

Human Trafficking San Diego Needs Essential Services

EXECUTIVE SUMMARY

The 2018/2019 San Diego County Grand Jury (Grand Jury) determined that, even though San Diego County (County) has several successful programs to combat human trafficking, it is still lacking in two critical areas:

1. **Shelter Beds** – Safe haven for both child and adult victims seeking to escape from their traffickers.
2. **Enforcement of California Senate Bill 1193 (SB 1193)** – Mandates that certain businesses conspicuously post informational signs with phone numbers that a victim can call for help and receive services.

Although human trafficking is first and foremost a law enforcement issue, this report focuses on the social services available to its victims. In addition to exploring the two aforementioned concerns, this report discusses and evaluates the implementation in San Diego County of four state laws, enacted in recent years to help the victims of human trafficking. It also makes recommendations relative to the RISE (Resiliency Is Strength and Empowerment) Court for juvenile human trafficking victims and to the San Diego County Regional Human Trafficking and Commercial Sexual Exploitation of Children (CSEC) Advisory Council.

BACKGROUND

The Grand Jury began this investigation in response to a citizen complaint alleging a lack of shelter beds for victims of sex trafficking in the County. The complaint did not differentiate between short-term emergency shelter beds, short-term transitional housing, or longer-term shelter needs in conjunction with a recovery program. Our investigation revealed that beds in each category are provided through several non-profit agencies. Some receive government funding, but all are dependent on grants, donations and their own fundraising efforts to continue providing these essential services.

While researching the need for shelter beds, the Grand Jury reviewed some recent state legislative changes, aimed at providing services to human trafficking victims. The Grand Jury decided to investigate and report on their implementation locally. Table 1 below gives a brief description of each law.

Table 1—Recent California State Laws on
Human Trafficking and Commercial Sexual Exploitation of Children (CSEC)

CALIFORNIA BILL NUMBER	DATE ENACTED	PROVISION	LEAD AGENCY
Senate Bill SB 1193	9/24/2012	Victim Resource Posters	Not yet identified
Senate Bill SB 855	6/15/2014	CSEC Protocol	Child Welfare Services
Assembly Bill AB 1730	N/A	Pilot Housing (vetoed by Governor)	Probation (Intended)
Senate Bill SB 1322	9/26/2016	Decriminalization of Prostitution for Minors	Sheriff, Police
Assembly Bill AB 1227	10/7/2017	CSEC Education in Public Schools	SD Office of Education

METHODOLOGY

Grand Jury members interviewed representatives from:

- San Diego County Child Welfare Services (CWS)
- San Diego County Behavioral Health Services (BHS)
- The San Diego County Probation Department (Probation Department)
- Several non-profit agencies which provide services to trafficking victims¹
- The RISE Court

Grand Jury members reviewed:

- Child Welfare Services Program Guide material on Commercially and Sexually Exploited Children (CSEC) Interagency Protocol², as revised on 12/18/2018
- Full text and legislative commentaries to SB 1193, SB 855, SB 1322 and AB 1227
- The report of the San Diego County Regional Human Trafficking and Commercial Sexual Exploitation of Children Advisory Council (CSEC Advisory Council) to the San Diego County Board of Supervisors, October 2014
- The 2016 study, *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County* by Ami Carpenter and Jamie Gates
- The 2016 report, *The State of Human Trafficking Law, Policy and Education* by Ami Carpenter, Melanie Delgado and Robert Fellmeth

¹ Reports issued by this Grand Jury do not identify individuals interviewed. California Penal Code section 929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

² <http://www.cdss.ca.gov/csecextranet/res/PDF/CIP/SanDiego.pdf>

Grand Jury members conducted:

- Mail surveys of three law enforcement agencies regarding the implementation of SB 1322: the San Diego County Sheriff's Department (Sheriff's Department), the San Diego County Probation Department and the City of San Diego Police Department
- Field surveys of over 60 businesses subject to SB 1193 compliance

Grand Jury members attended:

- RISE Court proceedings
- Meetings of the CSEC Advisory Council

DISCUSSION

1. VICTIM HOUSING

Recommendations of CSEC Advisory Council (October 2014): In its report to the San Diego County Board of Supervisors (Board of Supervisors), the CSEC Advisory Council offered over 130 recommendations, five of which related to housing needs:

- Providing of short-term safe homes, long-term residential housing and treatment for sexually exploited minors
- Developing residential rehabilitation programs, specifically for sexually exploited minors
- Securing funding to allow existing, non-governmental and community service organizations, to expand services to provide more housing for survivors of human trafficking
- Allocating existing beds in shelters for human trafficking survivors
- Expanding emergency 2-3 day stay, short-term, and long-term housing availability

The Grand Jury's investigation revealed that safe housing is an essential component of any treatment program for trafficking victims to become survivors. One witness described having safe housing options as foundational to the program. Another witness stated that without safe housing, no rehabilitation can occur.

