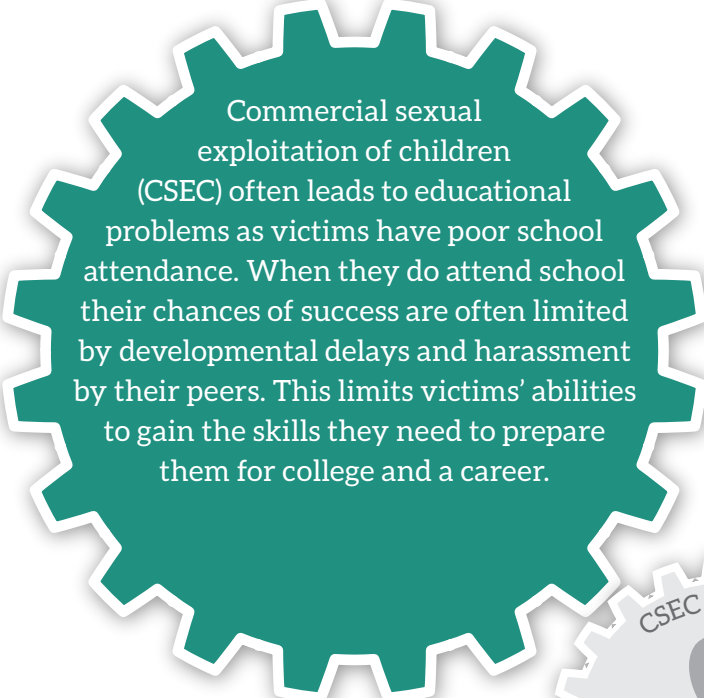


ALAMEDA COUNTY HUMAN TRAFFICKING PROTOCOL FOR LAW ENFORCEMENT


Prepared by the Human Exploitation and Trafficking Institute at the direction
of Nancy E. O'Malley, Founder and Alameda County District Attorney,
for municipal and county law enforcement agencies in Alameda County

April 2019





Commercial sexual exploitation of children (CSEC) often leads to educational problems as victims have poor school attendance. When they do attend school their chances of success are often limited by developmental delays and harassment by their peers. This limits victims' abilities to gain the skills they need to prepare them for college and a career.

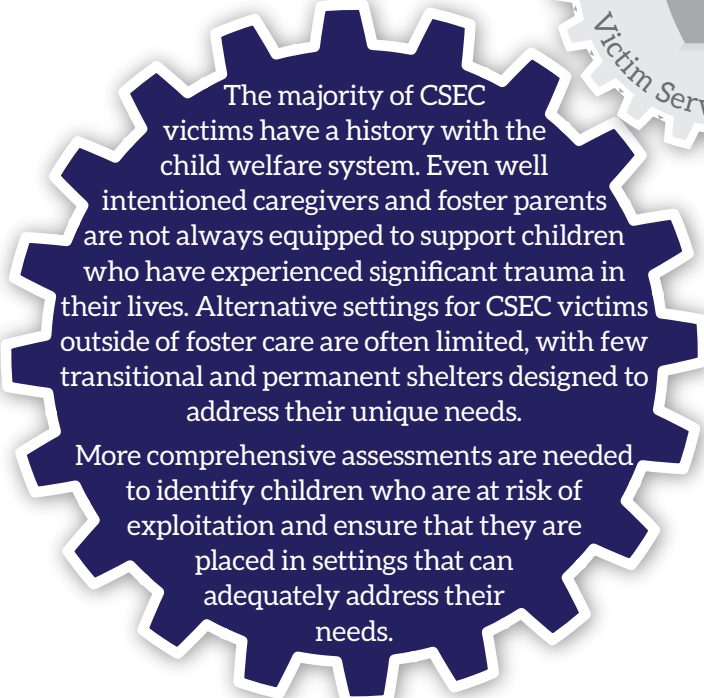


In 2012, California voters passed Proposition 35, which recognizes trafficked individuals as victims and not criminals and protects the rights of trafficked victims. However, CSEC victims are still being treated as criminals in some parts of the state. It is critical that we ensure that CSEC victims are not criminalized and that exploiters and buyers are held accountable.



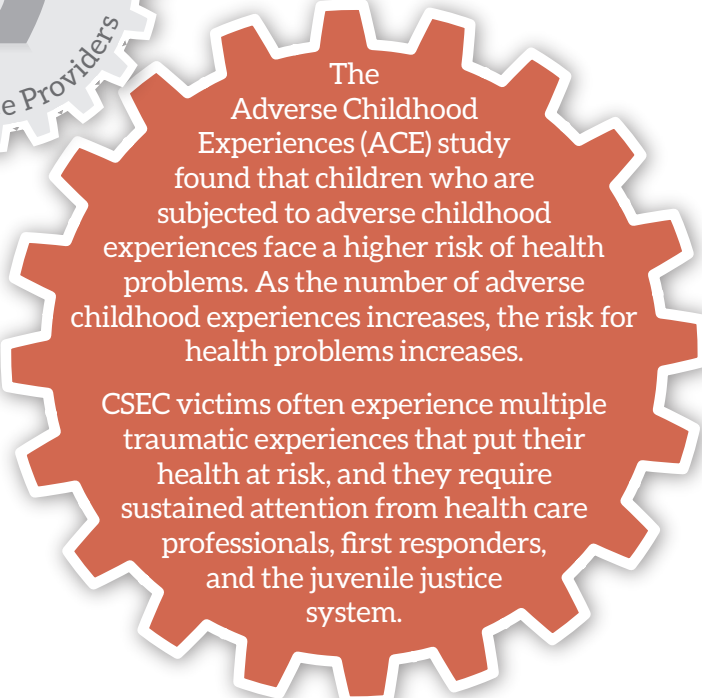
CSEC Survivor

Victim Service Providers



The majority of CSEC victims have a history with the child welfare system. Even well intentioned caregivers and foster parents are not always equipped to support children who have experienced significant trauma in their lives. Alternative settings for CSEC victims outside of foster care are often limited, with few transitional and permanent shelters designed to address their unique needs.

More comprehensive assessments are needed to identify children who are at risk of exploitation and ensure that they are placed in settings that can adequately address their needs.



The Adverse Childhood Experiences (ACE) study found that children who are subjected to adverse childhood experiences face a higher risk of health problems. As the number of adverse childhood experiences increases, the risk for health problems increases.

CSEC victims often experience multiple traumatic experiences that put their health at risk, and they require sustained attention from health care professionals, first responders, and the juvenile justice system.

The following agencies are requested to adhere to the procedures provided herein until such time that procedures have been revised in accordance with federal, state and local laws, and evidence-based practices:

Alameda County District Attorney's Office
Alameda County Probation Department
Alameda County Sheriff's Office
Alameda Police Department
Albany Police Department
BART Police Department
Berkeley Police Department
California State University East Bay Police Department
Dublin Police Department
East Bay Regional Park District Police Department
Emeryville Police Department
Fremont Police Department
Hayward Police Department
Livermore Police Department
Newark Police Department
Oakland Housing Authority Police Department
Oakland Police Department
Piedmont Police Department
Pleasanton Police Department
San Leandro Police Department
UC Berkeley Police Department
Union City Police Department

WHAT IS HUMAN TRAFFICKING?

Human Trafficking is the coercion of victims to engage in commercial acts of sex and labor against their will.

HUMAN TRAFFICKING

is the fastest growing criminal industry in the world



enslaving

21,000,000 VICTIMS
WORLDWIDE

1 in 4

victims of trafficking

are children

is the second largest criminal industry in the world and
worth an estimated **\$32 billion a year**

H.E.A.T. Institute: The H.E.A.T. Institute is an innovative research-based think-tank, bringing together leaders from multiple state and local systems to create a unified and comprehensive system of support to respond to and prevent human exploitation and trafficking. In 2015, the Institute will focus specifically on CSEC.

Bay Area H.E.A.T. Coalition: Bay Area HEAT Coalition (BAHC) is a core strategy of Regional HEAT Watch. BAHC unites local, state and federal agencies, law enforcement, service providers, and community members, in a coordinated effort to rescue CSEC and hold their traffickers accountable across city, county, and state borders.

1. Polaris.com

2. The International Labor Organization estimates it may be as high as \$150 billion.

POLICY STATEMENT

Human trafficking is the fastest growing and second largest criminal industry in the world today, second only to drug trafficking. Criminals have moved from running drugs and guns to exploiting humans. Human trafficking victims can be found in the workforces of legitimate and illegitimate businesses and industries.¹

Since July 2000, the Alameda County District Attorney's Office Victim Witness Division has sought justice for over 562 victims of labor trafficking. From 2011 to 2018, local health and service providers, including the Alameda County District Attorney's Office which has prosecuted over 656 sex trafficking cases and created safety planning for more than 5,000 at-risk youth and victims of commercial sexual exploitation in the county. Although we know that these statistics are significant, we consider that prevalence of such exploitation is significantly greater. It is a well-known fact that Oakland is a thriving underage sex market and epicenter of a trafficking triangle between San Francisco and Contra Costa counties.

In Alameda County, significant resources have been pledged to combat human trafficking. The Hayward Police Department leads a multi-jurisdictional law enforcement team that conducts countywide operations to rescue victims and arrest traffickers. The FBI's Innocence Lost Working Group is the federal counterpart and an essential partner. The Alameda County DA's H.E.A.T.Watch program hosts and coordinates a regional task force called BAHC (Bay Area Head Coalition). BAHC is a multi-disciplinary, multi-agency task force dedicated to supporting victims and holding their exploiters accountable. Alameda County United Against Human Trafficking Advisory Council, or "AC United," is a collaborative project led by the Alameda County District Attorney's Office and the Alameda County Social Services Agency. In addition local enforcement agencies throughout the northern and southern regions of the counties have developed unique expertise in special operations.

The District Attorney's Office CEASE (Cities Empowered Against Sexual Exploitation) initiative continues to educate and manage initiatives to drive down demand. Additionally, the Human Exploitation and Trafficking (H.E.A.T.) team of prosecutors, inspectors, and victim advocates operate diversion programs that re-direct youth who are at risk of or have been victims of commercial sexual exploitation. The Young Women Saturday Program educates and advances local, statewide and national policy based on best practices. We have robust partnerships with local community services, health providers and state agencies including the California Office of Emergency Services, and the California Department of Justice, and federal entities, such as Homeland Security, the Internet Committee Against Crimes, the U.S. Department of Justice, and the Federal Bureau of Investigation.

This Alameda County Human Trafficking Protocol for Law Enforcement is provided so that every local law enforcement agency in the county has procedures to follow in order to meet the needs of their particular community while upholding the highest standards of law enforcement and victim-centered support. The primary objective of this protocol is to investigate and prosecute human trafficking and buyers to the fullest extent of the law, with deliberate speed and vigor, while protecting victims' physical and emotional

¹ Polaris Project: Typology of Modern Day Slavery Defining Sex and Labor Trafficking in the United States (March 2017)

needs with the same level of commitment and tenacity. This protocol intends to support law enforcement in ensuring that identification of victims and survivors and any interventions, above all, should not do any further harm to an adult, adolescent, or child that may be a victim of human trafficking. This protocol is intended to supplement each law enforcement agency's policies, procedures and standards in the investigating and reporting of criminal cases.

California defines human trafficking generally as depriving or violating the personal liberty of another with the intent to obtain forced labor or services [(Penal Code Section 236.1(a).] Human trafficking of adults and minors for the purpose of commercial sexual exploitation carries more severe punishments. (Penal Code Section 236.1, subdivisions (b) and (c).) The State Legislature finds that the definition of human trafficking in this section of the Penal Code is equivalent to the federal definition of a severe form of trafficking found in Section 7102(8) of Title 22 of the United States Code.

Human trafficking is the umbrella term for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use or means of force, fraud, or coercion. The three definitions of human trafficking, excluding the harvesting and selling of body parts, are as follows:

- **Labor Trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, debt bondage or slavery.

Although labor trafficking can be found in almost any sector, it is a crime that is hidden. Labor trafficking entraps the largest number of victims among the forms described herein, and is one of the most difficult to prosecute under the charge of human trafficking. Collection of evidence is difficult in these cases. Labor traffickers control their victims through fear by threatening incarceration or for some victims, deportation. Traffickers make their victims completely dependent upon them for food and shelter. This leads victims to fear cooperating with law enforcement. Therefore, it is essential for investigators to be equipped with tactics to prove wage fraud, tax evasion, money laundering, extortion, etc., and other business related offenses.

- **Sex Trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act and that commercial sex act is induced by force, fraud, or coercion.

Among the many ways that sex trafficking occurs, the growth of residential brothels located in large apartment buildings and single family homes in suburban communities, and illicit massage parlors (IMPs), in which foreign nationals are sold for commercial sex, has been an increasing challenge to law enforcement. These businesses generate a great deal of cash and have been found to utilize operating structures akin to organized crime, which in part is responsible for their exponential growth in California. There are over 200 IMPs just in Oakland, and residential brothels have been found and continue to be investigated in Fremont, Dublin, Pleasanton, and other cities. Clearly this is a county-wide problem. Without a multi-faceted, multi-jurisdictional and culturally responsive approach to victim services, investigation and prosecution, combatting residential brothels and IMPs

can be compared to “Whack-A-Mole,”² piecemeal or superficial, resulting only in temporary or minor improvement. As a matter of policy, local law enforcement must have procedures that operate in a larger state and federal policy framework to end the spread of these businesses.

- **CSEC (Commercial Sexual Exploitation of Children)** is defined as the sexual abuse of a minor entirely or primarily for financial or other economic reasons. Economic exchanges may be monetary or non-monetary (food, shelter or drugs). CSEC does not need to prove force, fraud or coercion to be considered as sex trafficking.

In determining whether a minor was caused, induced, or persuaded to engage in a commercial sex act, the totality of the circumstances, including the age of the victim, his or her relationship to the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be considered. Consent by a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution. Mistake of fact as to the age of a victim of human trafficking who is a minor at the time of the commission of the offense is also not a defense to a criminal prosecution.

Because of the predatory nature of human trafficking, victims commonly possess one or more high risk factors, including but not limited to being underage, victims of prior abuse, a runaway, disabled, homeless, substance-addicted, LGBTQIA, under-educated, low-skilled, a foreign national, or undocumented. These risks and the trauma inflicted upon many victims add a complexity that mandates that law enforcement become adept in trauma-informed and victim-centered investigative practices. It is essential that law enforcement has partnerships with reliable and effective resources and ways to inform victims of those resources so that their needs can be responsibly addressed. The needs of minor age victims are particularly complex. Recent California legislation approved in 2014 gives authority to county welfare departments to provide for the care and support of commercially sexually exploited children if the child’s parents or guardians failed to or are unable to protect the child. Affirming that the commercial sexual exploitation of children is child abuse, law enforcement officers must fulfill their mandatory reporter obligation by contacting the county child abuse hotline upon initial contact with the victim. It is a promising practice for child welfare and law enforcement to work in collaboration; by doing so, they can work to both not re-traumatize CSEC youth and ensure that valuable evidence against trafficking and buyers is not lost. The goal of this protocol is to ensure that CSEC youth who are identified by law enforcement and/or placed in civil protective custody on a safety hold are routed to appropriate and safe services, which may include placements secured by the Alameda County Social Services Agency when other options through family members are not available, and that any evidence that can be used to prosecute trafficking is collected.³

² Whack-A-Mole is a North American arcade game in which players use a mallet to hit toy moles, which appear at random, back into their holes.

³ Assembly Bill 499 Chapter 359 approved in 2008 repeals Chapter 4.3 commencing with Section 18259 of Part 6 of Division 9 of the Welfare and Institution Code, relating to sexually exploited minors and creates a unique response in Alameda County including diversion programs and civil protective custody via a safety hold as approved by the Juvenile and/or Dependency Courts.

The obligations of law enforcement to not criminalize and to protect commercially sexually exploited youth and work hand-in-hand with the state's child welfare system require strong and responsive partnerships between these two systems. The process of healing must begin from the very first contact between law enforcement and the victim. The Alameda County Human Trafficking Protocol for Law Enforcement provides guidelines for public safety call takers, dispatchers, patrol officers, and investigators in handling human trafficking incidents. Found in the Appendix section of this document are resources to support partnership building, appropriate training to mitigate undue trauma, and material to deepen understanding of human trafficking in certain industries. The protocol emphasizes collaboration between the resources of law enforcement and service providers to carry forward the necessary support needed.

As a matter of policy, this protocol advocates for robust and multi-disciplinary training of law enforcement personnel from the **dispatch caller** to **patrol officer** to **investigator** to equip them with the tools, including receiving training to understand victims' Stages of Change or Forensic Experiential Trauma Interviewing, as well as common vocabulary used to communicate effectively and clearly with each other in order to identify, reduce, and ultimately eradicate the crime of human trafficking. The consistent and regular training of law enforcement, alongside child welfare emergency response social workers and first response crises assault and victim counselors is essential if effective partnerships and clarity in roles and responsibilities are to be maintained. The Commission on Peace Officers Standards and Training (POST) of California is in the process of upgrading basic training curriculum and materials for law enforcement with trauma-informed strategies and tactics when interfacing with adult age and child human trafficking victims. Having POST trained law enforcement implement these protocols is essential.

This protocol insists that buyers of human trafficking victims are held accountable for their criminal activity. Law enforcement is encouraged to participate in undercover and overt tactics that pre-empt buyer access and maximize public exposure of buyer's criminal behavior. An overview of different law enforcement deterrent and community disruption tactics to reduce demand is provided to deepen understanding and their effective utilization. The success of this protocol is contingent upon its use and the results achieved.

PROTOCOL AUTHORS

The Alameda County Law Enforcement Protocol was adapted from the California Human Trafficking Law Enforcement Protocol which was authored and produced by the Human Exploitation And Trafficking Institute (H.E.A.T. Institute). The H.E.A.T. Institute was founded by Nancy E. O'Malley, District Attorney of Alameda County, to research and share promising practices in California to better serve victims of human trafficking, including the commercial sexual exploitation of children, and strengthen the state's multiple systems such as law enforcement, child welfare, health, and education to prevent and fight human trafficking.

Trauma Informed Partnership to Combat Human Trafficking



The H.E.A.T. Institute was created in 2015 and has 21 Blue Ribbon Commissioners who were appointed by California's Superintendent of Public Instruction and Education, the Chief Justice of the California Supreme Court, California's Secretary of Health and Human Services, California's Attorney General, the California Probation Officers, the California Police Chiefs and Sheriff's Association, and District Attorney O'Malley, Chair of the Commission. In 2016, the Blue Ribbon Commissioners received approximately 500 testimonies at seven regional information summits, which were co-hosted by the H.E.A.T. Institute, several county-level District Attorney Offices and community based organizations throughout California and attended by 1200 people. As a result of these summits and recent legislative changes, the H.E.A.T. Institute prioritized development of a statewide comprehensive trauma-informed law enforcement protocol.

The H.E.A.T. Institute would like to give a special thank you for those who participated in this protocol.

- **Nancy E. O'Malley, Alameda County District Attorney**
- **Jay Varney, Sheriff of Madera County and Chairperson of the Working Group**
- Carla Dartis, Alameda County District Attorney's Office, H.E.A.T. Institute Coordinator
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- Richard Lucero, Fremont Police Department
- Rob Alexander, Fremont Police Department
- Sean Washington, Fremont Police Department
- Curtis Chastain, Fresno Police Department
- David Dorn, Hayward Police Department
- Gabrielle Wright, Hayward Police Department
- Christine Campbell, Livermore Police Department
- Michael Harris, Livermore Police Department
- Jeannine Pacioni, Monterey County District Attorney's Office

- Jill Encinias, Oakland Police Department
- Abby Larson, Ruby's Place
- John Sydow, Sacramento County Sheriff's Department
- Paola Estanislao, Santa Clara County District Attorney's Office
- Ann King, Tri-Valley Haven
- Christine Dillman, Tri-Valley Haven
- Martha Rodriguez, Tulare County District Attorney's Office
- Fred Camacho, Union City Police Department

After extensive discussion and review of the following listed documents, the Law Enforcement Working Group concluded that the Santa Clara County Human Trafficking Law Enforcement Protocol (2016) would serve as their model for the statewide protocol. Paola Estanislao, Deputy District Attorney of the Santa Clara County District Attorney's Office and member of the Santa Clara County Human Trafficking Task Force, was extremely generous with her time and in-depth expertise in relating practical experiences regarding use of the Santa Clara protocol.

1. Monterey County, Santa Cruz County and San Benito County Memorandum of Understanding: Commercially Sexually Exploited Children Program (October 1, 2015)
2. Alameda County Memorandum of Understanding: Commercially Sexually Exploited Children Program (September 23, 2015)
3. Los Angeles County Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children (2015)
4. Wisconsin Human Trafficking Protocol and Resource Manual (May 2012)
5. Human Trafficking of Children Protocol Michigan Department of Human Services (August 2013)
6. Santa Clara County Human Trafficking Protocol for Law Enforcement, Police Chiefs Association of Santa Clara County (March 3, 2016); the protocol includes the Santa Clara County CSEC Protocol (September 2014)
7. Alameda County Labor Trafficking Protocol – Draft, Alameda County District Attorney's Office and Labor Trafficking Task Force (February 2017)
8. Fresno Police Department Roll Call Training Bulletin #17-02 (January 24, 2017)
9. The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation by the Department of Justice, Office on Violence Against Women, International Association of Chiefs of Police (2005)

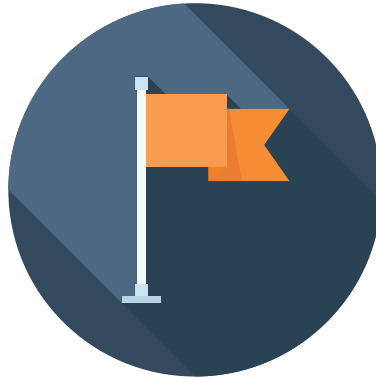
10. National Emergency Number Association (NENA) Protocol for Handling Calls Regarding Human Trafficking Operations Information Document 56-508 v1 (2009)
11. California Police Officers Standards and Training Guidelines on Law Enforcement Responses to Human Trafficking(2014)
12. A Toolkit for Closing Brothels Operating as Asian Massage Parlors, California District Attorney Association Prosecutor's Brief, Vol. 38, No. 4 (Summer 2016) (pages 267-282)
13. Descriptions of Demand Reduction Tactics from <http://www.demandforum.net/> with written permission from Michael Shively, Ph.D. of Abt Associates, Inc.

