

## Acknowledgements

*The South Bay Coalition to End Human Trafficking would like to extend a special thank you to the following individuals, agencies, and organizations that partnered with us in 2018.*

### *Coalition Members*

Advent Group Ministries	Legal Advocates for Children and Youth, Law Foundation of Silicon Valley
Asian Americans for Community Involvement	Love Never Fails
Asian Law Alliance	MAITRI
Bay Area Anti-Trafficking Coalition	MISSEY
Bay Area Legal Aid (BayLegal)	Natalie Holbert
Bill Wilson Center	Nicki Ford
California Massage Therapy Council	S.T.O.P. Taskforce
Catholic Charities of Santa Clara County	San Jose Police Department
Community Solutions	Santa Clara County Department of Family and Children's Services
Daughters of Charity	Santa Clara County Office of the District Attorney
FACTR	Santa Clara County Office of Women's Policy
Federal Bureau of Investigation	Santa Clara County Probation Department
Freedom House	Santa Clara County Sheriff's Department
Gateway Community Outreach	Step Forward Foundation
Generations United	Tahirih Justice Center
International Rescue Committee	Terry Jelley
Justice At Last	Women's International League for Peace and Freedom
Katharine & George Alexander Community Law Center	YWCA - Silicon Valley
Katherine Jolluck of Stanford University	
Law Enforcement Investigating Human Trafficking (LEIHT) Taskforce	

### *Trainers, Panel Participants, and Facilitators*

Stephanie Aguirre, Step Forward	Lisa Newstrom, Bay Area Legal Aid
Arcel Blume, Santa Clara County Office of LGBTQ Affairs	Amy Nguyen, Asian Law Alliance
Amy Caffrey, LMFT	Lynette Parker, Katharine and George Alexander Community Law Center
Ganlin Chen, AACI	Nandini Ray, Maitri
Sharan Dhanoa, South Bay Coalition to End Human Trafficking	Savannah Sanders, Sex Trafficking Prevention
Derek Elder, Step Forward	Karen Schulz, Step Forward
Erica Elliott, Community Solutions	Ruth Silver Taube, Katharine and George Alexander Community Law Center
Perla Flores, Community Solutions	Gurbaksh Sohal, San Jose Police Department
Kim Gutierrez, Community Solutions	Carlton Sheppard, San Jose Police Department
Xochitl Gutierrez, YWCA Silicon Valley	Patrick Vanier, Santa Clara County District Attorney's Office
Denise Henderson, YWCA Silicon Valley	Russell Wilson
Peer Mentor	
Melissa Luke, AACI	

### *Event Hosts & Partners*

Asian Americans for Community Involvement (AACI)  
 Bay Area Anti-Trafficking Coalition (BAATC)  
 California Employment Lawyers' Association (CELA)  
 CalWORKS  
 Coalition to End Human Trafficking in Santa Cruz and Monterey Counties  
 Coalition of Low Income Worker and Immigrant Advocates (CLIWA)  
 Community Solutions  
 Consulate General of Mexico in San Jose  
 Cook County Human Trafficking Task Force  
 East Side Adult Education - Independence Adult Center  
 Fight for \$15  
 Freedom Network Tennessee  
 Freedom Network USA  
 Girl Scouts Giving Circle  
 Grail Family Services  
 Immigrant Legal Resource Center  
 Katharine and George Alexander Community Law Center  
 LaborFest 2018  
 LifeMoves Georgia Travis House  
 Metropolitan Adult Education  
 Next Door Solutions to Domestic Violence  
 Ohlone College  
 Organization for Prostitution Survivors and Demand Focused Strategies  
 Pilipino Association of Workers and Immigrants (PAWIS)  
 Practicing Law Institute  
 Sacred Heart Community Service  
 San Francisco Collaborative Against Human Trafficking  
 San Jose City College  
 Santa Clara County Department of Family and Children's Services  
 Santa Clara County Domestic Violence Council  
 Santa Clara County Office of Immigrant Relations  
 Santa Clara County Office of Women's Policy  
 Santa Clara County Supervisor Cindy Chavez, District 2  
 Sex Trafficking Prevention  
 Sisters of the Holy Names of Jesus and Mary  
 Sons in Retirement - Gilroy Branch  
 City of South San Francisco  
 Superior Court of California - County of San Francisco  
 Triqui Community of Hollister  
 Unitarian Universalist Church  
 Valley Transportation Authority  
 Women's International League for Peace & Freedom (WILPF)  
 YWCA Silicon Valley