The Grand Jury found that these aforementioned recommendations have largely not been implemented, as evidenced by the following:

- Representatives of two private agencies, providing emergency services to victims of human trafficking, testified that they occasionally have to supplement their limited housing by renting hotel rooms. For sex trafficking victims, a hotel room is not the best option for safe housing, because many were coerced into conducting *business* in similar surroundings.
- A private agency, providing residential rehabilitation for adults 18 years and older, reports they must turn away an average of 20 people per month, because its facilities are at capacity. The Victim Services Section of the District Attorney's Office has also reported on these limitations.
- Representatives of several agencies assigned to the RISE Court, reported that their foremost need is dedicated, safe, temporary housing for the minors who participate. One

of the goals of the RISE Court is to see that each participant lives in a secure and safe environment. (See section 4, *infra.*)

- A faith-based agency, which provided about 25 beds for adult trafficking victims, recently had to terminate its program.
- Minor victims of sex trafficking can no longer be detained in the County's juvenile detention facilities for prostitution-related offenses, which have been decriminalized under SB 1322. (See section 5, *infra.*)
- The Probation Department occasionally has to utilize three placement facilities outside of the County due to shortages.
- A private agency that is seeking to open a much needed residential treatment facility for child survivors of human trafficking has, after more than a years' wait, just received their license from the State of California and is hoping to open in Spring 2019.

Determining an exact count of beds available to sex trafficking victims in local residential treatment facilities proves elusive. We estimate there are a total of 45 beds -- 30 beds specifically for adults and 15 emergency beds for minors. Foster care beds are not included in this count.

County Operated Facilities: There are two facilities operated by San Diego County which provide temporary housing for minors:

- *A.B. and Jessie Polinsky Children's Center*, an emergency shelter for children who may be victims of child abuse.
- *San Pasqual Academy*, a long-term residential and educational facility for children in foster care.

Both facilities are operating below capacity. People have suggested using this idle capacity to help provide much needed housing for minor victims of human trafficking. Unfortunately, the Grand Jury was advised these facilities cannot be used for the following reasons:

- *Limitations imposed by state licensing:* State licensing requirements determine the nature of the population each facility can serve and, in the case of Polinsky, limits the length of stay to ten days.
- *Age restrictions on who can receive aid:* State and federal funding is limited to individuals ages 0-21 years in the foster care system.
- *Lack of training needed by staff:* Staff at the two sites are not trained to address the special problems and needs of trafficking victims.
- *Concerns about recruiting from within:* Some minors who have been sent to these facilities have been coerced by their traffickers to recruit other residents to join them in their way of life.

Assembly Bill (AB) 1730 (May 2016): This proposed legislation easily passed both houses of the state legislature, but was vetoed by Governor Brown. If enacted, the bill would have funded a pilot program in four counties: Sacramento, San Diego, San Joaquin, and Santa Clara, that would have

addressed the need for services and housing related to the commercial sexual exploitation of youth. Housing facilities funded under this bill would have required licensing by the California Department of Social Services (CDSS).

Each year, the County's Office of Strategy and Intergovernmental Affairs (SIA) produces a report entitled *Priority Issues*. Inasmuch as the assembly member who introduced AB 1730 is still in office, and a new governor assumed office in 2019, it is possible that a bill equivalent to AB 1730 could be introduced in the 2019-20 legislative session.

Therefore, the Grand Jury is suggesting that local members of the State Assembly be lobbied to re-introduce a bill equivalent to AB 1730. Funding for a facility, as described above, should be added to the County's immediate legislative priorities.