Adapting the State of California Human Trafficking Law Enforcement Protocol into a protocol for Alameda County Law Enforcement was the next step. The Alameda County Protocol is considered a comprehensive guideline because of the additional input and review of members of the Alameda County District Attorney's Office H.E.A.T. Prosecutorial, Inspector, Community Outreach and Victim Witness Advocates, namely Tim Bergquist, Steven Jesse Corral, Sabrina Farrell, LaToya Gix, Shan Johnson, Robyn Levinson, Jill Nerone, Jasmine Pugh and Michael Woo. The document was further reviewed by Captain Ed Spiller of the Berkeley Police Department, Alameda Police Chief Paul Roleri and his command team, Division Director of Juvenile Field Services Jenifer Brown, Director of the Alameda County Department of Children and Family Services Michelle Love, and members of the Alameda County United Against Human Trafficking Justice Committee, co-chaired by Rose Mukhar of Justice At Last, and including such members as Sarai Smith-Mazariegos among others. The totality of input from these many contributors to make this document a pertinent tool for Law Enforcement is greatly appreciated.

The authors of this protocol welcome your comments and feedback as you adapt this tool to meet your individual agency and community needs. Send your feedback to the Coordinator of the H.E.A.T. Institute at Carla.Dartis@acgov.org. Thank you.

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1.

PURPOSE & OBJECTIVES

The Alameda County Human Trafficking Law Enforcement Protocol seeks to provide an appropriate umbrella of guidance that effectively addresses the ongoing and escalating nature of exploitation that trafficking victims suffer. Included in the Protocol are field tip cards for patrol officers and investigators to help de-escalate the trauma and fears that victims may feel upon initial contact with law enforcement, while providing tips to make successful cases against perpetrators of the crime of human trafficking. Suggestions to improve California’s response infrastructure are also included, for example:

- A single point of contact for law enforcement to partner immediate and reliable wrap around support for victims. If a single point is not possible, existing protocols for victims of sexual assault, child abuse, abduction, etc., must be adhered to while communities create a more trauma-informed practice of a single point of contact. Alameda County does not have a single point of contact for law enforcement. This protocol provides agency contacts to meet particular victim needs in Alameda County.
- Collaborative multi-disciplinary (as well as vertically integrated) task forces, coalitions, and partnerships of actively engaged law enforcement agencies working in partnership with social and health services agencies to protect victims.

This protocol portends that when law enforcement's capacity in recognizing human trafficking is increased, their responses will result in less suffering for victims and increased prosecution of trafficking and buyers. Law enforcement officers should consistently:

- » Know the laws associated with human trafficking
- » Understand the scope of the problem of human trafficking
- » Understand differences between smuggling and human trafficking
- » Understand the dynamics of human trafficking
- » Be aware of the indicators of human trafficking
- » Understand how to communicate with victims
- » Understand victim dynamics and effectively respond to victims' circumstances. This includes being trained in the Stages of Change and manifested behaviors that are necessary for victims to adopt healthy behaviors and stop unhealthy ones.
- » Be trained in appropriate interviewing techniques
- » Know available community resources, including civil/immigration remedies
- » Be aware of notification requirements and resources for victims
- » Know the different types of evidence associated with human trafficking and proper evidence collection techniques
- » Be familiar with all aspects of human trafficking case development
- » Understand the importance of collaborating with federal law enforcement and other agencies to share resources
- » Abide by a trauma-informed and victim-centered approach when interacting with victims

Additional suggestions for what is needed in a region's infrastructure to better support victims and enable law enforcement to fulfill its role as a protector to victims include:

- Victim-centered and trauma-informed housing with comprehensive services that support victims and their families and aid the victims with their re-entry into the larger community; and
- An immediate service, which includes a trauma informed staffed facility, that is available to law enforcement to immediately triage the needs of child and adult victims upon initial contact.



2(a).

STATE & FEDERAL LAWS: Common Charges for Prosecution

For successful prosecution of Trafficking and Buyers, the following charges can be found in the California State Penal Code, Labor Code, Insurance Code, Unemployment Insurance Code, and the United States Code of Law as it relates to incidences where sex and labor trafficking is occurring. Citations from the California Welfare and Institutions Code are also provided to ensure that law enforcement is aware of the statute for law enforcement to take a child into non-criminal custody for his/her safety. Please go to the actual code sections for the full and exact language.

STATE PENAL CODES

- 136.1(a)(1)** Makes criminal any knowing or malicious preventing or dissuading any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law.
- 136.1(a) (2)** Makes criminal any knowing and malicious attempts to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law.
- 136.1(b) (1)** Makes criminal attempts to prevent or dissuade another person who has been the victim of a crime or who is witness to a crime.

- 186.2** Criminal profiteering activity – Any act committed or attempted or any threat made for financial gain or advantage involving human trafficking, as defined in section 236.1, or pimping and pandering, as defined in section 266.
- 186.22(b) (1)** Convicted of a felony and associated with any criminal street gang shall, upon conviction of that felony, in addition to the punishment prescribed for the convicted attempted or actual felony, be punished for an additional five years for a serious felony, subsection (B) and for an additional ten years for a violent felony, subsection (C).
- 186.3** Criminal profiteering asset forfeiture—Any property interest acquired through a pattern of criminal profiteering activity and all proceeds of a pattern of criminal profiteering activity, which shall include all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity are subject to forfeiture upon proof of the provisions of section 186.5(d).
- 206** Torture—Every person who, with the intent to cause cruel or extreme pain and suffering for the purpose of revenge, extortion, persuasion, or for any sadistic purpose, inflicts great bodily injury as defined in section 12022.7 upon the person of another, is guilty of torture.
- 207 (a)** Kidnapping—Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person in this state, and carries the person into another country, state, or county.
- 209 (b) (1)** Kidnapping to commit robbery, rape, oral copulation, sodomy, or any violation of Section 264.1, 288 or 289.
- 236.1(a)** Labor trafficking - depriving or violating the personal liberty of another with the intent to obtain forced labor or services.
- 236.1 (b)** Adult sex trafficking – depriving or violating the personal liberty of another with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6 or 518.
- 236.1(c)** Commercial sexual exploitation of a child -- Any person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense, to engage in a commercial sex act, with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518, is guilty of human trafficking. Proof of force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person is not required, but the presence of any of these tactics increases the penalty to life imprisonment.
- 236.2** Law enforcement agencies shall use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. When a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a minor

2. Common Charges & California Laws Governing Responses

who has engaged in a commercial sex act, a person suspected of violating subdivision (a) or (b) of Section 647, or a victim of a crime of domestic violence or rape, the peace officer shall consider whether the indicators of human trafficking are present.

- 261** Rape—An act of sexual intercourse accomplished with a person not the spouse of the perpetrator under force, violence, duress, menace or fear or immediate and unlawful bodily injury to the person or another; where a person is incapable of giving legal consent; where a person is prevented from resisting because of intoxication; where a person is unconscious; where induced by artifice, pretense or concealment; under threat of retaliation; or under threat of incarceration, arrest or deportation.
- 266** Pandering—Every person who inveigles (lures) or entices any unmarried female, of previous chaste character, under the age of 18 years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man. Every person who aids or assists in such inveiglement or enticement; and every person who, by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment.
- 266h** Pimping—Any person who, knowing another person is a prostitute lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or solicits or receives compensation for soliciting for the person.
- 266i** Pandering—Subsection (a)(1) - Any person who procures another person for the purposes of prostitution, or Subsection (a)(2) - By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute. Enhanced punishment for minor victim over age 16 or minor victim under the age 16. See Subsections (b)(1) & (b)(2).
- 266j** Procurement of a child under the age of 16 for lewd or lascivious acts as defined in Penal Code Section 288.
- 267** Abduction for prostitution— Every person who takes away any other person under the age of 18 years from the mother, father, guardian, or without their consent, for the purpose of prostitution.
- 269** Aggravated Sexual Assault of a Child—Rape, Rape or Sexual Penetration in Concert, Sodomy, Oral Copulation or Sexual Penetration of a person under age 14 where the victim is 7 or more years younger than the perpetrator. Force, duress, menace or fear of immediate and unlawful bodily injury to the person or another required.
- 273 (a)** Abusing or endangering health of a child.

- 273.5** Corporal injury of spouse, former spouse, cohabitant, former cohabitant, or parent of suspect's child resulting in a traumatic condition.
- 273.7** Disclosure of the location of trafficking or domestic violence shelter.
- 286** Sodomy—any contact by the penis of one person and the anus of another accomplished by force, violence, duress, menace or fear of immediate and unlawful bodily injury to the person or another; where a person is incapable of giving legal consent; where a person is prevented from resisting because of intoxication; where a person is unconscious; where induced by artifice, pretense or concealment; under threat of retaliation; or under threat of incarceration, arrest or deportation.. Enhanced penalty if victim is under age 14—subsection (c)(2)(B) or if victim is a minor over age 14—subsection (c)(2)(C).
- 287** Oral Copulation—the act of copulating the mouth of one person with the sexual organ or anus of another person accomplished by force, violence, duress, menace or fear of immediate and unlawful bodily injury to the person or another; where a person is incapable of giving legal consent; where a person is prevented from resisting because of intoxication; where a person is unconscious; where induced by artifice, pretense or concealment; under threat of retaliation; or under threat of incarceration, arrest or deportation. Enhanced penalty if victim is under age 14—subsection (c)(2)(B) or if victim is a minor over age 14—subsection (c)(2)(C).
- 288 (a)** Any person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in state prison.
- 288.7** Engaging in sexual intercourse, sodomy, oral copulation or sexual penetration of a child 10 years of age or younger by a perpetrator 18 years of age or older. No force, violence, duress, menace or fear of immediate and unlawful bodily injury to the person or another required.
- 289** Sexual penetration—penetration, however slight, of the genital or anal opening by a foreign object (including any part of the body except a sexual organ), substance, instrument or device or any unknown object accomplished by force, violence, duress, menace or fear of immediate and unlawful bodily injury to the person or another; where a person is incapable of giving legal consent; where a person is prevented from resisting because of intoxication; where a person is unconscious; where induced by artifice, pretense or concealment; under threat of retaliation; or under threat of incarceration, arrest or deportation. Enhanced penalty if victim is under age 14—subsection (a)(1)(B) or if the victim is a minor over age 14—subsection(a)(1)(C).

2. Common Charges & California Laws Governing Responses

- 293⁴** Law enforcement must provide notice to a trafficking victim that victim's name will become a matter of public record unless the victim requests otherwise. No law enforcement agency shall disclose the address of a person who alleges to be the victim of a sex offense or who was forced to commit an act of prostitution because he/she is the victim of human trafficking.
- 311.1** Sending or bringing into state for sale for distribution, possessing, preparing, publishing, producing, developing, duplicating, or printing obscene matter, including matter depicting sexual conduct by a minor
- 311.2** Sending or bringing into state for sale or distribution; printing, exhibiting, distributing, exchanging or possessing obscene matter, including matter depicting sexual conduct by a minor
- 311.3** Sexual exploitation of a child—obscene matter that depicts a person under age 18 engaging in act of sexual conduct.
- 311.4** Using a minor to assist in distribution of obscene matter-posing or modeling involving sexual conduct.
- 311.5** Advertising or promoting sale or distribution of matter represented or held out to be obscene
- 311.6** Participating in or producing or presenting obscene live conduct in a public place.
- 415** Disturbing the peace.
- 422** Criminal threats – Willfully threatening to commit a crime which will result in death or great bodily injury to another person.
- 487** Grand theft, including theft of labor.
- 518** Extortion—Obtaining money or property from another, with his consent, induced by a wrongful use of force or fear, including fear of report of immigration status, or under color of official right.
- 647(b)** Prostitution, solicitation, and agreeing to engage in an act of prostitution.

⁴ Effective January 1, 2017, AB2498 changed Penal Codes 293, 293.5 and 1048.2. Penal Code 293 authorizes, at the request of a victim and subject to specified restrictions, the withholding of the names and images of a victim of human trafficking and that victim's immediate family, pursuant to Section 6254 of the Government Code. Additionally, the Penal Code prohibits law enforcement agencies from disclosing the names, addresses, and images of victims of human trafficking and their immediate family, except under specified circumstances. Law enforcement agencies must orally inform the person who alleges to be the victim of human trafficking of his or her right to have his or her name, addresses, and images, and the names, addresses, and images of his or her immediate family members withheld and kept confidential.

PENALTIES FOR COMMITTING HUMAN TRAFFICKING, ACCORDING TO THE CALIFORNIA TRAFFICKING VICTIMS PROTECTION ACT (PENAL CODE §236.1):

- (a) Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).
- (b) Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking and shall be punished by imprisonment in state prison for 8, 14, or 20 years and a fine of not more than five hundred thousand dollars (\$500,000).
- (c) (1) Any person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking shall be punished by imprisonment in state prison for five, eight, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).
- (c) (2) Fifteen years to life and a fine of not more than five hundred thousand dollars (\$500,000) when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person.

Sex Offender Registration Act (PENAL CODE 290) Application to Engaging in Commercial Sex with a Minor (PENAL CODE §236.1):

Every person described in Penal Code 290(c) is required to register for life with local law enforcement agencies. This applies to individuals while residing in California, or while attending school or working in California, as described in Sections 290.002 and 290.01. Each year, he or she must register within five days of their birthday, and within five working days of coming into, or changing his or her residence within, any city, county, or campus in which he or she temporarily resides. The individual must register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, in accordance with the Sex Offender Registration Act.

The following persons shall be required to register as articulated in 290(c):

Any person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286 , 288 , 288a , or 289, Section 207 or 209 committed with intent to violate Section 261 , 286 , 288 , 288a , or Section 220 , except assault to commit mayhem, subdivision (b) and (c) of Section 236.1, Section 243.4 , paragraph (1) , (2) , (3) , (4) , or (6) of subdivision (a) of Section 261 , paragraph (1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to state prison, Section 264.1 , 266 , or 266c, subdivision (b) of

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Section 266h , subdivision (b) of Section 266i , Section 266j , 267 , 269 , 285 , 286 , 288 , 288a , 288.3 , 288.4, 288.5 , 288.7 , 289 , or 311.1, subdivision (b) , (c) , or (d) of Section 311.2 , Section 311.3 , 311.4 , 311.10 , 311.11 , or 647.6 , former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd or lascivious conduct under Section 272 , or any felony violation of Section 288.2 ; any statutory predecessor that includes all elements of one of the above-mentioned offenses; or any person who since that date has been or is hereafter convicted of the attempt or conspiracy to commit any of the above-mentioned offenses.

STATE LABOR CODE

3700.5 All employers are required to obtain a workers' compensation insurance policy covering their employees.

STATE INSURANCE CODE

1871.4(a) False or fraudulent statements made in favor of or to prevent a workers' compensation insurance claim.

STATE UNEMPLOYMENT INSURANCE CODES

2117.5 Willfully failing to report payroll taxes, or fraud on payroll tax reports

2118.5 Willfully failing to collect and turn over payroll tax

UNITED STATES CODES

18 U.S.C. Subsection 1581 Peonage

18 U.S.C. Subsection 1584 Involuntary Servitude

18 U.S.C. Subsection 1589 Forced Labor

18 U.S.C. Subsection 1590 Trafficking re: peonage, slavery, involuntary servitude, forced labor

18 U.S.C. Subsection 1591 Sex trafficking of a minor OR by fraud, force, or coercion

18 U.S.C. Subsection 1592 Holding or confiscating passport immigration documents

18 U.S.C. 1593 Mandatory restitution



2(b).

CALIFORNIA LAWS Governing Responses to Commercially Sexually Exploited Children, Wards of the Court, and Abducted Children

From 2014 to the present, the expectations and responsibilities for protecting Commercially Sexually Exploited Children by government agencies (i.e. county welfare and probation departments and local law enforcement) do not criminalize these children and have more accountability in safeguarding children in care from exploitation.

The California Legislature enacted **SB 855** into law in 2014, added subsections (b)(2) to Welfare and Institutions Code Section 300, and identified CSEC as abused and neglected children. The law also established a state-funded CSEC program to which county child welfare departments could opt-in. Counties receive additional funding for the provision of training, prevention activities, and intervention services to CSEC or youth at risk of becoming CSEC. Participating counties must form a multidisciplinary team (MDT) to coordinate case management, case planning, and services for CSEC and must create interagency protocol for the provision of services aimed at preventing and/or intervening in situations involving dependent youth who have been identified as CSEC or are at risk of becoming CSEC.

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SB 794 also became law in 2015, which requires all child welfare and probation departments to take actions to protect youth who are receiving child welfare services and are CSEC or at risk of becoming CSEC victims. Welfare & Institution Code Section 16501.35 mandates counties to implement policies and procedures requiring social workers and probation officers to:

1. Identify the youth;
2. Document youth in Child Welfare Services/Case Management System and in other records;
3. Determine appropriate services for these youth; and
4. Receive training in identification, documentation, and determination of appropriate services for these youth.

In addition, child welfare and probation departments must immediately or within 24 hours report to law enforcement any dependent child who is identified as a CSEC victim. (Penal Code Section 11166, subdivision (j) (2)).

SB 794 also requires county probation and child welfare departments to develop and implement policies and procedures to expeditiously locate any dependent child missing from care. These policies and procedures must include a mandatory report to law enforcement and the National Center for Missing and Exploited Children any time a child who is receiving child welfare services and known or suspected to be a CSEC victim is missing. The report must be made immediately or within 24 hours of learning the child is missing. Law enforcement must enter the information into the National Crime Information Center (Penal Code Section 11166, subdivision (j) (3)).

One of the most recent pieces of legislation that was approved into law in September 2016 is **SB 1322**, which became effective January 1, 2017, amending Penal Code Sections 647 and 653.22. A summary of the changes to the law impacted by **SB 1322** are discussed below:

1. Decriminalization of Prostitution-Related Offenses for Any Youth under 18 Years of Age: **SB 1322** amends the Penal Code to decriminalize prostitution and loitering with the intent to commit prostitution for any child under the age of 18 (Penal Code, 647, subdivision (b) (2) & 653.22, subdivision (b) (2)).
2. Juvenile Court Jurisdiction Over a Child Alleged to Have Engaged in Conduct Described by Penal Code Sections 647(b) or 653.22: The amended Penal Code provisions allow for a child who is engaging in the conduct described by Penal Code Sections 647(b) or 653.22 to be “adjudged a dependent child of the court” (pursuant to Welfare & Institutions Code Section 300, subdivision (b) (2)) if the child’s parents or guardian failed to or are unable to protect the child.
3. Temporary Custody of a Child Alleged to Have Engaged in Conduct Prescribed by Penal Code Sections 647(b) or 653.22: An officer may take a child engaged in conduct described by Penal Code sections 647(b) or 653.22 into temporary custody, without a warrant, if the officer “has reasonable or probable cause” to believe that (a) the youth’s circumstances subject him or her to being adjudged a dependent of the court under Welfare and Institutions Code, Section 300, and (b) the child: 1. Immediately needs medical care; 2. Faces imminent danger of physical or sexual abuse; or 3. The

youth's health or safety is threatened by his or her physical environment or unattended status. If the child is unattended when contacted by law enforcement, the officer must attempt to contact the youth's parent or guardian. If the parent or guardian cannot be reached, the county welfare department is to assume custody. (See Welfare and Institutions Code 300 and 305, subdivision (a)).⁵

Law Enforcement Placed 305 Temporary Welfare Hold^{6,7}

California Welfare Institutions Code Section 305 specifically states that, "Any peace officer may, without a warrant, take into temporary custody a minor, under the following circumstances:

- (a) When the officer has reasonable cause for believing that the minor is a person described in Section 300 as a dependent ward of the State, 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. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare department to assume custody of the child.
- (b) Who is in a hospital and release of the minor to a parent poses an immediate danger to the child's health or safety.
- (c) Who is a dependent child of the juvenile court, or concerning whom an order has been made under Section 319, when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the juvenile court.
- (d) Who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care."

⁵ The determination of whether "reasonable cause" exists is fact driven and must be made on a case-by case basis. However, as a general rule, reasonable cause likely exists if there is articulable evidence of each of the prerequisites to taking custody, and the evidence has been investigated and corroborated. (See Wallis v. Spencer (2000) 202 F.3d 1126, 1138) What constitutes a reasonable investigation depends in part upon the time – threat to child continuum as well as the nature of the allegations. In other contexts, California courts have defined "reasonable cause" as the "state of facts as would lead [an individual] of ordinary care and prudence to believe and conscientiously entertain and honest and strong suspicion" that the specific factual circumstances exist. (See, e.g., People v. Fein (1971) 4 Cal. 3d 747, 752.) In an unpublished 2005 case, a California appellate court found that officers had reasonable cause to take a minor into temporary custody when they discovered her in a motel room occupied by an unrelated adult gang member.

⁶ Consistent with the intent of the law, as amended by SB 1322, temporary custody under this provision should be utilized as a tool to protect CSEC and not as a punitive measure.

⁷ Section 305(c) applies to CSEC who are AWOL from Court ordered placement. An officer may also take a CSEC into temporary custody pursuant to previously existing law if the officer has reasonable cause to believe that the child violated a court order such as leaving a court-ordered placement.

Law Enforcement Placed 601/602 Temporary Probation Hold

An officer may take a child into temporary custody without a warrant for the following reasons, pursuant to Welfare and Institutions Code Section 600 et seq.:

- The officer has reasonable cause to believe the minor is a person described in Section 601 or 602 of the Welfare and Institutions Code. This includes minors who are habitually truant, disobedient, or violate curfew, and those who have committed a crime;
- The minor is a ward of the court and has violated an order of the juvenile court or left any placement ordered by the court; or
- The minor is found in any street or public place suffering from any sickness or injury that requires treatment.

An officer may also take a child into protective custody if:

- It reasonably appears to the officer that a person (e.g. a trafficker) is likely to conceal the child, flee the jurisdiction with the child, or, by flight or concealment, evade the authority of the court;
- There is no lawful custodian available to take custody of the child;
- There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child; or
- The child is an abducted child.

In exercising his or her discretion regarding whether to take a minor into temporary or protective custody, the officer should consider the minor's age; need for immediate medical care; prior or current child welfare involvement; and risk of exposure to further abuse or exploitation. A CSEC in custody can be searched by law enforcement, and evidence of sexual exploitation or other abuse can be collected (e.g., a cell phone a trafficker may use to communicate with the CSEC).



3(a).

