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CONNECTING THE DOTS OF AN OPAQUE CRIME: ANALYZING THE INFORMATION-SHARING FRAMEWORK AND PRACTICES OF CALIFORNIAS HUMAN-TRAFFICKING TASK FORCES

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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**CONNECTING THE DOTS OF AN OPAQUE CRIME:
ANALYZING THE INFORMATION-SHARING
FRAMEWORK AND PRACTICES OF CALIFORNIA'S
HUMAN-TRAFFICKING TASK FORCES**

by

Benjamin Thomas Greer

March 2022

Co-Advisors: Anders Strindberg (contractor)
                        Erik J. Dahl

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This thesis explores existing frameworks and common challenges with information sharing among California's anti–human trafficking specialty units. This research aimed to contextualize current gaps and barriers in the collection and dissemination process of sensitive and confidential human-trafficking information. The research identified social, economic, and human interpersonal factors affecting group work and illustrated how a nuanced application of the social identity analytical method might decrease interpersonal misunderstandings and miscommunications, thus increasing the volume and quantity of anti-trafficking information sharing. The findings of this research indicate that when anti-trafficking specialty units do not work together seamlessly, they foster programmatic and societal shadows that traffickers rely on to exploit their victims. Gaining an in-depth perspective on working group members' social identities will increase trust within the groups, thereby promoting cooperation, coordination, and collaboration. Elevating all forms of group work is likely to spur analytical insights into the evolving tactics, techniques, and procedures of the threat actors, not to mention identify previously unrecognized victims while building more successful prosecutions.

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ANALYZING THE INFORMATION-SHARING FRAMEWORK AND
PRACTICES OF CALIFORNIA'S HUMAN-TRAFFICKING TASK FORCES**

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
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from the

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ABSTRACT

This thesis explores existing frameworks and common challenges with information sharing among California's anti–human trafficking specialty units. This research aimed to contextualize current gaps and barriers in the collection and dissemination process of sensitive and confidential human-trafficking information. The research identified social, economic, and human interpersonal factors affecting group work and illustrated how a nuanced application of the social identity analytical method might decrease interpersonal misunderstandings and miscommunications, thus increasing the volume and quantity of anti-trafficking information sharing. The findings of this research indicate that when anti-trafficking specialty units do not work together seamlessly, they foster programmatic and societal shadows that traffickers rely on to exploit their victims. Gaining an in-depth perspective on working group members' social identities will increase trust within the groups, thereby promoting cooperation, coordination, and collaboration. Elevating all forms of group work is likely to spur analytical insights into the evolving tactics, techniques, and procedures of the threat actors, not to mention identify previously unrecognized victims while building more successful prosecutions.

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LIST OF ACRONYMS AND ABBREVIATIONS

CA ACTS	California Alliance to Combat Trafficking and Slavery
CalOES	California Governor's Office of Emergency Services
ECM	enhanced collaborative model
FTO	foreign terrorist organizations
HTTF	human-trafficking task force
IACP	International Association of Chiefs of Police
ILP	intelligence-led policing
NGO	nongovernmental organizations
NHTRC	National Human Trafficking Hotline and Resource Center
NIJ	National Institute of Justice
P/CVE	preventing and countering violent extremism
SBU	sensitive but unclassified
SIAM	social identity analytical method
SIT	social identity theory
STAC	State Threat Assessment Center
STAS	State Threat Assessment System
TCO	transnational criminal organizations

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EXECUTIVE SUMMARY

Human trafficking is a dynamic, transient crime, but California's response to it is static and stale.[1] Human trafficking is often described as a process crime wherein the victim is compelled or coerced into providing the penultimate purpose of labor or services or to engage in commercial sex against their will.[2] The coercive tactics traffickers employ can be incredibly hard to identify, detect, and investigate. The spectrum of coercive tactics is vast. The spectrum includes subtle and overt actions, physical and psychological force, may involve the use of physical violence, verbal threats against the victim or the victim's family, lies, or erroneously created debt bondage. This panoply of coercive tactics poses significant challenges for investigators.[3] Based on the subtle nuances of a perpetrator's criminality, scholars have stressed the need for law enforcement to work closely with victim service organizations when investigating trafficking cases.[4] U.S. anti-trafficking efforts have employed an incongruently complex multidisciplinary collaborative approach.[5] With little mandatory structure, these multidisciplinary working groups often take different shape and form, consisting of local or federal law enforcement, coupled with

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[1] Benjamin Thomas Greer, Grace Cotulla, and Mandy Johnson, "The Routes of Human Suffering: How Point-Source and Destination-Source Mapping Can Help Victim Services Providers and Law Enforcement Agencies Effectively Combat Human Trafficking," abstract, *International Journal of Aerospace and Mechanical Engineering* 8, no. 12 (2014), https://publications.waset.org/abstracts/22072/pdf; California Alliance to Combat Trafficking and Slavery Task Force, *Human Trafficking in California: Final Report of the California Alliance to Combat Trafficking and Slavery Task Force* (Sacramento: California Alliance to Combat Trafficking and Slavery Task Force, 2007), 130; Kamala Harris, *The State of Human Trafficking in California* (Sacramento: California Department of Justice, 2012), 134, https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf; Brett A. Berliner, review of *Modern Slavery: A Global Perspective*, by Siddharth Kara, *Human Rights Review* 20, no. 4 (December 2019): 485–87, http:///doi.org/10.1007/s12142-019-00571-z.

[2] "What Is Human Trafficking?," Official website of California Department of Justice, accessed December 6, 2021, https://oag.ca.gov/human-trafficking/what-is.

[3] Official website of California Department of Justice.

[4] Amy Farrell, "Environmental and Institutional Influences on Police Agency Responses to Human Trafficking," *Police Quarterly* 17, no. 1 (2014): 3–29, https://doi.org/10.1177/1098611113495050; Amy Farrell et al., *Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases*, NCJ-238795 (Washington, DC: National Institute of Justice, 2012).

[5] Bureau of Justice Assistance, "FY 2019 Enhanced Collaborative Model Task Force to Combat Human Trafficking: Supporting Law Enforcement's Role," Competitive Grant Solicitation BJA-2019-15230 (Washington, DC: Department of Justice, 2019), https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/BJA-2019-15230.PDF.

victim service organizations, working together to identify and support victims of trafficking while prosecuting the traffickers. This patchwork of task forces is not positioned or supported to succeed. As the criminal element conducting trafficking evolves, so too should the response.

All available data indicate California has the most significant human-trafficking problem in the United States. Given California's large economy and population, criminal actors view the state as a fertile environment to exploit.[6] The state leads the nation in the number of human-trafficking tips entered into the National Human Trafficking Hotline, and according to the National Human Trafficking Resource Center, California, Oklahoma, Texas, and New York routinely top the list of states with the largest concentrations of trafficked victims in the United States.[7] In 2019, Californians originated 1,507 tips—nearly equaling the second- and third-place states combined.[8] Texas was second with 1,080, followed by Florida with 896 calls, for a combined total of 1,976.[9] California leads the nation with the most anti-trafficking task forces, community collaboratives, and working groups: 32. Numerous state agencies include human trafficking in their portfolio of work; however, no state-level agency currently coordinates the gathering and dissemination of trafficking intelligence. Each task force essentially works its own area of operation with no formalized mechanism to share intelligence or provide case support to neighboring law enforcement entities.[10] This mismatched patchwork of California's human-trafficking task forces has inhibited a coordinated information-sharing environment. Coupled with a lack

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[6] Benjamin Thomas Greer and Jeffrey G. Purvis, "Corporate Supply Chain Transparency: California's Seminal Attempt to Discourage Forced Labour," *International Journal of Human Rights* 20, no. 1 (2016), https://doi.org/10.1080/13642987.2015.1039318.

[7] "Home Page," National Human Trafficking Hotline, accessed December 6, 2021, https://human traffickinghotline.org/.

[8] "California," National Human Trafficking Hotline, accessed December 6, 2021, https://human traffickinghotline.org/state/california.

[9] "Texas," National Human Trafficking Hotline, accessed December 6, 2021, https://humantrafficking hotline.org/state/texas; "Florida," National Human Trafficking Hotline, accessed December 6, 2021, https://humantraffickinghotline.org/state/florida.

[10] State agencies include the California Department of Justice, California Department of Social Services, California Department of Education, California Department of Fair Employment and Housing, California Department of Industrial Relations, California Victim Compensation Board, and California Employment Development Department.

of state agency-level leadership, each unit must use its own resources and imagination. Investigating agencies sporadically practice regional intelligence-sharing methods without systematically sharing operational intelligence statewide. In this context, California's static, stale law enforcement response is no match for the dynamic, transient crime of human trafficking.[11] California's human-trafficking intelligence gathering and dissemination processes fail to reach their optimal application, limiting law enforcement's ability to appreciate the scope and context of trafficking. This disconnect impedes the state's ability to articulate the threat, recognize the intersectionality of criminal activity that trafficking poses, and mitigate its affect clearly and fully.

In a post-9/11 environment, law enforcement agencies have elevated information sharing beyond a "best practice" to an imperative directive, but despite agreement on the concept of information sharing, debate within the law enforcement community persists as to how to transfer operational information.[12] Threat assessment remains critical to information sharing, yet agencies continue to struggle with its execution.[13] Information sharing also challenges agencies working to counter trafficking. Government leaders and scholars have struggled to clearly articulate and untangle the complexities posed by sharing anti-trafficking operational intelligence between multidisciplinary task force members. They stress traffickers will continue to exploit disjointed and static anti-trafficking responses with impunity until local, national, and international information sharing takes place.[14] Reports and scholars lament that the national anti-trafficking intelligence-sharing model has not kept pace with the threat.[15] In the California attorney general's 2012 report

[11] Greer, Cotulla, and Johnson, "The Routes of Human Suffering"; California Alliance to Combat Trafficking and Slavery Task Force, *Human Trafficking in California: Final Report*, 130; Harris, *State of Human Trafficking in California*, 134; Berliner, review of *Modern Slavery*, 485–87.

[12] Alicia L. Jurek and William R. King, "Structural Responses to Gendered Social Problems: Police Agency Adaptations to Human Trafficking," *Police Quarterly* 23, no. 1 (2020): 25–54, https://doi.org/10.1177/1098611119873093.

[13] Nelson Phillips, "Kirsten Foot: Collaborating against Human Trafficking: Cross-Sector Challenges and Practices," *Administrative Science Quarterly* 62, no. 3 (2017): NP27–30, https://doi.org/10.1177/0001839217692523.

[14] President's Interagency Task Force, *Report on U.S. Government Efforts to Combat Trafficking in Persons* (Washington, DC: President's Interagency Task Force, 2020), https://www.state.gov/2020-report-on-u-s-government-efforts-to-combat-trafficking-in-persons/.

[15] Farrell et al., *Investigation and Protection of State and Local Human Trafficking Cases*.

The State of Human Trafficking in California, then-Attorney General Kamala Harris stated, "California needs a central clearinghouse to coordinate and compile human trafficking information from local, state, and federal law enforcement agencies and governments, as well as non-governmental organizations."[16] The body of literature continues to emphasize and elevate the value of counter-trafficking information sharing. For instance, as recently as October 2020, the president's *National Action Plan to Combat Human Trafficking* significantly elevated the importance of information sharing in the national response, placing it at the center of strategic and tactical planning for both domestic and international trafficking-related cases.[17] Although the literature consistently addresses the positive effects information sharing can have on case development, it lacks specificity and detailed recommendations as to how to bring the relevant parties in line.

Organizations succeed not just because of their formal arrangement but because of the quality of the interpersonal interactions their union fosters.[18] The enhanced collaborative anti-trafficking model was designed based on the elements needed to deliver a successful victim-centered case via trauma-informed care. Nongovernmental organizations that supplied the various necessities would be cobbled together with the directive to collaborate. Little thought was given to how these entities would interact, however. It was assumed that if they self-selected their in-groups by voluntarily pairing during the grant application process, they would be successful collaborators. This has not always proven true. While some human-trafficking task forces have been very successful, many have faltered as they were not given the adequate knowledge and tools to collaborate.

The enhanced collaborative model for human-trafficking task forces poses unique challenges. It demands that law enforcement cooperate and share information with equally

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[16] Harris, *State of Human Trafficking in California*, 6–7.

[17] Donald J. Trump, *The National Action Plan to Combat Human Trafficking* (Washington, DC: White House, 2020), 47, https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/10/NAP-to-Combat-Human-Trafficking.pdf.

[18] David Parker et al., "Challenges for Effective Counterterrorism Communication: Practitioner Insights and Policy Implications for Preventing Radicalization, Disrupting Attack Planning, and Mitigating Terrorist Attacks," *Studies in Conflict & Terrorism* 42, no. 3 (2019): 264–91, https://doi.org/10.1080/1057610X.2017.1373427; Gary Alan Fine, "Group Culture and the Interaction Order: Local Sociology on the Meso-Level," *Annual Review of Sociology* 38 (2012): 159–79, http://www.jstor.org/stable/23254591.

effective non–law enforcement response partners. Federal, state, and local governments are rapidly adopting a multidisciplinary approach to trafficking, bringing together disparate practitioners to form collaborative networks to solve "wicked" social problems. Wicked problems often require systematic or complex policy adaptations; are often unforeseeable and unpredictable, often undefined, or difficult to explain; and may not have a simply articulated solutions.[19] An effective collaborative approach to problem-solving is commonly pronounced but rarely achieved. Many of the existing collaborative models lack implementation precision, identifying a multitude of impactful interpersonal factors without unpacking their interconnectivity.[20] Social identify theory (SIT) has been shown an appropriate heuristic, interpersonal framework for group behavioral analysis.[21] In this thesis, SIT serves as a theoretical framework. As such, it can enhance the understanding of several key friction points plaguing anti-trafficking multidisciplinary task force collaboration. In this thesis, SIT underpins the analysis of challenges to information sharing, victim privacy and confidentiality, and the critical aspect of cultural competency within task force operations.

SIT is also a key aspect of this thesis's proposal to access and share sensitive information. Within the categorical concept of SIT is the awareness of dominant and subordinate groups.[22] Defining which group is dominant and which is subordinate is not easily obvious.[23] Dominant and subordinate groups are differentiated based on a multitude of variables impacting their relationships of power and oppression. They may be rooted in

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[19] Caitlin Ambrozik, "Community Stakeholder Responses to Countering Violent Extremism Locally," *Studies in Conflict & Terrorism* 42, no. 12 (2019): 1044–68, https://doi.org/10.1080/1057610X.2018. 1434858.

[20] Ambrozik, 1044–68.

[21] Dominic Abrams and Michael A. Hogg, "Social Identity and Self-Categorization," in *The Sage Handbook of Prejudice, Stereotyping and Discrimination and Social Influence*, ed. John F. Dovidio, Miles Hewstone, and Peter Glick (London: SAGE, 2010), 179–93, https://doi.org/10.4135/9781446200919.n11.

[22] Christian Staerklé, Alain Clémence, and Dario Spini, "Social Representations: A Normative and Dynamic Intergroup Approach," *Political Psychology* 32, no. 5 (2011): 759–68. http://www.jstor.org/ stable/41262943.

[23] Staerklé, Clémence, and Spini, 759–68.

terms of class, race, gender, or any other definite criteria.[24] Within the anti-trafficking task force model, this dominant–subordinate power and inequity is most easily articulated through the access to sensitive information. This disconnect inhibits the transfer of knowledge—from not only a procedural perspective but also a social one.[25] The failure of a dominant group to acknowledge and appreciate a subordinate group that may hold valuable information or knowledge slows the free flow of knowledge transfer. This thesis attempts to provide guidance and examples of how task force members can reduce, mitigate, or avoid many information-sharing roadblocks.

As a self-recognized magnet for traffickers, California must continue to develop aggressive, forward-leaning anti-trafficking policies, not only focusing on the victim service sector but also advancing the cross-agency multidisciplinary approach to information sharing. Improvement requires recognition of weaknesses, failures, and inefficiencies. Although California has one of the most robust and knowledgeable anti-trafficking law enforcement and victim service responses in the world, task force members do not receive the collaborative guidance necessary to maximize their impact. Expanding and refining intelligence-sharing practices will allow law enforcement, intelligence analysts, and victim service organizations to better identify perpetrators and articulate the threat nexus to drug trafficking, terrorism funding, and other ancillary criminal activity. California needs to develop a common working group model whereby law enforcement and civilian partners can build the requisite mutual respect and trust that collaboration demands.

Housed within the California Governor's Office of Emergency Services (CalOES), the State Threat Assessment System (STAS) is critical to California's all-crimes mission. Fusion centers are information- and intelligence-sharing centers located throughout the United States. The STAS is the natural information-sharing system to integrate trafficking-

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[24] Nancy DiTomaso, "A Sociocultural Framework on Diversity Requires Structure as well as Culture and Social Psychology," *Psychological Inquiry* 21, no. 2 (2010), https://doi.org/10.1080/1047840X.2010.483570.

[25] Aimée A. Kane, "Unlocking Knowledge Transfer Potential: Knowledge Demonstrability and Superordinate Social Identity," *Organization Science* 21, no. 3 (2010): 643–60. http://www.jstor.org/stable/40792436.

related information. In the 2012 report, California Attorney General Kamala Harris highlighted the role that the STAS should play:

> The STAS is already positioned to receive and analyze local, regional, statewide, and national information, and law enforcement is already accustomed to receiving information from and providing information to the STAS members. Leveraging the STAS' information sharing structure as a conduit to centralized trafficking information is a natural, ready-made solution to the current lack connectivity in California.[26]

CalOES should fill the leadership void. Currently, no state-level agency leads or coordinates California's anti-trafficking intelligence efforts. This leadership void creates duplicative investigations, which waste valuable time and resources. Insufficient coordinated efforts reduce visibility in the threat environment and cast shadows where traffickers can thrive unnoticed with limited risk. However, this vacuum provides an opportunity for CalOES to create a formal collaborative framework and intelligence-sharing environment for law enforcement and victim service entities to come together, learn from each other, share best practices and case intelligence, identify gaps and challenges, and build the mutual trust that collaboration demands. A coordinated information-sharing methodology is consistent with California's commitment to an aggressive and meaningful approach to combating trafficking.

CalOES carries the legitimacy and visibility necessary to realign California's anti-trafficking efforts. While CalOES no longer funds law enforcement operations in California, it does provide significant financial support to trafficking-victim service providers. Numerous recipients of CalOES's trafficking grants are members of task forces, so enhancing this existing relationship advances both victim service and homeland security goals.

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[26] Harris, *State of Human Trafficking in California*, 134.

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I. INTRODUCTION

Slavery is founded in the selfishness of man's nature—opposition to it, is [in] his love of justice.

—President Abraham Lincoln, October 16, 1854[1]

A. PROLOGUE

In the winter of 2018, I attended a human-trafficking symposium in Monterey, California, designed for specialized task force members from across California to share case stories and best practices and enhance their investigatory skillset. During a case study presentation by a Southern California task force, I noticed a series of side conversations spark around the room. It was then, by chance, the uniqueness of the victim's name had illuminated a glaring gap in California's anti-trafficking response. Unbeknownst to at least five different specialized human-trafficking task forces, all had been working the same case in different localities for over six years. Various law enforcement agencies and task forces had contacted the survivor numerous times, never realizing their fellow law enforcement colleagues were also investigating the same victim and trafficker.

This incident illustrates California's inability to effectively share operational and case-specific intelligence across anti-trafficking response units. From a victim service, trauma-informed-care perspective, we had failed repeatedly. From a law enforcement and homeland security perspective, the trafficker was winning.

Human trafficking is often described as a process crime wherein the victim is compelled or coerced into providing the penultimate purpose of labor or services or to engage in commercial sex against their will.[2] The coercive tactics traffickers employ can be incredibly hard to identify, detect, and investigate. The spectrum of coercive tactics is

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[1] Abraham Lincoln, "Peoria Speech," October 16, 1854, National Park Service, transcript, https://www.nps.gov/liho/learn/historyculture/peoriaspeech.htm.

[2] "What Is Human Trafficking?," Official website of California Department of Justice, accessed December 6, 2021, https://oag.ca.gov/human-trafficking/what-is.

vast. The spectrum includes subtle and overt actions, physical and psychological force, may involve the use of physical violence, verbal threats against the victim or the victim's family, lies, or erroneously created debt bondage. This panoply of coercive tactics poses significant challenges for law enforcement investigators.[3] Based on the subtle nuances of a perpetrator's criminality, scholars have stressed the need for law enforcement to work closely with victim service organizations when investigating trafficking cases.[4] Dr. Amy Farrell—national expert on human trafficking, director and professor of criminology and criminal justice, and co-director of the Violence and Justice Research Lab at Northeastern University's College of Social Sciences and Humanities—stresses that exploitation is not a new phenomenon but that law enforcement response and effective collaboration in a multidisciplinary framework are novel.[5] Farrell explains that the complexity and gradations of coercion challenge investigations, the findings of which are crucial to prosecutions.[6] Evidence can be scarce and dispersed.[7]

B. PROBLEM STATEMENT

All available data indicate that California has the most significant human-trafficking problem in the United States. Given California's large economy and population, criminal actors view the state as a fertile environment to exploit.[8] The state leads the nation in the number of human-trafficking tips entered into the National Human Trafficking

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[3] Official website of California Department of Justice.

[4] Amy Farrell, "Environmental and Institutional Influences on Police Agency Responses to Human Trafficking," *Police Quarterly* 17, no. 1 (2014): 3–29, https://doi.org/10.1177/1098611113495050; Amy Farrell et al., *Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases*, NCJ-238795 (Washington, DC: National Institute of Justice, 2012).

[5] Amy Farrell and Rebecca Pfeffer, "Policing Human Trafficking: Cultural Blinders and Organizational Barriers," *Annals of the American Academy of Political and Social Science* 653, no. 1 (May 2014): 46–64, https://doi.org/10.1177/0002716213515835.

[6] Farrell, "Police Agency Responses to Human Trafficking," 3–29; Farrell et al., *Investigation and Prosecution of State and Local Human Trafficking Cases*, 11.

[7] Farrell et al., *Investigation and Prosecution of State and Local Human Trafficking Cases*, 11.

[8] Benjamin Thomas Greer and Jeffrey G. Purvis, "Corporate Supply Chain Transparency: California's Seminal Attempt to Discourage Forced Labour," *International Journal of Human Rights* 20, no. 1 (2016), https://doi.org/10.1080/13642987.2015.1039318.

Hotline.[9] According to the National Human Trafficking Resource Center, California, Oklahoma, Texas, and New York routinely top the list of states with the largest concentrations of trafficked victims in the United States. In 2019, Californians originated 1,507 tips—nearly equaling the second- and third-place states combined.[10] Texas was second with 1,080, followed by Florida with 896 calls, for a combined total of 1,976.[11]

U.S. anti-trafficking efforts have employed a needlessly complex multidisciplinary collaborative approach.[12] With very little mandatory structure, these working groups often consist of local or federal law enforcement, coupled with victim service organizations, working together to identify and support victims of trafficking while prosecuting the traffickers. California leads the nation with the most anti-trafficking task forces, community collaboratives, and working groups: 32. Numerous state agencies include human trafficking in their portfolio of work, but no state-level agency currently coordinates the gathering and dissemination of trafficking intelligence. Each task force essentially works its own area of operation with no formalized mechanism to share intelligence or provide case support to neighboring law enforcement entities.[13]

This patchwork of California's human-trafficking task forces has inhibited a coordinated information-sharing environment. Coupled with a lack of state agency-level leadership, each unit must use its own resources and imagination. Investigating agencies sporadically practice regional intelligence-sharing methods without systematically sharing

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[9] "Home Page," National Human Trafficking Hotline, accessed December 6, 2021, https://human traffickinghotline.org/.

