



To: Mayor and City Council
From: Chief Manjit Sappal
Subject: Response to Grand Jury Report No. 1609, "Human Trafficking"
Date: August 11, 2016

Recommendation

Motion authorizing the response to the Contra Costa Grand Jury Report No. 1609, outlining specific findings and recommendations on "Human Trafficking."

Background

Each year the Contra Costa County Grand Jury selects issues to research and analyze on behalf of the citizen's of the County. Their reports typically include research, analysis, findings, and recommendations on government related issues. The reports created identify public agencies that are required to respond to the findings and recommendations in the report.

Discussion

The topic of the Grand Jury Report and the recommended responses, on behalf of the City of Martinez, are attached to this staff report. The responses are specific to the City as the City does not have any direct knowledge of the responses from other organizations listed in the report.

The format of the response to the findings and recommendations are prescribed in the cover letter of the Report; the Grand Jury Report No. 1609 has been attached. The response to the findings in the report must be one of the following:

- The respondent agrees with the finding.
- The respondent disagrees with the finding.
- The respondent partially disagrees with the finding.

In regard to the recommendations, the Grand Jury requires a response with any of the following actions:

- The recommendation has been implemented, with a summary describing the implemented actions.

- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Grand Jury Report No. 1609, "Human Trafficking."

As stated in Contra Costa County Grand Jury Report No. 1609, "Human Trafficking", Contra Costa County has made significant strides in investigating Human Trafficking cases, but identifying victims and supporting them is a crucial challenge. The current guidelines in Contra Costa County are under development by the Zero Tolerance Coalition should include a comprehensive plan to address law enforcement and victim needs.

The Report outlined efforts in Contra Costa County and the improvement in the response to Human Trafficking; however, the Report also pointed out that the system in place in Alameda County is far more robust in its approach; their model serves as a benchmark for other agencies in the State.

The City and all public safety agencies in Contra Costa County, was asked to respond to the findings and recommendations in this Report.

Fiscal Impact

There is no fiscal impact incurred by responding to Grand Jury Reports other than staff time.

Attachments

- Grand Jury Report No. 1609, "Human Trafficking"
- Response letter to the findings and recommendations

APPROVED BY:


Brad Kilger, City Manager



June 22, 2016

Mayor Rob Schroder
City of Martinez
525 Henrietta Street
Martinez, CA 94553



Dear Mr. Schroder:

Attached is a copy of Grand Jury Report No. 1609, "Human Trafficking" by the 2015-2016 Contra Costa Grand Jury.

In accordance with California Penal Code Section 933.05, this report is being provided to you at least two working days before it is released publicly.

In accordance with Section 933.05(a), the responding person or entity shall report one of the following actions in respect to each finding:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees with the finding.
- (3) The respondent partially disagrees with the finding.

In the cases of both (2) and (3) above, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons thereof.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be aware that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release. Please ensure that your response to the above noted Grand Jury report includes the mandated items. We will expect your response, using the form described by the quoted Government Code, no later than **September 27, 2016**.

Please send a copy of your response in hard copy to the Grand Jury, as well as a copy by e-mail in Word to epant@contracosta.courts.ca.gov.

Please confirm receipt by responding via e-mail to epant@contracosta.courts.ca.gov.

Sincerely,

Michael Simmons, Foreperson
2015-2016 Contra Costa County Civil Grand Jury

A REPORT BY
THE 2015-2016 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1609

Human Trafficking

APPROVED BY THE GRAND JURY:

Date: June 14, 2016

Michael Simmons
MICHAEL SIMMONS
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: June 6, 2016

John T. Laettner
JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1609

Human Trafficking

TO: City Councils for the following cities: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Ramon, San Pablo, Walnut Creek; Contra Costa County Sheriff's Department; Contra Costa County Board of Supervisors

SUMMARY

Human trafficking (trafficking) is slavery. It is everywhere and the full extent is not known. The principal forms of human trafficking are:

- Adult sex trafficking, commonly associated with prostitution
- "Commercial Sexual Exploitation of Children" (CSEC), a subset of sex trafficking
- Labor trafficking
- Domestic Servitude.

California is a magnet for human trafficking, attractive because of its need for cheap labor, its vibrant economy and its access to global travel.

Human trafficking can occur in our own neighborhoods, but often goes unnoticed and unreported. Masquerading as a legitimate business, trafficking uses social media and moves freely from region to region to avoid detection by law enforcement. Adult sex trafficking is the most readily recognized form of trafficking and attracts the most community interest, but forced labor often involves more victims.

California's first anti-trafficking bill, enacted in 2005, makes the trafficking of humans a felony and assists victims of such trafficking. Following the enactment of this legislation, local jurisdictions have made substantial changes in their approach to the apprehension and prosecution of trafficking.

Successful apprehension of perpetrators requires a multi-faceted effort. Various levels of law enforcement, from the FBI, to state agencies dealing with labor violations, to local law enforcement, are involved in stopping human trafficking. Hard pressed to function alone, the most successful efforts by local jurisdictions rely on coordinating with a

number of state and federal agencies. Investigations are labor intensive and can take years before yielding results.

