

LESSONS FROM CALIFORNIA: LEGAL & POLICY INNOVATIONS TO COMBAT HUMAN TRAFFICKING



2021 LABOR TRAFFICKING SYMPOSIUM

October 20, 2021

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ABOUT LHC

The bipartisan Little Hoover Commission (LHC) has served as an independent voice for government reform since 1962.

The Commission studied labor trafficking between 2019 and 2020.

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LHC REPORTS ON LABOR TRAFFICKING



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LABOR TRAFFICKING IN CALIFORNIA

- To date, state funding and resources largely focus on combatting sex trafficking.
- There is little authoritative data about human trafficking in general, and labor trafficking specifically.



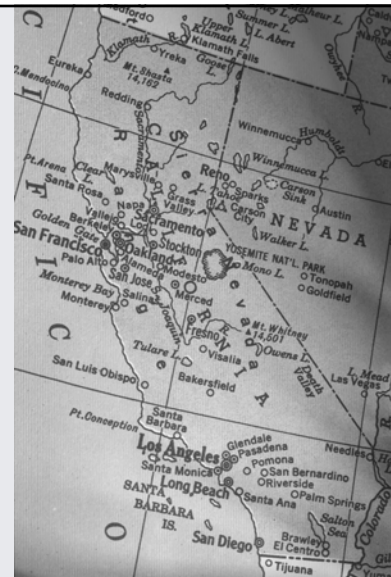
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WHERE DOES IT HAPPEN?

- California's major harbors, airports, coastlines, and proximity to international borders make the state particularly vulnerable to human trafficking.
- Labor trafficking occurs in a vast range of industries.
- Hundreds of labor trafficking survivors turn up for help each year across the state.



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WHO'S IMPACTED?

- Not one “type” of person falls prey to labor trafficking.
- National data suggests most are at prime working age and many are immigrants who have entered the country legally to perform some kind of temporary work.
- In California, approximately 22 percent of 14,000 people who received help through a state human trafficking assistance program from 2016 to 2019 were survivors of forced labor.



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OBSTACLES TO FINDING LABOR TRAFFICKING IN CALIFORNIA



No state agency has a responsibility to look for labor trafficking.



Little to no training exists for those who might encounter the crime.



Government agencies are siloed.



Not leveraging existing data to identify potential hotspots.



Many cases go unreported.

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OBSTACLES TO PROSECUTING LABOR TRAFFICKING IN CALIFORNIA



Survivors may be reluctant to participate in prosecutions.



Investigations are especially costly, time-consuming, and resource-intensive.



It's difficult to prove non-physical coercion or force in court.



Underutilization of civil enforcement.



There is a lack of published case law and California law training.



Insufficient opportunities for coordination among relevant agencies.

BARRIERS TO CARE



Little research is available to say with confidence which programs are most effective and how they are best delivered.



It is not always easy for labor trafficking survivors and advocates to find available help.

KEY RECOMMENDATIONS



Create an Anti-Human Trafficking Council.



Empower state agencies to investigate labor trafficking crimes.



Develop training for key officials to recognize and respond to trafficking.



Proactively use data and technology to identify trafficking.



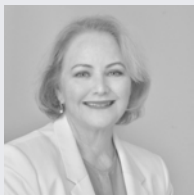
Track enforcement activities and study outcomes.



Make it easier for survivors to access help.

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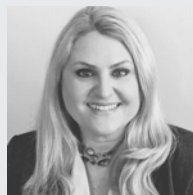
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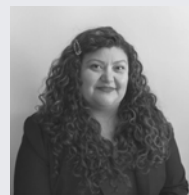
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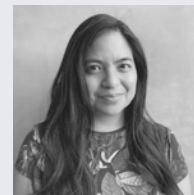
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Labor Trafficking

Abuse - Exploitation -Slavery

NANCY E. O'MALLEY
ALAMEDA COUNTY DISTRICT ATTORNEY

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Human trafficking is the business of stealing freedom for profit

Traffickers' methods:

- Trick
- Defraud
- Use Physical force
- Lie
- Threaten
- Manipulate

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Many are working under inhumane, illegal or otherwise unacceptable conditions

Labor Trafficking is a multi-billion dollar criminal industry that denies freedom to 24.9 million people around the world

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Forms of Exploitation



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WORKERS' RIGHTS

All workers have the right to:

- Minimum wage and overtime
- Rest and meal breaks
- Safe and healthy jobs
- Benefits if injured or unemployed
- You are protected by laws whether or not you are legally in the United States

Local Resources Available:

Employment Rights

Legal Aid at Work:
Phone: (415) 864-8848
Website: legalaidatwork.org

Immigration Services

A.P.I. Legal Outreach:
Phone: (510) 251-2846
Website: www.apilegaloutreach.org

Social Services

International Rescue Committee (IRC) of Northern California:
Phone: (510) 910-9180
Website: www.rescue.org/usa/usa-office/oakland-ca

Crime Victims' Assistance

Alameda County H.E.A.T. Watch:
Phone: (510) 208-4959
Email: tpline@heatwatch.org


Emergency Shelter

Ruby's Place:
Phone: 1-(888) 339-7233
Website: www.rubysplace.org

Legal Services

Justice At Last:
Phone Call or Text: (650) 918-0719
Email: info@justiceatlast.org
Website: www.justiceatlast.org

Empleo:
Phone: 1-877-55-AYUDA
 (1-877-553-9832)



Produced by the Alameda County District Attorney's Office • heatwatch.org

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LABOR TRAFFICKING

Definition of Labor Trafficking: individuals perform labor or services through the use of force, fraud, or coercion. Labor trafficking includes situations of debt bondage, forced labor, and involuntary child labor (National Human Trafficking Resource Center, 2016)

WHERE ARE THEY?

DOMESTIC SERVICES


JANITORIAL SERVICES


CONSTRUCTION


CAR WASH


RESTAURANTS


FRUIT VENDORS


FARM WORKERS


NAIL SALONS


MASSAGE PARLORS


ELDER CARE


PAKHANDLING


MANUFACTURING


HOTEL/MOTEL


DOOR TO DOOR SALES


RED FLAGS

Inappropriate work or living conditions

- Excessive daily work hours
- Physical or psychological abuse
- Work place harassment
- Inability or fear to leave job
- Overcrowded or unsafe work conditions

Isolation

- Victims transported to and from work shift together
- Victim unable to speak for his or herself

No Control over finances and/or immigration documents

- Legal threats of deportation
- Passport and/or legal documents taken away
- Debt bondage
- Victim does not have a housing contract
- Victim does not have control over his or her own money

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Common Industries

- ▶ Agriculture*
- ▶ Landscaping*
- ▶ Domestic Service*
- ▶ Construction*
- ▶ Manufacturing / Factory*
- ▶ Hospitality*
- ▶ Health and Beauty*
- ▶ Restaurants*
- ▶ Travel Sales & Candy Sales Crews*
- ▶ Massage Parlors***

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CASE STUDY

Construction Firm

45 Asian Male Workers

Forced to keep double time sheets

Underpaid Workers Comp

Prosecution

Full Restitution to the Workers

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DA O'Malley states, "My Office is dedicated to ensuring the rights of individual workers in our community. In this case, many of the workers are non-English speaking and were fearful of coming forward. They found themselves part of a captive labor force working in the underground economy, and victimized by the predatory practices of dishonest employers.

We will continue to vigorously prosecute unscrupulous employers, seek victim restitution and ensure safe and fair working conditions for all employees."

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Case Study

Brothels:

50 women,

5 brothels,

labor and sex trafficking –

5 women were the traffickers

Prosecution

Restitution for those victims we were able to find

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ALAMEDA COUNTY ADVISORY BOARD



