

# ■ Executive Summary

California must prioritize victim services for labor trafficking survivors, and must adopt strategies to ensure that resources are in place to help survivors escape the cycle of abuse and subsequently thrive. The state must also improve its efforts to pursue traffickers and bring them to justice.

Over the last year the Little Hoover Commission has issued a series of reports to better address labor trafficking. The first report, *Human Trafficking: Coordinating a California Response*, called for the creation of an Anti-Human Trafficking Council to coordinate the state's activities. The second, *Labor Trafficking: Strategies to Uncover this Hidden Crime*, identified how the state can do a better job of detecting labor trafficking.

In this third and final report, the Commission identifies ways in which the state can better help survivors and hold traffickers accountable for their crimes. Additionally, we analyze raw state data about survivors to provide a more nuanced picture of who falls prey to trafficking and where the crime occurs. Understanding more about this crime is an important step in ensuring appropriate services are in place to help survivors.

## Getting Help to Labor Trafficking Survivors – What We Do Now

Two state agencies – the Governor's Office of Emergency Services and the California Victim Compensation Board – provide help to labor trafficking survivors. The Office of Emergency Services offers direct services such as crisis intervention, counseling, emergency shelter, information and referrals, and assistance applying for benefits. The Victim Compensation Board offers financial assistance to help pay medical bills and other expenses a victim of human trafficking incurred as a result of the crime. Trafficking survivors may also benefit from a number of other state-administered

programs, particularly those that target populations at high risk of experiencing trafficking, such as foster youth or immigrants.

## Barriers to Care

Various barriers make it difficult to get help to labor trafficking survivors:

**The unique service needs of labor trafficking survivors are unknown.** Labor trafficking survivors need a range of supports, but little research is available to say with confidence which programs are most effective and how they are best delivered.

**There is no centralized referral tool for service providers and victims.** Though a number of services are available to help labor trafficking victims, California lacks a means to centralize information regarding these services and resources statewide.

## Prioritizing Victim Services

California must do more to understand where labor trafficking occurs through the state, how victims access help, and the kinds of programs most effective at helping survivors recover and thrive. The report includes a specific recommendation to prioritize victim services:

**Recommendation 1:** California should track service provision to labor trafficking survivors, research and evaluate the efficacy of these programs, and develop and maintain a user-friendly directory of all state and local resources for trafficking survivors.

## Bringing Traffickers to Justice

Each year, hundreds of known labor trafficking survivors seek help in California. Yet, cases that can bring their traffickers to justice remain rare. On average, there are less than 30 convictions for labor trafficking in California each year.

**Two state agencies are empowered to prosecute labor trafficking crimes.** Labor trafficking may be prosecuted by the Department of Justice, which has authority to pursue criminal cases, and the Department of Fair Employment and Housing, which has authority to pursue civil cases.

**Several state agencies are positioned to pursue labor trafficking investigations.** The Department of Industrial Relations would be well positioned to serve at the forefront of combatting labor trafficking crimes, but currently lacks the mandate to do so. Other organizations, such as the Employment Development Department and the Franchise Tax Board, also could contribute to labor trafficking investigations.

## Obstacles to Labor Trafficking Enforcement Abound

Experts identified various challenges to labor trafficking investigations and prosecutions:

**Victim identification and desire for prosecution.** Survivors may be reluctant to engage with law enforcement officials for various legitimate reasons.

**Complex cases lead to lengthy, costly investigations.** Labor trafficking cases tend to be unique and resource intensive. Investigating these cases often requires specialized, dedicated staff.

**Proving nonphysical coercion or force.** State law defines labor trafficking as the act of depriving or violating the personal liberty of another with the intent to obtain forced labor or services. It does not require that those acts involve physical force or coercion. Lack of understanding about how this crime is defined can make prosecutions challenging.

**Underutilization of civil enforcement.** Civil action can provide relief for victims and requires a lower burden of proof than criminal cases, but it is unknown how frequently prosecutors use this

avenue to pursue labor trafficking crimes. The state has not yet initiated a civil trafficking complaint, though this could be a particularly useful tool.

**Lack of published case law and California law training.** Law enforcement officials receive little training on labor trafficking and published case law to guide these investigations does not exist. The lack of these resources leaves prosecutors to conduct significant independent research.

**Insufficient opportunities for coordination among relevant agencies.** Labor trafficking investigations require the expertise of various agencies, yet few opportunities exist to collaborate on these cases.

## Prioritizing Labor Trafficking Enforcement

California must do more to ensure labor traffickers are brought to justice through increased investigation and prosecution. The state should begin by deploying its investigative resources to combat this crime and arming law enforcement officials with better training. The report concludes with four specific recommendations to prioritize labor trafficking enforcement:

**Recommendation 2:** California should empower state agencies to investigate labor trafficking crimes.

**Recommendation 3:** California should standardize coordination among federal, state, and local agencies around labor trafficking.

**Recommendation 4:** California should track labor trafficking enforcement activities and study outcomes to identify best practices.

**Recommendation 5:** California should enhance labor trafficking training opportunities for law enforcement and court personnel.