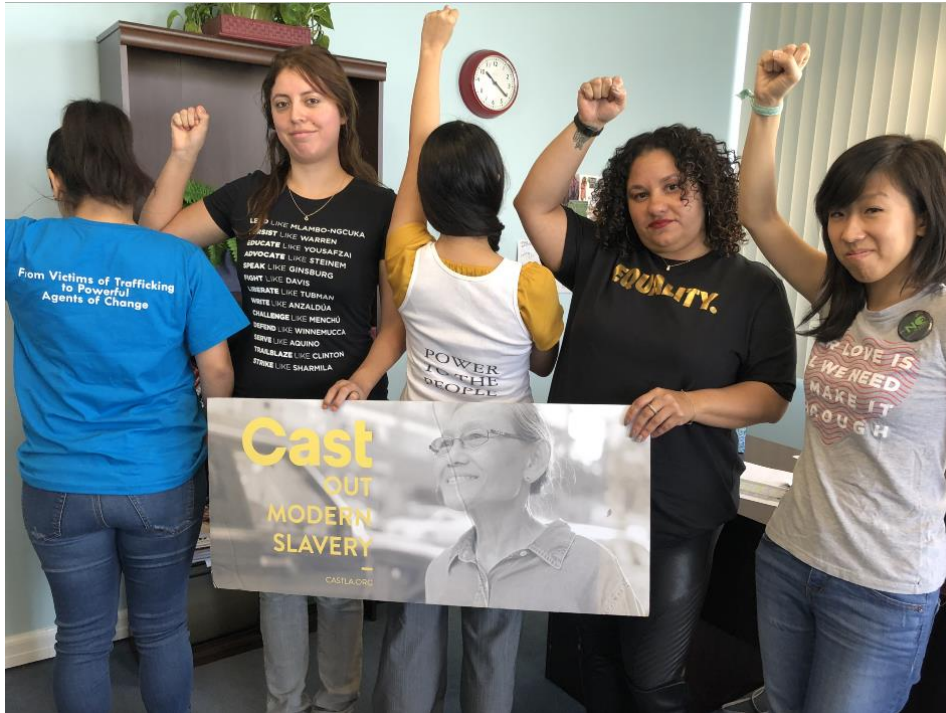


# CHILD LABOR TRAFFICKING IN CALIFORNIA

## October 2019 Update

New information shows that thousands of children are enslaved in labor trafficking in California



California has fallen behind other states in protecting child labor trafficking victims

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# The Time Has Come for California to Fight Child Labor Trafficking As Aggressively As It Fights Child Sex Trafficking

## EXECUTIVE SUMMARY

### 1. Recent Data On The Extent And Nature Of Child Labor Trafficking Show That It Is A Major Problem In California.

- Recent Studies Throughout the State Show That Thousands of Children and Youth are Enslaved in Labor Trafficking in California.

*Table 1, below, summarizes the most recent available data that show: (a) labor trafficking is nearly as prevalent as sex trafficking in California, and (b) children and youth make up a large percentage of trafficking victims in the State*

- Child Labor Trafficking Often Involves Forced Criminality and Substantial Trauma.
- Child Labor Trafficking Victims are Criminalized in our Juvenile Justice Systems and Not Protected in Our Child Welfare Systems.

### 2. California Treats Child Labor Trafficking Victims Inequitably As Compared To Sex Trafficking Victims.

- California Legislation And Funding Have Focused Too Narrowly On Sex Trafficking, Often To The Exclusion Of Child Labor Trafficking.
- California Has Not Collected Data On Child Labor Trafficking.
- California Has Not Updated Its Definitions Of Child Abuse To Ensure That Child Labor Trafficking Victims are Protected by Our Child Welfare Systems in the Same Way That Child Sex Trafficking Victims Have Been Included.
- The State Has Not Adequately Trained State Personnel On All Forms of Child Commercial Exploitation, Excluding Child Labor Trafficking From Most Trainings While Expending Funds Training Only on Commercial Sexual Exploitation.

**3. California Has Fallen Far Behind Other States in Identifying and Serving Its Child Labor Trafficking Population.**

- **At Least 13 States Have Updated Their Definitions Of Child Abuse To Include Child Labor Trafficking; California Has Not.**
- **Other States Include Specialized Programs for Both Child Sex and Labor Trafficking Victims In Their Child Welfare Systems; California Has Not.**
- **Other States Have Done More Than California Does To Collect Data And Serve Child Labor Trafficking Victims.**
- **Though It Leads All States In The Prevalence Of Human Trafficking, California Is Not A Leader When It Comes To Protecting All Child Victims.**

**4. What California Needs To Do:**

- **Include Child Labor Trafficking, And Not Just Sex Trafficking, In Studies And Data Reporting – Both Existing Studies And New Studies.**
- **Pass Legislation That Explicitly Makes Child Labor Trafficking Part Of The Definition Of Child Abuse, As Other States Have Done.**
- **Add Child Labor Trafficking To The Issues Addressed By The State and County-wide CSEC<sup>1</sup> Action Teams.**
- **Include All Forms Of Trafficking – Including Child Labor Trafficking – In Training Of Law Enforcement, Juvenile Justice, And Child Welfare Personnel.**
- **Provide Additional Funding For Child Labor Trafficking Victim Studies, Training, And Services, Including Specialized Services in the Child Welfare System.**

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<sup>1</sup> CSEC stands for “Commercially Sexually Exploited Children.” All CSEC children meet the definition of sex trafficking under CA and federal law.

**Table I. Summary of Post-2014 Studies of Human Trafficking in California<sup>2</sup>**

<b>City / County</b>	<b>Sample Size</b>	<b>Labor %<sup>3</sup></b>	<b>Child + Youth %<sup>4</sup></b>
Los Angeles – CAST	1,327	48%	37.5%
Los Angeles – Covenant	72	50%	NA
Oakland – Covenant	26	60%	NA
San Francisco	452	48%	74%
Santa Clara County	185	47%	50% (<18)
Santa Clara Comm. Sol.	250	60%	39%
San Diego – labor study	38,458	NA <sup>5</sup>	26% (aged 16-25)
San Diego – sex study	167	23% <sup>6</sup>	(not reported)
Orange County 2015	225	25%	21% (<18)
Orange County 2019	415	13%	27% (<18)
Sacramento	229	40%	35% (18-24)
Central Valley	480	25%	30% (<18)
Fresno Co. EOC	1,114	38%	38%

*Conclusions:*

1. Combining all studies except the San Diego study that focused solely on labor trafficking, labor trafficking is **39%** of all trafficking in California. It varies from County to County. The range is 13% to 60%.
2. Trafficking involving children and youth comprises **21%** to **74%** of all trafficking.

<sup>2</sup> The studies and data collections underlying this Table are discussed at pages 4-17 below.

<sup>3</sup> Includes trafficking identified as both sex and labor.

<sup>4</sup> Not all studies break out the ages of victims. In general, a “child” or “minor” is considered to be a person under the age of 18, while “youth” generally means the age group of 18-24.

<sup>5</sup> The San Diego labor study clearly found extensive labor trafficking in San Diego. However, the study focused solely on labor trafficking, and therefore cannot be used to estimate the percentage of labor trafficking versus all trafficking.

<sup>6</sup> From a subset of the study, which focused on sex trafficking. The figure is not representative of the actual mix of labor and sex trafficking in San Diego.

## THE VETO OF AB 2035 IN 2014

Assembly Bill 2035 (Chesbro, “Sexually Exploited and Trafficked Minors”) was a bipartisan bill that addressed the trafficking of all minors in California. Among other things, the Bill added a provision that “a minor is within the jurisdiction of juvenile court and a dependent child of the court if the minor is a victim of human trafficking . . .” Because the phrase “human trafficking” covered both labor trafficking and sex trafficking, AB 2035 would have recognized that all child trafficking victims need the specialized services and support of the child welfare system.

Despite being passed nearly unanimously by both the Assembly and the Senate, the Governor vetoed the bill in September of 2014. The Governor’s Veto Message<sup>7</sup> stated:

“I am returning Assembly Bill 2035 without my signature. Efforts have just gotten underway with the passage of this year’s budget to combat the commercial sexual exploitation of children, who are also victims of human trafficking. \* \* \* This bill, however, is *premature. More investigation and discussion needs to take place before local authorities are in a solid position to curb the tragedy of young people who are forced to work under illegal and unacceptable conditions.* I am directing the Department of Social Services [DSS] to assemble relevant parties to explore all avenues that can be pursued to alleviate this suffering.” (Italics added.)

