

HUMAN TRAFFICKING PROTOCOL
FOR
LAW ENFORCEMENT

*Police Chiefs' Association
Of
Santa Clara County*

Adopted March 3, 2016

POLICY STATEMENT

Human trafficking pertains not only to individuals who are victimized as forced laborers but also includes individuals who are victimized for sexual services. Children are exploited through all forms of forced labor and services. Children who are exploited for commercial sex are referred to as Commercially Sexually Exploited Children (CSEC). The San Francisco Bay Area, which includes Santa Clara County, has a population of over seven million people, many of whom are recent immigrants. With our major harbors and airports, Santa Clara County is a target destination for human trafficking.¹ Our County is also situated along major transit corridors up and down the West coast, making it an important transit hub for traffickers. While many victims of trafficking are foreign born, approximately 83% of identified sex trafficking victims are U.S. citizens.² This protocol focuses specifically on our County's efforts to identify, reduce and eradicate the sexual and labor exploitation of women, men and children in Santa Clara County, and offers guidelines and standards on how to improve the criminal justice response to this critical issue.

Human trafficking is defined, generally, as depriving or violating the personal liberty of another with the intent to obtain forced labor or services. (Cal. Pen. Code 236.1(a).) Human trafficking of adults and minors for the purpose of commercial sexual exploitation carry more severe punishments. (Cal. Pen. Code 236.1(b), (c).) Because of the predatory nature of human trafficking, victims commonly possess one or several high risk factors, including but not limited to, being young, a runaway, disabled, homeless, substance-addicted, LGBTQ, a foreign national or undocumented.

We cannot address and eradicate human trafficking in Santa Clara County without understanding victims and their plight. We must seek not only to prosecute vigorously those who take advantage of their vulnerability, but also to assist victims to move forward and live safe, productive lives. The process of healing begins from the **very first** contact with a human trafficking victim.

The Human Trafficking Protocol for Law Enforcement provides guidelines and establishes standards for public safety call takers, dispatchers and patrol officers in handling human trafficking incidents. It emphasizes collaboration with service providers and non-governmental organizations to provide emotional, physical and legal support to victims. The primary objective of this protocol is to investigate and prosecute human traffickers to the fullest extent of the law, with all deliberate speed and vigor, while protecting victims' physical and emotional needs with the same level of commitment and tenacity. This protocol is intended to supplement each law enforcement agency's policies, procedures and standards in the investigating and reporting of criminal cases.

¹ Bengs, ed. *California Alliance to Combat Trafficking and Slavery Task Force: Human Trafficking in California Final Report*. 2007. Electronic.

² California Department of Justice Attorney General's Office. *The State of Human Trafficking in California*. 2012. Print.

Santa Clara County Police Chiefs' Association Membership

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CAMPBELL POLICE DEPARTMENT

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Chief Pete Decena
Chair, Police Chiefs' Association of Santa Clara County

Date

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1. PURPOSE & OBJECTIVES

The purpose of the protocol is to formalize the procedures to be followed by law enforcement in human trafficking cases. It seeks to provide an appropriate umbrella of protection that effectively addresses the ongoing and escalating nature of exploitation suffered by trafficking victims.

The primary objectives are to identify, reduce and ultimately eradicate human trafficking in Santa Clara County. This necessarily includes the investigation and prosecution of traffickers while vigorously protecting the needs of victims at all stages. In furtherance of the primary objectives, this protocol will:

- Establish a standard operating procedure for all law enforcement agencies in Santa Clara County in the investigation and handling of human trafficking cases.
- Emphasize a collaborative, multi-disciplinary response model that engages law enforcement agencies and victim services.
- Aim to protect victims from predatory traffickers, both physically and emotionally.
- Aim to protect victims from exposure to life-threatening diseases and physical abuse.
- Assist law enforcement in recognizing human trafficking in all its forms, particularly when victimization is not readily apparent.
- Encourage law enforcement to respond in a victim-centered, trauma-informed manner.
- Aim to hold traffickers and exploiters accountable.

2. **COMMON CHARGES***

*See code sections for full and exact language.