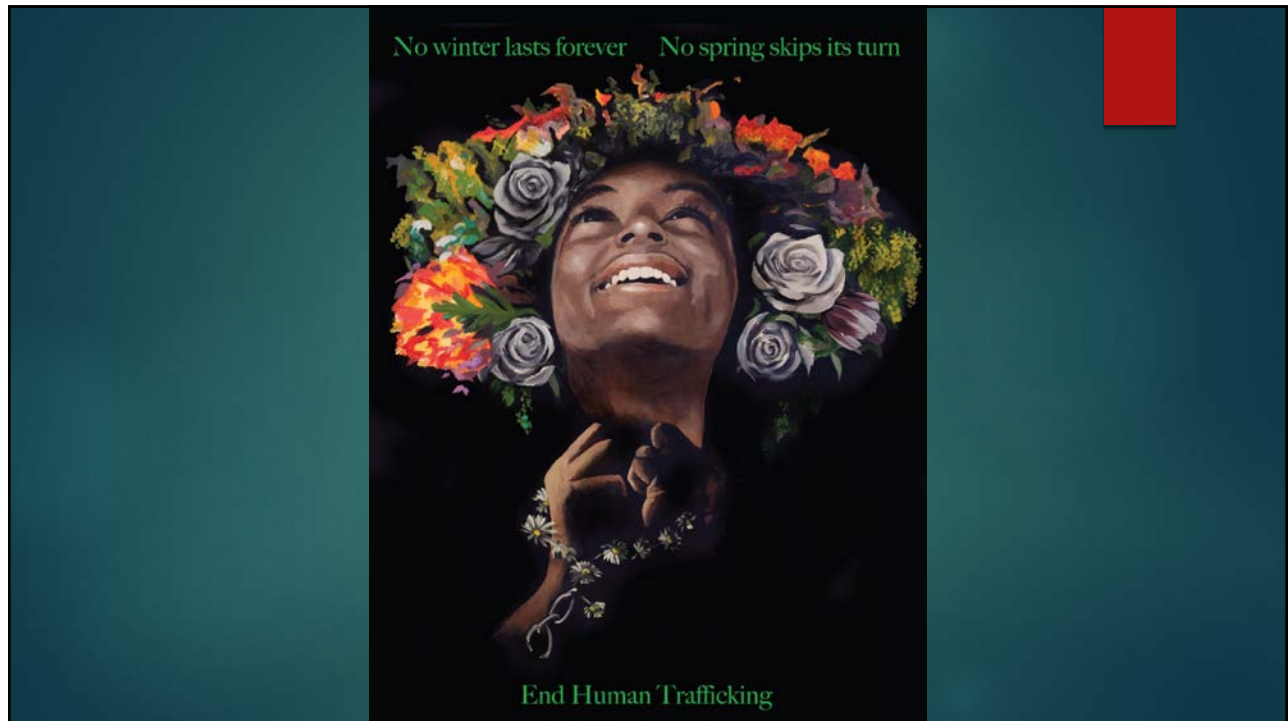
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A.C. LABOR TASK FORCE

Justice At Last
Justice At Last
Justice At Last
La Clinica de La Raza
Mexican Consulate
National Labor Relations Board
Oakland's Department of Violence Prevention
Ruby's Place
Ruby's Place
Ruby's Place
SHADE
SHADE
US Department of Justice
CPS HR Consulting: LE Advisor to the California Labor Commissioner

Alameda County District Attorney's Office
Alameda County District Attorney's Office
Alameda City Attorney's Office
Alameda City Attorney's Office
API Legal Outreach
API Legal Outreach
Department of Industrial Relations
Department of Industrial Relations
Department of Labor
Department of Labor
Department of Social Services
Equal Employment Opportunity Commission
FBI
IRC
IRC
IRC

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"I was forced to work without breaks or pay."
This isn't a real job.

This is human trafficking!

Call
1-888-373-7888

Text
"BeFree" 233733
HEATWATCH.ORG

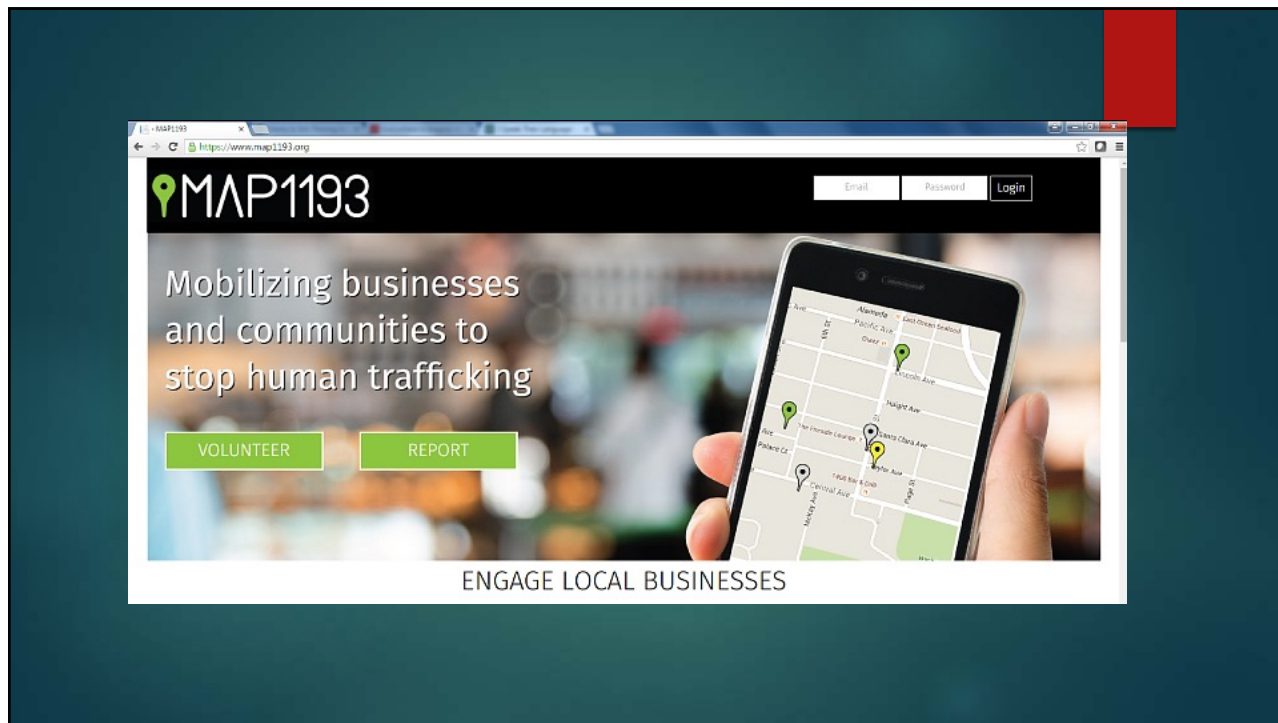
Alameda County District Attorney's Office

