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Perspectives on a Victim-Centered Approach
to Human Trafficking Investigations
in Los Angeles County

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Human Rights Center

School of Law
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In partnership with the

International Human Rights Law Clinic

School of Law
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ACRONYMS

CAST	Coalition to Abolish Slavery and Trafficking
CDCR	California Department of Corrections and Rehabilitation
CSEC	Commercially Sexually Exploited Children
CTVPA	California Trafficking Victims Protection Act
DA	District Attorney
DCFS	Department of Children and Family Services
DHS	Department of Homeland Security
DIRC	Detective Information Research Center
DOJ	Department of Justice
FBI	Federal Bureau of Investigations
HTLO	Human Trafficking Liaison Officer
LAPD	Los Angeles Police Department
LASD	Los Angeles Sheriff's Department
MISSEY	Motivating, Inspiring, Supporting, and Serving Sexually Exploited Youth
NCMEC	National Center for Missing and Exploited Children
NGO	Nongovernmental Organization
PD	Police Department
POST	Peace Officer Standards and Training
SAFE	Sexual Assault Felony Enforcement Team
STAR Court	Succeeding Through Achievement and Resilience
TVPA	Trafficking Victims Protection Act

EXECUTIVE SUMMARY

THIS REPORT PROVIDES THE FINDINGS of a study of the Human Trafficking Bureau (Bureau) of the Los Angeles Sheriff's Department, which is a member of the Los Angeles Regional Human Trafficking Task Force (Task Force). The primary objective of the study was to document the strengths and challenges the Bureau and other members of the Task Force encountered as they apply a victim-centered approach to investigations of human trafficking cases in their first year of operations (November 2015 to December 2016).¹ Such an approach prioritizes the needs of victims and works to minimize re-traumatization.²

Established in September 2015 through a grant from the U.S. Department of Justice, the Task Force is a multi-agency partnership between federal, state, and local law enforcement and social service agencies mandated to “prosecute traffickers and buyers who target them, and provide services designed to restore the victims to lives free from the trauma bonds they’ve been forced to endure.”³ The Bureau, which had been established earlier by Los Angeles County Sheriff Jim McDonnell, was assigned to lead the Task Force in combatting human trafficking—defined as the recruiting, smuggling, transporting, harboring, buying, or selling a person for exploitation—in the county.⁴

From the onset, the Bureau and the Task Force embraced a novel approach to human trafficking investigations by *physically* co-locating investigators, prosecutors, and representatives of service

provider organizations in the Bureau's headquarters in Monterey Park.⁵ Using an open-floor plan, the Bureau houses representatives from the Task Force, including the Coalition to Abolish Slavery and Trafficking (CAST); the FBI; District Attorney's Office; Los Angeles County Probation Department; Department of Children and Family Services; and Department of Homeland Security.⁶ The Bureau maintains an investigative unit called the Detective Information Research Center (DIRC), which provides backup research for investigators. The Bureau also maintains a separate unit called the Sexual Assault Felony Enforcement Team (SAFE), which conducts cyber investigations of crimes against children (ICAC), including child pornography, sextortion, enticement, and crimes committed by California State sex registrants. The Bureau's human trafficking teams have access to a “soft room” for interviewing and offering services to trafficking victims.⁷

While the Task Force is mandated to investigate both labor and sex trafficking cases, the vast majority of cases during the first year of its operations have involved sex trafficking.

The Bureau has a three-pronged approach to sex trafficking. The first is to identify and locate victims. Once victims are located, service providers are brought in to provide a range of services from medical care to housing. The second prong is to arrest traffickers and gather evidence for prosecutions. And the third is to staunch demand in the sex trade by targeting buyers, or “johns.”⁸

Using semi-structured questionnaires, researchers at the Human Rights Center, in partnership with Berkeley Law’s International Human Rights Law Clinic, interviewed 45 key informants, including investigators, researchers, service providers, and prosecutors directly located in the Bureau or connected to it. Researchers also reviewed seven case files representative of various sex trafficking cases the Bureau had investigated during the first six months of 2016 and observed two sting operations directed at buyers and traffickers in Los Angeles County.⁹ All key informant interviews were transcribed and coded. In all, more than 35 codes were developed and tagged, resulting in 412 pages of coded data. The codes included a range of topics, including reluctance of victims to cooperate with law enforcement, shelter and long-term housing, challenges of investigating labor trafficking, the hidden nature of the crime, relations between investigators and prosecutors, proving the elements of the crime of human trafficking, criminalization vs. decriminalization of prostitution, and inter-agency co-location and cooperation. Since the Bureau has investigated only a few cases of labor trafficking, the report’s primary focus is on sex trafficking cases. (The study methods and limitations are described in greater detail in the Introduction.)

Conclusions and Recommendations

Our research suggests that trust, cooperation, and transparency are the key drivers behind any cross-sectoral approach by investigators, service providers, and prosecutors to investigate and prosecute human trafficking cases and provide wrap-around services for victims. With that in mind, we offer the following conclusions and recommendations:

- 1. WORKING WITH TRAFFICKED YOUTH AND ADULTS:** The vast majority of the respondents—investigators, service providers, and prosecutors—interviewed for this study said that one of the greatest challenges they faced was gaining the trust of victims of human trafficking. To gain victim trust and cooperation, law enforcement

must convince trafficking victims that they will be safer with officers and service providers than with their traffickers. Without trust and engagement, victims often return to their traffickers, and investigations and prosecutions crumble. Bureau investigators and service providers recognize these challenges, and are developing new strategies to overcome them. To this end, we recommend several practical, cost-effective measures that could be implemented to help develop greater victim trust and cooperation.

First, all Bureau investigators—and especially those who are new to the Bureau—should be trained in trauma-informed interviewing techniques. Such training should help investigators learn how to recognize and mitigate the layers of trauma—from early childhood abuse to perpetrator-victim dependency, or “trauma-bonding”—that trafficking victims have experienced. Several Bureau investigators have a long history of trafficking work and their insights on best practices of establishing trust with victims, including knowing *what not to say* during victim interviews and ways of maintaining contact with victims during investigations, should be a part of the training.

Second, to limit victim interaction with Bureau staff members, which can lead to confusion and frustration, the Bureau should assign one—or possibly two—permanent investigators to work with a trafficking survivor throughout the duration of the investigation and prosecution. If other agencies find it necessary to interview victims, it would be useful to coordinate with investigators to limit the number of interviews and interactions with victims.

Third, an information sheet setting out the roles and responsibilities of investigators, service providers, and prosecutors should be developed and provided to trafficking victims early on in their interaction with the Bureau. The information sheet should describe, in the form of a flow chart, how a case moves from

initial contact with the victim to investigation and prosecution.

Finally, the Task Force should establish a process that will enable Bureau investigators and researchers to follow the progression of a trafficking survivor's case once it moves to the trial phase. Several Bureau staff lamented the fact that they lost touch with survivors and the progress of their cases once they were passed to prosecutors.

2. INVESTIGATIONS AND PROSECUTIONS:

Bureau investigators spoke at length about the impediments they face as they investigate and prepare trafficking cases for prosecution. These challenges include proving the elements of the crime in a manner that will lead to prosecution, sustaining contact with victims during lengthy investigations, keeping pace with new forms of social media used by traffickers to find victims, gaining access to evidence on cell phones, and overcoming biased notions of judges and juries of what constitutes human trafficking. Respondents made several recommendations for improving the quality and efficiency of investigations and prosecutions.

First, given that many traffickers move their victims across county and state lines, the Task Force should place a high priority on expanding its regional focus and collaborative relationships with counterparts throughout California and surrounding states.

Second, the Bureau should conduct an assessment of its technological capacities and make upgrades where necessary. An expert in social media and open source investigations should be part of the assessment team. The assessment should survey Bureau staff about their specific needs. Funding should be provided to ensure that Bureau investigators and researchers are trained in and have access to the latest technological innovations to advance investigations.

Third, the Task Force and Bureau should review what has been learned in their first year of operations regarding the apprehension of human traffickers. What have been the legal, security, and operational challenges? What investigatory procedures have been most effective? Such a review would be helpful for both the Bureau and law enforcement in Los Angeles County and other agencies throughout the country.

Finally, Bureau investigators spoke highly of the value of keeping open lines of communications with federal and state prosecutors during the course of an investigation. Speaking with prosecutors early on in an inquiry helped investigators better understand what probative evidence was required to prove the elements of the crimes of human trafficking on a case-by-case basis. To this end, the Task Force should explore ways of increasing the presence of prosecutors in its Monterey Park headquarters.

3. COORDINATION AND COLLABORATION:

The vast majority of respondents—investigators, service providers, and prosecutors—spoke highly of the Bureau's *co-location model*, whereby it houses investigators and researchers and other members of the Task Force in one location, and its *collaborative model*, whereby the Bureau coordinates its activities in close cooperation with service providers and prosecutors associated with the Task Force. Respondents said that having representatives from service providers and state and federal law enforcement together in the same building greatly enhanced their ability to apply a victim-centered approach to investigations and provide wrap-around services to trafficking survivors. However, several respondents recommended that the Task Force invest greater efforts into clarifying the roles and responsibilities and legal limitations of Task Force members and Bureau staff.

First, the Task Force should develop a guidebook setting out the roles and responsibilities of

its members and Bureau staff. The guidebook should clarify, among other things, questions of process (e.g. working with minor and adult trafficking survivors), social worker and attorney confidentiality, use of the *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children*, and elements of the crime of human trafficking. Particular focus should be placed on what each entity—Bureau investigators and researchers, service providers, and prosecutors—can and cannot do in their respective positions. Such a document will be especially helpful to new Task Force members and Bureau staff.

Second, to the extent feasible, Task Force members and Bureau staff should be encouraged to “shadow” or “ride-along” with their colleagues in other units to learn first-hand about their respective roles and daily challenges.

Finally, the Task Force should convene working group meetings with Bureau investigators and service providers with the aim of gaining a better understanding of (1) the legal limitations that Bureau investigators face during trafficking investigations and (2) the professional obligations, including confidentiality, of service providers to their clients.

- 4. SHELTER AND HOUSING:** Once released from their trafficking situation, trafficking survivors often require a range of services, including protection, emergency and transitional housing, medical and psychological care, financial assistance, employment, and legal advocacy. One of the most pressing needs for trafficking victims is making sure their immediate survival needs for shelter, food, clothing, and financial support are met.¹⁰ Many respondents expressed concern about the lack of immediate shelter and long-term housing for trafficking survivors in Los Angeles County. Several were also highly critical of the placement of trafficked youth in group foster homes where they could be found by their

traffickers or recruited back onto the streets by other residents. Addressing the county’s housing shortage for trafficked youth and adults will require county, state, federal, and private funds.

We recommend that the Task Force, in partnership with the Board of Supervisors and other relevant entities, convene a workshop to discuss ways of overcoming this housing shortage. The workshop should include presentations from individuals who have developed innovative housing options for trafficked youth and adults in other counties and states and explore a wide range of short- and long-term options for both minors and adults.

- 5. TRAINING AND OUTREACH:** The vast majority of respondents recognized that a victim-centered approach to human trafficking meant that all concerned—whether they be investigators, service providers, prosecutors, or administrators—need to expand their knowledge about the legal, social, and psychological aspects of human trafficking. As such, trainings—whether at headquarters in Monterey Park or offsite—were critical. Respondents also recommended that the Task Force and Bureau increase their outreach efforts by offering trainings and lectures on the co-location model and victim-centered approach to law enforcement and other interested parties regionally and, if possible, nationally. Increasing training and outreach will require more funding, but the payoffs are well worth the effort.

First, to address in-house training needs, the Task Force should conduct a survey of its members and Bureau staff to determine what trainings would be most beneficial, especially for new personnel. In addition to trainings on victim interviewing, respondents said they would like more instruction on interviewing suspected traffickers, handling of search warrants, relevant new and emerging technologies, and how traffickers and trafficking victims are

using social media. They also recommended that judges receive training in the nature and scope of human trafficking.

Second, if adequate funding can be obtained, the Task Force and Bureau should consider establishing an Outreach Unit that would coordinate tours of the headquarters in Monterey Park and produce training videos for external distribution. A key feature of the Unit's portfolio would be dispatching investigators and researchers, service providers, and prosecutors to speak at relevant venues about the co-location model, lessons learned, best practices, and the challenges they continue to face and are working to overcome. Such an undertaking will require substantial funding, and should in no way detract from the Bureau's operations.

Third, the Task Force and Bureau should consider rotating more law enforcement officers into the Bureau for full-time assignments ranging from six months to a year. These recruits should be drawn from law enforcement agencies throughout Los Angeles County, as well as counties statewide. By working alongside Task Force members, the officers will gain hands-on experience working with trafficking victims, fellow investigators, service providers, and prosecutors using a collaborative, victim-centered approach. Upon returning to their home agencies, the officers could be designated "Human Trafficking Liaison Officers," or HTLOs, and serve as point persons for coordination with outside agencies and victim service providers. An HTLO would serve as an in-house expert who can conduct formal briefings as well as informally answer officers' questions about trafficking identification and response.

Finally, given the overall success of the first year of operations of the co-location model, public and private funders should consider increasing their support of the Bureau and Task Force.

6. LABOR TRAFFICKING: Although the majority of those interviewed for this study expressed the opinion that labor trafficking is a serious and pervasive crime, almost all of the Bureau's caseload is focused on sex trafficking. Generally, we recommend that the Bureau mirror much of its approach to sex trafficking to labor trafficking investigations, particularly with respect to conducting proactive investigations, holding trainings, and fostering victim trust.

Respondents clarified that of the few labor trafficking cases that have been investigated, all were initiated by self-reporting, tips, or referrals from service providers. In that regard, we recommend the Bureau adopt proactive investigation measures which could be fostered by: (1) establishing an investigative unit dedicated solely to labor trafficking; (2) hiring more investigators with the requisite language skills and cultural familiarity with immigrant communities; (3) providing training specifically focused on labor trafficking investigations with an emphasis on best practices for working with foreign nationals (such as using interpreters and developing cultural competency); and (4) including representatives from key federal and state agencies tasked with investigating labor abuses and financial crimes within the co-location model.

While the vast majority of sex trafficking victims the Bureau encounters are American citizens, most labor trafficking victims are foreign nationals. As a result, when discussing labor trafficking, many respondents referred to victim trust as a major challenge during investigations due to fear of deportation or a general fear of law enforcement. Thus, we also recommend that the Task Force and Bureau work together to address the issue of fostering trust with immigrant communities through both outreach activities and developing an emergency response protocol for addressing labor trafficking cases.

7. **FUTURE RESEARCH:** This study revealed several gaps in the literature on human trafficking, especially given recent changes in state law. We recommend that further research be conducted on the following topics:
- The effect that California's new law decriminalizing prostitution for minors is having on trafficking investigations, prosecutions, services, and, most importantly, victim welfare and recidivism;
 - Training of health professionals to recognize human trafficking victims when they present for medical care and services at clinics and in hospital emergency rooms;
 - Social media and its use by traffickers to advertise, communicate with, and control their victims;
 - Various models of transitional housing for trafficking survivors and the extent to which each model can provide protection, wrap-around and rehabilitative services, educational and vocational referrals, as well as prevent recidivism;
 - Factors that facilitate or inhibit trafficked youth and adults from leaving commercial sexual exploitation; and
 - Proactive investigative measures for exposing cases and gathering evidence of labor trafficking in a range of settings, including farms, sweatshops, and domestic servitude.

I. INTRODUCTION

CALIFORNIA IS A MAJOR LOCUS of human trafficking—defined as the recruiting, smuggling, transporting, harboring, buying, or selling of a person for exploitation¹¹—largely because of its international border, demand for cheap labor, criminal gangs, and a relatively thriving economy.¹² In 2015, the National Human Trafficking Resource Center reported that its hotline had received more reports of sex and labor trafficking from California than from any other state.¹³ In addition, of the thirteen areas identified by the FBI as having the highest incidence of sex trafficking domestically, three are in California: San Francisco, San Diego, and Los Angeles.¹⁴

Since the late 1980s, several initiatives have been launched in Los Angeles County to combat human trafficking. The first took place in 1998 when a group of community activists, alarmed by the discovery of 72 Thai workers who had been kept for seven years in slavery and debt bondage in the town of El Monte, formed the Coalition to Abolish Slavery and Trafficking, or CAST, to provide services to survivors and advocates for anti-trafficking legislation and policies.¹⁵

Twelve years later, in 2010, Los Angeles County established the STAR (Succeeding through Achievement and Resilience) Court Program dedicated to working exclusively with victims of child sex trafficking.¹⁶ In fall 2015, the county’s Board of Supervisors passed a resolution asserting that there can be no such thing as a *child prostitute*,¹⁷ and that “commercially sexually exploited children should not be treated

as anything other than victims of child sex abuse.”¹⁸ At the same time, Los Angeles County Sheriff, Jim McDonnell, announced that his department would immediately stop arresting children on prostitution charges. “They are child victims and survivors of rape,” McDonnell wrote in a letter to employees. “We must remember that children cannot consent to sex under any circumstance.”¹⁹

In September 2015, the Department of Justice (DOJ) awarded a three-year, \$1.5 million grant to the Los Angeles County Sheriff’s Department and CAST to establish the Los Angeles Regional Human Trafficking Task Force (Task Force). The Task Force would be a multi-agency partnership between federal, state, and local law enforcement and social service agencies mandated to “prosecute traffickers and buyers who target them, and provide services designed to restore the victims to lives free from the trauma bonds they’ve been forced to endure.”²⁰

Prior to the announcement of the DOJ grant, Sheriff McDonnell had created a Human Trafficking Bureau (Bureau), staffed with investigators and researchers, to work directly with the Task Force. At an inaugural ceremony, Sheriff McDonnell announced that the joint Task Force-Bureau initiative would become a “national model,” working as one mission under one roof to “develop new approaches aimed at rescuing young [trafficking] victims and addressing their needs in a victim-centered way.”²¹

From the onset, the Task Force and Bureau embraced a novel approach to human trafficking

investigations by physically co-locating their primary partners alongside Bureau investigators at their headquarters in Monterey Park.²² Using an open-floor plan, the Bureau houses representatives from the Task Force, including the Coalition to Abolish Slavery and Trafficking (CAST); FBI; District Attorney's Office; Los Angeles County Probation Department; Department of Children and Family Services; and Department of Homeland Security.²³ The Bureau maintains an investigative unit called the Detective Information Research Center (DIRC), which provides backup research for investigators. The Bureau also maintains a separate unit called the Sexual Assault Felony Enforcement Team (SAFE), which conducts cyber investigations of crimes against children, such as child pornography, sextortion, enticement, and crimes committed by California State sex registrants. The Bureau's human trafficking teams have access to a "soft room" for interviewing and offering services to trafficking victims.²⁴

While the Task Force is mandated to investigate both labor and sex trafficking cases, the vast majority of cases during the first year of its operations have involved sex trafficking.

The Bureau has a three-pronged approach to sex trafficking. The first is to identify and locate victims. Once victims are located, service providers are brought in to provide a range of services from medical care to housing. The second prong is to arrest traffickers and gather evidence for prosecutions. And the third is to staunch demand in the sex trade by targeting buyers, or "johns."²⁵

The Nature and Scope of Human Trafficking

Since the end of the Cold War, several factors have fueled the growth of human trafficking. They include globalization of the world economy, trade liberalization, economic inequality, ease of international and domestic travel, and high demand for low-cost labor. Human trafficking is also difficult to detect.²⁶ Labor traffickers, for example, often confiscate passports

or other forms of identification from victims so as to control their movement. Victims are often told they will be arrested or deported, or their family members harmed or murdered if they contact the authorities or anyone outside the trafficking circle.

Sex trafficking is no different. Traffickers now rely heavily on the Internet to recruit and sell victims online, making it difficult for law enforcement to monitor their activities. As a recent study of sex trafficking in San Diego notes: "[T]he selling of sex has moved from the streets to predominately online sites like backpage.com, mobile brothels whose locations are advertised via Snapchat, social media, or text-based [encounters]," giving traffickers ample opportunity to hide their victims behind the cyber curtain.²⁷

Moreover, health professionals who come into contact with victims may not recognize them as such. It is estimated that more than 30 percent of trafficked youth see a medical professional at some point while they are being exploited.²⁸ But, without training to recognize trafficking victims, a doctor or nurse might attend to victims and unknowingly send them back to their traffickers, instead of referring them to service providers or giving them a hotline number.²⁹

Sex trafficking victims meanwhile are often reluctant to report their situation to health professionals. Josie Feemster, a former sex trafficking victim from Sacramento, California, told the *Sacramento Bee* that she was sold for sex in several states between the ages of 18 and 25. During that time, she managed to visit a Planned Parenthood clinic every month to be checked for sexually transmitted diseases. "I remember feeling . . . 'I wish I could say something,'" Feemster said. But then she became worried: "'What if [the doctor] doesn't believe me? What if she thinks I want to do what I am doing?' . . . I didn't want [her] to look at me like I'm this bad person or this dirty person."³⁰

Because human trafficking is largely a hidden crime, no study has produced definitive statistics for the number of people who are victimized.³¹ The

International Labor Organization estimated in 2012 that nearly 21 million individuals worldwide were “trapped into jobs into which they were coerced or deceived and which they cannot leave.”³² That same year, law enforcement agencies across the globe identified 46,570 victims of human trafficking.³³ Domestically, the National Human Trafficking Resource Center hotline, operated by the U.S. Department of Health and Human Services and the nonprofit Polaris Project, identified 31,659 cases of human trafficking between 2007 and 2016.³⁴

Shortly after the end of World War II, the United Nations took a first step toward combating human trafficking. In 1949, the world body adopted the *Convention for the Suppression of Trafficking of Persons and the Exploitation of the Prostitution of Others*.³⁵ But the convention’s definition of trafficking included only forced prostitution, making the agreement of little value in efforts to fight against non-sexual forms of labor exploitation. Fifty-one years later, in 2000, UN member states established a milestone agreement, *The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*. The protocol incorporated into the definition of trafficking the elements of movement of individuals, physical or psychological coercion, and exploitation. The latter included not just prostitution but “forced labor or services, slavery or practices similar to slavery, servitude or removal of organs.” The protocol required ratifying states to criminalize human trafficking and recommended that they enact victim protection measures.³⁶

The United States took its first significant step toward combating human trafficking in 1998, when President Clinton issued a directive setting out his administration’s anti-trafficking policy. The directive recommended a criminal-justice solution, organized around what is commonly referred to as “the three P’s” (1) prevention; (2) protection of victims and (3) prosecution of traffickers.³⁷ Two years later, the United States made human trafficking a federal crime.³⁸ In 2005, California made it a state crime.³⁹

With its international border, large immigrant community, and relatively thriving economy, California is a locus of human trafficking activity.⁴⁰ In 2015, the National Human Trafficking Resource Center reported that 18 percent of calls to its hotline reporting sex and labor trafficking from California, more than any other state and more than Texas and New York combined.⁴¹

Top 10 States by Calls to the National Human Trafficking Hotline in 2015.

Calls by Caller’s Location (State)	# of Calls	% of Calls
California	3,609	18.3%
Texas	1,731	8.8%
Florida	1,518	7.7%
Ohio	1,066	5.4%
New York	924	4.7%
Michigan	717	3.6%
Georgia	641	3.3%
Virginia	624	3.2%
Illinois	555	2.8%
New Jersey	543	2.8%

Source: National Human Trafficking Resource Center (NHTRC), National Human Trafficking Resource Center Data Breakdown 1/1/2015–12/31/2015 (2016).