The number of trafficking victims in Contra Costa County is unknown. No one agency is responsible for collecting and reporting statistics about victims. After apprehension, the primary avenues for victims to seek assistance are through Community Violence Solutions (CVS), a non-governmental agency (NGO), and victim-witness advocates through the County District Attorney's Office, and/or the FBI in coordination with the County.

The new paradigm places law enforcement on the front line in assessing victim needs. The first step for law enforcement is determining whether there has been human trafficking. If law enforcement determines that there has been trafficking, the victim may be referred to CVS or Victim-Witness Advocates, which seem best able to provide services. Skill in the initial assessment can make the difference as to whether the victim will communicate with the officer and/or accept a referral to social services. Proposition 35, passed in 2012, requires all field officers and investigators to complete a minimum two-hour training in human trafficking no more than six months after hire. The Commission on Police Officer Standards and Training (POST) video *Human Trafficking: Identify and Respond* provides the approved course on handling human trafficking complaints. It introduces the subject, but understandably fails to incorporate county-specific guidelines for successful victim assessment or referral. An expanded training package designed for presentation over a period of weeks, and consisting of multiple modules was released in 2014. The State does not currently require this training.

Community awareness is a key factor in identifying human trafficking. Some efforts have been made to raise awareness about traffickers and their victims; for instance, District Attorney staff occasionally give presentations to community groups and to local law enforcement about the problem and; posters throughout the County provide information about stopping human trafficking. These strategies for working at the neighborhood level appear to be effective in Alameda County, which has implemented a community-based program called the Human Exploitation and Trafficking (H.E.A.T.) Watch Program.

The lead multi-disciplinary task force charged with addressing human trafficking in Contra Costa County is the Zero Tolerance for Human Trafficking Coalition. In 2015, the coalition produced a protocol for victims of CSEC and is now considering developing operating guidelines for serving trafficking victims.

CONFLICT OF INTEREST DISCLAIMER

One or more Grand Jurors recused themselves due to a possible conflict of interest and did not participate in the investigation, preparation or approval of this report.

BACKGROUND

Human trafficking is the third most prevalent crime in the United States, behind only narcotics and gang-related activities. Statistics from the U.S. Department of Justice and the State provide a snapshot of trafficking today:

- Over 80% of the victims of human trafficking, are born in the United States;
- The U.S. State Department conservatively estimates 14,500 - 17,500 people are trafficked annually in the U.S.;
- In the U.S., over 80% of reported trafficking cases are sex trafficking, rather than labor;
- Over 70% of labor trafficking victims who were not born in the United States, entered the United States on legal visas;
- Of those identified as victims of labor trafficking, 62% are 25 years or older compared to 13% of confirmed sex trafficking victims; and
- The average age for girls entering into trafficked prostitution or pornography is 12-14 years.

The State of Human Trafficking in California (2012) issued by the California Attorney General notes that "...trafficking [in California] as a criminal enterprise is second only to the drug trade in annual revenues." Approximately 80% of human trafficking activity occurs in three "hotspots", the San Francisco Bay Area, Los Angeles and San Diego.

California Penal Code 236.1 (paraphrased below) provides that human trafficking involve one or more of the following acts:

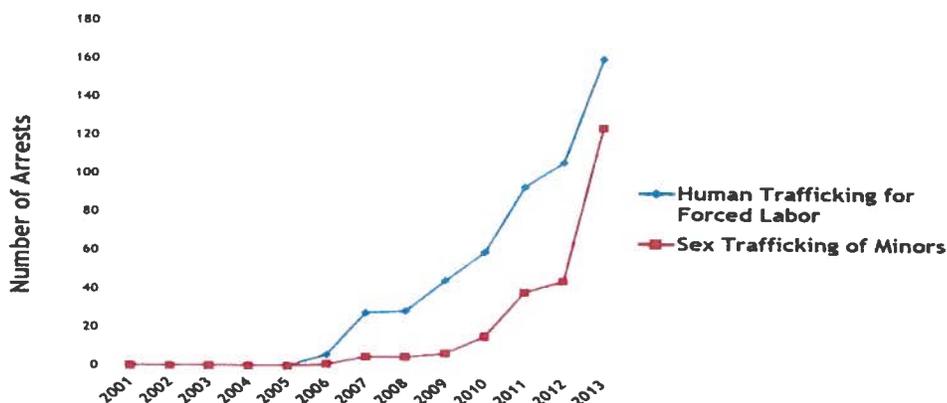
- **Coercion:** causing a person to believe that failure to perform an act would result in serious harm or physical restraint;
- **Deprivation of personal liberty:** accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace or threat of unlawful injury;
- **Duress:** a direct 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; or
- **Forced labor or services:** labor or services obtained or maintained through force, fraud, duress or coercion, or equivalent conduct that would reasonably overbear the will of the person.

