



NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**ENACTING POLICY AND SOLUTIONS
TO THE MODERN-DAY SLAVERY PROBLEM
OF FORCED LABOR AND DOMESTIC SERVITUDE
IN MONTEREY COUNTY**

by

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June 2019

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PROBLEM OF FORCED LABOR AND DOMESTIC SERVITUDE
IN MONTEREY COUNTY**

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ABSTRACT

For the last several years, the United States has been the number-one destination for inward migration—both legal and illegal. Persons with undocumented immigration status are at a high risk of being targeted by traffickers and forced into modern-day slavery. Of the more than 550 cases of human trafficking reported by the U.S. Department of Justice in 2001, nearly half were from the four most populous states—California, Florida, Texas, and New York—which foster a welcoming environment for immigrants. Within California, Monterey County’s labor and industrial profile, with a strong demand for agricultural laborers and hospitality industry service employees, suggests it is at high risk for trafficking. However, the low number of arrests and prosecutions to date indicates that the current level of human trafficking prevention in Monterey County might not be commensurate with its risk.

Using the UN’s internationally recognized 4Ps anti-trafficking framework, this thesis assesses Monterey County’s risk factors for human trafficking and its current approach to combating human trafficking, concluding that there remain many areas in which significant improvement is needed. It then proposes anti-trafficking recommendations for Monterey County reached through investigating approaches used in other areas, including Florida and Texas, with similar socioeconomic indicators.

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LIST OF ACRONYMS AND ABBREVIATIONS

4Ps	prosecution, protection, prevention, and partnerships
CSEC	commercially sexually exploited children
DA	District Attorney
H.E.A.T.	Human Exploitation and Trafficking
HIV/STD	human immunodeficiency virus/sexually transmitted disease
ILO	International Labour Organization
LEIHT	Law Enforcement to Investigate Human Trafficking
MOU	memorandum of understanding
POST	Police Officer Standards and Training Council
SFHSTF	South Florida Human Trafficking Task Force
TVPA	Trafficking Victims Protection Act
UN	United Nations
VTA	Valley Transportation Authority

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EXECUTIVE SUMMARY

Monterey County, on the Central Coast of California, is known for world-class golf courses and five-star resorts situated along the Pacific Ocean. The county has a population of 350,000 and an agriculture- and tourism-based economy. Within the county, the Salinas Valley harvests nearly \$9 billion in produce annually; 67% of the nation's leaf lettuce is grown in this valley, along with nearly 150 other crops.¹ The migrant population thrives on the job market the area provides, particularly in the agriculture and hospitality industries.

These industries are among those that the Department of State has identified as significant sources of employment for illegal labor, and therefore, vulnerable to human trafficking. With undocumented status comes a higher risk of being targeted by traffickers.² The demand for undocumented labor from these industries attracts traffickers, who lure vulnerable immigrants with promises of opportunities of abundant work paid under the table and supposed higher wages in California.³ Sex trafficking is likewise a problem. A 2012 report released by the California Attorney General indicates that, from 2010 to 2012, the number of identified trafficking victims nearly tripled, from 135 to 390, with "56% of victims who received services through California's task forces [being] sex trafficking victims."⁴ Undocumented workers in the sex trafficking industry are prevalent and share the same vulnerability in their environment as those victims trafficked into labor industries.⁵

¹ "Facts, Figures & FAQs," Monterey County Farm Bureau, accessed October 1, 2018, <http://Montereycfb.com/index.php?page=facts-figures-faqs>.

² Sheldon Zhang, *Smuggling and Trafficking in Human Beings: All Roads Lead to America* (Westport, CT: Greenwood Publishing Group, 2007), 6.

³ Department of State, *2015 Trafficking in Persons Report* (Washington, DC: Department of State, 2015), 352, <https://www.state.gov/documents/organization/243562.pdf>.

⁴ Kamala Harris, *The State of Human Trafficking in California* (Sacramento: California Department of Justice, 2012), 4, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf>.

⁵ Kara Siddharth, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2010), IX.

Monterey County thus displays a number of established risk factors for trafficking. However, no thorough assessment has yet been conducted of the extent to which the current level of human trafficking prevention in Monterey County is commensurate with its risk. This thesis assesses the current risk of and approach to trafficking in Monterey County and then identifies the best practices of anti-trafficking procedures, which is assessed according to Department of Justice standards and adopted in other counties with similar risk profiles, both in California and nationwide, to determine policy recommendations for Monterey County.

Using the United Nation’s (UN’s) anti-trafficking approach, the 4Ps—prosecution, protection, prevention, and partnerships—this thesis assesses to what extent Monterey County is at risk for human trafficking, and then examines anti-trafficking efforts in four other counties in the United States with risk profiles similar to that of Monterey County: Alameda County, CA; Santa Clara County, CA; Miami-Dade County, FL; and Harris County, TX. It finds that in Monterey County, significant opportunities exist to expand efforts in addressing human trafficking across all four of the “P” platforms. Furthermore, all four counties have implemented cost-effective anti-trafficking programs that could be scaled to address the problem in Monterey County.

Based on these findings, the recommended actions include the following:

- From Santa Clara: Monterey County law enforcement agencies should reach out to the San Jose Police Department—which received federal funding to cross-train neighboring counties, including Monterey County—to request formal training on victim identification and human trafficking investigations.
- From Houston: The Monterey County Jail, through the Monterey County Sheriff’s Office, should post anti-trafficking signs over the telephones at the jail with the number for the national human trafficking hotline.
- From Houston: Fire personnel should distribute “self-identification” cards to potential trafficking victims in both social events and emergency calls.

- From Houston and Alameda: Local elected officials should adopt new ordinances and direct staff to change departmental policies to assist in the prevention of human trafficking.
- From Miami-Dade: Create partnerships with local hospitals for cross training and assisting with widespread outreach and education: Salinas Valley Memorial Healthcare Systems Blue Zone Initiative, Community Hospital of the Monterey Peninsula, and Natividad Hospital.
- From Alameda: Monterey County District Attorney’s (DA’s) office should work in collaboration with Alameda County’s “prosecution curriculum,” which is effective in neighboring jurisdictions to support prosecution, including the implementation of a “charging cheat sheet” that assists in the formulation of specific charges that can lead to a stronger prosecution effort against a human trafficker.

Finally, all these initiatives could be bolstered through new partnerships—from the media to nonprofits—public service announcements, and a continued emphasis on awareness and education. Monterey County has the opportunity to put long-term strategic planning in place, and ultimately, establish a framework for continued funding for an issue that otherwise has been critically overlooked. With such forward-thinking tactics, Monterey County could begin to make measurable gains in addressing human trafficking.

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I. THE CHALLENGES OF HUMAN TRAFFICKING

This thesis examines the following questions: To what extent is the current level of human trafficking prevention in Monterey County commensurate with its risk, and how might best practices from other county-level anti-human trafficking policies and procedures be applied to effect policy change in Monterey County?

A. PROBLEM STATEMENT

For the last several years, the United States has been the number-one country for migration—both legal and illegal—with more than 47 million immigrants residing in the United States as of 2015.¹ More than half of these immigrants are Mexican nationals, who continue to constitute the largest minority population in the United States.² Within the United States, coastal states have the largest migrant populations because they provide foreign-born residents a more accessible avenue into the country.³ Consequently, as the state with the longest shoreline, as well as a shared border with Mexico, California ranks highest in the nation in the number of undocumented immigrants.⁴

With undocumented status comes a higher risk of being targeted by traffickers.⁵ Trafficking victims have one common denominator: vulnerability within their environment.⁶ Often those who become victims are physically and geographically secluded from loved ones and unable to communicate their need for help once they find themselves in trafficking situations. Victims can also be living or working in a country

¹ Sheldon Zhang, *Smuggling and Trafficking in Human Beings: All Roads Lead to America* (Westport, CT: Greenwood Publishing Group, 2007), 5; United Nations, *International Migration Report 2015* (New York: United Nations, 2016), 5, http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf.

² Zhang, 6.

³ Zhang, 7.

⁴ “Hotline Statistics,” National Human Trafficking Hotline, December 31, 2016, <https://humantraffickinghotline.org/states>.

⁵ Zhang, *Smuggling and Trafficking in Human Beings*, 6.

⁶ California Office of the Attorney General, “What Is Human Trafficking?,” State of California, Department of Justice, January 6, 2012, <https://oag.ca.gov/human-trafficking/what-is>.

where the obstacle of a foreign language prevents them from seeking assistance.⁷ These risk factors can arise from many situations, but among the most prevalent is undocumented status.⁸ Compounding this predicament is the fact that disenfranchised groups, including the undocumented Mexican population in California, can be hesitant to reach out to law enforcement because they do not trust the authorities or because they are concerned that they may be arrested and deported.⁹ The U.S. government has recognized the connection between migrant populations and human trafficking as a national issue since 2000, and the Department of Justice began providing statistical information on trafficking starting in 2001 and identified more than 550 cases that year but securing only 78 prosecutions.¹⁰ Nearly half of those cases came from the four most populated states—California, Florida, Texas, and New York—which foster a welcoming environment for immigrants.¹¹

A central component of these welcoming environments is employment opportunities. The key trades that the Department of State has identified as significant sources of employment for illegal labor, and therefore, vulnerable to human trafficking are the predominant industries in California. For example, agriculture is a \$32 billion industry that employs nearly 800,000 farmworkers; it is estimated that nearly illegal immigrants hold 70% of these agricultural jobs in California.¹² The state's economic dependency on these jobs and other industries amenable to undocumented labor, including hospitality, manufacturing, construction, and domestic services, which creates an environment with conditions favorable to the trafficking of migrant workers. The demand for undocumented labor from these industries attracts traffickers who lure vulnerable immigrants with promises of opportunities of abundant work paid under the

⁷ California Office of the Attorney General, "What Is Human Trafficking?."

⁸ Leo R. Chavez, *Shadowed Lives: Undocumented Immigrants in American Society*, 3rd ed. (Boston: Cengage Learning, 2013), 6.

⁹ California Office of the Attorney General, "What Is Human Trafficking?."

¹⁰ Mark Motivans et al., *Federal Prosecution of Human Trafficking, 2001–2005* (Washington, DC: Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2006), 1–2.

¹¹ Motivans et al., 1–2.

¹² "Immigrant Archives," Public Policy Institute of California, accessed February 27, 2019, <https://www.ppic.org/blog/tag/immigrant/>.

table and supposed higher wages in California.¹³ Sex trafficking is likewise a problem. A 2012 report released by the California Attorney General (AG) indicates that, from 2010 to 2012, the number of identified trafficking victims nearly tripled, from 135 to 390, with “56% of victims who received services through California’s task forces [being] sex trafficking victims.”¹⁴ Undocumented workers in the sex trafficking industry are prevalent, and share the same vulnerability to their environment as those victims trafficked into labor industries.¹⁵ Overall, according to statistics from the National Crime Hotline, California ranks first in reported human trafficking cases in the United States.¹⁶

California has been proactive in some areas to address this issue. The focus of the statewide Human Trafficking Task Force has largely centered on sex trafficking, which is considered a higher-profile crime by the general public and has larger grant-funded programs.¹⁷ At the same time, the AG’s report notes that “data from other sources indicate that labor trafficking is 3.5 times as prevalent as sex trafficking.”¹⁸ The state has enacted the Transparency in Supply Chains Act of 2010, which requires major manufacturers and retail companies to publish their purchases and supply chains between contractors and subcontractors.¹⁹ The law is an effort to identify large corporations that may be employing trafficked labor in their supply chains. This legislation is the first step in identifying forced labor in industries that conduct commerce not only in California but in a global capacity as well.²⁰ However, while the mandate gives jurisdiction to the

¹³ Department of State, *2015 Trafficking in Persons Report*, 352.

