

Responding to Commercially Sexually Exploited Children at the Alameda County Juvenile Justice Center (JJC): Memorandum of Understanding

I. Purpose

For the past several years, Alameda County has seen a significant increase in the number of commercially sexually exploited children (CSEC), with Oakland being recognized as both a local and national hub for domestic minor sex trafficking.¹ Though Alameda County remains committed to prosecuting traffickers and providing a wide range of victim centered services for CSECs, the following challenges still exist in the jurisdiction:

- Lack of strategic collaboration and ongoing communication among all stakeholder agencies working directly with CSEC cases;
- Lack of reliable data documenting the results of services and system responses to CSEC in the jurisdiction;
- For CSEC who are in the juvenile justice system, lack of quality programming and services that serve as alternatives to detention, detention stabilization, placement, and aftercare supports;
- Lack of sustainable funding to support ongoing and effective system and services responses to this vulnerable population.

In order to overcome these challenges, public and private agencies in Alameda County have actively partnered to increase communication, share decision making, and utilize necessary resources that result in improved safety and quality of life outcomes for identified CSEC, while holding their traffickers criminally accountable for their actions. This MOU outlines decisions and actions each identified partner agency will take to support a coordinated, holistic, and effective response to CSEC cases in the jurisdiction.

II. Agency Roles and Responsibilities

A. Alameda County Law Enforcement Agencies (LE)

- LE will conduct CSEC specific investigations, including trolling expeditions, in areas of Alameda County that are known for sex trafficking;
- If LE conduct CSEC sweeps that may result in youth being detained at the JJC, LE will notify the Alameda County Probation Department (ACPD) about the sweep so they can properly prepare for the potential of additional youth being placed in custody;

¹ In 2003 the Oakland Police Department identified 293 youth under the age of 18 being prostituted by at least 155 pimps within a one and a half year time period. Since January of 2011 the Alameda County District Attorney's Office has identified over 275 youth who are either at risk for or involved in sex trafficking.

- When interfacing with youth who are at risk of becoming or have been identified as CSEC, LE will notify the local first responder crisis organization (FCR) to provide them with immediate and/or follow-up crisis counseling and support²;
- When LE escorts an identified CSEC to the County's Juvenile Justice Center (JJC), LE will notify the designated Juvenile Institutions Officer (JIO) of the ACPD that the youth is a CSEC and whether they participated in a current investigation of an alleged trafficker;
- If LE conducts follow-up interviews with the identified CSEC in custody, LE will notify the assigned ACPD Deputy Probation Officer (DPO), who will in turn notify juvenile hall administration, so that the interview can be conducted in a confidential manner, and the youth's defense counsel can be notified;
- If LE conducts interviews with the identified CSEC in custody, LE will also notify the FCRO so they can provide follow-up crisis counseling support before and after the interview has been completed; and
- If a CSEC identified by LE later is missing and is at risk for being commercially sexually exploited, LE will assist with locating them.

B. First Crisis Response Organization (FCR)

- FCR will offer first responder/advocacy services for CSEC in Alameda County who have been identified and/or arrested by local law enforcement agencies during CSEC trolling activities or other law enforcement activities;
- FCR will offer immediate and ongoing crisis counseling and support for identified CSEC when they are arrested, interviewed, and transported to the Alameda County JJC;
- FCR will offer follow-up confidential crisis counseling, educational classes, service referrals, and advocacy for CSECs who are detained in juvenile hall, including court accompaniment to juvenile court proceedings, unless objected to by the youth, their counsel, the court, or any other interested party;
- If FCR is working with a CSEC in custody, as soon as contact is made with the youth, FCR will notify both the Guidance Clinic and the Transition Center that they are working with the identified youth;
- FCR will offer ongoing support for CSEC who become a victim witness in an adult prosecution of their trafficker(s);

² Bay Area Women Against Rape (BAWAR) is currently designated as Alameda County's first responder organization for CSEC cases.

- FCR will work with representatives from law enforcement, ACPD, defense counsel, and other appropriate parties, to support the safe recovery of CSEC in Alameda County who have gone missing and are located in other jurisdictions;
- FCR will support CSEC to safely surrender themselves at the JJC for outstanding warrants related to their probation conditions;
- FCR will ensure all approved staff and volunteers are certified crisis counselors and have additional supervision and support that addresses any vicarious trauma that may result from working with the CSEC population;
- FCR will communicate with other identified victim advocacy organizations in the region and State regarding ongoing needs of out of county CSEC who are detained in the juvenile hall and are returned to their jurisdiction of origin;
- While offering these services, the FCR will only provide authorized information to partner agencies that support law enforcement investigations related to human trafficking and that does not violate confidentiality with their client; and
- FCR will offer ongoing community-based counseling, education, and support for CSEC throughout their healing process.