In addition, of the thirteen areas identified by the FBI as having the highest incidence of sex trafficking domestically, three are in California: Los Angeles, San Francisco, and San Diego.⁴²

Trafficked Youth and Adults

Numerous studies have found that victims of labor and sex trafficking suffer severe hardships and deprivations. Traffickers often exert near total control over their victims by subjecting them to beatings, threats, and other forms of physical and psychological abuse, creating a situation of compliance and dependency. Victims may also fear approaching law enforcement based on past experiences or stereotypical biases. And once free from their bondage, they often require a range of services, including protection, emergency and transitional housing, medical and psychosocial services, and legal advocacy.⁴³

As such, law enforcement and service providers need to develop procedures to mitigate the layers of

trauma that victims, especially minor sex trafficking victims, have experienced. Writes Darren Geist of New York University School of Law:

Traffickers use a powerful combination of fear and love to maintain control of minors in their stable. Pimps have been described by service providers as the “most brilliant child psychologists on the planet,” who understand that minors suffering from abuse and neglect are ripe for manipulation and exploitation. Pimps frequently recruit their victims by initially seducing them with love and hope, intentionally targeting minors with a history of abuse who “just want to be loved.” As a result, prostituted minors often feel a strong psychological and emotional bond with their pimps. . . . Many pimps tattoo the minors with the pimp’s name or symbol in a form of modern-day branding. The abuse can also lead to traumatic bonding and brainwashing similar to the Stockholm Syndrome.⁴⁴

How survivors of human trafficking fare after being removed from the trafficking situation and their willingness to testify against their trafficker is often influenced by the quality of the response they receive from law-enforcement personnel, health-care professionals, and public and private social service providers. “Successful prosecution,” writes Geist, “requires working with the victims and ensuring the victims’ protection since many victims are severely threatened by the pimp against any cooperation with law enforcement.”⁴⁵

Law Enforcement

Derek Marsh, a retired California detective and former co-chair of the Orange County Human Trafficking Task Force, believes that the predominant challenge law enforcement officers face when pursuing human trafficking cases is “mindset.” Law enforcement officers, he argues, are

trained from day one of the police academy to become creatures of habit. This is not intended as a criticism. Many of the habits we begin to learn

in the academy save lives of both officers and citizens. These include arrest and control techniques, weapons practice, tactical deployment strategies, and tactics (generally, and for specific incidents), how to effectively drive a vehicle, and the investigative process. All of this training creates habits that contribute to our survival.⁴⁶

Yet training can also set patterns of behavior, according to Marsh, that “do not always prepare officers for new concepts or processes such as those required for investigating human trafficking, collaborating with multiple stakeholders, and providing support and resources to survivors.”⁴⁷

Reactive and Proactive Responses

Law enforcement’s response to most criminal activity, including human trafficking, can be divided into two categories: *reactive* and *proactive*.⁴⁸ A reactive response to human trafficking usually consists of individual officers uncovering trafficking cases while engaged in routine patrol operations, including traffic stops, consensual contacts, and responding to domestic violence calls, labor disputes, and prostitution complaints.⁴⁹

While the immediate responsibility of patrol officers responding to calls for service is to ensure scene safety and investigate the ostensible reason for the call, each incident provides the officer with an opportunity to scan for other criminal activities. In 2016, for example, San Mateo police officers received complaints of unusual foot traffic in a residential neighborhood. Further investigation led to the discovery of a residential brothel across the street from a public high school.⁵⁰ In some cases, officers have identified victims of human trafficking after pulling over vehicles for minor traffic violations. In 2015, officers in San Rafael, California, pulled over a vehicle for moving and equipment infractions. After interviewing the adult male driver and minor female passenger, officers determined that the driver had met the underage passenger three weeks earlier and had driven her from Oakland to San Rafael for purposes of commercial sexual exploitation.⁵¹

Proactive responses to human trafficking result from operations that are pre-planned and use more advanced investigative methods than reactive cases. Investigators, for example, may review online advertisements in an effort to find and establish contact with potential trafficking victims and their traffickers. Once a meeting is arranged, officers may conduct surveillance to identify and arrest the trafficker who is transporting the victim. Meanwhile, the victim will be referred to social services. A proactive labor trafficking investigation might involve partnering with labor- or code-compliance inspectors to identify victims, examining patterns of guest-worker visa fraud, monitoring recruitment agencies, and reviewing job-posting sites that market U.S. jobs to foreign laborers.

Human trafficking task forces can play a critical role in both reactive and proactive responses to trafficking by facilitating collaboration among federal and state law enforcement agencies and victim service providers. Task forces can also raise public awareness of trafficking and provide training to a wide range of professionals involved in combatting human trafficking.⁵² For example, from 2010 to 2012, California's nine regional anti-trafficking task forces provided training to 25,591 law enforcement officers, prosecutors, and victim service providers.⁵³

In addition to becoming members of regional task forces, several local law enforcement agencies have sought to improve their response to human trafficking through the use of specialized units.⁵⁴ Some of California's largest law enforcement agencies, including the Los Angeles County Sheriff's Department and the Los Angeles Police Department, have designated entire teams of officers to investigate human trafficking on a full-time basis.⁵⁵ Meanwhile, some mid-sized agencies have repurposed their existing Vice Units to focus on arresting traffickers rather than arresting prostitutes.⁵⁶ Some smaller agencies, like the San Rafael Police Department, have designated individual officers to become experts in human trafficking investigations and to liaise between their agency and regional task forces.⁵⁷

Law Enforcement Training

Perhaps the most significant barrier to an effective law enforcement response to human trafficking is an overall lack of awareness of the problem. Most officers enter the profession with an intuitive understanding of what a homicide or burglary looks like, but not human trafficking. If officers in the field do not have a basic understanding of the nature and scope of the crime, or lack a minimal amount of training on this subject, their response to trafficking will be severely limited.

In 2003, the California State Legislature passed a law requiring the California Commission on Peace Officer Standards and Training, also known as POST, to develop a "course of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints" by January 1, 2007.⁵⁸ To comply with this requirement, POST developed a human trafficking training course, a training video, and an oversight committee to ensure compliance.⁵⁹

Despite the combined efforts of the state legislature, voters, POST, and the Human Trafficking Bureau—which sends investigators to POST trainings to instruct new officers in human trafficking investigations—as of 2016, the majority of police officers in California have *not* received the two hours of training on human trafficking that Proposition 35 mandated.⁶⁰ This is largely because the statute does not impose a penalty for agencies that fail to train officers.⁶¹ Absent a penalty for their failure to comply with Proposition 35, there is little incentive for agencies to undertake the task of training officers.

John Vanek, a retired San Jose Police Department lieutenant who led his department's human trafficking task force, explains why the lack of training is one of the most significant barriers to an effective law enforcement response to human trafficking: "If victims don't report being trafficking victims and the police don't know how to recognize trafficking incidents, then few—if any—cases are identified, leading police leadership to believe trafficking is not occurring in the community."⁶²

Law enforcement may also fail to identify trafficking cases because of misconceptions about the wide range of trafficking situations.⁶³ Amy Farrell and Rebecca Pfeffer of Northeastern University, who have conducted extensive research on law enforcement's response to human trafficking, describe these misconceptions as "cultural blinders."⁶⁴ They argue that while officers may "recognize the potential for both sex and labor trafficking to occur in their community, they focus their efforts on sex trafficking of minors, who they perceive to be the most vulnerable and publicly supported victims."⁶⁵ Farrell and Pfeffer also found that "sex trafficking victims who do come to the attention of the police are sometimes misclassified as . . . prostitutes, and the human trafficking investigation falls apart."⁶⁶

Both of these cultural blinders are prevalent in California. Despite the International Labour Organization's findings that the majority of trafficking cases worldwide consist of labor trafficking and not sex trafficking, law enforcement task forces and specialized units appear to disproportionately emphasize enforcement of sex trafficking over labor trafficking.⁶⁷ Law enforcement agency press releases and websites tend to focus on agencies' response to the commercial sexual exploitation of minors, with little mention of efforts to identify victims of involuntary servitude in sweatshops or in agriculture. For example, the website for the Los Angeles Police Department's Human Trafficking Section states that the unit is "responsible for the investigation and enforcement of state and federal crimes involving the sexual exploitation of human beings," but leaves out any reference to other forms of exploitation.⁶⁸

In the context of sex trafficking investigations, cultural blinders can prevent officers from being able to distinguish between individuals who are victims of sex trafficking and those who willingly choose to engage in prostitution. Without sufficient training on the complexities of the trafficker-victim dynamic, officers often misidentify trafficking victims as prostitutes and thereby subject the victim

to arrest, prosecution, and a criminal record.⁶⁹ This problem is especially prevalent in cases of commercial sexual exploitation of minors. Officers often refer to minors engaged in commercial sex as "child prostitutes" or "underage prostitutes," impeding their ability to consider whether these minors might be victims of human trafficking.⁷⁰ This misidentification results in minors being treated as criminal suspects and funneled into the juvenile justice system, rather than being treated as victims of human trafficking and referred to support services.

When officers do succeed at identifying victims of human trafficking, investigative procedures often impede officers from building rapport with victims. Trafficking victims have experienced severe emotional and psychological trauma.⁷¹ As a result, they may exhibit symptoms of memory loss, lack of focus, emotional reactivity, denial, and fearfulness.⁷² Furthermore, some victims believe that they have committed a crime and will be jailed or deported, or that their family members will be harmed if they seek help from the police.⁷³ If officers fail to conduct a trafficking investigation with sufficient sensitivity toward the victim's trauma, they may inadvertently alienate the victim and undermine efforts to provide assistance and build a criminal case against the trafficker.⁷⁴

For example, many police agencies use vice units to conduct undercover human trafficking "stings." However, vice detectives have been trained to identify and arrest prostitutes, not to identify and assist victims of human trafficking.⁷⁵ The typical procedure for investigating vice suspects involves detaining and questioning all individuals at the scene—a practice that works well for traditional vice investigations, but may not be suitable for trafficking investigations. Detaining trafficking victims and treating them like suspects may exacerbate their trauma by placing them in conditions similar to those they have experienced at the hands of their traffickers.⁷⁶ Moreover, questioning vice suspects at the scene can intimidate victims, especially if they know that their trafficker is in the vicinity.

One vice detective interviewed by Amy Farrell described how he participated in a raid on a massage parlor that was suspected of being a front for sex trafficking.⁷⁷ Following standard investigative procedure, the detectives served a search warrant, detained all parlor “employees,” and then conducted interviews.⁷⁸ The potential victims became terrified of the detectives and refused to answer questions about possible trafficking.⁷⁹ As a result, the case was dropped and no trafficking victims were identified.⁸⁰

To identify and assist a greater number of trafficking victims and successfully prosecute their traffickers, law enforcement officers need to be aware of the psychological barriers to victim cooperation. To overcome these barriers, officers must learn to handle human trafficking investigations in a manner that accounts for the victim’s mindset and needs.

In this regard, Jon Daggy, an investigator with the Indianapolis Metropolitan Police, notes that when his department formally changed the name of its Vice Unit to the Human Trafficking Vice Unit, he noticed a significant change in the attitude of his fellow investigators. “When investigating prostitution cases,” he writes,

Detectives changed the way they viewed these women; the detectives looked deeper into why the women were involved in commercial sex and who might be behind their exploitation. Traditional (and negative) terms that were used to describe these women were no longer used with the unit because genuine concern developed—even for the women and men who were not trafficking victims. . . . These investigations made traditional vice detectives rethink and focus the perspectives. As a result, they felt they were making a difference and actually helping people, especially women and children. More arrests for sex trafficking-related crimes were made in a three-year span than in the prior 50 years in Indianapolis. The trafficker was now the target.⁸¹

The Study

In August 2016, eight months after the launching of the Task Force and Bureau, the Human Rights Center at the University of California, Berkeley, School of Law, in partnership with the International Human Rights Law Clinic, launched a study of the Bureau as part of a larger research project aimed at assessing how victim service providers, law enforcement, and prosecutors can improve their collaboration on cases of human trafficking in California. This research builds upon an earlier HRC study conducted in 2004 that examined the scope and nature of human trafficking in California. Many of the recommendations suggested in the study were included in *The California Trafficking Victims Protection Act*, adopted by the State Assembly in 2005, when the International Human Rights Law Clinic at UC Berkeley, along with the Human Rights Center, provided legislative counsel to the California Anti-Trafficking Initiative.

Research for the current study began in September 2016 and ended in March 2017. The researchers followed a detailed interview protocol, which was reviewed and approved by UC Berkeley’s Committee for the Protection of Human Subjects.

The primary objective of the study was to document the strengths and challenges faced by the Bureau and other Task Force members as they apply a victim-centered approach to investigations of human trafficking cases and provide wrap-around services for trafficking survivors.

Throughout this report, we use the terms “victims” and “survivors” interchangeably. The term “victim” is used in law and confers certain rights. It also implies that those exposed to human trafficking are not responsible for their misfortunes and directs attention to traffickers and to the damage they have inflicted on others. Some people dislike this term. They argue that it robs individuals who have survived human trafficking of their individuality and oversimplifies what are essentially complex personal and social issues. They prefer “survivor,” a term that implies resilience and strength in overcoming

adversity. We have chosen to use both terms, to keep both the victimization of individuals who have suffered from human trafficking and their struggle to cope before the reader.

Methodology

We gathered and analyzed two sets of data for the study. The first consisted of in-depth, semi-structured interviews with 45 key informants, including investigators, researchers, service providers, and prosecutors directly located in or connected to the Bureau. (The only identifying information recorded from the respondent was his or her unit within the Bureau or affiliated agency or organization.) The second data involved participant observations of “Operation Reclaim and Rebuild,” a joint sting operation directed at buyers and pimps conducted by the Bureau and more than 30 participating federal, state, and local law enforcement agencies and task forces across California.⁸²

All key informant interviews were transcribed and then coded. The coding was both deductive, employing pre-determined codes generated from the interview questions, and inductive, allowing researchers to identify salient themes and patterns in the data throughout the coding process. In all, more than 35 codes were developed and tagged, resulting in 412 pages of coded data. The codes covered a range of topics, including reluctance of victims to cooperate with law enforcement, shelter and long-term housing, challenges of investigating labor trafficking, the hidden nature of the crime, relations between investigators and prosecutors, proving the elements of the crime of human trafficking, criminalization vs. decriminalization, and inter-agency co-location and cooperation. Researchers reviewed the codes to find subject clusters where key informants related similar or dissimilar experiences. The coding thus served as an index of common experiences.

Researchers also gained valuable insights from their analysis of the Bureau’s case files. The files illuminated the steps and procedures Bureau

investigators followed in their pursuit of traffickers, including their interactions with police departments in California and other states.

Limitations

Researchers designed the interview survey to reduce potential bias or threat to the report’s viability. Nevertheless, possible limitations must be acknowledged. First, the findings presented in this report are limited to our interview sample, which consists primarily of members of the Bureau and Task Force. Second, the sample was not random and thus our findings and recommendations are limited to the activities of the Bureau and, to a lesser extent, to the Task Force. Finally, the voluntary nature of the interviews may have created a selection bias among the Bureau staff, with some staff members being more or less willing to speak to researchers.

We believe the interview data, taken as a whole, is accurate and reliable for several reasons. First, many of the respondents provided analogous impressions of the Bureau’s co-location model and consistently pointed to similar ways in which it could be improved. Second, conclusions were based on significant patterns rather than on the reports of any individual respondent. Researchers also insisted that respondents only relate incidents they had either experienced or directly observed. Finally, we found a high degree of consistency when comparing the patterns and trends within the interview data with other studies of human trafficking.

Report

Based on interviews with investigators, service providers, and prosecutors connected to the Bureau, we have organized our findings around four substantive topics: (1) trafficked youth and adults, (2) investigations and prosecution, (3) co-location and collaboration, and (4) labor trafficking. This report devotes a chapter to each of these issues. At various points, we refer to other empirical studies and scholarship to provide background to our analysis. It should be

noted that our analysis, except for a general discussion of labor trafficking, focuses exclusively on sex trafficking cases, as the vast majority of cases handled by the Bureau in its first year of operations have

involved sex trafficking. Before addressing these findings, we provide key contextual information on the legal framework of human trafficking and the structure and operations of the Bureau.

II. LEGAL FRAMEWORK

IN 1999, the international community convened in Palermo, Italy, under the auspices of the United Nations to develop a legal framework to combat human trafficking and smuggling. It was apparent at the time that the existing framework was failing to address the countless manifestations of trafficking in the modern world. One year later, the United Nation's General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the UN Trafficking Protocol. Today, the protocol forms the basis of domestic anti-trafficking legislation around the world, including in the United States.

UN Trafficking Protocol

The UN Trafficking Protocol has three key purposes: preventing human trafficking, protecting and assisting victims of trafficking, and promoting cooperation among state parties to combat trafficking. However, because the political will for an international agreement was chiefly engendered by concerns over border security and the role of transnational criminal organizations in aiding illegal migration, the most stringent obligation on signatories to the convention is the criminalization of human trafficking.⁸³

State parties to the UN Trafficking Protocol are required to adopt legislative measures to criminalize human trafficking as it is defined under the protocol.⁸⁴ Consequently, all domestic laws criminalizing

human trafficking worldwide are rooted in the protocol's definition of human trafficking:

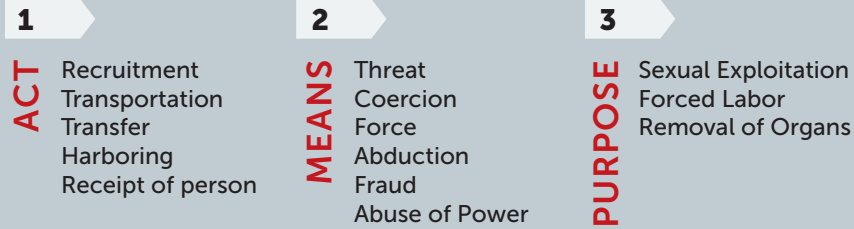
[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve 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 labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.⁸⁵

Under this definition, the crime of human trafficking requires three elements:

- an *act* (“the recruitment, transportation, transfer”);
- a *means* (“by means of the threat or use of force”);
- and a *purpose* (“for the purpose of exploitation”).

Despite this intricate three-element formulation, the protocol does not explicitly define many of the key terms of human trafficking, leaving open the possibility for divergent interpretations concerning the scope of prohibited conduct. Nevertheless, the definition is broad enough to encompass the myriad

The crime of human trafficking requires 3 elements



forms that human trafficking takes, including labor and sex trafficking and trafficking of both adults and children.

Federal Trafficking Law

A year after the adoption of the UN Trafficking Protocol, Congress enacted the Trafficking Victims Protection Act, also known as the TVPA.⁸⁶ The TVPA created a modern definition of human trafficking that enhanced tools to prosecute offenders by criminalizing trafficking and certain trafficking-related offenses and implementing protections and benefits for victims. The TVPA has since been reauthorized four times. These subsequent reauthorizations have enhanced penalties, increased victim protective measures, and created programs to assist in anti-trafficking responses.

Under the TVPA, sex trafficking is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person is induced to perform such an act has not attained 18 years of age.⁸⁷ Labor trafficking is similarly defined 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 purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery.⁸⁸

The TVPA largely adopts the framework of the UN Trafficking Protocol, with slight variances. Its definition includes the protocol's three elements (an

act, a means,⁸⁹ and a purpose). But unlike the UN protocol, the terms are explicitly defined.

The TVPA also created multiple new criminal statutes aimed at prosecuting traffickers. These include 18 U.S.C. § 1589 (criminalizing forced labor), 18 U.S.C. § 1590 (criminalizing trafficking with respect to peonage, slavery, involuntary servitude, or forced labor), and 18 U.S.C. § 1591 (sex trafficking of children or by force, fraud, or coercion).

In addition, the TVPA created several mechanisms to assist and protect victims. First, it created two new nonimmigrant visas available to foreign nationals who have been victims of trafficking: the "T-visa" and "U-visa."⁹⁰ T-visas provide resident status to victims of human trafficking so long as they cooperate with law enforcement in the case against his or her trafficker. U-visas are generally available to victims of certain qualifying crimes, including human trafficking. Second, the TVPA targets the enormous profitability of trafficking by requiring mandatory restitution to the victim for the full amount of his or her losses, along with forfeiture of criminal proceeds.⁹¹ Finally, the TVPA allows victims to seek legal recourse outside the criminal justice system by creating a private right of action for victims against his or her trafficker⁹² and making trafficking victims eligible for certain federal public assistance benefits.⁹³

While the TVPA has had a transformational effect on anti-trafficking prevention in the United States for nearly two decades, it neither addresses nor provides guidance for anti-trafficking efforts for local law enforcement. State and county law enforcement's

mandate derives from state anti-trafficking laws and regulations, rather than the TVPA.

California Trafficking Victims Protection Act

In September 2005, California passed its first comprehensive anti-trafficking law, the California Trafficking Victims Protection Act, also known as the CTVPA, which took effect on January 1, 2006. Modeled after the TVPA, the CTVPA sets forth standards concerning criminal prosecution, victim protection and restitution, and prevention. Housed under California Penal Code § 236.1, the CTVPA incorporates the federal definition of a severe form of trafficking in persons, while including additional mechanisms to combat trafficking.⁹⁴

The CTVPA 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.”⁹⁵

Under the CTVPA, a person is guilty of human trafficking if he or she “deprives or violates the personal liberty of another with the intent” either “to obtain forced labor or services” or to commit a number of predicate offenses, such as pimping or pandering.⁹⁶ The elements of force, fraud or coercion are required except when the victim is a minor under 18 years of age.⁹⁷ Mistake of age and consent by a minor victim are not defenses against human trafficking charges.⁹⁸

While California Penal Code § 236.1 made human trafficking a separate reportable crime in California, there are other related offenses that law enforcement may use to arrest suspects for activities associated with human trafficking. These statutes include pimping (Penal Code § 266h), pandering (Penal Code § 266i), procuring a child under the age of 16 for a lewd or lascivious act (Penal Code §

266j), abducting a minor under the age of 18 for the purpose of prostitution (Penal Code § 267), use of a minor for obscene matter (Penal Code § 311.4), and extortion (Penal Code § 518).

Several of these statutes require proof of fewer legal elements than human trafficking, making the likelihood of conviction greater. To convict the same defendant for the crime of human trafficking, the prosecution must additionally prove that the defendant subjected the victim to “force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person.”⁹⁹ Human trafficking convictions therefore rely heavily on the victim’s cooperation with investigators, as proving the means, such as coercion, force or fear, is far more difficult without a victim’s cooperation.

California Penal Code § 236.1 also provides support for victims including requiring convicted traffickers to pay restitution to victims who have suffered an economic loss as a result of their trafficking.¹⁰⁰ As with the reauthorization of the TVPA, the CTVPA authorizes victims to bring civil suits against their traffickers.¹⁰¹

Commercially Sexually Exploited Children (CSEC)

When it was passed, the CVTPA did not account for trafficking of a minor if the use of force was not present. Proposition 35—known as the “Californians Against Sexual Exploitation Act” Initiative and approved by 81 percent of voters in 2012¹⁰²—addressed this omission by adding specific language to the penal code criminalizing the mere causation, induction, or persuasion of a minor to engage in commercial sex, with more severe penalties for the trafficker if the elements of force, fraud, or violence are present.¹⁰³

Subsequent legislation has sought to further classify CSEC as victims rather than offenders, slowly eradicating the concept of a “child prostitute.” Senate Bill 855,¹⁰⁴ passed in June 2014, clarified that a trafficked child whose parent or guardian has failed to or is unable to protect him or her may be served through California’s child welfare system, rather

than the juvenile justice system.¹⁰⁵ The law provides avenues for trafficked youth to receive critical services outside of the criminal system. Now CSEC are included as dependents in California's Child Welfare Dependency Code.