In the same year, the Governor codified that all forms of commercial sexual exploitation met the definition of child abuse.<sup>8</sup> This left a significant difference between the way child sex and labor trafficking are treated in the child welfare system.

As the Veto Message shows, there is no debating the fact that child labor trafficking occurs in California, that it is a “tragedy,” and that the State needs to act decisively to “alleviate this suffering.” The Veto Message did not seek to end the discussion around this issue. Unfortunately, the legacy of the AB 2035 veto is that California has fallen behind other states and has failed to take decisive action against child labor trafficking. Five years after the failure of AB 2035, sufficient time has passed for “investigation and discussion” by DSS around this issue. Although DSS has failed to appropriately look into this issue, on-the-ground organizations in most parts of the State have provided sufficient data to show that child labor trafficking is extensive in California. It is no longer “premature,” for California to address the plight of these children and we must now act decisively.

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<sup>7</sup> AB 2035 Veto Message, Sept. 29, 2014, [https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill\\_id=201320140AB2035](https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201320140AB2035).

<sup>8</sup> Cal. Welf. & Inst. Code §300.

## RECENT DATA ON THE EXTENT OF CHILD LABOR TRAFFICKING IN CALIFORNIA

In the five years since the 2014 veto of AB 2035, sufficient investigation and discussion has taken place to decisively prove that child labor trafficking in California is extensive and that the victims and survivors are underserved. California — the state with the most human trafficking in the country — needs to lead the nation instead of falling further behind.

In 2014, not just in California but across the country, the extent of the child labor trafficking problem was not fully understood. As highlighted by the Executive Director of Polaris, which operates the National Human Trafficking Hotline, labor trafficking can be “much more subtle than a lot of people think.”<sup>9</sup> This leads to an under-appreciation of the extent of labor trafficking. Commonly, legislators and the public don’t “understand the pervasiveness of labor exploitation and that a lot of it . . . is ‘hidden in plain sight.’”<sup>10</sup> The Governor, in 2014, may have assumed that labor trafficking was much less extensive than sex trafficking.

If AB 2035 was vetoed because of a lack of information about the extent of child labor trafficking, that rationale no longer exists. Since 2014, a number of studies have been conducted across California and other states. Although human trafficking victims cannot simply be “counted,” nevertheless, the production of hard data around all forms of human trafficking has increased in recent years. Hotline data have become more robust, and CAST’s own client database has grown significantly. Local studies have been conducted across the State. When all of this recent information is taken into account, it becomes clear that **there are at least thousands of children in California who are victims of child labor trafficking.**

### A. California Leads The Nation With 15% Of U.S. Trafficking Victims

California makes up approximately 12% of the U.S. population. However, it is well known that several factors — proximity to borders, number of ports and airports, large runaway and homeless youth population, significant immigration population and a large economy with businesses that attract forced labor — make California a haven for human trafficking. It should be no surprise that California experiences more than its “population share” of trafficking.

The National Human Trafficking Hotline (NHTH) does not capture all cases of human trafficking in the United States, but it has received almost 200,000 contacts involving over 100,000 victims.<sup>11</sup> Importantly, the NHTH data include not just calls but “cases” — instances where sufficient investigation was performed to determine that trafficking was “moderately” or “highly” likely to have occurred. The data for “cases” are therefore the most pertinent.

The NHTH data confirm that overall, and for every single year between 2007 and 2018, California leads the nation in the prevalence of human trafficking “cases” — by a wide margin. Below is one

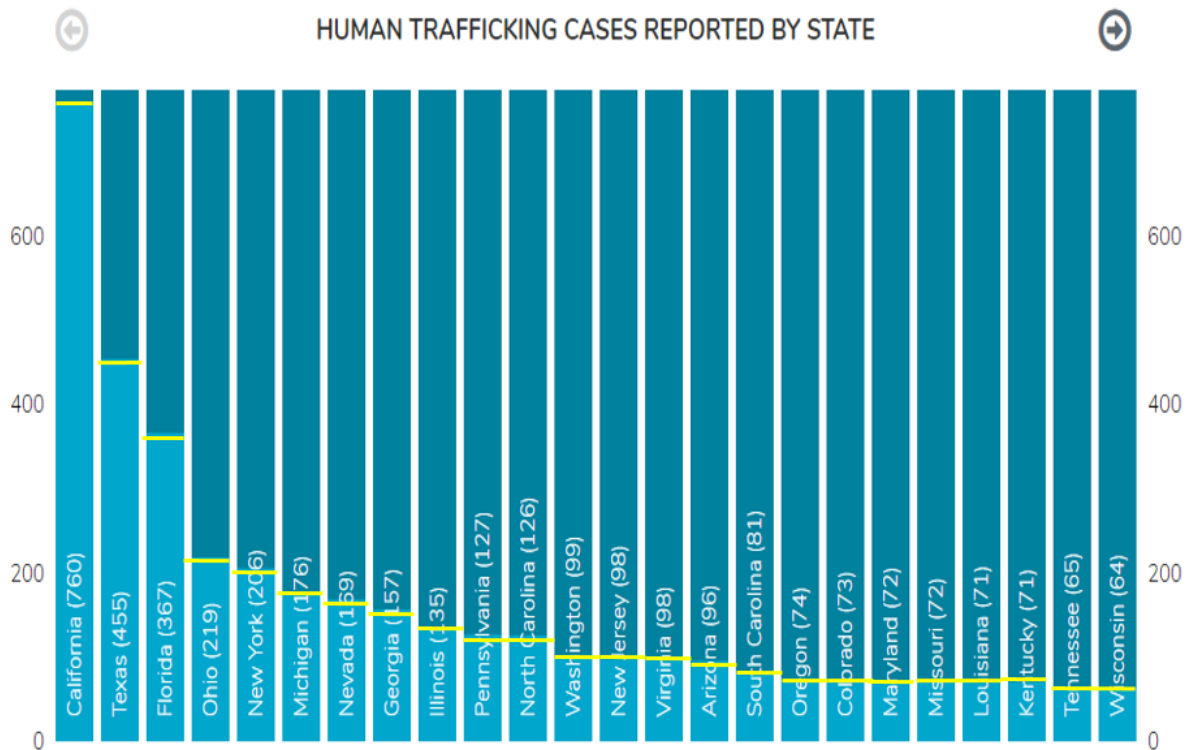
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<sup>9</sup> Miller, Leila, “Why Labor Trafficking is So Hard to Track,” *PBS Frontline* April 24, 2018, <https://www.pbs.org/wgbh/frontline/article/why-labor-trafficking-is-so-hard-to-track> [“PBS Frontline”].

<sup>10</sup> *PBS Frontline*, *supra*, quoting Alameda County District Attorney Nancy O’Malley.

<sup>11</sup> “Hotline Statistics,” National Human Trafficking Hotline, <https://humantraffickinghotline.org/states>.

of the graphs shown on the NHTH website (for the first half of 2018):



The NHTH data permit a conservative estimate of the **percentage** of trafficking in the United States that occurs in California. For the period from 2007 to June 30, 2018, NTH found the following numbers of victims:

- **United States: 107,653 victims**
- **California: 15,738 victims**
- **California percentage: 15%**

Looking at the most recent full years (2017 and 2016), the percentage was 14.7% in 2017 and 16.4% in 2016. A fair, conservative, rounded estimate is that California has about 15% of the trafficking victims in the United States.

Of course, calls to a single hotline (and the resulting “cases”) represent only the tip of the iceberg in terms of raw numbers. But the percentage attributable to California is reliable, and confirms that no other state likely has more trafficking victims or cases.