Grant Opportunities: Grants to aid human trafficking victims are regularly made available through the California Governor's Office of Emergency Services (OES). OES grants, totaling more than \$4 million, were awarded in Fiscal Years 2017 and 2018 to several private human trafficking service providers.

Federal grants from the Department of Justice are also available (*See Appendix 1*). Many of these grants are quite targeted, specifying age-range and gender of the intended population, as well as the scope of services to be funded and their anticipated outcomes.

Proposition 2 (November 2018): Approved by voters in the 2018 election, Prop 2 establishes the *No Place Like Home Program*. Funded under the existing Mental Health Services Act (MHSA), it authorizes the issuance of up to \$2 billion in bonds statewide to finance permanent, supportive housing for individuals with a severe mental illness, who are homeless or at risk of becoming homeless.

The Grand Jury's investigation revealed that there is a difference of opinion on whether human trafficking victims qualify under Proposition 2; it is arguable that they can be considered as homeless *or* as severely mentally ill. San Diego County's experts coming together, and determining the County's position, is critical to appropriating funds afforded by Prop 2.

The definition of homelessness, as contained in the McKinney-Vento Homeless Assistance Act and the United States Code of Federal Regulations (CFR), is broad enough to apply to many human trafficking victims, whether they are adults or children. The terms *homeless* and *homeless person* mean an individual or family who lacks a fixed, regular, and adequate nighttime residence, including:

- An individual or family living in a hotel or motel or supervised publicly or privately operated shelter designated to provide temporary living arrangements
- Unaccompanied youth who are experiencing a long-term period without living independently in permanent housing

- Youth who have no future residence identified and lack the resources or support networks needed to obtain housing
- Any individual who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's current housing situation.

Mental illnesses can be defined as health conditions involving changes in emotion, thinking or behavior (or a combination of these). Mental illnesses are associated with distress and/or problems functioning in social, work or family activities.

The degree of traumatization experienced by trafficking victims is well documented. Sexually exploited persons suffer from high rates of post-traumatic stress disorder (PTSD), Stockholm Syndrome, memory loss, aggression, fear, depression, anxiety, hostility, anger, sexually transmitted disease/infection (STD/STI), physical trauma from beatings, and emotional and psychological trauma from engaging in continual, unwanted sex.

Therefore, in light of the broad definitions of *homelessness* and *mental illness* the Grand Jury recommends that San Diego County determine whether MHSA funds may be used to finance on-site psychiatric services at supportive housing programs. Paramount is the construction or acquisition of new supportive housing facilities for human trafficking victims under Proposition 2.

The Grand Jury also recommends that the County proactively develop model supportive housing programs aimed at transitioning its participants from trafficking victims to survivors.

The County's Health and Human Services Agency (HHSA) should be the lead as three of its components are key contributors: Child Welfare Services, Behavioral Health Services, and Housing and Community Development. Other participants might include the Department of Probation and private agency partners. This collaboration could develop multiple model shelter programs in anticipation of grant opportunities.

Models that are specific to the age, gender, and sexual orientation of the population served, should be developed. They should specify housing needs - emergency, short-term, long-term residential, or permanent supportive housing. The models should include performance metrics and expected outcomes, as well as identifying possible sources of sustainable funding.

