



California's Nine Regional Task Forces and Lead NGOs

1. East Bay Human Trafficking Task Force

Oakland Police Department
(510) 238-3253
Alameda County District Attorney's
Office H.E.A.T. Unit
(Human Exploitation and Trafficking
Unit)
(510) 272-6222

Bay Area Women Against Rape,
Oakland
(510) 430-1298
<http://bawar.org/>

2. Fresno Coalition Against Human Trafficking

Fresno Police Department
(559) 621-5951

Central Valley Against Human
Trafficking
c/o Fresno County Economic
Opportunities Commission
(559) 263-1000
<http://fresnoeoc.org/>

Marjaree Mason Center, Fresno
(559) 237-4706
<http://mmcenter.org>

3. Los Angeles Metro Area Task Force on Human Trafficking

Los Angeles Police Department
(213) 486-6840

Coalition to Abolish Slavery and
Trafficking (CAST), Los Angeles
(213) 365-1906
<http://castla.org>

4. North Bay Human Trafficking Task Force

San Francisco Police Department
(415) 553-9373

Asian Anti-Trafficking Collaborative,
San Francisco
(415) 567-6255
<http://apilegaloutreach.org/trafficking.html>

SAGE Project (Standing Against
Global Exploitation), San Francisco
(415) 905-5050
<http://sagesf.org>

5. Orange County Human Trafficking Task Force

Westminster Police Department
(714) 898-3315

Community Services Programs
(949) 250-0488
<http://cspinc.org/Human%20Trafficking>

6. Riverside County Anti-Human Trafficking Task Force

Riverside County Sheriff's Department
(951) 239-2139

Operation SafeHouse, Riverside
(951) 351-4418
<http://operationsafehouse.org>

7. Sacramento Innocence Lost Task Force

Sacramento County Sheriff's Department & Federal Bureau of Investigation
(916) 874-3916

Courage To Be You/Courage House, Rocklin
(916) 652-4248
<http://couragetobeyou.org>

Sacramento Rescue & Restore Coalition
A program of the Sacramento Employment and Training Agency
(916) 263-3800
<http://sacramentorescueandrestore.net>

8. San Diego North County Anti-Trafficking Task Force

San Diego Sheriff's Department, Vista Substation
(619) 336-0770

North County Lifeline, Vista
(760) 726-4900
<http://nclifeline.org>

Bilateral Safety Corridor Coalition, San Diego/National City
(619) 336-0770
<http://bsccoalition.org>

9. San Jose/South Bay Human Trafficking Task Force

San Jose Police Department
(408) 277-4322

Community Solutions
Morgan Hill
(408) 779-2113
<http://communitysolutions.org>



Letter to Backpage.com



National Association
of Attorneys General

PRESIDENT
Rob McKenna
Washington Attorney General

PRESIDENT ELECT
Doug Gansler
Maryland Attorney General

VICE PRESIDENT
J.B. Van Hollen
Wisconsin Attorney General

IMMEDIATE PAST PRESIDENT
Roy Cooper
North Carolina Attorney General

EXECUTIVE DIRECTOR
James McPherson

August 31, 2011

Mr. Samuel Fifer
Counsel for Backpage.Com, LLC
SNR Denton US
233 South Wacker Drive
Suite 7800
Chicago, IL 60606-6306

**Re: Backpage.com's ongoing failure to effectively limit
prostitution and sexual trafficking activity on its website**

Mr. Fifer:

This letter is in response to Backpage.com's assurances, both public and in private, concerning the company's facilitation of the sexual exploitation of children, and prostitution. As our state's chief law enforcement officers, we are increasingly concerned about human trafficking, especially the trafficking of minors. Backpage.com is a hub for such activity.

While Backpage.com professes to have undertaken efforts to limit advertisements for prostitution on its website, particularly those soliciting sex with children, such efforts have proven ineffective. In May, for example, a Dorchester, Massachusetts man was charged for forcing a 15-year-old girl into a motel to have sex with various men for \$100 to \$150 an hour. To find customers, the man posted a photo of the girl on Backpage.com. He was later found with \$19,000 in cash. In another example, prosecutors in Washington state are handling a case in which teen girls say they were coerced, threatened and extorted by two adults who marketed them on Backpage.com.

We have tracked more than 50 instances, in 22 states over three years, of charges filed against those trafficking or attempting to traffic minors on Backpage.com. These are only the stories that made it into the news; many more instances likely exist. These cases often involve runaways ensnared by adults seeking to make money by sexually exploiting them. In some cases, minors are pictured in advertisements. In others, adults are pictured but minors are substituted at the "point of sale" in a grossly illegal transaction.

Nearly naked persons in provocative positions are pictured in nearly every adult services advertisement on Backpage.com and the site requires advertisements for escorts, and other similar "services," to include hourly rates. It does not require forensic training to understand that these advertisements are for prostitution. This hub for illegal services has proven particularly enticing for those seeking to sexually exploit minors.

2020 M Street, NW
Eightth Floor
Washington, DC 20036
Phone: (202) 326-6000
<http://www.naag.org/>

In a meeting with the Washington State Attorney General's Office, Backpage.com vice president Carl Ferrer acknowledged that the company identifies more than 400 "adult services" posts every month that may involve minors. This figure indicates the extent to which the trafficking of minors occurs on the site – the actual number of minors exploited through Backpage.com may be far greater. The company's figures, along with real world experience, demonstrate the extreme difficulty of excising a particularly egregious crime – the sexual exploitation of minors – on a site seemingly dedicated to the promotion of prostitution.

On a regional basis, there has been no change in postings for prostitution services on Backpage.com. For example, between July 28 and August 1, the Missouri Attorney General's Office on behalf of the Attorneys General Working Group conducted a review of adult content on Backpage.com. This review revealed numerous daily postings for "escort" services in the Adult>Escorts section. On Sunday, July 31, in the St. Louis-area alone, there were one hundred and three (103) new postings for such services. Other regional examples include:

- On August 1, the Washington State Attorney General's Office found one hundred and forty two (142) advertisements that are obviously for prostitutes in the Seattle area; and
- On August 2, even the Connecticut State Attorney General's Office found advertisements for prostitutes in the Connecticut area on the Springfield, Massachusetts and Rhode Island pages, circumventing Backpage.com's omission of a Connecticut adult section.

Missouri investigators further confirmed that Backpage.com's review procedures are ineffective in policing illegal activity. On July 28 and July 29, investigators flagged twenty five (25) new postings advertising prostitution in the St. Louis, Kansas City, Springfield, Columbia, and Jefferson City areas. By August 1, at least four days later, only five of these postings, or less than a quarter, had been removed.

The prominence of illegal content on Backpage.com conflicts with the company's representations about its content policies. Backpage.com claims that it "is committed to preventing those who are intent on misusing the site for illegal purposes."¹ To that end, Backpage.com represents that it has "implemented strict content policies to prevent illegal activity," and that the company has "inappropriate ad content removed."² Backpage.com also requires those who post "adult services" advertisements to click a link indicating they agree not to "post any solicitation directly or in 'coded' fashion for any illegal service exchanging sexual favors for money or other valuable consideration."³ However, a cursory look at a relevant section demonstrates that this guideline is not enforced.⁴

In fact, in a meeting with the Washington State Attorney General's Office, Village Voice Media Board Member Don Moun readily admitted that prostitution advertisements regularly appear on Backpage.com. This shows that the stated representations about the site are in direct

¹ Backpage.com, Safety and Security Enhancements, <http://blog.backpage.com/> (last visited August 05, 2011).

² *Id.*

³ See Backpage.com, Posting Rules, <http://posting.seattle.backpage.com/cyrbwse/classifieds/PostAdPP.html/see/posting.seattle.backpage.com/?section=4381&category=4443&se=sendserverName=posting.seattle.backpage.com&superRegion=Seattle> (last visited August 05, 2011).

⁴ See Backpage.com, Seattle Escorts, <http://seattle.backpage.com/FemaleEscorts/> (last visited August 05, 2011).

conflict with the reality of Backpage's business model: making money from a service illegal in every state, but for a few counties in Nevada.

Based on an independent assessment by the AIM Group, Backpage.com's estimated annual revenue from its adult services section is approximately \$22.7 million. This figure, along with information you provided to the Working Group, indicates that Backpage.com devotes only a fraction of the revenue generated from its adult section advertisements to manual content review. We believe Backpage.com sets a minimal bar for content review in an effort to temper public condemnation, while ensuring that the revenue spigot provided by prostitution advertising remains intact. Though you have stated "all new ads are moderated by a staff member,"⁵ there appear to be no changes in the volume of prostitution advertisements resulting from this "moderation."

As a practical matter, it is likely very difficult to accurately detect underage human trafficking on Backpage.com's adult services section, when to an outside observer, the website's sole purpose seems to be to advertise prostitution. That is why Craigslist's decision to shut down its adult services section was applauded as a clear way for it to eradicate advertising on its website that trafficked children for prostitution. It is also why we have called on Backpage.com to take similar action.

Furthermore, in lieu of a subpoena, the Working Group asks that Backpage.com provide additional information so that we may better understand the company's policies and practices. As noted earlier, Backpage.com represents that it has "strict content policies to prevent illegal activity."⁶ We ask that Backpage.com substantiate this claim by:

1. Describing in detail Backpage.com's understanding of what precisely constitutes "illegal activity," including whether Backpage.com contends that advertisements for prostitution services do not constitute advertisements for "illegal activity;"
2. Providing a copy of such policies, including but not limited to the specific criteria used to determine whether an advertisement may involve illegal activity;
3. Providing the list of the prohibited terms for which Backpage.com is screening;
4. Describing in detail the individualized or hand review process undertaken by Backpage.com, including the number of personnel currently assigned to conduct such review;
5. Stating the number of advertisements in its adult section, including all subsections, submitted since September 1, 2010;
6. Stating the number of advertisements, in its adult section, including all subsections, submitted since September 1, 2010, which were subjected to individualized or hand review prior to publication; and
7. Stating the number of advertisements in its adult section, including all subsections, submitted since September 1, 2010, rejected *prior to* publication because they involved or were suspected to involve illegal activity.

⁵ Letter from Samuel Fifer, Attorney, SNR Denton, to Attorneys General Working Group (Jan. 27, 2011).

⁶ Backpage.com, *supra* note 1.

Backpage.com's further represents that it has "inappropriate ad content removed."⁷ We ask that Backpage.com substantiate this claim by:

8. Describing the criteria used to determine whether a published advertisement should be removed due to actual or suspected illegal activity;
9. Providing a copy of such policies that detail the criteria used to determine whether a published advertisement should be removed due to actual or suspected illegal activity;
10. Describing in detail the criteria Backpage.com uses, including but not limited to the number of user reports required, before a published advertisement is subjected to further review;
11. Providing a copy of such policies that detail the criteria Backpage.com uses, including but not limited to the number of user reports required, before a published advertisement is subjected to further review;
12. Stating the number of published advertisements posted since September 1, 2010 in its adult section, including all subsections, that Backpage.com has subjected to post publication review;
13. Stating the number of published advertisements posted since September 1, 2010 in its adult section, including all subsections, that Backpage.com removed following post publication review;
14. Stating the number of published advertisements posted since September 1, 2010 in its adult section, including all subsections, that Backpage.com did not remove following post publication review;
15. Stating the number of published advertisements posted since September 1, 2010 that were not subjected to further review by Backpage.com despite the receipt of user reports.

Lastly, Backpage.com also represents that it is "partnering with law enforcement and safety advocates/experts."⁸ We request that Backpage.com support this assertion by:

16. Identifying the specific "law enforcement [agencies] and safety advocates/experts" with whom Backpage.com has partnered and describing the actions taken by Backpage.com in connection with such partnerships;
17. Stating the number of advertisements submitted since September 1, 2010 that Backpage.com has reported pre-publication to local, state or federal law enforcement agencies, or to the National Center for Missing and Exploited Children's Cyber Tipline, because of actual or suspected illegal activity;
18. Stating the number of user reports of suspected exploitation of minors and/or human trafficking Backpage.com requires before subjecting a published advertisement to further review;
19. Stating the number of published advertisements posted since September 1, 2010 that Backpage.com removed in response to such user reports;
20. Stating the number of published advertisements posted since September 1, 2010 that Backpage.com reported to local, state or federal law enforcement agencies, or to the National Center for Missing and Exploited Children's Cyber Tipline, as a result of such reports; and

⁷ Backpage.com, supra note 1.

⁸ Backpage.com, supra note 1.

21. Stating the number of published advertisements posted since September 1, 2010 that Backpage.com did not remove following a review prompted by user reports.

The National Association of Attorneys General requests Backpage.com's response on or before September 14, 2011.

Respectfully,



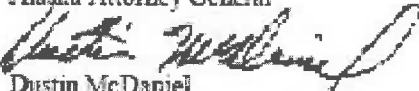
George Jepsen
Attorney General of Connecticut



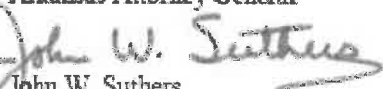
Rob McKenna
Attorney General of Washington



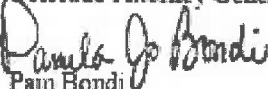
John J. Burns
Alaska Attorney General



Dustin McDaniel
Arkansas Attorney General



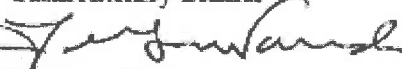
John W. Suthers
Colorado Attorney General



Pam Bondi
Florida Attorney General



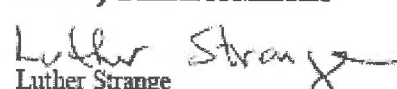
Lenny Rapadas
Guam Attorney General



Lawrence Wasden
Idaho Attorney General



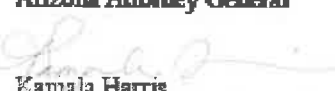
Chris Koster
Attorney General of Missouri



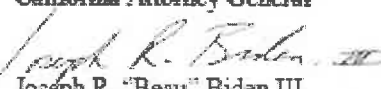
Luther Strange
Alabama Attorney General



Tom Horne
Arizona Attorney General



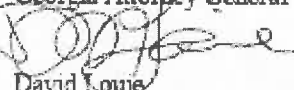
Kamala Harris
California Attorney General



Joseph R. "Beau" Biden III
Delaware Attorney General



Sam Olens
Georgia Attorney General



David Louie
Hawaii Attorney General



Lisa Madigan
Illinois Attorney General



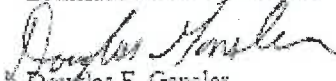
Greg Zoeller
Indiana Attorney General



Derek Schmidt
Kansas Attorney General



James "Buddy" Caldwell
Louisiana Attorney General



Douglas F. Gansler
Maryland Attorney General



Bill Schuette
Michigan Attorney General



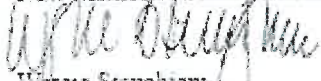
Jim Hood
Mississippi Attorney General



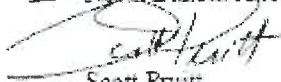
Catherine Cortez Masto
Nevada Attorney General



Gary King
New Mexico Attorney General



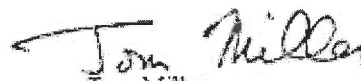
Wayne Stenehjem
North Dakota Attorney General



Scott Pruitt
Oklahoma Attorney General



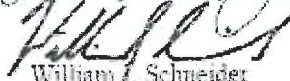
Linda L. Kelly
Pennsylvania Attorney General



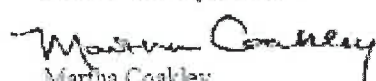
Tom Miller
Iowa Attorney General



Jack Conway
Kentucky Attorney General



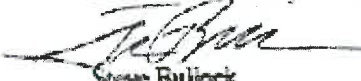
William J. Schneider
Maine Attorney General



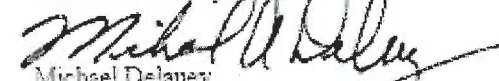
Martha Coakley
Massachusetts Attorney General



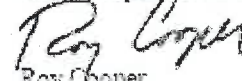
Lori Swanson
Minnesota Attorney General



Steve Bullock
Montana Attorney General



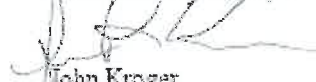
Michael Delaney
New Hampshire Attorney General



Roy Cooper
North Carolina Attorney General



Mike Dewine
Ohio Attorney General



John Kroger
Oregon Attorney General



Peter Kilmer
Rhode Island Attorney General

Alan Wilson

Alan Wilson
South Carolina Attorney General

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.
Tennessee Attorney General

Mark Shurtleff

Mark Shurtleff
Utah Attorney General

Greg Phillips

Greg Phillips
Wyoming Attorney General

Marty J. Jackley

Marty J. Jackley
South Dakota Attorney General

Greg Abbott

Greg Abbott
Texas Attorney General

Kenneth T. Cuccinelli, II

Kenneth T. Cuccinelli, II
Virginia Attorney General



NGOs Working with Victims of Human Trafficking in California

Asian Anti-Trafficking Collaborative, San Francisco

(Partnership of Asian Pacific Islander Legal Outreach, Asian Women's Shelter Donaldina Cameron House and Narika)

Works with the North Bay Human Trafficking Task Force. Provides legal representation, social services, and access to emergency shelters for victims of human trafficking.

