

HUMAN TRAFFICKING



IN CALIFORNIA

FINAL REPORT

**of the
California Alliance to Combat
Trafficking and Slavery
Task Force**

October 2007

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Administered by the
California Attorney General's Office • Crime and Violence Prevention Center

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The findings and recommendations expressed in this report are solely those of the California Alliance to Combat Trafficking and Slavery Task Force, and should not be considered as representing those of any department or agency of the California State Government. The opinions and recommendations expressed in this report represent those of the majority of the members. Some members did not or could not take a position on certain advocacy or legislative issues, including representatives of agencies that receive federal funding and which cannot be involved in lobbying or political activities.

Special Recognition

We wish to recognize and acknowledge the individuals who represented members of the Task Force at the California Alliance to Combat Trafficking and Slavery Task Force meetings.

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Acknowledgements

We wish to acknowledge the members of the Attorney General's Crime and Violence Prevention Center (CVPC) who staffed the Task Force and contributed greatly to the Final Report:

| | |
|---------------------|-------------------------------------|
| Nancy Matson | Director |
| Patty O'Rand | Assistant Director |
| Marina Augusto | Human Trafficking Program Manager |
| Peggy Bengs | Managing Editor/Writer |
| Amanda Noble, Ph.D. | Researcher/Contributing Writer |
| Becky Delgado | Executive Secretary to the Director |
| Gary Ensign | Art Director/Publications |
| Oscar Estrella | Graphic Designer/Publications |

We would also like to express our sincere gratitude to **Nancy Bagnato**, *California Department of Public Health*, for her invaluable assistance to the Task Force, and for her skill and expertise in facilitating the Task Force discussions.

In addition, we would like to thank Zeny Agullana, Special Assistant to former Attorney General Bill Lockyer, and Rosie Lamb, former Executive Fellow, for their assistance and initial research contributions to the Task Force's work.

We would also like to acknowledge Vicki Lyman, former Human Trafficking Program Manager in the Crime and Violence Prevention Center, for coordinating the initial work and meetings of the Task Force.

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Executive Summary



Executive Summary

Human Trafficking in California



Nearly 150 years ago, the United States abolished slavery. Most Californians would find it hard to believe that slavery still exists, and may occur in their own communities. Today's version of slavery, human trafficking, deprives people of their freedom and violates our nation's promise that every person in the United States is guaranteed basic human rights.

In September 2005, California enacted its first anti-trafficking law (Assembly Bill 22, Lieber) to make human trafficking a felony in this state and assist victims in rebuilding their lives. This law, as well as Senate Bill 180 (Kuehl, 2005), also established the California Alliance to Combat Trafficking and Slavery (CA ACTS) Task Force to conduct a thorough review of California's response to human trafficking and report its findings and recommendations to the Governor, Attorney General and Legislature. The law charged the Task Force with examining whether we are doing enough to identify the extent of human trafficking in this state, protect and assist victims, prosecute traffickers and prevent this violation of human freedom.

Between March 2006 and July 2007, the Task Force held nine meetings to explore these issues. It heard many presentations by representatives of non-governmental organizations (NGOs) that provide services to human trafficking victims; law enforcement; prosecutors; local, state and federal agencies; labor; farm workers; victim advocacy programs; academic researchers; and survivors of human trafficking. In addition, the Task Force conducted research with many local, state and national experts, including service providers and researchers in the field of human trafficking.

Based on the result of these efforts, the Task Force prepared this report, *Human Trafficking in California*. Among its many findings and recommendations, the Task Force believed strongly that the following issues were the most critical in combating this human rights abuse:

- Societal attitudes that perpetuate human trafficking should be examined and consciousness-raising measures should affirm that everyone in the United States is entitled to basic human rights, no matter where they came from or what their circumstances.
- To help human trafficking victims escape, victims must trust that they will not be deported; and that their immediate health, safety and housing needs will be met.
- NGOs need sufficient funds to provide services to human trafficking victims, including caseworker, shelter, legal support, health care, interpreter and other services, as well as for community outreach and measures to help victims become self sufficient.
- The perception that most human trafficking is sex trafficking must be dispelled, and other forms of forced labor recognized.

- Law enforcement, health and social services providers, labor agencies and other first responders need training on how to recognize the signs of human trafficking and assist victims, and the public should become aware of what human trafficking is and how to report it.
- California’s anti-trafficking law needs stiffer penalties for traffickers and stronger tools to prosecute those who prey on minors.
- Prosecution of traffickers is strengthened when law enforcement works with NGOs to build trust with victims – encouraging victims to come forward, report the abuse and cooperate with the investigation.
- California should have more emergency shelters and transitional housing specifically designed to meet the unique needs of human trafficking victims.
- The federal T visa immigration relief process should be examined, as it is currently too complex, cumbersome and time-consuming to meet the needs of trafficking victims.
- Victims of human trafficking should be informed of their rights under state and federal laws, in culturally appropriate messages.
- California should develop better mechanisms for collecting data on the nature and extent of human trafficking in this state.
- A critical strategy to end human trafficking is to address the poverty, gender discrimination and poor labor conditions in “source” countries that lead vulnerable people to undertake a risky migration into developed countries.
- California bears a moral responsibility to exert leadership, through government and business purchasing practices, to implement and monitor codes of conduct assuring fair and humane labor practices throughout their supply chain.

A complete list of the Task Force’s findings and recommendations follow. The full report includes background information and a discussion of each of these points.

❖ **Identifying the Scope of Human Trafficking in California**

FINDING 1: California lacks comprehensive data on human trafficking.

RECOMMENDATIONS:

1. The California Department of Justice and the California Health and Human Services Agency should convene a statewide group, including government agencies and community organizations serving victims of human trafficking, to lead a statewide effort to:
 - Develop a method for collecting and reporting arrests and dispositions for human trafficking under California Penal Code § 236.1 and when other charges are used in prosecuting a trafficking case, if possible.
 - Ensure that all data collection efforts share a common approach.
 - Establish a common working definition of human trafficking based on the state law.
 - Establish a mechanism for capturing human trafficking data from federal law enforcement and prosecuting agencies.
 - Collect data in a manner that ensures client confidentiality.
 - Assess the process of implementing these efforts.
 - Use these data to evaluate California’s progress against human trafficking and implement strategies for prevention.
2. Federal law enforcement and prosecutors working on human trafficking cases in California should share their data with the statewide data collection group to better determine the full extent of the human trafficking problem.

3. The California Labor and Workforce Development Agency should collect data on forced labor, including the number of cases, victims and violators by the labor codes used to prosecute such cases.
4. The California Departments of Social Services and Health Care Services should:
 - a) Collaborate in taking a leadership role to ensure that their county counterparts collect data on the human trafficking victims they serve.
 - b) Monitor the results of the Trafficking and Crime Victims Assistance Program (California's Welfare and Institutions Code, commencing with § 18945) to determine the number of victims receiving cash and medical assistance, and should make these data available to the public.
5. U.S. Immigration and Customs Enforcement (ICE) and other appropriate agencies should collaborate to develop questions to ask deportees during exit interviews, by specially trained interviewers, in a culturally sensitive manner, to identify whether they were victims of trafficking.
6. To increase reporting and thus help improve data collection, state and local agencies including law enforcement, social services, health services and community based organizations providing services to victims should encourage the public to report human trafficking to the U.S. Department of Justice Hotline, 1-888-428-7581; to locally established hotlines; to local anti-trafficking organizations; or to local law enforcement.
7. The California Department of Health Care Services and the California Department of Public Health should develop a method of collecting comprehensive data to track the health problems of trafficking victims in order to assist them and to address any related public health issues.

❖ **Protecting and Assisting Victims of Human Trafficking**

FINDING 1: Many members of law enforcement, health and social services providers, labor agencies and other first responders may fail to recognize the signs of human trafficking, and thus miss precious opportunities to help victims escape to freedom.

RECOMMENDATIONS:

1. Law enforcement, victim service providers, health and social services personnel, other first responders and the public should be educated on how to identify and assist victims of human trafficking.
2. The California Labor and Workforce Development Agency should train their field investigators to look for the signs of human trafficking with a caution that in "enforcement sweeps," victims of human trafficking should be identified and helped. Investigators should report such findings to their superiors for further investigation and service referral rather than potential deportation. The Agency should also monitor businesses and industries it oversees to assure that forced labor abuses are not occurring.

3. The Legislature should consider amending the Business and Professions Code to include a requirement for mandatory training on human trafficking for all physicians, psychologists and social workers practicing in California. Such training could be accomplished through a one-time mandatory Continuing Education course that would count towards the annual educational requirements already specified by the California Boards governing each respective profession.

FINDING 2: Insufficient funding for organizations that provide services to victims of human trafficking impedes their chance for receiving services and escaping their enslavement.

RECOMMENDATIONS:

1. The Legislature should identify potential funding sources (i.e. asset forfeiture funds, fines and penalties, assessments, the General Fund, etc.) to fund non-governmental victim service organizations to provide legal and social services for human trafficking victims. Outreach should also be funded to locate victims and refer them to experienced service providers.
2. The U.S. Department of Health and Human Services (DHHS) and the U.S. Department of Justice, Office for Victims of Crime, should provide sufficient levels of funding for organizations serving victims of human trafficking. DHHS should also reinstate the former grant funding process rather than the per capita contractor-vendor arrangement to allow for the hiring of core case workers who provide essential direct client services.
3. The U.S. Department of Justice should assure that additional human trafficking initiatives are not funded at the expense of victim services.
4. The Legislature should fund resources on human trafficking for rural areas, as most of the federally funded human trafficking task forces and current resources have been available primarily to large urban areas.

FINDING 3: Shelter is one of a trafficking victim's most critical needs, but California does not have enough appropriate shelter space to support the needs of human trafficking victims.

RECOMMENDATIONS:

1. The Legislature should provide funding for shelters specifically for victims of human trafficking, based on an integrated housing model that includes both emergency shelters and transitional housing. This housing should meet the unique needs of human trafficking victims, including language and cultural needs and special safety measures to prevent retaliation from organized criminal rings. Funding for human trafficking shelters should not compromise funding for California's other shelters.
2. The Legislature should allocate funding for alternative housing options for child and male victims of human trafficking.

3. The federal Office of Refugee Resettlement should seriously consider funding a second Unaccompanied Refugee Minors Program (URM) site in the state, preferably in Southern California. In addition, because minor victims of human trafficking have special legal and developmental needs, whenever possible, these youth should be placed in the URM Program or, at minimum, should be placed with foster parents who have received training equivalent to that provided through the URM Program.
4. Human trafficking and immigrants' rights organizations should form alliances with existing domestic violence, homeless and other shelters to create a coalition of housing alternatives for human trafficking victims to meet the individual needs of each community.
5. The U.S. Department of Housing and Urban Development (HUD) should give the same priority access to HUD housing units to human trafficking victims as it now gives to the chronically homeless.

FINDING 4: The high rate of denial of federal T visa applications and the failure of the federal government to issue regulations for adjustment of status to lawful permanent residents prevent human trafficking victims from obtaining the benefits and services they need to rebuild their lives, and law enforcement and prosecutors from identifying and prosecuting traffickers.

RECOMMENDATIONS:

1. The Governor, Attorney General and Legislature should urge the California Congressional delegation to ask for a study of the federal T visa program to assess why the rate of denial of T visas is so high, and what can be done to make it easier for eligible human trafficking victims to qualify.
2. Simultaneously, in order to initiate potential immediate changes, the Governor, Attorney General and state and federal legislative leaders should request the U.S. Department of Homeland Security to examine how to: (a) expedite the processing of T visa applications; and, (b) expedite the issuing of regulations for adjustment of status of T visa and U visa holders. These actions will help provide the path for permanent residency for eligible human trafficking victims.
3. The American Immigration Lawyers Association and other appropriate attorneys' organizations should encourage more attorneys to obtain training to work on a *pro bono* basis with organizations serving trafficking victims in order to help victims with needed legal services.
4. NGOs, battered women's shelters, rape crisis centers and immigration rights groups, in coordination with local law enforcement agencies, should consider alternative solutions to help trafficking victims who cannot be officially certified (i.e. VAWA, sexual assault and domestic violence services, relocation, restraining orders, etc.).

FINDING 5: The caseworker/counselor confidentiality privilege, earned through training specified in California’s anti-trafficking law, is important in encouraging victims to come forward, but the law does not designate an agency to certify the training.

RECOMMENDATION:

1. The Legislature should amend California’s Evidence Code, commencing with § 1038, to designate the Office of Emergency Services to certify the 40-hour human trafficking caseworker training specified in the law and to require that training providers have significant experience working on trafficking cases with California law enforcement agencies and providing comprehensive services to trafficking victims in California.

FINDING 6: A trafficked victim’s right to civil relief is not well known and, therefore, is often not addressed.

RECOMMENDATIONS:

1. Governmental and non-governmental organizations that provide training on human trafficking should incorporate information on trafficking civil relief.
2. Legal service providers, social service providers and NGOs should inform trafficked persons of their right to civil relief and, to the extent possible, connect trafficked persons to available and experienced resources for civil litigation or litigation on behalf of exploited trafficked workers.
3. The Legislature should consider funding efforts to systematize and formalize anti-trafficking civil litigation assistance, which will connect trafficked persons to competent *pro bono* attorneys and provide ongoing mentorship and support to these attorneys and their trafficked clients pursuing civil litigation.

FINDING 7: The delivery of and access to victim services are not always well coordinated throughout the state.

RECOMMENDATIONS:

1. Local law enforcement, health and social services agencies and community organizations should replicate promising strategies from existing human trafficking collaborative models and work together for cross-training purposes and to coordinate government services and benefits at the local level to ensure efficient delivery of services to human trafficking victims, while assuring victim confidentiality. These services include housing, legal guidance, counseling and life skills and job training.
2. Community organizations, law enforcement and prosecutors should develop a method to identify culturally sensitive interpreters who are trained on the unique needs of trafficking victims, and who do not know the trafficker, to assist with interviews of victims in order to build trust between victims, local NGOs and the criminal justice system.
3. County health and social services agencies should move expeditiously to train their personnel and local NGOs on the Trafficking and Crime Victims Assistance Program (California’s Welfare and Institutions Code, commencing with § 18945).

❖ Investigating and Prosecuting Human Traffickers

FINDING 1: California’s human trafficking law needs to be strengthened to make it a more powerful tool to prosecute traffickers.

RECOMMENDATIONS:

1. The Legislature should amend California Penal Code § 236.1 to conform California’s statute to federal law as it relates to minors.

Note: As of the writing of this report, Assembly Bill 1278, which is pending in the Legislature, includes the following statement to address this recommendation: “If the victim is under 18 years of age at the time of the commission of the offense, any person who causes, induces, or persuades a child under 18, or attempts to cause, induce, or persuade a minor to engage in a commercial sex act as described in Sections 266, 266h, 266i, 266j, 267, 311.4, or 518, subdivision (b) of Section 647 or Section 653.22, or who obtains or attempts to obtain forced labor or services from the victim, is guilty of human trafficking.”

2. The Legislature should amend California Penal Code § 236.1 to increase the penalty for human trafficking to 3, 6 or 8 years for adults, making the punishment consistent with sentences for others crimes, such as pimping and pandering.

Note: As of the writing of this report, AB 1278 increases the penalty for human trafficking to only 3, 4 or 6 years for adults (from 3, 4 or 5 years, as included in the original law).

3. The Legislature should amend California Penal Code § 784.8 to allow any one jurisdiction to charge a human trafficking case if the offenses took place in multiple jurisdictions.

Note: As of the writing of this report, this provision is included in AB 1278.

4. The California District Attorneys Association should encourage prosecutors to develop protocols that coordinate the prosecution of human trafficking cases with local law enforcement and U.S. Attorneys Offices. A coordinated enforcement approach against traffickers can be most efficiently accomplished with these established guidelines in place.
5. The Judicial Council should expedite the issuance of jury instructions for human trafficking cases, so that prosecutors, defense attorneys and jurors will have solid guidance and a better understanding of the crime of human trafficking to make more informed decisions.

FINDING 2: The lack of trained law enforcement officers, district attorneys and judges impedes opportunities to arrest, prosecute and sentence traffickers under California’s law.

RECOMMENDATIONS:

1. The Legislature should mandate a two-hour training session on human trafficking for state and local law enforcement through the Commission on Peace Officers Standards and Training (POST) that would be offered through a telecourse and learning portal to strengthen the chance of successful identification of victims and prosecution of traffickers. POST should be encouraged to include human trafficking training for law enforcement in its Basic Academy Curriculum, and law enforcement should include this training during roll-call sessions.

2. The California District Attorneys Association should continue to provide training on investigating and prosecuting human trafficking, how to work with NGOs to build trust with victims and how to connect victims with services. It should encourage prosecutors to bring local human trafficking victim's advocates into the process early to assist in interviewing victims and assure them of needed services in order to strengthen the chance of a successful prosecution.
3. The Judicial Council should develop and sponsor training for judges on human trafficking.

❖ Preventing Human Trafficking in California

FINDING 1: California government, corporations and business owners bear a moral responsibility to exert leadership to insist on humane and lawful labor standards in their purchasing and, for business owners, throughout their supply chain.

RECOMMENDATIONS:

1. California industries should establish a code of conduct based on relevant portions of the Social Accountability 8000 Standard that forbid human-trafficking related abuses, or other standards such as those included in Public Contract Code 6108 (g), that assure workers' rights throughout their own operations and in those of their suppliers and labor contractors. They should use an external organization to monitor compliance and make the results public.
2. The California Public Employees Retirement System (CalPERS), the California State Teachers Retirement System (CalSTRS) and other public and private investment organizations should examine their investment strategies to address potential forced labor practices, and favor companies that adhere to respected labor standards.
3. California cities, counties, public school districts and public universities should examine their purchasing practices to assure that no purchased goods or equipment be produced as a result of forced labor, and, if needed, establish Sweatfree Codes of Conduct.

FINDING 2: Lack of awareness about human trafficking and societal attitudes that perpetuate this problem result in lost opportunities to help victims escape from their traffickers.

RECOMMENDATIONS:

1. The Legislature should fund a campaign against human trafficking that changes social norms and promotes public awareness. Such a campaign should include the following goals:
 - a. Emphasize that all individuals – regardless of immigration status – are entitled to basic human rights;
 - b. Encourage consumers to identify products from industries that have established appropriate codes of conduct against forced labor and that promote fair trade practices;
 - c. Target the most vulnerable populations, based on research, including women and children;
 - d. Focus on the cultural context of the community and utilize messages that the particular community understands;

- e. Be based on measures that have been evaluated and proven effective; and
 - f. Raise public awareness on how to recognize and report abuse that:
 - Meets the needs of victims in industries in each community;
 - Targets messages to those most likely to encounter a trafficking victim, such as employees, employers (including contractors of construction or agricultural labor), building and agricultural inspectors, educators, health professionals, members of religious groups and social services personnel;
 - Uses mixed media and culturally appropriate messages;
 - Addresses small ethnic populations;
 - Targets Spanish and other ethnic media to publicize cases of human trafficking, which may serve as a deterrent, and reach out to victims;
 - Promotes outreach to schools, malls and other places where young women could be victims of recruitment into trafficking; and
 - Communicates the stories of trafficking survivors without traumatizing or sensationalizing them; and include agricultural, sweatshop and other forms of trafficking, to counteract the public misconception that commercial sex is the only or most important type of trafficking.
2. The California Department of Education should encourage California public schools to teach students about the human rights abuse of human trafficking, about positive attitudes toward victims of such abuse and about measures to prevent future abuse.
 3. Corporations should establish partnerships with non-governmental organizations and, where appropriate, government agencies to inaugurate social responsibility and awareness campaigns to help eradicate human trafficking.
 4. The U.S. State and Justice Departments, other federal and state agencies and NGOs should collaborate with source countries and other destination countries in order to raise public awareness about human trafficking. Vulnerable populations in source countries should be educated on the deceptive practices of traffickers in their region.
 5. The California Attorney General's Office should partner with other state agencies and NGOs to promote the findings and recommendations of this report throughout California, holding community forums, conducting regional training, promoting public awareness activities and developing public awareness materials in appropriate languages. It should also collect and disseminate examples of collaborative models and promising practices to combat and prevent human trafficking.

❖ **For Further Study**

Additionally, the Task Force identified areas for further study, including:

- Child victims of human trafficking;
- Extension of temporary state-funded benefits and services;
- Labor protections for domestic workers who may be vulnerable to human trafficking;
- The standards for victim cooperation with law enforcement as it relates to immigration relief;
- Mandatory reporting of human trafficking by first responders; and,
- Grass-roots campaigns to influence corporate changes related to forced labor.

***Human Trafficking –
An Intolerable
Human Rights Abuse***



“The problem of human trafficking has reached into neighborhoods throughout California and is one of the fastest growing criminal enterprises in the world. Individuals are bought, sold, transported and held in inhumane conditions for use in prostitution or as forced laborers. It would be morally and socially irresponsible to ignore this problem and the victims it creates in California every year.”

Sally Lieber, California Assembly Member
September 21, 2005 – signing of AB 22

Introduction



“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

Amendment XIII – Slavery Abolished (1865)

Nearly 150 years ago, the United States abolished slavery. However, slavery does still exist. Most Californians would find it hard to believe that today’s version of slavery, human trafficking, may be occurring in their own communities. This new form of subjugation, concealed behind layers of deception, deprives people of their freedom and violates our nation’s promise that every person in the United States is guaranteed basic human rights.

Today’s slavery is different from the days of old, when people were publicly bought and sold for forced labor. Human trafficking means controlling a person through force, fraud or coercion – physical or psychological – to exploit the person for forced labor, sexual exploitation, or both.

Human trafficking is a term behind which a desperate reality exists. Garment workers crammed in crowded rooms with little ventilation and hidden behind covered windows and barbed wire fences, girls held against their will and forced into prostitution, domestic servants compelled to do around-the-clock household chores, welders held in slave-like conditions in rooms with no gas or electricity – all without freedom to leave. Most of these victims are hidden from view.

This report examines the scope of human trafficking in California, reviews the state’s response thus far to combat trafficking, identifies challenges in protecting victims and punishing traffickers and offers recommendations to strengthen California’s strategy against this violation of human freedom. The report was prepared by the California Alliance To Combat Trafficking and Slavery (CA ACTS) Task Force pursuant to the California Trafficking Victims Protection Act (CTVPA) (Assembly Bill 22, Lieber, 2005).

❖ California – A Magnet for Traffickers

California is a top destination for human traffickers.¹ The state’s extensive international border, its major harbors and airports, its powerful economy and accelerating population, its large immigrant population and its industries make it a prime target for traffickers. Apart from

the harm that this crime causes its victims, secondary consequences of human trafficking can severely affect California communities. The link between human trafficking and other criminal activities such as human smuggling, drug trafficking, money laundering and organized crime, increases the potential for other violent crimes. The U.S. Department of State reports that the impact of human trafficking on surrounding communities includes increased crime and gang activity, child exploitation, public health problems and depressed wages.²

❖ **Root Causes of Human Trafficking**

While some victims are trafficked within the United States, most are recruited in other countries. The Task Force recognizes that globalization, spurred by the rapid pace of technological change, has created vast new opportunities for international trade, but also has opened up momentous new avenues for illicit trade. This illicit trade includes enslaving human beings who are stripped of their freedom and treated as commodities. After drug dealing, human trafficking is tied with the illegal arms industry as the second largest criminal enterprise in the world today, and it is the fastest growing.³

The Task Force further recognizes that another root cause of human trafficking lies in the underlying conditions in both “source” and “destination” countries. “Push” factors leading to trafficking in people include poverty and political upheavals in “source” countries that create fertile soil for recruiting and deceiving victims. Global poverty, with its disproportionate impact on women; reduced life expectancy in many developing regions; and the impact of infectious diseases have taken their toll on indigent populations.

Another “push” factor is the fact that smuggled and trafficked migrants are sources of billions of dollars of revenue sent back to their home countries, creating even further incentives for trafficking in human beings.⁴ The FBI estimates profits from human trafficking at \$9.5 billion annually.⁵

“Pull” factors that serve as a magnet for human trafficking in “destination” countries include the voracious demand by certain industries for cheap labor, due to fierce competition in the increasingly global economy. To put the power of the economic magnet for trade in human beings in perspective, it took transatlantic trade 400 years to import 12 million African slaves to the United States. Yet, within Southeast Asia alone an estimated 30 million women and children have been trafficked – in the past ten years.⁶

This combination of “push” and “pull” factors has led to massive migration by vulnerable individuals out of developing countries into industrialized nations, where many become victims of human trafficking and labor exploitation.

Traffickers lure victims into the United States with deceptive promises of good jobs and better lives, and then force them to work under brutal and inhuman conditions, and deprive them of their freedom. Victims of human trafficking may be involved in agricultural labor, construction labor, hotel and motel cleaning services, illegal transporters, organized theft rings, pornography, prostitution, restaurant services, domestic services, servile marriage (mail-order brides) and sweatshops. Once in this country, many suffer extreme physical and mental abuse, including rape, sexual exploitation, torture, beatings, starvation, death threats and threats to family members.⁷

A central component underlying human trafficking is also an attitude that demeans women and children, leading to the disproportionate abuse by traffickers of these population groups.

The U.S. Department of State estimates that approximately 80 percent of victims trafficked from other countries are women and girls and up to 50 percent are minors.⁸ Clearly, gender inequality plays a major role in human trafficking.

The protection of human rights was a foundation stone in the establishment of the United States more than 200 years ago. The United States understands that the existence of human rights helps secure peace, deter aggression, promote the rule of law, combat crime and corruption, strengthen democracies and prevent humanitarian crises. California, the most populous state in the nation and one of the most powerful economies in the world, plays a critical role in promoting, through its government and corporate policies, universal human rights, including freedom from torture, freedom of expression, women's rights, children's rights and the protection of minorities.⁹

❖ Definition of Human Trafficking

There are multiple definitions of human trafficking (see Appendix A). Federal law defines trafficking in persons as “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 involuntary servitude, peonage, debt bondage, or slavery”; or “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”

Human trafficking is often divided into two types – forced labor and sexual exploitation, or coercing a person to perform sexual services for the trafficker's profit or pleasure. The terms “forced labor” and “trafficking” are often used interchangeably, but are somewhat different actions. Forced labor, according to the International Labor Organization, is “all work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily.”¹⁰ People who are trafficked have been coerced into leaving their homes or deceived about the nature and conditions of their employment.¹¹

Forced labor can involve “peonage,” or holding people against their will to pay off a debt. It can also involve “debt bondage” – when the captor claims that the trafficked person owes more than the original price agreed on for services to bring the victim into the country, with the victim then pressured to pay off the debt. “Involuntary servitude” occurs when people believe that an attempted escape from their situation would result in serious physical harm to them or others – a belief often caused by physical and verbal abuse and threats.