Senate Bill 855 requires that certain professionals, including law enforcement, social workers, teachers, and health professionals, immediately report suspected commercial sexual exploitation of minors to the authorities.¹⁰⁶ It also establishes that law enforcement may take children, as dependents, into temporary protective custody if in immediate danger.¹⁰⁷ Social workers may also take suspected CSEC into temporary custody if the minor has been declared a dependent of the court or the social worker suspects the child is in immediate danger.¹⁰⁸

Following initial custody, if the court orders the dependent to be removed from his or her parent or guardian, the child may be placed in one of a variety of living arrangements, including the home of a relative, a foster group, and a licensed community care facility.¹⁰⁹ Minors may alternatively be identified as wards (delinquents) of the court and assigned to one of a variety of placements, including the home of a relative;¹¹⁰ a short-term, residential treatment center; a licensed community care facility; or a state institution for juvenile offenders.¹¹¹ However, a minor may not be held in physical confinement "for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted."¹¹²

Decriminalizing Commercial Sex by Minors

In September 2016, California joined dozens of other states in passing a "safe harbor" law that provides immunity to minors from prosecution for prostitution and certain prostitution related offenses as a result of engaging in commercial sex. Senate Bill 1322, which went into effect January 1, 2017, renders charges of prostitution, loitering, and solicitation inapplicable to minors under the age of 18.¹¹³ While this legislation represents a paradigm shift in the

way both law enforcement and the public understand the victimization of CSEC, to date only a small percentage of minors are arrested on solicitation and loitering charges as they are overwhelmingly picked up on other offenses closely tied to trafficking but not necessarily related to prostitution, such as drug possession.¹¹⁴

However, Senate Bill 1322 does not change existing law, which allows law enforcement to take dependents into temporary custody in limited situations for safety reasons. It remains to be seen whether arrest rates for minors engaging in commercial sex will decline and whether Senate Bill 1322's symbolic power will translate into practical outcomes.

Another bill, Assembly Bill 1276, which went into effect on January 1, 2017, seeks to protect minor trafficking victims under the age of 15 during criminal prosecution. The law seeks to protect underage victims from trauma and emotional distress by allowing them to testify via closed-circuit television if their testimony involves recitation of facts of the alleged trafficking.¹¹⁵

Duties of Law Enforcement

California has enacted several laws governing the duties of local law enforcement during investigations of human trafficking. Assembly Bill 2810, passed in 2008, sought to improve local law enforcement's response to human trafficking through the addition of Penal Code § 236.2 and the amendment of Penal Code § 293. These statutes require law enforcement to "use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person" and to consider whether specific indicators of trafficking are present during their contact.¹¹⁶ These statutes also impose additional duties on law enforcement with regards to protecting and assisting human trafficking victims, including informing victims that their names will become a matter of public record unless they request otherwise.¹¹⁷

In 2005, California passed the Human Trafficking Collaboration and Training Act (creating Penal Code

§ 13519.14) mandating that the state's Commission on Peace Officer Standards and Training (POST) create a course of instruction for training law enforcement officers on human trafficking investigations. In 2012, Proposition 35 imposed the additional requirement for all law enforcement assigned to "field or investigative duties" to complete a minimum of two hours of training on human trafficking response. Despite the combined efforts of the state legislature, voters, and POST to improve officers' training on human trafficking response, it is unclear what percentage of officers in California have received the two hours of training on human trafficking. This is largely due to the fact that the language of the statute does not impose a penalty on agencies that fail to provide their officers with this training.

Enforcement of Anti-Trafficking Laws

Despite the elaborate nature of the legal framework governing the protection of victims and

prosecution of traffickers, modern anti-trafficking laws and regulations are a relatively recent phenomenon. The effectiveness of the current legislative frameworks at both the federal and state level are still unclear, particularly with respect to law enforcement efforts.

Recent legislation seeks to clarify the conditions under which a minor engaged in commercial sex may be arrested and prosecuted for this offense. Various pieces of legislation additionally aim to further protect trafficking victims from prosecution of crimes they were forced to commit as a result of being trafficked, and avoid re-traumatization during criminal prosecution against their traffickers. It is against this legislative background that we examine the work of the Los Angeles Human Trafficking Bureau.

III. HUMAN TRAFFICKING BUREAU

THE LOS ANGELES REGIONAL Human Trafficking Task Force (Task Force) and the Human Trafficking Bureau (Bureau) form the vanguard of anti-human trafficking efforts in Los Angeles County. The Task Force, of which the Bureau is a member, is one of the largest task forces in the United States. The Task Force is a partnership of federal, state, and local law enforcement, social service agencies, and community-based organizations that work to provide victim-centered services to trafficking victims while working to investigate, arrest, and prosecute offenders.

As of March 2017, the Task Force consisted of more than 20 institutional partners.¹¹⁸ Operating under a \$1.5 million Department of Justice grant, the Task Force's leadership is comprised of representatives from the Los Angeles Sheriff's Department, Coalition to Abolish Slavery and Trafficking (CAST), United States Attorney's Office, and Department of Homeland Security Investigations. The leadership teams meet twice a month and supervise three subcommittees (Service Provider, Training and Outreach, and Law Enforcement) and two working groups (Labor Trafficking and Crisis Response). Given its unique private-governmental partnership, the Task Force has been visited and studied by other task forces and government agencies from around the world.

The Bureau is an entity of the Detective Division of the Los Angeles County Sheriff's Department (LASD) assigned to work directly with the Task

Force.¹¹⁹ As of March 2017, the Bureau's staff consisted of 30 sworn LASD personnel; 12 LASD civilian personnel, including 6 research analysts; a crime analyst;¹²⁰ and 12 sworn federal, state, and local law enforcement. The Bureau is also assisted by a CAST representative and four full-time personnel from the Department of Children and Family Services. The Bureau employs a "co-location model" in which all of the personnel are on the same floor and share the same space. This model allows them to consult with each other on all types of cross-cutting issues, including investigations, placements, service provision, and prosecution.

Bureau Structure

The Human Trafficking Bureau is, in a sense, the "engine room" of the Task Force (1) investigating reports of human trafficking, (2) calling in service organizations to provide wrap-around care to victims, and (3) building cases alongside prosecutors. The Bureau determines, in large measure, what *type* of cases (e.g. sex vs. labor trafficking, buyers vs. pimps/traffickers) will be investigated and *how* they will be investigated (e.g. reactive vs. proactive).

Housed on the second floor of the LASD's Sherman Block Building in Monterey Park, the Bureau consists of two units:

- **INVESTIGATIONS UNIT:** This unit is comprised of 30 investigators drawn originally from the Los Angeles Sheriff's Department's Vice Unit within the

Major Crimes Bureau and various police departments in the Los Angeles County. At present, the investigators are divided into three full-time teams, each supervised by a Sergeant. The teams include two human trafficking teams and the Sexual Assault Felony Enforcement Team, also known as SAFE. The SAFE team is comprised of six “cyber investigators” who work largely on their own, monitoring the Web and the County’s sex registrant population to identify child pornography sites and those preying on young victims.¹²¹ The unit assists investigators from the human trafficking teams by helping them acquire information from digital devices, including cell phones, laptops, and digital recorders. Investigators across the three teams will usually “partner up” on a case, which means finding someone who is available at the moment to assist in an investigation. Depending on the type of case under investigation (e.g. a suspect has crossed county or state lines), investigators will collaborate with other state and federal investigators who are also Task Force members.

- **DETECTIVE INFORMATION RESEARCH CENTER (DIRC):** This unit is comprised of six researchers who work directly with the Investigations Unit. Originally a part of the Los Angeles Sheriff’s Department’s Fraud and Cyber Crimes Bureau, DIRC was relocated to the Bureau in early 2016, and assigned to work exclusively on human trafficking cases. Through the utilization of the most up-to-date law enforcement and public information databases, DIRC gathers information online (e.g. a suspect’s “aliases,” gang membership, prior booking photographs, property ownership deeds) not always found on standard law enforcement computer systems. DIRC uses a paperless system that allows it to

send and receive information quickly, and enables investigators to monitor the progress of research on a case.

The Bureau works with the Los Angeles County Chiefs of Police to rotate detectives from the county’s 46 independent departments and the California Highway Patrol to work alongside its investigators. This practice serves as an “investigative force multiplier” by offering detectives specialized training in the “best practices” of human trafficking investigations, which they can then take back to their departments. The Bureau also partners with the County Board of Supervisors and the Metropolitan Transportation Authority in a “Don’t Be Silent” campaign to raise awareness of human trafficking on the county’s vast transportation system. Finally, the Bureau provides training to officers serving in county jails on the role that gangs play in the recruitment of trafficking victims in correctional facilities.¹²²

Bureau Operations

The Bureau receives reports of potential human trafficking violations in a number of ways. First, investigators may get a lead through a phone call to the Bureau from a parent or concerned citizen. “It usually involves a juvenile runaway whose parent has called in,” a Bureau investigator explained. “The parent will tell us, ‘Hey, I think my daughter is being trafficked . . .’ [S]ometimes it begins with the victim calling her parents and the parents call us.” At that point, a sergeant in charge of one of the three teams will determine if it is a lead worth investigating as a human trafficking case. And, if so, he will assign it to investigators who will gather as much information as possible from the parent, check with other agencies to see if the victim has a criminal record or a pattern of running away, and then set the wheels in motion to locate the victim and gather evidence of a possible offense.

Second, police departments or agencies in the county will often refer a potential case to the Bureau. “Predominantly, patrol will see a juvenile who’s loitering in an area known for prostitution [usually

referred to as a “track” or “blade”],” an investigator said. “They may not know she is a juvenile when they contact her. If she turns out to be a juvenile, the case gets assigned to us because typically in almost all cases, if they’re a juvenile out on the street, they’re being exploited, or they’re being trafficked.” At times, victims will divulge the names of other trafficking victims, which triggers a wider investigation.

Third, a range of outside entities will refer leads to the Bureau. These include the Department of Child and Family Services, also known as DCFS; nongovernmental organizations (NGO) that operate hotlines, such as CAST, Polaris Project, and the National Center for Missing and Exploited Children, or NCMEC; and Internet providers, like Google. “Sometimes we will have a runaway that we suspect is a minor,” a DCSF representative told us.

We give the case to the Bureau, and then we’ll work alongside the investigators to find the minor and then engage the minor. The Bureau will then take over the criminal aspect: Is there a pimp involved? Do they have enough information to charge him? Meanwhile, we take care of the minor, making sure she has the right resources, including finding a place to stay.

CAST regularly refers leads to Bureau investigators. Since 2010, CAST has operated a 24-hour hotline, staffed by volunteers or personnel from its Emergency Response Unit. Many of their callers are sex trafficking victims. “Most of them are females, American citizens,” a CAST member said. “They are generally Hispanic or African-American between 18 and 30 years old.” If the caller is a trafficking victim, the case will be referred to the Bureau for further investigation. Google and other electronic service providers also refer leads, via NCMEC, to the Bureau’s SAFE investigators. Electronic service providers are mandated to report cases of suspected child exploitation to NCMEC.

Finally, Bureau investigators use their own proactive strategies to investigate potential human

trafficking activity. First, SAFE’s cyber investigators regularly check escort ads or scour websites like Backpage.com or Grindr for activity that could constitute sex trafficking. They then go to the website and pose as vulnerable teenagers in an effort to arrange a rendezvous with traffickers or buyers at a hotel or motel, where the suspect is arrested and taken into custody. Second, a parent or guardian may contact investigators if they believe a “cyber predator” has lured or is trying to lure their child into criminal activity. Such cases may either be investigated as child pornography (e.g. communication with a minor for sexual purposes or sending harmful material to a minor) or as human trafficking. And, finally, investigators participate in “street stings,” operations aimed primarily at going after buyers, or johns.

Prosecution

The district attorneys who work with the Bureau use a “vertical prosecution” model. Under this arrangement, one district attorney handles the prosecution of the human trafficking case from beginning to end. For example, a Bureau investigator might call a prosecutor about a case, asking for input about whether it can be filed. After the case is filed, the district attorney will meet with and build rapport with the victim. The District Attorney’s office will assign a dedicated victim’s advocate or witness representative to work with the victim. The advocate is responsible for coordinating victim services and accompanying the victim to court to offer support. The prosecutor will handle every aspect of the case, continuing to work with the victim through the process.

Bureau investigators usually confer with prosecutors about a case early on in the investigation so as to tailor their search for evidence and witnesses in a manner prosecutors will consider strong enough to file. Once investigators arrest a suspect, they have up to 48 hours to present a report to the district attorney, who decides whether to file criminal charges. When an investigation is completed, the district attorney will do one of three things: file the case as

it stands, decline it pending more information, or reject it outright.

If the prosecutor decides there is enough evidence to file a case, he or she will do so at the defendant's arraignment if he is in custody, or will have the investigator prepare the paperwork to have an arrest warrant issued. If the prosecutor believes that the case merits filing but lacks adequate evidence, he or she will inform the investigator of ways to strengthen the case. The prosecutor might provide the investigator with a list of additional corroborating information, such as text messages between the victim and the suspect, needed to bring human trafficking or related charges. The prosecutor might also give the investigator a timeline (one respondent cited 30 days as an example) for securing additional evidence.

Victim-Centered Approach

The Bureau and Task Force employ a *victim-centered* approach. While there is no precise definition of what a victim-centered approach entails, the Department of Justice, or DOJ, defines it as seeking “to minimize retraumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice.” A victim-centered approach implies that “the victim's wishes, safety, and well-being take priority in all matters and procedures.”¹²³

While the Task Force's NGO partners provide wrap-around services to the victims, the Bureau's victim-centered approach manifests itself in a number of ways, including its use of a “soft room.”

The Bureau's “soft room” is furnished with a couch and a lamp and is used for interviewing trafficking victims. The room is designed to make victims feel more comfortable, safe, and cared for than in a standard interview room at a police station. When victims arrive at the Bureau, they are taken through a back door to the soft room. In that way,

Five years ago, county officials in Los Angeles began to see an increasing number of children and young adults arrested for prostitution and related offenses. Instead of dismissing these children as “prostitutes” who were voluntarily choosing an unsafe lifestyle, they began asking questions about what was happening in these children's lives and why they were on the streets with much older men and women. This inquiry led to a more nuanced perspective of commercial sexual exploitation and recognition that these children are victims in need of support and help, rather than judgment and further stigmatization.¹²⁴

Source: *Law Enforcement for Commercially Sexually Exploited Children (CSEC)*, County of Los Angeles, 2015.

victims are not “paraded through” the office and can maintain a sense of privacy. Investigators will offer victims a blanket, a pair of sweatpants, and something to eat and drink.

Bureau investigators also follow a number of well-established procedures when investigating human trafficking cases. Among them is the *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children*, which is a set of procedures adopted in 2015 by the Los Angeles County Board of Supervisors to guide police officers and the county's child-serving agencies who may encounter Commercially Sexually Exploited Children (CSEC) in the course of their duties. Given the reported rise in the sex trafficking of minors throughout California, the Bureau has prioritized CSEC investigations and provision of services to victims, in collaboration with the Task Force.

The First Responder Protocol specifies that law enforcement and other county service providers should work together to serve CSEC from identification through the first 72 hours of contact, so as to keep victims of sexual abuse from being criminalized. The protocol promotes “a victim-centered, strengths-based approach” to help law enforcement understand where a victim “is in his/her stage of

exploitation” at the first point of contact and guide him or her to victim services.¹²⁵

The First Responder Protocol recognizes that law enforcement officers may encounter CSEC victims in a variety of circumstances, including observing a child engaged in solicitation while on patrol or while executing a warrant on a separate matter or during a planned operation at a hotel or motel. The First Responder Protocol specifies:

[w]hen an officer identifies or suspects that a child may be a victim of commercial sexual exploitation, the officer is responsible for engaging the child even if the child displays a potentially combative demeanor, which is often a resiliency the youth has developed. As a mandated reporter, the officer must report the known or suspected abuse to the DCFS

[Department of Children and Family Services] Child Protection Hotline. Once the officer identifies a confirmed or suspected victim of commercial sexual exploitation, the officer is responsible for transporting the child to either the police/sheriff station or the hospital, if there is a medical need.¹²⁶

During the Bureau’s first year of operation, investigators reportedly followed these procedures during encounters with 101 minors who were victims of commercial sexual exploitation.

With this basic background on the Bureau, we now turn to our findings from our interviews, which encompass four topics: (1) working with trafficked youth and adults; (2) investigations and prosecution; (3) co-location and collaboration; and (4) labor trafficking.

IV. WORKING WITH TRAFFICKED YOUTH AND ADULTS

TRAFFICKED YOUTH AND ADULTS are at the heart of the Bureau’s mission. They are, in a sense, both the key and the lock to developing a successful investigation and prosecution of traffickers. Four key findings emerge from our study with respect to trafficked individuals. First, Bureau investigators report that the majority of trafficked youth and adults they interact with have a history of trauma that often predates their trafficking. Second, trafficking victims are initially reluctant to cooperate with law enforcement for a number of reasons. Third, the Bureau is pursuing a range of strategies to foster trust and cooperation with trafficking victims. And, finally, there is a need for more short- and long-term shelter and housing for trafficked minors and adults in Los Angeles County.

Prior History of Trauma

Respondents reflected upon victims and their past history of neglect, abuse, and sexual exploitation. “Some of these girls have been in foster care since they were born,” one investigator said. “[They’ve been] taken away from drug-addicted parents or abusive parents or neglectful parents, and raised by a foster system which, quite frankly, has fallen short of the goal [of caring for them].” Another investigator estimated that “70 to 90 percent of the kids that [the Bureau] deal[s] with . . . have been sexually abused before.” And still another reflected on how this history of abuse affected human trafficking investigations:

There’s baggage. There’s so much baggage that these girls bring to our meetings. We can’t solve that in a night, and neither can the Department of Child and Family Services workers, and neither can the case workers or the rescue workers. We have to figure out a way to hold them long enough [so they can] see there’s a better way, for them to get a taste of a normal life.

“There’s a lot of mental health issues,” a DCFS caseworker said. “There’s trauma that they’ve [experienced] as children that has seeped into their teenage years, which makes them more susceptible to “The Life,” which doesn’t get addressed. That’s difficult.” (“the Life” is a term many trafficked girls and women use if they’ve been involved in prostitution.) Recognizing this trauma, one investigator said, was extremely important: “You’re not going to cure them of all their ills and all the trauma that they’ve endured for their whole life. You’re just not going to do it. Not immediately. It’s a process.”

Several studies confirm the connections between trafficking victims and past abuse. For example, a two-year study of 133 female minors conducted by West Coast Children’s Clinic between 2010 and 2012 found that the vast majority of sexually exploited minors in or near Oakland, California, had experienced some form of child abuse or neglect:

[M]ore than 75 percent of the youth [had] experienced child abuse or neglect. Moreover, the history of trauma experienced by nearly all

of these youth (or 70 percent of all clients) included *multiple* episodes of maltreatment; many experienced trauma as a chronic condition of their childhood; including severe or repeated episodes of neglect (56 percent), sexual abuse (53 percent), emotional abuse (53 percent), physical abuse (52 percent), and family violence (39 percent).¹²⁷

According to the Oakland study, most of the sexually exploited minors “experienced abandonment and lack of supervision by their parents or primary caregivers.”¹²⁸ Fifty-five percent of the study’s respondents said they were abandoned by parents or primary caregivers, 50 percent described a lack of supervision by parents or caregivers, 21 percent were living in transient households, 48 percent experienced out-of-home (foster care) placement disruptions, 11 percent had a parent or caregiver with substance abuse problems, 21 percent had contact with or involvement with parents’ criminal activities, and 15 percent had involvement with or exposure to parents’ prostitution activity.¹²⁹ The study also found that running away from home or foster-care placement is “common and perhaps most clearly demonstrates how early trauma results in behavior that places a child at risk of subsequent abuse.”¹³⁰

Unwillingness to Work with Law Enforcement

A key theme that emerged in our interviews is that victims are generally reluctant to work with law enforcement for a number of reasons, including mistrust of law enforcement, the trafficker’s powerful psychological hold on victims, fear of their trafficker, and the lack of alternatives.

First, the majority of Bureau investigators told us that the trafficked youth and adults that they had encountered tended to distrust law enforcement. One investigator described an incident where he and his partner went to interview a 12-year-old sex trafficking victim. The girl, he said, took one look at their badges and “walked straight out of the room.” Another investigator told us:

None of [the victims] are really happy to see us. . . . I’m a woman so I know it’s a little easier for me to connect with them than it is for men per se. I don’t really wear a uniform, so that’s another thing that helps them talk to me as a person. But they’re not happy to see us. They’re not embracing us. They’re not happy that we’re taking them away from this life that they are currently choosing.

Some respondents said this mistrust of law enforcement is tied to the historical relationship between law enforcement and the criminalization of sex work generally. “Most of [the victims] have been arrested numerous times and were not treated like victims, but like criminals,” a service provider said. “So they have no trust in law enforcement.” Respondents also suggested that traffickers repeatedly warn their victims to avoid any contact with police officers.

Second, and relatedly, traffickers often possess a strong psychological hold over their victims. Many investigators cited victims’ allegiance to their pimp as the number one roadblock in securing victim cooperation. “[A] lot of these victims feel like [the trafficker] is their family,” one investigator explained. Another estimated that 90 percent of the victims he has worked with did not want to cooperate with law enforcement due to loyalty to their pimp. This is especially the case with so-called “Romeo” pimps.

Investigators refer to two main categories of pimps: “gorilla” pimps and “Romeo” pimps. Romeo pimps employ finesse, charm, and charisma to convince women to join them. Romeos often act as boyfriends, or as a father figure, and pretend to truly love and care for the victim. In contrast, “gorilla” pimps use sheer force and brutality to force women to work for them. An investigator described the typical way “Romeo” pimps recruit victims:

Romeo pimps [target a girl who has] no father figure or has a very, very negative father figure. This guy starts out as a positive father figure to her. Shows her love and affection. Showers her with

money and gifts. Then, very shortly thereafter, it rolls into, “Hey, I need you to make some money for us. This is what I need you to do for me.”

Several respondents spoke of the “trauma bonding” that takes place between traffickers and their victims. “[Traffickers] are extremely adept at emotionally and psychologically controlling these girls and getting them basically brainwashed,” said one respondent. Another said that pimps “have emotional intelligence like no other. They know how to read the person they have in front of them, and they know what they need to say. They know how to emotionally control you.”

Third, a major reason victims are reluctant to cooperate with the police is fear or retaliation from their trafficker, particularly when it comes to testifying. As one investigator put it: “[The victims] just don’t want to be involved in [the] justice system. Whether it’s out of fear, or whether they’ve been traumatized and they just don’t want to re-live it again. . . . They just want to go home, go to a safe place, or move away.”

“Snitches get stitches” and “snitches end up in ditches” were common phrases that respondents from across agencies used to explain victim’s fear of testifying in court. A victim may be afraid of the pimp, his fellow gang members, or other people in her community who know about her involvement in the case. Pimps will often bring “their whole entourage” to court; they sit in the back of the courtroom and “stare these girls down” to intimidate them. A prosecutor referred to this group as the trafficker’s “pimp partners.” “Testifying in general seems to be a huge stressor for our clients,” a service provider said.