<http://endtrafficking.wordpress.com>

(415) 567-6255

Asian Pacific American Legal Center, Los Angeles

Provides legal representation, help in securing permanent housing/work, and aid in acquiring permanent residency for immigrants who were trafficked here for domestic work and sexual servitude.

<http://apalc.org>

(213) 977-7500

Asian Women's Shelter, San Francisco

Provides a shelter program, case management, and access to health and legal services for female victims of trafficking.

<http://sfaws.org/home.aspx>

(415) 751-7110 • Hotline: (877) 751-0880, available 24 hours a day

Bilateral Safety Corridor Coalition, San Diego/National City

Works with the San Diego North County Anti-Trafficking Task Force. Provides crisis intervention, help in reintegrating into daily life, as well as services such as shelter, legal aide, medical services, and counseling for victims of human trafficking.

<http://bsccoalition.org/team.html>

(619) 336-0770 • Hotline: (619) 666-2757, available 24 hours a day

Bay Area Women Against Rape, Oakland

Works with the East Bay Human Trafficking Task Force. Provides counseling, advocacy, and referrals to victims of human trafficking.

<http://bawar.org>

(510) 430-1298 • Hotline: (510) 845-7273, available 24 hours a day

Coalition to Abolish Slavery and Trafficking (CAST), Los Angeles

Works with the Los Angeles Metropolitan Area Task Force on Human Trafficking. Provides social, legal and shelter services in one location, including physical and psychological health care, help in filing for T-Visas, and job training for victims of human trafficking.

<http://castla.org>

(213) 365-1906 • Hotline: (888)-539-2373, available 24 hours a day

Community Service Programs, Santa Ana

Works with the Orange County Human Trafficking Task Force and provides victim assistance and services to all victims of crime.

<http://cspinc.org>

(949) 250-0488, ext. 246

Community Solutions, Morgan Hill

Works with the San Jose/South Bay Human Trafficking Task Force. Provides a 24-hour crisis line, counseling, legal advocacy, court accompaniment, and confidential shelter for male, female and minor victims of human trafficking.

<http://communitysolutions.org/>

(408) 779-2113 • Hotline: 1-877-363-7238, available 24 hours a day

Courage to Be You, Rocklin

Works with the Sacramento Innocence Lost Task Force and others. Provides in-house shelter and support for female minors aged 11-17 who are victims of commercial sex exploitation.

<http://couragetobeyou.org>

(916) 335-9043

Fresno County Economic Opportunities Commission, Fresno

The Commission recently received a grant to help human trafficking victims and coordinates with the Fresno Coalition Against Human Trafficking.

<http://fresnoeoc.org/>

(559) 263-1000

Marjaree Mason Center, Fresno

Works with the Fresno Coalition Against Human Trafficking. Provides in-house shelter, educational assistance, crisis support, and counseling for female and minor victims of human trafficking.

<http://mmcenter.org>

(559) 237-4706 • Hotline: (800) 640-0333, available 24 hours a day

My Sister's House, Sacramento

Provides in-house shelter, counseling, basic provisions and help finding gainful employment. Although it is oriented towards serving the needs of Asian and Pacific Islander women, My Sister's House will not turn anyone away.

<http://my-sisters-house.org>

(916) 930-0626 • Hotline: (916) 428-3271, available 24 hours a day

Opening Doors, Sacramento

Provides assistance in finding safe shelter, health care, legal assistance, educational opportunities, business loans and employment for victims of human trafficking.

<http://openingdoorsinc.com>

(916) 492-2591

Operation SafeHouse, Riverside and Thousand Palms

Works with Riverside County Anti-Human Trafficking Task Force. Provides shelter, education, therapy, and employment assistance for male and female victims under the age of 21.

<http://operationsafehouse.org>

(951) 351-4418 • Hotline: (800) 561-6944, available 24 hours a day

Sacramento Employment and Training Agency (SETA), Sacramento

The agency recently received a grant from the U.S. Dept. of Health and Human Services to administer the Sacramento Rescue & Restore Coalition, which will help coordinate services to better identify and protect human trafficking victims, raise awareness about the issue in the Sacramento area, and create a network among NGOs and local government entities.

<http://sacramentorescueandrestore.net/>

(916) 263-1555 • Hotline: (866) 920-2592, available 24 hours a day

SAGE Project (Standing Against Global Exploitation), San Francisco

Works with North Bay Human Trafficking Task Force. Provides advocacy, healthcare, victim-centered therapy, and education to anyone who is in the sex industries or has left the sex industries.

<http://sagesf.org/>

(415) 905-5050

WEAVE, Sacramento

Works in conjunction with the Sacramento Rescue and Restore Coalition and the Sacramento Innocence Lost Task Force. Provides in-house emergency shelter, 24-hour support and transportation to obtain medical care, food, and clothing.

<http://weaveinc.org>

(866) 920-2952 • Hotline: (916) 920-2952, available 24 hours a day



Chaptered Human Trafficking Legislation – 2007 to 2012

2007

Assembly Concurrent Resolution 28 (Ma, of 2007). Creates a National Day of Human Trafficking Awareness on January 11th of each year.

2008

Assembly Bill 499 (Swanson, of 2008). Authorizes the Alameda County District Attorney to create a pilot project to develop a model addressing the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement. (Pilot was extended by Assembly Bill 799 (Swanson, of 2011).)

Assembly Bill 1278 (Lieber, of 2008). Prohibits any provision of a contract that siphon future wages in exchange for the costs of transporting an individual to the U.S.

Assembly Bill 2810 (Brownley, of 2008). Requires law enforcement agencies to use due diligence to identify victims of human trafficking and allows any person who claims to have been forced to commit prostitution because they are a victim of human trafficking to have their name and address kept confidential.

2009

Assembly Bill 17 (Swanson, of 2009). Increases the maximum amount of additional authorized fines to \$20,000 for any person convicted of procurement of a child under 16 years of age.

2010

Assembly Bill 1844 (Fletcher, of 2010). Provides that any person who commits human trafficking involving a commercial sex act where the victim of human trafficking was under 18 years of age shall be punished by a fine of not more than \$100,000 to be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund services for victims of human trafficking.

Senate Bill 677 (Yee, of 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.

Senate Bill 657 (Steinberg, of 2010). Requires retail sellers and manufacturers that conduct business in California and make over \$100 million in gross receipts to disclose their efforts to eradicate slavery and human trafficking from their direct supply chains for tangible goods offered for sale.

Senate Concurrent Resolution 76 (Corbett, of 2010). Encourages the Legislature, businesses and organizations to bring visibility and support to efforts to recognize and combat human trafficking and slavery.

2011

Assembly Bill 12 (Swanson, of 2011). Requires that a person who is convicted of seeking the sexual services of a prostitute under 18 years of age pay an additional fine not to exceed \$25,000.

Assembly Bill 90 (Swanson, of 2011). Expands the definition of criminal profiteering to include any crime in which the perpetrator causes a person under 18 years of age to engage in a commercial sex act.

Assembly Bill 764 (Swanson, of 2011). Allows an individual taxpayer to contribute a portion of their tax return to the Child Victims of Human Trafficking Fund.

Assembly Concurrent Resolution 6 (Donnelly, of 2011). Recognizes the month of January as National Slavery and Human Trafficking Prevention Month, and also recognizes February 1, 2011, as California's Free From Slavery Day.

Senate Bill 557 (Kehoe, of 2011). Authorizes the cities of San Diego and Anaheim, and the counties of Alameda and Sonoma, until January 1, 2014, to establish family justice centers (FJCs) to assist victims of domestic violence, sexual assault, elder abuse, human trafficking, and other victims of abuse and crime.

Senate Bill 861 (Corbett, of 2011). Prohibits a scrutinized company from entering into a contract with a state agency for goods or service

2012

Assembly Bill 1899 (Mitchell, of 2012). Gives students, who are noncitizen victims of trafficking, the same exemption from nonresident tuition and eligibility to apply for and participate in state and institutional financial aid programs at the California State University (CSU) and the California Community Colleges (CCC) as that extended to students granted refugee status, and requests the University of California (UC) to adopt similar policies.

Assembly Bill 1956 (Portantino, of 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.

Assembly Bill 2040 (Swanson, of 2012). Allows a person, who was adjudicated as a ward of the court or convicted of an act of prostitution, to have his or her record sealed or expunged without having to show that he or she has not been subsequently convicted of an offense involving moral turpitude or has been rehabilitated.

Assembly Bill 2212 (Block, of 2012). Provides that every building or place used for the purpose of human trafficking, or upon which acts of human trafficking are held or occur, is declared a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

Assembly Bill 2466 (Blumenfield, of 2012). Allows a court to order the preservation of the assets and property by persons charged with human trafficking.

Senate Bill 1091 (Pavley, of 2012). Adds human trafficking to the list of crimes for which a prosecuting witness may have up to two support persons while testifying.

Senate Bill 1133 (Leno, of 2012). Expands the scope of property subject to forfeiture and provides a formula to redirect those resources to community groups that aid victims of human trafficking.

Senate Bill 1193 (Steinberg, of 2012). Requires businesses, transit hubs, and other locations that are the most likely sites of sex and labor trafficking to post a notice that publicizes human trafficking resources.



How to Recognize the Signs of Human Trafficking

A crucial component of identifying victims and connecting them to resources is educating law enforcement, prosecutors, medical personnel, NGOs, and members of the public on what constitutes a victim. The Attorney General's website has information on how to identify victims, including links to fact sheets for law enforcement, the general public, health care providers, and others: <https://oag.ca.gov/human-trafficking/identify>

Polaris Project has a checklist of potential indicators of human trafficking at <http://polarisproject.org/humantrafficking/recognizing-the-signs>

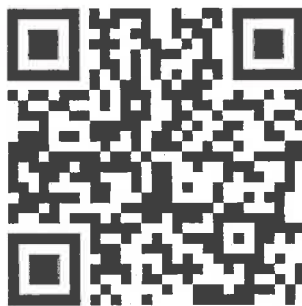
If you see any of these red flags, contact the National Human Trafficking Resource Center hotline at **1-888-3737-888**.

- ❖ Is the individual free to leave or come and go as he/she wishes?
- ❖ Is the individual under 18 and providing commercial sex acts?
- ❖ Is the individual in the commercial sex industry and does he/she have a pimp/manager?
- ❖ Is the individual unpaid, paid very little, or paid only through tips?
- ❖ Does the individual work excessively long and/or unusual hours?
- ❖ Is the individual not allowed breaks or suffers under unusual restrictions at work?
- ❖ Does the individual owe a large debt and is unable to pay it off?
- ❖ Was the individual recruited through false promises concerning the nature and conditions of his/her work?
- ❖ Do high security measures exist in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.)?
- ❖ Is the individual fearful, anxious, depressed, submissive, tense, or nervous/paranoid?
- ❖ Does the individual exhibit unusually fearful or anxious behaviour after bringing up law enforcement?
- ❖ Does the individual avoid eye contact? (though this may be cultural)
- ❖ Does the individual lack health care?
- ❖ Does the individual appear malnourished?

- ❖ Does the individual shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture?
- ❖ Does the individual have few or no personal possessions?
- ❖ Is the individual not in control of his/her own money, have no financial records, or bank account?
- ❖ Is the individual not in control of his/her own identification documents (ID or passport)?
- ❖ Is the individual not allowed or able to speak for themselves (a third party may insist on being present and/or translating)?
- ❖ Does the individual have claims of just visiting and the inability to clarify where he/she is staying/address?
- ❖ Does the individual lack of knowledge of whereabouts and/or do not know what city he/she is in?
- ❖ Does the individual experience a loss of sense of time?
- ❖ Does the individual have numerous inconsistencies in his/her story?

QR code

Use your smart phone to scan this QR code to go to the Attorney General's Human Trafficking web page.



Criminalization, legalization or decriminalization of sex work: what female sex workers say in San Francisco, USA

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Abstract: Sex work is a criminal offence in San Francisco, USA, and sex work advocates have so far unsuccessfully campaigned for decriminalizing it. Some groups argue that the decriminalization movement does not represent the voices of marginalized sex workers. Using qualitative and quantitative data from the Sex Worker Environmental Assessment Team Study, we investigated the perspectives and experiences of a range of female sex workers regarding the legal status of sex work and the impact of criminal law on their work experiences. Forty women were enrolled in the qualitative phase in 2004 and 247 women in the quantitative phase in 2006–07. Overall, the women in this study seemed to prefer a hybrid of legalization and decriminalization. The majority voiced a preference for removing statutes that criminalize sex work in order to facilitate a social and political environment where they had legal rights and could seek help when they were victims of violence. Advocacy groups need to explore the compromises sex workers are willing to make to ensure safe working conditions and the same legal protections afforded to other workers, and with those who are most marginalized to better understand their immediate needs and how these can be met through decriminalization. ©2009 Reproductive Health Matters. All rights reserved.

Keywords: sex work, criminalization, law and policy, United States

THREE main legal frameworks address sex work – criminalization, legalization and decriminalization. In San Francisco, and most of the United States, sex work is a criminal offence. This means that the purchase and selling of sexual services, and any associated activities, are criminalized. The various San Francisco statutes associated with sex work include: prostitution, prostitution while HIV-infected, pimping, pandering, soliciting prostitution, loitering with the intent to commit prostitution, conspiracy to commit prostitution, and keeping a house of prostitution. Sex workers may also face drug and public nuisance charges. In many criminalized systems, including San Francisco, the possession of condoms may be used as circumstantial evidence of intent to commit prostitution. (San

Francisco Public Defender's Office, Personal communication, 1 September 2009)¹ This may lead sex workers to avoid carrying condoms due to fear that they will be used as evidence in a court of law.^{2–5}

A legalized system permits some, but not necessarily all, types of sex work. In the state of Nevada, counties with a population of 400,000 or fewer may vote on whether to legalize sex work. In these counties, sex work that occurs in a sanctioned brothel is legal while all other forms of sex work are outlawed. Under a legalized framework, those businesses and individuals involved in sex work face regulations and licensing procedures that other businesses do not. In the Nevada brothel system, every sex worker must register with the police department

as a brothel worker. They have restricted mobility and stipulated working conditions, and they have mandated weekly testing for gonorrhoea and chlamydia, and monthly testing for HIV and syphilis.⁶

The third system is decriminalization. In a decriminalized system, the same laws that regulate other businesses regulate sex work. Thus, relevant tax, zoning and employment laws as well as occupational health and safety standards also apply to sex workers and sex work establishments. Unlike legalization, a decriminalized system does not have special laws aimed solely at sex workers or sex work-related activity. This model is found in New Zealand, parts of Australia, the Netherlands and Germany.⁷

Over the years, many activists in San Francisco have called for the city to decriminalize sex work. Since the 1970s, the organization Call Off Your Old Tired Ethics (COYOTE) has campaigned for decriminalization.⁸ In 1993, the San Francisco Board of Supervisors called for the establishment of a Task Force on Prostitution. This task force was charged with recommending "social and legal reforms which would best respond to the City's needs while using City resources more efficiently."⁹ Their report, issued in 1996, recommended that the City of San Francisco decriminalize prostitution.¹ On the November 2008 San Francisco General Election Ballot, Proposition K proposed the decriminalization of sex work. This proposition was endorsed by public health officials, the California Sexually Transmitted Diseases Controller's Association, the San Francisco Democratic Party, as well as sex worker organizations such as the Sex Workers Outreach Project and COYOTE.¹⁰ However, with only 42% of San Franciscans voting in favour of it, Proposition K was defeated.¹¹

What should the organizations spearheading decriminalization efforts do next? One critique has been that they have not represented the voices of marginalized sex workers in the community.¹² In fact, there are very few studies addressing sex workers' perspectives on the three main legal frameworks. We therefore decided to investigate the perspectives and experiences of a wide range of female sex workers regarding the legal status of sex work and the impact of the law on their working experiences, using data from the Sex Worker Environmental Assessment Team study.

