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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** AB 2020                      **Hearing Date:** June 18, 2024  
**Author:** Bonta  
**Version:** June 10, 2024 Amended  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** JD

**Subject:** *Survivors of Human Trafficking Support Act*

## HISTORY

Source: Author

Prior Legislation: SB 376 (Rubio), Chapter 109, Statutes of 2023.  
AB 380 (Arambula), held in Senate Appropriations, 2023.  
AB 1149 (Grayson), held in Assembly Appropriations 2023.  
AB 235 (Rubio) held in Assembly Appropriations, 2023.  
AB 2553 (Grayson), held in Senate Appropriations, 2022.  
AB 998 (Grayson), Chapter 802, Statutes of 2018.  
AB 1475 (Cooper), Chapter 210, Statutes of 2015.  
AB 2229 (Brownley), Chapter 464, Statutes of 2010.

Support: California Public Defenders Association; City of Oakland; Ella Baker Center for Human Rights; Glide; Initiate Justice; National Association of Pediatric Nurse Practitioners California; Prosecutors Alliance; and Smart Justice California, a Project of Tides Advocacy

Opposition: None known

Assembly Floor Vote: 71 - 0

## PURPOSE

*The purpose of this bill is to require counties that have a Sexual Assault Response Team (SART) to also establish a human trafficking Survivor Board to review feedback from survivors regarding their experiences with service providers. This bill also requires law enforcement agencies and the Commission on Peace Officer Standards and Training (POST) to develop and promulgate minimum guidelines for law enforcement personnel interactions with survivors of human trafficking.*

*Existing law* authorizes each county establish and implement an interagency sexual assault response team (SART) program for the purpose of providing a forum for interagency cooperation and coordination, to assess and make recommendations for the improvement in the local sexual assault intervention system, and to facilitate improved communication and working relationships to effectively address the problem of sexual assault in California. (Pen. Code, § 13898.)

*Existing law* provides that, dependent upon local needs and goals, each SART may consist of representatives from the following agencies or organizations:

- Law enforcement agencies.
- County district attorneys' offices.
- Rape crisis centers.
- Local sexual assault forensic examination teams.
- Crime laboratories.
- Child protective services.
- Local victim and witness assistance centers.
- County public health departments.
- County mental health services departments.
- Forensic interview centers.
- University and college Title IX coordinators.
- University and college police departments. (Pen. Code, § 13898.1.)

*Existing law* provides that such SART programs have the following objectives:

- Review local sexual assault intervention undertaken by all disciplines to promote effective intervention and best practices.
- Assess relevant trends, including drug-facilitated sexual assault, the incidence of predatory date rape, and human sex trafficking.
- Evaluate the cost-effectiveness and feasibility of a per capita funding model for local sexual assault forensic examination teams to achieve stability for this component of the SART program.
- Evaluate the effectiveness of individual agency and interagency protocols and systems by conducting case reviews of cases involving sexual assault.
- Plan and implement effective prevention strategies and collaborate with other agencies and educational institutions to address sexual assault perpetrated by strangers, sexual assault perpetrated by persons known to the victim, including, but not limited to, a friend, family member, or general acquaintance of the victim, predatory date rape, risks associated with binge alcohol drinking, and drug-facilitated sexual assault. (Pen. Code, § 13898.2.)

*Existing law* authorizes a city, county, city and county, or community-based nonprofit organization to establish a human trafficking multidisciplinary personnel team consisting of two or more persons who are trained in the prevention, identification, management, or treatment of human trafficking cases and who are qualified to provide a broad range of services related to human trafficking. (Pen. Code, § 13753, subd. (a).)

*Existing law* provides that following a report of suspected human trafficking, members of such a multidisciplinary personnel team may exchange with one another information and writings that relate to any incident of human trafficking that may also be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of human trafficking, subject to confidentiality restrictions. (Pen. Code, § 13753, subd. (c).)

*Existing law* requires that such sharing of information shall be governed by protocols developed in each county describing how and what information may be shared by the human trafficking multidisciplinary team. (Pen. Code, § 13753, subd. (e).)

*Existing law* provides that a victim of sexual assault as the result of specified offenses has the right to have victim advocates and a support person of the victim's choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. (Pen. Code, 679.04, subd. (a).)

*Existing law* specifies that a sexual assault victim retains this right regardless of whether the victim has previously waived the right in a previous medical evidentiary or physical examination or in a previous interview by law enforcement authorities, district attorneys, or defense attorneys. (Pen. Code, 679.04, subd. (a).)