There is also a difference between smuggling and human trafficking. A person who is smuggled into the United States is free to leave upon payment of the fee for the smuggling service. A trafficking victim is not free to leave once he or she is smuggled across the border, and becomes enslaved. However, smuggling can become trafficking once a person is compelled to provide labor or services.



It is important to note that the crime of human trafficking does not require that victims cross national or state borders. Many victims are trafficked within the borders of a country, and are themselves legal residents of that country. Although the majority of human trafficking victims in the United States are foreign nationals, there are many U.S. citizen victims who are trapped in forced labor and involuntary servitude.

❖ Human Trafficking Cases in California

The crime of human trafficking can involve one individual or a large group of victims. Examples of human trafficking cases in California reveal the wide variety of enterprises and situations in which individuals and groups are subjected to slave-like conditions:

- In December 2006, a financial settlement was reached on behalf of 48 Thai welders hired through Kota Manpower Inc. of Thailand and Los Angeles, accused of forcing them to live in qualor while working for little or no pay.¹²
- In June 2006, a couple from Egypt pleaded guilty to forcing a 10-year-old Egyptian girl to work as a domestic servant to their family of seven in Irvine. The couple had forced the girl to sleep in the garage, with no light or ventilation, and had forbidden her to attend school or see a doctor in two years.¹³
- In July 2005, the federal government arrested more than 40 people in Los Angeles and San Francisco and seized more than \$3 million in illicit proceeds in Operation Gilded Cage. This operation involved more than 100 Korean women, many of whom told investigators that they were taken from their country against their will and forced to work as erotic masseuses.¹⁴
- In September 2004, a financial settlement was reached on behalf of Nena Jimeno Ruiz, who was lured to Los Angeles from the Philippines under false pretenses, then forced to work 18-hour days at the home of an executive at Sony Pictures. She had to sleep on a dog bed and was threatened with never seeing her family again if she complained.¹⁵
- In 2001, a Berkeley landlord and restaurateur, Lakireddy Bali Reddy, was sentenced to more than eight years in federal prison for smuggling teenage girls from India in a sex and labor exploitation ring spanning 15 years and operating in India and California. He repeatedly raped and sexually abused his victims and forced them to work in his businesses. A 17-year old girl died of carbon monoxide poisoning in an apartment he owned.¹⁶
- In 2001, Victoria Island Farms settled a civil suit that resulted in the payment of back wages to California asparagus harvesters who were forced to harvest the high-priced vegetable in substandard conditions for virtually no pay in the San Joaquin Delta region of California. Hired by a farm labor contractor, the workers, recruited mostly from Mexico, were powerless to stop the huge deductions for transportation and other "debts" the employer took from their weekly paychecks.¹⁷
- In 2000, Sammy Cheung was sentenced to over 12 years in prison for leading a criminal ring in which he recruited several women and girls from Mexico to work as prostitutes in Long Beach. During this time he kept the victims under guard and forced them to work without pay until police freed the captives after raiding the brothel.¹⁸

- In 1999, a Thai woman, Supawan Veerapool, was sentenced to eight years in prison for bringing a domestic worker from Thailand to Los Angeles to provide household support in her home, confiscating the worker's passport. She then forced her to work 24-hour days six days a week for nine years until the victim escaped in 1998.¹⁹
- In 1995, 72 Thai workers were discovered in a garment factory in the City of El Monte, Los Angeles County, in a compound surrounded by fences tipped with barbed wire. Some had been held for as long as seven years.²⁰

❖ Federal Response

In October 2000, Congress enacted the Trafficking Victims Protection Act of 2000 (TVPA), Public Law 106-386, to prosecute traffickers, protect victims and prevent trafficking from occurring. Prior to that, no comprehensive federal law existed to protect victims of trafficking or to prosecute their traffickers. This law made human trafficking a federal crime with severe penalties; created new law enforcement tools to strengthen the prosecution and punishment of traffickers; addressed the means of coercion used by traffickers, including psychological coercion, trickery and the seizure of documents; promoted prevention measures; and made victims of trafficking eligible for benefits and services under federal or state programs once they become certified by the U.S. Department of Health and Human Services (DHHS).

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA 2003), Public Law 108-192, augmented the legal tools that can be used against traffickers, including empowering victims to bring federal civil suits against traffickers for actual and punitive damages. It also encouraged the nation's state and local law enforcement agencies to participate in the detection and investigation of human trafficking cases.²¹ The law was reauthorized again in 2005 (TVPRA 2005), Public Law 109-164, and provided additional anti-trafficking resources, including grant programs to assist state and local law enforcement efforts in combating trafficking in persons and to expand victim assistance programs to U.S. citizens or resident aliens subjected to trafficking.²²

The number of federal prosecutions against traffickers has increased significantly since these laws were enacted. Between 2001 and 2005, U.S. attorneys investigated 555 suspects for violations of federal human trafficking statutes; of investigations closed in that time period, 146 suspects were prosecuted.²³ Yet, the number of traffickers prosecuted is low considering the 14,500 to 17,500 victims estimated to be trafficked into the United States each year.

In order to strengthen the nation's efforts to enforce trafficking laws, the U.S. Department of Justice has encouraged state involvement through the development of the Model State Anti-Trafficking Criminal Statute (2004), designed to ensure a strong partnership between state and federal partners in combating trafficking.²⁴ As of the end of July 2007, 32 states had passed criminal anti-trafficking laws.²⁵

End Notes:

- 1 Human Rights Center. 2005. *Freedom Denied: Forced Labor in California*, University of California, Berkeley. Available online at www.hrcberkeley.org/download/freedomdenied.pdf.
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- 4 Moises Naim. 2005. *Illicit: How Smugglers, Traffickers, and Copycats are Hijacking the Global Economy*. New York: Doubleday.
- 5 FBI. June 12, 2006. *Human Trafficking: An Intelligence Report*. Available online at www.fbi.gov/page2/june06/human_trafficking061206.htm.
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- 7 U.S. Department of Justice, Civil Rights Division. No date. *Trafficking in Persons: A Guide for Non-Government Organizations*. Available online at www.usdoj.gov/crt/crim/wetf/trafficbrochure.html.
- 8 U.S. Department of State. 2007. *Trafficking in Persons Report*. Available online at <http://www.state.gov/g/tip/tiprpt/2007/index.htm>.
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- 10 Patrick Belser. March 2005. "Forced Labor and Human Trafficking: Estimating the Profits." International Labor Office.
- 11 Human Rights Center. 2005. *Freedom Denied: Forced Labor in California*. University of California, Berkeley. Available online at www.hrcberkeley.org/download/freedomdenied.pdf.
- 12 *Los Angeles Times*. December 8, 2006. "Human trafficking case ends for 48 Thai welders."
- 13 *Orange County Register*. June 30, 2006. "Irvine pair guilty in child slave case – Egyptian nationals plead guilty to four charges in Irvine human-trafficking cases"; United States Attorney, Central District of California, press release. February 2, 2005. "Irvine couple indicted on involuntary servitude charges for holding girl as virtual slave to serve their family."
- 14 U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement. July 1, 2005. "U.S. Agents Crack West Coast Human Smuggling, Trafficking Ring." Available online at <http://usinfo.state.gov/utills/printpage.html>.
- 15 *Santa Monica Daily Press*. September 3, 2004.
- 16 Human Rights Center. 2005. *Freedom Denied: Forced Labor in California*. University of California, Berkeley. Available online at www.hrcberkeley.org/download/freedomdenied.pdf.
- 17 *Ibid.*
- 18 *Ibid.*
- 19 *Ibid.*
- 20 *New York Times*. August 4, 1995. "Thai Workers Are Set Free in California."
- 21 U.S. Department of Health and Human Services. No date. *Trafficking Victims Protection Act of 2000 Fact Sheet*. Available online at www.acf.hhs.gov/trafficking/about/TVPA_2000.pdf.
- 22 U.S. Department of Justice. 2007. *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2006*.
- 23 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. 2006. *Federal Prosecution of Human Trafficking, 2001-2005*. Available online at <http://www.ojp.usdoj.gov/bjs/pub/pdf/fpht05.pdf>.
- 24 U.S. Department of Justice. No date. *Model State Anti-Trafficking Criminal Statute*. Available online at www.usdoj.gov/crt/crim/model_state_law.pdf.

- 25 The 32 states that have passed anti-human trafficking criminal provisions as of July 2007 include: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas and Washington State. In addition, six states have legislation pending that would either enact or amend criminal provisions. They are: California, Iowa, Massachusetts, New Jersey, Ohio and Tennessee. For additional information see the following web page and scroll down to Archive of U.S. Policy Alerts:
http://216.128.14.181/polarisproject/programs_p3/State_p3.htm.

California's Response To Human Trafficking



❖ Reports by the Human Rights Center at the University of California, Berkeley

In 2004, the Human Rights Center at University of California, Berkeley and “Free the Slaves,” Washington, D.C., issued a report, *Hidden Slaves: Forced Labor in the United States*, which found that forced labor operations particularly flourished in states with large immigrant populations, specifically Florida, New York, Texas and California. This study confirmed that victims of human trafficking are often treated brutally – beaten, raped and even murdered – by their captors. They work in horrendous conditions and frequently suffer psychological as well as physical abuse.

In 2005, the Human Rights Center released *Freedom Denied: Forced Labor in California*, which provided detailed information on human trafficking in California and made recommendations to strengthen the state's efforts to identify victims and prosecute traffickers. Although these documents were based in part on media reports, and the information gathered was limited due to lack of adequate data on this secret crime, it was California's first in-depth attempt to identify the scope and nature of human trafficking in this state. Many of the recommendations suggested in *Freedom Denied* were included in California's landmark anti-trafficking legislation.

❖ Public Hearings on Human Trafficking

In 2004 and 2005, public hearings on human trafficking were held in order to assist Members of the California Legislature to develop an effective response to combating this crime. On October 5, 2004, the Assembly Select Committee on Human Trafficking held a public hearing in San Francisco, co-hosted by the California Commission on the Status of Women, the California Women's Law Center, the California State Legislative Women's Caucus and San Francisco District Attorney Kamala Harris. During this hearing, panels of federal, state and local experts addressed the following topics: (1) a national overview of human trafficking and examples of state responses, (2) victims of trafficking in California, and (3) responses to human trafficking in this state. During the public comment period, victims of this crime also provided information and insights into their experiences.

In the following months, additional research on human trafficking was conducted, leading to a second public hearing, held in Los Angeles on February 25, 2005. This hearing was sponsored by Members of the California Legislature and the California Commission on the Status of Women. Co-hosts included the California Women's Law Center and the California State Legislative Women's Caucus. At this hearing, panels of experts made presentations on: (1) prosecution of human traffickers, (2) protection and services for victims of human

trafficking, and (3) solutions to human trafficking in California. Again, victims of trafficking provided testimony during the public comment period. The information gained from these hearings and related research served as a basis for the development of legislative proposals for California.

❖ California's Anti-Trafficking Legislation

The California Trafficking Victims Protection Act. On September 21, 2005, California enacted The California Trafficking Victims Protection Act (Assembly Bill 22, Lieber) to make human trafficking a felony in California and assist victims in rebuilding their lives. This law, which took effect on January 1, 2006:

- Establishes human trafficking for forced labor or services as a felony crime punishable by a sentence of 3, 4 or 5 years in state prison and a sentence of 4, 6 or 8 years for trafficking of a minor (California Penal Code § 236.1).
- Provides for mandatory restitution to the victim (California Penal Code § 1202.4).
- Allows a trafficking victim to bring a civil action against his or her trafficker (California Civil Code § 52.5).
- Creates strict guidelines and timetables for the issuance of Law Enforcement Agency Endorsements (LEAs) for trafficking victims (California Penal Code § 236.2).
- Directs the Attorney General to give priority to human trafficking, along with other specified crimes (California Penal Code § 14023).
- Provides for human trafficking victim-caseworker privilege, to protect confidential information (California Evidence Code § 1038).
- Establishes a statewide task force, the *California Alliance to Combat Trafficking and Slavery* (CA ACTS), to examine California's response to human trafficking and present a report to the Governor, Attorney General and Legislature (Penal Code § 13990).

The Human Trafficking Collaboration and Training Act. Also on September 21, 2005, California passed the Human Trafficking Collaboration and Training Act (Senate Bill 180, Kuehl).

- Requires the Commission on Peace Officer Standards and Training (POST) to establish by January 1, 2007 a course and guidelines for law enforcement in responding to human trafficking. (California Penal Code § 13519.14)
- Establishes an interagency statewide task force, the *California Alliance to Combat Trafficking and Slavery* (CA ACTS), a provision superseded by similar language in Assembly Bill 22.

The Access to Benefits for Human Trafficking and Other Serious Crime Victims Act

Under the federal TVPA, individuals who are federally certified as victims of severe forms of trafficking are eligible to receive federal benefits, but the certification process can take as long as two years. On September 29, 2006, California became the first state in the nation to enact a law providing a "bridge" of temporary services to offer immediate assistance to victims as they await federal certification. (California Welfare and Institutions Code commencing with § 18945, Chapter 672, Senate Bill 1569, Kuehl).

❖ Collaborative Models for Protecting Victims of Trafficking and Punishing Traffickers

Experience has shown that assisting victims of human trafficking and punishing perpetrators work best when government and private organizations coordinate their activities. These private organizations are often termed “non-governmental organizations,” or NGOs. NGOs refer to private, non-profit organizations that pursue activities to relieve suffering, promote the interests of the poor, provide basic social services or perform other functions to assist people or enhance communities. In recognition of the importance of collaboration between the public and private agencies to combat trafficking and assist victims, California has launched a number of coordinated efforts, with funding from the federal government.

California Regional Task Forces Funded by the U.S. Department of Justice:

In 2004 and 2005, the U.S. Department of Justice awarded grants of \$450,000 to five California law enforcement agencies in San Diego, Los Angeles, San Francisco, Oakland and San Jose to establish human trafficking task forces to aid in the identification and rescue of human trafficking victims and in the investigation and prosecution of traffickers. These grants require strong working relationships between law enforcement, other government entities and NGOs that provide direct services to victims of trafficking. Following is a brief synopsis of the specific activities of these task forces:

- **The San Diego Regional Anti-Trafficking Task Force:** The San Diego County Sheriff’s Department signed a Memorandum of Understanding (MOU) with the Bilateral Safety Corridor Coalition (BSCC) to collaborate in these goals: information and resource sharing among law enforcement agencies and victim service providers; development of training for law enforcement personnel and service providers to identify victims of human trafficking; development of protocols and resource manuals for responding to cases involving human trafficking; establishment of a coordinated legal resource group to educate investigators; and creation of a Sheriff’s liaison to coordinate with victim service providers, the U.S. Attorney’s Office and other agencies in the identification and rescue of trafficking victims. The Task Force is also conducting Town Hall meetings.
- **Los Angeles Metropolitan Area Task Force on Human Trafficking:** The Los Angeles Police Department (LAPD) has formed a collaborative consisting of 60 representatives from multiple law enforcement agencies, NGOs and federal and state prosecutors. LAPD signed an MOU with the U.S. Attorney’s Office, the Coalition to Abolish Slavery & Trafficking (CAST) and the Legal Aid Foundation of Los Angeles. The Robbery/Homicide Division, the LAPD’s representative on the coalition, is often the first entity to come in contact with undocumented persons. The Los Angeles District Attorney’s Office, also a member of the collaboration, has engaged in a coordinated effort with the task force to develop protocols for investigating and prosecuting human trafficking cases. CAST and the Los Angeles Metropolitan Task Force on Human Trafficking have created a public awareness campaign, “Know Human Trafficking. Be Alert, Be Aware,” which includes a toll-free hotline, billboards and bumper stickers.
- **East Bay Task Force on Human Trafficking (Oakland):** The East Bay Task Force on Human Trafficking, led by the Oakland Police Department (OPD), has formalized a partnership with area law enforcement, NGOs and other victim organizations. It developed a protocol making the Sexually Exploited Minors Network its lead point of

contact during human trafficking enforcement projects aimed at rescuing juvenile female prostitutes. OPD's Child Exploitation Unit has instituted change in the police department by gathering all "field contacts" completed by patrol officers that pertain to sex offenders and prostitution. This information is now entered into a database, as are area individuals who are on probation for prostitution-related activity. Patrol officers can access this information and the "field contacts" through the mobile data terminals in their patrol vehicles. The Task Force is conducting training through roll calls, the police academy and regional conferences. It has identified a number of human trafficking victims and has expanded efforts to investigate massage parlors for victims of forced labor.

- **San Jose Human Trafficking Task Force:** The San Jose Police Department Human Trafficking Task Force works closely with the South Bay Coalition to End Human Trafficking, providing public outreach and educating law enforcement and NGOs on how to identify human trafficking victims, assist victims and investigate potential cases. It has conducted public outreach presentations on human trafficking to various community groups. In September 2006, it held a regional training conference with more than 100 attendees and a speaker from the U.S. Department of Justice. In March 2007, it held its first "train the trainer" seminar for law enforcement, NGOs and prosecutors. The Task Force initiated a public outreach campaign in the summer of 2007, including advertising on county buses, multi-language posters and Public Service Announcements.
- **North Bay Area Human Trafficking Task Force:** The San Francisco Police Department, the lead agency for this Task Force, is committed to end the demand for human trafficking through investigations and strong enforcement procedures against perpetrators. The Task Force trains law enforcement and creates partnerships with federal agencies to build successful cases against traffickers, collaborates with NGOs to educate the community about human trafficking, and conducts human trafficking assessments and referrals for all potential victims encountered during code enforcement inspections and investigations. It also collaborates with the FBI Child Exploitation Unit to identify and build cases against traffickers of U.S. victims and supports the Girl's Justice Initiative to provide education to girls at the Juvenile Justice Center.

Orange County Human Trafficking Task Force: This coalition of local, state and federal agencies, as well as NGOs, was formed in 2004 to increase the identification and prosecution of human trafficking cases in Orange County. The Task Force received \$200,000 in funding from a contract with the U.S. Department of Health and Human Services to coordinate services between these agencies and provide support services for trafficking victims. The funds also support training for responding officers to improve their skills in identifying and assisting trafficked victims and apprehending traffickers.

Non-Governmental Organizations. Examples of NGOs that collaborate with public and private organizations in order to serve victims include (for a more extensive list of California NGOs serving human trafficking victims, see Appendix D):

- **The Coalition to Abolish Slavery & Trafficking** in Los Angeles established the first shelter in the nation designed specifically for human trafficking victims; pioneered a model approach to managing and addressing the complex needs of survivors, including providing access to legal services, life skills and other support services; and works with a broad network of partners to assist victims in various areas of their lives.

- **The Bilateral Safety Corridor Coalition** in San Diego is a coalition of over 60 government and non-profit organizations in the United States and Latin America that is convened along the U.S. Mexican border to combat trafficking, with a focus on sex trafficking, and features a 24-hour hotline.
- **San Diego Youth and Community Services** coordinates a multidisciplinary group of governmental and nongovernmental organizations to address child trafficking and the commercial sexual exploitation of children in San Diego County.
- **The Asian Pacific Islander Legal Outreach Immigration and Trafficking Project** in San Francisco represents victims of human trafficking for immigration and other civil legal relief and provides community outreach and technical assistance and training on human trafficking to NGOs and law enforcement.
- **The Standing Against Global Exploitation (SAGE) Project**, also in San Francisco, is a collaboration between law enforcement, public health, social services and private agencies with the goal of bringing an end to the commercial sexual exploitation of children and adults.
- **The Salvation Army** is a participating member in various human services and faith-based associations and coalitions to serve victims, including human trafficking survivors.

“Rescue and Restore” Campaign: In conjunction with the U.S. Department of Health and Human Services’ “Rescue and Restore” campaign to raise public awareness about human trafficking, several coalitions have been established in California. These include coalitions in Los Angeles, San Francisco and Sacramento, which in July 2007, became the 18th city in the nation to form such a collaborative effort.

“Human trafficking is rapidly becoming one of the most serious human rights issues of the 21st century”

Senator Sheila Kuehl

❖ **California Alliance to Combat Trafficking and Slavery (CA ACTS) Task Force**

The Legislature charged the CA ACTS Task Force, established by the CTVPA, with examining California’s response to human trafficking; identifying gaps in serving victims, investigating and prosecuting traffickers and preventing trafficking; and reporting its findings and recommendations to the Governor, the Attorney General and the Legislature in 2007.

The CA ACTS Task Force consisted of 20 members, representing agencies and organizations mandated by the law. The members represent law enforcement, prosecutors, public defenders, NGOs, health services, social services, mental health, domestic violence and sexual assault services, researchers, farm workers, immigrant rights groups and labor. (See Appendix C for

biographies of Task Force members.) The law charged the Attorney General's Office with chairing and administering the work of the Task Force and directed it to address these specific goals:

- Collect and organize data on the nature and extent of trafficking in persons in California.
- Examine collaborative models between government and non-governmental organizations for protecting victims of trafficking.
- Measure and evaluate the progress of the state in preventing trafficking, protecting and providing assistance to victims of trafficking and prosecuting persons engaged in trafficking.
- Identify available federal, state and local programs that provide services to victims of trafficking that include, but are not limited to, health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English-as-a-second-language classes, voluntary repatriation and victim's compensation. Assess the need for additional services, including but not limited to, shelter services for trafficking victims.
- Evaluate approaches to increase public awareness of trafficking.
- Analyze existing state criminal statutes for their adequacy in addressing trafficking and, if the analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address trafficking.
- Consult with governmental and non-governmental organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking and prosecute traffickers.

Between March 2006 and July 2007, the CA ACTS Task Force held nine meetings to examine these issues. They heard presentations by representatives of human trafficking victim services providers; law enforcement; prosecutors; local, state and federal victim services agencies; labor; farm workers; domestic violence and sexual assault programs; academic researchers; and survivors of human trafficking. The meetings were convened on March 22, 2006, in Oakland; May 17, 2006 in San Diego; August 30, 2006 in Oakland; November 15, 2006 in Sacramento; and on January 20, March 31, April 26, May 16 and July 17, 2007 in Sacramento.

In addition, the Attorney General's staff assigned to the CA ACTS Task Force consulted with many state and national experts, including service providers and researchers in the field of human trafficking. It conducted an extensive literature review of state, national and international sources. The staff also developed and conducted a statewide survey in order to learn as much as possible about the known nature and extent of human trafficking in California.

Task Force Findings and Recommendations: The Task Force examined the measures California has taken to identify victims of human trafficking, provide them with needed services and punish perpetrators of this horrific crime. The following sections of this report specify these measures, identify the challenges that remain and propose recommendations to bolster efforts to prevent this scourge from taking further root in our state. The Task Force organized its work in the following categories:

- Scope of the problem
- Protecting and assisting victims
- Investigating and prosecuting traffickers
- Preventing human trafficking
- Issues for further study

Each section contains some background information and the Task Force's findings and recommendations. Each "finding" is supported by various discussion points. The Task Force recognized that human trafficking involves victims not only from other countries, but also from our own country. For purposes of this report, the Task Force did not separate out the issues relating to domestic versus international trafficking.

Findings and Recommendations



Identifying the Scope of Human Trafficking in California



“...reliable data on the trafficking of human beings that would allow comparative analyses and the design of countermeasures is scarce.”

United Nations Office on Drugs and Crime

❖ Background

One of the primary goals of the CA ACTS Task Force was to collect and organize data on the nature and extent of human trafficking in California. The Task Force reviewed international and national estimates of human trafficking and the problems with data collection systems and data in general from which those estimates were derived. Because there are few sources of data in California, the Task Force undertook research, in the form of both a survey and interviews, in order to learn more. Those results are reported here and throughout the report.

Human trafficking is a hidden crime, and accurate statistics on the nature, prevalence and geography of human trafficking are hard to calculate. Trafficking victims are often in precarious positions and may be unwilling or unable to report to or seek help from relevant authorities. Often victims live daily with inhumane treatment, physical and mental abuse, and threats to themselves or their families back home. They fear police and other authorities because they believe they will be deported. Travel and identity documents they may have had are often taken by their traffickers. In such circumstances, reporting to the police or seeking help elsewhere requires courage and knowledge of local conditions, which victims simply might not have.¹

In sum, human trafficking is an underreported crime, similar to other crimes such as rape, domestic violence and elder abuse. For each of these crimes, there are risks to reporting that include having to face one's abuser and having to put one's trust in the police and prosecutors that justice will prevail. The often transnational nature of trafficking only decreases the likelihood of reporting to the police. Non-citizen victims of these crimes are often women and girls from countries and cultures where women and girls are not adequately protected from violence and abuse, and have learned to suffer in silence due to the social forces of excess poverty, lack of availability and access to health and social services, lack of access to education and employment, divorce restrictions and salary inequities.²

International Estimates: Table 1 depicts the variation in international estimates. As the table makes clear, there are a variety of estimates of human trafficking, different definitions of human trafficking are used, and there are different criteria for data collection. The most recent (2007) Department of State report on human trafficking now gives an estimate of

Table 1. International Human Trafficking Data/Estimates by Various Agencies

| Variable | U.S. State Department | International Labor Organization | United Nations Office on Drugs and Crime |
|---------------------------------|---|--|--|
| Main focus | Global Estimate of Victims | Global Estimate of Victims | Country and Regional Trafficking Patterns |
| Number of Victims | 600,000 to 800,000 in 2003 ¹ | 2.45 million trafficked internally and internationally during 1995 to 2004 | Will Not Estimate ² |
| Type of Exploitation | | | |
| <i>Commercial Sex</i> | 66% | 43% | 87% |
| <i>Economic or forced Labor</i> | 34% | 32% | 28% |
| <i>Mixed or other</i> | | 25% | |
| Gender and Age | 80% female ³ 50% minors | 80% female ⁴ 40% minors | 77% female ⁵ 9% male 33% minors |
| Definition of Trafficking | TVPA | U.N. Protocol | U.N. Protocol |
| Criteria for Data Collection | Transnational | Internal and Transnational | Transnational |

Source: This table is adapted from a table in the 2006 GAO report, entitled *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*.

¹ Estimate reported in the State Department's 2003, 2005, and 2006 report. In 2007, the State Department reported an annual estimate of 800,000.

² United Nations Office on Drugs and Crime, *Trafficking in Persons: Global Patterns*, 2006.