Methods

The Sex Worker Environmental Assessment Team study was a community-based, research partnership between the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California San Francisco (UCSF), the San Francisco Department of Public Health and the St. James Infirmary (SJI), a peer-based occupational health and safety clinic for sex workers.⁹ The research received approval from the Committee on Human Research at UCSF.

Former and current sex workers were involved in all aspects of the study – study design, serving as community advisory board members, data collection and analysis, and manuscript preparation. The aim of the analysis reported here was to examine sex workers' experiences with and perspectives on the criminal nature of sex work in San Francisco. For the purposes of the study, we defined sex work as sexual acts (including vaginal, anal, oral and manual stimulation) done for compensation (such as money or other goods of economic value, including but not limited to food, drugs, clothing and housing).

This mixed-method, dual-phase study enrolled 40 female sex workers in an initial qualitative phase and 247 others in a follow-up quantitative phase. The qualitative phase was conducted between April and December 2004 and consisted of semi-structured interviews. To be eligible, women had to be 18 years of age or older and to have engaged in some type of sex work in San Francisco within the past year. The women were recruited through word of mouth as well as targeted recruitment at community-based organizations serving female sex workers. The interviews focused primarily on the social context of their sex work experiences. Each participant was asked a series of open-ended, non-leading questions about their experiences with law enforcement while doing sex work, what they thought their work experiences and life would be like if prostitution was not a criminal offence, and their opinion on the ideal legal framework for sex work. Qualitative data were analyzed in NVIVO version 3.5 (QSR International, Cambridge, MA) using grounded theory.^{13,14} Data collection and analysis were inter-related, iterative processes. Analysis began with open coding and then proceeded to a line-by-line analysis. The findings were used to inform the creation of the instrument for the quantitative phase.

The second phase from October 2006 through November 2007 was a cross-sectional, quantitative study. Eligibility criteria were the same as for the first phase, except women needed to have exchanged sex for compensation within the three months prior to enrolment. The study team and community advisory board identified and recruited an initial six women to participate in the study. The remaining participants were recruited using respondent-driven sampling.^{15,16} Study participants completed a structured, quantitative interview exploring their sexual and drug-using behaviours, mental and physical health, social connectivity and experiences with and perspectives on law enforcement. One portion of the interview queried participants about their attitudes towards criminalization, decriminalization and legalization. In particular, they were asked to respond to various scenarios and legal options. Women were then asked to recruit up to three women in their social network who were also engaged in sex work in the prior three months. We continued to allow waves of recruitment until we reached saturation. Univariate analyses were conducted using SPSS (Chicago, IL).

Findings: qualitative phase

Demographic data are shown in Table 1. The median age was 41 years and the women represented a diversity of races, ethnicity and types of sex work done. Almost half reported a history of injection drug use.

When questioned about the legal framework they preferred for prostitution, the women had a wide range of perspectives on the topic. Ten of them preferred sex work to remain criminalized, eight specifically called for decriminalization, and two preferred legalization. The remaining 20 women did not use the terminology of criminalization, decriminalization or legalization at any point in the interview. The following are examples of the women's perspectives on the various legal approaches to sex work. While only a few of the women's quotes are highlighted, their statements are representative.

Criminalization

The ten women advocating for the continued criminalization of sex work cited an array of reasons, including a preference to avoid government regulation, financial motives and the opportunity to limit drug use while incarcerated.

Table 1. Characteristics of qualitative study participants (n=40)

	No.
Median age	41 (range 19–59)
Race/ethnicity	
African-American	18
Caucasian	16
Latina	3
Asian/Pacific Islander	2
Native American	1
Attending St. James Infirmary	6 (15%)
Most recent type(s) of sex work	
Independent in-call/out-call	15
Street-based	13
Bondage/discipline	5
Independent massage	4
Pornography	1
Escort agency	1
Other	1
Current injection drug use	10

Several women expressed concern about mandatory health examinations, compulsory documentation, and loss of independence if the current system were to change.

"To tell you the truth, and people say 'I can't believe that you think this', I like that it is illegal. And one of the reasons that I like that it is illegal is that I am not heavily regulated. And I don't have somebody sticking me with needles, you know, once every couple of months and checking my pussy to see if it's clean. And I can take care of my own health and pay attention to my own health and do what seems right to me, and not be prodded and examined all of the time. Which I've heard from people working in...Nevada. They say that they are just so sick of all of the exams and hoops that they have to jump through, and paperwork that they have to fill out, and that it is very laborious. And I don't have to do any of that." (Independent massage worker, age 49)

Other women noted the financial incentive for maintaining criminalization since without criminalization:

"Everybody be doing it...then it would be too hard to make money." (Street-based worker, age 41)

"If it wasn't illegal?... The illegality of it keeps the supply and demand balance in a way that I think is in favour of the sex worker, which I really like." (Independent massage worker, age 49)

For other women, the criminal justice system acts as a safety net against excessive substance use.

"Well, you know, after a while you start looking bad, you are in the same clothes two or three days, the police notice that, you notice that. You are off the hook. There have been times where they have taken me to jail just for drinking in public, and just really saved my behind." (Street-based worker, age 45)

Decriminalization

The eight women who voiced a desire for a decriminalized system spoke about freedom, safety and support. In particular, they discussed the benefits of having police protection, the ability to build community with other sex workers, and obtaining rights as workers.

"I worked in a legal prostitution setting in Nevada. I did that for a couple of weeks to see what it was like. The amount of controls and the lack of freedom was horrendous. You know, I don't want someone else telling me how to work. And I don't think it is necessary really. Yeah, I think decriminalization gives us the most freedom." (Independent in-call and out-call worker, age 39)

Other women thought that the criminal nature of sex work might prevent them from leaving the sex industry and that decriminalization would give them more freedom in choosing non-sex work employment in the future.

"I'm actually working on my exit plan, which is being a real estate agent. And one of my fears is that I will not get through the process of getting successful enough in real estate to be able to support myself before I get nailed for something and can't have a licence any more and then I have to start working on a different exit plan." (Independent massage worker, age 49)

Several women expressed a belief that the police would be a source of support and other benefits in relation to safety if sex work were not illegal:

"Police would be there to help instead of saying, 'Well, you should not have been out here, you would not have been robbed.' You know, it's like

when you are prostituting and something happens to you, the police don't really want to help you, because you are already committing a crime... So it's like why should they help a criminal?" (Street-based worker, age 45)

"The two tensions that I have when I go on a call anonymous, I've never met the person, the two tensions that I feel are, am I going to get hurt, or am I going to get busted? I want the busted part of it out. So that if I do get hurt, I feel confident enough that I can get on the horn and get the authorities to jump on the tail of the person who hurt me." (Independent out-call worker, age 35)

Other women mentioned that decriminalization would allow open negotiation with potential customers and, in turn, facilitate safer encounters while doing sex work. One woman discussed her inability to openly negotiate services to be provided before the client arrived, due to fear of arrest during the initial phone or e-mail exchange with potential customers:

"I think it would make it easier to negotiate with clients if I could actually say what it is we are talking about. Like if I advertised online and was actually able to say what it is I offer, that would make things so much easier. Or if clients asked me a question and I was able to answer it directly." (Bondage and discipline worker, age 19)

The last main theme many women addressed was stigma. If sex work were not criminalized, they would be able to operate like a "real business". One hoped the removal of laws criminalizing sex work would lead to a heightened understanding of sex workers:

"It might change the way people perceive or think about sex workers... because that would kind of start to heighten people's awareness about how this moral stigma has affected us." (Bondage and discipline worker, age 32)

Legalization

Two women specifically expressed a preference for the legalization of sex work. They thought that sex work would be safest under a regulated system. In particular, they could advertise their services clearly without fear of arrest, rely on the police for protection, create safe houses in which to work, and unionize.

"So if we had it in a safe environment, where, say, for example, they could come in here, there are rooms back there, you talk to the client, you screen him. You know, you are saying: 'So, what is your health history' and maybe there is a way you can check out a database. You could find out if he had an arrest record for any type of domestic violence... And then that would make it safe for the women." (Independent out-call worker, age 40)

"[We would] have more police protection if it was legalized too. Health services, mental [health] services, police protection, you know, not having to get thrown out of where you live because of what you do... The same rights as anybody else." (Independent massage worker, age 49)

Findings: quantitative analysis

The median age of the women who participated in the quantitative part of the study was 44. As with the qualitative phase, the women engaged in a broad range of sex work activities (Table 2). Fifty-three per cent were homeless. Thirty-one per cent were recipients of Supplemental Security Income, a federal income supplement designed to help disabled people who have minimal or no income. Another 29% reported receiving General Assistance, a cash grant for indigent adults from the San Francisco government. A high proportion reported drug use, violence in the sex work environment and a history of arrest. Furthermore, 14% described having been threatened with arrest unless they agreed to have sex with a police officer, 8% said they were arrested after having had sex with a police officer, and 5% that they were arrested after refusing to have sex with a police officer. Twenty-two per cent stated they had had police officers as paying customers in the past. In the three months prior to study enrolment, 28% had direct interactions with law enforcement officials. Of these, 40% rated these interactions as very bad or bad.

All of the women in this phase were asked about their legal preferences. Table 3 includes the complete list of questions asked on this topic. What follows is a presentation of the quantitative findings from those questions.

Criminalization

Very few women in the quantitative phase supported the continued criminalization of sex work.

Table 2. Characteristics of quantitative study participants (n=247)

	No. (%)
Median age	44 (range 18–69)
Race/ethnicity	
African-American	119 (48)
Caucasian	77 (31)
Mixed	27 (11)
Latina	20 (8)
Asian/Pacific Islander	2 (1)
Native American	2 (1)
Attending St. James Infirmary	13 (5)
Current type(s) of sex work ^a	
Sex exchanged in a vehicle	193 (78)
Street-based	168 (68)
Independent out-call	138 (56)
Independent in-call	119 (48)
Current injection drug use	128 (52)
History of violence during sex work	
Physical assault	79 (32)
Sexual assault	72 (29)
Legal history	
Any prior arrest	210 (85)
Drug-related arrest	206 (83)
Prostitution-related arrest	149 (60)
Police as paying customer	54 (22)
Threatened with arrest unless sex with police	35 (14)
Arrested after sex with police	20 (8)
Arrested after refusing sex with police	12 (5)

^a Could report more than one

Only 7% felt that all exchanges of sex for money or other goods should be illegal. If sex work were to remain illegal, 92% would want to be offered social services as opposed to incarceration when arrested. Seventy-nine per cent preferred to determine their own working conditions without being taxed or regulated by government.

Decriminalization

The majority of study participants expressed support for certain tenets of a decriminalized model. Seventy-one per cent agreed or strongly agreed that courts should get rid of laws that make sex work illegal. A large portion felt that they should be allowed to trade sex in strip clubs and massage parlors (68%), on the streets (77%), and in escort agencies and brothels (87%). The majority

Table 3. Sex workers' attitudes towards the different legal models (n=247)

	No.	(%)
Strongly agreed/agreed:		
Sex workers who are arrested should be offered social services rather than jail time.	225	(91)
Sex workers should determine their own working conditions without being taxed or regulated by government.	194	(79)
Courts should get rid of laws that make sex work illegal.	175	(71)
All exchanges of sex for money or other goods of economic value should be illegal.	18	(7)
Sex workers should have to pay taxes on money made from sex work.	4	(2)
Answered yes:		
There should be laws that protect the rights of sex workers.	223	(90)
Sex workers should be required to undergo health screenings to be able to do sex work.	206	(83)
Adults should be allowed to trade sex for money in strip clubs, massage parlors, on the streets, with escort agencies or brothels.	168	(68)
The City Health Department should regulate sex work.	95	(39)
Street-based sex work should be allowed as long as it is done in red light districts – areas designated specifically for sex work activity.	61	(25)
Street-based sex work should be allowed as long as it is done in commercial areas away from schools, churches and hospitals.	31	(13)
Street-based sex work should be illegal and punishable by a fine.	28	(11)
The City government should regulate sex work.	24	(10)
The State government should regulate sex work.	17	(7)
The City Police Department should regulate sex work.	17	(7)
Brothels and escort agencies should be illegal and punishable by a fine.	14	(6)
Street-based sex work should be illegal and punishable by time in jail.	5	(2)
Brothels and escort agencies should be illegal and punishable by time in jail.	1	(0.4)

of the women, 82%, preferred street-based sex work to happen in commercial areas and red light districts. Ninety-one per cent wanted laws that protected the rights of sex workers.

Legalization

The legalization of sex work often times results in sex workers and their businesses experiencing heightened forms of regulation that are not witnessed in other businesses. One-third of the women thought that the San Francisco Health Department should regulate sex work, and 84% felt that they should have to undergo health screening to be able to engage in sex work.

Discussion

The sex workers in this study were predominately those who are considered the most marginalized. In the qualitative phase, one-third of the women

were street-based sex workers, and 25% were current injection drug users. Over two-thirds of those in the quantitative phase reported current street-based sex work, and over half were current injection drug users. These are the workers who are likely most at risk for physical and sexual assault, as well as arrest. Taking all the women's responses into consideration, their preferences do not fit neatly into any one of the three pre-existing legal frameworks. The majority of sex workers voiced a preference for removing the statutes that criminalize sex work in order to facilitate a social and political environment where they would have legal rights and could seek help when they were victims of violence. They did not want to be arrested for their sex work, yet they also did not want to be regulated by government or pay taxes, sentiments that hold true for many people. Likewise, with over half the women receiving some type of federal



Sex worker outside a liquor store in Detroit MI, USA, 2008

or state financial assistance, if they reported sex work income they would likely cease to be eligible for assistance.

While many women voiced their opposition to government oversight, some advocated for elements of regulation that are found in legalized systems, including mandated health screening, and decriminalized models, such as zoning restrictions. It is possible that these responses were influenced by the setting where the interviews were conducted – a sex worker health clinic. As such, they may have felt that health examinations would be done in a community-based, peer-led clinic. The preference that street-based sex work be covered by zoning restrictions may have been informed by the reality that those who work on the street in a criminalized system have very little control over their work situation. If there were specified areas for street prostitution, women might feel safer due to the more controlled nature of the work environment.

An argument frequently used against criminalization is the rampant violence sex workers experience in criminalized settings.^{1,2,9,17-24} Police abuse, such as sexual demands in lieu of arrest^{19,23} and excessive use of physical force have been reported, e.g. in Canada and the United States.^{21,25} Most crimes against sex workers go unpunished, as most sex workers do not go to the police when they have been victimized.^{3,22,23,26} Few papers address the risk of violence among female sex workers in San Francisco. In a cross-

sectional study of 783 adults accessing health care at St. James Infirmary from 1999-2004, we found that 36.3% of the women experienced sex work-related violence, and 7.9% police violence.²⁴ Another study conducted in San Francisco in 1990-91 found that female sex workers, as compared to male and transgender workers, were at higher risk of rape and arrest for prostitution-related offences.²⁷ Hay's article about police abuse of prostitutes in San Francisco acknowledges that the most frequent type of police abuse reported by sex workers, the demand for sex in lieu of arrest, is the hardest to verify. Many of the women in that study reported not filing a complaint when abused by a police officer as they doubted it would result in any positive change. Hay sees police abuse as just another occupational hazard,¹⁹ but it is presumably one that could be challenged more readily if prostitution were decriminalized.

