TOWN OF FAIRFAX
STAFF REPORT
August 3, 2016

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager GT
Christopher Morin, Chief of Police

SUBJECT: Discuss/consider response to Marin Civil Grand Jury Report: *Marin's Hidden Human Sex Trafficking Challenge, It's Happening in our Backyard*

RECOMMENDATION
Approve the attached response.

DISCUSSION
The Town Council is required to respond in writing to the Findings and Recommendations contained in the Marin County Civil Grand Jury Report, pursuant to Penal Code § 933.05.

The 2015-2016 Marin County Civil Grand Jury issued a report entitled, *Marin's Hidden Human Sex Trafficking Challenge, It's Happening in Our Backyard*, dated June 16, 2016. The victims include children as well as adults from all walks of life. Use of drugs, violence, and psychological trauma by the pimps often prevents victims from trying to escape. It's up to first responders and health care professionals to recognize the victims when they are encountered, and help them into programs to get their lives back on track.

The Grand Jury would like a higher level of first responder training within the county. While state law requires law enforcement to have two hours of training on human trafficking, it is not clear that all officers in the county are receiving consistent training. Training for fire/medical EMS also appears to be inconsistent. The Grand Jury advocates a standardized, mandated training for all first responders, and believes that there should be appropriate training for teachers, parents, and students as well.

The Grand Jury requested that the Town of Fairfax respond to report Findings F1-F13, and Recommendations R1-R7. In reviewing the Findings, the Town agrees with all the findings based upon information contained in the Grand Jury Report. Recommendations R1 and R2 have been implemented. Recommendation R4 will be implemented in the future. Fairfax Officers are in compliance with the training, and will do additional training as it becomes available. Recommendations R3, R5, R6, R7, and R8 all involve other agencies. As Fairfax has no authority over these agencies, we cannot implement these recommendations.

FISCAL IMPACT
None at this time.

ATTACHMENTS
1. Response to Marin County Civil Grand Jury Report
2. Marin County Civil Grand Jury Report: *Marin's Hidden Human Sex Trafficking Challenge, It's Happening In Our Backyard*

AGENDA ITEM # 13

RESPONSE TO GRAND JURY REPORT

Report Title: *Marin's Hidden Human Sex Trafficking Challenge, It's Happening In Our Backyard*

Report Date: June 16, 2016

Agenda Date: August 3, 2016

Response by: Garrett Toy Title: Fairfax Town Manager

FINDINGS

- I (we) agree with the findings numbered: F1- F13
- I (we) disagree *partially* with the findings numbered: n/a
- I (we) disagree *wholly* with the findings numbered: n/a

Based upon the information contained in the Grand Jury Report we agree with all findings.

RECOMMENDATIONS

- Recommendations numbered R1, R2 have been implemented. *Fairfax Officers already have this protocol as part of their Training Bulletin curriculum that will also now be incorporated into the mandated two hour training course each two years.*

- Recommendation numbered R4 has not yet been implemented, but will be implemented in the future. Timeframe is dependent upon the training being available as recommended in Finding R3.

- Recommendations numbered n/a require further analysis.

- Recommendations numbered R3, R5, R6, R7, R8 will not be implemented because they are not warranted or are not reasonable.
Fairfax does not have authority over these agencies.

Date: _____ Signed: _____

Number of pages attached: 0

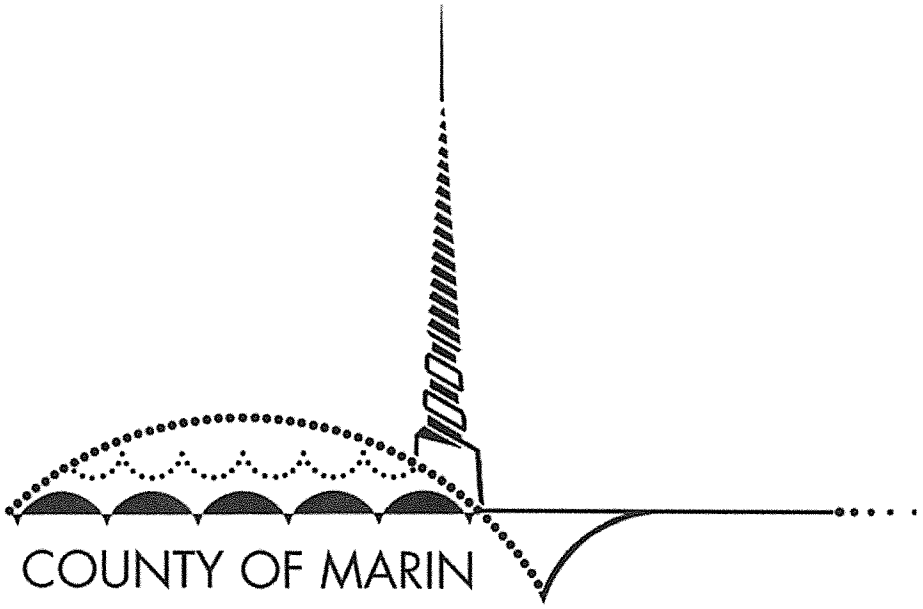
ATTACHMENT 1

2015/2016 MARIN COUNTY CIVIL GRAND JURY

Marin's Hidden Human/Sex Trafficking Challenge

It's Happening In Our Backyard

Report Date: June 16, 2016
Public Release Date: June 23, 2016



ATTACHMENT 2

Marin's Hidden Human Sex Trafficking Challenge

It's Happening In Our Backyard

SUMMARY

"Reading text messages from their 16-year-old daughter as she begged for help, the parents of the young girl could only imagine the nightmare she was living. She was being used as a sex slave and threatened with violence. This wasn't some Third-World nation. It was happening in Marin."[1]

"Armed with a photo of the victim and copies of the text messages provided by the FBI, San Rafael police scoured the Canal Neighborhood, the victim's last known location. Officers eventually found the victim and a female suspect at the San Rafael Transit Center. Police officers arrested Samantha Johns, a 19-year old Vallejo resident, for human trafficking. A second suspect, the male, was not in the area."[2]

Federal law defines human sex trafficking as "trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age".[3] It occurs both internationally and domestically. The Grand Jury's investigation into human sex trafficking examined its prevalence in Marin, how effectively law enforcement pursues it, what resources are devoted to it, how victims are helped, and the level of outreach. Based on our investigation, the Grand Jury concluded:

- *Human sex trafficking is thought to be prevalent in Marin,* but mostly unrecognized, under-reported, and rarely subject to intervention. Statistics are hard to come by because of the hidden nature of the crime, the lack of resources to pursue cases, the highly labor intensive investigations required, and the absence of a county-wide database to track it. **The Board of Supervisors should fund the creation of a database that systematically tracks victims using consistent classifications and shared definitions, to properly identify the victim and the crime, as well as document its prevalence. Data should be collected from government agencies, law enforcement agencies, and civic organizations that deal with sex trafficking victims.**

- *Some law enforcement officers have not been effectively trained* in the *Marin County Uniform Law Enforcement Protocol for Human Trafficking*. **Law enforcement agencies should ensure that all officers are consistently trained in these protocols.**

- *State law mandates two hours of training on human trafficking and some Marin law enforcement agencies may not be complying with this law*, as not all agency heads could

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[1] Derek Wilson, "Authorities Hit Brakes on Human Trafficking", January 14, 2015, Marinscope Newspapers, http://www.marinscope.com/news_pointer/news/authorities-hit-brakes-on-human-trafficking/article_fa439662-9c32-11e4-a6da-2f35f8589b41.html

[2] Ibid

[3] Kamala Harris, Attorney General, "The State of Human Trafficking in California", 2012

confirm that their officers received this training. **All Marin law enforcement agency heads should make sure their officers receive this state mandated training.**

- *An effective consistent training package for law enforcement that incorporates the roles of all County resources/processes in addressing human trafficking does not exist.* **The Board of Supervisors should provide resources for and convene a local multidisciplinary team to create supplemental training on human trafficking to all law enforcement agencies. This training might also include that mandated by the state, as well as the Marin County Uniform Law Enforcement Protocol for Human Trafficking to provide a seamless experience.**