*Existing law* specifies that the support person for a sexual assault victim may be excluded from an interview by law enforcement or the district attorney if they determine that the presence of the support person would be detrimental to the purpose of the interview. (Pen. Code, 679.04, subd. (a).)

*Existing law* defines "victim advocate" as a sexual assault counselor, as defined, or a victim advocate working in a center, as specified. (Pen. Code, 679.04, subd. (a).)

*Existing law* provides that prior to the commencement of the initial interview by law enforcement authorities or the district attorney pertaining to any criminal action arising out of a sexual assault, a victim of sexual assault as the result of specified offenses shall be notified in writing by the attending law enforcement authority or district attorney that the victim has the right to have victim advocates and a support person of the victim's choosing present at the interview or contact, about other rights of the victim pursuant to law, as specified, and that the victim has the right to request to have a person of the same gender as the victim present in the room during any interview with a law enforcement official or district attorney, unless no such person is reasonably available. This provision applies to investigators and agents employed or retained by law enforcement or district attorney. (Pen. Code, 679.04, subd. (b)(1).)

*Existing law* states that at the time a sexual assault victim is advised of their rights, the attending law enforcement authority or district attorney shall also advise the victim of the right to have victim advocates and a support person present at any interview by the defense attorney or investigators or agents employed by the defense attorney. (Pen. Code, 679.04, subd. (b)(2).)

*Existing law* specifies that the presence of a victim advocate shall not defeat any existing right otherwise guaranteed by law. A victim's waiver of the right to a victim advocate is inadmissible in court, unless a court determines the waiver is at issue in the pending litigation. (Pen. Code, 679.04, subd. (b)(3).)

*Existing law* specifies that the victim has the right to request to have a person of the same gender or opposite gender as the victim present in the room during any interview with a law enforcement official or district attorney, unless no such person is reasonably available. (Pen. Code, 679.04, subd. (b)(4).)

*Existing law* states that an initial investigation by law enforcement to determine whether a crime has been committed and the identity of the suspects shall not constitute a law enforcement interview for purposes of this section. (Pen. Code, 679.04, subd. (c).)\

*Existing law* provides that a person who deprives or violates the personal liberty of another to obtain forced labor or services is guilty of human trafficking, and can be imprisoned for 5, 8, or 12 years. (Pen. Code, § 236.1, subd. (a).)

*Existing law* states that a person who deprives or violates the personal liberty of another with the intent to pimp, pander, procure, or commit another specified sex crime, is guilty of human trafficking and may be imprisoned for 8, 14, or 20 years. (Pen. Code, § 236.1, subd. (b).)

*Existing law* provides that a person who induces or persuades a minor to engage in a commercial sex act, as specified, is guilty of human trafficking and may be imprisoned for 5, 8, or 12 years, or for 15 years to life if some form of violence, threat, or duress is involved. (Pen. Code, § 236.1, subd. (c).)

*Existing law* defines a human trafficking “victim” as a person who consults a human trafficking caseworker for the purpose of securing assistance concerning a condition related to their experience as a human trafficking victim. (Evid. Code, § 1038.2, subd. (e).)

*Existing law* defines a “human trafficking caseworker” as a person employed by a human trafficking victim service organization, who has a specified degree or license, and meets other specified qualifications. (Evid. Code, § 1038.2, subd. (c).)

*Existing law* provides that cases involving minor victims of human trafficking shall be provided with assistance from the local county Victim Witness Assistance Center, if the minor so desires. However, this does not require local agency’s to operate a Victim Witness Assistance Center. (Pen. Code, § 236.13.)

*Existing law* establishes in the State Treasury the Human Trafficking Victims Assistance Fund. Moneys in the fund shall only be expended to support programs for victims of human trafficking. (Gov. Code § 8590.7 (a).)

*This bill* requires counties that have established an interagency sexual assault response team (SART) to establish a human trafficking survivor review board to review feedback from survivors regarding their experience.

*This bill* requires the members of the review board to include specified members that include:

- Key contributors to the interagency SART and survivors of sexual assault;
- Survivors of violence who have lived experience as a consumer of social services, behavioral health services, and housing support services;
- Community providers and advocates with expertise in community-based violence intervention or response programs or initiatives with a public health approach;
- A representative of a law enforcement agency who has expertise in community-based policing.

*This bill* requires counties to compensate members of the board who are survivors of violence for their time in the same manner as members of other county boards who are required to be survivors of violence.