Even if sex work were to be decriminalized or legalized, many things might not change. If prostitution codes were removed, there are still other legal codes such as loitering, trespassing, public nuisance and narcotics which could be used to target sex workers. Additionally, given the deep cultural beliefs about sex work, decriminalization or legalization would likely not eliminate the stigma associated with prostitution. A change in the criminal code would also not guarantee access to the health and social services the women want. Incarceration should not be the only way for the women to stop using/drinking

or accessing vital services such as health care, drug treatment or housing. Any future work towards decriminalization will need to be coupled with a commitment that the health and social services sex workers want will be available.

The vast majority of women in this study did not want sex work to be a criminal offence, but they did not want to be regulated by government or pay taxes either. This disparate set of preferences cannot co-exist under the framework of decriminalization. Therefore, it is clear that future work by advocacy groups needs to explore with a diversity of sex workers the compromises they are willing to make to ensure safe working conditions and the same legal protections afforded to other workers. More of the women might be willing to pay taxes and accept the same regulations as other businesses if they knew it would result in the acquisition of legal protection. This requires further inquiry. It is also probable that marginalized sex workers have not been as visible in previous decriminalization campaigns because their basic needs are not being met, and organizing for legal change is not their immedi-

ate priority. Advocacy groups need to work with sex workers – women, men and transgender – who are most marginalized, to understand their immediate needs and how these can be addressed through decriminalization.

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Résumé

La prostitution est un délit pénal à San Francisco (États-Unis) et les militants ont jusqu'à présent fait campagne sans succès pour la décriminaliser. Certains groupes avancent que le mouvement de décriminalisation ne représente pas la voix des professionnels du sexe marginalisés. À l'aide de données qualitatives et quantitatives issues de l'étude réalisée par l'équipe d'évaluation environnementale des professionnelles du sexe, nous avons analysé les perspectives et les expériences de plusieurs prostituées concernant le statut juridique du commerce du sexe et l'impact du droit pénal sur leurs expériences professionnelles. Quarante femmes ont collaboré à la phase qualitative en 2004 et 247 à la phase quantitative en 2006-2007. Dans l'ensemble, les participantes à l'étude semblaient préférer une solution hybride de légalisation et décriminalisation. La majorité d'entre elles souhaitaient une abrogation des textes qui criminalisent la prostitution afin de créer un environnement politique et social qui leur donnerait des droits et où elles pourraient demander de l'aide si elles sont victimes de violences. Les groupes de plaidoyer doivent étudier quels compromis les prostituées sont prêtes à faire pour garantir la sécurité de leurs conditions de travail et les mêmes protections juridiques accordées à d'autres travailleurs. Ils doivent aussi mieux comprendre les besoins immédiats des plus marginalisées et comment y répondre par la décriminalisation.

Resumen

El trabajo sexual es un delito penal en San Francisco, EE.UU., y los defensores del trabajo sexual hasta ahora no han tenido éxito en sus campañas por despenalizarlo. Algunos grupos arguyen que el movimiento de despenalización no representa las voces de las trabajadoras sexuales marginadas. Usando datos cualitativos y cuantitativos del Estudio del Equipo de Evaluación Ambiental de Trabajadoras Sexuales, investigamos las perspectivas y experiencias de una variedad de trabajadoras sexuales concernientes al estado legal del trabajo sexual y el impacto del derecho penal en sus experiencias laborales. Cuarenta mujeres se inscribieron en la fase cualitativa, en 2004, y 247 mujeres en la fase cuantitativa, en 2006-07. En general, las mujeres en este estudio parecieron preferir un híbrido de legalización y despenalización. La mayoría expresó una preferencia por eliminar reglamentos que penalizan el trabajo sexual a fin de facilitar un ambiente social y político en el que tuvieran derechos legales y pudieran buscar ayuda cuando fueran víctimas de violencia. Los grupos de promoción y defensa deben explorar las formas en que las trabajadoras sexuales están dispuestas a transar para garantizar condiciones seguras de trabajo y las mismas protecciones jurídicas otorgadas a los demás trabajadores, y con las personas más marginadas para poder entender mejor sus necesidades inmediatas y cómo atenderlas mediante la despenalización.

Criminalization, legalization or decriminalization of sex work: what female sex workers say in San Francisco, USA

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Abstract: Sex work is a criminal offence in San Francisco, USA, and sex work advocates have so far unsuccessfully campaigned for decriminalizing it. Some groups argue that the decriminalization movement does not represent the voices of marginalized sex workers. Using qualitative and quantitative data from the Sex Worker Environmental Assessment Team Study, we investigated the perspectives and experiences of a range of female sex workers regarding the legal status of sex work and the impact of criminal law on their work experiences. Forty women were enrolled in the qualitative phase in 2004 and 247 women in the quantitative phase in 2006–07. Overall, the women in this study seemed to prefer a hybrid of legalization and decriminalization. The majority voiced a preference for removing statutes that criminalize sex work in order to facilitate a social and political environment where they had legal rights and could seek help when they were victims of violence. Advocacy groups need to explore the compromises sex workers are willing to make to ensure safe working conditions and the same legal protections afforded to other workers, and with those who are most marginalized to better understand their immediate needs and how these can be met through decriminalization. ©2009 Reproductive Health Matters. All rights reserved.

Keywords: sex work, criminalization, law and policy, United States

THREE main legal frameworks address sex work – criminalization, legalization and decriminalization. In San Francisco, and most of the United States, sex work is a criminal offence. This means that the purchase and selling of sexual services, and any associated activities, are criminalized. The various San Francisco statutes associated with sex work include: prostitution, prostitution while HIV-infected, pimping, pandering, soliciting prostitution, loitering with the intent to commit prostitution, conspiracy to commit prostitution, and keeping a house of prostitution. Sex workers may also face drug and public nuisance charges. In many criminalized systems, including San Francisco, the possession of condoms may be used as circumstantial evidence of intent to commit prostitution. (San

Francisco Public Defender's Office, Personal communication, 1 September 2009)¹ This may lead sex workers to avoid carrying condoms due to fear that they will be used as evidence in a court of law.^{2–5}

A legalized system permits some, but not necessarily all, types of sex work. In the state of Nevada, counties with a population of 400,000 or fewer may vote on whether to legalize sex work. In these counties, sex work that occurs in a sanctioned brothel is legal while all other forms of sex work are outlawed. Under a legalized framework, those businesses and individuals involved in sex work face regulations and licensing procedures that other businesses do not. In the Nevada brothel system, every sex worker must register with the police department

as a brothel worker. They have restricted mobility and stipulated working conditions, and they have mandated weekly testing for gonorrhoea and chlamydia, and monthly testing for HIV and syphilis.⁶

The third system is decriminalization. In a decriminalized system, the same laws that regulate other businesses regulate sex work. Thus, relevant tax, zoning and employment laws as well as occupational health and safety standards also apply to sex workers and sex work establishments. Unlike legalization, a decriminalized system does not have special laws aimed solely at sex workers or sex work-related activity. This model is found in New Zealand, parts of Australia, the Netherlands and Germany.⁷

Over the years, many activists in San Francisco have called for the city to decriminalize sex work. Since the 1970s, the organization Call Off Your Old Tired Ethics (COYOTE) has campaigned for decriminalization.⁸ In 1993, the San Francisco Board of Supervisors called for the establishment of a Task Force on Prostitution. This task force was charged with recommending “social and legal reforms which would best respond to the City’s needs while using City resources more efficiently.”⁹ Their report, issued in 1996, recommended that the City of San Francisco decriminalize prostitution.¹ On the November 2008 San Francisco General Election Ballot, Proposition K proposed the decriminalization of sex work. This proposition was endorsed by public health officials, the California Sexually Transmitted Diseases Controller’s Association, the San Francisco Democratic Party, as well as sex worker organizations such as the Sex Workers Outreach Project and COYOTE.¹⁰ However, with only 42% of San Franciscans voting in favour of it, Proposition K was defeated.¹¹

What should the organizations spearheading decriminalization efforts do next? One critique has been that they have not represented the voices of marginalized sex workers in the community.¹² In fact, there are very few studies addressing sex workers’ perspectives on the three main legal frameworks. We therefore decided to investigate the perspectives and experiences of a wide range of female sex workers regarding the legal status of sex work and the impact of the law on their working experiences, using data from the Sex Worker Environmental Assessment Team study.

Methods

The Sex Worker Environmental Assessment Team study was a community-based, research partnership between the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California San Francisco (UCSF), the San Francisco Department of Public Health and the St. James Infirmary (SJI), a peer-based occupational health and safety clinic for sex workers.⁸ The research received approval from the Committee on Human Research at UCSF.

Former and current sex workers were involved in all aspects of the study – study design, serving as community advisory board members, data collection and analysis, and manuscript preparation. The aim of the analysis reported here was to examine sex workers’ experiences with and perspectives on the criminal nature of sex work in San Francisco. For the purposes of the study, we defined sex work as sexual acts (including vaginal, anal, oral and manual stimulation) done for compensation (such as money or other goods of economic value, including but not limited to food, drugs, clothing and housing).

This mixed-method, dual-phase study enrolled 40 female sex workers in an initial qualitative phase and 247 others in a follow-up quantitative phase. The qualitative phase was conducted between April and December 2004 and consisted of semi-structured interviews. To be eligible, women had to be 18 years of age or older and to have engaged in some type of sex work in San Francisco within the past year. The women were recruited through word of mouth as well as targeted recruitment at community-based organizations serving female sex workers. The interviews focused primarily on the social context of their sex work experiences. Each participant was asked a series of open-ended, non-leading questions about their experiences with law enforcement while doing sex work, what they thought their work experiences and life would be like if prostitution was not a criminal offence, and their opinion on the ideal legal framework for sex work. Qualitative data were analyzed in NVIVO version 3.5 (QSR International, Cambridge, MA) using grounded theory.^{13,14} Data collection and analysis were inter-related, iterative processes. Analysis began with open coding and then proceeded to a line-by-line analysis. The findings were used to inform the creation of the instrument for the quantitative phase.

The second phase from October 2006 through November 2007 was a cross-sectional, quantitative study. Eligibility criteria were the same as for the first phase, except women needed to have exchanged sex for compensation within the three months prior to enrolment. The study team and community advisory board identified and recruited an initial six women to participate in the study. The remaining participants were recruited using respondent-driven sampling.^{15,16} Study participants completed a structured, quantitative interview exploring their sexual and drug-using behaviours, mental and physical health, social connectivity and experiences with and perspectives on law enforcement. One portion of the interview queried participants about their attitudes towards criminalization, decriminalization and legalization. In particular, they were asked to respond to various scenarios and legal options. Women were then asked to recruit up to three women in their social network who were also engaged in sex work in the prior three months. We continued to allow waves of recruitment until we reached saturation. Univariate analyses were conducted using SPSS (Chicago, IL).

Findings: qualitative phase

Demographic data are shown in Table 1. The median age was 41 years and the women represented a diversity of races, ethnicity and types of sex work done. Almost half reported a history of injection drug use.

When questioned about the legal framework they preferred for prostitution, the women had a wide range of perspectives on the topic. Ten of them preferred sex work to remain criminalized, eight specifically called for decriminalization, and two preferred legalization. The remaining 20 women did not use the terminology of criminalization, decriminalization or legalization at any point in the interview. The following are examples of the women's perspectives on the various legal approaches to sex work. While only a few of the women's quotes are highlighted, their statements are representative.

Criminalization

The ten women advocating for the continued criminalization of sex work cited an array of reasons, including a preference to avoid government regulation, financial motives and the opportunity to limit drug use while incarcerated.

Table 1. Characteristics of qualitative study participants (n=40)

	No.
Median age	41 (range 19–59)
Race/ethnicity	
African-American	18
Caucasian	16
Latina	3
Asian/Pacific Islander	2
Native American	1
Attending St. James Infirmary	6 (15%)
Most recent type(s) of sex work	
Independent in-call/out-call	15
Street-based	13
Bondage/discipline	5
Independent massage	4
Pornography	1
Escort agency	1
Other	1
Current injection drug use	10

Several women expressed concern about mandatory health examinations, compulsory documentation, and loss of independence if the current system were to change.

"To tell you the truth, and people say 'I can't believe that you think this', I like that it is illegal. And one of the reasons that I like that it is illegal is that I am not heavily regulated. And I don't have somebody sticking me with needles, you know, once every couple of months and checking my pussy to see if it's clean. And I can take care of my own health and pay attention to my own health and do what seems right to me, and not be prodded and examined all of the time. Which I've heard from people working in...Nevada. They say that they are just so sick of all of the exams and hoops that they have to jump through, and paperwork that they have to fill out, and that it is very laborious. And I don't have to do any of that." (Independent massage worker, age 49)

Other women noted the financial incentive for maintaining criminalization since without criminalization:

"Everybody be doing it...then it would be too hard to make money." (Street-based worker, age 41)

"If it wasn't illegal?... The illegality of it keeps the supply and demand balance in a way that I think is in favour of the sex worker, which I really like." (Independent massage worker, age 49)

For other women, the criminal justice system acts as a safety net against excessive substance use.

"Well, you know, after a while you start looking bad, you are in the same clothes two or three days, the police notice that, you notice that. You are off the hook. There have been times where they have taken me to jail just for drinking in public, and just really saved my behind." (Street-based worker, age 45)

Decriminalization

The eight women who voiced a desire for a decriminalized system spoke about freedom, safety and support. In particular, they discussed the benefits of having police protection, the ability to build community with other sex workers, and obtaining rights as workers.

"I worked in a legal prostitution setting in Nevada. I did that for a couple of weeks to see what it was like. The amount of controls and the lack of freedom was horrendous. You know, I don't want someone else telling me how to work. And I don't think it is necessary really. Yeah, I think decriminalization gives us the most freedom." (Independent in-call and out-call worker, age 39)

Other women thought that the criminal nature of sex work might prevent them from leaving the sex industry and that decriminalization would give them more freedom in choosing non-sex work employment in the future.

"I'm actually working on my exit plan, which is being a real estate agent. And one of my fears is that I will not get through the process of getting successful enough in real estate to be able to support myself before I get nailed for something and can't have a licence any more and then I have to start working on a different exit plan." (Independent massage worker, age 49)

Several women expressed a belief that the police would be a source of support and other benefits in relation to safety if sex work were not illegal:

"Police would be there to help instead of saying, 'Well, you should not have been out here, you would not have been robbed.' You know, it's like

when you are prostituting and something happens to you, the police don't really want to help you, because you are already committing a crime... So it's like why should they help a criminal?" (Street-based worker, age 45)

"The two tensions that I have when I go on a call anonymous, I've never met the person, the two tensions that I feel are, am I going to get hurt, or am I going to get busted? I want the busted part of it out. So that if I do get hurt, I feel confident enough that I can get on the horn and get the authorities to jump on the tail of the person who hurt me." (Independent out-call worker, age 35)

Other women mentioned that decriminalization would allow open negotiation with potential customers and, in turn, facilitate safer encounters while doing sex work. One woman discussed her inability to openly negotiate services to be provided before the client arrived, due to fear of arrest during the initial phone or e-mail exchange with potential customers:

"I think it would make it easier to negotiate with clients if I could actually say what it is we are talking about. Like if I advertised online and was actually able to say what it is I offer, that would make things so much easier. Or if clients asked me a question and I was able to answer it directly." (Bondage and discipline worker, age 19)

The last main theme many women addressed was stigma. If sex work were not criminalized, they would be able to operate like a "real business". One hoped the removal of laws criminalizing sex work would lead to a heightened understanding of sex workers:

"It might change the way people perceive or think about sex workers... because that would kind of start to heighten people's awareness about how this moral stigma has affected us." (Bondage and discipline worker, age 32)

Legalization

Two women specifically expressed a preference for the legalization of sex work. They thought that sex work would be safest under a regulated system. In particular, they could advertise their services clearly without fear of arrest, rely on the police for protection, create safe houses in which to work, and unionize.