¹⁴ Kamala Harris, *The State of Human Trafficking in California* (Sacramento: California Department of Justice, 2012), 4, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf>.

¹⁵ Kara Siddharth, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2010), IX.

¹⁶ National Human Trafficking Hotline, “Hotline Statistics.”

¹⁷ Harris, *The State of Human Trafficking in California*, 4.

¹⁸ Harris, 4.

¹⁹ Kamala Harris, “Human Trafficking Legislation,” State of California, Department of Justice, 2016, <https://oag.ca.gov/human-trafficking/legislation>.

²⁰ Peter Swiniarski, Alix Nasri, and Beate Andrees, *Regulating Labour Recruitment to Prevent Human Trafficking and to Foster Fair Migration: Models, Challenges and Opportunities* (Geneva: International Labour Organization, 2015), 67, <http://EconPapers.repec.org/RePEc:ess:wpaper:id:7253>.

California Department of Justice, no funding for enforcement is attached to the act's requirements.²¹

As a result, certain counties within the state, even those with characteristics that suggest they are at high risk for trafficking, continue to be under-resourced by the state.²² Monterey County is one such county. It has a strong labor force in the agricultural community and within the hospitality industry.²³ Both require a significant workforce of farm laborers and service employees in housekeeping and food service.²⁴ It is estimated that nearly 13% of the population of Monterey County—62,000 people—are undocumented migrant workers.²⁵ The need for unskilled temporary labor in the agricultural and hospitality industries creates employment opportunities in Monterey County for undocumented residents, and these local industries rely heavily on this undocumented workforce to fill positions.²⁶

Understanding the political and professional value of the immigrant population in Monterey County, local politicians and law enforcement have gone to great lengths to protect this underserved community, including resolutions of sanctuary status for cities within the county and the social services in place for immigrant families.²⁷ However, even though strong evidence exists to suggest the county has human trafficking issues, the county has been slow to react in assessing the level of trafficking within the county,

²¹ Harris, "Human Trafficking Legislation."

²² Ana Ceballos, "Human Trafficking for Labor Widely Suspected in Monterey County," *Monterey County Weekly*, September 1, 2016, http://www.montereycountyweekly.com/news/local_news/human-trafficking-for-labor-widely-suspected-in-monterey-county/article_6388db84-6fb6-11e6-9a12-7f2fc0f0d309.html; Jennifer Shelton, "San Jose Police Department's Human Trafficking Task Force" (master's project, San Jose State University, 2012), 10, http://scholarworks.sjsu.edu/etd_projects.

²³ "Tech-Savvy & Educated Workforce," City of Salinas Economic Development, accessed March 24, 2019, <http://agtechsalinasca.com/workforce/>.

²⁴ City of Salinas Economic Development.

²⁵ Claudia Melendez, "Monterey, San Benito Counties Have Highest Percentage of Undocumented Immigrants in State," *Santa Cruz Sentinel*, August 2, 2011, <http://www.santacruzsentinel.com/article/zz/20110802/NEWS/110808123>.

²⁶ Melendez.

²⁷ Amy Wu, "Monterey County Supes OK Immigration Resolution, 4-1," *The Californian*, February 15, 2017, <https://www.thecalifornian.com/story/news/2017/02/14/monterey-county-supes-ok-immigration-resolution-4-1/97920530/>.

setting up a systematic way of approaching human trafficking, proactively addressing it, and successfully prosecuting it.²⁸

Given the vulnerability of the migrant population in the community, key to their success is a county government able to identify, prosecute, and thus, deter human trafficking. The fact that the crime is complex and challenging should not prevent Monterey County law enforcement from successfully addressing it. This research offers insights into and suggestions for accomplishing precisely this success.

B. HUMAN TRAFFICKING: THE CHALLENGE OF QUANTIFICATION

Any policy recommendations related to human trafficking in Monterey County will inevitably encounter the typical political demand for data that justify the effort and expenditure inherent in any new undertaking. While such demands are understandable, requiring data in advance of taking the actions required to produce that data creates an impassable barrier to the recognition and redress of human trafficking. The primary function of this section is, therefore, to explain why, despite demands from elected officials for hard data, the methodology used in this research to assess the risk of human trafficking in Monterey County necessarily analyzes contextual risk factors for human trafficking rather than employing a data-driven approach. A sense of the challenges surrounding gathering data on victims of human trafficking is critical to understanding why hard data cannot paint the full picture of the issue. This section, therefore, examines the challenges surrounding quantification of human trafficking and the underlying difficulties surrounding methodologies for both data collection and research. Examination of the literature reveals that identifying, and therefore quantifying, victims of trafficking is acknowledged as a problem globally, nationally, and statewide that results in difficulties in defining the scope of the problem, establishing funding mechanisms, and enacting policy.

²⁸ Ceballos, “Human Trafficking for Labor Widely Suspected in Monterey County”; “5 Arrested in Santa Clara and Monterey Counties Trafficking Case Involving Immigrants,” *Mercury News*, November 12, 2015, <http://www.mercurynews.com/2015/11/12/5-arrested-in-santa-clara-and-monterey-counties-trafficking-case-involving-immigrants/>; Michael Todd, “Santa Cruz, Monterey Counties Still Hubs for Human Trafficking,” *Mercury News*, October 9, 2017, <https://www.mercurynews.com/2017/10/09/santa-cruz-monterey-counties-still-hubs-for-human-trafficking/>.

Assessing the adequacy of anti-trafficking measures in Monterey County requires confronting a set of problems faced by all trafficking researchers, primarily the issue of obtaining dependable quantitative data about the number of victims, which is a necessity for funding the anti-trafficking efforts. The challenge of quantifying human trafficking has led researchers to debate the problems and methods surrounding the identification of victims. One issue, suggested by the aforementioned California AG's report, is the possible overemphasis by governments and the public on sex trafficking at the expense of labor trafficking. In an article written for *Foreign Policy*, David Feingold argues that sex trafficking, while widely considered shocking and evil, may not be the type of trafficking most prevalent internationally because the international demand for labor far outweighs the need for sex workers.²⁹ Frank Laczko agrees, explaining that labor trafficking, much more so than sex trafficking, continues to grow in frequency, and that, furthermore, domestic servitude is particularly challenging to document successfully because of the challenges of identifying victims.³⁰ Laczko notes that quantifying human trafficking is difficult primarily because the victim base is a "hidden population"; that is, one that is difficult to identify and sample accurately.³¹

Thus, even when the authorities are cognizant of the various kinds of trafficking, identifying victims remains a challenge, and scholars debate which factor is most responsible for preventing law enforcement from consistently recognizing trafficking victims. Feingold and Laczko both conclude that this challenge arises primarily from the fact that victims, particularly immigrants and disenfranchised individuals, do not often "self-identify."³² According to Barbara Stolz, victims' hesitance to self-identify is often attributable to their direct links to the crime that led to their trafficking. They may be housed by or married to their traffickers, which creates a dilemma for victims trying to decide whether or not to report the individuals supporting them. The victims may also be concerned that they have committed a crime, such as prostitution or undocumented work,

²⁹ David A. Feingold, "Human Trafficking," *Foreign Policy*, no. 150 (2005): 26–32.

³⁰ Frank Laczko, "Data and Research on Human Trafficking," *International Migration* 43, no. 1–2 (January 1, 2005): 5–16.

³¹ Laczko, 5.

³² Feingold, "Human Trafficking," 28; Laczko, "Data and Research on Human Trafficking," 5–6.

which can theoretically outweigh their victim status and result in being arrested or deported.³³

The difficulties surrounding identification and quantification of victims mean that data on the problem are varied and inconsistent. As of 2004, Amy Farrell, Jack McDevitt, and Stephanie Fahy highlight that estimates range widely, from 600,000 to 800,000 international victims, with 14,500 to 17,500 within the United States alone; however, these scholars maintain skepticism over these figures because of the aforementioned difficulties in obtaining accurate data.³⁴ The previously noted figures are also widely faulted by the Government Accounting Office for “methodological weaknesses, gaps in data and numerical discrepancies,” and note these inaccurate figures arise from a number of factors, including poor collaboration among agencies responsible for U.S. anti-trafficking efforts and sheer overestimation by government officials that calls into question the reliability of methodologies for gathering data on victims of human trafficking.³⁵ Likewise, Guri Tyldum, author of several articles on human trafficking in the journal *International Migration* notes that research in human trafficking “fails to live up to academic standards common in other fields of research” because it is nearly impossible to identify and accurately represent the target population.³⁶ She goes on to acknowledge that the current research does not represent a strong portion of the percentage of victims, nor does it specifically distinguish between victims and non-victims.³⁷

Problems with identifying victims and the resulting unreliability of data on human trafficking have led some researchers to question whether or not trafficking is in fact a significant problem in the United States. Farrell, McDevitt, and Fahy investigate the

³³ Barbara Ann Stolz, “Human Trafficking,” *Criminology & Public Policy* 9, no. 2 (May 1, 2010): 267–74.

³⁴ Amy Farrell, Jack McDevitt, and Stephanie Fahy, “Where Are All the Victims?,” *Criminology & Public Policy* 9, no. 2 (May 1, 2010): 204.

³⁵ Farrell, McDevitt, and Fahy, 205.

³⁶ Guri Tyldum, “Limitations in Research on Human Trafficking,” *International Migration* 48, no. 5 (2010): 1–13.

³⁷ Tyldum, 2.

inconclusive numbers of trafficked individuals, and posit a number of scenarios that may be giving rise to the debate over whether human trafficking is actually a significant issue in the United States. The possibilities they suggest include underreporting of victims because of a lack of coordination among government agencies; inflation of statistics by politicians; and under-resourcing of anti-trafficking programs and a resulting failure to protect victims under current legislation.³⁸ Tyldum adds that without reliable quantitative data on victims, jurisdictions may make the incorrect assumption that the United States is not experiencing a human trafficking problem.³⁹

This uncertainty about basic facts makes it hard to make data-driven policy. Tyldum addresses the inextricable link between trafficking policies and funding, arguing that the lack of quantifiable victims creates a greater challenge than just identification. Politicians require data collection and documentation of the severity of the issue to support and substantiate their requests to allocate funding to anti-trafficking measures.⁴⁰ However, Stolz notes that these funding methodologies form a paradox of flawed outcomes in which to justify allocating funds; politicians need data. However, to obtain the data for the politicians, public safety and law enforcement professionals need training, which requires funding. Federal and state mandates require such training for police; however, those mandates are unfunded and typically rely on local jurisdictions to absorb the cost for training.⁴¹ An article by Laczko in *International Migration* notes that strong political commitment to the issue of human trafficking is hindered by the limitations on data and research; without political backing, the funding for research is challenging to justify.⁴²

³⁸ Farrell, McDevitt, and Fahy, “Where Are All the Victims?,” 204.

³⁹ Tyldum, “Limitations in Research on Human Trafficking,” 10.

⁴⁰ Tyldum, 10.

⁴¹ Stolz, “Human Trafficking,” 269.

⁴² Laczko, “Data and Research on Human Trafficking,” 6.

C. RESEARCH DESIGN

Despite these challenges, several counties and cities in the United States have implemented programs that could serve as a model to areas like Monterey County. These successes suggest that adopting the tenets of the UN’s anti-trafficking approach, the 4Ps—Prosecution, Protection, Prevention, and Partnerships—can be effective in thwarting the problem of human trafficking.⁴³ This thesis assesses the current risk of and approach to trafficking in Monterey County and then identifies the best practices of anti-trafficking procedures, which is assessed according to Department of Justice standards and adopted in other counties with similar risk profiles, both in California and nationwide, to determine policy recommendations for Monterey County. The sources consulted in this study include current legislation, theses, government sources, and job industry statistics. To establish a framework for understanding the complexities of human trafficking, Chapter II outlines recent state, federal, and international policies aimed at combating the issue, with a particular focus on steps needed to address the needs of victims comprehensively and to prosecute traffickers successfully. Chapter III assesses to what extent Monterey County is at risk for human trafficking and draws upon the UN’s 4Ps outline. Chapter IV then examines anti-trafficking efforts in four other counties in the United States with risk profiles similar to that of Monterey County: Alameda County, CA, Santa Clara County, CA, Miami-Dade County, FL, and Harris County, TX.