C. Alameda County Probation Department (ACPD)

- If an identified CSEC is taken to the Alameda County juvenile hall by local law enforcement, the ACPD will consider high risk factors in determining if detention is appropriate;
- ACPD will refer the identified CSEC to comprehensive and ongoing medical and mental health services while they remain in detention and when they are released from custody³;
- ACPD will also notify the designated FRC for CSEC to provide the identified youth with ongoing crisis counseling and support for the duration of their detention;
- If the identified CSEC is a ward of the dependency system, ACPD will notify the Social Services Agency of Alameda County (SSA) and/or the social worker from the youth's county of origin so that they can interface with their client, attend court hearings, and/or provide relevant information on the youth's safety status to other necessary agencies, as permitted under W&I Code Section 827, that can assist with the dependant youth's stabilization and safety;

³ Youth will be referred to appropriate services through the Transition Center and/or their assigned probation officer.

- If either LE or the Alameda County District Attorney's Office (ACDAO) notifies either the designated ACPD Deputy Probation Officer (DPO) or Supervisor that they will interview and/or meet with an identified CSEC in custody, the DPO/Supervisor will contact JJC administration within reasonable time period about the interview so it can occur in a confidential manner;
- If either LE or the ACDAO notifies the ACPD DPO that they will interview and/or meet with an identified CSEC in custody, that representative will attempt to notify the youth's defense counsel regarding the interview in question;
- While a CSEC remains in custody, ACPD staff will take reasonable measures to prevent the youth from engaging in communication with potential exploiters who will put them or other detained youth at risk for exploitation. All suspicious information/evidence will be forwarded to the youth's DPO for further investigation of the alleged misconduct;
- Subject to the availability of funding and Board of Supervisor or other required authorization, the ACPD will partner with community based organizations to provide ongoing gender responsive services and programming for youth at risk for or involved in sex trafficking while they remain in detention and when they are released from custody;
- If a CSEC in custody is subpoenaed to be a victim witness in an adult prosecution, the ACPD will coordinate transportation to and from court proceedings. This may also include allowing minor to dress in appropriate clothing and to not be shackled while they are awaiting testimony and/or when they testify in court;
- If an identified CSEC is placed on GPS, their whereabouts will be constantly monitored to ensure they are safe and remain compliant with conditions of probation. If a CSEC on GPS goes missing, ACPD will seek a warrant for the minor so that the minor can be located as soon as possible⁴;
- When an identified CSEC is released from custody to an out of county agency, ACPD releasing staff will record relevant contact information regarding the agency for any necessary follow up regarding the youth's safety and stabilization in their home jurisdiction⁵; and
- The ACPD will continue to develop comprehensive programming for youth who are at risk for, or involved in, sex trafficking that serve to support diversion, alternatives to detention, detention-based services, placement, and aftercare.

⁴ . The immediacy of this response is critical when considering how easy it is for CSEC to be kidnapped and/or transported to other locations outside of Alameda County.

⁵ . This contact information may include: name, address, email address, and phone number of the identified agency or individual.

D. Alameda County District Attorney's Office (ACDAO)

- The ACDAO will assign a Deputy District Attorney (DDA) from the Juvenile Division to handle all CSEC cases that come through this division;
- The ACDAO will assign DDAs from the adult division to be responsible for all Human Exploitation and Trafficking (H.E.A.T) cases. The HEAT DDAs will provide technical assistance to all partner agencies in this MOU regarding human trafficking investigations involving youth;
- The ACDAO will assign a Victim Witness Consultant (VWC) to assist with HEAT cases and support CSEC who will be victim witnesses in adult human trafficking cases. The VWC will also assist with filing and expediting Victim of Crime (VOC) claims for eligible youth who are identified as CSEC victims;
- If the ACDAO needs to conduct an interview with an identified CSEC in custody, the ACDAO will notify the assigned ACPD DPO who will in turn notify juvenile hall administration so that the interview can be conducted in a confidential manner;
- When interfacing with CSEC detained at the JJC, the ACDAO will concurrently notify and coordinate with the FCR regarding interviews so that they can provide immediate and/or follow-up crisis counseling and support to the identified youth along with keeping them updated on the status of their testimony;
- When necessary, the ACDAO will coordinate with representatives from ACPD, the youth's defense counsel, and community based organizations working directly with CSEC who become victim witnesses in adult human trafficking prosecutions to ensure CSEC are given extra safety and support while the investigation is occurring and if they are called to testify;
- The ACDAO will work with law enforcement, ACPD, defense counsel, community based organizations, and other appropriate parties, to support the safe recovery of CSEC in Alameda County who have gone missing and are located in other jurisdictions.

