ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Human Trafficking: Reexamining the Scope of the Problem and Solutions

Agenda

Tuesday, February 8, 2022 9:00 a.m. to 12:00 p.m. State Capitol, Room 126

I. Introduction and Opening Remarks: 9:00 a.m. - 9:10 a.m.

Reginald Byron Jones-Sawyer Sr., Chair, Assembly Committee on Public Safety

II. Presentation of the Attorney General's Efforts to Combat Human Trafficking: 9:10 a.m. - 9:30 a.m.

John Marsh, Chief of the Division of Law Enforcement, California Department of Justice, Office of the Attorney General

III. Survivor Perspectives: 9:30 a.m. - 10:15 a.m.

Kimberly Foster, Crime Survivors for Safety and Justice

Adrianna Griffith, Survivor Consultant, Loyola Law School Sunita Jain Anti-Trafficking Policy Initiative

Sabrina Talukder, Director of Federal Policy, Loyola Law School Sunita Jain Anti-Trafficking Policy Initiative

IV. Update From the California Victims Compensation Board on Compensation for Survivors of Human Trafficking: 10:15 a.m. – 10:30 a.m.

Natalie Mack, Chief Deputy Executive Officer, California Victim Compensation Board

V. Human Trafficking Policy, Past, Present and Future: 10:30 a.m. - 11:30 a.m.

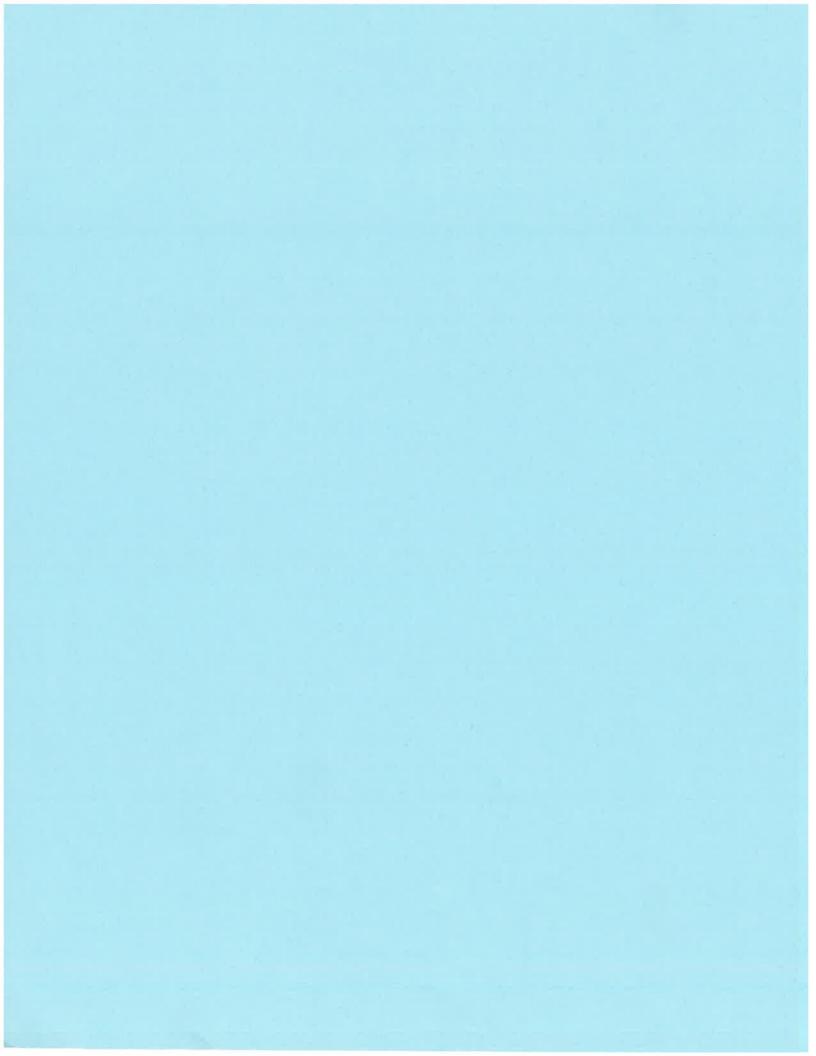
Mairin McQueen, USC Gould School of Law International Human Rights Clinic

Joseph Villela, Director of State Policy, Loyola Law School Sunita Jain Anti-Trafficking Policy Initiative

Stephanie Richard, Director, Advisor, Loyola Law School Sunita Jain Anti-Trafficking Policy Initiative

Cynthia Buiza, Commissioner, Little Hoover Commission

VI. Public Comment: 11:30 a.m. – 12:00 p.m.



ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Human Trafficking: Reexamining the Scope of the Problem and Solutions

SPEAKER BIOGRAPHIES

Panel II:

John Marsh, Chief of the Division of Law Enforcement, California Department of Justice, Office of the Attorney General

Chief John Marsh began his law enforcement career in 1994 as a Police Officer with the Woodland Police Department where he worked a variety of assignments, including FTO, SWAT, and the Yolo Narcotic Enforcement Team. In 1999, Chief Marsh joined the Department of Justice as a Special Agent assigned to the Bureau of Narcotic Enforcement, San Francisco Regional Office.

In August 2006, Chief Marsh promoted to Special Agent Supervisor for the Bureau of Firearms. During this time, Chief Marsh managed the San Francisco Field Office and supervised a group of Special Agents assigned to Firearms Enforcement. He created and implemented a statewide Gun Show Interdiction Program, which focused on the illegal trafficking of firearms into California from out-of-state gun shows. Chief Marsh was the Public Information Officer for the Bureau in which he testified before the State Senate and Assembly on behalf of the Bureau and the Department. Chief Marsh represented the Bureau on local, state, and national news outlets regarding its enforcement activities. In 2010 he received the Attorney General's Award for Excellence in Supervision.

In April 2011, Chief Marsh promoted to Special Agent in Charge over the Northern California Regional Offices with the Bureau of Firearms. In May 2013, Chief Marsh promoted to Assistant Director with the Bureau of Firearms. He was responsible for the implementation of the program, which included hiring, managing of the Bureau's budget, and developing two separate training programs for Special Agents and Special Agent Supervisors to ensure the quality and consistency of investigations statewide.

In January 2015, Chief Marsh promoted to the Director of the Bureau of Investigation. During his time as the Director he managed the Bureau's budget to ensure the stability of the Bureau. He focused on shaping the Bureau of Investigation to ensure future stability and prepare for the growth of the Bureau.

In June 2018 Chief Marsh promoted to the Assistant Chief of the Division of Law Enforcement and in December 2021 promoted to the Chief of the Division. In his current position, he oversees the operations of the Office of the Chief and provides policy direction to the four bureaus within the Division: Bureau of Firearms, Bureau of Forensic Services, Bureau of Gambling Control, and Bureau of Investigations. AC Marsh holds a Bachelor of Science degree in Criminal Justice from California State University, Sacramento.

Panel III:

Kimberly Foster, Crime Survivors for Safety and Justice

Kimberly Foster is a dancer, artist, and choreographer from California. As a child, she dreamed of dancing and didn't shy away from performing her moves. As her mother's only daughter, Kimberly felt safe to explore life without worry. Everything changed when Kimberly's mother passed away. While trying to process the loss, Kimberly became trapped in human trafficking. She found the courage to identify as a victim when systems refused to acknowledge the crimes committed against her. Today, she is a survivor fighting for help to stay alive, and a safe path from exiting the game.

Adrianna Griffith, Survivor Consultant, Loyola Law School Sunita Jain Anti-Trafficking Policy Initiative

Adrianna Griffith is the Restorative Justice Program Specialist for the Women's Center Youth & Family Services, where she has worked for the past five years providing direct services to individuals and families experiencing domestic violence, sexual assault and human trafficking. In 2019, Adrianna became an Outside Organizer with Initiate Justice, furthering the mission of activating the political power of those most impacted by mass incarceration. In 2020, she was a fellow, with the Solis Policy Institute through the Women's Foundation of California. Adrianna also currently chairs the Legal Advocacy Workgroup of the San Joaquin County Human Trafficking Taskforce.

Sabrina Talukder, Director of Federal Policy, Loyola Law School Sunita Jain Anti-Trafficking Policy Initiative

Sabrina Talukder is the Federal Policy Director at the Loyola Law School Sunita Jain Anti-Trafficking Initiative. Sabrina began her legal career as an Equal Justice Works Fellow at the Legal Aid Society on NYC, identifying and representing immigrant survivors of domestic violence and trafficking at Rikers Correctional Facility. She then became the Immigration Specialist at the Exploitation Intervention Project, representing incarcerated and detained trafficking survivors upon arrest in their criminal and immigration proceedings. Sabrina graduated from University of California, Irvine with a Bachelors of Art in Political Science and International Studies; London School of Economics and Political Science with a Master of Science in Nongovernmental Organizations and Development; and her Juris Doctorate from University of Virginia School of Law.

Panel IV:

Natalie Mack, Chief Deputy Executive Officer, California Victim Compensation Board

Natalie Mack joined the California Victim Compensation Board as Deputy Executive Officer of the Victim Compensation Program in May 2020 and became Chief Deputy Executive Officer in July 2021. Before coming to CalVCB, Mack spent eight years at the Employment Development Department, where she held several positions, including Central Office Division Chief of the Disability Insurance Branch, Projects and Technology Deputy Chief and Assistant Project Manager for the Disability Insurance Automation Process. She also led the efforts for the Disability Insurance Branch related to the Business Modernization effort. Mack began her state service in November 2001. She has held positions with the State Controller's Office, the Department of Corrections and Rehabilitation, the Department of Health Care Services, the Department of Social Services and the Department of Justice. She holds a Bachelor of Science and a Master of Arts from the University of Phoenix.

Panel V:

Mairin McQueen, USC Gould School of Law International Human Rights Clinic

Mairin McQueen is a Public Interest Scholar and second year student at the USC Gould School of Law. Prior to law school, Mairin served in federal, state and local government and interned for international human rights non-profits. Now, Mairin is a member of USC Gould's International Human Rights Clinic, Anti-Human Trafficking Team. In November 2021, she helped the Clinic launch one of the first comprehensive reports on U.S. law enforcement anti-sex trafficking operations, detailing the harms such operations pose to people who have been trafficked and recommending non-carceral alternatives to combat sex trafficking.

Joseph Villela, Director of State Policy, Loyola Law School Sunita Jain Anti-Trafficking Policy Initiative

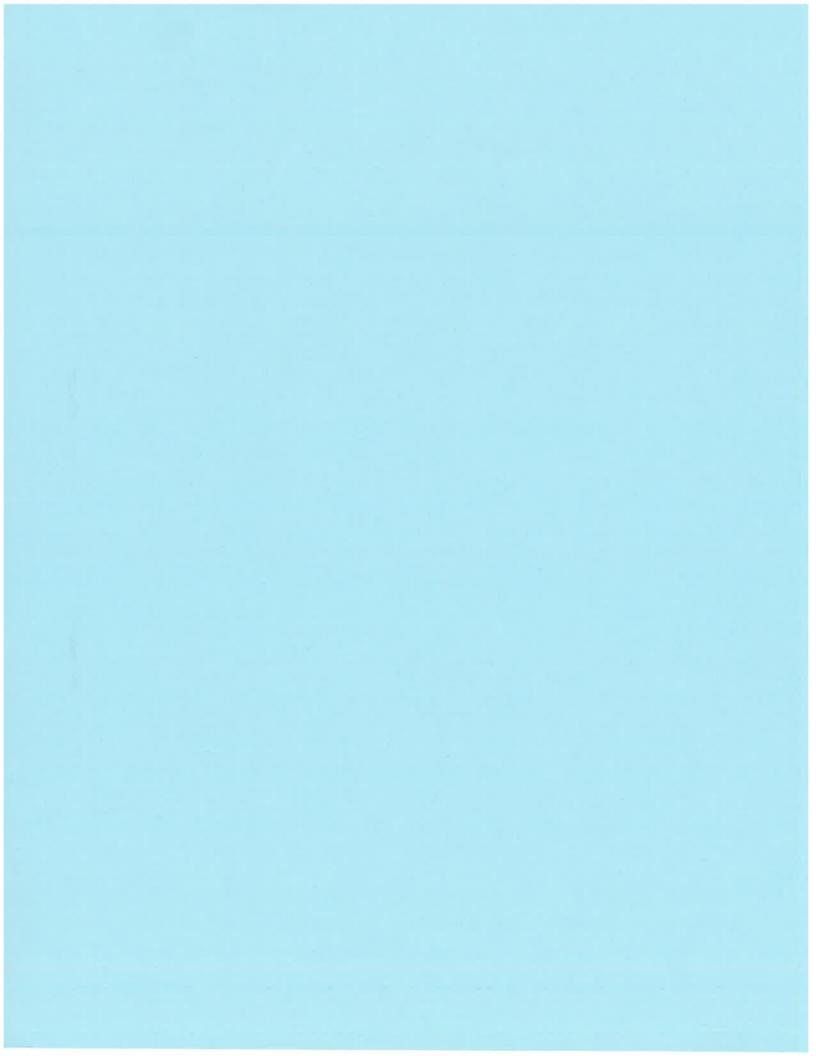
Joseph Villela currently serves as Director of State Policy at Loyola Law School Sunita Jane Anti-Human Trafficking Policy Initiative. Joseph has more than fifteen years working at the Coalition for Humane Immigrant Rights (CHIRLA) and during that time, has established a successful track record in developing and managing legislative and budgetary campaigns, helping to improve the lives of California's most vulnerable. During his 15 years at CHIRLA, Joseph held a number of positions including Policy Advocate, Senior Policy Advocate, and Director of Policy and Advocacy and was involved in the enactment of more than 55 proposals at the local and state level, many of which impacted the California criminal justice system, strengthened immigrants' rights, and provided access to education.

Stephanie Richard, Advisor, Loyola Law School Sunita Jain Anti-Trafficking Policy Initiative

Professor Stephanie Richard is the Director of Loyola Law School's Rights in Systems Enforced (RISE) Clinic, which trains and engages students in trauma-informed direct representation of survivors of violent crime. Prior to joining Loyola Law School, Richard served as the Policy & Legal Services Director at the Coalition to Abolish Slavery & Trafficking for almost 15 years where she led and expanded innovative programs in human trafficking services, policy, and training. She also served as Policy Counsel to the National Survivor Network to help ensure survivors voices were heard as policy experts. Her publications include State Legislation and Human Trafficking: Helpful or Harmful? in the University of Michigan Journal of Law Reform and Expanding Protections for Guest Workers Benefits Businesses in the Business & Human Rights Journal. Richard regularly provides testimony and guidance to the U.S. Departments of Labor, Justice, and Homeland Security, state legislatures and attorneys general offices, the Judicial Council of California, and the Uniform Law Commission.

Cynthia Buiza, Commissioner, Little Hoover Commission

Cynthia Buiza was appointed to the Litter Hoover Commission by Speaker of the Assembly Anthony Rendon in October 2018. She is Executive Director of the California Immigrant Policy Center and has previously served as the Policy Director for the American Civil Liberties Union, San Diego, and the Policy and Advocacy Director at the Coalition for Humane Immigrant Rights of Los Angeles.



FORNIA IE VICTIMS AGENDA 8



A TEN-POINT **PLAN TO ADDRESS** THE NEEDS OF CALIFORNIA'S **DIVERSE VICTIMS** OF CRIME





CALIFORNIA VICTIMS AGENDA

Addressing the needs of California's diverse victims of crime

Despite substantial increases in criminal justice expenditures over the past three decades, the majority of crime survivors do not receive support to help them recover from harm. State spending on victim services represents about 1 percent of what the state spends on the prison system. In other words, California spends nearly 80 times more on prisons than on services for crime victims.

As efforts to reform the criminal justice system grow statewide, it has never been more important to envision approaches to safety and justice that reach all victims and meet the safety needs of those communities most harmed and least helped.

Crime Survivors for Safety and Justice represents 10,000 survivors from across California and regularly surveys representative groups of survivors to understand most crime survivors' needs and policy preferences. The California Victims Agenda outlines the top priorities of California survivors to better meet our urgent and unmet recovery and protection needs.

The California Victims Agenda is a ten point plan to:

EXPAND RIGHTS + END DISCRIMINATION + PROVIDE REAL HELP

EXPAND RIGHTS

INCREASE LEGAL PROTECTIONS FOR VICTIMS TO PREVENT JOB AND HOUSING LOSS

There are some legal protections that prevent victims from losing housing or employment, but these protections must be expanded to ensure that all victims have the rights to maintain stable employment and housing while recovering from crime. Currently, only large employers provide victims in need of recovery time unpaid protected leave, but this must extend to all employees who become victims of crime, regardless of where they work. Victims' rights to maintain housing after becoming a victim of crime must be guaranteed also, including permission to delay housing or rental payments if a financial crisis emerges after victimization, and authority to immediately change locks for protection. Similarly, surviving family members of homicide victims should be afforded the same rights to leave time for burial arrangements, grieving, and recovery without losing work or housing.

EXPAND VICTIMS' CIVIL LEGAL SERVICES TO HELP ALL VICTIMS RECOVER

Civil legal services programs provide pivotal support to victims of crime for everything from tenant and worker protections to immigration issues to family law assistance. Yet, too few victims are aware of these legal services or gain access to them. The establishment of victims' legal services must be required, in order to reach all victims in need of legal assistance, as well as widespread public education to ensure that victims are aware of—and can access—these services in their communities and in culturally and linguistically appropriate settings.

ENSURE DIGNITY, RESPECT, AND SUPPORT FOR VICTIMS OF UNSOLVED CRIMES

The majority of crime goes unsolved. Too often, the only survivors that attain information or help from the justice system are those for whom an arrest or prosecution is underway or has occurred. Victims and surviving family members of unsolved crimes can suffer extreme stress and chronic trauma arising in part from not having information or knowing what happened. These survivors have rights, too. Real justice should ensure dignity and support for all victims of crime. Justice system officials must ensure responsivity to these survivors, treat them with respect, and ensure that they are connected to recovery services and support.

END DISCRIMINATION

EXPAND VICTIM SERVICES' ELIGIBILITY TO ALL VICTIMS OF CRIME AND VIOLENCE

Exclusions and barriers to access to victim services shut out millions of people harmed by violent crime. While there are important benefits and protections for victims, such as victim compensation, victim services, and some protections against eviction or job loss arising from victimization, those benefits and protections are not readily available to all crime survivors. California must end discriminatory rules or practices that treat victims differently depending on status or demographics. Expanding eligibility to services and compensation to all victims and explicitly affirming protections to all victims is crucial to supporting healing and stopping trauma cycles. This includes ending exclusions that blame victims for their own victimization and prevent eligibility, and extending eligibility for benefits and protections to witnesses to violence, family members of violence victims, people with prior records or on probation or parole, and victims of police violence. Eligibility should also not require police reports when other types of reliable documentation are available.

ERADICATE RACIAL DISPARITIES IN ACCESS TO COMPENSATION AND SERVICES

While all walks of life are impacted by crime and violence, their impact is also concentrated and unequal. Young people, people of color, and low-income people are most likely to experience repeat victimization and less likely to attain support and services to recover from harm. Services are not universally available, and eligibility restrictions have been reported to result in disproportionate denials of compensation or services to victims of color. Victims of color also report experiencing significant difficulty actually attaining access to recovery services, whether a benefits application was approved or not. California must track and publish data by race and other key demographics on denial or approval rates of compensation applications and victim access to services, and immediately address disparities in application approvals or access to services to ensure equal access to help.

PROVIDE REAL HELP

REACH MORE SURVIVORS IN CRISIS—AND FASTER

The majority of crime survivors have never heard of the California Victim Compensation Program or other benefits programs designed to help survivors stabilize. California must expand outreach programs and ensure that those programs are available in multiple languages, through multiple platforms, and are delivered in all the places underserved survivors frequent. Everyone who works with victims of crime on a daily basis, including law enforcement, service providers, and health professionals, must be trained to understand the civil legal protections that exist, how to access help, and how to ensure that victims can access help. Once aware of available benefits, many survivors still report being unable to access them because the response time to urgent needs is too slow. Bureaucratic processes and protocols can mean that people don't get help when they need it. Emergency financial support must be available as broadly as possible and must be processed quickly so people can get timely help, and non-emergency applications for help must be resolved within a reasonable amount of time.

COVER ACTUAL COSTS OF RECOVERY

Aid designated to help victims with recovery and/or bereavement must be meaningful enough to cover the actual costs that victims incur. Policymakers should increase benefits to match actual costs, and cover a diverse range of healing, treatment, and support services that meet the recovery needs of a wide range of victims. Policymakers should also ensure that benefits fully cover burial expenses and funerals and expand outreach for this benefit.

ENSURE THAT TRAUMA RECOVERY SERVICES ARE AVAILABLE

The vast majority of survivors of violence, especially repeat violence, experience one or more symptoms of trauma. Unaddressed trauma can cause a lifetime of debilitating outcomes for people's physical health, mental health, and economic stability. The solutions exist—but they are not supported at scale to reach and support the number of people in need. Model trauma recovery programs that provide wraparound case management and mental health supports as well as peer-to-peer support can help survivors heal. California must expand its Trauma Recovery Centers to reach all of California's communities and expand trauma support programs in schools to reach children and youth traumatized by violence. Providing survivors with a real right to recover from trauma should be a fundamental goal of our public safety systems.

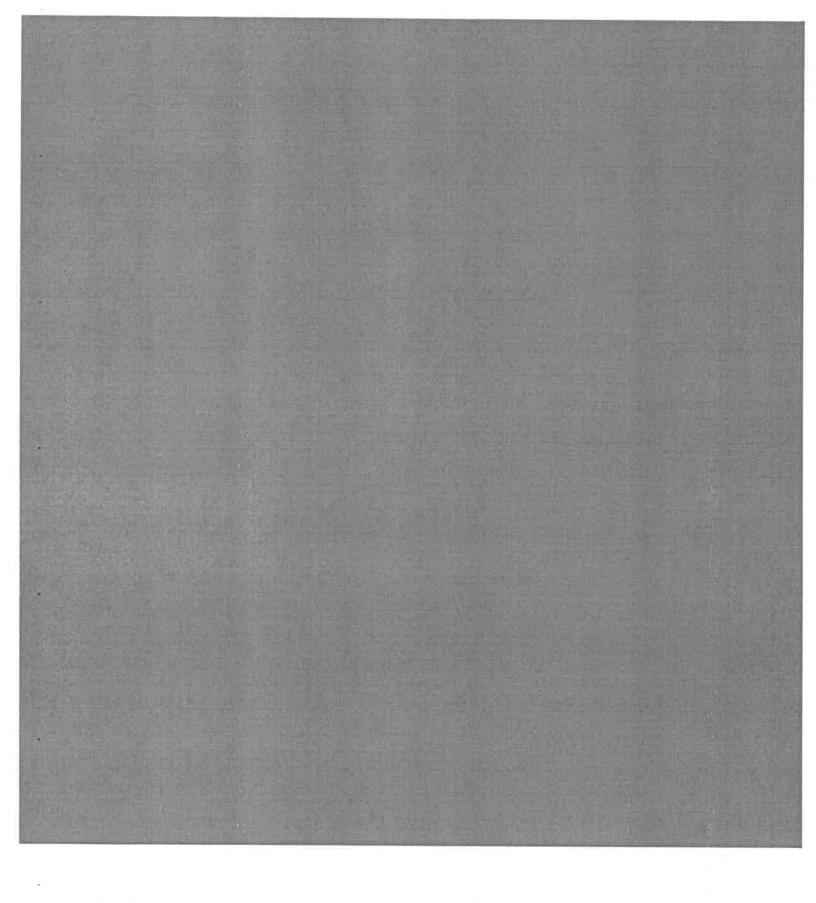
INVEST IN COMMUNITY-BASED VICTIM SERVICES PROVIDERS

Culturally competent community-serving programs rooted in neighborhoods that experience concentrated violence and crime must be supported with multi-year flexible funding and sufficient resources to meet the need, and must be scaled up across the state. Public agencies that distribute victim services funds must prioritize community-based organizations. Specialized Requests-for-Proposal should be expanded to increase funding opportunities for these organizations, and resource sharing between established providers and newer organizations should be encouraged. The application processes to disperse funds to community-based organizations and reimbursement processes governing how these organizations are funded must become user friendly. It should be the mission of every government agency that works with victims to eliminate barriers to resources reaching the organizations with the most community credibility and connection.

FUND URGENT CRISIS ASSISTANCE NEEDS-NOW

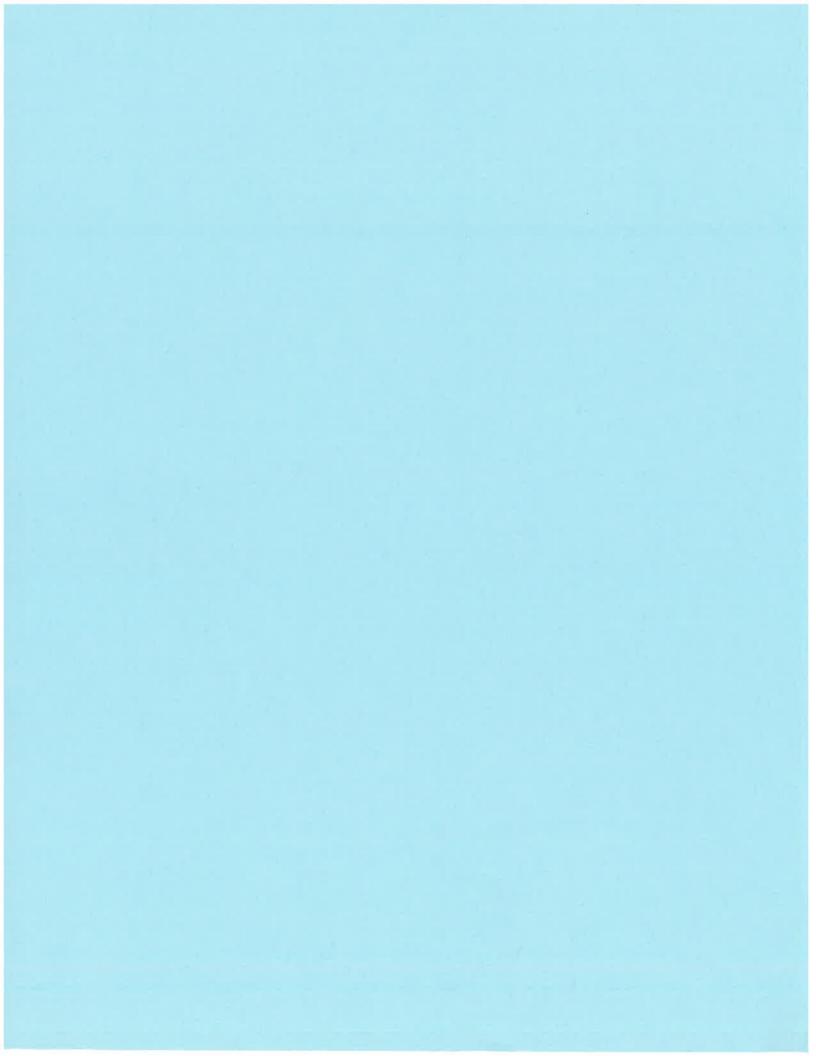
In the crisis of a global pandemic, many people are in acute crisis and less support is available. Homicide and violence rates have increased, a predictable outcome of large-scale occurrences of job loss, school closures, food and housing insecurity, and loss of life arising from the virus. At the same time, frontline crisis assistance service providers are either closed or operating with limited capacity. California must immediately provide substantially increased investments to frontline service providers to help quell the violence and get survivors the crisis assistance support they need. We urge allocation of large-scale augmented general fund dollars to the Victims Compensation program and the Violence Intervention and Prevention grant program, as well as flexible, general support dollars to community-based crisis assistance providers that can help provide survivors and communities immediate cash assistance to meet basic needs. The state should also improve the way it leverages federal grants like the Victims of Crime Act assistance grants to ensure funding is available to community-based organizations providing critical services. Specifically, we urge, at a minimum, increasing the Cal VIIP grant program by at least \$115 million, authorizing flexible emergency use of these dollars by frontline service providers, and providing at least \$115 million in general funds to the California Victim Compensation Board, to permanently stabilize victim compensation funding and end CalVCB's reliance on fines and fees.

Crime Survivors for Safety and Justice California is a network of 10,000 crime survivors who have joined together to create healing communities and shape public safety policy. We are a flagship project of the Alliance for Safety and Justice.











HOW U.S. LAW ENFORCEMENT SHOULD REFORM OPERATIONS

NOVEMBER 15, 2021

BYTHE International Human Rights Clinic



About USC Gould International Human Rights Clinic (IHRC)

The IHRC was established in 2011 to address some of the most pressing human rights concerns of our day, In 2012, the IHRC partnered with the Coalition to Abolish Slavery and Trafficking ("CAST") and, under the supervision of founding Director Professor Hannoh Garry, student attorneys have represented dozens of forced labor and sex trafficking survivors and their family members. The IHRC has achieved a near-100 percent success rate in important efforts such as procuring T visas and cooperating with low enforcement to identify and prosecute survivors' traffickers. Moreover, the Clinic has designed trauma-informed anti-trafficking trainings for low enforcement, judges and immigration officials in Uganda, and published a report examining bilateral labor agreements between countries on migrant workers with recommendations on how terms can be improved to prevent human trafficking. The Clinic's anti-human trafficking work spans the globe, serving clients from Ethiopia, Honduras. Guatemala, Mexico, Peru, and the Philippines.

Acknowledgements

USC Gould International Human Rights Clinic Authors:

Hannah Garry (Clinical Professor of Law and IHRC Director) and Maura Reinbrecht (Student Attorney 2020-21) were the primary authors of this report. Under the supervision of Professor Garry, Maura conducted the majority of interviews and report analysis Marin McQueen, Student Attorney 2021-22, helped finalize the report. Preliminary report research, public records requests and several interviews were conducted by the following student attorneys Mirelle Raza, 2019-20; Shayna Jackson, 2019-20; Anissa Ghafarian, 2018-19; Julie Kvedar, 2018-19; and Kaili Lynn. 2018-19. This report represents the views and perspectives of the authors and the IHRC. It does not represent an institutional position of the USC Gould School of Law.

ounsel

Wilmer Cutler Pickering Hale and Dorr LLP ("WilmerHale") served as pro bono counsel to the Clinic. Our sincere thanks to the whole team, including: Matthew Jones, Partner, Kelsey McGregot, Senior Associate, Nicole Peart Andre, Senior Paralegal; Nancy Tillotson, Senior Paralegal; Jane Kim, Paralegal; Gina Gaytan, Legal Secretary; as well as former Senior Associate Athena Katsampes and former Summer Associate Chief Coleman.