It’s often going to be the first time. It’s probably the first time [in a while that] they’ve [seen] their trafficker. They don’t know if his associates are in the courtroom. . . . They have all these stressors. They have to go up there and talk about some of the worst moments of their lives.

Finally, trafficking victims often fear that cooperating with law enforcement will mean losing

(1) what little money or food and shelter they are receiving from their trafficker and (2) a lifestyle that, in their adolescent minds, seems appealing or even glamorous compared to other alternatives. Respondents suggested that victims may prefer life on the streets where they have more relative freedom and money. Or, as one investigator said, juvenile victims can become “so enamored of the game of the street culture...they don’t want to [be helped].” Another said that “the victim has no incentive to get better, to get out of the life,” and that victims “don’t see any future and any opportunity.”

Several respondents said that victims are also reluctant to leave a lifestyle that may raise their self-esteem or make them feel important in some way. One investigator speculated as to why a girl might feel attached to her new lifestyle, even if she was being exploited:

They may or may not really be happy with [their trafficker], but they really like the freedom . . . They like the sense of importance. To them, this is the first time they’ve been happy in a long time, and we are ruining it for them. . . . We’re taking their phones. We’re taking away that man that means everything to them. The very few things that they have in life, we are taking from them.

So how do you help somebody who doesn’t want to be helped, doesn’t see you as the good guy no matter how nice you try to be, no matter how charming you try to be? They might even like you, but you’re still the bad guy. You’re still going to make them the snitch. You want to hurt the person [the pimp] who they think cares about them because you want to put him in jail. You want to take away this newfound freedom that the girl has. . . . She feels valued. It may be the only thing she’s ever been good at her whole life. . . . It’s the only thing that somebody’s ever told her she does well. And she gets a lot of psychological gratification out of that.

To understand why trafficking victims are often unwilling to cooperate with law enforcement, one must understand the way traffickers psychologically coerce victims. Writing for *Psychology Today*, Melissa Withers, a public health professor at the University of Southern California, sets out seven tactics commonly used by traffickers to manipulate victims: (1) dehumanization; (2) the worst-case scenario; (3) distrust of others; (4) keeping a close watch on victims; (5) avoiding physical abuse; (6) threats to call the police; and (7) a hopeful timeframe.¹³¹

According to Withers, traffickers *dehumanize* victims by telling them “that they’re worthless, insignificant, and forgotten.” They also instill *worst-case scenarios* in victims by repeatedly warning them “that they’ll be thrown out and left homeless if they seek help or try to escape.” Another tactic is to inculcate a *distrust of others* in victims who are told that “most people, even health-care providers will report undocumented migrants, resulting in arrest.” Traffickers *keep a close watch on victims* by living near victims, regularly dropping by unannounced, and/or constantly reminding them that they are being watched. Traffickers try to *avoid physical abuse* to “keep their criminal activity under the radar.” Finally, traffickers often give victims *a hopeful timeframe* in order to keep them “silent by offering them a glimmer of hope.”¹³²

Medical researchers Elizabeth Hopper and José Hidalgo of the Trauma Center in Boston, Massachusetts note in “Invisible Chains: Psychological Coercion of Human Trafficking Victims” that “trafficking involves a process of psychological manipulation and control that can be seen as having three phases: recruitment, initiation, and indoctrination.”¹³³ During the recruitment phase, traffickers routinely target vulnerable populations. As the federal Trafficking Victims Protection Act notes: “[t]raffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic underemployment, discrimination, and the lack of economic opportunities in countries of origin.”¹³⁴ Moreover, traffickers

often use “fraud as a method of persuasion in the recruitment phase.”¹³⁵

During the initiation phase, write Hopper and Hidalgo, “[v]ictims are forced to accept a distorted sense of reality where exploitation is expected and accepted. In this new environment, the traffickers are the ultimate authority. They use paternalistic behavior to assert control.” During the final indoctrination phase, traffickers solidify their control over victims by employing a number of coercive methods. First, traffickers “work to create an isolated community with its own rules and pressures to conform.” Second, traffickers use physical impairment and exhaustion to control victims. They do this by making the victim work unreasonably long hours and holding back basic necessities such as food, water, and clothing. Hopper and Hidalgo note that this technique has psychological effects for victims because once “the perpetrator has established this degree of control, he becomes a potential source of solace as well as humiliation.” Finally, traffickers instill fear in victims. They achieve this with physical violence, threats of violence, or with threats to report the victim to authorities.¹³⁶

Hopper and Hidalgo note that trafficking “may involve a cycle of power and control similar to that described in domestic violence literature.” A few of our respondents told us that trafficking victims were similar to domestic violence victims. To that point, Hopper and Hidalgo describe how trauma-bonding can create a deep connection between perpetrators and victims:

Because of the intense attunement needed for survival, a connection is often made with the perpetrator. Captives begin to identify with their captors initially as a defense mechanism, but over time a traumatic bonding occurs. This connection is sometimes referred to as “identification with the perpetrator” or “Stockholm syndrome.” Victims tend to magnify small acts of kindness of their captors and may be sympathetic to them. Traffickers often reinforce this attachment by establishing a sense of obligation.¹³⁷

Overcoming Victim Unwillingness to Cooperate

Investigators have developed various strategies for fostering cooperation from victims. These tactics include improving interviewing skills, working to understand the victim's mindset, and maintaining regular contact with the victim. One investigator stressed the importance of not losing faith, even when the victim does not appear to be willing to talk: "I have to make sure I give 100 percent to every case. . . . you have to treat every single investigation like this might be the one girl who wants to cooperate." Most importantly, investigators and service providers must work together to "surround the victim" and "try to convince her that [leaving "the Life"] is the right thing to do."

For investigators, gaining the trust of victims takes time and persistence. Several investigators spoke about the strategies they use to ease victims into interviews. One of the most important tactics is learning *what not to say* during interviews. "It's about educating yourself on the way that they think," one investigator said, "and not the way that I think." This respondent also provided examples of things not to say to sex trafficking victims:

You ask [the victim] a simple question like. . . . "Why didn't you run? Why didn't you try to get away?" That's one of the worst questions you can ask. The other one is to call her boyfriend a pimp. The minute you say that, "Well, did your pimp—" your whole interview could be done and over.

One investigator said that when a victim resists volunteering information, she will tell herself "there's probably a reason why. I'm going to start off with that premise. It is my job as an investigator to figure out alternative ways. If I'm [applying a] victim-centered approach, I have to think of everything."

Such an open-minded attitude includes understanding the trauma bonding that takes place between the victim and her trafficker. One investigator, who came to the Bureau from a gang unit, explained

that speaking with a trafficking victim is often like speaking with a potential gang informant in terms of the emotional hold traffickers have on their victims: "A lot of victims feel like this is their family, this is their husband or dad or whoever it is. It's a very close relationship." Not only do investigators have to be careful not to get in the middle of that relationship and say, "This guy doesn't love you," but they have to be aware of the victim's own safety. As with gang informants, the investigator explained, if a victim looks like she is cooperating with law enforcement, her life might be put in danger. Bureau investigators are generally aware of these dynamics and have learned ways to avoid common pitfalls.

Several investigators said that staying in touch with a victim over a period of time bore fruit. Texting with victims every other day to check in was helpful as it made the victim feel, "Maybe this [cop] cares a little bit more. Maybe I'll stick around and help her out a little bit more." A few investigators said that despite initial distrust of law enforcement, trust and cooperation between investigator and victim could develop over time. As one investigator put it:

You have to stay persistent. You can't just give up. . . . I had] a 22-year-old victim who was afraid to testify against her pimp. It was my first case and now 10 months later she calls me at least once or twice a week to let me know that she has a job, she's living out of town, she wants to really thank me, she has a steady boyfriend. It takes a long time to develop that relationship and that trust but I think it [can] work.

Another way some respondents feel they can increase trust-building is through the use of a "soft room." "The whole idea is to make [victims] feel comfortable," an investigator explained. Rather than being interviewed on "a cold bench inside of a police room" or "sitting in the back of a car," the victim is brought to a space where she can calm down and gradually begin to talk. Several investigators said that they never began interviews immediately and avoided "sitting there portraying the law." Instead,

they made sure the victim felt comfortable, fed, and ready to talk. Respondents described these interviews as “extremely informal” and more akin to conversations than interviews.

Inadequate Shelter

Both investigators and service providers expressed frustration that shelter services for minors and adults in Los Angeles County were not up to par. Most trafficked youth are either placed with their family or in the foster care system. In contrast, adults may be placed in hotels or shelters either temporarily or for longer periods of time.

A number of respondents commented that more resources should be devoted to provide adequate housing options for adults. One prosecutor described the situation as follows:

[Most minors] will receive certain services. When it comes to adults, when you hit the magic number of 18, there are not a lot of services available for you. . . . Even though I understand [why you may want to prioritize resources for minors], you need to have more resources easily available for adults as well. I hear stories of officers being on the phone for hours just trying to find [an adult trafficking victim] a bed for the night. At least when she was with her pimp, she had a roof over her head and she may have had food. . . . You know, you have some [service providers] that talk more than they deliver. . . . want to be able to pick up the phone and say [to a service provider], “Jane Doe needs to find some short-term housing. We can work on long-term housing later.”

Similarly, a service provider with CAST echoed the same frustration:

[More] housing [options for victims] would be helpful. A lot of them get shuffled around a lot. I think a lot of the shelters our clients go to are also domestic violence shelters, which aren’t necessarily [ideal for human trafficking victims]. . . . I think [we need] more shelters that

are geared towards [the human trafficking] population specifically and that provide stability, so that they can stay there, and not be worried about where they will go in 30 days.

Several respondents reported that most trafficked youth they encounter had been involved in the child welfare system. Current data from across the United States confirms this observation.¹³⁸ For example, in 2013, an FBI nationwide raid¹³⁹ in over 70 cities found that 60 percent of the child sex trafficking victims were children from foster care or group homes. Similarly, a two-year review of trafficked youth who participated in programs run by the service provider Motivating, Inspiring, Supporting, and Serving Sexually Exploited Youth (MISSEY) in Alameda County, California found that 53 percent of CSEC youth lived in a group homes at some point, and 83 percent had previously run away from home multiple times.¹⁴⁰ And, finally, as of 2012, 58 percent of the 72 sexually trafficked girls who appeared in the Los Angeles STAR court were foster youth.¹⁴¹

Respondents described the process for determining shelter placement options for trafficked youth. Once Bureau investigators encounter a trafficked minor, the child will be put in contact with a Department of Child and Family Services or Probation case worker and eventually with an NGO social worker. The service provider will assess the minor’s needs and provide essential services such as medical assistance, clothing, food, counseling, and temporary housing. A DCFS respondent indicated that the agency’s goal is always to try to place the minor with a family member. If that is not feasible, then the juvenile will be placed in the foster care system. “[It] is never our goal as a department [to place a minor in foster care rather than with family], but that is what happens,” the respondent said. Each case is assessed on a case-by-case basis, and the decision to place the minor with his or her parent(s) or other family member “depends on . . . the abuse they came from [or] on the willingness of the parents, and the ability of that [social] worker, to transition that kid back home.”

Several respondents spoke of the challenges service providers face as they try to secure appropriate housing for trafficked youth. One respondent noted that minors were generally not placed with a foster family because there were no incentives for “good families to take in these kids,” and that many foster families “don’t want their own kids exposed to [trafficked youth].” Another spoke from her previous experience of working in group homes before becoming a police officer. “Group homes,” she said, “are all run differently. It really depends on the level of staff you have and the devotion of those staff to [the minors]. They are not all universal. Some are

better than others, and even in the same company they’ll be run differently depending on the staff you have in [each] house.”

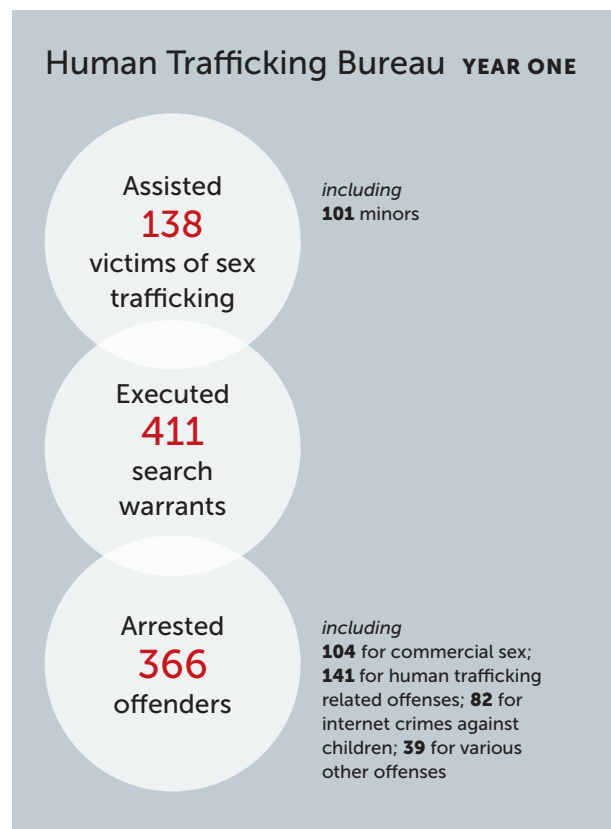
Several respondents said traffickers regularly recruited youth from group homes. “[Y]ou find out after talking to [victims] that they are recruited out of group homes,” said one investigator. “Group homes have to know that this recruiting is occurring right under [their] noses.” Some traffickers will send a girl to a foster home to recruit other girls. Also, as an investigator explained, “You will have a girl living in a group home who recruits [another girl] and then they run away together.”

V. INVESTIGATIONS AND PROSECUTION

A MAJOR OBJECTIVE of this study is to understand the challenges the Human Trafficking Bureau faces as it investigates and prepares trafficking cases for prosecution. Our interviews with respondents revealed five issues. First, investigators noted that having a single entity, such as the Bureau, dedicated exclusively to human trafficking improved their ability to gather probative evidence of trafficking. Second, a successful sex trafficking investigation and prosecution requires proving the elements of the crime, overcoming the biased notions of judges and juries of what constitutes human trafficking, and the ability to have victims testify at trial. Third, technology—and especially new forms of social media—has emerged as a major challenge for Bureau investigators and researchers in terms of training and resources. Fourth, investigators reflected on the difficulties of determining whether some adult sex workers are, in fact, victims of trafficking if they don't recognize themselves as such. Finally, both investigators and service providers expressed uncertainty about the effect California's new law, which decriminalizes prostitution for minors, will have on investigations and prosecutions.

A Bureau Dedicated to Human Trafficking

In its first year of operations, the Bureau assisted 138 victims of sex trafficking, including 101 minors. It also executed 411 search warrants and arrested 366 offenders.¹⁴² Of those offenders, 104 were arrested for buying commercial sex; 141 were arrested for human



trafficking related offenses, which include prostitution, pimping, and pandering; 82 were arrested for internet crimes against children; and 39 were arrested for various other offenses.¹⁴³ According to the Bureau, these figures represent a significant increase in trafficking-related arrests from previous years.

This increase in arrests is consistent with figures provided by other task forces. In their 2008 study *Understanding and Improving Law Enforcement*

Responses to Human Trafficking, legal scholar Amy Farrell and her colleagues found that “local law enforcement agencies participating in federally funded human trafficking task forces had identified and investigated more cases than non-task force agencies (36 on average for task force agencies compared to 15 on average for non-task force agencies).”¹⁴⁴ They also found that “[c]ases identified by local law enforcement agencies participating in task forces were more likely to result in formal charges following human trafficking related arrests than non-task force agencies (75 percent compared to 45 percent) and were twice as likely to result in federal charges than non-task force agencies (55 percent compared to 27 percent).”¹⁴⁵

Several Bureau investigators told us that prior to coming to the task force, they simply did not have the resources or were too busy with other investigations to pursue human trafficking leads in any meaningful manner. One Bureau investigator said:

[S]tation detectives handle a lot of [different types] of cases. It’s not unusual for a detective at a station to handle 30 to 50 cases at a time. You’re generally not doing a lot of work on those cases. Usually, you just call the victim, and if he or she doesn’t return your call, you close the case.

Another investigator put it this way:

Prior to the Bureau being formed, your typical deputy rolling out on a [potential trafficking case] would contact the victim, get a statement. Do their investigation the best they can. Hopefully, arrest somebody, maybe not. Then write their report, turn it in and be done. As for the victim it was like, “Hey, girl, who can you stay with? Who can you call? Are you gonna’ be okay here alone?” Now it’s more like, “Hey, we need to make sure that she goes somewhere and she’s okay.”

Still another investigator said now that he was at the Bureau he was able to work with his victims to ensure that they testified—something he said would

have been impossible working in a smaller unit or department. By way of an example, he described a sex trafficking case that he and his partner had been working on for months. They had gained the victim’s confidence, and she had agreed to testify against her trafficker. Then suddenly she went missing. On the night before the hearing, the investigator received a call from Las Vegas:

So she tells me, “I’ll testify.” Now there’s no way we were getting airline tickets that quick, so on a moment’s notice my partner and I jump in a car, and we drive all the way to Vegas. At 11:00 pm, we pick her up, get her back here, have her testify, and then get her a plane ticket and ship her out of state . . . [as] she couldn’t go back home. Now with a small agency, that’s not going to happen. I don’t think you can do a thorough investigation and protect the victim, and get a successful prosecution if you’re in a small agency.

Another Bureau investigator said that being a member of the Bureau meant he could stick with a case from beginning to end:

At a station level, we would get a case, file it with the district attorney and I wouldn’t see it again. I wouldn’t see the victims. I wouldn’t [see] suspects again. Here, I get a case, I file it and it stays on my desk because I have to be in touch with the victim. Have to be sure she has a place to live, have to be sure she doesn’t go back to the same suspect.

Being part of the Bureau has also facilitated a shift in attitudes with respect to how victims are perceived. One investigator we interviewed described in detail how he saw law enforcement priorities and operations change in regard to minors engaged in commercial sex:

[S]peaking from experience from a long time ago, as a station detective when you’ve got a missing person’s report and that child has previously gone missing, 10 or 20 times, it was not a priority because you knew that kid was

a habitual runaway. She's always going to come back. . . . We know she hasn't been abducted. . . . This is the norm for her. . . . Now, because we're enlightened like never before, we know when this girl goes missing repeatedly, she's being molested by somebody. . . . [And] we need to find her before she's further victimized. Instead of going to the bottom of the stack, [she's] going to the top. We're going to send detectives out to follow up on leads. We're going to solicit the involvement of our [Detective Information Research Center] to research this girl on social media and find out where she's posting and what's she posting and where she is. We're going to [request] search warrants to ping her phone. We're going to do whatever it takes to get her back into placement.

Similarly, several investigators noted that after a year at the Bureau they tended to stay in touch, even during off hours, with victims. "I don't know if you ever stop being involved," said one investigator.

You get phone calls [from victims] constantly—for instance, one Saturday I was at my kid's soccer game, and one of my victims called. . . . I don't think the calls ever end, even after it goes to trial . . . you can still hear from them. Either they need something, or they're trying to get help because somebody—say, a family member of the suspect—is trying [to intimidate them].

While investigators are grateful for the resources and time that allows them to focus their attention to their cases, many still felt constrained by a lack of adequate resources and lack of personnel. "I think for sure we need more detectives," one investigator explained. Since investigators aren't assigned permanent partners at the Bureau, they will often walk into the office and solicit help on some aspect of a case, such as interviewing a victim. This investigator felt that if he had an assigned partner, he could more easily divvy up the work. As it stands, it is a heavy burden on each investigator to be in charge of one case, and many feel "shorthanded."

Some investigators took issue with the part-time arrangement of some of the Bureau's investigators from federal agencies and smaller police departments. Several respondents said that part-time investigators could not commit fully to an investigation because they were "over-stressed or over-committed." One part-time federal investigator also expressed frustration about the set-up from his perspective:

Having that kind of disconnect is hurtful, but it's still better that we're all here. Being that I still have my own cases and I think every other outside agency has the same thing, we still have obligations at our home agencies that either keep us away from here or detract now and then, or just double our work. Whereas like the deputies . . . they're here and they have many cases, but they're all related to [human trafficking].

Complexity of Investigating and Prosecuting Human Trafficking Cases

A reoccurring theme in our interviews was the view that human trafficking investigations and prosecutions are fraught with distinct and complex challenges. These include the difficulties of proving the elements of the crime, the lack of awareness of the nature of human trafficking among judges and jurors, and the difficulty of securing victim testimony.

First, proving the elements of the crime of human trafficking is one of the Bureau's most intractable challenges. Prosecutors will often bring a series of charges against a suspect, primarily (but not limited to) human trafficking, pimping, and pandering. Human trafficking, under California Penal Code 236.1, is the most severe charge, carrying potential sentences of up to 20 years' imprisonment. Pandering is the facilitation of someone to engage in commercial sex, while pimping is the receipt of something of value based on the commercial sex of someone else. Pandering and pimping charges each carry a maximum sentence of six years' imprisonment, or up to

eight years' imprisonment if the victim is under 16 years of age.

Most investigators told us that a critical factor in determining which charges to bring is the trafficked person. Namely, whether he or she is a minor or an adult and, if the latter, whether the victim recognizes him or herself as a victim and is willing to accept services. This is one of the initial determinants of whether the “means” element—force, fraud, or coercion—of the crime is present. And this element can be difficult to prove. Under state and federal anti-trafficking law, the prosecution is not required to prove the elements of force, fraud, or coercion when the victim is under 18 years of age. Bureau investigators, therefore, generally will bring human trafficking charges against suspects when the victim is a minor, resulting in higher penalties than pimping or pandering. One investigator said that when a juvenile is involved, the charge is “automatic human trafficking” because the victims are legally unable to make the decision themselves not to engage in commercial sex work.

For adult victims, proving the elements of human trafficking is more challenging. Whether prosecutors charge an adult suspect with human trafficking often depends on the extent to which the victim identifies as a victim and the amount of hard evidence available to corroborate her testimony. Investigators will typically present the prosecutors with pimping and pandering charges against a suspect who is trafficking an adult victim, and try to bring a human trafficking charge if they believe the evidence is sufficiently strong. Some investigators said that they do not even attempt to seek human trafficking charges if the victim is not a juvenile.

According to investigators, it is not possible to pursue a human trafficking charge when the adult victim involved in the trafficking adamantly denies that she is engaging in commercial sex work against her will. As one investigator said, human trafficking is difficult to prove because “it just seems so reliant on the victim.” Without a cooperative victim-witness and corroborating evidence, such as text messages

or medical reports, it is often impossible for the prosecutor to prove the force, fraud or coercion element necessary under the state human trafficking charge. It may even be difficult for the investigators to pursue pimping and pandering charges if they lack other evidence that the woman is connected to the pimp.

Even when an adult victim says that she wants to get out of “the Life” and can articulate to law enforcement assaults committed by the trafficker, investigators have found that additional evidence is necessary before making an arrest and presenting the case to the prosecutor. If prosecutors lack enough evidence to corroborate a victim’s story, they cannot file a case against the trafficking suspect. According to one investigator, victim testimony alone may not always be sufficient in human trafficking cases because “their credibility is going to be destroyed by a good defense attorney.” Another investigator explained that corroboration was key because sometimes victims do lie and can be unreliable or inconsistent in their testimony.