[10] "California," National Human Trafficking Hotline, accessed December 6, 2021, https://human traffickinghotline.org/state/california.

[11] "Texas," National Human Trafficking Hotline, accessed December 6, 2021, https://humantraffickinghotline.org/state/texas; "Florida," National Human Trafficking Hotline, accessed December 6, 2021, https://humantraffickinghotline.org/state/florida.

[12] Bureau of Justice Assistance, "FY 2019 Enhanced Collaborative Model Task Force to Combat Human Trafficking: Supporting Law Enforcement's Role," Competitive Grant Solicitation BJA-2019-15230 (Washington, DC: Department of Justice, 2019), https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/BJA-2019-15230.PDF.

[13] State agencies include the California Department of Justice, California Department of Social Services, California Department of Education, California Department of Fair Employment and Housing, California Department of Industrial Relations, California Victim Compensation Board, and California Employment Development Department.

operational intelligence statewide. In this context, although human trafficking is a dynamic, transient crime, California's law enforcement response is static and stale.[14] In sum, California's human-trafficking intelligence gathering and dissemination processes fail to reach their optimal application, limiting law enforcement's ability to appreciate the scope and context of trafficking. This disconnect impedes the state's ability to articulate the threat, recognize the intersectionality of criminal activity that trafficking poses, and mitigate its affect clearly and fully.

The U.S. government insists collaboration is the key to success. As recent as 2020, *The National Action Plan to Combat Human Trafficking* included specific and resounding calls for improving U.S. anti-trafficking collaborative efforts. The *National Action Plan* specifically enumerates three principal directives:

> Principle 4.2: Enhance information sharing to achieve a strategic outcome . . . Priority Action 4.2.1: Formalize routine law enforcement and Intelligence Community engagement to ensure consistent knowledge sharing . . . [and] Priority Action 4.2.2: Ensure existing departments and agencies mechanisms—to include international forums—are employed to counter specific transnational human trafficking threats with a significant impact on the United States.[15]

These directives stress the desire to identify gaps in existing data-sharing techniques by examining current data-sharing methodologies, to enhance information sharing to support national-level planning, and to adopt a multidisciplinary approach for departments and agencies to coordinate enforcement actions. The *National Action Plan* clearly sees multidisciplinary group work as "imperative to successfully preventing human trafficking,

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[14] Benjamin Thomas Greer, Grace Cotulla, and Mandy Johnson, "The Routes of Human Suffering: How Point-Source and Destination-Source Mapping Can Help Victim Services Providers and Law Enforcement Agencies Effectively Combat Human Trafficking," abstract, *International Journal of Aerospace and Mechanical Engineering* 8, no. 12 (2014), https://publications.waset.org/abstracts/22072/pdf; California Alliance to Combat Trafficking and Slavery Task Force, *Human Trafficking in California: Final Report of the California Alliance to Combat Trafficking and Slavery Task Force* (Sacramento: California Alliance to Combat Trafficking and Slavery Task Force, 2007), 130; Kamala Harris, *The State of Human Trafficking in California* (Sacramento: California Department of Justice, 2012), 134, https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf; Brett A. Berliner, review of *Modern Slavery: A Global Perspective*, by Siddharth Kara, *Human Rights Review* 20, no. 4 (December 2019): 485–87, http:///doi.org/10.1007/s12142-019-00571-z.

[15] Donald J. Trump, *The National Action Plan to Combat Human Trafficking* (Washington, DC: White House, 2020), 47, https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/10/NAP-to-Combat-Human-Trafficking.pdf.

protecting victims, and prosecuting human traffickers to maximize the use of all United States government tools against significant threats."[16]

Law enforcement agencies ought to develop a reliable trafficking-related intelligence-sharing framework if their aim is to slow the tactical evolution of domestic and transnational criminal organizations that benefit from human trafficking.[17] This thesis seeks to identify and articulate intelligence-sharing improvements that can help California's anti-trafficking efforts advance a coordinated and effective statewide approach to combat trafficking.

C.   RESEARCH QUESTION

How can California's human-trafficking task forces improve their information-sharing practices?

D.   LITERATURE REVIEW

To gain a better understanding of current practices and challenges associated with investigatory human-trafficking information sharing, this literature review examines the academic debate on system designs that incorporate a multidisciplinary information-sharing approach. This review first examines literature analyzing traditional information/intelligence-gathering concerns and challenges in designing and creating a multidisciplinary information-sharing model. Next, it reviews debates and recommendations contained in government reports discussing the importance of anti-trafficking task-force expansion and collaboration between law enforcement and anti-trafficking victim service entities. It includes input from leading scholars and practitioners in the fields of human rights, immigration law, and homeland security and defense, who concur on the criticality of information sharing as the foundation for assessing and understanding trafficking as a complex criminal threat, identifying potential victims, and building successful prosecutions.

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[16] Trump, *National Action Plan*, 47.

[17] Greer, Cotulla, and Johnson, "The Routes of Human Suffering."

1.   **Information Sharing and the Anti-trafficking Information-Sharing Environment**

Many scholars and the U.S. government have recognized the value of sharing intelligence and information when designing a response strategy to a specific threat.[18] In a post-9/11 environment, law enforcement agencies have elevated information sharing beyond a "best practice" to an imperative. However, despite agreement on the concept of information sharing, debate within the law enforcement community persists about how to transfer operational information.[19]

Although the Department of Justice houses the Criminal Intelligence Coordination Council, many scholars have demonstrated law enforcement's continued reluctance to share information with other agencies and non–law enforcement organizations.[20] John S. Hollywood, a senior operations researcher at the RAND Corporation, has extensively critiqued the political and policy barriers to information sharing among law enforcement: "There is often a hesitancy in agencies sharing law enforcement data. Reported reasons have to do with data owners wanting to retain strict control over 'their' data, as well as concerns about what might happen to the data and how they might be used if shared outside their own systems."[21] Threat assessment remains critical to information sharing, but agencies continue to struggle with its execution.[22] Information sharing also challenges agencies working to counter human trafficking. Government leaders and scholars have struggled to clearly articulate and untangle the complexities posed by sharing anti-trafficking operational intelligence between multidisciplinary task force members. They

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[18] National Commission on Terrorist Attacks upon the United States, *9/11 Commission Report* (New York: Norton, 2004), xvi; "Criminal Intelligence Coordinating Council (CICC)," Office of Justice Programs, accessed February 2, 2021, https://it.ojp.gov/global/working-groups/cicc.

[19] Jurek and King, "Structural Responses to Gendered Social Problems," 25–54.

[20] John S. Hollywood and Zev Winkelman, *Improving Information-Sharing across Law Enforcement: Why Can't We Know?* (Santa Monica, CA: RAND Corporation, 2015), https://www.rand.org/pubs/research_reports/RR645.html.

[21] Hollywood and Winkelman, 16.

[22] Phillips, "Collaborating against Human Trafficking," NP27–30.

stress traffickers will continue to exploit disjointed and static anti-trafficking responses with impunity until local, national, and international information sharing takes place.[23]

In the California attorney general's 2012 report *The State of Human Trafficking in California*, then-Attorney General Kamala Harris states, "California needs a central clearinghouse to coordinate and compile human trafficking information from local, state, and federal law enforcement agencies and governments, as well as non-governmental organizations."[24] She elaborates, proposing California's fusion centers become that centralized information and intelligence hub:

> California's STAS provides critical tactical and strategic intelligence about trends and emerging patterns relating to criminal activity across the state, and ensures that first responders and policymakers are provided with relevant and timely situational awareness, as well as information on traffickers' current tactics and techniques.[25]

The body of literature continues to emphasize and elevate the value of counter-trafficking information sharing. For instance, as recently as October 2020, the president's *National Action Plan* significantly elevated the importance of information sharing in the national response, placing it at the center of strategic and tactical planning for both domestic and international trafficking-related cases.[26]

Despite the adoption of comprehensive federal anti-trafficking through the Trafficking Victims Protection Act (TVPA) in 2000 and California's inclusion of trafficking as a felonious act in 2008—both designed to address the needs and protection of trafficking victims—the issue of task force collaboration persists.[27] Scholars and experts agree on the need for robust information- and intelligence-sharing protocols. The

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[23] President's Interagency Task Force, *Report on U.S. Government Efforts to Combat Trafficking in Persons* (Washington, DC: President's Interagency Task Force, 2020), https://www.state.gov/2020-report-on-u-s-government-efforts-to-combat-trafficking-in-persons/.

[24] Harris, *State of Human Trafficking in California*, 6–7.

[25] Harris, 6–7.

[26] Trump, *National Action Plan*, 47.

[27] Marianne L. Wade, "Combatting Trafficking in Human Beings: A Step on the Road to Global Justice?," in *The Palgrave International Handbook of Human Trafficking*, ed. John A. Winterdyk and Jackie Jones (Cham: Springer International Publishing, 2019), 1–21, https://doi.org/10.1007/978-3-319-63192-9_108-1; Harris, *State of Human Trafficking in California*, 6.

president's *National Action Plan* asserts that a core indispensable characteristic of maintaining a "sustainable" task force model is the ability to foster effective collaboration among victim-service task-force members and their law enforcement counterparts.[28] The stronger the relationship, the greater the actionable intelligence shared, which helps to advance investigative capacity and a strategic approach to prosecutions.[29] Although the literature consistently addresses the positive effects of information sharing on case outcomes and victim service plans, it lacks specificity and detailed recommendations for bringing these two parallel but divergent entities in line.

2. Preventing/Countering Violent Extremism's Multidisciplinary Approach versus the U.S. Anti-trafficking Response

Criminal justice organizations are also using multidisciplinary approaches to preventing and countering violent extremism (P/CVE). P/CVE programs have garnered much attention and efforts since the attacks of 9/11.[30] Traditional law enforcement investigatory methods in the United States have proven slow and laborious and have not kept pace with the rate at which persons become radicalized and operational.[31] Many communities, both domestically and internationally, have explored a proactive multidisciplinary approach to intervening or averting vulnerable populations from progressing down the radicalization spectrum, ultimately preventing them from committing violence.[32]

As with the anti-trafficking task force models, scholars agree that for a P/CVE multidisciplinary, multiagency strategy to succeed, it must be grounded in mutual trust and

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[28] Trump, *National Action Plan*.

[29] Trump.

[30] Eric Rosand, "Fixing CVE in the United States Requires More Than Just a Name Change," Brookings, February 16, 2017, https://www.brookings.edu/blog/order-from-chaos/2017/02/16/fixing-cve-in-the-united-states-requires-more-than-just-a-name-change/.

[31] Rosand.

[32] Anne Aly, Anne-Marie Balbi, and Carmen Jacques, "Rethinking Countering Violent Extremism: Implementing the Role of Civil Society," *Journal of Policing, Intelligence and Counter Terrorism* 10, no. 1 (2015): 3–13, https://doi.org/10.1080/18335330.2015.1028772.

include a nontraditional subsection of the community, both law enforcement and civilian.[33] The diverse nature of the field poses a heady challenge for law enforcement. Law enforcement might not have historical working relationships with many of the organizations they will encounter. As Eric Rosand, director of the Prevention Project: Organizing Against Violent Extremism and former Brookings expert has stated, law enforcement faces a "trust deficit."[34] The reluctance of relevant subsections of the community to engage subverts the necessary requirement of building strong and lasting trust.[35] Hofman and Sutherland identify numerous cultural and institutional challenges to rapport building that prevent "trust in the police."[36] One of the more difficult issues to navigate, they claim, "to gain access and build rapport with interviewees such as members of violent groups, interviewers may need prior buy-in and agreement from senior people in a group."[37] Hofman and Sutherland stress, "Interviewers must develop mutual trust . . . and have 'cultural competence' in order to get access to potential interviewees (e.g., a male white interviewer may not be able to gain access to and conduct an interview with a radicalized woman from an ethnic minority)."[38] As with P/CVE evaluators, it is crucial for law enforcement officers interviewing victims of trafficking to make a professional connection—one based on honesty, openness, and mutual trust. When this bond is strong, a victim may share personal and private information—information that will assist law enforcement in a P/CVE evaluation or may help build a fruitful prosecution in a trafficking investigation.

While the P/CVE's multidisciplinary approach shares key trust and rapport-building challenges, the P/CVE dynamic fundamentally differs from the human-trafficking collaborative task force model in that participants are not coequal partners. Within the P/

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33 Aly, Balbi, and Jacques, 3–13.

34 Rosand, "Fixing CVE in the United States."

35 Joanna Hofman and Alex Sutherland, eds., *Evaluating Interventions That Prevent or Counter Violent Extremism: A Practical Guide* (Santa Monica, CA: RAND Corporation, 2018), https://www.rand.org/pubs/research_reports/RR2094.html.

36 Hofman and Sutherland, 59.

37 Hofman and Sutherland, 78.

38 Hofman and Sutherland, 78.

CVE context, the evaluator's task is to screen and assess the target's susceptibility to radicalization—potentially creating an adversarial legal relationship. P/CVE models potentially implicate arrest and legal prosecutions if the evaluator makes a negative finding. Conversely, human-trafficking collaborative task force models seek to join two groups with the common goals of victim support and trafficker accountability. While human-trafficking task forces (HTTFs) may glean some valuable information on rapport building from the P/CVE context, the fundamental relational differences between the "partnerships" do not lend to further application and analysis.

3. HTTF Models: Evolution of the Multidisciplinary Approach and Information Sharing

Government reports and scholars lament that the national anti-trafficking intelligence-sharing model has not kept pace with the threat.[39] Since 2004, the Department of Justice's Office for Victims of Crime and Bureau of Justice Assistance began funding trafficking task forces following an enhanced collaborative model (ECM). This model requires both a law enforcement agency and nongovernmental organization (NGO)/victim service member to partner.[40] This partnership is designed as a comprehensive, multidisciplinary approach that encourages collaborative cross-sector relationships and pooling of resources and knowledge, creating a more positive outcome for prosecutions and the survivor.[41] According to the Institute of Medicine's Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, even after 15 years since the adoption and creation of the ECM HTTF, federally funded task forces have yet to build a replicable inter–task force information-sharing framework.[42]

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[39] Farrell et al., *Investigation and Protection of State and Local Human Trafficking Cases*.

[40] Caitlyn Ryan and Deena Zeplowitz, *Partnerships in Investigating Sex Trafficking: Bridging Gaps to Support Survivors* (Boston: Harvard Kennedy School, 2016), https://projects.iq.harvard.edu/files/wappp/files/partnerships_in_investigating_sex_trafficking.pdf.

[41] Ryan and Zeplowitz.

[42] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States* (Washington, DC: National Academies Press, 2013).

Although the Department of State's Office to Monitor and Combat Trafficking in Persons stresses the importance of intelligence sharing, ECM HTTFs are not required by virtue of their federal grants to collaborate across regions or states.[43] Addressing the disconnect between federal regulators and local law enforcement in investigating labor-trafficking cases, Amy Farrell notes,

> There was little to no communication between the police tasked with investigating human trafficking and regulators who inspect workplaces. Representatives from the Department of Labor sometimes attended antitrafficking task forces with local police, but these joint meetings did not commonly result in sharing information or intelligence about workplaces that may be at risk for labor trafficking.[44]

In sum, experts agree that a successful multidisciplinary HTTF model requires strong operational collaboration between task force partners.

For this reason, the literature stresses the need to form a collaborative bridge while addressing the information-sharing challenges among these two dissimilar groups. The International Association of Chiefs of Police has highlighted the crucial role victims play during investigations:

> Police commonly depend on victims to provide critical information about the criminal event or enterprise, the crime perpetrators, and the facts surrounding their victimization. This information is necessary to develop intelligence, establish probable cause, and ultimately to solve crimes and protect others from future victimization.[45]

Although no mandated sharing model exists, the Department of Justice's Office for Victims of Crime and Office of Justice Programs provide some case examples and guidance on how

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[43] Bureau of Justice Assistance, *Enhanced Collaborative Model Task Force to Combat Human Trafficking Program: Performance Update Report Fiscal Years 2016–2018* (Washington, DC: Bureau of Justice Assistance, 2019), https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/ECM-Program-Performance-Update-Report-FY16-18.pdf. The Department of Justice's funding proposal objectives and deliverables for the Human Trafficking Task Force Enhanced Collaborative Model Grant list only data-sharing memoranda of understanding with agencies and nongovernmental organizations in the task force's targeted geographic area.

[44] Farrell and Pfeffer, "Cultural Blinders and Organizational Barriers," 57.

[45] Amy Farrell et al., "Failing Victims? Challenges of the Police Response to Human Trafficking," *Criminology & Public Policy* 18, no. 3 (2019): 650, https://doi.org/10.1111/1745-9133.12456.

to achieve a balance between protecting and sharing case information.[46] These agencies argue achieving such balance should be a core function of any trafficking task force that carefully weighs protection against sharing case information.[47] The Office of Justice Programs' e-Guide provides insightful questions to ask when assessing disclosure of information and tips for information sharing. A few of the relevant questions and tips include:

- What information might a victim service provider need from law enforcement to prepare prior to law enforcement action?
- When the victim service provider learns information relevant to the safety of the victim, do they inform law enforcement? If law enforcement learns information related to the safety of the victim, how much do they share with the victim service provider? . . .
- Establish a clear protocol for handling tips made to task force members. Identifying one point person to evaluate and disseminate this information can assist in maintaining confidentiality, protecting victim safety, and ensuring lack of duplication of work. . . .
- Establish understanding and agreement about what type of information is appropriate for open sharing.[48]

In sum, how to effectively collaborate remains unanswered, and it has been left to each ECM HTTF to create and build its own intelligence and information-sharing framework as it deems suitable.[49]

4. **Social Identity Theory in Facilitating Intra- and Inter-Task Force Collaboration**

Scholars generally agree that organizations succeed not just because of their formal arrangement but because of the quality of the interpersonal interactions their union

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[46] "Human Trafficking Task Force e-Guide," Office of Justice Programs, accessed February 2, 2021, https://www.ovcttac.gov/taskforceguide/eguide/3-operating-a-task-force/32-information-sharing/.

[47] Office of Justice Programs, "Human Trafficking Task Force e-Guide."

[48] Office of Justice Programs.

[49] President's Interagency Task Force, *Efforts to Combat Trafficking in Persons*.

fosters.[50] Research indicates individuals do not negotiate relationships afresh each meeting; rather, they are built on assumptions and expectations of actions based on mutual experiences.[51] One's community circle is a primary source of one's social capital. To the extent our interactions advance a common goal or purpose, the social capital increases.[52] As Parker et al. have highlighted, while social capital is derived from our connections, fused in-group ties are extremely efficient in generating resources and accomplishing collaborative goals.[53] Moreover, as Fine points out, "common purpose establishes a basis for trust and a commitment to group members' welfare."[54]

As Berger and Luckmann summarize in *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, life is a reality interpreted by an individual and given subjective meaning from a mosaic of components making up one's coherent world view.[55] Through social and professional experiences, humans create friendships and develop bonds of trust and empathy for partners.[56] This component of one's identity is known as social identity.[57] According to Anders Strindberg from the Naval Postgraduate School, social identity theory (SIT) is an analytical framework to examine the relationship between an individual and a target group, focusing on how perceptions and behavior of the

[50] David Parker et al., "Challenges for Effective Counterterrorism Communication: Practitioner Insights and Policy Implications for Preventing Radicalization, Disrupting Attack Planning, and Mitigating Terrorist Attacks," *Studies in Conflict & Terrorism* 42, no. 3 (2019): 264–91, https://doi.org/10.1080/1057610X.2017.1373427; Gary Alan Fine, "Group Culture and the Interaction Order: Local Sociology on the Meso-Level," *Annual Review of Sociology* 38 (2012): 159–79, http://www.jstor.org/stable/23254591.

[51] Parker et al., "Challenges for Effective Counterterrorism Communication," 264–91; Fine, "Group Culture and the Interaction Order," 159–79.

[52] Parker et al., "Challenges for Effective Counterterrorism Communication," 264–91; Fine, "Group Culture and the Interaction Order," 159–79.

[53] Parker et al., "Challenges for Effective Counterterrorism Communication," 264–91; Fine, "Group Culture and the Interaction Order," 159–79.

[54] Fine, "Group Culture and the Interaction Order," 165.

[55] Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, 3rd ed. (Garden City, NY: Anchor Books, 1967).

[56] Marilynn B. Brewer, "The Many Faces of Social Identity: Implications for Political Psychology," *Political Psychology* 22, no. 1 (2001): 115–25, https://www.jstor.org/stable/3791908.

[57] Brewer, 115–25.

individual are affected by specific group membership.[58] Originally developed to explain patterns of inter- and intra-group prejudice and discrimination, SIT analysis expands the body of analytical scholarship to examine conflict within and between dissimilar groups.[59] SIT posits that belonging to a defined group (the "in-group") influences how we see ourselves and our societal role. How the in-group influences feelings positively or negatively depends partly on the in-group's own achievements compared to the opposing group (the "out-group").[60] Contrasting comparisons of groups affect how likely we are to collaborate with identified out-group members, as well as how we feel about ourselves and other members of our in-group.[61] SIT challenges an examination of each subgroup and the participants of each subgroup at the granular level. Identifying core beliefs and perceptions of reality in aggregate will improve the overall effectiveness of the task force. As Strindberg has stated, "When a group finds itself in a position where it has a lower social status than a significant out-group, its ability to contribute positively to its members' social identities is weakened."[62] While SIT is often used to examine and analyze extremist group activity, this framework is useful and applicable in identifying obstacles and challenges in intergroup dynamics.

The ECM design was based on the elements needed to deliver a successful victim-centered case via trauma-informed care. Organizations that supplied the various necessities would be cobbled together with the directive to collaborate. Little thought was given about how these entities would interact. It was assumed that if they self-selected their in-groups by voluntarily pairing during the grant application process, they would be successful collaborators. This has not always proven true. While some HTTFs have been very successful, many have faltered as they were not given the adequate knowledge and tools to

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[58] Anders Strindberg, *Social Identity Theory and the Study of Terrorism and Violent Extremism*, FOI-R-5062-SE (Swedish Defence Research Agency, 2020), 14, https://www.google.com/url?sa=t&rct=j&q= &esrc=s&source=web&cd=&ved=2ahUKEwi1u7qQjvrxAhUY7J4KHUMECYMQFjABegQIBhAD&url= https%3A%2F%2Fwww.foi.se%2Frest-api%2Freport%2FFOI-R--5062--SE&usg=AOvVaw2jYz95PvQZX u80ixklC6uI.

[59] Strindberg, 14.

[60] Strindberg, 14.

[61] Strindberg, 14.