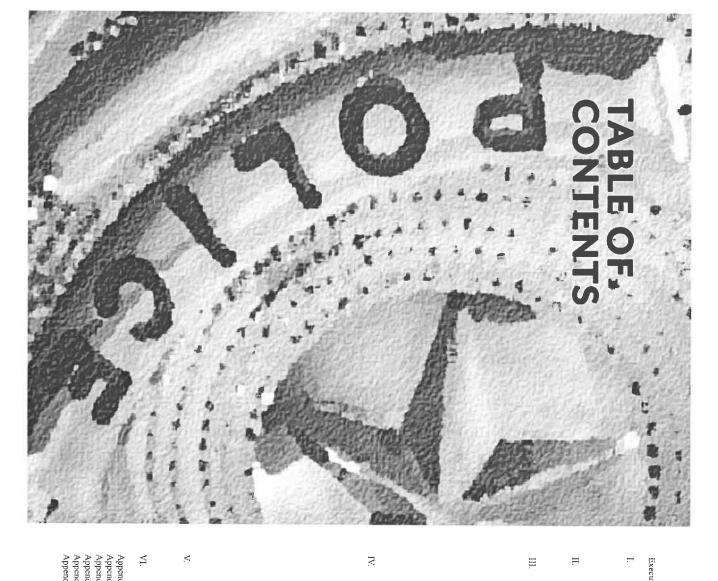
Graphic Design and Lavout:

Mairin McQueen, Student Attorney 2021-22

Expert Contributors:

We are extremely grateful to the numerous experts that contributed to the review, revision, and recommendations of this report, including Erin Albright, Founder of New
Frameworks; Professor Stephanie Richard, Loyola Law School (who inspired the topic
of the report). Martina Vandenberg, Founder and President of the Human Trafficking
Legal Center, and John Vanek, anti-trafficking expert consultant and former law enforcement advocate; among others who preferred not to be recognized by name. We
also express profound gratitude to the interviewees that took time and energy to share
their experiences and expertise with us, and particularly interviewees who experienced
sex trafficking, for their remarkable courage in sharing their important perspectives
and experiences with us. Our robust cross-sector analysis would not have been possible without their meaningful and valued contributions. Finally, we smeerely thank Ian
Head, Senior Legal Worker and Coordinator of the Open Records Project at the Center
for Constitutional Rights, who generously shared his expertise with us on the Freedom
of Information Act and on making detailed public records requests





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,A	Sex Trafficking
mά	Anti-Sex Trafficking Law Enforcement Operations
	Lack of Government Oversignt of Operations
Metho	Methodology
Þ	Threefold Research Design
В.	Research Limitations
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	Willingness to cooperate with law enforcement.
	they need to help them avoid being trafficked again
В	Prosecution of Traffickers.
	 Despite consistent reports of operational focus on investigations and prosecutions, the literature also identifies minimal evidence that operations result in successful prosecutions of
	sex traffickers.
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	Operations are executed without sufficient existence to except to file for in part because of
	the inconsistent involvement of prosecutors in the planning and execution of operations36
	in the arrest of sex workers and buyers and more minor charges
	than sex trafficking
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	returning to their trafficker
	Operations further marginalize sex work, thereby increasing the risk of trafficking in the industry.
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EXECUTIVE SUMMARY

or LGBTQ are disproportionately at risk of being sex Sex trafficking is a crime that occurs in all parts of the zens and foreign nationals. Individuals who are Black² women, men, non-binary individuals, minors, U.S. citiworld, including all 50 U.S. states.1 Traffickers target

a result of torce, traud, or coercion. adult performs a commercial sex act as pertorms a commercial sex act or an Sex trafficking occurs when a minor

al Initiative ("ILNI") and Operation Independence Day al-local operations, such as the Innocence Lost Nationare funded in part through appropriations authorized (formerly Operation Cross Country, or "OCC"). They of Investigation ("FBI")6 and other law enforcement from ad hoc local efforts to formal, coordinated federperpetrators. Operations take many forms, ranging tablishments to identify sex trafficking victims and ment working undercover or investigating private esefforts.9 These operations-commonly referred to as ponent of the U.S. Government's anti-sex trafficking law enforcement operations have been a central comsex trafficking.7,8 Since then, federal, state, and local agencies to investigate human trafficking, including tection Act ("TVPA") authorized the Federal Bureau "raids," "stings" or "sweeps" -- involve law enforce-In 2000, the passage of the Trafficking Victims Pro-

> there are widespread accounts from survivors, advofective anti-sex trafficking tools that protect victims, prosecute traffickers, and prevent trafficking.¹¹ Yet cates, and scholars criticizing the ineffectiveness and prosecute traffickers, and prevent trafficking.11 enforcement agencies generally laud operations as eftraumatizing nature of operations. Through media releases and press conferences, law

tight, a lot of verbal abuse, put downs, "rough handling, handcuffs on too One survivor says operations involve [and] hurtful and violent screaming.

ma." Survivor advocates14 consistently describe rough sexual abuse by law enforcement as "part of the trauinterviewed 42 professionals in the anti-trafficking handling by law enforcement, who would tightly hand ly abuse victims. One public health advocate describes comings of operations range from a remiss lack of trauquests were denied. We also found that reported shortcomes and funding of operations is largely unavailable field,12 and filed sixteen public records requests.13 In tasked with protecting victims—physically and sexualreports that law enforcement—the very individuals ma-informed training and victim services, to egregious to the public; eleven of our sixteen public records repart, we found that specific information on the out To assess these claims, we reviewed relevant literature,

1.18 U.S.C. § 1591 (2000); 22 U.S.C.A. § 7101(b)(9) (2000); Michaela Anderson, Child Trafficking Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www.michaela.com/child/frafficking-Hits Close to Home, UNICEF USA (Jan. 12, 2021), http://www

3 The Fortiers, Nat I Haman Trafficking Holling, Inc. . Impropried to the second secon

4 Other factors that increase vubscability to extendicating include involvement with the child welfare 5 stem; being a musway or homeless vouth; poverny economic need, or lack of employment opportunities; recent magnitude into or undocumented status; mental health concurns; substance use or addiction; lack of family support; young age; and a history of domestic violence or sexual abuse.

5 While the TVPA's definition of human trafficking encompasses both sex trafficking and labor trafficking, this report focuses solely on sex trafficking

FBI, Human Trafficking, 1911. W. Bu. 1911. 1912. 1912. Toll add the famouster field of

7 For additional aeronyms, see App. A: Acronyms.

9 Melissa Dimore & Juba Thaktal, Accountability and the Lie of English indifficing. I ANTLITE, AFFICING BEV. 144 (2012), Any Farnell et al., Linderstanding and injunying Line Englishment in Chem. 2016. The English of English Chem. 2016. A contracting and injunying Line Englishment in Chem. 2016. The English Chem.

10 For additional details about types of operations, wee App. B: Operations.

11 22 U.S.C.A. § 7101 (2000) (stating the purpose of the chapter is to "combat trafficking in persons," "ensure just and effective punishment of traffickers," and to "protect their victims.").

12 Interviewees include federal and local faw enforcement, federal and local prosecutors, law enforcement advocates, nonprofit advocates, experts, and survivors (See App. D: Interviewee Chart).

13 Our public record requests include requests to federal and California law enforcement agencies, including prosecutors, under the California Public Records Access ("CPRA") and Freedom of Information Act ("FOIA"). (See App. E: FOIA/CPRA Chart).

14 By "survivor advocates," we refer to individuals who have experienced sex trafficking and are now working at a nonprofit organization to assist victims. (See

> vors share with me on a regular basis." ment "is definitely something that survi-—State prosecutor Sexual abuse of victims by law enforce-

charge you." enforcement] just said: since you're not talking, we'll mation; for example, a survivor advocate explains, "[law emphasize that victims are pressured to divulge inforand screaming in their faces, calling them names such to talk. Other survivors report law enforcement yelling and ensure they were uncomfortable in order to get them hotel hallway during an operation. Other interviewees forcement investigator recounts chasing victims down a as "bitch," "disgusting," and a "disease." One law encuff survivors, "throw [them] into a bathtub in zip ties,"

trafficking?15 Or do operations do more harm than good? tims, to protect victims, prosecute traffickers, and prevent operations further the goals of the TVPA: to protect vicseeks to answer: do anti-sex trafficking law enforcement In light of such consistent, distressing reports, this report

aims of the TVPA.16 itative and quantitative research, matizes victims, perpetuates sysform of over-policing that re-trauwe conclude that operations are a Based on literature and our qualtemic racism, and undermines the

App. D: Interviewee Chart).

Is The goals of the TVPA directly reflect the goals of the 2003 Protocol to Prevent. Suppress and Punish indiffiching in Persons Especially Witness and Children, supplementing the United Matters Convention against Transsational Organized Crime ("Falerino Protocol"), a human rights treaty that has been rathfact by 178 continues.

CRAME REPORTING.

The over-trainfalziation of Back Americans is of course, not unique to the treatment of malk-king victims. See generally Navigo (Bandhoossh, Back Lives Metter Eliminating Reseal Insent) in the Criminal Institute System. The Sentencing Project (Feb. 2013), a 6-9, in the Criminal Institute System. The Sentencing Project (Feb. 2013), a 16-9, in the Criminal Institute System. In Cheryi Nelson Bulter, The Rockal Roost of Human Traffickings, 62 UCLA
L Rev. 1444, 1499 (2018).
L Rev. 1444, 1499 (2018).
This perception, along with the reality had Black individuals are generally at greater rask of being sex trafficked results in Black women and children accounting for a disreportationate number of prostition on arrests. Annie Gilbertson, Aaron Mendelson & Angela Capino, Collarenta Damager, How LAS 169th, Ageints Sex Trafficking is Hurterly Taharenth Famour, LASTS (Aug. 7, 2019).

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17 Nelson Butler, 2,2 note 16, at 1499.

18 Law enforcement undermines rapport with victims in the ways we discuss in Conclusion 1, including: handeufing, arresting, threatening to arrest, questioning during operations, doubting, blanning and misgendering suspected victims.

Our conclusions, specifically, are as follows:

TRAFFICKING VICTIMS TO PROTECT SEX **OPERATIONS FAIL**

PROSECUTION OF SEX RESULT IN SUCCESSFU NOT CONSISTENTLY **OPERATIONS DO**

A lock of public data, including the number in prosecutions resulting from operations, makes in magnitude to evaluate their effectiveness. Acceptability however, interviewees report that operations foil to result in the prosecution of traffickers because the prosecution of traffickers and unversity of the prosecution of traffickers and traffickers are executed to the prosecution of traffickers and traffickers are executed to the prosecution of traffickers and the prosecution of traffickers are executed to the prosecution of traffickers and the prosecution of traffickers are executed to the prosecution of traffickers and the prosecution of traffickers are executed to the prosecution of traffickers are

SEX TRAFFICKING. TOOLS TO PREVENT NOT EFFECTIVE **OPERATIONS ARE**

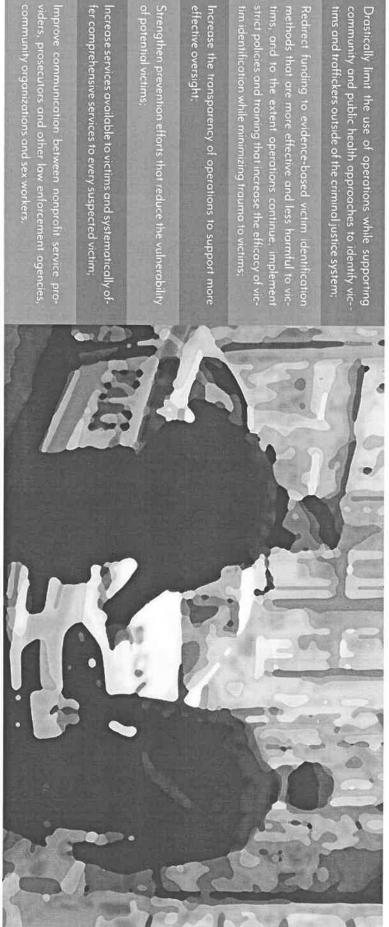
ToC Guided by these conclusions, we urge law enforcement to reconsider the use of operations to combat sex trafficking curtailing the scope of operations. nities for education and employment. We implore law enforcement to join this trend by drastically reforming and Anti-trafficking efforts are trending away from use of operations, focusing instead on community involvement; public health and harm-reduction strategies; and investment in poverty relief, anti-discrimination initiatives, and opportu-

We acknowledge the likelihood that operations will continue in some capacity. If so, we strongly recommend the fol lowing reforms to advance the aims of the TVPA and minimize collateral harm to victims

A note about terminology:

We use the term "victims" to refer to persons who are being sex trafficked, and are, therefore, victims of crime. However, we recognize that not all individuals who have experienced sex trafficking wish to identify

We use the term "survivors" to refer to persons who were sex trafficked, but this term is also reductive. The survivors we interriewed are accomplished experts and advocates in the trafficking field. As one survivor explained, "At this point in my life! hate to be a survivor. Now I'm a thriver. I want to impact others and let them see how to thrive."



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sponses to our public records requests, we conclude that, in spite of improvement in recent years, anti-sex trafficking law enforcement operations are largely ineffective in achieving the aims of the TVPA and are particularly harmful to According to our analysis of relevant literature, 42 interviews with professionals in the anti-trafficking field, and re-

0)

of reforms that would help operations further the aims of the TVPA and minimize collateral harm to victims to address sex trafficking and better serve victims. We call on these officers to reexamine their use of operations and greatly based on individual and department. There are many law enforcement officers who are sincerely motivated Our research also indicates that law enforcement's understanding of sex trafficking and attitudes towards victims vary drastically reform and limit the use of operations. At the very least, we recommend law enforcement commit to a series instead support anti-sex trafficking efforts that do not harm victims. Ultimately, we recommend that law enforcement

T₀C BACKGROUND

me neek of government oversight of operations that pied this report. Next, we outline our methodology on TID.

nisconceptions, sex trafficking a stranger, and instead, often munate partner or friend."

II.NI has inspired similar operations at the state and tocar levels, such as Operation Rectain and Rebuild (ORR) in FBI²³ and other law enforce-ate human trafficking, includ-003, the FBI launched ILNI,²⁵

ations—commonly referred to the U.S. Government's prima-rafficking victims. ²³ (See App. ns. often involve: "a collabo-

of sex for something of value 22 U.S.C.A. § 7102

10 22 U.S.C. A. § 7404(B)(9) (2000) The TVPA mode

22 See Leatin Cottems See Trafficked Kids are Osmo-Latinic for Las Lague, from Still go to Joil WASH FOST Aug. 36, 2021.

2) Centuring is process to the brinked relative a volumble individual gires the trust need that needs with gifts and affection then within a country and the section 2 years where the Resign Country of the Tolling and Channelle Line 2016, https://doi.org/10.1016/j.j.com/doi.org/10.1016/j.j.j

25 Press Release, U.S. Dep 1 of Junion, Innocessar Lost National Installing and Ope

10.22 U.S.C.A. § 7103 (choin) thaning the purpose of the stugeer is in "combat trafficking in persons." custic just and effective perpoteer their vacuum."

(Fast visited Apr. 9, 2021)

Search indicates most operations vary greatly, but research indicates most operations share certain concerning elements law enforcement officers surprising and of deceiving prospective victims, the use of handcuffs, the presence of guns, and the arrest of victims vestigations ("HSI"). Irantigrations & Customs Enforce-ment ("ICE"), and the U.S. Attorneys' Offices—local

Lack of Government Oversight of Operations forcement agencies generally present operations rive anti-sex trafficking tools that protect victims. traffickers, and prevent

records requests about the out-comes of operations). lie data to support the claim that ficking " Yet there is no pub-

Further, public reports ofter an incomplete picture of bow anti-trufficking funds are used. The Attorney General's Trufficking in Persons Report provides information about the amount of federal unti-trafficking funds going to states as well as who states subgrant to but it does not detail how the money is spent. Moreover, the Department of Justice ("DOF") has not submitted a Trafficking in Persons Report since FY 2018.

Lack of transparency about federal anti-trafficking funds is particularly troubling given that the TVPA mandates certain oversight. Section 401 of the 2017 reauthorized TVPA requires the FBI to publish and submit to Congress a status report on the Innocence Lost National Initiative. Additionally, the TVPA requires that the DOI intropublish and submit to Congress a report on efforts by the National Institute of Justice to help assess the prevalence of human trafficking in the United States. "I The FBI and DOJ had 180 days after the Act passed on December 21, 2018 to submit these reports." To date no public information indicates that the FBI or DOJ have done so.

enforcement: A typical sting operation, as described by local law

- of approximately four other officers wait in the bathroom. I. Posing as a sex buyer, on undercover cop lures a prospective victim into a hatel room, where an "arrest team"
- When signaled, the arrest team rushes into the room and handcuffs the prospective victim.
- but they're usually not pointed at anybody unless they have to be." According to one officer, the victims "think they are going to get killed." 3. Armed security surrounds the room, and "guns are out,

some cases, this phase of the operation leads to sex-ual abuse of the victim. team, which generally includes the undercover ofarriving to the hotel room and signaling the arrest The officer fails to describe what happens between ficer soliciting and/or progressing to the sex act. In



1 Pobled, reported funding information popular mechanic ameninthing group, such as a September 21, 2020, presidence in which the Department of the communication in order of amount 500 for funding to contain furnate (official in each official in ECA) printlem in ECA group. Press Release, U.S. Dep 1 of suches, fundees 122, 2020, pressed for the pression of the same might use the magnitude of ECAI group, making of heartest all to predemine of the pression of the same might use the magnitude of ECAI group, making of heartest all to predemine of the pression of the same might use the magnitude of ECAI group and don't is an arbitrary of these funds. In Proceedings of Section 10 to predemine of the other pression of the PDF or ECAI.

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III. METHODOLOGY

and regulatory publications, and investigative reports. ing the efficacy of law enforcement operations in regard advocacy pieces, critical trafficking studies, government tion), including analysis from recent academic articles, to the three TVPA aims (protection, prosecution, preven-A. Threefold Research Design First, we conducted a thorough literature review assess-

the report. 40 maintained the anonymity of all interviewees throughout victims.39 In part due to ethical considerations, we have cution of operations, as well as how operations impact provided insight about the training, planning and exewell as from recommendations from other interviewees. interviewees primarily through open source research as Interviewees, who are located primarily in California, 37,38 present, and through open-ended, narrative discussion. 2020 and April 2021, with at least two team members We conducted interviews virtually between February sionate and victim-centered techniques.36 We identified ing best practice, and in the case of survivors, compasconducting interviews, we researched ethical interviewlaw enforcement operations. (See Section IV). Prior to whom had firsthand experience with anti-sex trafficking advocates (see App. D: Interviewee Chart)—many of advocates, nonprofit advocates, experts, and survivor ment, federal and local prosecutors, law enforcement ficking field-including federal and local law enforce-Second, we interviewed 42 professionals in the anti-traf-

ment agencies. (See App. 1:: FOIA/CPRA Chart) CPRA requests to federal and California law enforce-Third, in February 2020, we filed sixteen FOIA and

> Operation Independence Day,41 and ORR operations, about departmental guidelines relating to ILNI, OCC, The requests sought information from 2003 to present operation, ORR, after federal operations such as ILNI California has modeled its statewide anti-trafficking We focused our data collection on California because the report authors are located in Los Angeles, and because

- Training for participants in operations;
- · Funding of the operations;
- Execution of the operations;
- and perpetrators who are identified during Demographic information of the victims
- Arrests, charges and convictions that result from operations. 42

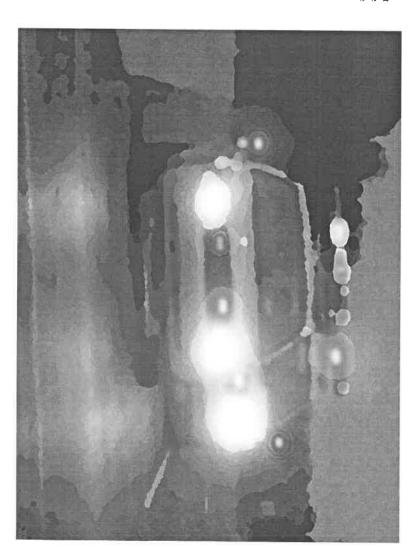
agencies denied our request for documents. Only one As of October 2021, eleven of the sixteen government topics we requested. (See Section VI). agency provided new, substantive information about the

B. Research Limitations
Our report is subject to the following shortcomings: (1) able to interview; (2) the lack of qualitative or quantitaations at a broader level. (See Ann. F. Research Limitaand (3) our use of narrative evidence from disparate geoas ILNI, Operation Independence Day, OCC, and ORR; tive data on specific law enforcement operations, such graphic locations to extrapolate conclusions about operthe limited number and diversity of survivors we were

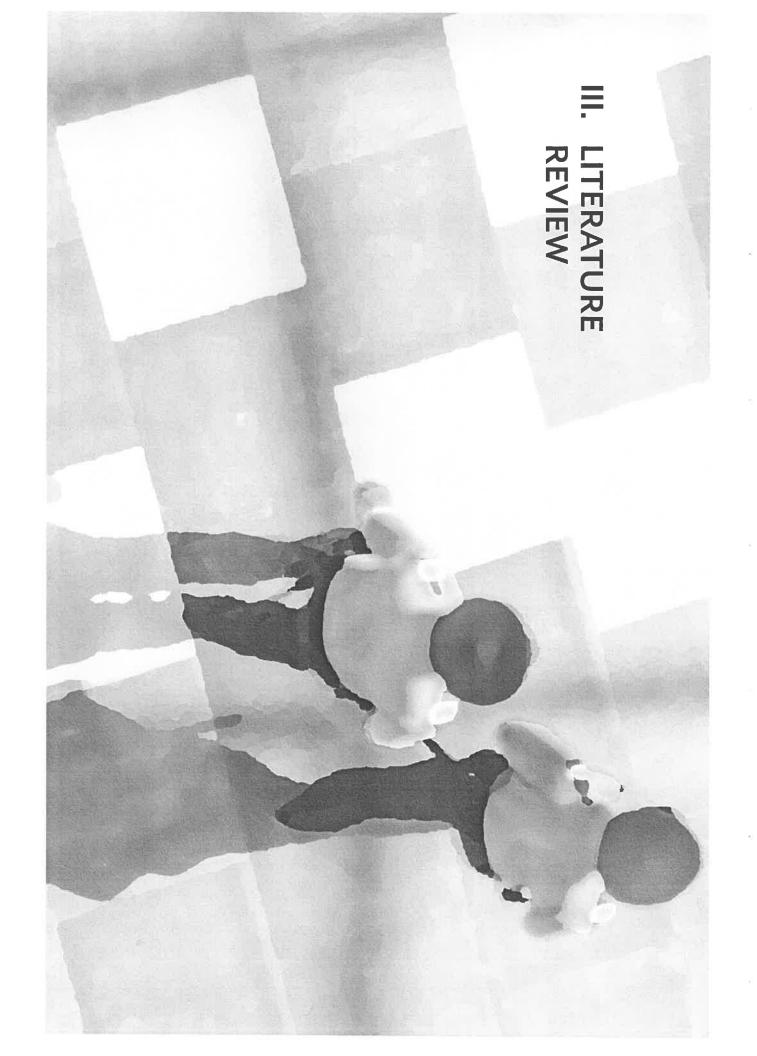
other studies on sex trafficking and anti-sex trafficking sistent with CPRA data we analyzed, as well as data from (3) data we collected from the interviews are largely coninterviews, not reports from a single interviewee; 44 and sions are based on recurring themes and patterns from tions for the following reasons: (1) the accounts of unrelatlaw enforcement operations with our literature review; (2) our analysis and conclued interviewees are consistent with one another as well as

valuable and reliable account of law enforcement operawe gathered from interviews, as a whole, communicates a Despite these limitations, we believe that the information

44 We do, lowever, include perspectives from individual interviewees that are particularly striking and/or illustrative of common themes. We accordingly recognize when an opinion or comment is attributed to a single interviewee.



- With research included speaking to experts, including Thomas Lyon, a Professor of Law and Psychology at USC Gould School of Law who specializes in questioning children about abuse and violence, and Emily Ryo, Professor of Law and Sociology at USC Gould School of Law.
- 37 Interviewees from California were Incated in Fresno, Los Angeles, Orange County, Sacramento, San Diego, San Francisco, San Jose, and Santa Clara
- 38 Interviewees outside of California were located in District of Columbia, Florida (Miami Dade County and Sanford). Georgia. Louisiana, Michigan, North Carolina, Ohio, Oklahoma. and Washington.
- 39 Standard interview compensation was available to survivor advocate interviewees on request.
- 40 Many interviewees disclosed sensitive information on the condition of anonymity. Anonymizing interviewees not only protects their information, but also ensures we can report freely and accurately on interviewees' various perspectives.
- 41 What was furmerly Operation Cross Country is now referred to as Operation Independence Day.
- 12 When filing our FOJA and CPRA requests, we consulted with Ian Head, a Senior Legal Worker and Coordinator of the Open Records Project at the Center for Constitutional Rights, who has expertise in FOJA and open records requests.
- 43 Other responses were unhelpful because they mostly reported information from public press releases and duplicate information from another response. One response consisted of a single paragraph summarizing the department's anti-trafficking efforts.



TeC erations are not as successful in identifying victims and The following is a summary of our literature review claim them to be traffickers as federal and local law enforcement agencies quantitative data, our literature review suggests that optection, prosecution, prevention), findings organized by each of the three TVPA aims (protions, and investigative reports. Like our qualitative and trafficking studies, government and regulatory publicafrom recent academic articles, advocacy pieces, critical including analysis

Protection of Victims

and prevent the victim's re-trafficking trust in, and willingness to cooperate with law enforcemethods that traumatize victims and undermine their generally fail to protect sex trafficking victims because long-term services that are critical to stabilize the victim ment, and c) fail to connect victims with the short- and they a) identify few or no trafficking victims, b) utilize According to the literature, law enforcement operations

few or no trafficking victims. Law enforcement operations identify

FBI and DOJ often inflate the statistics in these reports.46 operations,45 but scholars and journalists suggest that the sex trafficking victims through various law enforcement The U.S. government reports identifying high numbers of

> tions are often conducted without evidence that there is Critics posit that these law enforcement operations are merely anti-sex work efforts rebranded as anti-sex trafficking interventions.50 This mischaracterization purportthan a thorough sex trafficking investigation.51 Operasex work or patrolling an area known for sex work, rather genesis of an operation is often a complaint or tip about edly begins in the earliest stages of an intervention: merely anti-sex work efforts rebranded as anti-sex cient pre-operation investigation. identify victims; and are usually conducted with insufficonducted by officers who are insufficiently trained to victims—particularly Black victims—as criminals;49 are operations identify few trafficking victims, 48 emphasizing In contrast, the literature indicates that law enforcement above received the services they needed it is unclear whether all 6,600 child victims mentioned untarily buying and selling commercial sex. of traffickers, or whether this number includes adults voland led to more than 2,750 convictions.47 However, the operations have identified more than 6,600 child victims that operations primarily target sex work; too often treat FBI does not report whether all of the convictions were

conversal that the second consists of the conversal that the second conversal that the second conversal that the conversal t \$4.6., PRESIDENT'S INTERAGENCY TASK FORCE TO MONITORY & COMBATT TRAFFICKING IN PERSONS, REPORT ON U.S. GOVERNMENT EF-PORTS TO COMBATT TRAFFICKING IN PERSON 12 (Od. 2021).

**Chains of Crime (OVC) gambes providing services to human traffiching visions reported 8,375 open chem cases from July 1, 2015 to June 30, 100 in Victimas of Chains (OVC) gambes providing services to human traffiching visions reported 8,375 open chem cases from July 1, 2018 to June 30, 2021), including 3-by inc

47 Press Release, FBI Washington, Innocence Lost National Initiative and Operation Independence Day 2019 (Aug. 6, 2019), 1987, 1997,

48 Dimore, <u>1929</u>21 note 45, at 10 ("service providers reported that the majority of trafficked persons who accessed their services were not identified as a result of raids.").

49 Dinnore, 125% note 45 at 10 (explaining law enforcement arrests, handcuffs, fingerprints, and interrogating victims); id, at 9 ("Law enforcement agents use interrogation techniques, including infinindation, that are entirely incompatible with an approach half prioritizes five needs of trafficked persons?) Kamberly Mehlman-Orazco, Bhad Lapyeus after a Human Trafficking furthers of Rescuede", "The BLLL (Oct.) 29, 2016 4-28 PM EDT) ("Sleet rafficking survivous continue to be ennoessals, communication,") yeer Keitle Barrick et al., Law Epiforcament Montfication of Potential Trafficking furthers, et al. (ENME & IUST, (Borthcommunication), "yeer Keitle Barrick et al., Law Epiforcament Montfication of Potential Trafficking furthers, et al., CRIME & IUST, (Borthcommunication), "bear (Science (1255-125), "DEC 1377-131") ("Racial bias due to the adultification of [Black girls within the criminal legal system has led to their incarcerption as young as 13-14 when active in sex trade.").

For example, the FBI reports that, as of July 2019, ILNI Moreover,

the TVPA).52

person over the age of 18 is a sex trafficking victim under

coercion (the elements that are required to establish that a either a minor involved or that there is force, fraud, or the

umented, could face deportation due to a misdemeanor prostitution charge. $^{\rm 56}$ selling sex.59 likely to be under-identified and improperly arrested persons of color, 58 and females are the individuals most and found that, consistent with other studies,57 minors, ports in San Francisco that involved someone selling sex More recently, a 2020 study evaluated 541 incident re-In particular, the researchers observed:

> connection to services are being under-identified and are more likely to be labeled as criminals. ⁶⁰ findings evoke concern that those most in need of uncontrollable and unable to regulate their developing emotions and bodies. . . . As such, the combination of our quantitative and qualitative tification, [B]lack girls become stereotyped tive in sex trade. Through the process of adulgirls within the criminal legal system has led to their incarceration as young as 13-14 when ac-Racial bias due to the adultification of [B]lack

even exacerbates—this vulnerability.65 proach does not appropriately addressmestic sex trafficking, and law enforcement's curent apin making children of color particularly vulnerable to doture emphasizes that racism has played a significant role identified as trafficking victims were Black.64 that 92% of female children in the juvenile justice system cases, 40% of victims of sex trafficking were identified as work arrests for minors in 2019-more than any other porting, Black children comprised a full 50% of all sex sault or abuse."61 To wit, according to the FBI's own re-Black. 63 In Los Angeles County, data from 2010 indicate Justice Statistics ("BJS") analyzing human trafficking color as a criminal, as opposed to a victim of sexual asracial group.62 In a two-ycar review by the Bureau of ficials "are more likely to perceive a prostituted child of Sources in the literature argue that law enforcement of--and sometimes

migrant victims, regardless of whether they are undoc-

arrests occurred because of the trafficking.55 Notably, imover half of the respondents (50.6%) reported that their ing survivor respondents reported having been arrested human trafficking, and found that 90.8% of 130 traffickimpact of criminal arrests and convictions on survivors of voluntary sex workers.54 For example, the National Surwise.53 This assumption frequently results in victims of often assumes that an individual engaged in commercial

(over 40% reporting being arrested 9 times or more) and

vivor Network conducted a 2016 survey on the long-term

trafficking being miscategorized by law enforcement as sex is a sex worker unless the individual states other-Moreover, the literature suggests that law enforcement

^{52 22} U.S.C.A. § 7101 (2000).

³³ See Erin Bistricer, Note, "U" Stands for Underwillization. The UTIsta's Valverability for Underwicin the Sex Profficking Context, 18 CARDOXO II., & GENDER 449, 473 (2012) (explaining that it is imperaite for law enforcement to readjust their view of who is a criminal and who is a victim.)

⁵⁴ Kossler, Admic note 46 (explaining Operation Cross Country sweeps "result in far more adult prostitutes being arrested than children being located").

SS Members Survey: Impact of Criminal Arrest and Defention on Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors Survey: Impact of Criminal Arrest and Defention on Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors Survey: Impact of Criminal Arrest and Defention on Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors of Human Trafficions, NAT'L SURVIVOR NETWORK (Aug. 2016). in Survivors of Human Trafficions, Nat'l Survivors of

⁵⁶ Elizabeth Nolan Brown, Fede Recene Winnen from Freedom and Money in Hith Operation Cross Country', REASON (Oct. 18, 2017, 11:25 AM), https://doi.org/10.1016/10 3 . 5

⁵⁷ See, e.g., HUMAN RIGHTS PROJECT FOR GIRLS, Domestic Child See Trafficking and African American Girls, RIGHTS4GIRLS (Feb. 2015), http://dx.dig.us.poortext.up/outs/appoortest-girls/feb. African-child-sen-f-f-pile-t-ne-pil-flast visited Mar. 21, 2021).

St. We acknowledge the limitations of mas-related reminology, including this term. Recognizing the smaller evolution of language and constraints of adopting ideal descriptors, we have selected this planes of this time because we understand it to be the preferred idealifier by, many persons of color. We note that there is evidence that, among persons of color. Black and Asian women may be particularly adversely impacted by sex infilieding.

⁵⁹ Barrick et al., Let 1 note 49.

^{60 14.}

⁶¹ Nelson Butler, and prote 16, at 1499.

⁶² Table 43B: Arrests by Race and Ethnicity Under 18. Crime in the United States 2019, FBI: UNIFORM CRIME REPORTING, by Uniform Crime in the United Mar. 22, 2021).

⁶³ DUREN BANKS & TRACEY KYCKELHAHN. BUREAU OF JUSTICE STATISTICS, REP. NC/233732, CHARACTERISTICS OF SUSPECTED HUMAN TRAFFICKING INCIDENTS, 2008-2010 6 (Apr. 2011). http://www.bys.gov.energ.jr/sip/a/stafficking.incidents.

