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February 25, 2013


The Honorable Thomas J. Borris
Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, California 92701

Re: Responses to Orange County Grand Jury Report

Dear Judge Borris:

Enclosed please find the Office of the District Attorney responses to Findings F1, F3, F4, F5 and Recommendations R1 through R3 of the 2011-2012 Orange County Grand Jury Report, "**Sex Trafficking of Girls.**"

Sincerely,


Tony Rackauckas
District Attorney

TR:vlb
Enclosure

2011-2012 Orange County Grand Jury Report:
"Sex Trafficking Of Girls"

Response to Finding F1

The Human Trafficking Task Force (HTTF) recognized that more law enforcement training is needed in sex trafficking.

Response: The Office of the District Attorney agrees with this finding.

Response to Finding F3

Child victims of sex trafficking are often misidentified. Due to the lack of proper identification of the child's age, law enforcement agencies may be unable to charge the trafficker/pimp with child related sex trafficking violations.

Response: The Office of the District Attorney agrees with this finding.

Response to Finding F4

Trafficked minors often flee non-secure shelters. Law enforcement and prosecutors may request detention of a child to protect them from repeated exploitation by pimps.

Response: The Office of the District Attorney agrees that laws exist in which a court may order a minor to be housed through juvenile court proceedings.

Response to Finding F5

Penal Code Section 1275.1 allows the courts to set conditions on bail, including presenting probable cause that the bail money (or the security for the bond) was illegally obtained. This provision allows law enforcement and the courts to hold the perpetrators, which may keep them from intimidating and victimizing young girls once released.

Response: The Office of the District Attorney agrees with this finding.

Recommendation R1

Police and Sheriff Departments should provide additional training for officers to clarify law enforcement's understanding and awareness of minor sex trafficking of girls.

Response: The District Attorney's Office agrees and will continue to assist these agencies upon request.

We are currently developing ways to coordinate further with local law enforcement agencies to address the many issues of international and human trafficking. The Orange County Human Trafficking Task Force, which has a District Attorney's representative as a member, is already in existence and continues to serve as a county-wide task force that is focused on minor sex trafficking of girls. The District Attorney's Office supports the efforts of the California Attorney General against human trafficking. (Attached is the California Attorney General 2012 Report.) The District Attorney also coordinates its prosecution efforts with the U.S. Attorney's Office to maximize penal exposure to the sex trafficker defendant.

Recommendation R2

The Sheriff's Department, city police departments and responsible Orange County agencies should develop a data base using a single term such as "Minor Sex Trafficking" to allow the trafficked victims to be systematically tracked with the result of a proper identification and status as a victim of crime. A consistent label for the crime would allow multiple agencies, communities and regions to research and intervene in a single coordinated effort.

Response: Efforts by law enforcement agencies to "track" victims, whether they are minors or adults, are required to take into account their legal right to privacy, and when requested, their right to anonymity. This general recommendation does not take into consideration the statutory restrictions that exist that were designed to protect victims. Law enforcement is bound by those laws. With that in mind, this Office understands that efforts to coordinate with local agencies are vital to a successful prosecution. My office will work with both local and federal agencies in their efforts to standardize procedures.

Steps have already been implemented to help in the identification of victims, which include a federal database developed by the Office of Victims of Crimes, and a California database run by the California Emergency Management Agency. Local law enforcement agencies have already begun to use these databases to help "track" human trafficking cases.

Recommendation R3

Law Enforcement agencies and district attorneys should consider using the provisions of California Penal Code Section 1275.1 more frequently if they have cause to believe that the source of bail money for a 'pimp' or 'john' was illegally obtained.

Response: Our office continues to implement the provisions of Penal Code Section 1275.1 in all appropriate cases. It has long been recognized by us that this is an effective tool in the prosecution of 'pimp' or human trafficking cases. We will continue with our practice of providing support to law enforcement agencies to appropriately assert the provisions of Penal Code Section 1275.1 when law enforcement has cause to believe the source of bail money was illegally obtained.