[62] Strindberg, 32.

collaborate. SIT has been shown an appropriate heuristic, interpersonal framework for group behavioral analysis.[63]

Why invest significant time and resources to fuse individuals into a cohesive, recategorized in-group? Beyond the force multiplier the union creates, "once fused, people will tend to remain fused."[64] The bond is not easily broken and will continue to bear fruit for a significant amount time. As Swann states, "The relational ties principle, which introduces the possibility that actual or imagined relational bonds to other group members—in addition to devotion to the collective—will buttress feelings of fusion."[65] The theory of "once fused, always fused" has been repeatedly tested and held true.[66] While de-fusion does occur, it is typically not of the individual's volition. It typically occurs due to project reassignment or the disintegration of the group's viability.[67] The initial investment to fuse individuals, if successful, will produce long-term gains.

An effective collaborative approach to problem-solving is commonly pronounced but rarely achieved. Many of the existing collaborative models lack implementation precision, identifying a multitude of impactful interpersonal factors without unpacking their interconnectivity.[68] In this thesis, SIT serves as a theoretical framework. As such, it can enhance our understanding of several key friction points plaguing anti-trafficking multidisciplinary task force collaboration. In this thesis, SIT underpins the analysis of challenges to information sharing, victim privacy and confidentiality, and the critical aspect of cultural competency within task force operations.

[63] Dominic Abrams and Michael A. Hogg, "Social Identity and Self-Categorization," in *The Sage Handbook of Prejudice, Stereotyping and Discrimination and Social Influence*, ed. John F. Dovidio, Miles Hewstone, and Peter Glick (London: SAGE, 2010), 179–93, https://doi.org/10.4135/9781446200919.n11.

[64] William B. Swann et al., "When Group Membership Gets Personal: A Theory of Identity Fusion," *Psychological Review* 119, no. 3 (2012): 444, https://doi.org/10.1037/a0028589.

[65] Swann et al., 444.

[66] Swann et al., 441–56.

[67] Swann et al., 441–56.

[68] Caitlin Ambrozik, "Community Stakeholder Responses to Countering Violent Extremism Locally," *Studies in Conflict & Terrorism* 42, no. 12 (2019): 1044–68, https://doi.org/10.1080/1057610X.2018.1434858.

SIT is also a key aspect of the thesis's proposal for accessing and sharing sensitive information. Within the categorical concept of SIT is the awareness of dominant and subordinate groups.[69] Defining which group is dominant and which is subordinate is not easily obvious.[70] Dominant and subordinate groups are differentiated based on a multitude of variables impacting their relationships of power and oppression. They may be rooted in terms of social classifications such as race, gender, or any other definite criteria.[71] DiTomaso has emphasized, "Dominant groups have an easier time gaining access to and accumulating resources, constructing institutions that reinforce their claims to such resources, and fostering ideological beliefs that support their claims if they are also the numerical majority within a society."[72] Within the anti-trafficking task force model, this dominant–subordinate power and inequity is most easily articulated through the access to sensitive information. This disconnect inhibits the transfer of knowledge, from not only a procedural perspective but also a social one.[73] The failure of a dominant group to acknowledge and understand a subordinate group that may hold valuable information or knowledge slows the free flow of knowledge transfer. This thesis attempts to provide guidance and examples of how task force members can reduce, mitigate, or avoid many of the information-sharing roadblocks.

SIT also serves as a framework for understanding the critical aspect of cultural competency within task forces and the ways in which members gain meaningful insight into their partners. The interconnectivity of relational ties and fusion likely manifests differently based on local versus extended fusion.[74] As Swann et al. describe,

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[69] Christian Staerklé, Alain Clémence, and Dario Spini, "Social Representations: A Normative and Dynamic Intergroup Approach," *Political Psychology* 32, no. 5 (2011): 759–68. http://www.jstor.org/stable/41262943.

[70] Staerklé, Clémence, and Spini, 759–68.

[71] Nancy DiTomaso, "A Sociocultural Framework on Diversity Requires Structure as well as Culture and Social Psychology," *Psychological Inquiry* 21, no. 2 (2010), https://doi.org/10.1080/1047840X.2010.483570.

[72] DiTomaso, 111.

[73] Aimée A. Kane, "Unlocking Knowledge Transfer Potential: Knowledge Demonstrability and Superordinate Social Identity," *Organization Science* 21, no. 3 (2010): 643–60. http://www.jstor.org/stable/40792436.

[74] Swann et al., "When Group Membership Gets Personal."

In local fusion, group members form relational ties with others with whom they have direct personal contact and thus have the opportunity to share experiences. This commonly occurs in tribal units, small bands of teammates or soldiers, and other close-knit groups. In extended fusion, people may project the relational ties normally associated with local fusion onto large groups despite having little or no direct contact or shared experiences with individual members.[75]

Often formed without personal contact and in isolation from outside groups, "relational ties" are metaphorical rather than based in consanguinity. Members of an insular group, such as an ethnic group, may fuse and hold empathetic feelings with ethnically similar individuals of nation states based on common ancestry, despite having limited shared or common experiences between them.[76]

E.   RESEARCH DESIGN

This section provides the overall strategy of this research. The design details the objective, focus and scope, instrumentation, analytical approach, limiting factors, and outputs.

(1)   Object of Research

The primary objective of this thesis is to illuminate existing structural challenges to articulating the scope and threat that human trafficking poses to California and propose a novel method for enhancing the capabilities of information sharing among HTTFs, working groups, and community collaboratives. This research provides recommendations for California to better achieve a cohesive comprehensive statewide anti-trafficking response.

(2)   Focus and Scope of Research

This research concentrates geographically on California's challenges in identifying and advancing its anti-trafficking approach. The second scoping factor is the timeframe. This analysis focuses primarily on legal and operational developments in California from

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[75] Swann et al., 443.

[76] Swann et al., 443.

1998 to 2020. Exploitation is not a recent phenomenon, but the legal concept and response structure are new. This timeframe was selected because human trafficking became a federal felony in 2000 with the passage of the TVPA and a felony in California in 2005. While this research focuses specifically on the design and challenges of California, where design and challenges overlap, other jurisdictions may glean best practices.

(3)   Analytical Approach and Instrumentation

The data collection for this analysis relied on multiple sources, such as journal articles, published federal and state reports, and federal and state criminal databases and law. Secondary sources included articles, books, and other forms of media. This research analyzes group work theory and the means to build a more cohesive collaborative unit. This analysis includes social, economic, and physical factors advancing and inhabiting interpersonal trust and collaborative work.

(4)   Limitations

The government's and law enforcement's understanding of human trafficking is emerging art. Design, application, and analysis of our national and state anti-trafficking response are in their infancy. Many concepts or tactics implemented for ancillary topics or other states or countries may not apply directly to California. While this thesis seeks to borrow existing analytical frameworks, it recognizes trafficking is a multifaceted, complex criminal activity, one that demands a nuanced discussion and understanding.

(5)   Outputs

This research seeks to untangle and illuminate multidisciplinary collaboration challenges associated with California's anti-trafficking response. This thesis concludes with three potential pathways forward to achieve enhanced collaboration and a call to action. Ultimately, my desire is to influence and educate policy- and decision-makers in how nurturing a better statewide anti-trafficking information-sharing environment will improve victim identification, threat assessment capabilities, case prosecution, and victim support. Increasing our ability to share operational information and contextualize the threat

trafficking poses helps to make California a safer, more inviting setting—one that is hostile to exploitation and demonstrates the value of humanity in every California resident.

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II. INTERNATIONAL AND DOMESTIC ANTI-TRAFFICKING RESPONSES

While human exploitation has a long and sordid history, human trafficking as a legal, legislative, and victim support concept is nascent. Much of the domestic law enforcement response system and victim service programs are not adequately designed to address the fundamental characteristics of trafficking, thus failing to achieve their goals. Expanding the understanding of human trafficking and perfecting the response require a nuanced analysis of the activity and operations of the perpetrators. This chapter frames the legal and social definitions of trafficking by laying out the legislative and investigatory evolution of the global and domestic response to trafficking. Additionally, this chapter articulates common predatory practices and the environmental and personal characteristics of vulnerability that traffickers exploit. By clearly delineating the fundamental tenets of this criminal activity, we can propose innovative methodologies to solve associated challenges.

One major complication is the fact that politicians, law enforcement, and the public often conflate human trafficking and human smuggling; however, they are two completely different criminal activities with no legal overlap. Trafficking is both a state and federal felony while smuggling is solely a federal misdemeanor. Human smuggling fundamentally differs from trafficking in that the former is grounded in a volitional relationship of an unpermitted transit across an international border (required element), and the smuggled person is free to leave upon payment of a negotiated fee. At its core, it is an immigration violation. Many practitioners highlight that smuggling might turn into an exploitative relationship of debt bondage or another form of trafficking when the party supplying transportation demands payment of erroneous debts before the smuggled are released. Conversely, human trafficking is a human-rights violation wherein a victim has his or her freedom of movement deprived or is forced or coerced into performing labor or sexual services for the benefit of another. Generally, enforcement of federal immigration law is beyond the scope of local and state law enforcement duties. This distinction is vital as it

defines the parameters of the criminality analyzed and task force operations discussed in this thesis.

Scholars organize trafficking into three principal categories—commercial sexual exploitation, forced labor, and domestic servitude—each posing unique investigatory and service challenges. Often used as substitutes, the terms forced and exploited labor and commercial sexual exploitation are not synonymous with human trafficking but are best described as a subset among the exploitative purposes that trafficking serves. While statutory definitions of human trafficking vary by jurisdiction, they all carry common legal components: "the business of inducing a person to perform labor or engage in prostitution by force, fraud, or coercion."[77]

Traffickers exploit vulnerabilities in others while instilling fear and mistrust of the legal system and law enforcement in their victims.[78] As Greer and Dyle articulate, "The lack of understanding of their legal rights, fear of detention and deportation . . . [has] lasting psychological impacts . . . all lead [ing] to cooperation barriers."[79] Scholars analyze victim vulnerabilities through the "push and pull" migratory framework. "Push" factors consist of events that would cause an individual to leave his or her current location and seek safety or overall educational/economic betterment elsewhere. Some of the common push factors include widespread poverty and unstable political structures. "Pull" factors are events or opportunities that would cause an individual to migrate to a specific location. Some of the common pull factors are access to education, access to higher-paying jobs, and upward social mobility. A destination country's demand for inexpensive labor is often a driving dominant pull factor. Driven by profit margins, underpinned by a globalized economy and buyers of sex, traffickers can leverage both push and pull factors as vulnerabilities in their victims.

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[77] *Merriam-Webster*, s.v. "human trafficking," accessed January 20, 2022, https://www.merriam-webster.com/dictionary/human%20trafficking

[78] Benjamin Thomas Greer and Scott Davidson Dyle, "Determining the Reasonableness of Non-Compliance: Examining the 'Trauma Exception' For T-Visa Applicants," *Scholar: St. Mary's Law Review & Social Justice* 15, no. 3 (2013): 385, https://heinonline.org/HOL/LandingPage?handle=hein.journals/schom15&div=18&id=&page=.

[79] Greer and Dyle, 385.

As these push and pull factors materialize at different times throughout the world and marginalize different groups of people, according to Greer and Purvis, "trafficking is a highly dynamic and fluid phenomenon that reacts remarkably well to consumer demand [and], under-regulated economic sectors, and easily adapts to exploit weaknesses in prevailing laws."[80] Unfortunately, although governments have invested significant resources to implement laws and investigate and prosecute human trafficking, they have devoted less effort to harmonizing intelligence-sharing protocols and clarifying what criminal activity constitutes trafficking. Initially, Congress's placating ideological constituencies illustrated a myopic view of trafficking; focusing almost exclusively on sexual exploitation of minors affected its funding of certain components of the TVPA.[81] This fragmented focus and limited funding scope have left many aspects of this crime opaque and confusing for practitioners.

Now, legislative priorities and response systems are trying to evolve; as they do, they all seem to include a key characteristic: a strong multidisciplinary approach that brings diverse practitioners, both law enforcement and civilian, together in a collaborative environment to solve complex problems. Robust collaboration can illuminate, clarify, and answer many of the questions that plague the understanding of this criminal activity.

A.   THE TRAFFICKING VICTIMS PROTECTIONS ACT: ADOPTION AND DEVELOPMENT

Adopted in 2000, the TVPA was the first comprehensive federal legislative scheme in the United States to combat trafficking in persons and was designed to refine the United

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[80] Greer and Purvis, "Corporate Supply Chain Transparency," 1.

[81] Jennifer Chacon, "Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking," *Fordham Law Review* 74, no. 6 (2006), https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4173&context=flr.

Nation's definition in the Palermo protocol.[82] While the United States was a signatory to the protocol, Congress chose to codify a more limited definition for application in the United States. The law provided a tri-faceted framework by addressing prevention, protection, and prosecution—"the three Ps." This act established new crimes under the umbrella of human trafficking. The action of "trafficking," construed broadly, includes forced labor; trafficking based in peonage, chattel slavery, involuntary servitude, or exploited labor; sex exploitation by force, fraud, or coercion; sexual exploitation of children; and other unlawful conduct associated with the production of fraudulent documents in furtherance of trafficking.[83] By adopting this law, Congress criminalized any attempt to engage in these acts.

The TVPA was designed to articulate a domestic definition of the crime of human trafficking as Congress understood it at the time. The act also authorized new investigatory tools for law enforcement helping to strengthen prosecutions, holding traffickers accountable for their crimes. The act also extended state and federal benefits and services to victims of trafficking. The Trafficking Victims Protection Reauthorization Act of 2003 (H.R. 2620), the Trafficking Victims Protection Reauthorization Act of 2005 (H.R. 972), and the Trafficking Victims Protection Reauthorization Act of 2008 (H.R. 7311) expanded victim services and law enforcement tools to combat human trafficking. Within these pieces of legislation was the establishment of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons within the Department of State.[84] This Task

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[82] Domestic documents use the term "human trafficking" while international documents use "trafficking in persons" or "trafficking in human beings." The United Nations Convention against Transnational Organized Crime and the Palermo Protocol provided the international framework upon which nations coordinate, investigate, and prosecute trafficking. The Palermo Protocol's article 3(a) provided the first definition of what actions constitute the crime of human trafficking: "'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." G.A. Res. 55/25, annex, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Jan. 8, 2001), art. 3(a), https://treaties.un.org/doc/source/docs/A_RES_55_25-E.pdf.

[83] 18 U.S.C. §§ 1589–1592 (2012).

[84] Harris, *State of Human Trafficking in California*.

Force's prime directive is to assist in coordinating national anti-trafficking efforts. The TVPA also created public awareness programs overseas as well as State Department–led monitoring and sanctions programs. Since its 2000 passage, successive amendments and reauthorizations have added more protections for victims.

The scope and applicability of the TVPA has long been needlessly opaque due to political framing and a lack of fundamental understanding of the crime. Congress's restrictive funding and rhetoric focused myopically on sexual exploitation and trafficking of young women while statutory construction was much more inclusive of other forms of labor exploitation and was gender neutral. The legislative record is littered with speeches by members of Congress focused exclusively on sexual exploitation of minors coupled with the underlying implication that victims of human trafficking are often foreign nationals.[85] Many of the initial federally supported anti-trafficking task forces were funded or reimbursed to investigate cases of sexual exploitation, specifically cases involving minors. Moreover, while the TVPA did address and provide special immigration dispensation for foreign nationals, in placating a vocal constituency, Congress focused task force funding almost exclusively on this narrow subset of trafficking.[86] These willful or negligent mischaracterizations and restrictive funding structures have promulgated a limited understanding of the scope of the crime for law enforcement.

Congressional rhetoric notwithstanding, the TVPA endorsed and promoted a comprehensive, strategically integrated, multidisciplinary response to victim services, investigations, and prosecutions.[87] One of the primary foci of the TVPA was how exactly the national response would successfully incorporate a multidisciplinary approach; supportive data, though, have proven elusive. Crime data are notoriously inaccessible, opaque, and segregated—stored in information silos, isolated from other record databases,

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[85] Bridgette Carr et al., *Human Trafficking Law and Policy* (New Providence, NJ: LexisNexis, 2014), 112–13.

[86] Carr et al., 113.

[87] Carr et al., 147–48.

and disconnected from related cases.[88] In the 2008 renewal of the TVPA, the Federal Bureau of Investigation was directed to begin collecting trafficking-related data from participating law enforcement agencies nationwide.[89] Scholars agree that "improved documentation, tracking, monitoring, and interagency sharing of human trafficking data can close the existing gaps in trafficking data collection efforts."[90] In a study conducted by the Department of Justice, 82 percent of respondents replied that trafficking should be a moderate to top priority for law enforcement.[91] Yet, anti-trafficking efforts often receive lower policy priority because law enforcement does not perceive them as a problem.[92] This is due, as discussed in the literature review, to the common view among experts that despite early attempts to quantify the scope of trafficking, there remains a lack of insightful and contextualized trafficking data.[93] This issue endures for several fundamental reasons: trafficking data are disparate, duplicative, and opaque.[94]

Various organizations attempt to estimate the local, regional, and global impacts of trafficking. Early efforts myopically focused on sexual exploitation—potentially a reflection of Congress's nearsightedness—with little effort or attention directed to forced and exploited labor.[95] Some law enforcement leaders have reported suspicion of

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[88] Natasha B. Haunsperger, "Foreign-Born Human Trafficking—A Dark Specter Haunting America: An Examination of the Sex and Labor Trafficking Landscape" (master's thesis, Naval Postgraduate School, 2020), http://hdl.handle.net/10945/66653.

[89] Lindsay Strauss, "Adult Domestic Trafficking and the William Wilberforce Trafficking Victims Protection Reauthorization Act," *Cornell Journal of Law and Public Policy* 19, no. 2 (2010): 495–536, http://scholarship.law.cornell.edu/cjlpp/vol19/iss2/6.

[90] Haunsperger, "Foreign-Born Human Trafficking," 7.

[91] Vanessa Bouche, Amy Farrell, and Dana Wittmer, *Identifying Effective Counter-Trafficking Programs and Practices in the U.S.: Legislative, Legal, and Public Opinion Strategies that Work* (Washington, DC: Department of Justice, 2016), 32, https://www.ojp.gov/pdffiles1/nij/grants/249670.pdf. "8% say that it should be a top priority, almost half (48%) said that is [sic] should be a high priority, with another 36% saying it should be a moderate priority."

[92] Amy Farrell, Jack McDevitt, and Stephanie Fahy, *Understanding and Improving Law Enforcement Responses to Human Trafficking: Final Report* (Boston: Northeastern University, 2008), http://hdl.handle.net/2047/d10015802.

[93] Ryszard Piotrowicz, Conny Rijken, and Baerbel Heide Uhl, eds., *Routledge Handbook of Human Trafficking* (London: Routledge, 2019), 410.

[94] Marie Segrave, *Human Trafficking* (London: Routledge, 2013), 146.

[95] Segrave, 164.

trafficking in their areas of responsibility; however, they apply incorrect or incomplete definitions of the crime and its nuances.[96] The use of specially trained multiagency task forces has resulted in an increased ability to identify victims and build successful cases. Scholars and researchers have called for a deeper understanding of how these specialized units employ different investigatory strategies, based on their specialized knowledge and relationships.[97] One of the foundational aspects they identify as helping to create success is "learn [ing] to negotiate relationships and work collaboratively" with law enforcement and non–law enforcement partners.[98] Enhancing information-sharing practices may also help standardize routine data collection and clarify the real prevalence of trafficking.

Despite improvements, statistics, and research on illegal migration and sex work—both often used as proxies or synonymous research classifications—these efforts are not enough.[99] According to Greer, "The clandestine nature of trafficking renders it difficult to collect accurate and reliable data," but numerous entities are partnering and improving this process.[100] Funded by the Department of Health and Human Services, the Polaris Project began operating the National Human Trafficking Hotline and Resource Center (NHTRC) in 2007 to assist victims of trafficking. Year over year, the national hotline has received more incoming calls, connected more victims to service providers, and referred more cases to law enforcement. Since its inception, the hotline has received more than 54,000 calls and has played a central role in the U.S. national strategy to combat trafficking.[101] In 2011, the NHTRC received over 19,000 calls from more than 10,000 unique callers, up 7,400

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[96] Farrell, McDevitt, and Fahy, *Law Enforcement Responses to Human Trafficking*.

[97] Farrell, McDevitt, and Fahy, 195.

[98] Farrell, McDevitt, and Fahy, 199.

[99] Ernesto U. Savona and Sonia Stefanizzi, eds., *Measuring Human Trafficking: Complexities and Pitfalls* (New York: Springer, 2007), https://doi.org/10.1007/0-387-68044-6.

[100] Benjamin Thomas Greer, "Crime Shouldn't Pay: How California Should Expand and Restructure Its Human Trafficking Asset Forfeiture Laws," *Intercultural Human Rights Law Review* 12 (2017): 270.

[101] National Human Trafficking Resource Center, *Increasing Awareness and Engagement: Strengthening the National Response to Human Trafficking in the U.S.* (National Human Trafficking Resource Center, 2011), https://humantraffickinghotline.org/sites/default/files/NHTRC%20Annual%20Report%202011.pdf.

calls from 2010.[102] During that period, California ranked first in the nation as a state of origin, with 15.76 percent of the hotline's incoming calls.[103]

B.   CALIFORNIA'S PERVASIVE HUMAN-TRAFFICKING THREAT

California is a fruitful environment for traffickers to operate their illegal trade. Given the state's strong economy and large population, there are ample exploitative opportunities. California suffers from intrastate, interstate, and international trafficking. While a statistical majority of California's trafficking cases occur within its borders, it still sustains significant international trafficking exposure.[104] California's ports of entry are increasingly viewed as the front lines in the cross-border trafficking fight. For example, the Pacific Rim trafficking circuit is known to use San Francisco as a destination point of entry into California. Cases have been documented along the eastern part of the Pacific Rim trafficking circuit, moving through Canada, Washington, and Oregon, along Interstate 5 down into San Francisco and back up again.[105] California is also affected by trafficking activities south of its border. Activity originating in Mexico and Central America can have a profound impact on the trafficking of persons into and out of the United States, including California. NGOs have documented an alarming number of children recruited or exploited by organized criminal groups around the U.S.–Mexican border.[106] While not detailing all trafficking occurrences throughout Mexico, a 2011 report issued by the Mexican Congress to the *Procuraduría General de la República* informed the Chamber of Deputies that Mexican authorities had opened 271 investigations of human trafficking between 2008 and

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[102] National Human Trafficking Resource Center.

[103] National Human Trafficking Resource Center.

[104] Harris, *State of Human Trafficking in California*.

[105] Department of State, *Trafficking in Persons Report* (Washington, DC: Department of States, 2012), 45, http://www.state.gov/j/tip/rls/tiprpt/2012/.

[106] National Gang Intelligence Center, *2011 National Gang Threat Assessment: Emerging Trends* (Washington, DC: National Gang Intelligence Center, 2011), 9, https://www.fbi.gov/file-repository/stats-services-publications-2011-national-gang-threat-assessment-2011%20national%20gang%20threat%20 assessment%20%20emerging%20trends.pdf/view. This report discusses the prevalence of gang recruitment of juveniles and immigrants and the Mexican Drug Trafficking Organization's involvement in drug distribution as leading causes for gang expansion.

