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The sex traffic in children

Authorities in L.A. County are recognizing that child prostitutes are less perpetrators than victims.

UNTIL RECENTLY it has been the practice of police and prosecutors to deal with prostitutes under age 18 much the same as with their older counterparts — they would be arrested, prosecuted, offered deals to identify and testify against pimps and traffickers, either jailed or presented with some quasi-voluntary rehabilitation, and instructed to never offend again.

That approach persisted in much of Los Angeles County even as sheriff's deputies and others discovered to their horror that many juveniles arrested for prostitution lived in or had run away from foster homes, where they were supposed to be safe under county oversight. In many cases, they were recruited or compelled into prostitution by gangs that had given up the drug trade as too dangerous and were instead preying on the emotional and physical vulnerability of foster children.

Now, law enforcement officers and local governments here and across the country are demonstrating a growing sophistication in their understanding of commercial sexual exploitation of teenagers and preteens. They are coming to recognize that child prostitutes are less perpetrators than victims. In fact, the Los Angeles County Board of Supervisors asserted recently, there can be no such thing as a child prostitute, because prostitution involves a consensual sex act in exchange for money or other compensation.

If the act is not consensual, it is rape — whether or not money changes hands. And because in California no juvenile can be deemed to have consented to sex with an adult, any sex act with a person younger than 18 is an act of rape. The adult is not a customer or merely a "john" but a child predator. A rapist. The juvenile is not a criminal, but a survivor.

"No Such Thing" — as in, there is no such thing as a child prostitute — has become a nationwide slogan and campaign in the service of the worthy effort to ensure that sex trafficking victims under age 18 are not treated as criminals but are instead offered the help and protection they need to recover from their ordeal and rebuild their lives.

As with all such slogans, there is a danger that it will become simply an exercise in political correctness and word policing that does little to curb the sexual abuse of children. But change in practice must sometimes begin with a change in attitude, which in turn may begin with better attention to language. Whether deeds will match words, and laws and practices will be updated to support more constructive treatment of victims of child sex trafficking, is largely in the hands of police, prosecutors, social workers and local policymakers.

They should expect to find that their change in approach won't quickly eliminate child sex trafficking. Not all children or teenagers who are trafficked will welcome rescue, or even see intervention as rescue at all. Some will instead see the trafficker as the rescuer — for providing some semblance of order, attention and what passes for love. Others will hold fast to the tragic and mistaken belief that they are unworthy of any life but the one they are leading.

Extricating those minors from commercial sex exploitation will be an enormous challenge, fraught with some of the same subtleties and setbacks that pose such difficult obstacles to drug users who resist detox and rehabilitation. For them, as for trafficked juveniles, arrest is the traditional conduit into services, and the threat of prosecution is the common method to compel compliance. Police and prosecutors will have to be uncharacteristically open-minded and flexible if they are to successfully reinvent their approach to what they once called child prostitution.

Government does not generally possess that kind of dexterity. Nor does the public, which is often more comfortable punishing wrongdoers with ever more onerous sanctions than working through problems systematically to get the best outcomes for the most people. The war on drugs was one manifestation of this approach. It emerged from an earnest but oversimplified quest to combat the corrosive impact of narcotics on families and communities. It generated draconian prison sentences but little success in ending addiction or the drug trade.

As attitudes toward drug abuse shift, and users are slowly coming to be seen as patients rather than criminals, the public and its elected officials have begun transferring their prosecutorial inclinations to sex trafficking. If handled thoughtfully, that could be a positive development. But there are signs of the kinds of excess and overreach that characterized the war on drugs. Beware of definition creep, enlarging the boundaries of what is considered trafficking; and beware of attempts to layer extravagant measures of vengeance on top of appropriate sentences.

The Los Angeles County Board of Supervisors, trying to navigate its way through the vexing problem of commercial sexual exploitation of children, now faces this question: Should it publicly shame people who pay to have sex by putting their names and faces on billboards? Customers of adult prostitutes are breaking the law, after all, and those who have sex with minors are child rapists who deserve to be prosecuted and punished.

But if perpetrators who have sex with minors are really going to be charged as rapists, they will do jail or prison time and be listed publicly, for the rest of their lives, on the state sex offender registry. That ought to suffice. Murderers do not end up on billboards, nor do rapists — even child rapists — who didn't pay for sex. Such an idea is rooted in a puritanical instinct. The decision facing the supervisors is whether they want to retreat to that kind of dated and simplistic thinking, just when they are poised to finally embrace a more enlightened approach to child sex trafficking.