³ Women and girls

⁴ Women and girls

⁵ Women only

800,000 victims, referring to U.S. government sponsored research, without citing a source. The U.S. Government Accountability Office (GAO) criticized the method the U.S. government used to estimate that 600,000 to 800,000 people were trafficked worldwide annually.³ This estimate was developed by one person who did not thoroughly document his work, so that the estimate could not be replicated, casting doubt on the number's reliability. According to the GAO's report, the U.S. Department of State has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking-related data kept by government entities.⁴

The United Nations Office on Drugs and Crime (UNODC), as noted in Table 1, does not provide an estimate of human trafficking. According to their latest report, they believe that in recent years there has been an escalation of estimates reflecting the number of victims trafficked at the local, regional or global scale. At the present time, it is their position that broad agreement has not been reached regarding standardized instruments or the methodology that

should be used to calculate numbers. Problems are likely to include the following: data that are program-specific may be duplicates;⁵ some estimates only include women and children trafficked for sexual exploitation;⁶ inconsistent definitions of human trafficking are used;⁷ and there is a reluctance to share data within and between countries.⁸ The UNODC also asserts that the lack of accurate statistics is due only in part to the hidden nature of the crime, and that the lack of systematic reporting is the real problem.⁹

Table 1 also points to the types of exploitation and the gender and age of victims most commonly identified as victims. Across these three agencies that collect worldwide data, commercial sex is more prevalent than other forms of forced labor, and the majority of the victims are women and children. As the UNODC points out in its latest report, human trafficking for sexual exploitation is reported more frequently than trafficking for forced labor at the global level. Sex trafficking has dominated discussions about human trafficking, and forced labor is often not viewed as a significant issue in many countries. Thus, most identified victims have been women and children who seem particularly vulnerable to sexual exploitation. Far fewer sources have identified either male victims or others who have been subjected to forced labor, meaning that the number of male victims and forced labor victims in general, is likely to be vastly underrepresented.¹⁰ Human trafficking scholar David Feingold asserts that worldwide, labor trafficking is probably more widespread than sex trafficking.¹¹



Scope of Trafficking in the U.S.: The United States is widely regarded as a destination for trafficking in persons, yet the exact number of human trafficking victims within the United States has remained largely undetermined since the passage of the Trafficking Victims Protection Act (TVPA) in 2000. Initial estimates cited in the TVPA suggested that approximately 50,000 individuals were trafficked into the U.S. annually, but in 2005, the Department of State cited an estimate of 14,500 to 17,500 individuals annually. This large decrease calls into question the reliability of estimates and has potential consequences for the availability of resources to prevent human trafficking, prosecute traffickers and serve the victims of this crime.¹²

A national study using media reports and victim service provider interviews suggested that sex and labor trafficking were most commonly found in the following sectors: prostitution and sex services, domestic work, agriculture, sweatshop factories, restaurant and hotel work, and entertainment.¹³ Victims were trafficked from 35 or more countries; the largest numbers of victims were Chinese, followed by Mexican and Vietnamese. Some victims were born

and raised in the U.S. and found themselves pressed into servitude by deceptive means. The report concluded that from 1998 to 2003, forced labor operations were reported in at least 90 U.S. cities. These operations tended to flourish particularly in states with large immigrant populations, specifically Florida, New York, Texas and California.

Scope of Trafficking in California: As mentioned in “California’s Response to Human Trafficking,” the Human Rights Center at the University of California, Berkeley conducted a study of human trafficking, using the same methods and time period of the national study mentioned above.¹⁴ Over 80 percent of the documented cases took place in urban areas: Los Angeles, San Diego, San Francisco and San Jose, and the majority of victims were non-citizens, with or without valid travel documents.¹⁵

The authors of the report acknowledge that the relatively small number of cases of forced labor represents only media publicized incidents; they suspect the actual number is considerably higher.¹⁶ The largest number of foreign victims came from Thailand (136), followed by Mexico (104) and Russia (53). Thirty victims were American citizens. Prostitution represented the most common economic sector (47 percent), followed by domestic servitude (33 percent), sweatshops (5 percent), and agriculture (2 percent), for a total of 40 percent of the cases being labor rather than sex trafficking.¹⁷

The national and California studies give us a glimpse into the problem, and suggest the extent of human trafficking, but accurate estimates cannot be drawn from research that relies on media as one of its major sources because they are not scientific and the results are likely to be skewed. Moreover, media sources can easily be inaccurate. For example, if a particular case is described as smuggling instead of trafficking, or is not specifically described as a forced labor case, such a case may not have appeared in the report’s data set. Forced prostitution is also likely to be over-represented because of the extensive media and public interest in such cases.¹⁸ Finally, law enforcement agencies are more active in cases involving forced prostitution and other sex crimes while cases involving other forms of forced labor are often investigated by labor agencies.

California’s Federally-Funded Task Force Data: As mentioned in the Introduction, California has five Task Forces funded by the Department of Justice’s Bureau of Justice Assistance (BJA). The BJA requires that such Task Forces report bi-annually on the following:

- The number of persons identified as being potential victims of trafficking;
- The number of applications to the Department of Homeland Security for continued presence in the U.S.;
- The number of law enforcement and other persons receiving training on the identification of trafficking victims;
- The number of trafficking awareness presentations made to the public;
- The number of service providers and written collaborative agreements;
- The number of community support groups and written collaborative agreements; and
- The number of community education entities and written collaborative agreements.

Between December 1, 2005 and March 12, 2007, California’s five Task Forces reported that there were 559 potential victims identified; 57 applications for continued presence had been submitted;¹⁹ 12,341 law enforcement or others received training on identifying victims of human trafficking; and 104 trafficking awareness presentations were made to the public.

Note: These numbers do not include data from the Orange County Task Force, which is funded by the U.S. Department of Health and Human Services.

CA ACTS Survey Data Collection Results: The CA ACTS Task Force developed a statewide survey in order to learn as much as possible about the following: the known nature and extent of human trafficking in California, the kinds of data currently being collected, barriers to serving victims, barriers to arrest and prosecution, local training and public awareness efforts, and other local strategies to arrest and prosecute traffickers and assist victims. In addition to the survey, law students at the University of California, Davis conducted in-person and telephone interviews with experts in three rural counties to learn more detail about the nature and extent of human trafficking in areas of the state that did not have the benefit of a federally funded enforcement task force.²⁰

The CA ACTS Task Force designed a survey to query a variety of groups about their knowledge of human trafficking. Included were: statewide organizations (California Police Chiefs Association, California State Sheriffs’ Association, California District Attorneys Association, and the Commission on Peace Officer Standards and Training); federally funded regional law enforcement task forces to combat human trafficking; human trafficking victim services agencies; domestic violence and sexual assault service providers; immigrant rights groups; legal service providers; and refugee assistance organizations. Law enforcement and district attorneys in several rural counties without benefit of a federally funded task force were also specifically targeted to learn if their views and experiences were different from those in urban areas with operating task forces.²¹ There were 101 responses to the survey, and it is important to point out that only one-fifth of the responses were from law enforcement (approximately a five percent response rate from this group); the majority of the respondents were those involved in working with victims, including human trafficking, domestic violence, sexual assault, refugees or those in need of legal representation.

Table 2 presents an overall picture of how many victims the respondents had contact with in the year prior to the survey. While a large number of respondents had no contact with victims, a rather sizable proportion reported contact with one to 20 victims.

Table 2. Estimates of Human Trafficking Victims in the Last Year (n=94)

| Numbers of Victims | Percent Reporting |
|--------------------|-------------------|
| None or Unknown | 41% |
| 1 to 5 | 32% |
| 6 to 20 | 20% |
| 21 to 50 | 2% |
| 51 to 100 | 2% |
| Over 100 | 3% |

Table 3 illustrates the types of victims being reported in California. As the table shows, when the types of labor trafficking are added, there is slightly more labor trafficking reported than sex trafficking.

Table 3. Types of Trafficking Victims (n=58)

| Type of Trafficking | Percent Reported |
|-----------------------------|------------------|
| Sex Trafficking | 46% |
| Labor Trafficking | 54% |
| - <i>Domestic Servitude</i> | 31% |
| - <i>Agricultural</i> | 9% |
| - <i>Sweatshop</i> | 5% |
| - <i>Construction</i> | 2% |
| - <i>Other Labor</i> | 7% |

Those survey respondents who had contact with victims in the last year estimated that:

- Women comprised 74 percent;
- Children comprised 16 percent; and
- Men comprised 10 percent of victims.

While these results are similar to international data mentioned above,²² it is important to repeat the same caveats here. For several years, trafficking for sexual purposes has dominated discussions concerning the purpose of human trafficking, thus the identification of victims exploited through other forms of forced labor has been even less successful than for sexual exploitation. Sexual exploitation is also more likely to be familiar to local law enforcement and prosecutors, and thus is more likely to be investigated and prosecuted. Referring again to Table 3, 46 percent of respondents reported sex trafficked victims, likely to be women and children, but it is also important to point out that 31 percent of respondents reported cases of domestic servitude, which are also more likely to involve female victims.

Table 4 reflects the responses to a question about the types of human trafficking data collected. It is important to note that nearly 50 percent of those responding to the question did not collect data. Of those who did, more victim than offender data were reported as collected.

Table 4. Types of Human Trafficking Data Collected (n=100)

| Types of Data | Percent Reporting |
|---------------------|-------------------|
| None | 49% |
| Victim Only | 37% |
| Victim and Offender | 15% |
| Offender Only | 8% |
| Other | 8% |

Note: multiple responses were allowed

Among those who responded to a question about the type of data collected (n=56), 30 percent reported that they keep paper records only, 27 percent that they enter records electronically, 13 percent that they fill out progress reports required by grants, and nine percent that they collected data in all three forms.

Finally, among those who responded to a question of what would be necessary in order to improve data collection (n=78), 72 percent needed financial resources; 56 percent needed technical assistance; and 41 percent needed new, upgraded equipment.²³

Known and Potential Sources of Data in California: The following are sources or potential sources of data on human trafficking in California.

- The California Department of Justice (DOJ) can provide data on both arrests and case dispositions on charges of California Penal Code § 236.1, but these data are kept in separate data files and cannot be linked due to limitations of the data systems. However, DOJ also has a criminal history data file which can be queried by Penal Code § to locate arrests and dispositions. Penal Code § 236.1 became a reportable crime in January 2006 and we cannot expect to find much reporting on this new crime, especially until law enforcement, prosecutors and judges have been thoroughly trained. In a few years we could query the criminal history data file to learn more about arrests and dispositions. We could also query this file by other code sections, which may be more likely statutes for arrests by first responders (such as kidnapping and pimping) and see if the cases were then prosecuted using Penal Code § 236.1.
- The California Department of Justice Criminal Intelligence Bureau (CIB) collects intelligence and organized crime information related to human trafficking incidents from a variety of local, state and federal sources for the purpose of sharing this information specifically with law enforcement agencies throughout the state.
- Cases that have been investigated and prosecuted federally have data on both victims and traffickers.
- NGOs collect data on victims they serve, but it is not necessarily collected in a systematic manner; that is, what is collected is likely to vary by program.
- Regional Task Forces in California, funded by the Bureau of Justice Assistance (BJA), must submit reports to BJA, which include data on the numbers of potential victims they have identified, among other activities, described above.
- The U.S. Department of Health and Human Services and the federal Office of Victims of Crime should be able to report California grantee specific data about victim services, but we have thus far been unsuccessful in obtaining these data.
- New health and social services for trafficking victims, resulting from a change to California's Welfare and Institutions Code, commencing with § 18945, should provide a source of data as these programs are fully implemented.
- California's Victim Compensation and Government Claims Board maintains data on services provided to human trafficking victims.

In sum, there are several known and potential sources of data on human trafficking, but most are not systemically collected nor are they collected using common categories and definitions, giving us only parts of the picture.

❖ Finding and Recommendations

FINDING 1: California lacks comprehensive data on human trafficking.

Discussion: In the background we enumerated the many reasons why data collection on human trafficking is complex and difficult to collect. Like many other underreported crimes, victims are reluctant to report abuse, and traffickers ensure that reporting is not made easy, hiding their victims, and threatening them and their families with physical violence. Non-citizen victims are even more frightened to report; they may, in fact, be deported until law enforcement is adequately trained.

Like the problems faced by international and national agencies in regard to data collection and arriving at valid estimates of the extent of the problem, California shares those problems and has challenges of its own. In spite of the new law, data collection is hampered by the fact that human trafficking cases are likely being investigated and prosecuted under other sections of the penal code, such as kidnapping, prostitution, pimping and pandering. In addition, it is likely that some cases are being prosecuted under existing state labor laws as well. Furthermore, the lack of law enforcement training and the weaknesses in California's anti-trafficking statute (see "Investigating and Prosecuting Human Traffickers") have resulted in few arrests or charges under California's Penal Code § 236.1, making it difficult to collect accurate data on human trafficking victims and perpetrators. Finally, when California cases are prosecuted on a federal level, these data are collected and reported through their own data systems and may not be captured in data collected by local law enforcement or prosecutors.


California's current data collection systems do not provide a mechanism to collect human trafficking data. The forms used by law enforcement, district attorneys, county social services, health services and community-based organizations that serve trafficking victims do not provide a means to capture data in a uniform and consistent manner. Nor is there agreement on a working definition of trafficking or which data elements are the most important to collect.

The absence of any systematic health data on human trafficking victims inhibits the development of programs that would specifically address the unique needs of trafficked clients. For example, medical providers report a potentially high incidence of infectious diseases, such as hepatitis, tuberculosis and malaria among those trafficked in any labor sector, as well as an increased incidence of HIV and other sexually transmitted diseases among those trafficked for sexual labor.²⁴ The medical community does not have the epidemiological data required to determine what sort of screening or interventions are desirable. A collaborative system is needed to collect data on the full spectrum of medical and psychiatric issues and, ideally, to track the survivors' use of offered treatments and the ultimate outcomes of their interactions with health care providers.

The Task Force strongly endorses the development of a centralized database for systematic collection of human trafficking data from all agencies collecting such data, including federal, state and local law enforcement; federal and local prosecutors; the Labor and Workforce Development Agency; state and local health and social agencies that serve trafficking victims; and community-based organizations that assist trafficking victims. The Task Force acknowledges, however, that such a project is complex and a long-term goal, and would require significant funding. Therefore, the following steps should be taken in order to begin data collection in a timely manner.

RECOMMENDATIONS:

1. The California Department of Justice and the California Health and Human Services Agency should convene a statewide group, including government agencies and community organizations serving victims of human trafficking, to lead a statewide effort to:
 - Develop a method for collecting and reporting arrests and dispositions for human trafficking under California Penal Code § 236.1 and when other charges are used in prosecuting a trafficking case, if possible.
 - Ensure that all data collection efforts share a common approach.
 - Establish a common working definition of human trafficking based on the state law.
 - Establish a mechanism for capturing human trafficking data from federal law enforcement and prosecuting agencies.
 - Collect data in a manner that ensures client confidentiality.
 - Assess the process of implementing these efforts.
 - Use these data to evaluate California's progress against human trafficking and implement strategies for prevention.
2. Federal law enforcement and prosecutors working on human trafficking cases in California should share their data with the statewide data collection group to better determine the full extent of the human trafficking problem.
3. The California Labor and Workforce Development Agency should collect data on forced labor, including the number of cases, victims and violators by the labor codes used to prosecute such cases.
4. The California Departments of Social Services and Health Care Services should:
 - a) Collaborate in taking a leadership role to ensure that their county counterparts collect data on the human trafficking victims they serve.
 - b) Monitor the results of the Trafficking and Crime Victims Assistance Program (California's Welfare and Institutions Code, commencing with § 18945) to determine the number of victims receiving cash and medical assistance, and should make these data available to the public.
5. The U.S. Immigration and Customs Enforcement (ICE) and other appropriate agencies should collaborate to develop questions to ask deportees during exit interviews, by specially trained interviewers, in a culturally sensitive manner, to identify whether they were victims of trafficking.

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6. To increase reporting and thus help improve data collection, state and local agencies including law enforcement, social services, health services and community based organizations providing services to victims should encourage the public to report human trafficking to the U.S. Department of Justice Hotline, 1-888-428-7581; to the U.S. Department of Health and Human Services Trafficking Information and Referral Hotline, 1-888-373-7888; to locally established hotlines; to local anti-trafficking organizations; or to local law enforcement.
 7. The California Department of Health Care Services and the California Department of Public Health should develop a method of collecting comprehensive data to track the health problems of trafficking victims in order to assist them and to address any related public health issues. These departments should collaborate to create a system that collects data on the full spectrum of medical and psychiatric issues such as the incidence of infectious diseases, and physical and psychological trauma. Ideally, they should track victim compliance with treatments and treatment outcomes.

End Notes:

- 1 U.S. Government Accountability Office. 2006. *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*. Available online at www.gao.gov/cgi-bin/getrpt?GAO-06-825
- 2 See Amnesty International. 2004. *Mexico: Ending the Brutal Cycle of Violence Against Women in Ciudad Juarez and the City of Chihuahua*; Donohoe, M. 2003. Violence and human rights abuses against women in the developing world. *Medscape Ob/Gyn & Women's Health*. Vol. 8. Available online at <http://medscape.com/viewarticle/464255>; United Nations Secretary General. 2006. *In-Depth Study on All Forms of Violence against Women*.
- 3 The State Department is responsible for compiling data for its annual report on human trafficking. That effort, however, is a joint one, comprised of the following agencies: Department of Labor, Department of Justice, Department of Health and Human Services, Department of Homeland Security and the U.S. Agency for International Development.
- 4 U.S. Government Accountability Office. 2006. *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*. Available online at www.gao.gov/cgi-bin/getrpt?GAO-06-825.
- 5 Kangaspunta, K. 2003. *Mapping the Inhuman Trade: Preliminary Findings of the Human Trafficking Database*. United Nations Division for the Advancement of Women.
- 6 U.S. Government Accountability Office. 2006. *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*. www.gao.gov/cgi-bin/getrpt?GAO-06-825; Free the Slaves and Human Rights Center. 2004. *Hidden Slaves: Forced Labor in the United States*. Washington, D.C. and Berkeley, CA. Available online at www.hrcberkeley.org/download/hiddenslaves_report.pdf.
- 7 Kangaspunta, K. 2003. *Mapping the Inhuman Trade: Preliminary Findings of the Human Trafficking Database*. United Nations Division for the Advancement of Women.
- 8 Clauson, H., Layne, M., and Small, K. 2006. *Estimating Human Trafficking into the United States: Development of a Methodology*. Fairfax, VA: Caliber. Available online at: <http://www.ojp.usdoj.gov/nij/international/programs/lintraffick.html>.
- 9 United Nations Office on Drugs and Crime. 2006. *Trafficking in Persons: Global Patterns*. Available online at http://www.unodc.org/unodc/en/trafficking_persons_report_2006-04.html
- 10 *Ibid.*
- 11 Feingold, D.A. 2005. Human trafficking: Think again. *Foreign Policy*. September/October. 26-32.
- 12 Clauson, H., Layne, M., and Small, K. 2006. *Estimating Human Trafficking into the United States: Development of a Methodology*. Fairfax, VA: Caliber. Available online at: <http://www.ojp.usdoj.gov/nij/international/programs/lintraffick.html>.
- 13 Free the Slaves and Human Rights Center. 2004. *Hidden Slaves: Forced Labor in the United States* Washington, D.C. and Berkeley, CA. Available online at www.hrcberkeley.org/download/hiddenslaves_report.pdf. This report documents the nature and scope of forced labor in the U.S. from 1998 to December 2003.
- 14 Human Rights Center. 2005. *Freedom Denied: Forced Labor in California*. Berkeley, CA. Available online at www.hrcberkeley.org/download/freedomdenied.pdf.
- 15 *Ibid.*
- 16 *Ibid.*
- 17 *Ibid.* The authors do not report the proportions of victims by sex or report whether they were adult or minor victims.
- 18 *Ibid.*
- 19 "Continued Presence" is explained in detail in "Protecting and Assisting Victims of Human Trafficking." In brief, it refers to temporary immigration relief granted to eligible non-citizen victims of human trafficking who are potential witnesses of human trafficking in order to assist in the prosecution of the trafficker.

- 20 For research details, see Appendix F.
- 21 *Ibid.*
- 22 U.S. Government Accountability Office. 2006. *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*. Available online at www.gao.gov/cgj-bin/getrpt?GAO-06-825.
- 23 Multiple responses were allowed.
- 24 Silverman, J.G., Decker, M.R. Gupta, J. Maheshwari, A., Willis, B.M, and Raj, A. 2007. HIV prevalence and predictors of infection in sex-trafficked Nepalese girls and women. *Journal of the American Medical Association*, Vol. 298. pp. 536-542.

Protecting and Assisting Victims of Human Trafficking



“It is exhilarating to be free.”

Sathaporn Pornsririsak, trafficking survivor
 (“Human trafficking case ends for 48 Thai
 welders,” *Los Angeles Times*, 12/8/2006)

❖ Background

The second goal of the Task Force was to examine how California is protecting and assisting victims of human trafficking, where there may be gaps in services, and what more should be done. This section of the report covers the results of the Task Force’s examination of the unique needs of human trafficking victims, current benefits and services available, challenges in obtaining these benefits and services, the importance of immigration relief and hurdles in obtaining that relief, and the importance of identifying and recognizing the signs of human trafficking.

Victims of human trafficking live in brutal, desperate circumstances behind a wall of secrecy and deception – unable, because of physical or psychological trauma, to escape. Traffickers instill trauma through a sense of terror and helplessness and by destroying the victim’s sense of self. They threaten death and serious harm against victims and their families. They isolate their victims from sources of information and emotional support. Consequently, some victims experience symptoms of long-term psychological damage and chronic illness. Some attempt suicide.

In addition, survivors of trafficking often lack the basic skills they need to live independently in the United States. They may not understand English, how to use U.S. currency, or the role of government agencies, such as the police and the courts. Some may be extremely challenged when simply asking questions, buying groceries or taking public transportation.¹ Thus, service providers believe that these victims are unique and different from other victims of crime. They require more time-consuming, lengthy and structured services, especially while healing from the trauma they’ve suffered and the likelihood that they are isolated from their families.²

In order to better identify the many challenges victims face to be freed from their desperate circumstances, assist in investigations and rebuild their lives, the CA ACTS Task Force heard presentations from victims of human trafficking, as well as from human trafficking caseworkers, and researched a number of cases. Task Force members wanted to be sure that victims’ voices and experiences were heard. Members explored: (1) various points in victims’ contact with

the outside world where someone could have intervened to help them; (2) how they could have received help if law enforcement, social services or health care professionals or others had recognized the signs of abuse; (3) where posters and other printed information might have assisted victims in reaching out for help; (4) the primary immediate needs for victims on the verge of being identified; and (5) access to services victims need to integrate into the community and become self sufficient.

Five members of “Lideres Campesinas,” an agricultural worker women’s organization based in Pomona, told the CA ACTS Task Force about the slave-like conditions that female farm workers can encounter. Traffickers use deceptive promises to recruit individuals who are vulnerable because they live in poverty in Mexico or in other countries, to illegally cross the border and join the crew leader at the job site. These foremen or crew leaders often prey on immigrant women, abuse them, sexually assault them and threaten that if they complain, they will be deported and/or their families in their home countries will be killed or kidnapped. The foreman takes a portion of the workers’ wages to pay the “coyote” for smuggling the workers across the border. One foreman placed laborers in low-income housing, but did not tell them until later how much they would be charged for the housing, decreasing their pay even more. In another case, the foreman housed the workers in garages and made them work for less wages than other farm laborers because, he told them, they had no documentation. They became virtual prisoners.

Human Trafficking Victims’ Unique Short and Long-Term Needs. Trafficking victims face difficult obstacles and have unique short- and long-term needs. To make it more feasible for victims to escape, survivors must trust that they will not be automatically deported and that their immediate health, safety and housing needs will be met. High-security shelters are important for victims of human trafficking because organized criminal organizations are often involved, thus putting shelters at risk. Appropriate interpreter services are key to earning the victim’s trust.

Trafficked individuals also have unique medical and psychological needs due to the severe physical and emotional trauma experienced in forced labor settings. For example, rape or forced prostitution may lead to sexually transmitted diseases. Many may also show signs of workplace trauma, beatings or torture. Others suffer from malnourishment or have substance abuse problems due to coerced drug use.

CA ACTS survey Responses on Victim Services. As Table 5 illustrates, the CA ACTS survey respondents reported many barriers to providing victim services.

Table 5. Commonly Reported Barriers to Providing Victim Service (n=69)

| Barrier | Percentage Reporting |
|--|----------------------|
| Language concerns | 65% |
| Lack of adequate provider funding | 62% |
| Lack of adequate provider training | 59% |
| Lack of adequate victim resources (e.g., housing, transportation, health and mental health services) | 57% |
| Safety concerns | 49% |
| Victim's legal status | 48% |

Note: Multiple responses were allowed

Among the most commonly reported barriers were language issues, lack of adequate service funding, lack of adequate training and lack of adequate resources, such as housing, transportation and staff.

Table 6 illustrates the most common barriers that prevent victims from seeking services.

Table 6. Common Barriers Preventing Victims from Accessing Services (n=68)

| Barrier | Percentage Reporting |
|--|----------------------|
| Fear of deportation | 97% |
| Fear of retaliation | 91% |
| Lack of trust in the system | 90% |
| Lack of knowledge about available services | 88% |
| Language difficulties | 85% |
| Lack of knowledge of victims' rights | 85% |
| Lack of social support | 77% |
| Held in captivity | 68% |

Note: Multiple responses were allowed

Among the most common barriers were the fear of deportation, fear of retaliation, lack of trust in the system, lack of knowledge about available services, language barriers and lack of knowledge about victims' rights.

These survey findings closely resemble the results of a study of U.S. based service providers and trafficking victims.³

Recognizing the Signs of Human Trafficking. It is critical that those most likely to first encounter victims recognize the signs of human trafficking, understand victim dynamics and respond effectively. For example, law enforcement needs to know that victims must feel safe before they will speak with officers or investigators. By showing empathy, patience and respect for the victim's dignity, and concern for the safety of the victim and the victim's family, law enforcement can establish trust and rapport. They need to know how to involve victim assistance programs and nonprofit agencies to assist the victim and build trust.

“I tried so many times [to help] but she was afraid the police or immigration services would put her in jail.”

Sandra Sheridan, neighbor of trafficking survivor Nena Jimeno Ruiz,
Culver City (*Santa Monica Daily Press*, September 3, 2004)

In addition, labor department personnel who conduct investigations of businesses for labor force violations need to recognize victims of human trafficking and treat them as victims. Prosecutors who understand the multiple facets of trafficking, and how to work with NGOs and others to assure that victims are provided the services they need, will be more effective in acquiring victim testimony needed to hold traffickers accountable for their crime. Judges who are informed about the complex nature of human trafficking can make better decisions in the courtroom.