California's Response to the Human Trafficking Problem

In 2005 California enacted its first anti-trafficking law (AB22) making human trafficking a felony and assisting its victims. Along with a related bill, (SB180), the legislation also established the California Alliance to Combat Trafficking and Slavery (CA ACTS) Task Force to review California's response to human trafficking. Proposition 35, which passed in 2012, increases prison terms for traffickers and requires sex traffickers to register as sex offenders. It also requires that all law enforcement officers assigned to

field or investigative duties take a minimum of two hours of training in handling human trafficking complaints by July 1, 2014.

The effect of Proposition 35 in increasing the number of arrests related to human trafficking is shown in the graph below.



Source: California Attorney General Statistics

Statewide there were nine federally funded task forces established between 2010 and 2014. The task forces are comprised of federal, State, and local law enforcement, non-governmental organizations (NGOs) and city and county governments. They continue to play an important role in building awareness to combat human trafficking. As attention to the problem has grown, more local task forces and working groups have been established. Key in the East Bay are the Alameda County District Attorney's Human Exploitation and Trafficking (H.E.A.T) Unit, established in 2005, and Contra Costa County's Zero Tolerance for Human Trafficking Coalition, established in 2013.

DISCUSSION

The Bay Area is a magnet for traffickers due both to its location and to its economy. Easy access to international travel facilitates the importation of workers. A thriving service industry employing low skilled, low paid workers creates a market for undocumented immigrants, and a vibrant tourist industry attracts travelers looking for sex. The multi-jurisdictional law enforcement response to a projected spike in sex trafficking connected with the 2016 Super Bowl raised public awareness of the opportunistic nature of this enterprise. As with any entrepreneur, traffickers follow the money.

Adult Sex Trafficking: A Changing Industry

Under the law, prostitution is not necessarily trafficking, and pimps are not necessarily traffickers, unless the offense entails loss of personal liberty, duress, or the victim is

under age. The evidence shows, however, that the majority of adult women arrested for prostitution are victims of human trafficking.

The character of sexual exploitation has changed dramatically with the advent of technology and social media. While street prostitution still exists (particularly in low-income areas and cities), the industry is increasingly moving under cover. For example:

- An explosion of websites designed to expedite the sex trade (e.g. Backpage, City Vibe, and even Craigslist), allow prostitutes and their pimps to connect with clients electronically;
- Pimps can solicit potential victims under cover of apparently innocent social media encounters through forums such as Facebook and Twitter;
- Disposable cell phones, elaborate networks of connected user names and aliases, and other sophisticated strategies can obscure the direct relationship between the exploiter and the victim; and
- Prostitution operations are increasingly mobile, changing locations to avoid detection or find better commercial opportunities. Operations can encompass multiple regions including cities, counties, states, and even countries.

Trafficking often is connected with other illegal activity. For instance, an arrest for narcotics, gang activity or domestic violence can frequently reveal sex trafficking as well. One of the reasons for this connection may be that gangs appear to be turning to sex trafficking as an additional source of revenue.

Labor Trafficking: The Tip of the Iceberg

Labor trafficking is notoriously difficult to identify, and difficult to prosecute. It often involves multiple victims and, in contrast to prostitution, many victims are not U.S. citizens. Uncovering labor trafficking frequently requires paying attention to things that just don't look right. According to guidelines distributed by the California Attorney General, some signs that may indicate labor trafficking include:

- Working excessively long and/or unusual hours, perhaps being prohibited from taking breaks or other unusual restrictions at work;
- Being controlled (e.g., workers being transported to and from worksites in groups);
- Lacking passports or other forms of identification; no financial records or bank accounts; and
- Fearful of speaking to someone else alone.

These indicators may point to the existence of a trafficking operation, but not always. Often, the first sign of potential labor trafficking involves a complaint, either by a victim or from an astute observer.

Labor traffickers typically engage in businesses that appear to be legitimate, and the investigation of trafficking often hinges on uncovering fraudulent and/or illegal business practices. Business owners may cheat on income and employment taxes, workplace rules, wage and hour regulations, workmen's compensation insurance, health and safety requirements, and/or immigration laws. They defraud their employees of fair compensation and the workplace protections to which they are entitled by law resulting in a situation that is no better than indentured servitude.

Often called the "Al Capone Approach", after the infamous gangster who was finally successfully prosecuted for tax evasion, the investigation and prosecution of labor trafficking frequently entails interagency cooperation. The State Department of Industrial Relations (DIR), the Employment Development Department (EDD) and the Department of Insurance (DI) often work with the District Attorney's Office during labor trafficking investigations. A senior DIR official explained, "Labor traffickers are cheaters", and "...at base, a labor trafficking investigation starts with an investigation of fraud".

A Look at the Data: How Much Trafficking is There?

County reports about the number of adult human trafficking victims differ, making an overall assessment of the size of the problem difficult. There is no comprehensive source dealing with trafficking victims.