MEMORANDUM OF UNDERSTANDING Alameda CSEC Program: First Responder Protocol (excerpt)

Memorandum of Understanding for Alameda County Commercially Sexually Exploited Program, Section: III First Responder Protocol (signed 9.23.15, updated October 2017) *(Excerpted from the enforced MOU agreed to by the Juvenile Court of Alameda County, Department of Children and Family Services, Alameda County Probation Department, Alameda County Behavioral Health, Alameda County Public Health, Alameda County Public Defender, Alameda County District Attorney's Office, Law Enforcement Agencies represented by Alameda County Sheriff's Office, Oakland and Hayward Police Departments, East Bay Children's Law Offices, Bay Area Women Against Rape, Casey Family Programs, MISSSEY, Highland Hospital, UCSF Benioff Children's Hospital Oakland, and Roots Adolescent Community Health Clinic.*

Every Law Enforcement Agency in Alameda County is encouraged to secure a copy of the complete CSEC Memorandum of Understanding from the Alameda County Department of Children Family Services.

First Responder Protocol

The purpose of the First Responder Protocol is to immediately engage and stabilize the child and develop a safety plan that meets his/her needs in a coordinated manner, including:

- a. Responding to the child's location within two hours,

3. Memorandum of Understanding Alameda County CSEC Program & DCFS Assessment Center

- b. Providing individual case-by-case collaboration with multiple child-serving agencies as needed,
- c. Engaging with youth and family/caregiver(s), if appropriate,
- d. Ensuring basic needs are met, such as food, shelter, and clothing,
- e. Assessing and addressing immediate medical needs,
- f. Advising on appropriate placement, and
- g. Transporting the child to designated placement.

In addition to routine screening of youth age 10 years and older using the Commercial Sexual Exploitation Identification Tool (CSE-IT), which was created by WestCoast Children’s Clinic, CSEC may be identified through contact with law enforcement and other mandated reporters. The parties to this MOU agree that children, who are suspected as being or identified as victims of sexual exploitation and where an imminent risk to safety is present, require an immediate crisis response. This response includes initial engagement within two hours, a child abuse investigation, and intensive services to stabilize them. Stabilization services may take place at the Department of Children Family Services Assessment Center, the Alameda County Juvenile Justice Center, and the Willow Rock Adolescent Psychiatry Center. For non-CSEC related criminal charges, law enforcement has discretion to admit youth to the Juvenile Justice Center, or when youth are experiencing acute mental health crises, law enforcement may admit youth to the Willow Rock Adolescent Psychiatry Center. Youth admitted to these centers will encounter staff that will be screening for exploitation using the CSE-IT.

A. LAW ENFORCEMENT

All law enforcement agencies in Alameda County may identify youth suspected or known to be commercially sexually exploited in a variety of circumstances, including while on patrol, conducting planned operations, or in the course of making an arrest because of a non-CSEC related crime.

As mandated reporters, law enforcement must report suspected child abuse, including commercial sexual exploitation, to the Department of Children and Family Services Child Abuse Hotline (Welfare & Institutions Code § 300(b)(2)) and the Department of Children and Family Services must cross report to Law Enforcement. **Law enforcement should call the Child Abuse Hotline (510) 259-1800**, prior to transporting the youth to any designated location including the Assessment Center. If law enforcement encounters problems with responsiveness from Child Abuse Hotline Operators, Program Managers may be contacted at 510-780-8619 during evening shifts and at 510-780-8604 during work day shifts. For concerns related to DCFS Emergency Response Unit, the Program Manager may be reached at 510-670-9764.

Roles and Responsibilities:

1. Assign personnel who have been trained to recognize the signs and symptoms of commercial sexual exploitation to engage any suspected CSEC using best practice approaches.
2. Conduct an initial investigation in accordance with internal department protocols.

3. Give notice to the investigating officer, pursuant to department protocols.
4. Assess the urgency of the child's medical needs. If there is evidence of a sexual assault or need for immediate medical attention, follow applicable department protocols (Penal Code Section 13823.5). The law enforcement agency that interacts with the youth is responsible for transporting the child to the Sexual Assault Response (SAR) site and requesting a forensic exam.

The SAR site for children 13 years of age and under is UCSF Benioff Children's Hospital Oakland (CHO) located at 747 52nd Street, Oakland, California, and the SAR site for children age 14 and older is Alameda Health System's Highland Hospital located at 1411 East 31st Street, Oakland, California.

5. Follow policies for temporary involuntary commitment under the Lanterman-Petris-Short Act if, at any point, the child presents as a danger to self or others (Welfare & Institutions Code Section §§ 5150 et seq.), including arranging or facilitating transporting of youth to the Willow Rock Adolescent Psychiatry Center at 2050 Fairmont Drive, San Leandro, California.
6. Follow department protocol to ascertain the child's real age, if the child reports to being 18 years and older, and there is any indication that the child is a minor.
7. Use the following guidelines, if the investigation uncovers potential crimes or offenses committed by the child:
 - a. For misdemeanors: After engaging the child, law enforcement will use discretion to decide whether to detain.
 - b. For felonies: If the child is taken into custody for the personal use of a firearm in the commission or attempted commission of a felony or any offense listed in Welfare and Institutions Code Section 707(b), then Law Enforcement must detain the child. In other circumstances, Law Enforcement will use discretion to decide whether to detain.
8. Complete an advisement of the child's constitutional rights, including the right to stay silent, if the officer takes the child into temporary custody because the officer has reasonable cause to believe the child falls under Welfare and Institutions Code Section 602, or that the child has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court.
9. Report suspected abuse or neglect, including sexual exploitation, to the Department of Children Family Services (DCFS) Child Abuse Hotline at (510) 259-1800 before transport.
 - a. Use specified triggering language by saying "CSEC in custody," and identify the reporting law enforcement agency.
 - b. Request the child's jurisdictional status from the Child Abuse Hotline (child welfare, probation, or unknown - see DCFS responsibilities below).

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- c. Participate in an Immediate/Consult MDT (in person or by phone) with DCFS and/or Probation to determine whether the youth will be transported to the Assessment Center or Juvenile Justice Center (JJC) or Willow Rock Adolescent Psychiatry Center. Facilitate transport to Willow Rock, if applicable.
10. Transport the child to the designated location (convening site) based on determination of Immediate/Consult DCFS's MDT or decision to detain youth.
 - a. Transport to Assessment Center if the child: i) has no prior system involvement, ii) is a dependent, iii) meets criteria for imminent risk of harm, or iv) has a Welfare and Institutions Code Sections 654.2 or 725(a) status and there are no additional criminal violations and has no open or pending delinquency petitions.
 - b. Transport to the JJC, if:
 - i. The child has a Welfare and Institutions Code Sections 602 or 725(b) status, a pending juvenile justice petition or active 602 warrant.
 - ii. Following internal protocols, take the child into temporary custody if:
 - c. There is an active 602 warrant from another county or state. The child has a Welfare and Institutions Code Sections 602 or 725(b) status, a pending juvenile justice petition or active 602 warrant.
 11. Follow internal protocols, take the child into temporary custody if:
 - a. The child is missing from another jurisdiction and there is a missing child report on file with the National Crime Information Center (NCIC); or
 - b. There is an active warrant from another county or state.
 12. After consulting with the Child Abuse Hotline, if appropriate, contact the child's parent, guardian or caregiver to notify them that the child was found. Notify parent of the designated location, if it is safe to do so (Welfare & Institutions Code Section § 3074(a)).
 13. Provide the information of the designated location where the child will be within one-hour of the call.
 14. Complete and file Penal Code Section 11166 Suspected Child Abuse Report (SCAR).
 15. **Contact a victim advocate if not already done by DCFS or Probation.** For local sexual assault 24 hour crises responders trained in CSEC contact: Tri-Valley Haven: 1-800-884-8119 (Dublin, Pleasanton, Livermore) and BAWAR a.k.a. Bay Area Women Against Rape (510) 845-7273 (Hayward, Oakland, Fremont, Emeryville, Berkeley, etc.). In Oakland, DreamCatcher's CSEC Case Management Team is also available to assist law enforcement with a highly traumatized victim. DreamCatcher can be reached at (510) 701-3711.
 16. Transport the child to the designated location as determined from call with Child Abuse Hotline.

17. If DCFS has not contacted the Probation Department, please consult with the Probation Department at 510-268-7200 to see if the child is on probation pursuant to Welfare and Institutions Code Section 602 or 725 prior to transporting the youth to the JJC.
18. Interface with the DCFS worker or the Probation Department staff at the designated location and formally release the child to their custody.

B. DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS)

DCFS will designate program managers to support and resolve issues with the implementation of the First Responder Protocol. DCFS will assign personnel who have been trained to recognize the signs and symptoms of commercial sexual exploitation in order to engage any suspected CSEC using best practice approaches.

ALAMEDA COUNTY CHILD ABUSE HOTLINE:

Roles and Responsibilities:

1. **CHILD PROTECTIVE SERVICES EMERGENCY RESPONSE UNIT (“ERU”) AND DEPENDENCY INVESTIGATIONS UNIT (“DI”) are expected to:**
 - a. Receive calls regarding suspected abuse and neglect and follow internal protocols, including fulfilling their role as a mandatory reporter and contacting law enforcement to file a report of a crime including the commercial sexual exploitation of a child.
 - b. Upon receipt of a hotline call about a CSEC, the hotline worker will initiate a response by taking the following steps:
 - i. Obtain demographic information and allegation information.
 - ii. Initiate immediate referral.
 - iii. Flag as “Commercially Sexually Exploited Child-CSEC” using Special Projects Code when triggering language (“CSEC in custody”) is used by the caller.
 - iv. Utilize Child Welfare Services/Child Management Information (CWS/CMS) to determine if the child has an open or prior case with DCFS.
 - v. Notify primary Child Welfare Worker (CWW) if the case is open to DCFS.
 - vi. When the child does not have an open DCFS case, call Probation to determine whether the child has an open delinquency case or is involved with Probation.
 - vii. Indicate to law enforcement the designation location to transport child.
 - c. If the child is under DCFS jurisdiction, or the child is unknown to both DCFS and Probation:
 - i. Notify the DCFS Child Welfare Supervisor for assignment and request a CWW’s presence at the designated location within two (2) hours after having been assigned the case.

- ii. Send an email notification to the CWW, including the primary CWW for the child that is known to DCFS.
- iii. Notify the DCFS CSEC Coordinator.
- iv. Notify Child's Dependency Attorney (if there is an open dependency case).
- d. If the child is under Probation, and/or law enforcement is considering detaining the youth for non-CSEC related offenses:
 - i. The Child Abuse Hotline Supervisor will conference call the appropriate staff from Probation and the reporting law enforcement officer to determine which designated location the child should be taken to (Assessment Center or Juvenile Justice Center).
 - ii. If the reporting law enforcement officer indicates the child will be detained and taken to the JJC, the Child Abuse Hotline Supervisor will open the referral, flag as CSEC, and indicate an open Probation investigation. This action will flag DCFS and Probation's compliance with their internal Cross-Over Youth Protocols.

2. CHILD PROTECTIVE SERVICES EMERGENCY RESPONSE UNIT ("ERU") AND DEPENDENCY INVESTIGATIONS UNIT ("DI") are expected to:

- a. Serve as the investigatory body whenever a CSEC case is referred to the DCFS Child Abuse Hotline and the child is currently under DCFS jurisdiction, or the child is unknown to both DCFS and Probation; or the child is active to Probation but has not committed a new offense.
- b. Respond to the designated location within two (2) hours of having been assigned the case as a result of call to the Child Abuse Hotline about a CSEC case.
- c. Initiate the required DCFS assessment for a child abuse investigation per DCFS protocols. If the child must be interviewed, it should be done separately from the parent or guardian. Allow a victim advocate to be present during the interview with the child, unless the child declines.
 - i. Follow standard DCFS protocols, including protocols established for Cross Over Youth (i.e. youth that have dual status in the Dependency and Juvenile Justice System).
 - ii. If a decision is made to temporarily remove the child from parental custody, the worker will determine whether to obtain a warrant, schedule the Child Family Team meeting, and then refer the matter to the DI Unit for preparation and filing of a dependency petition.
 - iii. Ascertain whether it is appropriate to provide voluntary services to the child and his or her parent or guardian in the home. If a decision is made to offer voluntary services, obtain consent from the child and parent or guardian, identify needs, and initiate process.
 - iv. If the child is a dependent of the juvenile court at the time of removal, and an investigation is not indicated, the child's primary CWW will be notified for case management follow up.

- v. As per existing DCFS protocol, the child's parents may sign a voluntary release of custody.
- d. If the child is being temporarily removed from the custody of a parent or guardian by DCFS, the ERU CWW will transport the child for a SAR examination or medical clearance prior to transporting the child to the Assessment Center (or alternative designated location). For medical clearance, ERU CWW will take the child to the Teen and Adolescent Clinic of UCSF Benioff Children's Hospital of Oakland (phone: (510) 428-3000, which is open Monday through Friday, 8 am – 4 pm (5400 Telegraph Avenue, Oakland), or to the Emergency Room or Urgent Care of the UCSF Benioff Children's Hospital of Oakland (747 52nd Street, Oakland,) when the Teen Clinic is closed. The Center for Child Protection at UCSF Benioff Children's Hospital of Oakland ((510) 428-3742) will be involved in these cases. To satisfy medical clearance requirements and if the child is exhibiting medical attention outside of a SAR examination, follow standard DCFS Protocol.
- e. Follow existing policies for a mental health assessment which may include a temporary involuntary commitment under the Lanterman-Petris-Short Act if, at any point, the child presents as a danger to self or others (Welfare & Institutions Code Section §§ 5150 et seq.).
- f. A warrant is required unless exigency is established and removal without a warrant is authorized by a DCFS Program Manager. Standard DCFS practice will be applied for exigency determination. Obtaining a warrant and exigency determination do not apply if the child is removed by law enforcement.
- g. If the child is removed by law enforcement and DCFS is contacted, DCFS will respond to the designated location within two hours of having the case assigned to a CWW. If law enforcement designates the child a "300" and brings the child to the Assessment Center, standard DCFS protocol will be followed.
- h. Arrange for the child's transportation for medical clearance and/or to the Assessment Center (or alternative) once the law enforcement officer indicates that the child can be moved from the designated location. If the ERU/DI cannot find someone to transport the child to be medically cleared before the child is transmitted to the Assessment Center, the reporting law enforcement officer may be asked to transmit the child to be medically cleared.
- i. Schedule an interview of the child at CALICO (Child Abuse Listening, Interviewing and Coordination Center) at 524 Estudillo Ave, San Leandro, CA 94577, Monday through Friday, 8:30 am – 4:30 pm. CALICO may be reached at (510) 895-0702. Communicate and coordinate with law enforcement when the interview is scheduled to mitigate multiple interviews of the child.
- j. Follow existing protocol for referral to the Alameda County District Attorney's Office for the California Victim Compensation Program.
- k. Convene the Immediate/Consult Multidisciplinary Decision Team Meeting known as the Children Family Team Meeting as prescribed by California State Law and contained in the

DCFS Standard Protocol and ensure that the relevant parties are participating to determine the best next steps and placement options for the child, if needed.

- l. Follow Standard DCFS protocol during after-hours operations. After-hours operations will mirror regular shift operations as it relates to CSEC youth child abuse reports and investigations. Emergency Standby/Call Back (after hours: 10:00 p.m. - 7:00 a.m. and weekends and holidays) calls are answered by Eden Information and Referral (I & R) and referred to the Standby/Call Back worker on duty. Standby/Call Back workers screen referrals and perform field investigations when needed. When a CSEC call is received, CWW will immediately notify CWS on call to respond to the designated location within two hours of when the call was received.

C. PROBATION DEPARTMENT

Probation has a designated Division Director to lead and support the Department's implementation of the First Responder Protocol. Telephone number for the Division Director is 510-268-7200.

Probation is expected to:

- a. Complete a CSEC assessment utilizing the CSE-IT or CSEC Identification Tool.
- b. Interface with the Child Abuse Hotline (510-259-1800) to provide probation status and other relevant information.
- c. Participate in immediate/Consult MDT with law enforcement officer and the Hotline to determine immediate response for youth active to Probation or newly detained (See Section IV of the Complete CSEC MOU: Immediate MDT).
- d. Institutional Supervisors and Division Directors will make a decision regarding detention at the Juvenile Hall based on the CSEC assessment result and Probation Department policy.
- e. Immediately contact a victim advocate upon being contacted by the Child Abuse Hotline, if the arresting agency has not done so. Note victim advocate's name on book-in paperwork if information is available.
- f. Notify parent, guardian, or caregiver of the child's location, if the law enforcement officer was unable to reach them and it is safe to do so.
- g. Arrange for the child to be evaluated by the medical clinic per Juvenile Hall guidelines.
- h. Follow policies for temporary involuntary commitment under the Lanterman-Petris-Sort Act if, at any point, the child presents as a danger to self or others (Welfare & Institutions Code Section §§ 5150 et seq.).
- i. For youth active to Probation or with an open delinquency petition, Probation will refer the case to SafetyNet, which serves as a case review team. Safety Net may be reached at 510-667-4370.

D. UCSF BENIOFF CHILDREN’S HOSPITAL OAKLAND (CHO) AND HIGHLAND HOSPITAL

Roles and Responsibilities:

1. With appropriate legal consent or authority, and to the extent it is legally permissible to do so, CHO will complete a medical evaluation of the child within forty-eight (48) hours, and Highland Hospital will complete a medical evaluation of the youth or young adult within ninety-six (96) hours that will include:
 - a. A comprehensive medical exam to screen for and treat urgent medical needs, to screen for non-urgent medical needs, and to evaluate the child’s overall well-being and mental health.
 - b. Testing and treatment for sexually transmitted infections (chlamydia, gonorrhea, trichomonas’s, syphilis, hepatitis and HIV). Emergency contraception if genital-genital contact has taken place within 120 hours.
 - c. HIV post-exposure prophylaxis treatment if within 72 hours of genital or oral sexual contact.
 - d. Reproductive health services, including contraception, pregnancy testing, or pregnancy related services.
 - e. Referral for appropriate outside medical services (reproductive health, specialty care).
 - f. Referral for mental health and if appropriate CSEC specific case management services.
 - g. Follow up appointment for ongoing primary care and reproductive care services may be routed to UCSF Benioff Children’s Hospital Teen Clinic (510) 428-3000. Health care services are also available on Monday and Wednesday from 1:00 to 5:00 pm at The Roots DreamCatcher Adolescent Clinic located at 583 5th Street, Oakland. At Highland Hospital for ongoing primary care and reproductive care services, follow-up appointments may be routed to the Women’s Clinic at (510) 437-4800.
2. If there is a request for a forensic exam due to evidence of sexual assault, and the child is 13 years and younger, UCSF Benioff Children’s Hospital of Oakland will conduct the exam. However, the Sexual Assault Response site for children 14 years and older is Highland Hospital in Oakland they will conduct the forensic exam. Law enforcement must be called to request a phone authorization and to respond to the hospital to receive evidence and take victim’s statements, etc. The hospital will contact the local law enforcement intake line.
3. All other children will be seen for medical clearance at:
 - a. One of the UCSF Benioff Children’s Hospital Oakland Teen Clinics (call the hospital operator at (510) 428-3000 and ask for the adolescent medicine doctor on-call M-F 8:00 am to 4:00 pm); or

3. Memorandum of Understanding Alameda County CSEC Program & DCFS Assessment Center

- b. The UCSF Benioff Children's Hospital Oakland Emergency Department (call the Emergency Department at 510-428-3240, nights and weekends).
- c. At Highland Hospital, the Emergency Department is available 24 hours/7 days a week. The Hotline number is (510) 534-9390, and general Emergency Department number is (510) 437-4559.

E. VICTIM ADVOCATE COMMUNITY BASED ORGANIZATIONS SERVING CSEC

Please contact Bay Area Women Against Rape (BAWAR) at (510) 845-7273 for youth under 18 years old, if a victim advocate is not dispatched from the Child Abuse Hotline. BAWAR's role is to initially stabilize the victim and provide hand-off/referrals to intermediate and long-term case managers and victim advocates that may be under contract to the Department of Children Family Services or to other reputable service providers. For adult age returns, please contact Progressive Transitions at (510) 917-0666.

The Department of Children Family Services have contractual partnerships with other CSEC victim advocate community based organizations such as MISSSEY (Motivating Inspiring Supporting and Serving Sexually Exploited Youth) and a CSEC specialized mental health provider, WestCoast Children's Clinic, to provide services once children have been admitted to the DCFS Assessment Center. The Probation Department also engages victim advocate community based organizations to support youth entering their custody when the on-site services of guidance counseling are not available.

According to the CSEC MOU, the general roles and responsibilities of victim advocate community-based organizations serving CSEC are as follows: The following roles and responsibilities identified in # 1,4,7,8, may be performed by Bay Area Women Against Rape (BAWAR), if law enforcement calls:

Roles and Responsibilities:

1. Answer calls 24 hours a day, 7 days a week and will respond to law enforcement.
2. Respond to specified location within two (2) hours of receiving the notification call from DCFS or Probation.
3. Engage the child using best practice approaches, including:
 - a. Explaining to the child what will happen during the intake process (TDM meeting, medical assessment, etc.).
 - b. Providing the child with child-friendly information/materials about confidentiality during the Child Family Team meeting. Explain to the child that information shared outside of the Child Family Team meeting can be used against the child if he or she is involved in a delinquency or dependency case.
4. Ensure the child's basic needs are met by providing the child with a basic needs kit which includes a change of clothes.
5. Participate in a Child Family Team meeting arranged by DCFS.

6. Accompany the child to the medical appointment, if requested by the youth.
7. Provide advocacy services, including case management, crisis stabilization, etc.
8. Determine whether ongoing case management is necessary and, if so, make appropriate referral.
9. Contact law enforcement if, at any point, the child presents as a danger to self or others (Welfare & Institutions Code Section §§ 5150 et seq.).

F. ALAMEDA COUNTY DISTRICT ATTORNEY VICTIM WITNESS ASSISTANCE PROGRAM:

Roles and Responsibilities:

http://www.alcoda.org/victim_witness/contact_information Main Office: (510) 272-6180, Hours of Operation: Monday through Friday, 8:30 am to 12:00 pm and 1:00 pm to 4:30 pm

1. The Alameda County District Attorney Victim Witness Assistance Program (DA Witness Assistance Program) has two full-time advocates (Witness Assistance Advocates) who may assist victims of human trafficking, including but not limited to, the filing of claims, relocation and or courtroom assistance if the exploiter is being charged in a criminal action.
2. Witness Assistance Advocates will work with DCFS if a youth has been identified as a victim of human trafficking for the purposes of filing an application for the California Victim Compensation Program (CalCVCP).
3. The DA Witness Assistance Program will assign an advocate to work with the youth to provide assistance with the application process, referrals for resources (counseling) in conjunction with DCFS staff and assist with and provide support through the criminal court process if criminal charges are filed.