Benefits and Services for Human Trafficking Victims.

Federal

The federal Trafficking Victims Protection Act makes housing, education, health care, job training and other federally funded social service programs available to assist victims in rebuilding their lives. To be eligible the individual must be certified by the U.S. Department of Health and Human Services (DHHS) as a victim of human trafficking. Once certified, the victim becomes eligible for benefits to the same extent as refugees, including refugee cash, medical assistance and social services. Victims under the age of 18 and those who are U.S. citizens do not need to be certified in order to obtain these benefits. Individuals not yet certified may be able to obtain interim assistance and services through NGOs.

Non-citizen victims of human trafficking may be eligible for immigration relief, including:

T visas. The TVPA grants non-citizen victims the right to remain in the country legally for up to three years, and then adjust their status to lawful permanent residents. However, currently, victims cannot become lawful permanent residents because regulations have not yet been developed covering this status adjustment. In order to qualify for a T visa, applicants must be victims of a severe form of trafficking, face severe and unusual harm if they were sent back to their home country, comply with any reasonable request from law enforcement to assist in the investigation or prosecution of the trafficker and meet other eligibility requirements. Children under 18 years of age are eligible for a T visa without meeting the requirement to aid in the criminal investigation. The law provides for the issuance of up to 5,000 T visas to victims per year.

Continued Presence. In order to assist in the prosecution of human traffickers, eligible non-citizen victims who are potential witnesses of trafficking may receive temporary immigration relief under the “Continued Presence” provision of federal law. This designation is granted so that a foreign victim of human trafficking may be present in the U.S. during the investigation and prosecution of the trafficker. A federal law enforcement officer must initiate a request for Continued Presence. Trafficked victims may apply for a T visa, however, without having Continued Presence requested on their behalf.

U visas. U visas, also created by the federal TVPA, allow non-citizen victims who have suffered substantial physical or mental abuse as a result of being the victims of certain crimes, including trafficking, to remain lawfully in the country for a specified period of time. Victims must be likely to be helpful with the investigation or prosecution of the crime. Up to 10,000 U visas may be issued to victims annually. To obtain a U visa, individuals do not have to be victims of a “severe form of human trafficking,” as required for the T visa, and, therefore, more victims may be eligible for a U visa. However, until September 2007, regulations had not been developed on the issuance of U visas, so the U.S. Department of Homeland Security, meanwhile, provided for “U visa interim relief,” which has allowed potential recipients of a U visa to remain lawfully in the country pending the issuance of regulations governing U Visas. Recipients of U visas are not eligible for federal benefits.

(Note: The letter, “T,” used in T visas relates to a section of the federal code and does not stand for “trafficking.” Similarly, the “U” in U visas refers to a section of the federal code.)

California

Social Services. The Access to Benefits for Human Trafficking and Other Serious Crimes Act (California Welfare and Institutions Code, commencing with § 18945) authorizes temporary benefits for non-citizen victims of trafficking prior to federal certification and for victims of other serious crimes. Depending on the particular circumstances, under the resulting Trafficking and Crime Victims Assistance Program, administered by the California Department of Social Services, a victim may receive through county social service agencies between 8 and 60 months of state-funded cash aid, food stamps and/or social services, while awaiting certification which confers eligibility for federal benefits.

Health Services. Human trafficking victims who are federally certified are eligible for Refugee Medical Assistance, administered by the California Department of Public Health (CDPH); Medi-Cal, administered by the Department of Health Care Services (DHCS); and the Healthy Families Program, administered by the Managed Risk Medical Insurance Board. Under California Welfare and Institutions Code, commencing with § 18945, victims of human trafficking are also eligible for immediate health services, as long as they intend to apply for or are in the process of applying for federal certification. Immigrants who do not have lawful status are not eligible for refugee benefits until they are federally certified as victims of human trafficking. These services would be provided through the DHCS’s Medi-Cal program as a state-only funded program.

Victim Compensation. The California Victim Compensation and Government Claims Board provides compensation to victims of violent crime in California or to Californians who become victims while they are outside of the state. Victims are eligible despite their immigration status and are may be compensated for health services and other costs.

California’s Federally-Funded Task Forces: California’s five Task Forces funded by the Department of Justice’s (DOJ) Bureau of Justice Assistance (BJA) referenced earlier, report that between December 1, 2005 and March 12, 2007, 12,341 law enforcement or others received training on identifying human trafficking victims and 104 trafficking awareness presentations were made to the public.

(Note: These numbers do not include training provided by other task forces, including the Orange County Human Trafficking Task Force, funded by the U.S. Department of Health and Human Services.)

❖ Findings and Recommendations

FINDING 1: Many members of law enforcement, health and social services providers, labor agencies and other first responders may fail to recognize the signs of human trafficking, and thus miss precious opportunities to help victims escape to freedom.

Discussion: Victims of human trafficking can be freed only if they reach out for help, if someone notices that something is wrong and notifies authorities, or if law enforcement or labor authorities identify and assist them. Yet, because traffickers are masters of control and intimidation, victims are usually too frightened to seek help. In addition, those most likely to come into contact with victims, such as members of law enforcement, the health and social service professions, the clergy, NGOs or the public often do not recognize the signs of human trafficking. Therefore, opportunities to identify victims are lost.

Because California’s anti-trafficking laws are relatively new, many members of law enforcement, health and social services providers, labor agencies and the general public are not trained on the signs of human trafficking. Compounding the problem, most victims do not know their rights. They are not aware of the laws and services that can help them. Traffickers often use psychological coercion – confiscating identification papers and claiming that if victims try to escape, they will be jailed or deported and their families will be targeted for retaliation – contributing to their fear of seeking assistance. Lack of awareness about human trafficking deprives victims of access to the services they need to escape their traffickers and reconstruct their lives.

It was also brought to the Task Force’s attention that, in addition to the many hurdles trafficking victims must overcome in coming forward to report their condition, they also can face problems in the workplace. During federal law enforcement or labor department “sweeps,” they are often not identified as victims. While many federal sweeps result in providing assistance to victims, others can lead to deportation or punishment. Many victims become scapegoats, while employers receive minor rebukes. Sex workers suffer even worse sanctions because they are often designated as criminals (prostitutes), which make it more difficult for them to re-enter the country once they are deported.

In addition, it is important that law enforcement and victims’ organizations understand the cultural context of investigations and interviews in order to maximize their ability to identify and help trafficking victims. The public also needs to recognize the signs of human trafficking and know how to respond.

The CA ACTS Task Force heard a presentation from “Esperanza,” a mother of three, who left Mexico to work in the United States after being promised good work, clothing and a house. She ended up working as a slave in a garment factory in Los Angeles. She toiled 14 hours a day and was forced to sleep in the shop. She was told that she owed \$2,500 for arrangements to bring her into the country. The shop manager confiscated her identity documents, and told her that since she had no papers and didn’t speak English, no one would believe her if she reported her situation. The manager told her that if she tried to escape, she would be put in jail and deported, and that if she notified authorities, her family in Mexico would suffer. “You are illegal,” the trafficker told her, “Dogs have more rights than you do.” “I felt I was in darkness, with no hope,” Esperanza said.



“Esperanza,” a victim of human trafficking, escaped from a sweatshop in Los Angeles

Esperanza eventually escaped from the sweatshop that had held her captive. “I was free,” she said. “I tasted the freedom. I decided not to go back.” Esperanza cooperated with authorities to prosecute her trafficker. Her trafficker was given only six months of house arrest and then visited Esperanza’s mother in Mexico to locate her. Her trafficker is still trying to find her, so Esperanza never feels truly free. The victim chose the name, “Esperanza,” or “hope,” because she wanted to speak for those who are too afraid to seek help.

Trafficked individuals’ unique medical and psychological needs due to the severe physical and emotional trauma experienced in forced labor settings also need to be addressed. Rape or forced prostitution resulting in sexually transmitted diseases; workplace trauma, beatings, or torture; malnourishment; substance abuse problems due to coerced drug use; and psychological trauma distinguish trafficked individuals from the average clinic patient. Consequently, physicians and other service providers need specialized training in order to properly assess, refer and treat such individuals.

RECOMMENDATIONS:

1. Law enforcement, victim services providers, health and social services personnel, other first responders and the public should be educated on how to identify and assist victims of human trafficking. (See Finding 2 and corresponding recommendations in "Investigating and Prosecuting Human Traffickers," pp. 73-74; and Finding 2 and corresponding recommendations in "Preventing Human Trafficking in California," pp.83-86.)
2. The California Labor and Workforce Development Agency should train their field investigators to look for the signs of human trafficking with a caution that in "enforcement sweeps," victims of human trafficking should be identified and helped. Investigators should report such findings to their superiors for further investigation and service referral rather than potential deportation. The Agency should also monitor businesses and industries it oversees to assure that forced labor abuses are not occurring.
3. The Legislature should consider amending the Business and Professions Code to include a requirement for mandatory training on human trafficking for all physicians, psychologists and social workers practicing in California. Such training could be accomplished through a one-time mandatory Continuing Education course that would count towards the annual educational requirements already specified by the California Boards governing each respective profession.

FINDING 2: Insufficient funding for organizations that provide services to victims of human trafficking impedes their chance for receiving services and escaping their enslavement.

Discussion: Victims must have access to trained human trafficking service providers to create the trust and support they need to stabilize their lives and seek help. A case manager skilled in serving human trafficking victims is very important in order to assist the victim in applying for and obtaining benefits, explaining victims' rights, overcoming lack of knowledge by social services or other agency staff and providing guidance on the often confusing social services network. Victims of human trafficking need shelter, safety planning, legal services, immigration assistance, benefits coordination, health care, translator services and job training and referral.

Yet funding to identify and assist victims is sparse, inhibiting their ability to find a way out. When victims finally do disclose their desperate circumstances, providing for their immediate needs for food and shelter before they become eligible for federal benefits can be difficult and costly. Although "bridge" benefits are available from the state (California Welfare and Institutions Code, commencing with § 18945) these do not address the need for NGO caseworker assistance to help victims access services.

There are a number of additional obstacles that make it difficult to provide services to human trafficking victims, and thus support them in coming forward. For example, cash assistance is available for victims, but the amount is so limited that it is not sufficient to meet housing and other basic needs. While California is among the top destination states for human traffickers,

the state has not established funding for the critical functions that NGOs provide to trafficked victims – functions needed before most survivors can even begin to access the state and federal benefits and services to which they are entitled. California’s rural areas have especially lacked resources on human trafficking, since most federal funds for human trafficking task forces and provider services grants have been awarded to urban areas.

In addition, new federal funding processes are making it more difficult for victim service providers to help human trafficking victims. Until recently, the U.S. Department of Health and Human Services (DHHS), Office of Refugee Resettlement (ORR), provided grant funding to individual NGOs. Now, it contracts with a national provider, the U.S. Conference of Catholic Bishops (USCCB), which disseminates direct service funds to organizations through a reimbursable per capita system. This change



from a grant program to per capita reimbursement indicates a lack of understanding regarding the nature of serving this population that needs long-term assistance and services that lead to self-sufficiency. The DHHS contract transforms the prior relationship of funder-grantee to that of contractor-vendor. This is a model adopted from the business world, but one guided by rigid procurement rules that do not take into consideration the extremely complicated needs of trafficking victims.

This new funding process does not account for NGOs’ many ongoing costs, such as assuring trained caseworkers. In the per capita system, if a \$400 - \$500 stipend per human trafficking victim receiving services is provided, for example, then during a time of smaller caseloads, staff must be laid off and are no longer available to meet the needs of new victims. In mid 2007, the USCCB sent out a survey to victim service providers stating that ORR is considering limiting the length of service periods for which trafficking survivors will be funded, causing potential additional funding constraints.

NGOs do not have enough resources to provide the most basic and immediate needs of trafficking victims for food and shelter, much less provide the long-term assistance they need to rebuild their lives. Cases in which there are multiple victims pose additional challenges for relevant agencies and community organizations serving victims, due to limited funding. NGOs, in fact, are currently providing services for which they are not being compensated. A re-examination of the DHHS and U.S. DOJ funding levels is critical in order to re-establish the funding mechanism best suited to the nature of serving human trafficking victims.

RECOMMENDATIONS:

1. The Legislature should identify potential funding sources (i.e., asset forfeiture funds, fines and penalties, assessments, the General Fund, etc.) to fund non-governmental victim service organizations to provide legal and social services for human trafficking victims. Outreach should also be funded to locate victims and refer them to experienced service providers.
2. The U.S. Department of Health and Human Services (DHHS) and the U.S. Department of Justice, Office for Victims of Crime, should provide sufficient levels of funding for organizations serving victims of human trafficking. DHHS should also reinstate the former grant funding process rather than the per capita contractor-vendor arrangement to allow for the hiring of core case workers who provide essential direct client services.
3. The U.S. Department of Justice should assure that additional human trafficking initiatives are not funded at the expense of victim services.
4. The Legislature should fund resources on human trafficking for rural areas, as most of the federally funded human trafficking task forces and current resources have been available primarily to large urban areas.

FINDING 3: Shelter is one of a trafficking victim's most critical needs, but California does not have enough appropriate shelter space to support the needs of human trafficking victims.

Discussion: California has the first shelter in the nation designed specifically for human trafficking victims. This shelter, funded by the U.S. Department of Justice and created and administered by the Coalition to Abolish Slavery & Trafficking (CAST), is located in Los Angeles and provides housing for adult female trafficking survivors.

In addition, CAST and other NGOs that serve human trafficking victims in northern and southern California work with other shelter programs that have dedicated space for human trafficking victims as an alternative housing option. Asian Pacific Islander (API) Legal Outreach in San Francisco, for example, which serves victims of human trafficking, has enlisted the help of a network of domestic violence shelters, including the Asian Women's Shelter, that are experienced with immigrant victims of crime. API Legal Outreach trains staff at these shelters on the unique needs of human trafficking victims. Homeless shelters, such as the Salvation Army's, have also been used to house human trafficking victims. Male victims of human trafficking have been housed through alternative housing options. Several organizations in California are attempting to develop additional shelters specifically for human trafficking victims.

Experience from the state's providers of shelter services to victims of human trafficking has shown that these individuals have unique long-term needs in order to fully integrate into the community. Four factors must be addressed in order to provide appropriate shelter for human trafficking victims: (1) Shelters must be designed to keep victims safe and secure. Ideally, they should be in undisclosed locations in order to protect victims from retaliation, especially since many traffickers are members of organized crime rings. (2) Housing must be available for a longer term than traditional domestic violence shelters offer. Because of long waits

for immigration status, work authorization and case decisions, it can often take trafficking victims longer to build a life of self-sufficiency than those housed in shelters designed for other purposes. Victims assisting in the investigation and prosecution of traffickers often must remain nearby to be interviewed and, where appropriate, participate in legal proceedings, since transportation can be expensive and not readily available, especially in rural settings. (3) Human trafficking victims need transitional housing to help support them while they move toward ultimate self-sufficiency. Transitional housing is also flexible for meeting the needs of men and women and to broaden location choices to meet safety needs. (4) The unique language and cultural needs of immigrant victims of human trafficking must be addressed.

Experience has shown that a network of emergency shelter, transitional housing and support services designed specifically for human trafficking victims works best. California should provide such a network in order to achieve the highest standard of practice in addressing the needs of trafficking victims.

Both human trafficking and domestic violence victim service providers are concerned over the long term about the risk of relying on California's domestic violence, homeless and other shelters to meet the needs of victims of human trafficking. Existing shelters often do not have the funding resources to serve their own target population, much less the capacity to meet the unique needs of human trafficking victims. Current services for victims of domestic violence and the homeless are already strained, and it is important to prevent compromising funding levels for these shelters and services. Funding for human trafficking shelters should not impact funding for domestic violence or other shelters.

Furthermore, as mentioned above, human trafficking victims often need special security measures and more long-term housing than may be available at California's domestic violence, homeless and other shelters. Many domestic violence and other programs are not able to accept human trafficking victims because of lack of training and expertise and strict funding guidelines that limit the populations they are able to serve. They also feel that this does not fall within their agency mission and that acceptance of trafficked victims increases the possibility of exposure to violence.

Due to the unique needs and circumstances of human trafficking victims, the focus in domestic violence shelters on issues relevant to domestic violence victims during support groups and counseling offered at these shelters is not relevant to victims of human trafficking.

Also, shelter staff are minimally trained or not trained at all in how to meet the unique needs of these victims. Additionally, some human trafficking service providers have witnessed the stigmatization of trafficked women by other domestic violence shelter clients who do not understand human trafficking. This is especially true for those women who were trafficked into the sex industry.



Another area of concern is that most domestic violence, homeless and other shelters do not immediately refer clients for health screenings. The likelihood of some human trafficking victims being exposed to and contracting diseases, or coming from countries where they have become exposed to infectious diseases, such as tuberculosis, is high. Because trafficking victims commonly enter the country with little or no health screening, this could pose a health threat to the other shelter residents, particularly children.

Furthermore, homeless shelters are a temporary remedy to housing human trafficking victims, and homeless shelters pose challenges of their own. Both men and women are housed together in homeless shelters with minimal supervision, which, because of a trafficking victim's traumatic experiences and language and cultural differences, could make a human trafficking victim feel threatened and unsafe. It is also important to provide separate housing options and services for minor victims of trafficking. The federal Unaccompanied Refugee Minors (URM) Program assists refugee minors, as well as minors who are victims of a severe form of trafficking, who are without a responsible adult, with specialized resettlement and foster care services. The program, administered by the Office of Refugee Resettlement, also provides training designed to address the special adjustment needs of these youth to those who furnish shelter and other services to them. Although California has minor victims of human trafficking, there is currently only one URM Program site in the state and it is located in San Jose.

RECOMMENDATIONS:

1. The Legislature should provide funding for shelters specifically for victims of human trafficking, based on an integrated housing model that includes both emergency shelters and transitional housing. This housing should meet the unique needs of human trafficking victims, including language and cultural needs and special safety measures to prevent retaliation from organized crime rings. Funding for human trafficking shelters should not compromise funding for California's other shelters.
2. The Legislature should allocate funding for alternative housing options for child and male victims of human trafficking.
3. The federal Office of Refugee Resettlement should seriously consider funding a second Unaccompanied Refugee Minors Program (URM) site in the state, preferably in Southern California. In addition, because minor victims of human trafficking have special legal and developmental needs, whenever possible, these youth should be placed in the URM Program or, at minimum, should be placed with foster parents who have received training equivalent to that provided through the URM Program.
4. Human trafficking and immigrants' rights organizations should form alliances with existing domestic violence, homeless and other shelters to create a coalition of housing alternatives for human trafficking victims to meet the individual needs of each community.
5. The U.S. Department of Housing and Urban Development (HUD) should give the same priority access to HUD housing units to human trafficking victims as it now gives to the chronically homeless.

FINDING 4: The high rate of denial of federal T visa applications and the failure of the federal government to issue regulations for adjustment of status to lawful permanent residents prevent human trafficking victims from obtaining the benefits and services they need to rebuild their lives, and law enforcement and prosecutors from identifying and prosecuting traffickers.

Discussion: The Vermont Service Center (VSC), a division of the U.S. Citizenship and Immigration Services (CIS) within the U.S. Department of Homeland Security is responsible for adjudicating T visa applications. The T visa application process is detailed and extensive, and issues surrounding the crime of human trafficking and identification of human trafficking victims are complex. T visa applications can take as long as two years to be approved. Meanwhile, no federal benefits and only limited state benefits and services are available. The law provides for the issuance of up to 5,000 T visas per year. Yet, it has been difficult to determine why so many of these visa applications have been rejected.

According to the VSC, as of June 14, 2007, 929 principal applications for T visas were approved and 636 principal applications were denied. (“Principal applications” refer to applications from an individual who is applying as a victim of human trafficking, not for family members or other “derivative” applicants who could be eligible if the principal applicant is.) The VSC noted that a significant portion of the applications denied related to a large, group filing, which included many individual applications relating to the same “alleged trafficking scenario” and the VSC adjudicated each one individually. Each was denied because the VSC did not believe that victimization had been established. While the denial rate seems high, a significant portion of the applicants were part of a group involved a single case that did not meet VSC’s criteria.

Major reasons for denial, according to the VSC, are “not establishing that one is a victim of a severe form of trafficking in persons” and not establishing “presence in the U.S. on account of trafficking.” In addition, if the VSC seeks evidence from the applicant/representative and does not receive a response to that request, this may lead to denial, because the record would not establish that this particular criterion was met.⁴

However, some CA ACTS Task Force members believe that there may be other factors leading to the high rate of denial of T visas. U.S. CIS sometimes applies a higher evidentiary standard than the “any credible evidence” standard that should be applied to all T visa adjudications. In other cases, an alarming number of T visa applications that are denied appear to be based on lack of representation and/or incomplete applications, (which may or may not result from the lack of representation.) The U.S. CIS, some believe, may not be correctly adjudicating some applications, perhaps due to the fact that trafficking laws are relatively new and personnel have not received enough training. Conversely, immigration attorneys may not be sufficiently trained on this emerging issue and the corresponding new laws and regulations. A better understanding is needed of why the rate of T visa denials is so high.

A few Task Force members also believe that the U.S. CIS may sometimes be denying applications for U visa interim relief if the crime(s) detailed in the application is not a crime(s) specifically named in the U visa provisions. Eligibility requirements specify that the crimes enumerated, as well as “any similar activity in violation of Federal, State, or local criminal law,” are supposed to be viable crimes for which a victim may seek relief.⁵

It is also important to note that while U visa “interim relief” is a short-term solution, regulations governing the issuance of U visas themselves were just recently developed and, therefore,

U visas have not been available. In addition, regulations for the T-visa-based adjustment of status to lawful permanent residence, and for U-visa-based adjustment of status to lawful permanent residence are not yet available, thereby cutting off these forms of immigration relief for victims even though the law creating these forms of relief was passed in 2000 – over seven years ago.

In addition, while it is of utmost importance to pursue all means to enable a human trafficking victim to obtain a T visa and any services and benefits for which the victim is qualified, in some cases, for various reasons, a victim will not be officially designated as a victim of a severe form of trafficking. In these cases, NGOs and agencies may have other measures available to assist the individual. For example, the individual may be eligible to apply for legal status under the Violence Against Women Act (VAWA). Also, safe relocation to another country is an alternative depending on the victim's wishes. Special Immigrant Juvenile Status is an option for minors if it is found that a child is abused or neglected, but this status has limitations, including separation from parents. Local courts may also issue a restraining order against the perpetrator, depending on the circumstances.

RECOMMENDATIONS:

1. The Governor, Attorney General and Legislature should urge the California Congressional delegation to ask for a study of the federal T visa program to assess why the rate of denial of T visas is so high and what can be done to make it easier for eligible human trafficking victims to qualify.
2. Simultaneously, in order to initiate potential immediate changes, the Governor, Attorney General and state and federal legislative leaders should request the U.S. Department of Homeland Security to examine how to: (a) expedite the processing of T visa applications; and, (b) expedite the issuing of regulations for "adjustment of status" of T visa and U visa holders. These actions will help provide the path for permanent residency for eligible human trafficking victims.
3. The American Immigration Lawyers Association and other appropriate attorneys' organizations should encourage more attorneys to obtain training to work on a *pro bono* basis with organizations serving trafficking victims in order to help victims with needed legal services.
4. NGOs, battered women's shelters, rape crisis centers and immigration rights groups, in coordination with local law enforcement agencies, should consider alternative solutions to help trafficking victims who cannot be officially certified (i.e. VAWA, sexual assault and domestic violence services, relocation, restraining orders, etc.).

FINDING 5: The caseworker/counselor confidentiality privilege, earned through training specified in California's anti-trafficking law, is important in encouraging victims to come forward, but the law does not designate an agency to certify the training.

Discussion: A key factor in creating an environment where individuals coerced into forced labor feel free to come forward and disclose their desperate conditions is the assurance that

they can speak to a trusted person, knowing that their information will be kept confidential. Establishing rapport and trust with caseworkers who advocate on their behalf also assists in supporting victims of trafficking through a potential maze of systems and services. Victims are more likely to interact freely and openly with advocates and caseworkers who are able to assure them that the information that they are sharing is private and confidential. Since advocates and caseworkers do not serve an investigative role in the identification or adjudication of trafficking cases, confidentiality does not hinder civil or criminal processes but provides a dramatic improvement in the ability to coordinate social services and support for victims.

California's Evidence Code commencing with § 1038 includes specifications on human trafficking training for caseworkers, which enables those trained to obtain the caseworker/counselor confidentiality privilege. This certification is important to assure the caseworker/counselor confidentiality privilege and the highest standards of training. However, the CTVPA (California Evidence Code § 1038) does not designate an agency to certify the training. Designating an agency, such as the Office of Emergency Services (OES), to certify this training would assure consistent and timely training of caseworkers. OES currently certifies rape crisis training. This designated agency should develop a process for certification jointly with NGOs that have a demonstrated history of service provision to trafficked persons and reflect established best practices.

RECOMMENDATION:

1. The Legislature should amend California's Evidence Code, commencing with § 1038, to designate the Office of Emergency Services to certify the 40-hour human trafficking caseworker training specified in the law and to require that training providers have significant experience working on trafficking cases with California law enforcement agencies and providing comprehensive services to trafficking victims in California.

FINDING 6: A trafficked victim's right to civil relief is not well known and, therefore, is often not addressed.

Discussion: Despite the efforts of law enforcement and service providers to protect and meet the various needs of trafficking victims, a gap continues to exist in the model of comprehensive care to trafficking victims. Often left out is the trafficked victim's right to seek monetary compensation from his or her trafficker. Under state and federal employment laws, workers – including trafficked persons – have a right to be paid, a right to a safe and healthy work environment and a right to be free from abuse and harassment in the workplace. Tort laws provide trafficking victims with the right to bring claims for the egregious abuses inflicted upon them such as assault, battery and false imprisonment. The private right of action for trafficking victims included in The Trafficking Victims Protection Reauthorization Act of 2003 and other civil rights and labor statutes empower trafficking victims to hold their traffickers directly accountable for the crime of modern-day slavery.

Following the example of the federal TVPA and the amendments of the 2003 reauthorization, the CTVPA also ensures that victims may recover civil damages from their abusers. The California private right of action for trafficking victims, the only state level trafficking-specific civil remedy in existence, is unique in that it includes several elements to broaden protection of a victim's civil rights. Pursuant to California Civil Code § 52.5, a trafficking victim may bring a

civil action for actual, compensatory and punitive damages, and injunctive relief. Among other things, § 52.5 also provides for treble damages where a defendant's injurious conduct is willful or malicious. Finally, because of a trafficked person's indigent status, a prevailing plaintiff may recover attorney's fees and costs.