Based on a survey of nineteen city police departments and the Contra Costa County Sheriff's Department regarding the number of incidents of adult sex trafficking, labor trafficking, and CSEC occurring between January and August 2015, seven jurisdictions reported at least one incident. As reported by these jurisdictions, eighty-six incidents involved adult sex trafficking, sixteen involved CSEC victims and one incident involved labor trafficking. Additionally, there were eight arrests for pimping of underage girls.

The survey also asked about the number of department personnel trained to deal with human trafficking. All responding departments stated that at least some officers had received training.

The table below summarizes a Zero Trafficking Coalition report on victims identified and served by its “grant partners” for the period from June 2014 through June 2015.

	Total	Adults	Minors
Sex trafficking	103	64	39
Sex+Labor	4	4	
Labor	1	1	
Total Victims	108	69	39
Citizenship			
U.S.	99	62	37
Non U.S.	9	7	2
Gender			
Female	106	63	38
Transgender	2	1	1

The Coalition statistics understate the true number of victims because they show only victims who received services from one or more the NGOs associated with the Coalition. Victims who were not referred to services, or who refused a referral, or who went to service providers not associated with the Coalition, are not included. Accordingly, it is difficult to determine the overall number of victims in the County.

For 2011 through 2015, the District Attorney reports the following number of criminal cases filed for human trafficking:

- Thirty-five filings for 2011 through 2013:(an average of eleven per year);
- Five filings during 2014; and
- Seven filings during 2015.

Investigation and Prosecution

Investigators and patrol officers must deal with the complex realities of human trafficking enterprises, often hidden from sight. These enterprises move between jurisdictions to avoid scrutiny, take advantage of technology to maintain and attract their clientele and victims, and use intimidation and duress to prevent victims from leaving or reporting the crime to outsiders.

A successful trafficking investigation hinges on many factors. Local concern can make apprehending suspected traffickers a law enforcement priority. Most police agencies are operating with resource constraints, and there is every incentive to put ongoing (and visible) crime first. Investigating trafficking is time intensive and often takes months (or years) to build a case. Historically, prostitution has received most of the attention because local citizens are aware and concerned. It is not clear, however, whether

citizens typically understand the link between prostitution and trafficking. Labor trafficking, even less obvious to the public eye, has not yet achieved similar recognition.

In at least one instance since 2014, the FBI offered to assist some Contra Costa cities with massage parlor stakeouts. These cities declined the offer, citing the need to focus their limited resources on higher priorities. The FBI also conducts an annual one-week "sweep" in the Concord/Pittsburg/Antioch area (Operation Cross Country) in partnership with local police departments. Not all agencies participate even though the FBI provides substantial personnel and financial assistance to augment those of the local police departments.

When cities place a priority on identifying trafficking operations, the results are notable. For example, there has been a high level of public concern about the possibility of illegal activity associated with the multitude of massage parlors in the City of Pleasant Hill. Since 2013, the Pleasant Hill Police Department has staged forty-one undercover investigations of sixteen massage parlors yielding nine arrests on suspicion of prostitution.

California Assembly Bill 1147- The Massage Therapy Reform Act took effect on January 1, 2016. The Act empowers cities and counties to close massage businesses that have been involved in illegal activities and provides municipalities with other leverage, such as a certification requirement for massage parlors.

Consistent training and intensive exposure help investigators and patrol officers become experts at identifying the signs of human trafficking. Investigators need be able to sense what is going on beneath the surface of a seemingly ordinary encounter. It can take years to develop familiarity with the subtle signs of trafficking. In this rapidly changing arena, familiarization with trends, patterns, and best practices is critical. While most officers receive introductory POST training, practical training occurs on the job, and is also provided by more experienced officers. In this rapidly evolving field, advanced training and networking with other law enforcement agencies provides critical enhancements to the local experience. Not all police departments in the County have a formal training plan in this area, although officers may receive training from time to time.

Regional task forces such as the Bay Area H.E.A.T. Coalition (BAHC) provide additional training and networking opportunities. BAHC is a regional network of law enforcement, County first responders, NGOs, community organizations, and elected officials who come together to share best practices and developments. More than 2,000 professionals have been connected through BAHC. Few Contra Costa law enforcement staff routinely attend these meetings despite their value in keeping track of trends in the wider Bay Area.

An interdisciplinary approach to policing recognizes the relationship between crimes that are more obvious and trafficking, which is often hidden. Trafficking is frequently related to drug crimes, gang activity, and domestic violence. Understanding and

capitalizing on that relationship is often the key to discovering and apprehending traffickers. Most law enforcement departments assign one officer or detective as the contact point in the investigation of suspected trafficking cases. However, the single point of contact model can generate an overwhelming workload unless adequate support is available.

The Pittsburg Police Department uses a “street team” of three detectives, each with specialized drug, gang, or domestic violence experience. This team receives advanced training about identifying and responding to human trafficking. With this training and the range of knowledge shared among the three detectives, the street team has an increased ability to identify victims of trafficking while investigating crimes within one of their specializations. Moreover, the sharing and coordination of effort increases the efficiency and effectiveness of the team.