Alameda County (California) has implemented a program that engages the community through an effort called Human Exploitation and Trafficking (H.E.A.T.) Watch.⁴⁴ The program enlists the help of neighborhood groups, calling on them to be watchful of potential trafficking in their communities and to report suspicious activity immediately by calling law enforcement to protect victims and arrest the offender.⁴⁵ This strategy could prove instrumental in addressing the problem that Monterey County faces

⁴³ “4Ps: Prosecution, Protection, Prevention, and Partnerships,” Department of State, accessed January 18, 2017, <https://www.state.gov/j/tip/3p/index.htm>.

⁴⁴ “Alameda County Agencies,” H.E.A.T. Watch, accessed February 10, 2018, http://www.heatwatch.org/resources/alameda_county_agencies.

⁴⁵ H.E.A.T. Watch.

in identifying victims of human trafficking despite its lack of dedicated resources to do so.

Santa Clara (California) has also put into action a free program that trains hotel employees to identify victims of trafficking, and specifically, children being sex trafficked.⁴⁶ Santa Clara has also successfully cross-trained nearly 2,000 transit employees in an educational campaign with Santa Clara Valley Transportation Authority (VTA).⁴⁷ The partnership has included posters in bus stops throughout the county.⁴⁸ This campaign has had a positive impact on increasing not only community support but has helped to justify continued funding and other services for victims of human trafficking, from medical assistance to housing and counseling services.⁴⁹

Beyond California's borders, other states that rely heavily on immigrant populations for their workforce have implemented successful anti-trafficking measures that Monterey County might usefully emulate. Texas, which also shares a border with Mexico, has experienced similar challenges with immigration as Monterey County, as well as most other counties in California. Strategies employed in Harris County, for instance, have improved both the prevention of human trafficking and protection of victims by implementing a measurable Human Trafficking Strategic Plan, which addresses the trafficking problem with immigration by training nearly 1,200 healthcare employees, which provides self-identifier cards to servers in restaurants, and ensures airports have clear messaging for potential victims of trafficking.⁵⁰

⁴⁶ Laurel Anderson, "Press Release: County of Santa Clara to Host Training for Hotel Employees to Spot Human Trafficking," County of Santa Clara, December 23, 2015, <https://www.sccgov.org/sites/opa/ma/Pages/County-of-Santa-Clara-to-Host-Training-for-Hotel-Employees-to-Spot-Human-Trafficking.aspx>.

⁴⁷ Jeff Cardenas, "Press Release: Santa Clara County, VTA Launch Training to End Human Trafficking," County of Santa Clara, June 22, 2017, <https://www.sccgov.org/sites/opa/nr/Pages/Training-to-End.aspx>.

⁴⁸ Cardenas.

⁴⁹ "South Bay Coalition to End Human Trafficking," South Bay Coalition to End Human Trafficking, 2016, <https://southbayendtrafficking.org/>.

⁵⁰ Houston Mayor's Office, "Human Trafficking," City of Houston, 2017, <http://humantraffickinghouston.org/>.

In Florida, Miami-Dade County is a popular area of entry for immigrants because of the city's dense population, its proximity to Haiti and Cuba, and the fact that undocumented immigrants can readily obtain work there with either false or minimal documentation.⁵¹ Traditionally an area of the country where the migrant population has enjoyed acceptance, Miami attracts and is home to a variety of cultures and nationalities, and thus, has a particular need for migrant employees. As a result, immigrants in Miami have readier support within the community for anti-trafficking efforts.⁵² Miami-Dade County has made strong inroads in establishing strategic partnerships with agencies crossing municipal and social services sectors to offer support and resources to victims of human trafficking.⁵³

Based on the findings from these cases, to determine what new policies can be useful for public agencies and nonprofits combating human trafficking in Monterey County, Chapter V presents a policy options analysis. This analysis offers cost-effective recommendations for implementing legislation, addressing unfunded mandates, and training law enforcement, prosecutors, and judges, as well as conducting outreach campaigns within the community. Also included in Chapter V are recommendations for how to advance victim advocacy and protection in Monterey County. The policy options analysis is designed to be a resource for local lawmakers to propose draft legislation to local jurisdictions. Basing the recommendations on the efforts of other cities and counties can help mitigate concerns from local legislators who often seek documentation from other jurisdictions that have taken a lead in policymaking.

The overriding task of this thesis is to frame the issue of human trafficking in Monterey County and to present financially viable best practices to help address the problem. The goal of this research is to change local policy to help identify victims of

⁵¹ Jan Nijman and Tom Clery, "Rethinking Suburbia: A Case Study of Metropolitan Miami," *Environment & Planning A* 47, no. 1 (January 1, 2015): 69–88.

⁵² Gregory Wright, "Miami-Dade County Has a Human Trafficking Problem, Numbers Show," *Miami Times*, February 8, 2017, http://www.miamitimesonline.com/news/local/miami-dade-county-has-a-human-trafficking-problem-numbers-show/article_bd6d872a-ee1a-11e6-b608-dfddf8a94191.html.

⁵³ Curt Anderson, "Florida Anti-Trafficking Efforts Are Model for US, Top Federal Official Says," *Sun-Sentinel*, January 5, 2018, <http://www.sun-sentinel.com/news/florida/fl-reg-rosenstein-trafficking-speech-20180105-story.html>.

human trafficking in Monterey County, as well as provide the necessary assistance to disenfranchised individuals while identifying sustainable practices, supported by policy, funding, and training that can help curb the proliferation of human trafficking.

II. 4PS: THE STANDARD OF ADDRESSING TRAFFICKING

Monterey County's efforts to combat human trafficking occur in the context of established international, federal, and state practices; understanding these policies is, therefore, critical to evaluating Monterey County's efforts to recognize and address the problem of human trafficking. This chapter sets forth broad definitions of human trafficking and then examines historical and current international, U.S., and state efforts to combat the problem.

A. HUMAN TRAFFICKING BY DEFINITION

Human trafficking can be accurately described as modern-day slavery. It involves forcing or "controlling a person through...fraud, or coercion to exploit the victim for forced labor, sexual exploitation, or both."⁵⁴ The free will of an individual is removed, which defies the "basic human rights guaranteed to every individual in America" by the Constitution of the United States. International statistics on forced labor indicate that between 2002 and 2011, three out of every 1,000 people were victims of human trafficking.⁵⁵ These victims span all demographic categories, from race, age, and education to gender and socioeconomic background.

Three broad forms of human trafficking exist: sex trafficking, labor trafficking, and domestic servitude. Sex trafficking is broadly defined as the act of "forcing, coercing, or transporting a person for the purpose of a commercial sex act."⁵⁶ Traditionally, women and children have been especially vulnerable to this type of crime. The areas where sex trafficking is prevalent include houses of prostitution, gentlemen's clubs, public areas where individuals offer themselves on the street, and online personal ad services, including Craigslist and Backpage.⁵⁷ Labor trafficking employs the same force and coercion as sex trafficking but entails a victim involuntarily working for free or receiving

⁵⁴ California Office of the Attorney General, "What Is Human Trafficking?."

⁵⁵ California Office of the Attorney General.

⁵⁶ California Office of the Attorney General.

⁵⁷ Harris, *The State of Human Trafficking in California*.

less than the state-mandated minimum wage.⁵⁸ Industries where labor trafficking is pervasive include agriculture, hospitality, construction, nail salons, and restaurants.⁵⁹ The third form of human trafficking, domestic servitude, is a subset of labor trafficking, which is defined as a situation in which victims are unwillingly working and living inside of employers' home while under the threat of deportation or confiscation of their identification. Domestic servants can be either undocumented immigrants or legal U.S. citizens.

A difference does exist between human smuggling, in which someone voluntarily assists another person in crossing a border illegally, and human trafficking, in which an individual is transported into another country under deceitful premises.⁶⁰ The two practices can overlap when, for example, people consent to being smuggled across a border only to discover that the smuggler has coerced or forced them into a position of slavery once they have crossed into another country, which thus changes the situation from smuggling to trafficking.⁶¹ According to former California Attorney General, Kamala Harris, "human trafficking is a crime against the person, whereas smuggling is a crime against the state."⁶² Furthermore, smuggling is an exercise in crossing borders, but trafficking does not require travel; therefore, trafficking can be a domestic crime, with a victim never leaving the state or country.⁶³

B. INTERNATIONAL, FEDERAL, AND STATE POLICIES ON HUMAN TRAFFICKING

The identification and awareness of human trafficking has increased from previous decades, and researchers are discovering that a comprehensive approach is needed to combat the problem successfully.⁶⁴ Modern approaches have their origins in

⁵⁸ California Office of the Attorney General, "What Is Human Trafficking?."

⁵⁹ Department of State, *2015 Trafficking in Persons Report*, 352.

⁶⁰ Ronald Weitzer, "Human Trafficking and Contemporary Slavery," *Annual Review of Sociology* 41, no. 1 (August 14, 2015): 223–42.

⁶¹ Weitzer, 225.

⁶² California Office of the Attorney General, "What Is Human Trafficking?."

⁶³ California Office of the Attorney General.

⁶⁴ Farrell, McDevitt, and Fahy, "Where Are All the Victims?," 202.

longstanding international policy. Elzbieta Gozdzia and Elizabeth Collett emphasize that human trafficking is not new. It was a relatively prevalent crime internationally in the early 1900s, when 16 countries under the guidance of the League of Nations first attempted to abolish “white slavery,” the “fraudulent and abusive recruitment of women and men” into other countries.⁶⁵ Shortly thereafter, in 1930, the United Nations International Labour Organization set forth standards regarding human trafficking in the Forced Labour Convention, which defines “forced labor” as “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.”⁶⁶

In the late 1980s, the UN formally defined human trafficking as the “recruitment and movement of individuals, most often by force, coercion, or deception, for the purpose of exploitation.”⁶⁷ In the late 1990s, the UN adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. The protocol is a result of two years of debate about the definition of trafficking, with some special interest groups arguing the intricacies of prostitution as a legitimate profession versus consideration of all prostitution as a women’s human rights violation. The result was a more crafted, explicit consensus on the defined terms of human trafficking.⁶⁸

Following these discussions, the UN formulated a plan known as the “3Ps,” which addresses trafficking using three intertwined precepts.⁶⁹

⁶⁵ Elzbieta M. Gozdzia and Elizabeth A. Collett, “Research on Human Trafficking in North America: A Review of Literature,” *International Migration* 43, no. 1–2 (January 1, 2005): 100.

⁶⁶ International Labour Organization, *C029—Forced Labour Convention, 1930 (No. 29), Convention concerning Forced or Compulsory Labour (Entry into Force: 01 May 1932)* (Geneva: International Labour Organization, 1930), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_IL O_CODE:C029.

⁶⁷ Siân Oram et al., “Prevalence and Risk of Violence and the Physical, Mental, and Sexual Health Problems Associated with Human Trafficking: Systematic Review,” *PLoS Medicine* 9, no. 5 (May 29, 2012): e1001224; Jean Allain, “2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Supplementing the United Nations Convention against Transnational Organized Crime,” in *Slavery in International Law*, ed. Jean Allain (Leiden, The Netherlands: Brill, 2012), 410–21.

⁶⁸ Gozdzia and Collett, “Research on Human Trafficking in North America,” 101.