*This bill* provides that the purpose of the review board is to solicit, accept, and review feedback from survivors regarding their experience with service providers, including, without limitation, law enforcement, health care, and advocates.

*This bill* provides that such survivor feedback may be submitted in any form, may be submitted anonymously, and may be submitted by a service provider on behalf of a survivor.

*This bill* requires the review board to meet at least once every two months to review feedback that has been submitted, and to review all feedback to identify and respond to any of the following, without limitation:

- Policies and procedures resulting in positive impacts;
- Policies and procedures resulting in negative impacts and recommended changes to those policies and procedures;
- Failures to follow policy or protocol by service providers requiring training or accountability; or,
- Commendable accomplishments of service providers deserving recognition.

*This bill* prohibits the review board from sharing information with immigration officials.

*This bill* requires the review board to respond in writing to any survivor submitting feedback within 30 days of reviewing the feedback, unless that feedback was anonymously submitted.

*This bill* requires the review board to report recommendations regarding policies and procedures to the Legislature, the county board of supervisors, and, if the county has a department that focuses on public safety or violence prevention, other than the sheriff's office, to that agency.

*This bill* requires each law enforcement agency, by December 1, 2026, to establish and maintain a written policy regarding interactions with survivors of human trafficking. This requirement can be satisfied by adopting the model policy created by the Commission on Peace Officer Standards and Training ("POST") identified in the bill.

*This bill* requires any such written policy to incorporate best practices and to include, without limitation, all of the following:

- That an officer contacting a survivor of human trafficking inform them that they have the right to have an advocate present during any interviews with law enforcement and other subsequent examinations and proceedings;
- That an officer explain the benefits of being represented by an advocate, including, without limitation, confidentiality and evidentiary privilege, emotional support, assistance in accessing resources, and assistance with understanding their legal rights;
- That, if the survivor requests an advocate, the officer contact the rape crisis center or another appropriate organization, such as an immigrant services organization, and arrange for an advocate to be present for any further interviews or examinations;

- That an officer obtain a waiver in writing if a survivor refuses an advocate, and inform them that they may revoke their waiver at any time and request an advocate;
- That an officer provide referrals to organizations that provide services to survivors of human trafficking, trafficking, including, but not limited to, immigrant services organizations;
- That a law enforcement agency, in collaboration with community-based organizations, establish a process for referrals of human trafficking victims to the county social services department; and,
- That a law enforcement agency work with community-based organizations to provide referrals to services that are consistent with a survivor's culture, sexual orientation, and gender identity.

*This bill* requires POST, by January 1, 2026, to develop and promulgate a model policy for law enforcement personnel interactions with survivors of human trafficking.

*This bill* requires this model policy to, without limitation, include the same criteria required of law enforcement agencies, as outlined above.

*This bill* requires POST, in developing the policy, to collaborate with both types of groups:

- Community-based organizations have been providing services for at least five years and that are well-established community-based organizations; and,
- Organizations with experience supporting survivors of labor trafficking, including, but not limited to, immigrant legal service providers.

*This bill* requires POST to develop and promulgate a standardized written waiver of advocacy.

*This bill* requires law enforcement agency to create a standardized written waiver of advocacy or may use the waiver developed by POST.

*This bill* defines "law enforcement agency" as any department or agency of the state or any political subdivision thereof that employs any peace officer and that provides uniformed general law enforcement services to the public. This includes, without limitation, any municipal police department, county sheriff's department, the California Highway Patrol, and the University of California and California State University police departments.

## COMMENTS

### 1. Need for This Bill

According to the Author:

Human trafficking continues to have a strong and dark presence in the United States. It has crept into nearly every corner of our state, including in my own district. In 2021, the National Human Trafficking Hotline identified 1,334 human trafficking cases in California. Of those cases, 2,122 victims were involved. Even with the data we do know, understanding the true scope of human trafficking is difficult because it is a seriously underreported crime. As we continue to work on understanding the scope of human trafficking, it is crucial that we continue to focus on survivor's needs. My bill

recognizes the impact of human trafficking in our communities and centers the need to continue to support and lift up survivors. AB 2020 centers survivors by establishing human trafficking survivor boards where survivors can speak to their experiences and challenges, and implements and expands upon law enforcement protocols.