Local law enforcement is able to build a case for prosecution through close coordination with federal and state law enforcement agencies. Some trafficking is purely local, but most of it respects no borders. Both the federal and state governments have an interest in trafficking investigations at the local level. For example, sex trafficking across state lines is a federal offense of interest to the FBI and violation of labor laws attracts attention from various state agencies.

Contra Costa County gets high marks from state and federal partners for its aggressive approach in the investigation and prosecution of both sex and labor trafficking cases.

- Investigating labor trafficking operations can sometimes have a substantial payoff. One Contra Costa case involving the Golden Dragon Restaurant in Brentwood expanded to include multiple restaurants in several counties, 120 victims, over \$500,000 in cash seized, and at least \$120 million in fraud charges.
- Highly visible recent sex trafficking prosecutions in Contra Costa show how extensive such operations can be. Danville residents James Joseph and Avisa Lavassani, were indicted for operating a sex trafficking ring extending as far as Miami, Cleveland, and New York, which generated tens of thousands of dollars per month. This operation, housed in an unremarkable home in an upscale neighborhood, involved more than 15 known victims. A multi-agency FBI task force working with San Ramon, Danville police, and the District Attorney’s Office successfully arrested the traffickers after a lengthy investigation.

A proactive approach to monitoring the activities of suspected traffickers can identify and apprehend hidden perpetrators. Electronic communications are increasingly the tool of choice for sex traffickers to communicate with potential customers, schedule appointments, and identify potential victims. Police departments are now using the same tools to follow suspects and to identify potential trafficking operations.

In addition to monitoring various websites and other social media, several databases are useful in the fight against human trafficking:

- ARIES, which is maintained by the Contra Costa Sheriff's Office, includes data about known offenders including residences, job histories, gang affiliations, arrest history, and even tattoos;
- Thorn's Spotlight, which provides information about suspected trafficking networks, focuses on identifying victims, and is able to filter and search digital images of victims appearing in online advertisements;
- Online software developed by the University of California *Technology and Human Trafficking Initiative* detects possible cases of online sex trafficking;
- Human Trafficking Reporting System (HTRS), which is funded by the Department of Justice, provides national, regional, and local statistics about human trafficking; and
- SafetyNet, maintained by Alameda County, collects comprehensive data about child sex trafficking.

The ability to disguise one's identity through social media and "dating" websites can be as beneficial to law enforcement as it is to perpetrators, allowing law enforcement to enter the hidden world of sex trafficking. Some departments designate a person to routinely monitor websites suspected of being used for trafficking as a way of discovering potential criminal activity.

Involved citizens, aware of their local environment, can be the key to first identifying suspected trafficking. Many investigations begin with a tip from a concerned citizen. The Golden Dragon investigation (above) began with a complaint from a restaurant employee. A recent sex trafficking case in Dublin was discovered when neighbors became concerned with unusual activity in and around a neighborhood home. Alameda County has developed a comprehensive program of community engagement, as discussed further below.

Victim Assistance

Current practice puts law enforcement in the forefront of dealing with trafficking victims. Recognizing that many prostitutes are unwilling participants and victims, rather than partners, of their pimps resulted in a shift away from the criminalization of prostitution. Similarly, individuals subjected to labor trafficking (particularly the undocumented) are now considered victims, instead of "aliens" to be deported.

While apprehension of traffickers requires coordination and cooperation among law enforcement agencies, appropriately attending to the needs of the victims requires a different set of skills. Conditioned through mental and physical intimidation, trafficking victims typically do not trust or communicate with law enforcement. However, they are crucial to the prosecution of trafficking cases. To bridge the communication gap, law enforcement relies on specially trained advocates. The victim-centered approach

requires that victim's needs are assessed and, based on that assessment, victims are referred to appropriate services to help them adjust to life after trafficking. For the most part, police and detectives sympathize with the victims, but often do not have the skills to elicit witness information or to convince them to walk away from "the life". Reported success varies widely, but victims often strongly resist efforts by police officers to turn in their abusers, provide witness statements, or seek assistance from available service agencies. Asked about his success in convincing prostitutes to get help, one detective responded "...basically zero."

Police involvement is necessarily short term, and dealing with victims after the original contact falls to a variety of County agencies and NGOs. Most police officers interviewed knew of and/or used Community Violence Solutions (CVS) for short-term help. The District Attorney's Office and social service NGOs also provide victims of trafficking with services from specialists. This relationship between victims and these agencies can be lengthy. One source estimates that it can take between twelve and sixteen separate attempts (and sometimes years) before the victims successfully manage to leave "the life".

Organizing the Process: A New County Approach

The Zero Tolerance Coalition is currently producing operating guidelines for handling adult sex and labor trafficking victims, including guidelines for multidisciplinary teams to provide case review and coordination. The draft guidelines should be completed by December 2016. Two summits in 2015 and 2016 involving representatives from multiple counties, social service agencies, law enforcement and the community served to focus the effort to complete these guidelines. The Coalition is working closely with Alameda County's H.E.A.T. Program, which has been a leader in addressing the human trafficking problem since 2006. By working with H.E.A.T., Contra Costa County will be able to leverage its efforts to prevent trafficking, identify it when it occurs and provide a coordinated approach to victim assistance.

