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ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Human Trafficking: Identifying the Scope of the Problem and Potential Solutions

9:30 a.m. to 12:30 p.m., October 20, 2015
State Capitol, Room 126

Agenda

I. Introduction and Opening Remarks: 9:30 a.m. - 9:40 a.m.

Bill Quirk, Chair, Assembly Committee on Public Safety

**II. Presentation of the Attorney General's State of Human Trafficking Report from
2012: 9:40 a.m. – 10:00 a.m..**

Robert Sumner, Deputy Attorney General of California, Legislative Affairs

**III. Discussion of the Scope of Laws Related to Human Trafficking, Prostitution,
and Pimping: 10:00 a.m. - 11:00 a.m.**

Maxine Doogan, Erotic Service Providers Union

Jerald Mosley, Retired Deputy Attorney General of California

Stephen Munkelt, California Attorneys for Criminal Justice

Nancy O'Malley, Alameda County DA

**IV. Programs and Services in the Area of Human Trafficking:
11:00 a.m. – 12:00 p.m.**

Nilda Valmores, Executive Director of My Sister's House, Sacramento

Alexandra Lutnik, RTI International, UC Berkeley

Stephanie Richard, Coalition Against Slavery and Trafficking, Los Angeles

Ruth Silver-Taube, South Bay Coalition to End Human Trafficking, Santa Clara School of Law
Worker's Rights Clinic

Deborah Pembroke, Chair of the Coalition to End Human Trafficking in Monterey and Santa Cruz
Counties

**V. Public Comment
12:00 p.m. - 12:30 p.m.**

Maxine Doogan, President, Erotic Service Providers Legal, Education, and Research Project

Maxine Doogan is the force behind the #prostitutenation who filed a landmark constitutional challenge to the California's anti-prostitution laws on March 4, 2015 and is the president of Erotic Service Providers Legal, Education and Research Project @esplerp esplerp.org

Maxine Doogan is a founding member of Alaska's newly formed sex worker group, Community United for Safety and Protection for sex workers, former sex workers, sex trafficked victims and our allies. www.sextraffickingalaska.com

Maxine spearheaded the campaign that repealed California Victim Compensation Fund's discriminatory regulation that banned sex workers who have been sexually assaulted from accessing the fund.

The Erotic Service Providers Legal, Education and Research Project, founded in 2010, was the state registered opposition to California state ballot measure Proposition 35 in 2012. www.esplerp.org

Maxine qualified Proposition K, a San Francisco in 2008 ballot initiative that would have stop the enforcement of the prostitution laws and bring equal protection to sex workers.

Maxine Founded the Erotic Service Providers Union in 2004 www.espu-ca.org and works to organize our members to gain access to labor schools.

Maxine's media feats include making two movies, *Who's The Boss* is a 2009 short personal film and *Legalization Sucks* features 4 legal erotic service providers. Maxine is a KPFA community programmer bringing erotic service provider voices to a wider audience.

Alexandra Lutnik, RTI International, UC Berkeley

Dr. Alexandra Lutnick is a senior research scientist for the Behavioral and Urban Health Program at RTI International, one of the world's leading research institutes. She also serves as an Adjunct Professor in the Department of Social Welfare at the University of California, Berkeley. Alix has more than 10 years of experience developing and conducting mixed-methods research and has worked on multiple National Institute of Justice-funded trafficking studies. Dr. Lutnick has extensive experience conducting stakeholder interviews with law enforcement and government officials, health and social service providers, activists, and with adults and young people involved in the sex industry, inclusive of trafficked persons. Her proposal to conduct a peer-based evaluation of anti-trafficking task forces in San Francisco was recently awarded by the National Institute of Justice.

Alix has authored and coauthored publications for numerous publications, including the *Journal of Urban Health*, *Children and Youth Services Review*, *Journal of Social Work Practice in the Addictions*, *American Journal of Epidemiology*, *Reproductive Health Matters*, and *Sexually Transmitted Infections*. She has been an invited speaker about trafficking for many conferences, including the Freedom Network Annual Conference, the National Harm Reduction Conference,

and the International AIDS Conference. Her book *Domestic Minor Sex Trafficking: Beyond Victims and Villains* will be published in early 2016 by Columbia University Press.

Jerald Mosley, Deputy Attorney General of California (retired)

As of August of 2014, Jerald Mosley is a retired Supervising Deputy Attorney General with the Office of the California Attorney General. He served in the employment section of the Office as a Deputy Attorney General then as a supervisor for about 18 years from 1996 to 2014. Mr. Mosley managed trials and appeals in state and federal courts. Statutory and constitutional issues were a staple of his section's work. Recurring issues included privacy, discrimination, disability, free speech, and state sovereignty. At present, he continues to research legal issues, but he has now targeted his research and writing on privacy rights under the California Constitution, especially as those rights are impacted by sex-work legislation.

In August of this year, Amnesty International came out with a recommendation that prostitution be decriminalized internationally. Mr. Mosley wrote an op-ed piece reviewing the Amnesty decision for the Daily Journal (September 10, 2015). A federal action is pending in Northern California challenging this state's anti-prostitution provision (PC 647(b)) on constitutional grounds (*Erotic Service Provider v. Gascon*, case no. 4:15-CV-01007 JSW), and he wrote a Daily Journal editorial explaining that lawsuit (May 28, 2015). He is also a legal commentator on the July 23 online ReasonTV segment covering the case. It is entitled "You Have the Right to Buy and Sell Sex. Will The Court Protect It By Legalizing Prostitution?"

Before law school, Mr. Mosley graduated with a Ph.D. in philosophy from UC Davis and published four articles in professional philosophical journals. After obtaining his J.D. from UCLA, he entered private practice in Pasadena as an associate and then a name partner with Carter, Mosley & Carlson. In 1996 he moved to the Attorney General's Office.

Jerald Mosley has lived all of his professional life in California, but he spent eight years of his youth in Mexico and Colombia where his parents ran American elementary and high schools. He has enjoyed the life-long benefit of that early multi-cultural and multi-linguistic influence in his life.

Stephen Munkelt, California Attorneys for Criminal Justice

Mr. Munkelt is a graduate of University of San Diego School of Law, and has been admitted to practice in California courts and the Ninth Circuit Court of Appeal, as well as California Federal District Courts. He is certified as a specialist in criminal law by the State Bar, and his practice is located in Nevada City, California.

He has been a member of CACJ (California Attorneys for Criminal Justice), NACDL (National Association of Criminal Defense Lawyers) and an associate member of CPDA (California Public Defenders Association) for more than three decades. He has also served as a board member and officer for CACJ, as well as serving as co-chair of the CACJ Legislative Committee.

Mr. Munkelt has been honored as a member of the National Association of Distinguished Counsel, a Northern California Superlawyer, and a Martindale-Hubbell Top Rated Lawyer.

Nancy O'Malley, Alameda County District Attorney

Alameda County District Attorney Nancy E. O'Malley is a nationally recognized expert in human trafficking, sexual assault, and domestic violence. She is known for her many innovative programs, including those to fight human trafficking, real estate fraud, elder and child abuse, chronic absenteeism, sexual assault, domestic violence, ID Theft and environmental violations, as well as creating a project to eliminate the backlog of rape kits in Alameda County and beyond. DA O'Malley is the first woman to serve as Alameda County's elected District Attorney, and as a leader known throughout California and the country for her innovation and vision.

DA O'Malley's professional accomplishments include monumental contributions in the legislative arena with numerous bills written by DA O'Malley being signed into law. She has participated in drafting legislation that has included making courtrooms around the state accessible for victims with physical and intellectual disabilities, ensuring the sexual assault victims have rights in the criminal justice system and expanding the support available to victims of crime in California. Over the last ten years, her Office has obtained restitution orders of over \$125 million for victims of crime in Alameda County. DA O'Malley created the Family Justice Center, and pioneered an electronic notification system for victims.

Within the Office, she founded the HEAT (Human Exploitation and Trafficking) Unit in 2006 and has led the statewide charge in response to human trafficking. This has involved vigorously prosecuting traffickers (particularly those selling children for sex), targeting the purchasers, as well as changing perceptions about those trafficked – treating them not as criminals, but as victims.

In 2010, DA O'Malley launched the HEAT Watch Program which is a replicable, multi-disciplinary 5-prong blueprint to unite prosecutors, law enforcement, service providers, law makers and communities in the fight against human trafficking. Our HEAT Watch program – the first of its kind in California and the first to operate within a public prosecution office in the United States – is a national model in wide use around the country. According to a 2012 report from the California Attorney General, the Alameda County DA's Office has prosecuted more than 46 percent of all human trafficking cases in California. She has also written anti-human trafficking legislation that has been passed and signed into law by Governor Brown, including SB1193.

Recently, DA O'Malley received the *2015 Irvine Foundation Leadership Award* for her efforts in combatting Human Trafficking around the state of California. With the award, she has reinvested in the state by establishing the HEAT Institute, which brings together a group of committed leaders from diverse backgrounds to examine the status of our state's response to human trafficking and create an evidence-based guide for policy makers, elected leader and communities to adopt in the fight to end human trafficking of children across our state.

The HEAT Watch program has also received numerous awards, including:

- *National Association of Counties (NACo) Merit award 2015*
- *City-County Communications & Marketing Association Savvy Award 2015*
- *California State Association of Counties (CSAC) Merit Award 2014*
- *National Association of Counties (NACo) Achievement Award 2010*

Deborah Pembroke, Coalition to End Human Trafficking in Santa Cruz and Monterey

Deborah is a survivor of childhood commercial sexual exploitation who speaks out against all forms of human trafficking. A powerful teacher, successful business executive and effective social change leader, Deborah is passionate about working to end modern slavery.

Deborah was trafficked from early childhood through her teen years in Central Ohio. She was taken by a trusted adult to motels and a truck stop where she was commercially sexually exploited. She left Ohio at 17 and came to California in order to end her trafficking experience and find a safer life.

Since then, Deborah built a successful career in adult education as a classroom teacher, curriculum developer and online educator. She is currently Director of Educational Products for an accounting technology company in the Bay Area.

Deborah has been involved in the anti-trafficking movement since 2007. She co-founded the UU Abolitionists, an anti-trafficking organization within the Unitarian Universalists denomination. She led two national educational campaigns against modern slavery, including speaking to audiences of over 4,000 people at two national gatherings. She is a passionate teacher and moving speaker against human trafficking.

Deborah is currently Chair of the Coalition to End Human Trafficking in Santa Cruz and Monterey Counties, a regional collaboration of legal, law enforcement and direct service organizations working to end human trafficking on the California Central Coast. She is leading a training project to educate local hotels about human trafficking prior to the Super Bowl in February 2016. She is a member of the tri-county Commercial Sexual Exploitation of Children Program, which is working with Child Welfare and many community stakeholders to appropriately address the needs of child and teen survivors of commercial sexual exploitation.

Deborah is proud to be a member of the National Survivor Network.

Stephanie Richard, Coalition to Abolish Slavery and Trafficking

Stephanie Kay Richard, Esq., is the Policy & Legal Services Director at the Coalition to Abolish Slavery & Trafficking (CAST) where she provides direct legal services to survivors of human trafficking and technical consultation on human trafficking cases nationwide. She has been involved in the anti-trafficking movement for over 10 years. During this time she has served as the domestic lead for the Alliance to End Slavery & Trafficking (ATEST) and the policy Co-Chair of the Freedom Network, USA, two national U.S.-based coalitions working to improve federal and state laws and the implementation of these laws to better serve trafficking survivors in the United States. Ms. Richard graduated summa cum laude from American University,

Washington College of Law, where she was the recipient of a public interest/public service scholarship. She is licensed to practice law in California, Maryland, Minnesota, and Washington, D.C.

Ruth Silver-Taube, South Bay Coalition to End Human Trafficking

Ruth Silver Taube is the Supervising Attorney of the Worker's Rights Clinic at the Katharine & George Alexander Community Law Center at Santa Clara University School of Law. The Workers' Rights Clinic provides employment law advice and representation to low income, primarily immigrant clients, screens for human trafficking, and works collaboratively with the immigration attorney to ensure that trafficking survivors not only pursue employment claims but also obtain T visas. She is Special Counsel to Legal Aid Society - Employment Law Center and an Adjunct Professor at Santa Clara University School of Law. She collaborates with the Vietnamese American Bar Association of Northern California and the Filipino Bar Association to conduct legal clinics for monolingual Vietnamese American and Filipino clients and to screen for human trafficking.

She is Legal Services Chair of the South Bay Coalition to End Human Trafficking, a member of the South Bay Coalition's Executive Board, and an alternate delegate to the Santa Clara County's Human Trafficking Commission. In her work with the South Bay Coalition and the Human Trafficking Commission, she has trained over 1000 Valley Transportation Authority (VTA) bus drivers and mechanics and employees at Santa Clara County Code Enforcement, Environmental Health, and Vector Control; the City of Santa Clara Fire Department; and the Foothill College Campus Police. She co-wrote a video on the red flags of human trafficking that is used extensively in training public sector workers. She has conducted numerous trainings on civil litigation in human trafficking cases, assisted forced labor human trafficking clients seeking civil remedies, and worked collaboratively with victim service providers, immigration attorneys, and law enforcement in the South Bay Coalition to End Human Trafficking. She is also Coordinator of the Santa Clara County Wage Theft Coalition.

After law school, Ms. Silver Taube served as a law clerk for the Honorable Ronald M. Whyte, District Court Judge for the Northern District of California, worked as a Federal Mediator at the EEOC and as a panel mediator at the United States Department of Justice, Civil Rights Division, and was a partner at the Law Office of Silver and Taube where she specialized in employment law and disability rights. She is a graduate of the University of Michigan (B.A. with high distinction, *Phi Beta Kappa*); the University of California at Berkeley (M.A.); and Santa Clara University School of Law (*summa cum laude*). In 2013, she received the Unsung Hero Award from the Santa Clara County Victim Support Network for a lifetime spent protecting the rights of workers and for her promotion of the expansion of civil legal remedies for human trafficking survivors. The award also recognized her efforts to train the LGBTQ community, the disabled community, Filipina domestic workers, and farmworkers on human trafficking laws.

Robert Sumner, Department of Justice

Robert Sumner is a Deputy Attorney General in the California Department of Justice's Office of Legislative Affairs. In this role he serves as a liaison between the Department's executive office and the legislature, providing specific expertise on a broad portfolio of topics. He has been with the Department since 2011, and previously served on the working group that produced the Attorney General's 2012 Human Trafficking in California Report.

Nilda Valmores, Executive Director of My Sister's House

Valmores has been Executive Director of My Sister's House since 2004.

My Sister's House is the Central Valley's only shelter and organization that is focused upon providing culturally specific services for Asian/Pacific Islander victims of domestic violence, sexual assault, and human trafficking. In March 2014, My Sister's House opened My Sister's Café at 455 Capitol Avenue, Sacramento, to provide support for victims of domestic violence and human trafficking.

Nilda also serves as a board member of the California Partnership to End Domestic Violence and co-leads the Sacramento Domestic Violence Prevention Collaborative. In addition, she is a member of the Soroptimists International of Sacramento which also seeks to prevent human trafficking.

Nilda received a Bachelor's degree in political science from Loyola Marymount University. She also has a Master's degree in public administration from Harvard University's Kennedy School of Government. In between those degrees, she served as a California State Assembly Fellow.

The State of

Human Trafficking in California



2012

Kamala D. Harris, Attorney General
California Department of Justice

Message from the Attorney General



Five years ago, leaders from our state's law enforcement and victim advocacy communities convened as the California Alliance to Combat Trafficking and Slavery Task Force. Their purpose was to evaluate the nature and extent of human trafficking in California and discuss how government and non-governmental organizations could collaborate to develop an effective response. The Task Force published its first report, *Human Trafficking in California*, in October 2007. I was proud to participate in the Task Force as San Francisco's District Attorney and to represent the California District Attorneys Association.

But much has changed since 2007. The crime of human trafficking has evolved profoundly over the last five years. Transnational and domestic gangs have expanded from trafficking guns and drugs to trafficking human beings. The perpetrators of human trafficking have become more sophisticated and organized, requiring an equally sophisticated response from law enforcement and its partners to disrupt and dismantle their networks. Another emerging trend is the adoption by traffickers of new technologies like social media to recruit victims, facilitate their crimes, and evade law enforcement. We also have the benefit of new legal tools, including California's groundbreaking anti-trafficking law, AB 22, which went into effect in 2006.

In light of these changed circumstances, as Attorney General of California, this year I convened a new anti-trafficking work group to reassess human trafficking in our state. I am pleased to present the results of their evaluation in the enclosed report, *The State of Human Trafficking in California, 2012*. The report reflects the work of representatives from law enforcement, victim service providers, non-governmental organizations, technology companies, and academic institutions. This diverse team brought their expertise and perspectives to discuss the current landscape of human trafficking in California and to evaluate and propose innovative strategies to investigate and prosecute traffickers and assist victims. I am proud to have convened this group, whose collective expertise and experience serves as the foundation for this report.

I hope the report will generate further discussion and, most importantly, effective action to fight human trafficking in California. I hope you will read it, find value in it, and share it widely.

Sincerely,

A handwritten signature in dark ink, which appears to read "Kamala D. Harris". The signature is fluid and cursive.

Attorney General Kamala D. Harris

Human Trafficking 2012 Work Group

The Attorney General's Human Trafficking Work Group is comprised of representatives of educational institutions, private entities, and a broad spectrum of law enforcement agencies, governmental agencies, victim service providers, and technology companies. We want to acknowledge and thank the representatives of the following agencies and organizations for their insight, discussion, and contributions to this project:

- ❖ Alameda County District Attorney's Office
- ❖ Alameda County Medical Center
- ❖ Asian Pacific Islander Legal Outreach
- ❖ Assemblymember Bob Blumenfield's Office
- ❖ Bilateral Safety Corridor Coalition
- ❖ California Coalition Against Sexual Assault
- ❖ California Department of Social Services, Refugee Programs Bureau
- ❖ California District Attorneys Association
- ❖ California Emergency Management Agency
- ❖ California Highway Patrol
- ❖ California Partnership to End Domestic Violence
- ❖ Central California Intelligence Center, Sacramento Regional Threat Assessment Center
- ❖ Central Valley Against Human Trafficking
- ❖ Coalition to Abolish Slavery & Trafficking (CAST)
- ❖ Community Service Programs
- ❖ Community Solutions, Inc.
- ❖ Congressman Dan Lungren's Office
- ❖ Courage to Be You, Inc./Courage House
- ❖ Department of Industrial Relations, Division of Labor Standards Enforcement
- ❖ The DNA (Demi & Ashton) Foundation
- ❖ East Bay Human Trafficking Task Force
- ❖ End Violence Against Women International
- ❖ Facebook
- ❖ Federal Bureau of Investigation Victim Assistance Program, Los Angeles Field Office
- ❖ Fresno Coalition Against Human Trafficking
- ❖ Fresno Economic Opportunities Commission, Sanctuary Youth Services
- ❖ Fresno Police Department
- ❖ Futures Without Violence
- ❖ Global Freedom Center
- ❖ Hayward Police Department
- ❖ Humanity United
- ❖ Inter-Tribal Council of California
- ❖ Joint Regional Intelligence Center, Los Angeles
- ❖ Los Angeles Metro Area Task Force on Human Trafficking
- ❖ Los Angeles Police Department
- ❖ McGeorge School of Law
- ❖ Microsoft Corporation
- ❖ Narika
- ❖ North Bay Human Trafficking Task Force
- ❖ North and Central California Anti-Trafficking Team

- ❖ Northern California Regional Intelligence Center
- ❖ Oakland Mayor's Office
- ❖ Oakland Police Department
- ❖ Operation SafeHouse
- ❖ Orange County Human Trafficking Task Force
- ❖ Partners Ending Domestic Abuse
- ❖ Riverside County Anti-Human Trafficking Task Force
- ❖ Riverside County District Attorney's Office
- ❖ Riverside County Sheriff's Department
- ❖ Regional Threat Assessment Center, Orange County
- ❖ Regional Threat Assessment Center, San Diego
- ❖ Sacramento County Public Defender's Office
- ❖ Sacramento Innocence Lost Task Force
- ❖ Sacramento Rescue and Restore Program, Sacramento Employment & Training Agency
- ❖ Sacramento Sheriff's Department
- ❖ Safe Border Community Project/ACTION Network
- ❖ San Diego County District Attorney's Office
- ❖ San Diego County Human Trafficking Advisory Council
- ❖ San Diego North County Human Trafficking Task Force
- ❖ San Diego Sheriff's Department
- ❖ San Francisco Asian Women's Center
- ❖ San Francisco Child Abuse Prevention Center
- ❖ San Francisco County Superior Court
- ❖ San Francisco District Attorney's Office
- ❖ San Francisco Police Department
- ❖ San Joaquin College of Law
- ❖ San Jose/South Bay Human Trafficking Task Force
- ❖ San Jose Police Department
- ❖ San Mateo County Sheriff's Department
- ❖ San Mateo Police Department
- ❖ Standing Against Global Exploitation Project (SAGE)
- ❖ State Threat Assessment Center
- ❖ Strong Hearted Native Women's Coalition
- ❖ University of Southern California Annenberg Center on Communication Leadership & Policy
- ❖ U.S. Attorney's Office, Eastern District of California
- ❖ U.S. Attorney's Office, Northern District of California
- ❖ U.S. Attorney's Office, Southern District of California
- ❖ U.S. Equal Employment Opportunities Commission, Los Angeles District Office
- ❖ Westminster Police Department
- ❖ Yolo County District Attorney's Office

For a list of the individuals on the Work Group, see Appendix A.

California Attorney General's Human Trafficking

Special Project Team

Kamala D. Harris

Attorney General

Travis LeBlanc	Special Assistant Attorney General
Larry Wallace	Director, Division of Law Enforcement
Benjamin Thomas Greer	Human Trafficking Work Group Co-Chair
Nancy Matson	Human Trafficking Work Group Co-Chair
Patty O'Ran	Human Trafficking Work Group Manager
Grace Cotulla	Legal Research Intern
Scott Davidson Dyle	Legal Research Intern
Nafeh Malik	Legal Research Intern

The recommendations expressed in this report are based on research and input from the California Attorney General's Human Trafficking Work Group and the Attorney General's staff. These recommendations should not be considered as representing the views of any agency or organization that participated in the Work Group.

Acknowledgments

This report benefits from the counsel and support of all the participants on the California Attorney General's Human Trafficking Work Group. Attorney General Kamala D. Harris is grateful for their contributions and commitment to combating human trafficking and supporting the victims of this crime.

Attorney General Harris is grateful to **Humanity United** for its generous support of the Human Trafficking Leadership Symposium and this report.

In addition, special thanks are extended to: **Nicholas Sensley**, Strategy and Development Consultant, Humanity United; **Matthew Hawkins**, Deputy Commander, California State Threat Assessment Center; **Mandy Larson (Johnson)**, Gang Intelligence Analyst, California State Threat Assessment Center; and, **Sandra Fletcher**, former Criminal Justice Specialist, Public Safety and Victim Services Division, California Emergency Management Agency.

Thanks for their hard work goes to: **Robert Morgester**, Senior Assistant Attorney General, eCrime Unit; **Mateo Muñoz**, Director, Office of California-Mexico Bilateral Relations; **Deborah Bain**, Special Counsel, Victim Services Unit; **Cynthia Malloy**, former Student Assistant, Victim Services Unit; **Marc LeForestier**, Director, Office of Legislative Affairs; **Jessica Devencenzi**, Deputy Attorney General, Office of Legislative Affairs; and, **Robert Sumner**, Legal Analyst.

Additional thanks to the following individuals for their dedication in bringing this report to fruition: **Becca MacLaren**, Editor; **Jill Habig**, Attorney Advisor; **Brianna Schofield**, Special Deputy Attorney General; **Hanna Chung**, Deputy Attorney General; **Lynda Gledhill**, Press Secretary; **Janet Mistchenko**, Graphic Designer; and **Jerry Hill**, Manager, Communication and Imaging Resource Center.

Finally, Attorney General Harris also wishes to thank **Suzy Loftus**, former Special Assistant Attorney General, for her leadership in advancing the Department of Justice's anti-human trafficking agenda.

Photo Credits

The California Attorney General's Human Trafficking Special Project Team is grateful for the use of the following photographs: page 17, courtesy of the Office of the Attorney General, State of Chiapas, Mexico; page 20, courtesy of the U.S. Immigration and Customs Enforcement.

Table of Contents

Message from Attorney General Kamala D. Harris	i
Executive Summary	1
The State of Human Trafficking in California 2012	3
Chapter-By-Chapter Summary & Recommendations	5
Part I – Background	13
Chapter 1 – The Crime of Human Trafficking	15
Definitions of Human Trafficking	15
Economic Drivers of Human Trafficking	17
Increased Role of Domestic and Transnational Gangs	18
Who are the Victims of Human Trafficking?	21
Who are the Perpetrators of Human Trafficking?	21
Means and Methods of Human Trafficking	24
Role of Technology in Human Trafficking	25
Chapter 2 – California’s Response to Human Trafficking	29
California’s Regional Anti-Human Trafficking Task Forces	29
Cross-Border Partnerships	31
Federal and Interstate Efforts	33
Victim Service Providers	35
Training Programs	36
Legislative Efforts	39
Part II – Challenges and Recommendations	45
Chapter 3 – Identifying the Scope of Human Trafficking in California	47
Scope of Trafficking in the United States	48
Scope of Trafficking in California	50
Government Benefit Programs	57
Maximizing California’s Information Sharing Environment	59
Recommendations	61

Chapter 4 – Holding Traffickers Accountable: Law Enforcement Investigations and Prosecutions	63
The Role of Transnational and Local Street Gangs in Human Trafficking	63
Traffickers' Use of Technology	64
Designing a Successful Strategy to Combat Human Trafficking	66
Recommendations	72
Chapter 5 – Victim-Centered Approach: Protecting and Assisting Victims of Human Trafficking	75
Human Trafficking Training with a Victim-Centered Approach	76
Comprehensive Services for Victims	78
Crime Victim and Witness Assistance Programs Available for Human Trafficking Victims	80
Harnessing Technology to Connect with Victims and Potential Victims of Human Trafficking	82
Recommendations	84
Chapter 6 – Prevention and Public Education: Reducing Demand for Human Trafficking	87
Harnessing Technology to Disrupt Online Human Trafficking	87
Public Education to End Human Trafficking	89
Recommendations	92
Part III – Appendix	95
Appendix A: Human Trafficking Work Group Participants	97
Appendix B: California's Nine Regional Task Forces and Lead NGOs	103
Appendix C: Letter to Backpage.com	105
Appendix D: NGOs Working with Victims of Human Trafficking in CA	113
Appendix E: Chaptered Human Trafficking Legislation, 2007 to 2012	117
Appendix F: How to Recognize the Signs of Human Trafficking	121

The State of

**Human Trafficking in
California**

Executive Summary

Executive Summary

"It ought to concern every person, because it's a debasement of our common humanity. It ought to concern every community, because it tears at the social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name – modern slavery."