⁶⁴ Betting Boxall. Campaign to Halt Child Sex Profficking Launched in LA County, L.A. TIMES (May 31, 2012), https://doi.org/10.1016/j.jcs.com/page/10.1016/j.jcs

⁶⁵ See, e.g., Nelson Burler, Secondo 16: U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 591 (June 2021), https://doi.org/10.1016/j.j.1016/2021.pgf (hereinafter U.S. 2021 TIP REPORT). 大 . 他の M7 でいっ

The problem of under- and misidentifying victims also impacts individuals involved in sex work who entered the industry as minors—and therefore, de facto sex trafficking victims—and then continued in the industry after they turn 18.66 The literature highlights the challenges this can pose for law enforcement, who must consider complex factors in identifying whether these individuals still qualify as victims of trafficking once they are identified as adults.67

tified 76 Another study suggests that law enforcement's whereas there were 54 cases that were incorrectly idenlocal immigrant groups inhibits the identification of imlack of language proficiency and cultural knowledge of ficking that were correctly identified by law enforcement, there were only 11 cases that included elements of trafhuman trafficking.69 Researchers further concluded that that only 17% of those reports mentioned screening for San Francisco that involved someone selling sex found The 2020 study that evaluated 541 incident reports in individuals that facilitate accurate victim identification.68 egies, which can help elicit responses from apprehended of exploitation and trauma-informed interviewing strat-Training inconsistently covers topics such as the signs training-or no training at all-regarding sex trafficking law enforcement officers generally receive insufficient Compounding the problem, the literature indicates that

migrant victims.71

inspecting for unspoken signs of coercion. forcement regarding trauma-informed approaches and the importance of providing sufficient training to law enof willingness to engage with law enforcement amplifies subsequent arrest and possible deportation.74 in an attempt to avoid an NYPD massage parlor raid and vious prostitution charges fell out a window to her death Queens, an undocumented Chinese immigrant with preimpacts of trauma.73 For example, in 2017 in Flushing enforcement; fear of discipline by their trafficker; and the Even when law enforcement asks questions designed to tims often do not self-identify as having been trafficked. 12 including distrust of or past negative experiences with law disclose relevant information due to a myriad of factors, identify exploitation, trafficking victims are unlikely to approach is generally ineffective because trafficking vicrely heavily on victims' self-identification. However, this Without training to successfully identify victims, officers This lack

Law enforcement operations can traumatize victims and undermine their trust in and willingness to cooperate with law enforcement.70

The literature consistently reports issues of victim coercion and trauma during law enforcement operations. Trafficking survivors have described raids as "chaotic"

66 Nadine M. Connell et al., Arrest as a Way Ott: Understanding the Needs of Wanten Sex Trafficking Vetins Identified by Law Enforcement, 3.3 J. CRIME & IUST 351 (Feb. 12, 2015).

69 Barrick et al., or note 49.

70 /d.

71 Amy Farrell, et al., New Laws that Few Cases Understanding the Challenges to the Investigation and Prosecution of Human Trafficking Cases, 61 CRIME LAW SOC, CHANGE 139, 158 (2014) [hereinafter Farrell et al., New Laws].

72.5 cc, e.g., DIGNITY HEALTH, HUMAN TRAPFICKING RESPONSE PROGRAM SHARED LEARNINGS MANUAL H (ed. Oc. 2019).

See e.g., DIGNITY HEALTH, HUMAN TRAPFICKING RESPONSE PROGRAM SHARED LEARNINGS MANUAL H (ed. Oc. 2019).

See e.g., DIGNITY HEALTH, HUMAN TRAPFICKING RESPONSE PROGRAM SHARED LEARNINGS MANUAL H (ed. Oc. 2019).

See e.g., DIGNITY HEALTH, HUMAN TRAPFICKING RESPONSE PROGRAM SHARED LEARNINGS MANUAL H (ed. Oc. 2019).

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See e.g., DIGNITY HEALTH, HUMAN TRAPFICKING RESPONSE PROGRAM SHARED LEARNINGS MANUAL H (ed. Oc. 2019).

73 Berger, 2512 note 68 ("IV)letims... are 'ungill, trained and manipulated by their exploiters not to cooperate with nor Inst. law enforcement"). E.g. Schwarz & Ofrizzell, 2522 note 50, at 67 ("The FSI Salt Lake Uty press release offers an example of label discissore and subsequently, failed rescue of adult women identified during a rand. 'Some of the women in may have been forced into engaging in positivition since they were privatelles or infelled but it is not uncommon for them to refuse to the content of the words into fire the order to discisse that information to authorities."], Jennifer L. Briskley, d. Path Forward. Florida's Efforts to Combat Human Trafficking. 71 S. C. L. REV. 639, 663 (2020).

74 Elena Shih, The Trafficting Departation Pipeline: Asian Body Work and the Anothary Politing of Racialized Poverty, 33 FEMINIST FORMATIONS, Spring 2021 at 56.

TO NATH ADVISORY CHMM, ON THE SEX TRAFFICKING OF CHILDREN & YOUTH IN THE U.S., U.S. DEPT OF HEALTH & HUMAN SVCS., BEST PRACTICES AND RECOMMENDATIONS FOR STATES 18 (2020).

**PRACTICES AND RECOMMENDATIONS FOR STATES 18 (2020).

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76 Cyra Choudhury, Moderator, Panel on Sex Trafficking, 5 U. MIAMI RACE & SOC, JUST, L. REV, 445, 451 (2015) (noting that raids are often more transmissing for survivors than the trafficking use(f), Ditmore & Thukral, 更高的的。) (describing survivor experiences of raids as transmissing and humiliating).

secure victim testimony79 they needed to "put pressure want to be picked up." Another investigator, expressdo the same grooming process that the pimp did. A lot of officer in Farrell et al. explained, "We almost have to on victims to convince them to participate in the investienforcement officials about the challenges of investigatstudy by Farrell et al., when researchers interviewed law threatening them with arrest or deportation.78 In a 2014 tion, "admitted that they will question victims until they ing frustration with victims' reluctance to give informatimes [the victims] are very angry, you know. They don't ing sex for the traffickers' monetary gain.81 Indeed, one the methods used by traffickers to trick victims into selland extract information from victims, they often mirror gation."80 When officers use these techniques to deceive ing human trafficking, officers reported that in order to coerce suspected victims into disclosing information by termath of both raids and stings, law enforcement seek to would happen to them."77 Scholars report that in the afand confused, with no sense of what was happening or and "often traumatic events that [leave] them frightened

These behaviors have an intense impact on victims: in one study, survivors of sex trafficking consistently reported that "the lack of awareness and trauma-informed approach among front-line professionals such as law enforcement... alienated and hurt survivors and increased

their feelings of distrust.³⁸⁴ Indeed, survivors reported that "the sole focus of law enforcement on interrogation and information gathering at the time of reporting without consideration of the emotional wellbeing of survivors further traumatized them.³⁸⁵ One survivor explained:

It's no longer that you are a victim or anything else. You are the information center, and they [law enforcement] want all your information, and it doesn't make a difference about torment and anything else.

Frequently, unless victims disclose to law enforcement that they are being trafficked, they are handcuffed, interrogated, fingerprinted, and generally treated as criminals. They might be stripped of their possessions, separated from other individuals they were brought in with, and prohibited from contacting their family. Some reports indicate that they are rarely offered food, water, or clothes, even if they are dressed in their work clothes. Colons, they may be arrested or forced to spend the night in jail. Moreover, undocumented victims face the threat of deportation; the 2014 study by Farrell et al. found that victims rarely benefit from the TVPA provisions that, in theory, protect them from deportation.

Most disturbing of all are the accounts of law enforcement officers verbally, sexually, and physically abusing trafficking victims during operations.⁹² In one study,

79 Successful posecution of traffickers often hinges on victim testimony, and courts have the power to compet unwilling vicins to testify through material winness warrants. Heavy Was Abexandar Velderman, Prosecution of Any Cosel The Impact of Aldersid Hinness Hierarch Hunter Trafficking Coses, The Human Trafficking Legal Center (App. 2020).

80 Farrell et al., New Laws gire note 71, at 158.

02 10.

83 14.

84 Shireen S. Rajaram & Sriyani Tidball, Survivors' Forces — Complex Needs of Sex Trefficking Survivors in the Midwest, 44 BEHAV. MED. 189 (2018)

86 Id.

YD Dimore, 2562, 100 45.3 at 10 (explaining law enforcement arrests, handorffs, fingerprints, and interrogating victims); id at 0 ("Law enforcement agents use interrogation enforces inclinding intimidation, that are entirely incompatible with an approach that prioritizes the needs of trafficked persons"); Methinan-Orozzo, supra note 15 feet trafficking survivors continue to be erroncously criminalized following identification.)

88.E.g., Ditmore & Trakral, 2722 note 9, at 135 ("Research conducted by one of the authors has documented the ways that hav enforcement approaches to human trafficking can fail trafficked persons, including through arrest, detention, and prevention of contact with the trafficked person's family.").

89 Ditmore, (1971) note 45, at 16 (quoting a survivor: ""[law enforcement] take you in your work clothes"").

90 Ditmore & Thukral. ... note 9. at 135.

91 Farrell, et al., New Lors : ... note 71, at 157.

92 Sev Ditmore, water note 45, at 10 ("Raids create circumstances facilitating police misconduct, including sexual misconduct, against trafficked persons); id. at 43

⁷⁷ Ditmore & Thukral. Sees note 9, at 141.

^{78 £.}g. Kar D'Adamo, Can, Inta-Profitching Br Resement REFRAME HEALTH & JUSTICE (June 17, 2020).

28 £.g. Kar D'Adamo, Can, Inta-Profitching Br Resement REFRAME HEALTH & JUSTICE (June 17, 2020).

29 £211 5. ("Vial supports, sort as temporary immigration relief for undocumented victims require law enforcement comporation for a person to avoid deportation"). Notably, non-white vectims are more likely to be enrested than white vectims. Gilbertson, Mendelson & Caputo, supra note 16 ("White Black women make up around 9% of the city's female population, they account for nearly 65% of the LAPD's female prostitution arrests").

ToC "fourteen percent of [victims] surveyed claimed they had 'experienced incidents of police violence, and ... felt they had no recourse," and sixteen percent of those surveyed claimed to "have been involved in sexual situations with the police." In another recent study interviewing sex trafficking survivors in Hawaii, participants reported a variety of abusive and corrupt encounters with law enforcement:

people turning around and buying it from you. ple that are charging you for prostitution are the would say, 'okay let's go date.' The same peothey had their gun, badge and hat with them and don't care because cops date. I know because the strip club where she worked. Another stated, and he would tell her when the stings would be at other participant had dated an undercover cop sex to many of the officers doing the stings." An-She had "hooked up with cops regularly and sold ferrals or support the police told her to just leave. where everyone else was arrested and with no re-"It is really easy to sell sex here and it is like they [Study participants] reported being Ħ stings

Experts suggest that the only way states can prevent law enforcement from using sex acts as an investigative tool

is to legally prohibit law enforcement from engaging in sexual conduct while on duty, however, recent reporting indicates that Michigan is the only state with such a law.⁹³

Law enforcement operations fail to connect victims with the short- and long-term services they need to help them avoid being trafficked again.⁹⁶

The literature suggests that law enforcement operations are primarily motivated by a focus on fighting crime, with victim service providers and advocates often looped in as an afterthought.⁹⁷

Operations are likely to measure their success by the number of arrests, charges, prosecutions, and convictions, rather than the number of victims who received services and successfully left their trafficking situation. **

As a result, efforts to build a prosecutable criminal case take center stage, and the wellbeing of the victim is frequently de-prioritized. Advocates have called this "the disposable witness syndrome."**

After identification, victims require immediate services including, but not limited to, counseling, medical care, housing, legal services, immigration services, financial

"One interviewe. In described being intol-witapped by an officer in plainclothes during a raid on a brothed by local police, and knocked unconscisus. She subsequently a rocke for flad a uniformed formel officer strip secreting ber in from of others present to see if she had anything hidden in her indexwear?). HOWARD STR FOR INVESTIGATIVE JOURNALLISM, Arround fromchard Scoutify Agents Engaged in Sex Acts with Suspected Trailistical Victims, SAN PERGO VALLEY NEWS.
SUX (May 12, 1920), by the subsequent Trailism of the subsequent Tr

93 Bistricer, sages note 53, at 474-75.

94 DOMINIQUE ROS-SEPOWITZ & KHARA JABOLA-CAROLUS, SEX TRAFFICKING IN HAWAI'I: THE STORIES OF SURVIVORS 8 (Jan. 2019). https://doi.org/10.1008/

98 Bistrier, <u>agrict</u> note 53, at 473-74 (noting that raids focusing on prosecution of criminals rather than vectim protection leads to arrests of trafficking victims); D'Ada mo, <u>apparator 78</u> ("Neither Iwaling from victimization nor fighting exploitation inherently involves the enforcement")

99 Legal Options to Stop Human Trafficking: Hearing Before the Subcomm. On Human Rights and the Law of the S. Comm. On the Indictory, 110th Cong. 76 (2007) (statement of Martina E. Vandenberg).

likely to be re-trafficked, as the law enforcement tions have only exacerbated their vulnerability.107 enforcement and fear deportation. 106 Additionally, trafficked persons who are undocumented provision of services can be made contingent on a vicvictims in the criminal justice process,104 or at worst, the ment officials may rely on services as a tool to engage of building a criminal case. For example, law enforceenforcement sometimes uses them with the ultimate aim ing. 103 Moreover, even where services are provided, there is a shortage of available services, especially houssion of critical short- and long-term services, victims are may refuse services because they are distrustful of law tim's willingness to cooperate with law enforcement.105 victims' needs and connect them to resources. 102 Often tions lack a trauma-informed victim advocate to assess literature suggests that many law enforcement operado not receive services for a variety of reasons. 161 assistance, and job training.100 Yet victims frequently Without the proviopera-, law

B. Prosecution of Traffickers

Despite consistent reports of operational focus on investigations and prosecutions, the literature also identifies minimal evidence that operations result in successful prosecutions of sex traffickers.

vestigative methods were much more effective in leading to prosecutions; for example, in 2020, HTI found that new ed fi sistance, either directly or through the support of a nonone-third of case referrals that resulted in a prosecution buyer seeking to purchase commercial sex. 109 Other volving a law enforcement officer posing as a potential approximately 12% resulted from a sting operation inthe 547 federal sex trafficking cases active in 2020 of sex trafficking, in involved a victim who contacted law enforcement for asthat a case was reported to law enforcement . . . Over "Self-reporting by a victim was the most common way According to the Human Trafficking Institute ("HTI"), from sting operations (12.4%).108 sex trafficking cases under compiles data related to 2019, only a small federal prosecutions the TVPA result-Similarly, of portion of Þ

IN ILLS. GOV'T ACCOUNTABILITY OFFICE. GAO-16-353. HUMAN TRAFFICKING. AGENCIES HAVE TAKEN STEPS TO ASSESS PREVALENCE. AD-DRESS VICTIM ISSUES. AND AVOID GRANT DIPLICATION 21 (2016) [PersilianGer U. S. GAO REPORT 2016] ("Officials in 15 of the 32 interviews we conduct of with law enforcement officials and prosecutors reported limited availability of services in their area of responsibility.").

103 Mellman-Olozco. 1999 Junie 49 (explaining the difficulty of connecting a victim to services because "Ir Jestdential placement centers for human trafficking victims were at capacity with long waiting lists or denied aervices because she wasn't a juvenile or because she didn't technically reside in Virginia. For months, whe ended up moving derivest domestic violence stellers (some with bed bugs), a mental health facility, tooleds paid for from the discretionian funds of anti-tafficking organizations, and lonneless salents," U.S., CAO, 2016 KEPORT, 1992 (and 1014 Inchigung that U.S. law endocrement officials have reported hunted availability of short-and long-term assistance for trafficking survivors, with shelter and housing presenting particular challenges in both forms of assistance.)

104 Farrell et al., Failing Fictims?, segge note 97, at 664 (citations omitted).

105 Ditmore, <u>sugget</u> note 45, at 10 (explaining the U.S. Government requires "that trafficked persons cooperate with law enforcement in order to obtain services, benefits, and imageation satus."; NAT'L SURVIVOR NETWORK, Atombers Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking (August 2016). The contract of the con

106 Ditmore & Thukral. Serial note 9, at 135 f"A person in a coercive situation, not necessarily aware of his or her legal rights, typically fears and does not trust law enforcement agents.")

108 HUMAN TRAFFICKING INST. 2019 FEDERAL HUMAN TRAFFICKING REPORT (2020). https://www.human.com/documents/second/s

¹⁰⁰ E.g., Rajaram & Tidball, <u>symat</u> note 64: Dama M. Kaplan, et al., Domeste: Minor Sex Trafficting: Medical Follon-up for Tiennized and High-Risk Youli 26, R.I. MID. J. (May 2018) (explaining sex multicking victims often leve histories of substance abuse, sexually transmitted infections, and pregnancy)

7.0 profit or hotline."110 Some data are also available in the cial Report from BJS, in 2015, 21% of federal human and defendants convicted."112 According to a 2018 Spetrafficking including efforts to carry out the 3Ps."111 For with ACTeam task forces. 113 trafficking suspects were referred from the 12 districts cent, and 106 percent, in cases filed, defendants charged ecution results, including increases of 10 percent, 75 perand in fiscal year 2018, "ACTeams saw significant proscant federal trafficking investigations and prosecutions. ("ACTeams") "proactively coordinate and plan signifiexample, six DOJ Anti-Trafficking Coordination Teams ernment's comprehensive campaign to combat human Assessment of the US Government Activities to Combat DOJ US Attorney General's Office annual publication Trafficking in Persons, which "describes the U.S. Gov-The Attorney General's Annual Report to Congress and

However, significant data gaps remain—the reporting on trafficker arrests and convictions rarely, if ever, specify the origins of those arrests, i.e., whether they resulted from stings, raids, etc. 114 We were unable to identify any public sources that track the national number of sex trafficking prosecutions that result from raids as opposed to stings. We were also unable to identify sources that analyze trends in the number of state sex trafficking prosecutions, an important data point given that over the last two decades states have been implementing new laws to combat human trafficking. 115

The results of public case studies, where available, have not been favorable to law enforcement operations. For example, Los Angeles's 2016 ORR—led by the Los Angeles's 2016 OR

geles Police Department's ("LAPD"), the Los Angeles County Sheriff's Department, and the FBI—was praised by law enforcement leaders and certain media as a great success, at least in part due to "the quantity of arrests send[ing] a strong message to the community that Human Trafficking is not tolerated." But an analysis by KPCC/LAist reported that not a single sex trafficking prosecution resulted from any of the arrests made during the operation."

more familiar with, such as rape, kidnapping, or panderstead opting to charge offenders with offenses they were situation.118 In one recent study, human trafficking inalso be reluctant to use newer human trafficking laws, inother jurisdiction." However, state prosecutors may Offices reported declining human trafficking cases were found that "the most common reasons that U.S. Attorney the U.S. Government Accountability Office ("GAO") data provided by the Executive Office for U.S. Attorneys, take longer to resolve than other crimes."119 In reviewing legal process is complicated and human trafficking cases reluctant to charge in human trafficking cases because the statements and corroborating evidence, prosecutors were vestigators "lamented that despite their securing victim trafficking from labor trafficking and/or sex work; and ited availability of victims services; distinguishing sex myriad challenges, including: victim cooperation; limficking cases are notoriously difficult to prosecute due to charge traffickers with violations of the TVPA. Sex trafforcement operations is that prosecutors do not always Part of the difficulty in linking prosecutions to law eninsufficient evidence' and 'matters being referred to anforce, fraud, or coercion in a commercial sex

110 1/1

111 U.S. Art'y Gen.'s Trafficking in Persons Reports, segges note 32.

112 U.S. DEP'T OF JUSTICE, ATTORNEY GENERAL'S ANNUAL REPORT TO CONGRESS AND ASSESSMENT OF THE U.S. GOVERNMENT ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS, FISCAL YEAR 2018 57-58 (2020), http://www.justach.gov/j

114 ATT'Y GEN.'S ANN. REP. TO CONGRESS: FY 2018, 112 note 112, at 27.

117 Gilbertson, Mendelson & Caputo, signa note 16.

118 See, e.g., Luko Bart, Prosecuting Human Traffichers Poses Significant Challenges, Top Prosecutor Says, ABC, NEWS (Aug. 11, 2019-10:34 AM), and a significant Challenges, Top Prosecutior Says, ABC, NEWS (Aug. 11, 2019-10:34 AM), and a significant Challenges, Top Prosecution of Says (Aug. 12, 2019). US, CAO, 2016 REPORT, speng mote (6), at 18, 23, NATLY (NS), OF JUST, Improving the Improving the Improvemental Conference of Challenges (Aug. 12, 10). (Some conference of Challenges (Aug. 13, 10)).

119 Farrell et al., Failing 17ctims?, , graphote 97, at 663 (citations omitted).

120 U.S. GAO 2016 Report. Parties note 101, at 31.

ing. 121 As a result, prosecutors will often charge traffickers with crimes that do not require proof of the victim's state of mind or with scenningly unrelated charges (such as a fircarms charge or tax evasion). 122 Human trafficking cases also often present prosecutors with the choice of pursuing a victim as either a victim or an offender (for example, through involvement in sex work or as an undocumented migrant), further complicating the prosecution process. 123

HTI synthesizes these data at the federal level and reports that, in 2019, 52.1% (49) of the 94 federal districts in the United States charged a human trafficking case outside of the TVPA. In total, federal prosecutors charged 100 sex trafficking cases outside of the TVPA in 2019; nearly half (45%) of these cases were sting operations that involved only fictitious victims; 19% involved child victims only; and 15% involved at least one adult victims only; and 15% involved at least one adult victim. For the remaining 21% of cases, there was limited information regarding the age of the victims exploited. In synthesizing these data, HTI noted that it only included cases with clear signs of trafficking or where federal prosecutors directly informed HTI that the case involved trafficking. It is so one might expect, the practice of charging outside of the TVPA has complicated efforts by researchers to identify sex trafficking prosecutions.

In sum, the current lack of transparent data renders it effectively impossible to systematically track the connection between specific law enforcement operations and any resulting sex trafficking prosecutions, which, in turn, makes it essentially futile to attempt to evaluate the prosecutions.

ck- ecutorial effectiveness of specific operations
n's

The same angle of the same of the

 Law enforcement's lack of rapport with victims makes a successful trafficking prosecution unlikely.

have her, I got no case."132 ant for human trafficking investigations and prosecutions stated that obtaining the victim's cooperation is importa victim's testimony, which is difficult to obtain without impedes efforts to gather evidence at the scene. 129 cessfully facilitate sex trafficking convictions, they must not just a necessity. It's a legal requirement. If I don't source of evidence."131 For example, in Farrell et al., an because the victim is generally the primary witness and challenges with victim cooperation. In general, officials ment and prosecutorial officials "reported that they faced the cooperation of the victim. 130 In a 2016 report, the deed, proving force, fraud, or coercion typically requires ad hoc and chaotic, creating an environment of fear that be tailored to ensure that prosecutable evidence is interviewed prosecutor emphasized, "Victim testimony is GAO found that 25 of 32 interviewed U.S. law enforceered. 128 By contrast, operations are often reported to be Scholars emphasize that in order for operations to suc-Į,

Of course, as noted above, there are numerous reasons why a victim might not be comfortable cooperating with a prosecution, including "fear of reprisal, loyalty and/or love toward the trafficker(s), concern for personal and/or familial safety, and need for housing" to name a few. ¹³ Further, because trafficking victims are so often taught by their trafficker to fear law enforcement, a traumatic arrest

121 NAT'L INST. OF JUST, http://note-118; Farrell et al., New Laws, supra note-71, at 142, 152.

122 See, e.g., Bart. <u>292-2</u> note 118: Amy Farrell, et. al., The Prosecution of State-Level Human Traffiching Cases in the United States, 6 ANTI-TRAFFICKING REV. 48

123 Farrell et al., New Laws, segres note 71, at 142, 152.

124 2019 FEDERAL HUMAN TRAFFICKING REPORT, mote 108, at 52

125 1.4.

126 1.4.

127 Id.

128 FACT SHEET: THE BENEFITS OF SMART RAIDS V. BLIND SWEEPS. <u>PERF</u> note 51 ("Even when trafficking victims are found, a poorly planned raid can make it difficult to gather evidence and mount effective prosecutions to ensure that traffickers serve significant time behind bars."),

20 Uniting Ke. Thurkay 22 mare 9, at 114 ("Overall, participants reported that trails were chaotic and often rammatic events which left them frightened and confined. In this case of wita was happening or would happen to them."); At at 135 (Raids "are rarely executed on the basis of in-depth investigation that eloits reliable evidence and witness testimony.").

130 2019 FEDERAL HUMAN TRAFFICKING REPORT, seed note 108, at 32 [*[T] he government may be unable to prosecute an offense under the TVPA because the requisite evidence to prove the exercion element—usually, a victim's testimony—is unavailable for fish. 15. Donns Gavin & Classonder Thomson, &c. Traffiching of the capacitie evidence to prove the exercion element—usually, a victim's testimony—is unavailable to fish. 15. Donns Gavin & Classonder Thomson, &c. Traffiching to Conc. USC (tir. Traditional Platiting out Bassond & Birth to a Survivor, cuterod Responser, in HUMAN IT RAFFICKING IS A PUBLIC ITEM. LTH ISSUE: A FARADIGM EXPANSION IN THE UNITED STATES 325, 339 (Makini Chisolm-Strake & Humi Stoklosa eds., 2018); Dandurand, see note 68, at 330.

131 U.S. GAO 2016 Report. A.A.: note 101, at 18.

132 Farrell et al., New Lows, Sonote 71, at 157.

133 Gavin & Thomson, in note 130, at 336; Farrell et al., Failing Victims?, note 97, at 651 (citations omitted)

ToC and detention is likely to reinforce a victim's already anpolice, and participate in the criminal justice process."139 vivors "are more likely to report crimes, cooperate with when law enforcement treats survivors respectfully, sur-III(A)(1) at p. 11 for additional discussion). 138 Whereas, self-identifying as trafficking victims (see supra Section disclosing information about their trafficking situation or operations, they further impede survivors' likelihood of ly-poor treatment of victims during law enforcement where victims actively protect those who are exploiting them due to a sense of misguided loyalty."137 If law onmanipulation, fear, and intimidation can create situations sides re-traumatizing the victims, this "use of emotional victims for testimony until the victims "break." 136 Belaw enforcement officers have been reported to pressure In a recent study of police interactions with victims of tagonistic or fearful perspective of law enforcement.134 forcement allows—whether intentionally or inadvertentliberties."135 rescuers as much as they see us as a threat to their civil ate us with criminal prosecution. They don't see us as trafficking, one officer explained, "Most people associ-As noted in supra Section III(A)(2) at p. 13,

That said, while victim testimony can be critical to a successful prosecution, successful law enforcement efforts recognize that reliance on survivor testimony alone is insufficient for a strong case. ¹⁴⁰ Officers and prosecutors must collaborate diligently to secure comprehensive evidence, including financial evidence, to build a well-founded case. Prosecutors should work with both "survivors and service providers as early as possible to both support the survivor and develop the case." ¹⁴¹

Prevention of Trafficking

The literature also indicates that law enforcement operations are not effective tools to prevent sex trafficking, sometimes even serving to undermine prevention efforts and facilitating sex trafficking.

Ill-planned operations that are not trauma-informed are likely to perpetuate, rather than prevent, sex trafficking. As noted above, traffickers rely on demonization of law enforcement to exert control over the victim and to ensure that the victim does not report the trafficker to law enforcement. Law enforcement operations that do not prioritize the well-being of the victim and allow the victim to choose whether, when and how they interact with law enforcement can unintentionally reinforce the trafficker's narrative and contribute to undermining the mental, emotional, and physical stability of the victim. All these factors contribute to indirectly supporting the trafficker's ability to control and coerce the victim.

As a result, it is not uncommon that after being identified in a law enforcement operation, victims return to their trafficker out of fear or as a means to survive. 12 Victims who fail to solf-identify are often arrested, and the enduring nature of criminal records—and the long-term impacts they can have on access to housing, employment and other services—makes it even more unlikely that a trafficking victim will ever gain the stability needed. 14



¹³⁴ INT'L WOMEN'S HUMAN RIGHTS CLINIC, ET AL., 1952 note 97 ("Criminal arrests are traumatic experiences that reinforce fear and distrust of police and authorities institled by traffickers.").

¹³⁵ Farrell et al., Failing Tichnis?, See L. note 97, at 662 (citations omitted).

¹³⁶ Farrell, et al., New Laws, given note 71, ar 158.

¹³⁷ Connell et al., sup. 12 note 75.

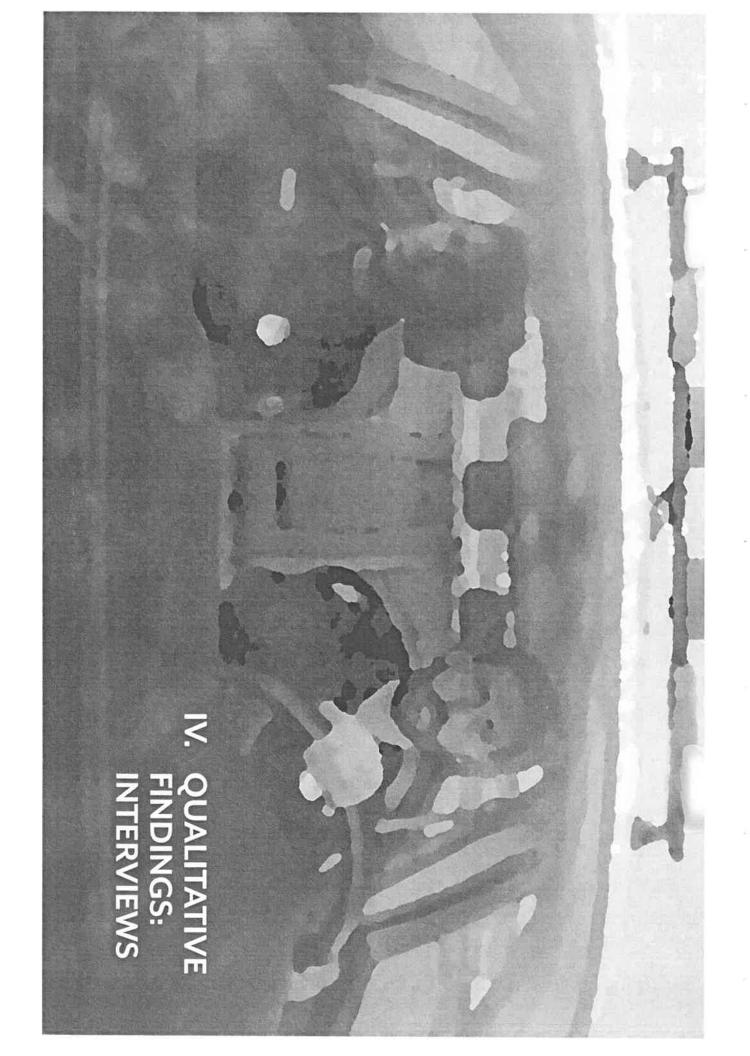
¹³⁸ Disnote, sized note 45, at 9 ("Service providers also noted that treatment during trads bears directly upon whether a person who has been detained will speak frankly about their experiences, or self-dentify as having been correct or otherwise about "F. Courtiney Distlet. Notpung Human Traffiching on the Lan Enforcement Front Lines, 18 (INCELAND ISCICIATY TODAY (Feb. 7, 2019), 3 (1885), 3 (

¹³⁹ Farrell et al., Farling Tictims?, signer note 97, at 650 (citation omitted).

¹⁴⁰ Gavin & Thomson, 22222 note 130, at 337.

^{141 14}

¹⁴² Dimore, Alexande 45, at 10 ("IR jaids uproot trafficked persons from their communities and can effectively render them homeless"). Mehman-Orozou, Lower note 49, (quoting a survivor unable to acquire subtle housing: "[A] I least [with my trafficker] I had a roof over my head, even if I was getting my ass whipped before I went to sleep).



We interviewed 42 professionals in the anti-trafficking field, including federal and local law enforcement, federal and local prosecutors, law enforcement advocates, nonprofit advocates, experts, and survivor advocates. (See Appelation Districtive Chart). Many interviewees' accounts closely mirror the Literature Review findings. More specifically, interviewees report that law enforcement operations, including federal initiatives such as ILNI and OCC, fall short of the aims of the TVPA—to protect victims, prosecute traffickers, and prevent trafficking—for the following reasons:

tims because they identify few or no traffickers and victims; operations can traumatize and criminalize victims and undermine their trust in law enforcement; and operations often fail to connect victims with short- and long-term services necessary to successfully rehabilitate victims.

2. Operations rarely lead to the prosecution of traffickers because they identify few or no traffickers; they are often executed without enough evidence to arrest traffickers; and they do not facilitate rapport with victims, whose testimonies are often necessary to prosecute traffickers.