A Model to Emulate: Alameda County's H.E.A.T. Program

Set up in January 2006, the Alameda County District Attorney's H.E.A.T. Unit has prosecuted 427 human trafficking cases. Of these cases, 312 cases (81%) resulted in convictions. The H.E.A.T. Unit continues to be the State's most prolific prosecutor of human trafficking cases. The H.E.A.T. Unit prosecutes offenders for human trafficking, child sexual assault, kidnapping, and other serious crimes. The H.E.A.T. Program developed a collaborative strategy for combatting human trafficking. Successfully implemented in the Bay Area and other communities, the strategy encompasses:

- Robust community engagement;
- Training for law enforcement;
- Vigorous prosecution;

- Education of and advocacy to policy makers; and
- Wrap-around services for victims/survivors.

This strategic approach recognizes that the program is only as strong as the involvement and commitment of law enforcement agencies, County service providers, prosecutors, and the community.

The H.E.A.T. website contains a full explanation of each area. The community engagement and law enforcement training aspects explained on the website could be particularly useful components of a new Contra Costa County Human Trafficking Protocol.

Implementation of H.E.A.T. Watch Neighborhood Programs enhances community engagement. The programs raise awareness that stopping human trafficking is a priority. This effort includes systematic guidelines for communities interested in setting up H.E.A.T. Watch Programs, webinars, hotlines, newsletters, training and outreach events and even H.E.A.T. Watch Radio. Social media, such as Facebook and Twitter, help law enforcement find victims. Alameda County also uses outdoor billboards and bus signs to raise awareness.

To address the law enforcement side of controlling human trafficking, the Alameda County H.E.A.T. Watch Program developed a comprehensive law enforcement-training curriculum. This curriculum provides a detailed outline and many training materials focused on first responders, who are typically law enforcement.

Training materials also deal with investigating and developing a case that can withstand the scrutiny of the court and defense counsel. Additionally, the training materials explain where law enforcement should focus resources and how to develop evidence that establishes the essential elements of the crime.

CONCLUSION

As attention to the extent and consequences of human trafficking has grown, law enforcement in Contra Costa County has made significant strides in investigating suspected trafficking and prosecuting the traffickers. Identifying and assisting the victims remains a significant challenge, requiring the coordinated efforts of both law enforcement and the community. The operating guidelines for victim identification and assistance under development by the Zero Tolerance Coalition should include a comprehensive action plan for addressing both law enforcement issues and victim needs similar to that used in Alameda County.

FINDINGS

- F1. The San Francisco Bay Area is one of three “hot spots” for human trafficking in California, along with Los Angeles and San Diego.
- F2. The emphasis in human trafficking cases has shifted from solely prosecution to a “victim-centered” approach in which the needs of persons who have been trafficked receive equal consideration.
- F3. Effectively identifying and apprehending traffickers requires knowledge of the local environment and criminal activities acquired through years of experience.
- F4. Most police officer training related to human trafficking is acquired through working with more experienced officers and victim advocates.
- F5. The required two-hour POST Training Video in dealing with human trafficking complaints provides a general basis, but more intensive training found in the POST 2014 training manual contains in-depth coverage of the issues important to officers assigned to trafficking cases.
- F6. Successful apprehension and prosecution of traffickers often involves coordination and cooperation among local, State and federal agencies.
- F7. City law enforcement and Contra Costa County Sheriff’s Department have no comprehensive or consistent method for analyzing data about the number and type of adult trafficking victims. More data that is complete is needed to define the magnitude of the problem and to support decisions about victim services and resource allocation.
- F8. City law enforcement and Contra Costa County Sheriff’s Department does not always use resources offered by State and federal for joint “sting” and “sweep” operations.
- F9. Trafficking frequently occurs in combination with other violent crimes and its victims often have a history of abuse and trauma.
- F10. The use of specialist multidisciplinary teams in high crime areas can increase the likelihood that trafficking will be recognized as a component of other crimes.
- F11. Public awareness is a critical factor in identifying potential human trafficking activity.
- F12. The County’s efforts to build a broad public awareness of human trafficking has primarily been a poster campaign beginning in 2015.
- F13. The Zero Tolerance for Human Trafficking Coalition is developing operating guidelines for case review and coordination to be completed in December 2016.
- F14. A comprehensive approach to dealing with human trafficking includes robust community engagement; training law enforcement in responding to human trafficking incidents; vigorous prosecution of perpetrators; education of and advocacy to policy makers; and wrap-around services for victims/survivors.