President Barack Obama, September 25, 2012

The State of Human Trafficking in California 2012

On September 22, 2012, our nation celebrated the 150th anniversary of the Emancipation Proclamation. While slavery has been outlawed in this country since 1865, the promise of freedom still eludes thousands of men, women, and children who are forced into labor and prostitution in the United States today. Forced labor and sex trafficking are not just brutal relics of history or crimes that take place in faraway places. They comprise the world's fastest growing criminal enterprise, and they are flourishing right here in California.¹

Human trafficking is an estimated \$32 billion-a-year global industry.² After drug trafficking, human trafficking is the world's second most profitable criminal enterprise, a status it shares with illegal arms trafficking.³ Like drug and arms trafficking, the United States is one of the top destination countries for trafficking in persons. California – a populous border state with a significant immigrant population and the world's ninth largest economy – is one of the nation's top four destination states for trafficking human beings.⁴

As part of the state's first anti-trafficking law (AB 22, Lieber), the California Alliance to Combat Trafficking and Slavery Task Force reviewed California's response to human trafficking and offered findings and recommendations in a 2007 report to the Governor, Attorney General, and Legislature. California has made tremendous progress in combating human trafficking since the Task Force released the *Human Trafficking in California* report, but significant new challenges in combating this crime have emerged in the last five years. First, criminal organizations and street gangs have

increasingly turned to trafficking in persons. The prevailing wisdom among these criminals is that human trafficking is more profitable and has a lower risk of being detected than drug trafficking. Second, new innovations in technology make it possible for traffickers to recruit victims and perpetrate their crimes online. It is critical that law enforcement have the tools and training to police online trafficking. Third, the Internet, social media, and mobile devices provide new avenues for outreach to victims and raising public awareness about this atrocious crime.

In January 2012, Attorney General Kamala D. Harris created a Human Trafficking Work Group to examine the nature and scope of human trafficking in California in 2012; to evaluate California's progress since 2007 in combating human trafficking; and to identify challenges and opportunities in protecting and assisting victims and bringing traffickers to justice. The Work Group included more than 100 representatives of state, local and federal law enforcement, state government agencies, victim service providers, nonprofit groups, technology companies, and educational institutions. This report reflects the Work Group discussions held during three day-long meetings in Sacramento, San Francisco, and Los Angeles, as well as supplemental research and investigation by the California Department of Justice.

Highlights of the 2012 Report

- ❖ From mid-2010 to mid-2012, California's nine regional human trafficking task forces identified 1,277 victims, initiated 2,552 investigations, and arrested 1,798 individuals.
- ❖ In the same two-year period, California's task forces provided training to 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders. Several non-governmental organizations have also trained judicial officers, airport personnel, social service providers, pro bono attorneys, and retail businesses, among others. The variety of individuals who have been trained underscores the pervasiveness of human trafficking and the important role that governmental and non-governmental actors play in detecting trafficking and assisting victims.
- ❖ 72% of human trafficking victims whose country of origin was identified by California's task forces are American. The public perception is that human trafficking victims are from other countries, but data from California's task forces indicate that the vast majority are Americans.
- ❖ Labor trafficking is under-reported and under-investigated as compared to sex trafficking. 56% of victims who received services through California's task forces were sex trafficking victims. Yet, data from other sources indicate that labor trafficking is 3.5 times as prevalent as sex trafficking worldwide.
- ❖ Local and transnational gangs are increasingly trafficking in human beings because it is a low-risk and high, renewable profit crime. It is critical for federal, state, and local law enforcement and labor regulators to collaborate across jurisdictions to disrupt and dismantle these increasingly sophisticated, organized criminal networks.

- ❖ **A vertical prosecution model run outside routine vice operations can help law enforcement better protect victims and improve prosecutions.** Fostering expertise about human trafficking within a law enforcement agency and handling these cases outside routine vice operations can prevent erroneously viewing trafficking victims as perpetrators.
- ❖ **Early and frequent collaboration between law enforcement and victim service providers helps victims and prosecutors.** Victims who receive immediate and comprehensive assistance are more likely to help bring their traffickers to justice.
- ❖ **Traffickers are reaching more victims and customers by recruiting and advertising online.** Traffickers use online advertising and Internet-enabled cell phones to access a larger client base and create a greater sense of anonymity. Law enforcement needs the training and tools to investigate trafficking online.
- ❖ **Technology is available to better identify, reach, and serve victims.** Tools like search-term-triggered messages, website widgets, and text short codes enable groups to find victims online, connect them with services, and encourage the general public to report human trafficking.
- ❖ **Alert consumers need more tools to leverage their purchasing power to reduce the demand for trafficking.** Public and private organizations are just beginning to create web-based and mobile tools to increase public awareness and educate consumers about how to help combat human trafficking.

Chapter-by-Chapter Summary and Recommendations

Chapter 1 – The Crime of Human Trafficking

Under current law, human trafficking involves controlling a person through force, fraud, or coercion for labor or services. It is a crime perpetrated against men, women, and children of every nationality and socioeconomic status. Human trafficking is a low-risk, high-profit business – an estimated \$32 billion-a-year global industry that has recently attracted the participation of increasingly sophisticated, organized criminal gangs. Domestic street gangs set aside traditional rivalries to set up commercial sex rings and maximize profits from the sale of young women. Transnational gangs use cross-border tunnels to move not only guns and drugs, but also human beings, from Mexico into California. The Internet and new technologies have also transformed the landscape of human trafficking. Traffickers use social media and other online tools to recruit victims and, in the case of sex trafficking, find and communicate with customers.

Chapter 2 – California’s Response to Human Trafficking

The framework used by the United States and the world to combat human trafficking is a “3P” paradigm – prevention, protection, and prosecution. A “fourth P” – partnership – was introduced in 2009. California’s anti-human trafficking efforts have addressed each piece of

this 4P paradigm through the establishment of the state's nine regional task forces and training offered statewide for victim service providers, medical professionals, law enforcement, airport personnel, and others. A number of cross-border partnerships with Mexican authorities are also underway to combat human trafficking, as well as critical interstate and federal efforts. Federal and state laws support these efforts by penalizing traffickers and providing victims with resources and support.

Chapter 3 – Identifying the Scope of Human Trafficking in California

It remains a key challenge to identify the scope of human trafficking in California, as statistical data on victims, arrests, and convictions are unreliable. As described in the 2007 report, the crime itself is hidden and under-reported. Common categories and shared definitions do not exist – nor is there any single agency responsible for statewide data collection. As a further complicating factor, potential cases of human trafficking are often investigated and prosecuted under related offenses such as pimping, pandering, and prostitution rather than the Penal Code 236.1, which criminalizes human trafficking.

The 2007 report included limited data from five of the six regional task forces that existed at the time, as well as the results of surveys and interviews conducted by the California Alliance to Combat Trafficking and Slavery Task Force. This report collects and analyzes data from California's nine regional task forces, the National Human Trafficking Resource Center hotline, arrest and conviction records, and trafficking victim assistance programs. Between mid-2010 and mid-2012, California's regional task forces initiated over 2,500 investigations, identified nearly 1,300 victims of human trafficking, and arrested nearly 1,800 individuals.

Recommendations

1. **Gather Comprehensive Human Trafficking Information:** California needs a central clearinghouse to coordinate and compile human trafficking information from local, state, and federal law enforcement agencies and governments, as well as non-governmental organizations. It is important for any data collection effort to take special care to ensure that all partners share common working definitions of key terms, and to address the relative dearth of information about labor trafficking as compared to sex trafficking.
2. **Utilize California's Fusion Center System for Human Trafficking Information Sharing:** California lacks a centralized mechanism for the collection, analysis, and dissemination of human trafficking information. California's State Threat Assessment System (STAS) provides critical tactical and strategic intelligence about trends and emerging patterns relating to criminal activity across the state, and ensures that first responders and policy makers are provided with relevant and timely situational awareness, as well as information on traffickers' current tactics and techniques. In coordination with the Attorney General's Office, California's anti-trafficking task forces

should partner with other local, state, and federal law enforcement and the STAS to improve California's human trafficking information sharing environment.

Chapter 4 – Holding Traffickers Accountable: Law Enforcement Investigations and Prosecutions

Human trafficking is often hidden in plain sight. Victims may appear at first glance to be willing prostitutes or laborers who are legally compensated. The business of sex trafficking, in particular, has moved online. Traffickers use the Internet to increase their reach, both in recruiting victims through social media and finding clients via advertisements posted on classified advertising websites such as Backpage.com. In addition to moving online, increasingly sophisticated, highly-funded criminal organizations have also turned to trafficking human beings. Traditional law enforcement tools should be supplemented with innovative investigative techniques to combat these emerging challenges. For example, while technology is being used to perpetrate human trafficking, that same technology can provide a digital trail – a valuable investigative tool if law enforcement can quickly and efficiently monitor, collect, and analyze online data and activities. Several research and development efforts are currently underway to determine how law enforcement can use technology to combat human trafficking.

In addition to exploring new investigative tools, it is recommended that all peace officers in a law enforcement agency receive baseline training in human trafficking and that, when possible, expertise is developed through the use of vertical prosecution units and partnerships with regional task forces and victim service providers. A victim-centered approach that avoids treating victims as perpetrators will help law enforcement ensure victims have access to resources and assistance to rebuild their lives, and that they are able to cooperate with law enforcement and support efforts to bring their traffickers to justice.

Recommendations

1. **Tailor Law Enforcement and Prosecution Operations to Handle Human Trafficking Cases:** Human trafficking is a serious crime that involves increasingly sophisticated criminal actors and requires an equally sophisticated and coordinated law enforcement response:
 - a. **Cross-Unit Training:** Baseline human trafficking training can help every peace officer within a law enforcement agency, as well as other government entities outside the criminal law enforcement context, learn how to identify instances of human trafficking that they may encounter in the course of their duties.
 - b. **Cross-Unit Coordination:** Human traffickers often engage in a variety of other criminal activity such as drug dealing or money laundering, which may be investigated primarily by specialized law enforcement units. Various units within a law enforcement agency need to collaborate to identify and investigate human trafficking. For example, a gang unit may investigate a drug trafficking case

only to discover that the gang is also trafficking human beings. Likewise, a unit that specializes in white-collar crime may come across a forced labor situation while investigating suspicious business activity or money laundering.

- c. **Specialized Expertise:** Appoint (an individual (or a team)) to specialize in human trafficking and handle referrals from other units. Traditionally, vice units are charged with investigating and working with prosecutors to charge commercial sex cases. However, to draw on all skill sets needed to effectively identify victims and disrupt increasingly sophisticated, organized criminal networks engaged in trafficking, agencies should consider handling human trafficking cases outside of routine vice operations. It is also recommended that, where possible, a vertical prosecution model be employed.

These approaches to developing human trafficking expertise are especially important for smaller or remote departments with limited resources and those that lack access to a regional task force. Regular interactions and partnerships with victim service providers can prove useful at every stage of an investigation or prosecution. It is recommended that law enforcement and prosecutors invite these partners to participate in any encounter with a victim – from the first post-rescue meeting to interviews and court appearances.

- 2. **Leverage Technology to Combat Trafficking:** Law enforcement has not harnessed technology as effectively as criminal traffickers. To address that situation, at least two efforts are recommended:
 - a. **Track How Traffickers Operate:** Law enforcement training is needed on how traffickers use technology to recruit victims and avoid law enforcement detection, with particular attention given to online gaming communities, social networking sites, online classifieds, job recruitment sites, and the use of mobile phones.
 - b. **Exploit Technology for Investigations:** Through collaboration, law enforcement, non-governmental organizations, technology companies, and academia can provide technical assistance and training for law enforcement on the new technologies that law enforcement can use to improve investigation tactics.
- 3. **Leverage Cross-Border Partnerships to Fight Trafficking on Multiple Fronts:** To combat dangerous criminal partnerships between local and transnational gangs, the Attorney General's Office should collaborate with other border states, the federal government, and Mexican authorities to share information and best practices for law enforcement in both countries to recognize common signs and patterns of human trafficking and provide support and services to victims.

Chapter 5 – Victim-Centered Approach: Protecting and Assisting Victims of Human Trafficking

By its nature, human trafficking presents significant obstacles to those who seek to protect and assist victims. Identifying the crime can be difficult because traffickers often isolate victims from their families, communities, and the public. A victim-centered approach has already started to take hold in California and should continue to be adopted. The victim-centered approach begins with training law enforcement, first responders, and non-traditional first identifiers on how to recognize and respond to human trafficking. In a 2-year period ending June 2012, California's nine regional task forces trained over 25,000 law enforcement personnel, prosecutors, victim service providers, and other first responders. Second, it is important that victims are aware of and have access to critical services to meet their immediate safety, health, and housing needs. Third, the Internet, social media, and mobile devices provide new avenues for outreach to victims of human trafficking. Governmental and non-governmental actors should embrace these new technologies to identify and assist victims.

Finally, California can promote the victim-centered approach by permitting human trafficking victims to expunge records of a conviction that resulted from forced labor or services, ensuring that California Victim Compensation Program (CalVCP) benefits are fairly applied to victims of human trafficking, and offering trafficking caseworkers confidentiality privilege training.

Recommendations

1. Improve Health Care Providers' Ability to Help Victims:

- a. **Training for First Responders and Health Care Professionals:** Health care providers, academia, and the victim services community should work together to develop appropriate training that helps first responders and health care professionals identify human trafficking victims, determine victims' mental health and medical needs, and access available resources.
- b. **Mandatory Reporting:** Human trafficking is not a mandated reportable offense for medical professionals. The Legislature may consider legislation to make human trafficking a mandated reportable event for medical professionals.

2. Improve Victims' Ability to Seek Help:

- a. **Accessible Information Online:** Many victims of human trafficking have Internet access. Internet companies should collaborate with law enforcement and community groups to develop online tools to give victims access to help and to generally raise public awareness of human trafficking.
- b. **Caseworker Confidentiality Privilege:** The California Evidence Code provides that a trafficking victim has a privilege to refuse to disclose and to prevent others from disclosing confidential communication between the victim and a human trafficking

caseworker. This privilege can be asserted only if the human trafficking caseworker who receives the communication has received specialized training in the counseling of human trafficking victims. There is, however, no such standardized training program in California. A standardized training program would aid human trafficking caseworkers in offering the benefits of privileged communication to the victims they serve.

3. Improve Services and Benefits Available to Victims:

- a. **Long-Term Centers:** There is a continuing need for safe, long-term shelter for trafficking victims. Key leaders and policy makers in California should explore public and private options for creating long-term centers that provide housing and comprehensive services tailored to meet the needs of trafficking victims, especially male victims and victims under age 18.
- b. **Access to Legal Services:** The provision of legal services for trafficking survivors has not kept up with the demand for assistance. The legal community in California (e.g., bar associations, legal assistance organizations, and *pro bono* attorneys) can help by creating regional and statewide networks of legal service providers who are proficient in assistance, benefits, and immigration options for human trafficking victims and who can train and mentor other legal service providers to assist NGOs and victims. The need for legal services in rural and underserved populations of California is an issue especially worthy of examination.
- c. **Eligibility for CalVCP Benefits:** The factors for denial of CalVCP benefits may be overly broad as applied to victims of human trafficking. The California Victim Compensation and Government Claims Board, which administers CalVCP, is encouraged to re-evaluate the eligibility of human trafficking victims for benefits and propose any appropriate modifications to ensure the program is fairly applied for victims of human trafficking.
- d. **Awareness of Services:** Human trafficking victims and victim service providers are not always connected with county health and social service programs. Including county victim assistance, health, and social service agencies in local or regional human trafficking coalitions can help coordinate outreach and education about the resources available for human trafficking victims in the region, and how victims can access those resources.

4. Help Victims Rebuild:

- a. **Conviction Records:** Human trafficking victims who are coerced by traffickers into commercial sex may be prosecuted for crimes like prostitution in connection with their victimization. The Legislature may wish to consider legislation permitting human trafficking victims to seal and expunge records of a conviction that results from coercion into forced labor or services.

Chapter 6 – Prevention and Public Education: Reducing Demand for Human Trafficking

To create a future without human trafficking in California and across the world requires, in addition to the efforts described in previous chapters, targeted efforts to address the demand for exploitive labor and sexual services. There are currently efforts underway to study and develop innovative technologies to prevent and disrupt human trafficking online. For example, organizations have produced mobile apps designed to help consumers leverage their purchasing power and hold corporations accountable for ensuring humane and legal supply chains for their products. In addition, California has enacted laws to prohibit state contractors from engaging in human trafficking by, for example, requiring state contractors to certify that they comply with California labor laws and that the goods they provide were not produced by sweatshop or child labor. With greater understanding of the crime, and a clear tool or means to make a difference, consumers and businesses alike will be more likely to take steps to diminish the demand for forced labor.

Recommendations

1. **Promote Clean Supply Chains:** California retailers and manufacturers of all sizes should consider creating policies to disclose their efforts to limit human trafficking in their supply chains, even if they fall beneath the \$100 million corporate revenue threshold contained in the California Transparency in Supply Chains Act. This will provide consumers with the opportunity to use their purchasing decisions as a tool to eradicate human trafficking.
2. **Strengthen Restrictions on State Contractors:** Consistent with recently enacted federal contracting requirements, it is recommended that the Legislature consider prohibiting state and local government contractors from engaging in suspicious employment practices that are hallmarks of trafficking, including the use of misleading or fraudulent practices during the recruitment of employees. Examples of these practices include making material misrepresentations about key terms of employment or living conditions, charging employees recruitment fees, and destroying or otherwise limiting an employee's access to his or her identity documents, such as passports or driver's licenses.
3. **Increase Public Awareness:** To raise awareness of this crime, public and private anti-trafficking partners can mount a coordinated, comprehensive public awareness campaign to improve awareness of human trafficking amongst the general public.

End Notes:

- ¹ "Human Trafficking Fact Sheet," U.S. Department of Health & Human Services, accessed October 26, 2012, <http://acf.hhs.gov/programs/orr/resource/fact-sheet-human-trafficking>.
- ² Patrick Belser, "Forced Labour and Human Trafficking: Estimating the Profits," (Geneva: International Labour Office, 2005), 18, accessed October 26, 2012, http://ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081971.pdf.
- ³ "Human Trafficking Fact Sheet," U.S. Department of Health & Human Services, accessed October 26, 2012, <http://acf.hhs.gov/programs/orr/resource/fact-sheet-human-trafficking>.
- ⁴ "A Serious Problem - Around the World and in the USA," Coalition to Abolish Slavery and Trafficking, accessed October 26, 2012, <http://castla.org/key-stats>.

The State of

**Human Trafficking in
California**

**Part I
Background**



The Crime of Human Trafficking

*“Slavery is founded in the selfishness of man’s nature –
opposition to it, is his love of justice.”*

President Abraham Lincoln, October 16, 1854

Human trafficking is a modern form of slavery. It involves controlling a person through force, fraud, or coercion to exploit the victim for forced labor, sexual exploitation, or both. Human trafficking strips victims of their freedom and violates our nation’s promise that every person in the United States is guaranteed basic human rights. It is also a crime.

To lay the foundation for an examination of the state of human trafficking in California today, this chapter explores the crime from a variety of angles. Along with an overview of the definitions of human trafficking and its various types, this chapter also explores emerging trends – including the increased participation by transnational gangs who move guns, drugs, and human beings across the border with Mexico, as well as domestic street gangs that set aside their traditional rivalries to profit from the sale of young women. This chapter also describes another key theme of this report: the use by traffickers of technology and social media to recruit victims and facilitate the crime.

Definitions of Human Trafficking

With the passage of AB 22 in 2005, the California Legislature defined human trafficking as “all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.”¹ As codified in the California Penal Code, anyone who “deprives or violates the personal liberty of another with the intent . . . to obtain forced labor or services” is guilty of human trafficking.² Depriving or violating a person’s liberty includes “substantial and sustained restriction of another’s liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reason-

ably believes that it is likely that the person making the threat would carry it out.”³ Forced labor or services include “labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person.”⁴

Federal law defines human trafficking as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age”; or “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”⁵

Both state and federal definitions include a critical aspect of this crime: victims are exploited by “force, fraud, or coercion.” In the context of human trafficking, force typically involves physical and/or sexual abuse, as well as isolation and confinement. It is important to note, however, that this crime does not require physical force, physical bondage, or physical restraint. Coercion is also measured as a psychologically-based form of control, which may be exerted through threats of harm to the victim and his or her family or threats of deportation. Fraud can occur when a trafficker deceives a victim, often with the promise of a legitimate job – only to force him or her into slavery.

Human trafficking takes several forms. It may involve recruiting, smuggling, transporting, harboring, buying, or selling a person for prostitution, domestic servitude, sweatshop labor, migrant work, agricultural labor, peonage, bondage, or involuntary servitude. While human trafficking often involves the smuggling of human beings across international borders, numerous Americans are trafficked within the United States every year.

Types of Human Trafficking

Sex Trafficking

Sex trafficking is the act of forcing, coercing, or transporting a person for the purpose of a commercial sex act. These crimes are primarily committed against women and children. Sex trafficking can occur in residential brothels, brothels disguised as massage parlors, strip clubs, and via online escort services and street prostitution.

Labor Trafficking

Labor trafficking is the act of forcing a person to work for little or no money. It can include forced labor in underground markets and sweatshops, as well as legitimate businesses such as hotels, factories, restaurants, construction sites, farming, landscaping, nail salons, and traveling sales crews.

Domestic Servitude

A form of labor trafficking, domestic servitude often involves women who are forced to live and work in the homes of employers who confiscate their legal documents and prevent them from leaving. Domestic workers can be U.S. citizens, lawfully-admitted foreign nationals, or undocumented immigrants.

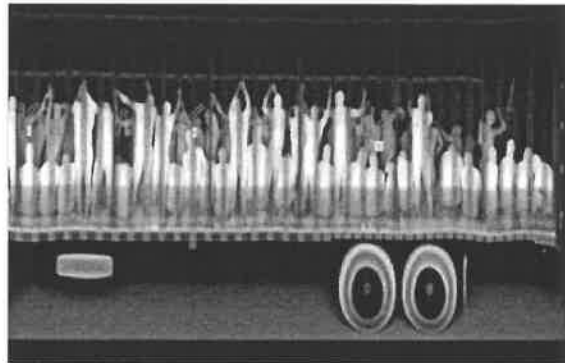
Domestic Servitude

In November 2010, a woman received a 37-month prison sentence for forcing a Chinese woman to work without pay as a domestic servant in her Fremont home. The trafficker forced the victim to cook, clean, and perform child care services. The trafficker, who was 62 at the time of her sentencing, physically abused the victim and confiscated her passport, visa, and other documents. She also admitted to telling the victim that she needed to remain inside the house because she was an illegal alien.⁶

Human Trafficking and Smuggling: Different Crimes

Though they are often confused, human trafficking and smuggling are separate and fundamentally different crimes. Human trafficking is a crime against the person whereas smuggling is a crime against the state. Smuggling occurs when a person voluntarily requests or hires a person, known as a smuggler, to transport him or her across a border for a fee.⁷ At least theoretically, a person who is smuggled into the United States is free to leave upon payment of a prearranged fee, while a victim of human trafficking is enslaved to supply labor or services. Unlike smuggling, the crime of human trafficking does not require travel or transportation of the victim across borders. Thus, human trafficking can (and does) occur domestically, with victims who are born and raised in California and other states.

It is possible for a person who has been smuggled into the United States to be trafficked in the United States. In some cases, individuals are smuggled into the United States or brought here under lawful temporary work visas, and are then trafficked.⁸ In such situations, the trafficker typically claims that the person owes more than the original price to bring him or her into the country, with the victim pressured to pay off the false debt.



A photograph provided by the Government of Chiapas depicts an X-ray view of a semi-truck loaded with 513 individuals. Once these individuals and others like them reach the United States, they may be trafficked.

Economic Drivers of Human Trafficking

The United States is widely regarded as a destination country for modern slavery. The U.S. Department of State estimates that 14,500 to 17,500 victims are trafficked into the United States each year.⁹ This figure does not include victims who are trafficked within the country each year.

Labor Trafficking

Working with a co-conspirator in the Philippines, a Paso Robles couple lured victims to the United States with the promise of good jobs. After arriving in this country, the victims worked in one of the couple's four elder care facilities – often on 24-hour-shifts. They were paid less than minimum wage and told they needed to pay off their “debt” to the traffickers. The victims slept on sofas, and in closets and an unheated garage, and were kept in line with threats of phone calls to the police or immigration authorities. After an observant and concerned member of the community reached out to law enforcement, the victims were rescued. In 2012, the labor traffickers were sentenced to 18 months in federal prison.¹⁰

Victims of human trafficking can be involved in agricultural and construction labor, hotel and motel cleaning services, organized theft rings, pornography, prostitution, restaurant and domestic service, servile marriage (mail-order brides), and sweatshops, among other work.

The root causes of international human trafficking identified in the 2007 *Human Trafficking in California* report are still key motivators. The underlying economic and social conditions in “source” and “destination” countries serve to create both the supply and demand for the global trade in persons.

In “source” countries, key “push” factors that help to create a ready supply of potential victims include poverty and an unstable political structure. Women are disproportionately impacted by global poverty – and make up the majority of human trafficking victims. Although an impoverished background is a factor in human trafficking since it is also an indicator of vulnerability, many victims of human trafficking are not from impoverished backgrounds.

The dominant “pull” factors that serve as a magnet for human trafficking in “destination” countries include the demand by certain industries for cheap labor due to fierce competition in the increasingly global economy.

The same principles apply to domestic human trafficking: among other factors, poverty and instability within a family or community can make men, women, and children vulnerable to trafficking.

Increased Role of Domestic and Transnational Gangs

Street gangs are evolving into sophisticated, organized criminal enterprises motivated primarily by high profit. They are increasingly migrating to commercial sexual exploitation to fund their operations. The prevailing wisdom among these criminals is that human trafficking is more profitable and has a lower risk of being detected than drug or weapons trafficking.¹¹ While a trafficker can sell a gun or drugs once before investing additional resources to replenish his supply, he can sell the same person over and over. Human beings provide a renewable

Domestic and Gang Sex Trafficking

In 2011, 38 members of the Oceanside Crips Enterprise – made up of three separate Crip gang sets – were charged with a racketeering conspiracy, including the prostitution of minors and adults. The defendants allegedly set aside traditional gang distinctions and collaborated to expand their territory against rival gangs and engage in the sex trafficking of girls and women, along with attempted murder, kidnapping, and other crimes.

According to the indictment, the Enterprise operated within a “pimping” subculture known as “The Game,” in which victims, often runaways or otherwise vulnerable girls, were recruited on MySpace, Facebook, and Twitter. Once under the gang members’ control, the girls were kept locked in a hotel for 12 hours a day and forced to work as prostitutes. Victims were routinely given drugs and alcohol and physically abused or humiliated for violating the strict rules of “The Game.”¹²

source of profits. Girls and women are treated as property, and pimps reinforce their ownership by branding them with tattoos of symbols or the pimp’s name.¹³

Some domestic street gangs, including the Bloods and Sureños, have set aside their conflicts and territorial disputes in the interest of organized criminal collaboration. As a result, gangs that were traditionally rivals are increasingly working together to profit from forced prostitution and forced labor of minor and adult victims. According to the FBI’s 2011 National Gang Threat Assessment report, transnational criminal organizations such as Mara Salvatrucha, or MS-13, and Somali gangs have also turned to human smuggling and human trafficking.¹⁴

The low-risk, high-reward nature of human trafficking has enticed transnational gangs to partner with domestic street gangs in the United States. The Mexican drug trafficking organizations control the smuggling routes and the street gangs in the United States have knowledge of local contacts and criminal activity hot spots. These gangs join forces to smuggle victims across the border from Mexico and then traffic them in the United States. Mexican drug trafficking organizations supply the smuggled victims, while local gangs exploit them once they arrive by forcing them into servitude to repay the smuggling fee, which may have increased upon arrival in the United States. According to the State Threat Assessment Center, Mexican cartels – with their easy access to individuals seeking entrance into the United States – have a readily available source of victims to supply the domestic human trafficking trade. These alliances give criminal gang networks both international reach and local expertise at moving people and evading law enforcement, a dangerous combination for public safety.

