
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: AB 1731 **Hearing Date:** June 21, 2016
Author: Atkins
Version: May 27, 2016
Urgency: No **Fiscal:** Yes
Consultant: AA

Subject: *Human Trafficking: Statewide Interagency Human Trafficking Task Force*

HISTORY

Source: Author

Prior Legislation: None

Support: Association of Orange County Deputy Sheriffs; California Attorney General; California Statewide Law Enforcement Association; Crime Victims United of California; Fraternal Order of Police; Junior Leagues of California State Public Affairs Committee; Long Beach Police Officers Association; Los Angeles Professional Peace Officers Association; Sacramento County Deputy Sheriffs' Association; San Diego County District Attorney; State Coalition of Probation Organizations

Opposition: None known

Assembly Floor Vote: 80 - 0

PURPOSE

The purpose of this bill is to create within the Department of Justice a "Statewide Interagency Human Trafficking Task Force," as specified.

Current law provides that the Attorney General is the head of the Department of Justice ("DOJ"). (Government Code § 12510.)

Current law provides that the "Attorney General has charge, as attorney, of all legal matters in which the State is interested," as specified. (Government Code § 12511 *et seq.*)

This bill would create the "Statewide Interagency Human Trafficking Task Force" within DOJ, consisting of representatives from all of the following agencies:

- A representative of the Department of Justice shall be the chair of the task force.
- The State Department of Social Services.
- The Children and Family Services Division of the State Department of Social Services.

- The Labor and Workforce Development Agency.
- The State Department of Public Health.
- The Department of Corrections and Rehabilitation.
- The State Department of Education.
- The Judicial Council.
- The California Victim Compensation and Government Claims Board.

This bill would require the task force to do all of the following:

- Gather statewide data on sex and labor traffickers, sex buyers, and human trafficking victims, including statistics on prosecution of offenders as well as services provided to victims, including commercially sexually exploited children.
- Recommend interagency protocols and best practices for training and outreach to the law enforcement community, victim service providers, and other state or private sector employees likely to encounter trafficking, such as educators and hotel workers.
- Evaluate and implement approaches to increase public awareness about human trafficking and make new recommendations on these approaches.

This bill would provide that the protocols described above shall not duplicate the protocols developed by the California Child Welfare Council, as specified.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state's ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its "ROCA" policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In December of 2015 the administration reported that as "of December 9, 2015, 112,510 inmates were housed in the State's 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015." (Defendants' December

2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).) One year ago, 115,826 inmates were housed in the State's 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants' December 2014 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).)

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the "durable solution" to prison overcrowding "consistently demanded" by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants' Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14). The Committee's consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Stated Need for This Bill

The author states:

AB 22 (Lieber 2005) created California's first legislatively mandated human trafficking taskforce. This taskforce issued a 2007 report on the extent of the human trafficking problem in California and made various recommendations in the criminal justice system to address its effect on California communities. The taskforce dissolved after the release of the report.

Subsequently, when Attorney General Kamala Harris took office, she created a Human Trafficking Working Group consisting primarily of law enforcement agencies and victim advocates from around the state. This working group also produced a comprehensive report on human trafficking in California in 2012, and provided many recommendations for combatting this crime. Many of these recommendations have been proposed as laws. However, this working group is no longer functioning.

California remains at the forefront in the fight against human trafficking and will continue to do so, as over 20 bills have been introduced to combat human trafficking since January 2016. Yet, there is not currently a statewide entity working to coordinate the efforts of all the relevant state agencies, to collect

multi-faceted human trafficking data from around the state, or to monitor the effectiveness of the many human trafficking bills likely to become law this year. AB 1731 creates such a group with specific mandates for action.

2. **Background: California DOJ 2012 Report**

In 2012 the Department of Justice published a report entitled, “The State of Human Trafficking in California.” That report explained:

In January 2012, Attorney General Kamala D. Harris created a Human Trafficking Work Group to examine the nature and scope of human trafficking in California in 2012; to evaluate California’s progress since 2007 in combating human trafficking; and to identify challenges and opportunities in protecting and assisting victims and bringing traffickers to justice. The Work Group included more than 100 representatives of state, local and federal law enforcement, state government agencies, victim service providers, nonprofit groups, technology companies, and educational institutions. This report reflects the Work Group discussions held during three day-long meetings in Sacramento, San Francisco, and Los Angeles, as well as supplemental research and investigation by the California Department of Justice.

