
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 2992 **Hearing Date:** June 26, 2018
Author: Daly
Version: April 18, 2018
Urgency: No **Fiscal:** Yes
Consultant: AY

Subject: *Peace Officer Training: Commercially Sexually Exploited Children*

HISTORY

Source: Children's Law Center of California; MISSEY; National Center for Youth Law

Prior Legislation: SB 1322 (Mitchell), Ch. 654, Stats. of 2016
SB 855 (Committee on Budget and Fiscal Review), Ch. 29, Stats. of 2014
AB 22 (Lieber), Ch. 240, Stats. of 2005

Support: California Alliance of Child and Family Services; California Catholic Conference; California Statewide Law Enforcement Association; Children Now; City and County of San Francisco Department on the Status of Women; County Welfare Directors Association of California; John Burton Advocates for Youth; Law Foundation of Silicon Valley; Los Angeles County Professional Peace Officers Association; Los Angeles Police Protective League; MISSEY; National Association of Social Workers, California Chapter; National Center for Youth Law; Shared Hope International; WestCoast Children's Clinic

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to require the Commission on Peace Officer Standards and Training (POST) to develop a course on commercially sexually exploited children (CSEC) and victims of human trafficking, as specified.

Existing law establishes the Commission on Peace Officer Standards and Training (POST), and requires the commission to provide various specified courses of training for peace officers, including continuing professional training. (Pen. Code, § 13601)

Existing law requires POST to implement training for law enforcement officers on how to handle human trafficking complaints and develop guidelines for law enforcement response to human trafficking. (Pen. Code, § 13519.14)

Existing law requires that every law enforcement officer who is assigned to field or investigative duties to complete a minimum of two hours of training in a course of instruction pertaining to the

handling of human trafficking complaints within six months of being assigned to that position. (Pen. Code 13519.14, subd. (e).)

Existing law requires law enforcement agencies to use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. (Pen. Code, § 236.2)

Existing law specifies that when a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a minor who has engaged in a commercial sex act, a person who is suspected of violating specified prostitution offenses, or a victim of a crime of domestic violence or sexual assault, the peace officer shall consider whether the following indicators of human trafficking are present: (Pen. Code, § 236.2)

- 1) Signs of trauma, injury, or other evidence of poor care;
- 2) The person is withdrawn, afraid to talk, or his or her communication is censored by another person;
- 3) The person does not have freedom of movement;
- 4) The person lives and works in one place;
- 5) The person owes debt to his or her employer;
- 6) Security measures are used to control who has contact with the person;
- 7) The person does not have control over his or her own government-issued identification or over his or her worker immigration documents.

Existing law states that any peace officer may without a warrant take into temporary custody a minor when the officer has reasonable cause for believing that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety, and the minor meets other specified criteria. (Welf. & Inst. Code, § 305.)

This bill requires POST to develop a course on commercially sexually exploited children (CSEC) and victims of human trafficking. The course shall include, but not be limited to, the following topics:

- 1) The basics of CSEC and human trafficking;
- 2) Recognizing indicators of commercial sexual exploitation;
- 3) Appropriate interviewing techniques that avoid retraumatizing the victim;
- 4) Local and state resources that are available to first responders;
- 5) Perspectives of victims and their families; and,
- 6) Issues of stigma.

This bill requires the course to be equitable to a course included as part of continuing professional training for peace officers and include facilitated discussions and learning activities, including scenario training exercises.

This bill requires POST to develop the course in consultation with the appropriate community, local, and state organizations and with agencies that have expertise in CSEC and human trafficking and to include meaningful input from human trafficking survivors.

COMMENTS

1. Need for this Bill

The author states:

SB 855 (2014) clarified that children who are sexually trafficked are victims of child abuse. The bill also created the CSEC Program in child welfare, and provided funding for California counties to develop and utilize a multidisciplinary team approach to case management, service planning, and provision of services to children who are victims of commercial sexual exploitation. SB 1322 (2016) precluded minors from being arrested and charged for prostitution, affirming that there is no such thing as a child prostitute. These legislative changes require law enforcement officers to adjust their approach to sexually exploited children.