RECOMMENDATIONS

- R1. City law enforcement agencies and the Sheriff's Department should consider incorporating expanded training for officers assigned to trafficking-related duties.
- R2. City Law enforcement agencies and the Sheriff's Department should consider increasing collaboration with State and federal law enforcement to expand "sweeps" and "stings" in high crime areas.
- R3. City Law enforcement agencies and the Sheriff's Department should consider the benefits of assigning multidisciplinary teams in areas with significant drug, gang and/or prostitution activity to assist in identifying trafficking activities.
- R4. The County Board of Supervisors should consider identifying funds to assign the Zero Tolerance Coalition to take a leadership role in developing report formats, collecting and reporting on comprehensive data about adult and child trafficking in Contra Costa County.
- R5. The County Board of Supervisors should consider directing the Zero Tolerance Coalition to develop a multi-disciplinary approach in dealing with human trafficking, after identifying funds to do so.
- R6. The County Board of Supervisors should consider directing the Zero Tolerance Coalition to develop and implement a systematic plan for building community awareness of human trafficking, after identifying funds to do so.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
Antioch City Council	F1 – F11, F14	R1 – R3
Brentwood City Council	F1 – F11, F14	R1 – R3
Clayton City Council	F1 – F11, F14	R1 – R3
Concord City Council	F1 – F11, F14	R1 – R3
Danville City Council	F1 – F11, F14	R1 – R3
El Cerrito City Council	F1 – F11, F14	R1 – R3
Hercules City Council	F1 – F11, F14	R1 – R3
Lafayette City Council	F1 – F11, F14	R1 – R3
Martinez City Council	F1 – F11, F14	R1 – R3
Moraga City Council	F1 – F11, F14	R1 – R3
Oakley City Council	F1 – F11, F14	R1 – R3
Orinda City Council	F1 – F11, F14	R1 – R3
Pinole City Council	F1 – F11, F14	R1 – R3
Pittsburg City Council	F1 – F11, F14	R1 – R3
Pleasant Hill City Council	F1 – F11, F14	R1 – R3
Richmond City Council	F1 – F11, F14	R1 – R3
San Ramon City Council	F1 – F11, F14	R1 – R3
San Pablo city Council	F1 – F11, F14	R1 – R3
Walnut Creek City Council	F1 – F11, F14	R1 – R3
Contra Costa County Sheriff's Department	F1 – F11, F14	R1 – R3
Contra Costa County Board of Supervisors	F11 – F14	R4 – R6

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to epant@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson

725 Court Street

P.O. Box 431

Martinez, CA 94553-0091



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

(925) 372-3505
FAX (925) 229-5012

September 22, 2016

Michael Simmons, Foreperson
2015-2016 Contra Costa County Grand Jury
725 Court Street
PO Box 431
Martinez, CA 94553-0091

RE: Grand Jury Report No. 1609, "Human Trafficking"

Dear Mr. Simmons:

On behalf of the Martinez City Council, this letter responds to Contra Costa County Grand Jury Report: "Human Trafficking" (Report 1609). The City Council authorized this response at its meeting on September 21, 2016.

According to page 15 of the Report, the City is required to respond to Findings F1 to F11, and F14 as well as to Recommendations R1 to R3 R11. Pursuant to California Penal Code Section 933.05, the City will respond to each finding and to each recommendation individually.

CITY'S RESPONSES TO GRAND JURY FINDINGS 1-11 and 14

GRAND JURY FINDING #1

"The San Francisco Bay Area is one of three "hot spots" for human trafficking in California, along with Los Angeles and San Diego"

Response:

The City agrees with this finding based on the research conducted and presented in the Grand Jury Report.

GRAND JURY FINDING #2

"The emphasis in human trafficking cases has shifted from solely prosecution to a 'victim centered' approach in which the needs of the persons who have been trafficked receive equal consideration."

Response:

The City agrees with this finding based on the evolution of the law and the approach, in terms of best practices, when investigating human trafficking cases. The City approaches these cases with the intention of providing equal consideration to trafficking victims.

ROB SCHRODER, MAYOR



GRAND JURY FINDING #3

"Effectively identifying and apprehending traffickers requires knowledge of the local environment and criminal activities acquired through years of experience."

Response:

The City agrees with this finding. Knowledge of the local environment and criminal activities are essential to effectively identifying and apprehending traffickers; developing, investigating, and prosecuting these cases can take years. The City will factor this information into our approach to developing trafficking cases.

GRAND JURY FINDING #4

"Most police officer training related to human trafficking is acquired through working with more experienced officers and victim advocates."

Response:

The City agrees with this finding based on our experience as well as the research presented in the Grand Jury Report.

GRAND JURY FINDING #5

"The required two-hour POST Training Video in dealing with human trafficking complaints provides a general basis, but more intensive training found in the POST 2014 training manual contains in-depth coverage of issues important to officers assigned to trafficking cases."

Response:

The City agrees with this finding based on our experience as well as the research presented in the Grand Jury Report. The City does utilize the POST training curriculum for educating our police personnel.

GRAND JURY FINDING #6

"Successful apprehension and prosecution of traffickers often involves coordination and cooperation among local, State, and federal agencies."

Response:

The City agrees with this finding as traffickers generally work across jurisdictional lines require coordination from various agencies. The City will coordinate with local, State and Federal agencies on trafficking cases.