"So if we had it in a safe environment, where, say, for example, they could come in here, there are rooms back there, you talk to the client, you screen him. You know, you are saying: 'So, what is your health history' and maybe there is a way you can check out a database. You could find out if he had an arrest record for any type of domestic violence... And then that would make it safe for the women." (Independent out-call worker, age 40)

"[We would] have more police protection if it was legalized too. Health services, mental [health] services, police protection, you know, not having to get thrown out of where you live because of what you do... The same rights as anybody else." (Independent massage worker, age 49)

Findings: quantitative analysis

The median age of the women who participated in the quantitative part of the study was 44. As with the qualitative phase, the women engaged in a broad range of sex work activities (Table 2). Fifty-three per cent were homeless. Thirty-one per cent were recipients of Supplemental Security Income, a federal income supplement designed to help disabled people who have minimal or no income. Another 29% reported receiving General Assistance, a cash grant for indigent adults from the San Francisco government. A high proportion reported drug use, violence in the sex work environment and a history of arrest. Furthermore, 14% described having been threatened with arrest unless they agreed to have sex with a police officer, 8% said they were arrested after having had sex with a police officer, and 5% that they were arrested after refusing to have sex with a police officer. Twenty-two per cent stated they had had police officers as paying customers in the past. In the three months prior to study enrolment, 28% had direct interactions with law enforcement officials. Of these, 40% rated these interactions as very bad or bad.

All of the women in this phase were asked about their legal preferences. Table 3 includes the complete list of questions asked on this topic. What follows is a presentation of the quantitative findings from those questions.

Criminalization

Very few women in the quantitative phase supported the continued criminalization of sex work.

Table 2. Characteristics of quantitative study participants (n=247)

	No. (%)
Median age	44 (range 18–69)
Race/ethnicity	
African-American	119 (48)
Caucasian	77 (31)
Mixed	27 (11)
Latina	20 (8)
Asian/Pacific Islander	2 (1)
Native American	2 (1)
Attending St. James Infirmary	13 (5)
Current type(s) of sex work ^a	
Sex exchanged in a vehicle	193 (78)
Street-based	168 (68)
Independent out-call	138 (56)
Independent in-call	119 (48)
Current injection drug use	128 (52)
History of violence during sex work	
Physical assault	79 (32)
Sexual assault	72 (29)
Legal history	
Any prior arrest	210 (85)
Drug-related arrest	206 (83)
Prostitution-related arrest	149 (60)
Police as paying customer	54 (22)
Threatened with arrest unless sex with police	35 (14)
Arrested after sex with police	20 (8)
Arrested after refusing sex with police	12 (5)

^a Could report more than one

Only 7% felt that all exchanges of sex for money or other goods should be illegal. If sex work were to remain illegal, 92% would want to be offered social services as opposed to incarceration when arrested. Seventy-nine per cent preferred to determine their own working conditions without being taxed or regulated by government.

Decriminalization

The majority of study participants expressed support for certain tenets of a decriminalized model. Seventy-one per cent agreed or strongly agreed that courts should get rid of laws that make sex work illegal. A large portion felt that they should be allowed to trade sex in strip clubs and massage parlors (68%), on the streets (77%), and in escort agencies and brothels (87%). The majority

Table 3. Sex workers' attitudes towards the different legal models (n=247)

	No.	(%)
Strongly agreed/agreed:		
Sex workers who are arrested should be offered social services rather than jail time.	225	(91)
Sex workers should determine their own working conditions without being taxed or regulated by government.	194	(79)
Courts should get rid of laws that make sex work illegal.	175	(71)
All exchanges of sex for money or other goods of economic value should be illegal.	18	(7)
Sex workers should have to pay taxes on money made from sex work.	4	(2)
Answered yes:		
There should be laws that protect the rights of sex workers.	223	(90)
Sex workers should be required to undergo health screenings to be able to do sex work.	206	(83)
Adults should be allowed to trade sex for money in strip clubs, massage parlors, on the streets, with escort agencies or brothels.	168	(68)
The City Health Department should regulate sex work.	95	(39)
Street-based sex work should be allowed as long as it is done in red light districts – areas designated specifically for sex work activity.	61	(25)
Street-based sex work should be allowed as long as it is done in commercial areas away from schools, churches and hospitals.	31	(13)
Street-based sex work should be illegal and punishable by a fine.	28	(11)
The City government should regulate sex work.	24	(10)
The State government should regulate sex work.	17	(7)
The City Police Department should regulate sex work.	17	(7)
Brothels and escort agencies should be illegal and punishable by a fine.	14	(6)
Street-based sex work should be illegal and punishable by time in jail.	5	(2)
Brothels and escort agencies should be illegal and punishable by time in jail.	1	(0.4)

of the women, 82%, preferred street-based sex work to happen in commercial areas and red light districts. Ninety-one per cent wanted laws that protected the rights of sex workers.

Legalization

The legalization of sex work often times results in sex workers and their businesses experiencing heightened forms of regulation that are not witnessed in other businesses. One-third of the women thought that the San Francisco Health Department should regulate sex work, and 84% felt that they should have to undergo health screening to be able to engage in sex work.

Discussion

The sex workers in this study were predominately those who are considered the most marginalized. In the qualitative phase, one-third of the women

were street-based sex workers, and 25% were current injection drug users. Over two-thirds of those in the quantitative phase reported current street-based sex work, and over half were current injection drug users. These are the workers who are likely most at risk for physical and sexual assault, as well as arrest. Taking all the women's responses into consideration, their preferences do not fit neatly into any one of the three pre-existing legal frameworks. The majority of sex workers voiced a preference for removing the statutes that criminalize sex work in order to facilitate a social and political environment where they would have legal rights and could seek help when they were victims of violence. They did not want to be arrested for their sex work, yet they also did not want to be regulated by government or pay taxes, sentiments that hold true for many people. Likewise, with over half the women receiving some type of federal



Sex worker outside a liquor store in Detroit MI, USA, 2008

or state financial assistance, if they reported sex work income they would likely cease to be eligible for assistance.

While many women voiced their opposition to government oversight, some advocated for elements of regulation that are found in legalized systems, including mandated health screening, and decriminalized models, such as zoning restrictions. It is possible that these responses were influenced by the setting where the interviews were conducted – a sex worker health clinic. As such, they may have felt that health examinations would be done in a community-based, peer-led clinic. The preference that street-based sex work be covered by zoning restrictions may have been informed by the reality that those who work on the street in a criminalized system have very little control over their work situation. If there were specified areas for street prostitution, women might feel safer due to the more controlled nature of the work environment.

An argument frequently used against criminalization is the rampant violence sex workers experience in criminalized settings.^{1,2,9,17-24} Police abuse, such as sexual demands in lieu of arrest^{19,23} and excessive use of physical force have been reported, e.g. in Canada and the United States.^{21,25} Most crimes against sex workers go unpunished, as most sex workers do not go to the police when they have been victimized.^{3,22,23,26} Few papers address the risk of violence among female sex workers in San Francisco. In a cross-

sectional study of 783 adults accessing health care at St. James Infirmary from 1999-2004, we found that 36.3% of the women experienced sex work-related violence, and 7.9% police violence.²⁴ Another study conducted in San Francisco in 1990-91 found that female sex workers, as compared to male and transgender workers, were at higher risk of rape and arrest for prostitution-related offences.²⁷ Hay's article about police abuse of prostitutes in San Francisco acknowledges that the most frequent type of police abuse reported by sex workers, the demand for sex in lieu of arrest, is the hardest to verify. Many of the women in that study reported not filing a complaint when abused by a police officer as they doubted it would result in any positive change. Hay sees police abuse as just another occupational hazard,¹⁹ but it is presumably one that could be challenged more readily if prostitution were decriminalized.

Even if sex work were to be decriminalized or legalized, many things might not change. If prostitution codes were removed, there are still other legal codes such as loitering, trespassing, public nuisance and narcotics which could be used to target sex workers. Additionally, given the deep cultural beliefs about sex work, decriminalization or legalization would likely not eliminate the stigma associated with prostitution. A change in the criminal code would also not guarantee access to the health and social services the women want. Incarceration should not be the only way for the women to stop using/drinking

or accessing vital services such as health care, drug treatment or housing. Any future work towards decriminalization will need to be coupled with a commitment that the health and social services sex workers want will be available.

The vast majority of women in this study did not want sex work to be a criminal offence, but they did not want to be regulated by government or pay taxes either. This disparate set of preferences cannot co-exist under the framework of decriminalization. Therefore, it is clear that future work by advocacy groups needs to explore with a diversity of sex workers the compromises they are willing to make to ensure safe working conditions and the same legal protections afforded to other workers. More of the women might be willing to pay taxes and accept the same regulations as other businesses if they knew it would result in the acquisition of legal protection. This requires further inquiry. It is also probable that marginalized sex workers have not been as visible in previous decriminalization campaigns because their basic needs are not being met, and organizing for legal change is not their immedi-

ate priority. Advocacy groups need to work with sex workers – women, men and transgender – who are most marginalized, to understand their immediate needs and how these can be addressed through decriminalization.

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Résumé

La prostitution est un délit pénal à San Francisco (États-Unis) et les militants ont jusqu'à présent fait campagne sans succès pour la décriminaliser. Certains groupes avancent que le mouvement de décriminalisation ne représente pas la voix des professionnels du sexe marginalisés. À l'aide de données qualitatives et quantitatives issues de l'étude réalisée par l'équipe d'évaluation environnementale des professionnelles du sexe, nous avons analysé les perspectives et les expériences de plusieurs prostituées concernant le statut juridique du commerce du sexe et l'impact du droit pénal sur leurs expériences professionnelles. Quarante femmes ont collaboré à la phase qualitative en 2004 et 247 à la phase quantitative en 2006-2007. Dans l'ensemble, les participantes à l'étude semblaient préférer une solution hybride de légalisation et décriminalisation. La majorité d'entre elles souhaitaient une abrogation des textes qui criminalisent la prostitution afin de créer un environnement politique et social qui leur donnerait des droits et où elles pourraient demander de l'aide si elles sont victimes de violences. Les groupes de plaidoyer doivent étudier quels compromis les prostituées sont prêtes à faire pour garantir la sécurité de leurs conditions de travail et les mêmes protections juridiques accordées à d'autres travailleurs. Ils doivent aussi mieux comprendre les besoins immédiats des plus marginalisées et comment y répondre par la décriminalisation.

Resumen

El trabajo sexual es un delito penal en San Francisco, EE.UU., y los defensores del trabajo sexual hasta ahora no han tenido éxito en sus campañas por despenalizarlo. Algunos grupos arguyen que el movimiento de despenalización no representa las voces de las trabajadoras sexuales marginadas. Usando datos cualitativos y cuantitativos del Estudio del Equipo de Evaluación Ambiental de Trabajadoras Sexuales, investigamos las perspectivas y experiencias de una variedad de trabajadoras sexuales concernientes al estado legal del trabajo sexual y el impacto del derecho penal en sus experiencias laborales. Cuarenta mujeres se inscribieron en la fase cualitativa, en 2004, y 247 mujeres en la fase cuantitativa, en 2006-07. En general, las mujeres en este estudio parecieron preferir un híbrido de legalización y despenalización. La mayoría expresó una preferencia por eliminar reglamentos que penalizan el trabajo sexual a fin de facilitar un ambiente social y político en el que tuvieran derechos legales y pudieran buscar ayuda cuando fueran víctimas de violencia. Los grupos de promoción y defensa deben explorar las formas en que las trabajadoras sexuales están dispuestas a transar para garantizar condiciones seguras de trabajo y las mismas protecciones jurídicas otorgadas a los demás trabajadores, y con las personas más marginadas para poder entender mejor sus necesidades inmediatas y cómo atenderlas mediante la despenalización.



OUR MISSION

The Coalition to Abolish Slavery & Trafficking (CAST) aims to assist persons trafficked for the purpose of forced labor and slavery-like practices and to work toward ending all instances of such human rights violations.

OUR WORK

CAST champions a comprehensive, survivor-centered approach to ending modern-day slavery. Our attorneys and social workers empower victims of domestic and international trafficking to become survivors who can advocate for others. CAST is the only organization in the United States that offers services all along the continuum of a survivor's journey.

- **24-hour Hotline:** A call to CAST's human trafficking hotline [(888) 539-2373 or (888) KEY-FRE(EDOM)] is a first step towards freedom. Experienced emergency response teams field incoming calls on breaking cases 24 hours a day, 7 days a week.
- **Legal Services:** CAST's legal team and network of pro bono attorneys provide holistic legal representation to survivors of human trafficking, including criminal victim-witness advocacy; obtaining lawful status in the United States; family law matters; and pursuing civil claims against their traffickers.
- **Social Services:** What most people consider "everyday life," can be overwhelming to a trafficking survivor. Culturally-sensitive case managers go the extra mile as they help survivors obtain food, housing, transportation, medical services, education and life-skills training.
- **Shelter:** Trauma-informed staff operates the first shelter in the nation dedicated to serving survivors of human trafficking. This safe and welcoming home gives survivors the space they need to rebuild their lives.

- **Survivor Leadership Program:** CAST's leadership program connects survivors from all over the country with the purpose of influencing legislation, raising awareness, and preventing others from falling prey to traffickers. The leadership program is an important network for support, education and advocacy.
- **Public Policy:** CAST's policy initiatives center around survivor experiences and highlight survivor advocacy. CAST not only introduces anti-trafficking legislation, but also works hard to ensure policy implementation. Successful state and federal initiatives include: mandatory posting of human trafficking hotlines; transparency in business supply chains; and regulations that allow survivors to visit their home countries.
- **Training:** CAST survivors and staff have educated over 35,000 people around the world in best practices in identifying, protecting and working with victims of human trafficking. As a recognized expert on human trafficking, CAST provides vital training to law enforcement agencies, social service providers, law firms, corporations, and faith-based organizations.

OUR STORY

CAST was founded in 1998 as a direct response to the El Monte sweatshop case in which seventy-two Thai immigrants were kept for seven years in slavery and debt bondage. Under the leadership of founder Dr. Kathryn McMahon, CAST became the first organization in the U.S. dedicated exclusively to survivors of trafficking. Today, CAST is a recognized leader in the anti-trafficking movement and has served survivors from over 58 countries.

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MODERN-DAY SLAVERY It Ends With Us



2015 Advocacy Agenda

Systemic change is at the core of CAST's mission. CAST has a proven track record of developing innovative partnerships that effectively advocate for policies that work to end human trafficking and help survivors rebuild their lives. Drawing from over 15 years of direct experiences with survivors, CAST has catalyzed first-of-its-kind legislation and has won the respect and partnership of a diverse group of policy leaders. CAST's 2015 agenda includes initiatives at the federal, state and county level. CAST and our coalition of partners are committed to both policy advocacy and implementation.

Federal Policy

1. To advocate for national anti-trafficking legislation, CAST is working to:

- Reintroduce and pass S. 121 [Boxer (D)] and HR 5607, [Honda (D), Poe (R) United States Advisory Council on Human Trafficking] to ensure survivors are treated as experts and have an appropriate forum to provide advice to federal agencies
- Reintroduce and pass The Strengthening the Child Welfare Response to Trafficking Act of 2014 [HR 4636, Bass (D) Marino (R)] to increase protections, resources and data tracking for trafficked children in the child welfare system and ensure that all trafficked youth are legally considered victims of child abuse and neglect and are eligible for appropriate services
- Reintroduce and pass H.R. 4842 [Maloney (D) Smith (R), Business Supply Chain Transparency on Trafficking and Slavery Act of 2014] to increase business transparency about slavery in supply chains in both manufactured and service goods;
- Reintroduce and pass H.R. 3344 [Royce, Fraudulent Overseas Recruitment and Trafficking Elimination (FORTE) Act] to increase access to information for workers lawfully entering the United States, prohibit workers from paying fees to foreign labor recruiters, require companies to utilize registered foreign labor recruiters to prevent cases of exploitation and modern-day slavery in the United States;
- Ensure trafficking victims fleeing trafficking in other countries receive protection in the United States.
- Increase funding for services and law enforcement efforts to combat modern-day slavery in the U.S. and abroad for all trafficking survivors, men, women, and children, sex and labor, foreign national and US citizens.