The next section provides the most current procedures for the Assessment Center, adopted by the Department of Children and Family Services and WestCoast Children's Community Clinic, the manager of the program's Children's Milieu. If the Child Abuse Hotline staff directs law enforcement to transport youth to the center, then the following procedures must be followed. Stand-alone copies of these procedures may be obtained from the Department of Children Family Services.



3(b).

DCFS ASSESSMENT CENTER Law Enforcement Procedures

Alameda County Social Services Agency's Department of Children and Family Services Children's Assessment Center Policies and Procedures for Local Law Enforcement

What is the Alameda County Social Services Child and Family Assessment Center?

The Assessment Center (AC) is a confidential, unlocked receiving center for children, youth and Non Minor Dependents (NMD) entering foster care or changing placements within the county's foster care system. It is an Alameda County Social Services Agency, Department of Children and Family Services (County) facility, and the county contracts with WestCoast Children's Clinic (WCCC) to manage the day to day operations of the AC and care for the children, youth and NMDs that frequent the AC. The AC serves youth ranging in age from birth to 21 years old. NMDs are previous foster youth that have reached the age of 18 and have chosen to remain in foster care until 21 years of age through Extended Foster Care (EFC) also known as AB12. The AC serves between 80 and 150 youth per month. Youth are offered a therapeutic milieu environment, which is created by providing youth with a safe and nurturing setting while a new home is found for them during their stay in foster care. Youth stays at the AC are temporary as it is not a group home nor is it a placement. The goal and expectation for youth that come to the AC is that they are placed in a new home within 23 hours of their arrival. However, due to challenges in finding appropriate

homes for our youth, some youth stay at the AC for longer periods of time. Placement staff is located in the building on the opposite side of the children's side of the AC.

The therapeutic milieu involves caring for youth by addressing and meeting their physical and mental health needs. Staff at the AC provides youth with daily meals, snacks, activities, support and a safe place to sleep. Youth are able to shower daily and have their daily hygiene needs attended to. Youth are given fresh changes of clothes during their stay as well. The medical needs of our youth are addressed by completing a health screen and a Public Health nurse is on site to address any medical needs or medication related concerns. There are clinicians on site as well that address youth's emotional and mental health needs while at the AC and assist them with transitioning to their new placement. The AC also has advocates available that specialize in addressing lesbian, gay, bisexual, transgender, questioning (LGBTQIA) needs and sexual exploitation intervention.

If law enforcement encounters concerns or challenges related to adhering to the following procedures, please contact the program manager at 510-780-8947.

What to Expect When Law Enforcement Arrives at the AC

- Law enforcement is requested to call the Child Abuse Hotline at 510-259-1800 prior to arriving with a youth at the AC and is requested to check in with security and sign in.
- Staff that is easily identifiable with identification badges will greet law enforcement in the atrium.
- Staff will request law enforcement to join a quick debrief meeting if dropping off a youth. If law enforcement has been summoned to the AC because of a disruption caused by a youth, staff will meet with law enforcement to provide information as to why their assistance is requested before law enforcement meets with the youth. AC staff will do its best to move through this process quickly and law enforcement's cooperation helps the process happen smoothly.
- Medical clearances of youth that law enforcement transports to the AC may be requested by WCCC or county staff. If law enforcement is unable to wait until the medical clearances are provided county staff will dispatch a child welfare worker to meet law enforcement and the youth at the local hospital and transport the child to the AC. Examples may include a youth who has an obvious injury that has not been treated, or a youth who has diabetes and is without a plan and/or medication, or a youth who appears to be under the influence, or a youth who presents with symptoms of a communicable disease.

Intake Process at the AC:

When a youth arrives at the AC, a debrief meeting is completed with the party (this includes law enforcement) who is bringing the youth into care. The debrief meeting consists of questions around the circumstances leading to the youth's removal from his/her caretaker, what the youth's physical and emotional presentation has been, the youth's medical needs and history, previous hospitalizations, safety concerns and any other pertinent information that may assist staff in supporting the youth during his/her stay at the AC.

Minor-Age Children:

Youth are escorted into the children's side of the AC and will be given information about what will happen while they are at the AC, including rules and expectations for youth stays at the AC. Youth's belongings are inventoried and stored for them and they have limited access to their belongings. Youth will have a medical screening completed by WCCC staff or the Public Health nurse. Clinicians, specialized advocates and other mental health professionals will orient the youth to the AC, assess their immediate needs and answer any questions they may have. Emergency response child welfare workers and placement child welfare workers will engage with the youth around their current situation and efforts to find an appropriate home for them while they are in foster care.

Non-Minor Dependents (NMDs):

Before entering the AC, NMDs will be asked to sign the "Young Adult Agreement/Consent to Services Agreement" which advises them of department expectations during their stay at the AC and consents to the release of medical, dental, mental health, education and financial information to the County and WCCC. Staff will also review the "Assessment Center Drug and Alcohol Policy," "Assessment Center Mutual Respect Policy" and "Assessment Center Non Smoking Policy." NMDs who refuse to sign the agreement portion of the "Young Adult Agreement/Consent to Services Agreement" will not be allowed to enter the AC and will be asked to leave. If NMDs are uncooperative with this request, the local police jurisdiction may be summoned to assist, if necessary.

The Rules and Expectations for Youth at the AC:

- Youth are expected to follow all rules during their stay at the AC.
- Youth/NMDS are not allowed to smoke and use drugs/alcohol while at the AC.
- Youth are not allowed to have visitors while at the AC. Parents, caregivers or relatives are not to be given the address to the AC nor are they to come to the AC unless given permission by county staff.
- Youth are not allowed to have weapons.
- Youth are not allowed "in and out" privileges while at the AC. There may be exceptions for NMDs who are employed.
- Youth are not to exhibit any acts of aggression towards staff or peers including verbal threats, physical posturing, and physical assaults.
- Youth are not to destroy property in or around the AC.
- Youth are only allowed to make telephone calls from their approved list and all youth cell phones must be turned over to staff while at the AC.

Responses to Youth AWOL Behaviors

A youth leaving the AC without permission is considered an AWOL and a “Missing Person’s Report” will be filed if the child cannot be seen from installed exterior cameras and youth are beyond the eyesight of staff. If there is a suspicion that a youth has contraband (i.e., cell phone, cigarettes, drugs/alcohol, weapons) on his/her person when returning from AWOL, staff will attempt to gather the contraband. If a youth is uncooperative, the youth will remain in the atrium with staff supervision and not be allowed in the children’s side of the AC. This is to address the safety concerns to the other youth and staff until the issue is resolved. If a youth returns to the AC and appears to be under the influence of drugs or alcohol, a medical clearance will be considered. WCCC staff will shadow youth outside while on AC property and attempt to encourage them to come inside. Should a youth leave the property of the AC and is beyond the eyesight of the staff, staff will file with law enforcement a Missing Person’s Report on that youth.

The Atrium May be Used in the Following Instances:

- When transitioning youth, including NMDs into the children’s side of the AC
- When a youth or NMD is disruptive or escalating in the children’s side of the AC and need to be separated from the other youth to “cool down” with staff support
- When it is suspected that a youth or NMD has contraband and refuses to give it to staff

Before Calling the Local Police Jurisdiction (Hayward Police Department) or requesting the assistance of on-site Alameda County Sheriff Personnel, the following has occurred:

Staff employs many de-escalation strategies prior to calling the police, including:

- Providing clear and direct expectations and engaging youth
- Separating youth from the children’s side of the AC and allowing them to take space in the atrium or outside the building to provide a “cool down” period
- Utilizing other team members, advocates and clinicians to engage and de-escalate youth when they are displaying dangerous, escalating or threatening behaviors
- Consulting with county and WCCC supervisors and managers to create a plan of action

Collaboration with Local Police Jurisdictions:

When responding to a crisis at the AC, law enforcement should expect staff to first discuss the reason law enforcement was summoned. This conversation should occur prior to law enforcement having a discussion with the youth. Youth often present differently with police than with staff, and staff would like the opportunity to provide historical information about the youth’s behavior prior to law enforcement’s arrival. Please request to speak to the staff member who called if no one has approached law enforcement upon arrival unless there is a need for law enforcement to respond to an immediate safety risk. If law enforcement has concerns or issues as they relate to their interaction with the Alameda County DCFS Assessment Center, the program manager may be contacted at 510-780-8947.



4.

911/DISPATCHER RESPONSE

All California 911 and local law enforcement dispatchers in Alameda County are expected to have been trained in the definitions of the three types human trafficking: commercial sexual exploitation of children, labor trafficking and sex trafficking, as well as the red flags and indicators of each type.

Dispatchers are expected to be fluent in the procedures found in the **National Emergency Number Association Protocol for Handling Calls Regarding Human Trafficking Operations Information Document, NENA 56-508 Version, September 22, 2009**. Herein are key procedures for dispatchers or call-takers to follow:

1. During the initial call for assistance, the 911 call-taker should make every effort to help the human trafficking victim feel safe and supported. Victims may be distrustful of law enforcement. They are reluctant to disclose information because they are often afraid or unaware of their own victimization. 911 call-takers can begin to build trust from the very first contact. The 911 call-taker can convey safety and security to the victim through tone of voice, communication in the victim's primary language, the manner in which questions are asked, and the manner in which the victim's answers and statements are received.
2. The 911 call-taker or dispatcher should not inquire as to the victim's desire to prosecute or "press charges." It is inappropriate to place the responsibility of law enforcement action on the victim.

3. Human trafficking may be present in a variety of calls for service, including but not limited to: assault, battery, child abuse, citizen complaints, criminal threats, dissuading a witness, domestic violence, false imprisonment, gang activity, kidnapping, missing persons, narcotics, pandering, pimping, prostitution, robbery, sexual assault, and traffic stops, among others. Always consider that human trafficking may be occurring, even if not immediately apparent.

Distinguish, if possible, the form of trafficking alleged. For example, only labor trafficking might be alleged, or both labor and sex trafficking might be suspected or named. Please name the incident in call logs, according to the kind of human trafficking alleged or suspected by the call-taker.

4. The safety of victims, whether the threat of violence is immediate or remote, should be the primary concern of 911 call-takers. The 911-call taker should advise the victim to ensure his/her safety. For example, suggest that a victim wait for police officers at a neighbor's house or remain on the line until help arrives. The dispatcher should give the victim the choice to choose the time and location that maximizes his/her safety.
5. The dispatcher who receives a human trafficking call should dispatch officers from the local enforcement agency to every reported incident or, if the incident occurred in an outside jurisdiction, refer the call to the appropriate law enforcement agency. The dispatcher should give a human trafficking incident call the same priority as any other life-threatening call as warranted. Human trafficking move victims quickly and frequently to avoid detection. Law enforcement must move with all deliberate speed. Therefore, identifying the form of human trafficking to outside agencies will enable follow-up radio traffic by law enforcement to use consistent language and vocabulary when activating specific services to respond to the incident of human trafficking, including the commercial sexual exploitation of children.



5.

PATROL OFFICER RESPONSE

(The Inspectors of the Human Exploitation Anti-Trafficking Unit of the Alameda County District Attorney Office at 510-272-6282 are available to answer any questions regarding the following protocols.)

Per Cal. Penal Code 236.2, a peace officer shall use due diligence to identify all victims of human trafficking, regardless of citizenship, whenever he or she comes into contact with a person who is or has been:

- Deprived of his or her personal liberty;
- A person suspected of violating PC 647(a) or (b);
- A victim of domestic violence or sexual assault; and
- A minor who has engaged in a commercial sex act.

The initial officer assigned to the report of a trafficked victim should consistently:

1. **Respond promptly to the scene of the report.** Even if the assigned officer has been provided with initial information such as the victim's description and other facts about the incident, it would be inappropriate to delay response to conduct a random search by doing things such as circling through parks, checking playgrounds, or stopping suspicious individuals. Unless in immediate response to the victim's safety, these activities can be handled by other patrol units.
2. **Interview the victim or person who made the initial report.** The purpose of this interview is to gain an insight into the circumstances surrounding the information needed to conduct an initial assessment of the case.

- a. Protocols for Successful Interview
 - i. Do not begin your interview with documentation or legal status questions as this may frighten or confuse the victim and interfere with building trust.
 - ii. Officers arriving at a trafficking scene should conduct a thorough investigation and submit reports of all incidents of trafficking and all crimes related to it. If the incident occurred in another jurisdiction, the officer should contact that jurisdiction to determine which local or federal agency will investigate the incident.
 - iii. Do not ask “Are you a slave?” or “Are you a trafficking victim?” These questions undermine your ability to build trust and get the victim’s full story.
 - iv. Allow victims to describe what happened to their counterparts before focusing on the victims’ own suffering. It is often easier for them to talk about what happened to other people initially.
 - v. Provide victims the opportunity to tell their story.
 - vi. Explain your role.
 - vii. Give the victim reasons to work with you.
- b. For the officer assigned to recover or return a previously unidentified human trafficking victim that is reported as missing, please make arrangements to have victim support services immediately available and follow the following steps:
 - i. Verify that the located victim is the reported missing victim;
 - ii. If needed, allow for counseling, medical attention, etc., to proceed;
 - iii. Place the victim in custody and transport him/her to the law enforcement agency – human trafficking task force, FBI, etc.; and
 - iv. Complete the appropriate supplemental reports and cancel all outstanding notifications including the National Crime Information Center Missing Person File entry and other notifications regarding the case and other requisite supplemental reports.

3. **Consider and document if the following indicators of human trafficking are present:**

- Signs of trauma, fatigue, injury, malnutrition, abuse, intimidation, isolation, or other evidence of poor care;
- The person is withdrawn, afraid to talk, or his or her communication is censored by another person;
- The person does not have freedom of movement (e.g. the person lives and works in the same place or is bussed to his/her place of work with all their fellow employees);

5. Patrol Officer Response

- The person owes a debt to his or her employer;
 - Security measures are used to control who has contact with the person;
 - The person does not have control over his or her own government-issued identification or over his or her worker immigration documents;
 - The person does not speak English (this is not a profiled feature);
 - The person is paid for their work in cash (this is not a profiled feature);
 - The person avoids eye contact with law enforcement or is otherwise submissive;
 - The person possesses a combination of items associated with sex trafficking, including large sums of cash on hand, multiple cell phones, suspicious tattoos, a rental car, motel/hotel key card, pre-paid cards, luggage, condoms, an older “boyfriend,” etc.; and
 - The person’s workplace does not have a time clock, ledger, posted schedule, or fair labor signs in sight or has cameras in uncommon places.
4. **Allay fears and build rapport:** Victims are commonly fearful of law enforcement due to the tactics used by trafficking including threats of being arrested and/or being deported. Because of victims’ trauma from being trafficked, they may be unwilling to divulge facts against their trafficking/facilitators. In some instances, children who are commercially sexually exploited and/or labor trafficked may not even see themselves as victims of a crime. These youth may have already experienced early forms of neglect and abuse. Also, foreign nationals may believe that they do not have rights in this country despite the fact that they are victims of a crime. Patrol officers are encouraged in those initial moments to not appear rushed, listen deeply, attend to the victims’ immediate needs, and use language that is non-judgmental and delivered caringly.

When responding to a case of commercial sex trafficking of a child, law enforcement must be aware of expected victim behaviors and the appropriate responding behaviors as described and recommended in the well-known Stages of Change Framework which has been adapted for use with commercially sexually exploited children.⁸ This kind of trauma is complex and a victim will undergo a variety of behaviors. Law enforcement must be victim-centered and trauma-informed in all of their interactions with that youth.

Secondly, for a child confirmed or suspected of being a victim of CSEC, pursuant to state laws, peace officers in Alameda County are required to follow the first responder protocols found in the County’s CSEC MOU. The process begins with contacting the Alameda County Child Abuse Hotline at 510-259-1800. For example, first inquire as to the child’s basic needs before calling the Child Abuse Hotline or legal guardians, or taking the child to a medical facility, or when transporting the child to the

⁸ **The Stages of Change Tool Adapted for Commercial Sexual Exploitation is a California Child Welfare Core Practice Model of Behaviors approved for working with children and youth that have been abused and neglected, particularly CSE. The Stages of Change Tool is summarized in Appendix 10.1.**

Alameda County Assessment, etc. **If the situation allows, ask, “When’s the last time you ate? Who fed you? Are you hungry? What would you like to eat?” Get food and constantly assure the victim that he or she is not in trouble. If the youth is cold, provide a blanket cover for the child. Do not be overbearing or overly intrusive, show genuine care, focus on underlying needs and not negative behaviors, and remain professional.** *Please see the Stages of Change and Forensic Evidence Interviewing Trauma Interviewing guidelines in Appendix section.*

Before giving up when a victim (adult or minor) is not willing to talk or is putting up strong defenses, remain non-judgmental and helpful, and be patient. Constantly observe the victim’s body language to see if the victim looks anxious or is constantly looking around to see if he or she is being observed. Have pen and paper available for the victim if he or she refuses to speak. Writing down communication may feel safer. The patrol officer is encouraged to ask if victim feels the current place and time are safe to have a conversation. If possible, separate the victim from his/her cell phone and remove the battery while in your custody to prevent any third party from listening in. Record spoken and non-spoken utterances while the victim is in your care. These recollections may provide useful evidence later towards successful prosecution of their trafficking or facilitators.

5. **Use Culturally Appropriate Language Interpreter.** If a person being interviewed speaks a language other than English, the interview should be conducted in the individual’s primary language by a qualified interpreter. The officer should, to the best of his/her ability, prioritize the victim’s interpreter preference. Do not continue the interaction without bringing in an interpreter. The officer may need to call for another bilingual officer fluent in that language, a telephone interpreter, a qualified civilian interpreter, or arrange for other certified professional translation services. Avoid using third party individuals (children, family members, neighbors, or bystanders) for interpretation except during exigent circumstances. Once the exigent circumstance has passed, the officer should utilize a qualified interpreter. Ask the victim if the interviewer is acceptable. If the officer is confronting an interpersonal dispute between multiple parties, engage with adequate language interpretation for all parties. Throughout the entire interaction with the victim, the officer’s actions must be intended to build rapport and trust and provide protection.
6. **The existence of the elements of a crime shall solely determine whether an arrest or further investigation is appropriate.** The following factors shall not influence an officer’s decision to arrest or further investigate a human trafficking case except as they relate to the elements of the crime:
 - Victim’s desire not to prosecute or have suspect arrested.
 - Victim’s immigration status.
 - Fact that victim seems complicit in his/her exploitation.
 - Fact that victim may have also committed a crime.
 - Victim’s emotional state or state of sobriety
 - Potential financial consequences of an arrest.

5. Patrol Officer Response

- Verbal assurances that exploitative behavior will cease.
 - Victim's criminal history.
 - Victim's antagonistic or hostile attitude towards law enforcement.
 - Victim's relationship with the suspect.
 - Buyer's frequency of engaging in the crime.
 - Buyer's position or status of influence.
 - Suspect's (Buyer or Trafficker) relationship to victim.
 - Capacity of diversion programs for buyers.
7. With respect to evidence collection and preservation, **follow the acceptable standards of detailed investigation**, from the point of arrival at the scene, canvassing of neighborhoods, safeguarding the area as a potential crime scene, etc., to completion of all required reports as established by the law enforcement jurisdiction and the California Police Officers Standards Training Commission. The Patrol officer is expected to:
- Activate all body cameras (if applicable), documenting as much as possible the workplace or living conditions, the victim's condition and physical marks, the proximity/behavior of potential trafficker/buyer, the presence of other possible victims.
 - Record the interactions between victim and officer while in police vehicle, hospital, restaurant, or police station.
 - A sex trafficking case including a CSEC case is, and should be, treated as a sexual assault investigation.
 - Obtain consent to search all phones, or obtain a search warrant that includes language compelling disclosure of passcodes and/or facial recognition capture.
 - Collect evidence that signals labor trafficking including forced labor and labor fraud that is in plain view.
 - Document and seize all cash in hands of suspect, including monetary instruments such as credit cards, etc.
 - Assist the victim's acquisition of any personal property, especially identification documents, that may be in the suspect's possession, by seeking the suspect's consent, and documenting who is in possession and location of the property held.
 - Seek documentation for any innocent explanations provided by the suspect.
 - Seek documentation for all payments and travel, if possible (including pay stubs, visas, plane tickets, bank transfers).
 - Seize suspect's phone and store as evidence, not as personal property.
 - If the scene or evidence is in possession of suspect, seek consent to search.

- If consent is denied, freeze the scene and secure evidence and obtain a search warrant.
 - Canvas neighbors and surrounding businesses in accordance with agency policy.
8. **Advise victim of his/her rights and services that may be available**, even if victim refuses services. Victim assistance may be requested from the District Attorney Office's Victim Witness Advocates at (510) 272-6180, or from the agencies listed in the Frequently Contacted Organizations section of this document.
- Law enforcement in **Livermore, Pleasanton, or Dublin**, please contact Tri-Valley Haven's 24-hour crisis hotline at 1-800-884-8119 to access trained Sex Trafficking Counselors who can offer services including emergency shelter to adult female victims. A Tri-Valley Haven advocate will respond to provide crisis intervention 24/7 at the police station or hospital.
 - Law enforcement **not located in the above-mentioned cities in Alameda County**, please contact Bay Area Women Against Rape (BAWAR)'s 24 hour crisis hotline at (510) 845-7273 to access trained Sex Trafficking Counselors who can offer services to underage victims; Progressive Transition staff or volunteers are also available to come out to meet law enforcement and provide counseling support to adult victims in cities in North County, such as Oakland and Berkeley. Progressive Transitions (for adults) may be reached at (510) 917-0666.
 - The above mentioned agencies may connect youth to Transitional Age Youth services offered by Covenant House (510) 379-1010, and Ruby's Place which provides shelter and wrap-around services for adults. Ruby's Place can be accessed at (888) 339-SAFE or (510) 786-1246. Ruby's Place provides shelter, coordinates and connects victims to immediate, ongoing services and remain in contact with law enforcement for up to 30 days.
 - Provide a Marsy's Law card in the victim's primary language (i.e. California's Victims Bill of Rights Act, 2008), and any other relevant victim service cards.
 - Explain use of Emergency Protective Order options as victim works with a counselor/victim advocate to put in place an effective safety plan.
 - Advise the victim that he/she is eligible to apply for the CA Victim Compensation Bureau through the Victim Witness Program of the Alameda County District Attorney's Office (Main number during office hours: (510) 272-6180).
 - Advise the victim to contact the Alameda County Family Justice Center, which is a "one-stop" center serving the needs of victims of violent crimes. (Main number during office hours: 510-267-8800, after 5 pm and before 8:30 am: 800-947-8301).
 - Provide resources that may be formatted in a disguised manner for victim's future use if and when he/she becomes ready, if he or she declines immediate services. For example, a pedicure/manicure salon business card with phone number to victim services. Contact the H.E.A.T. Unit at (510) 272-6222 for assistance in obtaining these cards.