“Human trafficking is the greatest civil rights violation known to man, and these victims of trafficking are waiting to be rescued.”

Deputy Rick Castro
San Diego Sheriff's Department


Obtaining a civil judgment allows the trafficked person to make a significant step toward economic stability and self-sufficiency. Further, § 52.5 is a powerful tool to deter trafficking by shining a bright light on the punitive financial consequences of exploiting trafficked labor.

To date, there have been approximately 20 lawsuits utilizing the federal trafficking private right of action and only one lawsuit also utilizing the California trafficking private right of action.⁶ Based on the observations of civil rights lawyers and other anti-trafficking advocates, there are three apparent needs in the area of anti-trafficking civil litigation. First, there is a need to educate first responders about the trafficked person's civil right to receive damages from the traffickers, so that they may inform the trafficked individuals with whom they come in contact. Second, there is a need to connect first responders to competent civil rights attorneys who are equipped to effectively represent those trafficked persons who wish to sue their traffickers. Third, and most importantly, there is a need to formalize technical support for attorneys and their trafficked clients as they strategize lawsuits against traffickers.

Anti-trafficking civil litigation is complex, from identifying a trafficker's hidden assets to protecting a trafficking victim from excessive intrusion into their personal lives. Thus far, technical assistance has been provided informally by a handful of attorneys with expertise in anti-trafficking civil litigation.⁷ Yet, new attorneys who litigate these cases require ongoing guidance on drafting pleadings, working with parallel criminal prosecutions against traffickers and, most importantly, effectively representing the interests of their trafficked clients who comprise an extremely vulnerable population and may be unfamiliar with the civil legal process. Moreover, civil attorneys as well as social service providers, immigration attorneys and law enforcement must share information on their respective roles and how the civil legal process may impact the multiple issues that arise in each trafficking case. Thus, there is a need to systematize mentorship and education efforts to promote the effective representation of trafficked persons in civil litigation.

RECOMMENDATIONS:

1. Governmental and non-governmental organizations that provide training on human trafficking should incorporate information on trafficking civil relief.

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2. Legal service providers, social service providers and NGOs should inform trafficked persons of their right to civil relief and, to the extent possible, connect trafficked persons to available and experienced resources for civil litigation or litigation on behalf of exploited trafficked workers.
 3. The Legislature should consider funding efforts to systematize and formalize anti-trafficking civil litigation assistance, which will connect trafficked persons to competent *pro bono* attorneys and provide on-going mentorship and support to these attorneys and their trafficked clients pursuing civil litigation.

FINDING 7: The delivery of and access to victim services are not always well coordinated throughout the state.

Discussion: Human trafficking victims often have difficulty accessing services because the complexity of local, state and federal government programs can result in delays in obtaining services and benefits. These obstacles are particularly challenging for survivors of human trafficking because they may not understand English or the role of government agencies, such as the police and the courts. As mentioned earlier, these victims often fear retaliation against themselves or their families and do not trust the judicial system. Because of their unique needs and circumstances, they require more time-consuming, lengthy and structured services, especially while healing from the trauma they have suffered and the likelihood that they are isolated from their families. They need interpreters who understand what questions to ask and how to ask them, with an insight into their fears, in order to earn their trust and learn the facts about their desperate conditions.

Processing paperwork for access to programs and services can be daunting for these victims. Many victim service providers and others are not yet trained on the availability of these benefits and how to access them.

Many efforts have been made in areas of the state, including regional task forces and coalitions, as referenced earlier in this report, to establish protocols to assess victims' needs, collaborate with government agencies and non-governmental organizations to ensure that victims are receiving needed services, and investigate and prosecute traffickers. More can be learned from these collaborative efforts.

Some victims' groups also believe that the requirement to cooperate with law enforcement places an undue burden upon traumatized victims who may be too terrified of their captors to collaborate with authorities. These groups believe that a victim-centered approach should promote the prosecution of traffickers without the condition that victims assist in the prosecution. However, law enforcement does not agree with this belief. This issue should be further examined.

It is critical to build trust with victims of human trafficking through support, education and funding, in order to create an environment where they feel comfortable to seek help and escape their captors.

**RECOMMENDATIONS:**

1. Local law enforcement, health and social services agencies and community organizations should replicate promising strategies from existing human trafficking collaborative models and work together for cross-training purposes and to coordinate government services and benefits at the local level to ensure efficient delivery of services to human trafficking victims, while assuring victim confidentiality. These services include housing, legal guidance, counseling and life skills and job training.
2. Community organizations, law enforcement and prosecutors should develop a method to identify culturally sensitive interpreters who are trained on the unique needs of trafficking victims, and who do not know the trafficker, to assist with interviews of victims in order to build trust between victims, local NGOs and the criminal justice system.
3. County health and social services agencies should move expeditiously to train their personnel and local NGOs on the Trafficking and Crime Victims Assistance Program (California's Welfare and Institutions Code, commencing with § 18945).

End Notes:

- 1 Shigekane, R. 2007. "Rehabilitation and community integration of trafficking survivors in the United States." *Human Rights Quarterly*, 29, 112-136.
- 2 *Ibid.*
- 3 Clauson, H.J.; Small, K.M.; Go, E.S.; and Myles, B.W. 2003. *Needs Assessment for Service Providers and Trafficking Victims*. Caliber: Fairfax, VA. Available online at <http://www.ojp.usdoj.gov/nij/internationalprograms/inttraffick.html#stv>.
- 4 George Murphy, Supervisory Adjudication Officer, Vermont Service Center, U.S. Citizenship and Immigration Service, U.S. Department of Homeland Security. E-mail communication with the California Attorney General's Office staff assigned to the CA ACTS Task Force, 4/20/2007.
- 5 (INA § 101(1)(15)(U)(iii). See memo, "Centralization of Interim Relief For U Nonimmigrant Status Applicants." 10/8/03. U.S. Citizenship and Immigration Service, U.S. Department of Homeland Security.
- 6 Research by Kathleen Kim, Associate Professor of Law, Loyola Law School, Los Angeles. 2007.
- 7 Kathleen Kim & Dan Werner. 2005. *Civil Litigation on Behalf of Human Trafficking Victim*. Legal Aid Foundation of Los Angeles. Available online at: <http://www.lafla.org/clientservices/specialprojects/VictimsTrfficking0405.pdf>.
This practice manual and various trafficking civil litigation workshops have trained some attorneys and some first responders, but there is a need for ongoing education and support on anti-trafficking civil litigation.

Investigating and Prosecuting Human Traffickers



“It is our responsibility to understand trafficking and its dynamics, and to know that your average call for service may, in fact, be somebody’s only chance for rescue.”

Lt. Mary Petrie, San Francisco Police Department

❖ Background

The crime of human trafficking is still relatively new and, despite media attention to the problem, the public remains largely unfamiliar with the terminology, let alone what constitutes a case. First recognized by the U.S. in 2000 as a federal crime, and by California in 2006 as a felony, it is not surprising that the apprehension of traffickers, and their prosecution and sentencing, are slow to proceed.

The CA ACTS Task Force heard over and over that law enforcement training is crucial to apprehending traffickers, as well as protecting victims. Training is needed to successfully identify human trafficking and distinguish it from smuggling; to learn the dynamics of human trafficking, including the use of force, fraud and coercion; to develop a protocol for successfully interviewing victims by building their trust; and to understand the importance of a collaborative approach, building relationships with local NGOs that can provide expert care for victims.

There are often tensions between victims of trafficking and law enforcement efforts to help bring their traffickers to justice. The Task Force heard testimony and conducted research that focused on victims’ inability and reluctance to report. Victims are sometimes held captive by traffickers and have difficulty escaping. Traffickers threaten victims’ family members in order to keep them from attempting to escape. In addition, victims often believe their situation is temporary and that once the debt is paid, they will be set free.¹ Their traffickers threaten to call law enforcement themselves if victims do not do as they are told, and victims are led to believe that law enforcement will punish, detain and deport non-citizens, especially if they are in the U.S. illegally.² Traffickers commonly rely on the confiscation of travel documents – passports, identity cards and airline tickets – as a means of gaining and exercising control over victims. Without these vital documents, non-citizens are even more vulnerable to law enforcement actions against them.³ Because victims frequently originate from countries where law enforcement is brutal and corrupt, they have an innate fear of law enforcement, reinforced by their traffickers.⁴ Victims may not speak English and many are from different cultures, which raise further issues of trust and the ability to communicate effectively.⁵ Many members of law enforcement have not yet been adequately trained to identify human

trafficking victims and cases, and often do arrest and deport victims.⁶ Finally, the Task Force believes that because of current anti-immigrant and/or anti-illegal immigration sentiments expressed by some in this country, victims are fearful of approaching the criminal justice system.

In addition, as reported in “Identifying the Scope of Human Trafficking in California,” human trafficking is similar to other crimes that often go unreported, such as sexual assault, domestic violence and elder abuse. As with these crimes, human trafficking victims are afraid of confronting their abusers, and do not believe that the justice system will necessarily act on their behalf, leaving them more vulnerable.

For all these reasons, it can be difficult for law enforcement and prosecutors to obtain corroborating evidence from victims, evidence that is needed to convict traffickers of human trafficking offenses.

Research on Law Enforcement Response to Human Trafficking: Research on the role of law enforcement in human trafficking work has been limited; thus, little is known about law enforcement perceptions of human trafficking and their response to this crime.⁷ One study, conducted in late 2003, analyzed data from 83 senior managers of law enforcement agencies acting in jurisdictions with populations of at least 100,000 throughout the U.S.. The authors found that the majority of local law enforcement agencies were ill prepared to recognize trafficking; believed that trafficking was not a problem in their jurisdictions; had no protocols, procedures or training materials on the subject; and felt little responsibility for investigating these cases.⁸

Of interest were the differences between those agencies that had received human trafficking training and those who had not (the majority had not). Table 7 below illustrates that training indeed makes a difference in perceptions about the seriousness of trafficking for local jurisdictions and throughout the state.

Table 7. Training and Attitudes toward Human Trafficking

| Attitudes | Training Agree (%) | No Training Agree (%) |
|---------------------------------|--------------------|-----------------------|
| Problem within region | 71 | 47 |
| Problem within state | 86 | 39 |
| Problem within jurisdiction | 71 | 14 |
| Problem for local police | 86 | 32 |
| Future problem for local police | 100 | 53 |

Source: Wilson, D.G., Walsh, W.F., & S. Kueber. 2006. Trafficking and human beings: Training and services among U.S. law enforcement agencies, *Police Practice and Research*, Vol. 7, p. 157.

Authors of a more recent study targeted law enforcement agencies in large cities where trafficking was likely to be taking place, including San Diego, Los Angeles and San Francisco in California. Telephone interviews with 121 investigators and line officers were fairly representative of all geographic regions of the U.S. 63 percent reported they were working with a

federally funded task force. Tables 8 and 9 below display differences in how seriously human trafficking is taken among investigators and line staff depending upon their level of training and knowledge.

Table 8. Investigators’ Concepts of Trafficking Based on Knowledge Level

| Investigators Reported Level of Knowledge | Knowledge of Human Trafficking | Perceived Seriousness of the Problem | Perceived Agency Priority |
|---|--------------------------------|--------------------------------------|---------------------------|
| None or Minimal | 18% | 22% | 25% |
| Somewhat | 25% | 35% | 14% |
| High/Very High | 64% | 35% | 61% |

Note: Adapted from Clawson, H.J., Dutch, N., Cummings, M. 2006. *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned*. Fairfax, VA: Calibur, an ICF Company.

Table 9. Line Staffs’ Concepts of Human Trafficking Based on Knowledge Level

| Line Staffs’ Reported Level of Knowledge | Knowledge of Human Trafficking | Perceived Seriousness of the Problem | Perceived Agency Priority |
|--|--------------------------------|--------------------------------------|---------------------------|
| None or Minimal | 22% | 29% | 10% |
| Somewhat | 44% | 33% | 50% |
| High/Very High | 34% | 45% | 40% |

Note: Adapted from Clawson, H.J., Dutch, N., Cummings, M. 2006. *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned*. Fairfax, VA

It is interesting to note the differences between the two groups. Far more investigators than line staff reported having had training and hence a greater knowledge about human trafficking. On the other hand, more trained line staff than investigators perceived human trafficking as a serious problem. More trained investigators than line staff perceived human trafficking as an agency priority.

These findings highlight the importance of educating law enforcement because in almost all cases, the more knowledge, the more seriously law enforcement treated the problem. In addition, 90 percent of respondents reported that they were unclear about their role vis-à-vis that of federal agents, and the same high percentage reported that they were largely unaware of the kinds of victim assistance that were available, including both government benefits and non-governmental services. Where protocols were available, law enforcement was better able to recognize and refer human trafficking victims, largely due to coordinating with other agencies and creating written memoranda of understanding. Without such protocols and agreed upon coordination with other agencies, their work was hampered.⁹

CA ACTS Research: As noted in “Identifying the Scope of Human Trafficking in California,” approximately one-half of those responding to the CA ACTS survey had received training, and the least common type of training reported was training in investigating cases. In addition to general questions, law enforcement officers and prosecutors were asked to respond to a separate module of questions.¹⁰

Those answering the module were asked what barriers prevented the arrest of traffickers. As Table 10 illustrates, the majority of respondents reported that the public was unaware of the problem, and that law enforcement lacked training. Underscoring the problem of the lack of training, the majority of respondents reported that law enforcement lacked an understanding of the criminal organization of trafficking, and that suspects were often arrested on charges more familiar to law enforcement.¹¹

Table 10. Barriers Preventing the Arrest of Traffickers (n=25)

| Reported Barrier | Percent Reporting |
|---|-------------------|
| Public Unaware; Do Not Report Suspicious Activities | 80% |
| Lack of Law Enforcement Training | 76% |
| Lack of Understanding of the Criminal Organization of Trafficking | 68% |
| Suspects Arrested on Charges More Familiar to Law Enforcement | 60% |

Note: Multiple responses were allowed

It is interesting to note that these findings are similar to previously discussed studies that have called for more training and more investment on the part of law enforcement in recognizing and investigating these crimes.

Table 11 illustrates what the respondents believed to be the most serious barriers to successful prosecutions. The majority of respondents reported that it was difficult to obtain victim cooperation with prosecutions, and that the lack of law enforcement training meant that fewer cases were reaching prosecutors. A minority of respondents reported a lack of prosecutor training, and that there was not much incentive to prosecute these cases at the local level.

Again, these results echo the previously discussed findings of a lack of training among law enforcement officers and prosecutors, and a lack of incentive on their part to try to tackle the problem locally.

Intensive interview results in three rural counties revealed much of the same.¹² Victim service providers, members of law enforcement and others interviewed in all three counties had no knowledge of human trafficking in general and no specific knowledge of California Penal Code § 236.1. All denied that there were cases of human trafficking in their counties, despite high numbers of immigrant laborers and high demand for agricultural labor. This was partly

Table 11. Barriers to Successful Prosecution of Traffickers (n=18)

| Reported Barrier | Percent Reporting |
|--|-------------------|
| Lack of Victim Cooperation | 78% |
| Lack of Law Enforcement Training | 61% |
| Lack of Prosecutor Training | 39% |
| Lack of Incentive to Prosecute Locally | 39% |

Note: Multiple responses were allowed

due to the fact that the counties viewed human trafficking as sex trafficking. Interviewees had received training in only one of the three counties and the focus of the training was on sex trafficking only. Interviewees were also confused about the differences between smuggling and trafficking and some experts recounted cases that could very possibly have been trafficking cases, but had been treated as smuggling cases.

Federal and State Efforts to Strengthen Law Enforcement and Prosecution:

The TVPA reauthorization in 2003 included improvements in criminal law and civil law so that victims could sue traffickers in federal district court. It also gave greater emphasis to the role that law enforcement should play in combating human trafficking. For example, this reauthorization gave state and local authorities the ability to issue a law enforcement agency endorsement (LEA), to add to cooperating victims' T visa applications. The 2005 reauthorization placed an even greater focus on providing federal and local law enforcement with increased investigative powers, and prosecutors with additional transnational mechanisms to successfully apprehend, prosecute and convict human traffickers.¹³

Although a substantial amount of legislation has been passed to combat human trafficking, including new criminal statutes in 32 states,¹⁴ law enforcement is faced with an enormous undertaking to make the investigation of human trafficking a priority for local public safety efforts. To assist local law enforcement, the federal government has provided financial assistance to agencies to support their role in combating this crime. As mentioned previously, California has five regional Task Forces funded through BJA; three located in the San Francisco Bay Area, one in Los Angeles and one in San Diego; and a sixth Task Force in Orange County funded by the U.S. Department of Health and Human Services. Additionally, the California Department of Justice Criminal Intelligence Bureau (CIB) monitors human trafficking throughout the state and provides assistance to federal, state and local law enforcement and prosecuting agencies through intelligence gathering, information sharing, workshops, bulletins and analytical support.

As noted in "California's Response to Human Trafficking," the California Trafficking Victims Protection Act contains provisions to help local law enforcement and prosecutors tackle these complex cases. However, prosecutors have encountered several weaknesses that have made it difficult for them to prosecute under California's law. Inconsistencies between federal and California anti-trafficking laws often make it more feasible to prosecute traffickers under federal law. Also, under California's law, penalties for trafficking are less stringent than those for related offenses such as pimping and pandering or lewd acts with a minor.

California's Current Training Efforts: As previously stated, the California Commission on Peace Officer Standards and Training (POST) is mandated to establish a training course on human trafficking (California Penal Code §13519.4). In 2006, POST completed a training DVD, "Response to Human Trafficking," and "Guidelines on Law Enforcement Response to Human Trafficking." The POST training focuses on the dynamics and manifestations of human trafficking; identifying, communicating with and protecting victims; preparation of a LEA to meet federal and state requirements; collaboration with federal law enforcement officials; appropriate investigative techniques; civil and immigration remedies for victims; and community resources. One of the recommended best practices is that law enforcement should locate appropriate interpreters rather than use potential traffickers to translate, and work closely with NGOs to ensure that victims receive the services they need.

POST has distributed the DVD to more than 600 local law enforcement agencies in California. This DVD enables agencies to provide roll call and other training sessions on an ongoing basis. The "Guidelines on Law Enforcement Response to Human Trafficking" will be available for on-line use for all officers in the near future. POST, in conjunction with the San Diego Regional Training Center, has also developed a 40-hour training course on human trafficking. The pilot course was held in San Diego in June 2007.

In addition, one of the primary goals of the federally funded task forces is to train law enforcement. As a result, several thousand law enforcement personnel have been trained in the last two years, but more efforts are needed.

The California District Attorneys Association (CDAA) has created an online self-study module of training on human trafficking prosecution. The online approach is seen as helpful because prosecutors can access this rapid immersion training tool at their convenience when they receive a human trafficking case. In addition, CDAA circulates news alerts regarding human trafficking cases; posts relevant law and resource material on its website; and is encouraging mentor prosecutors, specially trained in trafficking in persons, to assist others with the prosecution of human trafficking cases. Some members of CDAA are also collaborating with immigrant rights organizations to assist with outreach efforts to help convince non-citizen human trafficking victims to cooperate in the prosecution of their traffickers and to assure victims that they will be protected during the process.

In addition, the California Labor and Workforce Development Agency is training labor enforcement personnel on how to identify victims of human trafficking on worksite premises, since these personnel are often first responders.



Investigators with the Orange County Human Trafficking Task Force arrest a suspect in Santa Ana, January 2006

❖ Findings and Recommendations

FINDING 1: California’s human trafficking law needs to be strengthened to make it a more powerful tool to prosecute traffickers.

Discussion: The California Trafficking Victims Protection Act has added valuable new tools in law enforcement’s and prosecutors’ arsenal to investigate and prosecute human traffickers. However, the Task Force identified some shortcomings in the law and steps that could strengthen and expand its use as a prosecutorial tool. These shortcomings include: (1) California’s definition of human trafficking is different than the federal definition, especially as it relates to trafficking protections for minors. California’s definition should be changed to mirror the federal definition and eliminate the elements of force, fraud and coercion if the trafficking victim is a minor. (2) Penalties for traffickers are lower in California’s law than those in federal law. Penalties for traffickers should more closely reflect federal trafficking penalties and penalties for sex crimes under existing state law. (3) There is no provision in the law that allows counties to file charges in cross-jurisdictional human trafficking cases on behalf of all counties involved, as California law provides in cases of child abuse and domestic violence. Many of these issues are being addressed by Assembly Bill (AB) 1278, which was introduced by Assembly Members Ma, Lieber and Smyth in the 2007 legislative session, and is currently being considered by the California Legislature. The bill is sponsored by San Francisco District Attorney Kamala Harris and the Coalition to Abolish Slavery & Trafficking.

Regarding penalties for traffickers (referenced above), the Task Force learned that penalties for trafficking do not closely reflect other state and federal statutes that provide stiffer penalties for similar crimes. For example, California statutes prohibiting pimping and pandering provide for sentences of 3, 6 or 8 years if the victim is under 16 (see California Penal Code § 266h, 266i), and provide a sentence of 3, 6 or 8 years for a lewd act with a child (see Code § 288(a)). In addition, federal law provides that traffickers of minors are subject to 10 years of imprisonment, and if the minor has not yet attained the age of 14, the punishment is not less than 15 years and can extend to life in prison (see United States Code § 1591). In contrast, California’s law, Penal Code § 236.1, provides only 3, 4 or 5 years for the offense of human trafficking and a maximum of 8 years if the victim is a minor. Prosecutors need a stronger incentive to file charges under California’s human trafficking law because they can obtain stiffer penalties under other state laws. Traffickers, as a result, may escape the full impact of the penalties of law, and victims of trafficking may not receive all of the protections that were specifically included in the California Trafficking Victims Protection Act.

Moreover, California needs a stronger state law to hold traffickers accountable because the federal government either does not have the resources to fully prosecute human trafficking cases, especially as more cases are investigated by local law enforcement, or, for a variety of other reasons, the federal government may decline to pursue a trafficking case.

“California is committed to putting these merchants of human suffering out of business...”

Sally Lieber, California Assembly Member

Additionally, the Judicial Council of California has not yet issued jury instructions for California Penal Code § 236.1, which further complicates prosecutors' efforts. Jurors in trafficking cases may be inadequately instructed on the crime of human trafficking. Although some county courts have developed these jury instructions on their own, California needs consistent instructions to ensure consistent application and solid guidance for prosecutors, defense lawyers and juries.

RECOMMENDATIONS:

1. The Legislature should amend California Penal Code § 236.1 to conform to federal law as it relates to minors.

Note: As of the writing of this report, Assembly Bill 1278, which is pending in the Legislature, includes the following statement to address this recommendation: "If the victim is under 18 years of age at the time of the commission of the offense, any person who causes, induces, or persuades a child under 18, or attempts to cause, induce, or persuade a minor to engage in a commercial sex act as described in Sections 266, 266h, 266i, 266j, 267, 311.4, or 518, subdivision (b) of Section 647 or Section 653.22, or who obtains or attempts to obtain forced labor or services from the victim, is guilty of human trafficking."

2. The Legislature should amend California Penal Code § 236.1 to increase the penalty for human trafficking to 3, 6 or 8 years for adults, making the punishment consistent with sentences for others crimes, such as pimping and pandering.

Note: As of the writing of this report, AB 1278 increases the penalty for human trafficking to only 3, 4 or 6 years for adults (from 3, 4 or 5 years, as included in the original law).

3. The Legislature should amend California Penal Code § 784.8 to allow any one jurisdiction to charge a human trafficking case if the offenses took place in multiple jurisdictions.

Note: As of the writing of this report, this provision is included in AB 1278.

4. The California District Attorneys Association should encourage prosecutors to develop protocols that coordinate the prosecution of human trafficking cases with local law enforcement and U.S. Attorneys Offices. A coordinated enforcement approach against traffickers can be most efficiently accomplished with these established guidelines in place.
5. The Judicial Council should expedite the issuance of jury instructions for human trafficking cases, so that prosecutors, defense attorneys and jurors will have solid guidance and a better understanding of the crime of human trafficking to make more informed decisions.

FINDING 2: The lack of trained law enforcement officers, district attorneys and judges impedes opportunities to arrest, prosecute and sentence traffickers under California’s law.

Discussion: As mentioned previously, human trafficking is a new crime, defined by the federal government in 2000 and added as a new California felony in 2006. Increased identification of human trafficking victims will occur when law enforcement officers are trained to look “beneath the surface” of a child abuse, domestic violence, prostitution or labor violation case to determine if it is trafficking. In turn, prosecutors and judges will benefit from training on the complexities of these cases as traffickers begin to appear in courtrooms across the state.

Even though POST offers a training guide and video, it is not currently mandated for all peace officers. The two-hour POST-certified human trafficking training program should be mandated for members of law enforcement. The training could be offered as a telecourse or a learning portal, which would minimize the time burden and allow police officers to complete it without missing work. The training format would spare police departments from the need to backfill shifts that would otherwise require extra coverage. As mentioned previously, the CDAA has developed an online course and is developing other training materials for use by district attorneys handling trafficking cases.

“How human trafficking victims perceive that first encounter with first responders will have a critical role in how that victim perceives all the other actions by...the criminal justice system.”

Debbie Deen, Victim Specialist, FBI
(POST Training DVD)

Law enforcement personnel and prosecutors need a better understanding of the unique needs of trafficking victims. They can increase the odds of successful investigation by first establishing the trust of trafficked victims. This is best accomplished by partnering with NGOs to provide crucial supports, such as assistance with translation, shelter, medical, mental health and legal issues. These supports, combined with a strong victim assistance program, will encourage victims to come forward and to cooperate with an investigation. Furthermore, California’s rural areas are especially lacking in training and victim services since most of the federal funding has been awarded to urban areas.

Judges also need to be trained on the laws, the elements of human trafficking and the possible penalties for such crimes. Judges need to be able to recognize the barriers and concerns of victims of human trafficking that affect their ability to access the justice system and obtain justice in the courtroom. Judges also need to be able to develop effective measures to enhance the safety of victims of human trafficking who enter their courtrooms, and must be able to understand immigration law that may affect the decisions they make in these cases. In addition, judges need to learn how to identify actual victims of human trafficking who may appear before them in court as defendants in criminal cases such as those cases involving prostitution, or as witnesses on civil cases such as those cases involving labor code violations.

“It gives me strength to know that justice has been served. Now I have hopes and dreams.”

Nena Jimeno Ruiz, trafficking survivor, Culver City
(*Santa Monica Daily Press*, September 3, 2004)

Training is a critical component to protecting victims, and investigating, prosecuting and sentencing human traffickers.