2. SIGNAGE LAWS

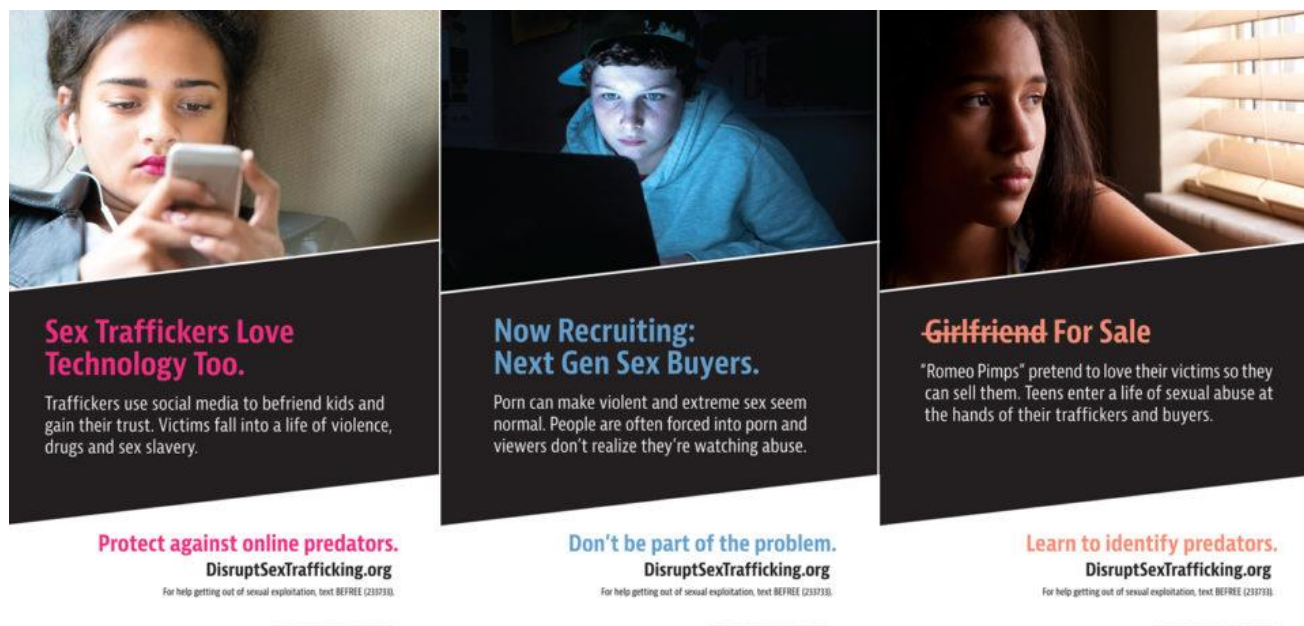
California Senate & Assembly Bills: The initial legislation, SB 1193 (enacted September 2012, effective April 2013), requires businesses to display posters in a conspicuous location, as well as provide information and resource phone numbers for victims of human trafficking. Business types originally included:

1. Adult or sexually oriented businesses
2. Primary airports

3. Intercity passenger rail or light rail stations
4. Bus terminals
5. Truck stops and facilities that provide overnight truck parking
6. Emergency rooms within general acute care hospitals
7. Urgent care centers
8. Farm labor contractors
9. Privately operated job recruitment centers
10. Roadside rest areas
11. On-sale general public premises licensed under the Alcoholic Beverage Control Act
12. Businesses or establishments that offer massage or bodywork services for compensation

SB 225 and AB 260 (both enacted October 2017, effective January 1, 2019) extended the list to include hotels, motels and bed-and-breakfast inns. The requirements for the posters are listed in Appendix 2.

Following are examples of the posters cited by the San Diego News Center as being available through a local awareness campaign in partnership with a non-profit agency. Although very visually impactful, the required text is *not* included. (See Appendix 2)



For help getting out of sexual exploitation text: BEFREE (233733)

Canvassing to Evaluate Compliance: Members of the Grand Jury conducted in-person surveys of over 60 establishments that met the criteria listed above. Our visits included:

- *San Diego International Airport at Lindbergh Field:* Signage displayed a notice on a monitor which rotated, with other notices, approximately once every three minutes,

above each passenger entrance

- *43 Hotels*: Three were in compliance
- *13 Massage Parlors*: None were in compliance
- *Downtown Bus lines and Railroad Hubs*: Neither were in compliance

The Community Subcommittee of the CSEC Advisory Council has taken the lead in reaching out to many of the entities subject to the law, especially hotels, massage parlors and transportation providers. It educated businesses, supplied posters, and documented subsequent compliance or non-compliance. It can report instances of non-compliance to the District Attorney, or charter city attorneys, but cannot enforce compliance by levying fines (\$500 for the first occurrence and \$1000 for any subsequent ones).

Since human trafficking is a regional problem, and because the County established the CSEC Advisory Council, the Grand Jury believes the County in conjunction with the Office of the District Attorney, ensure a method for enforcement of SB 1193. Enforcement should include:

- a single point of contact
- informing the business entities required to comply
- working with the CSEC Advisory Council to distribute trafficking posters
- coordinate periodic inspections
- levying fines when required.

3. CSEC PROTOCOLS

SB 855 (Child Welfare): Among its several provisions this omnibus bill established the Commercially Sexually Exploited Children (CSEC) Program within the California State Department of Social Services. It amended the Welfare and Institutions Code Section 300 to clarify that children categorized as CSEC whose parents or guardians failed to protect them may be adjudicated dependents of the juvenile court.