Highlighting the scope of the problem, in 2012, special agents with the U.S. Immigration and Customs Enforcement’s Homeland Security Investigations worked with 148 federal, state, local, and international law enforcement to arrest 637 gang members from 168 gangs – more than 40 percent of whom were affiliated with human smuggling and trafficking. The arrests spanned 150 cities in the United States and Honduras.¹⁵

Human trafficking is a significant concern in Mexico as well. The Procuraduría General de la República de México – Office of the Attorney General of Mexico – reported to the Mexican Congress recently that there were at least 47 criminal networks engaged in sex trafficking. It estimated 800,000 adults and 20,000 children are annual victims of human trafficking in Mexico. Two of the Mexican states identified as routes for trafficking – Baja California and Chihuahua – share borders with the United States.¹⁶

Mexican cartels build and operate underground cross-border tunnels for trafficking guns, drugs, and human beings into California. From 2007 to 2011, more than 75 cross-border trafficking and smuggling tunnels were discovered, most of them in California and Arizona.¹⁷ The highly sophisticated nature of some of these tunnels is further evidence of extremely well-funded, meticulous, and organized operations.



This tunnel, discovered in 2011, was used for trafficking drugs across the border and resembles other tunnels that can be used for the trafficking of persons. It ran more than 600 yards and was equipped with electric rail cars, lighting, reinforced walls, and wooden floors. The tunnel also had hydraulic doors and an elevator.

In California, traffickers take advantage of the state's borders, major international airports and ports and major interstate (and intrastate) highways to move victims to where they can be exploited for the highest prices. These profit-driven criminal enterprises will continue to engage in human trafficking as long as the rewards are high and the risks remain low.

Human Trafficking At-A-Glance

20.9 million = estimated # human trafficking victims worldwide at any time, including:

14.2 million – labor exploitation

4.5 million – sexual exploitation

2.2 million – state imposed forced labor

55% of forced labor victims are women and girls

98% of sex trafficking victims are women and girls¹⁸

Domestic and Gang Sex Trafficking

"It made me money. I was tired of living on the streets," a former teen prostitute named "R.C." told 10News in San Diego. R.C. was 15-years-old and living in a homeless shelter when she was recruited by pimps from the gang "Pimpin' Hoes Daily" (PhD). She was told she would never want for anything again. But, as she testified in March 2005, her pimp gave her only enough money to eat and survive while pocketing hundreds of dollars every day. Before she returned home to her mother, she endured brutal beatings, including one in which she was stuffed into the trunk of a Cadillac.¹⁹

Who are the Victims of Human Trafficking?

Victims of human trafficking include not only men and women lured into forced labor by the promise of a better life in the United States, but also boys and girls who were born and raised here in California. A victim of this crime could be a man who is a farm worker, a woman trapped in domestic servitude, or a child forced into prostitution.

Approximately three out of every 1,000 persons worldwide were in forced labor at any given point in time between 2002 and 2011.²⁰

Victims of human trafficking represent a range of backgrounds in terms of age, nationality, socioeconomic status, and education, but one characteristic that they usually share is some form of vulnerability.²¹ They are often isolated from their families and social networks. In some cases, victims are separated from their country of origin, native language, and culture. Victims who are undocumented immigrants often do not report abuses to the authorities out of distrust of law enforcement, and/or fear of arrest, injury to family members, deportation, or other serious reprisals. Many domestic victims of sex trafficking are underage runaways and/or come from backgrounds of sexual and physical abuse, incest, poverty, or addiction.

Who are the Perpetrators of Human Trafficking?

Traffickers are those who recruit, harbor, obtain, and provide victims to buyers of labor or sexual services. Traffickers operate out of both legitimate and illegitimate businesses. They can be labor brokers, agricultural growers, restaurant and hotel managers, construction site supervisors, factory owners, and employers of domestic servants. They can also be involved in illegal enterprises, such as brothels, child pornography, pimping, gang networks, and organized crime.²²

Traffickers are men and women of all races and nationalities. Like perpetrators of sexual assault and abuse, they may know their victims as family members, intimate partners, or acquaintances; however, they can also be strangers. In many cases, traffickers and their victims share the same national, ethnic, or cultural background, which allows the trafficker to exploit the vulnerabilities of their victims.²³

Domestic Sex Trafficking

For more than a year, a Sacramento man recruited teenage girls to work as prostitutes by promising them drugs, money, and a family-like environment. The man, along with his wife, used websites to advertise the victims and controlled them through physical force and threats of violence. The man was arrested in August 2011 when police responded to a motel near the San Francisco airport and found him with a 19-year-old and two 16-year-olds. He pleaded guilty and was sentenced to nine years in federal prison.²⁴

Domestic traffickers focus on easy targets for exploitation. They often recruit vulnerable children and teens from junior high and high schools, courthouses, foster and group homes, bus and train stations, shopping malls, homeless shelters, halfway houses, bars, parks, and playgrounds.²⁵ Members of the Work Group noted that truant teens are also a frequent target for recruiters.

Gangs and the “Pimp” Subculture

As practiced by some gangs, the pimp subculture includes a strict set of rules. Polaris Project, a nonprofit dedicated to ending modern-day slavery, developed a guide for service providers and law enforcement that describes some of the rules and terminology of the pimp subculture. The girls and women under a pimp’s control are often required to meet daily quotas; if the dollar amount is not met, she may face punishment in the form of beatings or verbal, psychological, and emotional abuse.²⁶

To protect his identity and establish his role as the authority figure, a pimp often requires the girls and women under his control to call him “Daddy,” while each individual is referred to as a “wife-in-law” or as “family.”²⁷

The girl or woman who has the longest history with the pimp, or who is favored by him, is sometimes known as the “Bottom Bitch” or the “Bottom.” She is middle management. Her role is typically to help control the other women and girls through threats or force. Often the “Bottom Bitch” is also forced to recruit new victims.²⁸

As organized gangs have discovered, prostitution is a highly profitable business. Polaris Project conducted an informal study to estimate the wages of a pimp who controlled four young women and girls. One of his victims, a teenage girl, was forced to meet quotas of \$500 per night, seven days a week. Based on these quotas, the trafficker made over \$600,000 in one year.²⁹

A common form of recruitment involves the techniques of what is known as a “Romeo Pimp,” who entices his victims with gifts and affection and presents himself as a boyfriend.

Domestic Sex Trafficking

In June 2011, a transient woman from Texas accepted a ride and motel room from a man in San Jose. The next morning, he demanded money and ordered her to prostitute to repay the debt. When she refused, he threatened and assaulted her. At that point, he had already posted an ad for her services online and set up a client in San Francisco. The woman escaped from the room and asked motel staff to call 911. After his arrest, investigators searched the man's computer and discovered explicit photographs of a 17-year-old girl from a group home who he was actively exploiting as a prostitute. The trafficker was sentenced to more than nine years in prison.³⁰

The "Romeo Pimp" uses flattery to lure victims. For young victims and those who have experienced neglect or abuse, this may be their first exposure to positive attention. The false sense of security and promises of wealth can be especially seductive to an emotionally or financially vulnerable child or teen.

Once a "Romeo Pimp" has gained a victim's trust, he systematically breaks down her resistance, support systems, and self-esteem. Victims are coerced into submission through gang rape, confinement, beatings, torture, cutting, tattooing, burning, branding, being deprived of basic needs, and threats of murder.

"Romeo Pimp" – From a Dating Website to Backpage.com

"I field my hustle so you can make \$1,000 a day. So how much did you make today? \$680? That means you owe me \$340 because my time is money."

- From a recorded phone call between a Long Beach man and one of the five women he was accused in a federal complaint of forcing into prostitution.

At least five women cooperated with law enforcement in a sting operation at a Santa Ana hotel, and each told a similar story of meeting a man through an online dating website and being wooed by him. The women said they believed they were entering into a monogamous relationship with the defendant before he began physically abusing them. The women told investigators he kept them locked in a motel room, said he would send nude photos of them to their families, and even threatened to kill one of their children.

He allegedly forced the women to work as high-end prostitutes and perform sexual services for \$300 per hour. Investigators told KTLA News in Los Angeles they responded to ads on Backpage.com and spoke with five victims who said they were being forced into prostitution. After detectives arrested the defendant, the human trafficking case was turned over to the FBI task force.^{31,32}

International Sex Trafficking

Though previously deported from the United States, a Mexican national returned to California in 2008 to run an outdoor brothel in a remote San Diego-area canyon. He separately seduced two younger women from his hometown, introducing each woman to his family as his “wife” before coercing them into prostitution and transporting them to California. At his 2010 trial, the women testified that he used their love for him as a means of control, along with threats of violence and beatings. The man was sentenced to more than 20 years and ordered to pay \$1.4 million in restitution.³³

Means and Methods of Human Trafficking

Victims of human trafficking in all its forms are often reluctant to report their situation or attempt to escape. Foreign national victims may be fearful or mistrustful of law enforcement as a result of their illegal status or experiences in their home countries. Traffickers exploit these fears to maintain control, and will often confiscate a victim’s passport or legal and travel documents. Traffickers also tell victims if they attempt to escape or seek help from the authorities, they will be imprisoned or deported. Victims, who may have been promised good jobs in the United States, can be found working for little or no pay in the commercial sex trade, as well as sweatshops, traveling sales crews, hotels, factories, restaurants, construction sites, farming, landscaping, and nail salons.

Victims of domestic servitude are purchased or coerced by an individual and/or head of household to cook, clean, perform childcare, elder care, gardening, and other household work. They are often kept under lock and key, which makes identifying and rescuing these victims especially difficult.

In many cases of human trafficking, an exploiter intentionally deconstructs a victim’s identity, starting with a new name and false identification. The trafficker dominates every facet of a victim’s life and will often ply victims forced to work as prostitutes with drugs and alcohol to ensure their cooperation and dependence. Traffickers also ensure compliance by threatening to harm or kill a victim and his or her loved ones.

To keep sex trafficking victims disoriented and less likely to know where to seek help, traffickers will move them from city to city. Popular destinations are large and/or diverse cities or those with major highway and interstate corridors. The interstate infrastructure of major metropolitan areas allows traffickers to easily transport women from Sacramento to Las Vegas – or between San Diego and Los Angeles. Constant movement also facilitates the covert nature of the crime and keeps it hidden from law enforcement. Traffickers market the victims, who are most often young women, as “new in town” or “in town for the weekend,” thus maintaining an ever-changing “product line.”

Online classified advertisements for sex services allow clients not only to order a young woman who is “new in town,” but also according to preferences in skin, hair, and eye color, as well as ethnicity, age, height, and body type. Racial and ethnic stereotypes are frequently used in online ads, with Native American women marketed as “Pocahontas”³⁴ and African American women as “Brown Sugar.” Victims of sex trafficking are profoundly dehumanized. Women and children – and, in some cases, men – are treated by traffickers and clients alike as expendable commodities. Clients are often free to do as they please with human beings who are seen as “products,” from refusing to wear a condom to inflicting brutal beatings and other forms of degradation.

Role of Technology in Human Trafficking

As discussed by the Work Group, technology and social media have transformed human trafficking in California and reshaped the way traffickers control victims, exchange and launder money, and connect with underground partnerships and organized crime syndicates.

Social networking sites provide unprecedented access to potential victims from around the world. Traffickers take advantage of the anonymity of online recruitment to lure unsuspecting victims into supposedly legitimate jobs, only to place them into bonded slavery. They also groom and recruit victims from Facebook and other sites.

Along with recruiting victims, traffickers use technology to reach a wide client base for prostitution services. The perceived anonymity of online transactions has emboldened traffickers to openly recruit, buy, and sell their victims.³⁶

Nowhere is the growth of sex trafficking on the Internet more apparent than on classified-advertisement sites. During a hearing of the U.S. House of Representatives Subcommittee on Crime, Terrorism, and Homeland Security in 2010, lawmakers voiced significant concern about advertisements for sex trafficking on online classified-advertisement sites. Pressure

Businesses as Facilitators of Human Trafficking

Human trafficking can be facilitated by businesses that promote the crime or accept bribes to remain silent. Examples include hotels and motels, landlords, labor brokers, taxi and other transportation services, classified advertising websites, and banks.

In 2011, a major sex trafficking ring was shut down in San Diego when 38 members of the Oceanside Crips Enterprise were arrested for pimping and prostituting women and girls. Charges were also filed against the owners of a motel in Oceanside who, according to the indictment, set aside rooms apart from the rest of their legitimate customers where girls and women were housed, charged the gang members/pimps a higher rate for the rooms where “dates” or “tricks” took place, and warned the gang members of inquiries by law enforcement.³⁵

from citizens, anti-trafficking groups, the media, and federal lawmakers led Craigslist.org to remove the “adult services” section from its site within the United States in September 2010, and, by December 2010, Craigslist had removed all adult service sections from its site worldwide.³⁷

But the problem remains, and unscrupulous websites like Backpage.com fill the void. While Backpage.com has touted its “aggressive” efforts to moderate and filter its content to the National Association of Attorneys General,³⁸ it actively opposes lawmakers’ efforts to require the company to more closely monitor the advertisements placed on its sites. In 2012, the State of Washington passed a bill to protect minors from being sold for sex. The law, which was designed to protect minors from being sexually exploited via advertisements on Backpage and in other publications, added new penalties for posting sex ads featuring minors. Backpage.com sued to stop the law from being enacted, claiming that, “[the obligations of SB 6521] would bring the practice of hosting third-party content to a grinding halt.”³⁹ Since Craigslist removed its adult services section, Backpage.com has reportedly increased its prostitution-ad revenue by 23.3 percent as compared with the previous year.⁴⁰

Conclusion

Human trafficking involves the use of force, fraud, or coercion to place a person in a situation of slavery. This fast-growing crime includes sex trafficking and forced labor, and its victims are men, women, and children who represent a wide range of ages, nationalities, and socioeconomic statuses. Like their victims, traffickers can be domestic or international. In recent years, the low-risk, high-profit nature of the crime has attracted organized criminal enterprises – including transnational gangs who move guns, drugs, and human beings across the border with Mexico and domestic street gangs that set aside their traditional rivalries to profit from the sale of young women. The perpetrators of this crime are also using increasingly sophisticated methods to exploit victims and evade law enforcement. The following chapters further describe the ways in which California has responded to these threats to public safety, the challenges we face in the fight to end human trafficking, and recommendations for improving these efforts.

End Notes:

- ¹ California Penal Code § 236.1 (2012); see also "What is Human Trafficking?," California Department of Justice, accessed October 26, 2012, <http://oag.ca.gov/human-trafficking/what-is>.
- ² California Penal Code § 236.1(a) (2012).
- ³ California Penal Code § 236.1(d)(1) (2012).
- ⁴ California Penal Code § 236.1(e) (2012). At the time of printing, there is an initiative measure currently on the ballot, Proposition 35, that would change, among other things, several provisions of § 236.1.
- ⁵ 22 U.S.C. § 7102(8) (2012).
- ⁶ Federal Bureau of Investigation, "California Woman Sentenced to More Than Three Years in Prison for Human Trafficking Charge, Daughter, Son-In-Law Sentenced on Immigration Charges" news release, November 17, 2010, <http://fbi.gov/sanfrancisco/press-releases/2010/sf111710.htm>.
- ⁷ 8 U.S.C. § 1324 (2012).
- ⁸ U.S. Department of State, Trafficking in Persons Report, (June 2012), 360, accessed October 26, 2012, <http://state.gov/jtip/rls/tiprpt/2012/>.
- ⁹ U.S. Department of State, Trafficking in Persons Report, (June 2004), 23, accessed October 26, 2012, <http://state.gov/jtip/rls/tiprpt/2004/>.
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- ¹⁵ U.S. Department of Homeland Security, "637 Gang Members and Associates Arrested During Project Nefarious," news release, April 25, 2012, <http://ice.gov/news/releases/1204/120425washingtondc.htm>.
- ¹⁶ Letter from Sergio Martínez Escamilla, Managing Director, Gen. Dep't of Pub. Policies & Inter-Inst. Coordination, to Antonio Hernández Legaspi, Head of the Legislative Liaison Unit of the Ministry of the Interior, March 12, 2012, (translated from Spanish).
- ¹⁷ U.S. Department of Homeland Security, "Highly Sophisticated Cross-Border Drug Tunnel Discovered Near San Diego," news release, November 30, 2011, <http://ice.gov/news/releases/1111/111130sandiego.htm>.
- ¹⁸ U.S. Department of State, Trafficking in Persons Report, (June 2012), 47, accessed October 26, 2012, <http://state.gov/jtip/rls/tiprpt/2012/>.
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- ²² "The Traffickers," Polaris Project, accessed October 26, 2012, <http://polarisproject.org/human-trafficking/overview/the-traffickers>.

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2

California's Response to Human Trafficking

"In recent years we've pursued a comprehensive approach reflected by the three Ps: prosecution, protection, and prevention. Well, it's time to add a fourth: partnership. The criminal network that enslaves millions of people crosses borders and spans continents. So our response must do the same. So we're committed to building new partnerships with governments and NGOs around the world, because the repercussions of trafficking affect us all."

Secretary of State Hillary Rodham Clinton, June 16, 2009

As the most populous state and a diverse border state with major international harbors and airports, California remains a major site of domestic and international human trafficking. This report, like the 2007 report of the California Alliance to Combat Trafficking and Slavery, aims to not only explore the scope of human trafficking in California, but also to provide an overview of the state's response to the crime.

The fundamental framework used by the United States and the world to combat human trafficking is a "3P" paradigm – prevention, protection, and prosecution. In 2009, the "fourth P" – partnership – was announced by Secretary of State Hillary Rodham Clinton as a critical new piece of the anti-human trafficking strategy advanced worldwide by the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons.¹

This chapter addresses California's response under the 4P paradigm, from collaborative work to bring traffickers to justice to training programs to provide a broad range of Californians with tools to identify and assist victims of human trafficking. This chapter also discusses efforts to develop cross-border partnerships with Mexican authorities around shared priorities to combat human trafficking.

California's Regional Anti-Human Trafficking Task Forces

Today, California has nine regional anti-human trafficking task forces – three more than existed at the time of the 2007 report. These task forces employ a comprehensive, victim-centered approach and are made up of law enforcement and local, state, and federal prosecutors, as well

as other governmental leaders and nongovernmental organizations (NGOs). As part of their work to combat human trafficking, the task forces also provide training to a variety of audiences on how to identify and respond to the crime.

California's regional task forces have received funding from a variety of sources, including the U.S. Department of Justice (U.S. DOJ) and the California Emergency Management Agency (Cal EMA), which used American Recovery and Reinvestment Act grant funds in 2009 to supplement the existing six task forces and establish three new regional task forces.²

California's nine regional anti-human trafficking task forces include:

❖ **East Bay Human Trafficking Task Force (Oakland)**

(Established in 2004)

The East Bay task force is led by the Oakland Police Department in partnership with the Alameda County District Attorney's Human Exploitation and Trafficking (H.E.A.T.) Unit, and Bay Area Women Against Rape.

❖ **Fresno Coalition Against Human Trafficking (Fresno)**

(Established in 2010)

The Fresno Coalition Against Human Trafficking is a joint effort between the Fresno Police Department, the Fresno County Economic Opportunities Coalition, and the Marjaree Mason Center.

❖ **Los Angeles Metro Area Task Force on Human Trafficking (Los Angeles)**

(Established in 2004)

The Los Angeles task force, which is led jointly by the Los Angeles Police Department and the Coalition to Abolish Slavery and Trafficking (CAST), is comprised of representatives of federal and local law enforcement, prosecution agencies, and social service providers. It also coordinates with one of the FBI's Innocence Lost task forces.

❖ **North Bay Human Trafficking Task Force (San Francisco)**

(Established in 2005)

The North Bay task force operates under the leadership of the San Francisco Police Department, in collaboration with the Standing Against Global Exploitation (SAGE) Project, and the Asian Anti-Trafficking Collaborative.

❖ **Orange County Human Trafficking Task Force (Westminster)**

(Established in 2004)

The Orange County task force is a collaboration of law enforcement, NGOs, faith-based organizations, and the community, with leadership provided by the Westminster Police Department, Community Service Programs, the Anaheim Police Department, the FBI, the Public Law Center, and the Salvation Army. In 2010, Cal EMA provided this task force

with an additional \$1.2 million grant to help develop a statewide training program on the trafficking of minors for law enforcement and other first responders.

❖ **Riverside County Anti-Human Trafficking Task Force (Riverside)**
(Established in 2010)

The Riverside task force includes the Riverside County Sheriff's Department, the Riverside District Attorney's Office, Million Kids, and Operation SafeHouse.

❖ **Sacramento Innocence Lost Task Force (Sacramento)**
(Established in 2010)

The Sacramento task force operates as one of the FBI's Innocence Lost task forces through a partnership between the FBI and the Sacramento County Sheriff's Department, along with Courage to Be You and the Sacramento Rescue and Restore Coalition.

❖ **San Diego North County Anti-Trafficking Task Force (San Diego)**
(Established in 2004, re-organized in 2010)

The San Diego Sheriff's Department, Vista Substation leads this task force, which works in collaboration with the Bilateral Safety Corridor and the U.S. Attorney's Office.

❖ **San Jose/South Bay Human Trafficking Task Force (San Jose)**
(Established in 2005)

The San Jose task force is led primarily by the San Jose Police Department, which partners with Community Solutions and other agencies and organizations to raise awareness and provide resources to victims of trafficking.

For additional resources, including contact information for the task forces and NGOs with which they work, see Appendix B. The Human Trafficking page on the Attorney General's website has additional resources: <http://oag.ca.gov/human-trafficking/fighting>.

Cross-Border Partnerships

California and Mexico share not only a border, but also law enforcement concerns, especially around transnational gangs and the trafficking of guns, drugs, and human beings. The following are key efforts by the California Attorney General's Office and the Conference of Western Attorneys General to foster cross-border partnerships that will enhance our capacity to fight human trafficking:

❖ **Office of California-Mexico Bilateral Relations**

Created with existing resources in June 2012, this office in the California Department of Justice aims to further collaboration between legal and law enforcement officials in California and Mexico on issues of shared concern, including human trafficking.

❖ **California/Mexico Anti-Human Trafficking Accord**

In September 2012, Attorney General Harris and Mexico Attorney General Marisela Morales Ibáñez signed an accord to increase coordination of law enforcement resources targeting the sale and trafficking of human beings across the California-Mexico border. The accord calls for closer integration on human trafficking issues between the two offices and the sharing of best practices for law enforcement to recognize instances of human trafficking and provide support and services to victims.

❖ **California Anti-Money Laundering Alliance**

This San Diego-based team of forensic investigators provides technical and logistical support to combat transnational gang-related financial crimes along the California/Mexico border. Created in September 2012 with a \$3.5 million grant from the Southwest Border Anti-Money Laundering Alliance, the team will initially be comprised of California Department of Justice special agents who will provide high-level intelligence and assessments of the transnational gang threats facing the state.

❖ **CWAG Alliance Partnership**

California is an active member in the Conference of Western Attorneys General (CWAG), which is made up of 15 western states, three Pacific territories, and 13 associate member states. CWAG's primary purpose is to provide a forum to cultivate knowledge, cooperate on subjects of mutual concern, and coordinate actions to improve the quality of members' legal services.

In 2006, CWAG initiated the Alliance Partnership to promote bi-national collaboration and training between state attorneys general in the United States and Mexico, the Attorney General of Mexico, the Council of State Governments, the National Association of Attorneys General (NAAG), the U.S. State Department's Bureau of International Narcotics and Law Enforcement Affairs, the U.S. Agency for International Development, and other public and private entities.

- ❖ In 2008, the Alliance Partnership sponsored a bi-national conference – the model for conferences and trainings held every year since – in order to explore emerging criminal trends on both sides of the border and allow for information-sharing in terms of investigation and prosecution practices, as well as ideas for legislation and victim services programs. The conference was attended by representatives from the offices of attorneys general in CWAG member states, attorneys general in border and other states of Mexico, and the office of the Mexico Attorney General.
- ❖ In 2011, CWAG and the Arizona State University North American Center for Trans-border Studies produced a bi-national, multi-state survey on human trafficking legislation and collaboration, along with a 2011 report that examines existing and potential legislation and administrative actions by key U.S.-Mexico state-level government stakeholders.
- ❖ In March 2012, CWAG partnered with Western Union to bring 16 Mexican attorneys general, five state assistant attorneys general, and several prosecutors to NAAG's

2012 Presidential Summit, *Pillars of Hope: Attorneys General Unite Against Human Trafficking*. Through this initiative, NAAG members signed a letter calling for Village Voice Media to limit sex trafficking and prostitution advertisements on its website, Backpage.com. (See Appendix C)

- ❖ In July 2012, the CWAG annual conference, hosted by California Attorney General Harris, included panels made up of human trafficking experts from CWAG member states and Mexico. The Attorney General of Mexico, 17 state attorneys general from Mexico, and 14 U.S. attorneys general attended the conference in Anaheim.

Federal and Interstate Efforts

The federal government has made progress in fighting human trafficking, as have states working in collaboration with one another. Examples of these efforts include:

- ❖ **Trafficking Victims Protection Act (TVPA) of 2000**

In 2000, Congress enacted the Trafficking Victims Protection Act of 2000 (TVPA), Public Law 106-386, to prosecute traffickers, protect victims, and prevent human trafficking. TVPA was the first comprehensive federal law to address the crime of human trafficking and it created new law enforcement tools to, among other things, strengthen the prosecution and punishment of traffickers and make victims of trafficking eligible for benefits and services under federal and state programs once they become certified by the U.S. Department of Health and Human Services. (See Chapter 5).

The Trafficking Victims Protection Reauthorization Act of 2003 (H.R. 2620), the Trafficking Victims Protection Reauthorization Act of 2005 (H.R. 972), and the Trafficking Victims Protection Reauthorization Act of 2008 (H.R. 7311) also provide strong tools to combat human trafficking. These pieces of legislation authorized the establishment of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to assist in the coordination of anti-trafficking efforts.

To date 49 of the 50 states have enacted legislation to criminalize human trafficking.³

- ❖ **The President's Interagency Task Force to Monitor and Combat Trafficking in Persons**

The President's Interagency Task Force to Monitor and Combat Human Trafficking coordinates federal efforts to combat human trafficking. The Task Force is chaired by the Secretary of State and includes representatives from the following federal agencies: The Attorney General's Office/Department of Justice, the Department of Labor, the Department of Health and Human Services, the Department of Homeland Security, the National Intelligence Agency, the U.S. Agency for International Development, the Department of Defense, the National Security Agency, the Department of Transportation, Department of Education, the Domestic Policy Council, the Equal Employment Opportunity Commission, the Federal Bureau of Investigation, and the Office of Management and Budget.

