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## California's Response to Human Trafficking

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

*Secretary of State Hillary Rodham Clinton, June 16, 2009*

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

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

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

### California's Regional Anti-Human Trafficking Task Forces

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

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

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

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

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

(Established in 2004)

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

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

(Established in 2010)

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

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

(Established in 2004)

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

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

(Established in 2005)

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

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

(Established in 2004)

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

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

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

(Established in 2010)

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

❖ **Sacramento Innocence Lost Task Force (Sacramento)**

(Established in 2010)

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

❖ **San Diego North County Anti-Trafficking Task Force (San Diego)**

(Established in 2004, re-organized in 2010)

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

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

(Established in 2005)

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

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

## **Cross-Border Partnerships**

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

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

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

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

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

### ❖ **California Anti-Money Laundering Alliance**

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

### ❖ **CWAG Alliance Partnership**

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

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

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

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

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

## Federal and Interstate Efforts

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

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

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

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

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

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

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

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

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

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

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

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

#### ❖ **Federal Grant Funds**

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

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

#### ❖ **Federal Prosecution**

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

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

The following describes key federal anti-human trafficking efforts in FY 2011:<sup>6</sup>

- ❖ 40 U.S. DOJ-led task forces reported more than 900 investigations that involved more than 1,350 suspects.
- ❖ U.S. DOJ charged 42 cases involving forced labor and sex trafficking of adults by force, fraud, or coercion. Of these, half involved primarily labor trafficking and half involved primarily sex trafficking, although many involved a combination of both.
- ❖ At the end of FY 2011, the FBI had 337 pending human trafficking investigations with suspected adult and foreign minor victims.
- ❖ The average prison sentence imposed for federal trafficking crimes during FY 2011 was 11.8 years. Sentence terms imposed ranged from 10 months to 50 years.
- ❖ The Department of Homeland Security (DHS) Federal Law Enforcement Training Center trained over 2,000 state, local, and federal officers in human trafficking.
- ❖ DHS suspended, proposed debarment of, or debarred five companies and eight individuals for involvement with forced labor.
- ❖ DHS made three criminal arrests resulting in eight convictions in child sex tourism cases.

#### ❖ **Innocence Lost Task Forces**

The FBI, in partnership with U.S. DOJ, established the Innocence Lost Program in 2003 to investigate and prosecute cases of child sex trafficking in the United States. As of 2012, there are 47 dedicated task forces and working groups across the country, comprised of federal, state, and local law enforcement. The efforts of these task forces have led to the rescue of over 2,100 children and the conviction of over 1,000 pimps.

#### ❖ **National Association of Attorneys General (NAAG) – “Pillars of Hope” Initiative**

The 2011 NAAG Presidential Initiative focused on the nationwide epidemic of labor and sex trafficking. The “Pillars of Hope” Initiative had four main objectives to fight the crime of human trafficking: To gather more data to track state arrests and prosecutions; to raise awareness to reduce the demand; to promote strong state statutes and forceful state prosecutions; and to mobilize communities to increase care for victims.<sup>7</sup>

In 2012, the California Attorney General’s Office developed a toolkit that describes California’s innovative approach to restitution. *Providing Restitution to Victims of Human Trafficking: A Legislative Toolkit* was distributed to all attorneys general through NAAG.

## **Victim Service Providers**

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

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

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

## Training Programs

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

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

### ❖ **Regional Task Force Training**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

❖ **Judicial Officer Training**

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

### ❖ **Airport Personnel Training**

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

### ❖ **Training for Mexican NGOs**

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

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

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

## **Legislative Efforts**

### **Legislation Enacted in California**

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

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

## Penalty Provisions

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

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

## Asset Forfeiture

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

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

## Civil Nuisance Abatement

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

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

## Victim Resources

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

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

## California Transparency in Supply Chains Act

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

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

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

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

## **Legislative Hearings**

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

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

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

## *Conclusion*

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

## End Notes:

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