E. Alameda County Public Defender's Office, Juvenile Division (PD)

- The PD will represent and zealously advocate for all sexually exploited youth who are facing criminal charges filed by the ACDAO. The PD will provide ongoing legal services and such representation will continue until the matter is dismissed from juvenile court and the youth's juvenile probation period has ended;
- The PD will make efforts to identify youth who have been or who are currently being sexually exploited;
- The PD will maintain contact with and provide support to youth who are in placement while they are placed outside the home;

- Depending on the needs of the youth, the PD will refer them to the appropriate agencies for stabilization and ongoing support and will participate in the development and carrying-out of after-care plans;
- The PD will support CSEC clients by adding matters on to the calendar to address outstanding warrants related to their probation conditions and/or, where necessary, supporting CSEC clients in safely surrendering themselves at the JJC for outstanding warrants; and
- When youth who are clients of the PD decide to testify in adult human trafficking proceedings, the PD will remain in contact with the assigned prosecutor from the ACDAO. The PD will make efforts to be present and supportive of the youth during interviews with law enforcement and court proceedings, including during the youth's testimony. In these instances, the PD will zealously advocate to ensure that the youth's rights and safety are protected.

F. Social Services Agency of Alameda County (SSA)

- If a dependant youth is identified as a CSEC and detained at the Alameda County juvenile hall, ACPD will notify SSA and the identified social worker/SSA representative will make reasonable efforts to interface with their client, attend court hearings, and/or provide relevant information on the youth's safety status to ACPD, ACDAO and other necessary agencies, as permitted under W&I Code Section 827, that can assist with the dependant youth's stabilization and safety;
- If a CSEC at the JJC is referred to a 241.1 hearing, SSA representatives will assist with determining the status of the youth and the disposition of their case.

G. Behavioral Health Care Services (BHCS)

- The Behavioral Health Care Services Agency, operating the Guidance Clinic (GC) at juvenile hall, will provide culturally appropriate and trauma informed mental health services to all at risk and CSEC youth who are referred to the clinic;
- GC staff will actively collaborate with other County and community based partners who work with CSEC and at risk youth;
- While providing medical services, if a youth discloses that they are a survivor of sexual trauma and/or sex trafficking, if permitted by state and federal law, CH will make a referral to FRCO to provide follow-up crisis counseling and support;
- GC staff will make appropriate referrals to the Transition Center and community based organizations who work with CSEC while CSEC are detained;

- GC staff will attend yearly trainings to keep updated on evidenced-based practices and gender responsive interventions for CSEC and at risk youth at the juvenile hall.

H. Children’s Hospital of Oakland, JJC Medical Clinic (CH)

- CH, while operating the Medical Clinic at the JJC, will provide immediate and ongoing medical services for detained youth who are at risk for or involved in CSEC activity; and
- While providing medical services, if a youth discloses that they are a survivor of sexual trauma and/or sex trafficking, if permitted by state and federal law, CH will make a referral to FRCO to provide follow-up crisis counseling and support.

III. Miscellaneous Provisions

- A. **Hold Harmless and Liability:** Each party agrees to mutually indemnify, defend at its own expense, including attorneys’ fees, and hold the other parties harmless from and against all claims, costs, penalties, causes of action, demands, losses and liability of any nature whatsoever, including but not limited to liability for bodily injury, sickness, disease or death, property damage (including loss of use) or violation of law, caused by or arising out of or related to any negligent act, error or omission, or willful misconduct of itself, its officers or employees, or any of its agents acting pursuant to this MOU.
- B. **Construction of Terms:** This MOU is for the sole benefit of the parties and shall not be construed as granting rights to any person other than the parties or imposing obligations on a party to any person other than another party.
- C. **Governing Law:** This MOU is made under and shall be governed by the laws of the State of California.
- D. **Confidentiality of Records:** The parties shall maintain the confidentiality of all juvenile case files, records and reports in accordance with applicable state and federal law.
- E. **Review and Renewal:** This MOU will be reviewed and renewed on an annual basis. It will also be refined and expanded as existing agencies continue to improve their collective responses to these cases and more agencies in the jurisdiction and the region sign on to this important endeavor.
- F. **Additional Parties:** Other law enforcement agencies operating within Alameda County may become a party to this MOU at any time, by executing this MOU and thereby agreeing to become a partner agency, without further action to approve their participation by the current partner agencies.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding as of the day and year indicated on the first page of this MOU and agree to be partner agencies in this necessary endeavor.

Name
Oakland Police Department

Date

Marcia Blackstock, Executive Director
Bay Area Women Against Rape

Date

LaDonna Harris, Chief Probation Officer
Alameda County Probation Department

Date

Nancy O'Malley, District Attorney
Alameda County District Attorney's Office

Date

Brendon Woods, Public Defender
Alameda County Public Defender's Office

Date

Michelle Love
Social Services Agency of Alameda County

Date

Carolyn Novosel, Title
Behavioral Health Care Services of Alameda County

Date

Shanta, Ramdeholl, Director, JJC Medical Clinic
Children's Hospital and Research Center of Oakland

Date

Name
Hayward Police Department

Date