- *Human trafficking training for medical and fire department EMS professionals is inconsistent* - some have been trained, some have not, and some who have been trained have not been trained recently. Healthcare providers and EMS professionals are in a unique position to recognize the signs of human trafficking since 88% of domestic victims have contact with these workers while being trafficked.[4] **Marin County fire departments should ensure that all EMS personnel are trained in recognizing human trafficking and where victims can find help.**

- *Human trafficking training of students, teachers, and parents by Marin school districts is inconsistent,* although the Marin County Office of Education has hosted several educational efforts for some educators and the public. This training is particularly important as the average age of solicitation is 12-14 years of age.[5] According to Marin County District Attorney Nicole Panteleo, half of the victims with whom she works are from Marin County.[6] Students must recognize the signs of a peer being recruited, parents must understand how to monitor their child's activities, and teachers need to report suspicious activities. **The Marin County School/Law Enforcement Partnership should develop and implement programs to educate students, parents, and teachers to recognize the signs of human trafficking and where to find help.**

- *Public outreach campaigns are insufficient* and do not reach all critical audiences. A number of well-regarded groups are conducting outreach, but budgets are small, resources scarce and communications fragmented. **The Board of Supervisors should provide the Marin County Coalition to End Human Trafficking with the resources needed to support the organization and expand its community outreach.**

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[4] Dan Gorenstein, "Healthcare Takes on the Fight Against Trafficking", March 2, 2016, http://www.marketplace.org

[5] Heather Clausen, et al, "Human Trafficking Into and within the United States", 2009

[6] Danielle Chemtob, "Marin's Hidden Trafficking Industry", October 20, 2015, http://www.redwoodbark.org

BACKGROUND

Marin's informal Human Trafficking Task Force received a tip that a juvenile was offering sex through a website for escorts in December 2014. Investigators arranged a sting to meet the minor at a motel and determined that she was an 18 year-old runaway who was being trafficked by Shawn Buckley of Novato and his fiancé, Jazmin Moniq Khayami of San Anselmo. The couple took the victim's money and gave her only what was necessary to keep her working for sex clients, such as food and clothing.[7] Both have accepted a plea deal, with Shawn Buckley receiving a prison sentence of nine years, four months in March 2016.[8]

This 18-year-old girl was one of the lucky ones. Many other victims don't escape and are trafficked until they are no longer of value to their traffickers. Identifying these victims, assisting them in leaving their traffickers and finding on-going help has proved to be a challenge for communities and governments alike.

Human sex trafficking has become a widespread scourge of our time with around 4.5 million victims worldwide.[9] Two million are children with 100,000 minors in the commercial sex trade in the US alone.[10] And California has three of the FBI's 13 highest human sex trafficking areas in the nation: Los Angeles, San Francisco, and San Diego.[11]

Because of our proximity to San Francisco, the Marin County Civil Grand Jury initiated this investigation about human trafficking in Marin to answer the following questions:

- Do we know how pervasive it is?
- Does Marin law enforcement have enough resources and training to effectively pursue traffickers and are they doing so?
- Once victims are identified, are they receiving the social services necessary to survive and turn their lives around?
- Are we taking steps to educate the public and professionals on how to identify and help victims?

Definition of Human Trafficking

Under California Penal Code 236.1 PC, the crime of "human trafficking" in California is defined as:

1. Depriving someone of their personal liberty with the intent to obtain forced labor or services from them,
2. Depriving someone of their personal liberty with the intent to violate California's pimping and pandering laws, California's child pornography laws, California laws against extortion and blackmail, or certain other California laws concerning commercial sexual activity and the sexual exploitation of children, or

[7] Gary Klein, "Trial Ordered for Couple in Pimping Case", August 25, 2015, Marin IJ
[8] Gary Klein, "Novato Man Sentenced to Prison for Pimping Runaway", March 18, 2016, Marin IJ
[9] Kamala Harris, Attorney General, "The State of Human Trafficking in California", 2012
[10] Polaris Project, "Human Trafficking Statistics", 2010
[11] California Against Slavery. "What is Human Trafficking?", February 25, 2014

3. Persuading or trying to persuade a minor to engage in a commercial sex act, with the intent to violate one of those same laws.[12]

The International Labor Organization estimates that for every one victim of sex trafficking there are nine victims of labor trafficking worldwide. However, sexual exploitation is by far the most *commonly identified* form of trafficking in persons:

- Identified sex trafficking victims: 79%
- Identified labor trafficking victims: 18%
- Identified other trafficking victims: 3%[13]

100%

Thus, this investigation will focus primarily on human sex trafficking.

Any individual under the age of 18 induced into commercial sex is automatically a victim of sex trafficking. For juveniles, the law does not require force, fraud, or coercion. Under CA law, a minor cannot consent to sex with an adult. These children are not prostitutes, but rather, victims of rape.[14]

Many people believe human trafficking is the smuggling of victims from other countries, but according to the 2012 California Attorney General report, 72% of California's victims are American.[15] Human trafficking is about modern day slavery without regard to country of origin. Domestic women and girls – even girls from Marin – are trafficked and coerced into the sex industry.[16]

Not all sex workers are trafficking victims in the sense that they have been explicitly coerced into prostitution. However, a huge percentage of prostituted women and girls are subject to constant physical and psychological abuse.

Scope of the Human Sex Trafficking Problem

Human sex trafficking is widespread in America – victims are sold in all 50 states. Yet there is limited public awareness of its scope. According to the US Department of Health and Human Services, human trafficking is the fastest growing criminal enterprise in the world, making it second only to drug trafficking.[17] Yet, it is difficult to estimate the total number of victims in the US due to the hidden nature and control the exploiter has over the victims. Experts indicated in 2010 that there were at least 100,000 child victims of sex trafficking in the US, while upwards of 325,000 remain at risk.[18] Adding in adult victims makes this number even greater.

Prostitution is so profitable that urban gangs are switching from drug trafficking to sex trafficking. Drugs can be sold only once, while a sex trafficking victim can be "used" over and

[12] California Penal Code 236.1 PC: See Appendix for full description
[13] International Labour Office, "ILO Global Estimate of Forced Labor: Results and Methodologies, 2012
[14] California Penal Code 236.1 PC: See Appendix for full description
[15] Kamala Harris, "The State of Human Trafficking in California", 2012
[16] Grand Jury interviews with Marin County law enforcement agencies
[17] http://www.socialworkers.org/diversity/affirmative_action/humanTraffic1206.PDF
[18] Kotrla, K., "Domestic Minor Sex Trafficking in The United States", 2010

over again. Trafficking sex victims can be less risky than selling drugs. When caught with drugs, there is an obvious commitment of a crime. When caught with a victim, the secrecy and psychological abuse of the victim can make conviction of the pimp far less probable.
A pimp can make $150,000-200,000 per child each year and exploits an average of 4-6 girls per year.[19] And according to the 2014 Urban Institute study on the commercial sex economy in eight US cities, pimps in one city studied earned an average of $32,822 per week.[20]

Who are the victims?