⁶⁹ United Nations, *International Migration Report 2015*, 24.

Prevention: This area of focus addresses the approach of outreach and education. Communities can be better prepared if residents know what to look for in potential trafficking situations, and at-risk populations are taught to be conscientious of people who may exploit them for labor or sex trafficking purposes. The UN’s approach to prevention recommends modifying and enforcing labor laws, especially in jurisdictions where people are particularly vulnerable because of their environment. It holds that reducing the susceptibility to trafficking through monitoring the recruitment of certain types of employment and supply chains and increasing business standards can help prevent human trafficking.⁷⁰ Additionally, it notes that if the business community engages in these measures with accountability, their efforts can also lead to prevention.⁷¹ Research conducted by Thanh Vo concludes the same thing. The public has only a very basic understanding of human trafficking as a whole, and most people do not understand the particular complexities of labor trafficking or indentured servitude. The public and law enforcement are aware of sex trafficking and trafficking of minors, but understand less well the trafficking in supply chains, and the importance of reporting unusual behavior by an employee in a business.⁷²

Protection: Protection calls for identifying areas of law enforcement training that can assist police and public safety personnel in identifying victims of human trafficking, providing support and comprehensive service referrals to them, and avoiding considering them as criminals, all of which this precept declares essential to the victim-centered approach to reducing modern slavery in the United States.⁷³ The U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons likewise acknowledges the need to encourage governments to allow victims to remain in the country without fear of deportation and encourages a process to seek legal status in the United States.⁷⁴ A

⁷⁰ Department of State, “4Ps: Prosecution, Protection, Prevention, and Partnerships.”

⁷¹ Office of Justice Programs, *Expert Working Group on Trafficking in Persons Research Meeting* (Washington, DC: National Institute of Justice, 2014), 30, <https://www.ncjrs.gov/pdffiles1/nij/249914.pdf>.

⁷² Thanh N. Vo, “A Business of Security: Applying an Economic Model to Human Trafficking in Oregon” (master’s thesis, Naval Postgraduate School, 2016), 72, http://calhoun.nps.edu/bitstream/handle/10945/51632/16Dec_Vo_Thanh.pdf?sequence=1&isAllowed=y.

⁷³ Office of Justice Programs, *Expert Working Group*, 10.

⁷⁴ Department of State, “4Ps: Prosecution, Protection, Prevention, and Partnerships.”

protective victim-centered approach further mandates that service providers and law enforcement cooperate with each other through the process of bringing human traffickers to justice.⁷⁵ The services provided to victims are to ensure the proper care of the victim and address both short-term and long-term needs. Solid and thorough case management is the most crucial part of this process, or that of ensuring that the victim is protected and that the judicial system prosecutes the captor.⁷⁶

Prosecution: The prosecution of traffickers holds them accountable for their actions in a court of law. The Department of State acknowledges and recognizes the severity of the crime of human trafficking and works with interagency partners to ensure full prosecution. According to this precept, comprehensive anti-trafficking laws are also an integral part of the cohesive approach to combating human trafficking. Creating strong legislation with stiff penalties allows governments to reduce the number of traffickers in the United States actively.⁷⁷

As part of these efforts, the UN has further tasked its labor agency, the International Labour Organization (ILO), with addressing human trafficking globally. The ILO has been at the forefront of combating modern slavery issues throughout the world. The ILO acknowledges that a multipronged approach is necessary to combat the worldwide concerns of human trafficking and that the “economic, social, cultural, and legal” elements that contribute to the problem must have flexible and adaptive solutions.⁷⁸ Policies, however, can be adapted to encompass all these issues. The 2017 Global Estimates of Modern Slavery are part of the ILO’s goals of sustainable development in establishing solid measures of terminating human trafficking. Its recommendations for helping to eradicate the problem point to better governance of migration laws, improved victim identification, better understanding of the core problem

⁷⁵ Department of State.

⁷⁶ Department of State.

⁷⁷ Secretary of State, *2017 Trafficking in Persons Report* (Washington, DC: Department of State, 2017), 415-420, <https://www.state.gov/documents/organization/271339.pdf>.

⁷⁸ International Labour Office, *Forced Labour and Forced Marriage Executive Summary* (Geneva: International Labour Office, 2017), 10, http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575540.pdf.

of debt bondage as a means of coercion, and more expansive data collection in each country battling the problem.⁷⁹

The research also points to an important role for private industry, which suggests that public-private partnerships among the business community, nonprofits, workers' unions, and government can help reduce trafficking in supply chains. Brandon Winters' research determines the hotel industry has a critical role in being able to combat trafficking from a multi-pronged approach, the traveler, who may be a trafficking victim, the employee, who may be able to report trafficking, and the hotel companies that can create a zero tolerance policy within their supply chain.⁸⁰ The ILO's goals conclude with the acknowledgement that cooperation should be encouraged between governments and that collaboration should be enhanced between international and regional law enforcement agencies to combat human trafficking successfully. In keeping with these goals, general definitions of human trafficking are similar at the international, federal, and state levels. While the United States' and California's policies are relatively new, the UN has had policy in place for nearly 100 years, and all three governments' standards are similar.

Such overlapping frameworks have proven essential in combating trafficking. Several researchers have analyzed how state and local agencies manage human trafficking and have identified the gaps in enforcement and prosecution as varied among agencies.⁸¹ The United States has thus relied heavily on international coordination and relationships to combat human trafficking and has been an active participant in the international strategy and attempts to diminish human trafficking.⁸² After the UN adopted its international collaborative policy in 2000, the United States followed suit on legislation that same year with the passage of Trafficking Victims Protection Act (TVPA), which defines human trafficking and outlines victim protections using the

⁷⁹ International Labour Office, 10.

⁸⁰ Brandon Winters, "The Hotel Industry's Role in Combatting Sex Trafficking" (master's thesis, Naval Postgraduate School, 2017), 29–40, https://calhoun.nps.edu/bitstream/handle/10945/56849/17Dec_Winters_Brandon.pdf?sequence=1&isAllowed=y.

⁸¹ Stolz, "Human Trafficking," 268.

⁸² Secretary of State, *2017 Trafficking in Persons Report*, 3.

protocols of the UN.⁸³ As Kevin DeCeoursty notes in his study, the TVPA primarily focuses on the sex industry, whereas trafficking demand worldwide centers on the proliferation of labor, far more than the sale of sex.⁸⁴ The intent of TVPA's protection measures was to "turn the commoditization of people into a high risk-low profit enterprise."⁸⁵

Furthermore, since the passage of the TVPA, the United States, via four executive federal agencies—the Department of Homeland Security, the State Department, the Department of Justice, and the Department of Health and Human Services—has worked collaboratively with state and local law enforcement agencies and nonprofits.⁸⁶ Under the umbrella agency of the Department of Homeland Security, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services are also prioritizing the issue.⁸⁷ The Department of Homeland Security first utilized the "three Ps" strategy and then added the complementary fourth category of "partnerships" in 2009, when the UN addressed human trafficking as a global issue.⁸⁸

Partnerships: Designed to link the three P's together inextricably across all parts of affected society, partnerships create an open level of communication between private, public, and nonprofit sectors, as well as local, state, federal, and international agencies in the fight against trafficking. Creating jurisdictional partnerships with surrounding areas and taking a regional approach to trafficking is also encouraged so that information can be shared and resources can be maximized.⁸⁹

⁸³ Farrell, McDevitt, and Fahy, "Where Are All the Victims?," 202.

⁸⁴ Kevin D. DeCeoursty, "Human Trafficking and U.S. Government Responses Post- 9/11" (master's thesis, Naval Postgraduate School, 2016), 22, http://calhoun.nps.edu/bitstream/handle/10945/50530/16Sep_DeCeoursty_Kevin.pdf?sequence=1&isAllowed=y.

⁸⁵ DeCeoursty, 22.

⁸⁶ "Human Trafficking," U.S. Customs and Border Protection, accessed January 14, 2018, <https://www.cbp.gov/border-security/human-trafficking>.

⁸⁷ U.S. Customs and Border Protection.

⁸⁸ Department of State, "4Ps: Prosecution, Protection, Prevention, and Partnerships."

⁸⁹ Department of State.

California has adopted this federal and international “four Ps” approach to combating human trafficking. As of 2015, California has produced the highest call volume to the National Human Trafficking Resource Center.⁹⁰ Having the foremost economic industries and opportunities for jobs in California—construction, agriculture, hospitality, and other service-based trades—as well as its shared border with Mexico, creates an environment highly susceptible to transnational crime, including human trafficking.⁹¹

Having identified these liabilities, California has also become a leader in enacting state legislation to prosecute traffickers vigorously and protect victims.⁹² California’s own model of 4Ps is outlined in reports by the Department of State and the California Attorney General’s office. Since 2015, federal grants have been awarded to California nonprofits for community outreach and awareness campaigns to help bring human trafficking to the forefront of public consciousness.⁹³ Larger cities within California, including Los Angeles, San Jose, and Santa Clara, have created anti-human trafficking task forces alongside local, state, and federal agencies to formulate a victim-centered approach to the issue. These task forces emphasize increasing the number of investigations into and arrests for trafficking, successfully prosecuting cases, and better identifying possible victims. These partnerships are developed regionally within the state, often including multiple counties to encourage maximizing resources among multi-agency efforts.⁹⁴

Thus, the 4Ps are a widely implemented approach that provides both a means to systematically evaluate anti-trafficking measures and a shared framework for learning from cities and counties that are addressing human trafficking.

⁹⁰ Department of Justice, *Attorney General’s Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2015* (Washington, DC: Department of Justice, 2015), 37, <https://www.justice.gov/humantrafficking/page/file/948601/download>.

⁹¹ Elizabeth Velazquez, “Developing Community Awareness: Human Trafficking in San Joaquin County” (master’s thesis, California State University Stanislaus, 2016), 3, <http://scholarworks.csustan.edu/handle/011235813/1038>.

⁹² Harris, “Human Trafficking Legislation.”

⁹³ Department of Justice, *Attorney General’s Annual Report to Congress*, 150.

⁹⁴ Harris, *The State of Human Trafficking in California*, 29–30.

III. MONTEREY COUNTY’S ANTI-TRAFFICKING EFFORTS

The shared international-, national-, and state-level anti-trafficking approach described in the previous chapter provides a framework with which to evaluate current efforts to combat human trafficking in Monterey County. This chapter begins with a general introduction to Monterey County and highlights the county’s risk factors for human trafficking as established in previous chapters. It then discusses San Jose’s regional cross training efforts to establish the context in which Monterey County has implemented its own anti-trafficking initiatives. Finally, Monterey County’s current approach to combating human trafficking is analyzed with respect to each of the four 4Ps, which incorporates the documentation of local law enforcement efforts, media coverage, and community outreach.

A. MONTEREY COUNTY OVERVIEW AND TRAFFICKING RISK FACTORS

Monterey County displays a number of established risk factors for trafficking, including a large immigrant population, and major industries with unskilled labor needs in agriculture and hospitality. Monterey County, shown in Figure 1, has a population of 350,000 and an agriculture- and tourism-based economy. Within the county, the Salinas Valley harvests nearly \$9 billion in produce annually; 67% of the nation’s leaf lettuce is grown in this valley, along with nearly 150 other crops.⁹⁵ Several cities in Monterey County, including Carmel, Monterey, and Pebble Beach, are known for their world-class golf courses and five-star resorts situated along the Pacific Ocean. The migrant population thrives on the job market the area provides, particularly in the agriculture and hospitality industries.

⁹⁵ Monterey County Farm Bureau, “Facts, Figures & FAQs.”



Santa Clara and Santa Cruz Counties are north and northwest of Monterey County, respectively.