PENAL CODE

- 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.
- 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).
- 236.1(a), (b) Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of 266, 266h, 266i, 267, 311.4 or 518, or to obtain forced labor or services. For purposes of this section, unlawful deprivation or violation of the personal liberty of another includes substantial and sustained restriction of another’s liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving the threat reasonably believes that it is likely that the person making the threat could carry it out. Duress includes knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.
- 236.1(c) 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.
- 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 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.
- 236.5 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 Endorsement (LEA) Regulations as found in paragraph (1) of subdivision (f) of Chapter 8 of The Code of Federal Regulations. (See *Form I-918 Supplement B*)

- 266 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.
- 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 – Any person who procures another person for the purposes of prostitution.
- 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.
- 273a 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.
- 293 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 commit an act of prostitution because he/she is the victim of human trafficking.
- 311.4 Using minor to assist in distribution of obscene matter-posing or modeling involving sexual conduct.
- 518 Extortion – Obtaining money or property from another, with his consent, induced by a wrongful use of force or fear, or under color of official right.
- 422 Criminal threats – Willfully threatening to commit a crime which will result in death or great bodily injury to another person.
- 261 Rape – An act of sexual intercourse accomplished with a person not the spouse

of the perpetrator under force, violence, duress, menace or fear; 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.

- 262 Spousal rape – An act of sexual intercourse with the spouse of the perpetrator under force, violence, duress, menace or fear; where a person is prevented from resisting because of intoxication; where a person is unconscious; under threat of retaliation; or under threat of incarceration, arrest or deportation.
- 207 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.
- 208 Kidnapping for ransom – Kidnapping with the intent to obtain a ransom, reward, or to commit extortion or to exact from another person any money or valuable thing.

3. 911/DISPATCHER RESPONSE

- 3.1 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, the manner in which questions are asked, and the manner in which the victim's answers and statements are received.
- 3.2 No 911 call-taker or dispatcher should ever 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.
- 3.3 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, traffic stops, among others. Always consider that human trafficking may be occurring even if not immediately apparent.
- 3.4 The following topics may help a 911-call taker assess the nature of a human trafficking call. These topics are suggestions only and should not be viewed as an exhaustive list. Tailor your interview to your specific facts and circumstances, and do not limit yourself to the areas listed.
 - Nature of emergency.
 - Nature and extent of injuries, if any.
 - Presence of suspect(s) in the immediate area.
 - Language(s) spoken.
 - Occupation/job/activities in the U.S.
 - Long hours/little to no pay/debt
 - Whether caller is free to come and go as she/he pleases.
 - Whether caller is calling 911 secretly/without suspect's knowledge.
 - Whether there is any kind of surveillance in the immediate area.
 - Whether caller is being hidden or in hiding.
 - Whether there are others being hidden or in hiding.
 - Whether identification or immigration documents have been taken.
 - Whether caller's own safety or family's safety is being threatened.
 - Whether caller is locked in at his/her location.
 - Whether there are children present.

- 3.5 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.
- 3.6 The dispatcher who receives a human trafficking call shall dispatch officers 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, when warranted, give a human trafficking incident call the same priority as any other life threatening call. Human traffickers move victims quickly and frequently to avoid detection. Law enforcement must move with all deliberate speed.

4. PATROL OFFICER RESPONSE

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

4.2 Consider and document if the following indicators of human trafficking are present:

- Signs of trauma, fatigue, injury, 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;
- The person lives and works in the same place;
- 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.
- Malnutrition.

4.3 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 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.

4.4 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 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.
 - 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.
- 4.5 With respect to evidence collection and preservation, a sex trafficking case is and should be treated as a sexual assault investigation. Evidence of labor trafficking in plain view should also be collected.
- 4.6 Advise victims of their rights and available services, including but not limited to:
- Offer a victim advocate.
 - Contact County Communications to request a victim advocate if the victim accepts or requests one. County Communications will contact the on-call victim advocate point person who is available 24/7.
 - Provide a Marsy's Law card.
 - Explain Emergency Protective Order options, if applicable.
 - Advise the victim that he/she is eligible to apply for the CA Victim Compensation Program through the Santa Clara County Victim Witness Program.