2010.[107] For the Mexican authorities, victim shelter partners provided a level of insight and detail out of their reach. The National Network of Shelters acknowledged at least 47 unique criminal networks and routes were used in trafficking and estimated the number of annual domestic victims to be 800,000 adults and 20,000 children.[108] The information supplied by the NGO partner specifically identified the states of Veracruz, Chiapas, Puebla, Oaxaca, Tlaxcala, Baja California, Chihuahua, Guerrero, and Quintana Roo as primary routes for trafficking.[109] At least one of these states intersects with California's southern border. Clear and honest communication with anti-trafficking NGO counterparts often provides law enforcement with critical information it would not have had otherwise. Given the proximity to California's southern border, this movement raises the need for effective collaboration between California's specialized investigatory and victim service units across the southern counties to better assess the impact on the state.

Recognizing California's exposure to domestic and international trafficking, the California Legislature has aggressively updated its legal response structure over the past 15 years. California was the first state to make human trafficking a state-level felony. Implemented in 2005, California Penal Code § 236.1 defines human trafficking as follows:

> All acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.[110]

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[107] Sergio Martínez Escamilla, managing director of the General Department of Public Policies and Inter-Instructional Coordination, to Antonio Hernandez Legaspi, head of the Legislative Liaison Unit of the Ministry of the Interior, March 12, 2012, (translated from Spanish). This letter describes the actions and projects instituted by various Mexican governmental entities to collect and maintain information on the extent of human trafficking in Mexico.

[108] Martínez Escamilla.

[109] Martínez Escamilla.

[110] Official website of California Department of Justice, "What Is Human Trafficking?"; Cal. Penal Code § 236.1 (2020).

California's aggressive approach includes a mandated multidisciplinary response structure.[111] This thoughtful design was intended for law enforcement, policymakers, and victim service practitioners to learn from past policy gaps and apply a nuanced approach in the next round of California's fight against trafficking. This evolutionary maturing occurred over 15 years. Since 2005, there have been two prominent statewide California reports summarizing the current understanding of the threat: the 2007 *Human Trafficking in California: Final Report* and the 2012 *State of Human Trafficking in California*.[112] These reports began to lay the legislative and statistical framework for a comprehensive, coordinated, statewide response.

1.   Scope of Trafficking in California

Although California legislation and official state reports call for effective collaborative working groups, turning these calls into tangible action is difficult given the lack of data and information sharing. Researchers acknowledge the value of expansive and diverse data sources. Frank Laczko, head of research and publications at the International Organization for Migration, has stated, "Much more could be done to fully exploit the existing information and make it more widely available (e.g., by promoting the sharing of information among agencies working to combat trafficking both within and between states)."[113] While arrest and conviction statistics are the best method for articulating a minimum prevalence, charging and investigating trafficking are not consistent across California's jurisdictions.[114] This commonly replied upon data point hinges on contextualized information sharing. There are numerous legitimate prosecutorial reasons a trafficking case may be diverted and prosecuted under associated penal code sections, especially when it involves the sexual exploitation of minors. While such diversions may be easier for district attorneys and federal prosecutors in holding traffickers accountable

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[111] Greer and Purvis, "Corporate Supply Chain Transparency."

[112] California Alliance to Combat Trafficking and Slavery Task Force, *Human Trafficking in California: Final Report*; Harris, *State of Human Trafficking in California*.

[113] Frank Laczko, "Enhancing Data Collection and Research on Trafficking in Persons," in *Measuring Human Trafficking: Complexities and Pitfalls*, ed. Ernesto U. Savona and Sonia Stefanizzi (New York: Springer, 2007), 43, https://doi.org/10.1007/0-387-68044-6.

[114] Bouche, Farrell, and Wittmer, *Identifying Effective Counter-Trafficking Programs*.

for their actions, they may not materialize in a "trafficking" conviction. This opacity inhibits the state's ability to articulate the scope of trafficking in a given jurisdiction.

State trafficking laws are overwhelmingly designed to punish sexual exploitation over labor exploitation, specifically sexual exploitation of minors, leading to incomplete or misrepresentative data. These hurdles often persuade a prosecutor to hold the trafficker criminally accountable for their crimes under a different penal code section from § 236.1. Few trafficking cases are charged and prosecuted under § 236.1, with many diverted to other sex crime or labor sections of the penal code due to stronger sentences or more favorable rules of admissible evidence. Until these legal incongruencies are resolved and the statute is brought into parity with the crime's severity, the number of state trafficking convictions is likely to remain low.[115] As compiling trafficking data often relies on conviction data and victim reporting—a hurdle in its own right—convicting traffickers under codes other than § 236.1 complicates insightful data.[116]

For example, California Penal Code § 266(h) and § 266(i) for pimping and pandering demand longer sentences than commercial sex trafficking.[117] Pimping and pandering crimes require fewer legal elements than trafficking, making those penal code sections more advantageous to prosecutors.[118] In addition to fewer legal elements, human trafficking's § 236.1 is eligible for probation while § 266(h) and § 266(i) are not.[119] From a numerical statutory perspective, such convictions are not reflected as human trafficking because the prosecutor can deliver a longer sentence using alternative penal code sections with heavier sentencing structures than provided by § 236.1. All these factors need to be fully weighed, researched, and evaluated during the investigation and charging process. If the facts of a case are sufficient to support a predicate of human trafficking enhanced by other conduct, it may achieve more penal time than a conviction under a related sex crime. However, a prosecutor's decision to charge pimping or pandering—§ 266(h) or § 266(i)—

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[115] Bouche, Farrell, and Wittmer.

[116] Bouche, Farrell, and Wittmer.

[117] Cal. Penal Code § 266(h) (2011); Cal. Penal Code § 266(i) (2011).

[118] Cal. Penal Code § 266(h); Cal. Penal Code § 266(i).

[119] Cal. Penal Code § 1203 (2020).

rather than human trafficking—§ 236.1—should in no way diminish the fact that the case was, at its core, trafficking. These dynamics render the scope and prevalence of the crime opaque to researchers, law makers, and law enforcement.

Despite these complicating legal dynamics, data collected by the California Department of Justice and the State Threat Assessment Center (STAC) clearly indicate human trafficking is a pervasive statewide threat.[120] From 2006 to 2016, reported statewide felony arrests for California Penal Code § 236.1 increased year over year, reached a peak of 538 felony arrests in 2016, decreased year over year, and then fell to 309 felony arrests in 2020.[121] Despite the four-year decrease, the overall trend of reported felony arrests has increased since 2006, based on a linear trend analysis of available law enforcement reporting data depicted in Figure 1.[122]

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[120] Harris, *State of Human Trafficking in California.*

[121] California Department of Justice, unpublished data, December 7, 2020.

[122] California Department of Justice.

California Human Trafficking Arrest/Conviction Statistics

— Arrests for PC 236.1   — Convictions under PC 236.1
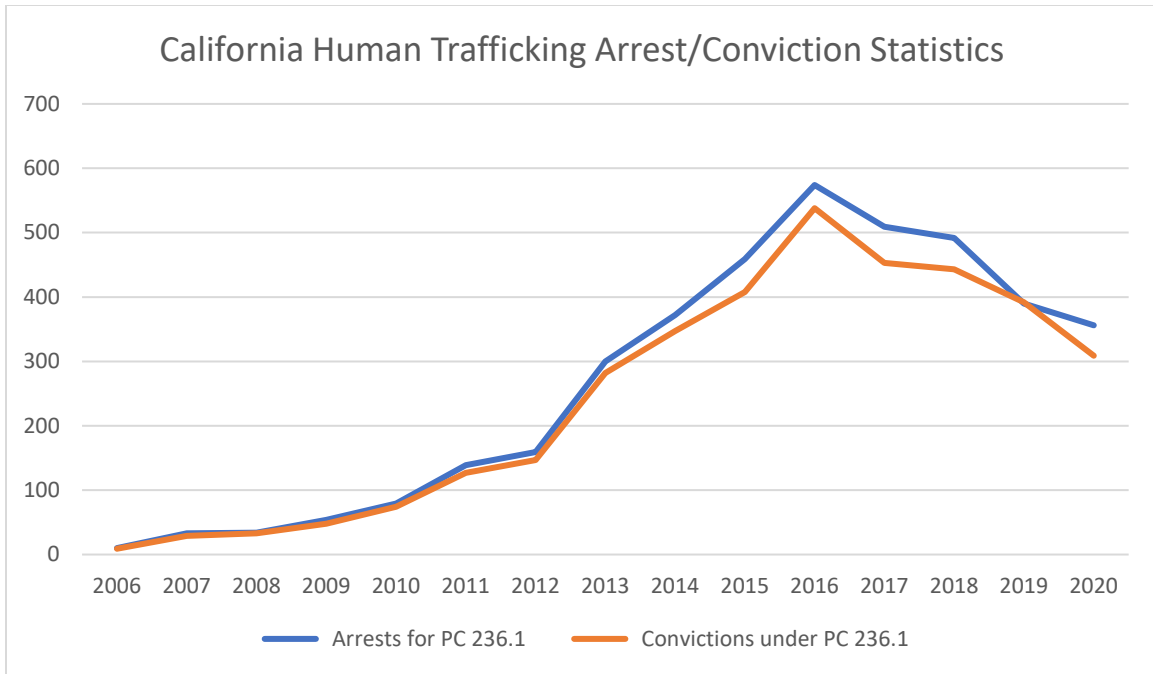
Figure 1.   California Human-Trafficking Arrest and Conviction Statistics.[123]

Figures 2–5 illustrate the expansion and scope of trafficking convictions across California circa 2006–2020. Overall, in 2020, law enforcement arrested at least 309 people for felony violations of California Penal Code § 236.1—or human trafficking—in 33 counties statewide, according to STAC's analysis of available California Department of Justice data, indicating a pervasive threat in 57 percent of California counties.

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[123] Source: California Department of Justice.
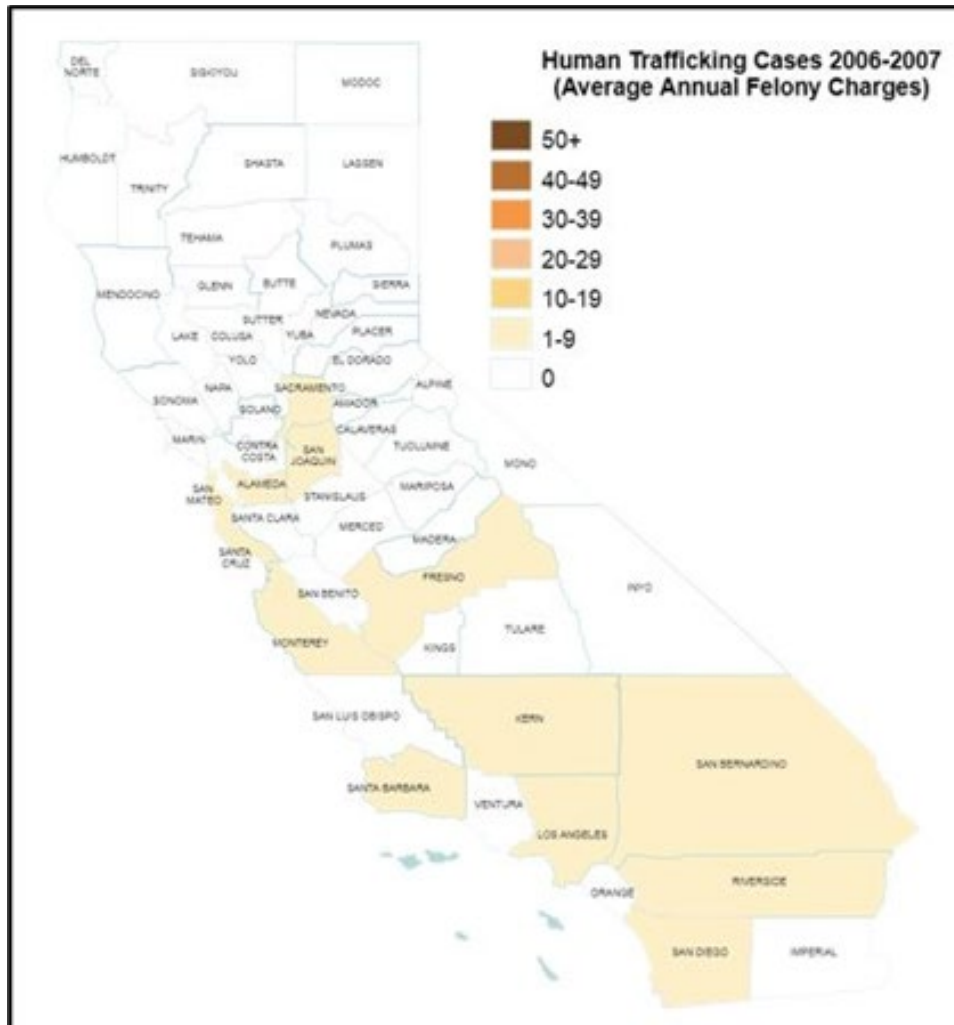
Figure 2.   Cal. Penal Code § 236.1, Convictions by County, 2006–2007.[124]

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[124] Adapted from California Department of Justice, unpublished data, December 7, 2020.
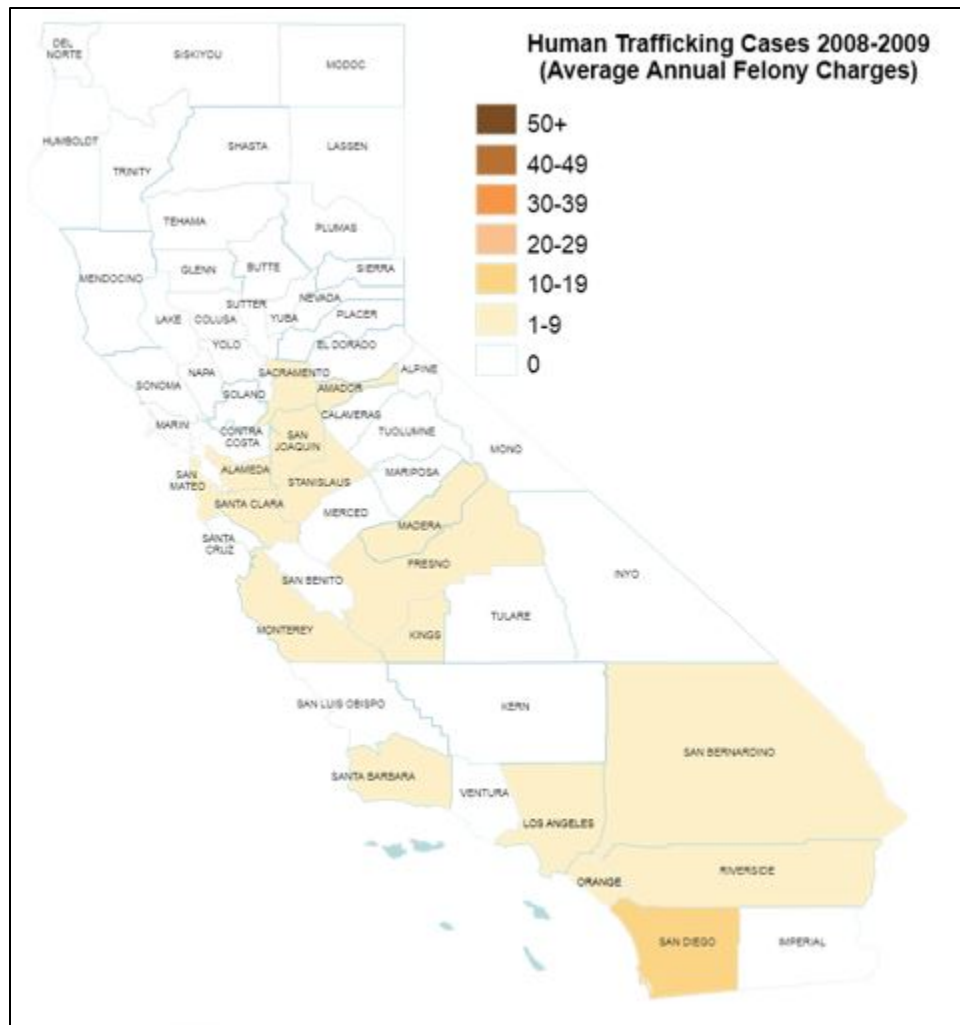
Figure 3.   Cal. Penal Code § 236.1, Convictions by County, 2008–2009.[125]

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[125] Adapted from California Department of Justice, unpublished data, December 7, 2020.
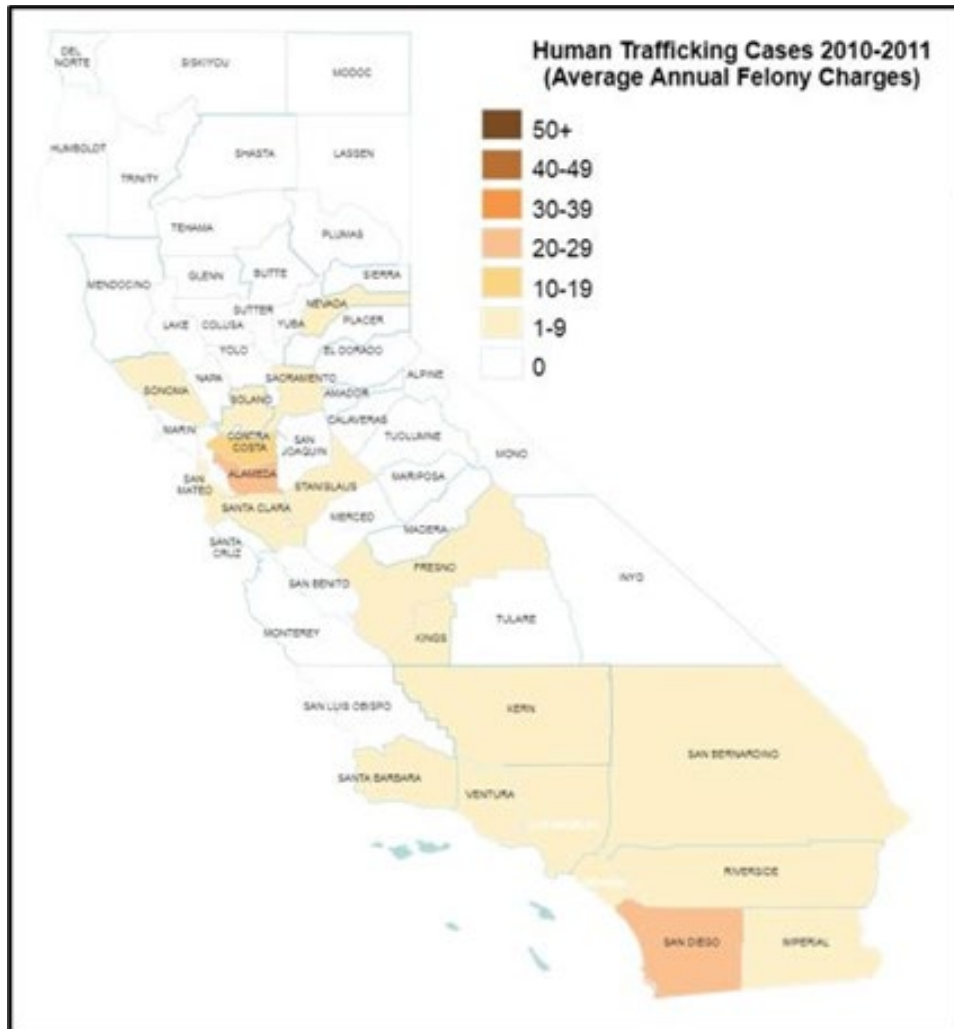
Figure 4. Cal. Penal Code § 236.1, Convictions by County, 2010–2001.[126]
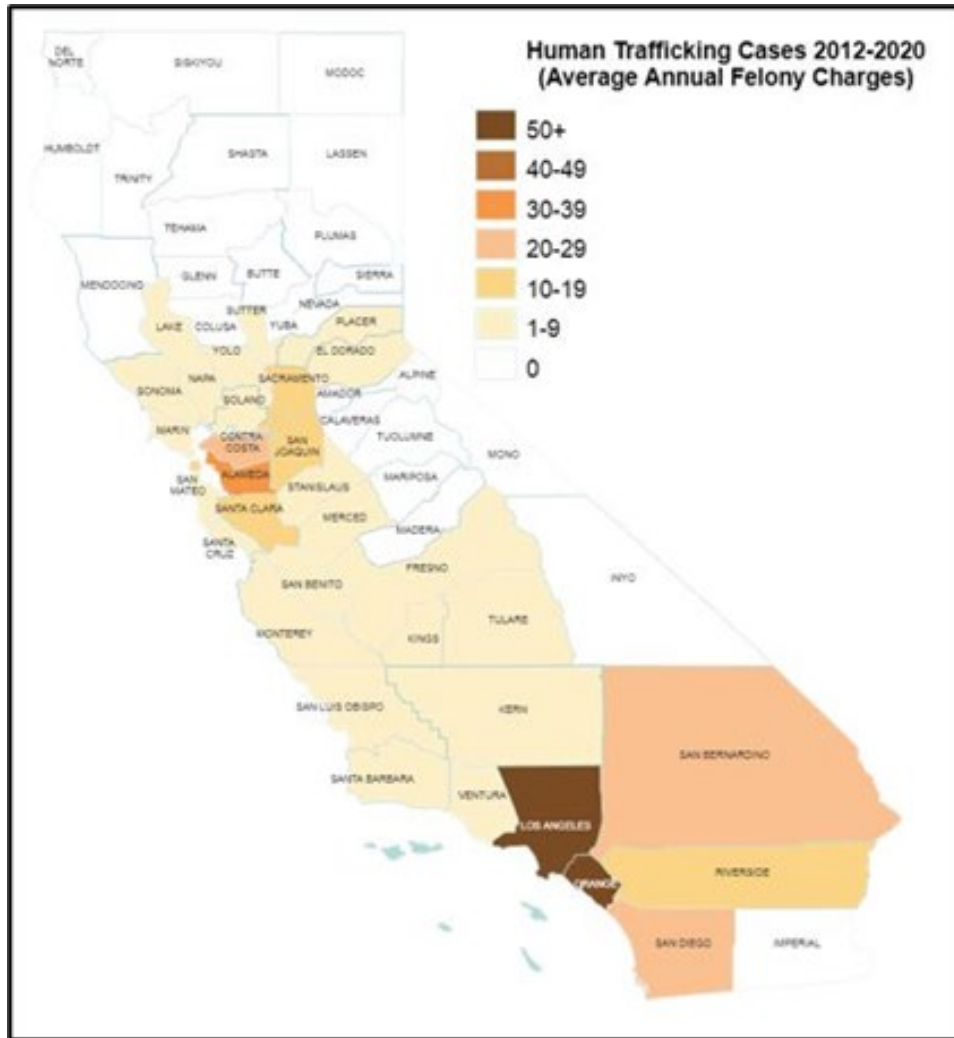
Figure 5.   Cal. Penal Code § 236.1, Convictions by County, 2012–2020.[127]

Although mandating a collaborative multidisciplinary effort was correct, federal and state governments did not provide the groundwork for its implementation. Inconsistent or misrepresentative data, priorities, and definitions reduce the efficacy of information sharing, which is the cornerstone of collaboration. For multidisciplinary efforts to achieve any success in combating human trafficking, California needs to understand and contextualize the problem before activating organizations and agencies to investigate alleged human-trafficking cases, prosecute perpetrators, and support victims.