## Appendix A: Victim Service Provider Supplemental Information

The following tables illustrate the demographics of survivors who received victim services in 2018 from AACI, Community Solutions, and YWCA Silicon Valley:

### Survivors by Type of Trafficking and Gender

Type	Cisgender Female	Cisgender Male	Unknown / Other	Total
Domestic Violence & Human Trafficking	8	0	2	10
Labor Trafficking	3	14	1	18
Adult Sex Trafficking	68	4	3	84
Domestic Servitude	7	0	0	7
CSEC	22	0	3	16
At-risk CSEC	80	0	4	84
Total	188	18	13	219

### Survivors by Country of Origin and Gender

Country Of Origin	Cisgender Female	Cisgender Male	Unknown Gender / Other	Totals
Bangladesh	1	0	0	1
Colombia	4	1	0	5
Cuba	1	0	0	1
El Salvador	2	1	0	3
Honduras	2	0	0	2
Mexico	17	5	1	23
Nigeria	1	0	0	1
Spain	5	3	0	8
United States	142	3	10	155
Venezuela	1	0	0	1
Other	24	6	1	31
Not Reported	11	4	0	15
Total	211	23	12	246

*Survivors by Age and Gender*

<b>Ages</b>	Female	Male	Unknown / Other	Total
Under 18	94	2	6	102
18-25	54	4	3	61
26-40	42	11	4	57
41-60	19	6	0	25
Over 60	3	0	0	3
<b>Total</b>	<b>212</b>	<b>23</b>	<b>13</b>	<b>248</b>

*Child and Youth Survivors by Age Group and Type of Trafficking*

<b>Type</b>	Minor	TAY	Total
Domestic Sex Trafficking	0	21	30
CSEC	32	11	34
At-Risk CSEC	66	7	73
<b>Total</b>	<b>98</b>	<b>39</b>	<b>137</b>

*Child and Youth Survivors by Age Group and Ethnicity*

<b>Race/Ethnicity</b>	Minor	TAY	Total
Caucasian	9	9	18
Hispanic/Latinx	45	17	62
African American	14	4	18
Asian	4	3	7
Hawaiian/PI	0	0	0
Other	4	0	4
Two or more races	20	4	24
Unknown	2	2	4
<b>Total</b>	<b>98</b>	<b>39</b>	<b>137</b>

## Appendix B: Victim Needs Screening Tool Initial Report

The following are excerpts from *The Victim Needs Screening Tool Initial Report*. The full report can be downloaded at [SouthBayEndTrafficking.org/Resources](https://SouthBayEndTrafficking.org/Resources).

### Victim Needs Screening Tool

In 2015, Community Solutions spearheaded the development of the *Victim Needs Screening Tool (VNST)*. The purpose of the VNST is to give service providers a screening tool that can identify the three common forms and inter-sections of gender-based violence: intimate partner abuse, sexual assault, and human trafficking; and to ensure that individuals are promptly connected to *all* of the services for which they are eligible. Several members of the Coalition Victim Services Committee worked to develop the VNST over the course of almost two years. In late 2017, Community Solutions launched the VNST through a three-hour training for victim service providers. Since then, we have conducted several trainings—including a webinar through Futures Without Violence that included over 300 participants from across the country. Our goal is to train all Santa Clara County victim service providers to administer the VNST. In early 2019, DVAC developed a condensed five-question VNST for Santa Clara County Continuum of Care (COC) housing providers and is currently working with COC leadership to develop and implement trainings on this condensed VNST.

Community Solutions has fully incorporated the VNST into case management documentation requirements for intimate partner abuse, sexual assault, and human trafficking staff. Between August 2018 to February 2019, Community Solutions staff completed 97 VNSTs. The VNST was offered to all open intimate partner abuse, sexual assault, and human trafficking clients.

### Purpose

The purpose of the Victim Needs Screening Tool (VNST) is not to establish that an individual ***is or has been*** a victim of domestic violence, sexual assault, or human trafficking but rather to identify that they ***may be or may have been*** a victim/survivor of these crimes and then to connect them with a confidential advocate or attorney who can provide a thorough assessment and comprehensive support. The VNST is available in English and Spanish. It should only be used with adults ages 18 and older.

### Internal Referrals

The primary purpose of the Victim Needs Screening Tool (VNST) is to identify different forms and intersections of gender-based violence and to ensure that survivors are connected to additional internal and external services in response to their needs. Community Solutions' *Solutions to Violence* programs provide crisis intervention, advocacy, and supportive services to survivors of intimate partner abuse, sexual assault, and human trafficking. Client participation in any of the *Solutions to Violence* advocacy programs is voluntary. Because of the trauma that they have experienced and other competing priorities, survivors may opt to focus on the primary presenting issue and not avail themselves of additional supportive services until a later date. Advocates administering the VNST are asked to report whether administering the VNST resulted in additional internal referrals. Information provided by case managers administering the VNST shows that 27% of the individuals surveyed accepted an internal referral to another *Solutions to Violence* program.