## **B. Trafficking in California – Recent Studies**

Despite the Governor’s 2014 acknowledgement of the need for “investigation” into child labor trafficking, the State has not initiated or funded such a study. In fact, the working group mandated by the Governor in his Veto Message met only three times and did not produce any written

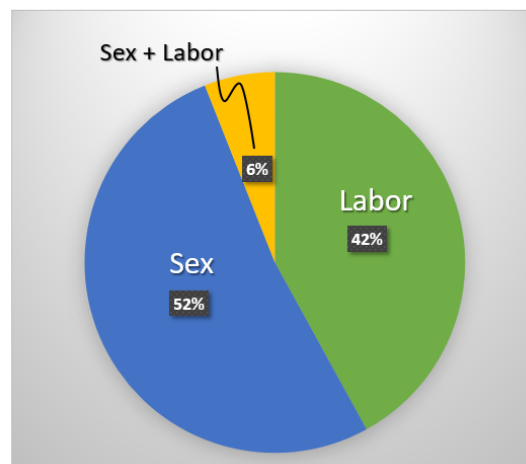


reports. On their own initiative, however, some of the larger cities and counties in the State have conducted their own studies, and survivor service providers like CAST have analyzed their data. The resulting information comes from urban areas such as Los Angeles, San Diego, and San Francisco, and also rural areas like the Central Valley. This is not the whole State, and the data are far from complete. But considered together, they provide a better understanding of the nature and extent of trafficking in California compared to what was known in 2014.

## I. Los Angeles

CAST is one of several trafficking victim service providers in Los Angeles. Because of its size, CAST has a substantial amount of client data, including trafficking type and age at the time of trafficking on over 1,300 clients. Virtually all of its client-victims were trafficked in California and CAST is able, with most clients, to conduct interviews and investigations that accurately reveal the nature and form of trafficking. Thus, the CAST data may well be the best for analyzing labor trafficking as a percentage of all trafficking in California. CAST recently analyzed its data through early 2019. CAST data have consistently shown that almost half of its clients were labor-trafficked:

CAST Data – Clients by Trafficking Category



Thus, the data from a single service provider in one California County show that if a service provider is looking for both sex and labor trafficking, they identify it almost equally. CAST data show that hundreds of people have been victims of labor trafficking in the past several years.

Additionally, CAST's data from 1,327 clients show that under-18 and transitional-aged youth (18-24) constitute **37.5%** of CAST's trafficked population.

In terms of raw numbers, CAST has served 113 child labor trafficking victim clients (aged 21 or under at the time of trafficking) from 2010 to 2018. The number has grown steadily each year — 20 in 2018 alone.

Two recent studies (2016-2018), which focused exclusively on sex and labor trafficking of homeless and runaway youths, show results that are similar to CAST's. Covenant House, a runaway and homeless youth organization, conducted interviews with 911 homeless youth in 13 cities. The youth were aged 17-25. In one study that looked at 10 cities, including two in

California, 166 of 641 youth were trafficked — 92 for sex, 52 for labor, and 22 for both sex and labor. Thus, 74 out of 166 or **45%** of trafficked youth were trafficked for labor (including labor plus sex).<sup>12</sup> In Los Angeles, the type of trafficking was evenly split (**50%-50%**) between sex and labor trafficking.

In the 10-city Covenant House study, youth who had a history of involvement in the foster system accounted for **26%** of all youth who were labor trafficked. The researchers concluded: “Youth between the ages of 17 and 19 need special attention because of their unique vulnerabilities.”<sup>13</sup>

The Covenant House study, in combination with the CAST data, establish without question that child labor trafficking is a real phenomenon in Los Angeles, nearly as prevalent as child sex trafficking, and connected to the child welfare system.<sup>14</sup>

## **2. Oakland / Alameda County**

Alameda County candidly admits on its H.E.A.T.Watch website that “Alameda County stats are difficult to obtain.”<sup>15</sup> The website only reports national, global, and hotline statistics. However, the Covenant House study noted above used Oakland, California as one of its study sites. The study found that labor trafficking was more prevalent than sex trafficking among homeless youth in Oakland (19% vs. 15%).<sup>16</sup> This is an interesting finding because, as H.E.A.T.Watch says, “the Bay Area is a Hotspot for Child Sex Trafficking.”<sup>17</sup> It would appear that if the area is a hotspot for sex trafficking, and the prevalence of labor trafficking is equal to or greater than sex trafficking, the area must also be a hotspot for child labor trafficking.<sup>18</sup>

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<sup>12</sup> Murphy, Laura, “Labor and Sex Trafficking Among Homeless Youth: A 10-City Study,” Loyola University New Orleans Modern Slavery Research Project (2016), <https://static1.squarespace.com/static/5887a2a61b631bfbbclad83a/t/5a7490fdc8302508d6b76f1c/1517588734590/Labor+and+Sex+Trafficking+Among+Homeless+Youth.pdf>; Wolfe, Debra et al, “Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth A Multi-City Study,” U. Penn. Field Center January 2018, <https://fieldcenteratpenn.org/wp-content/uploads/2013/05/6230-R10-Field-Center-Full-Report-Web.pdf>.

<sup>13</sup> Murphy, *supra*.

<sup>14</sup> Child labor trafficking in Los Angeles is also supported by real-life examples. In 2013, the *Los Angeles Times* reported the horrific tale of a girl who ran away from foster placement and was then kidnapped, confined in a metal box, sexually assaulted, and only allowed outside to cultivate marijuana for her captors. Joseph Serna, *L.A. Girl Kept in Metal Box on Pot Farm for Sex*, *L.A. Times*, July 26, 2013, <http://touch.latimes.com/#section/-1/article/p2p-76805126/>.

<sup>15</sup> Alameda County H.E.A.T.Watch website, “Statistics,” [http://www.heatwatch.org/human\\_trafficking/statistics](http://www.heatwatch.org/human_trafficking/statistics).

<sup>16</sup> Murphy, Loyola University New Orleans Covenant House Study (2016), *supra*.

<sup>17</sup> H.E.A.T.Watch website, “Home;” <http://www.heatwatch.org/>.

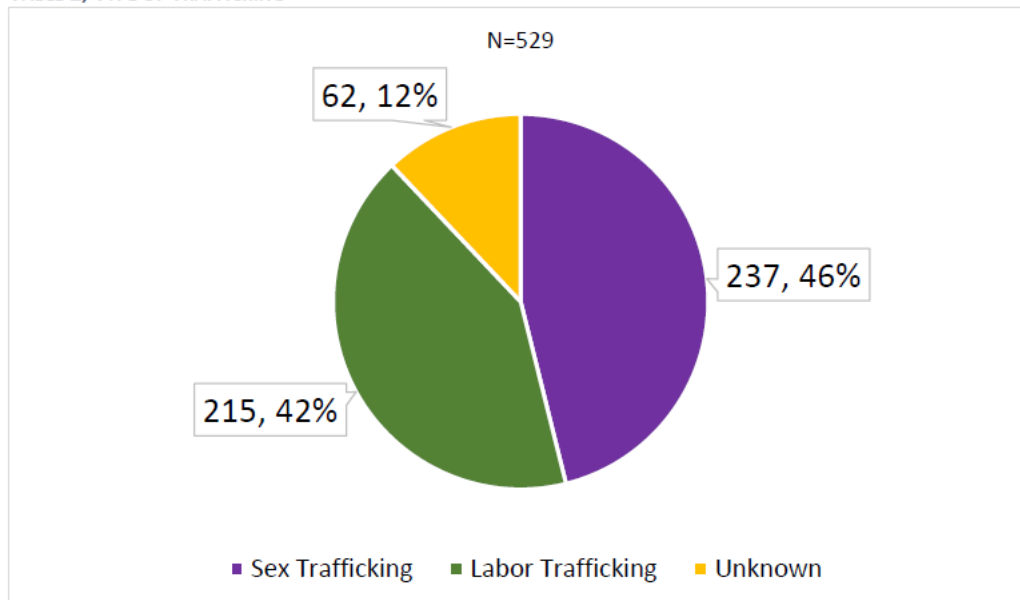
<sup>18</sup> In a proclamation issued in January 2018, the Alameda County Board of Supervisors stated that “the Alameda County District Attorney’s Office leads California in the prosecution of human traffickers in both commercial sex trafficking and labor trafficking.” See “National Slavery and Human Trafficking Awareness Month,” [http://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaReg\\_01\\_23\\_18/PROCLAMATIONS\\_COMMENTATIONS/President%20Chan\\_259472.pdf](http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_01_23_18/PROCLAMATIONS_COMMENTATIONS/President%20Chan_259472.pdf). This is consistent with the notion that Alameda County is a hotspot for both labor and sex trafficking.