Sex trafficking victims come from rural, urban, and suburban communities throughout the US. They have diverse socioeconomic backgrounds and varied levels of education. Victims can even come from stable, two-parent upper income homes. She can even be the girl next door. With access to the Internet, where recruitment is rampant, a naive child can easily become seduced by the slick, enticing trafficker's postings. The average age of solicitation is 12-14 years of age and the vast majority (70-90%) were sexually abused prior to being trafficked.[21]

Despite the fact that all children can be targets, among the most vulnerable victims are:

- Victims of abuse and neglect[22]
- Homeless youth[23]
- Undocumented migrants[24]
- Children from impoverished and broken homes[25]
- Runaways[26]
- Drug users[27]
- Lack of stability in home[28]
- Mentally-challenged individuals[29]

According to one study, 30% of shelter minors and 70% of street minors are victims of commercial sexual exploitation.[30]

Lesbian, bisexual, gay, transgender, questioning (LBGTQ) children are particularly vulnerable to becoming sex trafficking victims. According to the Family and Youth Services Bureau within the Administration of Children and Families at US Health and Human Services, LGBTQ youth

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[19] NPR, "Trafficked Teen Girls Describe Life in the Game", 2010
[20] Meredith Dank, et al, "Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities", March, 2014.
[21] Heather Clausen, et al, "Human Trafficking Into and within the United States", 2009
[22] Kamala Harris, "The State of Human Trafficking in California", 2012
[23] Ibid.
[24] Ibid.
[25] Heather J. Clawson, Ph.D. and Nicole Dutch, B.A., "Identifying Victims of Human Trafficking", January 20, 2008, part of study for US. Department of Health & Human Services
[26] National Human Trafficking Resource Center, https://traffickingresourcecenter.org/what-human-trafficking/human-trafficking/victims
[27] H.E.A.T. Watch, Alameda District Attorney's Office, http://www.heatwatch.org/human_trafficking
[28] Ibid.
[29] Ibid.
[30] Estes and Weiner, "Commercial Sexual Exploitation of Children in the US, Canada, and Mexico", 2001, University of Pennsylvania.

account for up to 40 percent of the runaway and homeless youth population.[31] Once living on the street, the vulnerability to sex trafficking increases significantly and the National Center for Missing & Exploited Children reports that most runaways in the US will be approached by sex traffickers within 48 hours.[32]

Methods of Recruitment

Carl Orlando Washington was arrested for pimping a San Rafael girl at a San Jose gambling event, reported police on May 29, 2016. The suspect met the girl at a bus stop in Richmond and showed romantic interest in her. According to the Marin IJ, "Then he began cultivating her as a prostitute, buying her provocative clothing, furnishing her with drugs, and taking her to watch other prostitutes at work, said San Rafael police Sgt. Scott Eberle."[33]

Washington then "took her to the San Jose gambling event to sell sex to men there, telling her what services to offer and how much to charge. When she failed to earn enough money, the man had the girl beaten, Eberle said."[34]

Romancing potential victims is just one way pimps recruit their quarry.

Traffickers often identify and play on their victims' vulnerabilities, thus creating a dependent relationship between victim and trafficker. They utilize a number of ways to recruit their victims. Traffickers may:

- Pretend to romance victims, then force or manipulate them into prostitution ("Romeo pimps").[35]
- Kidnap and beat them into submission until they agree to have sex with strangers. These "Gorilla pimps" are the most violent and brutal traffickers.[36]
- Lure victims with false promises of a job, such as modeling or dancing.[37]
- Befriend victims, introducing them to drugs and/or alcohol, then force them into prostitution.[38]
- Send another trafficking victim to recruit others.[39]

Romeo pimps are by far the most common. They offer love and support to gain their victim's trust. Many victims are trafficked out of foster homes. Imagine how easy this must be when a

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[31] Lonnie James Bean, "LGBTQ Youth at High Risk of Becoming Human Trafficking Victims", June 26, 2013, http://www.acf.hhs.gov/blog/2013/06/lgbtq-youth-at-high-risk-of-becoming-human-trafficking-victims

[32] The National Runaway Switchboard

[33] Gary Klien, "Suspect Accused of Pimping Underage Girl", May 30, 2016, Marin IJ

[34] Ibid.

[35] Michelle Lillie, "How Street Traffickers Recruit Young Girls, Human Trafficking Search, March 17, 2014, http://humantraffickingsearch.net/wp/how-street-traffickers-recruit-young-girls

[36] Ibid.

[37] Polaris, Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims, May 2015, http://polarisproject.org/resources/sex-trafficking-us-closer-look-us-citizen-victims

[38] Michelle Lillie, "How Street Traffickers Recruit Young Girls, Human Trafficking Search, March 17, 2014, http://humantraffickingsearch.net/wp/how-street-traffickers-recruit-young-girls

[39] Ibid.

foster child is unloved by parents, bounced from foster home to foster home and meets a pimp who shows them the first love and respect they have ever received.

How Exploiters Control Their Victims

Pimps break their victims down psychologically and develop control over them through a combination of feigned affection, intense manipulation, withholding addictive substances, cruel violence, and emotional abuse. As a result, victims become *trauma-bonded* to their traffickers. They become robbed of free choice. These victims may fear leaving for a number of reasons, including[40]:

- Emotional attachment to the pimp
- Fear of physical violence to self and/or children from the pimp
- Shame
- Feelings of isolation and low self esteem
- Drug addiction
- Psychological trauma as a result of chronic abuse and manipulation.
- Traffickers often convince victims that they are outside the law and can never seek protection from the police

Victims are treated as property, with some pimps claiming their ownership by branding them with tattoos or symbols of the pimp's name. In fact, one hospital discovered an RFID[41] chip embedded in a victim – like she was somebody's pet.[42]

Pimps often move their victims from town to town on a circuit. This constant movement through a region helps them control their victims, while keeping "fresh inventory" available to "johns".[43]

Role of the Internet in Sex Trafficking

The Internet plays a significant role in both the recruitment of victims and "johns". Traffickers use online classifieds, social media, and dating websites to contact both. They also may use postings on social media sites, such as Facebook, to monitor their victims' locations and activities.

Pimps advertise the sexual services of victims anonymously and cost effectively on websites such as Backpage.com. In fact, 75% of underage sex trafficking victims said they had been advertised or sold online.[44] Even "johns" make use of the Internet, employing online forums to review their experiences and provide information about how to avoid law enforcement detection.

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[40] Grand jury interviews with law enforcement and social agencies

[41] RFID (radio frequency identification) is a technology that incorporates the use of electromagnetic or electrostatic coupling in the radio frequency (RF) portion of the electromagnetic spectrum to uniquely identify an object, animal, or person.

[42] Dan Gorestein, "Healthcare Takes on the Fight Against Trafficking", http://www.marketplace.org/2016/03/02/health-care/health-care-takes-fight-against-trafficking

[43] Grand Jury interviews with law enforcement.

[44] Thorn, Report on the Use of Technology to Recruit, Groom, and Sell domestic Minor Sex Trafficking Victims", 2015.

Helping the Victim Escape

The nature of human sex trafficking presents significant obstacles to those who seek to protect and assist the victims. As law enforcement receives more training on human sex trafficking and recognizes that they are victims rather than criminals, many agencies have stopped arresting them. Instead, law enforcement seeks to identify them, help them, and refer them to social services, as well as arrest their exploiters.

However, often these victims don't cooperate. They may:

- Be experiencing an emotional attachment to a captor formed as a result of continuous stress, dependence, and a need to cooperate for survival.
- Be afraid and intimidated by the traffickers
- Be unaware of their rights and might not consider themselves victims
- Have language barriers
- Fear deportation
- Distrust outsiders, particularly law enforcement
- Be isolated due to repeated moves from location to location and kept away from others - repeatedly moved to different locations

Thus, the job of helping victims and gaining testimony against the trafficker is very difficult. Police especially need to be aware of the link between human sex trafficking and domestic violence. A call to a domestic violence situation may be represented as a fight between intimates, when, in fact a pimp is beating his victim.

Treating the Victim

Once victims have escaped their exploiters, victims often require comprehensive services, starting with immediate safety, health and shelter needs. Physical medical needs may include treatment for injuries from beatings, STDs, or substance abuse. Victims' mental health needs may include specialized counseling and recovery services. Additional help can include legal services, witness protection, interpreters, education, and life skills training.

Finding shelter for minor victims is more complex than for adults. Since many jurisdictions no longer arrest minors for prostitution, emergency shelter may not be available during police detention and minors are released, having no place to go except to their exploiters. For longer-term victim shelters, foster homes are deemed far more effective than most group homes. In group homes, girls are at risk of being recruited back into prostitution by other girls in the facility. Ideally, foster parents should be certified in dealing with a traumatized child and some experts believe only one child should reside in a foster home if that child is a victim.[45]

Victim advocates and Health and Human Services professionals say foster homes should be culturally competent – African-Americans should be placed with African-Americans, Native Americans with Native Americans, where possible. LBGTQ children need specially tailored services.[46]

Importantly, human sex trafficking victims, both minors and adults, are often severely traumatized and require both immediate and long-term intensive trauma-informed treatment. These services are often in short supply, especially bi-lingual ones.

