings can be re-directed to cover the cost of the more specialized services created by the Safe Harbor Act. Given that the cost of incarcerating one young person in an OCFS facility is approximately \$125,000 a year,² the money the state would save by diverting children from prison should be more than enough to provide funding for community-based services.

² New York State Office of Children and Family Services (OCFS) Annual Report 2002.