Public Awareness Campaigns

Billboards and Bus Shelters throughout the year

Days of Action

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If you or someone you know is being forced to engage in any activity and cannot leave — whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity — text 233-733 (BE FREE) or call the National Human Trafficking Resource Center at:

1-888-373-7888

or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FREE(EDOM) or 1-888-539-2373 to access help and services. Victims of slavery and human trafficking are protected under United States and California law.

The hotlines are:

- Available 24 hours a day, 7 days a week.
- Toll-free.
- Operated by nonprofit, non-governmental organizations.
- Anonymous and confidential.
- Accessible in more than 160 languages.
- Able to provide help, referral to services, training and general information.

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Si a usted, o a alguien que conoce, lo están forzando a hacer algo y no lo quiere y — ya sea sexo por dinero, trabajo de casa, campo agrícola, construcción, fábrica, en una tienda minorista o restaurante, o cualquier otra actividad — envíe mensaje de texto a 233-733 (BE FREE) o llame al Centro Nacional de Recursos para la Trata de Personas al:

1-888-373-7888

o a la Coalición de California para Abolir la Esclavitud y la Trata de Personas (California Coalition to Abolish Slavery and Trafficking, CAST) al 1-888-KEY-2-FREE(EDOM) o 1-888-539-2373 para obtener ayuda y servicios. Las víctimas de esclavitud y trata de personas están protegidas bajo las leyes de California y los Estados Unidos.

Las líneas de ayuda:

- Están disponibles las 24 horas del día, 7 días por semana.
- Son gratis.
- Están operadas por organizaciones no de gobierno y sin fines de lucro.
- Son anónimas y confidenciales.
- Prestan servicio en más de 160 idiomas.
- Pueden brindarle ayuda, remisión a servicios, capacitación e información general.

如果您本人或您认识的人被迫从事任何活动且无法脱身—无论是性交易、家务劳动、农场工作、建筑、工厂、零售、餐馆工作还是任何其他活动—请发短信 233-733 (BE FREE) 或打电话给全美反人口贩运资源中心，电话号码

1-888-373-7888

或打电话给加州废除奴役和人口贩运联盟 (California Coalition to Abolish Slavery and Trafficking, CAST) - 电话号码 1-888-KEY-2-FREE(EDOM) 或 1-888-539-2373 - 获得帮助和服务。奴役和人口贩运受害者受美国加州法律的保护。

热线电话：

- 每周七天，每天二十四小时开通；
- 免费；
- 由非营利、非政府组织运营；
- 匿名和保密；
- 可用160多种语言拨打；
- 能够提供帮助、转介服务、培训和一般信息。

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AKT

Creation of the Sex and Labor Trafficking Unit

- Highlighting Different Forms of Trafficking
- Recognizing Historical Focus on Sex Trafficking
- Increasing Focus on Labor Trafficking
- Four "Ps" framework

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CML

I. PREVENTION

- Human Trafficking Posting Project
- Today Show
- World Journal
- Searchlight New Mexico
- Podcast
- Training and Awareness Raising

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CML

Podcast

- The Global Center for Women and Justice
- Over 1,300 downloads
- Reaches students, community leaders, and even government leaders from 105 countries around the world

ENDING HUMAN TRAFFICKING

187 - Why Is Labor Trafficking So Hard To Find

If you haven't listened to the podcast yet, [click here](#).