### 3. San Francisco

The City of San Francisco has a human trafficking task force. In 2018, the task force published its “3<sup>rd</sup> Human Trafficking In San Francisco Report,” using data from 2016.<sup>19</sup> Trafficking cases were collected from 18 agencies operating in San Francisco, including law enforcement and survivor service organizations. In 2016, they identified 529 survivors of trafficking in San Francisco. As the researchers noted, “[t]he number of survivors identified most certainly is an under-representation and should be considered a starting point for further study.” The study did not even include all survivors — “many government and community-based agencies do not screen their clients for human trafficking, which would identify additional cases.” And it certainly did not count those victims who are still under the control of traffickers.

While the San Francisco report does not tell us how many child labor trafficking victims there are in San Francisco, it provides valuable information on the mix of trafficking types (labor vs. sex), and the mix of children and youth among the survivor population. San Francisco found a mix of labor and sex trafficking that is strikingly similar to what CAST has found in Los Angeles — labor is a little less than half of all trafficking:

TABLE 2, TYPE OF TRAFFICKING\*



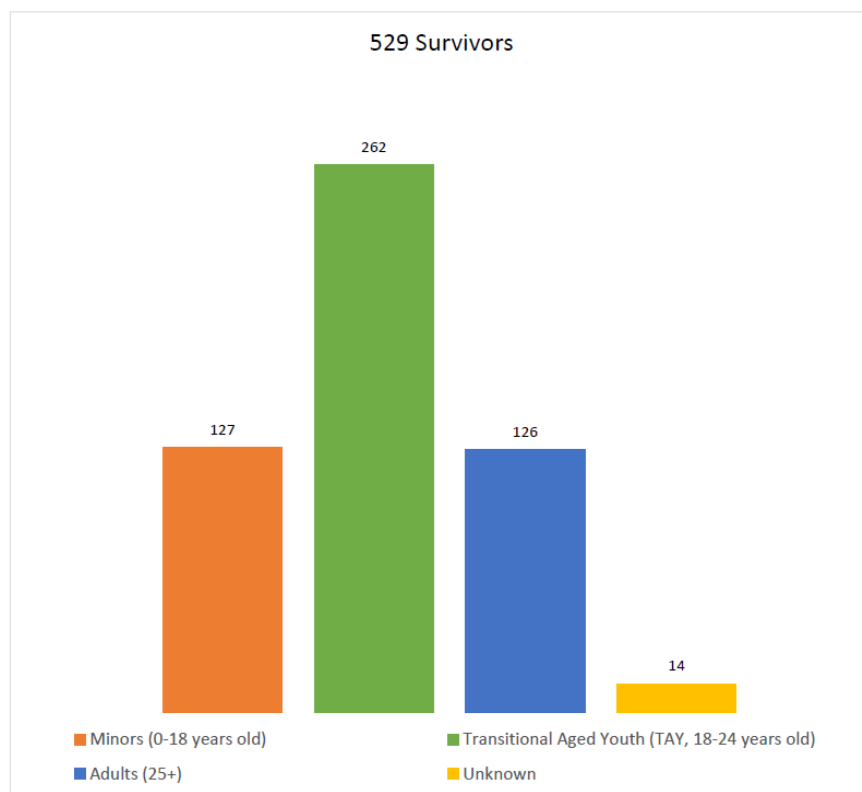
Taking out the unknowns, labor trafficking constitutes 48% of the mix (215 out of 452). Additionally, San Francisco’s data show that it has seen a steady rise in the labor trafficking cases identified percentage over the previous 3 years.<sup>20</sup>

The 2018 San Francisco report also charts the distribution of victim ages:

<sup>19</sup> <https://sfgov.org/dosw/sites/default/files/3rd%20Human%20Trafficking%20Report.pdf>.

<sup>20</sup> 3<sup>rd</sup> Human Trafficking In San Francisco Report, *supra* at 6.

TABLE 1, TRAFFICKING SURVIVORS BY AGE



Thus, minors (0-18) make up 24% of the trafficking victims in San Francisco; while minors plus transitional youth (18-24) make up 74%. This means that the majority of victims in San Francisco are minor/youth victims of sex or labor trafficking.

#### 4. San Jose / Santa Clara County

San Jose is the third-largest city in California, and the largest city in the Bay Area. The surrounding county — Santa Clara County — formed a human trafficking “Data and Research Work Group” in 2014, and the Group issued a Human Trafficking Data Report in 2015.<sup>21</sup> The data from 15 law enforcement agencies and five service providers were collected. The authors acknowledged that “There appears to be a gap in reporting and responding to child labor trafficking cases.”<sup>22</sup> Nevertheless, Santa Clara County found that 35% of trafficking in the County was labor trafficking, 53% was sex trafficking, and 12% was both.<sup>23</sup> In other words, **47%** was wholly or partly labor trafficking. Also, trafficking was evenly split (50%—50%) between adults and minors.<sup>24</sup>

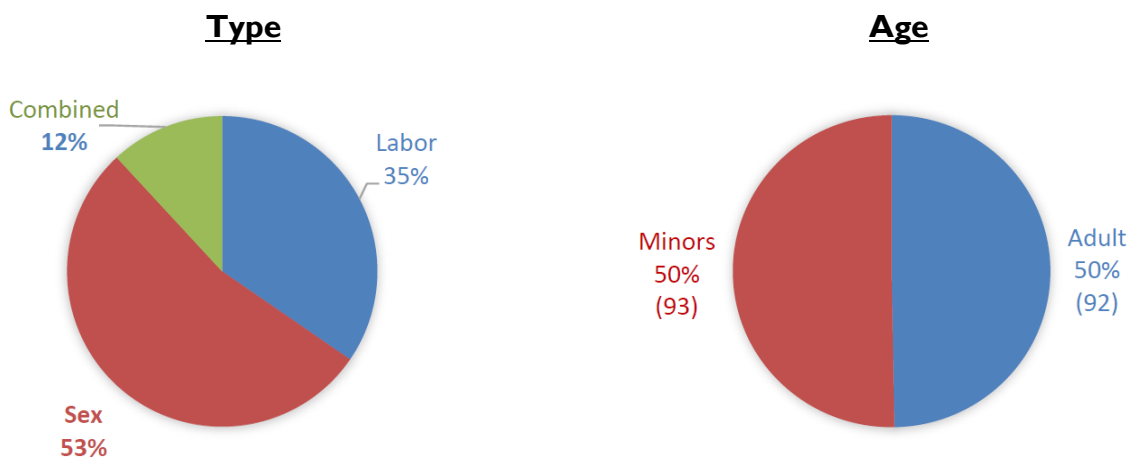
<sup>21</sup> County of Santa Clara Human Trafficking Data Report, August 14, 2015, <https://www.sccgov.org/sites/owp/gbv/Documents/HT/data-report-2015-final.pdf> (Santa Clara County Report).

<sup>22</sup> Santa Clara County Report at 2.

<sup>23</sup> Santa Clara County Report at 4.

<sup>24</sup> Santa Clara County Report at 4.

## Santa Clara County Statistics



Community Solutions is a human trafficking services organization in Santa Clara County that provides services to both labor and sex trafficking victims. California's Office of Emergency Services (Cal-OES), which provides funding, reports that from 2016 to 2018 (24 months), Community Solutions served 142 labor trafficking survivors, 101 sex trafficking survivors, and 7 persons who had suffered both types of trafficking. This means that **60%** of the trafficking was wholly or partly labor trafficking. Approximately 23% of the survivors were minors (< 18) and another 16% were transitional youth (18-24).

### 5. San Diego

In 2012, San Diego State University's Dr. Sheldon Zhang completed a study that found that 31% of unauthorized migrant Spanish-speaking laborers older than 16 years in that region were victims of labor trafficking.<sup>25</sup> The study further estimated that there were 38,458 victims of labor trafficking in San Diego County. The study looked only at labor trafficking, and the age range included children (ages 16 and older).<sup>26</sup> Twenty-six percent of the study participants were in the age range of 16-25, and had the average (31%) incident rate of labor trafficking. This means:

**10,114 children and youth, aged 16-25, were victims of labor trafficking in San Diego**

<sup>25</sup> Zhang SX, *Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County* (Washington, DC: United States Department of Justice, National Institute of Justice; 2012). <https://www.ncjrs.gov/pdffiles1/nij/grants/240223.pdf>.