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[45] Interviews with victim advocates and Marin Health & Human Services.

[46] Interviews with victim advocates and Marin Health & Human Services.

METHODOLOGY

The Grand Jury interviewed representatives from the following entities:

- Alameda District Attorney's office
- Belvedere Police Department
- Center for Domestic Peace
- Central Marin Police Authority
- Community Violence Solutions
- Fairfax Police Department
- FBI
- Marin County Children & Family Services
- Marin County Coalition to End Human Trafficking
- Marin County District Attorney's office
- Marin County Probation Department
- Marin County Public Defender's office
- Marin County Sheriff's Office
- Mill Valley Police Department
- Novato Police Department
- Oakland Vice Squad Unit
- Ross Police Department
- San Anselmo Police Department
- San Rafael Police Department
- Sausalito Police Department
- Tiburon Police Department
- West Marin Advocacy

The Grand Jury conducted a survey with the following Marin fire departments:

- Bolinas Fire Department
- Corte Madera Fire Department
- CSA #31 (Marin County Fire Department)
- Kentfield Fire Department
- Larkspur Fire Department
- Marinwood Fire Department
- Mill Valley Fire Department
- Novato Fire Department
- Ross Valley Fire Department
- San Rafael Fire Department
- Southern Marin Fire Department
- Tiburon Fire Department

The Grand Jury attended the following presentations on Human Trafficking:

- First 5 Marin Children & Families Commission workshop on "Youth Safety: Human Trafficking in Marin", November 9, 2015
- Marin Child Abuse Prevention Council Presentation by Shared Hope International, January 21, 2016

The Grand Jury conducted online research and reviewed documents listed in the Bibliography.

DISCUSSION

The Prevalence of Human Sex Trafficking in Marin

DeAnna Schlau from Community Violence Solutions, a nonprofit organization that helps victims of trafficking is reported to have stated that "Marin has had an attitude for a long time that it doesn't really happen here and we're just getting on board with the fact that it really does happen here."[47]

Human sex trafficking is hidden, but thriving in Marin because it is:[48]

- Next door to San Francisco, one of the nation's top hubs for human sex trafficking, making it an easy stop on the "circuit" of victims transported around the Bay area and region.
- Home to many wealthy "johns" able to pay with cash, thus enabling traffickers to charge more.
- Geographically desirable to traffickers since it is near a major highway (101).

Some Marin gangs have incorporated sex trafficking in their criminal repertoire, though, according to Marin law enforcement, not to the same degree as in San Francisco and the East Bay where gang involvement in sex trafficking is rampant.

Traffickers move their victims on a circuit around the Bay Area and the region. Pimps, including those from Oakland, Vallejo, Sacramento, and San Francisco, bring victims to Marin because of demand. According to the Marin IJ, "Around the bay, there's a quiet group of captives – mostly 12- to 17-year old girls – who are living a revolving-door existence. They're swapped to a handful of Bay Area brothels every few weeks as the victims of human trafficking, Marin officials say."[49]

"These girls stay about two weeks in every brothel, and then they're changed to a different city", said Rosie Alvarez, deputy probation officer.[50]

Comprehensive statistics on human trafficking in Marin are hard to come by, just as they are nationally. First, the hidden nature of the crime makes it difficult to pursue cases.

Second, the crime itself is under-reported because Marin has no comprehensive database for human trafficking. Common categories and shared definitions do not exist. Potential cases of human trafficking are often investigated and prosecuted under related offenses such as pimping, pandering, and prostitution, rather than trafficking, as specified under the California Penal Code §236.1.[51]

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[47] Danielle Chemtob, "Marin's Hidden Trafficking Industry", October 20, 2015, http://redwoodbark.org/2015/04/isolation-fear-manipulation-marins-hidden-human-trafficking-industry/

[48] Grand Jury interviews with law enforcement

[49] Stephanie Weldy, "San Rafael Forum Highlights Wide Devastation of Human Trafficking, Marin IJ, November 11, 2015.

[50] Stephanie Weldy, "San Rafael Forum Highlights Wide Devastation of Human Trafficking, Marin IJ, November 11, 2015.

[51] Kamala Harris, "The State of Human Trafficking in California", 2012

San Francisco has a robust system for collecting human trafficking data.[52] Not only have they created a common definition for all organizations to use, but they compile data from 19 organizations that deal with human trafficking: law enforcement agencies, other government agencies (e.g. Health & Human Services), and victim advocate and other community-based organizations.

The Board of Supervisors should consider providing resources to the Marin County Coalition to End Human Trafficking to collect and analyze this data. Another option might be using the newly approved health clinic data hub to compile this information once it's launched.[53] Pimps, "johns", and locations should be included.

Lastly, Marin County lacks the resources needed to pursue more cases. Investigations into human trafficking cases are labor intensive as they involve highly detailed forensics around social media, the Internet, and cell phones. Thousands of messages and postings must be reviewed and code words deciphered. This hard evidence is particularly important as many potential victim witnesses fail to testify because they fear for their lives.

Unlike San Francisco and Alameda County, Marin does not have a formal law enforcement human trafficking task force and has limited resources devoted to human trafficking. Without the means to fully pursue traffickers and conduct forensics, the number of prosecution cases is low.

Despite the lack of firm statistics, two major Marin County anti-trafficking efforts address the scope of the problem:

- The Marin County Uniform Law Enforcement Protocol for Human Trafficking: On April 9, 2015, the Marin District Attorney's office released protocols to ensure that Marin County law enforcement agencies consistently identify the unique dynamics of human trafficking to serve victims and effectively respond to and investigate cases based on the best recommended practices. Police chiefs of all Marin cities and towns approved the protocols.[54]

- Marin County Coalition to End Human Trafficking: A partnership was formed in 2014 by various agencies, nonprofits, civic groups, county government and law enforcement with a goal to educate the community and stop human trafficking in Marin County. This coalition is co-chaired by the Marin District Attorney and a victim advocate from Community Violence Solutions.[55]

The Grand Jury lauds the Marin District Attorney's Office for both creating the protocols and its major role in creating the coalition. Officers working on sex trafficking cases report that the protocols seem to be complete and that the DA's office is very responsive.

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[52] Mayor's Task Force On Anti-Human Trafficking, "Human Trafficking Report in San Francisco in 2015", August 2015.

[53] Richard Halstead, "Marin Supervisors Authorize Funds for Health Clinic Data Hub", May 29, 2016, Marin IJ

[54] The Marin County Uniform Law Enforcement Protocol for Human Trafficking, April 9, 2015

[55] Grand Jury interviews

Who Are the Victims in Marin?

Marin law enforcement notes that sex trafficking victims in Marin represent all socioeconomic groups; include domestic and international victims; are comprised of Marin residents and non-residents; and include minor victims.

Wide socioeconomic spectrum: According to the Marin IJ, deputy probation officer Rosie Alvarez said, "We've seen cases in Novato and in affluent communities in San Rafael – it's across the board."[56] Children in higher income bracket families are vulnerable as they often spend more time alone and generally live in households with fewer family members. As a result, access to unmonitored computer use often increases, bringing with it the risk of unsafe communications.[57]

Domestic and international victims: Sex trafficking victims range from refugees smuggled into the country to US or local girls from highly educated two parent families. According to the Marin IJ, "Refugees often from Mexico, Honduras, El Salvador, and Guatemala are seeking more opportunity in the country are also often preyed upon," said Tom Wilson, Executive Director of Canal Alliance.

