

Message from the Attorney General



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

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

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

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

Sincerely,

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

Attorney General Kamala D. Harris

Executive Summary

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

President Barack Obama, September 25, 2012

The State of Human Trafficking in California 2012

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

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

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

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

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

Highlights of the 2012 Report

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

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

Chapter-by-Chapter Summary and Recommendations

Chapter 1 – The Crime of Human Trafficking

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

Chapter 2 – California’s Response to Human Trafficking

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

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

Chapter 3 – Identifying the Scope of Human Trafficking in California

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

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

Recommendations

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

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

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

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

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

Recommendations

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

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

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

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

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

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

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

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

Recommendations

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

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

2. Improve Victims' Ability to Seek Help:

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

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

3. Improve Services and Benefits Available to Victims:

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

4. Help Victims Rebuild:

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

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

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

Recommendations

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

End Notes:

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