RECOMMENDATIONS:

1. The Legislature should mandate a two-hour training session on human trafficking for state and local law enforcement through the Commission on Peace Officers Standards and Training (POST) that would be offered through a telecourse and learning portal to strengthen the chance of successful identification of victims and prosecution of traffickers. POST should be encouraged to include human trafficking training for law enforcement in its Basic Academy Curriculum, and law enforcement should include this training during roll-call sessions.
2. The California District Attorneys Association should continue to provide training on investigating and prosecuting human trafficking, how to work with NGOs to build trust with victims and how to connect victims with services. It should encourage prosecutors to bring local human trafficking victim advocates into the process early to assist in interviewing victims and assure them of needed services in order to strengthen the chance of a successful prosecution.
3. The Judicial Council should develop and sponsor training for judges on human trafficking.

End Notes

- 1 International Association of Chiefs of Police. 2006. *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation*. Alexandria, VA.
- 2 Castro, R. 2006. Human trafficking: The hidden pandemic. *Law Enforcement Quarterly*, 34, 26-39; Florida State University, Center for Human Rights. 2003. *Florida Responds to Human Trafficking*. Tallahassee, Florida. Available online at www.cahr.fsu.edu/Trafficking.html
- 3 U.S. Department of State. 2007. *Trafficking in Persons Report*. Available online at <http://www.state.gov/g/tip/rls/tiprpt/2007/index.htm>
- 4 Castro, R. 2006. Human trafficking: The hidden pandemic. *Law Enforcement Quarterly*, 34, 26-39; Florida State University, Center for Human Rights. 2003. *Florida Responds to Human Trafficking*. Tallahassee, Florida . Available online at www.cahr.fsu.edu/Trafficking.html;
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- 5 Castro, R. 2006. Human trafficking: The hidden pandemic. *Law Enforcement Quarterly*, 34, 26-39; Florida State University, Center for Human Rights. 2003. *Florida Responds to Human Trafficking*. Tallahassee, Florida. Available online at www.cahr.fsu.edu/Trafficking.html;
Clawson, H.J.; Dutch, N.; Cummings, M. 2006. *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned*. Caliber: Fairfax, VA.
- 6 Chacón, J.M. 2006. Misery and myopia: Understanding the failures of U.S. efforts to stop human trafficking. *Fordham Law Review*, 74, 2977-3040; Florida State University, Center for Human Rights. 2003. *Florida Responds to Human Trafficking*. Tallahassee, Florida. . Available online at www.cahr.fsu.edu/Trafficking.html; Clawson, H.J.; Dutch, N.; Cummings, M. 2006. *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned*. Caliber: Fairfax, VA. Available online at <http://www.ojp.usdoj.gov/nij/international/programs/inttraffick.html>
- 7 Wilson, D.; Walsh, W; Kleuber, S. 2006. Trafficking in human beings: Training and services among U.S. law enforcement agencies. *Police Practice and Research*. 7, 149-160.
- 8 *Ibid.*
- 9 Clawson, H.J.; Dutch, N.; Cummings, M. 2006. *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned*. Caliber: Fairfax, VA. Available online at <http://www.ojp.usdoj.gov/nij/international/programs/inttraffick.html>.
- 10 Law enforcement and prosecutors comprised the smallest number of those representing occupations involved (or potentially involved) in human trafficking cases; they represented only one-fifth of the sample, about a five percent return rate.
- 11 Multiple responses were allowed.
- 12 See Appendix F for an explanation of survey and interview methodology.
- 13 Clawson, H.J.; Dutch, N.; Cummings, M. 2006. *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned*. Caliber: Fairfax, VA. Available online at <http://www.ojp.usdoj.gov/nij/international/programs/inttraffick.html>
- 14 Polaris Project. 2007. For additional information see the following web page and scroll down to Archive of U.S. Policy Alerts: http://216.128.14.181/polarisproject/programs_p3/State_p3.htm.

Preventing Human Trafficking in California



“Despite the development of even the most comprehensive services, the best way to assist survivors of trafficking is to prevent them from becoming victims. Prevention must take a dual approach, reducing both supply-side factors in countries where trafficking originates and demand-side factors in countries of destination.”

Rachel Shigekane, The Human Rights Center
University of California, Berkeley

❖ Background

California plays a critical role in the promotion of human rights, in upholding the essential freedom and dignity of each human being. An effective human trafficking prevention strategy must include improving our knowledge of the extent of trafficking, stronger support for victims and more effective tools to investigate and prosecute traffickers, as discussed earlier in this report. But, more must be done. If we hope to reduce and ultimately stop human trafficking, we must first understand why it happens.

Societal Attitudes. Human trafficking flourishes when societal attitudes allow abusive practices. Victims’ advocates report hearing observations about victims of human trafficking such as, “Their lives are better here than in their own countries.” Attitudes such as this may reflect a willingness to apply human rights selectively – to overlook abuses of certain groups of human beings – and an avoidance of the responsibility to assure the safety of every person who resides in California. This prejudice, combined at times with negative attitudes about undocumented immigrants or certain ethnic groups, is against the foundational principles of this nation.

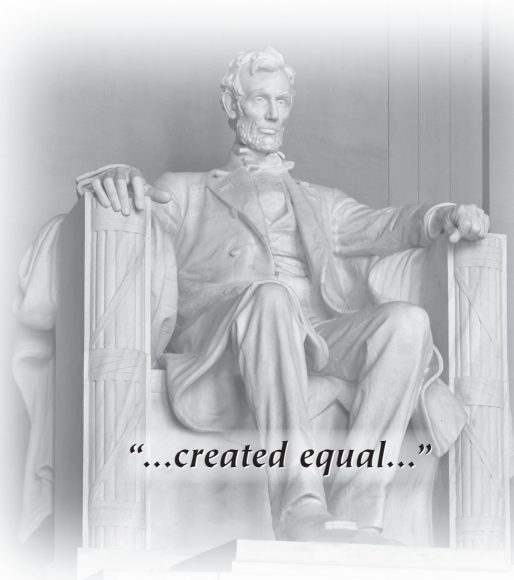
The roots of human trafficking also lie in the systematic devaluation of women and girls, a fact underscored during a presentation the Task Force heard from the Global Fund for Women. Attitudes that belittle women and hold women and children as less important than other members of society have made them more vulnerable to human traffickers for sexual exploitation or other forms of forced labor. Research confirms that the vast majority of victims of trafficking are women and children. Insisting on gender equality is a core component of preventing human trafficking.

The fact that there is a demand in this state and nation for inexpensive products and services does not mean that we can turn a blind eye to the human rights abuse of forced labor. Nor

should we overlook the exploitation of certain groups for lower level jobs or unfair labor practices because of ethnicity, gender or immigration status.

Underlying Conditions in Source and Destination Countries.

Among the underlying causes of human trafficking are “push” factors, including poverty and political upheavals in “source” countries; and “pull” factors, including the fierce demand for cheap labor, in “destination” countries, as mentioned previously in this report. Globalization, spurred by rapid technological change, has generated a boom in world trade. However, the increasingly international economy has also created vast new horizons for global crime, including the ability to generate billions of dollars in profits from the illegal trade in drugs, counterfeit goods, weapons – and human beings.



For some countries, the billions of dollars sent home by their citizens working in foreign countries – whether legally or illegally – create a major disincentive by those countries to change migration trends, including human smuggling and trafficking.

In addition, globalization has resulted in multi-national corporations purchasing goods and material from businesses all over the world, some of which tolerate inhumane working conditions and workers’ rights abuses. Because the advancement of human rights is a compelling national interest, it is important that states work with the federal government to hold governments of all nations accountable to their obligations under universal human rights standards.

California Industries Susceptible to Human Trafficking Abuses. California is home to major industries that are targeted by traffickers for forced labor abuses. These include the apparel, agriculture, restaurant, hotel and car wash industries, as well as services such as janitorial, day laborers and domestic household. The Task Force heard a presentation from the Center for Labor Research and Education, University of California, Los Angeles that suggested that certain industries, such as the janitorial industry, have shifted to outsourcing hiring of employees, which may insulate them from labor violations, including forced labor.¹

Trafficked workers are commonly found in industries that are “dirty, dangerous or degrading.”² Some of these economic sectors may lack adequate labor protections, thereby exposing these individuals to exploitation. For example, labor laws do not protect domestic workers – those who provide household help or work as personal attendants – to the same extent as they protect many other types of workers. Domestic workers, depending on the circumstances, are often exempted from minimum wage, overtime and other laws that protect workers in other fields. In 2006, legislation (AB 2536, Montanez) was proposed to grant equality in overtime protections for personal attendants as well as other provisions. However, the legislation faced opposition due to fears that seniors and people with disabilities would face institutionalization

if they could not afford to pay overtime, and was vetoed by the Governor. Labor protections for domestic workers and those in other sectors of the economy where forced labor occurs need to be further studied.

California's Steps to Prevent Human Trafficking

Anti-Sweatshop Laws and Local Ordinances. Government, both state and local, plays a major role in influencing fair labor practices. California has launched a number of measures to prevent labor abuses related to human trafficking in this state. For example, in 1999, the Legislature enacted a groundbreaking anti-sweatshop law, (AB 633, Steinberg), which amended California Labor Code § 2671, 2675, 2676, 2677 and 2680 and added California Labor Code § 6673.1 and 2684, to strengthen the enforcement of wage and hour requirements for garment workers. In 2003, the Legislature enacted a law (SB 578, Alarcon), which amended California Public Contract Code § 6108 to require non-sweatshop labor guidelines to state procurement policies to assure that goods and services purchased by the state be produced in workplaces that adhere to minimum standards for protecting workers.

In 2004, the Los Angeles City Council passed one of the nation's more far-reaching anti-sweatshop purchasing ordinances. In its "Contractor Code of Conduct," Los Angeles stated its goal of "assuring that the integrity of the City's procurement process is not undermined by contractors who engage in sweatshop practices and other employment practices abhorrent to the City. When the City inadvertently contracts with these contractors, the City's ethical contractors are placed at a distinct competitive disadvantage.... The City's proprietary contracting interests are served by doing business with contractors who make a good faith effort to ensure that they and their subcontractors shun sweatshop practices and adhere to workplace and wage laws."³

In 2005, the Board of Supervisors of the City and County of San Francisco passed a "Sweatfree Contracting Ordinance," with a similar goal of encouraging responsible contracting and reducing any inadvertent support of contractors who use sweatshop or other forced labor.

Corporate Social Accountability. The Task Force believes that corporations and business owners are also responsible and can exert their leadership to prevent forced labor, not only in their own operations but also throughout their supply chain. Some industries and business owners have adopted codes of conduct that set out minimum labor standards for their suppliers and sub-contractors, thereby using economic leverage to influence labor and human rights practices within their supply chain. Yet given the burgeoning human rights abuse of human trafficking, much more needs to be done.

Consumers can also play a critical role in holding corporations accountable by making responsible decisions about their choice of products. Consumers can purchase products that contain labels of independent organizations that monitor factories throughout the world. For example, apparel that is certified by the "Worldwide Responsible Apparel Production" ("WRAP-certified") promotes lawful, humane and ethical manufacturing throughout the world.⁴

Public Awareness. The people of California need to broaden their awareness that trafficking of human beings does, in fact, take place in our society. The Task Force learned of various campaigns to help raise such awareness. For example, the Coalition to Abolish Slavery & Trafficking and the Los Angeles Metropolitan Task Force on Human Trafficking launched a public awareness campaign in 2007, "Know Human Trafficking. Be Alert, Be Aware," which

includes a toll-free hotline, billboards and bumper stickers. In addition, the U.S. Department of Health and Human Services' "Rescue and Restore" public awareness campaign features the slogan, "Look Beneath the Surface,"⁵ and targets social services agencies, law enforcement, health care providers and others. Furthermore, the U.S. Department of State's "Be Smart, Be Safe" materials are also designed to educate potential victims about how to protect themselves against succumbing to a trafficker's deception.

Ca Acts Survey Findings, Prevention. Coordinating efforts to stop human trafficking with both source and destination countries is an important form of prevention. Strategies and promising practices to prevent human trafficking can be shared, and countries can assist each other in ways of tracking human trafficking. When asked if they had experience working with other countries, the respondents answered as follows:

- Yes = 13 percent, and
- No = 87 percent.

It is worth taking a closer look at those who responded affirmatively that they had worked with other countries. Table 12 displays the occupations of those who did report working with other countries. While the numbers are very small, it is interesting that there were a variety of occupations participating in efforts with other countries.

Table 12. Occupations Reporting Working with other Countries (n=14)

| Occupation | Percent and Number |
|-------------------------------------|--------------------|
| Federally Funded Task Forces* | 30% (n=4) |
| Non-Task Force Law Enforcement | 14% (n=2) |
| Domestic Violence Service Providers | 14% (n=2) |
| Sexual Assault Service Providers | 14% (n=2) |
| Legal Services Providers | 14% (n=2) |
| Refugee Assistance Providers | 14% (n=2) |

* Includes law enforcement and victim services providers.

Table 13 displays the types of organizations that Californians collaborated with internationally. While the number is again quite small, it is important to note that, in most cases, these organizations worked with multiple agencies, both governmental and non-governmental. The kinds of organizations reported in the "other" category were universities, media outlets and consulates.

Countries mentioned included: Mexico, South Korea, India, Vietnam, Thailand, Cambodia, Malaysia, Philippines, Japan, Columbia, Canada, the United Kingdom, Greece, Australia, Czech Republic, Moldova, Bangladesh and Kenya. While still a rarely reported activity, working with other countries is an important way to raise awareness, learn prevention and intervention strategies, and work as partners to try to find ways to stop trafficking.

Table 13. Types of International Collaborations (n=13)

| Type of Organizational Collaboration | Percent and Number Reported |
|--|-----------------------------|
| Non-Governmental Victim Service Organization Specializing in Human Trafficking | 62% (n=8) |
| Law Enforcement Organization | 54% (n=7) |
| Non-Law Enforcement Government Organization | 46% (n=6) |
| Other Non-Governmental Organization | 38% (n=5) |
| Other | 23% (n=3) |

Note: Multiple responses were allowed

Public awareness materials used within California are another important means of preventing trafficking, and the survey results suggest that more work is needed in this area. Only 25 percent (n=24) of respondents reported that they had used public awareness materials created by other organizations, and 17 percent (n=16) reported that they had created their own public awareness materials. As mentioned previously, federal campaign materials are available, as well as other local and even international sources of public awareness materials. Much needs to be done to circulate such materials to those who may be coming into contact with victims and traffickers.

❖ Findings and Recommendations

FINDING 1: California government, corporations and business owners bear a moral responsibility to exert leadership to insist on humane and lawful labor standards in their purchasing and, for business owners, throughout their supply chain.

Discussion: New challenges relating to the global economy mean new responsibilities for California government and corporations to leverage their economic power in order to protect workers' rights and develop social and cultural integrity in the state's cities. California government and industries have global imprints and can exert unparalleled leadership in preventing human rights abuses in the context of international trade and investment, as well as global supply chains.

After exposés of horrific sweatshop conditions in California and other egregious examples of forced labor in suppliers overseas, more and more companies have adopted codes of conduct that include a prohibition against forced labor. These businesses have accepted the principle that they must insist on assuring fair labor practices by their numerous contractors and suppliers.

Levi Strauss Co., one of the largest clothing manufacturers and marketers in the world, headquartered in San Francisco, was one of the first multi-national corporations to create its own code of conduct regarding workers' rights and labor conditions in their production facilities. It broke new ground by covering the firm's 600 contractors in developing countries, not just its own plants. By 1995, with four years of experience with its code, Levi had ceased business with about five percent of its contractors and had required improvements in a quarter

of them. Levi's initiative was soon followed by other multi-national corporations, including Gap, Nike, Reebok, the Body Shop and others.⁶ This leadership was at times stimulated by consumer pressure.⁷

These developments were strengthened when various firms agreed that monitoring of their codes should be done "externally," by independent inspectors, rather than "internally," by each firm itself. Making the results public is another tool to enhance accountability. Some corporations have chosen to use major, internationally recognized codes of conduct for fair labor practices, such as the Social Accountability (SA) 8000 Standard, an auditable certification standard under the auspices of Social Accountability International (SAI).⁸

Gap Inc., another of the world's largest apparel corporations, headquartered in San Francisco, became the first clothing retailer to publicly rate the way its overseas factories treat their employees.⁹

Business for Social Responsibility (BSR), headquartered in San Francisco, has found that companies that have adopted corporate codes of conduct or other human rights principles and that have taken effective steps to enforce these policies have reaped many benefits. These benefits include promoting the rule of law, establishing community good will, influencing human rights protection in the company's supply chain, increasing worker productivity and retention and addressing shareholder concerns.¹⁰

Given that codes of conduct are voluntary and outside of international treaty law, enforcement must also depend on two powerful forces – consumer purchasing decisions and publicity.

Furthermore, grassroots campaigns involving workers victimized by human traffickers can also be a formidable tool to influence corporate practice. The Coalition of Immokalee Workers (CIW), a grassroots farm worker organization, which helped bring a major human trafficking case involving as many as 700 agricultural workers in Florida to light, subsequently initiated a nationwide boycott of the Taco Bell fast-food chain, a major purchaser of the tomatoes. As a result, Taco Bell implemented a zero tolerance policy for slavery or forced labor in its supply chain.¹¹

Very little is documented about abuses in agricultural labor in California, an area that often appears to be overlooked. There are reports about illegal transactions with immigrant agricultural workers in this state, who are subjected to inhumane conditions and threatened with deportation or retaliation against their families if they complain. Organizations such as Lideres Campesinas in Pomona assist victims in finding a better life and work to build awareness about trafficking of undocumented workers in farm-worker communities. More training is needed for rural service providers and agencies and law enforcement on trafficking of agricultural workers.

The State of California has taken steps to ensure that taxpayers' dollars are not subsidizing forced labor. California's Public Contract Code § 6108 (g), (Sweatfree Code of Conduct, established by Senate Bill 578, 2003), for example, requires contractors for state agencies to certify that nothing was furnished or produced by sweatshop labor or other forms of forced labor.

In addition, California controls a record \$392 billion in government pension funds from the California Public Employees Retirement System (CalPERS) and the California State Teachers

Retirement System (CalSTRS).¹² These funds, which have been leveraged through the past three decades to influence corporate accountability,¹³ can also be a powerful tool to help ensure humane labor conditions.

California industries, state government and consumers all play a critical role in preventing human trafficking in California.

RECOMMENDATIONS:

1. California industries should establish a code of conduct based on relevant portions of the Social Accountability 8000 Standard that forbid human-trafficking related abuses, or on other standards such as those included in Public Contract Code § 6108 (g), that assure workers' rights throughout their own operations and in those of their suppliers and labor contractors. These industries should use an external organization to monitor compliance and make the results public.
2. The California Public Employees Retirement System (CalPERS), the California State Teachers Retirement System (CalSTRS) and other public and private investment organizations should examine their investment strategies to address potential forced labor practices, and favor companies that adhere to respected labor standards.
3. California cities, counties, public school districts and public universities should examine their purchasing practices to assure that no purchased goods or equipment are produced as a result of forced labor, and, if needed, establish Sweatfree Codes of Conduct.

FINDING 2: Lack of awareness about human trafficking and societal attitudes that perpetuate this problem result in lost opportunities to help victims escape from their traffickers.

Discussion: Human trafficking can take root only when societal attitudes about migrants, certain ethnic groups or women result in failure to treat this human rights abuse seriously. It also results from tolerating exploitation of certain population groups for demeaning jobs with little pay because society demands inexpensive products.

To prevent trafficking, the Task Force believes that Californians must recognize the broader cultural issues relating to poverty and discrimination that create fertile ground for human trafficking. Also, human trafficking is often believed to be primarily sex trafficking, but other forms of forced labor are just as, and sometimes more, extensive and need to be identified and exposed.

Social Norms Campaign. The Task Force believes that a strategic, statewide "social norms" campaign is needed to change societal attitudes that perpetuate human trafficking. As distinct from a traditional public awareness campaign, a social norms campaign is designed to change attitudes or behaviors.

"Social marketing" refers to methods used to change social norms. Social marketing can help influence the behavior of target audiences in order to improve the welfare of individuals and

society. It can help identify the reasons people resist positive change, uncover benefits that people care deeply about and demonstrate those benefits in compelling and cost-effective ways. Social marketing helps organizations to increase compliance with new laws and policies. Use of social marketing has proven effective in introducing water conservation, increasing immunization rates among children, protecting rare eco-systems and other goals.

For example, California’s model tobacco prevention campaign was highly successful in debunking the public image of smoking as sophisticated and glamorous. This campaign was strategically strengthened with laws prohibiting smoking in restaurants, bars and other establishments and increases in the cigarette tax. A central focus was the questionable practices of the tobacco industry, including the withholding of important health precautions from the public. All these components worked to change people’s thinking and behavior related to smoking.

A social norms campaign on human trafficking would help educate people about the reality of trafficking: that it is happening here; that all human beings in the United States, no matter who they are or where they come from, are entitled to dignity, respect and fundamental human rights; and that the desire for inexpensive goods should not come at the expense of anyone’s human rights.

“We cannot afford to let this evil go by without doing something about it as a community.”

**Manolo Guillen, Program Manager
San Diego Youth and Community Services**

Such a campaign would bring attention to unfair labor practices; abuse of trafficking victims; sexual exploitation, including of minors; and the subsequent impact on individuals, communities and society as a whole. It is important to also target youth, when attitudes are being developed and when future corporate and community leaders are being formed.


Public Awareness and Outreach. This social norms campaign should be combined with a finely focused public awareness outreach effort on how to recognize human trafficking, report abuse and obtain victim services. Trafficking victims themselves often do not recognize that they have recourse under U.S. laws, so they do not report the abuse. Therefore, such a campaign would also reach out to victims of human trafficking. Victims – or potential victims – need to be aware of the tactics that are used to coerce and trick the vulnerable, how they can protect themselves against these actions, victims’ rights in the United States and how to get help.

Task Force members are keenly aware that no single approach will work in a prevention strategy to reach human trafficking victims in this state. Measures must be focused and relevant to the particular cultural context of communities across California. For example, in the agricultural labor sector, literacy may be an issue, so printed materials may be of little value. Identifying forced labor in agriculture requires a completely different approach from identifying forced labor in city sweatshops. Information should be accessible and culturally appropriate, and address the unique needs and conditions of trafficked individuals.

Another major problem is the lack of awareness by potential victims of human trafficking in countries where traffickers are aggressively recruiting. Therefore, prevention measures need to reach individuals in these countries, who are especially vulnerable to false promises by traffickers.

RECOMMENDATIONS:

1. The Legislature should fund a campaign against human trafficking that changes social norms and promotes public awareness. Such a campaign should include the following goals:
 - a. Emphasize that all individuals – regardless of immigration status – are entitled to basic human rights;
 - b. Encourage consumers to identify products from industries that have established appropriate codes of conduct against forced labor and that promote fair trade practices;
 - c. Target the most vulnerable populations, based on research, including women and children;
 - d. Focus on the cultural context of the community and utilize messages that the particular community understands;
 - e. Be based on measures that have been evaluated and proven effective; and
 - f. Raise public awareness on how to recognize and report abuse that:
 - Meets the needs of victims in industries in each community;
 - Targets messages to those most likely to encounter a trafficking victim, such as employees, employers (including contractors of construction or agricultural labor), building and agricultural inspectors, educators, health professionals, members of religious groups and social services personnel;
 - Uses mixed media and culturally appropriate messages;
 - Addresses small ethnic populations;
 - Targets Spanish and other ethnic media to publicize cases of human trafficking, which may serve as a deterrent, and reach out to victims;
 - Promotes outreach to schools, malls and other places where young women could be victims of recruitment into trafficking; and
 - Communicates the stories of trafficking survivors without traumatizing or sensationalizing them; and include agricultural, sweatshop and other forms of trafficking, to counteract the public misconception that commercial sex is the only or most important type of trafficking.
2. The California Department of Education should encourage California public schools to teach students about the human rights abuse of human trafficking, about positive attitudes toward victims of such abuse and about measures to prevent future abuse.
3. Corporations should establish partnerships with non-governmental organizations and, where appropriate, government agencies to inaugurate social responsibility and awareness campaigns to help eradicate human trafficking.

- 
4. The U.S. State and Justice Departments, other federal and state agencies and NGOs should collaborate with source countries and other destination countries in order to raise awareness about human trafficking. Vulnerable populations in source countries should be educated on the deceptive practices of traffickers in their region.
 5. The California Attorney General's Office should partner with other state agencies and NGOs to promote the findings and recommendations of this report throughout California, holding community forums, conducting regional training, promoting public awareness activities and developing public awareness materials in appropriate languages. It should also collect and disseminate examples of collaborative models and promising practices to combat and prevent human trafficking.

End Notes

- 1 Victor Narro, Project Director, Center for Labor Research and Education, University of California, Los Angeles. Presentation on forced labor to CA ACTS Task Force. Sacramento, California, January 30, 2007.
- 2 International Labor Organization. 2006. Facts on Labor Migration. Available online at <http://www.ilo.org/public/english/bureaulinf/download/ecosoc/migration.pdf>.
- 3 Contractor Code of Conduct, City of Los Angeles, Department of General Services, Office of the Purchasing Agent.
- 4 American Apparel & Footwear Association. No date. Available online at www.apparelfootwear.org/LegislativeTradeNews/SocialResponsibility.asp
- 5 See www.acf.hhs.gov/trafficking.
- 6 William A. Douglas. 2001. *Who's Who in Codes-of-Conduct?* New Economy Information Service, Foundation for Democratic Education. Available online at www.newecon.org/CodesofConduct1-02-01.html.
- 7 International Labor Organization, Bureau of Workers' Activities. Corporate Codes of Conduct. Available online at <http://www.itcilo.it/actrav/actrav-english/telearn/globalilo/code/main.htm>.
- 8 Social Accountability International. See <http://www.sa-intl.org/index.cfm?fuseaction=Page.viewPage&pageID=473>.
- 9 Council for Responsible Public Investment. 2004. *Coalition of Social Investors Helps Create Groundbreaking Report*. Available online at www.publicinvestment.org/news.html; Gap Inc. 2004. *Facing Challenges, Finding Opportunities: 2004 Social Responsibility Report*. Available online at www.gapinc.com/public/documents/CSR_Report_04.pdf.
- 10 Business for Social Responsibility. See www.bsr.org.
- 11 Massachusetts Institute of Technology, Center for International Studies. 2005. *Forced Labor in the Global Economy*.
- 12 Applied Research Center, California State University, Sacramento. 2007. *Combined Annual Economic Impacts in California of CalPERS and CalSTRS Retirement Incomes Benefit Payments*.
- 13 Raquel Pichardo. May 14, 2007. CalPERS a model of innovation at 75: Giant fund shows no sign of complacency as it continues to break new investment ground. *Pensions & Investments*. Available online at <http://www.pionline.com/apps/pbcs.dll/article?aid=/20070514/PRINTSUB/70511017/1031/TOC>.