A second complexity specific to prosecution is the way in which judges and jurors perceive human trafficking. Several investigators said that judges and juries, who do not sufficiently understand the psychology of human trafficking victimization, pose one of the greatest challenges. They attributed this problem to a lack of understanding of the contours of human trafficking, especially in the element of coercion. If physical force is not involved, judges and jurors often do not comprehend why a victim is unable to leave her trafficker. “You have a victim who a jury does not really see as a victim, a victim who is dirty in their eyes,” an investigator said. “They’re not sympathetic necessarily to your victim.” One prosecutor reiterated this, stating that “jurors, in their mind, often times think, ‘She could have left. She’s an adult. It’s not like she has any undue influence.’”

Investigators have found that higher sentences are handed down to what judges and juries perceive as “true victims.” Another investigator explained the process as follows:

If a jury has to look at [a] girl who was already a prostitute and . . . went to this guy and then [decided] she didn't really like how he treated her [and] called the cops on him. . . . [B]y statute, he may fit the elements of trafficking, but that case is going to be far different [if] the girl [had been] kidnapped out of the blue or responded to an ad for some administrative job and was completely tricked and then beaten and raped.

Investigators said judges were, at times, insensitive to victims on the stand. "I just had a case where the judge read out loud the victim's Backpage ad which was graphic in nature," said an investigator. "He's reading it to her, saying, 'You wrote this?' She started crying. He embarrassed her." Another investigator said that when the defendant is dressed nicely in a suit and tie, they can look more sympathetic to a judge and jury than the victim, which presents a significant challenge.

Finally, securing victim cooperation and testimony is probably the single most challenging aspect of investigating and prosecuting human trafficking. As discussed earlier, there are a myriad of reasons why victims are unwilling to cooperate with law enforcement, including distrust of law enforcement, manipulation by the trafficker, fear of the trafficker, and a lack of alternatives. This lack of cooperation presents law enforcement with serious challenges.

Victim testimony is crucial to proving a human trafficking case for several reasons. Victims may refuse to testify on the stand or run away at some point prior to trial. An investigator might initially secure victim cooperation, but "that cooperation may not last through the duration of a case" as victims often flee after the case is filed. Prosecutors can sometimes proceed with a case without the victim, but it can harm their ability to prove important elements of the crime.

Victim flight before trial is common, according to respondents across the Bureau. It can happen at any point leading up to trial or even at trial. "When we went to court, the witness went to court, halfway

testified, got intimidated, pretty much ran out of the court and said she wasn't going to come back," an investigator said. As a result, the district attorney ended up negotiating with the public defender for a lesser charge against the defendant. Another investigator said that in his experience, juvenile victims were more likely to flee, making their cases more difficult to prosecute.

"You're not going to make a case without a victim," one investigator explained, because the facts of the case "require certain corroboration." Another investigator said that while he was able to make an arrest based on the victim's statement, corroborated by identification in a line-up, and had the victim's statement on file, it ultimately "looks better to have a victim up there in person testifying," than simply to rely only on her statement. Without a victim's testimony and other corroborating evidence, these cases can end up being "his word, her word" and will not meet the standard of proof required to find a defendant guilty.

Fear of their trafficker is one of the main reasons victims refrain from providing testimony. Prosecutors can address this issue by asking "pointed questions," a service provider explained. This allows them to guide the victim while she testifies, rather than asking them for a long monologue about her experience. If the district attorney "knows the back story from the victim ahead of time, and has figured out what the victim's concerns are, the district attorney and the victim . . . can address it together."

Technological Challenges

As online communications move toward smart phone platforms and offenders continually find new ways to hide their identity online, Bureau investigators' technological needs are heightened with respect to training and resources.

Several respondents clarified the need for increased access to the latest technologies and training to effectively identify perpetrators. "We're always looking for training [as the social media platforms are] constantly changing," one investigator said.

Another said that “[we] might take a class today and then it’ll be outdated next week.” Respondents explained that while they are familiar with the more popular social media sites, such as Facebook and Instagram, they need more training on the newer phone-based sites, such as Kik. “The technology is evolving so rapidly, it’s hard keeping up with the new technology that’s coming out,” said an investigator with the Sexual Assault Felony Enforcement Team (SAFE). Whereas cybercrimes involving pornography used to take place mainly on desktop computers through chatroom sites like Yahoo! Messenger, they have since moved to cell phone-based social media apps like Kik and Snapchat.

Another challenge is the trend of social media toward video. One investigator explained that while communication with a potential trafficker may begin as a text exchange, the suspect invariably wants to begin chatting via video. Pursuing proactive investigations is difficult without the ability to communicate in real-time through video. One investigator strongly suggested that the Bureau have more decoy officers, especially officers who appear young, to enable video-based communications with potential trafficking suspects.

Investigator access to the cell phones of victims and suspects, as opposed to computers, has become an integral part of trafficking investigations. Cell phones provide Bureau investigators with critical information in identifying and locating suspects, gathering evidence against suspects, and improving victim interviews.

Identifying and Locating Suspects

To extract identifying information on a suspect from a victim’s cell phone, a researcher in the Detective Information Research Center, or DIRC, first runs the phone through systems that can reveal information about who is paying for the phone—presumably the trafficker—if it has not been blocked. That information may also yield an address and other identifying information. Failing that, the researcher will run the suspect’s social media moniker through

various systems to attempt to access the same information. Investigators said that they often initiate an investigation by providing DIRC with a victim’s phone number to yield potential suspects.

Gathering Evidence against Suspects

Information gathered from a cell phone might include text exchanges between a trafficker and a victim that corroborate a victim’s story or evidence of whether a suspect’s phone was used to post photos to Backpage. “The force or the coercion aspect [can be found] in emails [and] text messages,” one investigator explained. “Those are really important in this violation because phones are the lifeline [between the victim and her trafficker]; they don’t like to be seen together, on the street especially. All [their] communication is done on what they call a trap phone.” Another investigator explained that text messages between the victim and her trafficker are critical to a case as they reveal the nature of the trafficker’s orders and demands. Investigators can sometimes use the cell phones of victims who are cooperating in an investigation to see whether their traffickers are still attempting to contact them during an investigation. This “is huge, because that pimp can psychologically control that girl through the phone.” For adult victims, this is essential for proving the force, fraud, or coercion element of human trafficking required to prosecute the trafficker. A district attorney who works closely with the Bureau described how a text message exchange corroborated a victim’s account of being trafficked:

[The victim] said that [her trafficker] would . . . deprive her of food. Deprivation. There’s a case that says if you’re depriving someone of food, of course you have duress. How am I going to prove that? . . . Is there someone else who can help corroborate what she said, like another girl? When you have the phone and you do forensic on the phone [there could be] a conversation, a texting conversation where the suspect will say, forgive my language, this is how they talk: “Look bitch.

I will give you money to eat when you make your quota. I told you \$1,000. You haven't made that. You can come in. You can get some sleep when you make my money. You're not going to get something to eat until you make my money." Then that's pretty clear your deprivation of liberty. One of the things is your ability to have food, have some place to sleep. If she just says, "He wouldn't feed me," or some things like that, we need corroboration [or the case will be declined].

In addition, in some undercover investigations, investigators pose as sex workers and text with suspected traffickers who they are conducting surveillance on.

Improving Victim Interviews

Access to victims' cell phones can also improve the quality of an investigator's interview with a victim. As one investigator put it: "There's nothing worse than going into an interview without knowing your subject. Having the cell phone of either the suspect or the victim gives you that background. It gives you information that you need to be successful in the interview. I think it's invaluable to have access to those cell phones."

Yet investigators still face significant barriers in gaining access to the cell phones of both victims and suspects. To access the information contained in a phone, investigators either need consent or a search warrant. Respondents explained that when the cell phone belongs to the victim, consent is far preferable to a search warrant, though often difficult to attain. "It's not that the victim doesn't want to cooperate," one investigator explained. "The victim could have all sorts of reasons why they don't want me going into that phone. I understand that." Another respondent said: "Most of the time victims don't willingly give [their cell phone] up unless they're in custody. The victims hold onto those cell phones very dearly." Another investigator said that out of nine cases he had worked on, only one victim consented to investigators accessing her phone.

If a victim does grant consent for investigators to temporarily take her phone to download information, the manner in which they gain access to the cell phone and the amount of time it takes to do so is important, especially for the investigator's relationship with the victim. Taking too much time might disrupt the delicate balance of trust an investigator may have developed with a victim. "You could really become an enemy the minute you mention taking that cell phone," said one investigator. "You are no longer a friend and interested in their best interest." This can make or break a case, because "if you wreck your relationship with that victim, you will have no case," even if you have the cell phone. Part of the difficulty also lies in the amount of time needed to extract information from the cell phone. That time can vary widely depending on various factors—from just 15 minutes if it is not a smart phone, or up to a week or more to send it to the technology unit to gather forensic data. One respondent described his positive experience working with the Bureau's federal agents, who can help investigators download necessary data from phones within a day, allowing investigators to make and keep promises to victims about returning their phones quickly and thus maintaining their trust.

If investigators fail to gain consent from a victim, or if they are working with a suspect's cell phone, they will need a search warrant signed by a judge. At present, the law requires that law enforcement provide reasonable suspicion of some illicit activity and specify the information being sought, such as emails, photographs, and contacts. Investigators are also required under law to notify the owner of the phone that they are seeking entry, although this notification may be delayed by a judge's order if doing so would compromise the investigation.

In regard to suspects' cell phones, investigators noted that it is simple to confiscate their phones and put them into evidence. But it is more difficult, and sometimes impossible, to access information stored on the phone if it is heavily password protected. Investigators have found that they are unable to open phones that require a thumbprint for

entry. One investigator said that obtaining information from a suspect's phone has been the biggest challenge he faces in investigating trafficking cases. Sometimes traffickers use "throwaway" phones with victims that are not thumbprint protected, which makes gaining access for investigators easier.

Several investigators described the challenges they face when victims and suspects delete important information from their cell phones. One investigator explained that en route to a police station, victims will sometimes delete integral information from their phones before investigators can gain access. Investigators have now been trained to, in certain situations, take and safeguard a victim's phone immediately to prevent information from being lost. Another investigator described a case in which a suspect wiped a victim's phone remotely while it was still in the investigator's possession but before he could download the information. Investigators have also received training on when to turn the phone off, put it in airplane mode, or place it in aluminum bags that block internet access to avoid any erasure from happening.

Ambiguous Victims

Investigators and prosecutors at the Bureau often face the challenge of trying to determine if an adult prostitute has been trafficked or if she is working in the trade willingly and without evidence of force, fraud, or coercion from her pimp. In making this determination, Bureau investigators will usually book adult sex workers with prostitution or related crimes if (1) they do not themselves identify as trafficking victims and (2) refuse services. In California, prostitution, solicitation, and loitering are all misdemeanors.¹⁴⁶

According to respondents, whether adult sex workers end up being classified as victims or charged with prostitution hinges largely on the level of their cooperation with law enforcement and recognition of their own victimization. "[S]ome of it is based on cooperation or on what effort they're willing to put forth in helping themselves," a prosecutor said. An investigator further explained:

[I]f [an adult sex worker] is saying she's going it all on her own, she's being a prostitute because she wants to be a prostitute, then she's not a victim of human trafficking. Then she gets [a] misdemeanor ticket for prostitution, and she leaves, and we leave and go on to the next thing.

But investigators will encourage victims who show signs of trafficking victimization to accept services instead of facing arrest, telling them, "If you're forced to do this, we'd absolutely love to prosecute and pursue [your trafficker] and not you. Because you're not in the wrong."

Several investigators said that many adult sex workers did not view themselves as victims. "A lot of women don't know right away, until we interview them," said an investigator. "We get them help, and they finally may realize that. . . 'I am a victim. I didn't know. The person is exploiting me [and] has been exploiting me.'" As they continue the interview, investigators may learn the trafficker's name and glean other evidence of fraud, force or coercion.

As for charging adult sex workers with crimes related to, but separate from, the crime of prostitution, investigators said they make these determinations on a case-by-case basis. A federal investigator explained that if a woman offers an undercover police officer cocaine as part of their arrangement for sex work, they will likely charge them with that crime, because "the fact that they sold you the cocaine cannot be disputed," and because, "nobody had a gun to their head and said, 'sell cocaine to that person.'" However, if investigators have "prior knowledge" about patterns of trafficking, such as traffickers who force their victims to sell drugs in nightclubs, they will not immediately charge them with that offense.

Another category of what some respondents referred to as "ambiguous victims" are trafficked adults who have also been involved in the recruitment of and/or harm toward other victims under the trafficker's control. Bureau investigators may charge adult sex workers with the crime of human

trafficking even if the women started out working under duress or are working under duress without admitting it. Pimps usually refer to these women as “bottoms.” According to the anti-trafficking nonprofit, Shared Hope, a “bottom” refers to a “female appointed by the trafficker/pimp to supervise the others and report rule violations. Operating as his right hand, the Bottom may help instruct victims, collect money, book hotel rooms, post ads, or inflict punishment on other girls.”¹⁴⁷

Investigators described characteristics of a typical relationship between a “bottom” and a pimp/trafficker from their investigative experience. “Bottoms” often start out as trafficking victims. After being lured or forced into sex work, they gradually begin recruiting other girls, which can make them guilty of pandering, and “educating” or disciplining new recruits. “Bottoms” often have a child with the pimp. Eventually they will be put in charge of collecting money from other girls under the pimp’s control. And, if a pimp is in jail, he might rely on the “bottom” to enforce his rules with the other girls.

A district attorney explained how a suspected victim of human trafficking might come to be charged with the crime of human trafficking:

What usually happens is this: You’ve crossed the line from being just a passive girl . . . and basically stepped into the same shoe as being the trafficker. . . . Chances are just recruiting, straight recruiting, is not going to get you charged with human trafficking. [But if you are] the one who metes out the beating of a girl [or actually sets up or beats a girl], you’re now in the [category of] force . . . we charge [you] with human trafficking. All these people are up in arms that we charge [“bottoms”] with human trafficking. . . . The reason being is that a . . . bottom has put in motion everything in order to get the victim the beating of her life. [The victim] could have been killed . . . So, in that particular case: No, you’re not just a human trafficking victim, you’re a trafficker—period. Sometimes we do

charge them. We don’t do it often and we take a lot into consideration. That’s when you do the balances. You look at what is really going on. [It’s one of the] few times their defense lawyers will actually reach out to us and be cooperative. . . . We’ll charge, but not always.

One of the factors that motivate prosecutors to charge a bottom with human trafficking is whether or not she actively recruited other girls to work for the pimp. Investigator recognition of a bottom as a victim rather than a perpetrator also hinges on her willingness or ability to recognize that she committed the trafficking offense as a result of force or duress. As one investigator explained, how they are classified depends largely on the suspect’s own statement as well as the statements of the victims who were harmed by her. Investigators said they try to turn “bottoms” into victims. “You can have the most hardened victim in the world,” a prosecutor explained. “You may think . . . [she’s] a suspect,” and it is not until she gets to her preliminary court hearing that she may disclose, “this person is exploiting me. I’ve just been afraid all this time.” Several investigators said they are finding that more and more “bottoms” are obstinate in their support for their pimps and refuse to speak against them to law enforcement.

A service provider who works with “bottoms” charged with human trafficking stated that over time Bureau investigators had gained a better understanding of the psychology of “bottoms,” the hierarchy they are part of, and the level of duress they experience that compels them to commit felonies.

Impact of Decriminalization

Both Task Force and Bureau members expressed criticism of and support for California’s new law, known as Senate Bill 1322, that took effect on January 1, 2017. The law prohibits the arrest of minors for prostitution or related offenses. While the Bureau had a policy before passage of the law discouraging arrest of minors for commercial sex and related

crimes, investigators still used arrest sparingly as a tool in situations where minors could not otherwise be protected. Both investigators and service providers expressed uncertainty about how the new law would affect victims and investigations.

Several investigators described the same pattern when it came to working with trafficked youth: Once contact is established with a commercially sexually exploited minor, she is handed over to the Department of Children and Family Services (DCFS), at which point she may run away. Before Senate Bill 1322 was enacted, the minor might run away repeatedly until law enforcement arrests her. One investigator described the problem as a “revolving door.” Because DCFS is not able to physically restrain trafficked youth once they are in their custody, they will invariably flee. “The biggest challenge is getting them to stay, getting them to take a breath and give it a chance,” explained one investigator. Another said that the first few days were critical: “The first 72 hours is when most people run. Studies show that if we can hold on to them for the first 72 hours, then our chances of at least getting them to [leave The Life] . . . is better.” One investigator said that the only way to keep the girls safe from trafficking is to keep them off the street, and “the only way to keep them off the street is to keep them in custody.”

Investigators collectively lamented the loss of arrest as a means of last resort to hold trafficked youth in custody. While Bureau investigators complied at first with internal department policy and then the new law not to arrest trafficked youth for prostitution, many respondents explained that, prior to the passage of the new law, arrest was a tool they would use in extreme cases. According to investigators, arrest kept victims safe from immediate threat and gave them time to detach themselves from the trafficking situation, without the ability to run away. In terms of safety, one investigator put it bluntly:

It may seem really harsh to arrest somebody who is technically a victim who’s being abused, but if I don’t arrest you, I leave you out there to

be subjected to more abuse, to be continuously raped and beaten and live this life that really nobody should be living. I think I do the humane thing by sending you to jail. That doesn’t sound too mean [to me].

Investigators generally felt that the new law left them with no reliable mechanism to keep trafficked youth safe, and that they would continue to escape from DCFS and return to the street.

Several investigators also said that keeping victims off the street afforded them the opportunity to gain distance from their trafficker. “The challenge,” said one investigator, “was holding onto [victims] long enough to begin the process . . . whereby they can actually say, ‘Hey, there’s actually hope.’ Or, ‘Hey, I don’t have to do the things that I’ve had to do all my life to exist.’” Other investigators said that time in juvenile hall would help victims “basically dry out from the connection to their pimp.”

Several investigators expressed concern that traffickers would manipulate the new law to their advantage and result in an increase in the number of trafficked youth. A service provider feared that minors might become even more vulnerable to trafficking than before. Traffickers, he said, will now know that law enforcement cannot physically detain minors, and so minors will invariably go back to their traffickers. An investigator put it this way:

The message that the pimps are getting out of this is, ‘It’s game on with juveniles,’ because she’s going to get picked up and hugged and released to DCFS, and DCFS does not go hands-on with anybody. As soon as DCFS drives off with the girl, all she has to do is jump out of the car—which they do—and [the pimp will] be right there to pick her up. You have nothing. You don’t have a suspect. You just have a little victim. These girls do jump out of the car. There are instances where they do hit the DCFS workers to get away from them.

Another investigator explained that since they can no longer arrest minors, those minors’ records

are no longer contained in the system. As a result, when investigators encounter the same minors again, they are often unable to identify them or their history of arrests and are thus incapable of gaining a full understanding of what is happening in their lives. Because law enforcement is no longer fingerprinting or taking photographs of minors as they would as part of a custodial arrest, the victims can move freely across the country without being tracked. One investigator described a hypothetical situation:

We're going to have no way of keeping track of them. If you find me in Idaho and I'm 15, I could tell you I'm anybody from Idaho, but I might really be from California or I could be from Washington. I could be from anywhere, and you have no way to prove who I am. I could also be 20 and say that I'm 16. You have no way of knowing who I am.

Relatedly, law enforcement no longer have the authority to order victims to attend counseling, to attend classes to learn about the psychological, emotional, and physical abuse of trafficking victims, or participate in other services that law enforcement could require of those in juvenile hall.

Despite these criticisms of the new law, some investigators and most service providers agreed that the law was a positive step toward improving the relationship between law enforcement and victims. Respondents generally agreed that trafficked youth should not be treated as criminals. This law “lays the groundwork for the victims to start trusting law enforcement,” one investigator said. Another said that arresting trafficked youth for prostitution was hypocritical: “If we're out there telling people that minors can't consent to sex, then how are we supposed to arrest them for prostitution? For me, that doesn't make sense.” Some investigators who believed that arrest should be used as a tool to keep trafficked youth safe also felt that, in the long run, arrest was not effective. “Prior to this last year, we've been [arresting minors] for as long as I've been a policeman,”

said an investigator. “And how's that working for us? We've gotten nowhere. . . . the only reason girls get out of 'the Life' is because they want to get out. To me, that hasn't changed.”

Several respondents envisioned a middle ground: a non-punitive center where victims could be held for their own safety. Such a center would allow victims to gain distance from their trafficker while receiving intensive wrap-around services, without the ability to run away. Some investigators recommended adding a section to the Welfare and Institutions Code that would allow them to take minors, who cannot make decisions on their own, into protective custody for their own immediate safety. A Department of Children and Family Services case worker put it this way:

Some people might not agree with me, but there needs to be a holding time, a time where it's like you're not in jail but you're in the placement with really intense service so then you have 30 days or so think about the life you're in and if you want to continue it or not. Sometimes these girls are on drugs [and need] 30 days to detox, to sober up. It would be a holding center, not a jail. . . . This is not a punitive thing. This is a safety thing.

This respondent suggested another solution would be to have group homes strictly for trafficked youth. Such an arrangement, he said, would overcome the problem in group homes where trafficked youth do not receive intensive services because they are mixed in with other minors. Another respondent described an initiative taken by the Hawaii District Attorney's office that could be implemented in Los Angeles. In late 2016, the Hawaii DA's office purchased an apartment building for survivors of trafficking and domestic violence. Each apartment has a bedroom and 24-hour security. Residents can stay there for up to two years.

VI. CO-LOCATION AND COLLABORATION

TWO OF THE MOST DISTINCTIVE aspects of the Task Force are its (1) *co-location model*, whereby it houses Bureau investigators and researchers and other members of the Task Force in the same location, and (2) *collaborative model*, whereby it coordinates its activities in close cooperation with service providers and prosecutors associated with the Task Force.

Our interviews revealed three main themes with respect to co-location and collaboration. First, the co-location model within the Bureau has vastly improved communications and made investigations and cooperation more efficient. Second, Bureau personnel, NGO partners, and prosecutors viewed the collaborative efforts fostered by the Bureau and Task Force as both positive and useful. And, finally, despite generally positive views with respect to collaboration, a number of specific challenges, including issues of confidentiality and differences in perspectives, have emerged between NGO partners, Bureau personnel, and prosecutors. These challenges are discussed and then contextualized within the literature on human trafficking task forces.

Benefits of Co-location

Respondents spoke positively about the co-location of investigators, researchers, Department of Children and Family Services (DCFS) and a representative from the Coalition to Abolish Slavery and Trafficking (CAST) largely because it encouraged

coordination and direct communication among the various partners.

Bureau investigators repeatedly told us that the presence of Detective Information Research Center, or DIRC, researchers in the same building greatly enhanced their ability to conduct effective and timely investigations. Once a lead on a trafficking cases reaches the Bureau, investigators have the option of sending an electronic request form to the DIRC unit, which is comprised of open source investigators, requesting the unit's assistance in gathering online information on a trafficking victim or potential trafficker. The requested information could range from a home address to a cell phone number or Facebook or Instagram account or previous prison records. The DIRC supervisor then assigns the form to a researcher who opens an electronic file and provides a link to the investigator. From then on, the investigator can access the folder at any location, and continue to request further data from the researcher.

The Bureau's co-location model has allowed DIRC to accelerate time-sensitive investigations and dig deeper into ongoing investigations. This is an important development for two reasons. First, as much trafficking takes place online and through social media, it is imperative to move with speed before critical information is deleted. And, second, investigators can dedicate more time to other aspects of an investigation. One respondent described how

he once received 25,000 pages of information obtained via a warrant, which would have taken weeks to comb through. However, DIRC researchers were able to extract the “meat and potatoes” of the data and relay it to him in a relatively short period of time. With DIRC, one investigator said, “we, as detectives, can [now] put our feet on the ground and conduct surveillance, operations, and rescues.”