GRAND JURY FINDING #7

"City law enforcement and Contra Costa Sheriff's Department have no comprehensive or consistent method for analyzing data about the number and type of adult trafficking victims. More data that is complete is needed to define the magnitude of the problem and to support decisions about victim services and resource allocation."

Response:

The City agrees with this finding based on our experience as well as the research presented in the Grand Jury Report. We currently do not track this data, but should a mechanism be created to track this information, we plan on complying with the recommendation. We cannot comment on whether the Contra Costa County Sheriff's Office tracks this information as we do not have access to their data.

GRAND JURY FINDING #8

"City law enforcement and Contra Costa County Sheriff's Department does not always use resources offered by the State and Federal for joint 'sting' and 'sweep' operations."

Response:

The City disagrees with this finding as the City of Martinez does use resources from State and Federal agencies to investigate human trafficking and related investigations. Given the fact that human trafficking related criminal activity is not prevalent in Martinez, we have not conducted "sting" and "sweep" operations; if we were to engage in these investigative activities, we would use the State and Federal resources available. Furthermore, we cannot comment on whether the Contra Costa County Sheriff's Office utilizes State or Federal resources as we are not knowledgeable on the cases they have investigated within their jurisdiction.

GRAND JURY FINDING #9

"Trafficking frequently occurs in combination with other violent crimes and its victims often have a history of abuse and trauma."

Response:

The City agrees with this finding based on our experience as well as the research presented in the Grand Jury Report.

GRAND JURY FINDING #10

"The use of specialist multidisciplinary teams in high crime areas can increase the likelihood that trafficking will be recognized as a component of other crimes."



Response:

The City agrees with this finding as multidisciplinary teams leverage resources and expertise that can detect trafficking related behaviors. Should we focus on any trafficking cases it is our intention to leverage resources, such as multidisciplinary teams, during the investigation.

GRAND JURY FINDING #11

"Public awareness is a critical factor in identifying potential human trafficking activity."

Response:

The City agrees with this finding as tips and information from the community can direct law enforcement to potential trafficking related crimes. The City of Martinez encourages the public to share information with us on crimes, to include trafficking.

GRAND JURY FINDING #14

"A comprehensive approach to dealing with human trafficking includes robust community engagement; training law enforcement in responding to human trafficking incidents; vigorous prosecution of perpetrators; education of and advocacy to policy makers; and wrap-around services for victims/survivors."

Response:

The City agrees with this finding as a comprehensive approach, involving training, education, community engagement, wrap-around services, and vigorous prosecution, can yield good outcomes. When we investigate trafficking cases, we intend to comply with this finding in order to provide adequate resources to victims as well as to hold traffickers accountable for their crimes.

CITY'S RESPONSES TO GRAND JURY RECOMMENDATIONS 1-3

GRAND JURY RECOMMENDATION #1

"City law enforcement agencies and the Sheriff's Department should consider incorporating expanded training for officers assigned to trafficking-related duties."

Response:

The City agrees with this recommendation. Considering the scope and depth of the human trafficking problem, enhanced and expanded training for officers assigned to trafficking-related duties would be beneficial. The City of Martinez has not yet implemented this recommendation as we have not yet identified which one of our detectives will be assigned to trafficking-related duties. We recently had a detective with experience in trafficking-related investigations transfer back to our Patrol Division and we will need to determine which detective will take the lead role in trafficking investigations. The selection of the detective and pursuit of expanded training will occur in 2016.



Mr. Simmons
September 22, 2016
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GRAND JURY RECOMMENDATION #2

"City law enforcement agencies and the Sheriff's Department should consider increasing collaboration with State and federal law enforcement to expand "sweeps" and "stings" in high crime areas."

Response:

The City agrees with this recommendation, but it will not be implemented as it is not warranted. The City of Martinez, unlike other cities in the County, does not have high crime areas that exhibit any indications, based on observations or community feedback, of trafficking related activity. Should the information change we will collaborate with State and federal law enforcement to address the problem. It should be noted that we do routinely collaborate with our Federal partners on (Internet Crimes Against Children) ICAC. We have Federal investigators utilize work stations in the police department to assist with these cases and can expand our level of collaboration for trafficking cases as they arise.

GRAND JURY RECOMMENDATION #3

"City law enforcement agencies and the Sheriff's Department should consider the benefits of assigning multidisciplinary teams in areas with significant drug, gang, and/or prostitution activity to assist in identifying trafficking activities."

Response:

The City supports this recommendation; however, it will not be implemented as it is not warranted. The City, unlike other cities in the County, does not have high crime areas that exhibit any indications, based on observations or community feedback, of significant drug, gang, and/or prostitution activity. Should this change, we will implement the recommendation as we value the benefits of assigning multidisciplinary teams to focus on these problems.

Sincerely,

Robert Schroder
Mayor

cc: City Council
Brad Kilger, City Manager
Manjit Sappal, Chief of Police
Jeffrey Walter, City Attorney