For Further Study



Some additional issues were considered by the Task Force; however, time constraints did not allow the Task Force to more fully examine or research these issues adequately. These issues include:

- Exploring further the unique needs of child victims of human trafficking and child sexual exploitation.
- The possibility of amending California’s Welfare and Institutions Code, commencing with § 18945, to extend temporary state-funded benefits and services beyond the current period until victims receive federal certification.
- The feasibility of amending California’s Labor Code to provide protections to domestic workers, who are especially vulnerable to human trafficking, and to other economic sectors that may lack adequate labor protections.
- The possibility of relaxing the standards for human trafficking victims’ cooperation with law enforcement in criminal investigations to receive immigration relief and other benefits.
- The possibility of establishing a “mandated reporter” category for responders in order to identify victims of human trafficking, to include law enforcement, health care providers and social services professionals.
- Encouraging workers’ rights organizations to assist human trafficking victims in grass roots campaigns to raise awareness about forced labor, and thereby influence corporate change.

Appendices



Appendix A

Glossary of Terms and Acronyms



❖ Terms

Coercion – Threats of serious harm to, or physical restraint of, 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.

Continued presence – Temporary immigration relief granted to eligible non-citizen victims of human trafficking who are potential witnesses of human trafficking in order to assist in the prosecution of the trafficker.

Debt bondage – The circumstance in which the trafficker claims that the trafficked person owes more than the original price agreed on for services to bring the victim into the country, with the victim pressured to pay off the debt.

Destination country – Country to which victims are trafficked for forced labor or sexual exploitation.

Force – The use of physical or psychological harm and confinement to control victims.

Forced labor – All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily.

Fraud – False offers or promises that induce people into trafficking situations.

Globalization – The growing integration of economies and societies around the world.

Human trafficking – Controlling a person through force, fraud or coercion – physical or psychological – to exploit the person for forced labor, sexual exploitation, or both.*
(See p. 96 for various definitions of human trafficking.)

Human smuggling – Facilitating the illegal entry of a person across an international border, with the individual free to leave upon payment of the fee for the smuggling service.

Involuntary servitude – A condition whereby individuals believe that an attempted escape from their situation would result in serious physical harm to them or others – a belief often caused by physical and verbal abuse and threats.

Peonage – Holding a person against his or her will to pay off a debt.

Pull factors – The forces in a country that attract migration, including a high demand for inexpensive labor and low-cost products.

Push factors – The forces in a country that motivate people to migrate to another country, including poverty, political upheavals, human rights abuses and insufficient work or pay to sustain one's family.

Source country – Trafficking victim's country of origin.

Sweatfree code of conduct – Requires that goods and services purchased through procurement contracts are produced in compliance with labor laws and not as a result of forced labor or other workplace abuses.

T visa – Grants eligible non-citizen victims of human trafficking the right to remain in the country legally for up to three years, and then adjust their status to lawful permanent residents.

U visa – Allows non-citizens who have suffered substantial physical or mental abuse as a result of being the victims of certain crimes, including human trafficking, to remain lawfully in the country for a specified period of time.

U visa interim relief – A temporary measure whereby potential recipients of a U visa could remain lawfully in the country pending the issuance of regulations governing U Visas (regulations issued in September 2007).

❖ Acronyms

API – Asian Pacific Islander

BJA – Bureau of Justice Assistance, U.S. Department of Justice

BSCC – Bilateral Safety Corridor Coalition (San Diego)

CA ACTS – California Alliance to Combat Trafficking and Slavery

CAST – Coalition to Abolish Slavery & Trafficking (Los Angeles)

CDAAs – California District Attorneys Association

CDPH – California Department of Public Health

CIB – Criminal Intelligence Bureau, California Department of Justice

CIS – U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security

CTVPA – California Trafficking Victims Protection Act

DHCS – California Department of Health Care Services

DHHS – U.S. Department of Health and Human Services

DOJ – Department of Justice

GAO – U.S. Government Accountability Office

ICE – U.S. Immigration and Customs Enforcement

ILO – International Labor Organization

LEA – Law Enforcement Agency Endorsement

NGO – Non-governmental organization

ORR – Office of Refugee Resettlement, U.S. Department of Health and Human Services

OVC – Office for Victims of Crime, U.S. Department of Justice

POST – Commission on Peace Officer Standards and Training

SAGE – Standing Against Global Exploitation Project (San Francisco)

TVPA – Trafficking Victims Protection Act of 2000 (federal)

TVPRA 2003 – Trafficking Victims Protection Reauthorization Act of 2003 (federal)

TVPRA 2005 – Trafficking Victims Protection Reauthorization Act of 2005 (federal)

UNODC – United Nations Office on Drugs and Crime

URM – Unaccompanied Refugee Minors Program

USCCB – U.S. Conference of Catholic Bishops

VAWA – Violence Against Women Act

VSC – Vermont Service Center, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security

WRAP – Worldwide Responsible Apparel Production

*** Definitions of human trafficking include:**

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

California: California law defines human trafficking as “all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.”

International Labor Organization: The ILO, an agency of the United Nations, defines human trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or 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.” - SOURCE: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (article 3 (a)).

Appendix B

Presentations at Task Force Meetings



OAKLAND

March 22, 2006

Human Trafficking - A Global and Statewide Perspective

Laurel Fletcher, Clinical Professor of Law; and
Director of the International Human Rights Law Clinic
Boalt School of Law, UC Berkeley

Leanne A. Grossman, Director of Communications
Global Fund for Women, San Francisco

SAN DIEGO

May 17, 2006

Protections for Victims of Human Trafficking

Dr. David Shirk, Director
Trans-Border Institute
Assistant Professor, Political Science
University of San Diego

Examination of Local Collaborative Models - San Diego Task Force

Law Enforcement Component:

Rick Castro, Deputy
San Diego County Sheriff's Department

Victim Services Component:

Marisa Ugarte, Executive Director
Bilateral Safety Corridor Coalition

Prosecutorial Component:

Christopher Tenorio, Assistant U.S. Attorney
U.S. Attorney's Office - Southern District

Examination of Local Collaborative Models - Los Angeles

Law Enforcement Component:

Carlos Velez, Lieutenant
Los Angeles Police Department

Kimberly Agvonkolar, Senior Program Manager
Los Angeles Police Department

Don Wildy, Assistant Program Manager
Los Angeles Police Department

Victim Services and Public Awareness Component:

Namju Cho, Former Communications and Policy Director
Coalition to Abolish Slavery & Trafficking (CAST)

Anne Dunn, Senior Project Coordinator
Los Angeles Commission on the Status of Women (LACSW)

Prosecutorial Component:

Sally Thomas, Deputy District Attorney
Los Angeles County District Attorney's Office

OAKLAND

August 30, 2006

Anatomy of a Human Trafficking Case

Ivy Lee, Staff Attorney
Asian Pacific Islander Legal Outreach
San Francisco

Anjali Chaturvedi, Former Assistant U.S. Attorney
Northern District of California

Atashi Chakravarty, Case Manager
Narika (Non-profit victim service organization)
Berkeley

Jeff Rea, Special Agent
U.S. Immigration and Customs Enforcement (ICE)
San Francisco Field Office

Mary Petrie, Lieutenant
Vice Unit, San Francisco Police Department

SACRAMENTO

November 15, 2006

Human Trafficking Training Efforts

Trisha Chisum, Senior Law Enforcement Consultant
Commission on Peace Officer Standards and Training (POST)

Kate Killeen, Former Deputy Executive Director
California District Attorneys Association

State Victim Assistance/Services

Anita Ahuja, Division Manager, and Policy and Training Manager
Legislation and Public Affairs Division
California Victim Compensation and Government Claims Board

Laura Hardcastle, Section Chief
Office of Refugee Services
California Department of Health Services

Thuan Nguyen, Chief
Refugee Programs Bureau
California Department of Social Services

Tam Ma, Consultant
Office of State Senator Sheila Kuehl

Public Awareness Efforts

Corinne Corson
U.S. Department of Health and Human Services
Children and Families Administration
Region IX

SACRAMENTO

January 30, 2007

Human Trafficking - Forced Labor

Victor Narro, Project Director
Center for Labor Research and Education
University of California, Los Angeles

Rojida Khan, Network for Emergency Trafficking Services (NETS) Director, and
Trafficking Victims Services Coordinator
The Salvation Army - Los Angeles

Victim Assistance: Challenges to Accessing Services

Heather Moore, MSW, Social Services Director
Coalition to Abolish Slavery & Trafficking (CAST)
Los Angeles, CA

SACRAMENTO

March 21, 2007

Líderes Campesinas Staff: Building Awareness on Agriculture and Trafficking and Slavery of Immigrant Workers Including Women

Mily Treviño-Sauceda, Executive Director
Líderes Campesinas, Inc.
Pomona, California

Appendix C

California Alliance to Combat Trafficking and Slavery Task Force

Member Biographies



Task Force Chair:

Nancy Matson, Director

Crime and Violence Prevention Center

California Attorney General's Office

Ms. Matson has worked in the field of crime prevention at the state level for over 28 years, the last 21 of which have been with the California Attorney General's Office. She was recently appointed as Director, having served as Deputy Director of the Center for over four years. In this capacity, she provides leadership, direction and oversight to the 38-member Center, including its statewide prevention programs, research and legislative support services, the production of public education materials and campaigns, and the Publications and Media Units. She is also responsible for the administrative functions of the Center, which include overseeing and tracking its \$5 million budget. Prior to this position, she served as assistant director for 6 years and as a senior crime prevention specialist for 10 years.

Ms. Matson has been a member of the California Crime Prevention Officers Association for 27 years and an advisor to the National Crime Prevention Council on various crime- and drug-related prevention programs and campaigns. She holds a Bachelors Degree in Criminal Justice from California State University, Sacramento.

Susan Breall, Superior Court Judge

County of San Francisco

Appointed by the California Judicial Council

Susan Breall, a judge in the Superior Court for the City and County of San Francisco, presides over the long preliminary hearing court. Her previous assignments have included both adult and juvenile drug court and criminal jury trials. Prior to her appointment to the bench, she was Chief of the Criminal Division of the San Francisco District Attorney's Office for all crimes of violence against women, children, the elderly and intimate partners. She prosecuted felony domestic violence cases for over 10 years and was an Assistant District Attorney for 17 years.

Her special interest in the area of domestic violence is in working with underserved populations. She has tried numerous cases involving undocumented battered immigrant women as victims of domestic violence.

**Suzanne Brown-McBride, Executive Director
CALCASA**

Appointed by Governor Arnold Schwarzenegger

Suzanne Brown-McBride began her anti-rape activism as a community educator and crisis line advocate. Ms. Brown-McBride went on to manage two sexual assault and domestic violence agencies that served urban, rural and tribal populations in the Pacific Northwest. Immediately prior to arriving at the Coalition Against Sexual Assault (CALCASA) in 2006, Ms. Brown-McBride served as the Executive Director of the Washington Coalition of Sexual Assault Programs, an association of sexual assault crisis centers in Washington State.

Throughout her career, Ms. Brown-McBride has focused her efforts on the development of effective public policy related to sexual assault victimization, the supervision of sex offenders and effective community responses to violence.

**Kay Buck, Executive Director
Coalition to Abolish Slavery & Trafficking (CAST)**

Appointed by the Assembly Speaker's Office

Kay Buck has over 18 years of experience in the human rights field in local, state, national and international organizations. As the Executive Director of the Coalition Against Slavery & Trafficking (CAST), Ms. Buck leads an organization devoted to serving survivors of human trafficking and slavery.

As a pioneer in the anti-trafficking field, CAST played an instrumental role in the passing of the Trafficking Victims Protection Act of 2000 and the California Trafficking Victims Protection Act enacted in 2006. CAST boasts a national training program as well as a model social services program for providing intensive services to survivors of trafficking and their families. Under Ms. Buck's leadership, CAST was awarded a \$1 million grant from the U.S. Department of Justice's Office for Victims of Crime to open the first shelter in the country for trafficked women. CAST's shelter has become a national model for organizations serving trafficking victims.

**Kenneth S. Chuang, M.D.
Health Sciences Associate Clinical Professor of Psychiatry
University of California at Los Angeles – Geffen School of Medicine**

Appointed By Governor Arnold Schwarzenegger

Dr. Kenneth S. Chuang received his M.D. from Harvard Medical School and completed his residency and geriatrics fellowship at the UCLA Neuropsychiatric Institute. He holds a faculty appointment as an Associate Clinical Professor of Psychiatry at UCLA Medical School and serves as an attending physician at the Edelman Mental Health Center. Dr. Chuang has developed specialized programs for refugees, political asylum applicants and trafficking survivors, as well as for the uninsured and the homeless. Since 2004, he has served as the Director for the Venice Family Clinic Program for Human Trafficking, which provides free medical care to trafficked clients and comprehensive training to health and social service professionals.

Paulino G. Duran, Public Defender
Sacramento County Public Defender's Office
Appointed by the California Public Defender's Association

As Public Defender for Sacramento County, Mr. Duran is responsible for a \$22 million budget, manages a staff of 180 (including 104 attorneys), develops and implements policies and procedures, handles personnel issues and participates on numerous committees. In his position, Mr. Duran reports directly to the County Executive Officer of Sacramento County.

Previously, Mr. Duran was the Assistant Chief Public Defender for Marin County. He is also the immediate past president of the California Public Defenders Association (CPDA), serves as an ex-officio member of their Board of Directors and is a member of the CPDA Legislative Committee.

Todd E. Frank, Captain
San Diego County Sheriff's Department
Appointed by the California State Sheriffs' Association

Captain Frank is a 19-year veteran of the San Diego County Sheriff's Department. He has worked on a variety of assignments throughout his career including patrol, traffic, training, corrections and investigations. In 2002, he was promoted to lieutenant and served as commander of the Vista Courthouse with a staff that served 33 Superior Court judges. He also served as the field lieutenant at the Vista Sheriff's Station where he was responsible for patrol and traffic enforcement for a community of approximately 100,000 people.

Captain Frank served four years in the United States Marine Corps before his honorable discharge. He also earned an Associate of Arts Degree from Palomar College in 2000, and a Bachelor of Science Degree from Biola University in 2004.

Robert Garcia, Chief Deputy Director
Department of Social Services
Representing John Wagner, Director, Department of Social Services (DSS)

Bob Garcia has had a 34 year career in California state service, with over 19 years in DSS, including four years as Deputy Director of Administration. He served 10 years in the Employment Development Department as Deputy Director of Administration and Deputy Director of Operations with responsibility for the statewide Unemployment Insurance Program and the Employment Services Program. He also served three years as Chief Financial Officer for the California Department of Transportation and two years as the Chief Deputy Director of the Department of Mental Health. He has been Chief Deputy Director of DSS since July 2006.

Kamala Harris, District Attorney
San Francisco County District Attorney's Office

Appointed by the California District Attorneys Association

In December 2003, Kamala D. Harris was elected the first woman District Attorney in San Francisco's history and the first African American woman in California to hold the office. The citywide election, against the incumbent, was her first run for public office.

From her first days as District Attorney, Ms. Harris has combated violent crime with special intensity. She has significantly reduced the office's backlog of homicide cases and expanded protection for witnesses of violent crime. To combat gun violence, Ms. Harris created a new gun specialist team and implemented tough new gun charging policies to keep those who have been charged with these dangerous offenses off the streets.

Bill Ong Hing
Professor of Law and Asian American Studies
University of California at Davis

Appointed by the Senate President pro Tempore; Chair of Senate Rules Committee

Bill Ong Hing is a Professor of Law and Asian American Studies at the University of California at Davis, and also serves as the director of Asian American Studies. He teaches Judicial Process, Negotiations, Public Service Strategies and Asian American History, and directs the law school clinical program.

Throughout his career, Professor Hing has pursued social justice by combining community work, litigation and scholarship. He is the author of numerous academic and practice-oriented books and articles on immigration policy and race relations. He was also co-counsel in the precedent-setting Supreme Court asylum case, *INS v. Cardoza-Fonseca* (1987).

Professor Hing is the founder of, and continues to volunteer as General Counsel for, the Immigrant Legal Resource Center in San Francisco. He is on the board of directors of the Asian Law Caucus and the Migration Policy Institute. He also serves on the National Advisory Council of the Asian American Justice Center in Washington, D.C.

Howard Jordan, Assistant Chief
Oakland Police Department

Appointed by the California Police Chiefs Association

Assistant Chief Jordan is a 19-year veteran of the Oakland Police Department, and manages the day-to-day operations of the police department. He is responsible for the daily management of approximately 650 full-time police officers and over 250 civilian personnel. During his career, he has worked on many different assignments throughout the department, including, but not limited to, patrol, investigations, Internal Affairs and administration.

Assistant Chief Jordan received a Master's Degree in Public Administration from California State University at Hayward in June 2006 and is a recent graduate of the FBI National Academy and the Senior Management in Policing Program.

Kathleen Kim, J.D.
Associate Professor of Law
Loyola Law School

Appointed by Governor Arnold Schwarzenegger

Kathleen Kim is currently an Associate Professor of Law at Loyola Law School in Los Angeles. Prior to this position, Kathleen was an Immigrants' Rights Teaching Fellow at Stanford Law School where she taught and supervised law students in the representation of indigent immigrants in a variety of immigration matters including deportation proceedings and affirmative applications for immigration relief.

From 2002-2005, Ms. Kim directed the Human Trafficking Project at the Lawyers' Committee for Civil Rights in San Francisco. She founded the project as a Skadden Fellow, which focused on the civil rights of victims of human trafficking by providing direct representation to clients seeking monetary compensation from their abusers. Ms. Kim continues to provide technical assistance and training on trafficking civil litigation matters.

Ms. Kim received her J.D. from Stanford Law School where she was an associate editor of *Stanford Law Review* and a Judge M. Takasugi Public Interest Fellow.

Ivy Lee, Staff Attorney
Asian Pacific Islander Legal Outreach

Appointed by the Senate President pro Tempore

Ivy Lee has directed the Immigration & Trafficking project at Asian Pacific Islander Legal Outreach in San Francisco since 2001. Her practice focuses on representing victims of violence, including human trafficking, for immigration and other civil legal relief; legislative and policy advocacy at the local, state and federal levels; community outreach and education; and technical assistance and training to non-governmental organizations and law enforcement.

Ms. Lee was selected in 2004 by the *California Daily Journal* as one of the top 40 attorneys under 40 years of age in the state, is a commissioner on the San Francisco Immigrant Rights Commission, and serves as Treasurer for the board of the American Immigration Lawyers Association, Northern California chapter. She received her J.D. from New York University School of Law in 1998.

Marivic Mabanag, Executive Director
California Partnership to End Domestic Violence

Appointed by Governor Arnold Schwarzenegger

Ms. Mabanag is the Executive Director of the California Partnership to End Domestic Violence (CPEDV), the State Coalition of over 140 member organizations based in Sacramento, California. CPEDV acts as a leader and catalyst for innovative, long-range solutions to end domestic violence to ensure safety and justice for survivors.

With 25 years of experience in the non-profit, public and private sectors, Ms. Mabanag is especially sensitive to the need for reducing violence and enhancing the quality of life in diverse communities. She has been and continues to be committed to community social change, social justice and human development. She has worked with diverse communities and speaks several languages. Originally from the Philippines and educated in the United States, Marivic graduated from Wellesley College where she was the Commencement Speaker.

Angelica Salas, Executive Director
Coalition for Humane Immigrant Rights of Los Angeles
Appointed by the Speaker of the Assembly

Angelica Salas, Executive Director of the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), is widely regarded as one of the most gifted activist/organizers in the country today. Since becoming CHIRLA's director in 1999, Salas has spearheaded several ambitious campaigns. She helped win in-state tuition for undocumented immigrant students and established day laborer job centers that have served as a model for the rest of the nation. She led efforts to allow all California drivers to obtain a driver's license and is a leading spokesperson on federal immigration policy.

Ms. Salas is a graduate of Occidental College, where she studied history and sociology, with an emphasis on Latin America and Race Relations in the United States.

Sandra Shewry, Director
California Department of Health Services

As Director of California's Department of Health Services (DHS) [*now the Department of Health Care Services*], one of the largest state departments with a budget of \$34 billion and 6,000 employees, Ms. Shewry administers public health, education, disease-prevention, and health protection programs for 35 million Californians. She administers the State's Medicaid Program (Medi-Cal) providing health care services to more than six million individuals annually.

With more than 20 years experience in California state government, Ms. Shewry began her state career with DHS as a health-planning analyst and later served as an assistant secretary at the Health and Welfare Agency. She earned graduate degrees in Public Health and Social Welfare from the University of California at Berkeley.

Mily Trevino-Sauceda, Executive Director
Líderes Campesinas

Appointed by former Attorney General Bill Lockyer

Ms. Trevino-Sauceda is a co-founder and the Executive Director for Organización en California de Líderes Campesinas, Inc. Líderes Campesinas is a statewide organization of farm worker women leaders advocating against violence against farm worker women and promoting leadership development. Líderes Campesinas has received several regional and national recognitions for its innovative training and grassroots outreach model.

Ms. Trevino-Sauceda obtained her Bachelor's Degree in Chicano Studies and a Minor in Women's Studies from California State University at Fullerton. She is also a fellow for the Rural Development Leadership Network and working on her Individualized Master's Degree on Rural Development at Antioch, Ohio.

**Mary Wiberg, Executive Director
California Commission on the Status of Women**

Since October 2001, Mary M. Wiberg has served as the Executive Director of the State of California Commission on the Status of Women (CSW). Under Ms. Wiberg's leadership, the California CSW is addressing numerous issues of concern to women, including women and girls in correctional facilities, access to health care, Title IX, older working women and the impact of California's budget crisis on women and their families. In 2004-05, the Commission joined Assembly Member Sally Lieber and the Assembly Select Committee on Human Trafficking to co-sponsor two public hearings in San Francisco and Los Angeles on human trafficking.

Her previous position was as Gender Equity Administrator for the State of Iowa Department of Education. While in Iowa, she also worked extensively on welfare reform and workforce development issues.

**Jeffrey Wyly, Assistant Secretary
Labor and Workforce Development Agency
*Representing Victoria Bradshaw, Secretary, Labor and Workforce
Development Agency***

Governor Schwarzenegger appointed Jeffrey Wyly in January 2007 as Assistant Secretary of the California Labor and Workforce Development Agency (LWDA). Among other duties, Mr. Wyly was appointed to spearhead all Governor's initiatives under the purview of the Agency.

Previously, Mr. Wyly served as a Special Assistant for Legislative and Governmental Affairs at LWDA, as Assistant Deputy Director of the Legislative Liaison Office in the Employment Development Department, and as Constituent Affairs Representative in the Office of the Governor. He has also worked for the California State Senate. Mr. Wyly holds a Bachelor of Arts Degree in Political Science from the University of California at Davis.

Appendix D

Human Trafficking Resources



The following information is included in this human trafficking resource packet:

- Human Trafficking Training Materials;
- Human Trafficking Public Awareness Campaigns;
- Human Trafficking Resources – Agencies and Organizations; and
- Direct Services or Referrals for Trafficked Minors

The list of resources below is not all inclusive. For additional information and resources visit the Crime and Violence Prevention Center's website: www.safestate.org/humantrafficking.

❖ Human Trafficking Training Materials

California

Coalition to Abolish Slavery & Trafficking – Los Angeles

CAST provides a practical training program to various audiences such as social service provider organizations, the community at large and government agencies on a local, state and national level. In addition, CAST, in partnership with the Los Angeles Metro Area Task Force, specifically designed a human trafficking training curriculum for law enforcement personnel. CAST's philosophy is based on a human rights approach in addressing the issue of slavery and trafficking. CAST also serves as the western region coordinator for the Freedom Network's Training Institute, a national collaborative of organizations with expertise in training on human trafficking.

www.castla.org

Tel: 213-365-1906

Legal Aid Foundation of Los Angeles

Document: *Human Trafficking: A Resource Guide to U.S. Law*

www.lafla.org

Tel: 1-800-399-4529

Commission on Peace Officer Standards and Training (POST)

Document: *Guidelines on Law Enforcement Response to Human Trafficking*

These guidelines and DVD telecourse provide law enforcement personnel with the necessary tools to respond to human trafficking cases. The segments include information on the following: types of human trafficking; indicators; initial response; evidence; notifications, resources and referrals; legal requirements; case development and collaboration.

www.post.ca.gov

Tel: 916-227-3909

San Jose Regional Task Force

The Task Force offers a two-tier training module: an overview presentation for community outreach including a synopsis, relevancy of the problem of human trafficking and contact information (law enforcement, social services, NGO's, etc.); and a complete presentation on the scope of the problem, statistical information, laws, victims' benefits, victim/suspect profiles and reporting resources.

John.Vanek@sanjoseca.gov

Tel: 408-277-4322

STOP Human Trafficking and Slavery

Document: *San Diego Resource Manual*

This manual was created by the Office of Refugee Resettlement in coordination with Crisis House, Free the Slaves, Heartland Human Relations & Fair Housing Association, San Diego Youth & Community Services and the Bilateral Safety Corridor Coalition.

www.bsccoalition.org

Tel: 619-336-0770

The Salvation Army's Anti-Trafficking Training Program

Document: *Recognizing and Serving Victims of Human Trafficking Training Manual*

This training assists service providers in recognizing and helping survivors of human trafficking by assessing the needs of the victims and developing a comprehensive service plan.

www.salvationarmyusa.org

Tel: 562-491-8306 (Long Beach, California)

The United States Conference of Catholic Bishops, Migration and Refugee Services, Catholic Legal Immigration Network and the Legal Aid Foundation of Los Angeles

Document: *A Guide for Legal Advocates Providing Services to Victims of Human Trafficking*

www.usccb.org

Tel: 202-541-3352

National and International

Center for Global Studies

A National Resource Center at the University of Illinois

Document: *Teaching and Learning about Human Trafficking and Slavery: A Curriculum Workshop for K-12 Educators*

www.cgs.uiuc.edu/resources/jacs/workshop

Tel: 217-265-5186

Free the Slaves – Washington, D.C.