(<http://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf?>)

In 2004 and 2005, the U.S. Department of Justice awarded grants to create six regional task forces in California to combat human trafficking. In 2009 and 2010, the California Emergency Management Agency used American Recovery and Reinvestment Act grant funds to supplement the original six task forces and establish three new regional task forces.

As part of their work to combat human trafficking, the task forces provide training to a variety of audiences on how to identify and respond to the crime. From mid-2010 to mid-2012, California's task forces provided training to 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders. (<https://oag.ca.gov/human-trafficking/fighting>)

The nine regional task forces are:

- East Bay Human Trafficking Task Force
- Fresno Coalition Against Human Trafficking
- Los Angeles Metro Area Task Force on Human Trafficking
- North Bay Human Trafficking Task Force
- Orange County Human Trafficking Task Force
- Riverside County Anti-Human Trafficking Task Force
- Sacramento Innocence Lost Task Force
- San Diego North County Anti-Human Trafficking Task Force
- San Jose/South Bay Human Trafficking Task Force.

The regional task forces are comprised of various combinations of local law enforcement agencies district and non-profits with expertise on issues involving human trafficking.

3. Background: Multisector and Interagency Initiatives to Address Trafficking

In 2013, the Institute of Medicine and the National Research Council prepared a guide for providers of victim services for minors that had been trafficked. The guide pointed out that each of the sectors involved in addressing commercial sexual exploitation and sex trafficking of minors—victim and support services, health care, education, the legal sector, and the commercial sector—has specific roles to play. Adequate responses to trafficking of minors requires collaboration and coordination among all of these sectors, as well as at all levels—federal, state, and local. Yet the efforts of individuals, groups, and organizations in different sectors and with different areas of expertise tend to be disconnected. (Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, A Guide for Providers of Victim and Support Services, Institute of Medicine and National Research Council, pp. 26-27.)

The Institute of Medicine and the National Research Council recommended the use multisector and interagency initiatives to address commercial sexual exploitation and sex trafficking of minors. The guide identified existing task forces on the federal level (Trafficking Victims Protection Act (2013)), as effective mechanisms to coordinate responses between agencies. (Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, A Guide for Providers of Victim and Support Services, Institute of Medicine and National Research Council, p.27.)

4. Background: Alameda and Los Angeles Pilot Projects

The Legislature has authorized pilot programs in Alameda and Los Angeles Counties to create, implement, and deliver standardized training curricula that would provide a protocol for law enforcement and social services to assess and recognize sexually exploited minors within the juvenile justice system.

The Alameda County pilot project is part of a larger project called "H.E.A.T (Human Exploitation and Trafficking) Watch." H.E.A.T Watch is a multidisciplinary, multisystem program that brings together individuals and agencies from law enforcement, health care, advocacy, victim and support services, the courts, probation agencies, the commercial sector, and the community to (1) ensure the safety of victims and survivors and (2) pursue accountability for exploiters and traffickers. Strategies employed by H.E.A.T. Watch includes, among others, stimulating community engagement, coordinating training and information sharing, and coordinating the delivery of victim and support services.

The program uses a multisector approach to coordinate the delivery of support services. For example, multidisciplinary case review (modeled on the multidisciplinary team approach) is used to create emergency and long-term safety plans. Referrals for case review are made by law enforcement, prosecutors, probation officials, and social service organizations that have come into contact with these youth. This approach enables members of the multidisciplinary team to share confidential information with agencies that can assist youth in need of services and support. (Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, A Guide for Providers of Victim and Support Services. Institute of Medicine and National Research Council, Pp. 30-31.)

In a March 23, 2011 progress report on the AB 499 Diversion Program, the Alameda County District Attorney's Office (ACDAO) stated: "As a result of the passage of AB 499, the ACDAO has been able to develop a comprehensive system response that directs Commercially Sexually Exploited Children (CSEC) away from the criminal justice system and into programs offering specialized services essential for the stabilization, safety, and recovery of these vulnerable children. . . .

The Legislature authorized the same pilot project for Los Angeles County. (SB 1279 (Pavley), Chapter 116, Statutes of 2010.) The sunsets for these programs would be eliminated under SB 1064 (Hancock), currently pending in the Assembly.

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