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[127] Adapted from California Department of Justice, unpublished data, December 7, 2020.

2.   California Alliance to Combat Trafficking and Slavery Task Force

In 2005, California enacted the California Trafficking and Victims Protection Act and established the California Alliance to Combat Trafficking and Slavery (CA ACTS) Task Force. This 20-member task force was tasked with conducting a review of California's response to human trafficking and issuing a report of its findings and recommendations. The CA ACTS Task Force appointed members representing myriad disciplines, including law enforcement, prosecutors, public defenders, NGOs, health and social service agencies, mental health providers, domestic violence and sexual assault service organizations, researchers, farm workers, immigrant rights groups, and labor groups.[128] The task force was administered by the attorney general's former Crime and Violence Prevention Center.[129] Legislation charged the CA ACTS Task Force with many goals: collect and analyze data on the nature and extent of trafficking; review the effectiveness of existing collaborative models; assess and critique California's progress "in preventing, protecting, and providing assistance to victims of trafficking;"[130] and prosecute traffickers.[131] Finally, the task force was commissioned to publish a final report summarizing its findings.[132]

To accomplish its goals, the task force received input from subject-matter experts and key leaders from throughout the state and conducted extensive research and literature reviews. The task force found that many anti-trafficking efforts were underway in various regions throughout California, but a more comprehensive and coordinated framework was necessary.[133] The culminating result was the task force's final report in 2007, entitled *Human Trafficking in California: Final Report*, which highlights key findings and promulgates 55 recommendations designed to bolster California's anti-trafficking

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[128] Harris, *State of Human Trafficking in California*.

[129] Harris.

[130] Harris, 83.

[131] Harris.

[132] Harris.

[133] Harris.

efforts.[134] In its findings, the CA ACTS Task Force extols California's collaborative framework and standardized mechanisms for data collection as critical in combating this crime. While its findings indicate that California has made progress in combating trafficking, challenges have remained.

3. Development and Expansion of California HTTFs, Collaboratives, and Working Groups

Research indicates that the most effective responses to curb trafficking apply a comprehensive approach.[135] This approach should enhance not only penal sentences but also the design of victim service and legal advocacy grant programs and assess law enforcement trainings to ensure the curriculum includes victim-centered, trauma-informed care strategies.[136] California has consistently augmented and expanded its anti-trafficking response structure. Federally funded HTTFs were established in Oakland, Los Angeles, and San Diego in 2004, San Francisco and San Jose in 2005, and Westminster (Orange County) in 2008.[137]

In 2009, the California Emergency Management Agency used funds from the American Recovery and Reinvestment Act to supplement six existing task forces and their NGOs. The act's funds established three additional task forces in the state to focus on domestic and international trafficking issues. Funding was allocated in areas of California not currently covered by the six existing task forces. These task forces were established in Sacramento, Fresno, and Riverside in 2010. The primary goal of these task forces was to develop sustainable programs by creating proactive law enforcement and prosecutions.[138] These task forces were also expected to coordinate with U.S. Attorneys' Offices, as well

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[134] Harris.

[135] Bouche, Farrell, and Wittmer, *Identifying Effective Counter-Trafficking Programs*.

[136] Bouche, Farrell, and Wittmer.

[137] Harris, *State of Human Trafficking in California*.

[138] Harris.

as collaborate with victim service providers to increase identification of victims and perpetrators.[139]

Recognizing the state's rapid expansion of specialty units, in January 2012, Attorney General Kamala Harris created the California Department of Justice's Human Trafficking Work Group. Its mission was to articulate the scope and dynamic of human trafficking throughout California, assess its advancement since 2007, and identify and articulate continued challenges and nascent opportunities in protecting and assisting victims while holding traffickers fully accountable.[140] Harris explains, "The Work Group included more than 100 representatives of state, local and federal law enforcement, state government agencies, victim service providers, nonprofit groups, technology companies, and educational institutions."[141] Its discussions, as well as supplemental research and investigations by the California Department of Justice, found that "from mid-2010 to mid-2012, California's nine regional human trafficking task forces identified 1,277 victims, initiated 2,552 investigations, and arrested 1,798 individuals. . . . In the same two-year period, California's task forces provided training to 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders."[142] California-based anti-trafficking NGOs trained judicial officers, airport personnel, social service providers, pro bono attorneys, and relevant retail businesses.[143]

While the public perception of human trafficking is that victims are usually foreign nationals, data from California's task forces indicate most victims are Americans.[144] Among California's human-trafficking victims whose country of origin was identified, 72 percent were U.S. citizens with legal permanent residence.[145] According to Harris,

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[139] Harris.

[140] Harris.

[141] Harris, 4.

[142] Harris, 4.

[143] Harris.

[144] Harris.

[145] Harris, 2.

First, criminal organizations and street gangs have increasingly turned to trafficking in persons [as a lucrative source of revenue]. The prevailing wisdom among these criminals is that human trafficking is more profitable and has a lower risk of being detected than drug trafficking. Second, new innovations in technology make it possible for traffickers to recruit victims and perpetrate their crimes. . . . Third, the Internet, social media, and mobile devices provide new avenues for outreach to victims and raising public awareness about this atrocious crime.[146]

The working group acknowledged, compared to sexual exploitation, there appears to be significant under-reporting and under-investigation of labor trafficking.[147] While the working group acknowledged 56 percent of victims receiving services through California's task forces were sex trafficking victims, national and global estimates indicate labor trafficking is 3.5 times as prevalent as sexual exploitation.[148] Given this criminal activity is transient, broad-based collaboration is critical. Collaboration between Federal, state, local law enforcement, including labor regulators must align to counter, disrupt and dismantle this threat.[149] These threat actors are increasingly utilizing sophisticated networks to obtain control of their victims and exploit their value. The rapid expansion of specialty units across the state mirrors the pervasiveness of California's trafficking exposure. The multi-disciplinary make-up of these units underscores the importance that governmental and civilian partners play in detecting trafficking and supporting victims.[150] Finally, the working group stressed that early and frequent collaboration between law enforcement and victim service providers increases the likelihood of a successful case outcome.[151] When victims receive immediate and comprehensive assistance, they are more likely to help bring their traffickers to justice.[152]

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[146] Harris, 3–4.

[147] Harris.

[148] Harris, 4.

[149] Harris.

[150] Harris.

[151] Harris.

[152] Harris.

C.   HUMAN TRAFFICKING'S INTERCONNECTIVITY WITH OTHER CRIMINAL ACTIVITY

The lack of full and honest conversations between the anti-trafficking service community and law enforcement is preventing state threat assessment analysts from fully appreciating the threat that trafficking poses in California. According to California Attorney General Harris, perpetrators of trafficking are not limited to single or "sole practitioners." They often include transnational criminal organizations (TCOs), domestic street gangs, and international labor contractors.[153] TCOs have evolved their criminal trade to include human trafficking and are conducting business in California. They are forming relationships with local gangs, which are also migrating to trafficking, according to the National Gang Intelligence Center's *2011 National Gang Threat Assessment*. Coupling the immense potential profit, relatively low conviction rate, and associated time of incarceration, criminal organizations will continue trafficking.[154] Furthermore, the increase in hybrid criminal street gangs is fueling human trafficking and commercial sexual exploitation by gang members. Territorial disputes are being set aside as opportunities for monetary gain increase.[155] These hybrid gangs originated from traditional street gang sets—often past rivals—that created new sets founded on the common goal of garnering profits from sexual exploitation. Gangs are recognizing that sex trade prosecutions demand lower penal sentences and involve inherently lower detection risk.[156] Prostitution is quickly becoming a favorable alternative to drug or weapons trafficking, with pimping and trafficking seen as "the new crack."[157] The prevailing wisdom is that while drugs and weapons can be sold once, a person can be exploited multiple times.[158]

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[153] Greer, Cotulla, and Johnson, "The Routes of Human Suffering."

[154] Ami Carpenter and Stacey Cooper, *Weak Links: Gangs and Criminal Networks in the San Diego/ Tijuana Border Region* (San Diego: Gangs Regional Activity and Presence Project, University of San Diego, 2012).

[155] Harris, *State of Human Trafficking in California*.

[156] Harris.

[157] Carpenter and Cooper, *Transnational Gang Activity*.

[158] Harris, *State of Human Trafficking in California*.

Among the growing nexus to TCOs, as highlighted in the California attorney general's report, is the expansion of *Mara Salvatrucha*, or MS-13, into sex trafficking. MS-13 is a designated TCO that originated in the mid-1980s in Los Angeles by El Salvadorian foreign nationals. Harris highlights a recent California case in which a 12-year-old runaway looking for help was contacted by an MS-13 gang member. The man drove her to his home, let her shower, took her to a pharmacy where he picked up condoms, and then drove her to her first sex buyer. Over the next three months, she was coerced, threatened, and prostituted in apartments for $40 for 15 minutes of sex. Harris stressed that the 12-year-old victim was one of many being exploited by members of MS-13.[159]

While there is ample evidence of a domestic trafficking/TCO nexus, domestic trafficking that supports foreign terrorist organizations (FTOs) remains a high concern for threat assessment analysts. A body of research is beginning to examine the tactical use of trafficking in the financing and support of international terrorism.[160] Nikita Malik, former director of the Centre on Radicalisation and Terrorism at the Henry Jackson Society, has demonstrated an undeniable link between international trafficking and FTOs.[161] To date, there is no known domestic trafficking linkage to FTO material support. Clear and reliable communications between law enforcement and victim service providers help provide the raw information on which intelligence fusion relies. Improving how such units build trust will increase their ability to identify and assess threat actors' tactics, techniques, and procedures.

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[159] Harris.

[160] *Current Terrorist Threat to the United States: Hearing before the Senate Select Committee on Intelligence, Senate*, 114th Cong. (2015) (statement of Nicholas Rasmussen, Director of National Counterterrorism Center), https://www.intelligence.senate.gov/sites/default/files/hearings/S.%20Hrg.%20114-652.pdf; *Boko Haram: The Growing Threat to School Girls, Nigeria, and Beyond: Hearing before the Committee on Foreign Affairs, House of Representatives*, 113th Cong., (2014), https://www.govinfo.gov/content/pkg/CHRG-113hhrg88018/html/CHRG-113hhrg88018.htm; Nadia Murad, *The Last Girl: My Story of Captivity and My Fight against the Islamic State* (New York: Tim Duggan Books, 2017); Ishaan Tharoor, "The Islamic State's Horrifying Practice of Sex Slavery," *Washington Post*, August 20, 2015, https://www.washingtonpost.com/news/worldviews/wp/2015/08/20/the-islamic-states-horrifying-practice-of-sex-slavery-explained/; Bernard K. Freamon, "Slavery, Freedom, and the Doctrine of Consensus in Islamic Jurisprudence," *Harvard Human Rights Journal* 11 (1998).

[161] Nikita Malik, *Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism* (London: Henry Jackson Society, 2017), http://henryjacksonsociety.org/wp-content/uploads/2017/10/HJS-Trafficking-Terror-Report-web.pdf.

D. AS COLLABORATION EXPANDS, INFORMATION SHARING LAGS

The initial framework endorsed both domestically and internationally was a "3P" paradigm—prevention, protection, and prosecution.[162] Experts now agree that early and frequent collaboration between law enforcement and victim service providers helps build successful cases, holds the perpetrators accountable, and provides timely care for survivors. A fourth "P"—partnership—was introduced in 2009. As former Secretary of State Clinton has stated,

> In recent years we've pursued a comprehensive approach reflected by the three Ps: prosecution, protection, and prevention. Well, it's time to add a fourth: partnership. The criminal network that enslaves millions of people crosses borders and spans continents. So our response must do the same. So we're committed to building new partnerships with governments and NGOs around the world, because the repercussions of trafficking affect us all.[163]

With over 500 municipal, county, and state law enforcement agencies across California, effectively collaborating is very difficult and time consuming.[164] Collaboration is best achieved when partners share a common goal and can appreciate the value added through partnerships. For collaboration to be consistently and effectively implemented, the desire and dedication need to originate organically from the collaborating parties. Forced or coerced collaboration can result in "collaboration fatigue."[165] Defined as "a condition of exhaustion brought on by an onslaught of information, forced interaction, and general low-value collaboration," collaboration fatigue can have a deleterious effect on the relationship if the collaborative association is not organic and intentional.[166]

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[162] "3Ps: Prosecution, Protection, and Prevention," Department of State, accessed December 8, 2021, https://www.state.gov/3ps-prosecution-protection-and-prevention/.

[163] Hillary Rodham Clinton, "Remarks at Release of the Ninth Annual Trafficking in Persons Report alongside Leaders in Congress," Department of State, June 16, 2009, https://2009-2017.state.gov/secretary/20092013clinton/rm/2009a/06/124872.htm.

[164] Brian A. Reaves, *Census of State and Local Law Enforcement Agencies, 2008*, Bulletin NCJ 233982 (Washington, DC: Bureau of Justice Statistics, 2011), https://www.bjs.gov/content/pub/pdf/csllea08.pdf.

[165] Phillips, "Collaborating against Human Trafficking," 146.

[166] Phillips, 146.

Since the establishment of the original task forces in 2006, numerous counties, cities, and communities have felt the need to install anti-trafficking units to operate in their jurisdictions. These units are generally created ad hoc, with little planning to integrate or complement the existing statewide task force structure. Some of these units are deployed in advance of high-profile events, such as Super Bowl 50, while others in response to the evolution of crime in their areas of responsibility.[167] California currently has approximately 32 human-trafficking task forces, community collaboratives, or working groups. The "task force" moniker usually connotes that the group contains at least one law enforcement agency; this does not hold true in the counter-trafficking space. There is at least one task force in California that does not have a law enforcement component. Conversely, there are numerous community collaboratives and working groups that contain a sheriff's department or district attorney's office. Trafficking-unit naming implies political and community sensitivities but not necessarily mission tasking. An area may choose to avoid the task force moniker when it wishes to invoke a more collaborative approach among community partners. The only anti-trafficking units with a legal definition are the federally funded HTTFs using the ECM. These task forces are defined by their grant program and must include at least one law enforcement agency and one victim service provider as co-equal partners.

Table 1 and Figure 6 depict the location, date of establishment, and area of operations for the 32 trafficking task forces, community collaboratives, and working groups throughout California. Their areas of influence encompass well over half the counties in California, indicating a statewide and geographically diverse threat. They often overlap or operate in a contiguous locale.

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[167] Ariha Setalvad, "Santa Clara County Tackling Human Trafficking ahead of Super Bowl," Peninsula Press, December 1, 2014, http://peninsulapress.com/2014/12/01/santa-clara-human-trafficking/; "Human Trafficking," San Luis Obispo County District Attorney, accessed December 8, 2021, https://www.slocounty.ca.gov/Departments/District-Attorney/Victim-Witness-Assistance-Center/Human-Trafficking.aspx.

Table 1.   California Human-Trafficking Specialty Units.[168]

Unit Name	Year Established	County (Area of Operation)
Contra Costa County Zero Tolerance for Human Trafficking	2001	Contra Costa County
Orange County Human Trafficking Task Force	2004	Orange County
San Jose Police Department Human Trafficking Task Force	2005	Santa Clara County
Bay Area HEAT Coalition–Human Exploitation and Trafficking Watch	2005	Alameda County (Oakland)
LA Regional Human Trafficking Task Force	2005	Los Angeles County
South Bay Coalition to End Human Trafficking	2005	San Mateo, Santa Clara, Santa Cruz County
Sonoma County Human Trafficking Task Force	2007	Sonoma County
Fresno Coalition Against Human Trafficking	2009	Fresno County
San Francisco Collaborative Against Human Trafficking	2009	San Francisco County
Central Valley Human Trafficking Task Force	2009	Fresno, Kings, Madera, Merced, Tulare, Kern County
San Bernardino Coalition Against Sexual Exploitation	2009	San Bernardino County
Riverside County Anti-Human Trafficking Task Force	2010	Riverside County
Sacramento Lost Innocence Task Force	2010	Sacramento County
San Diego North County Anti-Trafficking Task Force	2010	San Diego County
Kern Coalition Against Human Trafficking	2012	Kern County
Long Beach Human Trafficking Task Force	2012	Long Beach County
Chico State: STOP Human Trafficking	2012	Butte County
North Bay Human Trafficking Task Force	2012	San Francisco, Marin County

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[168] Source: Benjamin Thomas Greer, unpublished data, 2018–2021.

Unit Name	Year Established	County (Area of Operation)
El Dorado County Foster Youth and Human Trafficking Task Force	2013	El Dorado County
Santa Barbara County Human Trafficking Task Force	2013	Santa Barbara County
Marin County Human Trafficking Task Force	2014	Marin County
Sacramento Child Exploitation Task Force	2014	Sacramento County
Santa Clara County Human Trafficking Task Force	2014	Santa Clara County
Sacramento Together	2015	Sacramento County
San Mateo County Human Trafficking Working Group	2015	San Mateo, Santa Clara County
San Joaquin Human Trafficking Task Force	2015	San Joaquin, Calaveras, Stanislaus County
San Luis Obispo County Human Trafficking Task Force	2015	San Luis Obispo County
San Diego Violent Human Trafficking and Child Exploitation Task Force	2015	San Diego County
Coalition to End Human Trafficking in Santa Cruz	2015	Santa Cruz County
Ventura County Coalition Against Human Trafficking	2016	Ventura County
Los Angeles Human Trafficking Task Force, Compton HTTF	2018	Los Angeles County (Compton)
Tulare County Human Trafficking Task Force	2020	Tulare County

Figure 6.   California Human-Trafficking Task Forces, Working Groups, and
Community Collaboratives

Even as these units are funded, operationalized, and included in the California anti-trafficking response structure, they often lack the tools and information to collaborate effectively to combat this dynamic and transient crime. They are left to build relationships independently, share information as needed, and work cases in a disjointed approach. They rarely receive guidance for how to construct information-sharing protocols or how to cooperate with other professions and disciplines they are likely to depend on to build successful cases.

California has succeeded in creating awareness and fostering a legal and social environment where the creation of anti-trafficking task forces is encouraged. California has built arguably the more robust response structure in the United States, but now it faces the challenge of maximizing its impact and effectiveness. Effectiveness will improve as the specialty units learn to share information and collaborate toward a common goal.

III. COLLABORATIVE INFORMATION-
AND INTELLIGENCE-SHARING MODELS

> The identification of human trafficking suspects and victims is one of the
> most significant challenges facing U.S. law enforcement agencies.
>
> —Amy Farrell et al.[169]

California's law enforcement and victim identification techniques have not kept pace with the imagination and cleverness of traffickers. As the California Attorney General Kamala Harris recognized, "Perpetrators of this crime are . . . using increasingly sophisticated methods to exploit victims and evade law enforcement."[170] Their demonstrated levels of complex communication and covert organization require an equally sophisticated and coordinated response.[171] Mastering multidisciplinary group work can yield direct and indirect gains, which can assist in the immediate arrest or identification of a victim but can also provide policymakers with valuable information on how to disrupt or dismantle clandestine networks. By nurturing open channels of communication, channels containing insightful and hard-to-cultivate intelligence, policymakers can obtain information to facilitate cohesive evidence-led strategic planning.

Evidence-based policing and intelligence-led policing (ILP) are some of the most powerful tools law enforcement can employ and are increasingly seen as the next step in community-based policing efforts.[172] An art form that requires consistent reevaluation and assessment of efficacy, ILP is propelled by and requires quality information and contextualized intelligence derived from various sources and partnerships that require

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[169] Amy Farrell et al., *Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases: Executive Summary* (Washington, DC: National Institute of Justice, 2012), 6, http://www.urban.org/UploadedPDF/412592-State-and-Local-Human-Trafficking-Cases.pdf.

[170] Harris, *State of Human Trafficking in California*.

[171] Harris, 26.

[172] Leslie W. Kennedy, Joel M. Caplan, and Eric L. Piza, "Risk Clusters, Hotspots, and Spatial Intelligence: Risk Terrain Modeling as an Algorithm for Police Resource Allocation Strategies," *Journal of Quantitative Criminology* 27 (2011): 339, https://doi.org/10.1007/s10940-010-9126-2.

collaborative bonds. Rather than relying on intuition, anecdotal evidence, or mere observation, ILP seeks to determine why a phenomenon is occurring and how to alter its future occurrence.[173] ILP can speak to all forms of intelligence and provide insight into adjusting task force strategic and tactical efforts.

This chapter examines how ILP and anti-trafficking task forces can form a symbiotic relationship. Improving collaborative information sharing will improve the quality of ILP, and the more detailed and nuanced the ILP, the greater the gains task forces can achieve. Traffickers pose significant strategic and tactical challenges. By improving the quality of information derived from trafficking task force members and leveraging the existing information-sharing networks of fusion centers and anti-trafficking task force networks, California can combine knowledge and resources to mount an effective counter-trafficking approach statewide.

A.   THE VALUE OF INTELLIGENCE-LED POLICING

Generally, crime does not occur randomly over a geographic area; rather, it occurs logically or rationally as a function of environmental factors that leave segments of the population vulnerable.[174] ILP comprises the systematic collection of information on a subject of interest and the contextualized analysis of the threat.[175] The resulting intelligence often provides strategic insight into current tactics and ways an agency may

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[173] Walt L. Perry, *Predictive Policing: The Role of Crime Forecasting in Law Enforcement Operations* (Santa Monica, CA: RAND Corporation, 2013), 115; International Association of Chiefs of Police, *Multidisciplinary Collaborative Model for Anti-trafficking Task Forces: Development & Operations Roadmap* (Alexandria, VA: International Association of Chiefs of Police, 2020), 36, https://www.theiacp. org/sites/default/files/HumanTrafficking/Roadmap%20for%20Multidisciplinary%20Collaborative%20 Model%20Anti-Human%20Trafficking%20Task%20Forces.pdf; Kelsey Miller, "Data-Driven Decision Making: A Primer for Beginners," *Northeastern University Graduate Programs* (blog), August 22, 2019, www.northeastern.edu/graduate/blog/data-driven-decision-making.

[174] "Studies demonstrate that rather than being random, crime tends to cluster in space . . . , and that directing police . . . or crime prevention . . . resources to such 'hotspots' can have a crime reductive effect." Kate J. Bowers and Shane D. Johnson, "Who Commits Near Repeats? A Test of the Boost Explanation," *Western Criminology Review* 5, no. 3 (2004): 12, http://westerncriminology.org/documents/WCR/v05n3/ article_pds/bowers.pdf. "Crime also does not occur randomly. It tends to concentrate at particular places for reasons that can be explained in relation to victim and offender interaction and the opportunities that exist to commit crime." Spencer Chainey, Lisa Tompson, and Sebastian Uhlig, "The Utility of Hotspot Mapping for Predicting Spatial Patterns of Crime," *Security Journal* 21 (2008): 4, 5, https://doi.org/10.1057/ palgrave.sj.8350066.