This program is not mandatory, but counties which opt in are eligible to share in funding of \$14 million statewide. San Diego County is a participating County. The County Health and Human Services Agency's Department of Child Welfare Services (CWS) is the lead agency for the implementation of this law.

Participating counties must:

- Provide prevention and intervention services to children who are victims, or at risk of becoming victims, of human trafficking
- Provide training for County children's services workers in providing case management

- services appropriate for CSEC victims
- Provide training for foster families in the identification of potential victims
- Develop an interagency protocol, by a team led by a representative of the County's human services agency, to serve sexually exploited juvenile dependents of the family court.

The law mandates the formation of a steering committee responsible for:

- Developing the interagency protocol
- Defining the role of each participating agency
- Providing input to the County on how to utilize the funds allocated through the CSEC Program
- Overseeing the implementation of the protocol and revising it as needed
- Identifying training needs
- Reporting annually to the state on the number of children served, services provided and additional resources needed

Agencies participating in the CSEC Steering Committee:

- Child Welfare Services,
- Behavioral Health Services
- San Diego County Public Health
- Probation Department
- Juvenile Court

The directors of these agencies each signed an agreement documenting their agency's role and responsibilities. Additional agencies participating voluntarily include the Sheriff's Department, the Office of the District Attorney, the San Diego County Office of Education and several private sector partner agencies.

In Fiscal Year 2018 CWS identified 361 actual or at risk minors, classified as CSEC victims. This is approximately 15% of the 2,385 children in foster care as of June 30, 2018. The Probation Department reported that 95 out of 193 females in Juvenile Detention as of June 30, 2018 were deemed as actual or at risk for CSEC.

CWS receives \$500,000 in state funding annually. The funds are being used to contract with a private sector agency for a rapid response capability when CSEC emergencies occur. An example of the latter would be a juvenile victim being detained by police for a prostitution related offense wanting to leave their trafficker but having no other housing.

Our investigation revealed that the CSEC Program has been successfully implemented in San Diego County, including as early accomplishments:

- Production of a 68-page addition to the CWS Program Guide which incorporates state regulations and County practices

- Introduction of the CSEC Identification Tool (CSE-IT, developed by WestCoast Children's Clinic), which is used by the participating agencies to screen minors age 12 and over, who have been, or are at risk of becoming, exploited
- Monthly meetings of participating agencies to review new directives, discuss best practices and identify needed resources
- Designation of Senior Social Workers as CSEC liaisons, at all regional offices and divisions, to act as resource persons for case carrying workers; these liaisons also meet monthly to share information
- Improvement of services to victims by contracting with a private agency partner for a rapid response capability and a CSEC Advocate Program
- Development of basic (CSEC 101) and advanced (CSEC 102) training materials: CSEC 101 is mandated for all social workers; CSEC 102 is taken by workers assigned to a CSEC case(s) and the CSEC liaisons. CWS staff has also given both trainings to other agencies
- Designating as CSEC coordinator an administrator who is widely recognized in the County and throughout the State as a subject matter expert

CSEC training for foster care providers: The CSEC Protocol (page 13) contains a section on risk factors and warning signs as possible indicators of victimization. A history of child abuse or neglect and involvement with child welfare is listed first among 19 indicators. None of the witnesses interviewed by the Grand Jury denied there is a correlation between placement in foster care and being at risk for sexual exploitation. Estimates of that correlation vary widely. Counties that opt in to SB 855 must meet the requirement to provide training to foster families in the identification of potential CSEC victims. The CSEC Protocol (page 48) states that CWS will provide training for foster parents that are providing care for CSEC victims. However, neither the state nor the County procedures manuals mandate that CSEC training be included, in either initial or ongoing training, for **all** current or potential foster parents/resource families. (Emphasis added)

Symptoms of exploitation can become manifest at any time. If training in CSEC recognition is being provided to child welfare, law enforcement and school and hospital personnel who see the children intermittently, it is logical to train foster care providers, who see the children every day.