- ❖ **President Obama's Anti-Human Trafficking Initiatives (September 2012)**

In September 2012, President Obama announced several initiatives to combat human

trafficking. First, the Administration will provide training and guidance to federal and state law enforcement so that they are better equipped to detect trafficking. There will also be an increased focus on providing victims with financial assistance, through a partnership with Humanity United and the fiscal support of Goldman Sachs Foundation. The Partnership for Freedom Innovation Awards will provide \$6 million to local communities to develop collaborative and comprehensive solutions to help trafficking victims.

President Obama also issued an executive order strengthening the federal government's zero-tolerance policy by, among other things:

- (A) expressly prohibiting federal contractors, contractor employees, subcontractors, and subcontractor employees from engaging in any of the following types of trafficking-related activities:
 - (i) using misleading or fraudulent recruitment practices during the recruitment of employees, such as failing to disclose basic information or making material misrepresentations regarding the key terms and conditions of employment, including wages and fringe benefits, the location of work, living conditions and housing (if employer provided or arranged), any significant costs to be charged to the employee, and, if applicable, the hazardous nature of the work;
 - (ii) charging employees recruitment fees; or,
 - (iii) destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity documents, such as passports or drivers' licenses.⁴

❖ Federal Grant Funds

In the last decade, federal grant funding has been made available from the U.S. DOJ's Bureau of Justice Assistance and Office of Victims of Crime, the U.S. Department of Health & Human Services (DHHS), and the Department of State's Office to Monitor and Combat Trafficking in Persons. These grants support local, state, and tribal law enforcement agencies in their efforts to form task forces, conduct training, coordinate the investigation and prosecution of traffickers, and build partnerships with victim service providers and private entities.

In 2007, DHHS provided funding to Polaris Project to create the National Human Trafficking Resource Center Hotline. Other grants have supported NGOs nationwide to establish "rescue and restore coalitions," provide referral and direct services to victims of human trafficking, and conduct training and public awareness activities. Several law enforcement agencies and NGOs have received federal funding – either directly from federal agencies or through Cal EMA – to coordinate and collaborate on anti-human trafficking efforts, facilitate information and intelligence sharing, provide cross-training, share promising practices, provide services to victims, and increase public awareness.

❖ Federal Prosecution

In 2011, U.S. DOJ prosecuted 125 cases of labor and sex trafficking. A total of 118 defendants were charged in forced labor and adult sex trafficking cases, representing a

19 percent increase over the number of defendants charged in such cases in 2010 – and the highest number ever charged in a single year. During the same period, the U.S. DOJ secured 70 convictions in forced labor and adult sex trafficking cases.⁵

The following describes key federal anti-human trafficking efforts in FY 2011:⁶

- ❖ 40 U.S. DOJ-led task forces reported more than 900 investigations that involved more than 1,350 suspects.
 - ❖ U.S. DOJ charged 42 cases involving forced labor and sex trafficking of adults by force, fraud, or coercion. Of these, half involved primarily labor trafficking and half involved primarily sex trafficking, although many involved a combination of both.
 - ❖ At the end of FY 2011, the FBI had 337 pending human trafficking investigations with suspected adult and foreign minor victims.
 - ❖ The average prison sentence imposed for federal trafficking crimes during FY 2011 was 11.8 years. Sentence terms imposed ranged from 10 months to 50 years.
 - ❖ The Department of Homeland Security (DHS) Federal Law Enforcement Training Center trained over 2,000 state, local, and federal officers in human trafficking.
 - ❖ DHS suspended, proposed debarment of, or debarred five companies and eight individuals for involvement with forced labor.
 - ❖ DHS made three criminal arrests resulting in eight convictions in child sex tourism cases.
- ❖ **Innocence Lost Task Forces**
- The FBI, in partnership with U.S. DOJ, established the Innocence Lost Program in 2003 to investigate and prosecute cases of child sex trafficking in the United States. As of 2012, there are 47 dedicated task forces and working groups across the country, comprised of federal, state, and local law enforcement. The efforts of these task forces have led to the rescue of over 2,100 children and the conviction of over 1,000 pimps.

- ❖ **National Association of Attorneys General (NAAG) – “Pillars of Hope” Initiative**
- The 2011 NAAG Presidential Initiative focused on the nationwide epidemic of labor and sex trafficking. The “Pillars of Hope” Initiative had four main objectives to fight the crime of human trafficking: To gather more data to track state arrests and prosecutions; to raise awareness to reduce the demand; to promote strong state statutes and forceful state prosecutions; and to mobilize communities to increase care for victims.⁷
- In 2012, the California Attorney General’s Office developed a toolkit that describes California’s innovative approach to restitution. *Providing Restitution to Victims of Human Trafficking: A Legislative Toolkit* was distributed to all attorneys general through NAAG.

Victim Service Providers

In addition to the work done by law enforcement and other governmental organizations, NGOs contribute a great deal to the fight against human trafficking. NGOs throughout

California provide a range of services to the victims of this crime, including shelter, legal aid, immigration status assistance, medical and health services, interpretation services, and mental health counseling.

A list of key NGOs in California is included in Appendix D and available at <http://oag.ca.gov/human-trafficking/help>. The Attorney General's website also includes links to websites available in 18 languages.

Training Programs

The 2007 report identified the need for law enforcement, NGOs, health and social service providers, and other first responders to be trained on how to identify and assist victims of human trafficking. To date, thousands of individuals have been trained, including representatives of victim service providers, legal and medical professionals, law enforcement, and other first responders. There are many Peace Officer Standards and Training (POST)-certified courses that address various aspects of the crime, including how to identify victims, collaborate with victim resource providers, and develop human trafficking cases.

Trainings that have been (and continue to be) offered throughout California include:

❖ **Regional Task Force Training**

From July 2010 to July 2012, the task forces trained over 25,000 law enforcement personnel, prosecutors, victim service providers, and other first responders.

The 2007 report recommended that local law enforcement, health and social services agencies, and community organizations replicate promising strategies from existing collaborative models and work together for cross-training purposes to coordinate services and benefits. An example of such an effort is the Alameda County District Attorney's annual H.E.A.T. Watch conference, which provides useful information and promising strategies that can be replicated by other organizations and agencies.

❖ **POST 2008 Guidelines and "Human Trafficking Update" Training**

POST now offers its 2008 guidelines in PDF format on its website. The POST guidelines, *Law Enforcement Response to Human Trafficking*, are presented in a format that allows law enforcement personnel to follow a systematic process when conducting human trafficking investigations. The guidelines are available at: http://lib.post.ca.gov/Publications/human_trafficking.pdf.

POST produced a 2-hour "Human Trafficking Update" DVD course in 2010 for use by law enforcement agencies in California as a companion to their guidelines. It is designed to help peace officers recognize trafficking indicators and use best practices in working with victims, conducting interviews, and collecting evidence. The course also includes information on the legal issues surrounding human trafficking and available resources.

❖ **Statewide Law Enforcement Minor Sex Trafficking Training Program**

In 2010, Cal EMA funded the Human Trafficking of Minors: Statewide Law Enforcement

Training Program, which is administered by the Westminster Police Department. The 8-hour training is POST-certified and has been used to train 831 law enforcement and first responders across the state. It includes segments on how to identify the signs of trafficking in minors and how to investigate these cases, including techniques to preserve data from cell phones, computers, and other devices. The training includes suggestions on how to prosecute human trafficking cases using state and federal trafficking laws.

One of the 2007 report recommendations called for training that specifically addressed the civil relief available for victims. The statewide training also includes information on victim assistance, including the T- and U-Visa process for immigrant or refugee victims. Cal EMA funds the training program with support from Children's Justice Act funds, part of the Federal Crime Victims Fund, which is made up of fines and fees collected from defendants convicted of federal crimes.

❖ **Coalition to Abolish Slavery and Trafficking (CAST) Training**

CAST provides training to other NGOs, law enforcement, and prosecutors with an emphasis on working with victims, building trust, and identifying resources. It also offers training to non-traditional partners in the fight against human trafficking, including:

- ❖ *Investigators with the State Board of Equalization and the Franchise Tax Board* on how to identify potential trafficking victims and/or incidences when visiting a business to monitor compliance with state tax laws;
- ❖ *(Non-prosecuting) attorneys and other legal service providers* on how to identify victims. The training also provides an overview of the legal framework surrounding human trafficking, including how victims can apply for immigration relief and civil remedies, and access available resources;
- ❖ *Social service providers who work for community-based organizations* on how to identify victims. The training also provides an overview of the legal framework, issues of cultural competency, professional boundaries, working with survivors, maintaining appropriate case files, accessing local resources to assist victims, and building a network of response;
- ❖ *Victim-witness coordinators, rape crisis centers, and domestic violence organizations* on how to identify victims. The training also provides an overview of the legal process in human trafficking-related matters and how to network with other agencies to build an appropriate response; and,
- ❖ *Retail and manufacturing businesses* on the implementation of the California Transparency in Supply Chains Act, which calls for designated businesses to post on their websites policies describing the extent, if any, that the companies work to eliminate trafficking and forced labor from their supply chains.

CAST has also developed a pro bono training and resource manual for attorneys and provides training for volunteer attorneys twice a year in the Los Angeles area. CAST currently works with a network of over 30 firms to provide legal services to trafficking victims. Additionally, CAST has partnered with other legal service providers in Fresno, Sacramento,

the Inland Empire, Orange County and San Francisco to provide similar pro bono and legal service trainings.

❖ **Training by Victim Services Agencies, NGOs and others**

Organizations such as CAST (Los Angeles), the Bilateral Safety Corridor Coalition (San Diego), the Asian Pacific Islander Anti-Trafficking Collaborative (San Francisco), the Fresno County Economic Opportunities Commission (Fresno), the Sacramento Rescue and Restore Coalition (Sacramento), the Community Service Programs (Orange County), the South Bay Coalition to End Human Trafficking (San Jose), and others have developed models, protocols, training, and advocacy efforts to support human trafficking victims.

❖ **North and Central California Anti-Trafficking Team (NCCATT) Training**

Created in 2010, the NCCATT is administered by the U.S. Attorney's Office for the Eastern District of California. The Team hosted its first daylong training for law enforcement in January 2011 and has conducted training throughout the district to provide basic human trafficking information, as well as networking opportunities for law enforcement from local, state, and federal agencies, prosecutors, and other first responders. The Regional Threat Assessment Center in Sacramento and the State Threat Assessment Center are partners in this training effort, which uses an intelligence-led approach modeled after the Center's Terrorism Liaison Officer training. Since 2011, the NCCATT has trained more than 300 law enforcement personnel and other first responders.

❖ **California Narcotic Officers Association (CNOA) Training**

Since January 2010, the CNOA has presented a Human Trafficking Course on six separate occasions with a total attendance of 650 students. The training consists of an introduction to the crime of human trafficking, the differences between human smuggling and trafficking, the emerging connection of Mexican drug cartels and gangs to human trafficking, an examination of case studies, and how to conduct investigations.

❖ **California District Attorneys Association (CDAA) Training**

Since 2008, CDAA has offered or sponsored several workshops, training sessions, and webinars on the basics of human trafficking, including how to prosecute cases and work with NGOs and victims. CDAA also published an orientation guide on human trafficking and has produced articles on trends and emerging issues. This training was part of the 2007 report recommendations.

❖ **Judicial Officer Training**

In 2011, the Administrative Office of the Courts (staff agency of the Judicial Council) and the Center for Families, Children, and the Courts conducted two forums on human trafficking. The forums, one of which was designed for judicial officers and community advocates, focused on the issue of the commercial sexual exploitation of minors. The development of a training program for judicial officers was one of the recommendations of the 2007 report.

❖ **Airport Personnel Training**

Several airports in California have launched anti-trafficking awareness programs. In 2012, Congresswoman Jackie Speier and David Palmatier of the U.S. Department of Homeland Security joined Airline Ambassadors International (AAI) to provide training for airline and airport personnel to help identify human trafficking victims on commercial airlines. AAI developed the industry specific training after identifying human trafficking on four separate flights in 2009.

❖ **Training for Mexican NGOs**

Since 2010, CAST has provided more than 40 hours of training to five NGOs working on human trafficking in Mexico. Training topics included: how to identify and interview victims of human trafficking, best practices in victim services, and building a network for response. CAST also provided technical assistance to help the NGOs form and strengthen anti-trafficking task forces, coordinate victim services, develop outreach and education strategies to reach remote indigenous communities, and implement screening tools to help outreach workers identify instances of human trafficking among migrant agricultural laborers. Additionally, CAST has facilitated meetings of NGOs in Mexico, U.S. federal and state prosecutors, and the National Human Rights Commission to increase coordination between government and civil society at the local level. CAST also convenes a monthly teleconference call to connect a network of six agencies that address human trafficking from various angles.

❖ **Bilateral Safety Corridor Coalition (BSCC)**

The BSCC is an alliance of over 60 government and nonprofit agencies in the United States and Latin America that is convened in and along the U.S.-Mexico Border Region to combat slavery and human trafficking. The BSCC has hosted eight international conferences and trained law enforcement, prosecutors, medical personnel, social service providers, and human rights advocates in Mexico (especially in Tijuana and other areas of Baja). Training topics have included: how to identify various forms of human trafficking, the trafficking routes in Mexico, the root causes of human trafficking, and ways to work collaboratively to develop effective responses. The BSCC has also signed Memoranda of Understandings with Mexican agencies, including the Commission on Human Rights in Tijuana, to coordinate efforts and facilitate partnerships.

Legislative Efforts

Legislation Enacted in California

One of the key findings of the 2007 report was that the State Legislature should identify potential funding sources (i.e., asset forfeiture funds, fines and penalties, assessments, the General Fund, etc.) to fund legal and social services for human trafficking victims. Since 2005, a wide array of legislation has been introduced, including measures to criminalize sex and labor trafficking, encourage training for peace officers on human trafficking, provide financial assistance to victims, strengthen asset forfeiture statutes, require companies to disclose their efforts to eradicate trafficking in their supply chains, and provide victims with better access to education.

In 2007, because of the problem of prison overcrowding, the California State Senate adopted the Receivership/Overcrowding Crises Aggravation (known as ROCA) policy, which effectively prohibits legislation that would increase sentences for human trafficking. Perhaps as a result, legislators have pursued more creative approaches to combat human trafficking. Recent legislation falls into four major categories: (1) penalty provisions; (2) asset forfeiture; (3) civil nuisance; and, (4) victim resources.

Penalty Provisions

The 2007 report recommended that the Legislature identify sources of potential funding for non-governmental victim services organizations. In response, laws have been enacted to increase fines for trafficking and direct those fines to victim service providers.

Assembly Bill (AB) 17 (Swanson, 2009)	Increases the maximum amount of additional authorized fines to \$20,000 for any person convicted of procuring a child under 16 years of age.
AB 12 (Swanson, 2011)	Requires that a person convicted of seeking the sexual services of a prostitute under 18 years of age pay an additional fine not to exceed \$25,000.

Asset Forfeiture

The Legislature has found asset forfeiture to be an effective way to punish and deter criminal activities and organized crime.⁸ To this end, the Legislature has fought human trafficking by using the same tool. In its most basic form, criminal forfeiture allows prosecutors to ask the court to freeze all proceeds from the crime and, if the person is convicted, to have those proceeds forfeited.

AB 17 (Swanson, 2009)	Expands the definition of criminal profiteering to include abduction or procurement by fraudulent inducement for prostitution.
AB 90 (Swanson, 2011)	Expands the definition of criminal profiteering to include abduction or procurement by fraudulent inducement for prostitution.
Senate Bill (SB) 1133 (Leno, 2012)	Expands the scope of property subject to forfeiture in human trafficking cases and provides a formula to redirect those resources to community groups that aid victims of human trafficking.

Civil Nuisance Abatement

City attorneys have found nuisance abatement to be an effective tool to hold property owners accountable for crimes committed on their property. As a result, the Legislature has strengthened nuisance abatement statutes.

SB 677 (Yee, 2010)	Authorizes real property used to facilitate acts of human trafficking to be declared and treated as a nuisance, allowing the property to be seized.
AB 2212 (Block, 2012)	Expands red light abatement law to include instances of human trafficking.

Victim Resources

A recurrent concern expressed by anti-human trafficking advocates is the lack of resources available to victims. The absence of adequate funding for victim outreach, protection, and rehabilitation inhibits the prosecution of human trafficking because victims are unable or unwilling to come forward. The Legislature has taken a multi-faceted approach to providing victims with much needed support and resources.

AB 764 (Swanson, 2011)	Allows an individual taxpayer to contribute a portion of their tax return to the Child Victims of Human Trafficking Fund.
AB 1956 (Portantino, 2012)	Expands the California Voluntary Tattoo Removal Program to serve individuals, between 14 and 24, who were tattooed for identification in human trafficking or prostitution.
AB 2040 (Swanson, 2012)	Allows a person, who was adjudicated as a ward of the court following a conviction for an act of prostitution, to have his or her record sealed or expunged without having to show rehabilitation or the absence of a subsequent conviction for a crime involving moral turpitude.
AB 2466 (Blumenfield, 2012)	Allows a court to order the preservation of the assets and property of criminal defendants charged with human trafficking.
SB 1193 (Steinberg, 2012)	Requires businesses, transit hubs, and other locations that are the most likely sites of sex and labor trafficking to post notices publicizing human trafficking resources.

California Transparency in Supply Chains Act

In 2007, the California Alliance to Combat Trafficking and Slavery Task Force noted that governments, corporations, and businesses play a major role in influencing fair labor practices and should exert their leadership to prevent forced labor. The report included a recommendation that California industries establish a code of conduct to forbid human trafficking-related abuses and assure workers' rights throughout their own operations and in those of their suppliers and labor contractors.

Senate Bill 657 (Steinberg, 2010) established the California Transparency in Supply Chains Act of 2010 to encourage corporate disclosure of efforts to eliminate human trafficking from

supply chains. This law requires large businesses to make public what policies, if any, they have in place to address human trafficking in their supply chains. While the legislation gave the California Department of Justice enforcement authority over this requirement, no funding accompanied this authority.

See Appendix E for a list of chaptered human trafficking legislation, 2007-2012.

Legislative Hearings

Both California and federal legislators have taken an active role in increasing public awareness of human trafficking. In 2009, California State Senators Mark DeSaulnier and Ellen M. Corbett held a Joint Hearing on Slavery and Trafficking in Los Angeles. This hearing focused on California's role—as the world's ninth largest economy—in the global problem of human trafficking.

In 2010, the Congressional Subcommittee on Crime, Terrorism and Homeland Security held a hearing on the sex trafficking of minors within the United States. Representative Jackie Speier testified about the plight of human trafficking victims and the role of the Internet in human trafficking. Shortly after this hearing, Representative Speier launched the San Mateo County Zero Tolerance initiative – a collaborative partnership between law enforcement officials, community members, and non-profit partners. The goals of the initiative are to raise community awareness, to ensure that trafficking victims have the resources they need, and to bring traffickers to justice.

Additionally, former California Attorney General and current Representative Dan Lungren hosted a series of congressional hearings and community awareness forums in Sacramento and Washington, D.C. Their purpose was to highlight the issue of human trafficking and to examine effective methods to fight human trafficking.

Conclusion

Across the state, a number of important efforts are underway to combat human trafficking. Today, California has nine regional anti-human trafficking task forces that, along with local and federal efforts, have increased investigations and prosecutions of the crime. Across the state, more than 25,000 law enforcement personnel, first responders, medical staff, and others have received training on how to recognize and respond to human trafficking and the Legislature has enacted new laws to increase fines for traffickers and help victims rebuild their lives. Public, nonprofit, and private entities have also launched innovative projects and partnerships to identify and assist victims of this crime. Based in part on discussions of the Work Group, the following chapters examine areas for further development and provide recommendations on how California can strengthen these efforts.

End Notes:

- ¹ "Four 'Ps': Prevention, Protection, Prosecution, Partnerships," U.S. Department of State, accessed October 26, 2012, <http://state.gov/j/tip/4pl/index.htm>.
- ² "Local, State and Federal Officials Take New Steps to Strengthen Fight Against Human Trafficking," California Emergency Management Agency, accessed October 26, 2012, http://calema.ca.gov/NewsandMedia/_layouts/Displtem.aspx?List=f1e85c6a-fa43-4225-9050-2b846c19cb73&ID=8&RootFolder=%2FNewsandMedia%2FLists%2FLatest%20News&Web=9ce220de-6375-45c8-9565-f1a49b0cad7f.
- ³ Polaris Project, "West Virginia Becomes 49th State to Criminalize Human Trafficking," news release, April 5, 2012, <http://polarisproject.org/media-center/press-releases/589-west-virginia-becomes-49th-state-to-criminalize-human-trafficking>.
- ⁴ Exec. Order No. 13,627, 77 Fed. Reg. 60,029 (October 2, 2012).
- ⁵ U.S. Department of State, Trafficking in Persons Report, (June 2012), 361, accessed October 26, 2012, <http://state.gov/j/tip/rls/tiprpt/2012/>.
- ⁶ *Ibid.*, 361-365.
- ⁷ "Giving a Voice to the Voiceless: 'Pillars of Hope' Presidential Initiative to Tackle Human Trafficking," National Association of Attorneys General, accessed October 26, 2012, <http://naag.org/giving-a-voice-to-the-voiceless-pillars-of-hope-presidential-initiative-to-tackle-human-trafficking.php>.
- ⁸ California Penal Code § 186.1 (2012).

The State of

**Human Trafficking in
California**

**Part II
Challenges and
Recommendations**

3

Identifying the Scope of Human Trafficking in California

“To put the scale of this problem in its historical context: today more people are trafficked each year than the total number of those trafficked in the 350 years of the transatlantic slave trade. People talk about the abolition of slavery. But slavery has not been abolished. It continues on an unprecedented scale and with unparalleled barbarity.”

UK Foreign and Commonwealth Office Minister Hugo Swire, October 24, 2012

One of the primary purposes of this report is to collect and disseminate data on the nature and extent of human trafficking in California. While the 2007 report identified known and potential sources of California-specific human trafficking data, the data reported in 2007 were limited to surveys and interviews undertaken by the California Alliance to Combat Trafficking and Slavery Task Force. The charts and tables contained in this chapter were created with data collected from many of the sources identified but not reported in the 2007 report, including information from California's regional task forces, the National Human Trafficking Resource Center hotline, arrest and conviction records, and trafficking victim assistance programs.

Along with the development of these data sources, the understanding of the global scope of human trafficking has expanded. In 2005, the International Labor Organization (ILO) estimated there were 12.3 million victims. In June 2012, the ILO released its second global estimate and, using an improved methodology and greater sources of data, estimated there are 20.9 million human trafficking victims worldwide at any time – 16.4 million labor exploitation/state-imposed forced labor and 4.5 million sexual exploitation victims.¹

California's regional task forces have identified nearly 1,300 victims of human trafficking in the past two years. These task forces have reported that over half of the human trafficking victims receiving services are victims of sex trafficking and, when able to identify the victims' country of origin, reported that approximately seven out of ten human trafficking victims are from the United States. Since human trafficking was made a felony in California in 2006, arrests and convictions for human trafficking have been steadily increasing.

It is important to note that the charts and tables contained in this chapter provide only a snapshot of the entire picture of human trafficking in California. For example, while each of

the state's regional task forces has a unique scope, some focus largely on sex trafficking. This form of human trafficking tends to have a higher profile in the public eye, as well as greater investigative funding opportunities, than other forms of modern slavery. And sex trafficking represents the majority of trafficking cases investigated by federally-funded task forces in the United States, or roughly eight in ten cases reported to the Human Trafficking Reporting System.² However, the ILO estimates that, at least with respect to human trafficking victims worldwide, 78% are victims of forced labor and 22% are victims of forced sexual exploitation.³ In addition, many victim service providers in the United States report that a majority (64%) of the foreign victims they serve are labor trafficking victims. Such discrepancies raise the question of whether, and to what extent, the nature of human trafficking in the U.S. is different from trafficking worldwide, as well as the extent to which labor trafficking is under-reported in this country. Similarly, questions remain about the preponderance of domestic victims identified by the task forces, and to what extent such numbers reflect the actual demographics of victims in California or are a factor of higher reporting levels for domestic victims.

Information to comprehensively answer these questions is not currently available. Although progress has been made in tracking, collecting, and disseminating data on human trafficking in California, significant challenges remain in understanding and calculating the nature and extent of human trafficking in the state. Statistical data on human trafficking, when available, may be understated, unreliable, or inconsistent due to the covert nature of the crime and high levels of under-reporting. On the other hand, in some cases the same incident may be counted more than once due to overlap in data collection by agencies and other victim service providers. Often, data collection efforts do not share a common approach, such as collecting data under common categories or with shared definitions of key terms. Funding or public attention may drive the focus of anti-trafficking efforts and related data reporting. Furthermore, potential cases of human trafficking may be investigated and prosecuted under a variety of related penal codes, such as pimping, pandering, prostitution, or other existing labor laws, making it difficult to identify trafficking cases from within the other criminal activity in the data. Thus, while the data presented below offer important insights into human trafficking in California, additional research is needed to draw more definitive conclusions.

Scope of Trafficking in the United States

The United States is widely regarded as a destination country for human trafficking. The U.S. Department of State estimates that 14,500 to 17,500 of victims are trafficked into the United States each year.⁴ This figure does not include victims who are trafficked within the country each year.

Data from the Human Trafficking Reporting System

Designed to track the performance of federally-funded task forces, the Human Trafficking Reporting System (HTRS) collects data on suspected human trafficking incidents, suspects, and

victims from human trafficking task forces across the United States that are funded by the U.S. Department of Justice (U.S. DOJ). Using these data, the U.S. DOJ's Bureau of Justice Statistics reported that 42 federally-funded human trafficking task forces opened 2,515 suspected incidents of human trafficking for investigation between January 2008 and June 2010.⁵ Approximately eight out of ten of the suspected incidents reported to the HTRS were classified as sex trafficking, including more than 1,000 incidents with allegations of prostitution or sexual exploitation of a child.⁶ Around one out of ten of the suspected incidents opened for investigation were categorized as labor trafficking.⁷ The HTRS project team identified a number of data quality issues in the reporting from the task forces and determined that only 18 of the 42 task forces provided high data quality. Among the 389 incidents confirmed to be human trafficking by high data quality task forces, 83% of victims in sex trafficking incidents were identified as U.S. citizens, while 67% of labor trafficking victims were identified as undocumented immigrants and 28% as qualified immigrants.

Thus, the picture of human trafficking presented by data reported to the HTRS indicates that the majority of investigated cases involve sex trafficking of U.S. citizen victims, and that the majority of investigated labor trafficking cases involve undocumented immigrant victims. It is premature to conclude from these data, however, that such percentages reflect the breakdown of actual cases of trafficking, rather than simply those that are investigated and reported to the HTRS. For example, task forces that were housed in the vice unit of a law enforcement agency – the unit that typically pursues prostitution cases – reported that 89% of their cases were sex trafficking while 73% of cases investigated by task forces located outside the vice unit were sex trafficking. Thus, the general focus of the investigative body appears to have an impact on the composition of its trafficking cases. In addition, a majority (64%) of the foreign victims served by victim service providers funded by the Office for Victims of Crime between January 2008 and June 2009 were labor trafficking victims. Such data suggest there may be some degree of statistical selection bias both in terms of the victims who received help from those service providers – commonly, labor trafficking victims – and the types of cases – usually, sex trafficking – pursued by law enforcement. In addition, because these service providers focused on foreign national victims, the discrepancy could also suggest a different composition of citizen-versus-non-citizen victims between law enforcement and service providers.