Figure 1. Monterey County, in Relation to California and the United States.⁹⁶

The city of Salinas is the largest in Monterey County, with a population of 150,000 residents, of which 68% are bilingual in both Spanish and English.⁹⁷ The population of Salinas is 38% immigrants; a rate just slightly higher than in the county as a whole, where nearly 30% of the total population are foreign-born.⁹⁸ The county's

⁹⁶ Source: "Large and Detailed Map of Monterey County in California," CanStockPhoto, accessed October 1, 2018, <https://www.canstockphoto.com/monterey-county-53473390.html>.

⁹⁷ City of Salinas Economic Development, "Tech-Savvy & Educated Workforce."

⁹⁸ "QuickFacts: Monterey County, California," United States Census Bureau, accessed October 1, 2018, <https://www.census.gov/quickfacts/fact/table/montereycountycalifornia/PST045217>.

population of 130,000 migrants is a result of its geographical proximity to Mexico—Monterey County is less than 400 miles from the U.S.-Mexico border—combined with its job opportunities for an undocumented workforce and resulting migration of multiple generations of immigrants. The Latino population in Monterey County shares features with disenfranchised communities in the United States more broadly. Nationwide, regions offer opportunities where agriculture and hospitality are predominant industries that bring in undocumented workers. Their undocumented status contributes to an environment attractive to those engaged in human trafficking, who often target the most vulnerable members of the population.⁹⁹

Historically, discussions of crime in Monterey County have centered on the proliferation of Latino gangs and drug trafficking, as its position between northern and southern California has created a breeding ground for decades-long issues of gang culture and drugs in the Salinas Valley.¹⁰⁰ Law enforcement professionals and politicians alike have vowed to reduce crime, with very little long-term success.¹⁰¹ It is perhaps for this reason that little attention has been given to other problems, including human trafficking.

B. SAN JOSE REGIONAL ANTI-TRAFFICKING INITIATIVE

Unfortunately, while it shares its risk of human trafficking, compared with larger California cities to the north and south, Monterey County possesses far more limited resources to combat the practice. Federal anti-trafficking grants that support such comprehensive efforts as task forces are awarded to larger cities within California, with an expectation that surrounding areas will reap residual benefits.¹⁰² This rationale informed the only regional grant to the San Jose Police Department—part of Santa Clara County, which borders Monterey County—now home to one of the nine anti-human trafficking task forces in California.

⁹⁹ Chavez, *Shadowed Lives*, 6.

¹⁰⁰ Amy Larson, “Salinas Police Officer Carvey: ‘Our City Is Unsafe for Residents,’” KSBW, July 6, 2016, <http://www.ksbw.com/article/salinas-police-officer-carvey-our-city-is-unsafe-for-residents/1297574>.

¹⁰¹ Larson.

¹⁰² Harris, *The State of Human Trafficking in California*, 30.

The expected results, however, have not materialized in Monterey County. A study by Jennifer Shulton in 2012 at San Jose State University notes that the San Jose Police Department’s intention was to cross-train with smaller, neighboring counties like Monterey County.¹⁰³ Indeed, one of the three goals of San Jose’s federally funded task force was to develop and deliver several “train-the-trainer” events to cross-train law enforcement personnel in Santa Clara, Santa Cruz, San Benito, and Monterey counties; the goal was to have approximately 100 people attend each class, with at least half of the attendees representing the public safety field.¹⁰⁴ However, as of 2019, no officers in Monterey County have received this training from the San Jose Police Department.¹⁰⁵ The county has therefore been left to fund its own anti-trafficking efforts.

C. MONTEREY COUNTY: THE FOUR PS

Having realized that it cannot rely on trickle-down expertise from larger neighboring cities, Monterey County has been attempting to implement anti-trafficking measures on its own, to some extent based on the 4Ps’ approach. In spite of these efforts, however, an assessment of the use of the 4Ps’ formula in Monterey County reveals that none of the areas has been effectively addressed to date.

1. Prosecution

Monterey County has achieved only minor successes with prosecution. Prosecution of trafficking suspects can be successful only if the cases being tried are solidly built, with comprehensive evidence and testimony, and of course, credible witnesses. As with any other crime, police response, and information gathering, starting with the county DA’s office, are critical to compiling the evidence against a trafficker; this process includes convincing often reluctant victims to testify and ensuring law enforcement gathers the evidence needed to prosecute so that the prosecutor can bring charges of human trafficking. Furthermore, to prosecute traffickers successfully, police

¹⁰³ Shelton, “San Jose Police Department’s Human Trafficking Task Force,” 10–11.

¹⁰⁴ Shelton, 10–11.

¹⁰⁵ My thanks to Former Salinas Police Chief Kelly McMillin and Sergeant Kim Robinson for providing this information.

officers must be trained to recognize the characteristics displayed by victims of human trafficking. First, they must be able to identify that victims are victims. If police are not properly trained in identifying victims, in asking the right questions, or in assisting victims in obtaining the right services, the chance of appropriate charges and a successful prosecution coming out of this contact is vanishingly small.¹⁰⁶

To be sure, Monterey County has been making some progress in the areas of legal awareness and willingness to prosecute. Monterey County DA Jeannine Pacioni has been pursuing prosecution of human trafficking in Monterey County for several years. She has worked to expand public discussion and education in her efforts to prosecute traffickers successfully. Trafficking has been widely suspected by law enforcement in the area and in neighboring counties since 2013.¹⁰⁷ The media has reported several arrests for human trafficking throughout Monterey County. However, as revealed by California Public Records Act requests to 12 Monterey County cities and the Monterey County Sheriff's Department and DA's office, only one case has been prosecuted over the last three years under Penal Code 236.1: Human Trafficking in the entire county.¹⁰⁸

This discrepancy could be a result of the difficulty of obtaining the evidence required to prosecute a trafficker.¹⁰⁹ Victim testimony is a critical piece of this evidence, and victims are often hesitant to testify against their trafficker because of their relationship to them or for fear that they, despite being victims, will be charged with a crime or deported.¹¹⁰ Another plausible explanation is that determining the proper charges for these arrests is a challenge for local law enforcement, as suspects named by the media as alleged human traffickers are in reality charged with other crimes that may

¹⁰⁶ Farrell, McDevitt, and Fahy, "Where Are All the Victims?" 221.

¹⁰⁷ Felix Cortez, "Monterey Police: 2 Human Sex Traffickers Arrested after Victim Escapes Motel," KSBW, May 10, 2014, <https://www.ksbw.com/article/monterey-police-2-human-sex-traffickers-arrested-after-victim-escapes-motel/1054172>.

¹⁰⁸ Monterey County District Attorney's Office, email message to author, August 31, 2018.

¹⁰⁹ Pam Marino, "County Prosecutors Get Their First Conviction for Sex Trafficking of Minors," *Monterey County Weekly*, June 15, 2017, http://www.montereycountyweekly.com/news/local_news/county-prosecutors-get-their-first-conviction-for-sex-trafficking-of/article_26301a26-5152-11e7-84c0-07db9b6029a2.html.

¹¹⁰ Stolz, "Human Trafficking," 267–74.

be more common and therefore easier to prosecute, like prostitution and false imprisonment.¹¹¹

The problem of determining proper charges for traffickers could arise from the county's lack of anti-trafficking training for law enforcement. In an effort to equip police statewide with the requisite knowledge to combat trafficking, in 2012, California voters passed Proposition 35, the Californians Against Sexual Exploitation Act, which required that all police officers certified by the Police Officer Standards and Training Council (POST) in California would receive a minimum of four hours of human trafficking training. The unfunded mandate saddled many departments with a legal requirement but no additional or designated funding to execute the training. As a result, in Monterey County, law enforcement appears not to have received even this minimal required training; hints at this state of affairs have surfaced when local media outlets have questioned the county's dearth of successful prosecutions.¹¹² As Pacioni explains, "It's not a matter of if [human trafficking is] happening here, it is about having the training to identify it," implying that, currently, local police officers do not.¹¹³ Likewise, retired Monterey County Sheriff's Detective Larry Bryant has stated, "Until you get enough people trained, we won't have rescues."¹¹⁴

Lack of police training causes numerous organizational roadblocks to the accurate identification of victims of human trafficking. An insufficient pool of investigators dedicated to identifying trafficking victims leads departments to assign potential trafficking cases to existing crime units, such as gang task forces or vice units, which do not specialize in human trafficking.¹¹⁵ These units tend to approach possible trafficking situations using methods more suited to the types of crimes they usually investigate that

¹¹¹ Monterey County District Attorney's Office, email message to author, August 31, 2018.

¹¹² Ceballos, "Human Trafficking for Labor Widely Suspected in Monterey County."

¹¹³ Ceballos.

¹¹⁴ Ceballos.

¹¹⁵ Alicia Jurek, "Police Responses to Human Trafficking," *Human Trafficking Series 2*, no. 4 (April 2016): 1, http://dev.cjcenter.org/_files/cvi/HumanTrafficking6.pdf.

sometimes fail to determine that an interviewee is a victim rather than an offender; a trafficked person as opposed to a prostitute.¹¹⁶

These issues are present in Monterey County. Though it is the largest city police department in the county, even the Salinas Police Department simply does not have enough personnel to assign officers to a specialized anti-trafficking unit. In 2015, amidst one of the highest homicide rates in years, Salinas Police Chief Kelly McMillin ordered all special units back to patrol.¹¹⁷ His reasoning made sense. Institutionally, the organization had fallen apart. Staffing for the department comprised 133 officers, compared to 187 officers just five years earlier, prior to the recession.¹¹⁸ The gang task force, violence suppression units, undercover units, traffic division, and other special-assignment officers were sent back to the streets.¹¹⁹ Given this shortage of officers, it is logical to assume that the expansion of police training to focus on human trafficking is simply not feasible in smaller departments—including Salinas—that are struggling to provide basic services to their residents.¹²⁰

2. Prevention

Prevention is another of the 4Ps in which some initiatives have been undertaken in Monterey County, although the county still has significant work to do in this arena. Leading the prevention effort is the Coalition to End Human Trafficking in Santa Cruz and Monterey counties. Coalition is a startup-like, nonprofit organization founded in 2015 that is dedicated to bringing awareness of human trafficking to both counties.¹²¹ Still in the early stages, it is a loosely organized group committed to educating

¹¹⁶ Amy Farrell, Colleen Owens, and Jack McDevitt, “New Laws but Few Cases: Understanding the Challenges to the Investigation and Prosecution of Human Trafficking Cases,” *Crime, Law, and Social Change* 61, no. 2 (May 31, 2013): 139–68.

¹¹⁷ Lauren Seaver, “Salinas Police Dept. Eliminates Gang Unit, Puts All Officers on Patrol,” KSBW, May 1, 2015, <http://www.ksbw.com/article/salinas-police-dept-eliminates-gang-unit-puts-all-officers-on-patrol/1056556>.

¹¹⁸ Seaver.

¹¹⁹ Seaver.

¹²⁰ Jurek, “Police Responses to Human Trafficking,” 1–2.

¹²¹ “About Us,” Coalition to End Human Trafficking in Santa Cruz and Monterey Counties, accessed January 16, 2017, <http://www.coalitiontoendhumantrafficking.org/about-us/>.

organizations about the fact that human trafficking exists and should be addressed in this area.