In light of the correlation between foster care placement and victimization, the Grand Jury recommends that all current and prospective foster parents/resource families be mandated to take a module based on CSEC 101 at initial and ongoing training. Those resource families providing care for CSEC victims, who have already taken the basic course, should be required to receive a module based on CSEC 102.

4. THE RISE COURT

The RISE Court program, which stands for Resiliency Is Strength and Empowerment, is a private program of the San Diego Juvenile Court for wards of the Court, pursuant to section 602 of the Welfare and Institutions Code. (*The Court should not be confused with similarly named programs in other jurisdictions; in some of these the letters in the acronym RISE stand for different words.*)

Wards can opt to participate in RISE as an alternative to juvenile detention. A minor must have a suspected or confirmed history of sexual abuse and exploitation as determined by the West Coast Children's Screening Tool. At present, the program has 23 participants, all female. (RISE is theoretically open to males but has had no male participants to date.) Two minors have graduated with more graduates expected in June 2019.

The RISE Court builds on the collaborative approach exemplified by the CSEC Advisory Council and the steering committee required by CSEC protocols in child welfare. Collaborating agencies in RISE include: Juvenile Court, Department of Probation, District Attorney's Office, Office of the Public Defender, Behavioral Health Services and Child Welfare Services. Typically each participant reports once a month, although some who are experiencing difficulties report more often. The program does not have separate funding, but its budget is absorbed in the budgets of the participating agencies listed above. This year the RISE Court also received one grant of \$20,000 from a charitable agency, funds from which must be spent on items for the participants for such things as incentives/rewards for meeting positive program goals.

In addition to the primary problem of safe housing for participants, another need of the program is transportation to assist those participants, and their families, who live in outlying areas of the County to attend court.

The Grand Jury recommends that County agencies participating in the program consider establishing pro-rated funding for the RISE Court. The program does not have separate funding as its budget is absorbed in the budgets of the participating agencies.

The Grand Jury also suggests that the Probation Department evaluate ways to provide transportation to the RISE Court to facilitate attendance for participants.

5. MINORS EXEMPT FROM PROSTITUTION CHARGES

SB 1322 (Sheriff and City Police Departments): SB 1322 was signed into law on September 26, 2016 and had an effective date of January 1, 2017. It provides that youth under age 18 cannot be charged for prostitution related offenses. It permits law enforcement personnel to take a commercially exploited child into temporary custody and, if indicated, make a referral to CWS for evaluation as to whether the minor should be adjudicated a dependent child of the court.

The Grand Jury surveyed both the Sheriff's Department and the City of San Diego Police Department as to the number of youth detained under this law in Fiscal Year (FY) 2018. The Sheriff's Department reported detaining only three minors, all of whom were referred to Child Welfare Services. The San Diego Police Department took eleven minors into custody; nine minors were referred to CWS, and the remaining two were referred to private service providers.

If the numbers seem low, FY 2018 was the first, full fiscal year of implementation, and many police officers had to undergo a cultural change. Minors will no longer be treated as criminals, but as victims. SB 1322 was effective to the extent that it helped bring about that change. That statement is illustrated by a quote, which appeared in the Los Angeles Times on January 30,

2019, from a young victim caught in a sting operation who was offered shelter. “The detective told me he wanted to help me, not arrest me. I’ve never been told that before by police.”

Some negative effects of SB 1322 are that it doesn’t mandate services for minors who don’t self-identify as victims, nor does it leave time for investigation of those cases not referred to Child Welfare. An unintended consequence is that traffickers may step up their efforts to recruit minors because they are exempt from prosecution.

The Grand Jury concluded that this law is being implemented. However, there is currently insufficient data for analysis of its overall impact.

6. TRAINING IN SCHOOLS

AB 1227 (San Diego County Office of Education): This act mandates school districts to include human trafficking training and prevention education at least once in middle or junior high school and once in high school as part of sexual health education.

According to the Carpenter and Gates study, *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*, the average age at which the 623 victims studied entered “the life” was 16.³ Therefore, it is vitally important that school personnel recognize the risk factors and take appropriate action. As teachers and other school professionals are considered mandated reporters of child abuse, neglect and exploitation, that action can include a referral to CWS. A study was conducted of focus groups at 20 high schools in San Diego County. Staff in all 20 schools reported that exploitation recruitment is taking place; 18 schools had documented cases of sex trafficking victimization. School staff identified 81 reported and 54 suspected victims in the period 2011- 2015.⁴

The San Diego County Office of Education (SDCOE) is taking the lead in implementing of AB 1227. It has developed a CSEC protocol for schools and has conducted several trainings for school personnel. It uses a curriculum developed by the California Department of Education. This training is conducted by subject matter experts within the SDCOE, with the assistance of CWS and the Education subcommittee of the CSEC Advisory Council. Trafficking survivors often participate in these trainings.