Marin residents and non-residents: According to (former) Marin County Deputy District Attorney Chuck Cacciatore, "Generally we are seeing Marin residents who are human trafficking victims, but we also see victims from out of the area. Pimps have sex workers on a circuit."[58] Marin County Deputy District Attorney Nicole Pantaleo points out about half of the victims with whom she works are from Marin County.[59]

Minor and adult victims: According to a report from Community Violence Solutions, a victim advocate nonprofit, approximately one third of the victims it aided in Marin between March 2015 and March 2016 were under the age of 18.[60] An article in The Redwood Bark pointed out that in 2014 West Marin Advocacy, another victim advocate nonprofit, worked with 30 survivors of sex or labor trafficking. Again, one third were under the age of 18 and some were high school students from Tam High and Novato.[61]

Where Are The Victims in Marin?

According to County law enforcement interviewed, human sex trafficking is most often found in San Rafael, Novato and Marin City. It takes place in almost all, if not all Marin hotels, including some of the more respected chains. Hotels and motels are the most common venues since they

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[56] Stephanie Weldy, "San Rafael Forum Highlights Wide Devastation of Human Trafficking, Marin IJ, November 11, 2015.

[57] Emily Dominique Sims, "Law Enforcement and Social Service Responses To Human Trafficking in Marin County, October 17, 2014, Sonoma State University

[58] Derek Wilson, "Authorities Hit Brakes on Human Trafficking", January 14, 2015, Marinscope Newspapers, http://www.marinscope.com/news_pointer/news/authorities-hit-brakes-on-human-trafficking/article_fa439662-9c32-11e4-a6da-2f35f8589b41.html

[59] Danielle Chemtob, "Marin's Hidden Trafficking Industry", October 20, 2015, www.redwoodbark.org

[60] Report to Soroptimist International of Marin from Community Violence Solutions outlining results of Soroptimist's grant of $25,000 to aid victims of human trafficking.

[61] Danielle Chemtob, "Marin's Hidden Trafficking Industry", October 20, 2015, www.redwoodbark.org

provide confidentiality for the "john". "Johns" can enter and exit these buildings without it being obvious they are there seeking sex. Sex trafficking victims can also be found in Marin massage parlors.

Within San Rafael's Canal district, human sex trafficking is common, and few residents of San Rafael are aware of it. The Canal has a large population of migratory and often seasonal workers who have cash on hand. The availability of cash, paired with a large male population, has lured traffickers to set up apartments in the Canal where young girls are trafficked.[62]

One law enforcement official told the Grand Jury that prostitutes in the hotels make $200 per encounter and the ones in the Canal area make $40-$60. He said both types make the same amount of money in a night – it's just that the Canal prostitutes must work harder.

How Marin Law Enforcement Finds and Prosecutes Traffickers

Unlike some large metropolitan areas, Marin does not have a law enforcement task force focusing full-time on human trafficking. Instead, an informal part-time Human Trafficking Task Force has coalesced, consisting of a Street Crimes Unit officer from San Rafael, two County Sheriff's deputies, and a probation officer. Members of this ad hoc task force, passionate about human trafficking, conduct investigations as a "collateral" assignment to regular duty and sometimes volunteer their time while off duty. When regular patrols happen upon a potential human trafficking case, they refer the case to the task force for investigation.

Marin's Human Trafficking Task Force often works with other law enforcement agencies, such as the FBI, and multiple county police departments in conducting stings. "Operation Cross Country", an on-going series of stings led by the FBI and Marin's task force, is frequently conducted in our county in concert with Central Marin and Novato police departments, as well as the Sheriff's Office and Probation Department. The goal of these stings is to help victims escape their captors and arrest traffickers and "johns".[63]

Several Marin agencies are also members of a regional task force, which consists of the FBI, Homeland Security, the California Department of Justice, as well as sheriff's offices, district attorneys, probation departments, and police departments of over 25 jurisdictions within the Bay Area.[64] Collaboration among these agencies is critical due to the nature of the circulation of human sex trafficking victims around the region. The task force meets once a month to share information.

Investigating and prosecuting cases can be difficult. According to Marin County Deputy District Attorney Chuck Caccatiatore, "We find people who are victims and don't even realize it. I once investigated what was reported as a domestic violence case, but was really sex trafficking."[65]

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[62] Sierra Marie Tomsky, "Human Trafficking and Sexual Slavery: A Local Epidemic", May 2014, Dominican University of California http://scholar.dominican.edu/cgi/viewcontent.cgi?article=1017&context=senior-theses

[63] Grand Jury interviews with law enforcement.

[64] San Rafael Police Department, Marin Sheriff's Office, Novato Police Department, Marin District Attorney's Office, Marin Probation,

[65] Derek Wilson, "Authorities Hit Brakes on Human Trafficking", January 14, 2015, Marinscope Newspapers, http://www.marinscope.com/news_pointer/news/authorities-hit-brakes-on-human-trafficking/article_fa439662-9c32-11e4-a6da-2f35f8589b41.html

"Almost 100 percent of the time, they are always going to say that they are independent, they're not victims, they're doing this out of their own free will," Eberle said. "These girls have been brainwashed."[66] He also told the Redwood Bark, "Another major challenge in prosecuting trafficking cases is getting victims to testify against traffickers. Once you even get past that hump of convincing the victim that we are there to help them out, it's scary to testify in court, to give a statement, to know that you are 'snitching' on someone who has a gun."[67]

Hence, there's a need for dedicated resources to conduct time intensive investigations to prove exploitation with or without the victim's cooperation. Law enforcement must review thousands of messages on cell phones, in social media, and other modes of communication. Bank statements must be analyzed and code words must be deciphered.

Though the Grand Jury lauds the work of Marin's informal *Human Trafficking Task Force*, the task force currently does not have adequate means to pursue more than just a few cases. It's a chicken and egg dilemma…the number of documented cases is not high due to lack of a dedicated resources; but, support for providing more resources is not shared by all Marin law enforcement because of the lower numbers of cases.[68]

Although quantifiable results are not available for established task forces in other jurisdictions, the Grand Jury believes one solution to documenting more cases and increasing prosecutions would be the creation of a dedicated full-time human trafficking task force. This would enable law enforcement to conduct the time intensive forensics necessary to get more convictions; document the extent of the problem in Marin; and provide the focus that is currently lacking to a very important problem – both publicly and among Marin law enforcement.

A task force might also enable Marin to gain government grants for combating human trafficking. Such a task force might be partially financed from asset forfeitures of real estate, automobiles, cash, and jewelry, just as Marin's Major Crimes Task Force is currently supported.

However, there is widespread disagreement about the need for this task force in Marin. The Grand Jury interviewed over 35 key law enforcement officers, victim advocates, DAs, and other key players in combating human trafficking. About half agreed Marin should devote specialized resources to this crime and half disagreed.

Those who believed a dedicated human trafficking task force should not be created cited a number of reasons:

1. All Marin law enforcement agencies would need to form a Joint Powers Agreement (JPA) to provide the funds or manpower needed for the task force. A JPA can be difficult to maintain as resources for agencies, especially small town police forces, can be scarce. In fact, the Marin County Major Crimes Task Force, created as a JPA in 1977, has experienced periodic withdrawals and additions of various towns and cities in the partnership. A number of Marin's towns believe human trafficking is not a problem for their jurisdictions and, hence, may not choose to devote resources to the crime. They

[66] Danielle Chemtob, "Marin's Hidden Trafficking Industry", October 20, 2015, www.redwoodbark.org
[67] Ibid
[68] Grand Jury interviews with law enforcement agencies and district attorneys

believe it's a problem for San Rafael and Novato to solve. Creating and maintaining a JPA may prove challenging.

2. Should such a JPA be feasible, some pointed out that this would reduce manpower devoted to other tasks and crimes, such as patrolling for burglaries and they could not support this trade-off.

3. Some will not support a task force unless they can see clear documentation of cases. As mentioned previously, this is not possible without dedicated resources.

4. A few felt that there was no need for local anti-human trafficking efforts as the crime is transient. They believe a regional approach to be more prudent as victims are constantly being cycled through various Bay Area locales, including Marin.