The Coalition is currently the only trafficking prevention group in Monterey County. Partnering with community-service and other public-facing organizations, including women’s business groups, police departments, and nonprofits, the organization works to prevent trafficking by conducting trainings and organizing conferences locally.¹²² The Coalition’s director doubles as an Outreach Advocate for the Monterey County Rape Crisis Center, which allow her to leverage the visibility of this organization to bring awareness to human trafficking. The link between the two organizations has led to collaboration around the victim-centered approach as the Coalition’s outreach efforts have been recognized by many community groups and public agencies.¹²³ Local media has covered the Coalition’s presentations, and this coverage has mildly piqued the public’s interest.¹²⁴

However, while its aims are admirable, nearly four years since the Coalition’s inception, its website is still under construction—a sign of the Coalition’s struggle to gain momentum—perhaps because it is largely operated by a single person.¹²⁵ Moreover, while local awareness of trafficking has improved because of the group’s efforts, it has remained difficult for the Coalition to convince the business community to implement concrete prevention measures.¹²⁶ Discussions within community groups and business advocacy organizations are limited, as these groups have many priorities aside from human trafficking, including immigration reform, increased minimum wage legislation,

¹²² Todd, “Santa Cruz, Monterey Counties Still Hubs for Human Trafficking.”

¹²³ Todd.

¹²⁴ Kim Smuga-Otto, “Monterey County Presentation Examines Human Trafficking,” *Monterey Herald*, October 3, 2014, <http://www.montereyherald.com/20141003/monterey-county-presentation-examines-human-trafficking>.

¹²⁵ “Contact Us,” Coalition to End Human Trafficking in Santa Cruz and Monterey Counties, accessed February 28, 2019, <https://www.coalitiontoendhumantrafficking.org/contact-us/>.

¹²⁶ Erika Mahoney, “Monterey County Tries New Way to Find Human Trafficking Victims,” 90.3 KAZU, January 30, 2018, <http://www.kazu.org/post/monterey-county-tries-new-way-find-human-trafficking-victims>.

and overall challenges associated with running a business.¹²⁷ The county still has a significant opportunity to participate with businesses on outreach and education to promote greater awareness of trafficking. Moreover, enforcing labor laws, particularly monitoring supply chains in labor subcontracting, remains an under-assessed area of prevention.¹²⁸

3. Protection

Monterey County’s protection framework for human trafficking is nearly nonexistent. While politicians go to great lengths to protect undocumented-status residents, including the declaration of Monterey County as a sanctuary county, protections against trafficking are few.¹²⁹ One element of protection in place is the aforementioned Californians against Sexual Exploitation Act, which includes stronger sentencing for traffickers, requires sex traffickers to register as sex offenders, and among other stipulations, mandates human trafficking training for law enforcement officers.¹³⁰ Again, however, no law enforcement officers have received this training, so the Act, implemented more than six years ago, has had no effect in Monterey County. Additionally, in early 2018, in an effort to encourage victims to step forward under the shield of protection, Congressman Jimmy Panetta (D-CA, 20th District) proposed a bill (and subsequently referred to subcommittee) H.R.5058, to remove the cap on T-visas—given to undocumented victims in exchange for cooperation with law enforcement—for victims of human trafficking crimes.¹³¹ However, so far, no T-visas have been issued in

¹²⁷ Felix Cortez, “Salinas Marijuana Growers Feeling Backlash,” KSBW, updated June 7, 2018, <https://www.ksbw.com/article/salinas-marijuana-growers-feeling-backlash/21208857>.

¹²⁸ Joe Szydlowski, “Deputies: Legal Weed Grow Site under Investigation for Human Trafficking,” *The Californian*, June 7, 2018, <https://www.thecalifornian.com/story/news/2018/06/06/human-trafficking-investigated-legal-weed-business-south-salinas/679734002/>.

¹²⁹ Wu, “Monterey County Supes OK Immigration Resolution, 4-1.”

¹³⁰ Kamala Harris, *Proposition 35: Human Trafficking. Penalties. Initiative Statute* (Sacramento: State of California, 2012), 42–45, <http://vig.cdn.sos.ca.gov/2012/general/pdf/35-title-summ-analysis.pdf>.

¹³¹ Jimmy Panetta, Immigrant Witness and Victim Protection Act of 2018, Public Law 5058 (2018), <https://www.congress.gov/bill/115th-congress/house-bill/5058/all-actions>.

Monterey County.¹³² The Monterey County DA's office has a victims' advocate for general crimes committed against individuals, but no specific division for victims of human trafficking. As a result, trafficking victims are less likely to receive the attentive case management needed to encourage them to come forward. If these well-intended policies are in place to protect trafficking victims, yet no victims have utilized these opportunities to obtain T-visas in the last year, then Monterey County appears not to have adequately reached out to the people it is trying so hard to protect.

4. Partnerships

Monterey County's engagement in anti-trafficking partnerships has initially been well received by the nearly 44 agencies, hotels, schools, churches, and nonprofits that are part of a coalition that spans two counties.¹³³ The Coalition to End Human Trafficking is helping to formulate and solidify those partnerships; its website lists over two dozen agencies that have participated in Coalition discussions.¹³⁴ The list is expansive, including law enforcement, churches, social services, nonprofits, motels, and local colleges. Of the 30 organizations listed, approximately half are in Monterey County. The DA's office distributed posters throughout Monterey County in areas where businesses are required by law to comply: hospitals, farm labor contractors, urgent care centers, job recruitment centers, airports, bus stations, truck stops, stores with an alcohol license, and adult-oriented businesses.¹³⁵ With the distribution of posters, the DA also announced her intent to enforce the state mandate with those named businesses.¹³⁶

¹³² Erika Mahoney, "Proposed Bill Removes Cap on Visas for Undocumented Crime Victims," 90.3 KAZU, January 25, 2018, <http://www.kazu.org/post/proposed-bill-removes-cap-visas-undocumented-crime-victims>.

¹³³ Coalition to End Human Trafficking in Santa Cruz and Monterey Counties, "About Us."

¹³⁴ Coalition to End Human Trafficking in Santa Cruz and Monterey Counties.

¹³⁵ Joe Szydowski, "Monterey County DA to Give Businesses Posters to Fight Human Trafficking," *The Californian*, January 31, 2018, <https://www.thecalifornian.com/story/news/2018/01/31/monterey-county-businesses-fight-human-trafficking/1081390001/>.

¹³⁶ Mahoney, "Monterey County Tries New Way to Find Human Trafficking Victims."

However, with more than 400 non-profit organizations in the county, many more can and should be participating in anti-trafficking work.¹³⁷ In early 2018, Pacioni acknowledged that almost no one in Monterey County was following California’s mandate to have anti-trafficking hotline numbers posted in the workplace of specified industries.¹³⁸ Additionally, she acknowledged that lack of awareness and enforcement have been the main reason the public, private, and nonprofit sectors have not partnered to a greater degree.

D. CONCLUSION

While Monterey County does employ a victim-centered approach to human trafficking, significant areas need improvement. The recent inception of preventive measures is encouraging, with the Coalition to End Human Trafficking in Santa Cruz and Monterey counties at the forefront of these measures. As the organization’s efforts gain traction, the Coalition will hopefully continue to grow its network of individuals and organizations that have the interest and voice to support the county in expanding its efforts to combat human trafficking.

That said, it is clear that the protection of trafficking victims continues to be an issue in Monterey County. The federal government and politicians had good intentions in structuring regional anti-human trafficking task forces and drafting policy, but it appears the training for law enforcement is nevertheless not being implemented very effectively through these channels. Additionally, smaller, historically understaffed police departments—including the Salinas Police Department—simply do not have the manpower to add more training, more resources, and more effort to support any new initiatives, regardless of the implicit value of such programs. Moreover, if the protection framework is not secure in the “4Ps” strategy, then the goal of prosecution is also likely to falter. Monterey County has continuously struggled with successfully prosecuting human trafficking cases apparently because victims are not being properly identified by

¹³⁷ “Irvine Foundation Partners with CFMC on \$1.25 Million Grant Program for Salinas,” Community Foundation for Monterey County, May 22, 2018, <https://www.cfmco.org/2018/05/irvinegrantannouncement/>.

¹³⁸ Mahoney, “Monterey County Tries New.”

law enforcement, as a result, the prosecutorial apparatus is unable to muster the comprehensive evidence, including testimony from credible witnesses, that is required to prosecute a trafficker successfully.

Monterey County's efforts to advance its partnerships further may be the key to growing the victim-centered approach. Interest in the issue from all sectors—local media, churches, social services, nonprofits, and local businesses—reflects the right mixture of an engaged community to bring awareness and desire to organize and speak out against human trafficking in Monterey County. However, as this chapter has shown, efforts so far have been sincere but fragmented. While awareness and outreach are critical, as the 4Ps hold, effectively combatting trafficking requires a coordinated effort that can only be realized through a comprehensive policy framework.

IV. 4PS CASE STUDIES: ANTI-TRAFFICKING BEST PRACTICES

To identify anti-trafficking recommendations for Monterey County and formulate an approach to improving outcomes for victims, this chapter examines best practices from Alameda and Santa Clara counties in California, as well as from Harris County, Texas and Miami-Dade County, Florida, all of which have effectively addressed human trafficking. Tapping the best practices deployed in these regions can help Monterey County create a meaningful plan and implement possible solutions. In this chapter, the 4Ps framework is used to determine the strengths and weaknesses of each jurisdiction's approach. This analysis serves as the basis for identifying best practices for recommendations to Monterey County.¹³⁹

A. PREVENTION: SANTA CLARA COUNTY AND HARRIS COUNTY

Educating a community on the perils of human trafficking is a challenging but attainable goal in preventing human trafficking. Santa Clara County has had success in creating measurable results in its outreach and education efforts, and Harris County's City of Houston has implemented efforts that are achievable for smaller jurisdictions.

Santa Clara County borders Monterey County to the north. The population has exploded in the last 20 years from the tech boom, and the region, which includes Silicon Valley, now boasts 1.9 million people.¹⁴⁰ As Chapter III discusses, the San Jose Police Department, one of the largest police departments in Santa Clara County, was a recipient of federal funding for one of the nine anti-trafficking task forces spread throughout California and has had some success with its efforts.¹⁴¹

Concurrently, Santa Clara County formed a task force called the Law Enforcement to Investigate Human Trafficking (LEIHT) Task Force. One of the main

¹³⁹ Department of State, "4Ps: Prosecution, Protection, Prevention, and Partnerships."

¹⁴⁰ "QuickFacts: Santa Clara County, California," United States Census Bureau, accessed February 10, 2018, <https://www.census.gov/quickfacts/fact/table/santaclaracountycalifornia/PST045216>.

¹⁴¹ Harris, *The State of Human Trafficking in California*, 56.

purposes of this group is to provide outreach, training, and education.¹⁴² Santa Clara County has recognized the benefits to trafficking prevention of bringing education and awareness to the general public. Between September 2014 and May 2017, over 100 training and community outreach events were conducted that resulted in the education of more than 3,000 individuals within the county.¹⁴³ Additionally, in 2015, under the direction of the Human Trafficking Commission, Santa Clara County partnered with the Santa Clara Valley Transportation Authority (VTA) to cross-train 2,000 VTA employees to be aware of potential human trafficking victims.¹⁴⁴ The training has already proven successful. Less than a year after the program was implemented, a bus driver successfully stopped the abduction of a 3-year-old boy two weeks after he received trafficking training.¹⁴⁵ This non-traditional partnership is a vision of strategically training “frontline” individuals who work with the public every day.¹⁴⁶ The county has also launched a public awareness campaign on VTA buses in conjunction with employee training, and it provided training to a large group of hotel employees from various lodging chains in preparation for the Super Bowl.¹⁴⁷ These employees’ ability to be able to identify potential human trafficking victims in local hotels and motels represented another effective approach to outreach and prevention in the community.

Across the country, Texas has the second-highest rate of reported human-trafficking crimes, behind only California.¹⁴⁸ The city of Houston, located within Harris County, TX, is a hub of one of the federally funded Human Trafficking Task Forces. In 2015, Mayor Annise Parker reorganized the task force, now the Houston Area Council on

¹⁴² County of Santa Clara Office of Women’s Policy, *County of Santa Clara Human Trafficking Data Report* (Santa Clara: County of Santa Clara, 2015), 11, <https://www.sccgov.org/sites/owp/gbv/Documents/HT/data-report-2015-final.pdf>.