AB 1227 is an unfunded mandate from the state. One of the recommendations made in the Carpenter and Gates report is increasing resources for the training of school personnel in CSEC identifiers and protocols, as well as awareness training for middle and high school students. To realize that recommendation, and to build on the work begun by the SDCOE and the CSEC Advisory Council, the County has received a grant of \$3 million from a major international foundation. The grant places three existing anti-trafficking school programs under the umbrella

³ Amy Carpenter and Jamie Gates study, *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*, page 20

⁴ *Ibid*, page 17

of the San Diego Trafficking Collective.

While it is too early to evaluate the overall implementation of AB 1227, the Grand Jury believes the outlook is promising, especially considering the infusion of grant funding.

7. THE CSEC ADVISORY COUNCIL

San Diego Regional Human Trafficking and Commercial Sexual Exploitation of Children Advisory Council (CSEC Advisory Council): The Grand Jury has referred to this panel and its work several times in this report. The CSEC Advisory Council was established on June 14, 2011, by the San Diego County Board of Supervisors, with support by the County District Attorney and the County Sheriff. Its purpose is to bring a specialized focus on addressing and combating human trafficking on a countywide interdisciplinary level. The membership which is divided into nine sub-committees, represents a broad coalition of public and private agencies, including law enforcement, social services, education and data & research. Its fourfold goal is to:

- Identify best practices and trends addressing the root causes of trafficking
- Advance public policy
- Standardize training and protocols
- Create a seamless delivery system to enhance victim services

Among the achievements of the CSEC Advisory Council:

- Publishing a report in 2014 containing 139 recommendations, many of which have been implemented and others still in varying degrees of progress
- Providing the impetus for two influential reports in 2016
- Reaching out to hotels and motels and providing training to their staff in recognizing trafficking activity
- Providing training in CSEC recognition to school personnel in collaboration with the SDCOE.
- Supporting the San Diego Human Trafficking Research and Data Advisory Roundtable (HT-RADAR) for conducting and disseminating research relating to human trafficking

The Grand Jury found that the good work of the CSEC Advisory Council, while well known to its member agencies, has gone unnoticed by a large segment of the public. Though a government body subject to state open meeting laws (the Ralph M. Brown Act), the date, time and place of its meetings is not publicized on the County website; neither are the agendas, minutes nor recent publications documenting its activities. Furthermore, the CSEC Advisory Council is not listed on that section of the County website which contains a registry of the current County committees and advisory groups and their members.

Although it would appear that given the nature of their work, this lack of publicity of the CSEC Advisory Council is intentional, the Grand Jury was surprised to find the opposite to be true. In fact members of the Council are actively seeking inclusion on the County website and public

participation in their meetings.

The Grand Jury is recommending that the County determine whether the CSEC Advisory Council should have a page added to the County's website. This would make the body more transparent and increase its capacity to share information with similar groups in other counties. It would enhance the CSEC Advisory Council's goal of advancing public policy and facilitate the dissemination of research by the HT-RADAR group.

FINDINGS

Finding 01: Despite the recommendations made in the 2014 CSEC Advisory Council report, there is still a critical shortage of beds for both adult and juvenile human trafficking victims in San Diego.

Finding 02: Many victims of human trafficking fall within the broad definitions of homelessness and mental illness, and should qualify for funding under Proposition 2.

Finding 03: SB 1193, requiring businesses to display human trafficking posters, is not being enforced in many areas of San Diego County.

Finding 04: There is a positive correlation between foster care placement and CSEC susceptibility.

Finding 05: Training for current and prospective foster parents/resource families does not include a mandatory module in CSEC recognition signs, based on the CSEC 101 training syllabus.

Finding 06: The RISE Court can be a significant step in transforming a victim, or potential victim, of human trafficking into a survivor.

Finding 07: Having its own budget and performance outcome measurements would give the RISE Court and its participants a greater sense of sustainability.