Potential Future Data from the Uniform Crime Reporting Program

The Federal Bureau of Intelligence's (FBI) Uniform Crime Reports (UCR) Program is a nationwide, cooperative statistical effort of nearly 18,000 city, county, college and university, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes. The FBI administers the UCR Program to assess and monitor the nature and type of crime in the United States and to generate reliable information for law enforcement use. Beginning in January 2013, the national UCR Program will begin collecting offense and arrest data related to human trafficking.⁸ Once underway, it will provide a new source of nationwide data on human trafficking in the United States.

Scope of Trafficking in California

California's Nine Regional Task Forces

As described in Chapter 2, California has nine regional anti-trafficking task forces which bring together law enforcement and prosecutors at the local, state, and federal levels, as well as other governmental leaders and NGOs to create a victim-centered, collaborative approach to human trafficking. Goals of the task forces include increasing the number of investigations initiated, increasing the number of individuals identified as victims of human trafficking, and increasing the number of individuals arrested for human trafficking.

California's regional task forces report quarterly to California Emergency Management Agency (Cal EMA) on progress toward meeting these and other goals. The graphs shown here were created with data reported by the task forces to Cal EMA between July 1, 2010 and June 30, 2012. While some of the task forces received funding and thus reported to Cal EMA prior to the third quarter of 2010, the charts presented here start at July 1, 2010, by which time eight out of the nine task forces were reporting to Cal EMA.⁹ The data from the San Jose/South Bay Human Trafficking Task Force is not included in the charts until July 1, 2011 since the San Jose Police Department did not begin receiving a grant award and thus did not begin reporting to Cal EMA until the third quarter of 2011.

Chart 1 shows the number of investigations initiated by the task forces, Chart 2 shows the number of individuals identified as victims of human trafficking, and Chart 3 shows the number of arrests reported by the task forces. In the two years between July 1, 2010 and June 30, 2012, California's task forces initiated 2,552 investigations, identified 1,277 victims of human trafficking, and arrested 1,798 individuals. The sheer number of victims identi-

Chart 1

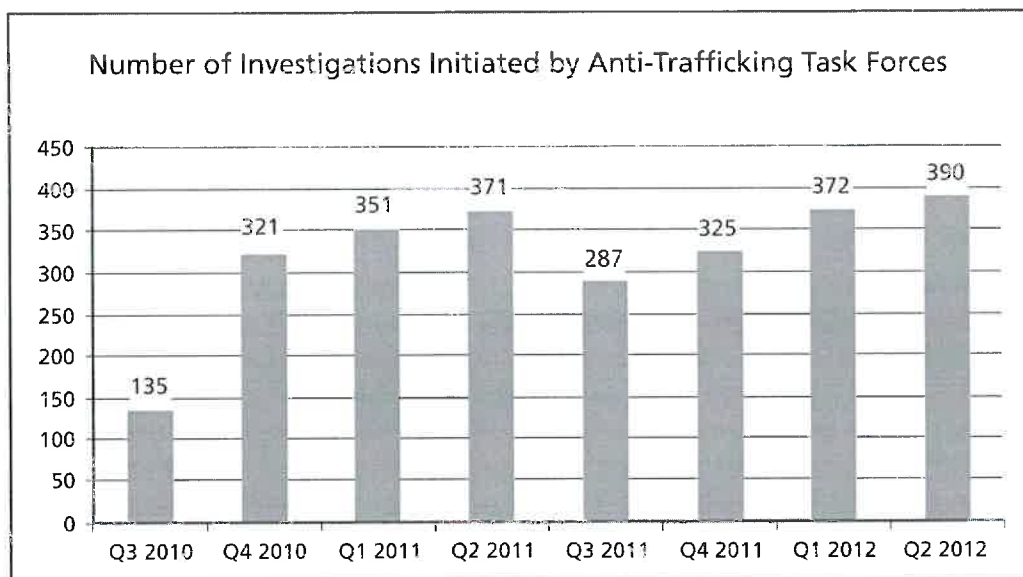


Chart 2

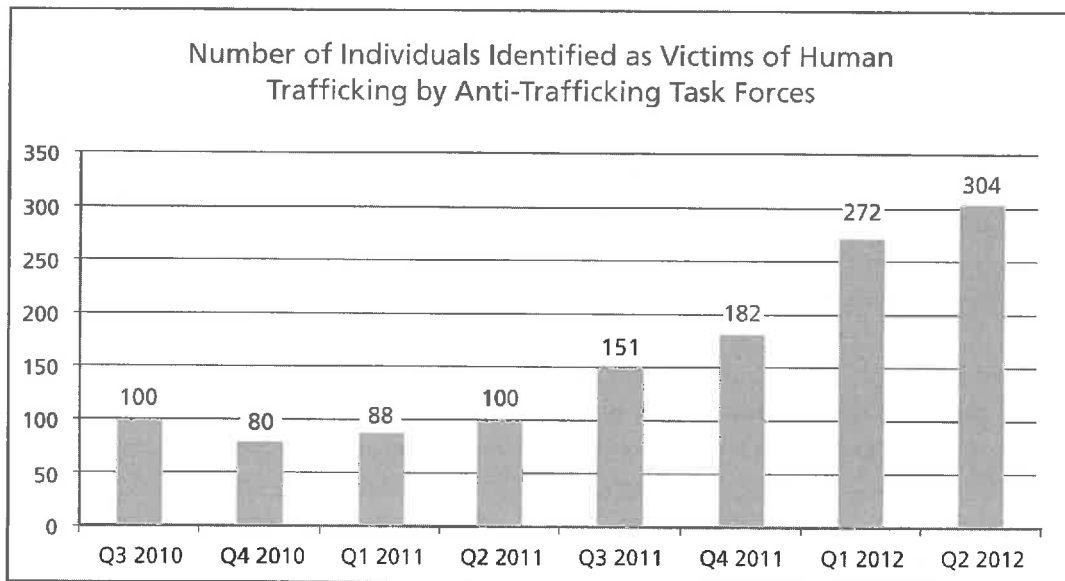
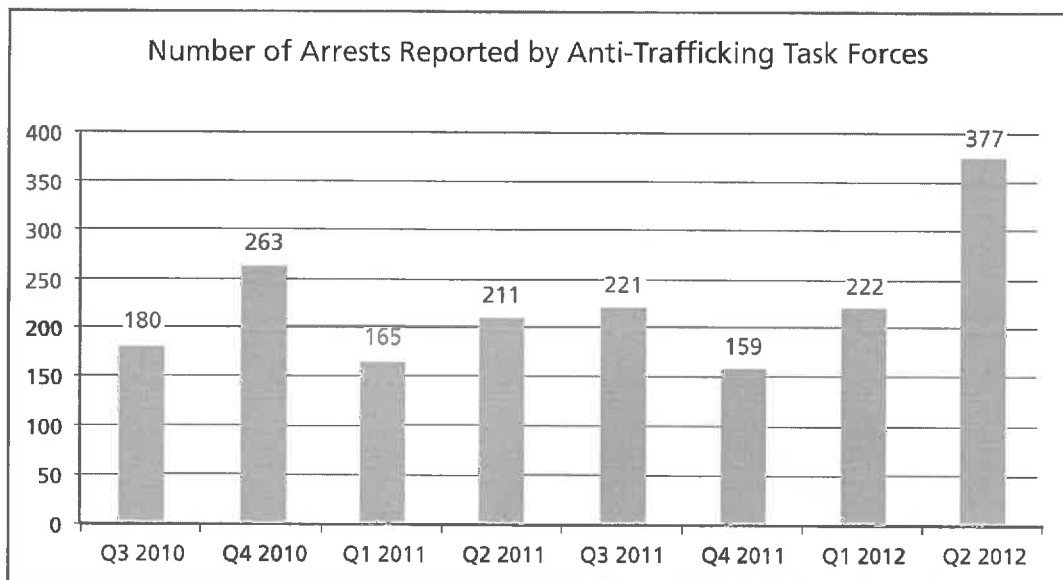


Chart 3



fied – nearly 1,300 in just two years – bears emphasis because the actual number of victims is certain to be significantly larger, as these data do not represent the entire scope of human trafficking in California. In addition to the fact that numerous cases likely go under-identified and under-reported, these task forces are not the only entities in the state investigating human trafficking cases, identifying victims, and arresting traffickers.

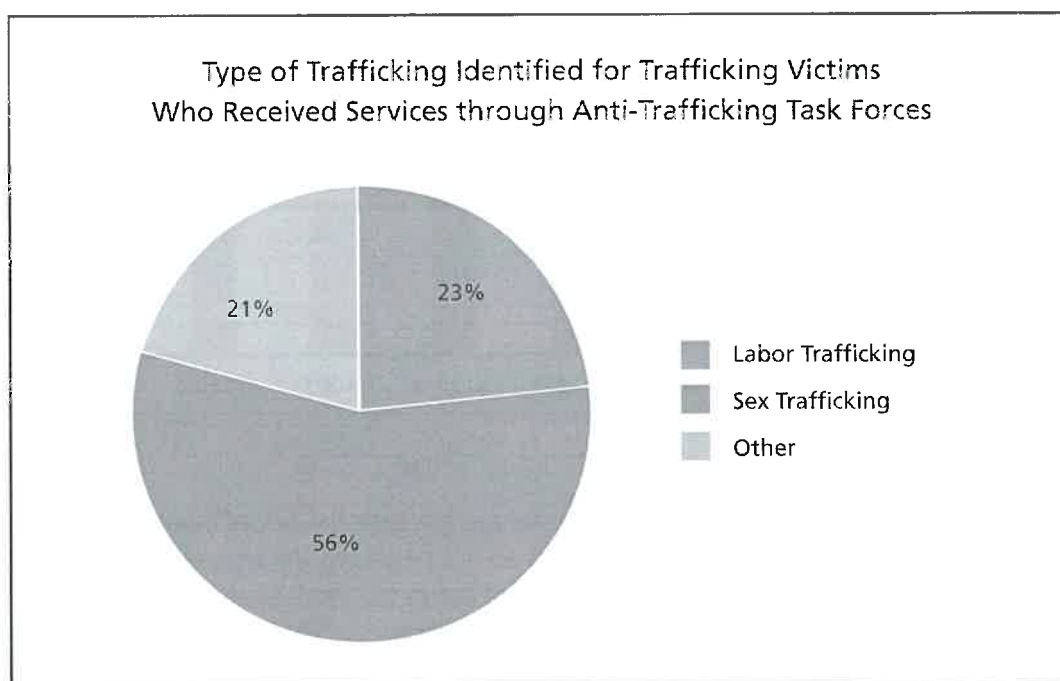
In general, the number of investigations initiated, number of victims identified, and number of arrests reported by anti-trafficking task forces have been increasing. Between the third quarter of 2010 and the second quarter of 2012, the number of investigations per quarter has increased from 135 to 390, the number of victims identified per quarter has increased from 100 to 304, and the number of arrests reported per quarter has increased from 180 to 377.

Unfortunately, national data from the same time period have not been released that can be used to compare with California's task force data. The data detailed on page 49 from the HTRS were collected prior to task force reporting to Cal EMA, and may not have been collected using the same definitional framework as the California task force reporting.

As shown in Chart 4, California's regional task forces also identified the type of trafficking involved in the instances in which victims received services. Between October 1, 2009 and June 30, 2012, 56% of the trafficking victims who received services from the task forces were victims of sex trafficking, while 23% were victims of labor trafficking. In 21% of cases, task forces reported the type of trafficking as "other" without classifying the type of trafficking; no further information is available as to what kinds of cases fall into this category.

More research is needed to determine whether the low percentage of labor trafficking victims receiving services as reported by the task forces is a reflection of the prevalence of sex trafficking in California or due to under-reporting of labor trafficking. It should be noted that the Work Group expressed concern that labor trafficking is under-identified and under-reported; this may

Chart 4



explain the low percentage of labor trafficking victims receiving services in California. The Work Group's concerns are further supported by ILO data, which indicate that the majority of global trafficking is comprised of labor, rather than sex, trafficking. Thus, as with the national data, the reported breakdown of trafficking types raises further questions as to whether certain kinds of trafficking are more common or simply more commonly reported.

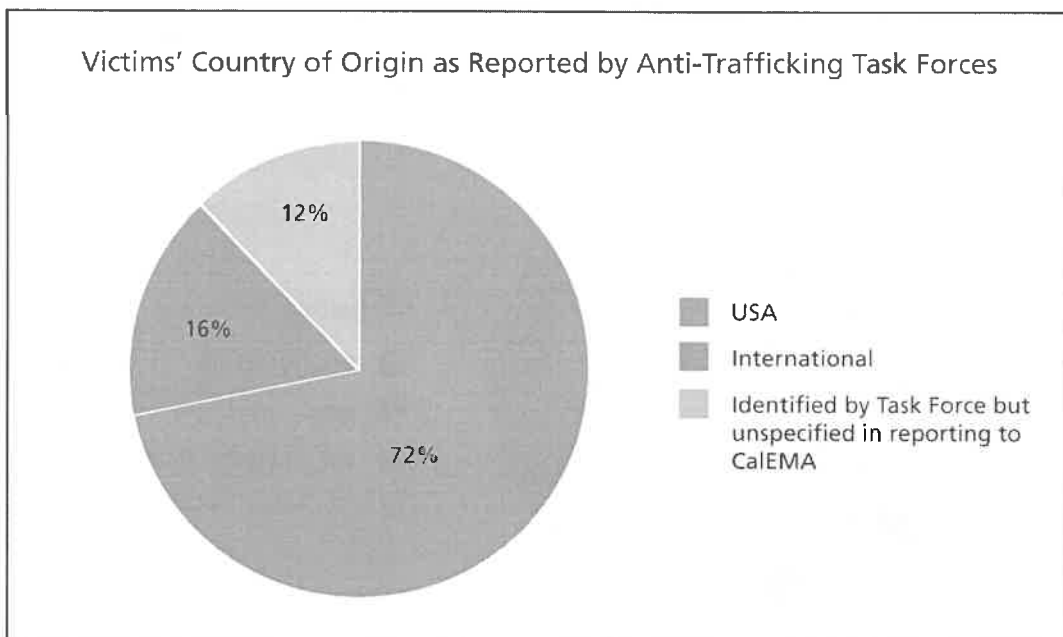
Of the victims identified, the task forces were able to determine over 1,000 human trafficking victims' country of origin between October 1, 2009 and June 30, 2012. This reflects a subset of the total number of trafficking victims identified during this same time period, as task forces did not identify every victim's country of origin.

As shown in Chart 5, 72% of the human trafficking victims whose country of origin was identified by the task forces are from the United States. More research is needed to determine whether these percentages reflect the actual proportion of domestic and international victims of human trafficking in California. It could be the case, for example, that task forces are more likely to come into contact with domestic victims or that international victims are more hesitant to identify their country of origin.

National Human Trafficking Resource Center Hotline (NHTRC)

Funded by the U.S. Department of Health & Human Services (DHHS), the non-profit Polaris Project began operating the NHTRC hotline in 2007 to take reports of potential trafficking victims, of potential locations where trafficking is suspected, and of other suspicious behavior.

Chart 5

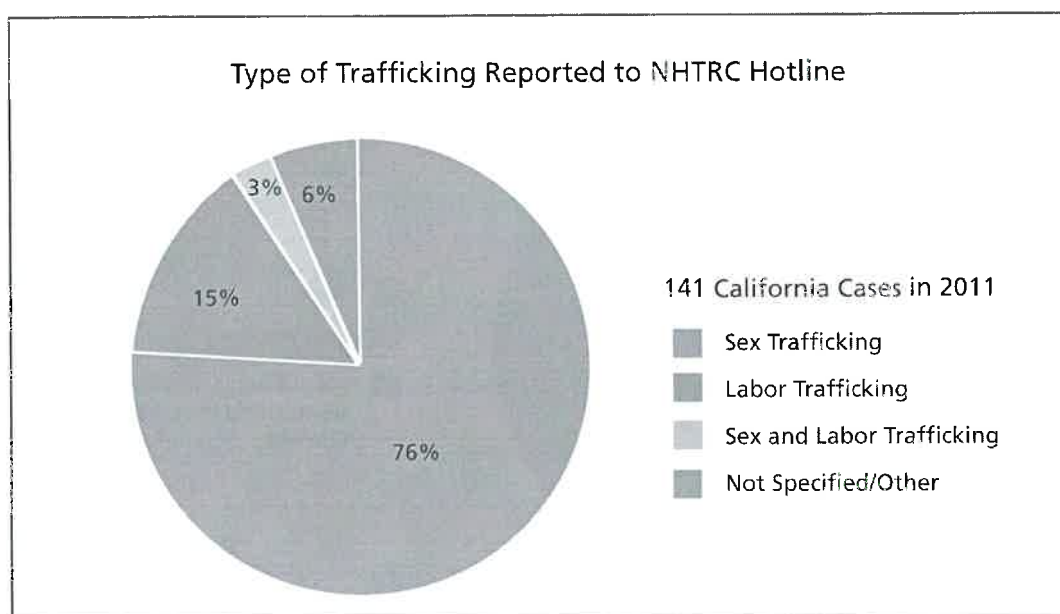


While the hotline receives reports of potential human trafficking in almost every state, the highest numbers of cases and/or victims reported are in California.¹⁰ In 2011, the NHTRC hotline received 19,427 calls, of which 1,869 calls, or about 10%, came from California. From these calls and from calls received from outside the state, NHTRC identified 141 cases in California with a “high level of critical information” and demonstrating “key indicators relevant to identifying a human trafficking situation.”¹¹ Chart 6 represents the type of trafficking reported in those 141 cases.

Chart 6 shows that 76% of these cases are classified as sex trafficking, while only 15% of the cases are classified as labor trafficking. The preponderance of sex trafficking as compared to labor trafficking is somewhat similar to the data reported by California’s regional task forces as shown in Chart 4. However, as with the data about trafficking type from California’s task forces, more research is needed to determine whether the low percentage of labor trafficking cases reported to the NHTRC hotline reflects the proportion of trafficking types in California or whether it is due to the under-identification and under-reporting of labor trafficking.

A key recommendation of the 2007 report called for state and local agencies to encourage the public to report human trafficking to hotlines. Since the creation of the NHTRC hotline in 2007, the California Attorney General’s Office, Cal EMA, the California Department of Social Services (CDSS) and many local law enforcement agencies, social service organizations, and NGOs have developed brochures, factsheets, web pages, and resource cards to promote the NHTRC hotline and/or their own regional hotlines to help encourage the reporting of human trafficking or suspect activity. This has yielded a significant number of suspected human trafficking reports

Chart 6



A Call to the NHTRC Hotline Connects Victims with Services (Courtesy of the NHTRC Hotline)

A community member met a distraught young woman in the bathroom of a restaurant near her office in San Francisco. The young woman, Kelly, said that she lived in a motel where her pimp forced her to engage in prostitution. Kelly confided in the woman that she had secretly saved \$200 so she could leave the situation, but was afraid of doing so for fear that her pimp would come after her. Kelly asked the woman for help.

The woman was unsure what to do, but had seen a poster for the NHTRC and recommended that Kelly call the hotline. Kelly had to leave, as her pimp had arranged for her to meet with a client that evening, but asked the woman to call the NHTRC on her behalf. She also saved the NHTRC hotline number in her phone.

With the help of the NHTRC, the woman connected with a local service provider to make a plan for the evening and coordinate emergency shelter in case Kelly needed a safe place to stay that night. Kelly called the hotline later that evening; because her pimp was nearby, she was unable to speak for very long, but she gave permission for law enforcement to be involved in helping her leave. Early the next morning, law enforcement helped Kelly safely leave the hotel and connect with a service provider. Kelly is currently receiving services and helping law enforcement to pursue a case against her pimp.

to the NHTRC. In 2011, the NHTRC hotline answered a total of 19,427 calls and connected 2,945 potential victims of human trafficking to services and support.¹²

The California Attorney General's Office and other local, state, and federal agencies and organizations have also posted information on their websites about the indicators or signs of human trafficking, such as signs of physical abuse or evidence of control. This information is made available to assist the public in identifying potential victims.

Arrest and Conviction Records

California Penal Code 236.1

Human trafficking became a separate reportable crime under California Penal Code § 236.1 in January 2006 and is just one of the many criminal statutes available to law enforcement to prosecute conduct associated with human trafficking. The California Department of Justice, Division of Criminal Justice Information Systems (CJIS), collects data on both arrest and case dispositions on charges under § 236.1. Table 1 shows the number of arrests and convictions reported to CJIS under § 236.1 from January 1, 2007 to September 30, 2012.¹³ Because conviction records relate back to the date of arrest regardless of the year of conviction, it is likely that future convictions will increase the number of convictions reported for earlier years.

Table 1
Number of Arrests and Convictions in California
Under § 236.1 (Human Trafficking)

Year	Number of Arrests	Number of Convictions
2007	33	10
2008	34	18
2009	52	19
2010	76	17
2011	133	28
2012 (through 9/30/12)	113	21
Total	441	113

Between January 1, 2007 and September 30, 2012, CJIS reports a total of 441 arrests and 113 convictions for human trafficking in California under § 236.1. According to the CJIS records, § 236.1 convictions have been reported in the following counties: Alameda, Los Angeles, Monterey, Riverside, Sacramento, San Diego, San Francisco, Santa Barbara, and Santa Clara. Fifty-two convictions, representing 46% of the total convictions between January 1, 2007 and September 30, 2012, were from Alameda County.

As Table 1 indicates, the number of arrests and convictions under § 236.1 has been steadily growing during this time. Indeed, through the first three quarters of 2012, human trafficking arrests are above the roughly 100 expected at this point in the year if 2012 merely kept pace with 2011. Similarly, convictions are on pace with 2011 numbers, and given the likelihood of 2012 arrests leading to convictions in 2013, convictions can be expected to increase further in the coming months.

Other Statutes

Although the use of § 236.1 to charge and prosecute human trafficking cases is steadily increasing, § 236.1 records alone do not capture all potential human trafficking cases prosecuted in California. Indeed, members of the Work Group noted that the majority of human trafficking cases are charged and prosecuted using alternative penal code sections. For example, in the context of sex trafficking, California's pimping and pandering laws sometimes allow for longer sentences than do human trafficking laws.¹⁴ Pimping and pandering prosecutions require proof of fewer legal elements than human trafficking, making the likelihood of conviction greater.¹⁵ In addition, whereas a human trafficking conviction is eligible for probation, pimping and pandering convictions are not.¹⁶

Table 2 shows the number of arrests and convictions in California from January 1, 2007 to September 30, 2012 under selected sections of the penal code, some of which may be human trafficking cases. Given the greater volume of cases prosecuted under these statutes, the number of human trafficking convictions under § 236.1 may be dwarfed by potential human trafficking cases prosecuted under different, and potentially more advantageous, sections of the penal code.

Table 2
Number of Convictions in California
Under Selected Sections of the California Penal Code

Year	§ 266h (Pimping)	§ 266i (Pandering)	§ 266j (Procuring a minor for lewd or lascivious act)	§ 267 (Abducting a minor for prostitution)	§ 311.4 (Use of minor for obscene matter)	§ 653.22(A) (Loitering with intent to commit prostitution)
2007	67	49	8	0	26	1,469
2008	69	52	6	0	38	1,596
2009	59	43	3	0	39	1,675
2010	64	41	0	0	27	1,471
2011	71	35	6	0	31	1,582
2012 (Through 9/30/12)	74	43	2	1	33	1,088
Total	404	263	25	1	194	8,881

Convictions obtained by Alameda County's Human Exploitation and Trafficking (H.E.A.T.) Unit, a part of Alameda's H.E.A.T. Watch program, demonstrate the incomplete picture of human trafficking captured by convictions under § 236.1 alone. A key component of the H.E.A.T. Watch program is to vigorously prosecute traffickers and ensure that they receive the maximum sentence supported by the facts and the law. Between January 1, 2006 and August 31, 2012, the H.E.A.T. Unit obtained 179 convictions using a variety of sections of the penal code, including human trafficking, pimping and pandering, sexual assault, and kidnapping laws. Of these 179 convictions, only 52 convictions, or about 29%, were convictions under § 236.1. Such alternative prosecution strategies highlight the challenge, identified in the 2007 report, of tracking the full scope of law enforcement activity regarding these crimes.

Government Benefit Programs

Victims Served by the Trafficking and Crime Victims Assistance Program

Apart from law enforcement data, another source for measuring the scope of human trafficking in California is the Trafficking and Crime Victims Assistance Program (TCVAP), a state-funded

program that provides cash assistance and social services to eligible non-citizen victims of human trafficking, domestic violence, and other serious crimes in California. For a description of the TCVAP benefits available to trafficking victims, see Chapter 5. Two aid programs are available for trafficking victims: TCVAP Cash Assistance for single adults and families without children and TCVAP CalWORKs for families with children. The Refugee Programs Bureau of CDSS administers TCVAP Cash Assistance and TCVAP CalWORKs.

Table 3 lists the number of trafficking victims served by TCVAP Cash Assistance and TCVAP CalWORKs in the past two State fiscal years.

Table 3
Number of Trafficking Victims in California Served by TCVAP

Year	TCVAP Cash Assistance	TCVAP CalWORKs	Total
7/2010-6/2011	79	156	235
7/2011-6/2012	118	124	242

In the 2010-2011 fiscal year, a total of 235 trafficking victims were served by TCVAP Cash Assistance and TCVAP CalWORKs; increasing to 242 in the 2011-2012 fiscal year. Such benefits, while no doubt meaningful for the hundreds of beneficiaries, reach only a small portion of the 1,300 identified victims in California. It is not clear from available information whether this gap is due to victim ineligibility, lack of victim awareness of the available services, or other factors.

Certification and Eligibility Letters for Non-Citizen Human Trafficking Victims

Human trafficking victims who are not US citizens or lawful permanent residents may be eligible to receive federally-funded benefits and services provided for under the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Acts of 2003, 2005, and 2008. Foreign adult victims of trafficking receive an official letter of certification from the Office of Refugee Resettlement (ORR). Foreign victims of trafficking under the age of 18 do not need to be certified in order to receive services and benefits; instead the ORR issues a letter stating that the child is a victim of trafficking and is therefore eligible for benefits. A certification or eligibility letter grants the victim access to federal benefits and services to the same extent as refugees. For a description of these benefits and services, see Chapter 5.

Table 4 lists the number of adult certification letters and child eligibility letters issued to foreign national human trafficking victims in California.

Table 4
Certification and Eligibility Letters Issued to Foreign National
Human Trafficking Victims in California

Federal Fiscal Year	Adult Certification Letter	Child Eligibility Letter	Total
10/2005 - 9/2006	27	2	29
10/2006 - 9/2007	66	4	70
10/2007 - 9/2008	57	2	59
10/2008 - 9/2009	32	11	43
10/2009 - 9/2010	57	17	74
10/2010 - 9/2011	88	24	112
10/2011 - 9/2012	79	0	79

Though the total number of certification letters has increased from 27 in 2006 to 79 in 2012, these numbers reflect only a small portion of the identified human trafficking victims in California. As with Table 3 above, it is not clear whether the small number of victims currently benefiting from this program stems from the eligibility criteria, lack of awareness, or other factors.

Maximizing California's Information Sharing Environment

State Threat Assessment System

As the data above indicate, there is currently no single agency or system with the primary responsibility for calculating California's exposure to human trafficking. Although the above-presented data is a helpful starting point for analyzing the scope of trafficking in California, it is important to seek new and better ways of measuring the problem.