3. Operations do not successfully prevent trafficking because they do not prevent the victim's return to the trafficker; indeed, they further marginalize sex work which exacerbates the risk of trafficking; and they do not address the root causes of trafficking.

training about traffick-

Protection of Victims

According to one expert, "operations are in direct opposition to everything we train on trauma and victim centeredness. They're about output not outcome; there are collateral harms inflicted, especially if arrest is involved." Consistent with this view, interviewees generally describe operations as an ineffective tool for protecting victims. They describe shortcomings at all stages of the operations, including i) training and policies of law enforcement, ii) planning of operations, iii) execution of operations, and iv) post-operations.

"Operations are in direct opposition to everything we train on trauma and victim centeredness. They're about output not outcome; there are collateral harms inflicted, especially if arrest is involved."

-Anti-trafficking expert

I. I aw enforcement training and policies Interviewees indicate that law enforcement personnel receive varying degrees of training about a) sex trafficking generally, b) victim identification, and c) trauma-informed methods of interacting with victims, including interview techniques. Alarmingly, law enforcement agencies do not universally maintain clear policies prohibiting sexual contact with victims. Insufficient training about these topics can inhibit law enforcement's ability to identify and assist sex trafficking victims during operations.

there is no mandatory, specialized sex trafficking training ficers who participate For example, some ofto engage with victims. ipate in operations and teach officers to particdepartments rely on general law enforcement training to for officers participating in operations. Others report that trafficking]." Some law enforcement officers report that can't say there's any phenomenal [FBI] training [about sex ing about sex trafficking. A fonner FBI officer shares, "I Different departments provide different levels of trainoperations receive Training about sex trafficking generally -Former FBI officer trafficking]." training labout sex "I can't say there's any phenomenal [FBI]

ing through Vice or the Special Victims Unit ("SVU"), such as those who participate in the California-based operation ORR. Several interviewees, however, do not believe such general training adequately prepares officers to address sex trafficking. Interviewees are especially critical of relying

on Vice training, which traditionally focuses on sex work arrests, gambling, and drug-related crimes.

Where they do exist, the design and depth of specialized sex trafficking training programs vary from district to district. One state prosecutor describes the sex trafficking training received by officers as "extensive," while other law enforcement officers state that such training is available only to those officers who actively pursue it. An HSI agent explains, "There is training available [for HSI personnel], but unless you really look at the curriculum once or twice a year, it becomes dated very quickly." Law enforcement personnel may not be encouraged to actively pursue upto-date training, however, where sex trafficking training is considered "additional training," and not a component of officers' required basic training.

Victim identification training

Successful protection of victims first requires successful *identification* of victims, which rarely happens during or immediately after operations. Victims are reluctant to self-identify, and law enforcement lacks sufficient training about how and when to identify adult victims.¹⁴⁴

Interviewees explain that law enforcement too often places the onus on victims to self-identify as a means of establishing force, fraud, or cocroion. Doing so burdens the victim with disclosing difficult information before they may be ready and potentially subjecting themselves to danger. Moreover, victims rarely self-identify. "Most people won't say, 'I'm being trafficked.' Most people don't even know they're being trafficked," says a survivor advocate. A

"Most people won't say, 'I'm being trafficked.' Most people don't even know they're being trafficked." -Survivor advocate

public health advocate explains that undocumented victims are reluctant to self-identify due to fear of consequences related to their immigration status. An HSI agent, who has participated in anti-sex trafficking operations for five years, does not recall a single instance of a victim self-identifying during a first encounter with law enforcement. A survivor told a former state prosecutor that admitting she is a victim

takes away "her last shred of agency." Moreover, if she asks for help, "she will be known in the streets she trusts as a snitch, [and] if services fall through, she can't go back to the street."

Nonetheless, several interviewees state that absent victim self-identification, law enforcement generally categorizes individuals engaged in commercial sex as sex workers. Law enforcement officers may simply ask if victims are "independent," or who their pimp or boyfriend is. As one survivor advocate put it, "When the cop says, 'Do you have a man?' You say 'No.' That's their only line of questioning. [It's] minimal and not very creative." Another survivor advocate explains that, "If the victim doesn't disclose [that] she is coerced, then the crime sits on the victim."

"If the victim doesn't disclose [that] she is coerced, then the crime sits on the victim."
-Survivor advocate

One nonprofit advocate explains that officers would be better served listening for comments such as, "I didn't have a
choice," or "I owed money," rather than asking about victims' traffickers. Accordingly, in recent years some officers
have learned to ask circumstantial questions; a law enforcement advocate recounts asking victims open-ended questions like, "How did you end up here today!" Similarly, a
prosecutor reports inquiring about elements of control and
whether victims had freedom of movement.

Questioning a victim, besides gathering basic information, is only appropriate once the victim is no longer in an excited state from the operation; has the support of a nonprofit advocate; and has been provided with basic needs such as food, water, and clothing.

While circumstantial questions can be more useful than asking victims to suf-identify, according to an expert, they should not be asked during or immediately after an operation. Questioning a victim, besides gathering basic information, is only appropriate once the victim is no longer in an excited state from the operation, has the support of a nonprofit advocate; and has been provided with basic needs

¹⁴ Noaby, a person under the age of 18 who performs a continercial sex act—even absent force, frand, or coercion—is a terificking victim under the TVPA, 22 U.S.C.A. §710 (fc)§9 (2000). Stakeholders report that as a result, operations often force on recovering minor victims, since identifying adult victims often takes longer However, according to some interviewers, even minors engaged in commercial sex are not always freated as victims by law enforcement, while local law enforcement may not arrest minors on prostitution charges, they arrest them on different charges, such as breaking curfew.

¹⁴⁵ During operations, law enforcement are tasked with distinguishing between sex trafficking and sex work, the latter of which involves the exchange of a commercial sex act between two adults without force, fraud or coercion.

¹⁴⁶ Victims are isstably unwilling to self-identify for various factors, including toyalty to their trafficker, district of law enforcement, or impacts of tauma. See infra-Section V(B)(1) at p. 38.



such as food, water, and clothing. An expert explains that even with the best, most trauma-informed questioning protocols, self-identification of victims during or immediately after operations remains unlikely, whether because of the acute stress of the situation or distrust of law enforcement. Questioning during this time can also be traumatizing for victims, in addition to proving ineffective.

 Trauma-informed training for interacting with victims

Interviewees provide numerous examples of how law enforcement's behavior during operations is not trauma-informed. For example, one local officer self-reported misgendering a victim: "you have fun on these ops. Like we arrested a trauny, it was one of the most drop-dead gorgeous females I've ever seen but it was a dude. Did we have fun with that? Yeah we had fun like guys have fun." A survivor

"[Y]ou have fun on these ops. Like we arrested a tranny, it was one of the most drop-dead gorgeous females I've ever seen but it was a dude. Did we have fun with that? Yeah we had fun like guys have fun."

-Local law enforcement officer

advocate reports instances in which officers doubted victims' claims of abuse, including a case in which an officer
did not believe a victim who reported being gang raped.

Another survivor advocate states that an officer refused to
take a victim's statement because the victim was intoxicated. The same survivor advocate says another victim who
met his victimizer online was blamed by law enforcement,
who responded, "This is what happens when you meet people online."

"There are some police organizations that are very advanced in trauma-informed care... Then there are other areas where [they are] still doing the same raids as they were doing twenty years ago."
-Survivor advocate

Interviewees admit that training about how to interact with victims varies greatly. Some law enforcement state that they are taught how to interact with suspected victims and describe their training as trauma-informed. A local officer states, in contrast, "We could teach people to talk a little better to the victims," and a federal officer confirms: "I went to the FBI academy [and] there's not a lot that's taught about

how you talk to victims." Law enforcement often uses buzzwords such as "trauma-informed" and "victim-centered," but their interactions with victims are neither, claim some interviewees. "In the trafficking field, there's new language and old tactics. Everything is 'victim-centered' or 'trauma-informed,' but we still use old tactics," explains an expert.

Interviewees report, as a result, that law enforcement has little understanding of tranna-informed care. One law enforcement advocate estimates that fewer than one in ten law enforcement officers could provide a working definition of trauma-informed care. Those who understand trauma-informed care may fail to employ it during operations, says a survivor advocate who refused to participate in ILNI operations because the FBI 'will not agree to trauma-informed practices."

Lack of law enforcement policies regarding sexual contact with victims

Law enforcement agencies do not all maintain clear policies prohibiting sexual contact with victims. Interviewees report secondhand accounts of law enforcement sexually abusing victims, both during operations and while off duty.

One state prosecutor reports that sexual abuse of victims by law enforcement "is definitely something that survivors share with me on a regular basis."

Sexual abuse of victims by law enforcement "is definitely something that survivors share with me on a regular basis."
-State prosecutor

the crime you shouldn't need to physically do the act." tent for a commercial sex act to occur, that is sufficient for ment advocate asserts, "As long as you have established inengaging in commercial sex. By contrast, a law enforcetheir view, coming very close to engaging in sexual contact the 'go word." Notably, one prosecutor explains that, in on, but the workers "strip you butt naked. . . massage parlors undercover, he tries to keep his underwear or "against the rules." Another states that when he goes to with suspected victims is necessary to prove that they were of almost start the [sex] act and then that's when you give picture of his penis to an "underage prostitute" is not illegal can. For example, one local officer believes that sending a ficers do not engage in sex with victims, they believe they Comments from local officers suggest that even when of-They'll kind

Interviewees generally agree that law enforcement should not have sexual contact with victims, and the absence of enforceable, uniform policies indicates ignorance of the protections needed to ensure the safety of victims.

One local officer believes that sending a picture of his penis to an "underage prostitute" is not illegal or "against the rules."

2. Planning of law enforcement operations
Interviewees report that current law enforcement operations fail to effectively identify victims because they are
structured to target sex workers. Some interviewees also
describe operations as "stats-driven," or focused on demonstrating high numbers of arrests and prosecutions—often
resulting in the arrest of sex workers and victims who fail
to identify as such. The planning of operations is often reportedly motivated, at least in part, by morale-building and
overtime pay. Finally, operations are executed with varying
levels of evidence of force, faud, or coercion, the absence
of which inhibits the identification of victims during operations.

Anti-sex trafficking operations are structured to target sex work

Some interviewees assert that operations "don't target trafficking, they target sex work." Law enforcement do not always differentiate the two. For example, two local law enforcement interviewees discuss "John stings" ¹⁴⁷ in conjunction with anti-sex trafficking operations, even though such stings attract buyers but fail to bring law enforcement in contact with traffickers or victims. Moreover, a survivor advocate claims that if law enforcement recovers a single victim when patrolling areas known for sex work, law enforcement describes the operation as an "anti-sex trafficking [operation]."

Regardless of their intent, anti-sex trafficking operations, like anti-sex work efforts, result in the arrest of many sex workers and buyers. A local officer who has participated

Regardless of their intent, anti-sex trafficking operations, like anti-sex work efforts, result in the arrest of many sex workers and buyers.

in 20-30 raids estimates that these raids identified dozens of sex workers, but only five or six juvenile victims. The high number of arrests of sex workers and buyers results in part from the fact that some anti-sex trafficking task forces

respond to community complaints regarding sex work. One law enforcement advocate explains that officers are beholden to the desires of politicians, local law enforcement leaders, and the community. One expert posits that responding to such community complaints about sex work is not an effective way to address sex trafficking, since if they "Got a complaint on Monday and went on Tuesday, [they] did not get enough info to prove force, fraud, coercion." In general, interviewees suggest that using anti-sex trafficking resources to identify and arrest sex workers and buyers detracts from a focus on protecting victims.

Operations are planned to maximize the number of arrests

"What is more valued? People in handcuffs, because it's more dramatic." -Local law enforcement advocate

cuted in every field office. of the operation "was to get a human trafficking case prose-FBI "put more emphasis on case prosecution," and the goal during Operation Independence Day (formerly OCC), the quantity [instead of] quality." Moreover, he explains that children. It got to be too statistics-focused. Too focused on not as effective in terms of federal prosecutions or saving law enforcement officer shares that OCC, specifically, "was than long-term investigations. Another expert agrees, statmore interested in demonstrating a high number of arrests that when local officials are running for re-election, they are lization of a victim is hard to measure. One expert explains bilization because handcuffs are "more dramatic," and stabiofficers and agencies value arrests more than a victim's staof success." Two interviewees opine that law enforcement Another explains, "You show stats, it gives the impression one local officer, "The more numbers, the better you look are driven, at least in part, by statistics-including the num-Many law enforcement interviewees report that operations ber of arrests, prosecutions, and convictions. According to "Stings are for big flashy press releases." A federal

While many interviewees believe that statistics are the primary focus of the law enforcement operations, some interviewees highlight other objectives of the operations. One task force coordinator asserts that "flaw enforcement can about lives impacted, not the data." However, the prosecutor also acknowledges that low numbers of arrests or prosecutions could affect task force funding. Another interviewee acknowledges that even well-meaning law enforcement are subject to the demands of their communities and depart-

ments, who are often most interested in numbers. Relatedly, one public health advocate claims anti-trafficking operations are a guise for arresting undocumented immigrants.

a law enforcement investigation." One survivor advocate me in a trauma-informed way. They were only interested advocate agrees, stating, "[The] detectives didn't interview vices and leads to verbal abuse of victims. Another survivor for prosecutions overshadows the provision of victim serbelieves that law enforcement's desire to collect evidence to the cops, but no, they do need to because we are doing dle" victims; they "would say [victims] didn't have to talk prosecution. A local officer tells us that advocates "codgiving victims the choice to participate in their traffickers victims to cooperate with law enforcement, rather than ment departments work only with nonprofits that pressure bolster relevant statistics. To that end, some law enforcecept services, denying victims their autonomy, in order to incentive to either arrest victims or demand that they ac-Several interviewees explain that law enforcement has an tracts from a victim-centered approach to the operations Interviewees report that a heavy emphasis on statistics de-

"[The] detectives didn't interview me in a trauma-informed way. They were only interested in their case." -Survivor advocate

if they coordinated with state and local law enforcement ment claims prostitution arrests in their operations statistics rather them do nothing because they're only making the sitstates, "if operations result only in prostitution arrests, then was identified. Echoing these sentiments, one HSI officer operation, for every 300 people arrested, only one victim One law enforcement advocate recalls that during an ILNI rests are based on local and state laws, federal law enforcethan other types of arrests. Although prostitution-related arand victims who have not been properly identified because shakes out as a victim." Law enforcements' desire to secure ment arrests as many people as possible and later "see who ILNI as "glorified sweep campaigns" in which law enforce [law enforcement] shouldn't be doing operations. I would prostitution arrests are easier to support with probable cause high arrest numbers leads to the arrest of many sex workers Interviewees describe federal operations such as OCC and

"[An operation] gets people out putting handcuffs on people, which is fun if you're a police officer."

-Local law enforcement officer

elated- c. Other motivations for planning operations:

fun if you're a police officer." mean, it's fun." Another local officer agrees: "[An operatimes went out for drinks after operations to celebrate. One who participated in law enforcement operations state that to trafficking victims. Some law enforcement interviewees Interviewees describe other motivations for executing option] gets people out putting handcuffs on people, which is really nice. They give us, like, room service. So, yeah. you're in a downtown hotel . . . so a lot of the time it's local officer explains "[Operations are] not that hard, and by "testosterone," and another observes that officers somelaw enforcement advocate opines that operations are driven to build morale amongst law enforcement personnel. One the volume of operations was driven in part by the desire vert the focus from providing trauma-informed protection crations-such as morale-building and overtime-that

Interviewees disagree on the extent to which overtime pay incentivizes the execution of operations. Some believe that overtime pay—by the FBI to local law enforcement on loan for FBI operations—is a strong incentive to conduct and participate in operations. One law enforcement advocate acknowledges that people may like the operations because of overtime pay, but believes that overtime is not a "predominant motivating factor" to conduct operations. A local law enforcement officer disagrees, stating that "Overtime is not necessarily an incentive; it just helps with the logistical planning."

d. Depth of pre-operation investigation

Scholars, law enforcement personnel, and survivor advocates all agree that pre-operation investigation and planning
increases the efficacy of operations. Without sufficient evidence to establish the elements of force, fraud, or cocreion
prior to the operation, law enforcement is unlikely to identify adult victims due to victims' reluctance to self-identify. Some interviewees describe well-investigated law enforcement operations. For example, one nonprofit advocate
reported monitoring a wiretap for months at a time prior
to executing operations. However, other interviewees describe law enforcement operations that occurred with little
or no prior investigation, and more often than not, without
establishing the elements of force, fraud and coercion beforchand. One survivor advocate recalls an operation that

One survivor advocate recalls an operation that was very disorganized: it started late and without sufficient personnel but went forward regardless.

147 A "John sting" usually refers to when female officers pose as sex workers and arrest men who solicit sex from them

ToC was very disorganized: it started late and without sufficient viders before operations can inhibit protection of victims. operation. Failure to collaborate with victim services prothey ask for the victim services providers' input prior to the enforcement did not communicate with the victim service had provided services for victims at an ILNI operation and providers about how the operation would unfold, nor did recalls "wanting more information." She explains that law personnel but went forward regardless. One interviewee

Execution of operations

tims because they are generally executed in a manner that to protect victims from additional trauma. appropriate short-term services, which undermines efforts victim advocate present, nor are victims always provided ations are not always conducted with a female officer or a traumatizes and criminalizes victims. Additionally, oper-Many interviewees report that operations fail to protect vic-

Operations can be traumatizing

where you're restoring autonomy to survivors." A law cnple you don't know or trust are coming in. It's not a place agrees, stating, "a raid in itself can be traumatizing. Peoas "really scary," and "intimidating." A nonprofit advocate survivor advocate describes an operation she experienced uniforms, have their guns out, and surprise victims. One for a variety of reasons, including that officers usually wear Interviewees describe operations as traumatic for victims

-Nonprofit advocate restoring autonomy to survivors." Operations are "not a place where you're

horrifying [sex] workers [on the scene]." doors, banging in, taking pictures, catching evidence, and states that during operations, "inspectors beelined to locked lishment cause those present to worry for their safety. She vocate says operations traumatize everyone in the estabthought they were going to get killed." A public health adbecause four guys were coming out of the bathroom so they rity at the door. He states that victims "were initially scared hallway of hotels during operations and having armed secuforcement investigator recounts chasing victims down the

messy." A survivor advocate explains that to reduce trauma, preting through a big speaker. [It was] really chaotic and health advocate notes, "None of the inspectors were Chithe same language as migrant victims. The same public the fact that there is often no one on the scene who speaks The "horrifying" nature of operations is exacerbated by [They were] holding a phone to do inter-

> it is crucial not only to have someone present who speaks to explain to the victim what is occurring. can therefore relate to the victim's concerns and effectively victim's language, but also who understands the culture and

you.' They trick them like the trafficker.' to surprise them with the harsh reality of being trafficked: tion of law enforcement with how traffickers mislead their with their true identity. One survivor compares the decepsurprising victims, often abruptly and without any warning, erations, undercover officers initially pose as buyers, later ers use them for money. For example, during certain opway victims are treated by their traffickers: like traffickers matized by operations because law enforcement mirrors the same thing-'I'm a buyer,' and then 'Nope, I'm arresting [them]. You have law enforcement, who then has done the "Traffickers are often male and have a position of power. victims with promises of money, love, and security, only law enforcement officers mislead, pressure, or coerce vic-Moreover, interviewees suggest that victims are often trau-Fraffickers have tricked and coerced them into trusting tims, and use them for information in the same way traffick-

sition of power. Traffickers have tricked then, 'Nope, I'm arresting you.' They trick done the same thing—"I'm a buyer," and You have law enforcement, who then has and coerced them into trusting [them]. "Traffickers are often male and have a pothem like the trafficker."

Survivor advocate

say to victims: "If you don't tell me the name of your pimp not talking, we'll charge you." Law enforcement tries "to A state prosecutor agrees, explaining that officers will often get some services, has to cooperate with the investigation.' enforcement investigator explains, "the victim, in order to you're not talking,"" says another survivor advocate. A law break you down, they say 'You're a fucking bitch because advocate states, "[law enforcement] just said: since you're victims are pressured to divulge information. strangers or get beat to death." Interviewees also report that that victims are offered by their traffickers: "[Have] sex with they are not ready for—parallels the undesirable "options" factory options—either going to jail or accepting services survivor advocate explains how being offered two unsatisthreat of arrest, as a tool to "force people into services." A terviewees report that law enforcement wields arrest, or the erces victims to accept services or give up information. In-Additionally, law enforcement sometimes pressures or co-A survivor

> traumatic to trafficking victims go back home, which is what he wanted. "That is a techtrol victims, which is why such pressure can be particularly arrangements mirror the pressure that traffickers use to concan. But that never happened to me." These quid pro quo your family and you want to go home? You testify and you nique that is used against children. You want to be with in the U.S. says he was told that if he testified, he could foreign national and a minor at the time he was trafficked I'm going to arrest you," A survivor advocate who was :

and make sure they were uncomfortable in order to get them also report experiencing physical abuse: law enforcement make fun of how broke I was. They would go through my cops were real jerks . . . I had cops count my money and "disease." Another survivor advocate reports that "Some ual abuse occurs at operations, which can further traumawould handle them roughly, put on their handcuff's too tight, phone and threaten to call my pimp." Survivor advocates and called them names such as "bitch," "disgusting," and a abuse: law enforcement yelled and screamed in their faces, tize victims. Survivor advocates report experiencing verbal Finally, interviewees report that verbal, physical, and sex-

names such as "bitch," "disgusting," and screamed in their faces, and called them verbal abuse: law enforcement yelled and Survivor advocates report experiencing

casinos in handcuffs for everyone to see, and "throw you into a bathtub in zip ties in a mini skirt and heels." forcement would shame victims by parading them through ality TV show. A survivor advocate recounts how law enfilm victims without their consent for the purpose of a reenforcement, such as permitting outside organizations to Some interviewees recall other instances of abuse by law

of the trauma" of the law enforcement approach to antilaw enforcement officers sexually abusing suspected vicvocate describes sexual abuse by law enforcement as "part tims, both while on and off duty. One public health ad-Many stakeholders have heard of, or at least are aware of

tims instead of protecting them.

tims [and they are treated as] juvenile delinquents. Foreign as criminals. It's mostly Black and brown girls that are victendency to criminalize victims. "[Victims] are still treated report that victims' race may influence law enforcements criminals rather than victims. Finally, some stakeholders others at their trafficker's direction are generally treated as ally, stakeholders report that trafficking victims who traffic the same as someone who murdered someone." Additiontrafficking victims are just deported," says an expert vivor advocate agrees, "You're being treated as a criminal. "Their first reaction is to treat them that way." Another surtims first as sex workers, drug addicts, and criminals, and law enforcement's treatment of victims, they still view vic-A survivor advocate explains that despite improvements in (handcuffing and arresting) and by prosecutors (charging) reflected in how victims are treated by law enforcement Many interviewees report that operations criminalize vic-Operations often criminalize victims This criminalization

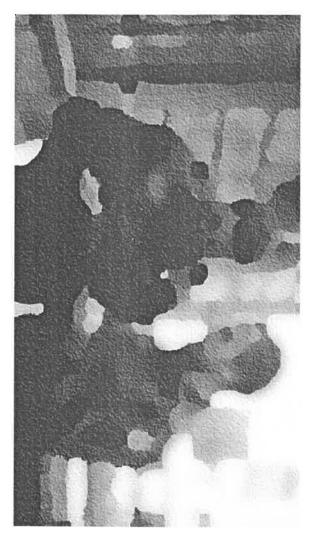
same as someone who murdered someone." -Survivor advocate "You're being treated as a criminal, the

potentially injured to be "helped," perhaps operations are interviewee notes that if victims have to be handcuffed and aren't cross-talking and that no one is being coached." One handcuffed . . . Need to make sure they're isolated so they vocate explains, "No one likes victims to be in handcuffs cuff everybody because it's easier." A law enforcement advictims, interviewees report. Local law enforcement offinot the best way to identify and interact with victims but you can't put them in the back of the car without being ficer, "It's policy that all suspects should be handcuffed and separated "for safety reasons." According to one of cers explain that sometimes victims have to be handcuffed When I'm running an operation, I tell the officers to hand-During most operations, it is standard practice to handcuff

duces harm?" technique that causes harm before it recient or effective way. Why choose the "Arresting [victims] is not the most effi-

-Public health advocate

individuals engaged in commercial sex if there is no eviis a hard "mental thing" for law enforcement not to arrest sex-related crime. But a state prosecutor explains that it in theory, victims should not be arrested, at least not for a operations by arresting them. Some stakeholders state that Law enforcement officers also criminalize victims during



dence of trafficking. A federal officer reports, if someone is "strictly a sex worker and not a victim," local law enforcement "have no choice but to arrest them." ¹¹⁸ But given that victims rarely self-identify, it is likely that many victims are mistaken as "strictly a sex worker." For example, a local officer explains, "Even if they're a victim that's not identifying, there's a good chance they're going to get a ticket or get arrested."

"Even if they're a victim that's not identifying, there's a good chance they're going to get a ticket or get arrested."
-Local law enforcement officer

Stakeholders report that victims sometimes spend time in jail and face charges. One local law enforcement officer explains. "I know it's bad because we're punishing them for being a victim, but it kind of forces them to be in contact with us. And then we're able to monitor them." When victims are charged, they are most often charged with loitering.

"I know it's bad because we're punishing them for being a victim, but it kind of forces them to be in contact with us. And then we're able to monitor them."

-Local law enforcement officer

a victim's rap sheet. Even when victims are not formalget them out of jail." in prisons and explains that attorneys were "defending or was working on a project to identify sex trafficking victims citations do not usually get processed but may appear on refer them to resources. If they indicate they want help, I'll trafficking]. A lot of times I go back to the jail after they hotel operations], there were indications or red flags [of jail or prison [victims] eventually get identified." A law as trespass and tax evasion. A state prosecutor explains that substance." Occasionally, victims face other charges, such have detoxed some. I give them another chance to talk, I enforcement advocate says, "There have been times [during prosecuting a victim and they don't even know it . . . ed and therefore "in the system." One survivor advocate ly charged, when they are picked up, they are fingerprintyoung women get arrested for possession of a controlled you don't see a lot of prostitution arrests, you'll see a lot of prostitution, or solicitation. A federal officer explains, "If

Some victims are coerced or forced by their trafficker to recruit other victims or teach them how to deal with buyers. Generally, these victims are treated and charged as traffickers. For example, one survivor advocate reports that she was charged with everything her trafficker was charged with stopping. 13 counts of compolling, 13 counts of compolling, 1 count of conspiracy to promote prostitution; 1 count of con-

spiracy to promote prostitution. My bail was \$3 million." A few stakeholders state that charging victims who recruit other victims is decided on a case-by-case basis and depends in part how violent they were to other victims. A law enforcement advocate states that one victim was charged because she was very violent with other victims, "But it also came out that she'd been very much abused by [her trafficker]." A prosecutor explains, "at some point a victim can cross the line and needs to be held accountable ... yes, you were victimized ... but that doesn't give you the right to victimize others."

ed for prostitution. When they look for women being reseen as victims or survivors. There's internalized racism being trafficked which made girls of color less likely to be are looking at elements of force, fraud, and coercion." task force coordinator agrees, "Biases creep in when they ferred to trafficking court, it's skewed the other way." A numbers skew very high for Black women being arrestare more victims of color but they weren't identified filing led to under-identification of victims of color: "There cation of victims]." A state attorney reports that racial pro-"I think there was this narrative out there about white girls tims are persons of color. A nonprofit advocate explains, operations are white, and a disproportionate number of vicholders report that usually, law enforcement conducting [and] conscious racism; I'm sure that plays into [identifilaw enforcements' tendency to criminalize them. Stake-Some interviewees report that a victim's race may influence

"There are more victims of color but they weren't identified.... numbers skew very high for Black women being arrested for prostitution. When they look for women being referred to trafficking court, it's skewed the other way."

-State prosecutor

Advocates are inconsistently present during

Victim advocates—whether offered by law enforcement or a non-governmental organization ("NGO")—are critical to the protection of victims. These advocates provide emotional support and connect victims to short- and long-term services based on their needs. "Culturally competent" advocates that speak the same language as suspected victims are especially critical in the identification and support of foreign national victims. While most interviewees report that advocates were involved in law enforcement opera-

tions, the level of their involvement varies greatly. Additionally, interviewees indicate that victim services are frequently provided on an ad hoc basis and are not uniformly available. Moreover, interviewees suggest that funding of operations contributes to a power imbalance between law enforcement and service providers, and lack of transparency about funding raises questions about whether law enforcement is using funds appropriately.

Many interviewees note the importance of nonprofit advocates prioritize the victim's well-being over other objectives, and they are "outside of law enforcement," which helps to mitigate some of the victims' mistrust of law enforcement. Although many interviewees acknowledge the importance of partnering with nonprofit advocates during operations, some law enforcement state that they do not have a nonprofit partner, or they have a nonprofit partner on an ad hoc basis.

Some interviewees question the effectiveness of law enforcement advocates—employees of law enforcement agencies who are trained to support victims of crimes—during
operations. One survivor perceived that such advocates are
"there for a reason: to gather information and bring it back
to law enforcement." Other interviewees agree that law enforcement advocates have "different interests" than those of
the victims, and in some cases, law enforcement advocates
only provide services to victims who agree to engage in
prosecution. Nevertheless, one nonprofit advocate believes
that FBI Victim Witness Specialists "were very victim-centerred," and successfully encouraged victims to accept longterm services.

or agents of, law enforcement and nonprofit advocates' desire not to appear to be part of nonprofit advocates' reluctance to participate in operations; fidentiality of operations; unavailability of nonprofit staff cates; law enforcement's fear of leaks and need for conenforcement's discretion to partner with nonprofit advostead on standby. This could be for various reasons: nonprofit advocates are not present at operations, but inis identified; and sometimes victims are inerely referred to advocate who participated in ILNI operations reports that advocates after the operation. Notably, a law enforcement times they are on standby and called on-site once a victim Sometimes advocates are on-site during operations; sometions. Instead, they are often called in at discrete stages ment advocates are always present at all stages of opera-Interviewees report that neither nonprofit or law enforce-

149 *Simproft advisedes* are individuals assisting and providing resources to trafficking victims through a nonprofit organization, which we contrast with *law* ment advisates, which are employees of law enforcement agencies who are trained to support victims of crimes.

enforce-

¹⁴⁸ In fact, law enforcement has discretion to make arrests unless they have a warrant or are subject to a departmental policy that mandates arrest of sex workers.

© Some law enforcement only partner with nonprofit advocates who encourage victims to provide information to law enforcement.

Law enforcement generally has the power to decide when, and whether, they work with nonprofit advocates on operations. According to multiple law enforcement officers, they sometimes refuse to partner with nonprofit advocates because advocates advise victims that they are not required to talk to law enforcement. Some law enforcement view this as "coddling" victims and preventing them from co-operating. As a result, some law enforcement only partner with nonprofit advocates who encourage victims to provide information to law enforcement.

Nonprofit advocates "don't want to be seen as an arm of law enforcement, or victims don't trust them. But on the other hand, law enforcement not having connection to community groups is really bad." -Nonprofit advocate

with operations being executed, or at least not with the manerations. Nonprofit advocates report that they did not agree connection to community groups is really bad." elaborates, stating nonprofit advocates "don't want to be ner in which they are executed. One nonprofit advocate that they struggle ethically with how much to engage in opfrom logistical issues, some advocate interviewees indicate 20% of operations due to lack of available staffing. Aside were invited to every operation, but only attended about occur. available in the evening hours when the operations typically participate in operations. Nonprofits might not have staff it advocates, advocates may not be available or willing to Even when law enforcement wishes to work with nonprofthem. But on the other hand, law enforcement not having seen as an arm of law enforcement, or victims don't trust One local officer explains that nonprofit advocates

In addition to a nonprofit advocate, many interviewees recognize the importance of having a female officer present at operations to help certain victims feel comfortable. A survivor advocate explains that when she was being trafficked, she was not allowed to talk to men unless they were paying her. Another survivor advocate states that women have "a little more sensitivity in the situation." A law enforcement advocate agrees: "I do think there's a difference when you talk to male cops versus female cops simply because I think women have a better understanding of how sex can be used

against [them]." Other interviewees report that victims express a preference for speaking with women rather than men, and therefore, female officers increase the efficacy of operations. Yet interviewees report that overwhelmingly, law enforcement conducting operations identify as male, and victims are female-identifying. Some law enforcement try to have at least one female officer per operation, but others conduct operations without female officers present.

"I do think there's a difference when you talk to male cops versus female cops simply because I think women have a better understanding of how sex can be used against [them]."

Local law enforcement advocate

Victims are inconsistently connected to services during operations

Short- and long-term services are critical to support victims and prevent them from returning to their trafficker. However, victims identified during operations are inconsistently connected to services. Interviewees report that long-term services are rarely available. Additionally, victims are often unwilling to accept short-term services offered to them after an operation, in part because of the trauma and distrust bred by operations. Moreover, the services available to victims may depend in part on their age.