"CAST has been a crucial catalyst for anti-human trafficking legislation at both the federal and state levels"

**Karen Bass, Member of
the U.S. House of
Representatives**

Federal Policy (continued)

2. To promote appropriate federal agency implementation, CAST is working to:

- Ensure that the Federal Strategic Action Plan on Services for Victims of Human Trafficking released in January 2014 is victim-centered and commitments are appropriately followed by all federal agencies.
- Ensure all Wage & Hour inspectors at Department of Labor receive comprehensive, standardized training on human trafficking;
- Ensure Wage & Hour and Equal Employment Opportunity Commission (EEOC) will sign T-visa certifications not just U-visa certifications;
- Request U.S. Customs and Immigration Services (USCIS) comply with federal statutory requirement to issue temporary employment cards to trafficking survivors while their T-visa application is pending;
- Ensure ongoing funding for family reunification for trafficking survivors;
- Ensure Health and Human Services (HHS) and Department of Education provide materials and guidance about all child trafficking cases to state child welfare agencies;
- Ensure specialized social service providers are linked with Innocence Lost taskforces to ensure children rescued from trafficking receive the services they need;
- Ensure data is collected in the RHYMUS system about all trafficked youth, both sex and labor
- Ensure consular videos mandated by TVPRA 2013 begin being shown in all consulate offices and are victim-centered

3. To ensure that national anti-human trafficking legislation takes into account its most important constituents, CAST will:

- Support survivor-led advocacy in the human trafficking movement and policy recommendations made by survivors;
- Support the National Survivor Network federal policy agenda:
 - Ensure Department of Health and Human Services effectively implements the Federal Strategic Action Plan on Services for Victims of Trafficking
 - Ensure the Department of State produces and distributes consular videos required under TVPRA 2013.
 - Ensure passage of the United States Advisory Council on Human Trafficking

"No one reaches out to survivors with greater passion and greater personal commitment than CAST does."

**U.S. Secretary of State
John Kerry**

State Policy

To ensure that trafficking survivors receive the comprehensive long-term services they need, CAST is working to:

1. **Ensure appropriate funding for services for all trafficking victims by generating funding through a public recording fee**
2. **To ensure that trafficking survivors are treated as victims, not criminals, CAST is working to:**
 - Pass Safe Harbor provisions for child trafficking victims;
 - Establish jurisdiction for DCFS in every human trafficking case;
 - Vacate convictions for all trafficked children and adults;
 - Create an affirmative defense for all crimes related to human trafficking for child and adult trafficking victims.
3. **To promote appropriate state agency implementation, CAST is working to:**
 - Ensure the California Labor Commission publishes appropriate guidance and regulations for SB 477 (Foreign Labor Contractors) which provides information to foreign workers, creates a no-fees policy for labor recruitment, requires foreign labor contractors to register with the Labor Commission and post bonds, and creates enforcement mechanism against employers who do not use registered foreign labor contractors
 - Ensure the California Attorney General's Office enforces SB 657 (California Transparency in Supply Chains Act) to allow consumers greater information about slavery in supply chains;
 - Ensure the California Tax Board makes public the list of companies required to comply with SB 657;
 - Ensure implementation of appropriate Victims of Crime Act (VOCA) regulations with regard to human trafficking cases;
 - Ensure effective implementation of SB 1193 (Steinberg, Human Trafficking Public Posting Requirements);
 - Monitor the mandatory training required by Prop. 35 for all CA law enforcement to ensure it is victim-focused and effective.
 - Work with the California Governor's Office and Department of Social Services to ensure that DCFS can respond appropriately to both child sex and labor trafficking victims

"Our work together will save countless people from being tricked into modern slavery."

**Former Senate Leader
Senator Darrell
Steinberg**

County Policy

To protect children and transitional age youth who have been trafficked, CAST is working to:

1. Coordinate L.A. County's response to the commercial sexual exploitation of children, including: victim identification, crisis intervention, mental and physical health services, and legal assistance.
2. Provide education and training on human trafficking to the Los Angeles Police Department, District Attorney's Office, L.A. City Attorney's Office and other first responders in L.A. County.

"CAST offers outstanding services for victims of human trafficking and essential training for my staff. We are grateful for this partnership."

L.A. County District Attorney Jackie Lacey

Summary Highlights of CAST's Policy Advocacy

Successful Efforts				
Title of Legislation	Intro	Enacted	Type/Status	Impact Statement
SB 657: California Transparency in Supply Chains Act	2009	2010	CA State/Enacted	CAST was an original co-sponsor of this bill, which requires businesses with over \$100 million in annual gross receipts to declare the actions they are taking to eradicate slavery in their supply chains.
SB 1193: Human Trafficking: Public Posting Requirements	2011	2012	CA State/Enacted	CAST was an original co-sponsor of this bill, which requires public posting of the CAST 24-Hour Hotline and the National Human Trafficking Resource Center in public places.
Trafficking Victims Protection Reauthorization Act	2011	2013	Federal/Enacted	CAST played a lead role in advocating for this reauthorization, which increases protections and funding for victims of human trafficking.
SB 477: Foreign Labor Recruiters	2013	2014	CA State/Enacted	CAST was an original co-sponsor of this bill which is the first of its kind legislation in the nation and is designed to protect temporary workers from being vulnerable to enslavement in California.



MODERN-DAY SLAVERY It Ends With Us



RECOMMENDATIONS TO FUND COMPREHENSIVE DIRECT SERVICES FOR ALL VICTIMS OF HUMAN TRAFFICKING

INTRODUCTION

Founded in 1998 in Los Angeles, California, CAST was one of the first organizations in the United States to provide comprehensive social and legal services for survivors of human trafficking. Additionally, CAST opened the first shelter in the country exclusively dedicated to providing physically and psychologically safe housing for survivors. CAST serves male, female, and child victims of trafficking who come from almost every region of the world including Asia, Latin America, Eastern Europe, Africa and the United States. To date, CAST has provided services to over 1500 survivors and their family members, as well as thousands of hours of technical consultation to organizations working on this issue in California and across the country. Our experience providing legal services, social services, and shelter to survivors gives us critical information about their real-life experiences and their critical need for safety and services. Currently, the lack of resources dedicated to the safety and recovery for survivors of modern-slavery in California is dismal. There is no fund that supports direct services that will support these individuals in their journeys to heal and rebuild their lives.

Seeking a better life, thousands of women, children and men, representing both U.S. citizens and foreign nationals, are victimized by traffickers every year in California.

The U.S. Department of State estimates that approximately 80% of victims trafficked annually across international borders worldwide are women and girls and 50% are minors¹. Human trafficking is a crime that disproportionately impacts women and children in our communities.

According to the National Human Trafficking Resource Center (NHTRC),² California ranks at the top of the NHTRC hotline calls, more than 1,000% higher than Arizona, the state with the next highest number of calls. Between 2012 and 2013, calls from victims in Los Angeles saw an 80% increase and calls from San Francisco saw a 20% increase – highlighting the unprecedented need for expanded services in California.

In 2012 in California,¹ there were 1300 victims of human trafficking identified by California human trafficking taskforces and 1,798 arrests and a 280% increase in the number of

¹ U.S. Department of State. (2006). Victims of Trafficking and Violence Protection Act of 2000: Trafficking in persons report. Washington, DC: U.S. Government Printing Office. U.S. Department of State. (2007).

² <http://traffickingresourcecenter.org/states>

investigations conducted between 2010 and 2012. Additionally, the NHTRC in 2014 received calls from about 914 potential victims in California. The most requested services for victims of human trafficking are shelter, case management and legal services.³ Service providers in California currently report wait lists for trafficking victim services, and law enforcement partners struggle to find shelter for victims they have identified. In fact service providers report that victims may often be arrested by law enforcement simply because there is no other way to secure services for trafficking victims.

States like California are particularly vulnerable to human trafficking because of factors such as large runaway and homeless youth populations, proximity to international borders, the number of ports and airports, a significant immigrant population, and a large economy that includes industries that attract forced labor and sex trafficking.

According to the Federal Bureau of Investigation (FBI), three of the nation's thirteen High Intensity Child Prostitution areas are in California – Los Angeles, San Francisco and San Diego.⁴ A recent Los Angeles County Probation survey revealed that 59% of the 174 juveniles arrested on prostitution-related charges were from the foster care system, and victims were often recruited from group homes.⁵

While many legislative efforts in California and elsewhere have focused on how best to prosecute and punish traffickers, the difficulties for the victims do not end when the perpetrators are brought to justice. If and when a victim of human trafficking does successfully escape his or her situation, that victim is often suffering from mental and physical health conditions due to the conditions of enslavement. These victims require specialized programs that offer “shelter, nutrition, and appropriate medical treatment, as well as psychological evaluation, counseling, alcohol and drug treatment programs, education programs and life skills training.”⁶

Victims typically have few or no resources to house and support themselves, and they often end up homeless – vulnerable once again to traffickers. Providing funds to organizations which shelter and provide critical social and legal assistance to victims of human trafficking is essential to ensure victims do not escape their horrific situations only to be re-trafficked, but instead are provided comprehensive, trauma-informed services to help them escape their traffickers, receive the help they need, and move toward healing and stability.

³ Human Trafficking Trends in the United States, National Human Trafficking Resource Center 2007-2012, at pg 11.

⁴ U.S. Dep't of Justice, The Federal Bureau of Investigation's Effort to Combat Crimes Against Children, Audit Report 09-08, Ch. 4 (2009), available at <http://www.justice.gov/oig/reports/FBI/a0908/final.pdf>.

⁵ Sewell, Abby. (November 27, 2012). Most of L.A. County youths held for prostitution come from foster care. *Los Angeles Times*. Available at: <http://articles.latimes.com/2012/nov/27/local/la-me-1128-sex-trafficking-20121128>

⁶ Illinois Criminal Justice Information Authority (ICJIA), National Survey of Residential Programs for Victims of Sex Trafficking (2013), at pg 6

However, a lack of funding is a significant barrier for new and existing programs to provide the wide range of services needed to properly assist victims of human trafficking. According to a study funded by the U.S. Department of Justice, 72 percent of services providers cited inadequate funding as major barrier in responding to victims' needs⁷. 78 percent cited lack of adequate resources, particularly housing and shelter resources, and 65 percent indicated inadequate training as significant concerns⁸.

California must now actively build multi-disciplinary networks to provide survivors with better access to comprehensive care. While the focus on ending the sex trafficking of children in California is crucial, we must not underestimate the need to fund specialized services for women, men, and child victims of sex and labor trafficking. To ensure that trafficking survivors receive the comprehensive services they need, a dedicated funding stream must be established to support specialized organizations serving survivors of human trafficking. Additionally, partnerships with allied organizations-including runaway and homeless youth programs, domestic violence, sexual assault, rape crisis centers, and migrant farm worker and labor groups must have funding to support specialized trafficking services in their existing programs. This will ensure existing frameworks and resources are expanded and efforts are not duplicative. It is only through providing additional funding to new and existing programs that we can begin to meet the increased demand for services for victims of modern slavery.

Comprehensive Services for victims of Modern Slavery must take a four prong-approach:

- I. **Shelter**-Trafficking victims are often vulnerable to exploitation because they do not have traditional safety nets of support and often have no place to go. Service provider experience shows that victims may return to their trafficker if they are not provided with appropriate housing. Providers report that law enforcement partners often arrest trafficking victims to get them shelter and other services as there are no other local options for them. "Safe, long-term shelter is particularly scarce for male and underage sex trafficking victims,"⁹ as many programs restrict beds to female victims of trafficking¹⁰.
- II. **Case Management**- Survivors who have been long-term victims of abuse and trauma, often since childhood, are in need of comprehensive case management services in order to access specific recovery programs. Existing systems often struggle with addressing the specialized needs of trafficking victims. Having specialized case managers to help with life skills, transportation, employment, education, access to medical and mental health services, and other basic necessities is essential to any trafficking survivor's recovery. This consistent trusted advocate is important to ensure stability during a survivors' journey to stability in a new life.

⁷ Clawson, H.J., Small, K.M., Go, E.S., Myles, B.W. (2003). Needs assessment for service providers and trafficking victims. Washington, DC: U.S. Department of Justice, National Institute of Justice

⁸ Id.

⁹ Attorney General, California Department of Justice, The State of Human Trafficking in California 2012, at pg 79

¹⁰ See eg. ICJIA (2013), at pg 15 "Only two facilities of the 37 operation programs indicated they would accept male victims...[o]f the surveyed programs, there were fewer than 28 beds for male trafficking victims."

- III. **Legal Services-** Trafficking victims have some of the most complex legal needs, spanning all court systems, including claims for immigration, criminal, and civil relief. Trafficking victims' legal needs are often more complex than other victim groups because too often they have been arrested and criminally charged with crimes their trafficker forced them to commit. Specialized attorneys are needed to interface with all the complex legal system trafficking survivors must face.
- IV. **Prevention/Training:** Training and technical consult for existing programs and other first responders such as medical & mental health providers is critical to ensure appropriate services for trafficking victims when referred to these essential services. Additionally, increased awareness and education will ensure early identification and prevention of trafficking in California by giving the tools and knowledge to those individuals in California best situated to identify and prevent potential cases of human trafficking.

Cost Analysis

Need	Cost*	Survivors Served
Case Manager	*\$58,110.47 Annually with overhead	20*
Case Manager	*\$58,110.47 Annually with overhead	20*
Staff Attorney	*\$78,994.86 Annually with overhead	40
Shelter bed	\$9600.00 X 40=\$384,000	40
Direct Service Costs	*\$6,970 x 40 =\$278,800	40
Total per program	\$858,015.73	40

*Numbers stems from survey of 17 direct service providers for victims of human trafficking serving Los Angeles County , San Diego County, Riverside County, Fresno County, Ventura County, Orange County, Kern County, San Bernardino County, South Bay, San Francisco Bay Area, Sacramento Region.

Programs must be accessible across the state so a minimum of 11 programs is needed.

Total cost for 11 programs	\$8.58 Million	440 Survivors Served with comprehensive services
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Cost for training and technical consult

Cost for ongoing training	\$420,000	Thousands of human trafficking cases prevented
Cost for ongoing technical consult	\$1 Million	Hundreds of human trafficking cases more early identified/ existing programs able to more effectively serve survivors
Total	\$1.42 Million	

Total Request	\$10.00 Million
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Explanation of Requests

I. Case management Resources

A survey of specialized service providers to victims of modern slavery demonstrated that a human trafficking caseworker in California's case load is anywhere between 10 and 30 victims. Salaries and overhead costs for a specialized case manager cost \$53,760.00. Acknowledging that often times serving trafficking victims requires emergency response and 24 hours services, at a minimum programs should have two full-time human trafficking case managers funded to ensure full coverage and victim and staff safety.

II. Legal Resources

Case management programs need the support of a full-time attorney given the complex legal needs of trafficking survivors. A specialized attorney with overhead costs about \$76,800.00 annually. With this funding, programs could either contract with existing legal services programs for a full-time staff attorney to support their clients or hire an attorney to support legal services in-house. Since attorney case loads are traditionally higher than case management services only one attorney is needed per two case managers.

III. Shelter Resources

To secure a specialized shelter bed for an adult victim of modern slavery costs about \$9,000 annually. To ensure shelter for the trafficking victims identified and served under this program requires 440 shelter beds. An average length of stay at a shelter is 6 to 18 month. This funding will create a significant new number of shelter beds dedicated to trafficking survivors annually, a first for California, and the largest unmet need of trafficking victims.

IV. Prevention & Training Resources

To develop a statewide curriculum on all forms of modern slavery and effective identification and service provision for this population will require \$500,000. This number is based on past cost associated with training LEA on minor sex trafficking. Additionally to provide ongoing support to the 13 newly funded trafficking programs and other programs identifying trafficking victims across California, \$1.5 million is requested for ongoing technical consultation. This money will help California leverage existing resources in California to serve more victims of human trafficking. Included in this request is an estimated cost of hiring four survivor consultants at \$60,000 annually to ensure human trafficking survivors can be included in training/outreach and technical consult under this program.