5. INVESTIGATIONS

- 5.1 Officers should make efforts to maintain contact with victims throughout the investigation and prosecution of the trafficker. Because coercion is often not overt, officers should thoroughly document various means of coercion, fraud or force throughout the investigation (i.e., threats to the victim or his/her family, withholding funds, creating fear about law enforcement or immigration, grooming, manipulation and/or power and control dynamics similar to domestic violence and sexual assault cases.)

In supporting a victim-centered approach and only to the extent that a thorough and effective investigation can be maintained, officers should try to minimize the number of interviews with the victim because of the risk of repeated trauma. Additionally, numerous statements may impact not just the criminal prosecution, but other remedies available to the victim (i.e., immigration relief, civil remedies, family law, etc.). Officers should make efforts to ensure victim safety not only at identification but also throughout the investigation and prosecution of the trafficker. Victim advocates can assist with this support.

- 5.2 Early on, obtain all potential locations, addresses and phone numbers where the victim might be located. This includes 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.
- 5.3 Interviews of trafficking victims and witnesses should be audio and video recorded. It is preferred that interviews with children 12 and under take place at the Child Interview Center or similar facility. Interview each witness separately in a comfortable, safe environment. Interviews should be conducted away from and out of sight of suspects and parents/guardians. Ask questions in a non-leading, non-suggestive manner. If complications arise, contact a human trafficking or child abuse detective.

6. **COMMERCIALLY SEXUALLY EXPLOITED CHILDREN***

***SEPARATE PROTOCOL**

6.1 PURPOSE OF THIS PROTOCOL

The term Commercially Sexually Exploited Children (CSEC) refers to children and adolescents who have been victims of a range of crimes of a sexual nature, including:

- Recruiting, enticing, harboring, transporting, providing, obtaining, and/or maintaining a minor for the purpose of sexual exploitation;
- Exploiting a minor through prostitution;
- Exploiting a minor through survival sex (exchanging sex/sexual acts for money, shelter, food, drugs);
- Using a minor in pornography; and
- Exploiting a minor by having her or him perform in sexual venues (e.g. peep shows or strip clubs).³

Government and non-profit agencies within Santa Clara County are in the process of developing expanded services, programs, protocols, and protections to address the needs of CSEC.

This protocol is intended to provide guidance to patrol officers in their initial contact with a CSEC.

Separate protocols will govern further investigations by law enforcement;⁴ investigations and provision of services by the County Social Services Agency and the County Probation Department; and provision of services by community-based organizations.

6.2 GOALS

The U.S Department of Justice convened a Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors, which adopted the following fundamental guiding principles:⁵

³ *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, Institute of Medicine and National Research Council (2013) at p. 2.

⁴ See Santa Clara County Child Abuse Protocol (2008), pp. 20-24 (hereafter “Child Abuse Protocol”) and the Santa Clara County Human Trafficking Protocol (2011), pp. 21-23.

⁵ *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, Institute of Medicine and National Research Council at p. 3.

1. Commercial sexual exploitation and sex trafficking of minors should be understood as acts of abuse and violence against children and adolescents.
2. Minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals.
3. Identification of victims and survivors and any intervention, above all, should do no further harm to any child or adolescent.

In accordance with these principles, it is the general policy and practice of the District Attorney's Office not to prosecute minors for prostitution, as these minors are victims of extreme trauma and sexual exploitation, not criminals.⁶

As set forth in the Human Trafficking Protocol previously adopted by the Police Chief's Association, law enforcement's primary concern is keeping these children safe and holding their traffickers accountable.⁷

The goal of this protocol is to ensure that CSEC who are identified by law enforcement are treated as victims and routed to appropriate placements, and that any evidence that can be used to prosecute traffickers is collected.

6.3 PROTOCOL

A. Responding to the Needs of CSEC and Identifying an Appropriate Placement

1. Initial Contact

When an officer comes into contact with a CSEC, the officer must decide whether to:

- Release the child to lawful custodian.
- Take the youth into temporary protective custody and call Department of Family and Children Services (DFCS) to initiate the Joint Response Protocol;
- Take the youth to Valley Medical Center because he or she is in need of immediate medical care and/or has consented to an exam by the Sexual Assault Response Team (SART);⁸

⁶ In the rare circumstance that a minor is engaged in trafficking of other minors, the District Attorney's Office may pursue prosecution.

⁷ *Human Trafficking Protocol*, Santa Clara County Police Chiefs' Association (2011), p. 17 (hereafter "Human Trafficking Protocol").