California's State Threat Assessment System (STAS) fusion centers are currently working to build upon their already substantial operating capabilities and subject matter expertise within this domain and should be considered an essential partner with a capacity to support state-wide research, information aggregation and analysis of human trafficking data. The STAS plays an important role in a number of areas that are essential to coordinated anti-trafficking efforts, from data collection to the collecting and sharing of best practices. The STAS is also instrumental in providing situational awareness, trend and strategic analysis, and case support to law enforcement in California.

The six centers comprising the STAS serve as an information sharing platform to support the robust analysis and dissemination of critical crime information and phenomena to local, state,

federal, tribal, and private sector partners. The STAS has four regional fusion centers in Los Angeles, Sacramento, San Diego, and San Francisco; an urban area fusion center in Orange County; and the State Threat Assessment Center, the State's designated fusion center.

The STAS has the capability to capture information on human trafficking activity across the state and to provide tactical analytical support for local investigations. Over the last few years, fusion centers have begun to capture data and Suspicious Activity Reports indicating human trafficking. The STAS is in a unique position in California's intelligence and data sharing environment to expand and enhance its effort at collaborating with the regional task forces in fighting human trafficking.

The STAS is already positioned to receive and analyze local, regional, statewide and national information, and law enforcement is already accustomed to receiving information from and providing information to the STAS members. Therefore, employing the STAS as a conduit to centralized reporting for human trafficking information is a smart and ready-made solution to the current lack of a single entity in California with the responsibility for comprehensive regional and statewide human trafficking information gathering and reporting.

Conclusion

It is clear from the data reported in this chapter that human trafficking is a substantial problem facing California. In just two years of reporting, California's nine regional anti-trafficking task forces initiated over 2,500 investigations, identified almost 1,300 victims of human trafficking, and arrested almost 1,800 individuals. In addition, convictions under the human trafficking statute have risen steadily in recent years. Although great strides have been made since the 2007 report in gathering and reporting data related to human trafficking additional information and analysis is still needed to understand how human trafficking in California differs from modern slavery worldwide.

Recommendations

1. **Gather Comprehensive Human Trafficking Information:** California needs a central clearinghouse to coordinate and compile human trafficking information from local, state, and federal law enforcement agencies and governments, as well as non-governmental organizations. It is important for any data collection effort to take special care to ensure that all partners share common working definitions of key terms, and to address the relative dearth of information about labor trafficking as compared to sex trafficking.
2. **Utilize California's Fusion Center System for Human Trafficking Information Sharing:** California lacks a centralized mechanism for the collection, analysis, and dissemination of human trafficking information. California's State Threat Assessment System (STAS) provides critical tactical and strategic intelligence about trends and emerging patterns relating to criminal activity across the state, and ensures that first responders and policy makers are provided with relevant and timely situational awareness, as well as information on traffickers' current tactics and techniques. In coordination with the Attorney General's Office, California's anti-trafficking task forces should partner with other local, state, and federal law enforcement and the STAS to improve California's human trafficking information sharing environment.

End Notes:

- ¹ International Labour Organization, "ILO Global Estimate of Forced Labour: Results and Methodology," (Geneva: International Labour Office, 2012), 13, accessed October 26, 2012, http://ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf.
- ² Bureau of Justice Statistics, "Characteristics of Suspected Human Trafficking Incidents, 2008-2010," (U.S. Department of Justice, April 2011), 3, accessed October 26, 2012, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cшти0810.pdf>.
- ³ International Labour Organization, "ILO Global Estimate of Forced Labour: Results and Methodology," (Geneva: International Labour Office, 2012), 13, accessed October 26, 2012, http://ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf.
- ⁴ U.S. Department of State, Trafficking in Persons Report, (June 2004), 23, accessed October 26, 2012, <http://state.gov/jtip/rls/tiprpt/2004/>.
- ⁵ Bureau of Justice Statistics, "Characteristics of Suspected Human Trafficking Incidents, 2008-2010," (U.S. Department of Justice, April 2011), 1, accessed October 26, 2012, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cшти0810.pdf>.
- ⁶ Ibid.
- ⁷ Ibid.
- ⁸ Federal Bureau of Investigation, Criminal Justice Information Service Division, "Uniform Crime Reporting (UCR): State Program Bulletin," (U.S. Department of Justice, August 2011), 5, accessed October 26, 2012, <http://ag.nd.gov/BCI/UCR/StateBulletin/2011/08-11.pdf>.
- ⁹ The Riverside County Anti-Trafficking Task Force uses a slightly different reporting period than the other eight task forces; data from the Riverside County Anti-Trafficking Task Force are grouped with the reporting quarter that most closely overlaps with its reporting period. Additionally, the California Emergency Management Agency's reporting database is a working document; these numbers are subject to change when new information from the anti-trafficking task forces' Progress Reports is entered.
- ¹⁰ National Human Trafficking Resource Center, "Increasing Awareness and Engagement: Strengthening the National Response to Human Trafficking in the U.S.: Annual Report 2011," (2012), available online at: <http://polarisproject.org/resources/hotline-statistics>.
- ¹¹ National Human Trafficking Resource Center, "National Human Trafficking Resource Center (NHTRC) Data Breakdown: California State Report January 1st, 2011 to December 31st, 2011," (2012), available online at: <http://polarisproject.org/state-map/california>.
- ¹² National Human Trafficking Resource Center, "Increasing Awareness and Engagement: Strengthening the National Response to Human Trafficking in the U.S.: Annual Report 2011," (2012), available online at: <http://polarisproject.org/resources/hotline-statistics>.
- ¹³ This information is reported to the California Department of Justice, Division of Criminal Justice Information Systems (CJIS) by each county in California; it is possible that there are additional arrests and convictions that have not been reported to CJIS by the counties.
- ¹⁴ For example, the sentencing structure under California Penal Code § 236.1(a) (human trafficking of a person over the age of 18) allows for up to 5 years imprisonment, while the sentencing structure under California Penal Code § 266h (pimping involving a person engaged in prostitution who is older than 16) and California Penal Code § 266i (pandering involving a person engaged in prostitution who is older than 16) allow for up to 6 years imprisonment.
- ¹⁵ California Penal Code §§ 236.1, 266h, 266i (2012).
- ¹⁶ See California Penal Code § 1203.065(a) (2012) (indicating human trafficking is a probation eligible offense because it does not appear on the non-probation eligible offenses list).

4

Holding Traffickers Accountable: Law Enforcement Investigations & Prosecutions

“The time has come to harness the power of technology to go after those using it to enslave others.”

California Attorney General Kamala D. Harris, September 20, 2011

As discussed in earlier chapters, human trafficking is often hidden in plain sight. Victims may appear at first glance to be willing prostitutes or legally-compensated laborers. Adding to the challenge, much of trafficking activity has moved online, providing further opportunities for traffickers to increase their reach, both in terms of recruiting victims through social media and finding clients through online - classified advertisements. Moreover, traffickers have substantial criminal resources at their disposal, including the networks of transnational and local street gangs working in collaboration. Traditional law enforcement tools should be supplemented with innovative investigative techniques to combat these emerging challenges.

This chapter describes two key challenges in the fight against human trafficking and the opportunities they present: the role of sophisticated, highly-funded criminal organizations in human trafficking, and traffickers' increasing use of technology. It also describes how law enforcement agencies can design a successful strategy to combat trafficking by organizing their departments to fit the unique characteristics of these cases.

The Role of Transnational and Local Street Gangs in Human Trafficking

Human trafficking is not confined to a single jurisdiction. As Chapter 1 discussed in detail, both local and transnational gangs are playing an increasing role in human trafficking. Attracted by high profits – an estimated \$32 billion per year world wide – and low risk – a relatively low conviction rate and short time of incarceration – gangs are coming to recognize that the sex trade and prostitution provide a lower penal and detection-risk alternative to drug or weapons trafficking.¹ Indeed, human trafficking is the fastest growing criminal enterprise in the 21st century.²

It is the duty of law enforcement to increase the risks traffickers face when they enslave people by redoubling efforts to bring them to justice. To that end, cooperation across sectors

of government and across jurisdictions is essential. Successful investigations and prosecutions in California often involve one common element: law enforcement partnerships spanning across jurisdictional lines.

To give just two examples, in the Oceanside Crips Enterprise case discussed in Chapter 1, the charges came out of an 18-month investigation spearheaded by U.S. Immigration and Customs Enforcement (ICE), the Federal Bureau of Investigation (FBI), the Oceanside Police Department, the San Diego County Sheriff's Department, and the Escondido Police Department.³ Similarly, a 2010 case against a Fremont woman who forced a victim to work as an unpaid domestic servant was a joint effort between the FBI and ICE Homeland Security Investigations, and arose from a referral by the Fremont Police Department in coordination with the San Jose/South Bay Human Trafficking Task Force.⁴

Cooperation is especially crucial in the context of transnational gangs. As Chapter 2 described, California has begun to forge cross-border partnerships with Mexican authorities to track transnational gangs' criminal activity and combat their multi-jurisdictional crimes. These efforts are just the first steps in protecting victims and the public from these criminal enterprises. Maintaining and strengthening these partnerships is vital to disrupting a substantial revenue source for transnational organized crime.

Traffickers' Use of Technology

As described in Chapter 1, traffickers use technology to recruit victims, find clients, and avoid law enforcement detection. This is an important and daunting challenge for law enforcement not addressed in the 2007 report. A report released by the University of Southern California (USC) Annenberg School for Communication and Journalism entitled *Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds* describes how the efficiency and anonymity of social networking sites and online classified sites facilitates human trafficking by connecting buyers and sellers at an unprecedented scale while minimizing risk.⁵ Similarly, *The National Strategy for Child Exploitation Prevention and Interdiction*, issued by the U.S. Department of Justice, notes that the profitability of child prostitutes has increased because online advertising and Internet-enabled cell phones enable traffickers and pimps to reach a larger client base; social networking and classifieds websites are now representing an increasing portion of the sale of victims.⁶ In the context of sex trafficking, it also makes the transaction simpler and less immediately visible for "johns," who can view several available prostitutes online and receive "house calls" rather than having to appear in person to complete the transaction. Technology thus improves both sides of the risk/reward scale from the perspective of both traffickers and customers: it makes their activity harder to track while simultaneously generating more profit.

Opportunities for Law Enforcement to Leverage Technology

Nonetheless, technology offers just as many opportunities for law enforcement as it does challenges, and law enforcement should exploit available technology to its investigative advantage.

While technology is being used to perpetrate human trafficking, that same technology can provide a digital trail. This digital footprint offers greater potential opportunity for tracking traffickers' and johns' communications, movements, and transactions than their previous offline cash transactions, if law enforcement can find ways to quickly and efficiently process the volumes of data available. The USC Annenberg report identifies several areas in which law enforcement can build evidence by aggregating the public data available on the Internet. One of its highlighted case studies focused on Twitter, suggesting that, with the help of computational linguistics – a hybrid field of linguistics and computer science – and a human trafficking expert familiar with the nuanced terms of the traffickers' trade, law enforcement could focus on accounts with unusually high numbers of posts using suspect words.⁷ Aggregating data by computer would allow law enforcement to identify patterns much more quickly than an individual could do alone. The study also suggests that automated web-crawling can flag suspect ads for review more quickly than a human moderator.⁸ Furthermore, law enforcement could enlist the help of the public. By using crowdsourcing technology to consolidate tips from non-law enforcement sources, law enforcement could discover cases that individual investigation alone would not have identified.⁹

In addition, new imaging technology can alert law enforcement to patterns that traditional text-based data searches are unable to reach. Microsoft's PhotoDNA fingerprinting technology – free to law enforcement – matches images of victims posted online and integrates them with the Child Exploitation Tracking System, helping law enforcement to quickly identify and rescue victims without duplicating efforts. Similarly, facial recognition technology can allow law enforcement to search for a victim's or trafficker's face across multiple images posted online or in various databases.

Several efforts have developed across sectors to leverage this and other technology. For example, the USC Annenberg Center on Communications Leadership and Policy (CCLP) has developed prototype software, focusing on the detection of online sex trafficking of juveniles. (The report cautions, however, that law enforcement should temper their use of various technological tools by evaluating whether these tools have the potential to cause victims inadvertent harm and encroach on rights of privacy, security, and freedom of expression.) In addition, some technology companies are also contributing to law enforcement efforts by helping streamline access to and use of the company's own technology and online information. Facebook, for instance, has created a set of guidelines for law enforcement agencies if they wish to access information maintained by Facebook. Law enforcement agents must explicitly state which of three types of requests they intend to make: preservation, formal legal, or an emergency request. Each of these requests requires agents to provide specific information. Facebook explains the process by which it evaluates each request and what data can or will be released and the legal process required.¹⁰ Setting such guidelines not only creates transparency for Facebook users, but it helps law enforcement by explaining the type of specificity that is needed for Facebook to comply with their requests efficiently. The Facebook Law Enforcement Guidelines can be accessed at, <http://facebook.com/safety/groups/law/guidelines>.

Despite this and other progress, the technology gap between traffickers and law enforcement remains. Further research and development efforts are necessary to close this gap. In November 2011, USC's Annenberg CCLP hosted a summit attended by representatives from the Attorney General's Office, the U.S. Department of Justice, social media companies, and NGOs to explore a governmental and industry partnership to leverage technology and information. The primary purpose of the meeting was to explore how technology, including social networking sites, online classifieds, cell phones, and other tools, can be used to help combat human trafficking. Participants who later convened for the Work Group discussed several focus areas for further research. Some of these areas include investigating the role mobile phones play in trafficking labor from one country to another, identifying search terms that johns use online, and creating an online "hub" where law enforcement can share real-time information and best practices. Members of law enforcement have intimated that it is essential for officers to have access to tools to quickly and efficiently use information, rather than simply gain access to volumes of data that is not useful without a significant time investment before that data is useful.

Another avenue for assistance is the Attorney General's eCrime Unit. The eCrime Unit in the California Department of Justice focuses on crimes that include a substantial technology component, including online child pornography networks and individuals who commit sex crimes against children using the Internet or social media. Formed in 2011, the eCrime Unit investigates and prosecutes cybercrime, identity theft, computer theft, intellectual property theft, and other technology crimes. The eCrime Unit has a role to play in assisting local law enforcement with combating human trafficking – a crime that crosses county, state, and international borders and involves technology in ways that require a sophisticated response. Just as the California Department of Justice provides investigative skills and forensic resources to assist local law enforcement in combating organized transnational gangs, the eCrime Unit can play a role in helping local law enforcement combat human trafficking online. By partnering with technology companies and academic institutions, the eCrime Unit can help to develop tools to ensure that local law enforcement can focus limited resources to effectively target human trafficking online.

Of course, an important piece of any effort to address crime includes not just investigating and prosecuting the crimes that are already in progress, but also deterring and preventing crimes from occurring in the first place. To that end, Chapter 6 includes additional discussion of the ways in which technology companies and nonprofits are helping to develop strategies to disrupt and thwart the online marketplace for trafficking.

Designing a Successful Strategy to Combat Human Trafficking

Generating Leads – Multidisciplinary Cooperation

Human trafficking involves a wide variety of clandestine activities, from sex trafficking to forced labor to domestic servitude. It is therefore recommended that various divisions in a law enforcement agency share in the responsibility of developing leads. Gang units may investigate a drug trafficking case only to discover that the gang is also trafficking human

beings. Vice units, which are customarily tasked with investigating prostitution cases, may approach a case as prostitution only to discover it is sex trafficking. Units specializing in white-collar crimes may come across a forced labor situation while investigating suspicious business activity, unusual financial transactions, or money laundering. What initially appears as a migrant smuggling operation may evolve into a debt bondage case demanding further investigation. The problem is too widespread and takes too many forms for the responsibility of identification to fall upon any one unit. To effectively address trafficking in all its forms demands a comprehensive and unified approach. It requires a baseline level of knowledge across all units of a given department so that any peace officer is positioned to identify a possible human trafficking enterprise. It also, as described above, requires collaboration across jurisdictional lines of criminal law enforcement agencies in different nations, states, and counties.

Similarly, government agencies outside of criminal law enforcement have frequent access to valuable intelligence that can be leveraged in the fight against slavery. There are many points of contact between businesses and regulatory agencies at the state and local level, including the Labor Commissioner, the Division of Labor Standards Enforcement, the Board of Equalization, and city attorney and county counsels' offices. Civil regulatory agencies have an opportunity to identify human trafficking; for example, an agency performing code enforcement might encounter suspicious behavior that yields a new criminal investigative lead. Like their criminal law enforcement counterparts, these government entities need training to identify potential signs of trafficking, and various government agencies need a clearinghouse for investigative information arising from the underground economy to ensure information related to human trafficking is identified, shared, and prioritized.

Finally, because trafficked victims may encounter numerous members of the community outside government entirely, raising awareness in the private and nonprofit communities will both help generate leads for law enforcement and deter businesses from engaging in or supporting these crimes in the first place. For example, cooperation with community groups and first identifiers increases the likelihood that victims will come forward and cooperate. Chapter 5 describes the importance of training both government and non-government personnel to recognize the signs of human trafficking, and lists some groups' existing efforts to raise awareness. In addition, educating members of the business community about human trafficking can help them monitor their own supply chains. Chapter 6 discusses the importance of these efforts to decrease demand for human trafficking by deterring manufacturers and retailers from passively benefitting from these criminal enterprises.

Pursuing Leads – The Need for Expertise

Although *all* members of a law enforcement agency should keep watch for human trafficking leads and obtain baseline training in identifying potential victims, personnel with comparatively little expertise in the area may benefit from having specialists or a task force to whom they can refer a potential case. That is where a human trafficking task force and a vertical prosecution team are very effective.

First Identifiers Are Not Always Law Enforcement

In 2006, a Peruvian woman came to the Bay Area on a three-month visitor's visa to work as a nanny. The trafficker, a real estate agent in Walnut Creek, promised the victim her own bedroom in a large house and, after the cost of her airline ticket was deducted, \$600 per month. Instead, she received no wages and was forced to work seven days a week and provide care for three children in a Walnut Creek apartment. The trafficker rationed her food, cut her off from Spanish-speaking media, and confiscated her visa, passport, and Peruvian identification. After nearly two years of enslavement, the woman escaped with help from acquaintances and people she met at the local elementary school. The trafficker was sentenced to five years in prison.¹¹

A human trafficking task force may be comprised of law enforcement specializing in human trafficking investigations and community partners that provide victim care. California's nine regional task forces are described in Chapter 2.

Vertical prosecution units typically involve one or more attorneys who handle cases of one particular type from arraignment to conviction, and sometimes even partner with law enforcement at the investigation stage. (For example, many departments already have designated vertical prosecution units for domestic violence cases and child abuse cases.) A vertical prosecution unit specializing in human trafficking would help staff build long-term partnerships with other agencies and with the community at large. For example, some prosecutors have built close enough relationships with law enforcement agencies to get involved even before the completion of the investigation stage. This early involvement allows prosecutors to give valuable feedback on the key evidence that law enforcement should seek to collect. Similarly, prosecutors who repeatedly work on these cases are more likely to develop ongoing partnerships with the community organizations that provide victim services and to have a working familiarity with how to connect victims to appropriate resources.

Integrating a multidisciplinary investigative approach with task forces and vertical prosecution units allows law enforcement to achieve an investigative scope that is broader than what a specialized investigative team might achieve on its own. And at the same time, the task force and vertical prosecution model allows a few repeat players to build expertise in human trafficking investigation and prosecution. By combining a multidisciplinary approach with a task force/vertical prosecution referral system, where possible, a law enforcement agency can generate leads from a broad base of sources while benefiting from the expertise of a few key specialists.

In practice, a task force and vertical prosecution team could interact with a multidisciplinary investigation in several different ways. For instance, if a case involves multiple components (for example, a gang investigation that involves a drug-trafficking component, as well as

a sex trafficking component), then the original investigators may choose to retain the case while bringing in a human trafficking task force to participate as one part of the investigation. If investigators in a unit that typically does not encounter human trafficking scenarios unexpectedly come across a rescue situation, a task force or vertical prosecution team may come in after the first responders have already concluded an on-the-spot investigation and directed victims to appropriate services. In some cases, the victim will escape on his or her own, and contact a shelter or a non-profit organization that will then refer the case situation to a partnering task force. Because it may take time, even for properly trained law enforcement and victim service providers, to distinguish between coercive or voluntary situations, there is no one right moment at which a task force or a vertical prosecution team may become involved in an investigation.

Maintaining a Victim-Centered Approach

The above-described model allows law enforcement to investigate and prosecute human trafficking cases while maintaining a victim-centered approach, which is key to successfully prosecuting these crimes. As the 2007 report also acknowledged, it is crucial for law enforcement – not just community groups – to identify and treat victims of human trafficking as victims, rather than mistakenly labeling them as criminals. Such an approach can admittedly be difficult to execute in practice. For example, even with a sincere desire to help victims, many peace officers have commented that it can be difficult to distinguish between voluntary participants and coerced victims. For example, a forced labor victim may feel honor-bound to insist that he or she is working voluntarily, even if it is for below minimum wage (or for nothing at all). Moments of uncertainty may also occur when illegal immigration and prostitution can be confused with human trafficking. A victim of sex trafficking may distrust law enforcement, fear retribution, or suffer from psychological manipulation that causes her to divert blame away from the perpetrator.

Investigating human trafficking cases outside the vice unit can improve outcomes for victims. Traditionally, vice units are charged with investigating and working with prosecutors to charge prostitution cases. As a result, officers in those units often experience difficulty viewing someone charged with prostitution as also a potential victim of human trafficking. Unless we disrupt this pattern, it can lead to law enforcement mistakenly viewing a trafficking victim as a criminal. To draw on all skill sets needed to effectively identify victims and disrupt increasingly sophisticated, organized criminal networks engaged in trafficking, agencies should consider handling human trafficking cases outside of routine vice operations.

Designating a specialized team (or in small departments, a specialized individual) to handle human trafficking cases maximizes law enforcement's ability to follow a victim-centered approach. Specialization makes it easier for a team to learn how to identify the difference between coercive trafficking situations and voluntary illegal activity. Seasoned human trafficking teams may change initial interrogation tactics, so that investigators do not inadvertently alienate individuals who may turn out to be victims upon further investigation. Subject-specific trainings can help equip officers with key questions to ask or indicators to recognize without establishing an an-

tagonistic relationship with the potential victim. A victim-centered approach may also require sensitivity regarding how law enforcement treats victims after identifying them. For example, because victims may not understand the distinction between being placed under custody for their own protection and being arrested for wrongdoing, it is recommended that law enforcement take special caution to separate victims from the criminal context where possible.

Most importantly, specialized teams can develop relationships and build trust with victim service providers and partner with them to encourage victims to cooperate willingly in the investigation and prosecution of traffickers. Law enforcement officers are improving their skills at connecting victims with help as soon as they are identified. Some departments and all of the regional task forces have established strong working relationships with community partners that provide victim services. Some law enforcement agencies aim to arrange for the victim's first significant post-rescue encounter to be with a professional trained to provide for the victim's needs rather than a member of law enforcement. Many law enforcement agencies have already established relationships with community partners and regularly bring them in as part of the team when conducting a rescue operation.

Victim-centered investigation strategies also respect the space and time needed for victims to recover from the situations they have endured. Investigators and prosecutors should approach any interview with a victim with sensitivity. Victims often feel anxious about confronting their former exploiters, going to court, testifying, or even meeting a prosecutor. In order to help alleviate victim anxiety, some prosecutor's offices designate a victim advocate to accompany the victim during interviews. Consistent with the California Victims' Bill of Rights, prosecutors and community partners working with victims should maintain regular lines of communication (for example, sharing court dates, giving updates on the victim's concerns and well-being, and explaining the prosecution process).

Putting the victim first not only benefits the victim, it also improves the chances of a successful prosecution. As many law enforcement officers have reported, trafficking victims are often unwilling to serve as witnesses for the prosecution. The reasons are many. They may distrust the government, be fearful of retaliation against themselves or their families, or be wary of placing themselves under legal scrutiny when they have participated in illegal acts (albeit by coercion). Psychologically groomed to tolerate unacceptable behavior, they may not fully understand that the perpetrators did something wrong. Or if they do understand that a wrong was done to them, they may wish to distance themselves from it and move on with their lives.

Bringing in victim services early on dramatically improves the chances that the victim will cooperate with the prosecution. One investigator even surmised that, without his task force's partnership with NGOs and victim service providers, few victims would willingly participate in prosecution proceedings. Without organizations that provide specialized services, victims would have to turn to homeless shelters or return to isolating environments where they could become re-victimized or a target for retaliation. Early encounters with community partners

(as opposed to law enforcement) can also build crucial early credibility for the government in establishing itself as an ally rather than a foe. Ongoing intervention by organizations that provide for physical needs and offer counseling and positive integration into the community can help victims break free of their perceived dependence on the perpetrator. With time and distance away from their traffickers, victims are more likely to see through the trafficker's psychological manipulations and realize that they do not owe any loyalty to their subjugators.

Some NGOs and prosecutors involved in this post-rescue process have adopted the practice of waiting until the victim is ready to cooperate before involving him or her in the prosecution of the trafficking case. Anecdotally, investigators report that the recovery period may vary widely, but following this practice yields prosecutorial benefits. Cooperating complainants acting on their own volition are more likely to be reliable witnesses than those subpoenaed against their will. Their willingness to testify on their own accord can also shield against defense accusations of coaching or prosecutorial pressure.

Conclusion

Human trafficking, a rapidly growing and evolving criminal enterprise, presents unique challenges for law enforcement. Traffickers are often participants in widespread criminal networks of local and transnational gangs, and they are also using technology to increase their reach and profit potential while minimizing their exposure to criminal prosecution. However, that same technology can provide a digital trail - a valuable investigative tool if law enforcement can quickly and efficiently monitor, collect, and analyze online data and activities. Similarly, law enforcement can leverage its own available network of government agencies - both within California and across state and national borders - as well as private and nonprofit groups, to gather useful intelligence and successfully prosecute traffickers. Law enforcement and prosecutors should organize their efforts to take advantage of a range of vigilant sources to generate leads, on the one hand, and specialists with expertise in human trafficking, on the other. Finally, as part of its overall mission, law enforcement should adopt a victim-centered approach that ensures victims have access to needed aid so that they can rebuild their lives and help bring their traffickers to justice.

Recommendations

1. **Tailor Law Enforcement and Prosecution Operations to Handle Human Trafficking Cases:** Human trafficking is a serious crime that involves increasingly sophisticated criminal actors and requires an equally sophisticated and coordinated law enforcement response:
 - a. **Cross-Unit Training:** Baseline human trafficking training can help every peace officer within a law enforcement agency, as well as other government entities outside the criminal law enforcement context, learn how to identify instances of human trafficking that they may encounter in the course of their duties.
 - b. **Cross-Unit Coordination:** Human traffickers often engage in a variety of other criminal activity such as drug dealing or money laundering, which may be investigated primarily by specialized law enforcement units. Various units within a law enforcement agency need to collaborate to identify and investigate human trafficking. For example, a gang unit may investigate a drug trafficking case only to discover that the gang is also trafficking human beings. Likewise, a unit that specializes in white-collar crime may come across a forced labor situation while investigating suspicious business activity or money laundering.
 - c. **Specialized Expertise:** Appoint an individual (or a team) to specialize in human trafficking and handle referrals from other units. Traditionally, vice units are charged with investigating and working with prosecutors to charge commercial sex cases. However, to draw on all skill sets needed to effectively identify victims and disrupt increasingly sophisticated, organized criminal networks engaged in trafficking, agencies should consider handling human trafficking cases outside of routine vice operations. It is also recommended that, where possible, a vertical prosecution model be employed.
 - d. **Leverage External Partnerships:** By working closely with local community groups and victim service providers, law enforcement agencies can draw from their expertise. This is especially important for smaller departments that have limited resources to form a separate human trafficking unit and those located in parts of the state that do not have a regional task force. Regular interactions and partnerships with victim service providers can prove useful at every stage of an investigation or prosecution. It is recommended that law enforcement and prosecutors invite these partners to participate in any encounter with a victim – from the first post-rescue meeting to interviews and court appearances.