6.

INVESTIGATORS RESPONSE

(The Inspectors of the Human Exploitation Anti-Trafficking Unit of the Alameda County District Attorney's Office at 510-272-6282 are available to answer any questions regarding the following protocols.)

1. Investigators are to make every effort to ensure victim safety at the point of identification and throughout the investigation and prosecution of the trafficker. Investigators are expected to obtain a briefing from all agency personnel including victim advocates that were at the scene. Early on, obtain all social media profiles and addresses, potential physical locations, addresses and phone numbers where the victim might be located. This includes the contact information of family, friends, distant relatives, service providers, etc. Collaborate often with the victim advocate and other service providers to maintain consistency and rapport with the victim.
2. Patrol officers and investigators are encouraged to minimize the number of interviews and people interviewing the victim. When appropriate and with the correct authorizations, patrol officers, investigators, and/or victim advocates should share basic information that he/she collects from the victim to others on forensic exam and criminal prosecution teams, and other legal advocates seeking immigration relief, and civil or family law remedies.
3. Interviews of trafficking victims and witnesses should be audio and video recorded. It is preferred that interviews with children 12 years and under take place at CALICO, the Alameda County

Child Advocacy Center located in the city of San Leandro. Please coordinate with Department of Children and Family Services when scheduling interviews at CALICO to mitigate multiple interviews of child victims. Interviews of victims, particularly children, should happen in what are called “soft rooms” that evoke calm and relaxed emotions through the use of color, temperature, and furnishings.

Interview each witness separately in a comfortable, safe environment. Interviews should be conducted away from and out of sight of suspects and parents/guardians. Follow the P.O.S.T. (Peace Officer Standards and Training) F.E.T.I. (Forensic Experiential Trauma Interview) trauma-informed and victim-centered interviewing guidelines. Ask questions in a non-leading, non-suggestive, and non-judgmental manner.

If complications arise, contact a human trafficking or child abuse detective. If possible, use forensic interview facilities so that assigned advocates, case managers, federal agents, and victim’s attorneys may hear what the victim has to say all at once. This will limit how many times the victim needs to retell his/her story and therefore limiting the discomfort caused by many people interviewing the victim at once.

4. Investigators should appropriately involve and leverage the capacities of the entities identified in the Frequently Contacted Organizations, List of Human Trafficking Task Forces located in the Appendix section. Contact the Alameda County Consumer Environmental and Workers Protection Division of the District Attorney Office for all labor trafficking cases. Contact Homeland Security Investigations upon request of the victim’s immigration attorney, or when the crime involves foreign nationals, or to advise regarding any possible leads of international crime that was discovered during your investigation.
5. When conducting interviews with the victim, investigators should follow the same trauma-informed protocol of patrol officers:
 - Wear plain clothes (if possible), present identification, and make clear statements that affirm that you are there to help and that the victim is not in trouble.
 - Conduct interviews individually and in private, remembering that it is critically important that the victim have a victim-witness advocate present.
 - Interviews should be conducted in a neutral (non-threatening) and safe location.
 - If needed, select a skilled interpreter with no possible connection to the trafficker(s).
 - Begin by asking the victims about their chief concerns, which may vary as widely as retaliation by the trafficker, threats of deportation, meeting basic needs, access to personal property, contact with immediate family, safety of family in another country, the ability to pay and outstanding debt. Meet their basic needs, appropriate to your role.

6. Investigators Response

- Do not begin interviews requesting documentation or legal status, as this may frighten or confuse the victim and interfere with building trust.
 - Take time to explain who you are and your role in the process, answer questions they may have, and acknowledge and address their fears.
 - Be sensitive to cultural differences. Asian Pacific Islander Legal Outreach at 510.251.2846 and Banteay Srei of Oakland at (510) 986-1024 are examples of centers that provide sensitivity training.
 - Do not ask questions like: “Are you a slave?” or “Are you a trafficking victim?”
 - Minimize re-traumatization of the victim during the interview by only asking necessary questions necessary and limit the number of people conducting the interview.
 - Link the victim to a victim specialist who can connect him/her to support services, emphasizing that assistance is available regardless of the investigation and prosecution (this may be a reconnection depending if victim specialist was assigned in the initial contact with law enforcement).
 - Allow interviewees to describe what happened to their counterparts before focusing on the victim’s own suffering, as it is often easier for them to talk about what happened to other people initially.
 - Provide victims with the opportunity to tell their story.
 - Be patient and give victims time to stabilize and begin their recovery process.
6. In accordance with the legal requirements for law enforcement to provide documentation, California Penal Code Section §236.5 states that:
- Within 15 business days of the first encounter with a victim of human trafficking, as defined by Section 236.1, law enforcement agencies shall provide brief letters that satisfy the following Law Enforcement Agency (LEA) endorsement regulations as found in paragraph (1) of subdivision (f) of Section 214.11 of Title 8 of the Code of Federal Regulations. This is also known as the I-914, Supplement B form, which does not mean that you are determining human trafficking victimization, rather that the victim has been cooperative.
 - The LEA endorsement must be filled out completely in accordance with the instructions contained on the form and must attach the results of any name or database inquiry performed. In order to provide persuasive evidence, the LEA endorsement must contain a description of the victimization upon which the application is based, including the dates the trafficking in persons and victimization occurred, and be signed by a supervising official responsible for the investigation or prosecution of trafficking in persons. The LEA endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or services, or for the purposes of a commercial sex act.

- Where state law enforcement agencies find the grant of a LEA endorsement to be inappropriate for a victim of trafficking in persons, the agency shall within 15 days provide the victim with a letter explaining the grounds of the denial of the LEA endorsement. The victim may submit additional evidence to the law enforcement agency, which must reconsider the denial of the LEA endorsement within one week from the receipt of additional evidence (Note: The form should go to the victim’s advocate or attorney so it can be included with the I-914 T visa application).
 - The purpose of the endorsement is to assist victims in applying to immigration authorities for a T-visa, which allows them to live and work legally in the U.S. and access certain government benefits, such as health care. The completion of this form by law enforcement does not constitute the issuance of the T-visa. That will occur through the United States Citizenship and Immigration Services (USCIS) Department.
7. As part of the actual criminal investigation, law enforcement should verify all descriptive information, conduct neighborhood investigation, explore basis for conflicting information, implement effective case management, and evaluate the need for additional resources, specialized services, and follow-up regardless if the victim wants to “drop” charges. Investigators are expected to:
- Identify all players related to the crime—suspected trafficking/buyers.
 - Conduct pertinent background information checks:
 - Criminal histories
 - Prior calls for service
 - Business records and licenses
 - Financial Crimes Enforcement Network (FinCEN) information.
 - Prepare a timeline/link analysis chart showing how long the victims lived in what and with whom.
 - Document work conditions, shift schedules, number of employees, and living conditions in labor trafficking investigations.
 - Determine who has control of victim’s identification papers.
 - Interview other witnesses.
 - Identify and contact other victims, if possible.
 - Re-interview the victim to clarify additional details, for example:
 - What were the rules the victim was expected to follow?
 - What did the suspect promise? (family safety, wages, etc.)

6. Investigators Response

- Was the victim not allowed to speak unless spoken to, or prohibited from speaking with others?
- Did the suspect provide fake names?
- Did the suspect require the victim to wear certain clothing?
- Have the victim identify all of the locations of occurrence.
- Contact former employees and other people close to the suspect(s).
- Bring in specialized investigators, if appropriate.
- Attempt to corroborate the victim's statements through:
 - Search warrants on bank accounts and other records to demonstrate how the victim was paid.
 - Interviews with family members, friends, and neighbors.
 - Victim's cell phone records and/or social media accounts may contain corroborating information.
- Obtain border crossing records (if applicable).
- Complete background on the suspect. Interview, interrogate, and give Miranda/Beheler admonitions as appropriate.

8. Financial Investigations

Human trafficking investigations can be worked most effectively if resources are pooled together for a common goal. With that said, a well put together financial investigation can result in putting an end to the illicit activity but also in forfeiting the money and assets acquired with the ill-gotten gain. With agencies working collaboratively, charging cases becomes much more streamlined and efficient in taking down large complex criminal enterprises. Here is a list of steps to find the money:

- Interested stakeholders establish a common goal
- Be flexible and efficient with resources
- Expedite response time in obtaining important and pertinent records and documents
- Work large sophisticated investigations properly by following step-by-step procedures, so as not to put the "cart before the horse" and "jump the gun."
- After getting the lead on a potential human trafficking case, all stakeholders convene a general meeting before taking any action.

- Secure all necessary financial records in order, i.e., bank records, Franchise Tax Board records on tax filings, real estate information from county recorder's office, Department of Industrial Relations records, Employment Development Department records, city permits, surveillance on subjects and sites, etc., before executing any physical search warrants.
 - Get FinCEN records on SARs, CTRs, 8300's, FBARs immediately for known and unknown bank accounts.
 - Research subjects and victims in LEAP and other database mining tools that may be available.
 - Have a forensic auditor do a complete financial workup before executing physical warrants on sites. Have forensic auditors on site to help with identifying pertinent financial records during the course of execution of warrants.
 - If applicable, have female or male representatives that are fluent in the native language of victims ready at sites for interviews and assistance. Do financial work up on these representatives to ensure their appropriateness for their task.
 - Be ready to put "holds" on all bank accounts, known and unknown, during execution of warrants.
 - Get ready for possible second and even third rounds of warrants.
 - Besides human trafficking charges, other probable charges include PC 186.10 money laundering, RTC 19706 income tax evasion, worker's compensation violations, unemployment code violations, and asset forfeitures and seizures such as bank accounts, real estate, vehicles, boats, etc.
 - Questions related to and requests to start financial investigations may be routed to the forensic auditor in the Alameda County District Attorney's Office Consumer Environmental Protection Division at 510-777-2458.
9. Present the case to the Alameda County District Attorney prosecutor:
- To discuss investigating and charging sex trafficking cases before filing, which is strongly encouraged, contact the head of the Alameda County District Attorney's Office Human Exploitation and Trafficking Prosecutorial Unit at 510-272-6222. Otherwise, contact the charging deputy district attorney at 510-268-7553 for North County case, and contact the charging deputy district attorney at 510-798-2514 for South County cases.
 - If applicable:
 - Assist in coordinating the pre-file interview with the victims
 - Provide information and feedback to assist the prosecutor in the victim credibility evaluation
 - Complete supplemental investigative requests



7.

ILLCIT MASSAGE PARLORS and RESIDENTIAL BROTHEL INVESTIGATIONS

*Due to increasing numbers of illicit massage parlors and human trafficking networks that operate in California with international networks located abroad and the difficulty in preventing the spread of these businesses, Assistant District Attorney Casey Bates, and Deputy District Attorneys Steven Jesse Corral and Tim Wagstaffe of the Alameda County District Attorney’s Office wrote “A Toolkit for Closing Brothels Operating as Asian Massage Parlors” published in the California District Attorney’s Association Prosecutor’s Brief, Vol. 38, No. 4 (Summer 2016) (pages 267-282). A synopsis of that Toolkit is offered as guidance to law enforcement. Also Section 7.3 **Targeting Residential Brothels** has been added by Assistant District Attorney Sharmin Bock, head of the Human Exploitation and Trafficking (H.E.A.T.) Prosecutorial Unit. To start working an investigation of illicit massage parlors and residential brothels, please contact the H.E.A.T. Unit at 510-272-6222.*

Investigating Illicit Massage Parlors (IMPs) and Residential Brothels (RBs)

Illicit Massage Parlors (IMPs) and Residential Brothels (RBs) are criminal enterprises, and understanding the financial model of these businesses can help law enforcement mount an effective attack. IMPs and criminal cases typically have three components: 1) criminal sexual activity at the brothel; 2) businesses’ failure to withhold payroll tax; and 3) money laundering. Some IMPs may actually operate within a larger sophisticated organized crime structure, thus requiring a different approach to the investigation. IMPs and RBs typically produce large sums of money, and while some enterprises simply stuff the money under a mattress, more sophisticated enterprises launder the money through a pattern of “structuring”

and “layering” the cash into the banking system. The two main weapons for law enforcement are Penal Code 186.10 (money laundering, which prohibits the intent to deposit revenues derived from illegal activity or the intent to facilitate the illegal business by using requisite sums) and Penal Code 186-186.8 (“the little RICO Act,” which prohibits profiting from enumerated crimes when the proceeds are derived from a pattern of criminal activity). This discussion, of course, applies to residential brothels as well. A successful investigation requires a coordinated effort between law enforcement, city and county and state regulatory agencies, prosecutors, and often specialized forensic teams to assist with evidence collection.

1. **Defining a Successful Investigation:**

Because these are challenging enterprises to take down, it is important that a jurisdiction determines what makes an investigation into an IMP and RB successful before taking action. Depending on resources, the investigation may only require closing the IMP or RB. Such an approach has a short-term benefit of closing the establishment, but runs the risk that the owners will simply open up a business in short order, like the previous described analogy to the Whack-A-Mole game.

For Alameda County, a successful investigation is defined in three ways:

- a. Closing the business.
- b. Identifying and ensuring the forfeit of all assets attributable to the criminal enterprise.
- c. Identify the organizational structure and convicting all owners and managers of felonies, plus requiring that the convicted individuals do not own, manage, and operate a brothel in the future.

Therefore, the investigator’s goal is to build a case that includes the potential for the following felony charges: sex trafficking, labor trafficking, pimping, pandering, failure to file taxes, failure to pay taxes, failure to provide adequate employment insurance, and money laundering. Other misdemeanor charges that can be built into the case include: maintaining a house of prostitution, unfair labor practices, failure to carry workers’ compensation insurance, and prostitution.

2. **Targeting the IMP:**

Tips from the community and research on websites like Rubmaps.com and Craigslist.org can help investigators identify potential brothels. In fact, internet forums provide valuable intelligence in terms of which IMPs to target and which providers to see.

IMPs are typically open year-round from 10:00 am to 10:00 pm, seven days a week. Payment of services is usually completed in cash to avoid detection by the Internal Revenue Service and Franchise Tax Board. On average, two to three service providers and a manager are onsite at all times. The service providers, those providing the sexual services, are typically foreign nationals who are in the country on legitimate or illegitimate work visas. They typically have limited proficiency in the English language. Many service providers sleep onsite at the massage parlor and pay rent to the owner out of the “tips” they earn by providing sex. Service providers are moved from city to city and IMP to IMP. The majority of sex workers identified in IMPs have been trafficked from China, Thailand, Taiwan, and Korea. IMPs rely on Internet-based advertising to attract

7. Illicit Massage Parlors and Residential Brothel Investigations

customers. Since purchasers typically desire new and young masseuses, IMPs will have strategies to constantly bring in new labor from outside of the country into the United States. Sometimes the advertisements falsely portray the individuals who work in IMPs, instead using images of young women in sexually provocative positions. Many purchasers use review websites like Rubmaps.com to denote the sexual services provided, pricing details, and physical descriptions of the providers.

3. **Targeting/Investigating the Residential Brothel:**

Initiate an outreach effort to property managers and rental/real estate agents in partnership with local police departments in suburban areas experiencing an up-tick of activity, modeled after efforts of the Pleasanton and Dublin Police Departments. The following suggested steps are offered:

- Initiate “Brothel Busters” Program, in which property manager and realtors are trained in how to identify the existence of a brothel and how to report it; these individuals have an incentive to cooperate because of complaints from neighbors in the apartment complexes or surrounding homes. Brothels cause problems for managers and owners, drive down real estate values, and create health and safety risks.
- The Alameda County District Attorney’s Office will consult with local police agencies after they have conducted training to coordinate a follow-up strike team response. The District Attorney’s Office is also willing to co-train realtors and property managers with local police.
- Identify a point of contact from the local police department to interface with property managers, realtors, and community members to report tips for follow-up action. This will be valuable in addition to having a resource directory of local agencies that may be helpful in coordinating connected brothel cases. Tips from property managers and community members are the starting point to identify lower level participants in the organization, which could result in identifying and ultimately prosecuting organizational heads.
- Utilize technology based tools and software to assist in targeting brothels, such as Spotlight by Thorn, by searching its database of locations related to online ads.
- Local police department does undercover surveillance to confirm tip and gets search warrants to serve on property manager for lease documents along with financial form lessee must typically provide to rent unit.
- Local police department obtains warrant for bank records, utility companies, internet service, home security and GPS tracking systems.
- To avoid the “Whack-A-Mole” dilemma, obtaining bank records is a priority.
- Contact the Alameda County District Attorney’s Office H.E.A.T. Prosecutorial and Inspector Team.

4. **Initiating the Investigation of IMPs:**

Investigations should first begin with local regulatory business license inspections, documentation, and charges of any violations before undercover law enforcement operations are conducted. Codes and ordinances will vary from city to city.

- a. Business inspections should identify:
 - The number of employees present
 - The owners and managers
 - The massage licenses posted
 - Whether the individuals present correspond to the names on the massage licenses
 - Work conditions
 - What documents are used to establish identification
 - Who holds or controls the service providers' identification
 - Whether employees also live at the facility
 - Unsafe work/living conditions
 - Other miscellaneous code violations
- b. Inspection should visually document the workplace in writing, with photographs and video, if possible. Special attention given to the degree of control the manager or owner exercises over the employees at the time of inspection.
 - Are the employees purposefully taken away from the inspector?
 - Who is allowed to speak to the inspector?
- c. The business inspector should make a point to uncover the nature of the employer/employee relationship.
- d. Note the existence and placement of all video cameras within the business.
- e. Look for evidence of a written set of rules that service providers are expected to follow.

While city business license inspection is occurring, to prove tax-related charges, law enforcement investigators should contact the California Employment Development Department to determine whether the business is filing tax returns and paying the appropriate taxes. Contact the Workers' Compensation Insurance Bureau of California to establish whether the businesses have workers' compensation policies for employees. After reviewing the results from the city business license inspection, the Employment Development Department and Worker' Compensation Insurance Bureau reports, law enforcement is now ready for the next step, which is preparing an undercover operation to gain more surveillance on a targeted IMP. Effective undercover operations should determine the nature and extent of an employer/employee relationship and identify the bank accounts associated with the IMP and their controlling or sponsoring criminal organization.

5. **Conducting Undercover Operations:**

Undercover officers should:

- Use credit cards as much as possible to later identify bank accounts and keep receipts as physical evidence.

7. Illicit Massage Parlors and Residential Brothel Investigations

- Observe all factors indicating that the service provider victims are employees and not independent contractors, such as service providers take direction from managers and do not have individual business cards.
- DO NOT assume based on gender who is a victim or an exploiter. Observe all factors.
- Observe all factors that signal existence of a business operation:
 - Business is advertised and not a particular service providers,
 - Price lists for massage services in the lobby rather than in the massage room,
 - Receipts list the business rather than the individual service provider.

6. **Conducting Financial Investigations:**

Financial investigations must work in conjunction with the undercover operation. The combination of a criminal and financial investigation will likely produce evidence that an enterprise is gaining large sums of money through illegal activity. Conducting the financial investigation concurrent with the undercover operation is putting into action the Al Capone method. The Al Capone method is based on the idea of looking for criminal charges that can eventually be prosecuted against owners and managers of the businesses, even if human trafficking cannot be proved but heavily suspected.

Scope of Subpoenas

After an IMP or RB is suspected as a hub of criminal activity, subpoenas can be issued on the websites that IMPs or RBs use to place advertisements; the results of these subpoenas can lead to more subpoenas for internet provider, credit card companies, and phone companies who paid for or placed the ads. Subpoenas must also be issued for banking institutions identified with accounts associated with the proceeds from the illegal activity. It may take several weeks to get compliance from these institutions. Therefore, as a best practice, it is important to secure arrest and search warrants simultaneously to avoid inadvertently tipping off one of the parties and compromising the operation.

Investigative Steps

The first steps are the discovery of bank information and obtain records from the Financial Crimes Enforcement Network to learn about bank activity.

- Further analysis of the records will likely be necessary, and may require additional experts and more time for expert examination.
- Obtaining sealed search warrants, in addition to arrest warrants, ensures that valuable evidence is seized, and all individuals in the criminal organization are identified and prosecuted.
- If the Alameda County District Attorney's Office does not have forensic auditors or inspectors with backgrounds in financial investigation available to assist, make best efforts to include this expertise from other law enforcement or regulatory agencies.

7. **Conducting Forfeiture Investigation:**

If the financial investigation provides sufficient evidence to move forward on the “Little RICO Act” forfeiture, these questions must be kept in mind:

- Have you alleged the requisite crime(s)? *Penal Code 186.2(a) requires predicate crimes such as pimping and pandering or money laundering.*
- Will you be able to show a pattern of activity? *Penal Code 186.2(b)(1) requires that the proceeds be from a pattern of criminal profiteering activity, i.e., the defendant(s) engaged in at least two incidents of criminal activity. You will have to show that the section 266 activity occurred at least twice and that the activity generated proceeds.*
- Are you able to identify the illegal proceeds from the criminal activity? Are you also able to determine the time-frame when the proceeds were acquired, that then shows the illegal activity to the present day? *Penal Code 186.3 requires identification of the illegal proceeds.*

Seizure of Assets:

By using the Al Capone method, in addition to pursuing criminal charges against the owner and managers of the IMPs and RBs following the money trail may result in seizing all property identified and traced to the criminal activity that is the subject of the eventual indictment. This property may include: safe deposit boxes and bank accounts, cash, computers, phones, cars and real property. And, again, you may have the ability to pursue charges that may be less difficult to prove than human trafficking.