According to the California Child Welfare Council, California has emerged as a major magnet for commercially sexually exploited children. It is considered one of the top four destinations in the United States for human trafficking. Three of the nation's 13 High Intensity Child Sex Trafficking Areas, as identified by the FBI, are located in California: the San Francisco, Los Angeles, and San Diego metropolitan areas. California's extensive international border, airports and harbors, large native and immigrant populations and strong economy make it a prime location for human traffickers. According to the California Attorney General's office, between mid-2010 to mid-2012, California identified 1,277 victims and arrested 1,798 individuals. In 2017 alone, there were 2,171 calls made to the National Human Trafficking Hotline, resulting in 705 reported human trafficking cases. These numbers are presumed to be low due to under-reporting and under-identifying.

Currently, law enforcement officers lack the necessary training to address child sex trafficking and effectively implement the CSEC Program. AB 2992 will enhance California law enforcement officers' ability to identify, report, and support victims of human trafficking when they encounter them.

2. Commission on Peace Officers Standards and Training (POST)

The Commission on Peace Officers Standards and Training (POST) was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement. POST develops and implements various courses to train peace officers, including both basic and continuing professional training. Peace officer basic training includes a minimum of 664 hours of POST-developed training and testing in 42 separate areas of instruction. According to POST's website, most POST-certified basic training academies exceed the 664 minimum hours by 200 or more hours.

Current law provides that POST shall implement a course for the training of law enforcement officers in the handling of human trafficking complaints and shall develop guidelines for law enforcement response to human trafficking that stress the dynamics and manifestations of human trafficking, identifying and communicating with victims, therapeutically appropriate investigative techniques, the availability of civil and immigration remedies and community resources, and protection of the victim, among other things. Existing law provides that the course may be satisfied by telecommunication, video training tape, or other instruction. Currently,

POST provides a 2-hour video course entitled “Human Trafficking: Identity and Respond,” which can be mailed on a DVD to law enforcement officers at no charge.

3. California’s Decriminalization of Commercially Sexually Exploited Children

In 2016, the Legislature voted to change the way the state engages with commercially CSEC with the passage of SB 1322 (Mitchell). SB 1322 provided that a minor who engages in conduct that would constitute a prostitution offense shall not be arrested for a criminal offense. Prior to SB 1322, a minor could be arrested for soliciting or engaging in any act of prostitution or for loitering in any public place with the intent to commit prostitution.

SB 1322 also directed peace officers who encounter a minor engaged in a commercial sex act to report these circumstances as abuse or neglect of a minor to the county child welfare agency. The bill allowed CSEC to be taken into temporary custody if the child is in immediate danger of physical or sexual abuse, is in immediate need for medical care, or the child’s unattended status poses an immediate threat to the child’s health or safety. Furthermore, the California Child Abuse Neglect Reporting Act (CANRA) requires law enforcement officers, who are mandatory reporters, to make a report whenever, in their professional capacity or within the scope of their employment, they have knowledge of, or observe a child who has been the victim of child abuse, including sexual exploitation, or neglect.

These changes represented a major divergence in the way the law directs law enforcement to respond and intervene in circumstances when a child is experiencing commercial sexual exploitation. A 2013 report “Commercially Sexually Exploited Children in California” by the Children’s Law Center, MISSSEY, National Center for Youth Law, and Los Angeles Superior Court of California identified “feeling at odds with law enforcement” as one of several experiences of CSEC victims, citing “getting arrested again and again” and “having to trade sex with a police officer in exchange for not getting arrested” as specific examples of experiences.¹

4. Argument in Support

The National Center for Youth Law, a co-sponsor of the bill, writes:

With these reforms [resulting from SB 855 in 2014 and SB 1322 in 2016], California has recognized the harmful effects of arresting exploited children for their perpetrators’ crimes and has helped counties develop victim-centered responses. However, in order for these reforms to be fully realized, police officers must be trained on the dynamics and trauma of exploitation, how to identify commercially sexually exploited children and keep them safe, requirements to report the abuse to child protection, and their role in collaborating to ensure they access the services they need to escape exploitation.

AB 2992 ensures that police officers receive such training. The bill further empowers law enforcement officers to engage in an appropriate, protective response when they encounter exploited youth.

-- END --

¹ (<www.courts.ca.gov/documents/BTB_XXII_IVF_1.pdf>. [as of December 3, 2013])