2. **Leverage Technology to Combat Trafficking:** Law enforcement has not harnessed technology as effectively as criminal traffickers. To address that situation, at least two efforts are recommended:
 - a. **Track How Traffickers Operate:** Law enforcement training is needed on how traffickers use technology to recruit victims and avoid law enforcement detection, with particular attention given to online gaming communities, social networking sites, online classifieds, job recruitment sites, and the use of mobile phones.
 - b. **Exploit Technology for Investigations:** Through collaboration, law enforcement, non-governmental organizations, technology companies, and academia can provide technical assistance and training for law enforcement on the new technologies that law enforcement can use to improve investigation tactics.
3. **Leverage Cross-Border Partnerships to Fight Trafficking on Multiple Fronts:** To combat dangerous criminal partnerships between local and transnational gangs, the Attorney General's Office should collaborate with other border states, the federal government, and Mexican authorities to share information and best practices for law enforcement in both countries to recognize common signs and patterns of human trafficking and provide support and services to victims.

End Notes:

- ¹ Ami Carpenter and Stacey Cooper, "Transnational Gang Activity in the San Diego/Tijuana Border Region. Final Report of the Gangs: Regional Activity and Presence (GRPA) Project," University of San Diego, (forthcoming).
- ² U.S. Department of Health & Human Services, "Fact Sheet: HHS Fights to Stem Human Trafficking," news release, August 15, 2006, <http://hhs.gov/news/factsheet/humantrafficking.html>; "Conference puts focus on human trafficking, fastest growing criminal industry," United Nations High Commissioner for Refugees, October 11, 2010, <http://unhcr.org/4cb315c96.html>.
- ³ Federal Bureau of Investigation, "Members and Associates of Oceanside Crip Street Gangs and One Hotel Charged with Racketeering Conspiracy Relating to Prostitution of Minors and Adults and Other Crimes and Criminal Forfeiture," news release, April 18, 2011, <http://fbi.gov/sandiego/press-releases/2011/sd041811.htm>.
- ⁴ Federal Bureau of Investigation, "California Woman Sentenced to More Than Three Years in Prison for Human Trafficking Charge, Daughter, Son-In-Law Sentenced on Immigration Charges" news release, November 17, 2010, <http://fbi.gov/sanfrancisco/press-releases/2010/sf111710.htm>.
- ⁵ Mark Latonero, "Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds," (USC Annenberg School for Communication & Journalism, Center on Communication Leadership & Policy, September 2011), 17-19, accessed October 26, 2012, https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FINAL.pdf.
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- ⁷ Mark Latonero, "Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds," (USC Annenberg School for Communication & Journalism, Center on Communication Leadership & Policy, September 2011), 28, accessed October 26, 2012, https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FINAL.pdf.
- ⁸ Ibid., 29-30.
- ⁹ Ibid., 32-33.
- ¹⁰ "Information for Law Enforcement," Facebook, accessed October 26, 2012, <http://facebook.com/safety/groups/law/guidelines>.
- ¹¹ U.S. Department of State, "Walnut Creek Woman Found Guilty of Trafficking Nanny from Peru," news release, October 9, 2009, <http://www.state.gov/m/ds/rls/130528.htm>; Henry K. Lee, "Woman Gets 5 Years for Enslaving Nanny," San Francisco Chronicle, April 15, 2010, <http://sfgate.com/crime/article/Woman-gets-5-years-for-enslaving-nanny-3267463.php>.

5

Victim Centered Approach: Protecting & Assisting Victims of Human Trafficking

"I freed a thousand slaves. I could have freed a thousand more if only they knew they were slaves."

Harriet Tubman (1822-1913)

The nature of human trafficking presents significant obstacles to those who seek to protect and assist victims. As noted in earlier chapters of this report, identifying the crime can be difficult because traffickers often isolate victims from their families, communities, and the public. Victims are sometimes kept locked behind closed doors.

Victims of human trafficking can also be hidden in plain sight. They may have a seemingly legal job at a legitimate hotel, factory, or restaurant, but are actually working for little or no money.

To maintain control, traffickers feed and exploit a victim's fears, using violence or threats of violence against a victim and his or her loved ones. Traffickers may tell victims that if they attempt to escape or seek help from the authorities, they will be imprisoned or deported. Traffickers may also take advantage of social and cultural stigma that results from the victimization by threatening to expose the circumstances to the victims' family and friends.

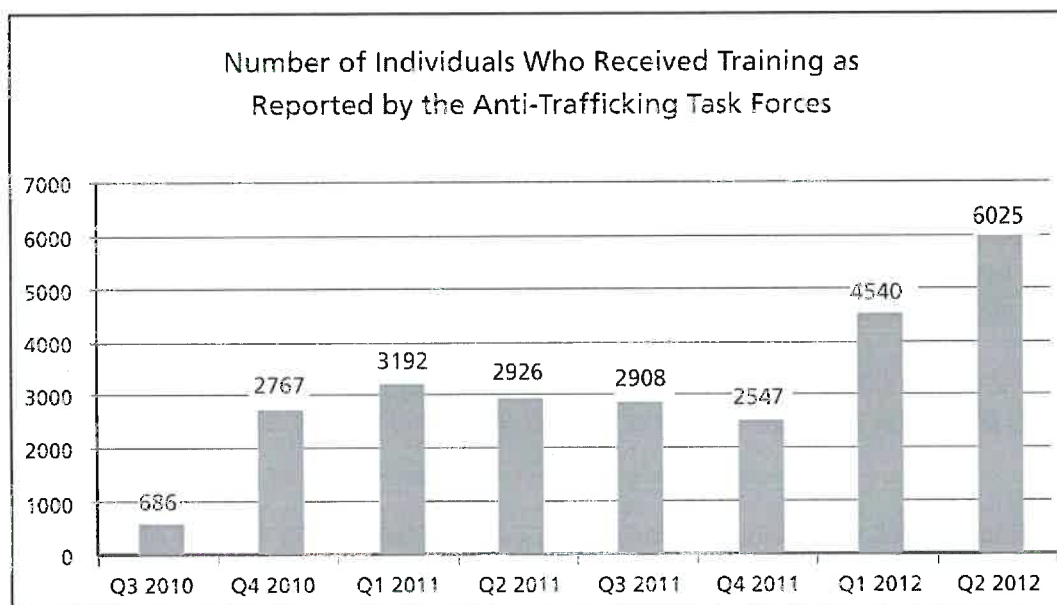
Those who suffer from labor or sexual exploitation are not likely to self-identify or report themselves as victims of human trafficking. Even when trafficking victims recognize their situation, they may not know what services are available or how to reach out for help.

Building on the discussion in Chapter 4 of the ways in which law enforcement agencies can work with each other, other government agencies, and victim service providers to bring traffickers to justice, this chapter examines some of the current efforts in California to protect and assist victims of human trafficking.

Human Trafficking Training with a Victim-Centered Approach

The foundation for a victim-centered approach is appropriate training for law enforcement and other first responders in how to recognize and respond to incidents of human trafficking. The regional task forces funded by California Emergency Management Agency (Cal EMA) report quarterly on the number of individuals who receive human trafficking training through the task forces.¹ As shown in Chart 7, California's nine regional task forces have trained 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders between July 1, 2010 and June 30, 2012.

Chart 7



One reason why victim-centered training is important for law enforcement is because individuals who have been trafficked may not always be identified by law enforcement as victims. Human trafficking victims may be charged with prostitution in connection with their victimization, for example. In order to address this problem, the Legislature might consider additional legislation permitting human trafficking victims to seal and expunge records of a conviction that result from forced labor or services.

Training for First Responders, Health Care Professionals, and Non-Traditional First Identifiers

In addition to training law enforcement, the task forces and NGOs provide training on human trafficking to non-law enforcement first responders. Fire fighters, emergency medical professionals, and health care professionals are often in a unique position to encounter and identify

victims of trafficking. In emergencies, first responders may be given access to victims and locations that are not accessible to law enforcement. Health care professionals may encounter trafficking victims when they observe chronic or severe health problems; victims typically only receive care, if at all, when their condition becomes advanced. These professionals must have the necessary knowledge to identify the signs of human trafficking and to support their patient-victims' needs. Medical professionals are encouraged to report suspicious activity (though not required by law to do so), and the Legislature might consider legislation to make human trafficking a mandated reportable event for medical professionals.

The Work Group noted the need for additional training tailored for first responders and other health care professionals. Information is available, including an article to help nurses recognize the signs of trafficking² and a tool kit for health care providers produced by the Office of Refugee Resettlement that provides tips for identifying and helping victims of human trafficking, among other information.³ Health care providers, academia, and the victim service community can work together to develop training that addresses how first responders and other health care professionals might identify potential human trafficking victims, determine victims' mental health and medical needs, and access available resources.

Beyond first responders and health care professionals, a broad range of community members are in a position to encounter potential human trafficking victims. Training programs are also capitalizing on opportunities to train these non-traditional first identifiers. For example, as noted in Chapter 2, Airline Ambassadors International (AAI) has offered training for airline and airport support personnel after identifying human trafficking on four separate flights in 2009. In another example, the nonprofit Truckers Against Trafficking developed a website, mobile application, and hotline to help members of the trucking and travel plaza industries to identify and report instances of human trafficking. (See Chapter 6) Another potentially fruitful set of first identifiers are investigators who work for administrative agencies that inspect for health, labor, or tax code violations. These investigators should also receive training on how to identify potential instances of human trafficking.

Other potential first identifiers targeted by the National Human Trafficking Resource Center (NHTRC) for awareness and training include hotel/motel staff, labor rights organizations, restaurant associations, neighborhood associations, and faith-based organizations. For example, the NHTRC hotline identified taxi drivers and educational professionals as sources of valuable information regarding potential trafficking cases.⁴ In the case of taxi drivers, Polaris Project, which runs the NHTRC hotline, found that taxi services are utilized by traffickers as a means of transporting victims to and from locations where sex or labor trafficking occurs. As a result, taxi drivers are ideal first identifiers because they often have an exact description and location of a victim.

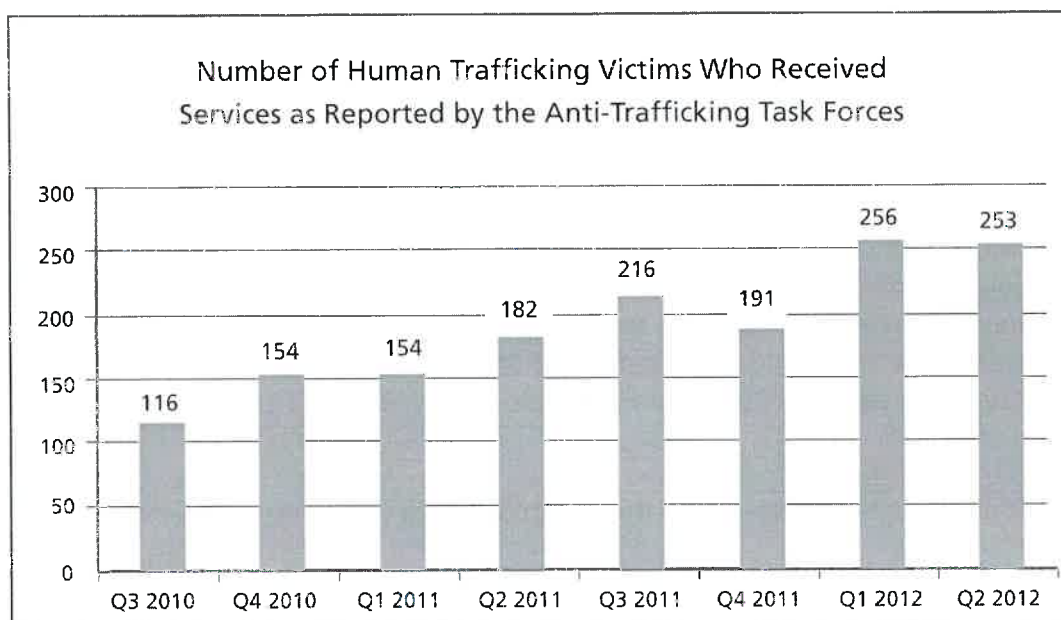
For a list of questions to help identify the signs of a human trafficking victim, see Appendix F.

Comprehensive Services for Victims

NGOs throughout California provide a range of services to victims of human trafficking. Once free from their exploiters, victims often require comprehensive services, starting with immediate safety, health, and housing needs. Victims' medical needs may include treatment for injuries resulting from beatings or torture, treatment for malnourishment, treatment for sexually transmitted diseases, or substance abuse treatment. Trafficking victims' mental health needs include counseling, treatment and recovery services for post-traumatic stress disorder, depression, anxiety, self-blame, suicidal thoughts or attempts, or other mental trauma. Victims may also have a need for legal services, witness protection, and interpreters. Finally, trafficking victims may need education and life skills training. (For a list of NGOs in California, see Appendix D.)

California's nine regional task forces have played an important role in connecting victims of human trafficking to services. Services provided to trafficked victims include: shelter, intensive case management, safety planning, crisis intervention, victim advocacy, interpretive services, mental health treatment, support in family reunification and/or preservation, medical care, dental care, substance abuse treatment, assistance with educational needs, life skills training, transportation, and assistance with obtaining visas, among other services. The task forces report quarterly to Cal EMA on progress toward meeting the goal of providing comprehensive services to human trafficking victims.⁵ As Chart 8 shows, the task forces have connected 1,522 victims with services between July 1, 2010 and June 30, 2012. As this number is larger than the 1,277 victims identified by the task forces during this same period (see Chapter 3), it is likely that some individual victims are counted more than once when separate organizations provide services to the same victim.

Chart 8



Members of the Work Group reported that they have seen an increase in trafficking victims, both male and female, and that as a result, there is a continuing need for shelter and support services for trafficking victims of both genders. Safe, long-term shelter is particularly scarce for male and underage sex trafficking victims. Minors who are sex trafficked are often temporarily housed in the juvenile justice system or in group or foster homes because of a lack of safe housing alternatives. These facilities typically do not have the resources young trafficking victims need to recover. Because of this continuing lack of shelter and support services, leaders and policy makers in California should explore public and private options for creating long-term centers that provide housing and comprehensive services tailored to meet the needs of trafficking victims, especially male victims and victims under age 18.

The provision of legal services for victims of human trafficking has not kept up with the demand for assistance. The 2007 report recommended efforts to encourage attorneys to obtain training to work on a *pro bono* basis with organizations that serve human trafficking victims. Organizations across the state responded by conducting training for attorneys on the need for legal services for human trafficking victims, including the Asian Pacific Islander Legal Outreach (San Francisco) and the Legal Aid Foundation (Los Angeles). Strive2Free, a Sacramento-based non-profit, was formed by legal professionals to learn more about human trafficking and provide legal services for victims. The Coalition to Abolish Slavery and Trafficking (CAST) has also developed an 8-hour *pro bono* training and resource manual for attorneys and provides training for volunteer attorneys twice a year in the Los Angeles area. Despite these efforts, human trafficking victims' legal needs are still not adequately met. The legal community in California (e.g., bar associations, legal assistance organizations, and *pro bono* attorneys) should create regional and statewide networks of legal service providers who are proficient in services, benefits, and immigration options for human trafficking victims and who can train and mentor other legal service providers to assist NGOs and victims. These networks should examine the need for legal services in rural and underserved populations of California and establish ways to help meet those needs. For example, members of the Work Group identified Native American and LGBT populations, among others, as underserved groups in need of services related to human trafficking.

Finally, members of the Work Group expressed concern that a standardized training program for human trafficking caseworker confidentiality privilege does not exist in California. The California Evidence Code provides that a trafficking victim has a privilege to refuse to disclose and to prevent others from disclosing a confidential communication between the victim and a human trafficking caseworker. Victims are more likely to interact freely and openly with caseworkers who are able to assure them that the information they are sharing is confidential. One way that a qualified caseworker could be classified as a "human trafficking caseworker" and thus offer the benefits of confidential communication as provided for by the California Evidence Code is through specialized training in the counseling of human trafficking victims.⁷ However, a standardized training program for caseworker confidentiality is not currently available. A standardized training program would aid human trafficking caseworkers in offering the benefits of privileged communication to the victims they serve.

Crime Victim and Witness Assistance Programs Available for Human Trafficking Victims

There are many crime and witness assistance programs available for victims of human trafficking in California. However, members of the Work Group reported that human trafficking victims and victim service organizations are not always connected with these county, health and social service assistance programs. Often this was due to a lack of understanding and awareness of the benefits and services available to assist trafficking victims. County victim assistance, and health and social service agencies should be included in local or regional human trafficking coalitions to coordinate outreach and education about the resources available for human trafficking victims in the region, and how victims can access those resources.

Trafficking Victims Protection Act and Trafficking Victims Protection Reauthorization Act

Human trafficking victims who are not United States citizens or lawful permanent residents may be eligible to receive federally-funded benefits and services provided for under the Trafficking Victims Protection Act of 2000 (TVPA) and the Trafficking Victims Protection Reauthorization Acts of 2003, 2005, and 2008.⁸ (See Table 4, "Certification and Eligibility Letters Issued to Foreign Human Trafficking Victims in California," for the number of trafficking victims in California receiving benefits under this program from 2006 to 2011.) The TVPA makes housing, health care, education, job training, and other federally funded social services programs available to assist trafficking victims.

In passing the TVPA, Congress created the "T" and "U" nonimmigrant status, also known as T visa and the U visa.⁹ The T Visa provides immigration protection to victims of trafficking; the U Visa provides immigration protection to crime victims who have suffered substantial mental or physical abuse as a result of the qualifying crime. These visas allow victims to remain in the United States to assist law enforcement agencies in an investigation or prosecution of human trafficking or other qualifying crime.

Unaccompanied Refugee Minors Program

Non-citizen minors who are identified as trafficking victims by the Office of Refugee Resettlement (ORR) are eligible to participate in the Unaccompanied Refugee Minors (URM) program.¹⁰ The URM program provides foster care and other services to minors, including those who are trafficking victims, who are in the U.S. alone without a parent or close relative willing or able to care for them.

At the time of the 2007 report, minors could receive URM services through just one site in California, the Catholic Charities of Santa Clara County. The 2007 report included a recommendation that ORR consider funding a second URM program site, preferably in Southern California. In 2008, the ORR and the California Department of Social Services established a second URM site, operated through the Crittenton Services for Families and Children (CSFC)

in Fullerton in Orange County.¹¹ To date, CSFC has provided services to 15 minor victims of human trafficking, including 10 minors who are currently in the program.

Trafficking and Crime Victims Assistance Programs

The state-funded Trafficking and Crime Victims Assistance Program (TCVAP) provides benefits and services to non-citizen trafficking victims who have not yet been certified by the ORR to receive federal benefits and services under the TVPA.¹² Benefits and services available to trafficking victims through this program include cash assistance, food stamps, medical assistance, and refugee social services to assist with adjustment and facilitate self-sufficiency. (See Table 3, “Number of Trafficking Victims in California Served by TCVAP” for the number of trafficking victims in California receiving benefits under this program from July 2010 to June 2012.)

Victim Compensation Program

The California Victim Compensation Program (CalVCP) provides victims and their families with compensation to help cover the cost of treatment and other support services.¹³ If a person meets eligibility criteria, CalVCP will compensate many types of services when the costs are not covered by other sources. Eligible services include medical and dental care, mental health services, income loss, funeral expenses, rehabilitation, and relocation. Funding for CalVCP comes from restitution fines and orders, penalty assessments levied on persons convicted of crimes, and traffic offenses and matching federal funds.

Despite the benefits of CalVCP, the program’s eligibility criteria for benefits may be too restrictive when applied to trafficking victims and could lead to the denial of benefits for many of these victims. The regulations governing CalVCP permit the denial of benefits to a victim who was involved in the events leading to the qualifying crime.¹⁴ Factors that are considered include whether the conduct of the victim caused, resulted in, or reasonably could have led to the qualifying crime and whether the victim was negligent and placed him or herself in a position to be injured or victimized. While the regulations also provide for factors to be considered to mitigate or overcome involvement in the events leading to the qualifying crime,¹⁵ the potential denial of benefits to trafficking victims when applying these regulations is problematic. CalVCP is committed to serving human trafficking victims but members of the Work Group voiced concern that some victims may none the less fall through the cracks of their eligibility criteria. The denial factors could be re-evaluated to ensure the program is fairly applied.

California Witness Relocation and Assistance Program

The California Witness Relocation and Assistance Program (CalWRAP) provides protection for witnesses and their families, friends or associates who are endangered due to ongoing or anticipated testimony in gang, organized crime, narcotic trafficking cases, or in other cases that have a high degree of risk to the witness.¹⁶ Because some human trafficking cases involve

gangs and organized crime or other situations that present a high degree of risk, witnesses in human trafficking cases may be eligible to receive protection through CalWRAP.

California Victim/Witness Assistance Program

The Victim/Witness Assistance Program is administered by the California Emergency Management Agency and provides comprehensive services to assist victims and witnesses of violent crime, including human trafficking, through Victim and Witness Assistance Centers in each of California's 58 counties.¹⁷ Forty-seven of these Centers are in District Attorney's Offices, eight are in Probation Departments, and three are in community-based organizations. Services provided by the Victim and Witness Assistance Centers include crisis intervention, emergency assistance, resource and referral assistance, direct counseling, victim of crime claims, property return, orientation to the criminal justice system, and restitution.

Harnessing Technology to Connect with Victims and Potential Victims of Human Trafficking

To reach victims and potential victims of human trafficking as effectively as traffickers, it is critical that government entities and others focus on new ways to use technology and social media for education and outreach, which should be available in multiple languages and an easy-to-access format. Below are some examples of efforts to leverage technology in service of victims.

Internet Search Terms and Website Widgets

Of all ways that the Californians who called the National Human Trafficking Resource Center (NHTRC) hotline in 2011 reported having found the hotline, a web search was the most common. To ensure that those searching the web for assistance related to human trafficking are connected with the hotline, the Attorney General's Office launched a project in 2012 with Yahoo!, Microsoft Bing, and Polaris Project, which runs the NHTRC hotline, to provide Internet users with the NHTRC hotline number when they search for specific words or phrases in the Yahoo! and Bing search engines. If key search terms such as "human trafficking" are entered on Yahoo! Search, Internet users will see a banner that states: "Call the National Human Trafficking Resources Center at 1-888-373-7888 to report sex trafficking, forced labor, or to get help." Similarly, if terms like "human trafficking" are searched through Bing, an ad titled "Report Human Trafficking" appears along with "Call the National Human Trafficking Resource Center at 1-888-373-7888." The goals of these initiatives are to quickly identify victims of human trafficking by connecting survivors and community members to resources and support, and to raise public awareness about human trafficking.

The California Attorney General's Office has also created a website widget for download to allow operators of any website to display a banner with the NHTRC hotline. This widget can be found on the Attorney General's website at <http://oag.ca.gov/widgets/human-trafficking>.

National Human Trafficking Resource Center Hotline – Text Short Code

Polaris Project is partnering with the DNA Foundation to develop a text short code to allow victims who are unable to make an audible call to text an easy-to-remember number to reach out for help. The text short code is expected to be introduced to the public in 2013.

Conclusion

Although the nature of human trafficking makes it difficult to identify, protect, and assist victims of trafficking, efforts are already underway in California to train law enforcement and other first responders on how to recognize and respond to human trafficking. In the two years between July 1, 2010 and June 30, 2012, California's nine regional task forces have provided training for over 25,000 law enforcement personnel, prosecutors, victim services providers, and other first responders. Still, further efforts are needed to train non-traditional first identifiers who may be in a position to encounter human trafficking victims. Identifying and assisting victims of human trafficking should be a broad effort, and as such, training is needed across the board in California's professional communities.

Human trafficking victims have a broad range of needs including safety, health, and housing needs and a need for legal services, witness protection, and interpreters. While over 1,500 victims have been connected with services between July 1, 2010 and June 30, 2012, there is still more to be done to adequately meet the needs of human trafficking victims in our state. There are continuing deficiencies in the availability of long-term shelter and legal services and in the awareness of available benefits. Further, more can be done in California to promote the victim-centered approach, including permitting human trafficking victims to seal and expunge records of a conviction that resulted from forced labor, or services, ensuring that CalVCP benefits are fairly applied to victims of human trafficking, and making sure that human trafficking caseworkers receive standardized training to offer privileged communication to the victims they serve.

Recommendations

1. Improve Health Care Providers' Ability to Help Victims.

- a. **Training for First Responders and Health Care Professionals:** Health care providers, academia, and the victim services community should work together to develop appropriate training that helps first responders and health care professionals identify human trafficking victims, determine victims' mental health and medical needs, and access available resources.
- b. **Mandatory Reporting:** Human trafficking is not a mandated reportable offense for medical professionals. The Legislature may consider legislation to make human trafficking a mandated reportable event for medical professionals.

2. Improve Victims' Ability to Seek Help.

- a. **Accessible Information Online:** Many victims of human trafficking have Internet access. Internet companies should collaborate with law enforcement and community groups to develop online tools to give victims access to help and to generally raise public awareness of human trafficking.
- b. **Caseworker Confidentiality Privilege:** The California Evidence Code provides that a trafficking victim has a privilege to refuse to disclose and to prevent others from disclosing confidential communication between the victim and a human trafficking caseworker. This privilege can be asserted only if the human trafficking caseworker who receives the communication has received specialized training in the counseling of human trafficking victims. There is, however, no such standardized training program in California. A standardized training program would aid human trafficking caseworkers in offering the benefits of privileged communication to the victims they serve.

3. Improve Services and Benefits Available to Victims.

- a. **Long-Term Centers:** There is a continuing need for safe, long-term shelter for trafficking victims. Key leaders and policy makers in California should explore public and private options for creating long-term centers that provide housing and comprehensive services tailored to meet the needs of trafficking victims, especially male victims and victims under age 18.
- b. **Access to Legal Services:** The provision of legal services for trafficking survivors has not kept up with the demand for assistance. The legal community in California (e.g., bar associations, legal assistance organizations, and *pro bono attorneys*) can help by creating regional and statewide networks of legal service providers who are proficient in assistance, benefits, and immigration options for human trafficking victims and who can train and mentor other legal service providers to

assist NGOs and victims. The need for legal services in rural and underserved populations of California is an issue especially worthy of examination.