8. **Trauma-Informed Approach to Supporting Victims of IMPs:**

Culturally responsive victim services paired up with law enforcement utilization of undercover operations is essential, even if IMP service providers do not recognize themselves as victims of human trafficking. In these instances pre-planning of special victim support can be arranged through the Alameda County District Attorney’s Victim Witness Assistance Office (510) 272-6180 and Bay Area Women Against Rape (510) 845 7273.

9. **Coordinate with Members of the Alameda County District Attorney Office Human Exploitation and Trafficking (HEAT) Prosecutorial and Inspector Team**

- For Investigation and Charging: The team would include the forensic auditor, inspector, asset forfeiture attorney, and a H.E.A.T. Unit district attorney, as lead.
- For Take Down: The team will identify the operations center to coordinate take down (i.e. this may include the Sheriff’s Office or FBI, or local police department), victim witness advocate, translators, agency to assist with fingerprinting identification and support services to link victims with services ranging from safety planning to addressing immigration issues.

Please refer to the process diagram on the following page to recap the essential steps.

HUMAN TRAFFICKING/BROTHEL

ID SUSPECT

01



- DO SURVEILLANCE
- RUN FINCEN (CTR, SAR, FBAR, 8300), FTB, EDD, DIR
- SEARCH WARRANTS ON APT APPLICATION
- SEARCH WARRANTS ON KNOWN BANK ACCOUNTS
- REQUEST CITY LICENSING, COUNTY RECORDER'S OFFICE
- REQUEST LEAP, CLEAR AND OTHER DATABASE MINING FOR INTEL AND POSSIBLE OTHER RELATED INVESTIGATIONS

02



- EXECUTE SEARCH WARRANTS ON LOCATIONS, INCLUDING RESIDENCES OF TARGETS IF KNOWN (TAG ALONG FORENSIC AUDITORS AND LANGUAGE EXPERTS)
- TRO ALL KNOWN BANK ACCOUNTS, INVESTMENT ACCOUNTS, ASSETS
- AFTER FINDING ADDITIONAL BANK ACCOUNTS, READY TO TRO THEM AS WELL
- INTERVIEW ALL SUSPECTS AND VICTIMS, (GET BANKING INFORMATION), DO NOT MAKE ASSUMPTIONS BASED ON GENDER, ARREST THEM IF NECESSARY
- PROVIDE ALL SEIZED FINANCIAL DOCUMENTS TO FORENSIC AUDITOR FOR ANALYSIS TO FOLLOW THE MONEY TRIAL

03



- FORENSIC AUDITOR GENERATE A DETAIL REPORT CHARGING MONEY LAUNDERING, TAX VIOLATIONS ON ALL SUSPECTS
- IN CONJUNCTION TO CRIMINAL CASE ON HUMAN TRAFFICKING, WORKER'S COMP, UNEMPLOYMENT INSURANCE
- PLEA DEAL OR JURY TRIAL (Forfeit all known assets including money, houses, etc.)



8.

DEMAND REDUCTION TACTICS

Focusing on the behavior of the sex buyer and their role in harming victims is essential in the fight against Human Trafficking. Law enforcement is encouraged to partner across jurisdictions and with community members as necessary to implement demand reduction tactics that work best for their community profile and resources. These include undercover operations, reverse stings, sex buyer shaming, car impoundment for convicted buyers, fine implementation, mandatory diversion programs, harms education and or restorative justice programs as part of criminal sections, many of which are described herein.

The HE.A.T. Watch Unit of the Alameda County District Attorney's Office is in process of developing a website to provide instructions and guidance in organizing such tactics. Please access these resources at info@heatwatch.org or contact H.E.A.T Watch Coordinator directly at 510-272-6222.

Consistently arresting buyers and providing immediate education as to the harms and consequences of sex trafficking while they await processing is a critical first step in making clear to buyers that human trafficking and particularly sex trafficking is not a victimless crime. They are accountable for their actions.

Law Enforcement Deterrents⁹

Sex Purchaser/Sex Buyer/John Schools: These schools are education programs for men arrested for buying sex. The schools can be structured as a sentencing option and combined with other criminal sanctions, or as a diversion program, resulting in dismissed charges. Sex buyer schools can be one-day classes or multiple-session counseling programs. The programs are financed by the fees or fines that the arrested men must pay for soliciting sex. Any excess revenue can be used to fund survivor recovery programs. The curriculum is sometimes taught by a teacher in a class-like setting, or provided on DVD, Sex buyer school programs are also available online. Typical curriculum includes lessons on health consequences, impact on communities, impact on survivors (with testimony from women who have been trafficked or prostituted), victimization risks and impact on buyers, and legal consequences to emphasize that sex trafficking is not a victimless crime.

Reverse Stings: Reverse stings, also known as “sex buyer/sex purchaser/john stings” or “sex buyer/sex purchaser/john operations,” are the most commonly used anti-demand tactic. These police decoy operations deploy women officers posing as women engaged in prostitution, awaiting approaches by people attempting to purchase sex.

There are three main types of reverse stings:

1. Street-level
Here police officers pose as women engaged in street-level prostitution. Some police departments conduct reverse stings near venues that draw large numbers of men, such as truck stops or male-oriented events (such as business conventions, sporting events, or during hunting season). The average reverse sting runs about four hours and results in about one to two arrests per hour, per decoy.
2. Web-based
Web-based reverse stings involve police posting online decoy ads and setting up a reverse sting at a hotel or apartment. A variation of this approach is police responding to real online ads and replacing prostituted persons with police decoys, then continuing to take calls from johns on the survivors’ phone. Alternatively, some web-based reverse stings involve women police decoys responding to online ads placed by johns seeking to buy sex.
3. Brothel-based
In a brothel-based reverse sting, police investigate brothels, make arrests, replace brothel staff with decoys, and continue fielding calls and walk-ins from buyers in order to make arrests. If you have questions as to how far a decoy may go, contact the head of the H.E.A.T. Unit at (510) 272-6222.

Cameras: Surveillance cameras and other video technology have been used to discourage sex buyers or to provide evidence against them. Openly used cameras serve as a deterrent, and those used covertly

⁹ Descriptions provided from <http://www.demandforum.net/> with written permission from Michael Shively, Ph.D. of Abt Associates Inc. (2016)

help to gather evidence for police and prosecutors. In some instances, members of communities have used video cameras and have posted footage on websites, or forwarded the evidence to police.

Neighborhood Action: This intervention involves organized, community-led initiatives. Neighborhood action can involve activities such as routinely forwarding tips to police, conducting citizen patrols, operating citizen-led blogs, or launching billboard campaigns. Some neighborhood organizations participate in “community impact panels” or make presentations at buyer schools.

Auto Seizure: A vehicle used to solicit sex can be seized by law enforcement agencies. To retrieve the car, the buyer must pay impound or tow fees. In some communities, seized vehicles can be forfeited and sold at auction as part of the penalty for the offense. Forfeiture can also happen if fees and fines are not paid.

Cyber Patrols: A cyber patrol is a tactic designed to increase the ability of law enforcement to achieve large scale disruption of the online sex trade by removing anonymity of sex buyers and challenging the comfort and ease by which buyers can set up prostitution dates online. During a cyber patrol, law enforcement officers communicate directly with potential sex buyers responding to decoy ads placed on popular sex selling websites such as Backpage.com and Craigslist. Communications are done via phone call or text. Cyber patrols are an attractive tactic because they increase law enforcement efficiency by maximizing the number of buyers they can reach and freeing up resources to arrest high frequency buyers. They also provide useful information - in the form of emails and phone numbers – from which additional information can be collected in support of the creation of high priority target lists for future sting operations.

Community Service: Arrested buyers can be ordered to perform community service as a condition of a diversion procedure or a sentence. Service might include such activities as cleaning streets where prostitution is known to occur. For most buyers, community service obligations range from four to 50 hours and are coupled with other sanctions such as fines, fees, shaming, probation, and/or sex buyer/sex purchaser/john schools.

License Suspension: A small number of U.S. jurisdictions suspend the driver’s license of arrestees if they used a vehicle for soliciting prostitution. California does allow licenses to be suspended for up to 30 days.

Shaming: The “shaming” tactic can take several forms. One method involves publicizing the identities of arrested sex buyers in news outlets, police or district attorney websites, social media (e.g., Facebook, Twitter), and/or billboards. Other methods involve shaming by communities, and citizen initiative websites.

Letters sent to Arrestees’ Home: The typical “Dear John Letter” tactic involves police agencies sending letters to the homes of known or suspected sex buyers. These “Dear John” letters are addressed to registered car owners, alerting the owner that the vehicle was seen in the area known for prostitution. More than 55 U.S. cities and counties have used these kinds of letters to help deter sex buyers and to warn others at their homes of potential risks. Most buyers will drive their personal vehicle, and either park at the business location or solicit a prostituted person directly from their vehicle. ReportJohn.org

8. Demand Reduction Tactics

allows concerned citizens or local businesses who witness illicit activity to submit a confidential tip to law enforcement. Based on information provided (like the license plate number, make and model of the car), the local law enforcement agency will send a letter or email to the registered owner stating that the vehicle has been observed in an area known to have high incidences of sexual exploitation and human trafficking. Perception of risk is a critical component in reducing demand - buyers are less likely to purchase sex if they think they could be arrested or caught by a family member.

Illicit Massage Business Operations: All efforts to close illicit massage establishments and prosecute business owners and customers are effective in reducing demand by increasing the perception of risk among the customer base. The problem exists because the businesses are hidden in plain sight and buyers feel little to no threat of exposure or arrest. Many of the “Asian Massage Parlors” advertised include women who have been trafficked into the United States as part of organized human trafficking rings. For this reason, we suggest that enforcement operations are focused on the business owners and criminal networks, rather than typical prostitution sting operations where the female provider is arrested for solicitation. From large scale efforts to dismantle the criminal networks that operate multiple locations, financial crimes cases against individual owners, to anti-demand tactics that focus on the customers, there are multiple ways to address the issue of illicit massage parlors in your jurisdiction.

Preventive Education Programs: Prevention education efforts with boys are founded in the need to reduce gender-based violence including sex trafficking, rape, domestic violence, and sexual exploitation by addressing harmful social norms around gender.

From a very young ages, boys are prescribed to compete instead of cooperate, to suppress emotions instead of communicate, and to be hostile over compassionate. A prevention education program for young boys (8-15 years old) uses a group mentoring model that challenges these harmful social norms related to masculinity starting at a young age, addresses the unique challenges that boys face in today’s society and invites self-exploration, emotional freedom, and mutual satisfaction in relationships as a way of preventing future gender-based violence.

Agency Policies against Sex Buying: Law Enforcement agencies have many policies and procedures to protect employees from certain behaviors that create a hostile work environment, hurt the agency’s reputation, reduce employee productivity, or place the agency at legal or financial risk. Employers adopting clear policies and providing training to stop sex buying behavior will make a significant impact to reduce demand for commercial sex over the long term. While some sex buying might shift to after work hours, the norm-setting value of workplace policies and training can ultimately shape the culture and attract and retain high quality employees.

Social Media Campaigns: Social media platforms like Facebook are an effective way to deliver targeted messaging directly to sex buyers who have contacted online prostitution ads. Many people use the same cell phone number to set up their social media accounts and contact prostitution ads online. Facebook campaigns can deliver messages to “lookalikes” - or people who have similar profiles. The campaign can deliver video or picture messages through the news feed, just like an advertiser who is selling a product,

service or experience. Ad recipients have the option of interacting with the message through a like, share, comment or conversion. A conversion is when the person actually takes an action like “clicking through” to a website to learn more.

Community Demand Disruption Tactics

Civilian Cyber Patrols:¹⁰ Male citizens organize cyber patrols in which they use their tech savvy skills to prevent buying before law enforcement gets involved. Cyber patrols are a citizen-led variation on the web-based reverse sting. The citizen-activists create a phony online ad. When buyers respond and provide their information, the cyber patrol sends video clips, texts, and links to websites that educate the prospective buyer about the negative consequences of his actions. Sometimes the cyber activists participate in a scripted phone call with the prospective buyer. This kind of peer-to-peer approach has been operating in Arizona, Oregon, and Washington and has recently launched in California.

¹⁰ Conversation between H.E.A.T. Institute staff and Tom Perez, executive director of the EPIK Project (<http://epikproject.org/>) (April 2016)



9. APPENDICES

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9.1 FREQUENTLY CONTACTED ORGANIZATIONS

<p>Please scan existing resources available in your region and list their contact information and the client profile served. Update every 6 months to access services for adult and minor age victims of all forms of human trafficking regardless of their country of origin, status of residency, gender, sexual and religious orientation, and language capacity.</p>
<p>Alameda County District Attorney Office H.E.A.T. Prosecutorial Unit - (510) 272-6222 (complex cases), ACDAO’s Consumer Protection Enforcement Division-Labor trafficking (510) 777-2294, Human trafficking Inspectors (510) 272-6282, Filing Cases for North County (510) 268-7500 and for South County (925) 803-7171. Alameda County Human Exploitation Anti Trafficking Watch Tip Line 1-510-208-4959 and HEAT Watch website: www.heatwatch.org</p>
<p>Alameda County Department of Children and Family Services Child Abuse and Neglect Reporting Hotline: (510) 259-1800; concerns reported to Program Manager for day shift (510) 780-8604 and Program Manager for night shift (510) 780-8619; Emergency Response Unit (510)-670-9764</p>
<p>Alameda County Probation Department: Division Director for Juvenile Field Services (510) 268-7200</p>
<p>Local Sexual Assault 24 Hour Crises Responders: Tri-Valley Haven: 1-800-884-8119 (Dublin, Pleasanton, Livermore) and BAWAR or Bay Area Women Against Rape (510) 845-7273 (for CSEC) (Hayward, Oakland, Fremont, Emeryville, Berkeley, etc.), and Progressive Transitions (510) 917-0666 (for adults)</p>
<p>Alameda County Child Family Assessment Center: The youth registration number will be provided when contacting Alameda County Child Abuse and Neglect Report Hotline: (510) 259-1800; concerns reported to Program Manager (510) 780-8947</p>
<p>Alameda County District Attorney Office’s Victim Witness Assistance Division (510) 272-6180 to reach and coordinate human trafficking Victim Witness Advocates</p>
<p>Local Medical Sexual Assault Response Sites: <u>for Victims < 13 years:</u> UCSF Benioff Children’s Hospital of Oakland: 510-428-3240 and <u>for Victims > 14 years</u> Highland Hospital in Oakland 510-437-4865</p>
<p>Local 24 Hrs. Emergency Shelters: Ruby’s Place (for adults): 1 (888) 339-7233; DreamCatcher (for 13 to 17 years): 1 (800) 379-1114; Covenant House California (for 18 to 24 years): (510)379-1010; All programs have on-site case managers.</p>
<p>Regional Human Law Enforcement Trafficking Task Forces Phone Numbers and All County Child Abuse Hotlines: see Appendices 9.4 and 9.5</p>
<p>Silicon Valley Internet Crimes Against Children Task Force: (408) 537-1397 – San Jose Police Dept.</p>
<p>For LGBTQIAIA Training: Please contact Our Space for cultural sensitivity training and special counseling support to LGBTQIAIA youth at OurSpace@sidebysideyouth.org.</p>

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<p>Transitional Housing: Love Never Fails (for female adults and mothers only): (844) 249-2698; New Day for Children (for CSEC victims up to age 19 years who have the consent of their legal guardians): Contact@newdayforchildren.com</p>
<p>FBI Regional Office, Oakland: (510) 808-2600</p>
<p>Homeland Security Investigations Regional Office, San Francisco: (415) 844-5455</p>
<p>Department of Industrial Relations Labor Enforcement Task Force in Oakland: (855) 297-5322</p>
<p>Employment Development Department Investigations Local Office: Adam Babitz (916) 654-8271</p>
<p>U. S. Department of Labor Local Office: Alberto Raymond (415) 241-3562</p>
<p>Worker’s Compensation Insurance Board Local Office: Robin McGuire (415) 778-7159, California Department of Insurance Investigations: Sgt. Gladys Rivera (707) 751—2066 or Gladys.Rivera@insurance.ca.gov, State Compensation Insurance Fund: Michael Ehr Gott (916) 569-4375 desk, (707) 724-2872 cell, (707) 454-8257 fax, maehergott@scif.com</p>
<p>California Department of Justice Hotline: 1-800-222-FIND U.S. Dept of Justice Hotline:1-888-428-7581</p>
<p>Asian Pacific Island Legal Outreach for training and immigration victim-witness advocates & attorneys (510) 251-2846/(510) 251-2292; International Rescue Committee for case mgt: (510) 452-8222</p>
<p>Alameda County Family Justice Center: (510) 267-8800 (ask for youth navigators); after 5 pm and before 8:30 am call 800-947-8301; Center is located at 470 27th St, Oakland, CA 94612</p>
<p>Foreign Language Translation Services: Please follow your local protocols and ensure that translators use trauma-informed, victim-centered language and communication approaches.</p>
<p>CALICO aka Child Abuse, Listening, Interviewing, & Coordination Center (510) 895-0702; located at 524 Estudillo Ave, San Leandro, CA 94577</p>
<p>Local Human trafficking Survivor Support Groups: MISSSEY (510) 251-2070, Young Women Saturday Empowerment Program of the ACDAO (510) 667-4355, The S.H.A.D.E. Project (510) 306-5316</p>
<p>Safety Planning Support for CSEC Victims through the Alameda County District Attorney Office and Girls Court: SafetyNet: Tiffaney Gipson (510) 667-4370 and Stephanie Tablante for data (510) 667-4476</p>
<p>National Human Trafficking Hotline: 888-373-7888; SMS: 233733 (Text “HELP” or “INFO”); 24 hrs/7 days a week, Spanish, English and 200 more languages. www.traffickingresourcecenter.org Hours: 24 hours, 7 days a week Languages: English, Spanish and 200 more languages. Website: traffickingresourcecenter.org</p>
<p>www.211database.org: Contra Costa County Human trafficking Resource Guide includes comprehensive resources for Alameda County and is updated every 4 to 6 months.</p>

9.2 STAGES OF CHANGE: AN ESSENTIAL TRAUMA INFORMED CSEC FRAMEWORK ¹¹

	VICTIM BEHAVIORS	SUPPORTER BEHAVIORS
Pre-contemplation	<ul style="list-style-type: none"> •Denies problem of exploitation •Defensive •Resists outreach for help •Not ready to talk 	<ul style="list-style-type: none"> •Validates victim •Helps meet basic needs •Is flexible •Doesn't push
Contemplation	<ul style="list-style-type: none"> •Acknowledges "the life" is painful •Not ready/afraid to leave •Open to reflect on effects of abuse 	<ul style="list-style-type: none"> •Encourages weighing of pros/cons •Affirms engagement with support system •Expresses pride in reflection
Preparation	<ul style="list-style-type: none"> •Makes commitment to leave & "testing the waters" •Takes small steps towards independence •More open to help 	<ul style="list-style-type: none"> •Co-creates "Safety Plan" •Encourages small steps •Offers new/"normal" child experiences
Action	<ul style="list-style-type: none"> •Leaves exploiters •Goes through intake process •Returns to school •Starts a job 	<ul style="list-style-type: none"> •Supports & validates victim's efforts •Helps address safety concerns •Encourages positive relationships & activities
Maintenance	<ul style="list-style-type: none"> •Remains out of exploitation •Develops new skills •Avoids triggers •Stays in placement/school 	<ul style="list-style-type: none"> •Reinforces self-care/coping •Co-creates plans for return to old harmful behaviors •Stays patient and realistic •Stays connected
Return to Behavior	<ul style="list-style-type: none"> •Runs away •Re-establishes contact with exploiters •Expresses "missing" aspects of the life 	<ul style="list-style-type: none"> •Addresses feelings of failure •Reassures that this stage is normal •Revisits successes & gaps from other stages •Evaluates triggers •Reviews plans for safety/support

¹¹ The Stages of Change Tool Adapted for commercial sexual exploitation is a California Child Welfare Core Practice Model Behavior for working with children that have been commercially sexual exploited.

9.3 The Forensic Experiential Trauma Interview (FETI)¹²

By Russell W. Strand, United States Army Military Police School

Traumatized individuals often undergo a process many professionals and victims do not commonly understand. Many professionals inside and outside law enforcement have been trained to believe when an individual experiences an event, to include a trauma event, the cognitive (prefrontal cortex) brain usually records the vast majority of the event including the who, what, where, why, when, and how, and peripheral vs. central information. This approach often ignores the role of bottom-up attention of the more primitive portion of the brain during a highly stressful or traumatic event. Therefore, when the criminal justice system responds to the report of a crime most professionals are trained to obtain this type of peripheral and higher-level thinking and processing of information. This may lead to discounting the enhancement of memory traces – for what was attended, via bottom-up mechanisms and norepinephrine and glucocorticoid effects on the amygdala and hippocampus.

Sadly, collecting information about the event in this manner while overlooking the manner in which trauma shapes the memory may actually inhibit traumatic or highly stressful or fear producing memory recall and the accuracy of the details provided.

Trauma victims/witnesses do not generally experience trauma in the same way most of us experience a non-traumatic event. The body and brain react to and record trauma in a different way than we have traditionally been led to believe. When trauma occurs, the prefrontal cortex will frequently shut down leaving the less advanced portions of the brain to experience and record the event. The more primitive areas of the brain do a great job recording experiential and sensory information, but do not do very well recording the information many professionals have been trained to obtain. Most interview techniques have been developed to interview the more advanced portion of the brain (prefrontal cortex) and obtain specific detail/peripheral information such as the color of shirt, description of the suspect, time frame, and other important information. Some victims are in fact capable of providing this information in a limited fashion. Most trauma victims however are not only unable to accurately provide this type of information, but when asked to do so often inadvertently provide inaccurate information and details which frequently causes the fact-finder to become suspicious of the information provided. Stress and trauma routinely interrupt the memory process thereby changing the memory in ways most people do not accurately appreciate.

One of the mantras within the criminal justice system is “inconsistent statements equal a lie”. Nothing could be further from the truth when stress and trauma impact memory, research shows.

In fact, good solid neurobiological science routinely demonstrates that, when a person is stressed or traumatized, inconsistent statements are not only the norm, but sometimes strong evidence that the memory was encoded in the context of severe stress and trauma. In addition, what many in the criminal justice field have been educated to believe people do when they lie (e.g., changes in body language, affect, ah-filled pauses, lack of eye contact, etc.) actually occur naturally when human beings are highly stressed or traumatized. Science of memory and psychological trauma must be applied to interview approaches and techniques.