The Grand Jury considered recommending the creation of a dedicated human trafficking task force and believes the number of documented cases would increase dramatically should such a team be formed. Other counties in the Bay Area, such as Alameda and San Francisco, have had such success with their task forces. However, we are not recommending this step at this time as citizen awareness is low and, hence, the political will to fund a task force is low.

As Marin citizen awareness of the prevalence and horror of human trafficking increases and more precise data is captured, Marin should consider creating a formal dedicated full-time or part-time human trafficking task force.

In conclusion, human sex trafficking may be most prevalent in San Rafael, Novato and Marin City, but "johns" come from all parts of Marin.[69] It exists everywhere. Marin should come together to see human sex trafficking as a problem for the entire county to solve.

Training Law Enforcement in Human Trafficking

In November 2012, voters passed Proposition 35, that requires a minimum of two hours of training in handling complaints of human trafficking for every law enforcement officer assigned to field or investigative duties. This training is often delivered via a two-hour Police Officer Standards and Training (POST) video. Training among Marin agencies at this time seems inconsistent and possibly not conforming with the law as not all law enforcement agency heads could confirm this training of their officers and/or which officers had received it.

In April 2015 the Marin District Attorney released the Marin County Uniform Law Enforcement Protocol for Human Trafficking, which was signed by each Marin police chief. All law enforcement should be trained in using these protocols. The Grand Jury interviewed representatives from all Marin County law enforcement agencies, including every police chief and the County Sheriff, and found that their officers have not been consistently trained in these protocols.

[69] Grand Jury interviews with law enforcement.

According to the protocols[70], the goals of the training are to inform officers of:

- Human trafficking laws
- Marin County trafficking protocols
- The department's human trafficking policy and procedures
- The signs and dynamics of human trafficking and its effects on victims
- Therapeutically appropriate investigative techniques
- District Attorney policies
- Victim advocacy organizations working in their jurisdictions and resources available
- Policy and procedures of other state and federal organizations collaborating with the department
- Human trafficking issues specific to various cultures and lifestyles
- Civil and immigration remedies and community resources
- Protection of victims

Unfortunately, our interviews revealed that some officers still believe that human sex trafficking victims are criminals and act accordingly. Additionally, many of our respondents pointed out that awareness of the victimhood and dynamics of human sex trafficking among law enforcement is similar to that of domestic violence situations thirty years ago, when it was not taken seriously nor prosecuted vigorously, and victim blaming was rampant.

Most of our law enforcement and victim advocate respondents who work frequently with Marin sex trafficking cases feel that more training is needed among the rank and file. Some Marin law enforcement officers not working with human trafficking cases feel the current state of training is adequate.[71]

The Grand Jury recommends a multidisciplinary group to train law enforcement. This group might consist of Child and Family Services, a DA, victim's advocate, law enforcement human trafficking specialists, etc. This approach enables the group to better understand each other's roles and facilitate a seamless approach to trafficking.

How Marin Aids Its Victims

Before the county started recognizing that "prostitutes" were very often "victims" of trafficking, almost all sex trafficking victims were arrested for prostitution. Today, Marin officers do not arrest individuals they perceive to be trafficking victims. After stings occur in Marin, young victims are detained and offered a number of resources to help them get their lives back on track, including shelter and counseling. However, they often choose to go back to their life with their exploiter out of fear for their lives.

According to Marin law enforcement and victim advocates, it takes a number of contacts with the trafficking victim to move her (it is usually, but not always a she) on to recovery. Once the victim makes that move, she likely needs therapy immediately (and in the long-term) because most are found to be severely traumatized. Ideally, everyone in relevant social service agencies and law enforcement should be trained in a trauma-informed approach to deal with victims. In Marin some have received this training and others have not.

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[70] Marin County Uniform Law Enforcement Protocol for Human Trafficking, April 2015

[71] Grand Jury interviews with all police chiefs and some officers, the County Sheriff's office, and victim advocates.

In addition, Marin County and victim advocate groups do not fund enough therapists to meet victim needs. And few, if any, are bilingual. And, at the "Youth Safety/Human Trafficking in Marin" workshop, November 2015, Laurel Freeman from the Center for Domestic Peace, pointed out that these victims often receive the services of the least experienced therapists – interns.

Marin County's Children & Family Services (CFS) take charge of minor victims, providing emergency care for all victims and long-term care for Marin residents. Foster homes are the shelter of choice, but unfortunately, Marin has a severe shortage of foster care and victims are often placed outside of Marin. This shortage will only grow worse as an administrative bill, California AB 403: "Foster Youth: Continuum of Care Reform", is proposing the elimination of many long-term group homes, shifting more children to foster homes.[72] Counties will be charged with recruiting a large number of foster homes quickly and some fear the quality of homes recruited may decline to meet their goals. Compounding the shortage of foster homes for sex trafficking victims is the fact that many foster parents fear serving this population.[73]

Marin County's CFS received a grant from the state and recently developed comprehensive interagency protocols for helping Commercially Sexually Exploited Children (CSEC), providing a seamless multi-disciplinary approach helping to eliminate duplication and fragmentation of services. These protocols were completed in February 2016 and CFS is currently in the process of implementing them.

Several nonprofits aid adult victims in Marin, including:

- Community Violence Solutions (CVS): a crisis intervention agency, providing victims of sexual or labor exploitation support, referral, and services in Contra Costa and Marin. Marin law enforcement, the FBI and social agencies often work with CVS, referring victims to the organization.[74]

- West Marin Advocacy: Serves San Geronimo Valley, Nicasio and Coastal Marin, providing assistance to sexual trafficking victims. Programs include court accompaniment, referrals to social service and legal service organizations, and expert training to nonprofit, governmental, and law enforcement.[75]

- Center for Domestic Peace: provides holistic services to sex trafficking victims, including shelter, life skills, counseling, safety planning, legal services and more.[76]

[72] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB403
[73] Grand jury interviews
[74] http://www.cvsolutions.org
[75] http://westmarinadvocacy.org
[76] http://www.centerfordomesticpeace.org

Outreach to Victims and the Public

Two populations must be reached via communications campaigns:

- *Victims of human sex trafficking,* who need information on how to get help.
- *The public,* which needs to understand the problem and be educated in how to identity trafficking and whom they should contact.

A number of organizations are conducting or have conducted outreach to both victims and the public, including:

- Center for Domestic Peace
- Community Violence Solutions
- League of Women Voters
- Marin Organizing Committee
- Shared Hope International
- Soroptomist International of Marin
- West Marin Advocacy

Communication media typically include presentations to groups, billboards, posters, leaflets, websites, and bus advertising, depending on who is being targeted to receive the information. Some of the aforementioned groups pay particular attention to high-risk areas such as Canal Street because of the trafficking activity there. Spanish language communications are critical in this area.

Despite the number of enthusiastic and well-regarded groups conducting outreach, their budgets are small and resources are too scarce to create the awareness and education needed, particularly in educating the public. Additionally, with seven or more organizations trying to get the word out, communications can be fragmented and possibly contradictory.

The Grand Jury believes customized education campaigns on recognizing the signs of trafficking and reporting it should be provided to a number of different groups, including, but not limited to:

- *Students* who need to recognize trafficking when it happens to a friend and understand how anyone can be recruited and endangered in social media.
- *Parents and teachers* who can monitor and help youth.
- *Healthcare professionals* who have special access to patients.
- *EMT and other emergency services* who have access to environments closed to law enforcement.
- *Hospitality industry* staff at lodgings who are exposed to trafficking as much of this crime takes place at hotels and motels in Marin.
- *Golden Gate transit and Marin Transit staff,* especially bus drivers, who come in contact with victims.

Education is particularly important for students, parents, and teachers. With the average age of recruitment being 12-14 (middle school age), a student who has received education can perhaps keep a friend from falling for a false pitch from a Romeo pimp, a parent can monitor their child's social media activities, and teachers can report suspicious activities.