Coalition to Abolish Slavery & Trafficking Contacts:

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Kay Buck, Executive Director (213) 365-0887, Kay@castla.org

Coalition to Abolish Slavery and Trafficking

Systemic change is at the core of CAST's mission. Taking a survivor-centered approach to ending modern slavery, CAST has a proven track record of working directly with survivors of human trafficking which builds an important bridge between practice and policy to inform effective policy initiatives. . By developing broad-based partnerships, CAST effectively advocates for policies that work to end human trafficking and help survivors rebuild their lives.

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Labor Trafficking is a Child Welfare Issue

Child labor trafficking must be included in efforts to support the child welfare system to better address all forms of commercial exploitation against children in the United States.

- **Like child sex trafficking victims, child labor trafficking victims are abused, neglected, and often sexually assaulted children.**
 - A recent report by Covenant House that looked at both the dynamics of sex and labor trafficked children concluded-*"the dynamics of labor trafficking appeared very similar to those of sex trafficking, with traffickers exploiting vulnerable people's desperation and isolation."*¹
- **Child labor trafficking impacts not just foreign national children but U.S. citizen children too. These children are being identified all around the United States.**
 - A study interviewed 174 youth receiving services from a social service provider in New York City, all US citizens, and found that many of these youth had experienced sex trafficking and/or labor trafficking.
 - The National Human Trafficking Resource Center Hotline Reports:
 - **314 cases of child trafficking that involved children and the child welfare system. 76% of these cases were sex trafficking; 11% were labor trafficking; 2% were both.**
 - **4470 total child trafficking cases reported to the hotline. 605 or 13% were child labor trafficking cases.**
 - Runaway and Homeless Youth programs that ask questions about child labor trafficking are identifying them. One organization identified as many as 150 labor trafficked youth, the majority of whom were U.S. citizens, in the last three years. Another had identified 122 labor trafficked youth during this same time period.
- **Better data collection is needed for all forms of child trafficking. If data is only collected by child welfare systems about child sex trafficking and not child labor trafficking, we will never understand the dynamics of this issue in our child welfare systems.**
 - A May 2013 Covenant House study, entitled *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*, identified both sex and labor trafficked youth among the youth they served. Notably, the study demonstrates that identification of sex and labor trafficking cases can occur using a single questionnaire and training.
- **It's far more cost effective to include all child trafficking victims, both sex and labor, in any reforms made to the child welfare system to deal with child commercial exploitation issues.**

¹ Covenant House, *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*, 13 (May 2013).

- *Many of the changes needed in the child welfare system start with data collection and training. Development of these materials and resources is a one-time cost and including all forms of child trafficking will not make it more costly. It will be more costly if these materials need to be developed again in the future.*
- *Child sex and labor trafficking victims need very similar specialized services that understand the dynamics of human trafficking- including access to shelter, basic necessities, mental health and medical care, case management, and legal services.*
- **Child trafficking at its core is about child exploitation for commercial purposes. The dynamics of why and how children are recruited into sex or labor trafficking is therefore strikingly similar as are the trauma bonds to the traffickers that many children experience.**
- **The federal and all state definitions of human trafficking include sex and labor trafficking-recognizing the similarities of these crimes.**
- **The federal government's five year strategic plan to assist victims of human trafficking includes both sex and labor trafficked victims in its strategy to assist in reforming the child welfare system.**

Case Examples of U.S. Citizen Child Labor Trafficking Victims and the Child Welfare System

- **Jessica** was 17 when she was recruited to sell magazines in the southern United States. She was forcibly transported and made to work in various locations in the United States and finally escaped in California. She went to a police department for help. The police department considered her homeless and did not identify this as a labor trafficking case.
- **Liz and Marty**, two American youth were homeless after their families kicked them out of their homes and answered a website ad for au pair services. Once they were flown to the host family's home in California, they were forced to work every day and sexually assaulted by the father of the household, who used drugs to sedate them.
- **Nathan**, a 13 year old youth from Las Vegas Nevada was convinced by a family from his boy scout troop to run away from his family. However, once he went to their home he was subjected to constant emotional abuse, in addition to being statutorily raped, and physically beaten by the "new" parent. During this time, he also began performing work at the request of the "parent" who abused him. For two years, he washed dishes, scrubbed the floors, vacuumed the home, cooked for the family, and cared for the children while being raped, belittled, and emotionally abused. He was a domestic servant trapped by psychological and emotional attachment to a trafficker.
- **Mary** was recruited to join a cult at the age of 17. While with the cult she was forced to work making movie effects at a compound outside of Los Angeles. If she refused to work she was locked in a room. She was never paid despite working 18 hours or more a day.
- **Lin** was 16 year old girl from Arkansas. Her mother forced her to sell prescription drugs and took the money. She fled the home and stayed in a runaway and homeless youth shelter until she returned to her mother after 4 to 5 months.
- **Dan** was forced to work in a restaurant as an ice cream seller. He had to pay for his housing and food through this work. The trafficker was a family member.

- **Stacey** was 17 years old when she was kicked out of her home in Oregon. She spent time at a shelter. She self-identified as a lesbian. After leaving the shelter, she moved in with a family and provided child care. She was kicked out of the home when she refused to have sexual relations with the parents together. She was not paid for the child care she provided. The parents kept her belongings from her, including her social security and health insurance cards.
- In Massachusetts a man recruited US citizen children age 8 to 15, who were forced to sell candy and flowers at intersections and at railway stations, sometimes until as late as 11 at night.
- In New York City multiple children have been identified as being recruited to sell drugs by gangs. They are told they have a debt, and know what happens to people who argue with the gang. They think they can pay back the debt in a couple of weeks, but the debt never reduces and they are afraid what will happen if they try to stop.
- In *US v. Callahan* a federal jury convicted an Ashland Ohio couple of engaging in a labor trafficking conspiracy and other crimes related to holding a U.S. Citizen child and her mother against their will and forcing them to perform manual labor. One of the many threats used against the mother and child by the traffickers included having Ashland County Job and Family Services take the child away. Other tactics included beatings, threats of beatings, taunting and threatening the victims with pit bulls and snakes. Callahan also forced the mother to hit her child while they recorded a video, and threatened to inflict much greater physical harm on them if they did not comply. He then repeatedly threatened to have the child taken away by showing the videos to authorities.

Media Stories about US citizen child labor trafficking

Pot Farmer Confessed To Kidnapping Teen Girl, Keeping Her In A Box, Say Feds

http://www.huffingtonpost.com/2013/08/02/pot-farmer-kidnapped-teen-girl_n_3695793.html

Child runs away from foster home in California, kidnapped and kept in metal box, sexually assaulted and forced to pick marijuana in northern California.

Two men arrested in case of Orlando kids selling items door-to-door in Palm Bay

<http://www.floridatoday.com/article/20131029/NEWS01/310290024/children-human-trafficking>

October 2013, an agent with Florida Department of Children and Families reported to Palm Bay police observations that uncovered a child labor trafficking scheme in which 24 US citizen children were forced to sell items door-to-door for ten hours per day. Police arrested two men in connection with this operation for labor trafficking.

Magazine Crew - Human trafficking may have knocked at your door.

<http://www.denvervoice.org/featuresnews/2009/11/1/freature-magazine-crew-human-trafficking-may-have-knocked-at.html>

An organization in Colorado has helped a number of children who were trapped in magazine crews. In one case a boy who refused to leave an elementary school, ran away from a magazine crew and had no idea what state he was in; he just wanted to go home.

2 men plead guilty in connection to NC human trafficking investigation

Two men in North Carolina were accused of holding two girls, aged 15 and 16, against their will at the Travelodge and making them sell magazines.

<http://myfox8.com/2014/12/18/2-men-plead-guilty-in-connection-to-nc-human-trafficking-investigation/>

Book About Former Child Labor Trafficking Victim in Child Welfare System in Orange County, CA

Hidden Girl: The True Story of a Modern-Day Child Slave.

In 2002, acting on a tip from a concerned neighbor, child welfare authorities rescued her from the house.

http://www.amazon.com/Hidden-Girl-Story-Modern-Day-Child-ebook/dp/B00DA98XUW/ref=la_B00E7H6LF0_1_1?s=books&ie=UTF8&qid=1396546970&sr=1-1

Coalition to Abolish Slavery and Trafficking

Systemic change is at the core of CAST's mission. Taking a survivor-centered approach to ending modern slavery, CAST has a proven track record of working directly with survivors of human trafficking which informs its policy initiatives and builds an important bridge between practice and policy that is oftentimes overlooked in public policy. By developing broad-based partnerships, CAST effectively advocates for policies that work to end human trafficking and help survivors rebuild their lives.

Coalition to Abolish Slavery & Trafficking (CAST)
5042 Wilshire Blvd #586, L.A., CA 90036
(213) 365-1906
info@castla.org www.castla.org

DEFINITIONS OF TRAFFICKING IN PERSONS¹

UN Protocol: “The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

US TVPA: Severe forms of trafficking in persons are:

- a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b) 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.

Other Definitions: 8 Code of Federal Regulations (CFR) § 214.11(a):

“**Coercion** means threats of serious harm to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process.”

“**Commercial sex act** means any sex act on account of which anything of value is given to or received by any person.”

“**Debt bondage** means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”

“**Involuntary servitude** means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of legal process.”

“**Peonage** means a status or condition of involuntary servitude based upon real or alleged indebtedness.

¹ “This document was produced by the Katharine & George Alexander Community Law Center, Santa Clara University, under grant 2011-VT-BX-K010, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.”

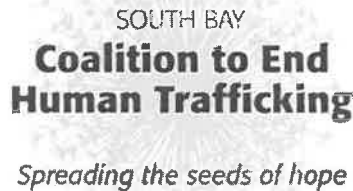
“FORCED LABOR”

<u>ACTIVITY</u>	<u>FOR</u>	<u>MEANS</u>	<u>RESULTING IN</u>
<i>Recruitment</i>	<i>Labor</i>	<i>Force</i>	<i>Involuntary Servitude*</i>
<i>Harboring</i>	<u>OR</u>	<i>Fraud</i>	<i>Debt Bondage*</i>
<i>Transportation</i>	<i>Services</i>	<u>OR</u>	<i>Peonage*</i>
<i>Provision</i>		<i>Coercion</i>	<u>OR</u>
<u>OR</u>			<i>Slavery</i>
<i>Obtaining</i>			

“COMMERCIAL SEX”

<u>Activity</u>	<u>Means</u>
<i>Commercial Sex Act*</i>	<i>Force</i> <i>Fraud</i> <u>OR</u> <i>Coercion*</i> <i>Exception to “Means”</i> No force, fraud or coercion needed if person induced to perform such act is not yet 18 years old

* See Definitions on Page 1



EXAMPLES OF INCIDENTS OF HUMAN TRAFFICKING IN SANTA CLARA COUNTY

Nursing Home Care:

An elderly woman was recruited to come to the United States to work in a nursing home owned by her trafficker for a “good salary”. On arrival in Santa Clara County, she was told she owed a debt and so would need to work for free. Her work was expanded to not only one nursing home but two. She was also required to do some house cleaning for her trafficker, the trafficker’s family members and was loaned to friends of the trafficker for domestic service. She also had to clean debris for some construction work the trafficker was doing. And she had to provide massages to the trafficker at night. She was a slave.

Restaurant Work:

Numerous (10 to 30) young people between the ages of 15 and 17 years old were recruited to work in several restaurants in San Jose. They were promised good wages and an opportunity to go to school in the US. On arrival they were told that their “wages” (less than \$1 an hour) would be put to their debt, so they needed to work for 3 years for free. They were held in a house and transported from work to home without the ability leave on their own. They were forced to work 18 hour days for 6 and ½ days a week – with no opportunity to go to school.

A couple was recruited to work in a restaurant in San Jose and promised “good wages”. On arrival in the US they were told they owed a debt and the traffickers began deducting various items from their wages so that they ended up with almost no salary for the hours they worked. They were also threatened with their visas having expired and being in the US illegally. And there were implied threats of harm on return to their country by the trafficker’s family – police and mafia - who could do something to the couple if they tried to leave their trafficker and return to their country.

Domestic Servitude/Child Care:

An elderly woman was convinced to come to San Jose to take care of her trafficker's grandchild. She was told she had a debt to pay of \$10,000. The debt was deducted from her pay each month. Her passport was confiscated on arrival in the US. She was forced to provide not only child care but also housekeeping, as well as work in her trafficker's nursing care facility. After she had apparently paid off her debt, her trafficker told her she owed another \$15,000 debt because \$30,000 was now the going "rate" the trafficker was charging to bring her workers into the US.

A young woman and man (brother and sister) were brought to Santa Clara County to provide domestic services to extended family members. They had been promised good wages and an opportunity to go to school in the US. In fact they were not allowed to go to school or even leave the home without their traffickers. They were forced to work 20 hour days – cooking, cleaning, doing laundry by hand, ironing, and providing child care. They were not allowed to eat food out of the refrigerator or cupboards, but had to eat scraps from the garbage can. They were beaten and threatened with death when they did not do the work to the satisfaction of their traffickers. They were never paid for their work, and were kept as slaves/servants in the home.

Begging/Recycling:

A homeless man met his trafficker in a shelter in Santa Clara County. His trafficker at first befriended the man and then through threats and physical violence forced the man to beg on the streets and turn his money over to the trafficker. The trafficker also forced the man to collect recycling and then the trafficker took the recycling into the distribution center and pocketed the money. Whenever the man refused to provide the services, the trafficker would beat him up.

Peddling:

A young deaf woman of 19 was brought to Los Angeles, California, by her traffickers and forced to peddle trinkets in shopping malls. Her earnings were confiscated by her traffickers and she was held with other workers in a secure location when not working. She was tortured by her traffickers when she tried to escape. They held her in Los Angeles for approximately 15 years before she was **sold to a man in San Jose**, who forced her to work for him for about a year peddling trinkets in malls around/near San Jose before she successfully escaped.

Commercial Sex Work:

A woman who grew up in San Jose and who was a young single mother sought a job as a receptionist in response to an ad in a newspaper. Because she did not have a car, the “employer” offered to pick her up for her interview. Instead of taking her to an office building, he took her to a motel and forced her to have sex with himself and another man. He subsequently forced her to provide sex for payment to him around the Bay Area. He controlled her through threats to the life of her young son.

A 17 year old woman was romanced by an older man in San Jose and once she was completely under his control, he started forcing her to have sex with his friends and drug customers. They paid him in cash or drugs. He then made her work at a brothel in San Jose and he was paid by the madam for her services. He controlled her primarily through mental manipulation and starvation.

A girl was approached at the bus stop on her way home from school in San Jose. She was 11 years old. The man told her he was a photographer for a modeling agency, and wanted to take photos of her for a modeling job. He said he would pay her to take the photos. At first she refused, but he insisted and she finally agreed because she wanted to financially help her mother who was a single mom. The man took her to a motel, took nude photos of her, and sexually molested her. He paid her \$15. He then posted her photos on a pornography site for members only.

Domestic Minors and Commercial Sex Work:

A 16 year old girl was approached by a friend from school of a job opportunity. When her friend picked her up to take her to the job interview, a male was in the car as well. They drove to motel in an unfamiliar part of San Jose. They told her she would have to meet with guys in the hotel room. When she told them she was not interested, they refused to drive her home. Shortly, after the male raped. They then forced her to meet with men in the hotel room and preform sexual acts. She was then forced to walk the track, until law enforcement stopped her.

A 15 year old girl from San Jose ran away from her group home. While walking to a friend’s house, she was approached by an older man who befriended her. He offered to buy her a hotel room for the night and bought her food. That night the man raped her in the hotel room. The next day he began to inform her of all of the rules she needed to comply with. She was not able to look at anyone or talk to anyone without his permission. When she did not follow one of the rules she would be hit. Over the next few days she was forced to have sex with men for money. When she was forced to walk the track, a law enforcement officer stopped her.