Both researchers and investigators acknowledged that the Bureau’s co-location model improved their ability to communicate about a case, as they can physically walk to each other’s desks to discuss the research. One respondent compared investigations at the Bureau to his previous station: “It’s night and day. Working at a station you have very limited resources. When I worked [as a] station detective I didn’t know anything about DIRC. If I got a cell phone, I didn’t know what to do with it because I knew nothing about high tech. Working in this task force I’ve used so many different resources that the possibilities are limitless.”

This positive attitude toward co-location extends beyond just the cooperation between investigators and researchers. Because the Bureau hosts detectives from various agencies, communicating across jurisdictions has become more efficient as these officers function as representatives of their respective agencies. One respondent used the example of trying to request access to a local incident or arrest report or record, prior to the Bureau he would “have to mail or fax it to [the local records department].” Now, he says:

It’s all here in-house—DCFS [is here]. You need something from LAPD [Los Angeles Police Department], you have a LAPD investigator here. You need something from Pomona PD, Pomona PD is here. It just makes it easy. You want something from state parole, it’s here. We got a probation officer here. It makes it easy.

Investigators also noted that co-location had improved their ability to work with non-law enforcement agencies such as DCFS. Having non-law enforcement

agencies in the Bureau not only strengthens the Bureau’s ability to help victims holistically, it also helps reduce any potential conflict. One respondent put it this way:

DCFS is a major partner because every time we get a minor they’re rolling with us hand in hand. For me, that is the biggest achievement of this Task Force. [Before you had to go] through their bureaucracy. We’ve cut through all that. Now when we have issues with DCFS . . . we work it out. We work it out in a hurry because we know that they’re living in our shop and we’re living in their shop. We’re all co-located and we’re going to get along and we’re going to make it work. Plus, when you can put a face with a name and you have lunch with somebody, that’s a whole different relationship.

Benefits of Collaboration

Law enforcement and victim service providers collaborate on every human trafficking case that comes to the Bureau. Service providers, which consist of both social workers and attorneys, advocate for victims throughout the course of an investigation and often into the prosecution phase and beyond. They also fulfill their respective duties with the dual aim of protecting and caring for victims and enabling prosecution of the trafficker. Investigators, prosecutors, and service providers viewed their collaboration as a positive and key component of their respective efforts.

Bureau investigators described a strong level of collaboration and cooperation with the Task Force’s various service providers. Social workers, investigators said, made victims feel more comfortable and supported. They described how attorneys and caseworkers helped “educate” their clients and generally guide them through the system. One investigator spoke of a case where the social worker stood behind the victim in court while she testified, and filled the courtroom with other advocates so the victim would feel supported. Another respondent

described how attorneys kept in touch with victims when law enforcement could not.

Several investigators expressed gratitude for the extent to which the advocates show up on behalf of the victims—either at the scene or through phone calls with investigators to talk through all possible scenarios to assist a victim. One investigator was grateful for the candor of attorneys who matter-of-factly explain to law enforcement the range of and limitations on what they can do. Service providers have helped facilitate conversations between victims and law enforcement, including mediating exchanges to retrieve a client’s cell phone after it was needed for evidence as part of an investigation. Ultimately, many investigators credited the positive working relationship with service providers to the fact that both entities have the best interests of the victims at heart and will collaborate in order to realize that goal.

Investigators have found that service providers (whether state agencies, such as DCFS, or nonprofits, such as CAST) and probation departments (which combine both social work and law enforcement functions) can be very useful resources in investigations. Referring to the Task Force, one Bureau investigator told us:

It helps us because we have more resources and personnel. You’ve seen the various agencies that we have working with us. They add to our effort remarkably, whether it is state parole or probation or whatever. For example, if I have a [suspected trafficker] who’s on parole, I can go to the parole agent and say, “Hey, tell me what you know about this guy. Tell me what his prior addresses are or who his contacts are. Who’s his parole agent? What’s his history?” If we want to search his house . . . [a representative of] the CDCR [California Department of Corrections and Rehabilitation] can go with us because they have the authority.

Service providers largely expressed a trust that Bureau investigators had the victims’ best interests

in mind and that “everyone is trying to work towards the same goal.” This positive working relationship extends to victims who “can feel the synergy” between investigators and service providers. The victims, one service provider said, “can definitely pick up on [the fact that Bureau investigators] are . . . trustworthy—that they may actually have my best interest in mind.”

Several service providers praised the ability of investigators to conduct interviews with victims in a “more human manner” than the average police officer—something they did with patience, sensitivity, and discretion. They also said the investigators avoided terms in their interviews with victims that could traumatize them. Service providers recognized that this enhanced sensitivity often made victims feel “respected and empowered” which, in turn, encouraged cooperation with the investigation.

One respondent explained ways in which investigators identify incentives to help victims proceed through uncomfortable interviews, such as helping arrange tattoo removal or victims’ compensation. An attorney with a social service organization expressed appreciation for an investigator who consistently provided necessary certification to help foreign national victims gain legal immigration status, and did not hesitate bringing in an attorney to represent a victim when trafficking was suspected.

A CAST respondent said she noticed a sharp rise in the number of trafficking victims needing services in the first year of the Task Force’s operations. This uptick, she said, meant both investigators and service providers were interacting with more victims than ever before. “With the Bureau,” she said,

you have the capacity to identify more victims. That is the first step. You need to identify them to get them help. That’s important. I think what the Bureau does, really, is increase the capacity to identify victims and get bad guys off the street, which ultimately prevents future victimization. As far as actual victim services and working with victims, I do think that a big part

of that is the Task Force partnership. . . . I think that we are able to serve more victims because of the Task Force, and more victims are identified and more victims are being served.

Service providers view collaboration and involvement in Bureau operations as highly positive. As an NGO attorney put it:

One of the things that's really helpful to me about the Task Force is that they will invite me on [operations] or stings when they are targeting a certain population, like . . . underage prostitutes. [During the operation] I have a chance to interview every single person . . . to try to assess if they're a trafficking victim, in which case they would qualify for our . . . services.

Conversely, service providers, through their interactions with victims, can alert investigators to potential trafficking activity.

The Bureau has also improved collaboration between investigators and prosecutors. Many investigators told us that the Bureau has changed the way they work with prosecutors. First, the Bureau provides investigators with cell phones so prosecutors can contact them 24 hours a day about an open case. Prior to joining the Bureau, investigators said they only had access to district attorneys between certain hours. Investigators also expressed feeling closer with district attorneys at the Bureau than at their prior posts. They attributed this change to the longer average length of investigations and heftier case files that Bureau investigators produce compared to their previous vice work. "Before, when you were at station level, you were just turning out cases left and right," one investigator said. "It was like working at a post office. Here, not so much. When you turn in a case, you're turning in a huge [file]. . . . So it brings you closer professionally." Investigators also appreciated how prosecutors became involved in a case during the investigative stage, including participating in victim interviews with the investigating officer.

Several investigators noted that having close contact with a prosecutor positively impacted their investigations. As one investigator put it:

At the station level when a case went to the prosecutor, we never saw it again. Now I have the personal cell phone of the Deputy District Attorney. I take my case to him and then he calls me, 'Hey . . . I need a little more.' Or, 'Hey, let's go interview this victim together.' So I'm talking to the Deputy District Attorney a lot.

Another investigator explained how she presents cases to prosecutors:

I just put everything in the file. Then the district attorney [will read the file] and be like, 'Yes, yes, no, yes, no, yes' . . . [Because] the district attorney is going to be our reality check in the end. We can say all this . . . but when we go and hand it into the district attorney, they're going to [decide] what they are going to do.

Challenges to Collaboration

Despite a good working relationship among the partners in the Task Force, challenges remain among investigators, prosecutors and service providers. Most respondents recognized that this tension was inevitable given that each sector has its own distinct duties and priorities. Both investigators and service providers said that because of their collective efforts to build strong and trusting relationships over the past year, they were able to overcome some—but not all—of their disagreements.

Investigators described several challenges related to working with service providers. Among the most difficult were confidentiality, differing perspectives, and a lack of resources. Most of the difficulties stemmed from what investigators perceived as service providers unintentionally inhibiting investigations. Many investigators believed that this disconnect was a product of an inevitable conflict between their fundamentally different duties *vis-a-vis* the victim. Others felt that it resulted from

different perspectives between the two groups that need to be reconciled.

The most common challenge pertained to confidentiality between victims and their assigned caseworkers and attorneys.¹⁴⁸ Once victims' attorneys inform their clients that they have the right to refuse to speak with law enforcement or consent to cell phone searches, Bureau investigators said this effectively "prevents the victim from talking to [investigators]" because victims now know that they do not have to. One investigator said that when this happens the case is essentially done since victim testimony is integral to prosecution. Another remarked that he believed victims' attorneys were motivated by a fear that their clients might say something to incriminate themselves, making them more susceptible to classification as a suspect rather than a victim in ambiguous cases. For some, these conflicts have had severe consequences. An investigator recalled that after an attorney refused to reveal her client's location, the victim was killed shortly thereafter by her pimp.

To preempt disruption of their investigations, some investigators said they try to conduct interviews with victims before the attorneys arrive at the scene, often calling the attorneys only after the initial interview is finished. Doing so has allowed them to glean more information from victims, including gaining consent to access their cell phones, which can contain troves of evidence. Regardless, many respondents felt that tensions between investigators and service providers regarding confidentiality are ongoing and have eroded trust between the two entities. Some believe that a firm resolution is needed, while others recognize that "everybody has a job to do"—that both entities may have inherently conflicting roles, yet each strives to do what is best for the victim.

Short-term shelter and housing for victims also has proved to be an area of tension. Several investigators said that attorney and social worker unwillingness to reveal their client's location to investigators was a problem. Some investigators believed it

was due to a misunderstanding on the part of some service providers that an investigator might reveal the victim's location in a police report. Typically, Bureau investigators do not put the placement location of victims in a police report. However, if trafficked minors are probation wards and are going to be detained because of an existing warrant or are listed as out-of-county missing persons, then law enforcement will note the name of the detention facility where they will be housed.

Meanwhile, some investigators expressed dismay that service providers will sometimes put victims up in hotels near the "track," which can be dangerous for the victims. Some investigators cited the tendency of victims to run away once they are in the hands of social workers, who "can't physically really do anything" to prevent victims from fleeing. As a result, victims who go with social workers often run away, which effectively ends the victim's receipt of services and disrupts the Bureau's investigation.

Most investigators who cited these challenges with service providers believed that they stemmed from their different perspectives regarding trafficking investigations. Service providers, they said, lack a clear understanding of the investigative process and the legal limitations under which investigators operate. One investigator believed that service providers simply lack real-world experience, while another noted that service providers could not fully understand the difficulty of these investigations because they had never interacted with pimps. Another respondent noted that victims are able to pick up on this "dissonance" between the missions of investigators and service providers, which they will use to "play against" both law enforcement and social workers.

Finally, several respondents said that social service organizations lacked adequate resources, and that this was a key issue. They believed that if the organizations had more funds, they could more successfully house victims in safe hotels for more than one night. One investigator said the lack of personnel at some organizations resulted in the same

exhausted social worker being forced to respond to emergency calls in the middle of the night. Another recommended that a social worker be physically stationed full-time at the Bureau.

With respect to working with prosecutors, investigators expressed some difficulties collaborating on trafficking cases, related mainly to expectations. Several investigators said that it was difficult at times to meet prosecutors' high standards for filing trafficking cases. In many instances investigators felt they had presented cases with strong evidence and a high likelihood of conviction, only to have them rejected. One investigator said that prosecutors sometimes "ask you for extravagant things that you cannot possibly deliver."

The district attorney's office recognized that this point of friction between investigators and prosecutors was real, with one prosecutor explaining:

Generally speaking, the biggest disagreement you'll have is when we say it's not fileable, and they will say it's fileable. They'll say, "We'll put in a lot of work." Because one thing the Bureau does, they work hard on their cases. You can work hard on a case but it's still not enough to get it filed. Then you have a difference of opinion. We work well together. We have a process. If I make a filing decision which [an investigator] disagrees with, then [he or she] can request that another DA above me review the case for a filing consideration [and] that DA can review it and she or he can say, "Well, I think we may have enough to file it," or they may agree with me. . . . There is definitely a right of appeal to the filing decision. . . . I think [the filing issue is] the biggest butting of heads.

But investigators can begin to overcome this challenge with the help of other investigators in the Bureau, one respondent explained. At their regular Bureau meetings, they have the opportunity to discuss their cases with each other, and suggest ways, given their own experiences, that they might strengthen their cases to make them more fileable with the district attorney.

In general, investigators felt clear and open lines of consultation with prosecutors resulted in stronger cases. One investigator lamented the fact that the district attorneys were not physically co-located in the Bureau. (During the course of the study, we learned that in the future a representative from the District Attorney's office would be stationed at the Bureau one day a week.) This respondent also said that a lot of friction resulting from filing disagreements would be resolved if the investigator was able to walk over to the prosecutor's office and discuss the case in person. Another investigator said that once district attorneys take over a case and interview victims, they sometimes do not conduct adequate interviews, calling the investigators for advice about what questions to ask. As a result, investigators can "lose contact with the victims."

The difficulties cited by victim service providers regarding collaboration with investigators largely mirrored those of law enforcement. Tensions stemmed primarily from law enforcement's misunderstanding of both attorney-victim and social worker-victim confidentiality protocols. Service providers expressed frustration that law enforcement sometimes undercut victims' rights in the name of building a case for prosecution. They specifically mentioned the victim's right (1) not to speak with law enforcement, (2) not to have his or her contact information or location revealed to law enforcement, and (3) to expect confidentiality on the part of caregivers and lawyers associated with service provider organizations. Other challenges were specific to federal law enforcement and tensions arising from federal investigations impeding attorneys' abilities to best assist foreign national victims of labor trafficking.

As with law enforcement, service providers encountered a variety of challenges regarding attorney-client and social worker-client confidentiality protocols. One social service provider said that attorneys who work with trafficking victims cannot disclose to law enforcement anything that the victim does not give permission to disclose. In some cases, this

means the victim is no longer willing to speak with law enforcement at all. The attorney, whose role is to implement her client's desires and protect her rights, said that when this situation arises, "our [attorneys and law enforcement] interests are completely opposite."

One service provider explained that while service providers need and appreciate assistance from law enforcement for their work, when there develops an expectation from an investigator that the "favor" should be returned in the form of the victim's attorney providing the victim's phone number without this victim's consent, "it makes it really difficult to have good working relationships with the same people over and over." Attorneys have received considerable pushback from law enforcement who fear that this situation will negatively impact their ability to speak with victims.

Several service providers said that law enforcement officers do not understand their confidentiality protocols. This was especially the case with respect to the "human trafficking victim-caseworker privilege,"¹⁴⁹ which recognizes both the special need for confidentiality and the importance of building social worker-victim trust, so that victims can share information with their social worker without fear that it will be passed along to law enforcement without their consent. Most respondents said that either law enforcement lacked an adequate understanding of privileged communication, or misunderstood that the partnerships between the entities, as part of the Task Force, does not then abrogate service providers' duties to their clients. One service provider described the conflict as follows:

We all have our own roles that we're trying to accomplish. . . . For example, [an NGO] is focused on meeting the clients' needs and following what the client chooses. Law enforcement is focused on prosecuting a case and getting the bad guy. Sometimes [this approach] conflicts with what the client might want. Because of that, law enforcement and service providers

conflict, but we're all doing the right thing. We're all doing the right thing in our respective roles. It's just that our roles are different so it causes that friction.

Most service providers told us that by the time investigators have contacted a service provider about a case, a law enforcement officer has usually spoken with the victim. Without attorneys having notified victims of their rights, respondents said victims usually feel pressure to tell law enforcement potentially compromising information. "I think they are really intimidated," one respondent said. "Most of them have been arrested numerous times and were not treated like victims, but like criminals."

Service providers explained that conflicts of interest sometimes exposed their clients to legal liability. One respondent feared that during these initial law enforcement interviews, without counsel present, victims may make potentially incriminating statements that would implicate them as a suspect. But if an attorney-advocate were present, it would help ensure her client is instead classified as a victim if trafficking is suspected. In certain situations, there remains a considerable degree of law enforcement discretion in whether to classify an individual as a victim or a perpetrator. One respondent described a time when an attorney was not able to release confidential information to the investigator without their client's consent, but was pushing to get criminal charges against the victim dropped. Where the service provider and investigator cannot agree on resolutions, the relationship can "get ugly," sometimes forcing the attorney to "file motions if need be" to get charges against a client dropped, rather than through cooperation. This tension may erode attorneys' ability to connect with victims to encourage cooperation with law enforcement. One respondent explained that if investigators have a long interview with a victim before the attorney is present, especially if the victim was treated "rudely," the victim might be disinclined to have another long conversation with

someone else. An attorney respondent suggested, “If I could be there before they talk to her, and then there in the room when they talk to her, I think it would help my relationship with the victims. It would also make them more inclined to work with law enforcement.”

Just as some investigators felt that social workers did not initiate enough phone contact with their clients, many service providers felt that investigators sometimes have too much contact with victims. Several respondents explained that they routinely fixed boundaries with their clients, setting times or dates when they would meet or speak with their clients. Similarly, protocols would be established in cases of emergency. They felt that investigators, in commendable efforts to build relationships with victims, sometimes became “over-involved” by answering calls at any time of the day or night and constantly checking in. One service provider felt that this behavior harmed attempts by service providers to set boundaries with their clients.

Consistent with law enforcement’s response, several service providers said victims often are aware of dissonance between investigators and service providers. As one service provider put it:

When you have a survivor of trauma or a trafficking situation . . . they are really good at reading a situation. . . . If we have a tenuous relationship with law enforcement, the kids pick up on that. One of the assets for us has been we actually have a really good relationship with law enforcement and that we actually really trust the officers we’re working with.

Several service providers said they faced challenges specific to working with federal investigators. Attorneys mentioned frustrations when Department of Homeland Security (DHS) investigators prevent counsel from sitting in on interviews with victims. Foreign nationals who are victims of labor trafficking are eligible for T-visas, a type of legal immigration status. Attorneys are inclined to inform their clients of this benefit immediately. However, one

respondent explained that federal investigators and prosecutors try to push attorneys not to provide this information to their clients until the conclusion of a case, so they cannot be questioned about their motives as a witness in trial proceedings.

This situation results in competing interests between attorneys and federal prosecutors. Similarly, foreign nationals may be eligible for Continued Presence—a year of legal status while applying for T-visas. But as Continued Presence is granted by the DHS, federal authorities generally insist on interviewing the victim and then taking over the case before doing so. This has presented frustrations to attorneys who have already been involved in a case at the state level and who do not want the federal investigators to take the case away. One respondent explained, “[I]magine that you did all this work, and on the California level, you could prosecute. Well, the federal government can come in and take that from you. They [can] come in and start pushing their weight and pushing over, trying to get into the case more and more.”

Service providers suggested several ways of improving collaboration with Bureau investigators. To gain better understanding of service providers’ work and confidentiality protocols, investigators should receive more extensive training on social workers’ duties to their clients as well as background on attorney-client privilege. For trafficking victims who are foreign nationals, law enforcement officers should have a better understanding of the T-visa process, and how victim advocates recommend the process to their clients.

Many victims feel intimidated by police officers due to a long history of involvement in the criminal justice system. Service providers suggested that investigators call attorneys *before* interviewing a client. Such an arrangement, they said, would help victims become aware of their rights, such as the right not to speak with law enforcement, before stepping into the interview room. Several respondents suggested that the two entities should maintain open lines of communication and create more opportunities to

come together and touch base, perhaps in the form of more organized meetings.

Investigators similarly recommended that service providers gain a more thorough understanding of the limitations that law enforcement faces during investigations. They also said it would be helpful to have a better understanding of the work of service providers, with a focus on their professional obligations to their clients. Finally, some investigators recommended that victim service providers receive more funding for personnel (especially when responding to emergency calls), including for a full-time social worker located at the Bureau. They also recommended that funds should be provided to place victims in a safe hotel for at least a week, rather than in a shelter, or a hotel for one night.

Finally, several respondents recommended that the Task Force develop a guidebook on the roles and responsibilities of Task Force members and Bureau staff to help enhance cooperation and coordination. As one respondent put it:

I think the best protocol that we would like to see is not necessarily a protocol, but, a set of best practices or a guidebook on roles and responsibilities. Understanding what role each of the pieces play—the NGO, the federal partner, the local law enforcement partner. It would help each of us understand what we do and respect what we do. It would also help the victim to understand what we each do. Because it's really confusing for a victim when they have five different people in their life, and they don't know who to go to for what. It can create a lot of confusion and feeling of being overwhelmed. Just having that in place . . . would be really helpful.

Role of Task Forces

It is important to note that tensions among various task forces partners are considered inherent to human trafficking task forces. To properly contextualize these tensions, it is important to understand

the history and purpose of human trafficking task forces.

While crime control has historically been a function of local law enforcement, the Department of Justice (DOJ) has in recent decades taken on an increased role in combating local crime often by funding state and local task forces.¹⁵⁰ Since 1990, the DOJ has funded task forces to address a range of crimes including drug trafficking (High Intensity Drug Trafficking Areas), guns (Project Safe Neighborhood), and gun-related violence (Safe Streets Violent Crime Initiative, Strategic Approaches to Community Safety Initiative).

Task forces focused on human trafficking soon followed. Since 2004, the DOJ has supported more than 40 human trafficking task forces through the United States.¹⁵¹ These multidisciplinary task forces generally include representatives from federal, state, and local law enforcement; federal and state prosecutors; labor regulators and/or inspectional services; victim service providers; and nongovernmental organizations. It is anticipated that by bringing together law enforcement with NGOs who specialize in serving human trafficking victims, the various agencies that make up these task forces will be able to complement each other's strengths and provide the most comprehensive services possible to victims. While the primary activities of task forces are to identify human trafficking activity, serve victims, and build cases for prosecution, they also conduct trainings and develop programs to create community awareness of human trafficking.