The Marin County Office of Education (MCOE) has hosted a number of educational efforts for various school officials and the public, sponsored by community partners such as the Center for Missing and Exploited Children, the FBI, Voces de Marin, the Center for Domestic Peace, the Marin Organizing Committee, the Marin Child Abuse Prevention Council and more. Some efforts at the local middle school and high school levels have been implemented, though there is no evidence of a consistent systemic county-wide program to ensure education of students, teachers, and parents.

The most effective way to provide this school training might be through the Marin County School/Law Enforcement Partnership, a collaboration of schools, law enforcement and community agencies. Their goal is to encourage and support a countywide effort to keep Marin schools and communities as safe and healthy environments for all students and families.

Outreach to these audiences is critical and free resources are available online. For example, the National Human Trafficking Resource Center (NHTRC) has a number of tools for training and public outreach campaigns. According to this group, when a public outreach campaign is launched, NHTRC hotline sees a 30-60% increase in calls.[77]

Neighboring Alameda County has produced a number of campaigns and the Grand Jury recommends that the Marin County Coalition to End Human Trafficking use them where possible. In fact, the Alameda DA's office held Oakland focus groups with victims to learn to speak their language and craft the most effective appeals in their campaigns.

The Role of The Marin County Coalition to End Human Trafficking

The Marin County Coalition to End Human Trafficking (The Coalition) is a partnership of numerous social agencies, county government, civic groups, nonprofits and law enforcement agencies, with the goal of ending human trafficking via education, outreach, and advocacy. This coalition resides under the auspices of the Marin County DA office, co-chaired by the Marin District Attorney and a victim advocate from Community Violence Solutions.

The Coalition was formed in 2014 to create a forum and to harness the resources of numerous agencies to achieve the group's goals. The coalition is not meant to replace the activities of its members, but to provide a platform for synergies around each organization's work. Outreach is one of the major functions of the organization and its objective is to reach the following audiences:

- *Potential and actual victims* to warn them and tell them how to get help.
- *Potential and actual victim's family and friends* to alert them on how to recognize the signs of trafficking and what to do.
- *General public* to increase awareness of the crime and its victims.

The Grand Jury applauds the DA office and others who founded this coalition.

The group meets approximately every three months and most participants are essentially volunteers, having full-time jobs – so most of the work is performed outside their normal jobs. There is no dedicated staff. Little funding is provided, although recently The Coalition received

[77] http://www.traffickingresourcecenter.org

$5,000 from the Board of Supervisors Community Fund (~0.001% of County budget) to create a website.

While many coalition members believe the organization is making strong progress, some members feel the group is moving too slowly, is too fragmented, is too unwieldy, and committees aren't communicating well. Although the Grand Jury believes that The Coalition is moving as quickly as it can, it believes that much better progress can be made with dedicated resources, such as a full or part-time position handling outreach and coordination. The Coalition might be able to qualify for a grant for a dedicated position, as did the South Bay Coalition to End Human Trafficking.[78]

Additionally, our Marin coalition might consider filing for nonprofit status so that they can conduct fundraising to strengthen their resources.

Training for Healthcare Professionals and EMS First Responders

According to a 2014 Loyola University Chicago School of Law Report, 88% of domestic human trafficking victims reported having contact with a healthcare professional while being trafficked, and these professionals are often the only ones to interact with them while in captivity.[79] These interactions were especially common for survivors who caught STD's, became pregnant while in their trafficking situation, or were hospitalized after physical and sexual assault.

In 2012, the California Attorney General's comprehensive report, "The State of Human Trafficking in California", recommended that First Responders and healthcare professionals be trained in identifying victims, determining their medical and mental health needs, and providing access to available resources.[80]

A number of hospitals and health systems around the country have launched training programs for their staff. Some states, including Florida and Michigan, require healthcare workers to receive some type of human trafficking training as part of their regular licensing process.[81]

But according to Dr. Jeff Barrows, director of US training at the anti-trafficking group Hope for Justice, "...most healthcare providers know little to nothing about trafficking and receive no training on how to identify and help victims. The vast majority is absolutely clueless. Only a handful is looking at it seriously."[82]

All health systems, large and small, need the tools and education to help thwart trafficking. Though the Grand Jury has no authority to make recommendations to non-governmental Marin County health systems, it encourages all healthcare venues in Marin to train staff on recognizing the signs of human trafficking and connecting victims with available services. There are a

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[78] Grand Jury interviews

[79] Laura J Lederer and Christopher A. Wetzel, "The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities", 2014, http://www.luc.edu/law/centers/healthlaw/annals/archive/volume232014

[80] Kamala Harris, "The State of Human Trafficking in California", 2012

[81] Maureen McKinney, "Hospitals Train Staff to Spot Victims of Human Trafficking, Modern Healthcare, June 20, 2015

[82] Ibid

number of free online courses tailored specifically for healthcare professionals, especially ER workers, available from various universities and the National Human Trafficking Resource Center (NHTRC).[83]

Correspondingly, firefighters and EMS professionals are in a unique position to encounter, identify, and report victims of human trafficking. In emergencies, first responders may be given access to victims and locations inaccessible to law enforcement. It is critical that these professionals be trained to recognize and report human trafficking. Training these first responders in scanning the emergency environment for signs of human trafficking and how to report it could result in more victim rescues and trafficker apprehensions. Training and tools are available for free online.[84]

Although some Marin fire departments have had training in human trafficking, many have not, and some who have been trained, have not been trained recently. Several departments use Blue Campaign training provided by the Department of Homeland Security.

Also Learned: Labor Trafficking is Happening in Marin

Marin Law enforcement has focused on sex trafficking because it is the more commonly identifiable form of human trafficking. However, the Grand Jury found that many law enforcement officers and victim advocates believe labor trafficking is taking place in Marin as well. Representatives from two victim advocate organizations interviewed said that they had received reports of labor trafficking for nursing homes, ranching, and farming, with one citing a victim rescued from forced labor as a nanny. Both organizations have come to the aid of labor trafficking victims. However, there are no recent arrests for labor trafficking, likely due to:

- The far more under-investigated and under-reported nature of labor trafficking (versus sex trafficking),
- The higher visibility of sex trafficking,
- A lack of law enforcement resources to pursue it.

CONCLUSION

Despite the fact that the Bay Area is one of the largest human trafficking markets in the US, many Marin County citizens have little or no awareness that it exists in our community. Though trafficking victims bear the brunt of the human costs of being trafficked, the community must bear immense social costs, such as truancy, homelessness, the rising need for medical and mental health services, and expanding law enforcement efforts.

It is time for Marin to wake up and recognize the prevalence of human trafficking in our communities. The Grand Jury urges the County and its cities and towns to devote more resources to combating this scourge, rescuing its victims, and helping these victims return to society.

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[83] National Human Trafficking Resources Center: https://traffickingresourcecenter.org/material-type/online-trainings

[84] www.dhs.gov/blue-campaign/awareness-training

FINDINGS

F1. Human sex trafficking is mostly unrecognized, under-reported, and rarely subject to intervention in Marin.

F2. A significant number of human sex trafficking victims are from Marin, not just transients imported from other areas.

F3. Reports from two Marin County victim advocate organizations show that approximately 30% of the victims they aid are under the age of 18.

F4. Some Marin County law enforcement officers still believe some human trafficking victims are criminals.

F5. State law mandates that officers receive two hours of training on human trafficking and some Marin agencies may not be complying with this law.

F6. Training of Marin County law enforcement on the *Marin County Uniform Law Enforcement Protocol for Human Trafficking* has been inconsistent across agencies.

F7. Law enforcement officers and others who are closest to human trafficking believe the California mandated two-hour POST training video on human trafficking is not sufficient.

F8. Marin law enforcement agencies rarely use multidisciplinary training, incorporating collaboration between Children Family Services (CFS), the District Attorney, law enforcement experts, and possibly victims.

F9. Training for firefighters and EMS professionals in recognizing human trafficking victims and reporting the crime is inconsistent in Marin.

F10. It is difficult to determine the extent of human trafficking in Marin because of inconsistent classification and definitions of the crime, as well as the lack of a central clearinghouse for this data.