<sup>26</sup> Zhang, *supra* at 113, Table 2.

It is important to note that this is just San Diego, not the whole State, and the age threshold of the study was 16 — if they had looked for children below the age of 16 involved in labor trafficking, they undoubtedly would have found more.

A second San Diego study, funded by the U.S. Department of Justice, was completed in 2016. This study was conducted by two universities — the University of San Diego and Point Loma Nazarene University. The researchers combed San Diego County for evidence of sex trafficking and gang involvement. They interviewed gang members, victims, detainees, and the staff of 20 high schools. They reviewed police and sheriff arrest records. While labor trafficking was excluded, the researchers coincidentally obtained some data on that form of trafficking. Eight victim service providers sent in data that included labor trafficking. In San Diego County, from 2013 to 2015, the eight organizations served 39 survivors who had been labor trafficked, and 128 who were sex trafficked. The percentage of labor trafficking was thus **23.3%**. This is a smaller percentage than what CAST data show in Los Angeles, because the San Diego study was focused on sex trafficking. It is a substantial percentage nonetheless.

The 2016 San Diego study found that there were between 8,830 and 11,773 sex trafficking victims or survivors in San Diego.<sup>27</sup> While the study did not look for labor trafficking victims, it would be logical to conclude that there are thousands of those as well, in San Diego County alone.<sup>28</sup>

The bottom line in San Diego is that although neither of these studies focused on child labor trafficking, they both confirm the presence of that phenomenon in San Diego. Indeed, the data support the conclusion that there are thousands of child labor trafficking victims in San Diego.<sup>29</sup>

## 6. Orange County

Orange County issued Victim Reports in 2015 and 2019. The data came from two victim services organizations: Waymakers and Salvation Army. In 2015, of 225 survivors identified, **25%** were victims of labor trafficking, and about **21%** were minors (no statistics were given for transitional-age youth).<sup>30</sup> In the 2019 report, out of 415 survivors, **13%** were labor trafficked and **27%** were

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<sup>27</sup> Carpenter, Ami, et al, “Measuring the Nature and Extent of Gang Involvement in Sex Trafficking in San Diego,” 2016, National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>.

<sup>28</sup> If labor trafficking is 23.3% of all trafficking in San Diego County, as the data from the eight providers show, then San Diego County would have 2,682 to 3,576 labor trafficking victims.

<sup>29</sup> In 2018, Polaris did a survey to identify human trafficking among domestic workers in 14 cities, including San Diego. Polaris, “Human Trafficking at Home: Labor Trafficking Of Domestic Workers,” [http://polarisproject.org/sites/default/files/Human\\_Trafficking\\_at\\_Home\\_Labor\\_Trafficking\\_of\\_Domestic\\_Workers.pdf](http://polarisproject.org/sites/default/files/Human_Trafficking_at_Home_Labor_Trafficking_of_Domestic_Workers.pdf). The findings are not broken out by city. However, a new study of domestic worker trafficking is currently taking place in San Diego, thus confirming that domestic worker labor trafficking is a concern in San Diego.

<sup>30</sup> Orange County Human Trafficking Task Force, “Human Trafficking Victim Report 2016;” [https://www.egovlink.com/public\\_documents300/ochumantrafficking/published\\_documents/OCHTTF%20Victim%20Report%202016/2016%20OCHTTF%20Victim%20Report.pdf](https://www.egovlink.com/public_documents300/ochumantrafficking/published_documents/OCHTTF%20Victim%20Report%202016/2016%20OCHTTF%20Victim%20Report.pdf);

minors.<sup>31</sup> The Orange County studies were limited, because they only looked at survivors served by two agencies. However, the two Victim Reports support the reality of child labor trafficking in Orange County.

## 7. Sacramento

The Sacramento County District Attorney's Office promotes its Human Trafficking Team, but the website only describes the team's efforts to thwart sex trafficking.<sup>32</sup> In 2018, Access Local TV reported that "Four years ago, the Human Rights Society dubbed Sacramento with the title of 'Second Worst City in the US for Human Trafficking'"<sup>33</sup> but again focused only on sex trafficking. Despite Law Enforcement and the media's focus on sex trafficking one service organization in Sacramento — Opening Doors, Inc. — which serves both labor and sex trafficking survivors reported that from 2016-2018, **40%** of the trafficking survivors it served in Sacramento were wholly or partly victims of labor trafficking.<sup>34</sup> Further examples of labor trafficking have been highlighted in Sacramento,<sup>35</sup> but because it focuses on sex trafficking, the County has not systematically collected data on labor trafficking. Despite this focus, it is clear that organizations serving both populations identify both labor and sex trafficking survivors.

## 8. The Central Valley

Central Valley Against Human Trafficking (CVAHT) is a victim services organization in Fresno. Its website reports statistics for the years 2010-17.<sup>36</sup> In those years, CVAHT served 480 victims; **25%** were involved in labor (including labor + sex) trafficking and **30%** were children.

The Fresno County Economic Opportunities Commission serves survivors of both labor and sex trafficking. Between 2016-18, the Commission reported serving 1,114 persons. Over **38%** of these were labor (or sex + labor) trafficking victims. In terms of age, 24% of the Commission's clients were minors (<18) and another 14% were transitional-age youth (18-24).<sup>37</sup>

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<sup>31</sup> Orange County Human Trafficking Task Force, "Human Trafficking Victim Report 2019;" [https://www.egovlink.com/public\\_documents300/ochumantrafficking/published\\_documents/OCHTTF%20Victim%20Report%202019/2019%20Human%20Trafficking%20Victim%20Report.pdf](https://www.egovlink.com/public_documents300/ochumantrafficking/published_documents/OCHTTF%20Victim%20Report%202019/2019%20Human%20Trafficking%20Victim%20Report.pdf).

<sup>32</sup> Sacramento County District Attorney's Office, "Human Trafficking Team," <https://www.sacda.org/services/criminal-prosecutions/human-trafficking/>.

<sup>33</sup> Access Local TV, "Is Sacramento a 'Hot Bed' for Human Trafficking?," posted Mar. 15, 2018, <http://accesslocal.tv/2018/03/15/is-sacramento-a-hot-bed-for-human-trafficking/>.

<sup>34</sup> Source: Cal-OES data.

<sup>35</sup> See, for example, the *Sacramento Bee* article, "'Has Your Boss Threatened You?,' Sacramento Billboards Enlisted to Fight Human Trafficking," <https://www.sacbee.com/news/business/article215867640.html>, notes that 31 reports of labor trafficking in Sacramento had been reported to the national human trafficking hotline in the past ten years. The *American River Current* also reported on magazine-sales trafficking in Sacramento: "Human Trafficking: Modern slavery in California," Sept. 10, 2019, <https://www.arcurrent.com/news/2018/11/14/human-trafficking-modern-slavery-in-california/>.

<sup>36</sup> <http://fresnoeoc.org/cvaht/stories/post/Current-Central-Valley-Human-Trafficking-Statistics>.

<sup>37</sup> Source: Cal-OES data.

## 9. Summary of Recent California Data

These recent data confirm several things about child labor trafficking in California. First, it is occurring in all of the populous cities and counties of the State. Second, labor trafficking is a significant percentage of the trafficking in California — equal or nearly equal to sex trafficking — and therefore should be addressed as comprehensively as sex trafficking. The best data put labor trafficking in the range of 38% to 60% of all trafficking, with CAST's 48% right in the middle of that range.<sup>38</sup>

Third, child and youth also represent significant percentages of the trafficking population. Across the studies, children (<18) were 21-50%. Youth (18-24) are about 26-35%. Combined, CAST's 37.5% again appears to be right in the middle.

### C. Studies In Other States

Several states have conducted recent state-wide studies of human trafficking prevalence as well as studies that focused on sex and labor trafficking in the child welfare system. These studies provide supportive data to the information pieced-together above since California has not undertaken a state-wide prevalence study or collected data on labor trafficking in its child welfare system, but they provide supportive data.