Local law enforcement reports that there is "no official protocol for providing food, water, clothes," but victims were offered these things when law enforcement had a "steady supply" of these items or to "help victims cooperate."

Many interviewees report that short-term services—such as food, water, and clothing—are offered to victims during (i.e., on-site) or immediately after (i.e., at the station) the operation. However, some interviewees maintain that they are not. One survivor advocate laughed when asked whether she was provided with short-term services. Another said they were never offered services, and that "The system is not designed for an immigrant kid."

Advocates report that after victims' immediate needs are met, they generally require longer-term services such as mental health counseling, housing, food assistance, legal assistance, financial assistance, education, job skills, and jobs. Some interviewees observe that community providers only offer such services in the short-term, which is insuffi-

cient to support victims since they "may have lifelong mental health and physical health needs." Several interviewees emphasize the difficulty of finding long-term housing for survivors, which they view as the most critical long-term service that victims need.

Interviewees consistently indicate victims rarely accept services during or immediately after an operation. They largely attribute this unwillingness to the trauma and distrust bred by the criminal justice system generally, and law enforcement operations specifically. One nonprofit advocate opines, "It's hard for anyone to be ready to receive help when it seems like they're in trouble, they don't know anyone, there are people with guns standing over them. How can they feel like we're there to help?" A survivor advocate explains that while many sex trafficking victims want help, it is critical that the advocate develop a relationship with the victim understand what help entails.

"It's hard for anyone to be ready to receive help when it seems like they're in trouble, they don't know anyone, there's people with guns standing over them. How can they feel like we're there to help?"
-Nonprofit advocate

"The FBI docs really well when victims are minors. No agency does a really good job when victims are over 18," says one federal officer. Interviewees indicate that sometimes, the services offered to victims depends on the victims' age. A nonprofit advocate reports that she is always asked to assist with an operation if a minor is identified, but not always if the victim is an adult. Another nonprofit advocate, however, states that minor and adult victims are provided the same services. One survivor advocate points to the injustice of the fact that a seventeen-year-old engaging in commercial sex is logally a victim, while one year later, would likely be charged as a sex worker.

Operation funding may result in power inibalance and lacks oversight

Multiple interviewees note that a power imbalance exists between law enforcement and nonprofit organizations involved in operations, which is enforced by the law enforcement-heavy nature of some funding models. One local officer running operations explained that the entire million-dollar anti-trafficking budget from the city was allocated to solely law enforcement, rather than split with service providers. Similarly, interviewees report that money designated for ILMI operations pays only law enforcement and

not service providers; organizations that provide services to victims during operations, therefore, must do so with their own funding.

As explained by an interviewee, an anti-trafficking ECM-funded task force requires:

- a local law enforcement agency,
- either the FBI or HSI or both,
- a signature from the attorney general, and
- a single service provider.

She says, "If you look at the power structure [there is] one service provider, [and] three criminal justice providers."

to this power imbalance, whether actual or perceived, law flect important perceptions about the funding. Due in part not true based on the current ECM model, these reports readvocates to operations. enforcement agencies have discretion to exclude nonprofit requires cooperation with law enforcement. While evenly between law enforcement and service providers, but tim service agencies. In theory, the ECM grant may be split task forces, law enforcement receives more funds than vicenforcement agencies, but only one victim services agency Collaborative Model ("ECM") grant, require multiple law victim service agencies, such as funding from ECM grants, interviewees state that some of the funding designated for for victim services is often divided into subgrants. Several the needs of victim and, as a result, the money allocated usually more than one service provider is necessary to meet Additionally, interviewees report that within ECM-funded task forces, such as those funded through the Enhanced Some interviewees report that certain anti-sex trafficking

There is "Nothing to hold us accountable. I'm aware of task forces that inflate numbers to get funded again. DOJ oversight is a serious problem."

-Anti-trafficking expert

Funding of operations also occurs with little transparency and oversight. Aside from the ECM grant, interviewees report that there is very little publicly known about how much federal money is given to law enforcement agencies for operations. One interviewee states, "I think [there is] a big gap in what we know what's happening with tax dollars."

ToC This lack of oversight raises questions about whether funds to get funded again. DOJ oversight is a serious problem." accountable. I'm aware of task forces that inflate numbers erations. An expert explains, there is "nothing to hold us anti-trafficking funds are being used for anti-sex work opare misused; indeed, interviewees suggest it is likely that

impact of operations

ing a viable alternative to life with their trafficker. Some their source of food, income, and stability without provida dangerous situation before they are ready. One law enended, according to interviewees. Law enforcement advorescued by raids; instead, they feel like operations disrupt forcement advocate explains that many victims do not feel ities by interrupting their lives and forcing them to leave cates state that operations exacerbate victims' vulnerabil-Victims suffer from operations long after the operation has

native to life with their trafficker. stability without providing a viable alterdisrupt their source of food, income, and raids; instead, they feel like operations that many victims do not feel rescued by One law enforcement advocate explains

certainly dependent on for food and shelter. partner or parent of their children, and who they are almost victims to leave their trafficker, who may be their intimate until they feel safe. Yet operations do just that-they force ations in that a victim cannot be forced to leave a situation trafficking situations are similar to domestic violence situdeportation post-operations. An expert describes how sex advocates express concern that undocumented victims face

erations] would bring me closer to [my trafficker] because then I needed [him] to rescue me from the police." effective ways to help her leave her situation, because "[optrue." Another survivor advocate, states that raids were not forcement does that, it's like everything the trafficker said is emy and they're gonna throw you in jail. When law enmajority of victims, they learn law enforcement is your enment. A survivor advocate explains, "A lot of victims, the less likely to identify themselves as victims to law enforceadvocate, victims' involvement in operations made victims pendency on their traffickers. According to one nonprofit enforcement, thereby increasing their attachment and deoperations can exacerbate victims' fear and distrust of law Second, due in part to their chaotic and stressful nature,

"[Operations] would bring me closer to him) to rescue me from the police my trafficker) because then I needed -Survivor Advocate

> tivity, preventing her from attending her court date. system." The trafficker threatened to hold the victim in capwhich resulted in her being "deep in the criminal justice in which a victim was "caught up in a couple of operations," over them; a nonprofit victim advocate describes a situation tim's involvement in the criminal justice system as leverage vor advocate. Additionally, traffickers sometimes use a vicoffender, or prostitution is on [their] record," says a survi-They get background checks and it comes up they're a sex their kids at school, can't get jobs, [or] somewhere to live from their trafficker. "[Victims with charges] can't go see criminal history impedes their ability to live independently less likely to leave their trafficking situation because their Furthermore, victims who are arrested during operations are

Prosecution of Traffickers

sary to prosecute traffickers. to arrest traffickers and 3) undermine rapport with victims no traffickers; 2) are executed without sufficient evidence which is crucial to securing testimony that is often necesful trafficker prosecutions because they 1) identify few or Interviewees report that operations fail to produce success-

Operations identify few or no traffickers

ations identify a trafficker, but during the 20-30 operations out of 99 human trafficking, racketeering, and pimping casalone a trafficker. A state prosecutor estimates that in 2014, he participated in, none resulted in the arrest of a pimp, let es, only five or six originated from operations. ers. One local officer estimates that about one in ten operthe vast majority of operations fail to identify any traffick ful identification of traffickers, and stakeholders report that Successful prosecution of traffickers first requires success

miles away," one federal officer says. One survivor advoothers. "The trafficker is controlling [victims] from many sharing, and by delegating management of their victims to their victims remotely using online advertising and rideare rarely at the scene of operations. Traffickers manage no traffickers, according to interviewees. First, traffickers There are two key reasons that operations identify few or

"The trafficker is controlling [victims] -Federal law enforcement officer trom many miles away.

to be seen with you, [they don't want any] verifiable evivictim rather than going himself. "[Traffickers] don't want when her trafficker bailed her out of jail, he sent another to oversee the victims. Another survivor advocate agrees: never on-site; instead, they ask a cousin or family member cate explains that in massage parlors, the "higher-ups" are

> by law enforcement during operations, her trafficker was at vivor advocate explains that while she was being picked up dence that [they are] connected to the victim." A third sur-

context about their rights." to talk if there's no immigration attorney who gives them a gun, that's a scare tactic, it's not a welcoming situation." to talk?' Well, it won't happen busting down the door with An expert notes that undocumented victims are "not going likely to not answer questions than to answer questions." survivor advocate explains, "Victims of violence are more case they may not be interrogated about their trafficker. A Additionally, many victims fail to self-identify, in which ment's question is always: 'How can we get these people with victims. A survivor advocate explains, "Law enforce erations do not usually improve law enforcement's rapport their traffickers that law enforcement is the enemy, and opfederal prosecutor agrees: "It's very common for a victim go to jail for a night—[you] just take one for the team." A and it's a 15-year sentence. You take a slap on the wrist and victim, you're taught that the police will try to get your man being trafficked. According to a survivor advocate, "As a enforcement, and reluctance or inability to self-identify as traffickers. This unwillingness stems from various factors are usually unwilling to provide information about their Second, operations identify few traffickers because victims including loyalty to their trafficker, a deep distrust of law try to protect their pimp." Victims are taught by

not a welcoming situation." door with a gun, that's a scare tactic, it's "Law enforcement's question is always: Well, it won't happen busting down the 'How can we get these people to talk?' -Survivor advocate

Operations are executed without sufficient eviplanning and execution of operations inconsistent involvement of prosecutors in the dence to arrest traffickers, in part because of the

mulated sufficient evidence to arrest them at the time of the operation. According to a local officer scene of an operation, law enforcement may not have accu-Even when law enforcement identifies traffickers at the

However, they also know that we don't have anything know that they're a pimp. 150 They know that we know. have enough probable cause to arrest them. So, we hard to arrest them right away 'cause we don't even [W]hen we do make contact with [the traffickers], it's

> is this to do a bunch of follow-up investigations. on them and the only way to actually put a case on them

intel, targeted investigations and tips." the subsequent investigation. . . . Most cases come through er operation wouldn't give me a trafficking case-it was countable." According to a state prosecutor, "the undercovsomething really small, like some misdemeanor. And you is exploiting [a victim], then [the trafficker] can plead to don't have all the evidence there proving that [a trafficker] miss out on that whole opportunity to hold him truly acdoor." A law enforcement advocate elaborates, "if [officers] was and rescued her, and couldn't get the trafficker next door to each other: "Police went into the room where she victim and her trafficker were located in hotel rooms nex A federal prosecutor recounts a similar situation in which a

quent investigation... Most cases come and tips," through intel, targeted investigations me a trafficking case—it was the subse-"The undercover operation wouldn't give

-State prosecutor

and you can't prosecute it," says one former prosecutor. en." Operations that do not involve prosecutors throughout collected, what statements are taken, and how they are takthey know "how the victim is encountered, what evidence is are "a lot of effort for nothing. You missed victims, charges tors are better able to prove force, fraud, or coercion when [and] achieving collective goals," in part because prosecuvolving prosecutors "Goes a long way in building teamwork likelihood they can successfully prosecute a trafficker. prosecutors report the more they are involved, the greater prosecutor involvement before and during operations, and ecution of operations. Interviewees report varying levels of from lack of prosecutor involvement in the planning and ex-Insufficient evidence to arrest traffickers may result in part Į'n-

ecutor. trafficking] field get better training than the cops who work is sort of up to the individual attorney," says a federal prosindictments against traffickers. "The level of exposure a perience, many other prosecutors did not know how to draft advocate states that "most prosecutors who work in [the sex experience prosecuting traffickers. One law enforcement prosecutor has to sex trafficking law enforcement operation in the field." Yet a former prosecutor notes that, in her exnot all prosecutors have knowledge of sex trafficking and However, even with sufficient evidence to arrest traffickers.

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¹⁵⁰ The terms "trafficket" and "pimp" are often used interchangeably, but a "pimp" refers to an individual who profits from prostitution without using force, fraud or coercion.

Operations often result in the arrest of sex workers and buyers and more minor charges than sex trafficking

While many law enforcement operations are accompanied by great media fanfare touting the success of the operations, often the publicized arrests and charges are actually for sex workers, sex buyers, and individuals charged with more minor crimes, not traffickers.

"You see these astronomical numbers, [but] most of the time when you dig down, they're not really trafficking charges. It's 19-, 20-year-old women who are charged with solicitation. It's concerning to me I'm not seeing a trafficker getting charged." -Former state and federal prosecutor -State prosecutor

According to a state prosecutor, "a lot of agencies were getting lazy and doing buyer stings where they could arrest 400 people in a day and count it towards their [number of trafficking arrests]." A local officer explains, "When it connex to the John actually being a pimp trying to recruit the girl, those are fairly low numbers, under 10% [of the identified Johns]." Another local officer explains how buyer arrests are often presented in the media as trafficking arrests:

You make a press release . . . of, like, 20 Johns that you arrested and say. 'Hey, these people were arrested for human trafficking.' When really they were cited for soliciting sex. But it looks good in the media, like we're doing something about it. I think I saw a recent media release about Reclaim and Rebuild and they did that.

Additionally, reported arrests may include arrests of pimps and individuals charged with more minor crimes. A public health advocate explains that the numbers of arrests from operations "don't distinguish [pimping and trafficking]. But not all traffickers are pimps.... It's highly flawed." A local officer explains that media releases will claim this operation"; however, he "[does not] think all of them were arrested for pimping and pandering or sex abuse and stuff like that. A lot of it might have been for minor shit that they did and [law enforcement] scooped them up in this operation." Another local officer echoes this sentiment:

A lot of the times in the big press releases, they'll put out these numbers saying they've made all these human trafficking arrests when it's really citations for minor things—solicitation, pimping or pandering, other minor things that are misdemeanors and not very meaningful

Operations undermine victim rapport, diminishing the likelihood of essential testimony

Many interviewes continue that proving force, fraud, or cocrcion without a victim's testimony is difficult. For example, one state prosecutor explains that when she tried to charge a few trafficking cases she "couldn't get past the preliminary hearing [stage] because the victim didn't want to testify." A survivor advocate notes: "You don't legally need the victims' testimony. But there is a glass ceiling and law enforcement doesn't think of how to put together a case without victim testimony."

If law enforcement develops rapport with victims, victims are more likely to "meaningfully engage with the criminal justice process ... a supported victim is a better witness."

-Local law enforcement advocate

One law enforcement advocate asserts that it law enforcement develops rapport with victims, victims are more likely to "meaningfully engage with the criminal justice process... a supported victim is a better witness." A federal prosecutor similarly observes.

I think it's the little things—showing up consistently, remembering [the victim's] favorite food, fighting for them—that helps gain their trust. All these little things add up and show that they have the person's best interest in mind. I saw an instance where a survivor changed how she interacted with the advocate and law enforcement just when the advocate remembered that she preferred a certain type of soda (Sprite).

Other interviewees agree that victims are more likely to seek help from and confide in law enforcement officers that take the time to build trust and show care for them. A local law enforcement officer contacted a victim four times without detaining her, and it was not unfil the fourth interaction that the victim agreed to accept help. Similarly, one federal prosecutor observes, "Having officers be educated on tranma helps victims cooperate and lead to more successful interviews—not just for evidence at trial but also for building a relationship with the victim."

More often, however, operations reinforce a distrust of law enforcement as discussed throughout the report (see *supra* Sections III(A)(2) at p. 13; III(B)(2) at p. 18; IV(A)(3)(d) at p. 33-34; IV(A)(4) at p. 35). By exacerbating victims distrust of law enforcement, law enforcement operations ultimately make victims less likely to testify against their trafficker. As one academic put it, "what is the effectiveness of

running in with guns pointed at people and then asking them to feel comfortable talking to them?" A federal prosecutor explains that, as a result, "Most [victims] don't cooperate in the first interview."

Prevention of Trafficking

Interviewees report that operations fail to prevent trafficking because operations 1) do not prevent victims from returning to their trafficking; 2) further marginalize sex work, which increases the risk of sex trafficking; and 3) do not address the root causes of trafficking.

Operations do not prevent victims from returning to their trafficker

Victims identified by law enforcement commonly return to their traffickers, according to multiple interviewees. A local officer comments: "The recidivism rate [of sex trafficking victims] is astronomical.... As a society, we are failing to provide the assistance these girls need." Ninety percent of minor victims are picked up by another pinip "within a matter of bours," says another local officer. A nonprofit advocate observes. "I've seen the same [sex trafficking victims] cycle through on stings."

Ninety percent of minor victims are picked up by another pimp "within a matter of hours," says another local officer.

Victims are often re-trafficked, at least in part, due to lack of victims? services (see supra Section IV(A)(3)(e) at p. 35-36). One survivor advocate explains that if victims are not connected to services, such as housing and therapy, they will often be re-trafficked shortly after being identified.

One survivor advocate explains that if victims are not connected to services, such as housing and therapy, they will often be re-trafficked shortly after being identified.

"We need to offer them more [in order] for them to want to have the life. . . . We need to be able to provide better services," says another survivor advocate. A public health advocate explains:

[Operations are] targeting victims who need a tremendous amount of support. They need to be supported in the way their trafficker supports them, to be made to feel valuable. They've been deprived of something that their trafficker is offering them. We have to replace whatever the trafficker is offering.

Operations, however, inconsistently connect victims to services, and victims who experience operations are often unwilling to accept services, in part, due to their distrust of law enforcement.

Operations further marginalize sex work, thereby increasing the risk of trafficking in the industry.

Multiple interviewees report that anti-sex trafficking operations result in the identification, arrest, and charge of many sex workers (see *supra* Section [V(A)(2)(a) at p. 27). Arrests of sex workers during operations, however, only increases workers' vulnerability to trafficking and other forms of violence. Specifically, these arrests inhibit victims from self-reporting to law enforcement due to victims' fear of facing prostitution charges.

Nonprofit advocates, law enforcement advocates, and a state prosecutor agree that building rapport with sex workers results in valuable tips about potential trafficking victims.

Additionally, arresting sex workers inhibits them from sharing important tips about trafficking with law enforcement. One nonprofit advocate explains that sex workers typically understand the difference between sex work and sex trafficking. Sex workers are able to recognize sex trafficking and they are uniquely positioned to organically come in contact with or learn about victims. Nonprofit advocates, and a state prosecutor, agree that building rapport with sex workers results in valuable tips about potential trafficking victims. One survivor advocate claims that "All survivors are in favor of decriminalizing sex work" because it would be easier to distinguish consensual sex workers from sex trafficking victims.

Operations do not address the root causes of trafficking

Interviewees identify various causes of trafficking including inequality, poverty, racism, homophobia, childhood negleet, and bad immigration policy. Operations in no way
gleet, and bed immigration policy. Operations in no way
gleet, and bed immigration policy. Operations in no way
gleet, and bed immigration policy. Operations in no way
mitigate these causes, and may, in some cases, exacerbate
these causes. A federal prosecutor, in discussing the link
between trafficking and neglected children, admits, "We
can get better at understanding how [recruitment] happens
and pool intelligence to develop ways to better protect the
most vulnerable populations." A law enforcement advocate agrees, stating, "Where are these girls [and bow do you
see it and how do you help communities feel empowered to

ToC protect the children in their communities? There's only so much that cops can do, and for some of these communities [of color], cops are not the answer."

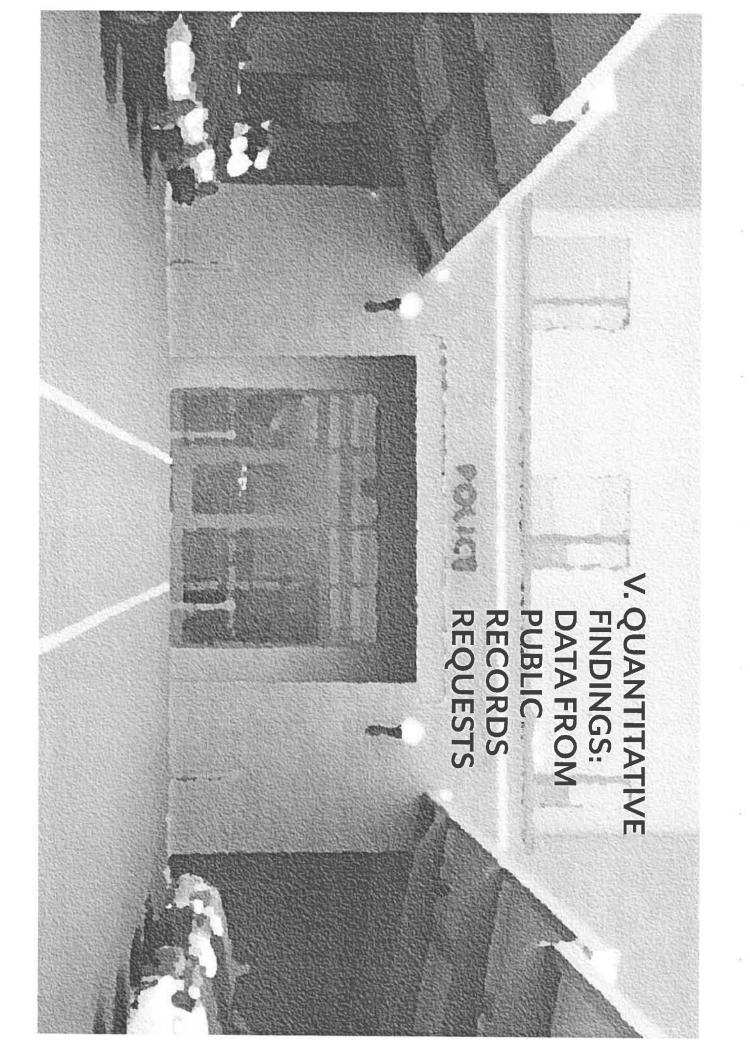
"Where are these girls being recruited from? And how do you stop it and how do you see it and how do you help communities feel empowered to protect the children in their communities? There's only so much that cops can do, and for some of these communities [of color], cops are not the answer."

-Local law enforcement advocate

Several interviewees suggest that money designated for operations would be better spent on fundamental protections for victims that address their basic needs, health, and well-being. According to one public health advocate:

We have failed these youths in the systems that are supposed to take care of them.... In the richest country on Earth, so many become vulnerable to exploitation. If we reinvested operations to fundamental protections and health and well-being, just basic needs, [that] would reduce vulnerability."





In an effort to learn more about the funding and outcomes the Center for Constitutional Rights, who has expertise in agencies the next year. When filing our requests and foleral law enforcement agencies. We sent our requests sixteen CPRA and FOIA requests to California and fedof particular law enforcement operations, we submitted Freedom of Information Act and open records requests. Worker and Coordinator of the Open Records Project at lowing up, we consulted with Ian Head, a Senior Legal in February 2020 and followed up with unresponsive

sought the following categories of information, from garding ILNI, OCC, Operation Independence Day, and 2003 to the present: The FOIA and CPRA requests sought information re-More specifically, our FOIA and CPRA requests

- crations, including those for identifying and providing services to sex trafficking victims ations and guidelines used in the execution of these op-Required trainings for participants in these oper-
- providers, and any other stakeholders that participate in cutors, victim advocates, service providers, healthcare attorneys, law enforcement agents and agencies, proseditures of these operations, including funds allocated to Statistical data related to the funding and expen-
- related to the staffing of these operations. operations and any communications and statistical data nications related to internal reports for planning of these tions, including, but not limited to, videos and commu-Records related to the execution of the opera-
- child victims Demographic information related to adult and
- tions resulting from these operations Records related to arrests, charges, and convic-

from the offices and agencies. The following is a summary of responses to our requests

Table 1. Summary of Public Records Requests

I HORE A. Outstanding	Or a mount	secon house on topon	10000
TYPE OF R	ELEASED OCUMENTS	DENIED REQUEST	NO RESPONSE AS OF II/15/2021
Federal Law FBI Enforcement	81	ICE/HSI	DOJ
Attorney C Generals A	California Attorney General	U.S. Attorney General	
Local Law • Enforcement •	Las Angeles PD Oakland PD	• Riverside PD • San • Francisco PD	• Fresno PD • LA Sheriff's Office
Local Local District Attorney Office	Los Angeles	Alameda CountyFresnoRiverside	San Francisco

serve resources. of operations that could ultimately serve victims and conpublic understanding; indeed, the public has an interest Our requests were denied for various reasons. (See Table used in these operations. Moreover, the release of this and even a right to know how its tax dollars are being lease of this information would contribute significantly to information is in the public interest." However, the reclaiming that it "failed to demonstrate that the requested CPRA Chart). The DOJ, specifically, denied our request information would enable evaluation and improvement E2: Summary of Denied Requests, in Appendix E: FOIA.

related to the operations, or both or a lack of internal training, documentation and statistics regarding the mechanics and outcomes of the operations, or disclose information, suggests a lack of transparency California Attorney General were nearly identical to the data through 2010. The responsive documents from the ments constituted primarily of public press releases and tified during operations. 151 The FBPs responsive docuwere limited, and, generally, only provided piecemeal inresponsive documents. These responsive documents Nevertheless, only five of the sixteen requests produced statistics released by the Los Angeles Police Department This reality, along with many agencies' failure to respond formation about the number of arrests and victims iden-

the responsive documents from the Los Angeles Police For the reasons listed above, we only analyze in depth

tion from the victims that can be utilized to identify and agencies, and task forces from across California. 155 The HTTF"), 70 federal, state, and local law enforcement Angeles Regional Human Trafficking Task Force ("LARing.¹⁵⁴ In 2020, participating entities included the Los forcement effort aimed at combatting human traffick-ORR is an annual, weeklong, California-wide law envictims of human trafficking . . . [and] to obtain informa-"to identify and rescue commercially sexually exploited LAPD operational plans state that the mission of ORR is Operation Reclaim and Rebuild (2017-2020)

ORR 2020 arrests: Summary of relevant data

- Statewide:
- 190 commercial sex workers
- 266 sex buyers
- 27 pimps
- 87 juvenile and adult victims
- LAPD + LASD LARHTTF
- 90 commercial sex workers
- 49 sex buyers
- 7 pimps
- OCC 2017 arrests: 7 juvenile and adult victims
- buyers 90 commercial sex workers and

6 potential (not confirmed)

5 victims sex-trafficking related arrests

> deemed a necessity to this operation."157 eral funds will be made available to LAPD personnel to detailed funding data, the 2017, 2018, and 2020 Opertrafficking."156 Although our data request did not yield apprehend suspects responsible for their exploitation and As part of the response to our data request, we received facilitate Operation Reclaim & Rebuild" for "purchases ational Plans stated that "Approximately \$2000 of Fed-

of commercial sex workers and buyers, which are collosulted in a large number of sex work-related arrests (e.g. and few identifications of trafficking victims. quially referred to as "Johns"), but few trafficking arrests Overall, however, the data indicate that the operations reed in the category of "Pimp/pandering/supervising." 159 umented as their own category; rather, they were includof the ORR operations because traffickers were not doc-Department ("LASD") LARHTFF. 158 We were unable to determine the number of traffickers arrested as a result statistics), and LAPD + Los Angeles County Sheriff's County (which include the LAPD + LASD LARHTFF Angeles county, LAPD, and LARHTFF), Los Angeles into regional categories: statewide (which includes Los ing from the ORR operations in 2017-2020, broken down and the types of felony and misdemeanor charges resultdata regarding the types of arrests, victim demographics

tion of 87 juvenile and adult victims.160 LAPD + LASD the tables that follow, the data for statewide operations cation of 7 juvenile and adult victims. As illustrated in buyers, but the arrests of only 7 pimps and the identifiwith the arrests of 90 commercial sex workers and 49 sex LARHTTF Operations reflect an even greater disparity. buyers, but the arrest of only 27 pimps and the identificathe arrest of 190 commercial sex workers and 266 sex For example, statewide operations in 2020 resulted in

151 In particular, responses from Oakland PD and Los Angeles DA's Office were extremely limited, consisting of a bull-page summary and cursory information about ORR, respectively.

Below is a summary of our findings from this analysis: 2020 from the City of Los Angeles Public Records. 153 Department, which relate to ORR¹⁵² and ILNI from 2015-

¹⁵² We received records associated with ORR from 2016-2020, including operational plans, agendas, the Los Angeles Regional Human Traffiching Task Force funding agreement, and satisface related to arrests and "records: Stemming from ORR. Some of lines statisface were publicly reported in the press conferences following the ORR operations. See, e.g., Peass Conference. She'llf Williamoru. See a mod 45.

¹⁵³ HUMAN TRAFFICKING UNIT. L.A. POLICE DEP'T. OPERATION RECLAIM AND REBUILD FILES (2016-2020); L.A. POLICE DEP'T. OPERATION CROSS COUNTRY FILES (2017).

¹⁵⁴ Press Conference. Sheriff Villanuava. : 4: _ note 45.

¹⁵⁰ HUMAN TRAFFICKING UNIT. L.A. POLICE DEP'T. OPERATION RECLAIM AND REBUILD 3 (2016); HUMAN TRAFFICKING UNIT. L.A. POLICE DEP'T, OPERATION RECLAIM AND REBUILD 3 (2018).

¹⁵⁸ L.A. Police Dep't. Operation Reclaim Rebuild 2017-2020, tbl. Statewide Arrests (2017-2020)

¹⁵⁹ Both hav enforcement officers stated that traffickers would be included in the "Phap/PaderhaySupervising" category and that LAPD does not count traffickers in their own category. Under California law, a "phap" refers to an individual who profits from prostruitor. Cal. Penal Code \$266H. A pinaphagbandering charge does not require the presence of force, flood, or concion.

¹⁶⁰ The ORR press conference on February 4, 2020 reported the recovery of 76 adult and 11 minor victims; the arrests of 266 males for the charge of Solicitation; and the arrests of 27 suspected traffickers and exploiters. See Press Conference, Sheriff Williamsers, Specia one 45.

ToC in 2017-2019, for Los Angeles county, and for LAPD + LASD LARHTIT follow a similar trend, with the arrest of a disproportionate number of commercial sex workers and buyers. The data we received did not break down the race or gender of victims because; according to two LAPD officers we interviewed, California law enforcement agencies generally do not compile demographic information about victims identified during law enforcement operations.

Table 2. CA Statewide Operations Arrests and Victims Identified 161 by Individual Type

	Problem by the			Depart of
	2017	2018	2019	2020
Total Arrests	236	493	339	518
Commercial Sex Worker	N/A	892	132	190
John	142	166	156	266
Pimp Pandering/Supervising	36	30	36	27
Other	58	29	5	35
Total Rescues	27	55	48	87
Juvenile		10	4	=
Adult	27	45	34	76
				ĺ

Table 3. Los Angeles County Operations Arrests and Victims Identified by Individual Type

	2017	2018	2019	2020
Total Arrests	280	298	107	180
Commercial Sex Worker	149	189	52	96
John	82	79	42	60
Pimp/Pandering/Supervising	16	13	11	8
Other	33	17	2	16
Total Rescues	21	16	15	22
Juvenile	5	8	9	6
Adult	6	00	U.	71

Table 4. LAPD + LASD LARHTTF Operations Arrests and Victims Identified by Individual Type

	2017	2018	2019	2020
Total Arrests	262	208	95	161
Commercial Sex Worker	146	179	45	90
John	70		42	49
Pimp/Pandering/Supervising	14	12	7	7
Other	32	17	1	15
Total Rescues	18	16	9	7
Juvenile	12	8		6

The breakdown of arrests resulting from the operations tells a similar story. We were unable to discern from the arrest data the precise number of traffickers identified from the ORR operations because (1) sex trafficking charges are grouped with pimping and pandering charges and (2) for reasons explained in greater detail in supra Section III(B)(1) at p. 16, traffickers are often arrested for crimes that are easier to prove (e.g., child exploitation). However, even keeping these limitations in mind, the data appear to indicate that ORR operations heavily focus on sex work, reflected in the disproportionate arrests of sex workers and buyers.

We were unable to determine the number of traffickers arrested as a result of the ORR operations because traffickers were not documented as their own category; rather, they were included in the category of "Pimp/pandering/supervising."

As demonstrated by the charts that follow, in 2020, state-wide ORR operations resulted in 487 misdemeanor arrests (including 456 prostitution/loitering/escort arrests, which apply to sex workers and buyers), but only 31 felony arrests (including 19 arrests for human trafficking, pimping, and pandering). LAPD + LASD LARHTTF County ORR Operations, in 2020, resulted in 156 misdemeanor arrests (including 139 prostitution/loitering/escort arrests), but only 5 felony arrests (including 3 arrests for human trafficking, pimping, and pandering). As rests for human trafficking to prostitution/loitering/escort arrests, but only 5 felony arrests (including 3 arrests for human trafficking, pimping, and pandering). As indicated by the tables that follow, the data in 2017-2019 generally follow a similar trend, with a disproportionate number of sex work-related arrests.