[175] Perry, *Predictive Policing*, xiii.

modify resources to have a greater impact.[176] It is not fundamentally about making crime predictions; rather, it is a methodology that allows law enforcement agencies and governments to design more effective laws or enforcement plans to combat specific criminal activity. In other words, it is a tool from which additional tools will be designed and implemented. Investigating newly defined crimes, such as human trafficking, with which investigators have less historical experience or limited skillsets requires the creation and employment of novel tactics both in methodology of evidence collection and source cultivation.[177] Anti-trafficking enforcement needs to creatively enhance the collaborative relationships on which ILP relies to identify or predict offender patterns and likely victims.[178]

Analysts must place confidence in the method of intelligence collection to accurately assess the nature of a threat.[179] Superior tactical decision-making can be directly attributed to the quality and depth of knowledge of a situation.[180] Robust ILP helps to improve threat assessment and tactical decision-making by incorporating more sources across multiple domains. The broader inclusion of quality information can lead to improved contextualized knowledge. Anticipating a threat's tactical evolution is a critical component of national security.[181] This strategic and tactical intelligence can best be derived from ground-level operators from a multitude of professional disciplines—having established a hearty collaborative information-sharing environment will be the conduit for intelligence aggregation. A well-structured task force will help facilitate this free flow of information.

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[176] Perry, xiii.

[177] Farrell and Pfeffer, "Cultural Blinders and Organizational Barriers," 46–64.

[178] Perry, *Predictive Policing*, xiv.

[179] Erik J. Dahl, *Intelligence and Surprise Attack: Failure and Success from Pearl Harbor to 9/11 and Beyond* (Washington, DC: Georgetown University Press, 2013), 23.

[180] David Omand, "Securing the State: National Security and Secret Intelligence," *Prism* 4, no. 3 (2013): 21, https://cco.ndu.edu/Portals/96/Documents/prism/prism_4-3/PRISM_4-3_14-27_Omand.pdf.

[181] Omand, 22.

Human trafficking has the potential to consociate domestic criminal activity as well as national security concerns.[182] Expanding and enhancing ILP information cultivation will improve California's threat assessment as task force members are likely privy to valuable multipurpose information. Task force members cannot fully appreciate the importance or impact of the siloed information they possess without fusing it with additional information they do not have. Raw information coupled with additional information and contextualized for purpose and meaning can create different types of intelligence. Tactical intelligence can help law enforcement investigate or interdict a specific case. Strategic intelligence may help inform the legislature on how to modify a jurisdiction's statutory framework. National security intelligence can inform officials on the evolution of criminal tactics, techniques, and procedures. Table 2 describes the four main type of intelligence and their correlative functions.

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[182] Jennifer Bryson Clark and Saša Poučki, *The Sage Handbook of Human Trafficking and Modern Day Slavery* (Los Angeles: SAGE, 2019), 233.

Table 2.   Types and Functions of Intelligence

Tactical Intelligence	Shorter in term, narrowly focused, and most likely to be used by operations planners or direct field operators[183]
Actionable Intelligence	Sufficient specificity and detail that elicit response to prevent a criminal activity[184]
National Security Intelligence	The collection and analysis of information focused on the relationship and homeostasis of the United States with foreign powers, organizations, and persons, specifically concerning political economic factors in addition to the maintenance of U.S. sovereign principles[185]
Strategic Intelligence	The collection, processing, analysis, and dissemination of intelligence addressing existing patterns or trends that assist in forming policy and long-term planning[186]

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[183] Dahl, *Intelligence and Surprise Attack*, 22.

[184] Department of Justice and Department of Homeland Security, *Fusion Center Guidelines, Developing and Sharing Information and Intelligence in a New World* (Washington, DC: Department of Justice and Department of Homeland Security, 2005), 2–3, 12, https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/20050822_fusion_center_guidelines_v1.pdf.

[185] David L. Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies* (Washington, DC: Office of Community Oriented Policing Services, 2004), 14, 17, https://www.hsdl.org/?view&did=450604.

[186] Department of Justice and Department of Homeland Security, *Fusion Center Guidelines*, 113.

Because traffickers tend to adapt quickly to changing environmental factors, such as enforcement tactics and customer demand, many states and nations have begun experimenting with and implementing ILP models to disrupt their progression.[187] Over the past 20 years, following models from the United Kingdom and the Netherlands, states like California, Washington, South Carolina, Arizona, Tennessee, and Illinois have been working with the Bureau of Justice Assistance and the National Institute of Justice to explore how ILP may assist law enforcement in countering this crime.[188] A comprehensive, multidisciplinary approach to information collection supports the development of quality ILP.

B. EXISTING HUMAN-TRAFFICKING INFORMATION AND INTELLIGENCE-SHARING EFFORTS

California's current anti-trafficking response is designed to address static, localized criminal activity; it is not designed to identify and investigate cross-jurisdictional or international criminal activity or that which may be present in one locale for only a short period. Acknowledging the complexities of the crime and the likelihood trafficking will span geographic and agency barriers, the California Legislature worked to close a legal loophole by consolidating multijurisdictional prosecutions.[189] While the legal change helped to expedite and consolidate legal proceedings, the legislature could not statutorily

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[187] Greer and Purvis, "Corporate Supply Chain Transparency."

[188] Zach Friend, "Predictive Policing: Using Technology to Reduce Crime," Federal Bureau of Investigation, accessed December 8, 2021, https://leb.fbi.gov/articles/featured-articles/predictive-policing-using-technology-to-reduce-crime; Rutger Rienks, *Predictive Policing: Taking a Chance for a Safer Future* (Dutch National Police, 2015), https://issuu.com/rutgerrienks/docs/predictive_policing_rienks_uk.

[189] "If more than one violation of Section 236.1, 266h, or 266i occurs in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred, subject to a hearing pursuant to Section 954, within the jurisdiction of the proposed trial. At the Section 954 hearing, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue. Charged offenses from jurisdictions where there is not a written agreement from the district attorney shall be returned to that jurisdiction. In determining whether all counts in the complaint should be joined in one county for prosecution, the court shall consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to, the victim or victims and witnesses." Cal. Penal Code § 784.7(c) (2019), https://leginfo. legislature.ca.gov/faces/ codes_displayText.xhtml?lawCode=PEN&division=&title=3.&part=2.&chapter=1.&article=.

resolve interpersonal and interagency cooperation hurdles, including those that impede information sharing.[190]

Although California has yet to overcome these hurdles, it can look to the "best practices" outlined by the International Association of Chiefs of Police (IACP) in its multidisciplinary ECM HTTF training. The most effective HTTFs install and engage in clearly delineated lines of communication and dialogue.[191] The IACP stresses an anti-trafficking multidisciplinary task force's core team should be supported by a multidisciplinary liaison.[192] While each core team is unique to the needs and challenges of its designated jurisdiction, members will likely be complemented with a multitude of other subject-matter practitioners (e.g., research partners, crime analysts, and traumatologists).[193] The core team provides overarching goal setting and administers investigatory strategy and member duties and obligations.[194] The director or multidisciplinary liaison is responsible for administering general operations of the task force and fostering collective group cohesion.[195] It is through "diversity in membership" and a multidisciplinary approach that the task force is positioned to effectively respond to all forms of trafficking and supply the required trauma-informed care that survivors likely need.[196] According to the IACP, "Establishing a shared understanding of respective roles and responsibilities can help build trust among team members that everyone is working in concert toward the same goals."[197] Although affiliation and participation in a multidisciplinary HTTF does not mandate sweeping communication requirements, they do

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[190] Cal. Penal Code § 784.7(c).

[191] International Association of Chiefs of Police, *Multidisciplinary Collaborative Model*, 36.

[192] International Association of Chiefs of Police, 15.

[193] International Association of Chiefs of Police, 15.

[194] International Association of Chiefs of Police, 15.

[195] International Association of Chiefs of Police, 15.

[196] International Association of Chiefs of Police, 16.

[197] International Association of Chiefs of Police, 18.

underscore that data collection, analysis, and dissemination are essential functions of task force operations.[198]

C. DEPARTMENT OF JUSTICE'S HUMAN-TRAFFICKING ENHANCED COLLABORATIVE MODELS

The federal government has sought to encourage and incentivize interagency coordination and a multidisciplinary approach to trafficking. After Secretary of State Hillary Clinton added partnerships to the U.S. anti-trafficking effort in 2009, a 2010 report clarified what effective partnerships might look like. In its expansion of the fourth "P," the Department of State acknowledged the lack of identifiable collaboration strategies:

> Combating trafficking is a multifaceted issue requiring multidiscipline expertise, significant resources and efforts of many individuals and entities . . . outside the government, partnerships . . . coming together for purposes of advocacy, service provision, and information sharing. While there is broad agreement on the purpose and benefits of a partnership approach to human trafficking, there is less agreement on and documentation of proven, successful strategies—something all should endeavor to create and share in the years ahead.[199]

The Office for Victims of Crime and Bureau of Justice Assistance jointly administer the ECM grant program for HTTFs, and starting in 2004, this program mandated the coupling of a law enforcement agency and civilian victim service provider to receive funding. The expectation was these groups would operate collaboratively.[200] The ECM program's stated goals are as follows:

> To assist communities in developing effective and sustainable multidisciplinary task forces that implement victim-centered approaches to identify victims of sex and labor trafficking, provide services to victims, and investigate and prosecute all forms of human trafficking. . . . [and] to ensure all task force partners collaborate effectively, grantees must develop

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[198] International Association of Chiefs of Police, 36.

[199] Department of State, *Trafficking in Persons Report*, 10th ed. (Washington, DC: Department of State, 2010), 16, https://2009-2017.state.gov/documents/organization/142979.pdf.

[200] Bureau of Justice Assistance, *Enhanced Collaborative Model*.

a set of protocols that clearly outlines task force operations and member roles and responsibilities.[201]

While physical proximity can foster affiliation identity, group collaboration is grounded in a shared mindset independent of geography and transcending distance.[202] The HTTFs were not provided with specialized training or funding to gain collaboration competency. Rather, they were directed to the "Human Trafficking Task Force e-Guide." It provides some case examples and guidance for how to achieve a balance of protecting and sharing information:

- Ensure clear communication about organizational confidentiality policies and procedures early in task force operations to clarify member roles and responsibilities.

- Establish a mutual understanding and agreement on types of information for open sharing and for release to the public.

- Hold informational exchange meetings on topics that should be developed, vetted, and assented by the group.

- Group topics may include trends, suspicious community behaviors, or practices lacking a response; lessons learned from past operations; ways to improve cooperation and collaboration; ways to address rumors affecting group cohesion; information may serve as training materials; victim privacy and information integrity; and possible confidentiality agreements for task force members.[203]

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[201] Bureau of Justice Assistance, 1, 7.

[202] Parker et al., "Challenges for Effective Counterterrorism Communication," 264–91; Fine, "Group Culture and the Interaction Order," 159–79.

[203] Office of Justice Programs, "Human Trafficking Task Force e-Guide."

**Enhanced Collaborative Model
Human Trafficking Task Forces**

ECM Task Forces Funded in 2017

ECM Task Forces Funded in 2016

ECM Task Forces Funded in 2015

Previously Funded
(BJA grants closed, but some task forces
may still be operational)
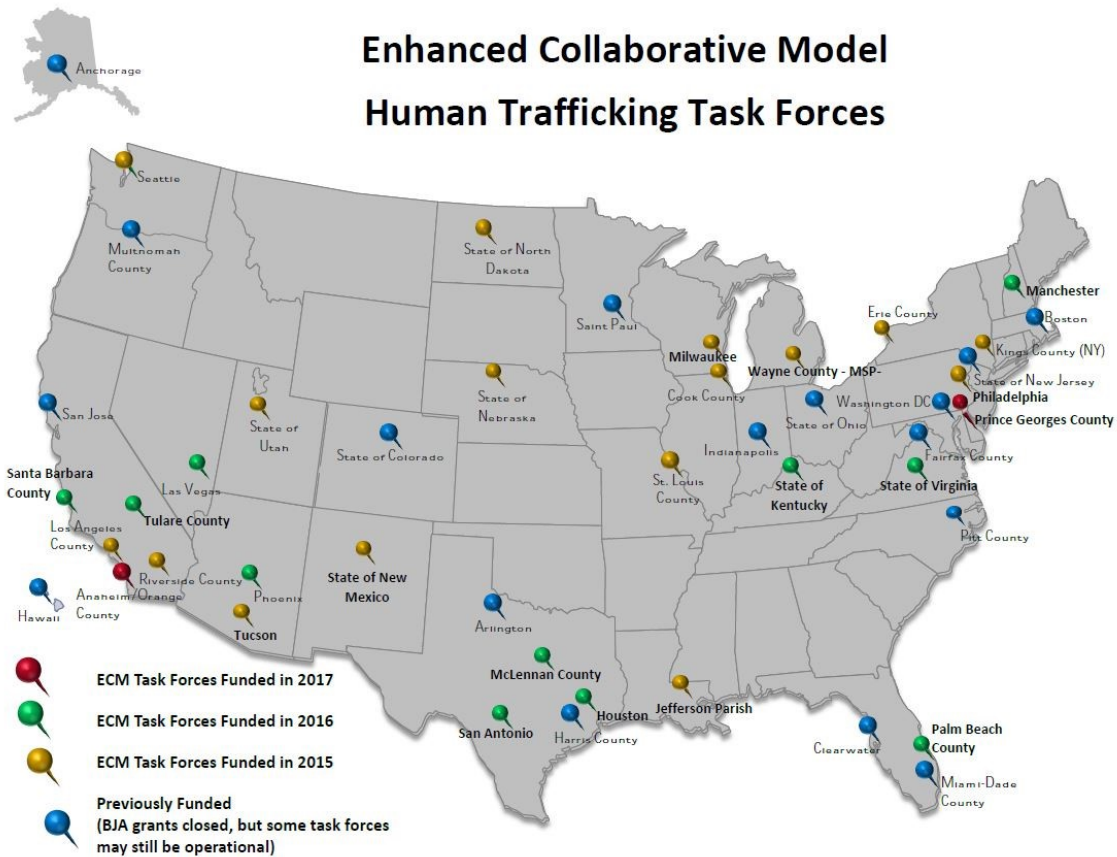
Figure 7.   Department of Justice ECM Task Force Map.[204]

Very few states mandate collaborative partnerships as part of their state-funded task force creation and sustainment.[205] With the Department of Justice exclusively funding multidisciplinary collaborations, an unambiguous signal was sent that the ECM is the desired path forward. As federal ECM task force grants are the primary funding

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[204] Source: "Enhanced Collaborative Model: Human Trafficking Task Forces," International Association of Chiefs of Police, accessed December 8, 2021, https://www.theiacp.org/sites/default/files/all/t/TaskForceMap.pdf.

[205] Phillips, "Collaborating against Human Trafficking," 35.

opportunities supporting a robust multidisciplinary collaboration plan, they are viewed as the gold standard in HTTF operations.[206]

D. DEPARTMENT OF HOMELAND SECURITY'S FUSION CENTER NETWORK

Fusion centers are valuable in the collaborative multiagency information-sharing environment and may provide the formal information-sharing structure for collaboration. Born of lessons learned from the 9/11 terrorist attacks, fusion centers "are designed to facilitate information sharing across, and analyze information from, disparate organizations."[207] Successfully accomplishing this goal requires a robust skillset of relationship and trust building.[208] Fusion centers' increasing focus on "all crimes, all hazards" provides the National Network of Fusion Centers an opportunity to learn from past oversights, correct them, and make a meaningful impact going forward. The design and function of the fusion-center network model is to improve intelligence by gleaning information from broad and multidisciplinary sources.[209] Over the years, vast research has been devoted to information sharing among law enforcement agencies; however, little research has examined how the fusion centers can be utilized to enhance the evolving all-crimes, all-hazards approach, which includes human trafficking.[210] This threat analysis expansion will likely necessitate that fusion centers collaborate and expand partnerships to nontraditional partners such as anti-trafficking victim service providers.

Protecting California's communities and preventing criminal activity requires a whole-community, whole-government position. It is now generally accepted that effective information sharing is crucial to the success of an HTTF. Diverse anti-trafficking practitioners are the ideal complementary information source for the fusion center network.

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[206] Phillips, 35.

[207] Jeremy G. Carter et al., "Law Enforcement Fusion Centers: Cultivating an Information Sharing Environment while Safeguarding Privacy," *Journal of Police and Criminal Psychology* 32, no. 1 (2017): 14, https://doi.org/10.1007/s11896-016-9199-4.

[208] Farrell, McDevitt, and Fahy, *Law Enforcement Responses to Human Trafficking*, 201.

[209] Carter et al., "Law Enforcement Fusion Centers."

[210] Carter et al.

Fusion centers can tailor intelligence for a variety of end users, both law enforcement and civilian consumers.[211] The content and texture of information that the private sector can provide fusion centers are endless, much more robust than what law enforcement typically captures.[212] Victim service organizations often have access to the victims' personal and environmental vulnerabilities exploited by the perpetrator; information on foreign victims, such as how the victim entered the state or country; and information regarding the number and identity of additional victims. These are all fragments of information that a victim may be reluctant to provide to law enforcement without limitations.

How to integrate civilian partners into the fusion center network has been difficult. Issues related to privacy and access to information have been difficult to solve.[213] Civilian partners may not qualify or have limited access to information.[214] There are three main classifications of information: sensitive but unclassified, law enforcement sensitive, and for official use only. To participate in information distribution, partners must demonstrate a "need to know" and a "right to know" before they can access their approved classification level of intelligence.[215]

[211] Carter et al.

[212] Carter et al.

[213] Carter et al., 14.

[214] Carter et al.

[215] Department of Justice and Department of Homeland Security, *Fusion Center Guidelines*.

Table 3.   Classification and Purpose of Intelligence

Sensitive But Unclassified (SBU)	Information that has not been classified by a federal law enforcement agency that pertains to significant law enforcement cases under investigation and criminal intelligence reports that require dissemination criteria to only those persons necessary to further the investigation or prevent a crime or terrorist act[216]
Law Enforcement Sensitive	SBU information and reports intended for the law enforcement community based on a need to know and right to know[217]
For Official Use Only	SBU information and reports intended for dissemination to persons who have a need to know and right to know regardless of their employment or position[218]

The ability to access disseminated intelligence is a critical aspect of inputting or sharing information.[219] Before entities engage in information sharing, they often assess the benefit of the relationship.[220] If an organization is unlikely to have access to a final intelligence product, it is less likely to share raw information.[221] As Carter et al. describe, "Lack of support and buy-in at all levels of the organization is a key obstacle to effective information sharing."[222] While fusion centers have been heavily criticized for their historical lack of transparency and oversight in their information-collecting processes, the fusion center network holds immense potential in providing the necessary collaborative framework that anti-trafficking work requires.[223] Additional efforts need investing in to bring civilian practitioners into the intelligence fold. This may require downgrading

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216 Department of Justice and Department of Homeland Security, 112.

217 Department of Justice and Department of Homeland Security, 53.

218 Department of Justice and Department of Homeland Security, 117.

219 Carter et al., "Law Enforcement Fusion Centers."

220 Carter et al.

221 Carter et al.

222 Carter et al., 18.

223 Carter et al.

products for broader distribution or improving the clearance vetting process so that government agencies can provide a higher level of access to civilian partners.

E. CALIFORNIA THREAT ASSESSMENT SYSTEM

Housed within the California Governor's Office of Emergency Services (CalOES), STAS is critical to California's all-crimes mission. Fusion centers are information- and intelligence-sharing centers located throughout the United States. Law enforcement uses these centers to stay apprised of new information on criminal threats and tactics. The fusion centers are a key part of STAS. STAS comprises STAC—four regional fusion centers located in Sacramento, each corresponding geographically to the U.S. attorney's districts of California in San Diego, Los Angeles, San Francisco, and Sacramento—and the large urban area fusion center located in Orange County. California's fusion centers are part of the nationwide Department of Homeland Security fusion center system, currently consisting of 80 fusion centers across the nation.[224] California's six centers consolidate information from the federal government, other states, and state and local agencies (primarily law enforcement) in California (see Figure 8).

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[224] "National Network of Fusion Centers Facts Sheet," Department of Homeland Security, accessed December 8, 2021, https://www.dhs.gov/national-network-fusion-centers-fact-sheet.
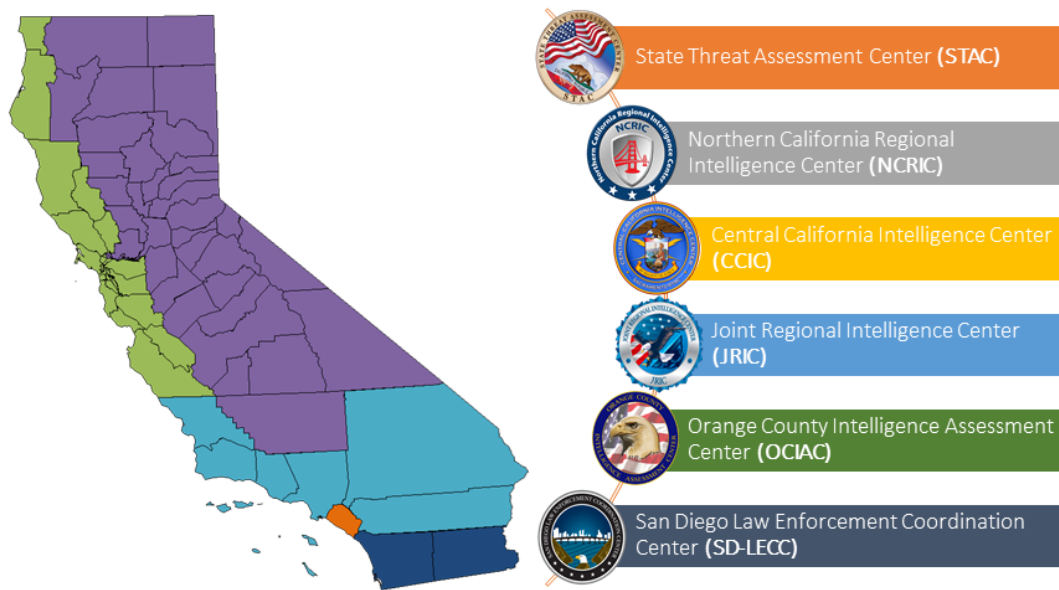
Figure 8.   California State Threat Assessment System.[225]

The STAS partnership brings together and facilitates multidirectional information sharing among federal, state, local, and tribal public safety agencies. Centers utilize criminal information systems, including but not limited to those of the Department of Homeland Security and the Federal Bureau of Investigation. Fusion centers create broad liaisons and information sharing between private-sector partners. While STAS is valuable—playing an important role in several jurisdictions to create a coordinated statewide anti-trafficking effort, including data collection dissemination best practices—it does not collect data or information from NGOs about human-trafficking victims, nor does any other system in California.