Document: *Community Member's Guide to Fighting Human Trafficking and Slavery*
This guide introduces the topic of modern slavery and places it in the context of global human rights by raising awareness that slavery still exists—and if we all work together, we can end it.

www.freetheslaves.net/communityguide

Tel: 202-638-1865

Freedom Network

Document: *Human Trafficking and Slavery: Basic Tools for an Effective Response*
This comprehensive training curriculum provides a solid foundation for participants to address issues of human trafficking and slavery in various contexts where it might be encountered in the United States.

www.freedomnetworkusa.org

International Association of Chiefs of Police – Alexandria, Virginia

Document: *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation*. This guidebook includes the definitions of human trafficking and the various forms of exploitation. Additionally, the guidebook discusses the dynamics of human trafficking and strategies for victim identification and assistance.

www.theiacp.org

Tel: 1-800-THEIACP

Polaris Project – Washington, D.C.

This project provides direct intervention and survivor support services for trafficked persons and works with law enforcement to help ensure prosecution of the traffickers. At the national level, Polaris staff advocate for more comprehensive laws, provide training to service providers and law enforcement and build the grassroots movement in communities and campuses across the U.S. and in Japan.

www.polarisproject.org

Tel: 202-745-1001

Project Rescue – India, Nepal

International Curriculum – Project Rescue serves as the lead organization for a curriculum development project. The international training curriculum for training caregivers of trafficking victims was written by over 25 writers from around the world who have contributed their experience and time to this endeavor. The two tracks of the curriculum, Academic and Community-based, will be pilot tested in the United States.

www.projectrescue.com/whatsnew.php

Tel: 1-866-862-0919 (Toll-free in the U.S.)

Rescue and Restore Campaign – U.S. Department of Health and Human Services

The Rescue and Restore Campaign provides training and resource tools for law enforcement, health care and social service agencies assisting human trafficking victims. Educational brochures, posters, pocket assessments cards and trafficking information and referral through the National Human Trafficking Resource Center are available to assist any agency with gathering training material to locating a service provider.

www.acf.hhs.gov/trafficking/index.html

Tel: 202-401-9215 (Washington, D.C.)

❖ Human Trafficking Public Awareness Campaigns

California

Coalition to Abolish Slavery & Trafficking (CAST), the Legal Aid Foundation of Los Angeles and other members of the Los Angeles Metro Task Force on Human Trafficking created a public awareness campaign called *Know Human Trafficking. Be Alert, Be Aware*, employing the use of a new toll-free hotline, billboards and bumper stickers. CAST also has a campaign called *STOP: Sex Trafficking Outreach Project*.
Tel: 213-485-2511

The Legal Aid Foundation of Los Angeles (LAFLA) created a comic book style community awareness campaign called *Three Tales of Slavery in the USA*. The tales are told in both English and Spanish and instructs those who might be in trouble or know someone in trouble to call the Legal Aid's human trafficking toll-free hotline. They have advocates who speak English, Spanish, Khmer, Cantonese, Mandarin, Japanese, Korean and Vietnamese. Additionally, the LAFLA is also very actively involved in the Los Angeles Metro Task Force, especially in the outreach campaign.

<http://www.lafla.org/clientservices/specialprojects/traffic.asp>.

Tel: 323-801-7991 (Los Angeles)

National and International

Business Travelers Against Human Trafficking, an international organization, has developed a campaign to encourage international business travelers to report human trafficking and child prostitution.

<http://www.businesstravellers.org/archives/campaign>.

Council of Europe's Campaign to Combat Trafficking, called *Human Being – Not For Sale*, aims to raise awareness among governments, local and regional authorities, NGOs and the general public, of the extent of the problem of trafficking in human beings in Europe today. It highlights the different measures that can be taken to prevent this new form of slavery, as well as measures to protect the human rights of victims and to prosecute the traffickers.

http://www.coe.int/t/dg2/trafficking/campaign/Docs/Convntn/default_en.asp.

Tel: +33 (0)1 44 05 33 60 (Paris)

Tel: +32 2 230 41 70 (Brussels –liaison office with the EU)

Free the Slaves has created a community awareness and community action guide called *Slavery Still Exists: And it Could Be in Your Backyard*.

www.freetheslaves.net/communityguide

Tel: 202-638-1865 (Washington, D.C.)

Human Rights Watch created a specific awareness campaign on the trafficking of children in West Africa.

<http://hrw.org/campaigns/togol>.

Tel: 310-477-5540 (Los Angeles)

Tel: 415-362-3250 (San Francisco)

Polaris Project has created the *Campus Coalition Against Trafficking* (CCAT) aimed at college students, encouraging their efforts to raise public awareness. The Polaris Project has also initiated a grassroots public awareness project called *Slavery Still Exists*.

<http://www.slaverystillexists.org/>

Tel: 202-745-1001 (Washington, D.C.)

The International Development Bank (IDB), Ricky Martin Foundation (RMF) and the International Organization for Migration (IOM) launched a campaign called *Call and Live*, which primarily targets women and children through media announcements and community awareness in Latin America, including Peru, Costa Rica, Ecuador, El Salvador and Nicaragua, with plans to bring the campaign to Columbia, Mexico and Latino communities in the Washington D.C. area.

www.llamayvive.org - Website is in Spanish only.

The International Labor Organization (ILO). The ILO has created a new guidebook for young foreign migrants to Thailand. The campaign is called *Travel Smart – Work Smart*.

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/publicationsresearch.htm>.

Tel: 202-653-7652 (Washington, D.C.)

Rescue and Restore Campaign administered by the US Department of Health and Human Services (HHS) created a national public awareness campaign with the slogan:

Look Beneath the Surface. This campaign reaches out to help victims and aims to guide those who might discover them. HHS has translated the public awareness materials into many languages and has prepared special materials for a variety of responders including law enforcement, health care providers and faith-based communities. The campaign maintains an around-the-clock toll-free number.

www.acf.hhs.gov/trafficking/index.html.

Tel: 1-888-3737-888

The U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs created a brochure called *Be Smart, Be Safe*, which is aimed mostly at women in developing countries who are considering moving to the U.S. and those already in the U.S. It has a toll free worker exploitation complaint line, includes survivor stories and outlines the rights of the trafficked to the U.S.

<http://www.state.gov/g/tip/rls/other/07/81766.htm>.

For general information on the Department of State anti-trafficking program, see:

<http://www.state.gov/g/tip/>

Tel: 202-647-4000 (Washington, D.C.)

The United Nations Office on Drugs and Crime (UNDOC) created public service announcements to raise global awareness about human trafficking. UNDOC is working in individual countries to create partnerships with regional and local NGOs. Wherever possible, the new video spots will include local telephone hotlines where victims can call to receive assistance. The video spots are available in the official UN languages, with translations also planned in Eastern European, African and Asian languages. The video spots are targeted at destination countries for trafficked persons. The spots can be viewed and heard at www.undoc.org/undoc/multimedia.html.

http://www.unodc.org/unodc/trafficking_human_beings.html

Tel: 43 1 26060 0 (Vienna, Austria)

U.S. Agency for International Development's (USAID) Women in Development Program has funded several programs, some of them awareness programs, in many different countries. Their March 2006 report, "**Trafficking in Persons: USAID's Response**" describes these programs. For information and a copy of the report, see: http://www.usaid.gov/our_work/crosscutting_programs/wid/trafficking/index.html.
Tel: 202-712-0570 (Washington, D.C.)

UNICEF has created a campaign to prevent child trafficking by raising public awareness of child trafficking and exploitation and funds to support practical programs which protect children from trafficking.
http://www.unicef.org.uk/campaigns/campaign_detail.asp?campaign=21&nodeid=campaign21§ion=9
Tel: (New York) 212-686-5522

Vital Voices Global Partnership raises public awareness through an electronic newsletter, "Trafficking Alert," which covers human trafficking issues. Vital Voices also produces in eight languages an anti-trafficking tool kit for use throughout the United States. The kit contains information on identifying victims in local communities, a summary of U.S. anti-trafficking laws, a list of national complaint lines and a fact sheet for health professionals. Vital Voices also works with the United Nations Office on Drugs and Crime to distribute public service announcements to national and regional television stations.
www.vitalvoices.org
Tel: 202-861-2625 (Washington, D.C.)

Winrock International, with grants from **United States Agency for International Development (USAID)** launched the *Path to Success* program in the Russian Far East. The program worked with partner NGOs to raise community awareness of the problem of human trafficking, and included a training component and an awareness component. In the awareness component the organization conducted informational campaigns with the mass media, provided information to journalists, created information for television and radio programs, developed and disseminated printed materials, created websites for youth and organized a hotline.
http://www.winrock.org/leadership/feature_AntiTrafficking_200701.asp
Tel: 501-280-3000 (Arkansas)
Tel: 413-863-3087 (Massachusetts)

Youth for Human Rights International is creating a song and music video project that educates people on the problem of human trafficking for the purpose of raising money to combat it. The video will highlight prominent musical artists in various genres and from various countries.
www.youthforhumanrights.org/campaigns/combat_human_trafficking.html
Tel: 323-663-5799 (Los Angeles)

❖ **Human Trafficking Resources – Agencies and Organizations**

State Agencies

California Attorney General’s Crime and Violence Prevention Center
www.safestate.org/humantrafficking

California Witness Protection Program
<http://caag.state.ca.us/lcbl/content/protection.htm>

Commission on Peace Officer Standards and Training (POST)
www.post.ca.gov

Commission on the Status of Women
www.women.ca.gov

Department of Health Care Services
www.ca.gov/Health/HealthCareServ.html

Department of Social Services, Office of Refugee Programs
www.cdss.ca.gov/refugeeprogram/HumanTraff_2287.htm

Victim Compensation and Government Claims Board
www.vcgcb.ca.gov

Statewide Organizations

California District Attorneys Association – Violence Against Women Project
www.cdaa.org
Tel: 916-443-2017

California Coalition Against Sexual Assault
www.calcasa.org
Tel: 916-446-2520

California Partnership to End Domestic Violence
www.cpedv.org/
Tel: 800-524-4765

Regional Task Forces in California

East Bay Task Force on Human Trafficking (Oakland)
Oakland Police Department
Tel: 510-587-2540

Los Angeles Metropolitan Area Task Force on Human Trafficking
Los Angeles Police Department
Tel: 213-485-2511

North Bay Area Human Trafficking Task Force
San Francisco Police Department
Tel: (415) 970-3070

Orange County Human Trafficking Task Force
Westminster Police Department
Tel: 714-898-3315

San Diego Regional Anti-Trafficking Task Force
San Diego County Sheriff's Department
Tel: 619-336-0770

San Jose Human Trafficking Task Force
San Jose Police Department
Tel: 408-277-4322

Universities – California

University of California at Berkeley, Human Rights Center
Berkeley, CA
<http://www.hrcberkeley.org/>
Tel: (510) 642-0323

University of California at Los Angeles, Center for Labor Research and Education
Los Angeles, CA
www.labor.ucla.edu
Tel: 310-794-5983

Non-governmental Organizations - California

Asian Anti-Trafficking Collaborative (partnership of: Asian Pacific Islander Legal Outreach, Asian Women's Shelter, Donaldina Cameron House and Narika).
San Francisco, CA
www.apilegaloutreach.org
Tel: 415-567-6255

Asian Pacific American Legal Center
Los Angeles, CA
<http://www.apalc.org/>
Tel: 213-977-7500

Asian Pacific Islander Legal Outreach
San Francisco or Oakland, CA
www.apilegaloutreach.org/trafficking.html
Tel: 415-567-6255 (San Francisco)
Tel: 510-251-2846 (Oakland)

Asian Women's Shelter
www.sfaws.org/
San Francisco, CA
Tel: 1-415-751-7110 (Business Line)
Tel: 1-877-751-0880 (24 Hour Crisis Line)

Bilateral Safety Corridor Coalition
www.bsccoalition.org
San Diego, CA
Tel: 619-336-0770
Tel: 619-666-2757 (24 hour hotline)

Cameron House
San Francisco, CA
www.cameronhouse.org/index.htm
Tel: 415-781-0401

Coalition to Abolish Slavery & Trafficking
Los Angeles, CA
www.castla.org
Tel: 213-365-1906

Family Violence Prevention Fund
San Francisco, CA
www.endabuse.org
Tel: 415-252-8900 ext. 42

Lawyers Committee for Civil Rights of the San Francisco Bay Area
San Francisco, CA
www.lccr.com/index.html
Tel: 415-543-9444

Legal Aid Foundation of Los Angeles
Los Angeles, CA
www.lafla.org
Tel: 323-801-7991

Lideres Campesinas
Pomona, CA
www.liderescampesinas.org
Tel: (909) 865-7776

Narika
Berkeley, CA
www.narika.org
Tel: 1-800-215-7308

Neighborhood Legal Services
Pacoima, CA
www.nls-la.org/
Tel: 800-433-6251

Next Door Solutions to Domestic Violence
San Jose, CA
www.nextdoor.org
Tel: 408-501-7550
Tel: 408-279-2962 (24 hour hotline)

Opening Doors
Sacramento, CA
www.openingdoorsinc.com
Tel: (916) 492-2591

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

San Diego Youth and Community Services
San Diego, CA
<http://www.sdycs.org/site/PageServer?pagename=home>
Tel: 619-221-8600

The Cambodian Family Services
Santa Ana, CA
<http://www.cambodianfamily.org/index.html>
Tel: 714-571-1966

The Vietnamese Alliance to Combat Human Trafficking (VietACT)
Los Angeles
www.vietact.org

Federal Agencies

Fair Fund
www.fairfund.org
Tel: (202) 265-1505

National Criminal Justice Reference Service
<http://www.ncjrs.gov/spotlight/trafficking/Summary.html>
Tel: 800-851-3420

T Visa Application Process
<http://www.uscis.gov/portals/site/uscis>
Tel: 1-800-375-5283

United Nations, Office of Drugs and Crime
http://www.unodc.org/unodc/en/trafficking_human_beings.html

U.S. Department of Health and Human Services, Office of Refugee Resettlement
www.acf.hhs.gov/programs/orr/index.html or www.acf.hhs.gov/trafficking/index.html

U.S. Department of Homeland Security, Immigration & Customs Enforcement (ICE)
www.ice.gov/pil/investigations/publicsafety/humantrafficking.htm#trafficking

U.S. Department of Justice
www.usdoj.gov/whatwedo/whatwedo_ctip.html

U.S. Department of Labor, Employment Standards Administration
<http://www.dol.gov/esa/whd/>

U.S. Department of State, Office to Monitor and Combat Human Trafficking in Persons
www.state.gov/g/tip/rls/tiprpt/2006/

National and International Organizations

American Immigration Lawyers Association
Washington, D.C.
www.aila.org
Tel: 202-216-2400

Counter-Trafficking Services National Immigrant Justice Center
Chicago, IL
www.immigrantjustice.org
Tel: 312-660-1326

Gabriela Network
New York
www.gabnet.org
Tel: 212-592-3507

Global Alliance Against Trafficking in Women (International) based in Bangkok
www.gaatw.net
Tel: 66-2-864-1427/8

Global Rights: Partners for Justice
Washington, DC
www.globalrights.org
Tel: 202-822-4600

International Justice Mission
Washington, D.C.
www.ijm.org
Tel: 703-465-5495

International Labor Organization
Washington, D.C.
www.ilo.org
202-653-7652

International Organization for Migration
Washington, D.C.
www.iom.int/en/what/counter_human_trafficking.shtml
Tel: 202-862-1826

Legal Momentum: Advancing Women's Rights
Immigrant Women Program
Washington, D.C.
www.legalmomentum.org
Tel: (202) 326-0040

National Immigration Law Center
Los Angeles, CA
<http://www.nilc.org/>
Tel: 213-639-3900

National Immigration project of the National Lawyers Guild
Boston, MA
www.nationalimmigrationproject.org
Tel: 617-227-9729 (Boston, Massachusetts)

Polaris Project
Washington, D.C.
www.PolarisProject.org
Tel: 202-745-1001

Shared Hope International
Arlington, VA
www.sharedhope.org
Tel: 866-HER-LIFE

The Freedom Network
www.freedomnetworkusa.org

The Protection Project – Johns Hopkins University
Washington, D.C.
www.protectionproject.org
Tel: 202-663-5894

United Nations Office on Drugs and Crime
Vienna International Center
Vienna, Austria
www.unodc.org/unodc/en/trafficking_human_beings.html
Tel: +43 1 26060 0

U.S. Conference of Catholic Bishops
Washington, D.C.
www.nccbuscc.org
Tel: 202-541-3000

Telephone Hotlines to Report Trafficking in Persons

Trafficking in Persons Information and Referral Hotline

U.S. Department of Health and Human Services/Office of Refugee Resettlement operates this hotline to provide referral information to help victims access services in their area.
1-888-373-7888.

Trafficking in Persons and Worker Exploitation Task Force Hotline

The federal government has established the U.S. Department of Justice, Trafficking in Persons and Worker Exploitation Task Force. The hotline responds to trafficking victims regardless of immigration status. Operators have access to interpreters. The Service is offered on weekdays from 9 a.m. to 5 p.m. EST. After these hours, information is available on tape in English, Spanish, Russian and Mandarin.
1-888-428-7581.

❖ Direct Services or Referrals for Trafficked Minors

California

Bilateral Safety Corridor Coalition (BSCC)
Phone: 619-265-0105
Shelter: Referrals for minors and adults
Phone: 619-336-0770
<http://www.bsccoalition.org/>

Center for Young Women's Development
Intake Line: 415-703-8800
Shelter: In-house for females 16-24, referrals for minors and adults
www.cywd.org

Children of The Night
Hotline: 1-800-551-1300
Office Line: 818-908-4474 x 125
Shelter: In-house for minors 11-17
*Consent from point of authority required
www.childrenofthenight.org

Coalition to Abolish Slavery & Trafficking
Phone Line: 213-365-1906
Shelter: Referrals for minors
www.castla.org

San Diego Youth & Community Services
Hotline: 1-866-752-2327 or 1-866-Place2Stay
Office Line: 619-221-8600
Shelter: In-house for minors
www.sdycs.org

Standing Against Global Exploitation (SAGE)
Intake Line: 415-358-2727
Office Line: 415-905-5050
www.sagesf.org

National and International

Child Sex Tourism Prevention Project – World Vision International Programs
Washington, D.C.
Phone: 888-511-6548
www.stopchildtourism.org

ECPAT International
(End Child Prostitution/Pornography and Trafficking)
Bangkok, Thailand
www.ecpat.net

Human Rights Watch
Washington, D.C.
Phone: 202-612-4321
www.hrw.org

National Center for Missing and Exploited Children
Charles B. Wang International Children's Building
Alexandria, VA
Phone: 703-274-3900
Toll-Free: 1-800-843-5678
www.ncmec.org

Save the Children
Westport, CT
Phone: 203-221-4030
Toll-free: 800-728-3843
www.savethechildren.org

The Angel Coalition
To call Russian Help Lines from:
Netherlands, Belgium, Germany
00-800-455-05-555
From USA:
1-866-800-0270
From within Russia to Moscow (TVAC):
8-800-200-2400
www.angelcoalition.org

The Code: Protection of Children From Sexual Commercial Exploitation in Travel and
Tourism
World Tourism Organization
Madrid, Spain
Phone: 91 5678177
www.thecode.org

The Salvation Army National Headquarters
Alexandria, VA
Phone: 562-491-8306 or 562-491-8480 (USA Western Territorial Headquarters)
Shelter: Available for minors and adults
www.salvationarmyusa.org

Appendix E

California Penal Code § 13990



Below is California Penal Code § 13990 which created the California Alliance to Combat Trafficking and Slavery Task Force. For the full text of the California Trafficking Victims Protection Act please visit: <http://info.sen.ca.gov>.

CALIFORNIA PENAL CODE

13990. (a) There is hereby established the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force to do the following to the extent feasible:

- (1) Collect and organize data on the nature and extent of trafficking in persons in California.
- (2) Examine collaborative models between government and nongovernmental organizations for protecting victims of trafficking.
- (3) Measure and evaluate the progress of the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking.
- (4) Identify available federal, state, and local programs that provide services to victims of trafficking that include, but are not limited to, health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English-as-a-second-language classes, voluntary repatriation and victim's compensation. Assess the need for additional services, including but not limited to, shelter services for trafficking victims.
- (5) Evaluate approaches to increase public awareness of trafficking.
- (6) Analyze existing state criminal statutes for their adequacy in addressing trafficking and, if the analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address trafficking.
- (7) Consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking, and prosecute traffickers.

(b) The task force shall be chaired by a designee of the Attorney General. The Department of Justice shall provide staff and support for the task force to the extent resources are available.

(c) The members of the task force shall serve at the pleasure of the respective appointing authority. Reimbursement of necessary expenses may be provided at the discretion of the respective appointing authority or agency participating in the task force. The task force shall be comprised of the following representatives or their designees:

- (1) The Attorney General.
- (2) The Secretary of the Labor and Workforce Development Agency.
- (3) The Director of the State Department of Social Services.
- (4) The Director of the State Department of Health Services.
- (5) Chairperson of the Judicial Council of California.

- (6) Chairperson of the State Commission on the Status of Women.
 - (7) One representative from the California District Attorneys Association.
 - (8) One representative from the California Public Defenders Association.
 - (9) Two representatives of local law enforcement, one selected by the California State Sheriffs' Association and one selected by the California Police Chiefs' Association.
 - (10) One representative from the California Coalition Against Sexual Assault, appointed by the Governor.
 - (11) One representative from the California Partnership to End Domestic Violence, appointed by the Governor.
 - (12) The Governor shall appoint one university researcher and one mental health professional.
 - (13) The Speaker of the Assembly shall appoint one representative from an organization that advocates for immigrant workers' rights and one representative from an organization that serves victims of human trafficking in southern California.
 - (14) The Senate Rules Committee shall appoint one representative from an organization that provides legal immigration services to low-income individuals, and one representative from an organization that serves victims of trafficking in northern California.
 - (15) The Governor shall appoint one survivor of human trafficking.
- (d) Whenever possible, members of the task force shall have experience providing services to trafficked persons or have knowledge of human trafficking issues.
 - (e) The task force shall meet at least once every two months. Subcommittees may be formed and meet as necessary. All meetings shall be open to the public. The first meeting of the task force shall be held no later than March 1, 2006.
 - (f) On or before July 1, 2007, the task force shall report its findings and recommendations to the Governor, the Attorney General, and the Legislature. At the request of any member, the report may include minority findings and recommendations.
 - (g) For the purposes of this section, "trafficking" means all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.
 - (h) This section is repealed as of January 1, 2008, unless a later enacted statute, that becomes operative before January 1, 2008, deletes or extends that date.

Appendix F

Research Methodology



At the CA ACTS Task Force meeting on May 17, 2006, Nancy Matson, Task Force Chair, announced that the Attorney General's Crime and Violence Prevention Center (CVPC) staff would design a survey to be sent to statewide organizations (California Police Chiefs Association, California State Sheriffs' Association, California District Attorneys Association and Commission on Peace Officer Standards and Training), federally funded local law enforcement task forces to combat human trafficking, human trafficking victim services agencies, domestic violence and sexual assault service providers, immigrant rights groups, legal services providers and refugee assistance organizations, to learn more about human trafficking in California. Law enforcement and district attorneys in several rural counties without benefit of a federally funded task force would also be targeted to learn if their view was different from those in urban areas with operating task forces.

Conducting the survey was a way to meet one of the Task Force goals: to collect and organize data on the nature and extent of trafficking in California. We were very fortunate that others have conducted research on this problem in California,¹ but we wanted to get a sense of the problem from the perspectives of the various professions named above. The survey was comprised of four modules: one to be answered by all the recipients, one for service providers who work with victims, one for domestic violence shelter programs only and one for law enforcement. Respondents were asked whether they had experienced trafficking cases, and if so, how many and what type; whether they had received or provided training; whether they had collaborated with other countries; whether their programs had been evaluated; whether they use or have created public awareness materials; whether they were aware of promising practices; what services were provided to victims; what barriers prevented service providers from providing services to victims; what barriers prevented victims from accessing services; and what barriers prevented the arrest and prosecution of traffickers.

Four members of the CA ACTS Task Force agreed to assist CVPC staff in the development of drafts of the survey: Kay Buck, Ivy Lee, Mily Trevino-Sauceda and Todd Frank. Staff drafted a survey that was sent to these members and later finalized and created via Survey Monkey, an online survey tool recommended by Task Force members. In August 2006, e-mail addresses for most groups of recipients were located and survey recipients received e-mails from CVPC staff, explaining the purpose and importance of the survey, providing a link to the survey, and asking them to respond to the survey on-line or to request a paper copy. At this time, CVPC staff was unable to compile a complete list of contacts and e-mail addresses for immigrant rights groups and immigration legal services providers in California.

The first e-mail message yielded very few responses. In early November, a second e-mail was sent to all these groups, again explaining the importance of the topic and our need to hear

from them. The follow-up e-mail again contained the link to the survey and offered to mail a hard copy version, if needed. By the time of the second e-mail's deadline, only 20 surveys had been completed; the survey had been sent to nearly 500 recipients.

In January, 2007, a letter from CVPC's Director and the CA ACTS Task Force Chair, Nancy Matson, was sent to all those who had not yet responded. Enclosed in the envelope was a paper copy of the survey. This increased the number of surveys returned to a little over 70, approximately a 15 percent return rate.

In a final attempt to hear more from immigration legal services providers, a link to the survey was sent to the Northern California Chapter of the American Immigration Lawyers Association in March 2007, who forwarded the link to its approximately 700 members; the responses to this e-mail brought the total number of returned surveys to 101. While it was good to increase the numbers of survey respondents, unfortunately, the final return rate is less than 10 percent.

This is a very low response rate, a respectable rate being at least close to 50 percent. Thus, the results are not scientifically reliable. We have included the results in the report, however, because many of the results mirror what is already known about human trafficking. Also, we believe that because the topic itself is so new, and the law new as well, that a low response rate is understandable. Methodological limitations should be kept in mind, however, when considering the results that are reported here.

In addition to the survey, CA ACTS Task Force member Bill Hing offered the assistance of three law students who were interested in human trafficking.² Staff at CVPC asked them to conduct intensive telephone interviews in three rural counties where the likelihood of agricultural trafficking was high: San Joaquin, Fresno and Butte. They interviewed a variety of local contacts, including sexual assault centers, refugee service providers, legal providers, domestic violence service providers, law enforcement and district attorneys. A total of 13 interviews were conducted.

End Notes:

- 1 Human Rights Center. 2005. *Freedom Denied: Forced Labor in California*. University of California, Berkeley. Available online at www.hrcberkeley.org/download/freedomdenied.pdf.
- 2 The CA ACTS Task Force thanks the following students for their assistance and the collection of these data: Katie Ruhl, Sigrid Waggener and Daniela Maldonado.