## 2. Human Trafficking

According to the Department of Justice (DOJ), human trafficking, also known as modern-day slavery, is a crime involving the coercion or compelling of a person to provide labor or services, or to engage in commercial sex acts. The coercion can be physical or psychological, and may involve the use of violence, threats, lies, or debt bondage. It is among the world's fastest growing criminal enterprises and is estimated to be a \$150 billion-a-year worldwide industry. The International Labor Organization estimates that there are approximately 24.9 million human trafficking victims globally at any given time. (DOJ. [What is Human Trafficking?](#); DOJ. [Human Trafficking.](#))

The U.S. is widely regarded as a destination country for human trafficking. (DOJ. [What is Human Trafficking?](#); DOJ. [Human Trafficking.](#)) At the federal level, it is estimated that 14,500 to 17,500 victims are trafficked into the U.S. annually. At the state level, California is one of the nation's top destination states for human trafficking. Human trafficking victims do not necessarily fit into any one profile. (*Id.*) Victims of human trafficking include men, women, and children from diverse backgrounds in terms of race, color, national origin, religion, sexual orientation, socioeconomic status, and education level. (*Id.*) Many domestic victims of sex trafficking are runaway or homeless youth with backgrounds of sexual and physical abuse, poverty, or addiction; these vulnerabilities are often exploited by traffickers. (*Id.*)

## 3. The California Trafficking Victims Protection Act

The California Trafficking Victims Protection Act, enacted in 2006, established human trafficking for forced labor or services as a felony crime. (See Pen. Code, § 236.1) Since the California Trafficking Victims Protection Act, a number of additional laws have been passed in California related to human trafficking. (Judicial Council of California (JCC), [Human Trafficking in California: Toolkit for Judicial Officers](#) (2017).) "Trafficking victims have certain commonalities that make them vulnerable to exploitation, including poverty, history of sexual or physical abuse, a lack of family or family support, young age, and limited education." (*Id.* at 3.) "Traffickers convince victims to distrust outsiders, particularly law enforcement, and victims are kept unaware of their rights." (*Id.* at p. 4.) "Collaborative approaches to treating victims as victims rather than as criminals have been identified as successful practices. Victim-centered approaches to prosecution ensure that victims are treated as victims and not as criminals, and that they have access to adequate services, assistance, and benefits." (*Id.* at p. 5.)

## 4. Law Enforcement Contacts with Survivors of Sex Trafficking

According to a survivor survey "Encounters with law enforcement are some of the first institutional interactions for many survivors of trafficking. Whether as a juvenile, pre-trafficking, or after exit, law enforcement and the justice system play a large role in many survivors' lives. Of respondents, 62 percent were arrested, detained, or cited by law enforcement. Of those arrested, detained, or cited, 81 percent reported that it happened

during their trafficking experience. The impact of arrest on survivors is both an emotional challenge and a logistical one. Of those who were arrested, detained, or cited, 71 percent had a criminal record as a result.” (Polaris, [\*In Harm’s Way: How Systems Fail Human Trafficking Survivors\*](#).)

## 5. Argument in Support

According to the County of San Diego:

Human trafficking has a devastating presence in the United States. In 2021, the National Human Trafficking Hotline received 51,073 contacts about human trafficking and issues related to human trafficking across the United States. Contacts can include phone calls, texts, websites, online tip reports, or emails. Of those contacts, there were 10,360 human trafficking cases, and 16,710 victims involved in these cases. For California, the hotline received 5,257 contacts. Of those contacts, 1,334 human trafficking cases were identified with 2,122 victims involved in those cases. Understanding the true scope of human trafficking is difficult because it can often go unreported. Additionally, there are indicators that Indigenous, Latina and Black women and girls are disproportionately represented among human trafficking victims and survivors. However, there is a lack of nationwide data for people of color.

Initiate Justice understands from experiences that victims and survivors of human trafficking are ill-served by our current systems, especially law enforcement. With Black and Latina women and girls experiencing human trafficking, and related abuse, often being criminalized and punished by law enforcement. Additionally, law enforcement involvement can oftentimes exacerbate the harms that women and girls are experiencing by their abusers.

Survivors of trafficking often find themselves first interacting with government agencies through encounters with law enforcement. In fact, the first time that survivors come into contact with law enforcement is often as an offender. [...] According to a 2023 National Survivor Study, sixty-two percent of survivors reported being cited, detained, or arrested by law enforcement.

Effectively identifying survivors and working with them using a trauma centered approach, could make a critical and life-saving difference for a survivor. While some law enforcement agencies may already have protocols and practices in place when they interact with or interview human trafficking survivors, those protocols and best practices can be implemented at agencies across the state so that survivors are better identified and referred to services and the resources they need.

[...] For these reasons, Initiate Justice is pleased to support AB 2020.

-- END --