Summary

Dr. Sandie Morgan and Dave Stachowiak are joined by Rena Shahandeh and Anh Truong to shed light on the most infrequently discussed topic in human trafficking, labor trafficking. Rena is the Deputy City Attorney assigned to the Los Angeles City Attorney's Office's Anti-Sex and Labor Trafficking Program. She has over 20 years with the City Attorney's Office. Anh is the Director of the Anti-Sex and Labor Trafficking Program within the L.A. City Attorney's Office.

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II. PROTECTION

- SB823 Vacatur Petitions
- Project Beacon
- Project Sustain

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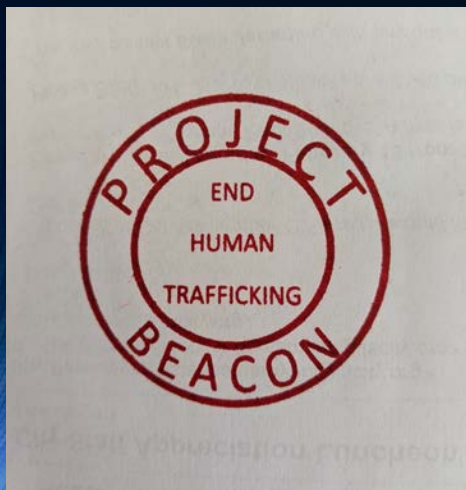


Vacatur Petitions

- "Clean Slate": victims can petition to vacate prior arrests and convictions
- Arrests and convictions = barriers to employment, housing, and schooling for victims
- Multi-jurisdictional challenges
- SB823 Working Group
- Judicial Council

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Pre-Filing Diversion Pilot

- Launched in 6/2019
- Prostitution-related violations (no sex buyers)
- ID HT victims
- Post-arrest, Pre-filing diversion
- Survivor advocates onsite
- Assigned case managers

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Project Sustain



- Career and Education Program for victims of human trafficking
- direct handoff from case managers
- Focus: not temporary minimum wage jobs, but rather **career counseling** and placement in **stable, long term jobs** with staff who are trauma-informed

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III. POLICY

- Legislation
- Judicial Council
- Office-Wide Protocols

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Legislation

- AB2212: human trafficking is subject to nuisance abatement
- AB630: no statewide preemption of local ordinances re human trafficking
- New Los Angeles Municipal Ordinance 186507 re hotline posting
- AB629: human trafficking victims compensation

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IV. PROSECUTION

- Civil Enforcement
- Targeted Training
- Systematic Detection

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Civil Enforcement

- Pen. Code, § 11225
- Bus. & Prof. Code, § 17200
- Potential LAMC



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Civil Enforcement

- 2 full-time security guards
- Security booth in parking lot
- Security camera system
- Guest registration
- Blocked Backpage.com
- \$250,000 settlement



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Civil Enforcement

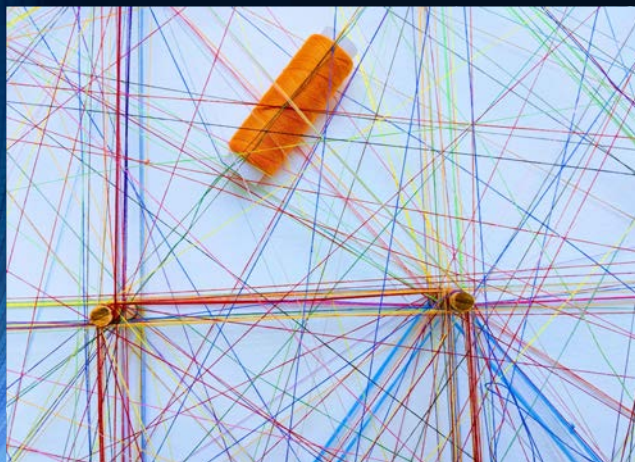
- Closure of property for 1 year
- Permanent injunction
- Property improvements
- Civil penalties
- Other equitable relief



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RMS

LARHTTF Labor Trafficking Subcommittee



Expanding Network of Eyes and Ears:

- Law Enforcement
- Victim Service Providers
- Administrative Agencies
- Private Industry Leaders
- Academics & Economists

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Strategic Training

Human trafficking trainings and presentations, reaching over 1,545 participants, including:

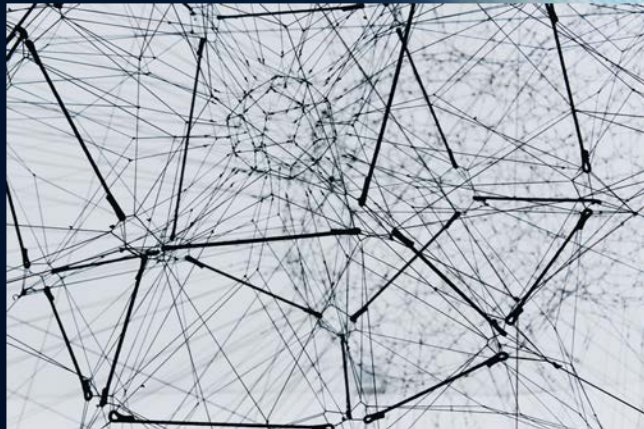
- City of Los Angeles
- City of Azusa
- City of Santa Monica
- City of Torrance
- US Department of Labor
- LA County Department of Consumer and Business Affairs
- New England Coalition Against Trafficking
- CA State Joint Enforcement Strike Force

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LARHTTF Labor Trafficking Subcommittee

Systematic Detection:

- Red flags?
- Patterns or trends?
- Other case studies
- GIS mapping
- Pricing studies
- Data informed network enterprise model



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Data Projects

- CAST-NERA Collection and analysis of client intake data (2008-2018)
- CAST-NERA analysis of CA agricultural industry (McCain Buffet methodology)
- UCLA Luskin School of Public Policy on a study specific to Los Angeles region
- Cal Poly Pomona - follow-up study on UCLA's Luskin School of Public Policy study
- Cal State Fullerton - study on labor trafficking in Orange and LA Counties

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Summary

- Tips to law enforcement came years later, with little corroboration
- Victim service providers flag attention needed for labor trafficking
- CAST-NERA study showed gap between victims and law enforcement
- New focus on all available remedies, not just prosecution
- Visual mapping of labor enterprise network
- Commitment to systematic detection
- Need for specialized, targeted outreach to vulnerable populations

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What is Justice for the Victims?

Reframing Prosecution to Remedies

- Criminal proceedings
- Civil enforcement actions
- Administrative proceedings
- Victim Support Services (food, housing, health, mental)
- T-Visas
- Vacatur
- Employment
- Restitution

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FOR MORE INFORMATION: (213) 785-4537

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THAI COMMUNITY DEVELOPMENT CENTER

SERVICE AREA Greater Los Angeles area but particularly where there are large concentrations of Thais; however, being the only Thai organization in the country engaged in comprehensive community development that includes social services and human rights advocacy, our reach is also both national and transnational.

PRIMARY PROGRAMS AND SERVICES Community Asset Building, Human Rights Advocacy, Healthy Communities and Community Empowerment, Cultural Tourism & Placemaking

FOUNDED 1994

Panida Rzonca, Directing Attorney
panida@thaicdc.org



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OUR MISSION



Thai Community Development Center aims to fulfill its mission of *"advancing the social and economic well-being of low and moderate-income Thais and other ethnic communities in the greater Los Angeles area through a comprehensive community development strategy that includes human rights advocacy, affordable housing, access to healthcare, promotion of small businesses, neighborhood empowerment, and social enterprises."*

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SOCIAL SERVICE NEEDS

- Basic Needs – food, shelter, clothing
- Other needs
 - Family Reunification
 - Therapy/Mental Health
 - ESL Classes
 - Job skills training / job placement
 - Immigrant integration / community orientation
- Know Your Rights Education: worker's rights, public benefits, immigration info.
- Survivor Empowerment
- Financial Education, Access to Banking



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LEGAL SERVICE NEEDS

- Immigration Status under TVPA – client must cooperate with law enforcement
 - Continued Presence
 - T-Visa
 - Adjustment of Status to Legal Permanent Resident
 - Naturalization
- Advocacy in a Criminal Setting
 - Federal
 - State
 - Local
 - Vacatur
- Civil Cases
 - Private Civil
 - U.S. Equal Employment Opportunity Commission (Title VII Discrimination)
 - U.S. Department of Labor (wage/hour violations)

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WORKING WITH GOVERNMENT AGENCIES AND NGOS

- Reporting to Law Enforcement (federal or local) required for T Visa
 - FBI/HSI/DOJ – assist victims who become federal witnesses
 - U.S. EEOC – submit claims form for discrimination based on national origin
 - U.S. DOL – report to district office for investigation (over 10 people)
- National Human Trafficking Victims Assistance Program / DOJ OVC
 - Service Providers can provide case management, legal services, referrals
- International Organization for Migration (IOM)
 - Assists in family reunification or return to home country when T Visa issued
 - Application forms in English – single point of contact in Washington, DC.
 - Thailand Orientation developed in Bangkok for Thai families entering U.S.