¹⁴³ L.E.I.H.T Task Force, “Memo: Anti-Trafficking Accomplishments” (memorandum, County of Santa Clara, May 16, 2017).

¹⁴⁴ Cardenas, “Press Release: Santa Clara County.”

¹⁴⁵ Cody Kraatz, “VTA Helps Combat Human Trafficking in Bay Area,” Santa Clara County Transportation Authority, March 31, 2014, <http://www.vta.org/news-and-media/connect-with-vta/vta-helps-combat-human-trafficking-in-bay-area>.

¹⁴⁶ Cardenas, “Press Release: Santa Clara County.”

¹⁴⁷ Anderson, “Press Release.”

¹⁴⁸ National Human Trafficking Hotline, “Hotline Statistics.”

Human Trafficking, into a more comprehensive and community-driven approach to addressing human trafficking.¹⁴⁹ The city of Houston has a structured plan independent of Harris County; a different approach from the California cities analyzed in this thesis. The five components to Houston’s plan are as follows:

- Adopt new ordinances and departmental policies, where necessary
- Change public perception
- Enhance links to social and legal services for victims
- Implement joint initiatives developed by the Mayor’s anti-trafficking task force
- Develop a comprehensive municipal model that can be easily implemented elsewhere¹⁵⁰

In 2017, Houston also released a recent One-Year Progress Report, which reiterated that 59 out of 91 plan strategies had been completed.¹⁵¹ The Office of the Mayor reports 38% fewer illicit massage parlors over the previous year. Additionally, the campaign generated an 80% increase in calls to the national trafficking hotline and a 46% increase in confirmed trafficking cases over the previous year, which suggests that the prevention measures have significantly increased awareness and engagement within the community.¹⁵²

¹⁴⁹ “Houston Area Council to Combat Human Trafficking,” City of Houston Anti-Human Trafficking, Mayor’s Office, 2017, <http://humantraffickinghouston.org/houston-area-council-to-combat-human-trafficking/>.

¹⁵⁰ Houston Mayor’s Office, “Human Trafficking.”

¹⁵¹ Houston Mayor’s Office, “Press Release: One Year Progress Report on Fighting Human Trafficking,” City of Houston, May 9, 2017, <http://www.houstontx.gov/mayor/press/one-year-progress-report-human-trafficking.html>.

¹⁵² Houston Mayor’s Office.

B. PROTECTION: ALAMEDA COUNTY AND HARRIS COUNTY

Alameda County's DA's office has approached the law enforcement side of human trafficking by establishing policy with its local cities. The city of Oakland (within the jurisdiction of Alameda County), for example, entered into a memorandum of understanding (MOU) with the DA's office in October 2017.¹⁵³ This MOU was passed by Oakland's City Council that therefore directed the commitment of funds and resources to combat human trafficking with cross-agency training and collaboration.¹⁵⁴ The DA's commitment to combatting trafficking includes a number of protective measures for victims through Oakland Police Department:

- “Attend no less than three HEAT [Human Exploitation and Trafficking] Task Force meetings per year to review Task Force goals and assess needs for cross-training among task force partners to improve partner collaboration and response to victims.”¹⁵⁵ This measure creates a regular dialogue between multiple law enforcement agencies to ensure training and policy are consistent among all jurisdictions within Alameda County.
- “Engage in inter-agency and multi-system sharing of information and intelligence related to human-trafficking management of cases.”¹⁵⁶ This engagement requires law enforcement to work with service providers and other agencies on thorough case management for victims.
- “Participate in annual HEAT Watch training programs, which includes the assessments of current training needs within their own [police] departments and organizations as well as requests for additional training and technical assistance”¹⁵⁷ This measure ensures up-to-date training with

¹⁵³ Anne Kirkpatrick and Oakland Chief of Police, “Memorandum of Understanding between City of Oakland and Alameda County District Attorney’s Office” (memorandum, City of Oakland, November 3, 2017).

¹⁵⁴ Kirkpatrick and Oakland Chief of Police.

¹⁵⁵ Kirkpatrick and Oakland Chief of Police.

¹⁵⁶ Kirkpatrick and Oakland Chief of Police.

¹⁵⁷ Kirkpatrick and Oakland Chief of Police.

anti-trafficking experts for local law enforcement, so they are able to differentiate between victims and suspects in closely related crimes.

Additionally, the county sponsors a Young Women’s Saturday Program designed for girls 15–18 years old who have been classified as commercially sexually exploited children (CSEC).¹⁵⁸ It is a 16-week therapy program conducted by a clinical social worker and an advocate of CSEC survivors. The program also provides case management and a protected environment for young women to begin recovery from their victimization.¹⁵⁹ In addition, its Girls Court program is designed to “intervene at an early stage in the judicial process, identify those who are being trafficked or at-risk for being trafficked to ascertain their particular needs, and provide [social] services.”¹⁶⁰ It is sensitive to the issues girls in the juvenile justice system face, and the judge, prosecutor, and public defender, have an extensive understanding of the circumstances each girl presents. This formula allows social service providers to deliver support to each girl through all phases of her court appearance.¹⁶¹

In Harris County, Houston’s strategic plan to end human trafficking continues to employ innovative and proactive approaches to improving the ability of other public safety agencies to identify human trafficking victims in the area. The plan includes engaging the Jail Division and the Houston Fire Department.¹⁶² Houston Fire Department personnel are trained on some of the identifying factors of human trafficking and they are provided with a Houston Police map depicting areas of prostitution and human-trafficking occurrences.¹⁶³ Fire department personnel often respond to emergency and medical calls, and are witness to scenarios where police may not be involved. Firefighters

¹⁵⁸ “Initiatives: Young Women’s Saturday Program,” H.E.A.T.Watch, accessed February 10, 2018, http://www.heatwatch.org/initiatives/young_womens_saturday_program.

¹⁵⁹ H.E.A.T.Watch.

¹⁶⁰ “Girls Court,” H.E.A.T.Watch, accessed March 14, 2019, http://www.heatwatch.org/heat_watch/supporting_victims/girls_court.

¹⁶¹ H.E.A.T.Watch.

¹⁶² “Strategic Plan Checklist,” City of Houston Anti-Human Trafficking, Mayor’s Office, 2017, <http://humantraffickinghouston.org/checklist/>.

¹⁶³ City of Houston Anti-Human Trafficking.

are also perceived as less threatening than law enforcement. Therefore, using the fire department can serve as an added resource for identifying and assisting victims. The Houston plan requires that fire personnel distribute “self-identification” cards to residents during public events and emergency response calls to help potential victims identify themselves as such.¹⁶⁴ Additionally, tangible tactics in the current plan include such practices as access from jail telephones to human-trafficking hotlines, creation and distribution of human-trafficking signs suspended over the telephones at jails that help an individual self-identify as someone who is a trafficking victim, and partnership opportunity review between county jail and the joint intake center.¹⁶⁵ This step allows victims who may not have been recognized by law enforcement to get assistance through the jail system.

C. PROSECUTION: ALAMEDA COUNTY

The Alameda County DA’s office has been recognized for its leadership in anti-human trafficking efforts. Its success arises from the formation of the now-statewide HEAT Institute, which is designed to “support victims and those at-risk; engage community members and raise awareness; train law enforcement and other first responders; prosecute traffickers and purchasers; and change legislative policy and identify best practices,” which gives prosecutors the evidence needed for successful prosecutions by creating a safe environment for victims to testify.¹⁶⁶ Alameda County has successfully prosecuted 46% of all human trafficking cases in the state of California.¹⁶⁷ It has developed a “prosecutors’ curriculum” for other California county DAs to use in helping to assist with bringing proper charges against traffickers.¹⁶⁸ Its HEAT toolkit and prosecutors’ curriculum notes, “there is a myriad of conduct (in human trafficking) that is

¹⁶⁴ City of Houston Anti-Human Trafficking.

¹⁶⁵ City of Houston Anti-Human Trafficking.

¹⁶⁶ “What is HEAT Watch?,” H.E.A.T.Watch, accessed March 14, 2019, http://www.heatwatch.org/heat_watch/.

¹⁶⁷ “Prosecution,” H.E.A.T.Watch, accessed March 3, 2019, http://www.heatwatch.org/heat_watch/prosecution.

¹⁶⁸ Alameda County District Attorney, *Toolkit—Executive Summary* (Oakland, CA: H.E.A.T.Watch, 2016), 11, http://toolkit.heatwatch.org/files/Toolkit_Exec_Summary_compressed.pdf.

criminal in nature, such as witness intimidating, false imprisonment, battery, criminal threats, and kidnapping. Often, these factual conditions are presented and overlooked when deciding what charges, if any, will be filed in the accusatory document.”¹⁶⁹ Alameda County also provides technical assistance from its office for any outside agencies that need aid with trial strategy and also provides a “charging cheat sheet” to address charges that can bring a stronger sentence to the defendant.¹⁷⁰ While Alameda County may not have the largest number of prosecutions in the nation, as Figure 2 illustrates, its statistics are impressive:

SUCCESS IN THE COURTROOM

Holding Traffickers Accountable: Statistics from January 2011 to January 2017



THE ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE IS A RECOGNIZED LEADER IN PROSECUTING HUMAN TRAFFICKING CASES NATIONWIDE.

Figure 2. Trafficking Statistics of the Alameda County District Attorney's Office from 2011–2017.¹⁷¹

¹⁶⁹ Alameda County District Attorney, 11.

¹⁷⁰ Alameda County District Attorney, 12.

¹⁷¹ Source: “Prosecution,” H.E.A.T. Watch.

Coupled with their commitment to train other counties in successful prosecution, Alameda County stands out as a leader in successfully prosecuting human trafficking.¹⁷²

D. 4PS: PARTNERSHIPS (MIAMI-DADE AND ALAMEDA COUNTY)

Understanding that the fourth P in this model has an inextricable link to the other 3Ps, the nature of these partnerships is flexible, but collaboration is essential. The two counties chosen for this thesis are leaders in different forms of partnerships in the fight against human trafficking.

Alameda County continues to be a leader in California with respect to building community partnerships to address human-trafficking issues. Its recent unique partnership with a local media outlet includes a 2018 billboard prevention campaign that is designed to bring awareness to residents of Alameda County by promoting the fact that human trafficking continues to be an issue where they live.¹⁷³ The partnership with Clear Channel Outdoor had nearly 10 million impressions for the 12 months that billboards were displayed on freeways and local streets.¹⁷⁴ Moreover, the Alameda DA's office continues to coordinate protection efforts with local nonprofits, service providers, and community groups to ensure that anti-trafficking efforts are cooperative and strategic. Its partnerships include rape crisis centers, youth homelessness clinics, family legal services, county health department, local hospitals, county probation department, child-abuse counseling centers, county Superior Court, school-based health centers, social services, street outreach organizations specializing in human immunodeficiency virus/sexually transmitted disease (HIV/STD) testing for high-risk teens, halfway houses for victims of trafficking, faith-based organizations, restorative justice programs, educational programs for minority women engaged in sexual exploitation, school districts, mental illness clinics, and rehabilitative treatment centers.

¹⁷² "Alameda County DA's Office Selected as Grant Recipient to Fight Human Trafficking of Minors," Alameda County District Attorney's Office, August 10, 2010, http://www.alcoda.org/newsroom/2010/aug/grant_recipient_heat.

¹⁷³ "Billboard Campaigns," H.E.A.T.Watch, accessed February 10, 2018, http://www.heatwatch.org/heat_watch/community_engagement/billboard_campaigns.

¹⁷⁴ H.E.A.T.Watch.

