

■ Executive Summary

California must act aggressively to stop labor trafficking, a horrific crime in which workers are exploited by force, fraud, or coercion so that others may benefit from their labor.

The Little Hoover Commission began studying the state's response to labor trafficking last year. In the spring of 2020 we issued our first report on this topic, *Human Trafficking: Coordinating a California Response*, which called for the creation of an Anti-Human Trafficking Council to coordinate the state's work in this area. We reiterate that recommendation now.

This second report focuses on the state's efforts to identify human trafficking cases, and recommends steps to improve California's ability to do so. The Commission hopes that these recommendations can be implemented by a newly created Anti-Human Trafficking Council. In the meantime, the Commission urges lawmakers to pursue the changes outlined in this report as individual steps.

Obstacles to Identifying Labor Trafficking

Before victims can be rescued or traffickers brought to justice, authorities must locate labor trafficking. But doing so is often more difficult than identifying human trafficking for purposes of sexual exploitation. This is because commercial sex is generally understood as an inherently illegal activity. Labor trafficking, on the other hand, may be hidden in plain sight. Workers might, for example, be forced or coerced into working in a private home, or in an otherwise lawful business.

Other barriers also make it difficult to identify labor trafficking cases:

The lack of an aggressive state response. No state agency has a mandate to look for labor trafficking. Law enforcement officers receive minimal training in human trafficking, with the focus largely on sex trafficking. Training opportunities specific to labor

trafficking are negligible for other state officials, including those most likely to encounter victims.

Government agencies are siloed. Law enforcement agencies are often unfamiliar with the employment context of labor trafficking crimes. Issues related to labor exploitation in California fall under the jurisdiction of the Department of Industrial Relations, but that agency does not proactively look for labor trafficking cases, in part because it does not have the authority to investigate labor trafficking cases.

The primary focus is sex trafficking. The state's minimal funding of programs to combat human trafficking is largely focused on sex trafficking. That critical work must continue unabated, but relatively few resources are devoted to the fight against labor trafficking.

Many cases go unreported. Many victims may fear contacting authorities or think they are working for legitimate businesses, while many members of the public lack the knowledge to recognize labor trafficking.

Prevention through supply chain transparency law lacks enforcement. State law requires certain large businesses to publicly disclose information regarding efforts to eradicate trafficking from their supply chains. Advocates say the law could more effectively deter trafficking with enforcement and accountability mechanisms.

California Can Do Better: Strategies to Detect Labor Trafficking

Through training, public education, and other means, the state can improve its efforts against labor trafficking.

"Expanding the eyes and ears network." Many types of government officials, such as regulators or code inspectors, have access to businesses. They

should be trained in how to spot the signs of labor trafficking, and in what to do if they see something that should be reported. One official referred to this as “expanding the eyes and ears network.”

Training for first identifiers. California law enforcement officers and other government officials need better training about how to identify labor trafficking. The state should learn from similar materials by private organizations and other states.

Reporting protocols. California’s first responders need tools to know what to do – and not do – if they encounter labor trafficking victims. Victims have often suffered horrible trauma.

Better use of data and technology. California should use both state and federal data and advanced analytical tools to search for anomalies that might suggest the presence of labor trafficking in certain businesses, industries or regions.

Extend existing statutory protections. Existing efforts to combat child sex trafficking provide a strong foundation upon which to include provisions against all forms of child trafficking, including labor trafficking.

Education and outreach in high-risk communities. The state must increase awareness of this crime through a campaign for the general public, training for workers in high-risk industries, and direct worker outreach. Good models exist in other states and among local governments in California.

Recommendations

The report concludes with four specific recommendations to implement these changes:

1. California should ensure that a broad range of public officials are capable of detecting labor trafficking and serving as first identifiers.
2. California should conduct public education and

outreach campaigns to increase awareness of human trafficking.

3. California should study the effectiveness of the Transparency in Supply Chain Act and develop recommendations for lawmakers to enhance accountability through enforcement or other mechanisms.

4. Lawmakers should update existing laws that address human trafficking of commercially sexually exploited children to expand protections to children who are exploited for other forms of labor. Any new programs to combat human trafficking should equally address all forms of trafficking.