¹² <http://www.mncasa.org/assets/PDFs/FETI%20-%20Public%20Description.pdf>

Since the vast majority of traditional training and experience has caused many to focus on the higher functioning portions of the brain and research clearly shows these portions of the brain are not generally involved in experiencing, reacting to, or recording the experience, the FETI process was developed and implemented as proven methods to properly interview the more primitive portions of the brain. This technique not only reduces the inaccuracy of the information provided, but will greatly enhance understanding of the experience, thereby increasing the likelihood of a better understanding of the totality of the event. FETI is a highly effective technique for victim, witness, and some suspect/subject interviews.

FETI entails the adaptation of the principles used in critical incident stress debriefing and defusing (impact of the event including emotional and physical responses) as well as principles and techniques developed for forensic child interviews (open-ended, non-leading questions, soft interview room, and empathy) as well as neurobiology of memory and psychological trauma (initially tapping into the lower-functioning portion of the brain to understand the experience as well as the meaning of the experience in a non-threatening, non-suggestive manner). This concept and approach of this technique can be described as a forensic psychophysiological investigation – an opportunity for the victim to describe the experience of the sexual assault or other traumatic and/or fear-producing event, physically and emotionally. This method has resulted in reports of better victim interviews by those who have used it. More importantly, the FETI interview process obtains significantly more information about the experience, enhances a trauma victim's ability to recall, reduces the potential for false information, and allows the interviewee to recount the experience in the manner in which the trauma was experienced.

The FETI interview enhances the investigative process by taking a one-dimensional traditional investigation and turning it into a three-dimensional, offense-centric investigation, including subjective experiences indicative of trauma-based brain states. Traumatic memories are often encoded and retrieved differently than non-traumatic memories, so they have that dimension of the experience, and then presenting the fullness – and limitations – of the victim's memories, including the fragmented sensations and emotions, lack of narrative and sequencing, etc., which are then critical facts of their own. This technique significantly enhances the quality and quantity of testimonial and psychophysiological evidence obtained. This method has also been shown to drastically reduce victim recantations, increase victim cooperation and participation and significantly improves chances for successful investigations and prosecutions.

The forensic experiential trauma interview includes using interview techniques described below:

Acknowledge the victim's trauma and/or pain.

This will assist you, the listener, to demonstrate genuine concern and empathy towards the interviewee in an attempt to provide a sense of psychological and physical safety during the interview process. It may be difficult to establish trust with someone whose trust may have been horribly violated by another human being he/she may have trusted.

Every effort should be made by you to demonstrate genuine empathy, patience, and understanding towards the person with whom you are facilitating a disclosure of their experience. You may need

to spend additional time establishing sincere empathy and caring concern to be invited into his/her traumatic and/or painful experience, which we call the trauma bubble. One of the greatest needs of anyone who has experienced or is experiencing high stress and/or trauma is the need to be safe; trust is central to that need. The interviewer must take responsibility to build trust in the most effective and appropriate way.

Once trust is established, the interviewer may be invited into what can be termed as “the trauma bubble”. The trauma bubble is where much of the most important psychophysiological evidence may reside. It is vitally important for the interviewer to demonstrate patience, understanding, and empathy in a non-judgmental manner throughout the interview process.

Ask the victim/witness what they are able to remember about their experience.

Two key words in this question are “able” and “experience”. Not all victims are able to recall all significant information about something that happened to them initially or even after a period of time. Using the word “able” has been proven to relieve some pressures on trauma victims thereby increasing the information they are able to provide. Using the term “experience” encourages victims to describe their actual experience relieving the pressure on the interviewer to try to figure out what is important to the interviewees in the context of a criminal investigation. As the victim/witness describes their experience, interviewers can better understand what happened as they are provided a recounting of the events that are generally extremely rich in details.

Following the initial open-ended prompt, employ active listening techniques allowing the interviewee to free-flow their description of what they remember about their experience. The interviewer will enhance this description by adding additional open-ended prompts such as “tell me more about that” or “tell me more about ____”. This technique will allow the interviewees to provide even more significant information about their experience by prompting their memory in a more natural way. Open-ended prompts should include the interviewees’ emotional and physical experiences, before, during, and after the reported incident. Do not tell the interviewees to start at the beginning. This technique often inhibits trauma memory recall. Providing an opportunity for victims to communicate their experience in the manner in which they recall what happened is much more effective than initially requiring victims to provide a chronological narrative. A sequential narrative may come to the victim later.

Ask the victim/witness about his/her thought process at particular points during his/her experience.

What was he/she thinking and how was he/she processing his/her experiences. This will assist the interviewer to better understand the actions/inactions and behaviors of the victim before, during, and after the assault. This will also reduce or even eliminate the need for the interviewer to ask the victim/witness why he/she did or did not do something such as fight back, kick, scream, run, etc. “Why” questions of this nature have been proven to re-victimize victims, close them down, increase false information, and destroy or damage fragile trauma memories. By asking what their thought process was not only provides additional understanding of the victim/witness reaction and behaviors, but also increases their ability to recall additional psychophysiological evidence. For example, if the victim was sexually assaulted and during the sexual assault she may have “frozen” due to tonic immobility, asking

her what she was thinking at the time of the assault will often prompt will often solicit responses such as “I thought he was going to kill me”, “I couldn’t move or scream”, “I couldn’t understand what was happening at that moment”. This type of information not only assists the interviewer in determining a better understanding of why the victim/witness did or did not do something, but also identifies significant forensic physiological evidence that will assist in proving or disproving and/or corroborating the reported offense.

Ask about tactile memories such as sounds, sights, smells, and feelings before, during, and after the incident.

This is one of the most important aspects of the FETI process and a central theme. Because the primitive portion of the brain is optimized to collect, store, and recount this information far more efficiently than peripheral information or details, this is crucial evidence to collect as well. It is also believed that tactile and sensory details may block some memories and negatively impact on the victim’s ability to disclose additional information. Asking about sensory information has been shown to increase the victim’s ability to relate to the experience in a way that produces significantly more information. Sensory information also assists fact-finders and juries to better relate to the experience of the victim as well. Asking about sights, sounds, smells, feelings (physical and emotional), body sensations, and tastes throughout the interview about specific memories related by the interviewee is extremely beneficial for the interviewer. This will assist you to better understand the experience and assist the interviewee in remembering and relating essential memories including central details (those details most important to the interviewee) and peripheral details (those details judged not important to the interviewee).

For example, during the interview of an experienced police officer who witnessed a woman shooting herself in the head (specifically – “blew her brains out” as related by the officer) following an attempt to talk her out of shooting herself, this officer provided details of the events surrounding this experience. Following open-ended questions about this officer’s experience, the officer concluded he recounted all the details he could recall. This officer was then asked what if anything he was able to remember about what it smelled like after the woman “blew her brains out”. This officer appeared to reel back in his chair, his nose started to twitch and he appeared to become emotional following this question. The officer then recounted smelling the scent of “honeysuckle.” Following his disclosure about the honeysuckle, this officer became even more animated and disclosed, and demonstrated, that this woman’s hand was shaking and she was breathing deeply after she shot herself. This officer then added that her blood flowed from her open head “like motor oil.” This officer had not remembered these specific details during previous traditional interviews and was surprised by the amount of detail he was able to recall following the sensory cue provided by the FETI interviewer. This is but one example of many in which victims and witnesses of trauma can be assisted to recall specific sensory memories, which often assist them in remembering not only explicit memories, but implicit memories as well. Sensory information is often at the core of central details for most individuals. Therefore, asking specific questions about the various senses throughout the FETI process greatly enhances the likelihood of obtaining accurate experiential information increasing the ability of the interviewee to recall essential central details of the experience. Some individuals will recall certain senses better than others, so it is important to ask about all senses separately while obtaining specific memories during specific aspects of the experience before, during, and after the traumatic event.

Ask the interviewees how this experience affected them physically and emotionally.

This is extremely important to understand because the effects of the assault will increase the interviewer's understanding the context of the experience, as well as provide evidence and insights about the trauma in ways that will further an in-depth conception of the impact of the assault on the victim. How the victim felt before, during, and after the event under investigation is fundamentally important for the interviewer to understand and collect. During fear-producing and traumatic events the sympathetic and parasympathetic systems of the human body react to the fear stimulus in significant ways. The victim/witness may experience the emotional feelings of fear, shock, anger, rage, sadness, etc. The victim/witness may also experience physiological reactions to the trauma including the emotional feelings combined with the physical manifestations of stress, crisis, and trauma such as shortness of breath, increased heart rate, dilated pupils, muscle rigidity and/or pain, light-headedness and/or headache, tonic immobility, dissociation, etc. Identifying and properly documenting these reactions to his/her experience are essential pieces of information that can greatly assist the interviewer in understanding the context of the experience and provide significant forensic psychophysiological evidence.

Ask the victims/witnesses what the most difficult part of the experience was for them.

Trauma victims/witnesses will often intentionally or unintentionally repress extremely difficult to handle information about their experiences. A sensitive inquiry about the most difficult part of their experience may provide significant evidence of the trauma experience and/or crime and will in many cases increase understanding of the totality of circumstances in reference to the victim/witness experience. Additionally, the most difficult part of the interviewee's experience is more often than not the "key" central detail that may have not only framed the manner in which the trauma was experienced and remembered, but may also be a fundamentally important aspect for investigators to better understand the context of that experience and subsequent reactions/behaviors of the interviewee following that experience.

The interviewer should inquire what, if anything, the interviewees cannot forget about their experience.

This question may assist the interviewer and interviewee to better understand another critical "central detail" and a better understanding of the interviewee's perception and response to the trauma. This question also may obtain additional psychophysiological evidence.

For example, a victim of a robbery in which the victim was brutally beaten by two assailants with hammers, was initially interviewed by a responding police officer utilizing traditional "who, what, where, why, when, and how" police questions in an attempt to obtain a chronological narrative immediately following the event. This particular victim became increasingly frustrated during the interview because he could not remember and did not know the answers to the majority of the questions the police officer was asking the robbery victim. Questions such as "what time did the incident occur," "how many times did they hit you," "how long did they hit you," "what did they look like," "how tall were they," "what were they wearing," "why didn't you let them take your watch," (the victim continued to hold his arm on which he was wearing the watch during the attack – possible tonic immobility).

As these questions, and many others, were being asked, the victim continued to become more frustrated and agitated because he felt he should know the answers simply because the police officer was asking them. This line of questioning was potentially increasing the victim's stress level, increasing stress hormones, decreasing the ability of the victim to answer the questions, and potentially increasing the possibility that the victim, with a desire to assist the officer, would provide inaccurate information.

During a subsequent FETI interview of this same victim, the victim was initially unable to provide any additional experiential information. This victim was then asked, "What, if anything, can't you forget about your experience?" Following this question, the interviewee began to hit his head stating, "The hammers hitting my skull, the hammers hitting my skull, I can't get that sound out of my mind, I can't sleep well, I can't concentrate, the hammers hitting my skull." After this disclosure, this victim was able to remember significant details about the robbery including other sensory information, what happened before, during, and after the robbery, and other significant information about this experience.

The interviewer should clarify other information and details (e.g., who, what, where, when, and how) after facilitation and collection of the forensic psychophysiological experiential evidence.

Although the primitive portions of the brain collect, store, and recall information pertaining to the experience, the cognitive brain may have collected or is able to retrieve from other portions of the brain information pertaining to the who, what, where, when, and how types of information. Interviewers should be careful about asking specific questions pertaining to length of time and elements of distance due to the fact that fear and trauma often distorts time and distance. The interviewer should explore the additional central/peripheral information and who, what, where, when, and how type of information in a sensitive and empathetic manner taking great care not to inhibit or change already fragile testimonial trauma evidence.

The FETI interview techniques are specifically designed to provide an opportunity for the interviewer to obtain significantly more psychophysiological evidence than traditional interview techniques. Psychophysiological evidence is defined as "evidence which tends to prove or disprove the matter under investigation based on psychological and physical reactions to the criminal conduct the person experienced or witnessed. Examples would include, but are not limited to: nausea, flashbacks, muscle rigidity, trembling, terror, memory gaps, etc." In addition, these techniques provide the victim a better avenue for disclosure, reducing the potential for defensive feelings and uncooperative behavior, which can limit the information/evidence provided to an interviewer.

Memory encoding during a traumatic event is diminished and sometimes inaccurate. Due to bottom-up attention processes focused only on central details perceived as essential to survival and self-defense, many aspects of the event, including those deemed by investigators as essential facts of the crime, may not be encoded strongly or at all. But the assault's psychophysiological impact is registered with much greater accuracy and strength in the brain's circuitries of fear and stress, and remembered with far more precision. The impact of the psychophysiological experience also continues to produce potential psychophysiological evidence long after the event. Indeed, psychophysiological evidence is often the only evidence available to distinguish between consent/non-consent and levels of incapacitation. It is also extremely beneficial in demonstrating the 'three dimensional' assault experience and subsequent victim reactions and behaviors.

9.4 GLOSSARY OF TERMS AND COMMONLY USED LANGUAGE IN HUMAN TRAFFICKING

10-day house refers to an apartment, house or other location where sex trafficking occurs temporarily and victims are housed temporarily. Trafficking/exploiters regularly rotate victims through these temporary locations to keep them disoriented, disconnected and beyond law enforcement's detection.

Bitch/Ho/Thot/Goer/Bopper refers to the girl or woman being exploited by the trafficker/exploiter.

Bottom Bitch/Bottom Girl refers to the highest ranking female in the group. She answers directly to the pimp; recruits, trains, supervises, and disciplines other girls; in the beginning, may be the only person who has contact with the pimp.

Broke/breaking in refers to the process of violently raping, beating, threatening, or coercing a girl being exploited by a trafficker/exploiter.

Channels refer to the various local, national and international routes trafficking/exploiters use to move their victims from place to place.

Chose up/Choosin'/Choose up refers to when a girl picks her trafficker/exploiter; do not assume this is a voluntary choice—this can occur if a girl simply looks another trafficker/exploiter in the eyes.

Circuit refers to the trafficker's/exploiter's geographical travel routes to market their victims.

Coercion includes any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; the abuse or threatened abuse of the legal process; debt bondage; or providing and facilitating the possession of any controlled substance to a person with the intent to impair the person's judgment.

Commercial sex act means any sexual conduct on account of which anything of value is given or received by any person. [(Pen. Code 236.1(h)(2).]

Confidential communication means information transmitted between the victim and the caseworker in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary to effectuate what the victim needs accomplished. [Evid. Code 1038(c).]

Confidential emergency shelter/trafficking shelter means a confidential location which provides emergency housing on a 24-hour basis for victims of human trafficking, including any person who is a victim under Penal Code section 236.1. Penal Code section 273.7(a) makes it a misdemeanor to reveal the location of a trafficking or domestic violence shelter.

Criminal profiteering activity means any act committed or attempted or any threat made for financial gain or advantage, which act or threat may be charged as a crime under several Penal Code sections including human trafficking as defined in Penal Code section 236.1.

Daddy/Boyfriend/MyP refers to the trafficker/exploiter.

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

Deprivation or violation of personal liberty of another includes substantial and sustained restriction of another's liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat or unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out. [Pen. Code 236.1(h)(3).]

Duress includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed. It also includes a direct or implied threat to destroy, conceal, remove, confiscate, or possess an actual or purported passport or immigration document from the victim; or knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim. [Pen. Code 236.1(h)(4)]

Family/Poly Life/Stable refers to the group of girls or women working for the pimp.

Federal definition of severe forms of trafficking in persons means sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age (force not needed); or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. The California statute now closely mirrors the federal law.

Forced labor or services means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person. [PC section 236.1(h)(5)]

Getting/Getting Money/GERB fee/Trap may refer to exploitation.

Gorilla Pimp refers to a trafficker/exploiter who uses force, violence and threats to exploit a victim. This trafficker/exploiter often rapes, beats, and emotionally batters victims.

Human trafficking occurs when any person violates the personal liberty of another with the intent to effect or maintain a felony violation of sections 266, 266h, 266i, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6 or 518, or to obtain forced labor or services. [Pen. Code 236.1(a) and (b).]

Human trafficking caseworker is a person who is employed by any organization providing the programs specified in Section 18294 of the Welfare and Institutions Code, whether financially compensated or not, for the purpose of rendering assistance to victims of human trafficking, who has received specialized

training in the counseling of human trafficking victims and who also meets any of one of the following requirements: has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in the counseling of human trafficking victims; has at least 40 hours of training as specified in Evidence Code section 1038.2 and is supervised by an individual who qualifies as a counselor as listed above or is a psychotherapist. [Evidence Code 1010.]

Human trafficking caseworker privilege exists when a trafficking victim and his or her caseworker have a confidential communication. The confidential communication cannot be disclosed if the privilege is asserted. The privilege can be exercised by the victim, by a person the victim has authorized to claim the privilege, or by the caseworker, if the victim is still alive. A court, after a hearing, could compel disclosure if the probative value of the information outweighs the effect of disclosure of the information on the victim, the counseling relationship, and the counseling services. [Evidence Code 1038.1.]

In call/In house refers to someone who works from inside a house.

Involuntary servitude means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of legal process. Accordingly, involuntary servitude includes “a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process. This definition encompasses those cases in which the defendant holds the victim in servitude by placing the victim in fear of such physical restraint or injury or legal coercion.” [United States v. Kominski, 487 U.S. 931, 952 (1988)]

The Life or The Game refers to commercial sexual exploitation or the sex industry.

Out call refers to when she/he goes out to a date/call location.

Out of pocket refers to disrespectful behavior by a victim towards her trafficker/exploiter.

Outside term used for when they are going to make money.

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

Pimp circle refers to a group of trafficking/exploiters surrounding a girl for purposes of intimidation.

Postin/posting/posting ads refers to trafficking on the streets, through online transactions

Renegade/Faggot refers to a person that does not have a trafficker/exploiter/pimp, or has left his/her trafficker/exploiter/pimp.

Romeo pimp refers to a trafficker/exploiter that uses romance and expensive gifts to gain a girl's confidence and trust, then isolates her and exploits her financial, social and emotional dependence on him. This trafficker/exploiter often makes elaborate promises of a better life, more money and continued luxuries.

Serious harm includes any harm, whether physical or nonphysical, including psychological, financial, or reputational, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sexual acts in order to avoid incurring that harm.

Serving papers refers to the new trafficker/exploiter notifying the old trafficker/exploiter that he no longer “owns” a certain victim.

Squad/Them Boys refers to police officers.

Square/Green refers to someone who has never been in “the life.”

Squaring up refers to getting out of “the game.”

Stay in pocket refers to playing by the rules of “the game.”

Stroll/Track/Blade refers to the street or area known for high prostitution activity.

Trick/Date/John/Sugar Daddy refers to the customer or John.

Turnout refers to someone who recruits someone into “the life.”

Wife/Wifey/Wife-in-law/Sister Wifey refers to fellow exploited victim.

9.5 REPORTED INDUSTRIES WITH TRAFFICKING VICTIMS¹³

(2006-2016 data collected by Polaris Project from the National Human Trafficking Hotline - The top three industries are listed first.)

LABOR TRAFFICKING VICTIMIZATION

Domestic Work

Domestic or homecare workers often live within their employers' households and provide services such as cooking, cleaning, and caretaking for children and the elderly or infirm. Labor trafficking for domestic work may also occur within the cycle of intimate partner violence or forced marriage situations as a means of maintaining or exerting power and control. Hotline data reflects that survivors are predominantly middle-aged to older-aged women from the Philippines, while many are U.S. citizens or survivors from Latin America, India, and numerous countries spanning Sub Saharan Africa. Survivors in this data came from more than 105 countries. Male victims were reported in 12 percent of the cases and child victims in 8 percent.

Janitors

The National Hotline has encountered trafficking and labor exploitation within commercial cleaning businesses that provide janitorial and housekeeping services to multiple private households, office buildings, and other commercial businesses. Though limited data is available, there is sufficient evidence that foreign national men, women, and unaccompanied children from Latin America are most susceptible to labor trafficking within these businesses. Others are from the Philippines and the Caribbean or are U.S. citizens.

Construction

Labor trafficking in the construction industry usually occurs within small contracting businesses completing tasks such as roofing, carpentry, welding, electrical work, and masonry on both large commercial construction sites as well as in private homes. Employers may misclassify workers as independent contractors, thus limiting their access to worker protections and benefits. The majority of survivors are men from Mexico and the Northern Triangle (El Salvador, Honduras, and Guatemala), most of whom have H-2B visas or are undocumented. U.S. citizen survivors have also been forced to perform construction jobs under the control of fraudulent religious organizations, unscrupulous residential and drug recovery programs, and individuals posing as landlords exploiting a victim's homelessness.

Food Processing/Manufacturing

Workers in food processing, clothing, and shoe manufacturing factories are especially vulnerable to labor abuse and trafficking. Polaris-operated hotlines have also documented labor trafficking and exploitation cases in a wide range of other manufacturing facilities, including factories producing electronic devices

¹³ Reprinted from Polaris Project: Typology of Modern Slavery <https://polarisproject.org/typology>

and vehicles. H-2B visa holders are often victims, but minors also have been referenced in National Hotline cases. Nationalities are much more diverse than in most other labor trafficking types, but the highest concentrations are from Southeast Asia, Latin America, and India.

Landscaping

Victims of labor trafficking in landscaping are responsible for maintaining public or private grounds, gardens, and nurseries. Landscaping is the most commonly referenced type of labor trafficking and exploitation involving H-2B visa holders in cases reported to Polaris-operated hotlines. H-2B visa holders are not eligible for federally funded legal services, making it extremely difficult to secure services for victims in landscaping. Sixty-three percent of hotline cases involved men from Mexico. Some of the workers were from Guatemala or were U.S. citizens. Cases involving women and children are rare, according to Polaris-operated hotlines.

Agriculture

Trafficking exploits workers in the agriculture and animal husbandry industry, from corn fields to orange orchards to dairy farms. Some crops such as tobacco—the crop cited most often on Polaris-operated hotlines—require much more intensive labor to harvest, making them more susceptible to forced labor or exploitation. Others frequently mentioned are cattle/dairy, oranges, tomatoes, and strawberries. Often an agricultural contract will promise an hourly rate but then pay on a piece-rate basis, which severely limits earning potential and further entraps the victims. Abuse and exploitation of agricultural workers can happen at multiple levels due to the complex labor supply chain of recruiters, managers, contractors, subcontractors, growers, and buyers.