Several studies have found that it is common for human trafficking task forces to experience disagreements among their members. These differences are due to a number of external and internal factors. First, task forces by nature are temporary organizations that usually rely on external funding, which, in some cases, may only last a few years. This means that task force members, who come from different organizations and competing missions, must develop a shared sense of collective purpose in a relatively short period of time. In their 2008 study,

Understanding and Improving Law Enforcement Responses to Human Trafficking, legal scholar Amy Farrell and her colleagues note that, “[w]hile memorandums of understanding and protocols can provide an important framework for task force operations, the development of personal relationships through frequent contact and a willingness of task force members to learn about the goals, activities, and experiences of each other’s organizations is necessary to build trust and working relationships, which will help task force members confront the challenges that develop in specific cases over time.”¹⁵²

Second, given that human trafficking has only recently been defined legally and is a somewhat ambiguous crime, internal disagreements can arise among task forces members about whether or not someone was in an exploitive situation voluntarily or whether they were a victim of force, fraud or coercion. As Amy Farrell notes:

[W]hen individuals are defined early on in an investigation as offenders (e.g. prostitutes, labor law violators, or illegal aliens) it is often difficult for task force members, particularly law enforcement, to ‘redefine’ the individuals as victims. Conversely, when victims of exploitation do not meet the federal definition of a severe form of human trafficking and are denied certification, it is extremely difficult for task force members, particularly victim-service providers, to redefine the individual. These challenges are exacerbated when individuals are in the U.S. illegally, and failure to be certified as a victim of severe forms of human trafficking may mean facing potential deportation proceedings.¹⁵³

Third, as with many multidisciplinary collaborations, pre-existing tensions or disagreements between task force members may cause distrust. Task

force members who are service providers may have pre-existing prejudices against law enforcement, and visa versa. Moreover, the complexity of human trafficking cases can often result in lengthy investigations and prosecutions, which, in turn, can lead to tensions. “Regardless of who is responsible for causing the distrust,” Farrell writes, “if unaddressed, it can create serious misunderstandings that can become barriers to task force success.”¹⁵⁴

Finally, many human trafficking task forces tend to prioritize one form of trafficking over another. This can be the result of structural factors, including geographical location, regional labor demands, visibility of the particular trafficking activity in the community, or the emphasis local authorities place on one form of trafficking over another. Historically, many human trafficking investigative efforts have been formulated out of vice units whose primary focus has been on crimes such as prostitution, gambling, and street-level drug crimes. When vice units are assigned to oversee human trafficking cases or when personnel are taken from these units and deployed to task forces, the area of investigatory focus tends to gravitate toward sex trafficking. As a result, media attention may become skewed toward one form of trafficking (in this case, sex trafficking) over another, and cause friction among task force members who seek to assist both sex and labor trafficking victims.¹⁵⁵

Such tensions can be mitigated if addressed early on and in a candid fashion in the lifecycle of a task force. Task force members should also develop a shared expectation of the nature and length of investigations, as well as the responsibility of different task force members during the process. In the end, the success of any human trafficking task force hinges on trust, cooperation, and collaboration. These three attributes are what bind and unify a human trafficking task force.¹⁵⁶

VII. LABOR TRAFFICKING

ALTHOUGH THE TASK FORCE and Bureau are set up to address human trafficking generally, the vast majority of resources are spent on sex trafficking rather than labor trafficking. At the time of our study, the Bureau had only investigated a handful of labor trafficking cases. As such, the findings here are far more limited. However, four key issues emerged when labor trafficking was discussed: a lack of labor trafficking cases, training needs with respect to identifying and responding to labor trafficking, the legal status of labor trafficking victims, and prosecutorial challenges.

Lack of Labor Trafficking Cases

Service providers associated with the Los Angeles Human Trafficking Task Force reported that the majority of their clients were victims of labor trafficking. This inconsistency is not unique to the Bureau. A 2014 study by Northeastern University found that labor trafficking investigations were not prioritized by local and federal law enforcement in the United States.¹⁵⁷

Our respondents provided several reasons for this discrepancy. One federal investigator said that “there’s not that much labor trafficking, in my opinion. A lot of what labor trafficking amounts to . . . is civil matters.” On the other hand, the vast majority of respondents at the Bureau agreed that much of labor trafficking occurs underground, goes unreported, and is largely insulated from law enforcement detection.

Respondents pointed to several factors that contributed to the Bureau’s disproportionate focus on sex trafficking. First, they said sex trafficking was more visible within local communities. Second, sex trafficking victims were often involved in the foster care system and therefore under state supervision and more likely to be known to law enforcement. “[A] lot of these girls in the foster care system have social workers,” one respondent said. “They tell their social workers everything. . . . They’re not shy about anything.” Conversely, the typical labor trafficking victim is likely to be “an immigrant or someone who is totally off the radar that you don’t even know exists.”

A number of respondents said that public pressure has pushed law enforcement to prioritize sex trafficking, particularly when it involves minors, over labor trafficking. Sex trafficking, one respondent said, was “more of a high-profile type matter,” and “more Americanized in the sense that a lot of labor trafficking seems to [involve] . . . foreign nationals.” Another said that “[t]he violence associated with [labor trafficking] is not as prevalent,” in comparison with sex trafficking cases. According to a respondent who is a service provider, law enforcement have received considerably more public pressure to focus on sex trafficking rather than labor trafficking.

Securing the cooperation of labor trafficking victims is also a challenge. Many respondents pointed to cultural and linguistic barriers separating immigrant communities—where most labor

trafficking occurs—from law enforcement. Some suggested that many labor trafficking victims are primarily interested in a civil—not criminal—remedy. Others said that the typical labor trafficking victim is also likely to fear law enforcement and deportation and thus is reluctant to approach law enforcement for assistance. As a result, law enforcement face substantial obstacles in developing trust and communication with labor trafficking victims—both critical factors for an effective human trafficking prosecution.

Training Needs

Several Bureau investigators recognized that they were more familiar with sex trafficking than labor trafficking because the former corresponded to vice operations that they conducted for decades. They also acknowledged that the Bureau lacked the resources and personnel to properly identify and investigate labor trafficking. Only one investigator at the Bureau specialized in labor trafficking. And, in one year at the Bureau, this investigator had only worked on three labor trafficking cases.

The few labor trafficking cases investigated by the Bureau were initiated either through a referral from the service providers, such as CAST; a hotline tip; or from the victim's self-reporting. As such, the Bureau has only engaged in reactive investigations that have, so far, yielded few leads.

Several respondents said that for the Bureau to proactively investigate labor trafficking its investigators would have to permeate communities and industries where it occurred. But for such interventions to be successful investigator would need to speak several languages, including Spanish, Mandarin, Cantonese, and Korean. The Bureau's sole labor-focused investigator at the time of the study spoke one of these languages fluently, but the Bureau as a whole lacked the requisite language skills to communicate with most labor trafficking victims.

Finally, respondents acknowledged that investigators at the Bureau lacked training to properly

investigate labor trafficking. This does not mean that the majority of investigators at the Bureau did not understand the nature of labor trafficking, or how to potentially investigate cases, only that they lacked the type of familiarity and expertise with regard to labor trafficking that they displayed with regards to sex trafficking.

Labor Trafficking Victims

Respondents pointed to four factors that inhibited the ability of law enforcement to secure cooperation from labor trafficking victims: status as foreign nationals; fear of deportation; fear of retaliation toward themselves or their families in their native country; and being unaware that they are victims.

Data suggests that the typical labor trafficking victim in the United States is a migrant worker.¹⁵⁸ Cultural and linguistic barriers make it difficult for investigators at the Bureau to establish rapport with most labor trafficking victims. Moreover, some respondents suggested that labor trafficking victims may have a negative perception of law enforcement due to their experiences in their native countries. As one respondent put it: “[The victim’s] perception of police is extremely skewed based on their perception of the police in their home country, where the police are generally corrupt and brutal and things like that.”

Some respondents alluded to cultural barriers that separate typical labor trafficking victims from the American public, resulting in low public awareness about their victimization and little advocacy on their behalf. One respondent noted that victims of domestic servitude often share the same language as the people that employ them and therefore don't have to learn English. As a result, they are unaware of the laws that can protect them and keep them from being expelled from the United States.

Several Bureau investigators said that many labor trafficking victims fear deportation, which impedes investigations. Though local law enforcement may have no interest knowing the immigration status of a victim, the very fact that they represent

a state authority is likely to chill initiation of communication with labor-trafficking victims. One law enforcement respondent put it this way:

[I]f we saw a group of fruit pickers out in a field, and we drove into the field to say, “Hey, how you doing? Everything good? You all right?” They would just be scared to death. They would be absolutely paralyzed in fear, even though we’re smiling—we’re still police officers. We can’t eliminate that fact.

A service provider described the anxieties that labor-trafficking victims perceive during an encounter with law enforcement: “If you go in there in your full police outfit, you show them that you’re ICE [Immigration and Customs Enforcement] agent or you are a police officer, it’s going to freak them out. The clients aren’t going to be really comfortable speaking to you. . . . It’s this idea that you do have to explain to them, ‘Look, we’re not going to deport you.’”

Some respondents said that labor trafficking victims were often reluctant to participate in criminal proceedings against their trafficker, due to fears that the trafficker would retaliate against their family in their native country. One law enforcement respondent expressed this dilemma: “[I]f they come over here and they’re not with family, how do we expect them to turn over and become a victim for us when word could get back to the recruiter in their village?” Another pointed to the “prospect of having to testify in a court of law with the suspect who’s been abusing you sitting right there in front of you; they’re worried about their family in their country of origin being killed.”

Several respondents suggested that many labor trafficking victims may not want to be “rescued” by the police. “It’s hard to convince them they are victims,” one investigator said. Another said that victims may actually be better off financially than they were in their home countries and thus more willing to put up with their situation. A third recognized the complicated considerations for a labor trafficking

victim trapped in a debt-bondage situation: “They may come from countries where whatever work they do here serves as their sole source of income for their whole family back home. Once you rescue them from their debt bondage, you cut that source of income for their family.”

Challenges of Prosecuting Labor Trafficking

Respondents identified two main factors that made successful prosecution of a labor trafficking case difficult: questions regarding the culpability of the alleged trafficker and delay in bringing forward labor trafficking claims.

Both service providers and investigators suggested that determining the culpability of the wrongdoer in labor trafficking cases was a considerable challenge. One investigator said labor trafficking cases could be difficult to prosecute because “[t]here’s a fine line whether [the act] constitutes a crime or if it’s just a breach of contract. Our job is to figure out if they’re a victim of a crime or if they’ve just been fooled, basically.” An attorney with an NGO said, “[T]here’s such a fine line between trafficking and labor exploitation.” This attorney, who advocates for labor trafficking victims, further described the difficulty that prosecutors face in proving the elements of “fraud, force, or coercion” under the legal definition of labor trafficking, stating:

It’s difficult. Some [victims] get paid. A lot of it is more subtle, like you get threats. It’s one person’s word against another. . . . Very few people are beaten. Even if they are, [it’s] one person’s word against another.

Investigators face unique challenges in establishing a working relationship with labor trafficking victims. Some respondents recognized that victims may have little to gain from cooperating with law enforcement in a criminal investigation, and may in fact be vulnerable to retaliation from their traffickers as a result. In contrast, labor trafficking victims

can still attain tangible benefits without pursuing the prosecution of their trafficker, including civil remedies and gaining legal immigration status.

The Trafficking Victims Protection Act, or TVPA, provides for financial compensation and a pathway to legal immigration status for victims of trafficking. California state law similarly provides a private right of action. Foreign nationals who are victims of trafficking may apply for a T-visa and “Continued Presence” to remain in the US to assist law enforcement in a prosecution. The T-visa application requires that the victim comply with reasonable requests from law enforcement for assistance in exchange for a signed certification by law enforcement as part of the application. However, the certification is not required, and therefore T-visa status is not contingent on victim cooperation with investigators or prosecutors.

One investigator noted that the time lapse between the actual labor trafficking violation and it coming to the attention of the police was another impediment to prosecution. This respondent commented that many labor trafficking victims who come to the service providers for assistance were “labor trafficked years ago,” and do so after having been “somewhat assimilated into [American] culture.” At the federal level, however, there is no statute of limitations period to commence prosecution of a human trafficking case. Still, the lapse in time impacts the ability to successfully prosecute a labor trafficking case. The memories of witnesses worsen over time, especially for those who have experienced trauma, and physical evidence is more likely to be destroyed or lost. Moreover, a jury is likely to find a victim that waited a significant time to report his/her victimization less credible.

VIII. CONCLUSIONS AND RECOMMENDATIONS

OUR RESEARCH SUGGESTS THAT TRUST, cooperation, and transparency are the key drivers behind any cross-sectoral approach by investigators, service providers, and prosecutors to investigate and prosecute human trafficking cases and provide wrap-around services for victims. With that in mind, we offer the following conclusions and recommendations:

1. WORKING WITH TRAFFICKED YOUTH AND

ADULTS: The vast majority of the respondents—investigators, service providers, and prosecutors—interviewed for this study said that one of the greatest challenges they faced was gaining the trust of victims of human trafficking. To gain victim trust and cooperation, law enforcement must convince trafficking victims that they will be safer with officers and service providers than with their traffickers. Without trust and engagement, victims often return to their traffickers, and investigations and prosecutions crumble. Bureau investigators and service providers recognize these challenges, and are developing new strategies to overcome them. To this end, we recommend several practical, cost-effective measures that could be implemented to help develop greater victim trust and cooperation.

First, all Bureau investigators—and especially those who are new to the Bureau—should be trained in trauma-informed interviewing

techniques. Such training should help investigators learn how to recognize and mitigate the layers of trauma—from early childhood abuse to perpetrator-victim dependency, or “trauma-bonding”—that trafficking victims have experienced. Several Bureau investigators have a long history of trafficking work and their insights on best practices of establishing trust with victims, including knowing *what not to say* during victim interviews and ways of maintaining contact with victims during investigations, should be a part of the training.

Second, to limit victim interaction with Bureau staff members, which can lead to confusion and frustration, the Bureau should assign one—or possibly two—permanent investigators to work with a trafficking survivor throughout the duration of the investigation and prosecution. If other agencies find it necessary to interview victims it would be useful to coordinate with investigators to limit the number of interviews and interactions with victims.

Third, an information sheet setting out the roles and responsibilities of investigators, service providers, and prosecutors should be developed and provided to trafficking victims early on in their interaction with the Bureau. The information sheet should describe, in the form of a flow chart, how a case moves from initial contact with the victim to investigation and prosecution.

Finally, the Task Force should establish a process that will enable Bureau investigators and researchers to follow the progression of a trafficking survivor's case once it moves to the trial phase. Several Bureau staff lamented the fact that they lost touch with survivors and the progress of their cases once they were passed to prosecutors.

2. INVESTIGATIONS AND PROSECUTIONS:

Bureau investigators spoke at length about the impediments they face as they investigate and prepare trafficking cases for prosecution. These challenges include proving the elements of the crime in a manner that will lead to prosecution, sustaining contact with victims during lengthy investigations, keeping pace with new forms of social media used by traffickers to find victims, gaining access to evidence on cell phones, and overcoming biased notions of judges and juries about what constitutes human trafficking. Respondents made several recommendations for improving the quality and efficiency of investigations and prosecutions.

First, given that many traffickers move their victims across county and state lines, the Task Force should place a high priority on expanding its regional focus and collaborative relationships with counterparts throughout California and surrounding states.

Second, the Bureau should conduct an assessment of its technological capacities and make upgrades where necessary. An expert in social media and open source investigations should be part of the assessment team. The assessment should survey Bureau staff about their specific needs. Funding should be provided to ensure that Bureau investigators and researchers are trained in and have access to the latest technological innovations to advance investigations.

Third, the Task Force and Bureau should review what has been learned in their first year of operations regarding the apprehension of

human traffickers. What have been the legal, security, and operational challenges? What investigatory procedures have been most effective? Such a review would be helpful for both the Bureau and law enforcement in Los Angeles County and other agencies throughout the country.

Finally, Bureau investigators spoke highly of the value of keeping open lines of communications with federal and state prosecutors during the course of an investigation. Speaking with prosecutors early on in an inquiry helped investigators better understand what probative evidence was required to prove the elements of the crimes of human trafficking on a case-by-case basis. To this end, the Task Force should explore ways of increasing the presence of prosecutors in its Monterey Park headquarters.

3. COORDINATION AND COLLABORATION:

The vast majority of respondents—investigators, service providers, and prosecutors—spoke highly of the Bureau's *co-location model*, whereby it houses investigators and researchers and other members of the Task Force in one location, and its *collaborative model*, whereby the Bureau coordinates its activities in close cooperation with service providers and prosecutors associated with the Task Force. Respondents said that having representatives from service providers, state and federal law enforcement together in the same building greatly enhanced their ability to apply a victim-centered approach to investigations and provide wrap-around services to trafficking survivors. However, several respondents recommended that the Task Force invest greater efforts into clarifying the roles and responsibilities and legal limitations of Task Force members and Bureau staff.

First, the Task Force should develop a guidebook setting out the roles and responsibilities of its members and Bureau staff. The guidebook should clarify, among other things, questions

of process (e.g. working with minor and adult trafficking survivors), social service attorney confidentiality, use of the *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children*, and elements of the crime of human trafficking. Particular focus should be placed on what each entity—Bureau investigators and researchers, service providers, and prosecutors—can and cannot do in their respective positions. Such a document will be especially helpful to new Task Force members and Bureau staff.

Second, to the extent feasible, Task Force members and Bureau staff should be encouraged to “shadow” or “ride-along” with their colleagues in other units to learn first-hand about their respective roles and daily challenges.

Finally, the Task Force should convene working group meetings with Bureau investigators and service providers with the aim of gaining a better understanding of (1) the legal limitations that Bureau investigators face during trafficking investigations and (2) the professional obligations, including confidentiality, of service providers to their clients.

- 4. SHELTER AND HOUSING:** Once released from their trafficking situation, trafficking survivors often require a range of services, including protection, emergency and transitional housing, medical and psychological care, financial assistance, employment, and legal advocacy. One of the most pressing needs for trafficking victims is making sure their immediate survival needs for shelter, food, clothing, and financial support are met.¹⁵⁹ Many respondents expressed concern about the lack of immediate shelter and long-term housing for trafficking survivors in Los Angeles County. Several were also highly critical of the placement of trafficked youth in group foster homes where they could be found by their traffickers or recruited back onto the streets by other residents. Addressing the county’s housing

shortage for trafficked youth and adults will require county, state, federal, and private funds.

We recommend that the Task Force, in partnership with the Board of Supervisors and other relevant entities, convene a workshop to discuss ways of overcoming this housing shortage. The workshop should include presentations from individuals who have developed innovative housing options for trafficked youth and adults in other counties and states, and explore a wide range of short- and long-term options for both minors and adults.

- 5. TRAINING AND OUTREACH:** The vast majority of respondents recognized that a victim-centered approach to human trafficking meant all concerned—whether they be investigators, service providers, prosecutors, or administrators—need to expand their knowledge about the legal, social, and psychological aspects of human trafficking. As such, trainings—whether at headquarters in Monterey Park or offsite—were critical. Respondents also recommended that the Task Force and Bureau increase their outreach efforts by offering trainings and lectures on the co-location model and victim-centered approach to law enforcement and other interested parties regionally and, if possible, nationally. Increasing training and outreach will require more funding, but the pay offs are well worth the effort.

First, to address in-house training needs, the Task Force should conduct a survey of its members and Bureau staff to determine what trainings would be most beneficial, especially for new personnel. In addition to trainings on victim interviewing, respondents said they would like more instruction on interviewing suspected traffickers, handling of search warrants, relevant new and emerging technologies, and how traffickers and trafficking victims are using social media. They also recommended that judges receive training in the nature and scope of human trafficking.

Second, if adequate funding can be obtained, the Task Force and Bureau should consider establishing an Outreach Unit that would coordinate tours of the headquarters in Monterey Park and produce training videos for external distribution. A key feature of the Unit's portfolio would be dispatching investigators and researchers, service providers, and prosecutors to speak at relevant venues about the co-location model, lessons learned, best practices, and the challenges they continue to face and are working to overcome. Such an undertaking will require substantial funding, and should in no way detract from the Bureau's operations.

Third, the Task Force and Bureau should consider rotating more law enforcement officers into the Bureau for full-time assignments ranging from six months to a year. These recruits should be drawn from law enforcement agencies throughout Los Angeles County, as well as counties statewide. By working alongside Task Force members, the officers will gain hands-on experience working with trafficking victims, fellow investigators, service providers, and prosecutors using a collaborative, victim-centered approach. Upon returning to their home agencies, the officers could be designated Human Trafficking Liaison Officers, or HTLOs, and serve as point persons for coordination with outside agencies and victim service providers. An HTLO would serve as an in-house expert who can conduct formal briefings as well as informally answer officers' questions about trafficking identification and response.

Finally, given the overall success of the first year of operations of the co-location model, public and private funders should consider increasing their support of the Bureau and Task Force.

and pervasive crime, almost all of the Bureau's caseload is focused on sex trafficking. Generally we recommend that the Bureau mirror much of its approach to sex trafficking to labor trafficking investigations, particularly with respect to conducting proactive investigations, holding trainings, and fostering victim trust.

Respondents clarified that of the few labor trafficking cases that have been investigated, all were initiated by self-reporting, a tip, or a referral from service providers. In that regard, we recommend the Bureau adopt proactive investigation measures which could be fostered by: (1) establishing an investigative unit dedicated solely to labor trafficking; (2) hiring more investigators with the requisite language skills and cultural familiarity with immigrant communities; (3) providing training specifically focused on labor trafficking investigations with an emphasis on best practices for working with foreign nationals such as using interpreters and developing cultural competency; and (4) including representatives from key federal and state agencies tasked with investigating labor abuses and financial crimes within the co-location model.

While the vast majority of sex trafficking victims the Bureau encounters are American citizens, most labor trafficking victims are foreign nationals. As a result, when discussing labor trafficking, many respondents referred to victim trust as a major challenge during investigations due to fear of deportation or a general fear of law enforcement. Thus, we also recommend that the Task Force and Bureau work together to address the issue of fostering trust with immigrant communities through both outreach activities and developing an emergency response protocol for addressing labor trafficking cases.

6. **LABOR TRAFFICKING:** Although the majority of those interviewed for this study expressed the opinion that labor trafficking is a serious
7. **FUTURE RESEARCH:** This study revealed several gaps in the literature on human trafficking, especially given recent changes in state law. We

recommend that further research be conducted on the following topics:

- The effect of California's new law decriminalizing prostitution for minors is having on trafficking investigations, prosecutions, services, and, most importantly, victim welfare and recidivism;
- Training of health professionals to recognize human trafficking victims when they present for medical care and services at clinics and in hospital emergency rooms;
- Social media and its use by traffickers to advertise, communicate with, and control their victims;
- Various models of transitional housing for trafficking survivors and the extent to which each model can provide protection, wrap-around and rehabilitative services, educational and vocational referral, as well as prevent recidivism;
- Factors that facilitate or inhibit trafficked youth and adults from leaving commercial sexual exploitation; and
- Proactive investigative measures for exposing cases and gathering evidence of labor trafficking in a range of settings, including farms, sweatshops, and domestic servitude.