Table 5. CA Statewide Operations Arrests by Charge Type

Carried Carry				
	2017	2018	2019	2020
Total Felanies	50	48	4	31
Felony - Human Trafficking,	23	24	30	61
Pimping, Pandering				
Felony - Other Sex Felony, Child	17	19	တ	5
Related				
Felony - Other (Non HT/Sex)	0	4	o,	7
Felony - Other Sex Felony,		_		
Impersonating P.O.				
Tatal Misdemeanors	13	419	295	487
Misdemeanor -		387	280	456
Prostitution/Loitering/Escort				
Misdemeanor - Illicit Massage		01	0	
Business Related				
Misdemeanar - Supervising	13	เภ	on ص	00
Prostitute				
Misdemeanor - Other (Nan HT/Sex)		17	9	23
Total Arrests	63	467	339	518

161 The tracking sheets we received counted victims as "rescues." However, victims who are identified during operations often return to their trafficker or are re-trafficked by another trafficker and are not necessarily "rescued."

Table 6. Los Angeles County Operations by Charge Type

Total Arrests	Misdemeanor – Other (Non HT/Sex)	Misdemeanor – Supervising Prostitute	Misdemeanor – Illicit Massage Business Related	Misdemeanor – Prostitution/Loitering/Escort	Total Misdemeanors	Felony – Other Sex Felony, Impersonating P.O.	Felony - Other (Non HT/Sex)	Felony – Other Sex Felony, Child Reloted	Felony – Human Trafficking, Pimping, Pandering	Total Felonies	
170	5	10	40	16	161	0	2	6	_	9	2017
273	4	4	co	235	251	0	0	14	8	22	2018
107	2	3	0	93	98	0	0	1	8	9	2019
180	13	ហ	0	156	174		1	2	3	6	0207

Table 7. LAPD + LASD LARHTTF County Operations Arrests by Charge Type

	2017	2018	2019	2020
Total Felonies	19	21	6	5
Felony - Human Trafficking,	4		5	3
Pimping, Pandering				
Felony - Other Sex Felony,	13	14		_
Child Related				
Felony - Other (Non	2			_
THY DEX/				
Felony - Other Sex Felony,	0			
Impersonating P.O.				
Total Misdemeanors	243	240	89	156
Misdemeanor -	188	224	98	139
Prostitution/Loitering/Escort				
Misdemegnor - Illicit	40	œ	0	
Mossage Business Related				
Misdemeanor - Supervising	ŏ	4	2	4
Prostitute				
Misdemeanor - Other (Non	51	4	_	
HT/Sex)				
Unknown				ᅜ
Total Arrests	262	261	95	161

Operation Cross Country (2017)

We also received information from the City of Los Angeles about law enforcement operations coordinated by the Los Angeles Innocence Lost Task Force, as part of Operation Cross Country XI. The operations were scheduled for October 12-14, 2017, at various corridors within the LAPD's jurisdiction. According to the operations plan, "The objective of these operations is to identify and rescue juvenile victims who are being exploited through prostitution, as well as to identify and arrest those responsible for this exploitation." 163

Table 8. Operation Cross Country: 2017 LAPD Arrests

Arrests			
OFFENSE	E G	GENDER ³	TOTAL
	MALE	FEMALE	
Aiding in Prostitution			
653.23 PC	2		(XI
Aiding in Prostitution Total			3
Escorting			
103.1074	_	5	6
Escorting Total			9
Loitering/Prostitution			
653.22 PC ⁵	9	14	23
653.23 PC	2	1	3
Loitering/Prostitution Total			26
Prostitution			
647(b) PC ⁶	-	6	7
653.22 PC	0	10	10
Prostitution Total			17
Solicitation			
647(b) PC	13	30	43
Solicitation Total			43
Suspended DL			
Misd Warrant		_	1
Suspended DL Total			
Total Arrests	28	68	96

¹⁶² This table reflects data exactly as documented in the records released to us, including the data in column 2018 which do not add up (i.e., the data for Total Felorius)

¹⁶³ L.A. POLICE DEP T. OPERATION CROSS COUNTRY FILES (2017). The operations plan states that it will target individuals who commit certain state violations with precaller victims, and that "fighth state, violation will be explored for potential federal charges, including," life 18, U.S.C. Sections 1591 (Sex trafficking of a minor though force, final dependency and a property of a primary though force, final dependency and a property of the property of the

¹⁶⁴ The tracking sheet did not include any other gender identities, such as non-binary

¹⁶⁵ Los Angeles Municipal Code § 103,107(b) prohibits conducting, managing or carrying on any escort bureau without a written permit from the Board.

¹⁶⁶ CAL. PENAL CODE § 653.22(a)(1) PC prohibits loitering in any public place with the intent to commit prostitution

¹⁶⁷ CAL. PENAL CODE § 647(b) PC prohibits prostitution; specifically (1) an individual who solicits, or who agrees to engage in, or who engages in, any act of positiution with the intent to receive compensation, money, or anything of value from another person and (2) An individual who solicits, or who agrees to capage in, or who engages in any act of positiution with another person who is 18 years of age or older in exchange for the individual providing empensation, money, or anything of value to the other person.

ToC As part of our records request, we received data mainof prostitution-could reflect the arrests of traffickers. Cal. Penal Code Section 653.23 PC169—which prohibits OCC operations could even potentially be related to sex directing or otherwise aiding a person in the commission based on sex trafficking charges, one LAPD officer who tained by the Detective Support Vice Division, Human Nevertheless, only six of the 96 arrests resulting from the participated in OCC stated that the six arrests based on the arrests resulting from the 2017 OCC operations were rather than sex trafficking. While it appears that none of from the operations were primarily related to sex-work total arrests made (Table 8) and the five victims identi-Trafficking Unit that detailed the breakdown of the 96 the ORR data, the OCC data suggest the arrests resulting fied (Table 9) during the OCC Operations. 168 Similar to

both problematic and commonplace. work operations and anti-sex trafficking operations is Section IV(A)(2)(a) at p. 27, the conflation of anti-sex clients and sex workers. As discussed further in supra ducting undercover surveillance and arresting both sex of "catching sex clients;" or (3) law enforcement consulting in the detention, citation, or arrest of sex workers, ations involved: (1) law enforcement posing as Johns, reof the OCC operations. The officer stated that these operficking was reinforced by one LAPD officer's description might be more focused on sex work rather than sex trafof just five victims. Indeed, the idea that OCC operations ficking-related arrests (six arrests) and the identification and buying sex (~90 arrests), but few potential sex traf-Overall, the data reflect many arrests related to selling (2) law enforcement posing as sex workers, with the aim

workers, 80%+ of whom are female, this OCC operation part of OCC target the tracks worked by commercial sex most of the arrests of females were related to sex work. According to an LAPD officer who participated in OCC nearly 2.5 times the number of males arrested (28 males). resulted in the arrest of a higher number of females than They explained that because the operations conducted as females arrested as part of the operation (68 females) was females were disproportionately arrested: the number of Moreover, as reflected in Table 8, the data indicate that

> victim status. cannot ignore those warrants simply due to the juveniles tims have warrants out for their arrests, law enforcement venile's arrest. The LAPD officer explained that if viclaw enforcement operations if a warrant is out for the jutimes, a juvenile victim may be arrested in the course of were arrested. the Innocence Lost operation. Nor does law enforcement not always provided to juvenile victims identified during Finally, as reflected in Table 9 below, victim services were the victims identified. Additionally, two juvenile victims appear to have tracked the long-term outcomes of any of One LAPD officer explained that some-

Table 9. Operation Cross Country – 2017 Victims 170

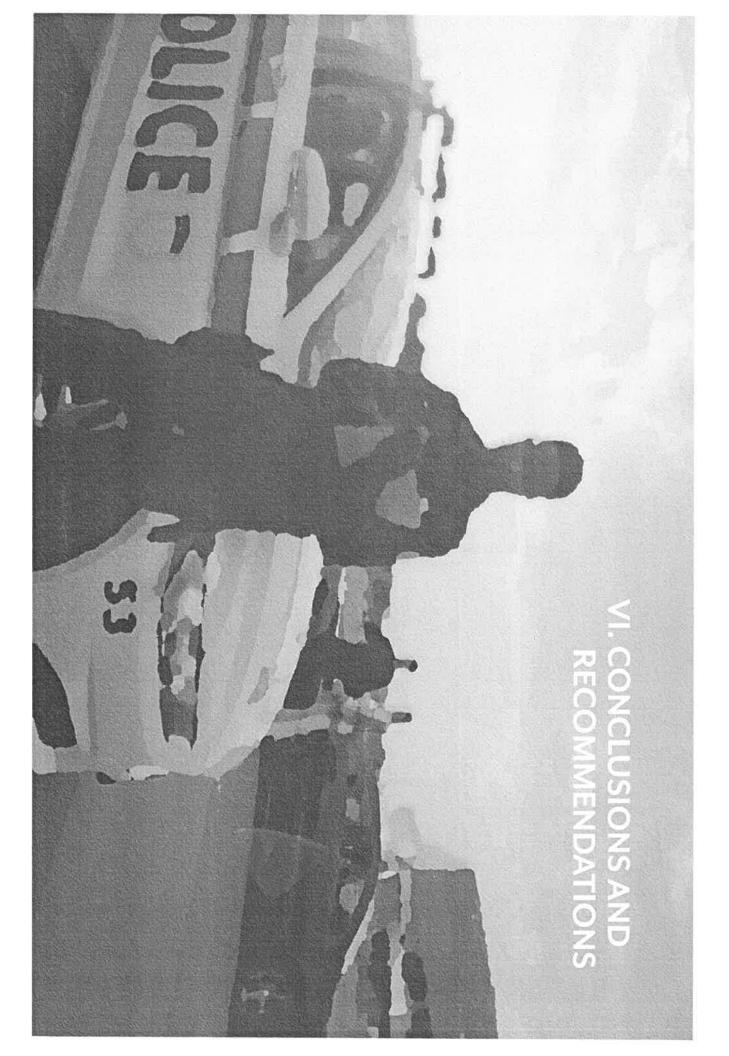
u,	4	14	2	_	MILISIA
T	F	T	71	7	GENDER
~	z	4	Υ	~	POSITION
z	~	z	z	z	ABULT
4	z	z	~	z	ARRESTED
z	4	z	٧	٧	SERVICES
2		z	N/A	N/A	CHARGE

168 L.A. Police Dep't. Operation Cross Country 2017. thl. Tracking Sheet (2017).

¹⁷⁰ This table reflects data exactly as documented in the records refersed to us, including the blank cells and the "NAA" and "?" notations. According to one law enforcer, "NAA" means that the victim was not in a position to be effect of charged. We were unable to verify the meaning of "?"



⁽⁶⁹ Q.L. PRM.L CODE § 653 24(a)(1), and (a)(2) PC probablis directing, supervising, exeruting, or otherwise ading another pesson in the commission of prosti-tation or lottering in any public place with the intent to commit prostitution, as well as collecting or receiving all or part or the proceeds carned from an act or acts of prostitution committed by another pesson.



Our research also indicates that law enforcement's under-

of the TVPA and minimize collateral harm to victims:

ries of reforms that would help operations further the aims very least, we recommend law enforcement commit to a sedrastically reform and limit the use of operations. At the victims. Ultimately, we recommend that law enforcement on these officers to reexamine their use of operations and to address sex trafficking and better serve victims. We call many law enforcement officers who are sincerely motivated vary greatly based on individual and department. There are standing of sex trafficking and attitudes towards victims

instead support anti-sex trafficking efforts that do not harm

funding and outcomes of operations

over, the limited data we received in response to our public records requests highlights the lack of transparency about mentally incapable of achieving the TVPA's aims. Moreations can be deeply harmful to victims and may be fundain recent years, anti-sex trafficking law enforcement operrequests consistently reveal that, in spite of improvement

outside of the criminal justice system;

Drastically limit the use of operations while supporting communi-

ty and public health approaches to identify victims and traffickers

W

Increase the transparency of operations to support more effective

oversight;

- Strengthen prevention efforts that reduce the vulnerability of po-
- UT prehensive services to every suspected victim; Increase services available to victims and systematically offer com-
- 0) Improve communication between nonprofit service providers, pros-

overall conclusion that they should be more victim-centhese operations will likely continue, at least for some corresponding recommendations on the assumption that tered and used in narrow circumstances, if at all. time and in some capacity, while emphasizing again our Below, we detail our evidence-based sub-conclusions and

J.o.C

Analysis of relevant literature, interviews with 42 anti-trafficking professionals, and responses to our public records

CONCLUSION 1:

od to identify and empower victims when in reality, their trust in law enforcement. operations tend to traumatize victims and undermine Law enforcement over-rely on operations as a meth-

identify victims and traffickers outside of the criminal porting community and public health approaches to operations to a few specific circumstances while sup-RECOMMENDATION 1: Drastically limit the use of justice system.

- specific situations, such as: 1.1: Law enforcement should only use operations in
- napped); physical danger (i.e., when a victim has been kid-When a victim or other individual is in extreme
- dwelling and not permitted to move about freely; an operation, such as when a victim is confined to a When a victim can only be contacted through

operations continue, implement strict policies and training that in-

that are more effective and less harmful to victims, and to the extent Redirect funding to evidence-based victim identification methods

crease the efficacy of victim identification while minimizing trauma

- When young minors are involved, and;
- evidence of force, fraud or coercion. When pre-operation investigation has established
- harm to victims. agency may be more effective to identify and reduce situations—alternative interventions that honor victims the situations listed above-and sometimes, within these fickers outside of the criminal justice system. Outside of public health approaches to identify victims and trafi.2: Law enforcement should support community and
- ing resources to suspected victims.172 for example, involves health care professionals offer-A public health approach to anti-sex trafficking.
- ers in massage establishments about access to Public Health disseminates information to work-To illustrate, the San Francisco Department of
- Dignity Health, a nonprofit that operates hos-

survivor advocates to work in hospitals, since pitals in California, Arizona, and Nevada, hires vivors than by law enforcement officers or other survivors may feel more supported by other sur-

ing situation without their consent. does not force victims out of their trafficklaw enforcement operations because it lic health approach is more effective than A survivor advocate explains that the pub-

CONCLUSION 2

while largely targeting sex workers. of operations, operations identify few or no victims Despite law enforcement's overreliance on the use

extent operations continue, implement strict policies and training that increase the efficacy of victim idenmore effective and less harmful to victims, and to the idence-based victim identification methods that are RECOMMENDATION 2: Redirect funding to tification while minimizing trauma to victims.

- 3.2—that are likely more effective methods of victim public-health approach mentioned in Recommendation redirected to community-led approaches—such as the 2.1: Funding for law enforcement operations should be han operations. dentification and are certainly less harmful to victims
- disclose information about their trafficking situation victims, which in turn, makes victims more likely to Community-led approaches build rapport with
- do not traumatize victims cause they allow victims to maintain their agency and Such approaches are less harmful to victims be-
- ment should adopt strict procedures to minimize trau-2.2: To the extent that operations continue, law enforce-
- cute operations should implement a clear policy victims, without exception hibiting officers from engaging in sexual contact with Every police department who continues to exe-
- Police departments should ensure that

¹⁷ This approach requires systematically collecting data calcided to exploitation, researching topics including venturation ast factors, and implementing programs for preventing trafficking and dentifying Inflicking in its early stages. Part of this approach entails training healthcare professionals—such as physicians, emergency department workers, and social workers—to identify signs of inflicking in patients and to offer resources to suspected victims.

¹⁷² Jordan Greenbaum, The Public Health Approach to Human Trafficking Prevention, 36 GA, ST. U. L. REV. 1059, 1063-49 (2020)

¹⁷³ Rajaram & Tidball. 1922 note 84, at 194

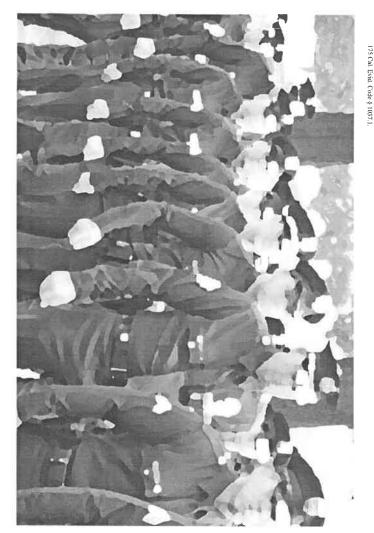
personnel who participate in operations receive mandatory training on the policy that is repeated periodically.

- Police departments should enforce the policy by instituting internal reporting systems that allow law enforcement officers to anonymously report instances of victim abuse by law enforcement, as well as internal protocols for promptly investigating and adjudicating such reports.
- * Every police department who continues to execute operations should implement a clear policy to enforce the non-punishment principle—which states that victims of trafficking should not be held liable for unlawful acts they committed as a direct result of their trafficking situation. The UN Special Rapporteur on trafficking endorses this principle as critical to effective protection of victims.¹⁹
- Every police department who continues to execute operations should implement a clear policy to ensure undocumented victims are not reported to immigration enforcement, charged with immigration

offenses, or deported.

- 2.3: Only law enforcement who complete comprehensive and specialized training about sex trafficking should be assigned to operations. Law enforcement often fail to differentiate victims and sex workers, resulting in the arrest of unidentified victims. Accordingly, in the limited circumstances in which operations are appropriate, officers participating in operations should have to complete a requisite number of courses about the following:
- Implicit bias training. Under California law, employees and volunteers who work with victims of dopployees and volunteers who work with victims of dopployees and volunteers who work of training. The Similarly, law enforcement personnel should be required to complete a 20- to 40-hour training program that includes implicit bias training about the role that race and gender plays in the identification of victims.
- We recommend that implicit bias training be repeated periodically, as a prerequisite to participating in operations, to reduce biases that impede law enforcement's ability to distinguish between

174 Rep. of the U.N. Human Rights Couroil. Implementation of the Non-Fundament Principle, U.N. DOC. A HRC/47/34 (May 17, 2021) (Stobbán Mulfally (Special Rapporteur)). 1875-1876. 1975-1976.



trafficking victims and consensual sex workers.

- * Sufficient investigation prior to executing operations. Multiple interviewees indicate law enforcement would benefit from gathering sufficient intelligence prior to an operation—particularly with respect to force, fraud, and coercion—is critical to successful identification of victims and traffickers. Interviewees suggest that law enforcement should be trained on the importance of researching prior reports of domestic violence (indicates the use of force), prostitution arrests (indicates commercial sex), financial records, and Venmo transactions (indicates potential profit sharing with a trafficker), last-minute purchase of airplane tickets, and whether ride-shares are being purchased from miles away from the pickup location.
- Gathering sufficient information prior to an operation can also facilitate victim advocates' preparation of services for suspected victims, which in turn builds rapport with victims.

Gathering sufficient information prior to an operation can also facilitate victim advocates' preparation of services for suspected victims, which in turn builds rapport with victims.

- o For example, if law enforcement establishes, prior to an operation, that the suspected victims are foreign nationals, advocates can plan to have an interpreter present to increase rapport with suspected victims.
- As another example, victims are almost always in need of housing, if the gender identity and age of a victim are known prior to an operation, appropriate housing can be arranged in advance.
- Interacting with victims in a victim-centered and trauma-informed way. Victim-centered training is crucial to build rapport with victims, avoid harm to victims, and to shifting the focus away from statistics like the volume of arrests toward the long-term stabilization of victims. A victim centered-approach seeks to minimize re-traumatization associated with

the criminal justice process by providing the support of victim advocates and service providers, enpowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice." Part of a victim-centered approach is being trauma-informed, which means cultivating "a basic understanding of trauma and how a victim's trauma impacts [their] ability to engage in the criminal justice process."

- Officers should prioritize victims' safety and well-being, without making demands for information or cooperation." Officers can return autonomy to victims by paying close attention to their individual needs and preferences, including how they wish to identify and how much they want to disclose."
- Law enforcement should collaborate with nonprofit organizations and survivors to design a comprehensive training program based on "Formally eliciting and integrating victim feedback." To the extent possible, training should be tailored to the geographical and industry nuances of the location.

Law enforcement should collaborate with nonprofit organizations and survivors to ensure training is victim-centered and trauma-informed.

176 Gavin & Thomson, 🚌 🚉 note 130. at 338. See Amy Farrell et al., Police Perceptions of Human Trafficking. 38 L CRIME & IUST 315, 327-28 (2015).

177 U.S. GAO REPORT 2016, agging note 101, at 19.

178 Farrell et al., Failing Victims?, 3 - 2231 note 97, at 666.

179 Gavin & Thomson, 12 is note 130, at 342.

180 d.; Farrell et al., Faling Felings?. 2021 note 97, at 656-67 ("JA)cknowledgment of the victimization and respect for the victims to talk about their experiences on their terms are vital to repair some of the harms of human trafficking crimes.").

TO CONCLUSION 3:

Statistics related to the outcomes and funding of operations are not publicly available, which inhibits public understanding, evaluation and improvement of operations. "Publicly reported data, namely from the FBI, paint an overly rosy picture of operation outcomes that conflicts with experiences reported by survivors, experts, and advocates, which include accounts of law enforcement abusing victims.

RECOMMENDATION 3: Increase the transparency of operations to support more effective oversight, evaluation, and accountability.

3.1: The U.S. Government should increase oversight of the outcomes and funding of operations.

• Congress should enforce Section 401 of the 2017 TVPA, which requires the FBI to publish and submit to Congress a status report on ILNI.¹⁶. This provision also requires the DOJ to publish and submit to Congress a report on efforts by the National Institute of Justice to develop a methodology to assess the prevalence of human trafficking in the United States. The FBI and DOJ had 180 days after the 2017 TVPA passed, on December 21, 2018, to submit these reports. To date, neither agency has submitted these reports.

The DOJ should submit to Congress the Attorney General's Trafficking in Persons Report from FY 2020 and FY 2019. This report, which describes the U.S. Government's comprehensive campaign to combat human trafficking, was previously submitted to Congress annually. The latest report is from FY 2018."

Many interviewees report that little is known about how tax dollars are spent on these operations, and some express concern that funds are being used to arrest sex workers and buyers.

The Attorney General's Trafficking in Persons

182 Berger, 5 - 22 note 68.

183 Trafficking Victims Protection Act of 2017, Pub. L. No. 115-393, 132 Stat. 5265.

184 /4

185 Id.

186 U.S. Att'y Gen.'s Trafficking in Persons Reports, Amon 32.

Report details how much states receive in federal anti-trafficking funds and who they subgrant to. This report should also include how subgrantees use the funds they receive, and particularly, how much moncy goes to operations and how this money is spent.

3.2: Federal and local law enforcement agencies should require uniform data collection to promote information sharing and the evaluation of operations.

- Federal and local law enforcement agencies should record and publicly report:
- The number of victims who:
- Were identified during operations,
 Were foreign nationals and/or undoc-
- Were offered and accepted services (and the type of services accepted, e.g., social, legal, etc.),
- Continued receiving services after six months,
- Were suspected or known to be retrafficked.
- Were deported, and
- Were prosecuted (and for what crimes)
 The number of perpetrators who:
- Were identified during operations,
 Were charged with trafficking, and
- o Were successfully prosecuted.
- The receipt of federal or other funds for operations and how, specifically, they were used.

One survivor advocate, when asked about information on immigration status of victims, said he believes that it is "Hard to get that information—very private information [that is] kept private because of this myth that [trafficking is] affecting white girls and not international [communities]."

3.3: Federal and local law enforcement agencies should implement accountability mechanisms to appropriately discipline officers who abuse their power during operations, committing physical or sexual violence against

The numbers of victims and perpetrators should not be conflated with the number of sex workers and buyers.

victims. Accountability procedures must be clearly laid out in written policies and should include independent and transparent investigation with potential disciplinary measures appropriate to abuse of power, including termination and criminal prosecution. This process will be most successful where law enforcement leaders take ownership of opportunities to improve and are the channions of pursuing accountability enhancements. See recommendation 4.2 for more details about this recommendation in the context of minimizing trauma to victims.

CONCIONA:

Anti-trafficking efforts are currently reactionary, focusing on prosecuting traffickers and assisting victims after trafficking has already occurred.

RECOMMENDATION 4: Strengthen prevention efforts that reduce the vulnerability of potential victims and traffickers.

4.1: Congress, state and local legislatures, and private funding sources should advance research about sex trafficking recruitment strategies and factors that increase vulnerability to trafficking. This research should be used to strengthen early intervention programs, which involves raising community awareness and educating youth about healthy interpersonal relationships and sexual exploitation."

• Raising community awareness about sex trafficking enables community members to identify atrisk youth, provide them with additional supports, and promptly report evidence of trafficking itself.¹⁶

• According to Chisolm-Straker & Stoklosu, in a 2018 study of human trafficking as a public health issue, "Health care providers, child welfare workers, home care workers, spiritual leaders, law enforcement personnel, social service providers, and virtually everyone else who comes in contact with those who may be at risk of being trafficked can communicate primary prevention-focused messages that strengthen individual knowledge and skills.¹⁷

• As stated by one local officer, the effectiveness of anti-sex trafficking

efforts "comes down to public awareness. The community needs to be more educated about what's occurring and how parents can be more effective at protecting their kids."

"As a society, we have to shift away from law enforcement operations and instead put the money upstream to reduce the vulnerability [of victims] in the first place. Instead of sorting out pieces later, [anti-sex trafficking] efforts could be more targeted to empowering the people who are vulnerable to harm."

-Local law enforcement officer

Schools should implement, as part of hasic curriculum at the elementary and middle school level, lessons about the existence of trafficking, the right of students to healthy, non-coercive relationships, and how to identify and seek help from trustworthy adults. ** As part of a 2018 study of survivors in the Midwest, *Rajaram & *Tidball* conducted interviews of survivors, many of whom recommended that one way to support vulnerable individuals is to educate them from an early age about the dangers and warning signs of trafficking.**

"Dealing with poverty in the U.S. is the ultimate anti-trafficking approach."
-Public Health Advocate

4.2: Congress, state and local legislatures, and private funding sources should invest in anti-poverty efforts, and educational and employment opportunities. In the same Chisolm-Straker & Noklosa publication, the authors explain, "Economic, legal, and social factors, including poverty, discrimination, imadequate educational and employment opportunities, and insufficient protections for workers, must all be addressed in order to reduce and climinate human trafficking." While addressing these systemic issues is no simple feat, money to prevent trafficking may be better

187 Rahma Farah, Early Interventions: Preventing AI-Rick Touth from the Path of Sexual Exploitation: A Systematic Review, U. ST. THOMAS, MINN., ST. CATHER-INE U. SOC. WORK MASTER'S CLINICAL RSCH. PAPERS, no. 844, 2018, http://doi.org/10.1016/j.j.cg/10.1016/j.j.g.g/10.1016/j.j.g.g/10.1016/j.j.g.g/10.1016/j.j.g.g/10.1016/j.g.g

188 Id.

189 Enine J. Alpert & Staton E. Chia, Human Traffiching: Forspectives on Prevention, in HUMAN/TRAFFICKING IS A PUBLIC HEALTH ISSUE: A PARADIGM EXPANSION IN THE UNITED STATES 379, 393 (Makini Chisolin-Struker & Humi) Suddom eds., 2018).

191 Rajaram & Tidball, 49, 3 note 84, at 191-92.

192 Nicole Littenberg & Sasie Buldwin, The Igeneral Explanation: Labor Treffteling in the Linted States, in HUMAN TRAFFICKING IS A PUBLIC HEALTH IS SUE: A PARADIGM EXPANSION IN THE UNITED STATES 67, 76 (Makim Chisolm-Straker & Hamul Stoklosa eds., 2018) (Note that this specific quote refers to labor trafficking, but the principles are applicable in sex trafficking cases as well).

36

TeC spent than money for operations that prematurely and with no viable alternative and insufficient social support. forcibly remove victims from their trafficking situations

ONCLUSION 5:

traffickers and often unwilling to cooperate with law connected to services, they are likely to return to their When victims are not efficiently and meaningfully ment to connect victims to the necessary provider. funding of victim services and failure of law enforcewhich is attributable at least in part to inadequate Operations inconsistently connect victims to services,

vices to every suspected victim. able to victims and, to the extent operations continue, RECOMMENDATION 5: Increase services availpromptly and systematically offer comprehensive ser-

services, including: ditional funding to increase the availability of victim reallocate funding used for operations and provide ad-Congress/local legislatures/private donors should

- Long-term housing; Shelters specifically for trafficking victims; 9:
- Mental health counseling;
- Immigration services;
- Legal services;
- Paid job-training programs;

Life skills training;

- Substance abuse programs, and;
- Services for the children of trafficked persons.
- they identify as a victim and whether or not they agree support this effort, law enforcement should build its relato cooperate with law enforcement's investigation. To tionships with community nonprofits to create a network sive services to every suspected victim, whether or not should promptly and systematically offer comprehen-5.2: To the extent operations continue, law enforcement

as food and clothing, crisis mental health counseling," set of services including housing, free basic needs such that can effectively provide victims with a well-rounded job training, among other services. immigration services, legal aid services, education, and

CONCLUSION 6:

tion is critical to identify, minimize barm to, and efoperations. Interviewees emphasize that collaboracommunity organizations may inhibit the efficacy of fectively provide services for victims. law enforcement, nonprofits and other agencies and Lack of communication and collaboration between

tion and collaboration with nonprofit service providcontinue, law enforcement must improve communicacommunity organizations and sex workers. ers, prosecutors and other law enforcement agencies, RECOMMENDATION 6: To the extent operations

prosecutions rather than victims' rights and well-being.¹⁸
To the extent operations continue, equitable nonprofit closely with law enforcement on anti-trafficking efforts leadership and involvement is necessary to support victhat are criticized for focusing primarily on arrests and Advocates justifiably express concern about working

- assistance will promote victim-centered responses." er's roles and goals, "and identifying the areas for mutual cording to one expert, stakeholders respecting each othand collaboration with nonprofit service providers. Ac-Accordingly, we recommend that: 6.1: Law enforcement should improve communication
- preparing to connect victims to services. when designing training, planning operations, and profit and other community organizations' views Law enforcement consult and respond to non-
- the prosecution of their trafficker, nonprofits should refer them to law enforcement. Where victims are interested in participating in

198 Taylor, <u>SQUA</u> note 191, at 16 C'H is impossible for any single agency or organization to respond comprehensively to the problem of sex trafficking. Traffickers range from opportunistic individuals to complex entimal organizations, with multi-jurisdictional artirity."): <u>Ll. at 18</u> C'The 1A C' also recommends have enforcement agencies develop collaborative relationships before sex trafficking cases occur.").

201 To foster such relationships, docriminalization of sex voit, should be considered. We tegret that nobust analysis of that approach is beyond it is some of this corpor and acknowledge the work and analysis of cognitivities that support like decriminalization of sex work including the American Civil Likeston (Sunda Manuery Incremitoral, Human Rights Conquiga (JIRC) and Links Walley Programme on HIV/MAIS (UNALDS), and the World Health Conquigation (WHO) Cognitivation that Support the Descriminalization of Prostitution, DECRIMINAL. ZË SEX WORK

200 ld. at 54-55.

collaboration with other law enforcement agencies, par-6.2: Law enforcement should improve communication and

constitutionally. At the very least, prosecutors should human trafficking and that they are collecting evidence sure they can establish the legal elements of the crime of ed for a successful sex trafficking prosecution. train law enforcement about the kinds of evidence need prosecutors should help plan and execute operations Prosecutors should work with law enforcement to en-To promote successful prosecution of traffickers

eral human trafficking cases in 2020 involved multi-agency ships with: ers. Accordingly, law enforcement should build relation firming the importance of collaboration across stakeholdcollaboration in the investigation of the cases, further constitute reports that the vast majority (88%) of the new fedcollaborative efforts." Notably, the Human Trafficking Inshould be part of the anti-sex trafficking conversation and with a lot of systems," and therefore various stakeholders forts. As a state prosecutor aptly stated, "Victims intersect sex workers and provide support for community-led cfcollaboration with other community organizations and 6.3: Law enforcement should improve communication and

- Survivors;
- Health care professionals;
- Educators;
- Policymakers;
- crs; mand car rental agencies that are frequently used by traffick-Businesses in the community, e.g., local hotel and
- trust with sex workers, who often have valuable information about victims.** law enforcement build and maintain relationships of Sex workers. Multiple interviewees advised that

199 2020 FEDERAL HUMAN TRAFFICKING REPORT. 👙 note 109, at 69. deen has 22 m (last visited Sept. 16, 2021)

197 Farrell et al., Failing Tectims?, seg 19 note 97, at 667

196 Aligail Secusini & Kate Maguisca. Residing the Careral The Need to Align Amil Trafficieng Efforts with Movements for Criminal Justice Reform. 6 AN:
TH-TRA-REPTICKING REFU I I8 (2016), https://www.sci.org/sci.or

194 Raymond L. Taylor, Recommendations for Effective Sex Trafficiang Investigative Proctices by Law Enforcement 16 (July 30, 2018) (M.S. seminar paper, University of Wisconsin) (on file with MINDS 6/UW Platewille, University of Wisconsin). 193 Survivors do not always feel their needs can be met at a homeless shelter or at a shelter for domestic victence survivors, so it is important to increase the number of shelters that specifically serve trafficking victims.

