



VICTIM ASSISTANCE PROGRAMS

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October 3, 2012

Honorable Thomas J. Borris
Presiding Judge of the Superior Court
700 Civic Center Drive, West
Santa Ana, CA 92701

Subject: Response to Orange County Grand Jury 2011-2012 Report, "Sex Trafficking of Girls"

Dear Judge Borris:

As the administrator of the Orange County Human Trafficking Task Force (OCHTTF), CSP Victim Assistance Programs is pleased to provide a response to the Orange County Grand Jury 2011-2012 Report, "Sex Trafficking of Girls." Please feel free to contact our office should there be any questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lita Mercado', with a long, sweeping flourish extending to the right.

Lita Mercado

Program Director

Victim/Witness Assistance Program * Sexual Assault Victim Services
Domestic Violence Assistance Program * Family Violence Victim Services
Human Trafficking Program



ORANGE COUNTY HUMAN TRAFFICKING TASK FORCE

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Grand Jury Report: Sex Trafficking of Girls Orange County Human Trafficking Task Force (OCHTTF)

F1 – The Human Trafficking Task Force recognized that more law enforcement training is needed in sex trafficking.

- A. The OCHTTF agrees with the finding.

- B. The OCHTTF has been implementing law enforcement training since its inception in 2004. Monthly meetings at the Westminster Police Department provided opportunities for law enforcement to receive training and support on identifying and responding to the trafficking of girls in Orange County. In 2010, the OCHTTF utilized grant funding to conduct briefing and detective/investigator trainings between 15 minutes to an hour on human trafficking for law enforcement throughout the county (e.g. Sheriff's Department, local police departments, probation department, and DA investigators). Training was not limited to the sex trafficking of girls but provided information on general human trafficking. Resource cards and a briefing DVD were created and distributed for further assistance and information.

In addition, the OCHTTF administers an 8-hour Human Trafficking of Minors course that is POST & STC certified for the State of California as a continual curriculum for law enforcement but is not obligatory. The training course is designed to provide a comprehensive and collaborative approach to address the trafficking of minors and includes facilitators from the Westminster Police Department, the Anaheim Police Department, CSP Victim Assistance Programs, The Salvation Army, and the Public Law Center. This training program has provided 36 trainings across the State of California to over 830 law enforcement and first responders. The training program is entering its fourth year with the goal of completing 14 additional trainings across the state and adding a Train the Trainers program in order to exponentially increase the number of law enforcement and first responders receiving training. Along with the course, a corresponding website is available (www.actnowca.com) which includes associated materials, access to the new training video, calendar of trainings, human trafficking FAQs, and links to sites with complementary education material, collaborative partners, and resources.





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Finally, in response to the grand jury report, the 8-hour training course hosted an additional training in Orange County on September 12, 2012 in order to assist local law enforcement with meeting the recommendations cited in the report, and four investigative trainings were implemented specifically to the Orange County Sheriff's Department per their request.

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.

- A. The OCHTTF agrees with the finding.
- B. Assessing the age of a girl being prostituted is often difficult without identification. Officers are dependent on the statement of the victim and observations of their physical features; which make it increasingly difficult for law enforcement to make appropriate arrests or detainment. However, it is the OCHTTF's recommendation that anyone who looks young and suspected of engaging in commercial sex acts be stopped and run through the system whether a physical or verbal ID is provided. If false ID comes up, it warrants further questioning of age and reasoning behind providing false ID.

A victim may be reluctant to reveal her real age due to fear of the consequences of carrying out acts of prostitution or law violations related to being under age. If law enforcement suspects an individual being prostituted could be a minor, (now referred to as sex trafficking of minors), some form of reassurance that she will not be in legal trouble for engaging in the act and bringing in victim assistance for follow-up services is recommended.

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.

- A. The OCHTTF agrees with the finding.
- B. Minors who have been prostituted are migratory for several reasons. First, these minors often have a history of running. Often times, they are running from an abusive or neglectful home environment. Second, continuously moving from different cities and states is a regular part of "the life". It has become a habitual normal behavior. Finally,





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some of the minors have emotional connections to their pimps who they identify as a boyfriend, rather than an abuser. As a matter of fact, victims will often reach out to their pimp and return to them; much like the cycle of violence identified in domestic violence relationships.

In reference to requesting detention, the OCHTTTF recognizes that law enforcement and prosecutors may request detention of a child if there is very strong cause for concern for her safety, either returning back into the pimp's hands or unsafe environment back home. However, due to the nature of human trafficking and the power and control experienced by the minors, a victim-centered approach is highly recommended. The Task Force model includes the desires of the victim and involvement of the victim service provider to help in the decision making process for shelter. This protocol defers to law enforcement for final decisions, but it creates space for alternative housing choices and resources, rather than automatically detaining and/or incarcerating victims, which reinforces the stereotypical image that the victims of sex trafficking are criminals.

F7 – Currently no data base is available to law enforcement agencies to check and identify victims of sex trafficking

- A. The OCHTTTF agrees with the finding
- B. The Human Trafficking Reporting System (HTRS) is an online database managed by the Bureau of Justice Statistics that requires federally funded law enforcement agencies to report monthly on specific grant funded performance measures. Agencies must report new investigations/incidents and update already reported ones to fulfill one of the federal reporting requirements of the grant. Only the current lead law enforcement agency of the federal grant has the ability to input data, limiting the information being collected. A daunting organized effort could be implemented to filter information through this one agency, but would be significantly impacted by budget and personnel. Additionally, this system does not allow for agencies to check and identify victims of sex trafficking; it only tracks data.



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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.

- A. The recommendation will not be implemented because it is not reasonable per the explanation below.

- B. As the Task Force is not an actual organization, but rather a collaboration of multidisciplinary partners, it is difficult to create a system that would allow cross tracking of cases and clients (see similar comments in F7 above). Even more, the differences in confidentiality requirements creates an impasse for victim-serving agencies and law enforcement agencies to share detailed information about a victim, the status of their case, and/or the details of the investigation. However, the several agencies and organizations that participate in the Task Force do share similar terms for identifying victims, but the different focus of victim-serving agencies versus law enforcement departments necessarily result in slight variations of language (i.e., survivors/clients vs. victim or prostitute vs. being prostituted). The Task Force agrees that a more conscious effort needs to be made to work toward more similar victim-centered language in order to effectively combat human trafficking through identifying, rescuing, and assisting victims of all forms of human trafficking.