



## CPOA Fact Sheet

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# HUMAN TRAFFICKING

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### **Background**

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

The California Department of Justice [confirms](#) that human trafficking is the world's fastest growing criminal enterprise. It is second only to drug trafficking in profits. CPOA recognizes that this epidemic will continue to be one of the most discussed crimes in California for years to come, especially given the dominance of massage parlors and other human trafficking and prostitution fronts throughout the state.

### **Signs of Trafficking**

The following possible indicators can help identify the signs of a human trafficking victim, and was adapted from information provided by the Polaris Project and its National Human Trafficking Resource Center:

#### **Physical Indicators may include:**

- Excessive work-related injuries
- Bruises and other evidence of sexual assault, beatings, physical restraint or confinement
- Untreated sexually transmitted diseases
- Untreated critical illnesses such as diabetes or heart disease, malnourishment, etc.
- Severe psychological distress
- Poor dental health
- Under 18 and providing commercial sex acts

### **Legislation Introduced in 2013-2014 Session to Address the Issue**

**AB 1147 (Bonilla)**-Established the Massage Therapy Act of 2014. Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by the California Massage Therapy Council. This bill would reenact, revise, and recast these provisions to, among other things, establish

an interim board of directors to govern the council until September 15, 2015, and provide for the appointment of a new board of directors consisting of 13 members, as specified, whose 4-year terms would begin on that date. The bill would authorize the board to establish fees reasonably related to the costs of providing services and performing its duties, not to exceed \$300. The bill would require the board to provide at least 90 days' advance notice prior to holding a meeting to vote upon a proposal to increase the certification fees, as specified, except as provided. The bill would also require the board to notify certificate holders of a board action that increases those fees.

**Status:** Signed by Governor Brown in 2014

**AB 1585 (Alejo)**- Would provide that if a defendant has been convicted of solicitation or prostitution and has completed any term of probation for that conviction, the defendant may petition the court for relief if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking, and would authorize a court to issue an order that sets forth a finding that the defendant was a victim of human trafficking, as specified.

**Status:** Signed by Governor Brown in 2014

**AB 1610 (Bonta)**-Would authorize the defendant or the people to apply for an order that the witness be examined conditionally when the defendant has been charged with human trafficking and there is evidence that the victim or material witness has been or is being dissuaded by the defendant or a person acting on behalf of the defendant, by intimidation or physical threat, from cooperating with the prosecutor or testifying at trial. The bill would conform the affidavit requirements for applying to examine a witness conditionally.

**Status:** Signed by Governor Brown in 2014

**AB 1791 (Maienschein)**- Current law makes it a crime to engage in specified forms of disorderly conduct, including soliciting or agreeing to engage in, or engaging in, any act of prostitution. This bill would make that crime punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$2,000, or by both that fine and imprisonment, if the person who was solicited by, or who agreed to engage in or engaged in any act of prostitution with, the person who committed that crime was a minor at the time of the offense. This bill contains other related provisions and other existing laws.

**Status:** Signed by Governor Brown in 2014

**SB 939 (Block)**- Current law requires, when more than one violation of certain specified provisions of law occurs in more than one jurisdictional territory, that jurisdiction for any of those offenses is in any jurisdiction where at least one of the offenses occurred if all district attorneys in counties with jurisdiction of the offenses agree to the venue. This bill would add human trafficking, pimping, and pandering to the specified offenses to which the above jurisdictional requirements apply.

**Status:** Signed by Governor Brown in 2014

**SB 955 (Mitchell)**-Would add human trafficking to the list of offenses for which interception of electronic communications may be ordered pursuant to specified provisions.

**Status:** Signed by Governor Brown in 2014

**SB 1388 (Lieu)**-Disorderly conduct includes, but is not limited to, soliciting or agreeing to engage in or engaging in any act of prostitution. This bill would provide that if that crime is committed and the person who was solicited was a minor at the time of the offense, and if the defendant knew or should have known that the person who was solicited was a minor at the time of the offense, the violation is punishable by imprisonment in

a county jail for not less than 2 days, except as specified, and not more than one year, or by a fine not exceeding \$10,000, or by both that fine and imprisonment.

**Status:** Signed by Governor Brown in 2014

### **Effect on Law Enforcement Going Forward**

- Identifying the scope of human trafficking in California remains a challenge, as statistical data on victims, arrests, and convictions are unreliable with the crime itself often hidden and under-reported.
- Common categories and shared definitions do not exist – nor is there any single agency responsible for statewide data collection.
- As a further complicating factor, potential cases of human trafficking are often investigated and prosecuted under related offenses such as pimping, pandering, and prostitution rather than the Penal Code 236.1, which criminalizes human trafficking.
- From 2010 to 2012, nearly **1,300 human trafficking victims** were found in California and **1,800 suspects were arrested. 72% of the victims were Americans who were born in the U.S.**
- Technology and social networking websites have transformed human trafficking in California and reshaped the way traffickers control victims.
- **Coordinated response by local, regional and state law enforcement continues to be recommended** by the Office of the California Attorney General. Human trafficking offenders tend to engage in other criminal activities (i.e. drug dealing, money laundering, etc.), and law enforcement entities must collaborate on identification and investigation of such crimes.

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[\*The State of Human Trafficking in California\*](#)-a 2012 report from the CA Department of Justice