**Ohio** issued a prevalence study report in early 2019.<sup>39</sup> The Ohio study includes data from the child welfare and juvenile justice systems. The study determined that there were 1,032 trafficking victims in Ohio and 4,209 at-risk individuals; **85.5%** were minors. Labor trafficking was **14%**. The labor trafficking figures included children who are, or were, in the child welfare system.

**Texas** did a prevalence study in 2016 in which it estimated the number of trafficking victims (not just identified survivors) in the state. The estimates were based on interviews within high-risk populations to determine the percentage of persons trafficked within those populations (this is similar to the San Diego 2012 Zhang study methodology). The researchers estimated that there were 234,000 labor trafficking victims in Texas and that a substantial majority of trafficking in the state was labor trafficking.<sup>40</sup> One of the primary conclusions of the study was that “labor trafficking is a significant issue for the State of Texas . . . in fact, this research leads us to conclude that it is woefully understudied and perhaps ignored as a policy area.”<sup>41</sup>

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<sup>38</sup> It is possible that Orange County's 13-25% is an outlier. There may be geographical variations such that Orange County sees a higher percentage of sex trafficking. Or the two organizations which supplied data in Orange County may have a greater focus on sex trafficking than labor trafficking.

<sup>39</sup> Anderson, Valerie, et al, “Estimating the Prevalence of Human Trafficking in Ohio,” Feb. 1, 2019; [https://humantrafficking.ohio.gov/links/Ohio\\_Human\\_Trafficking\\_Prevalence\\_Study\\_Full\\_Report.pdf](https://humantrafficking.ohio.gov/links/Ohio_Human_Trafficking_Prevalence_Study_Full_Report.pdf).

<sup>40</sup> Noël Busch-Armendariz, et al, “Human Trafficking by the Numbers: The Initial Benchmark of Prevalence and Economic Impact for Texas” (2016); <https://sites.utexas.edu/idvsa/files/2017/02/Human-Trafficking-by-the-Numbers-2016.pdf>.

<sup>41</sup> Busch-Armendariz, Texas study at 65. The Texas study did not break out labor trafficking by age. However, it did estimate that 78,996 children and youth were victims of sex trafficking. *Id.* at 15. It is fair to say that Texas likely has tens of thousands of child labor trafficking victims.



**A 2017 study estimated that there were 234,000 labor trafficking victims — men, women, and children — in the State of Texas.**

**Florida** tracks data for sex and labor trafficking of foster youth served in the state. In July 2018, after a lengthy study of over one million youths in the Florida child welfare system, the researchers found that **9%** of trafficked youth in the child welfare system were labor trafficked. The researchers noted that “labor trafficking is even less likely to be identified than sex trafficking,” indicating that the labor percentage they found is likely lower than reality.<sup>42</sup> Being missing from foster care was found to be a strong risk factor for all forms of trafficking.

**Illinois** studied child welfare administrative data in 2016 to determine the relationship among human trafficking, prior maltreatment, and foster care.<sup>43</sup> Illinois’ child welfare data collection system requires, during intake and investigation of child abuse and neglect, entries to be made when the allegations indicate human trafficking — for either sex or labor. Two-thirds of trafficked children had experienced multiple forms of abuse prior to being trafficked, and children with a history of foster care faced a higher risk of being trafficked.

**New York** state has an interagency task force that studied data on all forms of trafficking from 2007 to 2017 and issued a report in 2018.<sup>44</sup> The task force examined only reports to the Office of Temporary and Disability Assistance. In ten years, there were 1,022 “confirmed victims.” Of these, **18%** were deemed to involve labor trafficking and **27%** of the victims were children under the age of 18.

#### **D. Labor Trafficking Is More Under-Reported Than Sex Trafficking**

In our review of recent data and studies, we have noted numerous expressions of the reality that child labor trafficking is the least-publicized form of trafficking, and therefore hard to track. The very titles of recent articles serve as good examples:

- **“Labor Trafficking is an ‘Invisible’ Epidemic” (Barton 2018)**<sup>45</sup>
- **“Why Labor Trafficking is So Hard To Track” (Miller 2018)**<sup>46</sup>

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<sup>42</sup> Gibbs, Deborah et al, “Sex and Labor Trafficking and the Child Welfare Population in Florida,” presentation at International Family Violence and Child Victimization Research Conference, July 2018.

<sup>43</sup> Havlicek, J., et al (2016), “Human trafficking of children in Illinois: Prevalence and characteristics,” *Children and Youth Services Review*, 69, 127–135. <https://doi.org/10.1016/j.childyouth.2016.08.010>.

<sup>44</sup> New York State Interagency Task Force on Human Trafficking, “2017 Annual Report,” <https://www.criminaljustice.ny.gov/pio/humantrafficking/ITF-2017-Annual-Report.pdf>.

<sup>45</sup> Barton, Mary Ann, “Labor Trafficking is an ‘Invisible’ Epidemic,” National Ass’n of Counties Aug. 19, 2018, <https://www.naco.org/articles/labor-trafficking-%E2%80%98invisible%E2%80%99-epidemic>.

<sup>46</sup> *PBS Frontline*, *supra*.

- **“Child Labor Trafficking in the United States: A Hidden Crime” (Walts 2017)<sup>47</sup>**

The NHTH also acknowledges that labor trafficking is more under-reported than sex trafficking. While the hotline had reports of 22,000 cases of sex trafficking in the past five years, and fewer than 5,000 reports of labor trafficking, the actual cases of labor trafficking “could number in the hundreds of thousands.”<sup>48</sup> Despite fears of imbalanced reporting and access, labor trafficking still comprised almost 20% of the reported cases.

## **E. Inescapable Conclusions From Recent Studies And Data**

Our knowledge of the extent of human trafficking will always be incomplete. However, combining the recent studies and data in California and other states, we now have enough information to drive policy and action.

The following conclusions are inescapable:

- 1. Child labor trafficking exists in California and all its populous counties**
- 2. Labor trafficking is a significant percentage of all trafficking — about 40%<sup>49</sup>**
- 3. Children and Youth represent a major population of trafficking victims — about 30% or higher**
- 4. There are thousands of child labor trafficking victims in California<sup>50</sup>**
- 5. Child labor trafficking victims are already present in the child welfare and juvenile justice systems in California, and are not being identified**

The real extent of child labor trafficking in California is still unknown — however, enough data exist to show that the State and private organizations must take action to protect these vulnerable children from ongoing abuse.

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<sup>47</sup> Walts, Katherine, “Child Labor Trafficking in the United States: A Hidden Crime,” *Social Inclusion* 2017, Vol. 5, Issue 2, Pages 59-68 [“Walts 2017”].

<sup>48</sup> *PBS Frontline*, *supra*.

<sup>49</sup> We use the 40%, a rounded figure based on Table I, above. CAST’s data yield 48%, which is consistent with the San Francisco study, the Covenant House study data from Oakland and Los Angeles, and the Santa Clara County data. Thus, a higher percentage might be justified.

<sup>50</sup> It should not be necessary to make an estimate of the number of child labor trafficking victims in the State — the data in the studies should be sufficient. However, if others find it useful to have an estimate, CAST estimates that there are approximately 7,250 child labor trafficking victims in the State. Using 15% for California, 40% for labor, and 30% for children — all percentages that have ample support in the studies and data reported here — and the Global Slavery Index number of 403,000 trafficking victims in the United States (<https://www.globallslaveryindex.org/2018/data/maps/#prevalence>), yields 7,254. We caution against attaching too much precision to any such estimate. We believe 7,250 is reasonable, conservative, and probably on the low side.

## CHILD LABOR TRAFFICKING OFTEN INVOLVES FORCED CRIMINAL ACTIVITY

Knowledge of the nature of child labor trafficking has also increased since 2014. As recent studies show, sex and labor traffickers use common methods to lure similarly vulnerable children into both types of slavery, and to control them. Exploited children have no say in whether they are trafficked for sex or labor. Recent studies show that **children are often forced to commit criminal acts like drug dealing, shoplifting, or theft**, not just prostitution.