## Appendix C: Resources on Important Legal Cases

### *Silvery Towers Labor Trafficking Case*

<https://www.mercurynews.com/2018/07/23/san-jose-construction-workers-held-captive-are-paid-250k-after-government-probe/>

### *Immigration Adjudication Trends*

The adjudication of cases by USCIS has become significantly more stringent, including with T visas. In 2018 USCIS adopted a policy of issuing Notices to Appear (NTA) upon denial of affirmative applications for immigration benefits, including humanitarian benefits such as T visas. This means clients have a higher risk of referral to removal proceedings if their cases are denied.

Also in 2018, USCIS adopted a policy to issue fewer Requests for Evidence (RFE) and Notices of Intent to Deny (NOID) before denying a case, giving clients fewer opportunities to correct or supplement an immigration application to prevent a denial.

Overall, USCIS approved fewer T visas in calendar year 2018 than in previous years. The total number of T visas approved (including derivatives) was **1,153**. The total number of T visas denied (including derivatives) was **574**. The approval rate of approximately **66%** was significantly lower than previous years (79% in 2017, 83% in 2016, 73% in 2015, 84% in 2014, and 90% in 2013.)

The Administrative Appeals Office (AAO) reviewed **46** T visa denials in 2018. Of those 46 cases, only 3 cases were remanded to the Vermont Service Center for reconsideration. The AAO upheld the denials in the other 43 decisions. The three cases in which the underlying denials were remanded back to the Vermont Service Center were: *MATTER OF C-R-D-L-R*, Oct. 16, 2018, *MATTER OF J-8-G-M*, Nov. 26, 2018 and *MATTER OF N-E-S*, Nov. 28, 2018

### Further Resources

#### *Issuing Notices to Appear After Denial*

<https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-06-28-PM-602-0050.1-Guidance-for-Referral-of-Cases-and-Issuance-of-NTA.pdf>

#### *Issuing Fewer Requests for Evidence (RFE) and Notices of Intent to Deny (NOID)*

[https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/AFM\\_10\\_Standards\\_for\\_RF Es\\_and\\_NOIDs\\_FINAL2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/AFM_10_Standards_for_RF Es_and_NOIDs_FINAL2.pdf)

#### *Approving Fewer T Visas*

<https://www.uscis.gov/tools/reports-studies/immigration-forms-data>

*Administrative Appeals Office (AAO) Data* <https://www.uscis.gov/about-us/directorates-and-program-offices/administrative-appeals-office-aao/aao-non-precedent-decisions>

### *Dynamex Operations West, Inc v. Superior Court of Los Angeles*

On April 30, 2018, the California Supreme Court issued a landmark decision in the matter of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*, reinterpreting and ultimately rejecting the Borello test to determine whether workers should be classified as employees or independent contractors. The

Court favored a worker-friendly standard of *presuming* that all workers are employees, and placed the burden on employers to establish why an individual should be classified as an independent contractor. Under the new test an independent contractor must be free from the control and direction of the employer, perform work that is outside the usual course of the employer's business, and customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed.

Further Resources

<https://scocal.stanford.edu/opinion/dynamex-operations-west-inc-v-superior-court-34584>

### *2018 Federal Human Trafficking Report*

The 2018 Federal Human Trafficking Report, a project of the Human Trafficking Institute, is a continuation of the Institute's efforts to provide comprehensive data about every criminal and civil human trafficking case that federal courts handle each year. In 2018, there were a total of **771** human trafficking cases in U.S. federal courts with a total of **1,217** criminal defendants and **390** civil defendants in those cases. Report highlights include:

- 171 new federal criminal prosecutions, a 29% decrease from 2017.
- 95% were sex trafficking cases.
- No defendants were acquitted.
- Courts only ordered restitution in 40.1% of cases in which it was mandatory; a 63.7% increase from 2017.
- Courts sentence nine sex traffickers to less than the 10-year mandatory minimum.
- Nearly 10% of convicted defendants were buyer-traffickers.
- Eight defendants were sentenced to life in prison.
- Public sources identified only three male victims.
- The youngest victims were only one year old.