Food Services/Restaurants

Labor trafficking within the restaurant and food industry has been documented in nearly all kinds of food service and may involve bars, clubs, buffets, taquerias, or food and ice cream trucks. People working as cooks, bus staff, and wait staff may be exploited, with trafficking often taking advantage of language barriers between exploited workers and patrons to help avoid detection. With this type, it can be difficult for even survivors to decipher who their primary trafficker is since the links between the smugglers, recruiters, and restaurant management are sometimes unclear and may be deliberately obfuscated by the trafficker to help avoid detection.

Peddling/Begging

Forced peddling and begging is a well-known type of labor trafficking globally, but Polaris operated hotlines tend to receive fewer direct reports from victims of this type in the U.S. due to a limited number of victims willing to speak out. One peddling scheme revealed by hotline data involves trafficking who pose under the guise of a seemingly legitimate charitable or religious organization claiming to provide trips and enrichment services to “at-risk youth.” In fact, these rings exploit young U.S. children by forcing them to sell candy or baked goods, or solicit “donations” on streets or in shopping centers. Due to limited data, little is known. Some case data has shown familial links with trafficking forcing their more vulnerable family members into begging.

Salons

Labor trafficking and exploitation has been known to occur in businesses such as nail salons, hair salons, and health spas. Though workers interact regularly with customers, providing services such as manicures and facials, due to language barriers and intensive monitoring, it can be difficult for workers to reach out for help. Due to limited data, little is known, but traffickers predominantly have an employer relationship with victims, and many are from Vietnam or China. In a smaller subset of cases, the trafficker was a victim's intimate partner or spouse.

Hotels/Motels

Victims of labor trafficking have been found in hospitality businesses such as hotels, motels, resorts, or casinos working as front desk attendants, bell staff, and, most frequently, in housekeeping. Most are women and men from Jamaica, the Philippines, and India, and typically they are told that they will make lucrative wages to support family back home. Most victims enter the job with an H-2B visa, which restricts visa portability, tying victims to their abusive employer. J-1 visas are also used, though less frequently. U.S. citizen victims have also been reported to the hotline. Adults made up the vast majority of victims reported to Polaris-operated hotlines.

Traveling Sales Crews

Traveling sales crews move between cities and states and go door-to-door, often selling fraudulent products such as magazine subscriptions that customers may never receive. Young salespeople are rarely fully compensated, sell all day, and are unable to leave due to fraud, manipulation, and coercion. As a result, sales crews find this business model of labor trafficking financially rewarding and low-risk. Finding links to larger national networks can be challenging because many organizations frequently change names and operating locations while keeping the same ownership. Teens and young adults from marginalized and economically disadvantaged communities are targeted. Victims in this category are overwhelmingly U.S. citizens.

Crime

Criminal syndicates in illegal industries can exploit people for profit with the same levels of force, fraud, and coercion as in any legitimate labor industry. Polaris has seen this type of trafficking most frequently with street-level drug distribution businesses and cross-border drug smuggling, along with general domestic gang activity. Labor trafficking within illicit activities can occur in tandem with sex trafficking business models. Adult and minor female intimate partners of drug dealers, both U.S. citizen and foreign national, are routinely forced to sell drugs. In addition, domestic gangs target young U.S. citizen boys. Finally, men and vulnerable, unaccompanied boys from Mexico and Central America are chronically trafficked in cartel-controlled drug smuggling schemes.

Arts and Entertainment

Cases of labor trafficking have been reported to Polaris-operated hotlines in a variety of sectors of the arts and entertainment industry, including modeling, athletics and, less commonly, in performing arts

such as acting, choirs, and dance troupes. The hotlines also have received reports of labor trafficking in exotic dancing. While the lines between sex and labor trafficking in strip clubs is often complex, if the adult victim is forced into exotic dancing with no accompanying sex act, this would be classified as labor trafficking. Young women (both U.S. and foreign nationals) are often victimized in the modeling industry. Labor trafficking in athletics often involves boys and young men from Latin America and West Africa, and U.S. citizen women are the majority trafficked for labor in strip clubs.

Carnivals

Labor exploitation and human trafficking cases involving carnival workers have been reported to the National Hotline. Workers are responsible for operating rides, games, and food stands, as well as for assembling and disassembling carnival equipment for movement between cities. Carnival companies may contract with state and county fairs to provide rides and games, and a small number of companies and recruiters dominate the U.S. carnival industry. Most cases involve men and women from Mexico or South Africa on H-2B visas. While some U.S. citizens have been documented to work at carnivals, the extent of their potential exploitation is relatively unknown.

Forestry

According to data from Polaris-operated hotlines, trafficking in the forestry industry has included pine tree farm workers, reforestation planters, loggers, and workers maintaining woodland areas. Survivors in forestry are almost exclusively men from Mexico and Guatemala on H-2B visas, according to cases reported to the National Hotline.

Health Care

Labor trafficking victims in the healthcare industry are primarily found in nursing homes and as home health aides. The lines between domestic work and in-home health care can be difficult to ascertain, since some domestic caregivers are expected to provide medical services without proper certification. Because of these intersections, it is important to consider both industries when crafting intervention and disruption efforts. Migrant women from the Philippines are most prevalent in hotline data, followed by West African immigrant women and U.S. citizens. Victims may possess H-1B, H-2B, J-1, or H-1C (registered nurse) visas. Male survivors are involved in 23 percent of labor trafficking within the healthcare industry, according to Polaris-operated hotline cases.

Recreation Facilities

Labor trafficking for work in recreational facilities has been reported to the National Hotline in amusement parks, summer camps, golf courses, and community swimming pools, though it may also occur in other sectors of this industry. Positions at these facilities include lifeguards, camp counselors, ride attendants, and food vendors. While victims of labor exploitation tend to be young adults on J-1 visas as part of the work and travel program, nationalities run the gamut from countries across Eastern Europe, Latin America, the Caribbean, East and Southeast Asia, the Middle East, and even the U.S. (about 1/3 of trafficking cases), according to hotline data.

SEX TRAFFICKING VICTIMIZATION

Pornography

The National Hotline has documented cases of family members, intimate partners, and individual sex trafficking earning profit from distributing a victim's non-consenting appearance in pornographic material. The related issue of "revenge porn" is also a concern within relationship violence and can be considered high risk for sex trafficking. This type also includes the production and distribution of child pornography.

While some tips of sex trafficking in pornography supply limited data due to the caller's distance from the situation, hotline data has revealed that survivors tend to be U.S. citizens. While most survivors in these cases are female, the rate of male victimization is four times the rate in other sex trafficking types.

Bars, Strip Clubs, Cantinas

Human trafficking happens in legitimate bars, restaurants, or clubs selling food and alcohol while exploiting victims for both sex and labor behind the scenes. Victims must provide customers with flirtatious companionship to entice them to purchase high priced alcoholic beverages, often with an explicit or implicit agreement for commercial sex acts. Some bars and cantinas are entirely run by organized human trafficking networks. Many strip clubs and go-go clubs are associated with this type of sex and labor trafficking. Frequent victims are women and girls from Mexico, Central America, U.S. and Eastern European aged 14 to 29.

Web-Cam Sessions

Remote interactive sexual acts are live commercial sex acts simulated through remote contact between the buyer and victim through webcams, text-based chats, and phone sex lines. Because of the lack of physical contact between the victim and buyer, trafficking can frame this business as a "low-risk" endeavor. However, it is still sex trafficking if the victims are compelled to participate under force, fraud, or coercion, or if victim is under 18 years.

Interfamilial Exploitation/Survival Sex

Personal sexual servitude takes various forms, and the payment is not always cash. The line between ongoing sexual abuse and personal sexual servitude is complex, and different survivors may define their experiences differently. It can occur when a woman or girl is permanently sold, often by her family to settle a drug debt, to an individual buyer for the explicit purpose of engaging in periodic sex acts over a long period of time. It can also occur within a commercial non-consenting marriage situation.

In most reported cases, victims are U.S. citizens. Runaway homeless youth and LGBTQIA minors are particularly vulnerable. Foreign national victims are predominantly women and girls from Mexico and Central America.

Residential Brothels

Sex trafficking can occur within organized residential brothels run by a network of coordinated trafficking, or within private households used more informally for commercial sex. Residential brothels that follow the first, more formalized model tend to cater to commercial sex buyers from similar ethnic and/or language backgrounds, advertising through word of mouth or covert business cards. Advertisement for the second model varies, but often includes word of mouth, and Backpage.com is emerging as a frequent source.

Illicit Massage Businesses

Illicit massage, health, and beauty businesses present a façade of legitimate spa services, concealing that their primary business is the sex and labor trafficking of women trapped in these businesses. Although they appear to be single storefronts, the majority are controlled as part of larger networks – with one to three people owning several businesses at a time. Research suggests there are at least 7,000 storefronts in the U.S., and possibly far more.

Most victims of illicit massage businesses are women from the mid-thirties to late fifties from China and South Korea. In other illicit health and beauty businesses, labor trafficking survivors are typically younger females (mid-twenties and older) from Southeast Asia.

Escort Services

Escort Services is a broad term that refers to commercial sex acts that primarily occur at a temporary indoor location. The operations are often described as “out-call,” where trafficking deliver victims to a buyer’s hotel room or residence for “private parties,” or as “in-call,” where potential buyers cycle in and out of a hotel room where the trafficker confines victim for extended stays.

There have been fluctuations in popular online advertising platforms for commercial sex, but the most prevalent online marketplace is Backpage.com. Though Backpage closed its U.S. Adult Services section in January 2017 due pressure from the U.S. Senate, Backpage accounts for over 1,300 cases of trafficking and remains a driving force in global sexual exploitation.

Street Prostitution

Outdoor solicitation occurs when trafficking forces victims to find buyers in an outdoor, public setting. In cities, this occurs on a particular block or at cross streets known for commercial sex and often referred to as a “track” or “stroll.” In rural areas, it frequently takes place at rest stops along major highways.

According to Polaris-operated hotline data, survivors are overwhelmingly U.S. citizen women and girls. Women and girls of color are also disproportionately represented in the data. While victims represent diverse experiences and socioeconomic backgrounds, certain inequalities and societal factors may make particular individuals especially vulnerable. These factors include histories of trauma and abuse, addiction, chronic mental health issues, and homelessness. Runaway and homeless youth are particularly vulnerable.

9.6 LAW ENFORCEMENT HUMAN TRAFFICKING TASK FORCES

East Bay: Labor trafficking, Alameda County Vice Enforcement Teams, Human Exploitation Anti-Trafficking Teams

Alameda County D.A. Office: 510-272-6222/777-2294, Oakland Police: 510-238-3253

Hayward Police Department: 510-293-7076, Alameda County Sheriff Office: 510-667-3622

Orange County Human Trafficking Task Force

Anaheim Police Department: 714-765-1404

Westminster Police Department: (714) 898-3315

Fresno County Human Trafficking Task Force

Fresno Sheriff Office: 559-621-5904

Fresno Police Department: 559-621-5951

Los Angeles Anti-Human Trafficking Task Force

Los Angeles Police Department: 213-486-6840

Los Angeles County Regional Human Trafficking Task Force

Los Angeles Sheriff Office: 213-229-1700

Riverside County Regional Human Trafficking Task Force

Riverside Sheriff Office: 951-955-2581

Sacramento County Human Trafficking Task Force

Sacramento Sheriff Office: 916-874-1608

North Bay County Human Trafficking Task Force

San Francisco Police Department: 415-837-7210

Santa Barbara County Human Trafficking Task Force

Santa Barbara Sheriff Office: 805-681-4100

Santa Clara County Human Trafficking Task Force

San Jose Police Department: 408-537-1626

San Diego County Human Trafficking Task Force

San Diego Sheriff Office: 858-495-5612

Tulare County Human Trafficking Task Force

Tulare County Sheriff's Office: 559-733-6218

The above list is provided as a sampling and does not all task forces and coalitions focused on the issue.

9.7 County Child Abuse Reporting Hotline for California

Alameda	(510)-259-1800 – 24 hours	Placer	(916)-872-6549; (866)-293-1940
Alpine	(530)-694-2235	Plumas	(530)-283-6300 – Sheriff Office; (530)-283-6350; (800)-242-3338 – Toll free
Amador	(209)-223-6550 – Mon-Thurs 8 to 5 (209)-223-1075 – After hours	Riverside	(800)-442-4918; (877)-922-4453
Butte	(530)-538-7882 (800)-400-0902 – 24 hours	Sacramento	(916)-875-5437
Calaveras	(209)-754-6452 (209)-754-6500 – After hours	San Benito	(831)-636-4190; (831)-636-4330 – After hours Police
Colusa	(530)-458-0280	San Bernardino	(909)-384-9233; (800)-827-8724
Contra Costa	(925)-646-1680 – Central (510)-374-3324 – West (925)-427-8811 – East (877)-881-1116	San Diego	(858)-560-2191; (800)-344-6000
Del Norte	(707)-464-3191	San Francisco	(415)-558-2650; (800)-856-5553
El Dorado	(530)-642-7100 – Placerville (530)-573-3201 – South Lake Tahoe	San Joaquin	(209)-468-1333
Fresno	(559)-255-8320	San Luis Obispo	(805)-781-5437; (800)-834-5437
Glenn	(530)-934-6520 (530)-934-6519 (530)-934-1429 – Intake	San Mateo	(650)-595-7922; (650)-802-7922; (800)-632-4615
Humboldt	(707)-445-6180	Santa Barbara	(800)-367-0166
Imperial	(760)-337-7750	Santa Clara	(650)-493-1186 – North; (408)-683-0601 – South; (408)-299-2071 – Central
Inyo	(760)-872-1727	Santa Cruz	(831)-454-2273; (877)-505-3299
Kern	(661)-631-6011 (760)-375-6049	Shasta	(530)-225-5144

9.7 County Child Abuse Reporting Hotline for California - cont.

Kings	(559)-582-3241 – 8:00-5:00 (559)-582-8776 – After hours (866)-582-8776	Sierra	(530)-289-3720 (530)-993-6720
Lake	(707)-262-0235 (800)-386-4090	Siskiyou	(530)-841-4200; (530)-842-7009 – 24 hour hotline
Lassen	(530)-251-8277 (530)-257-6121 (530)-310-3682 – After hours	Solano	(800)-544-8696
Los Angeles	(800)-540-4000 – Within CA (213)-639-4500 – Outside CA (800)-272-6699 – TDD	Sonoma	(707)-565-4304 (800) 870-7064
Madera	(559)-675-7829; (800)-801-3999	Stanislaus	(209)-558-3665; (800)-558-3665
Marin	(415)-473-7153	Sutter	(530)-822-7227
Mariposa	(209)-742-0900 – Daytime (209)-966-7000 – After hours	Tehama	(530)-527-1911;(800)-323-7711
Mendocino	(707)-463-7992 – Ukiah (707)-962-1100 – Fort Bragg (866)-263-0368 – Toll free	Trinity	(530)-623-1314
Merced	(209)-385-3104	Tulare	(559)-730-2677; (800)-331-1585
Modoc	(530)-233-6602 (866)-233-4424	Tuolumne	(209)-533-5717; (209)-533-4357 – After hours
Mono	(760)-924-1770 (760)-932-7549 – Sheriff Office (800)-340-5411 – Hot Line	Ventura	(805)-654-3200
Monterey	(831)-755-4661 (800)-606-6618	Yolo	(530)-669-2345; (530)-669-2346; (888)-400-0022 – After hours
Napa	(707)-253-4262; (707)-253-4261 (800)-464-4216	Yuba	(530)-749-6288
Nevada	(530)-273-4291 – 24 hour		
Orange	(714)-940-1000; (800) – 207-4464		

Patrol Officers Field Tips for Responding to Human Trafficking

RESPONDING TO CSEC/SEX TRAFFICKING:

- Put victim at ease, be supportive
- Separate involved parties to interview
 - Do you feel safe to speak now & are you free to leave (w/out companion)? Your concerns if you were to leave or we were to speak now?
 - Provide qualified interpreter
 - Get social media information – screen names, etc. (victims/trafficking)
 - Collect phone numbers; Google Search
- Complete child abuse reporting form
- Notify Child Abuse Hotline (510) 259-1800 & follow protocol, Request H.T. Advocate from DA Victim Witness Office (510)-272-6180 or advocates from Bay Area Women Against Rape (510) 845-7273 OR Tri-Valley Haven 1-800-884-8119 OR Progressive Transitions (510) 917-0666
- Ascertain WIC 300/305/600 or 700 status
 - Contact parents/legal guardians: history
 - Record parents, guardians, victims
 - Implement protective hold, if appropriate
- Contact CALICO Child Advocacy Center (510) 895-0702, as needed,
- Photograph tattoos, scene, electronics
- Collect electronics
- Contact Special Victims, Human Trafficking Unit and forward all reports

RESPONDING TO LABOR TRAFFICKING:

- Request H.T. Advocate from DA Victim Witness Office (510)-272-6180
- Separate involved parties to interview
 - Do you feel safe to speak now & if free to leave (w/out companion)? Your concerns if you were to leave or if we were to speak now?
 - Provide qualified interpreter
 - Obtain consent to collect phones, passwords
 - If search warrant is in place, collect phone and secure as evidence
- Look for signs of power & control
- Look for abuse, intimidation & isolation
- Document work conditions, shift schedules, # employees, living conditions

- Determine who has control of identification papers, or lack thereof
- Photograph the scene
- Forward reports to Human Trafficking Unit and White Collar Fraud Unit

VICTIM SAFETY PLANNING: If initial contact occurs before meeting in person, allow victim to choose time & location. If on the spot, ask if this time and location is a safe? Check body language. Get qualified trauma-informed interpreter if needed.

SIGNS OF CSEC/SEX TRAFFICKING

- Cash, drugs
- Multiple cell phones
- Tattoos & language including GF, Pimp, Mack, Daddy, Wifey, Sister, Uncle, etc.
- Rental Car
- Motel/Hotel Key Card
- Pre-paid phone cards
- Luggage
- Condoms/types of clothes
- Accompanying “Boyfriend, Sister, Uncle, Aunt, Mother, Daddy, etc.”
 - Notice communication with and body language towards victim
- Victim’s body language: agitated, scared
- Victim’s location in vehicle

VICTIM SAFETY PLANNING: If initial contact occurs before meeting in person, allow victim to choose time & location. If on the spot, ask if this time and location is a safe? Check body language. Get qualified trauma-informed interpreter if needed.

SIGNS OF LABOR TRAFFICKING

- Lack of eye contact/submissive
- Malnourished
- Lack of vehicle
- Does not speak English
- Living on site
- Look for van/bus
- No time clock or ledgers at site
- No posted work schedules
- No Fair Labor signs posted
- Cameras in uncommon place

Investigators Field Tips for Responding to Human Trafficking

RESPONDING TO CSEC/SEX TRAFFICKING:

- Document all aspects of the case!
- Know the signs of human trafficking and document as you discover them.
- Support the framework of the investigation by monitoring online commercial sex advertising, track patterns, etc.
- Collaborate w/responding patrol officers, victim advocates, child abuse detectives, forensic examiners, human trafficking investigators, D.A. prosecutors/inspectors.
- Wear plain clothes, put victim at ease. Use POST and forensic experiential trauma interview guidelines.
- Request H.T. Advocate from DA Victim Witness Office (510) 272-6180
- Do not start interview focused on asking victim's resident or system status or if he/she is a victim of human trafficking.
- From the start build rapport/trust with victim, attend to his/her safety needs, advise he/she is not in trouble. (Very important!)
- Conduct interviews in safe and relaxed environments.
- Be culturally responsive and sensitive.
- Take time to explain role, process, respond to questions honestly.
- Ensure interviews with victims < 12 yrs are conducted at CALICO: (510) 895-0702. Developmentally delayed youth and adults can also be interviewed at CALICO.
- Separate victim from other witnesses & victims to help identify power dynamics.
- Document immediately the dynamics between the involved persons.
- Actively listen to/ document what is said/what is not & observed body language.
- Minimize number of people & amount of interviews to avoid re-traumatizing victim & creating confusion in victim statements.
- Prepare a timeline analysis of where and who lives with victim.
- Determine who has control/leverage over victim and tactics used.
- Interview/verify all witnesses & suspects to the crime, making certain Miranda/Behler admonitions have occurred.
- Conduct pertinent records checks i.e., personal histories, prior calls for services, financials etc.
- Obtain social media profiles, contact information of close allies.
- Interview neighbors, family members, friends to corroborate victim statements.
- Obtain the necessary subpoenas & warrants for phone and financial records, etc., border crossing records (if applicable).
- Complete reports applicable to the charge/related charges of human trafficking, submit reports to provide victim relief & complete supplemental investigative requests.
- Bring in forensic auditors & specialized investigators to help examine ties to larger networks & enable possible asset forfeiture.

RESPONDING TO LABOR TRAFFICKING/ILLCIT MESSAGE PARLORS/RESIDENTIAL BROTHELS, ADD:

- Start investigation with local regulatory business inspection and/or undercover operations. Document: shift schedules, number of employees, employment rights signage, placement of licenses, work conditions, if employees live on premises, control over employees, nature of contractor/employment relationship, and employer/owner identity documentation.
- For residential brothels, initiate an outreach effort to property managers & rental/real estate agents with support from D.A. Office.
- Utilize technology based tools and software to assist in targeting sites by searching location databases related to online ads.
- In undercover operations, use credit cards, keep receipts for financial investigations.
- Determine worker/victim's primary language to assist follow up translation support and services.
- Ask where and who the worker/victim lives with to determine if victims live with other victims and handlers.
- Ask victims if they have their IDs & travel documents, and/or who is holding the documents to prove being controlled, intimidated, not free to leave.

VICTIM SAFETY PLANNING: If initial contact occurs before meeting in person, allow victim to choose time & location. If on the spot, ask if this time and location is a safe? Check body language. Get qualified trauma-informed interpreter if needed.

If you have questions or concerns, please contact the H.E.A.T. Inspectors at the Alameda County District Attorney Office (510) 272-6282

ALAMEDA COUNTY

Committed to ending human trafficking.



L to R: Director Will Lightbourne of the California Department of Social Services, District Attorney Nancy E. O'Malley of Alameda County and founder of the H.E.A.T. Institute and Judge Catherine Pratt of the Succeeding Through Achievement and Resilience (STAR) Court, Los Angeles Superior Court receiving testimonies a hearing in Los Angeles (11.20.15)