The Loyola University (New Orleans) study of homeless youth served by Covenant House found that 52 young persons in the study were labor-trafficked. “The vast majority (81%) of labor trafficking cases reported in this study were instances of forced drug dealing.”<sup>51</sup> The drug sales occurred both by familial networks and coercion as well as organized crime and gang activity. “One youth compared the drug trade to sex trafficking, describing it as psychologically coercive and physically violent.”<sup>52</sup>

CAST’s client data reflect children being enslaved in all of the following: drug running, drug smuggling, drug trafficking, drug “mule” activity, and drug extortion. They also reflect stealing jewelry from persons, stealing checks from mailboxes, theft from jewelry stores, and other shoplifting. Many of CAST’s child labor trafficked clients were enslaved by drug cartels, gangs, and other organized criminal entities, in addition to family members and guardians.

“Traveling sales crews” and “peddling rings” are also often identified as common forms of child labor trafficking, usually involving U.S. citizens.<sup>53</sup> While legitimate sales are not crimes, some sales can defraud the buyer or misrepresent where the proceeds go (e.g., to fake “charities”). Some such activities can constitute forced criminal behavior. A 2015 study of “traveling sales crews” by Polaris found that “managers control nearly all aspects of the lives of [teenage] crew members,” including isolating them from outside society, imposing long work hours, employing “cult-like” peer pressure, confiscating identification, denying food, and making threats, including the threat of abandonment. Twenty-four percent reported being physically assaulted, and “sexual assault was also reported in dozens of cases.”<sup>54</sup>

What does this mean? It means that child labor trafficking victims, like child sex trafficking victims, are at risk of being detained or arrested — for crimes they were forced to commit — by law enforcement personnel who may be untrained to recognize child labor trafficking. A labor-trafficked child could develop a criminal record, a reputation, and a jaded view of authority that

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<sup>51</sup> Murphy, “Labor and Sex Trafficking Among Homeless Youth: A 10-City Study,” p. 4.

<sup>52</sup> Murphy, *supra* at 32.

<sup>53</sup> See “California: Efforts to Combat Human Trafficking,” U.S. Dept. of Health & Human Services, Region IX, [https://www.acf.hhs.gov/sites/default/files/otip/california\\_profile\\_efforts\\_to\\_combat\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/otip/california_profile_efforts_to_combat_human_trafficking.pdf).

<sup>54</sup> “Knocking at Your Door: Labor Trafficking on Traveling Sales Crews,” Polaris, July 2015, <https://polarisproject.org/sites/default/files/Knocking-on-Your-Door-Sales-Crews.pdf>.

will burden the child for years to come. This causes them to remain vulnerable to their traffickers or to being re-trafficked, as the systems designed to protect them see them as criminals.

According to health professionals, both types of trafficking — labor and sex — are harmful to children physically and psychologically:

The adverse health effects associated with child sex *and labor* trafficking are numerous and include traumatic injury from sexual and physical assault or work-related injury, sexually transmitted infections, nonsexually transmitted infections, chronic untreated medical conditions, pregnancy and related complications, chronic pain, complications of substance abuse, and malnutrition and exhaustion. Mental health consequences may include depression with suicide attempts, self-harm, flashbacks, nightmares, insomnia and other sleep problems, anxiety disorders, hypervigilance, self-blame, helplessness, anger and rage control problems, dissociative disorders, posttraumatic stress disorder, and other comorbid conditions. (Italics added.)<sup>55</sup>

Because labor trafficking has not received the public attention accorded to sex trafficking, like law enforcement there is little awareness by doctors of the possibility that patients or their parents may be victims of labor trafficking.

In short, child labor trafficking is similar to child sex trafficking in many ways. Both are horrible crimes. They involve similar methods of recruitment and control. They inflict similar, serious, harms. The nature of child labor trafficking demands that it be taken as a serious threat to a significant population. Awareness must be raised, those in a position to identify child victims must be trained, and specialized services must be offered.

## DISPARATE TREATMENT BETWEEN CHILD LABOR AND SEX TRAFFICKING

The veto of AB 2035 created a sharp division between child sex and labor trafficking. The State and its Counties have focused almost exclusively on child sex trafficking and have taken virtually no action on child labor trafficking.

Echoing what many other experts have noted, a recent article states that the too-narrow focus on sex trafficking “stymies” the fight against child labor trafficking:

“[E]fforts to both identify and prevent child labor trafficking victims continue to be stymied for a variety of three intersectional reasons: lack of research and data collection, **legislation and policies prioritizing sex trafficking**, and lack of proper training of first

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<sup>55</sup> Greenbaum, Jordan, et al, “Global Human Trafficking And Child Victimization,” American Academy of Pediatrics, *Pediatrics* 2017:140. Sexual abuse can be used by labor traffickers against victims as a method of control.

responders and child serving organizations, leading to ineffective operational responses to identify such cases.”<sup>56</sup> (Emphasis added.)

California has failed on all three fronts. It has taken no action to collect data on all forms of child trafficking; its legislation prioritizes sex trafficking, often to the exclusion of child labor trafficking; and first responders in California are not trained on how to identify child labor trafficking victims and refer them for services. This creates a phenomenon that self-perpetuates. When responders and the general public lack awareness about child labor trafficking, they do not identify or report it. This leads to a lack of data. The lack of data leads — as in the case of the veto of AB 2035 — to a gap in legislation and State action.

#### **A. Lack of Research and Data Collection**

Despite the former Governor’s reference in 2014 to the need for “more investigation,” **the State has not undertaken a comprehensive study of the prevalence of child labor trafficking in California.** The need for accurate data is recognized universally. “Good data creates research-informed policies and improved services for children who are victims of child trafficking.”<sup>57</sup> Not only has the State undertaken no such study, child labor trafficking is routinely excluded from studies of trafficking, while sex trafficking receives more attention. Other states are collecting data. It is high time for California to do so as well.

#### **B. Legislation and Policies Prioritizing Sex Trafficking**

California’s Legislature and Governor have never returned to the subject of AB 2035. The State has consequently neglected to update its definitions of child abuse to include child labor trafficking. This has not only deprived children of needed services, it has deprived researchers of data that are typically collected in the child welfare context.

To update the child welfare code to protect all commercially exploited children, the Legislature only need to remove the word “sexually” to cover all children who are trafficked under Penal code 236.1 as highlighted below:

The Legislature finds and declares that a child who is sexually trafficked, as described in Section 236.1 of the Penal Code, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in Section 236.1 or 11165.1 of the Penal Code, and whose parent or guardian failed to, or was unable to, protect the child, is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.<sup>58</sup>

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<sup>56</sup> Walts 2017.

<sup>57</sup> Walts 2017.

<sup>58</sup> Cal. Welf. & Inst. Code § 300(b)(2) (2017).

The California Child Welfare Council, established by the Child Welfare Leadership and Accountability Act of 2006 (Welfare & Institutions Code §§ 16540 – 16545), serves as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children in the child welfare system. In 2014, the Child Welfare Council convened a working group focused exclusively on sex trafficking of children, and in 2015 released detailed guidance for child welfare agencies responding to CSEC.<sup>59</sup> Included in these recommendations were sample protocols for development, training, and services for child welfare workers. Notably, the guidance excluded any mention of child labor trafficking victims; despite advocacy by members to the council to broaden its message to look at all forms of commercially exploited children. The Council has continued to address only CSEC issues through 2019.

### C. Lack of Proper Training

In 2017, the Child Welfare Council adopted WestCoast Children’s Clinic Commercial Sexual Exploitation – Identification Tool (CSE-IT), which screens only for the commercial sexual exploitation of children.<sup>60</sup> As of June 2017, WestCoast has trained **4,000 service providers** to recognize the signs of exploitation. These providers **screened 12,500 youth** and **identified 1,500 youth** with clear indicators of commercial sexual exploitation. However, these workers did not receive training or guidance on how to identify all forms of commercial exploitation of children.

The State’s too-narrow focus on sex trafficking has filtered down to the County level. For example, in 2016, Los Angeles County launched a First Responder Protocol for Commercially Sexually Exploited Children.<sup>61</sup> This protocol sets the standard for other Counties in responding and working to address child trafficking. But it has one critical failing: it fails to provide the same responses for sex and labor trafficking, despite evidence documenting forced criminality in both the sex and labor contexts in Los Angeles County.