Key Points to Know About Human Trafficking in the Bay Area

- ***Language Use: Sexually Exploited Children, NOT child prostitutes.*** Prostitution implies choice and criminalizes a minor, when a minor legally, developmentally, and socially is not capable of making such a choice
- ***Data Should Not Be Relied Upon Without a Thorough Understanding of What it Represents:*** While arrest data reflects a majority of human trafficking cases are sexual exploitation of minors, data from victim and legal service agencies provide a different picture, with over 50% of cases relating to labor trafficking.
- ***The Super Bowl is NOT the largest Human Trafficking Event in the World:*** There is simply not enough data to support this. Data collected around the time of the Super Bowl looks only at commercial sexual exploitation, and at best shows a slight uptick, which may simply be attributable to increased awareness. On the other hand, data collected totally omits labor trafficking.
- ***Human Trafficking DOES NOT necessarily involve movement of people from one country to another.*** It is exploitation of someone's labor or service. In other words, unlike drug trafficking, which does require movement, human trafficking is a human rights violation, which can begin and end in our neighborhoods.
- ***Traffickers in Persons are members of criminal organizations.*** Some traffickers are part of large criminal organizations, gangs or drug cartels, but others are small business owners and individuals. Some trafficking is done by family members of the victims.

**TRAFFICKING IN PERSON
(aka HUMAN TRAFFICKING)¹**

TEN (10) MYTHS/MISCONCEPTIONS Versus REALITY

I. Myth: Human Trafficking involves movement of people from one country to another.

REALITY: Human Trafficking does not require the movement of a person. It is exploitation of someone's labor or service. In other words, unlike drug trafficking which does require movement, human trafficking is a human rights violation which can begin and end in our neighborhoods.

II. Myth: Human Trafficking is primarily commercial sex trafficking.

REALITY: Commercial sex trafficking is more visible and often the focus of governments and media reports. Thus, statistics of commercial sex trafficking are higher. But labor/service trafficking (through fraud, coercion or force) is more prevalent, with individual workers hidden in homes and small businesses throughout our communities. Until these incidents of trafficking are better identified and documented, these forms of labor and service exploitation will be under-reported.

III. Myth: Human Trafficking involves young women.

REALITY: While women are disproportionately victims of commercial sex or forced labor trafficking, men, women and children of all ages are trafficked. Ages range from young children to older men and women.

IV. Myth: Human Trafficking victims are poor and uneducated.

REALITY: Many human trafficking victims are from poor communities seeking opportunities for work and education, but some victims are educated or from middle class families who have been tricked into forced work.

V. Myth: Human Trafficking victims are held by force behind barbed wire, with guns, with locked doors, and whose movement is restricted.

REALITY: Many trafficking victims are trapped in commercial sex or forced labor through threats (veiled or explicit) to themselves or family members. Some are trapped by an alleged

¹ "This presentation was produced by the Katharine & George Alexander Community Law Center, Santa Clara University, under grant 2011-VT-BX-K010, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice."

debt that is difficult, if not impossible, to pay off. Some victims have freedom of movement but feel they cannot leave their situation because of threats of physical harm or threats to call police or immigration or because they truly believe they must pay off their debt.

VI. Myth: Traffickers in Persons are members of criminal organizations.

REALITY: Some traffickers are part of large criminal organizations, gangs or drug cartels, but others are small business owners and individuals. Some trafficking is done by family members of the victims.

VII. Myth: Human Trafficking requires that persons reach their final destination and are forced to engage in commercial sex, labor, or services.

REALITY: Human Trafficking can include recruiting through fraud, coercion or force for the purposes of forced labor or sex. The victims may be rescued before being forced to do the work and still be victims of human trafficking.

VIII. Myth: Human Trafficking victims are helpless “victims” with no role in their exploitation.

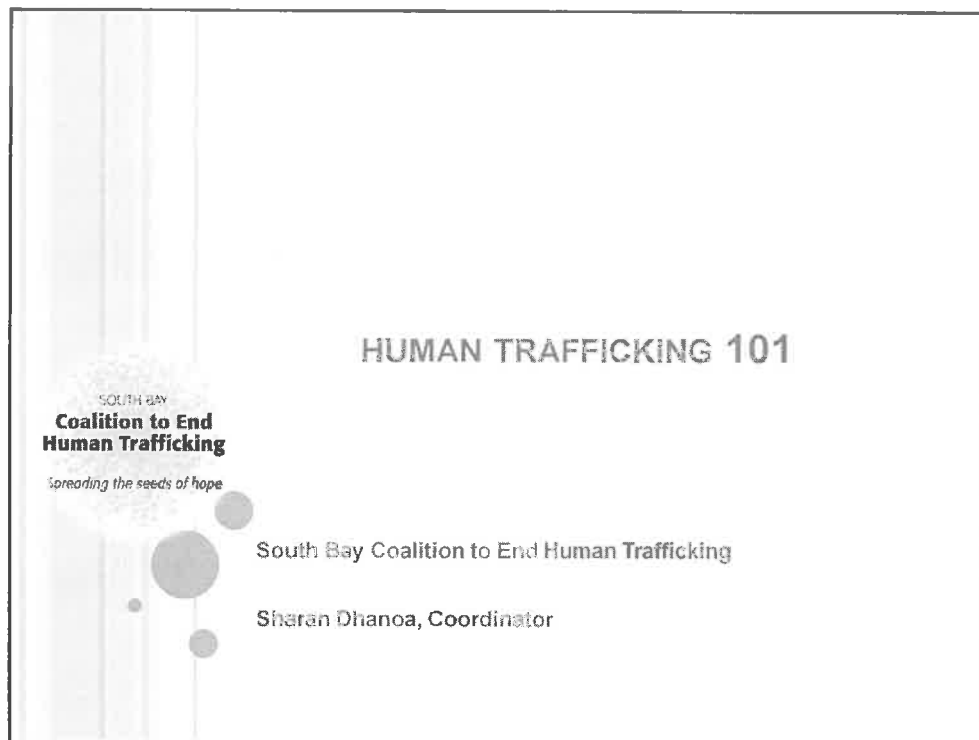
REALITY: Sometimes victims are required to pay for their own transportation to the location of their forced work. Sometimes victims know the type of work they will perform – e.g. commercial sex work, but are not informed that they would not be paid or that the conditions of their work would change. Sometimes victims are aware that they may not be paid for several months or years until they pay off their alleged “debt”. However, the traffickers are not absolved of their exploitation and human rights violation, even if some victims have had a role in their trafficking.

IX. Myth: Human Trafficking victims will be grateful to be “rescued”.

REALITY: All human beings want to be free to work without being exploited. Human trafficking victims want to earn an income and improve their lives. But traffickers have often made victims afraid of the outside world, convincing their victims not to trust anyone other than the trafficker. Victims may be fearful of their “rescuers” or fearful of retaliation to family members if they do not return to the trafficker.

X. Myth: Human Trafficking is not taking place in my neighborhood.

REALITY: Actually, it can and often does. It is hidden in plain sight in our neighborhoods. The key is to be aware and know where to report suspicions that someone is possibly being exploited and might feel unable to leave their work situation.



Buu Thai, Jessica Boyles and Ruth Silver Taube contributed to this presentation

SOUTH BAY COALITION TO END HUMAN TRAFFICKING (SBCEHT)

About South Bay Coalition to End Human Trafficking

The South Bay Coalition to End Human Trafficking (SBCEHT) is the local effort that responds to human trafficking in the South Bay Area region. Through a victim-centered approach, we are strengthening local capacity to respond to and identify human trafficking survivors.

For more information about South Bay Coalition to End Human Trafficking visit www.southbayendtrafficking.org

Vision

Our vision is a world free from slavery.

Mission

Utilizing a victim-centered approach, the South Bay Coalition to End Human Trafficking's mission is to ensure the protection of victims, the prosecution of offenders, and the prevention of human trafficking and slavery through an effective coordinated partnership.

Information Obtained by Polaris Project
www.PolarisProject.org

SOUTH BAY
Coalition to End
Human Trafficking
rescuing the souls of hope

HUMAN TRAFFICKING OVERVIEW

Sex Trafficking

- Recruiting, harboring, transporting, providing, or obtaining a person for a commercial sex act that is induced by force, fraud, or coercion.
- When the person induced to perform such an act is under 18 years of age, no force, fraud, or coercion is necessary.

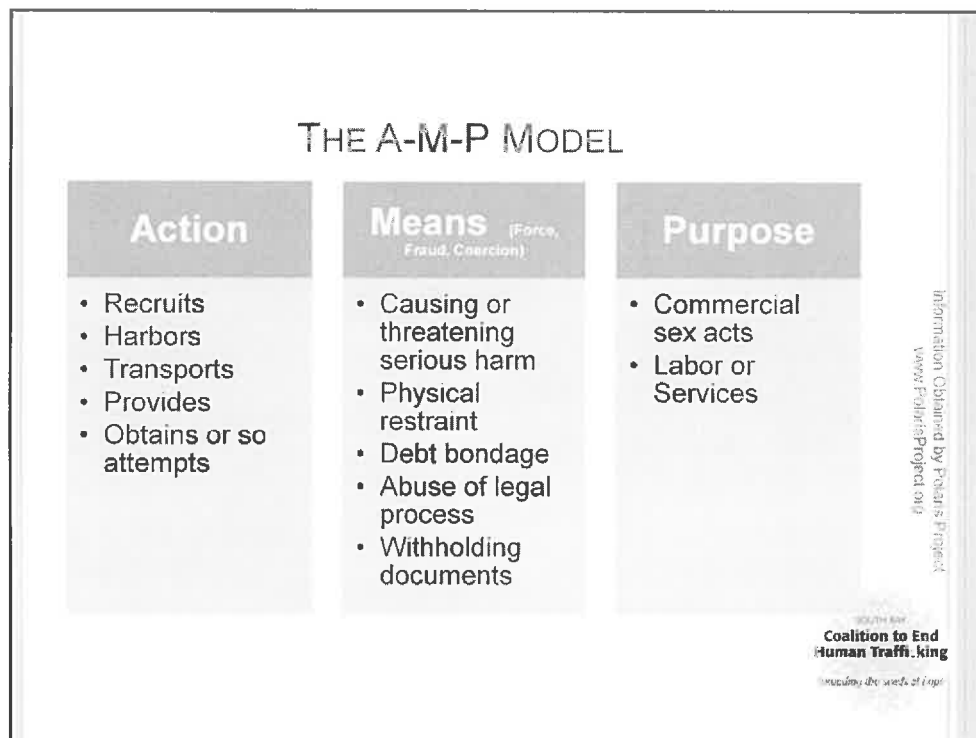
Labor Trafficking

- Recruiting, harboring, transporting, providing, or obtaining 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.

Information Obtained by Polaris Project
www.PolarisProject.org

100.000.000
**Coalition to End
Human Trafficking**
measuring the worth of people

Federal Definition



Means:

Force - (1) physical assault (beating, burning, slapping, hitting, assault with a weapon, etc); (2) Sexual assault, rape; (3) Isolation (physical and mental/emotional)

Fraud – (1) False employment offers; (2) Lies, false promises about work conditions; (3) withholding wages

Coercion – (1) Threat to life, safety, to family members or others; (2) threats involving immigration status or arrest; (3) debt bondage (escalating or never-ending debt); (4) withholding legal documents; (5) creating a climate of fear

Definition of Coercion: (1) Threats of serious harm to or physical restraint against any person; (2) Any scheme, plan, or patten intended to cause a person to believe that failure to perform and act would result in serious harm to or physical restraint against any persons; or (3) the abuse or threatened abuse of law or the legal process.

SMUGGLING VS. HUMAN TRAFFICKING

Smuggling

A crime against a country's borders
Illegal border crossing
Often transportation only
Can be a gateway to trafficking

Human Trafficking

A crime against a person
Involves forced labor, or commercial sex acts
Transportation can be an element, but is not required
Smuggling debt can be used as a means of initial control

Information Obtained by Polaris Project
www.PolarisProject.org

**Coalition to End
Human Trafficking**

Unweaving the Wools of Hope

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.

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.

MYTHS AND MISCONCEPTIONS



Information Obtained by Polaris Project
www.PolarisProject.org

**Coalition to End
Human Trafficking**
rescuing the victims of rape

Separate hand out on this

TRAFFICKING VENUES

Sex Trafficking	Labor Trafficking
Domestic Pimp Control	Hospitality Services (Restaurants, Hotels)
Massage Parlors, Spas	Factory Work
Residential Brothels & Escort Delivery Services	Construction, Landscaping
Exotic Dancing, Stripping, Pornography	Domestic Servitude
Intimate Partner/Familial Trafficking	Peddling/Begging
Hostess Clubs, Cantina Bars	Agriculture, Forestry, Fishing Industries
On-line Exploitation, Craigslist, Facebook, etc.	Small Businesses

Information Obtained by Polaris Project
www.PolarisProject.org

Coalition to End
Human Trafficking

recycling the words of hope

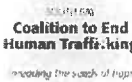
SEX

- Forced Prostitution
- Massage Parlors
- Servile Marriage/Mail Order Bride
- Residential Brothels
- Sex Tourism & Entertainment
- LABOR
- Domestic Servitude
- Agriculture, Forestry, Fishing
- Construction
- Peddling & Begging Rings
- Factory Work/Sweatshops
- Service Industry (Hotels & Restaurants)
- Custodial work
- Day Labor
- Magazine Sales
- Hostess Clubs/Cantina Bars
- Exotic Dancing/Stripping
- Forced Adult Pornography
- Child Pornography
- Escort Services
- On-line Exploitation
- Hotels & Motels
- Truck Stops
- Hostess Clubs/Cantina Bars
- Forced Stripping/Exotic Dancing
- Forced Adult Pornography
- Child Pornography

VICTIM IDENTIFICATION CHALLENGES

- Lack of public awareness
- Widespread myths and misconceptions about the definition
- Victims that do not self-identify
- Human trafficking is a hidden crime
- Victims cannot or will not leave a trafficking situation for many reasons

Information Obtained by Polaris Project
www.PolarisProject.org


**Coalition to End
Human Trafficking**
Preceding the speech of hope



This underscores the necessity of having a trauma informed approach.

In addition, **Distrustful of law enforcement, Prior Abuse, Lack of self-esteem, Lack of family unit/support**

Drug addiction

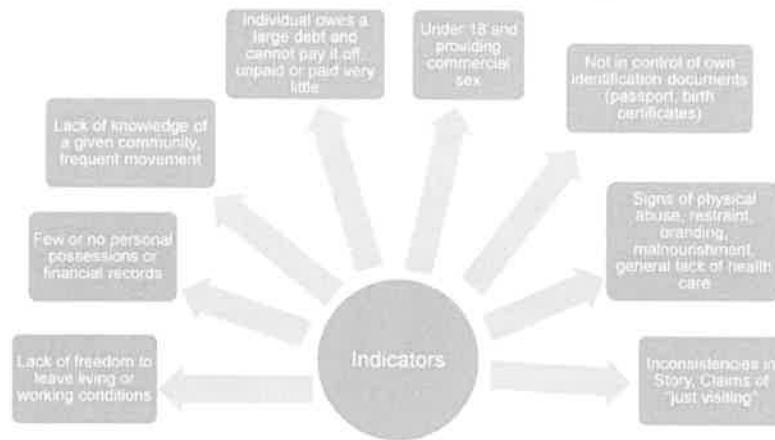
Gang involvement

Withdrawn or lack of interest in previous activities

Psychological victimization

Trauma bonding (Stockholm Syndrome)

RED FLAGS & INDICATORS



Information Obtained by Police Project
www.PoliceProject.org

South Bay
**Coalition to End
Human Trafficking**
extending the reach of hope

NATIONAL HUMAN TRAFFICKING RESOURCE
CENTER

To report suspected cases of trafficking
please call:

1-888-3737-888

www.traffickingresourcecenter.org

Toll-free, 24 hours/day

If it is an emergency, dial 911

Information Obtained by Police Project
www.PoliceProject.org

SOUTH + S.W.
**Coalition to End
Human Trafficking**
Mapping the supply of labor

What to expect when call the national hotline. Why we opt for the national hotline.
What else you can do.

Not an immigration
law enforcement, or
government entity;
all languages