Further Resources

[www.TraffickingMatters.com](http://www.TraffickingMatters.com)

### *Civil Suit Alfaro v. Gandy Results in Large Damages Awarded for Sex Trafficking of a Minor*

After coming out as gay to his parents and being forced to leave his home as a teen, Jose Alfaro met a man online who offered him a place to stay, but had him to engage in commercial sex. After contacting the National Hotline and connecting to legal services, Alfaro sued his trafficker and was awarded a rare \$1,436,409 in compensatory and punitive damages. In the criminal case, the defendant was sentenced to 30 years for sex trafficking of minors, sexual exploitation of children, transportation of minors, and transportation of child pornography.

Further Resources

<https://www.prnewswire.com/news-releases/fish--richardson-wins-1-43-million-for-sex-trafficking-survivor-in-pro-bono-civil-suit-300843527.html>

### *Forced Labor Claim Against Operator of Private Prison and ICE Detention Facility*

In February 2018, the 10th Circuit affirmed the forced labor and unjust enrichment claims against GEO Group, that operates a Colorado ICE detention facility. GEO allegedly forced detainees to clean under threat of solitary confinement and paid them \$1.00 a day for other work.

Further Resources

<https://www.ca10.uscourts.gov/opinions/17/17-1125.pdf>

## Appendix D: 2018 Human Trafficking Legislation

*Adapted from CAST LA Collaborative Calls on Legislation*

### Chaptered into State Law

To learn about the 13 bills that failed in the State Legislature and 20 state laws that are in the implementation stage, please see Appendices D and E.

#### *AB 998 (Grayson) Multidisciplinary Team: Human Trafficking and Domestic Violence*

City, county, or nonprofit organization can establish domestic violence and human trafficking multidisciplinary personnel teams who can disclose, for a limited amount of time to one another, relevant but confidential information.

#### *AB 1735 (Cunningham) Protective Order: Human Trafficking, Pimping, Pandering*

Ten-year protective orders for human trafficking and pimping and pandering.

#### *AB 1746 (Cervantes) Criminal Procedure: Jurisdiction of Public Offenses*

If sexual battery or unlawful sexual intercourse occur in multiple jurisdictions with the same defendant and victim for all of the offenses, jurisdiction for any of those and joinable offenses may be in any jurisdiction where at least one of the offenses occurred.

#### *AB 1861 (Rodriguez) Pupil Instruction: Human Trafficking: Use of Mobile Devices*

7th-12th grade instruction on how social media and mobile devices can be used in human trafficking.

#### *AB 1868 (Cunningham) Pupil Instruction: Sexual Health Education*

School instruction on risks of sharing sexually suggestive or exploitive materials.

#### *AB 2034 (Kalra) Human Trafficking: Notice*

Human Trafficking training for transit workers.

#### *AB 2105 (Maienschein) Punitive Damage: Minor*

Allows civil actions against a sex trafficker of a minor to bring treble damages. Authorizes a court, civil penalties of \$10,000-\$50,000 for each act of commercial sexual exploitation.

#### *AB 2201 (Mayes) Court Fees: Name Changes: Exemption*

Adds “avoiding human trafficking” as an exemption from name change publication. Removes name change fees for minors if exempt from publication.

#### *AB 2243 (Friedman) Evidence Admissibility*

Prohibits evidence of prostitution to be used against victims reporting violent crimes.

#### *AB 2792 (Calderon) Termination of the Parent-Child Relationship: Severe Sexual Abuse*

Establishes that minor can be declared free from parental custody if the parent committed severe sexual abuse against the child.

#### *AB 2992 (Daly) Peace Officer Training: CSEC*

CSEC and human trafficking training for all basic police academy course after 2020.



*SB 970 (Atkins) Employment: Human Trafficking Awareness*

Hotels and motels have to provide 20 minutes of human trafficking training starting in 2020.

*SB 1104 (Roth) Pupil Safety: Human Trafficking Prevention Resources*

School districts will work with schools to inform parents of prevention resources.

*SB 820 (Leyva) Settlement Agreements: Confidentiality*

Prohibits non-disclosure provisions relating to sexual assault, sexual harassment, or harassment or discrimination based on sex in settlement agreements.

*SB 1194 (Lara) Privacy: Lodging and Common Carriers*

Prohibits hotels and related lodging from disclosing, guest records to a 3rd party, other than a California peace officer, without a subpoena, warrant, or order.

*SB 1232 (Bradford) Victims of Crime: Application for Compensation*

Raises the age from within 3 years of turning 18 to within 3 years of turning to 21 to file an application with the California Victim Compensation Board from the Restitution Fund.