195 Rajaram & Tidball, 🦿 note 84, at 193-94.

APPENDICES

APPENDIX A: LIST OF ACRONYMS

Throughout the report, we rely on a variety of acronyms. These acronyms are provided in parentheticals upon first use of the full term and are also included below in a summary table.

ACBONIVA	MEANING
ACTeams	
BJS	U.S. Bureau of Justice Statistics
CEHTTF	Child Exploitation and Human Trafficking Task Forces
CPRA	California Public Records Act
DA	District Attorney
DOJ	U.S. Department of Justice
DOJ CEOS	U.S. Department of Justice's Child Exploitation and Obscenity Section
ECM	Enhanced Collaborative Model
FBI	Federal Bureau of Investigations
FOIA	Freedom of Information Act
GAO	U.S. Government Accountability Office
HSI	Homeland Security Investigations
HTI	Human Trafficking Institute
HTPU	Department of Justice Human Trafficking Protection Unit
ICE	Immigration and Customs Enforcement
<u>E</u>	Innocence Lost National Initiative
LAPD	Los Angeles Police Department
LARHTTF	Los Angeles Regional Human Trafficking Task Force
LASD	Los Angeles County Sheriff's Department
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer
NCMEC	National Center for Missing and Exploited Children
NGO	Non-governmental Organization
000	Operation Cross Country
ORR	Operation Reclaim and Rebuild
OVC	U.S. Office for Victims of Crime
PC	Penal Code
PD	Police Department
SVU	Special Victims Unit
TVPA	Trafficking Victims Protection Act

APPENDIX B: OPERATIONS

The TVPA approach is commonly referred to as the "3P" paradigm—prosecution, protection, prevention, with some recent efforts to acknowledge a fourth "P" of partnership. The law's passage "signaled the U.S. government's resolve to fight human trafficking and marked a pivot from indignation to positive action. "M Historically, such "positive action" has consisted, in large part, of law enforcement operations.

This report analyzes various types of operations, which interviewees report include stings, reverse stings, raids, and sweeps. There are not standardized definitions of these operations, but interviewees described the different types of operations as follows:

Sweep An oper sex work identify s	Raid An oper enter a parresting activity. parlors, operation than stir	Reverse sting/ An oper demand poses as operation solicit th	Sting An oper individu online, coperation	Type of Genera operation
An operation in which law enforcement patrols areas known for sex work, arrests sex workers and buyers, and attempts to identify sex trafficking victims in the process.	An operation in which law enforcement obtains a warrant to enter a private or commercial dwelling with the intent of arresting individuals who are suspected of criminal activity. Raids occur at locations including brothels, massage parlors, and private homes. They typically involve more prepoperation investigation and require more manpower to execute than sting or reverse sting operations.	An operation in which an undercover officer, usually female, poses as an individual selling commercial sex. The primary purpose of this type of operation is to identify individuals who solicit the undercover officer for sex, offen referred to as "Johns."	An operation in which an undercover officer solicits sex from an individual selling sex, usually in a hotel room, massage parlor, online, or on the street. The primary purpose of this type of operation is to identify sellers of sex.	General definition

²⁰² POLICE EXEC. RESEARCH FORUM, prote 97.

²⁰³ U.S. Dep't of State, Human Trafficking, http://www.bisc.jp//pilog/cours/himmer/file

²⁰⁴ U.S. 2020 TIP REPORT, note 97.

²⁰⁵ Natable, revers stiggs taget say bayers and sweeps taget both say vorkers and buyers, no say trafficking, but because interviewers discussed these types of operations is part of their article finding efforts, we include them in the category of "ani-trafficking taw enforcement operations." (See infer Sections III(A)(1) at p. 10 and IV(A)(2)(a) at p. 26-27).

²⁰⁶ Various interviewees described all of these types of operations as part of law enforcement's nut-sex trafficking efforts. As described further in because these types of operations are often focused on identifying buyers and sellers of sex, they may not effectively identify victims of sex trafficking or their traffickers.

TOTAL APPENDIX C: TASK FORCES

are more formal and federally organized, while others are more ad hoc. Law enforcement operations are often planned and executed by collaborative operation task forces. Some task forces

"Formal" Task Forces

U.S. state and some U.S. territories, including Guam.36 state, and federal law enforcement and victim services organizations.** ILNI task forces conduct operations in every and Obscenity Section ("DOJ CEOS"), and the National Center for Missing and Exploited Children ("NCMEC") to tive (ILNI), which was launched in 2003 by the FBI, in partnership with the Department of Justice's Child Exploitation investigate child sex trafficking. Since ILNI was launched, the FBI has created 86 CEHTTFs that include local, The Child Exploitation and Human Trafficking Task Forces ("CEHTTFs") are part of Innocence Lost National Initia

or prostitution" arrests at truck stops, casinos, and street "tracks," which are areas known for sex work. 2011 Task forces Generally, ILNI and other FBI operations begin with local law enforcement gathering information to make solicitation investigate these arrests, which can reveal organized efforts to traffic children across several states.

"Informal" Task Forces

authorized pursuant to the TVPA.18 As of 2020, there are 42 task forces funded through the ECM grants.19 one federal law enforcement partner (usually FBI or HSI), and one victims services organization.¹⁸ These grants are Office for Victims of Crime ("OVC") and require coordinated applications between one local law enforcement partner, developed in the regular course of collaborative investigations. These task forces sometimes become institutionalized Other task forces are more ad hoc, created through informal partnerships between federal and state stakeholders that velop and support multidisciplinary human trafficking task forces. 254 ECM Task Forces are funded through the federal via federal grants, such as the ECM Task Force to Combat Human Trafficking," a program established in 2004 "to de-

agencies. Even without a formal relationship to federal law enforcement, such local task forces may be contacted by Some local task forces do not receive federal funds but are instead funded by city councils or other local government FBI or HSI to collaborate on operations in their jurisdictions

208 Id. 207 Janice Mentz, Collaboration to Recover U.S. Exploited Youth. The FBIs Innocence Lost National Initiative, POLICE CHIEF MAGAZINE,

209 Press Release, FBI Washington, Innocence Lost National Initiative and Operation Independence Day 2019 (Aug 6, 2019). Line Press Prince Visit of Lost National Initiative and Operation Independence Day 2019 (Aug 6, 2019). Line Press Prince Visit of Lost National Initiative and Operation Independence Day 2019 (Aug 6, 2019). Line Press Prince Visit of Lost National Initiative and Operation Independence Day 2019 (Aug 6, 2019). Line Press Prince Visit of Lost National Initiative and Operation Independence Day 2019 (Aug 6, 2019). Line Press Press Prince Visit of Lost National Initiative and Operation Independence Day 2019 (Aug 6, 2019). Line Press P

210 We recognize that individuals engaged in selling commercial sex generally prefer the term "sex work," given that "prostitute" is sligmatizing and less morality communitors, in this report, we refer to "prostitution" when discussing it as a legal charge and do not modify quotes from literature or interviewees that use the term.

211 Press Release, FBI Sacramento, FBI Task Forces in Farifield, Fresno, and Sacramento Successfully Recover Mine Inventes, Arrest Seven Alleged Pimps (June 23, 2014), https://doi.org/10.1016/j.jcs/2014-1.0016-1.001

212 A "track" can be the area around a group of strip clubs and parnography stores, or a particular stretch of street. Shared Hope International, Trafficiang Terma. 1122 State 113 Co. St. (1831 Visited 1147 23, 2021).

214 U.S. Bureau of Justice Assistance, Enhanced Cooperative Model Task Force to Combat Human Traffiching Program: Performance Update Report Fiscal Years 2016-2018, Jugo-196-196 2015 (S. S. John S. Meister and M. S. Pengemer Left, proceeding in Landon Professional

216 22 U.S.C.A. § 7105(b)(2) (2000).

APPENDIX D. INTERVIEWEE CHART

CATEGORY OF INTERVIEWEE Law enforcement (9) 1. Fec	
	SUB-CATEGORY AND DESCRIPTION
2: Lo local	 Federal (2): Law enforcement personnel employed by a federal agency, namely HSI or FBI. HSI Special Agent; FBI Supervisory Special Agent. Local (7): Law enforcement personnel employed by a local agency/police department in California. DA Investigator; Detective; Lieutenant; Police Officer 2 (2);
Prosecutors (5) 1. Fed	1. Federal (3): Prosecutors employed by the DOJ. Civil Rights Division — Human Trafficking Protection Unit (HTPU) (I current, I former) Criminal Division — Child Exploitation and Obscenity Section (CEOS) 2. Local (2): Prosecutors employed by a local agency. Miami Dade County (formerly)
Advocates (21) 1. Law enforceme of crimes. 2. Nonproproviding nonprofit 3. Survive experience nonprofit 4. Public promote a approach.	1. Law enforcement advocates (5) are employees of law enforcement agencies who are trained to support victims of crimes. 2. Nonprofit advocates (7) are individuals assisting and providing resources to trafficking victims through a nonprofit organization. 3. Survivor advocates (7) are individuals who have experienced sex trafficking and are now working at a nonprofit organization to assist victims. 4. Public health advocates (2) are individuals who promote anti-sex trafficking efforts through a public health approach.
Experts (7) Experts counsel,	Experts (7) include law professors, consultants, legal

ToC APPENDIX E: FOIA/CPRA CHART

in the U.S.;218 has implemented progressive legislation such as ILNI against human trafficking, and has modeled its state-wide that California has one of the highest rates of trafficking an interesting case study, including, but not limited to, of anti-sex trafficking efforts in California make the state quests to federal and California law enforcement agenanti-trafficking operation, ORR, after federal operations contacts are California-focused. Second, unique features IHRC in Los Angeles, most of the clinic's expertise and two primary reasons. First, given the location of the cies. We focused our data collection on California for In February 2020, we filed sixteen FOIA and CPRA re-

sought the following categories of information, from ORR More specifically, our FOIA and CPRA requests The FOIA and CPRA requests sought information re-2003 to the present garding ILNI, OCC, Operation Independence Day, and

- services to sex trafficking victims erations, including those for identifying and providing ations and guidelines used in the execution of these op-Required trainings for participants in these oper-
- providers, and any other stakeholders that participate in cutors, victim advocates, service providers, healthcare ditures of these operations, including funds allocated to these operations aftorneys, law enforcement agents and agencies, prose-Statistical data related to the funding and expen-
- related to the stuffing of these operations nications related to internal reports for planning of these operations and any communications and statistical data tions, including, but not limited to, videos and commu-Records related to the execution of the opera-
- Demographic information related to adult and
- tions resulting from these operations Records related to arrests, charges, and convic-

Freedom of Information Act and open records requests the Center for Constitutional Rights, who has expertise in Worker and Coordinator of the Open Records Project at who had not yet responded When filing our requests and In January 2021, we sent follow up requests to agencies following up, we consulted with Ian Head, a Senior Legal

> nied our request, or failed to respond to our request. As of October 2021, only five of the sixteen government is a summary of which agencies released documents, deagencies have provided responses to our request. Below

the Los Angeles Police Department 210 General were nearly identical to the statistics released by respectively. The FBI's responsive documents constituted half-page summary and cursory information about ORR torney's Office were extremely limited, consisting of a responses from Oakland PD and Los Angeles District Atinformation about the topics we requested. In particular, only one of these responses provided new, substantive Notably, while give agencies responded to our requests, primarily of public press releases and data through 2010. The responsive documents from the California Attorney

Table E1. Summary of Public Records Requests

response.

ORR

One paragraph Oakland PD

Only released documents about

Replicated Los General CA Attorney

Angeles PD data

Los Angeles DA

	Local District Attorney Office	Enforcement	Attorney Generals	Federal Law Enforcement	AGENCY TYPE OF
	Los Angeles (only released documents about ORR).	Cos Angeles PD Oakland PD (one paragraph response)	California Attorney General (replicated Los Angeles PD data)	FBI (consisted primarily of public press releases and deta through 2010)	RELEASED DOCUMENTS
Riverside	* Alameda County	Riverside PD San Francisco PD	U.S. Attorney General	ICEAHSI	REQUEST
	San Francisco	Fresno PD LA Sherid's Office		DOJ	NO RESPONSE AS OF IL/15/2021

documents." No responsive Riverside PD

documents." No responsive Fresno DA

Table E2. Summary of Denied Requests

A SECTION	AGENCY	REASON FOR DENIAL
Federal Law Enforcement	ICE HSI	"Too brond in scape."
Attorney Generals	U.S. Attorney General	"Not on agency record."
Local Law Enforcement	Riverside PD San Francisco PD	No responsive documents: No! subject to disclosurs under Call Government Code § 6254(f) ***
Local District Athorney Office	Alameda Fresno Riverside	Does "neckeep track of the requested information" fever though I continued its participation in Innaceric Lath Visitional Minister. Department Cross (County, Operation Independence Day, and Operation Rection and Rebuild). This response documents of not subject to "Not response documents" and "not subject to defend our mater of a Commence of counter September 1.

Operation Reclaim and Rebuild) try. Operation Independence Day, and its participation in Innocence Lost Nainformation (even though it confirmed Does "not keep track of the requested

tional Initiative, Operation Cross Coun-

218 United Nations Office on Drigs and Crime. Global Report on Trefficking in Persons 2020. Country Profile, and Cloud Country Profile, and Florida receive the most human trafficking reports

219 Protects records of investigations continued by, intelligence information or security procedures of, and investigatory or security files compiled by local police agen-

220 Protects records for which the public interest served by nondisclosure of documents clearly autweighs the public interest of disclosure



related to ORR and Released information Los Angeles PD



S S















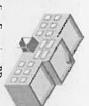






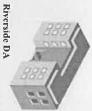
ICE/HSI

"Too broad in scope."



Code § 6254(f) **219 under Cal. Government "Not subject to disclosure San Francisco PD

Alameda DA



Code § 6255 .720 and "not subject to disclosure under Cal Government "No responsive documents,"



No response Dept. of Justice

No response

No reponse. LA Sheriff's Office

No response San Francisco DA

66

Fresno PD

APPENDIX F: RESEARCH LIMITATIONS

Survivor interviews

were able to interview, 2) in the representativeness of our at least three ways: 1) in the number of survivors we experienced sex trafficking, our sample was limited in pecially in recent years. terviewed experienced law enforcement operations, essample, and 3) to the extent which the survivors we inthough we were able to interview seven individuals who survivor voices, experiences and recommendations. Altorcement operations have firsthand knowledge of the Trafficking victims who have experienced law enreason, a primary goal of our report was to underscore strengths and shortcomings of these operations. For this

we ultimately were able to interview only seven survisurvivors. Through an extensive public data search, we law enforcement operations and willingness to interview, vivors. However, due to the sensitive nature of the inwere able to reach out to seventeen sex trafficking sur-First, it was difficult to identify and contact trafficking formation we sought, and survivors' varying exposure to

or LGBTQ experience. We understand men and meminability to highlight the experiences of Black and Asian fication of persons of color as victims, and we regret our victims in the media and literature may inhibit the identiimpacted by trafficking.21 We recognize a focus on white pecially Black and Asian women, are disproportionately sample does not reflect the reality that people of color, esseven survivors we interviewed are white. This survivor is immune from sex trafficking. Additionally, five of the spite our survivor sample, no gender or sexual identity the category of "victin," and we acknowledge that debers of the LGBTQ have historically been excluded from is not necessarily representative of the male, non-binary, female-centric version of the trafficking experience that ry or LGBTQ. Data from survivors therefore provides a male-identifying, and none disclosed they were nonbinavors we interviewed, six are female-identifying, one is tities of the survivor population. Of the seven survithe diversity of gender, sexual, national, and racial idenrepresentative of the population of sex trafficking survi-Second, the survivors we were able to interview are not vors as a whole. Our survivor sample does not reflect

> which does not necessarily represent the survivor popuquently, all of the survivors we interviewed are or were part to the sensitive nature of trafficking cases, we were women who are inordinately victimized. Finally, due in lation as a whole. advocates for sex trafficking victims in some capacity, their associations with nonprofit organizations. Conseprimarily able to identify and contact survivors through

spectives despite the fact they do not represent the most proved greatly. For this reason, we included their pertally the same, although some geographic areas have imoperations today, and most felt that they were fundamenin the late 90s and early 2000s to what they know about asked survivors to compare their trafficking experiences of the TVPA, and especially in the past ten years. We forcement operations have improved since the enactment the first few years of the TVPA. We acknowledge law enother adverse effects during an interview than survivors recent operations conducted. were trafficked and encountered law enforcement within were trafficked prior to the TVPA in 2000, and others trafficked. As a result, some survivors we interviewed who have had more time to process and heal from being survivors are more likely to face re-traumatization and ness to interview. We recognize that recently trafficked survivors have needs that inhibit their ability and willingsex trafficked in the last ten years. Recently trafficked Third, we were unable to interview a survivor who was

Information about specific operations

erations they worked on. For this reason, it is uncertain but they drew parallels between these initiatives and opees report they did not work on these specific initiatives from operations we've already done." Other interview probably just because the government will take the stats of these 'operations' but we don't really realize it. It's One local officer explained "A lot of times like we're part terviewees confirmed participating in these initiatives these larger national initiatives. Nonetheless, several inthey participated in or experienced was part of one of possible, for interviewces to know whether an operation Day/OCC, and ORR. It is difficult, and sometimes imcific to certain operations, such as ILNI, Independence We were limited in our ability to gather information spe-

221 Five of the survivors we internewed are also U.S. citizens, we acknowledge this does not reflect the retails that foreign rationals, and particularly undocumented and non-family in specialisting individuals, are particularly undocumented, and the results are common interacting individuals are particularly undersome occur in the U.S. Polans, Common Mydis and Missonroptions and in Human Traffering in the C.S. (dast visited Oct. 16, 2021).

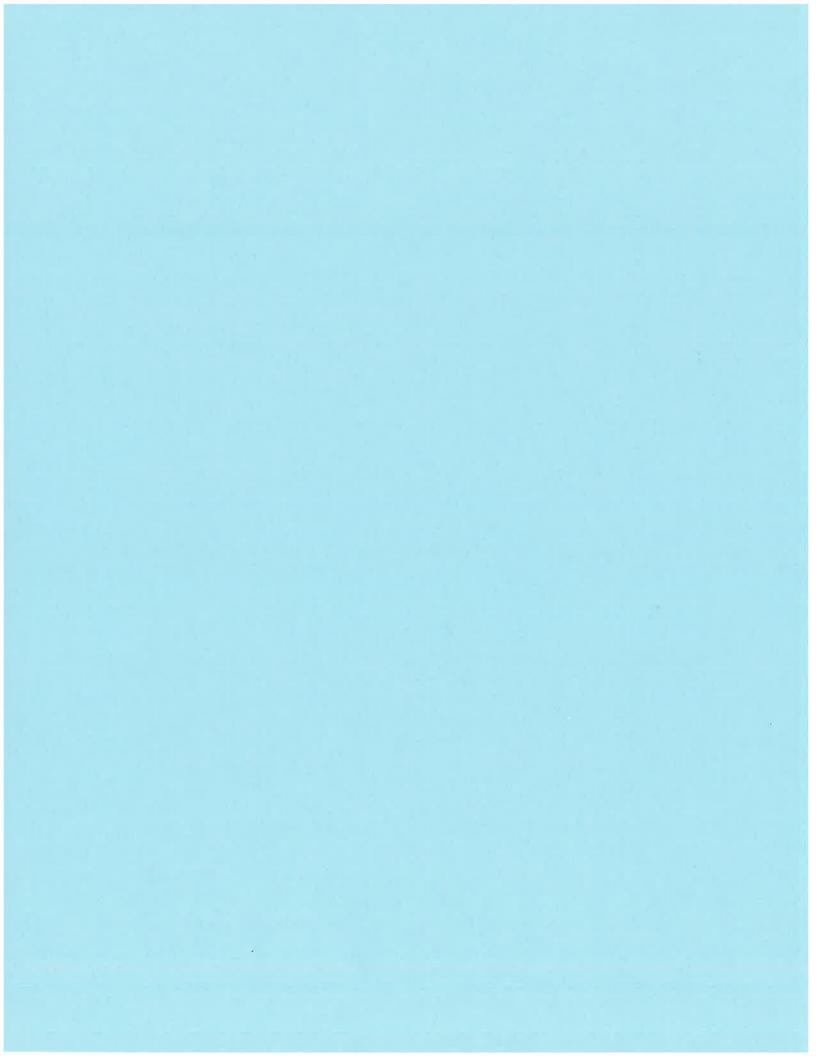
reflective of specific national or state operations. precisely how much of the information we gathered is

rate parts of the country Reliance on anecdotal evidence from dispa-

ations in another part of the country. one part of the country is not necessarily true about operand recognize that what may be true about operations in interviewed individuals located across the United States. remembering, and misinterpretation. Additionally, we herently subject to bias—including selection bias—misfrom interviews. We recognize anecdotal evidence is inmany of our recommendations stem from qualitative data unsuccessful. Consequently, much of our analysis and tive data from FOIA and CPRA requests were largely is extremely limited, and our efforts to collect quantita-Publicly available data about law enforcement operations

THE International Human Rights Clinic

SCHOOL OF LAW





Strengthening Protections to Prevent Child Labor Trafficking

Summary

• Current statute lacks clarity to include labor trafficking as part of the child welfare system and recent data and research indicates that children who are facing labor trafficking may not be appropriate identified and may be missing out from critical services. This proposal clarifies that the definition of child abuse includes child labor trafficking to that both sex and labor trafficked youth receive the same support and protections. A Survey of Child Welfare and Labor Trafficking in California was released in 2020 to "better understand how the welfare system is currently identifying children who experience being labor trafficked for commercial labor." found that current systems lack clarity to ensure victims of labor trafficking are also identified and provide services that they need. More than 13 states defined trafficking as both labor and sex trafficking.¹

Suggested Bill Language

 Amend the Commercially Sexually Exploited Children Program established in Welfare & Institutions Code Sections 16524.6 to 16524.10 to "labor child trafficking"

History

- On September 29, 2014, the President Obama signed Public Law 113-183
 Preventing Sex Trafficking and Strengthening Families Act. This federal law
 contains several provisions related to California's Commercial Sexual
 Exploitation of Children (CSEC) Program including a requirement that agencies
 develop policies and procedures to identify, document, and determine
 appropriate services for children/youth who are, or are at risk of being, victims of
 sex trafficking.
- In 2015, Child Welfare Services (CWS) implemented its Commercial Sexual Exploitation of Children (CSEC) Program under a budget bill SB 855 (2014), that amended the Welfare and Institutions Code (WIC) section 300 which among its provisions required the development of a CSEC Interagency Protocol that

¹ Connecticut, Hawai'i, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, North Dakota, Texas, and Utah

included CWS, Probation, Public Health Services (PHS), Behavioral Health Services (BHS) and the Juvenile Court.

The CSEC Interagency Protocol has fostered collaboration and coordination among agencies to improve the capacity to identify CSEC victims and provide safety and services for them and their families/caregivers, as appropriate, as they work to end their exploitation, and hold their exploiters accountable.

Those involved in this effort used best practices to ensure that CSEC youth are successfully placed in a protective environment that offers trauma informed care, to stabilize them during a critical time. The range of victim-centered services across multiple agencies provided a continuum of care model to fully address the CSEC youth's needs. In addition, an interagency collaborative approach was utilized to outreach to CSEC youth and at risk child/youth populations so they can better protect themselves from victimization and recognize risky situations.

Background Information

What problem does the legislative proposal address? Give specific facts and or examples.

- Globally, an estimated <u>25 million people</u> are subjected to human trafficking and forced labor, which is responsible for an estimated \$150 billion annually in illicit profits.
- Historically, labor trafficking has been more difficult for law enforcement to detect
 than sex trafficking for both adults and minors. However, labor trafficking is very
 prevalent in a <u>survey with homeless</u> youth found that they were taken advantage
 when searching for work. Moreover, it indicates that 88% of the participant in the
 study reported experiences that qualified as labor trafficking.
- California ranks as a top state where human trafficking both sex and labor trafficking occurs. As many as 7,300 labor trafficking victims sought help from one of two human trafficking grant programs administered by the California Governor's Office of Emergency Services between 2015 and 2019. The Counties most affected are San Francisco, Santa Clara, Sacramento, Ventura, Los Angeles, Fresno, Alameda, and San Diego.
- Currently, the child welfare system through an opt-in program dubbed the
 Commercial Sexual Exploitation of Children (CSEC), identifies minors who are
 victims of sexual trafficking and provides them with critical services. However,
 there is a lack of response, clarity, and protocols to identify minors who have
 been victims of labor trafficking. A <u>survey</u> conducted in 2020 found that one third
 of child welfare professionals, who were surveyed, were likely to have
 encountered cases of children who may have experienced labor trafficking and
 another third did not know if they had worked with labor trafficked children.
 Moreover, for minors who are on the borderline of being adults and a minor who
 may be a victim

Funding Request for California's Trafficking Victims

A Proposal for a One-Time \$15.25 Million Budget Request for Human Trafficking Research and Resources and for Human Trafficking Education and Prevention

California's investment in research funding is essential to better understand the prevalence of human trafficking throughout California and to ensure survivors are receiving the highest quality and most effective services. We therefore request that California lawmakers enact a



one-time Budget Request for human trafficking research and legislative initiatives in the State's General Fund in the amount of \$15.25 million.

By making this investment, the State of California will cement a powerful legacy of combatting human trafficking in California by providing the state with the building blocks to better understand the depth of human trafficking in California and provide the infrastructure to identify, combat and prevent it.

This \$15.25 million one-time budget request proposal contains recommendations to fund:

- 1. A Prevalence Study to understand the extent, location, and demographics of human trafficking in California;
- 2. Providing Training and Technical Resources to Service Providers;
- An ongoing Curriculum focused on educating on and combatting human trafficking in California schools;
- 4. An Outreach Program within DFEH; and
- 5. A dedicated Labor Trafficking Unit under DIR

PROGRAM CATEGORY	COSTS
Prevalence Research	TOTAL: \$ 3,000,000
Training and Technical Resources	TOTAL: \$ 3,750,000
Human Trafficking Curriculum	TOTAL: \$ 2,500,000
Outreach Program in DFEH	TOTAL: \$ 3,000,000
Labor Trafficking Unit	TOTAL: \$ 3,000,000
TOTAL REQUEST	\$ 15,250,000



Proposal for Funding for Human Trafficking Research, Resources and Prevention Education

I. Human Trafficking in California

Human trafficking is the world's fastest-growing criminal enterprise and is an estimated \$150 billion-a-year global industry. California has the highest number of human trafficking cases in the nation reported to the National Human Trafficking Hotline. Despite its prevalence, human trafficking is a "hidden crime." Many victims do not self-identify or self-report, and many do not even recognize they are being trafficked. The involvement of criminal trafficking enterprises in multiple areas (sex and labor) makes it even harder to track. It is estimated that only 10% to 20% of victims ever come into contact with law enforcement or service providers. Of these survivors, nearly 80% were solely victims of sex trafficking, over 20% were solely victims of labor trafficking, and roughly 7% of these victims were subject to both forms of trafficking. Additionally, over 25% of the victims were under the age of 18.

II. History of Funding Allocations in California

In 2014, the California State Legislature took an important first step in improving access to comprehensive services by approving a \$10 million, one-time funding request for organizations providing comprehensive direct services to victims of trafficking. In 2015, the California State Legislature established a Human Trafficking Victim Assistance Fund, to which it allocated another \$10 million one-time award. The California State Legislature approved an additional one-time funding request of \$5 million in 2017, and another one-time funding request of \$10 million in 2018. Through each of these funding allocations, the California Office of Emergency Services ("Cal OES") solicited funding proposals from human trafficking service providers and awarded funds to at least 21 different providers across the state. Finally, in June 2019, Governor Gavin Newsom signed a state budget into law that established \$10 million annually in continuing funding to human trafficking services providers.

During the first two years of the Cal OES Program, running from April 1, 2016 to September 30, 2018, a total of 11,023 victims of human trafficking were served by the Cal OES funding allocations. Together, these programs provided a total of 364,444 comprehensive services to victims of human trafficking, including, but not limited to, crisis counseling, case management, shelter services, and legal assistance. In 2018, the California State Legislature approved an additional one-time funding request of \$10 million, which was allocated to Cal OES for disbursement to the 21 already funded human trafficking service providers. In 2019, the California State Legislature ensured continuing funding in the amount of \$10 million for specialized services. Cal OES has indicated that in 2021 it will conduct a competitive grant process once again to ensure the highest level of service providers by conducting pre-award site visits, making regular performance assessment site visits every two years, and asking service providers for periodic progress reports.

¹ Carpenter, Ami, et al, "Measuring the Nature and Extent of Gang Involvement in Sex Trafficking in San Diego," 2016, National Institute of Justice; https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf. The Carpenter 2016 article cites two other articles as support for a 15–20% figure.

III. Explanation of Funding Requests

The Need for Human Trafficking Prevalence Research in California

Current victims cannot simply be "counted." The hidden nature of this crime poses challenges to researchers, but these challenges can be addressed with sufficient investment of resources, which could then lead to cost-saving measures in the future as California will better understand where to invest in order to rapidly identify and/or prevent human trafficking. Dr. Mark Small, JD, PhD, a professor at Clemson University and author of a research report entitled, "Identifying Potential Instances of Human Trafficking: Applying a Novel Template of Indicators to Narratives in Police Incident Reports," stated that the size and complexity of a prevalence study for the state of California would be a large undertaking. Dr. Small also highlighted the additional cost of studying labor trafficking, which is significantly more time-consuming to research as compared to sex trafficking. He explained that this cost differential is due to a disparity in existing criminal justice records for the two different types of trafficking, which makes data collection more challenging for researchers of labor trafficking. In a report to the Department of Justice assessing law enforcement response to human trafficking, about 75% of respondents indicated that the topics most important to the ability to address human trafficking were the methods of identifying trafficking victims, understanding human trafficking laws and how to respond to cases, and best practices for interacting with victims.³

Unfortunately, while many legislative efforts in California and elsewhere have focused on how best to prosecute and punish traffickers, studies aimed at understanding and reducing trafficking are often underfunded or ignored altogether. In order to address this issue aggressively, California needs a comprehensive understanding of the dynamics of human trafficking across the state — including the type of trafficking (sex, labor, or both) and who is being trafficked (adults and/or children, U.S. citizens and/or foreign nationals) and the locations where such trafficking is occurring (rural, urban, or both). There is currently limited research focusing on the prevalence of human trafficking in the state of California. Much of the data that is currently available is imprecise and not fully representative of the issue. Many local statistics are based on policing priorities, which can be misleading and reflect the prioritization of investigating certain populations. California has never undertaken a research study that attempts to evaluate the prevalence of human trafficking statewide.

Robust, comprehensive data will help drive research-informed policies, enable government agencies to effectively combat and prevent trafficking, and help improve services for trafficking victims. Therefore, one-time funding of \$3 million is needed to support a prevalence study on human trafficking for California.

² Mark Small, Human Trafficking Matters: Next Steps (2015) https://kont.zsf.jcu.cz/pdfs/knt/2015/02/01.pdf.

³ Heather Clawson, Nicole Dutch, Megan Cummings, Final Report: Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned, CALIBER 39 (Dec. 2006) https://www.ojp.gov/pdffiles1/nij/grants/216547.pdf.