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THAI CDC LABOR TRAFFICKING CASES

VICTORY FOR HUMAN RIGHTS:

Since 1995, Thai CDC has played a pivotal role in over half a dozen major human rights cases involving 2,000 Thai victims of human trafficking and their families.

- **1995 El Monte Case** – The first foreign national modern day slavery case in U.S. history, Thai CDC worked to liberate, resettle, and empower 72 Thai garment workers from the infamous El Monte Slave Shop
- **1996 Thai Garment Workers' Case** - Came to the aid of another case of Thai garment workers
- **1998-2000 Thai Domestic Workers' Case** - Redress and restitution for Thai domestic worker escapees
- **2001-2006 Thai Welders' Case** - Helped Thai welders reach a \$1.4 million settlement against Trans Bay Steel Corporation for civil rights violations. This case is *the first recognized male legal contract labor case of modern day slavery*
- **2002-2012 Global Horizons Thai Farmworkers' Case** - Redress and restitution for hundreds of Thai farmworkers. This case was *then the largest human-trafficking case in U.S. history*, which involved more than 900 Thai legal contract workers

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ASIAN PACIFIC ISLANDER HUMAN TRAFFICKING TASK FORCE

Mission:

To “bring together various organizations that serve the API community to collaborate and strengthen services for Asian and Pacific Islander (API) human trafficking survivors; raise awareness of the prevalence of human trafficking in API communities and advocate for the particular needs/issues of API survivors; increase knowledge and usage of culturally responsive strategies to serve API human trafficking victims; increase access to, and quality of, services for API survivors; and inform API survivors and other community members that we are here to serve them.”

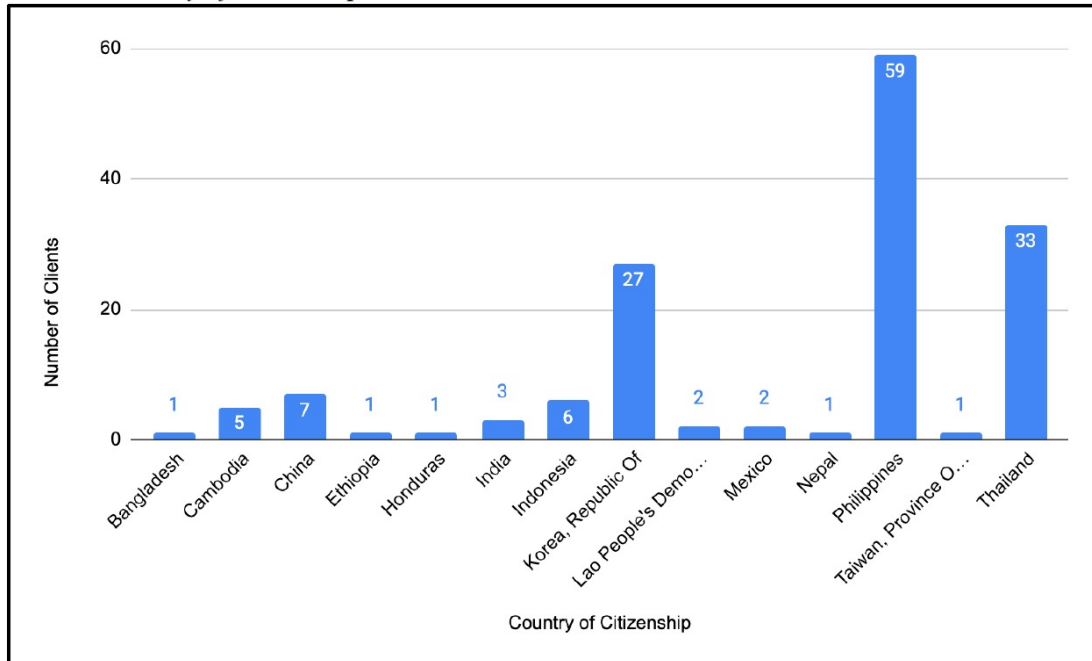
OVC Funded Service Partners 2016-2020

served 149 clients with 25 different services

- Asian Americans Advancing Justice – Los Angeles
- Asian Pacific Aids Intervention Team
- Coalition to Abolish Slavery and Trafficking
- Korean American Family Services
- Legal Aid Foundation of Los Angeles
- Pacific Asian Counseling Services
- South Asian Network
- Thai Community Development Center