F11. The Marin County school districts do not provide education on a systematic basis for students, parents and teachers in recognizing signs of human trafficking.

F12. Human trafficking outreach has been fragmented and is currently insufficient in reaching critical audiences.

F13. The Marin County Coalition to End Human Trafficking Coalition needs dedicated resources to make it more effective.

RECOMMENDATIONS

R1. All law enforcement officers should be consistently trained in the *Marin County Uniform Law Enforcement Protocol for Human Trafficking.*

R2. All Marin law enforcement agency heads should ensure their officers receive the California mandated two hour human trafficking training.

R3. The Board of Supervisors should convene a local group of human trafficking experts (including CFS, law enforcement subject experts, FBI, victim advocates, DA's, and perhaps a victim) to create a multidisciplinary training presentation. This training should include the unique roles of all County personnel, resources, and processes in addressing human trafficking. Additional resources will be needed to support this training as none are devoted to this task now. This training should include information on the trafficking of females and males, as well as LGBTQ.

R4. Once this multi-disciplinary training package is completed, Marin County law enforcement agencies should ensure that all Marin law enforcement officers be trained.

R5. Marin County fire departments should ensure that all EMS personnel are trained in recognizing human trafficking and how to report it, and incorporate this in their annual training.

R6. The Board of Supervisors should fund the creation of a database that systematically tracks adult and minor victims, using consistent classification and shared definitions to properly identify the victim and the crime, as well as document its prevalence. Data should be gathered from any organization dealing with trafficking victims, including law enforcement agencies, government agencies (e.g. Marin County Health & Human Services), civic organizations, and victim advocate organizations.

R7. Marin County Office of Education should work with the Marin County School/Law Enforcement Partnership to develop educational programs to ensure that students, parents, and teachers are trained in recognizing the signs of human trafficking and where they can find help.

R8. The Board of Supervisors should provide the Marin County Human Trafficking Coalition resources necessary to expand community outreach to schools, faith communities and the public. The Coalition should explore a grant for a dedicated position that supports coalition logistics and outreach campaigns.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Bolinas Fire Protection District: F1-F13, R5
- Bolinas-Stinson Union School District: F1-F13, R7
- Central Marin Police Authority: F1-F13, R1-R7
- City of Belvedere: F1-F13, R1-R7
- City of Larkspur: F1-F13, R1-R7
- City of Mill Valley: F1-F13, R1-R7
- City of Novato: F1-F13, R1-R7
- City of San Rafael: F1-F13, R1-R7
- City of Sausalito: F1-F13, R1-R7
- CSA #28 (West Marin Paramedic): F1-F13, R5
- CSA #31 (County Fire): F1-F13, R5
- Dixie School District: F1-F13, R7
- Kentfield Fire Protection District: F1-F13, R5
- Kentfield School District: F1-F13, R7
- Lagunitas School District: F1-F13, R7
- Larkspur-Corte Madera School District: F1-F13, R7
- Marin County Board of Supervisors: F1-F13, R1- R8
- Marin County Office of Education: F1-F13, R7
- Marinwood Community Service District: F1-F13, R5
- Mill Valley School District: F1-F13, R7
- Nicasio School District: F1-F13, R7
- Novato Fire Protection District: F1-F13, R5
- Novato Unified School District: F1-F13, R7
- Reed Union School District: F1-F13, R7
- Ross School District: F1-F13, R7
- Ross Valley Fire Department: F1-F13, R5
- Ross Valley School District: F1-F13, R7
- San Rafael School District: F1-F13, R7
- Sausalito Marin City School District: F1-F13, R7
- Shoreline Unified School District: F1-F13, R7
- Southern Marin Emergency Medical-Paramedic System: F1-F13, R5
- Southern Marin Fire Protection District: F1-F13, R5
- Stinson Beach Fire Protection District: F1-F13, R5
- Tamalpais Union High School District: F2-F23, R7
- Tiburon Fire Protection District: F1-F13, R5
- Town of Corte Madera: F1-F13, R1-R7
- Town of Fairfax: F1-F13, R1-R7
- Town of Ross: F1-F13, R1-R7
- Town of San Anselmo: F1-F13, R1-R7
- Town of Tiburon: F1-F13, R1-R7

The governing bodies indicated above should be aware the comment or response of the governing body must be conducted in accordance with Penal Code section 933(c) and subject to the notice, agenda, and open meeting requirements of the Brown Act.

From the following individuals:

- The Marin County Sheriff: F1-F13, R1-R4, R6-R7
- The District Attorney: F1-F13, R1-R4, R6, R8
- Marin County Superintendent of Schools: F1-F13, R7

The Grand Jury invites the following individuals to respond:

- Police Chief, Belvedere Police Department: F1-F13, R1-R4, R6-R7
- Police Chief, Central Marin Police: F1-F13, R1-R4, R6-R7
- Fire Chief, Corte Madera Fire Department: F1-F13, R5
- Police Chief, Fairfax Police Department: F1-F13, R1-R4, R6-R7
- President, Falcon Critical Care Transport: F1-F13, R5
- President, Falck/verihealth, Inc.: F1-F13, R5
- Fire Chief, Larkspur Fire Department: F1-F13, R5
- President, Marin County Fire Chiefs Association: F1-F13, R5
- President, Marin County Police Chiefs Association: F1-F13, R1-R4, R6-R7
- Fire Chief, Mill Valley Fire Department: F1-F13, R5
- Police Chief, Mill Valley Police Department: F1-F13, R1-R4, R6-R7
- Chief Executive Officer, NORCAL Ambulance: F1-F13, R5
- Police Chief, Novato Police Department: F1-F13, R1-R4, R6-R7
- Police Chief, Ross Police Department: F1-F13, R1-R4, R6-R7
- Fire Chief, San Rafael Fire Department: F1-F13, R5
- Police Chief, San Rafael Police Department: F1-F13, R1-R4, R6-R7
- Police Chief, Sausalito Police Department: F1-F13, R1-R4, R6-R7
- President, St. Joseph's Ambulance Service: F1-F13, R5
- Police Chief, Tiburon Police Department: F1-F13, R1-R4, R6-R7

At the time of publication of this report all website information was accurate as published.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

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Appendix A: Penal Code Section 236.1 PC

236.1. (a) Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars ($500,000).

(b) Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than five hundred thousand dollars ($500,000).

(c) Any person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking. A violation of this subdivision is punishable by imprisonment in the state prison as follows:

(1) Five, 8, or 12 years and a fine of not more than five hundred thousand dollars ($500,000).

(2) Fifteen years to life and a fine of not more than five hundred thousand dollars ($500,000) when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person.

(d) In determining whether a minor was caused, induced, or persuaded to engage in a commercial sex act, the totality of the circumstances, including the age of the victim, his or her relationship to the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be considered.

(e) Consent by a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution under this section.

(f) Mistake of fact as to the age of a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution under this section.

(g) The Legislature finds that the definition of human trafficking in this section is equivalent to the federal definition of a severe form of trafficking found in Section 7102(8) of Title 22 of the United States Code.

(h) For purposes of this chapter, the following definitions apply:

(1) "Coercion" includes any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; the abuse or threatened abuse of the legal process; debt bondage; or providing and facilitating the possession of any controlled substance to a person with the intent to impair the person's judgment.

(2) "Commercial sex act" means sexual conduct on account of which anything of value is given or received by any person.

(3) "Deprivation or violation of the personal liberty of another" includes substantial and sustained restriction of another's liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

(4) "Duress" includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed; a direct or implied threat to destroy, conceal, remove, confiscate, or possess any actual or purported passport or immigration

document of the victim; or knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.

(5) "Forced labor or services" means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

(6) "Great bodily injury" means a significant or substantial physical injury.

(7) "Minor" means a person less than 18 years of age.

(8) "Serious harm" includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sexual acts in order to avoid incurring that harm.

(i) The total circumstances, including the age of the victim, the relationship between the victim and the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be factors to consider in determining the presence of "deprivation or violation of the personal liberty of another," "duress," and "coercion" as described in this section.