As emphasized by Attorney General Harris,

The STAS has the capability to capture information on human trafficking activity across the state and to provide tactical analytical support for local investigations. Over the last few years, fusion centers have begun to capture data and Suspicious Activity Reports indicating human trafficking. The

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225 Source: "School Facilities Vulnerability Assessment," California Governor's Office of Emergency Services, accessed December 8, 2021, https://www.caloes.ca.gov/individuals-families/school-emergency-planning-safety/school-facilities-vulnerability-assessment.

STAS is in a unique position in California's intelligence and data sharing environment to expand and enhance its effort at collaborating with the regional task forces in fighting human trafficking.[226]

STAS provides threat issue briefs for policymakers to maintain a high level of situational awareness of emerging threats. These briefs are often the basis for strategic planning and case support to law enforcement throughout California.[227]

F.   FUSION CENTERS' SHIFT TO ALL CRIMES, ALL HAZARDS NOW INCLUDES HUMAN TRAFFICKING

STAS is the natural information-sharing system to integrate trafficking-related information. In 2012, California Attorney General Kamala Harris highlighted the role that STAS should play:

> The STAS is already positioned to receive and analyze local, regional, statewide, and national information, and law enforcement is already accustomed to receiving information from and providing information to the STAS members. Leveraging the STAS' information sharing structure as a conduit to centralized trafficking information is a natural, ready-made solution to the current lack connectivity in California.
>
> [Harris stressed the need for a] central clearinghouse to coordinate and compile human trafficking information from local, state, and federal law enforcement agencies and governments, as well as non-governmental organizations. It is important for any data collection effort to take special care to ensure that all partners share common working definitions of key terms, and to address the relative dearth of information about labor trafficking as compared to sex trafficking.[228]

The anti-trafficking response in the United States, especially California, suffers from an unplanned series of evolving tactics and strategy. Federal and state leaders should continue to seek ways to leverage agency equities to improve counter-trafficking efforts. The functionality and relevance of fusion centers depend heavily on their ability to adapt to the change in mission from exclusively counter-terrorism analysis to the much more expansive all-crimes, all-hazards approach they currently pronounce. Providing a

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[226] Harris, *State of Human Trafficking in California*, 72.

[227] Harris.

[228] Harris, 72–73.

comprehensive, consistent, structured, and inviting information-sharing environment for practitioners in and among the various anti-trafficking groups across California may be the pivot model they are seeking. The preferred domestic and international anti-trafficking approach has been based on a broad multidisciplinary approach. The fusion centers' desire to incorporate new intelligence partners to help assess evolving criminal activity seems tailor made for the anti-trafficking effort. Successfully achieving this evolution would demonstrate not only the value of a multidisciplinary information center but also make manifest the original intent behind its creation.

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IV.   THE UNIQUE CHALLENGES OF MULTIDISCIPLINARY ANTI-TRAFFICKING COLLABORATION

> Do not repeat the tactics which have gained you one victory, but let your methods be regulated by the infinite variety of circumstances.
>
> —Sun Tzu[229]

Federal, state, and local governments are rapidly adopting a multidisciplinary approach to trafficking, bringing together disparate practitioners, and forming collaborative networks to solve this "wicked" social problem. Wicked problems require complex policy adaptations; are unpredictable, often undefined, or difficult to define; and may not have clearly articulated solutions.[230] Often, effective strategies for complex problems incorporate a blend of hard and soft skills.[231] As Aly, Balbi, and Jacques have articulated, "Hard and soft power are rarely equitable in their level of resourcing, power and influence."[232] This blend will incorporate legal and tactical changes but also entwine soft social skills, which will entice community partners to join in the common cause.[233] An advanced and nuanced anti-trafficking approach requires government to enact policies and frameworks that support this balance of soft and hard power tactics. Policymakers must think simultaneously about which hard and soft tools can and should be combined to achieve the goal.[234] How will limitations to these tools affect the collaborative path, and what mechanism are available to mitigate these hazards?

Globally, governments are struggling to find an interpersonal framework to successfully implement the partnership aspect of the "4P" paradigm—prevention,

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[229] Sun Tzu, *Art of War* (London: Arcturus Publishing, 2011), 61.

[230] Ambrozik, "Countering Violent Extremism Locally," 1044–68.

[231] Aly, Balbi, and Jacques, "Rethinking Countering Violent Extremism," 8.

[232] Aly, Balbi, and Jacques, 10.

[233] Aly, Balbi, and Jacques, 8.

[234] Parker et al., "Challenges for Effective Counterterrorism Communication," 264–91; Fine, "Group Culture and the Interaction Order," 159–79.

protection, prosecution, and partnerships.[235] While significant efforts have been devoted to prevention through public awareness campaigns and basic awareness trainings, how to build faith and confidence among task force members remains elusive. During the first decade of U.S. counter-trafficking efforts, task force collaboration was largely discounted—seen as a benefit but not a necessity in operating a successful anti-trafficking task force.[236] Success metrics and funding focused on identifying victims, investigating new cases, and securing convictions.[237] There was little attention or support given task force operators to develop pre-exploitation strategic collaboration and intervention skills. Since then, the understanding of how critical the intra–task force relationship is in the United States has matured. Effective collaboration and information sharing with community partners can be leveraged to interdict a manipulative relationship before, during, and after exploitation. It can yield gains in understanding the scope and threat posture of the criminal and can supply policymakers with crucial granular information of system failures and areas needing legal or social attention. In applying a SIT approach to task force operations, we can better achieve the goal of collaboration. Using the social identity analytical method (SIAM), task force members can better achieve joint identity and construct a joint mission with jointly created goals. Identifying trust-challenging topics becomes easier when task force partners openly share social and historical experiences. Understanding how and why partners construct their views on issues can reveal where trust fissures exist. One unique aspect of this thesis is the application of SIT/SIAM to congruently oriented in-groups. Traditionally, SIT/SIAM has been used to analyze a societal out-group, but here, the framework is used to advance closer connectivity within in-groups seeking to advance goals and better their groups.

Identity fusion occurs when an individual experiences the overwhelming feeling of group integration.[238] This union can be so compelling that the limitations ordinarily separating groups become a permeable barrier that can be crossed without prejudice. Group

[235] Clinton, "Remarks at Release of the Ninth Annual Trafficking in Persons Report."

[236] Phillips, "Collaborating against Human Trafficking," 35.

[237] Phillips, 35.

[238] Swann et al., "When Group Membership Gets Personal," 441–56.

inclusion is seen as a valued addition to the individual's identity and not a value judgment on previous social identity.[239] When successfully coupling highly motivated individuals, the union can create a force multiplier whereby the whole becomes greater than the sum of its parts. As Swann et al. articulate, the *identity synergy* principle holds that "personal and social identities of highly fused persons may combine synergistically to motivate pro-group behavior, thereby producing additional motivational 'oomph.'"[240] It is this permeable existence between self and group that significantly amplifies group goal progression.

Language matters. Labels matter. Terminology plays a significant role in group identity. As Gaertner et al. explain,

> Collective pronouns such as "we" or "they" that are used to define people's in-group or out-group status are frequently paired with stimuli having strong affective connotations. As a consequence, these pronouns may acquire powerful evaluative properties of their own. These words *(we, they)* can potentially increase the availability of positive or negative associations and thereby influence beliefs about, evaluations of, and behaviors toward other people, often automatically and unconsciously.[241]

Often, merging in-groups can create successful recategorization with the strategic "use of pronouns 'us,' 'we,' and 'our,' whose meaning is inclusive of the memberships of both groups."[242] Along with adopting inclusive language, "activities that celebrate common superordinate groups to which the members actually belong (e.g., singing songs symbolic of superordinate group memberships)" help build a cohesive group bond.[243]

As Sheard, Kakabadse, and Kakabadse outline in their book *Leadership Teams*, the most effective way to foster the assimilation of any two dissimilar groups is to identify or

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[239] Swann et al., 441–56.

[240] Swann et al., 443.

[241] Samuel Gaertner et al., "Reducing Intergroup Conflict: From Superordinate Goals to Decategorization, Recategorization, and Mutual Differentiation," *Group Dynamics: Theory, Research, and Practice* 4, no. 1 (2000): 101, https://doi.org/10.1037/1089-2699.4.1.98.

[242] Gaertner et al., 105.

[243] Gaertner et al., 105.

create a common experience.[244] A neutral location, where groups can share concerns and begin to build common experiences, can yield significant trust-building gains.[245] Even a trivial or insignificant shared experience can align viewpoints or become the cornerstone upon which group work may build.[246] Something as simple as two people missing the same bus and needing to wait roadside for the next service could be the foundation of an aligned partnership. It is through this common experience that in-groups can begin to form a new mutual in-group or we-group. The we-group can maintain differences of opinion on a series of ancillary issues, but it can also focus joint efforts on a newly crafted common goal. The most successful, substantive collaboration is born of relationships grounded in trust between transacting parties that recognize the synergistic value of their partnership and are willing to be vulnerable with their partners.[247] It is through shared social identities that these groups can begin to address or disassociate from past slights to form a new joint identity with mutually agreed-upon boundaries and goals.

Challenges most often are grounded in mistrust, a misunderstanding of partners' goals, legal limitations, and a failure to understand how to share information physically.[248] Designing and implementing a coherent, consistent, and repeatable collaborative environment has been a perpetual anti-trafficking response aspiration.[249] A commonly repeated goal is that task force operators need to increase their effectiveness. Each fiscal cycle, the Department of Justice invests millions of dollars trying to solve this foundational

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[244] Geoff Sheard, Andrew Kakabadse, and Nada Kakabadse, *Leadership Teams: Developing and Sustaining High Performance* (London: Palgrave Macmillan, 2009), https://doi.org/10.1057/9780230239487.

[245] Sheard, Kakabadse, and Kakabadse.

[246] Sheard, Kakabadse, and Kakabadse, *Leadership Teams*; Swann et al., "When Group Membership Gets Personal," 441–56; Parker et al., "Challenges for Effective Counterterrorism Communication," 264–91; Fine, "Group Culture and the Interaction Order," 159–79.

[247] Sheard, Kakabadse, and Kakabadse, *Leadership Teams*.

[248] "Addressing Common Operational Challenges," Office of Justice Programs, accessed December 8, 2021, https://www.ovcttac.gov/taskforceguide/eguide/3-operating-a-task-force/34-addressing-common-operational-challenges/.

[249] Department of Justice, *National Strategy to Combat Human Trafficking* (Washington, DC: Department of Justice, 2017), 17; President's Interagency Task Force, *Efforts to Combat Trafficking in Persons*.

aspect of task force operations.[250] Building stronger trust bonds will increase the likelihood of information sharing. It is this challenge that I address here. I am proposing a more aggressive application of SIAM to assist task force members in better achieving joint identity, constructing a joint mission with jointly created goals, and ultimately raising the level of trust and collaboration between task force partners. Any reduction in the trust deficit will improve victim identification and support and case development, and it will help build more successful prosecutions and outcomes.

A.   COORDINATION AND COOPERATION ARE NOT COLLABORATION

Group collaboration is difficult and rarely achieved. Very few concepts are more central to the sociological study of modification and change than group work. An aggressive application of SIT may be the conduit best suited for HTTFs to advance their group work from coordination and cooperation to a collaborative atmosphere. Coordination, cooperation, and collaboration are three common types of group work. While they are commonly used as synonyms, each describes a distinct type of group work strategy. Progressing on the work group continuum involves increasing levels of intimacy and trust (see Figure 9).

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[250] President's Interagency Task Force, *Efforts to Combat Trafficking in Persons*, 9. In FY 2018 $23.1 million was spent on implementing a collaborative approach.

Group Work
Continuum

| Coordination | ← Increase in complexity → | **COOPERATION** | ← Increase in complexity → | Collaboration |

Coordination

- People, project, or assets are arranged in a harmonious relationship
- Patterns emerge which participants can exploit to accomplish their goal

Cooperation

- Begins with mutual respect
- Requires transparency
- Includes shared goals
- Independent
- Often short-term
- Sharing ideas

- Collaboration without cooperation can lead to groupthink
- cooperation without collaboration can lead to disunity

Collaboration plus cooperation delivers deeper work, more innovation, and better quality

Collaboration

- Begins with mutual trust
- Requires vulnerability
- Include shared values
- Interdependent
- Often long-term
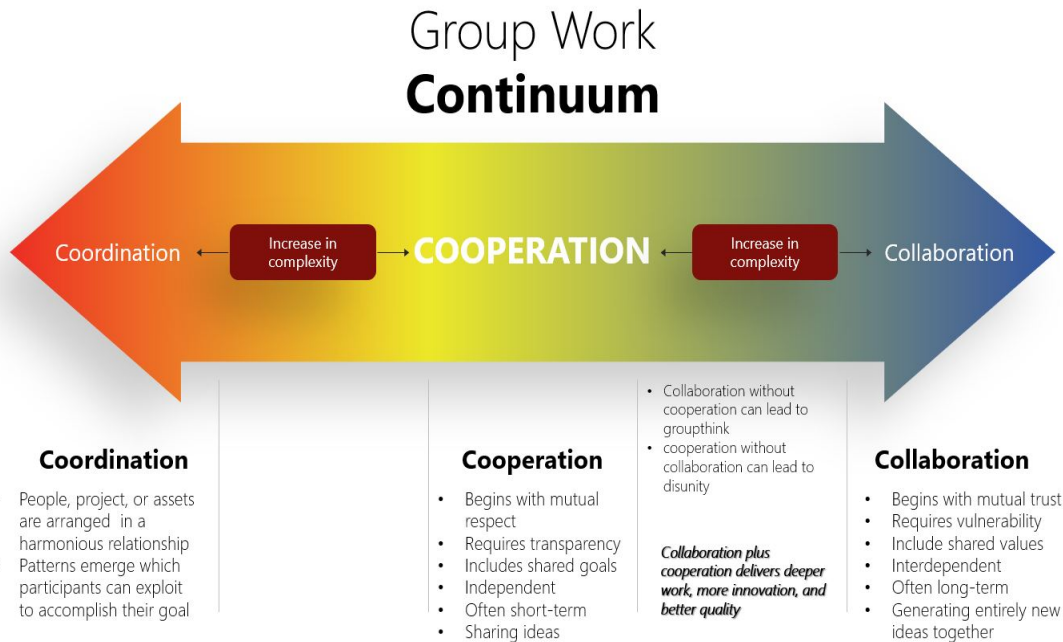- Generating entirely new ideas together

Figure 9.   Group Work Levels of Intimacy and Trust

Coordination is the attempt of participants to arrange resources and efforts to mitigate redundancies while independently advancing toward each participant's goals.[251] Participants may or may not achieve their stated goals based on their own efforts.[252] *Cooperation* is the attempt of participants to harmonize their efforts to maximize the level of success each participant achieves for their stated goals.[253] Participants recognize that in aligning their resources and combining efforts with their partners, each participant may achieve more of their goals than if left to work independently.[254] Cooperation is often conducted on shorter timelines or project-specific tasks.[255] In order to achieve harmony, cooperation requires a modicum of trust in partners coupled with transparency and the

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[251] John M. Carroll, *HCI Models, Theories, and Frameworks toward a Multidisciplinary Science*, 1st ed. (San Francisco: Morgan Kaufmann, 2003).

[252] Carroll.

[253] Luc Fransen, "The Politics of Meta-Governance in Transnational Private Sustainability Governance," *Policy Sciences* 48, no. 3 (2015): 293–317, https://doi.org/10.1007/s11077-015-9219-8.

[254] Fransen.

[255] Fransen.

disclosure of strategy. Finally, *collaboration*, the pinnacle of group work, is extremely difficult to achieve. According to Parker et al., "Not every group can build a culture of concern, as self-interest rarely vanishes, but at times self-interest becomes tied to group accomplishment."[256] Collaboration occurs when two groups fully integrate, merging values, views, and goals. The newly formed in-group will craft a joint strategy and tactics to achieve common goals.

While difficult, collaboration demands openness and organizational flexibility but leads to long-term gains. These traits are uncomfortable for law enforcement, making them hesitant to collaborate with victim service providers. For these two disparate in-groups to effectively collaborate against trafficking, they need to place sometimes unproven trust in another in-group while creating a jointly constructed in-group. Disagreement among partners is to be expected.[257] Law enforcement agencies may be accustomed to intra–law enforcement agency disunity, but they understand their expectation to cooperate and continue a joint operation. However, disagreements with civilian organizations while continuing operations are a new dynamic for many. When trafficking victims believe they will be treated fairly by the criminal justice system and have trust in law enforcement counterparts, they are more likely to participate and engage law enforcement. The feelings of survivors permeate their victim service providers, and mistrust can negatively affect task force operations.[258]

The victim's voice, as translated by case management or victim service providers, has garnered little empirical research or scholarly treatment. Instead, current scholarship has focused on law enforcement's application of a victim-centered approach to trafficking investigations, specifically how investigating agencies build trafficking cases with a non-judgmental, trauma-informed care methodology. While such research has primarily examined the officer–victim experience, how law enforcement and civilian task force

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[256] Fine, "Group Culture and the Interaction Order," 165.

[257] Phillips, "Collaborating against Human Trafficking," 9.

[258] Liana Pennington and Amy Farrell, "Role of Voice in the Legal Process," *Criminology* 57, no. 2 (2019): 343–68, https://doi.org/10.1111/1745-9125.12205.

members incorporate the victim's voice into the information- and intelligence-sharing process has been largely overlooked.[259]

How the victim's or survivor's voice translates from the victim through the victim service providers significantly affects the anti-trafficking NGO community's ability to understand and respond in context. Forming and expressing "voice" is not a static event. Forming a voice is a dynamic process that evolves over time and is often based on lived experiences. How the victim's voice materializes and is shared impacts the collaborative relationship, and how law enforcement interprets and values the victim's voice will impact the collaborative process. *Merriam-Webster* defines collaborate as follows: to "work jointly with others or together especially in an intellectual endeavor . . . [or] to cooperate with an agency or instrumentality with which one is not immediately connected."[260] As an intransitive verb, collaborate contains the characteristic of willingness to work jointly, but it does not necessarily detail on what or with whom. Instead, it describes where, when, how, or how long.[261] The nebulous nature of the term provides room for misinterpretation and misapplication. For trafficking task forces to attain a collaborative state, it is critical they learn and understand the difference between these group work strategies and have a conduit to increase their group synergy.

B.   AN ENVIRONMENT THAT WORKS FOR ALL DISCIPLINES

A successful HTTF demands a myriad of practitioners. Their collaborative working environment must be malleable enough to support every social sector and profession to be effective. Most existing criminal information-sharing networks (e.g., fusion centers and joint terrorism task forces) are designed for interactions that occur between law enforcement agencies on the same or similar intelligence access footing; the multidisciplinary design of anti-trafficking task forces alters this fundamental dynamic. Law enforcement agencies have substantial history and practice in coordinating and

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259 Pennington and Farrell.

260 *Merriam-Webster*, s.v. "collaborate," accessed August 27, 2021, https://www.merriam-webster.com/dictionary/collaborate.

261 *Merriam-Webster*.

cooperating with fellow enforcement agencies based on professional trust and a mutual understanding of legal limitations. Incorporating civilian partners raises numerous challenges not present with sworn participants. In the current information era, generation, collection, and maintenance of personal and sensitive information have strong moral and statutory responsibilities.[262]

In its April 2020 webinar on ECM HTTFs, the IACP discussed current challenges and best practices.[263] A consistent theme the IACP emphasized was successful task force cooperation benefits from historical relationships and between partners with similar intelligence access and handling protocols.[264] Many law enforcement agencies view historical working relationships and common intelligence protocols as threshold collaboration questions. Without affirmative answers, substantive progress is stinted. As anti-trafficking efforts are nascent, many of the task force partners may not have a historical working relationship or sharing protocols.

While the IACP also discussed strategies for addressing highly contentious issues—proper handling/protection of victims' personal and private information; the need to articulate common goals of task forces; best practices in supplying effective, efficient, and timely services; and methods to reduce or mitigate victim re-traumatization, such as avoiding victims' known triggers—these issues only become relevant once a requisite level of trust is established. The IACP identified logistical and procedural steps that law enforcement can take to help build a trusting relationship with non–law enforcement partners, including physically co-locating internal and external task force partners within the same primary working space, predeveloping information-sharing protocols or acquiring memoranda of understanding with external service providers, utilizing and adhering to

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[262] Derbyshire Partnership Forum, *Information Sharing Protocol* (Matlock, UK: Derbyshire Partnership Forum, 2018), https://www.derbyshirepartnership.gov.uk/site-elements/documents/pdf/information-sharing-protocol.pdf.

[263] "Attend IACP's Webinar 'Multidisciplinary Information Sharing in Anti-Human Trafficking Task Forces'" Bureau of Justice Assistance, National Training and Technical Assistance Center, accessed December 8, 2021, https://bjatta.bja.ojp.gov/media/event/attend-iacp%E2%80%99s-webinar-%E2%80%9Cmultidisciplinary-information-sharing-anti-human-trafficking-task.

[264] Bureau of Justice Assistance, National Training and Technical Assistance Center.

confidentiality agreements, maintaining consistent status meetings (e.g., monthly), and jointly attending compulsory monthly or quarterly task force meetings.

Many task forces do not apply a mutually empowering group work approach. Law enforcement may offer sharing protocols as "take it or leave it" agreements, without flexibility or adjustment. An agreed-upon information-sharing protocol is a living agreement mutually owned by all signatories.[265] Mutual ownership requires the ability of any signatory to propose changes when one deems them necessary.[266] Task forces meetings are often bifurcated between sworn and non-sworn members, dictated by the sensitivity of the information discussed. This separation of team members potentially degrades trust and highlights social inequity or disparity. While many of the recommendations from the IACP would help facilitate group work projects, they do not inherently address institutional differences or the means of finding and building trust among sworn and non-sworn groups. While task force directors can implement procedural operating changes, the root interpersonal differences between partners must be identified and bridged.

C. THE DYNAMIC TRAFFICKING ENVIRONMENT DEMANDS A FORMALIZED COMMUNICATION FRAMEWORK

> Security against defeat implies defensive tactics; ability to defeat the enemy means taking the offensive.
>
> —Sun Tzu[267]

The HTTF model poses unique challenges. It demands that law enforcement cooperate and share information with equally effective non–law enforcement response partners. As Abrams and Brown highlight, intergroup behavior and relationships are often based on an individual's awareness of shared identification within an identifiable social

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[265] Bureau of Justice Assistance, National Training and Technical Assistance Center.

[266] Bureau of Justice Assistance, National Training and Technical Assistance Center.