Approximate Prevalence Study Cost Breakdown

CATEGORY	BRIEF EXPLANATION	COSTS
Personnel	Salaries & wages for researchers	Year One: \$400,000
		Year Two: \$400,000
		Year Three: \$400,000
		TOTAL: \$1,200,000
Fringe	Fringe benefits for researchers	Year One: \$40,000
Benefits		Year Two: \$40,000
		Year Three: \$40,000
		TOTAL: \$120,000
Travel	Travel to training, field interviews, and meetings	Year One: \$30,000
!		Year Two: \$30,000
		Year Three: \$30,000
		TOTAL: \$90,000
Supplies	iPads and software for recording interviews, software	Year One: \$30,000
	for data input and analysis, gift cards to incentivize	Year Two: \$30,000
	participation in study	Year Three: \$30,000
		TOTAL: \$90,000
Consultants	Consultants to assist in gathering and interpreting	Year One: \$500,000
	complex data sets; contractors to transcribe	Year Two: \$500,000
	interviews.	Year Three: \$500,000
		TOTAL: \$1,500,000

Prevalence Study Feasibility

This will be the first comprehensive, statewide research study of the prevalence of human trafficking in California. It is estimated a study as complex as this will take approximately three years to fully conduct. Currently, there is very limited research on the prevalence of human trafficking in California. While California is estimated to have the highest rates of trafficking in the United States, there is no comprehensive, robust, statewide research on the annual number of victims, the nature of the trafficking (sexual exploitation vs. labor exploitation), demographic breakdowns of victims, or concentrations of victims in particular geographic areas within California. This study will involve data mining of reported cases, accessing intake records from victim service providers, and selecting locations for primary data collection. Collecting robust data on this information will assist both government agencies and service providers in understanding the scope and severity of the human trafficking epidemic in California.

Conducting a reliable prevalence study is feasible, as the science of estimating human trafficking victims has evolved over the last ten years. Potential methodologies could include (1) "MSE" (Multiple Systems Estimation) \Box using multiple known-to-be incomplete lists of victims to estimate the "hidden" victim population⁴, or (2) using interviews within known high-risk populations to estimate the incidence

⁴ MSE was used in the United Nations Office of Drugs and Crime's estimate of human trafficking victims in the Netherlands, and was used by the UK government to estimate the prevalence of human trafficking in the UK. MSE was also used in the 2018 Global Slavery Index (specific regions) and is currently being used in an ongoing study of the prevalence of human trafficking in the city of New Orleans. MSE has been employed in a number of other contexts,

(percentage) of human trafficking within each population. Moreover, California is rich in potential data. A good study, using these data, can produce reliable prevalence information by either or both of the methods described above.

While there have been no statewide prevalence studies in California, two prevalence studies have occurred in San Diego County: (1) "Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County", led by Dr. Sheldon Zhang, and (2) "The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County," led by Dr. Jamie Gates and Dr. Ami Carpenter. These studies, which focused on only one county, provide a helpful comparison when estimating the costs of a statewide study. Dr. Zhang's study cost \$522,000 and lasted for three years. The study conducted by Dr. Carpenter and Dr. Gates lasted for two years and cost over \$400,000. Dr. Gates noted, "Estimating the number of victims in this clandestine activity has been profoundly difficult, time-consuming and dependent on a wide range of partnerships and trusted relationships in our region that opened the door to the data we needed." Dr. Zhang advised that covering both labor and sex trafficking in one study raises costs significantly, as these are different markets and require different sampling and field procedures.

Based on costs for previous studies which concentrated on one geographic area and one form of trafficking, as well as discussions with the aforementioned researchers in this field, a conservative estimate indicates that an accurate, robust prevalence study across the state of California which examines both sex and labor trafficking will have a total cost of approximately \$3 million.

Centralized Provision of Training and Technical Resources to Service Providers

To fight and prevent the spread of human trafficking, California must strategically allocate resources to ensure early identification, prevention, and an understanding of the dynamics of human trafficking throughout the state. The field of domestic violence prevention can serve as a prototype for California's human trafficking programs in regards to centralized, statewide provision of training and technical resources to service providers. Every state across America currently has one federally recognized State Domestic Violence Coalition which provides technical assistance and training to local domestic violence programs.⁶ These state Coalitions help provide supervision, direction, coordination, and administration of statewide activities related to the prevention of domestic violence. While these Coalitions do receive some federal funding, the continuity and amount of federal funding remains uncertain and subject to change under the current federal political dynamics. In California, for example, the state Coalition is the California Partnership to End Domestic Violence, which receives funding from Cal OES.⁷ The California Partnership

including healthcare. The National Academy of Sciences held a webinar on April 8, 2019 entitled "Estimating the Prevalence of Human Trafficking in the United States," in which the presenters gave favorable reviews of MSE.

⁵ This method was used in both the 2012 San Diego study of labor trafficking among migrant workers and the 2016 San Diego study of gang influence on sex trafficking, both funded by the U.S. Department of Justice. The State of Texas used this method in a prevalence study completed in 2018.

⁶ U.S. Dept. of Health and Human Services, "State Domestic Violence Coalitions," https://www.acf.hhs.gov/fysb/programs/family-violence-prevention-services/programs/state-dv.

⁷ California Partnership to End Domestic Violence, http://www.cpedv.org; see also Annual Report 2017-2018, 14 http://www.cpedv.org/annual-reports-financials; Past Financials, 2017-18, 24, http://www.cpedv.org/sites/main/files/file-attachments/2018_form_990_fye_06.30.18_no_state.pdf5.

to End Domestic Violence provides a wide range of technical assistance and training services to over 100 domestic violence programs across the state.8

A similar model should be implemented to assist human trafficking service providers. Statewide coalitions which provide technical support and training for human trafficking service providers and law enforcement have been established in a number of states, including North Carolina (North Carolina Coalition Against Human Trafficking), Minnesota (Minnesota Human Trafficking Task Force), Maine (Maine Sex Trafficking and Exploitation Network), North Dakota (FUSE--Force to End Human Trafficking and Exploitation), Washington (WARN--Washington Anti-Trafficking Response Network), Kentucky (Kentucky Rescue and Restore Coalition), and Colorado (Colorado Network to End Human Trafficking). California, which faces a higher incidence of human trafficking than each of these states, should follow suit by dedicating resources to a program which acts as a centralized source of training and technical support for human trafficking service providers across California.

Training for First Responders: \$1.5 million annually is being requested, to be broken into three grants of \$500,000, each over a two-year period. This funding will be used to develop and deliver training statewide to the diverse groups of front-line "responders" who might encounter a victim being trafficked or just escaping trafficking, including law enforcement agencies, labor inspectors, child welfare workers, school educators, health care providers, housing/homeless services, and public defenders. This grant structure provides flexibility to support various organizations as needed. Continued funding for different types of responder-specific training would allow for an extensive range of outreach points to touch the full diversity of potential human trafficking victims, including both adults and children involved in labor and/or sex trafficking. As more individuals on the "front lines" are trained, new trafficking cases will be prevented and more victims will be identified and connected with the services they need to escape from trafficking situations and to rebuild their lives.

Centralized Technical Support: \$2.25 million is being requested for centralized, statewide technical consultation on human trafficking over three years. This funding will provide victim service providers, law enforcement, and government agencies with a common resource to field individual questions, coordinate law enforcement taskforces statewide, and assist those setting up new human trafficking programs or coordinating statewide services. By funding a an agency with statewide reach to provide ongoing technical support statewide, service providers, law enforcement, and state agencies will be able to increase their capacity for receiving/responding to hotline calls, identifying trafficking victims, participating in first response to victims, and meeting basic needs such as housing, food, counseling, and legal assistance. Funding of a centralized source for technical consultation will also increase opportunities for training and professional development to ensure that all Cal OES-funded victim services agencies are able to provide trauma-informed, high-quality care.

⁸ California Partnership to End Domestic Violence, "Professional Training and Services,"

http://www.cpedv.org/professional-training-and-services; "Domestic Violence Member Programs,"

http://www.cpedv.org/domestic-violence-organizations-california.

⁹ http://www.nccasa.org/resources/human-trafficking-resources.

¹⁰ http://mnhttf.org/.

¹¹ http://www.mainesten.org/.

¹² http://www.projectfuse.org/.

¹³ http://www.warn-trafficking.org/.

¹⁴ http://www.rescueandrestoreky.org/.

¹⁵ http://combathumantrafficking.org/about-lcht/our-work/coneht-hotline/

CATEGORY	BRIEF EXPLANATION	COSTS
Training	Ongoing training for service providers, first responders, and law enforcement.	TOTAL: \$1.5 million, divided into three \$500,000 grants.
Centralized	Centralized, statewide technical	Year One: \$ 750,000
Technical	consultation and resource provision.	Year Two: \$ 750,000
Support		Year Three: \$ 750,000
		TOTAL: \$ 2,250,000

Allocation of Funding for Human Trafficking Curriculum

School-aged children are at a stage of life where they are insecure and susceptible to manipulation and coercion, making them especially vulnerable to human trafficking. Implementing comprehensive prevention education and training procedures will provide these children with awareness and education to minimize the possibility of trafficking as a result of tactics used by traffickers, such as deceit, grooming or threats. This preparation is vital for particularly at risk children, such as foster children, homeless children, runaway children, and children with disabilities. Most children are in a classroom almost every day, so educators and classmates are best positioned to identify the risk factors and indicators in students being victimized, targeted, or recruited, and connect them with the services they need, in accordance with their county's established interagency protocol.

The Human Trafficking Prevention Education and Training Act (AB 1227) requires California public schools to offer education and training on human trafficking identification and prevention in order to avert children from being exploited for labor or sex. It is necessary for counties to implement comprehensive prevention education and training procedures in order to reduce incidents of human trafficking. The goal of prevention education is not only to identify students who are actively being trafficked, but also to reduce the number of students becoming victims, buyers, or traffickers. Training teachers and administrators about the signs of human trafficking and their county's response protocol will help provide the tools necessary to identify when a child is at risk of being trafficked. When the recruitment tactics of traffickers are taught to students in the classroom, those tactics become immediately recognizable to those students. Additionally, this prevention education will help avoid the mental health impacts and chronic absenteeism that result when a student becomes a victim of human trafficking.

Since AB 1227 was passed, education initiatives have already received positive results and feedback. In a survey of educators conducted by 3Strands Global Foundation, 99% of educators responded that, post-training, they had the knowledge necessary to refer students to resources and that they better understood the services offered to trafficking victims. Additionally, 61% of the educators indicated that they were able to make a behavior change in how they interacted with students based on the training received.

Therefore, a <u>one-time budget request of \$2.5 million</u> is requested to fund the implementation of human trafficking curriculum in California schools.

Approximate Curriculum Cost Breakdown

CATEGORY	BRIEF EXPLANATION	COST
Personnel	Salaries & wages for Program Manager, Education Director, Administrator, and Research and Curriculum Coordinator, plus 17% in benefit costs	Year 1: \$ 275,000 Year 2: \$ 275,000 Year 3: \$ 275,000 TOTAL: \$ 825,000
Program Development	Development of comprehensive, standard curriculum	Year 1: \$ 250,000 Year 2: \$ 100,000 Year 3: \$ 100,000 TOTAL: \$ 450,000
Technology	Technology; video production	Year 1: \$ 300,000 Year 2: \$ 300,000 Year 3: \$ 300,000 TOTAL: \$ 900,000
Miscellaneous	Rent, printing, legal and other miscellaneous costs	Total: \$ 100,000 Year 2: \$ 100,000 Year 3: \$ 100,000 TOTAL: \$ 300,000

The cost of this initiative will be offset by the cost savings. Based on studies conducted in two California counties, Alameda and San Diego, between 0.23% and 0.68% of the county's student population were victims of trafficking. Extrapolating that statistic to the more than 4.7 million students in California over the course of seven years, 21,785 of those students are likely to be victims of trafficking. A study conducted by the University of Texas, Austin estimated that the lifetime cost of a trafficking victim was approximately \$83,125 in rehabilitation services. If this education program is able to hit just a 20% success rate, it would save more than 4,300 students from being trafficked each year. In turn, this education would save the State of California \$51,740,473 in one year. This program's ability to increase the awareness of teachers and school personnel to identify the risk factors and indicators that a student is being victimized and to augment the knowledge of and access to resources to help those students, will likely lead to an even greater number of students and dollars saved in the State of California.

IV. Labor Trafficking in California

Labor trafficking is particularly difficult to identify, as it is often conflated with labor exploitation or even shielded by a legitimate business façade. Labor trafficking arises in many situations, including domestic

¹⁶ The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County; Heat Watch, http://www.heatwatch.org/human_trafficking/about_csec.

¹⁷ Human Trafficking by the Numbers: The Initial Benchmark of Prevalence and Economic Impact for Texas, THE UNIVERSITY OF TEXAS AT AUSTIN, SCHOOL OF SOCIAL WORK pg. 16, T5 (Dec. 2016) https://sites.utexas.edu/idvsa/files/2019/03/Human-Trafficking-by-the-Numbers-2016.pdf.

servitude, agricultural work, the service industry and construction. It spans across multiple industries and involves individuals who are isolated, vulnerable and may not speak English. On a global scale, research from the International Labor Organization estimates that of the 20.9 million forced laborers worldwide, 68% are victims of forced labor exploitation. On the International Labor Organization estimates that of the 20.9 million forced laborers worldwide, 68% are victims of forced labor exploitation.

Fifteen years after California first enacted anti-trafficking laws, no state agency has established a mandate to identify labor trafficking. A major factor in the State's struggle to effectively combat trafficking is a lack of a directive to existing agencies to address and prevent labor trafficking. While existing initiatives may target illegal activity tangential to labor trafficking (tax evasion, employment compliance, workplace health and safety, money laundering), there is a critical lack of funding for labor trafficking-specific initiatives. California agency officials stated that "increasing understanding and awareness about labor trafficking could help identify potential cases and develop new, collective strategies to combat labor trafficking." Even when confronted with labor trafficking victims, first responders may not be equipped to respond. Labor trafficking victims often endure great mental and physical abuse and often suffer from post-traumatic stress disorder, anxiety, depression, and fear.²⁰ Additional resources are required to identify labor trafficking, and in turn prevent it.

Creation of an Outreach Program within the Department of Fair Employment and Housing

The Department of Fair Employment and Housing ("DFEH") is the largest state civil rights agency in the country. DFEH's mission is to protect the people from California from unlawful discrimination in employment, housing, and public accommodations, and from hate violence and human trafficking. In 2016, AB 1684 granted DFEH the authority to receive, investigate, conciliate, mediate, and prosecute civil complaints alleging human trafficking under the California Trafficking Victims Protection Act, California Civil Code, § 52.5. A lack of adequately funded education and outreach resources is a significant barrier for new and existing programs to properly assist victims of human trafficking. According to a 2013 study funded by the U.S. Department of Justice, 72% of service providers cited inadequate funding as a major barrier in responding to victims' needs, while 65% of service providers indicated inadequate training as a significant concern.21 As a result, it has been proven difficult for the agency to identify itself as a resource for handling human trafficking matters. As a result, of the 22,584 complaints filed with the DFEH in 2020, none were human trafficking complaints. California can remove this barrier through a strategic allocation of resources to support the receipt and processing of claims and to inform victims of the available resources and reporting mechanisms. This budget request seeks to create an outreach and education pilot program within the DFEH to bring awareness to both labor and sexual human trafficking. This three-year pilot program, dubbed the Human Trafficking Civil Action Implementation, would strengthen the current authority of DFEH to combat labor trafficking by creating an anti-trafficking outreach and education pilot program. Specifically, there is an increased need for labor trafficking funding, as it makes up over 39% of

¹⁸ Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County, Sheldon X. Zhang, U.S. DEP'T OF JUSTICE (2012), https://www.ncjrs.gov/pdffiles1/nij/grants/240223.pdf.

¹⁹ Human Trafficking: Coordinating a California Response, Little Hoover Commission, June 2020

https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/250/Report250.pdf

20 The Advocates for Human Rights. Labor Trafficking Protocol Guidelines: Identifying and Responding to Victims of Labor Trafficking 24 Years Old and Under. Accessed September 9, 2019 at

https://www.theadvocatesforhumanrights.org/uploads/labor_trafficking_protocol_guidelines_final.pdf.

²¹ 3rd Human Trafficking in San Francisco Report, CITY AND COUNTY OF SAN FRANCISCO, DEP'T OF THE STATUS OF WOMEN (2018), https://sfgov.org/dosw/sites/default/files/3rd%20Human%20Trafficking%20Report.pdf.

all human trafficking in California.²² Data has shown that labor trafficking victims are almost exclusively foreign nationals, some of which were lured here under false visa pretenses. As a result, these victims are less likely to come forward for lack of knowledge of their rights in the U.S., confirming the need for a more intensive outreach program to educate citizens and non-citizens on their rights when it comes to labor trafficking.

Feasibility of Creating an Outreach Program

The 2021-22 budget provides DFEH with \$48.4 million to support 264.2 positions. This is an increase of roughly \$8 million and 30 positions relative to the 2020-21 budget. This includes \$2 million to fund outreach campaigns and enforce housing civil rights laws. The Housing Equity Outreach and Enforcement under DFEH has a budget of \$2 million and a staff of eight people. In 2019 this unit participated in over 70 outreach events statewide, reaching more than 9,910 individuals with information about their rights and responsibilities under California's civil rights laws, and created nearly a dozen guides and factsheets in multiple languages.²³ The human trafficking civil action implementation act would allocate an additional \$3 million to be spent across three years to add four staff members dedicated to creating and implementing an outreach and education campaign on human trafficking. Specifically, these individuals would work with "trusted messengers" who have demonstrated experience in carrying out activities of outreach directed at communities at risk of being trafficked. The staff would oversee, develop, and evaluate the efforts of DFEH's new Human Trafficking program, develop training modules and materials, receive and process complaints, and pursue enforcement.

Other states have already allocated significant amounts of their funding to combat human trafficking. For instance, North Carolina recently signed into law a budget of \$3.2 million to be allocated to nonprofit organizations that seek to help victims of human trafficking with services like case management, education, and employment assistance.²⁴ Therefore, this budget request of \$3 million is on par with the funding currently provided in other states to promote awareness and education programs throughout the state.

A Polaris study showed that in California, 1,507 cases of human trafficking were reported via the National Human Trafficking hotline in 2019, with 158 cases being labor trafficking complaints, though it is likely that there could be a significantly higher unreported number. Researchers estimate there could be as many as 495,293 labor trafficking victims among the migrant labor communities in California.²⁵ If even 30% of those potentially labor trafficked individuals were able to make a complaint as a result of the outreach program, over 140,000 individuals per year would be able to seek assistance.²⁶

²² https://www.sandiegouniontribune.com/news/public-safety/story/2019-12-01/horrors-of-labor-trafficking-struggle-to-gain-same-public-recognition-as-sex-trafficking

²³ Budget Change Proposal, 1700-001-BCP-2021-GB, DEP'T FAIR EMPLOYMENT AND HOUSING, https://esd.dof.ca.gov/Documents/bcp/2122/FY2122_ORG1700_BCP4444.pdf

²⁴ https://www.wtkr.com/news/negatly-signed-north-carolina-budget-provides-lifeline-po-victims-of-human-trafficling

²⁵ Sheldon X. Zhang, Ph.D. November 2012. "Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County." Accessed August 7, 2019 at https://www.ncjrs.gov/pdffiles1/nij/grants/240223.pdf.

²⁶ See generally Human Trafficking: Coordinating a California Response, Little Hoover Commission, June 2020 https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/250/Report250.pdf

Approximate Outreach Program Cost Breakdown

CATEGORY	BRIEF EXPLANATION	COSTS
Personnel	Salaries, wages and fringe benefits for four additional staff (case manager, counsel)	Year One: \$ 380,000 Year Two: \$ 380,000 Year Three: \$ 380,000 ²⁷ TOTAL: \$ 1,140,000
Materials and Supplies	Development and production of educational, effective, trauma-informed materials, trainings, travel, translation, and technology to assist in this development	Year One: \$ 150,000 ²⁸ Year Two: \$ 150,000 Year Three: \$ 150,000 TOTAL: \$ 450,000
Training and Outreach Operations	Outreach and education efforts for service providers, first responders, and law enforcement	Year One: \$ 450,000 ²⁹ Year Two: \$ 425,000 Year Three: \$ 425,000 TOTAL: \$ 1,300,000

Designate Authority to the Department of Industrial Relations through Dedicated Labor Trafficking Unit

Current initiatives to address labor trafficking are fragmented and there is a lack of coordination between agencies such as the California Department of Justice and DFEH to stop trafficking before it starts. Currently, two state agencies have jurisdiction to prosecute trafficking crimes, DOJ and DFEH. Both agencies, as needed, also coordinate with the Department of Industrial Relations ("DIR") when encountering labor trafficking cases. Despite this coordination, a DIR representative stated, "DIR does not have authority to investigate labor trafficking or have staff or resources dedicated specifically to combatting labor trafficking."³⁰ Providing authority to DIR, which seeks to improve working conditions, facilitates the enforcement of labor laws.

DIR, within the Labor and Workforce Development Agency, administers Cal/OSHA, a program that has existed since 1973. CAL/OSHA is funded with federal and state resources (usually 50% from state and federal government).³¹ In 2020-21, while CAL/OSHA's state-funded budget increased by 8%, the

²⁷ Numbers based on DFEH's total personnel services cost in fiscal year 2021.

²⁸ Numbers based on DFEH's projected budget for similar outreach efforts in connection with its fair housing initiative in 2022.

²⁹ Numbers based on DFEH's projected budget for similar training, consulting and technology costs in connection with its fair housing initiative in 2022.

³⁰ Dominic Forrest, Chief, Labor Enforcement Task Force, DEP'T OF INDUSTRIAL RELATIONS May 28, 2020. Written testimony to the Commission.

³¹ Federal Funding Disclosure (Stevens Amendment), CAL. DEP'T OF INDUSTRIAL RELATIONS (Oct. 2019) https://www.dir.ca.gov/federal-funding-disclosure.html

enforcement division's budget only increased by .5%.³² The 2021 budget allocated more than \$14 million to bolster Cal/OSHA in enforcing workplace safety standards, \$5 million to help workers pursue unpaid wage claims, and over \$8 million in funding to assist first responders and healthcare workers in accessing workers' compensation benefits.

Cal/OSHA has a Labor Enforcement Task Force ("LETF") unit, which is a coalition of state and local enforcement agencies. Collectively, these entities combat the underground economy, share information and resources, and conduct joint inspections throughout the state with the other agencies. A new unit within the task force, dedicated to combatting and prosecuting labor trafficking, would align with the already-existing unit's goal. This unit would have the ability to coordinate with California's Department of Justice and Department of Fair Employment and Housing to combat labor trafficking. Therefore, this one-time budget request of \$3 million is on par with other pilot programs and investigative units and ensure the state focuses on labor trafficking the same way it fights sex trafficking. This unit would follow protocols, to be defined, to ensure survivors are not re-victimized by the process of prosecuting traffickers and are informed about services available to them. Proactively addressing labor trafficking through one dedicated unit would fill a current gap to ensure labor trafficking is prevented through coordination with local governments and other state agencies.

Approximate DIR Program Cost Breakdown

CATEGORY	BRIEF EXPLANATION	COSTS
Personnel	Salaries and wages for four additional staff (task force	Year One: \$ 380,000
	coordinator, administrator, staff attorney)	Year Two: \$ 380,000
		Year Three: \$ 380,000 ³³
		TOTAL: \$ 1,140,000
Direct	Developing and establishing trafficking response	Year One: \$ 450,000
Program	protocols; consulting with other agencies .	Year Two: \$ 450,000
Costs		Year Three: \$ 425,000 ³⁴
		TOTAL: \$ 1,325,000
Training and	Training and implementation assistance	Year One: \$ 200,000
Outreach		Year Two: \$ 150,000
Operations		Year Three: \$ 150,000
		TOTAL: \$ 500,000

Between 2012 and 2020, the Division of Labor Standards Enforcement ("DLSE") and Cal/OSHA conducted a number of inspections for labor and employment- related violations.³⁵ During that period, DLSE identified 3,572 businesses out of compliance. There were 107 child labor violations identified and 266 minimum wage violations. Assuming a percentage of these violations reflect a similar level of potential labor trafficking violations, the new DIR taskforce could identify hundreds of incidents of labor trafficking.

³² Fred Walter, *Cal/OSHA's New Budget Raises Questions About the Future of Enforcement*, OSHA DEFENSE REPORT (Jan. 22, 2021) https://oshadefensereport.com/2021/01/22/cal-oshas-new-budget-raises-questions-about-the-future-of-enforcement/

³³ Numbers based on DFEH's total personnel services cost in fiscal year 2021.

³⁴ Numbers based on the California State Budget 2021-22 resources to DIR for the establishment of the Garment Worker Wage Claim Pilot Program.

³⁵ Report to the Legislature, Dep't of Indus. Rel. (March 2021) https://www.dir.ca.gov/letf/LETF-Legislative-Report-2021.pdf

V. Conclusion

In recent years, the California State Legislature has taken important first steps in combatting human trafficking by approving one-time and continuing funding requests. These funding allocations directed to service providers have greatly impacted and benefitted the victims of human trafficking and the people of California. California now has the opportunity to fund additional avenues for combatting human trafficking through education, legislative funding and the exercise of agency authority. By prioritizing such budget requests, Governor Gavin Newsom and the legislature will continue to cement a powerful legacy of championing the needs of human trafficking victims and make a dramatic difference and fight to end the pervasive evils of human trafficking in our lifetime.





"Labor Trafficking Act of 2022"

Summary

• A report published by the Little Hoover Commission concluded that California efforts to prevent labor trafficking are fragmented and a major issue is a lack of a directive to current state agencies to lead efforts to prevent labor trafficking and coordinate with other agencies such as California Department of Justice (DOJ) and Department of Fair Employment and Housing (DFEH) to stop trafficking before it starts. This bill proposal seeks to provide authority to the Department of Industrial Relations (DIR) to combat labor trafficking, create a unit to focus on preventing trafficking through coordination with current systems to identify opportunities for early identification and where to invest key resources for workers on the ground in prevention of labor trafficking.

Background Information

What problem does the legislative proposal address?

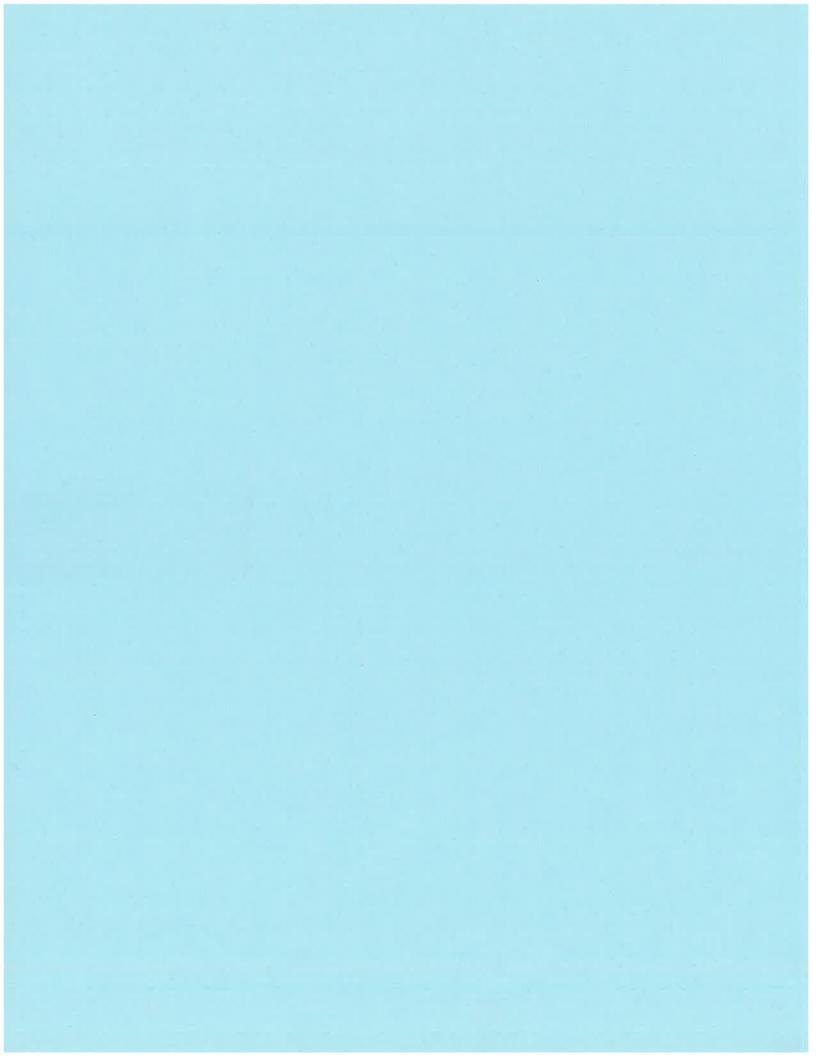
• <u>Little Hoover Commission</u> report stated that more than 14,000 survivors of trafficking received help from the state between 2016 and 2019. This makes the Golden State one of states that has the highest human trafficking rates in the United States.

Currently, two state's agencies have jurisdiction to prosecute trafficking crimes, DOJ and DFEH. Both agencies, as needed, also coordinate with DIR when encountering labor trafficking cases. Despite this coordination, in a written testimony to the Little Hoover Commission, DIR representative stated that, "DIR does not have authority to investigate labor trafficking or have staff or resources to combatting labor trafficking."

• Fifteen years after California first enacted anti trafficking laws, no state agency has a mandate to look for labor trafficking. Thus, providing authority to DIR, which seeks to improve working conditions, enforces laws governing labor law, to actively fight labor trafficking would fill a current gap to ensure the state is proactively in preventing labor trafficking, in coordination with local governments and other state agencies. Moreover, this would ensure the state also focuses on labor trafficking the same way it fights sex trafficking.

Proposal

- DIR Structure: The Department of Industrial Relations (DIR), within the Labor and Workforce Development Agency, administers Cal/OSHA, a program since 1973, which is in charge of site inspections, citations, and enforcement and outreach activities. Moreover, Cal/OSHA, through its Labor Enforcement Task Force (LETF) unit, a coalition of state and local enforcement agencies that work together to combat the underground economy, shares information, resources, and conducts joint inspections throughout the state with the other agencies. CAI/OSHA is funded with federal and state resources (usually 50% from state and federal government). In the 2020-21 state budget CalOSHA budget increased by 8%, however the enforcement division's budget only increased by .5%.
- Provide authority to the Department of Industrial Relations (DIR) to receive, investigate, and prosecute complaints alleging labor trafficking and take steps to prevent labor trafficking.
- Create a unit to combat and prosecute labor trafficking. This new unit could be a subdivision of Cal/OSHA and coordinate with the Labor Enforcement Task Force and Criminal Investigation Unit (CIU). As necessary, this unit would also coordinate with California's Department of Justice and Department of Fair Employment and Housing to combat labor trafficking.
- This unit shall follow protocols, to be defined, to ensure survivors are not victimize by the process of prosecuting traffickers and are informed about services available to them.





State of California

925 L Street, Suite 805 Sacramento, CA 95814

phone: (916) 445-2125

Milton Marks Commission on California State Government Organization and Economy

website: www.lhc.ca.gov

Strategies to Combat Labor Trafficking

The Little Hoover Commission released three reports in 2020 reviewing the state's response to labor trafficking, a horrific form of modern slavery. The Commission believes California must take stronger actions to detect this crime, help victims, and prosecute perpetrators.

Human Trafficking: Coordinating a California Response

California's efforts to combat human trafficking have focused principally on sex trafficking rather than labor trafficking, and no coordinated strategy exists to target this crime statewide. We recommend California create an Anti-Human Trafficking Council within the Governor's Office to:

- Build and enhance collaboration among communities throughout the state.
- Study and improve services for victims and survivors of all forms of human trafficking.
- Assist in the successful prosecution of human traffickers.

Labor Trafficking: Strategies to Uncover this Hidden Crime

Numerous obstacles hinder efforts to identify labor trafficking cases in the state, leaving untold numbers of victims trapped in oppressive situations. We recommend California increase efforts to identify this crime:

- Train officials most likely to encounter labor trafficking to serve as first identifiers.
- Increase awareness through outreach campaigns and expanded training opportunities.
- Study ways to improve enforcement of the Transparency in Supply Chain Act of 2010.
- Update laws protecting child sex trafficking victims to include child labor trafficking victims.

Labor Trafficking: Strategies to Help Victims and Bring Traffickers to Justice

Barriers to care make it difficult for labor trafficking survivors to access the help they need, while cases bringing their traffickers to justice remain rare. We propose California implement the following to better protect victims and bring traffickers to justice:

- Prioritize victim services through increased use of data and program evaluations.
- Empower more state agencies to investigate labor trafficking crimes.
- Standardize communication among federal, state, and local agencies.
- Track enforcement activities and study outcomes to identify best practices.
- Ensure officials are adequately trained to investigate and prosecute labor trafficking cases.

Once implemented, these recommendations will enable California to respond more effectively and robustly to labor trafficking.

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Pedro Neva, Chairman

Cynthia Bulza

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