In Miami-Dade County, FL, the partnership approach to human trafficking spans over public-private partnerships, service providers, and state and federal agencies. Deemed a “national model” for anti-trafficking efforts, Miami-Dade is focusing on more than just investigations and prosecution, but on these partnerships as well.¹⁷⁵ Its South Florida Human Trafficking Task Force (SFHTTF) is a federally funded collaboration between local, state, and federal law enforcement agencies.¹⁷⁶ The innovative strategy the task force uses includes protection measures, such as presenting trainings and conferences to law enforcement agencies throughout Florida and members of the SFHTTF task force proactively contacting public safety partners, investigating trafficking tips, providing immigration reassurance to victims, and maintaining a victim-centered approach to their cases.¹⁷⁷

With the U.S. Attorney’s office for South Florida, Miami-Dade Police, Homeland Security Investigations Miami Division, Immigration and Customs Enforcement, and the Department of Justice working together, the model force has been lauded as a premier example of inter-agency partnerships that are proving to be effective.¹⁷⁸ The group has more than 300 members along with more than 10 nonprofit service providers that specialize in counseling, legal services, and shelter.¹⁷⁹

Additionally, Miami-Dade’s Human Trafficking Summit for Youth prevention program was designed to engage teens in awareness of human trafficking.¹⁸⁰ Held in conjunction with Human Trafficking Awareness Month in January, the summit, which was hosted by the Miami-Dade County Community Action in partnership with the Human Services Department, provides youth with the necessary education to help prevent human trafficking in their community. This program is one of the county’s most

¹⁷⁵ Anderson, “Florida Anti-Trafficking Efforts Are Model for US.”

¹⁷⁶ “Upcoming Events,” South Florida Human Trafficking Task Force, accessed February 11, 2018, <https://www.sfhumantraffickingtaskforce.org/calendar>.

¹⁷⁷ South Florida Human Trafficking Task Force.

¹⁷⁸ Anderson, “Florida Anti-Trafficking Efforts Are Model for US.”

¹⁷⁹ Anderson.

¹⁸⁰ Ivon Mesa, “Press Release: Human Trafficking Youth Summit,” County of Miami Dade, January 17, 2018, <http://www.miamidade.gov/releases/2018-01-17-cahsd-human-trafficking.asp>.

influential programs and incorporates victim testimony and a briefing on the current state of human trafficking in South Florida as part of the summit's agenda.¹⁸¹ The program encourages teens to become "human trafficking prevention youth leaders," and brings a new generation of awareness and activism, as well as additional visibility in local school systems, to the issue.

Lastly, the Miami-Dade State's Attorney's Office has taken one angle to the approach of anti-trafficking efforts through the healthcare system.¹⁸² It has created a working partnership between public safety and healthcare industries that allows for discussion and analysis on human trafficking in Miami-Dade County and how to address the issue.¹⁸³ This liaison between public safety and healthcare also includes benchmarks to determine the successes and failures of the plan, as well as how to develop better strategies to address the problem. Victims' needs range from emotional and mental health services to housing and financial reprieve.¹⁸⁴ St. Thomas University has also played a role in education and research into human trafficking in Miami. Its partnership with the SFHTTF empowers individuals in the community to educate themselves on victim-centered approaches to human trafficking.¹⁸⁵ The University holds 15 classes per workshop to educate the public on strategies for curbing human trafficking.¹⁸⁶

As research into the 4Ps utilized in these four strategically selected counties reveals, a number of anti-human trafficking initiatives have proven effective in addressing challenges similar to those prevalent in Monterey County. By incorporating components from each of these approaches into development of an anti-human

¹⁸¹ Mesa.

¹⁸² Wright, "Miami-Dade County Has a Human Trafficking Problem, Numbers Show."

¹⁸³ Wright.

¹⁸⁴ "Human Trafficking Unit," Miami-Dade State Attorney's Office, accessed February 11, 2018, <http://www.miamisao.com/services/human-trafficking/>.

¹⁸⁵ Katherine Fernandez Rundle, "Press Release: Human Trafficking Awareness Community Forum," Miami-Dade State Attorney's Office, January 23, 2018, <http://www.miamisao.com/press-release-human-trafficking-awareness-community-forum/>.

¹⁸⁶ Marlen Lebish, "Curbing Human Trafficking through Education, Research and Outreach," St. Thomas University News, July 13, 2017, <https://www.stu.edu/news/curbing-human-trafficking-through-education-research-and-outreach/>

trafficking plan for Monterey County, a cost-effective solution with specific tactics scaled to address the problem can be implemented throughout the county. Although each of the profiled counties has more robust resources than Monterey County, Monterey can advance a program with potential anti-human trafficking solutions by leveraging the unique characteristics extracted from the four highlighted counties' best practices.

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V. CONCLUSION

Analysis of how other counties with similar demographics and human trafficking concerns have employed best practices to combat the problem reveals a number of strategies that can prove effective in Monterey County. This chapter draws on those best practices to provide recommendations for cost-effective measures to be implemented in Monterey County.

Ultimately, Monterey County's first line of defense against human trafficking will be to increase protection for victims by training all members of its multiple police departments in the identification of victims of human trafficking. This element is the most widely overlooked one to human trafficking in Monterey County. Sensitivity must be paid to the fact that Salinas is a city friendly to immigrants and that Monterey is designated as a sanctuary county. Furthermore, protection measures must take into account the potential hurdle law enforcement officials face in asking questions to and identifying victims of human trafficking without inquiring about immigration status. As well, it is also important to help possible victims understand and then recognize the substantive difference between being smuggled and being trafficked and placed into servitude.

It is, therefore, recommended that Monterey County law enforcement agencies reach out to San Jose Police Department—that received federal funding to cross-train neighboring counties, including Monterey County—to request formal training on victim identification and human trafficking investigations. An added component of advancing such a proposal for police officer training in victim identification will be to ensure that Monterey County, through city councils and the Board of Supervisors, allocates adequate financial resources to support officer training. The overtime costs can be substantial to train all 12 police departments and the Sheriff's Office, as trainings are conducted while on duty. It will, therefore, be necessary that city councils and the Board of Supervisors allocate additional funding to ensure officers and deputies are properly trained annually, as required by California law, for anti-trafficking efforts.

Additionally, relatively cost-effective practices from Houston could be utilized to assist in the protection of trafficking victims. The Monterey County Jail, through the Monterey County Sheriff's Office, should post anti-trafficking signs over the telephones at the jail with the number for the national human trafficking hotline. The strategy Houston uses for dispersing cards to the public from members of fire department is also recommended for implementation in Monterey County. Fire personnel should distribute "self-identification" cards in both social event and emergency calls. The cost-effective measures are minimal budgetary line items that provide a maximum impact for the protection of victims.

Prevention strategies for outreach and education in Monterey County should include expanding the Coalition for Human Trafficking already in place. Engaging the two largest industries, agriculture and hospitality, into the discussion will be a critical element to bringing awareness to the issue. A particularly useful step would be to have the Monterey County Farm Bureau and Monterey County Hospitality Association designate a member of their respective organizations to sit in on the Coalition's monthly meetings, which will draw attention to the issue within industry leaders, and provide an awareness of labor practices in their supply chains. This awareness helps to ensure the standard practice of subcontracting labor from a third party is not encouraging trafficking.

Finally, local elected officials should adopt new ordinances and direct staff to change departmental policies to assist in the prevention of human trafficking. While local elected officials do not have the authority to change labor laws, the City of Houston has a municipal model that can be adapted easily to Monterey County. Simply expanding the definition of businesses known to foster human trafficking can improve enforcement. Houston's massage parlor ordinance was redefined to include establishments that also advertise offering a massage or other massage services. It also included state regulations on the "right of access" for law enforcement to be able to obtain search warrants more easily on those properties.

Also, a critical element to combatting human trafficking in Monterey County is pursuing partnerships with various agencies and organizations both countywide and

regionally to help advance the fight against human trafficking. Key for this strategy is to augment these efforts through partnerships with the local media—leveraging the presence of affiliates from all the major television networks in the county—to develop and broadcast compelling public service announcements, in both Spanish and English. One initiative in this realm that has proven particularly effective is the collaboration between Alameda County and Clear Channel Outdoor. Billboards discussing human trafficking are displayed prominently on freeways for 12 months and have garnered close to 10 million impressions.¹⁸⁷ This type of campaign can be readily adapted in Monterey County, which is home to affiliates of not only the four major television networks (NBC, ABC, CBS, and Fox), but affiliates of three large Spanish television networks as well.¹⁸⁸ A partnership that connects these affiliates and their corporate owners with law enforcement in Monterey County could lead to the development and broadcast of anti-human trafficking public service announcements that would reach a large audience countywide, and regionally.

Community partners that would also benefit from cross training and assist with widespread outreach and education include similar partnerships that Santa Clara formulated with its transit authority in training bus drivers. Monterey-Salinas Transit is Monterey County’s regional bus transit system. It could cross train drivers throughout the county. Miami-Dade’s partnership with its local hospital could be replicated with the three large healthcare facilities in the county: Salinas Valley Memorial Healthcare Systems Blue Zone Initiative, Community Hospital of the Monterey Peninsula, and Natividad Hospital.

Finally, inter-agency partnerships already in place can expand the assistance in apprehending traffickers. Monterey County, City of Gonzales, and City of Salinas have existing relationships with federal agencies on other crime related issues. Expanding the collaboration with state and federal agencies—including the Homeland Security Investigations team already in place in those respective cities—to address human

¹⁸⁷ H.E.A.T.Watch, “Our Initiatives: Billboard Campaigns.”

¹⁸⁸ “Monterey–Salinas TV Channels,” Station Index, accessed February 15, 2018, <http://www.stationindex.com/tv/markets/monterey-salinas>.

trafficking can provide critical and much needed information sharing, greater funding, and institutional knowledge. In short, these partnerships can provide more significant resources and manpower to assist in the apprehension of human traffickers in Monterey County.

With respect to prosecution, a dual-track approach will help to combat human trafficking concerns. Ideally, an equal emphasis should be placed on both the victims in human trafficking cases and the perpetrators. If the Monterey County DA's office pursues the prosecution of trafficking offenders aggressively, it is recommended that a conscientious effort be made to ensure the well-being of the victims throughout the process as well. This process includes providing access to social services, healthcare services, asylum from deportation or utilizing T-Visa availability, and financial resources afforded to victims. However, successful prosecutions begin with educated police officers making inquiries with questions designed to identify victims of human trafficking properly. It can be particularly beneficial for the Monterey County District Attorney's office to work in collaboration with Alameda County's "prosecution curriculum," which has been effective in neighboring jurisdictions to support the prosecution, including the implementation of a "charging cheat sheet" that assists in the formulation of specific charges that can lead to a stronger prosecution effort against a human trafficker.

While not at the forefront of advancing sustainable initiatives with respect to victim identification in human trafficking, a tremendous opportunity does exist for Monterey County to capitalize on the effective efforts of similar counties nationwide. Enacting mandatory training for police officers in human trafficking that incorporates victim identification and leverages a victim-centered approach can become the cornerstone of a realistic approach to addressing trafficking. It will be crucial to ask the right questions and distribute self-identification cards not only with law enforcement, but with other public safety personnel. These actions can be complemented by approaches that help victims understand and self-identify their status. Those investigators in charge of developing cases for prosecution should be included in a second tier of training. Further, these initiatives can be bolstered through new partnerships—from the media to nonprofits—public service announcements, and a continued emphasis on awareness and

education. Monterey County has the opportunity to put long-term strategic planning in place to prioritize data collection, and ultimately, establish a framework for continued funding for an issue that otherwise has been critically overlooked. With such forward-thinking tactics, Monterey County can then begin to make measurable gains in addressing human trafficking.

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