- Or, in rare cases, arrest the minor and take him or her to Juvenile Hall because:
 - (A) There is a warrant for the minor arrest;
 - (B) The officer has probable cause to believe the minor has committed a crime unrelated to his or her commercial sexual exploitation for which arrest is appropriate under the Santa Clara County Booking Protocol; or
 - (C) The minor is in immediate danger of physical violence, no appropriate non-criminal alternative placement is available, and the minor has committed a crime for which she or he can be detained in Juvenile Hall.

In all cases, the officer will inform the CSEC victim that, as a victim of sexual exploitation, he or she has a right to a sexual assault advocate. If the CSEC consents, the officer will call the CSEC Hotline at (877) 363-7238 to arrange for an advocate to assist the CSEC.⁹

2. Determining whether to take the youth into temporary or protective custody

An officer has authority to take CSEC youth into temporary custody if the officer has reasonable cause to believe the minor could be deemed a dependent or ward of the court, or the child has been abducted.

Dependent of the Court

Under Welfare and Institutions Code section 300 *et seq.*, an officer may take a child into temporary custody without a warrant for the following reasons:

- (1) The officer has reasonable cause to believe the minor is a victim of abuse and neglect as described in Section 300 and the minor has an immediate need of medical care, 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. Minors fall within Section 300 if they are victims of commercial sexual exploitation and their parents or guardians failed to or were unable to protect them from exploitation.¹⁰

⁸ See SART Protocol. Law enforcement must notify the local victim counseling center whenever a victim of sexual assault is transported to a hospital for a medical evidentiary or physical examination. Penal Code § 264.2(b)(1).

⁹ Like other victims of sexual assault, CSEC have a right to a victim's advocate. See Penal Code § 679.04.

¹⁰ *Id.* §§ 300(b)(2), 305; *In re Brittney C.*, D045167, 2005 WL 1774491 (Cal. Ct. App. July 28, 2005).

(2) The officer has reasonable cause to believe the minor is a dependent of the court and has violated an order of the juvenile court or left any placement ordered by the court.¹¹

(3) The minor is found in any street or public place suffering from any sickness or injury which requires treatment.¹²

Ward of the Court

Under Welfare and Institutions Code section 600 *et seq.*, an officer may take a child into temporary custody without a warrant for the following reasons:

(1) The officer has reasonable cause to believe the minor is a person described in Section 601 or 602 of the Welfare and Institutions Code.¹³ This includes minors who are habitually truant, disobedient, or violate curfew,¹⁴ and those who have committed a crime.¹⁵

(2) 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.¹⁶

(3) The minor is found in any street or public place suffering from any sickness or injury which requires treatment.¹⁷

Abducted Child

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

(1) 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;¹⁸

(2) There is no lawful custodian available to take custody of the child;¹⁹

(3) There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child; or²⁰

¹¹ Welf. & Inst. Code § 305.

¹² *Id.*

¹³ *Id.* § 625.

¹⁴ *Id.* § 601.

¹⁵ *Id.* § 602.

¹⁶ *Id.* § 625

¹⁷ *Id.*

¹⁸ Penal Code § 279.6(a)

¹⁹ *Id.*

(4) The child is an abducted child.²¹

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,²² 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).

An officer should only arrest a CSEC victim and take him or her to Juvenile Hall if:

- a) There is an outstanding arrest warrant for the CSEC;
- b) The CSEC has committed a crime unrelated to sex trafficking for which arrest is appropriate under the Santa Clara County Booking Protocol; or
- c) The minor is in immediate danger of physical violence, no appropriate non-criminal alternative placement is available, and the minor has committed a crime for which she or he can be detained in Juvenile Hall.

3. Releasing the Youth to an Appropriate Agency or Placement

After taking the minor into temporary or protective custody, the officer must then decide whether the minor should be released to DFCS, Probation, or a community based organization.

First, an officer should determine whether the CSEC is a dependent or ward of the juvenile court, either through dispatch or by directly contacting the DFCS at (408) 299-2071 or the Santa Clara County's Juvenile Probation Department (JPD) at (408) 278-5820.