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NOTES

- 1 Los Angeles County Sheriff's Department, *Year in Review 2015: Our Accomplishments* (2016), <http://shq.lasdnews.net/Content/uoa/SHB/publications/yir2015.pdf>, 48.
- 2 For more information see Office for Victims of Crimes, U.S. Department of Justice, "Victim-Centered Approach" in *Human Trafficking Taskforce E-Guide* (2016), <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-case?rview-preparation/building-rapport-with-the-victim-as-your-witness/>.
- 3 Los Angeles County Sheriff's Department, *Year in Review 2015: Our Accomplishments* (2016), <http://shq.lasdnews.net/Content/uoa/SHB/publications/yir2015.pdf>, 48.
- 4 Kamala D. Harris, *The State of Human Trafficking in California* (2012), <https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf>, 3.
- 5 Lieutenant Kent Wegener, "Los Angeles Sheriff's Department, Human Trafficking Bureau—The First Year's Impact," *press release*, November 15, 2016, <https://local.nixle.com/alert/5778817/>.
- 6 Wegener, "The First Year's Impact."
- 7 Elizabeth Green, "A 'Soft' Landing for Human Trafficking Victims," *Chronicle of Social Change*, November 8, 2016, <https://chronicleofsocialchange.org/news-2/soft-landing-human-trafficking-victims/22709>.
- 8 R.W. Dellinger, "Task force fights human trafficking in L.A. County," *Angelus News*, September 29, 2016, <http://angelusnews.com/articles/task-force-fights-human-trafficking-in-l-a-county>.
- 9 Joseph Serna, "Dozens of women and children rescued in human trafficking sweep in California that nets 474 arrests," *Los Angeles Times*, February 2, 2017. <http://www.latimes.com/local/lanow/la-me-ln-human-trafficking-sweep-arrests-20170202-story.html>.
- 10 For further discussion of this issue, see Alexandra Lutnick, *Domestic Minor Sex Trafficking: Beyond Victims and Villians* (New York: Columbia University Press, 2016), 47–72.
- 11 Harris, *The State of Human Trafficking in California*, 16.
- 12 Center for Policy Studies, *California Human Trafficking Fact Sheet*, February 2013, <http://www.htcourts.org/wp-content/uploads/CA-HT-Fact-Sheet-2.27.13.pdf?Factsheet=HT-CA>, 2–3.
- 13 National Human Trafficking Resource Center (NHTRC), *National Human Trafficking Resource Center Data Breakdown 1/1/2015—12/31/2015* (2016), https://humantraffickinghotline.org/sites/default/files/NHTRC%202015%20United%20States%20Report%20-%20USA%20-%2001.01.15%20-%2012.31.15_OTIP_Edited_06-09-16.pdf, 3.
- 14 U.S. Department of Justice, Office of the Inspector General, "The Federal Bureau of Investigation's Efforts to Combat Crimes Against Children," January 2009, <https://oig.justice.gov/reports/FBI/a0908/final.pdf>, 70.
- 15 Coalition to Abolish Slavery and Trafficking (CAST), "About CAST," <http://www.castla.org/about>.
- 16 Kristy Plaza, "How L.A. County Began to Face its Big Problem with Youth Being Sex-Trafficked," *Youth Today*, May 29, 2017, <http://youthtoday.org/2017/05/how-la-county-began-to-face-its-big-problem-with-youth-being-sex-trafficked/>.
- 17 Christie Renick, "'No Such Thing as a Child Prostitute,' Says Los Angeles County Board of Supervisors," *The Chronicle of Social Change*, October 20, 2016, <https://chronicleofsocialchange.org/los-angeles/no-such-thing-as-a-child-prostitute-says-los-angeles-county-board-of-supervisors>
- 18 Board of Supervisors for the County of Los Angeles, *Motion by Supervisors Sheila Kuehl and*

- Don Knabe, October 20, 2017, <http://file.lacounty.gov/SDSInter/bos/supdocs/98387.pdf>.
- 19 Marisa Garber and Garrett Therolf, “Sheriff to Staff: Stop Arresting Children on Prostitution Charges, Stop Saying ‘Child Prostitute,’” *Los Angeles Times*, October 21, 2015, <http://www.latimes.com/local/lanow/la-me-ln-sheriff-children-sex-trafficking-20151021-story.html>.
- 20 L.A. County Sheriff’s Department, *Year in Review 2015*, 48.
- 21 McDonnell, “Task Force Statement.”
- 22 L.A. County Sheriff’s Department, *Year in Review 2015*, 48.
- 23 Wegener, “The First Year’s Impact.”
- 24 Elizabeth Green, “A ‘Soft’ Landing for Human Trafficking Victims,” *Chronicle of Social Change*, November 8, 2016, <https://chronicleofsocialchange.org/news-2/soft-landing-human-trafficking-victims/22709>.
- 25 Dellinger, “Task force fights human trafficking.”
- 26 Amy Farrell, Jack McDevitt, and Stephanie Fay, *Understanding and Improving Law Enforcement Responses to Human Trafficking*, Institute of Race and Justice, Northeastern University, December 2008, 13, available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/222752.pdf>
- 27 Ami Carpenter and Jamie Gates, *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*, Joan B. Kroc School of Peace Studies - University of San Diego, January 2016, 15. The authors report that “[c]ommercial sex activity has moved off the streets and into hotels, casinos and residential brothels. We mined law enforcement data for location of prostitution, pimping and pandering arrests to identify locations where commercial sexual activity is most common. In 2013, for example, the majority of arrests took place in just 13 locations, 10 of which were hotels.” (16)
- 28 Sammy Caiola, “Sex-Trafficking Victims Get Specialized Care at Mercy Clinic: Doctors Watch for Telltale Signs,” *Sacramento Bee*, February 17, 2017, <http://www.sacbee.com/news/local/health-and-medicine/article133246954.html>
- 29 Caiola, “Specialized Care at Mercy Clinic.”
- 30 Caiola, “Specialized Care at Mercy Clinic.”
- 31 John Vanek, ed., *The Essential Abolitionist: What You Need to Know about Human Trafficking & Modern Slavery* (San Bernardino: Daliwal Press, 2015), 31.
- 32 International Labour Organisation, “2012 Global Estimates of Forced Labor,” http://www.ilo.org/global/topics/forced-labour/publications/WCMS_182004/lang-en/index.htm
- 33 U.S. Department of State, “Global Enforcement Data for 2013,” <https://www.state.gov/j/tip/rls/tiprpt/2013/210757>.
- 34 Polaris Project, “2016 Statistics from the National Human Trafficking Hotline and Be Free Textline,” <https://humantraffickinghotline.org/states>.
- 35 Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others, Mar. 21, 1950, 96 U.N.T.S. 271.
- 36 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, Nov. 15, 2000, 2237 U.N.T.S. 319.
- 37 William J. Clinton, “Memorandum on Steps to Combat Violence Against Women and Trafficking in Women and Girls,” in *Public Papers of the Presidents of the United States: William J. Clinton, 1998, Book I—January 1 to June 30, 1998*, (Washington, DC: Government Printing Office, 1991), 358.
- 38 U.S. Department of State, “U.S. Laws on Human Trafficking in Persons,” <https://www.state.gov/j/tip/laws/>.
- 39 California Trafficking Victims Protection Act (CTVPA), 2005 Cal. Legis. Serv. Ch. 240 (A.B. 22) (West 2005).
- 40 Center for Policy Studies, *California Human Trafficking Fact Sheet*.
- 41 NHTRC, “Resource Center Data Breakdown.”
- 42 Office of the Inspector General, “The Federal Bureau of Investigation’s Efforts to Combat Crimes Against Children,” 70.
- 43 See, for example, Human Rights Center, *Freedom Denied: Forced Labor in California*, February 2005, <http://www.oas.org/atip/country%20specific/forced%20labor%20in%20california.pdf>.
- 44 Darren Geist, “Finding Safe Harbor: Protection, Prosecution and Safe Strategies to Address Prostituted Minors,” *Legislation and Policy Brief* 4 (2012), 75–76.
- 45 Darren Geist, “Finding Safe Harbor,” 80.
- 46 Derek Marsh, “Responding to Human Trafficking: Law Enforcement Challenges,” in *The Essential Abolitionist: What You Need to Know About Human Trafficking and Modern Slavery*, ed. John Vanek (San Bernardino: Daliwal Press, 2015), 112.
- 47 Derek Marsh, “Responding to Human Trafficking: Law Enforcement Challenges,” in John Vanek (ed), *The Essential Abolitionist*, 112.

- 48 International Association of Chiefs of Police, *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation* (2007) <http://www.theiacp.org/portals/o/pdfs/complehtguide.pdf>, 12
- 49 International Association of Chiefs of Police, *The Crime of Human Trafficking*, 12–13.
- 50 Lillian Kim, “Exclusive: San Mateo Cops Bust Brothel Operating Across from School,” *ABC 7 News*, November 22, 2016, <http://abc7news.com/news/exclusive-san-mateo-cops-bust-brothel-operating-across-from-school/1619481/>.
- 51 San Rafael Police Department, “Bay Area Rap Artist Arrested for Human Trafficking,” *press release*, April 4, 2015, <http://www.srpd.org/press/full.php?id=258>.
- 52 Vanek, ed. *The Essential Abolitionist*, 68–71.
- 53 State of California Department of Justice, “Fighting Human Trafficking: California’s Regional Anti-Human Trafficking Task Forces,” <https://oag.ca.gov/human-trafficking/fighting>.
- 54 Jon A. Daggy, “Which Police Units are Best Poised to Investigate Human Trafficking,” in *The Essential Abolitionist: What You Need to Know About Human Trafficking and Modern Slavery*, ed. John Vanek (San Bernardino: Daliwal Press, 2015), 121–122.
- 55 U.S. Department of Justice, “\$1.5 Million Grant Will Establish Human Trafficking Task Force to be Led by U.S. Attorney’s Office and L.A. County Sheriff’s Department,” *press release*, September 24, 2015, <https://www.justice.gov/usao-cdca/pr/15-million-grant-will-establish-human-trafficking-task-force-be-led-us-attorney-s>
- 56 Daggy, “Which Police Units are Best Poised to Investigate Human Trafficking,” 120–122.
- 57 San Rafael Police Department, “Marin County Law Enforcement Join Forces as a Part of Operation Cross Country,” *press release*, October 15, 2015, <http://www.srpd.org/press/full.php?id=297>
- 58 Californians Against Sexual Exploitation Act (“CASE Act”) of 2012, Cal. Penal Code § 13519.14.
- 59 California Against Slavery, “New Tool to Help Law Enforcement Officers Identify, Assist Trafficking Victims Now Available to Agencies Statewide,” June 17, 2014, <http://californiaagainstsavery.org/law-enforcement-receives-new-training-tool-to-combat-trafficking>.
- 60 John Vanek (ed), *The Essential Abolitionist*, 117.
- 61 John Vanek (ed), *The Essential Abolitionist*, 117–118.
- 62 John Vanek (ed), *The Essential Abolitionist*, 117–118.
- 63 Amy Farrell and Rebecca Pfeffer, “Policing Human Trafficking: Cultural Blinders and Organizational Barriers,” *Annals of the American Academy of Political and Social Science* 653 (2014): 47–48.
- 64 Farrell and Pfeffer, “Policing Human Trafficking,” 47–48.
- 65 Farrell and Pfeffer, “Policing Human Trafficking,” 47–48.
- 66 Farrell and Pfeffer, “Policing Human Trafficking,” 47–48.
- 67 Harris, *The State of Human Trafficking in California*, 52–53.
- 68 Los Angeles Police Department, “Human Trafficking Section,” http://www.lapdonline.org/detective_bureau/content_basic_view/51926.
- 69 Allison L. Cross, “Slipping Through the Cracks: the Dual Victimization of Human-Trafficking Survivors,” *McGeorge Law Review* 44 (2013): 395–442.
- 70 Cross, “Slipping Through the Cracks,” 395–442.
- 71 Office for Victims of Crimes, U.S. Department of Justice, “Building Rapport with the Victim as your Witness” in *Human Trafficking Taskforce E-Guide* (2016), <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/53-victim-interview-preparation/building-rapport-with-the-victim-as-your-witness/trafficking-history>.
- 72 Office for Victims of Crimes, U.S. Department of Justice, “Trauma Informed Victim Interviewing” in *Human Trafficking Taskforce E-Guide* (2016), <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/53-victim-interview-preparation/trauma-informed-victim-interviewing/>.
- 73 Office for Victims of Crimes, “Trauma Informed Victim Interviewing.”
- 74 Office for Victims of Crimes, U.S. Department of Justice, “Victim Interview and Preparation,” in *Human Trafficking Taskforce E-Guide* (2016), <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/53-victim-interview-preparation>.
- 75 Daggy, “Which Police Units are Best Poised to Investigate Human Trafficking,” 120–122.
- 76 Office for Victims of Crimes, U.S. Department of Justice, “Using a Trauma-Informed Approach” in *Human Trafficking Taskforce E-Guide* (2016), <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/41-using-a-trauma-informed-approach/>.
- 77 Farrell and Pfeffer, “Policing Human Trafficking,” 59–60.

- 78 Farrell and Pfeffer, “Policing Human Trafficking,” 59–60.
- 79 Farrell and Pfeffer, “Policing Human Trafficking,” 59–60.
- 80 Farrell and Pfeffer, “Policing Human Trafficking,” 59–60.
- 81 Daggy, “Which Police Units are Best Poised to Investigate Human Trafficking,” 120–122.
- 82 Serna, “Human Trafficking Sweep in California.”
- 83 Compare, for example, the language in Article 5 on the criminalization of human trafficking (“Each State Party *shall adopt* such legislative and other measures”) with Article 6 on the obligation to protect victims, which obligates states to do so only “*in appropriate cases and to the extent possible* under its domestic law.”
- 84 U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, art. 5(1)
- 85 U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, art. 3(a).
- 86 Trafficking Victims Protection Act (TVPA) of 2000, Pub. Law. No. 106-386, 114 Stat. 1541 (2000)
- 87 TVPA, 22 U.S.C. § 7101(10).
- 88 TVPA, 22 U.S.C. § 7101(9)(b).
- 89 But force, fraud, or coercion need not be established in sex trafficking cases where the victim is under 18 years of age.
- 90 TVPA, 22 U.S.C. § 7105 (b).
- 91 These provisions apply in the criminal proceedings against the trafficker.
- 92 Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), Pub. Law. No. 108–193, 117 Stat. 2875 (2003), 18 U.S.C. § 1595.
- 93 TVPRA, 22 U.S.C. § 7105.
- 94 California Trafficking Victims Protection Act (CTVPA), 2005 Cal. Legis. Serv. Ch. 240 (A.B. 22) (West 2005), Cal. Penal Code § 236.1.
- 95 CTVPA, A.B. 22 § 13990(g) (2005).
- 96 Cal. Penal Code § 236.1 (a),(b) (West 2016)
- 97 Cal. Penal Code § 236.1 (a),(b),(c),(h)(3)
- 98 Cal. Penal Code § 236.1(e),(f)
- 99 Cal. Penal Code § 236.1. Minors are exempted from proving this element.
- 100 Cal. Penal Code § 236.6
- 101 Cal. Civ. Code § 52.5 (West 2016).
- 102 Californians Against Sexual Exploitation Act (“CASE Act”) of 2012 (West 2016)
- 103 Cal. Penal Code § 236.1(c)(2)
- 104 Senate Bill 855 amended California Welfare and Institutions Code § 300(b) to include CSEC within Neglect, Failure to Protect. It is codified in Cal. Welf. & Inst. Code § 16524.6–16524.11 (West 2016).
- 105 CSEC may be classified as dependents if they are sexually trafficked as defined in Cal. Penal Code 236.1, receive food, shelter or money in exchange for sexual acts, *and* whose parent or guardian failed to or was unable to protect them.
- 106 Mandated reporters include law enforcement, social workers, teachers, medical professionals, and others. Cal. Penal Code § 11165.7 (West 2016).
- 107 Specifically, Cal. Welf. & Inst. Code § 305(a) (West 2016) authorizes peace officers to take minors into temporary custody without a warrant if the officer “has reasonable cause for believing that the minor is a person described in Section 300, and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child’s health or safety.”
- 108 Cal. Welf. & Inst. Code § 306(a)(2).
- 109 Cal. Welf. & Inst. Code § 361.2(e).
- 110 A minor may be adjudicated as a ward of the juvenile court if he or she “persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian,” has “four or more truancies within one school year,” or violates curfew laws. Cal. Welf. & Inst. Code § 601(a),(b)
- 111 Cal. Welf. & Inst. Code § 727.
- 112 Cal. Welf. & Inst. Code § 726(d)(1).
- 113 An Act to Amend Section 647 and 653.22 of the Penal Code, Relating to Minors, 2016 Cal. Legis. Serv. Ch. 654 (S.B. 1322) (West 2016).
- 114 Interview with expert from the National Center for Youth Law.
- 115 An Act to Add Section 1347.1 to the Penal Code, Relating to Criminal Procedure, 2016 Cal. Legis. Serv. Ch. 653 (A.B. 1276) (West 2016).
- 116 Cal. Penal Code § 236.2 (West 2012).
- 117 Cal. Penal Code § 293 (West 2012).
- 118 These include United States Attorney’s Office, Homeland Security Investigations, Federal Bureau of Investigations, United States Marshal’s Service, United States Department of Labor, California Attorney General, California Department of Corrections, California Employment Development Department, California Highway Patrol, LA County Sheriff’s Department, LA County District Attorney’s Office, Department of Children and Family Services, LA County Probation

- Department, LA County Department of Public Health, Los Angeles Police Department, Los Angeles Unified School District Police Department, Pomona Police Department, Coalition to Abolish Slavery and Trafficking, Saving Innocence, Restoration Diversion Services, Virtuous Women Incorporated, The Guardian Group (Hotel/Motel Outreach, Education, and Signage, Sheriff Clergy Council, and Pet Prescriptions Therapy Dog Program.
- 119 Los Angeles County Sheriff’s Department, *Year in Review 2015: Our Accomplishments*, 17, 91. The Los Angeles County Sheriff’s Department (LASD) is the largest Sheriff’s Department in the United States. LASD’s 18,000 sworn and non-sworn employees serve an area totaling 4,200 square miles with a population of over 10 million people. The department provides general law enforcement services to 42 contract cities, 130 unincorporated areas, 9 community colleges, the Los Angeles County Superior Court System and the Metropolitan Transit Authority, and operates the nation’s largest jail system.
- 120 The crime analyst is responsible for identifying trends in human trafficking, providing link analysis and charts, in depth case assistance and data analysis, in support of investigators. The crime analyst is a member of the Criminal Intelligence Bureau, or CIB, assigned to the Bureau.
- 121 Los Angeles County Sheriff’s Department, *Year in Review 2015: Our Accomplishments*, 49.
- 122 Los Angeles County Sheriff’s Department, *Year in Review 2015: Our Accomplishments*, 49.
- 123 Office for Victims of Crimes, “Victim-Centered Approach.”
- 124 See Los Angeles County, *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children* (2015), <https://www.lacounty.gov/law-enforcement-first-responder-protocol-for-csec>.
- 125 Los Angeles County, *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children*, 6–7.
- 126 Los Angeles County, *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children*, 14.
- 127 WestCoast Children’s Clinic, *Research to Action: Sexually Exploited Minors (SEM) Needs and Strengths* (2012), http://www.westcoastcc.org/WCC_SEM_Needs-and-Strengths_FINAL.pdf, 7.
- 128 WestCoast Children’s Clinic, *Research to Action*, 8.
- 129 WestCoast Children’s Clinic, *Research to Action*, 8.
- The study found that the “absence of a reliable caregiver to protect and nurture children coupled with exposure to complex trauma, or exposure to multiple or simultaneous traumatic events in early childhood, has an impact on the behavioral patterns of youth.” Accordingly, the research showed that many sexually exploited minors become involved in “activities that threaten their health and safety, with 84% having problems with judgment that place them at risk of significant physical harm.” Such youth may also engage in “unhealthy or violent intimate relationships.” The study found that among “all client, . . . 79% are currently in unhealthy partner relationships.”
- 130 WestCoast Children’s Clinic, *Research to Action: Sexually Exploited Minors (SEM) Needs and Strengths*, 9.
- 131 Melissa Withers, “Psychological Tactics Used by Human Traffickers,” *Psychology Today*, October 19, 2016, <https://www.psychologytoday.com/blog/modern-day-slavery/201610/psychological-tactics-used-human-traffickers>.
- 132 Withers, “Psychological Tactics Used by Human Traffickers.”
- 133 Elizabeth Hopper and José Hidalgo, “Invisible Chains: Psychological Coercion of Human Trafficking Victims,” *Intercultural Human Rights Law Review* 1 (2006): 185–209.
- 134 TVPA 22 U.S.C. § 7101.
- 135 Hopper and Hidalgo, “Invisible Chains.”
- 136 Hopper and Hidalgo, “Invisible Chains.”
- 137 Hopper and Hidalgo, “Invisible Chains.”
- 138 U.S. Department of Health and Human Services’ Administration for Children, Youth and Families, *Guidance to States and Services for Addressing Human Trafficking of Children and Youth in the United States* (2013), <http://www.acf.hhs.gov/programs/cb/rsource/human-trafficking-guidance>.
- 139 “Finding and Stopping Child Sex Trafficking,” *NPR*, August 1, 2013, <http://www.npr.org/templates/story/story.php?storyId=207901614>.
- 140 Motivating, Inspiring, Supporting, and Serving Sexually Exploited Youth, *MISSEY Data Report* (2009), <http://www.misseey.org/resources.html>.
- 141 CSEC Working Group, California Child Welfare Council, *Prevalence of Commercially Sexually Exploited Children* (2013), http://calswec.berkeley.edu/sites/default/files/uploads/02.1_csec_factsheets.pdf.
- 142 Data provided to the Human Rights Center by the Human Trafficking Bureau in January 2017, see also Wegner, “The First Year’s Impact.”

- 143 Data provided to the Human Rights Center by the Human Trafficking Bureau in January 2017.
- 144 Farrell et. al, *Law Enforcement Responses to Human Trafficking*, 8.
- 145 Farrell et. al, *Law Enforcement Responses to Human Trafficking*, 86.
- 146 Cal. Penal Code § 647(b) (West 2016).
- 147 Shared Hope International, “Trafficking Terms,” <http://sharedhope.org/the-problem/trafficking-terms>.
- 148 Attorneys have a general duty of confidentiality to their clients, which prohibits them from revealing any information relating to their representation without the client’s informed consent. Attorney-client privilege protects this information during judicial proceedings in which the attorney may be called as a witness. Social workers have a similar duty to protect client confidentiality, with exceptions that mandate reporting when the client poses harm to themselves or others. See more on the Human Trafficking Victim Caseworker Privilege in note 151.
- 149 The California Trafficking Victims Protection Act created a human trafficking victim-caseworker privilege which provides for both the victim and the caseworker to refuse to divulge confidential information during judicial proceedings. The privilege extends to all communications between the caseworker and her client. When a victim discloses this confidential information to a third party, the caseworker-victim privilege is destroyed. A court may compel disclosure of information in certain circumstances. See Cal. Evidence Code § 1038.
- 150 Office for Victims of Crimes, U.S. Department of Justice, “Introduction” in *Human Trafficking Taskforce E-Guide* (2016), <https://www.ovcttac.gov/taskforceguide/eguide/>
- 151 Office for Victims of Crimes, “Introduction.”
- 152 Farrell et. al, *Law Enforcement Responses to Human Trafficking*, 109.
- 153 Farrell et. al, *Law Enforcement Responses to Human Trafficking*, 104–105.
- 154 Farrell et. al, *Law Enforcement Responses to Human Trafficking*, 106.
- 155 Office for Victims of Crimes, U.S. Department of Justice, “Managing Conflict” in *Human Trafficking Taskforce E-Guide* (2016), <https://www.ovcttac.gov/taskforceguide/eguide/3-operating-a-task-force/34-addressing-common-operational-challenges/managing-conflict/>
- 156 Office for Victims of Crimes, “Managing Conflict.”
- 157 Colleen Owens et al., *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States* (Washington D.C.: Urban Institute and Northeastern University, 2014), <http://www.urban.org/research/publication/understanding-organization-operation-and-victimization-process-labor-trafficking-united-states>, p. xiv It should also be noted that the absence of reliable empirical data on the occurrence of labor trafficking within the United States is well-recognized. Studies that set out to estimate occurrence of labor trafficking tend to find that labor trafficking is a common occurrence within certain industries. For example, a 2012 study of the San Diego migrant community found that a substantial portion of the city’s migrant workers are, or were at some point, a victim of labor trafficking according to the statutory definition. S.X. Zhang, *Trafficking of Migrant Laborers in San Diego County: Looking for a Hidden Population* (San Diego: SDSU, 2012, <https://www.ncjrs.gov/pdffiles1/nij/grants/240223.pdf>).
- 158 Owens et al., *Labor Trafficking in the United States*, 47–58.
- 159 For further discussion of this issue, see Alexandra Lutnick, *Domestic Minor Sex Trafficking: Beyond Victims and Villians* (New York: Columbia University Press, 2016), 47–72.



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