Los Angeles County also launched, in 2019, an innovative model for collaborative training of County personnel who encounter trafficked youth in the juvenile justice system. The collaborators are the National Center for Youth Law, the LA County Department of Children and Family Services, Juvenile Court Health Services, County of Los Angeles Public Health, the LA County Department of Mental Health, and the LA County Office of Education. This multi-tiered comprehensive response is exactly what is needed to prevent, identify, and protect victims of

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<sup>59</sup> <https://www.chhs.ca.gov/wp-content/uploads/2017/06/Committees/California-Child-Welfare-Council/CSEC-Program-Convening/Improving-CA-Multi-System-Response-to-CSEC-v2.pdf>.

<sup>60</sup> <https://www.westcoastcc.org/cse-it/>.

<sup>61</sup> <https://www.lacounty.gov/human-trafficking>.

trafficking. However, as currently constituted, it addresses only sex-trafficked youth and excludes child labor trafficking.<sup>62</sup>

#### D. Lack of Specialized Resources

California has provided specialized resources for child sex trafficking victims, but not for child labor trafficking victims. In 2014-2015, California in its State budget invested \$14 million in specialized CSEC services for the Child Welfare system. Of this amount, \$3.25 million was used for development of training and specialized protocols for the State, and the other \$10.75 million was made available to county child welfare providers under the specialized CSEC program. In 2016-2017, the State budget of \$19.7 million was allocated to continuing funding for CSEC programs.<sup>63</sup> No resources were allocated for services to labor trafficked children. The protocols and trainings developed with over \$3 million in California resources did not include child labor trafficking victims.

### CALIFORNIA HAS FALLEN FAR BEHIND OTHER STATES

More trafficking likely occurs in California than in any other State. This is true of all forms of trafficking, including child labor trafficking. California should be at the forefront — the leader — of the movement to curb child labor trafficking. Instead, every year, California falls further and further behind.

There are many ways in which California has fallen behind. We examine a few examples here.

**First, California has not included child labor trafficking within its definition of child abuse, while numerous other states have done so.** Section 300 of California’s Welfare & Institutions Code states that a child who is “sexually trafficked” comes within the protections of the child welfare system. **Labor-trafficked children are noticeably absent, even though labor trafficking can be just as harmful to the child, and labor traffickers use methods that are similar to sex traffickers.**

**At least 13 other states have added child labor trafficking to their definitions of child abuse. California has not.**

CAST’s research has revealed at least 13 other states whose definitions of child abuse expressly include labor trafficking: Connecticut, Hawai’i, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, North Dakota, Texas, and Utah. In all these states, the word “trafficking” is used in the relevant statutes, and it is defined to include labor as well as

<sup>62</sup> March 14, 2019 Press Release, “L.A. County Launches Innovative Model For Serving Commercially Sexually Exploited Youth,” <https://youthlaw.org/l-a-county-launches-innovative-model-for-serving-commercially-sexually-exploited-youth-identified-through-probation-detention-facilities/>.

<sup>63</sup> CWDA factsheet on Commercially Sexually Exploited Children, March 2016 (available on file with CAST).

sex trafficking. Other states could be added to this list — e.g. Delaware — if one looks beyond the word “trafficking.”<sup>64</sup>

The difference between California and other states has many consequences. A labor-trafficked child in California could be left in the trafficking situation because the law does not provide for court protection.<sup>65</sup> Child welfare and court personnel are not trained to look for labor trafficking. The data and statistics generated within the child welfare system do not include child labor trafficking, and this stymies the generation of data-driven policies.

Thus, California needs to “catch up” with states that include labor trafficking within the definition of child abuse.

**Second, California has not, to date, initiated or funded a child labor trafficking study.**

The 2014 Veto Message specifically pointed out the need for more “investigation” of child labor trafficking. Five years later, no comprehensive study has taken place. Again, other states have done more. Ohio, Illinois, Texas, and New York have conducted state-wide studies. Florida involved its Department of Children & Families (DCF) in a state-wide study of trafficking among the child welfare population — a study that included over one million children. In a webinar on March 26, 2019, the Florida researchers stated “Florida is doing more to identify human trafficking than any other state.” California should take note.

**Third, California has not established a data-tracking system that includes child labor trafficking.**

The state of Illinois recently modified the definitions in its Child Abuse and Neglect Tracking System (CANTS) to include data about both child sex and labor trafficking.<sup>66</sup> The data from this system helped analysts discover a link between trafficking and foster care. The inclusion of labor trafficking was “a crucial first step . . . more states should explore similar avenues of collecting data on both the prevalence and analysis of child sex and labor trafficking interactions with state child protection systems.”<sup>67</sup> California, by contrast, has not updated its child welfare data tracking system to include labor trafficking — it only includes sex trafficking (at a cost of almost \$2 million in State funding).

These are but examples. California has been inactive while other states move ahead.

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<sup>64</sup> In Delaware, the word “trafficking” does not appear in the statute, but child “exploitation” constitutes abuse and it means “taking advantage of a child for unlawful or unjustifiable personal or sexual gain.” “Personal” gain could well include labor trafficking. In Florida, according to the researchers in the DCF study, labor trafficking is included in the definitions of maltreatment in regulations underlying the statutes, even though it is not explicit in the statutes.

<sup>65</sup> Opponents may suggest that a child could be removed from a home for labor trafficking even when the parents are not the traffickers. This can be addressed in the statute itself, so as to exempt parents in such situations. Of course, the same scenario could arise with sex trafficking, and current language contains no exemption in that situation.

<sup>66</sup> Walts 2017.

<sup>67</sup> Walts 2017.



## WHAT CALIFORNIA NEEDS TO DO

At a minimum, the following action should be taken:

### A. Prevalence Study

The State should immediately initiate a prevalence study of human trafficking — including the understudied subset of child labor trafficking — in California. In ongoing and future studies of human trafficking in California, child labor trafficking should be included. Good data beget good policy.

### B. Child Welfare System and Action Teams

All aspects of the State’s child welfare system that currently focus on CSEC should be expanded to include all forms of child trafficking. Child labor trafficking should be included in the work of the Child Welfare Council and the CSEC Action Team. Counties like Los Angeles that have similar teams, and focus only on CSEC, should form new teams or expand their focus to include both child sex and labor trafficking.

### C. Legislation

The Legislature and Governor should enact legislation that makes child labor trafficking part of the definition of child abuse, as other states have done. All statutory language that focuses on training, protocol development, and specialized responses to CSEC should be updated to include child labor trafficking. The state should consider drafting a true “safe harbor” law for all trafficked children forced to commit crimes by their traffickers. Existing legislation and policies that focus on ensuring that children are not arrested for prostitution are steps in the right direction, but should be broadened to include children who are forced to commit any crime in the course of being trafficked.

### D. Training

Agencies and personnel working with children — including in the juvenile justice system and the child welfare system — should be trained to identify child labor trafficking, respond correctly, collect data, treat victims as victims, and provide specialized services. The Los Angeles County collaborative model for serving commercially sexually exploited youth is an excellent example of a good training program that could be even better if it included child labor trafficking. Training is an essential part of the feedback loop that generates good data and good policy. It is also a necessary component of victim identification, service, and prevention.

### E. Funding

It is not California’s choice to be the state with the highest incidence of human trafficking. It is, however, an essential part of the State’s inherent duties to protect the people within its borders. All of the activity described above requires funding — beyond existing funding limits. The State must face the problem now, before it gets worse and even more expensive.

## CONCLUSION

The time for taking decisive action to fight child labor trafficking is long overdue. In this paper, we have sought to show that the problem is extensive in California. Even the most conservative estimates show that thousands of children are enslaved in labor trafficking in California. Such trafficking often involves forced criminality. The gap between CSEC and child labor trafficking must be closed, and disparate treatment of these two forms of child trafficking must end. It is time for California to take the lead in protecting the children in the State from all forms of human trafficking, rather than falling further and further behind other states. The time is now.

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**COALITION TO ABOLISH SLAVERY AND TRAFFICKING**

Systemic change is at the core of CAST's mission. Taking a survivor-centered approach to ending modern slavery, CAST has a proven track record of working directly with survivors of human trafficking which builds an important bridge between practice and policy to inform effective policy initiatives. By developing broad-based partnerships, CAST effectively advocates for policies that work to end human trafficking and help survivors rebuild their lives.

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