- c. **Eligibility for CalVCP Benefits:** The factors for denial of CalVCP benefits may be overly broad as applied to victims of human trafficking. The California Victim Compensation and Government Claims Board, which administers CalVCP, is encouraged to re-evaluate the eligibility of human trafficking victims for benefits and propose any appropriate modifications to ensure the program is fairly applied for victims of human trafficking.
- d. **Awareness of Services:** Human trafficking victims and victim service providers are not always connected with county health and social service programs. Including county victim assistance, health, and social service agencies in local or regional human trafficking coalitions can help coordinate outreach and education about the resources available for human trafficking victims in the region, and how victims can access those resources.

4. Help Victims Rebuild.

- a. **Conviction Records:** Human trafficking victims who are coerced by traffickers into commercial sex may be prosecuted for crimes like prostitution in connection with their victimization. The Legislature may wish to consider legislation permitting human trafficking victims to seal and expunge records of a conviction that results from coercion into forced labor or services.

End Notes:

- ¹ There are additional human trafficking training programs in California that are not included in the task force reporting to the California Emergency Management Agency. Therefore, these data reflect only a segment of all of the human trafficking training in California.
- ² Donna Sabella, "The Role of the Nurse in Combatting Human Trafficking: Learn How to Recognize the Signs that Someone is Being Trafficked and How to Safely Intervene," *American Journal of Nursing* 111, (February 2011).
- ³ "Rescue and Restore Campaign Tool Kits," Office of Refugee Resettlement, accessed October 26, 2012, <http://acf.hhs.gov/programs/orr/resource/rescue-restore-campaign-tool-kits>.
- ⁴ National Human Trafficking Resource Center, "Increasing Awareness and Engagement: Strengthening the National Response to Human Trafficking in the U.S.: Annual Report 2011," (2012), available online at: <http://polarisproject.org/resources/hotline-statistics>.
- ⁵ There non-governmental organizations in California providing services to victims of human trafficking that are not included in the task force reporting to the California Emergency Management Agency. Therefore, these data reflect only a segment of all the victims identified and provided services or assistance in California.
- ⁶ California Evidence Code § 1038 (2012).
- ⁷ California Evidence Code § 1038.2 (2012).
- ⁸ U.S. Department of Health & Human Services, "Services Available to Victims of Human Trafficking: A Resource Guide for Social Services Providers," (May 2012), accessed October 26, 2012, http://www.acf.hhs.gov/sites/default/files/orr/trafficking-services_0.pdf.
- ⁹ "Victims of Human Trafficking and Other Crimes," U.S. Citizenship and Immigration Services, accessed October 26, 2012, <http://uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=829c3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=829c3e4d77d73210VgnVCM100000082ca60aRCRD>.
- ¹⁰ "About Unaccompanied Refugee Minors," Office of Refugee Resettlement, accessed October 26, 2012, <http://acf.hhs.gov/programs/orr/programs/urml/about>.
- ¹¹ "Human Trafficking Victims," California Department of Social Services, accessed October 26, 2012, <http://cdss.ca.gov/refugee-program/PG1268.htm>.
- ¹² Ibid.
- ¹³ "California Victim Services," Victim Compensation and Government Claims Board, accessed October 26, 2012, <http://vcgcb.ca.gov/victims/>.
- ¹⁴ California Code of Regulations, Title 2, § 649.52. (2012).
- ¹⁵ California Code of Regulations, Title 2, § 649.57. (2012).
- ¹⁶ "California Witness Relocation and Assistance Program," State of California Department of Justice, accessed October 26, 2012, <http://oag.ca.gov/witness-protection>.
- ¹⁷ The California Emergency Management Agency, "Victim/Witness Assistance Program," available online at: <http://calema.ca.gov/PublicSafetyandVictimServices/Documents/JLBC%20pieces/VW%20Final%20JOAM.pdf>.

6

Prevention & Public Education: Reducing Demand for Human Trafficking

“Having heard all of this you may choose to look the other way but you can never say again that you did not know.”

William Wilberforce, English abolitionist (1759-1833)

This report examines the state of human trafficking in California, in part, by looking to the past to determine how the crime has changed. These pages also provide a look at the current landscape of human trafficking – especially the impact of gangs and technology – and explore how legislators, law enforcement, technology companies, academics, and the general public can improve efforts to hold traffickers accountable and assist victims.

To create a future without human trafficking in California and across the world requires targeted efforts to address the demand for exploitive labor and coerced sexual services. Addressing the root causes of this crime is a critical challenge and there is a need for greater focus on prevention. As various public and private partners collaborate to adopt new approaches to identify and follow human trafficking online for purposes of investigation and prosecution, there may be opportunities to use technology and social media to attack this crime at its source and prevent it from occurring in the first place. There are currently efforts underway to study and develop innovative technologies to prevent and disrupt human trafficking online.

In the last five years, a number of campaigns have effectively increased awareness among Californians that human trafficking exists here in the 21st century. Though there are gaps in this understanding and further work to raise awareness, a foundation has been laid upon which public outreach can build. This chapter highlights a few of the efforts underway to impact the demand for human trafficking and notes the need for more work to develop innovative prevention efforts.

Harnessing Technology to Disrupt Online Human Trafficking

The logistics of the commercial sex trade, from the advertisement of services to the arrangement of meetings, has moved from street corners and alleys to online and mobile spaces. As noted in Chapter 4, law enforcement needs to adopt as nimble an approach to the use

of technology as traffickers. However, it is not the sole obligation of law enforcement to combat trafficking and, in this area in particular, there is a need for partnership that includes community members, businesses, regulators, technology companies, and others.

As Chapter 4 discussed, nonprofit foundations, technology companies, and academic institutions have started to join forces in the search for ways to leverage technology to assist law enforcement. The following are a few efforts underway to study and develop innovative technologies to prevent and disrupt human trafficking online.

DNA Foundation's Technology Task Force

In 2010, the Demi and Ashton (DNA) Foundation established a Technology Task Force of more than 20 top technology companies, including Google, Facebook, Microsoft, Yahoo!, Twitter, Blekko, Salesforce, BlueCava, Connotate, Digital Reasoning, Irdeto, Conversion Voodoo, Palantir, Mocana, Square, and Symantec.

The Technology Task Force members have collaborated to create anti-trafficking programs, including a deterrence program to help dissuade past and future offenders of online child sexual exploitation. If an individual searches online for child pornography and enters key phrases, a preventive message appears on the screen.

In 2012, the Technology Task Force also created a "sound practices guide" with resources for new technology companies to help prevent, identify, remove, and report sexual exploitation on their networks. In addition, the Task Force is currently funding research to assist companies with identifying online indicators of human trafficking.¹

Microsoft Research and Microsoft Digital Crimes Unit

In June 2012, the Microsoft Research and Microsoft Digital Crimes Unit awarded six grants to research teams that aim to study the use of technology in commercial child sex trafficking.² Among other topics, these grants were awarded to teams who will research how "johns" search for victims online; how technology has changed the recruiting, buying, and selling process in trafficking; and the clandestine language used in web advertising to facilitate child sex trafficking. This research will serve as the foundation for future development of technology to help thwart the activities of child traffickers and those who do business with them.³

USC Annenberg School for Communication & Journalism – "Human Trafficking Online"

As discussed in Chapter 4, USC Annenberg School for Communication & Journalism hosted a summit in 2011 to explore how technology can be used to combat human trafficking. A research report out of the USC Center on Communication Leadership & Policy, *Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds*, included several recommendations relevant to prevention, including: "Media and technology companies

can use their distribution channels and services to increase awareness of trafficking online”; and, “Companies can make the terms of their service prominently visible on their sites and empower conscientious consumers to police the sites they visit daily.”⁴

Public Education to End Human Trafficking

While there is greater public awareness of human trafficking now than in 2007, there remain gaps in understanding. Some Californians see human trafficking through a limited lens, as a crime involving international sex trafficking alone – and not one that encompasses members of their communities, from a teenage girl forced into prostitution to a worker in the local nail salon. Yet, the data from California’s regional task forces (presented in Chapter 3) suggest that 72% of identified victims are American. Without fully understanding the nature and proximity of the crime, Californians are not in a position to take steps to join the fight to end human trafficking.

As members of the Work Group noted, there is a need for a comprehensive media campaign on human trafficking that is clear, informative, and provides action items to get members of the general public engaged and involved.

Consumer Awareness

One simple way that individuals can fight human trafficking is through their purchasing power. As noted in the 2007 report, consumers play a critical role in holding corporations accountable and spurring them to action. Consumers use sets of criteria when they make purchasing decisions, from the price and quality of a product to whether it was produced locally or in the United States. If consumers see a lack of forced labor as a key factor in the decision to purchase a product, and move information to track which companies benefitted from such labor, companies would have a significant incentive to ensure and demonstrate humane supply chains to their customers and investors.

There are a number of new smart phone applications designed to help consumers understand their relationship to human trafficking and take steps to make a difference:

- ❖ **Slavery Footprint (smart phone app):** Call + Response, a nonprofit organization dedicated to ending modern slavery, partnered with the U.S. State Department’s Office to Monitor and Combat Trafficking in Persons to develop a smart phone application to inform people about the forced labor behind the products of their everyday lives. Launched in 2012, users can visit the website or download the free Slavery Footprint app to take a brief survey and calculate how many slaves they “own” based on their lifestyle. Users of the app send a message to a company to learn about its position on forced labor and let stores know about their interest in slavery-free products by using the Slavery Footprint “check-in” feature on Facebook. While the app currently uses information based on raw materials and not brands, later versions will allow consumers to enter specific brands. (<http://slaveryfootprint.org/>)

- ❖ **Made In A Free World (platform to “use the free market to free people”):** Launched by Slavery Footprint in September 2012, Made In A Free World (MIAFW) is a platform designed to help companies respond to consumer demand to eradicate forced labor in their supply chains. MIAFW provides brands with a blueprint to investigate their suppliers to identify high-risk areas for trafficking. (<http://madeinafreeworld.com/>)
- ❖ **Free2Work (smart phone app):** Created by Not For Sale and supported by the International Labor Rights Forum, Free2Work is a smart phone app that enables a consumer to scan a product’s barcode to see whether the company has effective policies to address the use of forced or child labor in its supply chain. Free2Work grades companies on a scale of A to F based on their efforts to prevent and address forced and child labor. (<http://free2work.org/>)

In addition to smart phone apps that provide consumers with information to make conscientious decisions about the products they purchase, there are also online resources to help individuals to identify and assist victims of human trafficking. The nonprofit Truckers Against Trafficking developed a website, mobile app, and hotline to help members of the trucking and travel plaza industries to identify and report instances of human trafficking. The organization aims to educate members of the trucking industry about sex trafficking through posters in truck stop and rest areas, as well as the distribution of wallet cards (available in English, Spanish, and French Canadian). Truckers Against Trafficking also produced a training DVD for truck stop and travel plaza employees and truck drivers. (<http://truckersagainstafficking.org/>)

These efforts to raise awareness – of how to make conscientious purchasing decisions and to identify the crime and assist victims – are critical first steps in the fight against human trafficking. But, as long as the crime happens, more needs to be done.

California Transparency in Supply Chains Act of 2010

In 2009, a U.S. Department of Labor report identified 122 goods from nearly five dozen countries that were believed to be produced by forced labor or child labor.⁵

The report, which was required by the Trafficking Victims Protection Reauthorization Acts of 2005 and 2008, listed the goods and the 58 countries where they were produced – starting with carpets from Afghanistan and ending with cotton from Uzbekistan. The report also listed 11 goods believed to be produced by child labor in Mexico, including pornography, along with everyday items like coffee and onions.

Through the unintentional purchase of goods and products with forced labor in their supply chains, California consumers and businesses inadvertently promote the crime of human trafficking. To help consumers make informed and conscientious purchasing decisions, the Legislature passed the California Transparency in Supply Chains Act of 2010.

Enacted on January 1, 2012, the law requires any retailer or manufacturer with annual worldwide revenues of more than \$100 million to disclose its efforts to eradicate slavery and human trafficking from its supply chains for tangible goods offered for sale in California.⁶

By adopting codes of conduct for their suppliers and sub-contractors, retailers and manufacturers use economic leverage to influence labor practices within their supply chain. Companies are also able to demonstrate responsible supply chains to consumers who, empowered with information, are more likely to choose goods and products from supply chains untainted by human trafficking.

Eliminating Forced Labor from Contractors with the State of California

California has laws in place to prohibit state contractors from engaging in human trafficking. California Public Contract Code, section 6108, requires state contractors to certify that they comply with California labor laws and that goods they provide were not produced by sweatshop, or other forms of forced labor.

However, the State of California might consider expanding its law to more fully address the use of forced labor by state contractors. In September 2012, President Obama issued an Executive Order to strengthen the federal government's policy with regard to human trafficking. The order expressly prohibits federal contractors, contractor employees, subcontractors, and subcontractor employees from engaging in any of the following types of trafficking-related activities:

- ✦ The use of misleading or fraudulent recruitment practices during the recruitment of employees;
- ✦ Charging employees recruitment fees; and,
- ✦ Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity documents, such as passports or drivers' licenses.⁷

Truckers Against Trafficking

"Thank God what saved me was that truck driver that called in and said, 'Hey, this is whoever at the TA truck stop, and we have some girls out here that look pretty young.'"

- A young woman who, at 14 or 15, was snatched off the street in Toledo by a pimp and forced into prostitution. She was rescued by a driver at a truck stop in Detroit who called 911 after she knocked on his door.

The young woman shared her story in a video created to educate truck drivers, and employees of truck stops and travel plazas, about domestic sex trafficking. The head of the non-profit that produced the video, Truckers Against Trafficking, told an NPR reporter that the man who made the phone call to rescue that girl is like so many truckers: "...really wanting to do the right thing, ready to go and just needing to know who to talk to about this."⁸

Expanding California law to include similar provisions will ensure that businesses that exploit workers are not rewarded and will set an important precedent as a zero-tolerance policy for industry and business owners in California to follow with regard to forced labor in their supply chains.

Conclusion

The work of cutting off demand for human trafficking is complex and requires a range of partners working together around a shared rejection of products and services obtained by force, fraud, or coercion. While technology and social media is being leveraged in innovative ways to provide consumers with information and a way to connect with companies, for example, there remains a need to explore new methods of raising awareness about the nature and proximity of human trafficking. With greater understanding of the crime, and a clear tool or means to make a difference, consumers and businesses alike will be more likely to take steps to diminish the demand for forced labor.

Recommendations

1. **Promote Clean Supply Chains:** California retailers and manufacturers of all sizes should consider creating policies to disclose their efforts to limit human trafficking in their supply chains, even if they fall beneath the \$100 million corporate revenue threshold contained in the California Transparency in Supply Chains Act. This will provide consumers with the opportunity to use their purchasing decisions as a tool to eradicate human trafficking.
2. **Strengthen Restrictions on State Contractors:** Consistent with recently enacted federal contracting requirements, it is recommended that the Legislature consider prohibiting state and local government contractors from engaging in suspicious employment practices that are hallmarks of trafficking, including the use of misleading or fraudulent practices during the recruitment of employees. Examples of these practices include making material misrepresentations about key terms of employment or living conditions, charging employees recruitment fees, and destroying or otherwise limiting an employee's access to his or her identity documents, such as passports or driver's licenses.
3. **Increase Public Awareness:** To raise awareness of this crime, public and private anti-trafficking partners can mount a coordinated, comprehensive public awareness campaign to improve awareness of human trafficking amongst the general public.

End Notes:

- ¹ "Tech Task Force," Demi and Ashton Foundation, accessed October 26, 2012, <http://demiandashton.org/tech-task-force>.
- ² Samantha Doerr, "Microsoft Names Research Grant Recipients in Fight Against Child Sex Trafficking," June 13, 2012, http://blogs.technet.com/b/microsoft_on_the_issues/archive/2012/06/13/microsoft-names-research-grant-recipients-in-fight-against-child-sex-trafficking.aspx.
- ³ "Shedding Light on the Role of Technology in Child Sex Trafficking," Microsoft News Center, July 18, 2012, <http://microsoft.com/en-us/news/features/2012/jul12/07-18childsextraffickingresearch.aspx>.
- ⁴ Mark Latonero, "Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds," (USC Annenberg School for Communication & Journalism, Center on Communication Leadership & Policy, September 2011), accessed October 26, 2012, https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FINAL.pdf.
- ⁵ U.S. Department of Labor, Bureau of International Labor Affairs, Office of Child Labor, Forced Labor, and Human Trafficking, "The Department of Labor's List of Goods Produced by Child Labor or Forced Labor; Report Required by the Trafficking Victims Protection Reauthorization Acts of 2005 and 2008," (2009), available online at: <http://dol.gov/ilab/programs/ocft/PDF/2009TVPRA.pdf>
- ⁶ California Civil Code, § 1714.43. (2012).
- ⁷ Exec. Order No. 13,627, 77 Fed. Reg. 60,029 (October 2, 2012).
- ⁸ "With a Phone Call, Truckers Can Fight Sex Trafficking," National Public Radio (NPR), October 19, 2012, <http://npr.org/2012/10/19/163010142/with-a-phone-call-truckers-can-fight-sex-trafficking>

The State of

**Human Trafficking in
California**

**Part III
Appendix**



Human Trafficking Work Group Participants

California Attorney General's Human Trafficking Work Group Participants

Kimberly Agbonkpolor

Former Program Manager
Los Angeles Metropolitan Area
Task Force on Human Trafficking
Los Angeles Police Department

Hatzune Aguilar

Office of Mayor Jean Quan
City of Oakland

Katie Albright

Executive Director
San Francisco Child Abuse Prevention
Center

Racquel Aldana

Director of the Inter-American Program
Professor of Law, McGeorge School of Law

Matthew Anderson

U.S. Department of Homeland Security
Northern California Regional Intelligence
Center

Tara Anderson

Policy and Grants Unit
San Francisco District Attorney's Office

J.R. (George) Antabalian

California Emergency Management Agency

Justin Atkinson

New American Legal Clinic
San Joaquin College of Law

Lt. Ernie Baker

Riverside County Anti-Human Trafficking
Task Force
Riverside County Sheriff's Department

Marianne Barrett

Deputy District Attorney
San Francisco District Attorney's Office

Casey Bates

Assault Prosecution Unit
Alameda County District Attorney's Office

Kathy Baxter

San Francisco Child Abuse Prevention Center

Ellyn Bell

Executive Director
Standing Against Global Exploitation Project
(SAGE)

Lori Bishop

Director of Investments
Humanity United

Sharmin Bock

Senior Deputy District Attorney
H.E.A.T. (Human Exploitation & Trafficking)
Unit
Alameda County District Attorney's Office

danah boyd

Microsoft Research

The Honorable Susan Breall

Superior Court Judge
San Francisco County Superior Court

Ronna Bright

Project Coordinator
Central Valley Against Human Trafficking
Fresno County Economic Opportunities
Commission

Michael (Ronald) Brooks

San Mateo County Sheriff's Department
Director, Northern California Regional
Intelligence Center

Kay Buck

Executive Director/CEO
Coalition to Abolish Slavery & Trafficking
(CAST)

Stan Cagle

Chief, Child Care & Refugee Programs
California Department of Social Services

Chris Caligiuri

California Department of Justice
Regional Threat Assessment Center -
Sacramento

Mike Calvert

Consultant, North & Central California
Anti-Trafficking Team and U.S. Attorney's
Office, Eastern District of California (NCCATT)

Sharon Carney

Deputy District Attorney
Alameda County District Attorney's Office

Dr. Ami Carpenter

University of San Diego

Sgt. Curt Chastain

Fresno Coalition Against Human
Trafficking
Fresno Police Department

Benny Cheng

Regional Manager
Department of Industrial Relations
Division of Labor Standards Enforcement

Angela Chung

Staff Attorney
Coalition to Abolish Slavery & Trafficking

Julie Cordua

Executive Director
The DNA (Demi & Ashton) Foundation

Lt. Johnny Davis

East Bay Human Trafficking Task Force
Oakland Police Department

Lt. André Dawson

Los Angeles Police Department

Debbie Deem

Victim Specialist
Federal Bureau of Investigation, Los
Angeles Field Office

Nikki Dinh

Staff Attorney
Asian Pacific Islander Legal Outreach

Samantha Doerr

Microsoft Digital Crimes Unit

Deputy Daniel Engels

Riverside County Anti-Human Trafficking
Task Force
Riverside County Sheriff's Department

Yong H. Eo

Assemblymember Bob Blumenfield's Office

Marilyn Erbes

District Director
Congressman Dan Lungren's Office

Gerald Fineman

Supervising Deputy District Attorney
Riverside County District Attorney's Office

Sandra Fletcher

(former) Criminal Justice Specialist
Human Trafficking Grant Program
California Emergency Management Agency

Perla Flores

Program Director
Solutions to Violence Department
Community Solutions

Keith Foster

Deputy Chief
Fresno Police Department

Lt. Jason Fox

North Bay Human Trafficking Task Force/
Special Victims Unit
San Francisco Police Department

Audrey French

Inter-Tribal Council of California

Leslie Gardner

Federal Bureau of Investigation
Director, Los Angeles Joint Regional
Intelligence Center

Steven Garrett

Assistant Public Defender
Sacramento County Public Defender's Office

Lt. Michael Goold

Sacramento Sheriff's Department
Innocence Lost Task Force

Germaine Omish-Guachena

Executive Director
Strong Hearted Native Women's Coalition

Manolo Guillen

Institute for Public Strategies
Safe Border Community Project/ACTION
Network

Bill Harmon

Microsoft Digital Crimes Unit

Detective Dana Harris

Los Angeles Police Department

Valerie Harris

Consultant, North and Central California
Anti-Trafficking Team (NCCATT)
U.S. Attorney's Office, Eastern District of
California

Matthew Hawkins

Deputy Commander
State Threat Assessment Center
California Emergency Management Agency

Sally Hencken

Manager, Victim Services Unit
California Emergency Management Agency

Robyn Hines

Microsoft Legal and Corporate Affairs

Helen Hong

Civil Rights Enforcement Unit
U.S. Attorney's Office, Southern District of
California

Mary Jennings

Coordinator, Sacramento Rescue and
Restore Regional Program
Sacramento Employment & Training
Agency

Ronnetta Johnson

Director, Victim Assistance and Dispute
Resolution Services
Community Services Program
Orange County Human Trafficking Task
Force

Tim Johnstone

Director, Central California Intelligence
Center/Sacramento Regional Threat
Assessment Center

Holly Joshi

East Bay Human Trafficking Task Force
Oakland Police Department

Marshall Khine

Deputy District Attorney
San Francisco District Attorney's Office

Greg Ladas

Sacramento Sheriff's Office
Deputy Director
Central California Intelligence Center
Regional Threat Assessment Center

Hillary Larkin, M.D.

Director SART/DV Services
Alameda County Medical Center
Department of Emergency Medicine

Mandy Larson (Johnson)

Human Trafficking Analyst
State Threat Assessment Center

Mark Latonero

Research Director
University of Southern California,
Annenberg Center on Communication,
Leadership & Policy

Ivy Lee

Consultant/Attorney
Asian Pacific Islander Legal Outreach

Cindy Liou

Staff Attorney
Asian Pacific Islander Legal Outreach

Scott MacGregor

Chief, State Security Division
California Highway Patrol

Susan Manheimer

Chief of Police
San Mateo Police Department

Alexis Marbach

Public Policy Advocate
California Coalition Against Sexual Assault

Leni Marin

Futures Without Violence
(formerly Family Violence Prevention Fund)

Jacquie Marroquin

Program Coordinator
California Partnership to End Domestic
Violence

Lt. Derek Marsh

Orange County Human Trafficking Task
Force; Statewide Human Trafficking
Training Grant Coordinator
Westminster Police Department

Owen Martikan

U.S. Attorney's Office, Northern District
of California

Sgt. Joseph Mata

San Diego North County Anti-Trafficking
Task Force
San Diego Sheriff's Department, Vista
Substation

Mike McCarthy

California Highway Patrol
Deputy Commander, Operations/
Intelligence
State Threat Assessment Center

Lt. Brian McElhaney

Director
Regional Threat Assessment Center,
Orange County

Gretchen Means

Deputy District Attorney
San Diego County District Attorney's
Office

Dawn Mehlhaff

Assistant Secretary, Legislative Affairs
and Recovery
California Emergency Management
Agency

Lita Mercado

Program Director
Community Services Program
Orange County Human Trafficking
Task Force

Sandy Michioku

Assemblymember Bob
Blumenfield's Office

Herman Millholland

Millholland & Associates
End Violence Against Women
International

Khanh Nguyen

Staff Attorney
Asian Pacific Islander Legal Outreach

Thuan Nguyen

Chief, Refugee Programs Bureau
California Department of Social Services

Jennifer O'Farrell

Anti-Human Trafficking Director
Operation SafeHouse
Riverside Anti-Human Trafficking Task Force

Sgt. Kyle Oki

San Jose County Human Trafficking Task
Force
San Jose Police Department

The Honorable Nancy O'Malley

District Attorney (representing California
District Attorneys Association)
Alameda County District Attorney

Anna Park

Regional Attorney
U.S. Equal Employment Opportunity
Commission

Shrimalie Perera

Narika

JaMel Perkins

Former President
Partners Ending Domestic Abuse

Jacqueline Ponz

Coordinator, Victim Witness Assistance
Program
Alameda County District Attorney's Office

Jonathan Raven

Assistant District Attorney (representing
California District Attorneys Association)
Yolo County

Connie Reitman

Executive Director
Inter-Tribal Council of California

Stephanie Richard

Director, Policy and Legal Services
Coalition to Abolish Slavery and Trafficking
(CAST)

Mollie Ring

Chief of Programs
Standing Against Global Exploitation Project
(SAGE)

Claire Schmidt

The DNA (Demi and Ashton) Foundation

Michael Sena

Deputy Director
Regional Threat Assessment Center
Northern California Regional Intelligence
Center

Nicholas Sensley

Strategy & Development Consultant
Humanity United

Alexander Snyder

Courage2BeYou
Courage House, Rocklin

Kavitha Sreeharsha

Executive Director
Global Freedom Center

Ryan Stonebraker

Commander, State Threat Assessment Center
Captain, California Highway Patrol

Detective John Sydow

Sacramento Innocence Lost Task Force
Sacramento Sheriff's Department
Human Trafficking Investigations

Dean Ito Taylor

Executive Director
Asian Pacific Islander Legal Outreach

Maria Tomes

Robbery/Homicide Division
Los Angeles Police Department

Darren Tsang

Manager, Crime Suppression Branch
California Emergency Management Agency

Diane Urban

Chief of Police
Hayward Police Department

Marisa Ugarte

Executive Director
Bilateral Safety Corridor Coalition

Hediana Utarti

San Francisco Asian Women's Center

Sgt. Arlin Vanderbilt

North Bay Human Trafficking Task Force
San Francisco Police Department, Special
Victims Unit

John Vanek

Anti-Human Trafficking Consultant &
Trainer;
(Ret.) Lt., San Jose Police Department
(408)

Lt. Art Wager

San Diego County Human Trafficking
Advisory Council
San Diego Sheriff's Department

Laurel White

(former) Executive Assistant U.S. Attorney
U.S. Attorney's Office, Eastern District of
California

Jenny Williamson

Co-Founder and Director
Courage to Be You, Inc., Courage House

Det. Michelle Winters

Hayward Police Department

Fred Wolens

Facebook Public Policy

Deputy Aron Wolfe

Riverside County Anti-Human Trafficking
Task Force
Riverside County Sheriff's Department

Lt. Lee Yoder

San Diego Sheriff's Department
Director
Regional Threat Assessment Center –