Finding 08: Federal and State grant funding is available for housing and service programs for human trafficking victims.

Finding 09: A CSEC Advisory Council section on the County website would make its work more transparent and increase its ability to share data with similar agencies other counties.

RECOMMENDATIONS

The 2018/2019 San Diego County Grand Jury recommends that the County of San Diego's Chief Administrative Officer should:

19-25: Consider evaluating whether legislation equivalent to AB 1730 could be re-

introduced to the State Legislature. This would provide funding for a pilot program that provides services and housing for victims of human trafficking.

- 19-26: Consider a collaboration that could develop multiple model/shelter programs in anticipation of grant opportunities and other local, state or federal funding which may become available.
- 19-27: Consider evaluating whether human trafficking victims fall within the definitions of “homeless” and “mental health” so that Mental Health Services Act funds can be used in housing programs for human trafficking victims.
- 19-28: In conjunction with the Office of the District Attorney, consider taking steps to ensure coordination of efforts to ensure a method for enforcement of SB 1193.
- 19-29: Consider establishing separate pro-rated funding for the RISE Court, for the County agencies participating in the program.
- 19-30: Consider taking steps to establish a process to develop performance indicators for the RISE Court.
- 19-31: Consider evaluating ways to provide transportation to the RISE Court to facilitate attendance for participants.
- 19-32: Consider evaluating the feasibility of requiring elementary training in CSEC for all current and prospective foster parents/resource families and advance training in CSEC for foster parents/resource families having custody of a CSEC or at-risk child.
- 19-33: Consider determining whether the San Diego County Regional Human Trafficking and Commercial Sexual Exploitation of Children Advisory Council should have a page added to the County’s website. This would increase transparency of the Council by including agendas, minutes, and relevant reports.

The 2018/2019 San Diego County Grand Jury recommends that the Office of the District Attorney should:

- 19-34: In conjunction with the County of San Diego’s Chief Administrative Officer, consider taking steps to ensure a method for enforcement of SB 1193.
- 19-35: Consider establishing separate pro-rated funding for participating in the RISE Court.
- 19-36: Consider taking steps to establish a process to develop performance indicators for RISE Court.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

Responding Agency	Recommendations	Response Date
County of San Diego Chief Administrative Officer	19-25 through 19-33	8/27/19
Office of the District Attorney	19-34 through 19-36	7/29/19

Appendix 1: Organizations Providing Grant Funding for Human Trafficking Programs

1) Bureau of Justice Assistance

<https://www.bja.gov/funding.aspx#3>

2) Department of Justice

<http://www.justice.gov/business/>

3) National Institute of Justice

<http://www.nij.gov/funding/Pages/welcome.aspx#findafundingopportunity>

4) United States Dept. of Health & Human Services: Administration for Children and Families

5) Office of Justice Programs

<http://ojp.gov/funding/funding.htm>

6) Office of Juvenile Justice and Delinquency Prevention (OJJDP)

<http://www.ojjdp.gov/funding/funding.html>

7) Office for Victims of Crime (OVC)

<http://ovc.ncjrs.gov/Solicitation.aspx#>

<http://ovc.ncjrs.gov/ResourceByState.aspx?state=ca#tabs1>

8) California Governor's Office of Emergency Services

<http://www.caloes.ca.gov/cal-oes-divisions/grants-management/search-for-grants>

9) Foundation Center

<http://foundationcenter.org/findfunders/> (tool to search for funders, grants, etc.)

10) Bill & Melinda Gates Foundation

<http://www.gatesfoundation.org/How-We-Work/General-Information/Grant-Seeking-Resources>

11) United States Government Grants

<http://www.grants.gov/web/grants/home>

Source: *Human Trafficking in California: Toolkit for Judicial Officers*, Judicial Council of California, 2017, Page 70.

Appendix 2 Requirements for Posters Under SB 1193

Included in the law was that the notice to be posted shall be at least 8.5x11, written in a 16-point font, and shall state the following:

If you or someone you know is being forced to engage in any activity and cannot leave—whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity—call the National Human Trafficking Resource Center at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE (EDOM) or 1-888-539-2373 to access help and services.

Victims of slavery and human trafficking are protected under United States and California law.

The hotlines are:

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