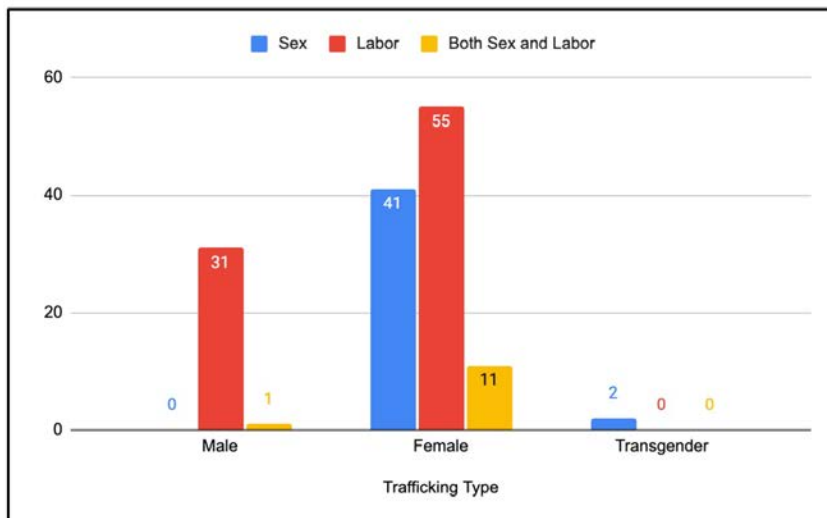
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Chart 1: Country of Citizenship



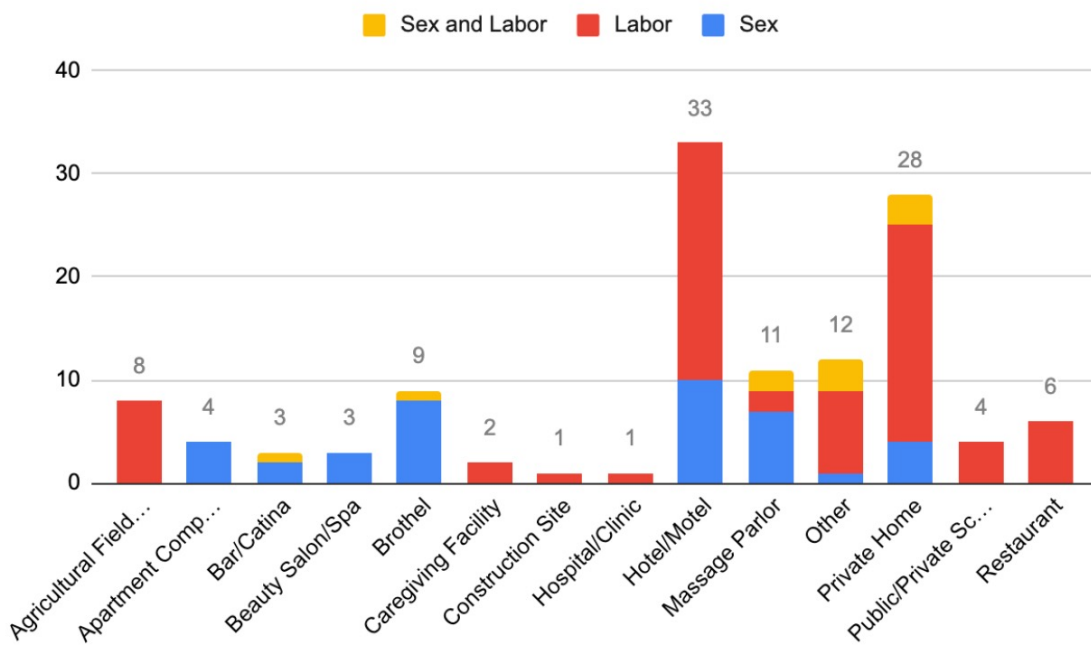
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TRAFFICKING TYPE & GENDER



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Chart 4: Type of Trafficking and Trafficking Setting



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API HTTF CASE COLLABORATION

- **CA (domestic servitude & restaurant work)**
 - Thai CDC coordinated with HSI, Local Police Department, and DOL to contact two domestic workers in San Marino.
 - Case referred to Thai CDC by Thai NGO tipped off by family of victim that they were not able to contact
 - CAST provided emergency housing and case management.
 - FAST program allowed access to banking.
 - DOL secured back wages.
- **FL (domestic servitude & massage parlor cleaner)**
 - Thai CDC coordinated with HSI, Local Police Department
 - Case referred to Thai community by massage worker who witnessed abuse
 - Catholic Charities provided housing and case management
 - Thai therapist licensed in HI obtained emergency license to practice in FL to provide therapy in Thai to victim
 - Florida Legal provided legal support in Federal District Court