If the CSEC is a dependent, the officer should consider DFCS's advice as to whether the minor should be taken to the DFCS Receiving Center, to an identified foster care or group home, or to another DFCS-authorized placement.²³

²⁰ *Id.*

²¹ *Id.*

²² *See In re Ian C.*, 87 Cal. App. 4th 856 (2001).

²³ Welf. & Inst. Code §§ 307, 307.5.

If the CSEC is a ward of the juvenile court, the officer should consider JPD's advice as to whether the minor should be released, brought to Juvenile Hall, or taken to an alternate placement.²⁴

If the CSEC youth is *not* a dependent or a ward, the officer may choose between the following options:

- a) Release the child to a lawful custodian, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction;²⁵
- b) Request a joint response by DFCS, transfer custody of the child to the responding social worker, and prepare a Juvenile Contact Report (JCR);²⁶
- c) Release the child to a community-based organization serving CSEC youth;²⁷ or
- d) In rare cases, arrest the minor and take him or her to Juvenile Hall.

B. Building a case against the victim's trafficker

"[V]ictims and survivors may be distrustful of law enforcement, may not view themselves as 'victims,' or may be too traumatized to report or disclose crimes committed against them."²⁸ A minor victim's inability or unwillingness to provide information to law enforcement or to identify him or herself as a victim are often directly connected to and caused by the trauma she or he has experienced. Regardless of whether minor is willing or able to participate in investigation; the minor will be treated as a victim.

In investigating suspected sexual exploitation of children, officers should follow the response and investigation procedures outlined in this Human Trafficking Protocol.

²⁴ *Id.* § 626.

²⁵ *Id.* §§ 307(a), 626(a); Penal Code § 279.6(b)(1).

²⁶ Welf. & Inst. Code §§ 307(c), 306, 626(b); Penal Code § 279.6(b)(2).

²⁷ Welf. & Inst. Code § 307.5, 626(b). A list of the organizations serving CSEC youth is available at [INSERT INFO].

²⁸ *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, Institute of Medicine and National Research Council at p. 2.

7. FREQUENTLY CONTACTED ORGANIZATIONS

Alameda County H.E.A.T. Watch
AACI (Asian Americans for Community Involvement)
Bill Wilson Center
Child Abuse and Neglect Reporting Hotline
Community Solutions
Department of Homeland Security – Homeland Security Investigations
Eastfield Ming Quong Families First
Federal Bureau of Investigation
Freedom House
Katharine and George Alexander Community Law Center
LACY (Legal Advocates for Children and Youth)
L.E.I.H.T. (Law Enforcement To Investigate Human Trafficking) Task Force
Maitri (Southeast Asian Women)
NCMEC (National Center for Missing and Exploited Children)
Next Door Solutions to Domestic Violence
Polaris Project/National Human Trafficking Resource Center
Santa Clara County District Attorney's Office
Santa Clara County District Attorney's Office Victim Services Unit
Santa Clara County Adult Protective Services
Santa Clara County Department of Family & Children's Services
Santa Clara County Juvenile Probation Department
Santa Clara County Public Defender's Office
Santa Clara County Sheriff's Office
San Jose Police Department Human Trafficking Task Force
San Jose Police Department SAIU
Seneca Agency
Support Network
The RISE Residential Treatment Program
YWCA Rape Crisis

8. APPENDIX

8.1 GLOSSARY OF TERMS AND COMMONLY USED LANGUAGE

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

Bitch/Ho 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 traffickers/exploiters use to move their victims from place to place.

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(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(2) 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 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(d)(1).)

Duress includes knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim. (Pen. Code 236.1(d)(2).)

Family/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. (Pen.

Code section 236.1(e).)

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, 311.4 or 518, or to obtain forced labor or services. (Pen. Code 236.1(a).)

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. (Evid. 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. (Evid. Code 1038.1.)

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. Kozminski*, 487 U.S. 931, 952 (1988)).

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

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

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

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

Romeo pimp refers to a trafficker/exploiter who 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.

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

Squad refers to police officers.

Square 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 refers to the customer or John.

Turnout refers to someone who recruits someone into "the life."

Renegade refers to a person that does not have a trafficker/exploiter/pimp.

Serious harm includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, 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.

Wife-in-law refers to another victim who is being exploited by the same trafficker/exploiter.