[267] Sun Tzu, *Art of War*, 420.

category.[268] Although each task force can choose which methodology fits its collaboration style, the collaboration multiplier is the most widely used framework. The collaboration multipliar, a tool to guide multidisciplinary groups in identifying issues likely to be incongruent and facilitating discussion of these topics, has been used by many ECM HTTFs in their initial task force construction (see Figure 10).[269]
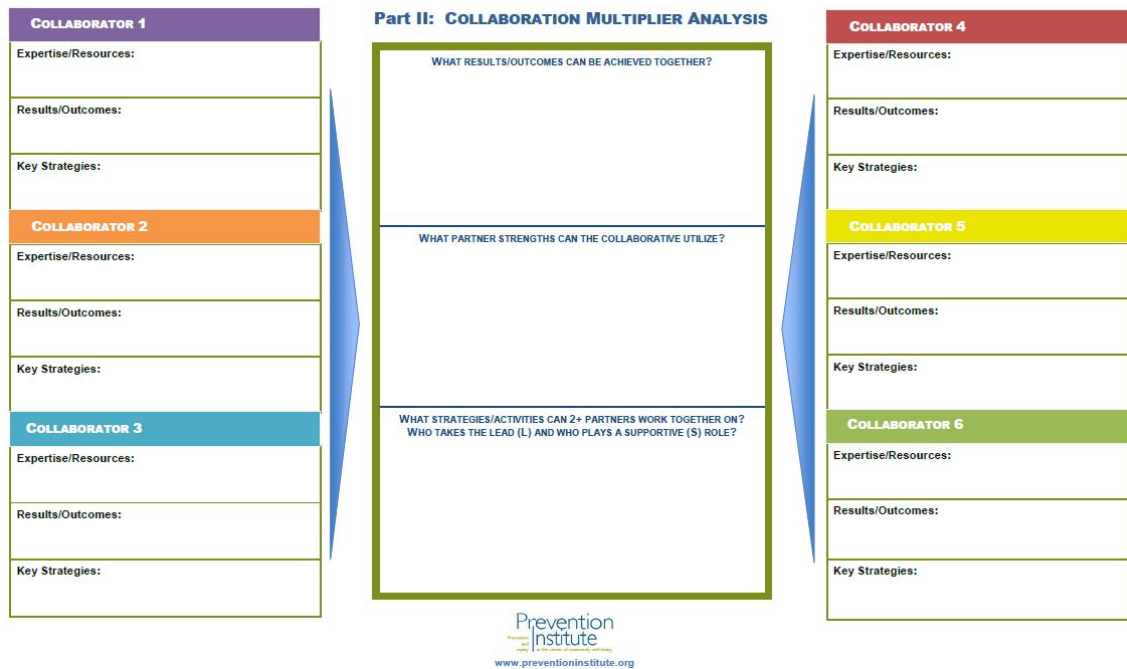

Figure 10.   Collaboration Multiplier Framework.[270]

268 Dominic Abrams and Rupert Brown, "Self-Consciousness and Social Identity: Self-Regulation as a Group Member," *Social Psychology Quarterly* 52, no. 4 (1989): 311–18, https://doi.org/10.2307/2786994.

269 Prevention Institute, "Collaboration Multiplier, Enhancing the Effectiveness of Multi-field Collaboration" (Oakland, CA: Prevention Institute, 2011), https://www.preventioninstitute.org/sites/default/files/uploads/Collaboration%20Multiplier_0.pdf; Bureau of Justice Assistance, National Training and Technical Assistance Center.

270 Source: Prevention Institute, "Collaboration Multiplier Analysis Worksheet" (Oakland, CA: Prevention Institute, 2011), https://www.preventioninstitute.org/sites/default/files/uploads/Collaboration%20Multiplier%20Analysis%20Worksheet.pdf.

The collaboration multiplier is an interactive tool for complex social challenges that demand a strong multidisciplinary collaborative effort.[271] The collaboration multiplier provides a systematic framework using a fillable document that partners can complete to identify and address foreseeable challenges and barriers. It serves as a roadmap for dissimilar groups to define common goals, clearly articulate each partner's perspective and anticipated contribution, and leverages unique expertise and experience.[272] The Prevention Institute, which created the multiplier, has also produced *Eight Steps to Effective Coalition Building*, a step-by-step guide for coalition development and sustainability.[273] The multiplier framework is "based on the understanding that different groups and sectors have different views of an issue and different reasons for engaging in a joint effort."[274] It compels task force partners to unify the vision of multi-field collaboration.[275]

Forming a definable in-group requires a level of depersonalization. Relating to others on a higher level, a level of inclusiveness often results in the individual's self-identifying as a member of the in-group collective.[276] As task forces seek new or creative ways to establish and enhance levels of trust, they must focus on interpersonal disconnects and the lack of shared common operating pictures and goals. Tactics that help to align a common vision and mission are likely to yield greater gains than merely scheduling additional meeting dates or co-locating office space.

D.   SIT: FACILITATING MULTIDISCIPLINARY COLLABORATION

For multidisciplinary task forces to operate effectively, they need to transition their group work from cooperation or coordination to collaboration. This takes both a substantive change in relationship as well as a procedural change in who interacts. While

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[271] Prevention Institute.

[272] Prevention Institute, "Enhancing the Effectiveness of Multi-field Collaboration."

[273] Prevention Institute, 2.

[274] Prevention Institute, 1.

[275] Prevention Institute.

[276] S. D. Reicher, R. Spears, and T. Postmes, "A Social Identity Model of Deindividuation Phenomena," *European Review of Social Psychology* 6, no.1 (1995): 161–98, https://doi.org/10.1080/14792779443000049.

SIT is often used to examine and analyze extremist group activity, this framework is applicable in identifying obstacles and challenges in intergroup dynamics. Most domestic anti-trafficking models contain multiagency, multitask law enforcement forces attempting to collaborate effectively. Many of the barriers and challenges these groups encounter during the trust-building and information-sharing process can be explained by SIT principles. An individual's identity is complex. It often overlaps or is influenced by one's profession, religion, or social group, each with its own group identity. This same friction is seen in the formation of HTTFs, which comprise state, local, and federal law enforcement agencies, each with its own historical identity. They are asked to come together, collaborate, and form a new group identity within the task force. SIT challenges an examination of each subgroup and the participants of each subgroup at the granular level. Identifying core beliefs and perceptions of reality in aggregate will improve the overall effectiveness of the task force. As Strindberg has stated, "When a group finds itself in a position where it has a lower social status than a significant out-group, its ability to contribute positively to its members' social identities is weakened."[277] Within the trafficking task force context, this disparate treatment is most prominent with intelligence access and sharing limitations. The ECM HTTF has a high likelihood of having members without high-level security clearances, which leaves them without access to law enforcement sensitive information. This inequity can become the basis for animus and potentially prevents the free flow of information between coequal task force partners. While honoring the legal limitations, a cohesive in-group will search for ways to mitigate the amount of sensitive information generated or will seek downgrading of sensitive information for broader distribution.

An aggressive application of SIT could help lessen or resolve numerous trust- and rapport-building fissures. The following are the most notable areas of discord whereby SIT may be a conduit for collaborative solutions.

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[277] Strindberg, *Social Identity Theory*, 32.

1.   Information-Sharing Concerns and Challenges

Information-sharing challenges are very common across multidisciplinary collaborations—the anti-trafficking community is no exception.[278] Law enforcement often expresses frustration and a lack of understanding as to why victims and victim service organizations appear to be uncooperative in investigations.[279] Experts point to this phenomenon as illustrating a misapplication of sympathy versus empathy.[280] This disconnect leaves officers "uncomfortable" including victim service providers or victim advocates in their operational planning.[281] As federal, state, and local law enforcement agencies train personnel in effectively assisting trafficking victims while building an effective prosecution of the trafficker, agencies must address how to harmonize viewpoint divisions between in-groups.

As stated by Carter et al. with the National Consortium for the Study of Terrorism and Responses to Terrorism, "If the leadership of a law enforcement agency is willing to expend the effort to train personnel, develop partnerships, and participate in state, regional and national information sharing initiatives, then greater levels of success will be achieved."[282] One of the most difficult issues task forces confront is sharing sensitive information. Sharing law enforcement sensitive information is a highly intimate interaction. It is a transaction that if breached is incredibly difficult to mend.[283] Unauthorized disclosure of law enforcement's sensitive information can place officers in harm's way or jeopardize the viability of an investigation. Likewise, the unauthorized

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[278] Office of Justice Programs, "Addressing Common Operational Challenges."

[279] Police Executive Research Forum, *How Local Police Can Combat the Global Problem of Human Trafficking: Collaboration, Training, Support for Victims, and Technology Are Keys to Success* (Washington, DC: Police Executive Research Forum, 2020), 32, https://www.policeforum.org/assets/ CombatHumanTrafficking.pdf.

[280] Police Executive Research Forum.

[281] Police Executive Research Forum, 50.

[282] David Carter et al., *Understanding Law Enforcement Intelligence Processes: Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security* (College Park, MD: National Consortium for the Study of Terrorism and Responses to Terrorism, 2014), 15.

[283] Farrell et al., *Investigation and Protection of State and Local Human Trafficking Cases*; Farrell et al., "Failing Victims?," 650.

disclosure of victim service information can compromise the victims' safety or impact their willingness to cooperate.[284] For this transaction to succeed, it requires deep trust and willingness to be vulnerable. Identifying common communication principles or joint information-sharing plans are critically important.[285]

Many of the legal and logistical limitations of information sharing can be identified and mitigated; however, the interpersonal cross-group conflicts are often the most challenging barriers. The ECM places traditionally misaligned in-groups together to create a new multidisciplinary coequal in-group, hoping this union will achieve compounding success.[286] Unfortunately, these groups are married without being given the skills, guidance, or framework to resolve historical differences. By failing to address these historical issues, the two in-groups remain separated, failing to create the anticipated intra–task force synergy. This same phenomenon occurs within inter–task force collaboration. Inter–task force cooperation occurs when regional partners organically create a regional in-group. While the organically created in-group may have found success in complementing the other, its lack of collaborative skills hinders further expansion into a force multiplier.[287]

Non–organically created or funder-mandated in-groups have a significant challenge in building a common narrative, unified identity, and common mission. The created group may comprise organizations with unequal power or control, unequal access to information, unequal authority or status, unequal influence, or unequal funding.[288] Not all groups require equal status on all aspects of the partnership, but they do require an agreed-upon equitable division. The equitable division necessitates a mutual understanding of where the predetermined limitations are and why. If the partners clearly articulate their challenges

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[284] Farrell et al., *Investigation and Protection of State and Local Human Trafficking Cases*; Farrell et al., "Failing Victims?," 650.

[285] Parker et al., "Challenges for Effective Counterterrorism Communication," 264–91; Fine, "Group Culture and the Interaction Order," 159–79.

[286] Phillips, "Collaborating against Human Trafficking."

[287] Phillips.

[288] Phillips, 94.

and concerns, often the mutually agreed dividing line is more inclusive than assumed. The relational connection SIT creates provides the atmosphere for these issues to be discussed and debated in a professional yet meaningful way.

2. Victim Privacy and Confidentiality

As Nancy DiTomaso has stated, "The structural relationships among groups—power, status, and numbers—contribute to mechanisms or dynamics that generate, reinforce, and reproduce group-based inequality over time."[289] While maintaining confidentiality is critical to the operation and group cohesion of a multidisciplinary task force, the collaborative focus should seek to limit the amount of non-sharable information.[290] Many trafficking-victim service providers have great trepidation when working with law enforcement. Trafficking investigations may be entwined with political posturing and immigration enforcement. When service providers do not believe law enforcement is investigating cases in good faith, they often create self-imposed limitations on information sharing due to a lack of trust in their partnerships.[291] Confidentiality is a mine field of interpersonal, professional, and legal limitations.[292] There is a significant difference between *confidential* and *privileged* communications. *Confidentiality* generally refers to a professional ethical standard of practice while *privilege* is a legal principle focused on the admissibility or discoverability of evidence during the pendency of a trial.[293] The quantity of privileged information is much narrower than that of confidential information.[294] To keep and maintain a common operating picture, these differences must be articulated, understood, and agreed upon between all task force members. The application of SIT, by understanding the sensitivities of partners, encourages groups to discuss and articulate the differences between these classifications and how each partner

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[289] DiTomaso, "Sociocultural Framework on Diversity," 101.

[290] International Association of Chiefs of Police, *Multidisciplinary Collaborative Model*, 33.

[291] Phillips, "Collaborating against Human Trafficking," 47.

[292] International Association of Chiefs of Police, *Multidisciplinary Collaborative Model*, 33.

[293] International Association of Chiefs of Police, 33.

[294] International Association of Chiefs of Police, 33.

will handle confidential or privileged information. The bedrock of this transaction is trust and a belief that task force partners are advancing and operating in good faith toward the common goal (i.e., prosecution, not immigration enforcement). Transparency of process instills predictability and mitigates unrealized or irrational fears that inhibit collaboration.

3.   Access to Sensitive Information

One of the most important structural lines of in-group power demarcation surrounds valuable or scares resources.[295] Distribution of, access to, and control over these resources is a clear manifestation of social power and control. While dominant and subordinate groups frequently fight over access to resources, successful inclusive in-groups can create institutions or processes that help democratize the privilege of access and possession of this resource.[296]

What information is considered "sensitive" likely varies by profession and by scenario. Sensitive or high-value information is usually based on the penultimate goal of the partnership. Could that information help accomplish that entity's goal, or if tactically deployed, could it be used to prevent the achievement of the organization's goal? One hypothetical challenge with sensitive victim information in California is inquiring about the immigration status of the victim. As articulated in Chapter II of this thesis, human trafficking is a felony in California, and the immigration status of the victim is irrelevant. While this question may be standard information gathering by law enforcement, application of SIT may explain why a victim may withdraw or disengage during questioning. While immigration status may be a prerequisite for certain victim relief programs, weighting the risks and benefits of disclosure should be left to trusted victim service providers and legal advocates. In keeping with the SIT framework, if the information is necessary, an open and honest conversation as to why the information is needed and how it will be used is imperative. If the information is subject to access by immigration officials, this too needs to be disclosed before the status is disclosed. In an

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[295] DiTomaso, "Sociocultural Framework on Diversity," 101.

[296] DiTomaso, 101.

open and honest discussion, task force partners may identify alternative solutions than full disclosure.

Another example of sensitive law enforcement information wherein SIT may be beneficial is the disclosure of personal contact information and the home address of an officer. For personal safety reasons, law enforcement officers are advised and loathe to disclose their personal cell phone numbers or home addresses. An officer may, of one's own volition, provide a personal cell phone number to trusted partners. Officers may give victim service partners their personal cell phone numbers to maintain better communication. In turn, their trust in those whom they give personal sensitive information must not be violated. Each officer may value the sensitivity of this information differently. The task force partner must understand where the line is for each individual law enforcement partner. SIT informs the civilian partner as to the potential sensitivity of the personal information and the different tolerance levels of each officer.

By fully integrating task force partners, creating a new in-group identity with a unifying goal and purpose, the new entity will have a clear definition of what information should be considered sensitive and deserving of special consideration. Most information sharing would be determined by a pre-planned methodology; however, on occasion, information may be of an "exceptional" nature and require additional procedural safeguards.[297] Task force partners should have advance notice of these scenarios, so they can properly inform their clients or modify their victim support plan accordingly.

4.   Communication and Confusion of the Legal Process and Status of the Case

While both government and law enforcement use terms like "victim-centered," victim service providers often use the term "client-driven."[298] This nomenclature is unsettling to law enforcement because it portends to shift control of the matter away from the state and onto the victim for prosecutorial decision-making. Restoring agency and

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[297] Derbyshire Partnership Forum, *Information Sharing Protocol*.

[298] International Association of Chiefs of Police, *Multidisciplinary Collaborative Model*.

empowerment is often a core function of a holistic victim service organization.[299] While restoring agency to the victim may be a derivative of the criminal justice system, it is not the prime directive of the state; holding the defendant legally accountable for one's actions is. Clear communications about how and why decisions are made can spur creative solutions and problem-solving or mitigation strategies.[300] Communicating the basis of a decision can be mutually disarming but prove a professional rapport-building event. If parties fail to clearly communicate, grounded in mistrust or friction avoidance, the problem is likely to fester—making the underlying issue worse. Scholars have documented interviews with female victim service providers who described feeling subordinate to their law enforcement partners though the dynamic had been presumed collaborative. The paramilitary structure and command presence on which law enforcement relies can be confusing, intimidating, and patriarchal.[301] Established discipline-specific protocols should be mutually developed and reviewed on a regular basis to ensure continued relevance and legal freshness.[302]

5. Case Prioritization and Strength of the Case

Trafficking case management runs a gauntlet of institutional and political hurdles. SIAM can strengthen the mutual understanding of the case prioritization process. Specialty units often face budgetary fluctuations, lack resources, and lack executive awareness of case complexity and required resources.[303] Law enforcement managers are often assigned to positions or units without having any experience or substantive knowledge of the underlying scope of criminal activity or threat actor.[304] Having policymakers and task force operators openly discuss budgetary and resource allocation confinements provides

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[299] International Association of Chiefs of Police.

[300] International Association of Chiefs of Police.

[301] Phillips, "Collaborating against Human Trafficking," 94.

[302] International Association of Chiefs of Police, *Multidisciplinary Collaborative Model*, 21.

[303] International Association of Chiefs of Police.

[304] Intelligence Training Coordination Working Group, *Minimum Criminal Intelligence Training Standards for Law Enforcement and Other Criminal Justice Agencies in the United States* (Washington, DC: Intelligence Training Coordination Working Group, 2007), https://www.hsdl.org/?view&did=481426.

the opportunity to find creative solutions. Discussing structural constraints in an open and honest forum mitigates feelings of disenfranchisement and frustration.[305] Through open and honest dialogue, partners may identify avenues to better allocate resources or alternative sources for funding to accomplish mutual goals.[306] Empowering a partner with this kind of institutional information demonstrates mutual respect and belief that it can help find a solution. A coequal task force member status necessitates the unambiguous sharing of the operational picture and environment.

6. Cultural Competency

Cultural competency is another example in which SIT could improve anti-trafficking group work. Historical maltreatment and exploitation by primarily white settlers have entrenched a deep distrust between U.S. authorities and native communities.[307] During the colonization and westward expansion, the capture and sale of Native Americans was commonplace, and much of this exploitation was authorized by law.[308] In her 2009 report *Shattered Hearts*, Alexandra Pierce details the cultural, legal, and interpersonal difficulties that impede effective detection and prosecution of exploitation of Native Americans.[309] In addition to the lack of trust, many underage Native American women see limited options. Prostitution is often viewed as their sole means of

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[305] International Association of Chiefs of Police, *Multidisciplinary Collaborative Model*.

[306] International Association of Chiefs of Police.

[307] Dwight Dutschke, "A History of American Indians in California," in *Five Views: An Ethnic Historic Site Survey for California* (California Department of Parks and Recreation, 1988), https://www.nps.gov/parkhistory/online_books/5views/5views1.htm; Sarah Deer, "Relocation Revisited: Sex Trafficking of Native Women in the United States," *William Mitchell Law Review* 36, no. 2 (2010), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1567144.

[308] Act for the Government and Protection of Indians, 1850 Cal. Stat. 408–10; "Lo, the Poor Indian," *Alta California*, April 7, 1855, 2, http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18550407&cl=CL1%2eDAC&e=-------en--20--1--txt-IN-alta+california----#.

[309] Alexandra Pierce, *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota* (Minneapolis: Minnesota American Indian Women's Resource Center, 2009), https://www.researchgate.net/publication/318559571_Shattered_hearts_full_report_The_commercial_sexual_exploitation_of_American_Indian_women_and_girls_in_Minnesota. See also "What Is Human Trafficking?," Office on Trafficking in Persons, Administration for Children and Families, December 24, 2020, https://www.acf.hhs.gov/otip/about/what-human-trafficking; Melissa Farley et al., *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota* (Saint Paul: Minnesota Indian Women's Sexual Assault Coalition and Prostitution Research & Education, 2011), http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf.

income or opportunity to escape reservation lands. Ms. Pierce also identified victim's saw this interaction as a source of "love" and "attention" from their exploiters.[310] With California's extensive tribal lands and native population, this historical dynamic significantly inhibits collaboration.

The Native American community maintains a historically justifiable, deep-seated mistrust of the U.S. criminal justice and legal systems. This suspicion makes collaborative anti-trafficking efforts on tribal lands extremely difficult to achieve. California is home to the second-largest concentration of Native Americans in the United States. California's jurisdiction is home to reservation land for approximately 110 of the 574 federally recognized tribes, speaking as many as 135 different native dialects.[311] Native Americans represent approximately 303,998 individuals in California.[312] Historically, Native American women have been exploited and coerced into what we would refer to today as sexual slavery and indentured servitude. The nature and type of exploitation, if identified today would be classified as human trafficking.[313] In April 1850, the California Legislature specifically authorized these abuses and articulated the activity as achieving societal "progress."[314] California Legislature passed an Act for the Government and Protection of Indians, after a prolonged debate on the number of lashes permitted for disobedient Native Americans, whereby white settlers were permitted to obtain control and sell Native American children by forcibly taking them from their parents and providing for a scenario akin to debt bondage.[315] If arrested for a crime, a Native American could be bailed out by

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[310] Pierce, *Shattered Hearts*, 50.

[311] "Ranking by Number of People (American Indian or Alaska Native)," Data Commons, accessed December 9, 2021, https://datacommons.org/ranking/Count_Person_AmericanIndianOrAlaskaNative Alone/State/country/USA?h=geoId%2F06; "Frequently Asked Questions: Indian Tribes and Tribal Communities in California," California Tribal Court–State Court Forum, accessed December 9, 2021, https://www.courts.ca.gov/documents/TribalFAQs.pdf; "The First Peoples of California," Library of Congress, accessed December 9, 2021, https://www.loc.gov/collections/california-first-person-narratives/articles-and-essays/early-california-history/first-peoples-of-california/.

[312] Data Commons, "American Indian or Alaska Native."

[313] Kate DeCou, "U.S. Social Policy on Prostitution: Whose Welfare Is Served?," *New England Journal on Criminal & Civil Confinement* 24 (1998): 430; 18 U.S.C. § 1591 (2006); Cal. Penal Code § 236.1 (Deering 2021).

[314] Act for the Government and Protection of Indians.

[315] Dutschke, "History of American Indians in California"; Deer, "Relocation Revisited," 640.

a white person and made to pay back the debt through forced labor at a rate set by the white person.[316] While no longer permitted under the color of law, Indigenous communities remember these crimes and are reluctant to collaborate with the local, state, and federal government. Compounding this historical wrong, Indigenous communities continue to suffer from myriad vulnerabilities upon which modern exploiters are likely to capitalize.

Native Americans are a profoundly strong and proud people; however, they often live within insular communities.[317] As Greer lays out in an article for the *Journal of Gender, Race and Justice*, due in large part to underfunded law enforcement agencies, a lack of education, a lack of cultural competency training, a lack of trust in the judicial system, and a belief that reporting a crime will not materialize in a beneficial outcome, the detection and prosecution of trafficking on tribal lands have been generally ineffective.[318] He continues, "This isolation, coupled with multi-jurisdictional complexities, heightens their vulnerability to human trafficking."[319]

With the patchwork of tribal lands across California, many of the HTTF response regions are geographically proximate to or include tribal lands.[320] The deep-seated historical mistrust poses exceptionally challenging hurdles to collaborative efforts. As previously described, law enforcement generally shares the currency of trust among other law enforcement agencies. However, the historical exploitation endured by Native Americans extends throughout their entire community, including their victim service

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[316] Dutschke, "History of American Indians in California"; Deer, "Relocation Revisited," 640.

[317] The terms "Native American" and "Indigenous communities" are used here interchangeably. This author means no offense.

[318] "Except as otherwise provided in sections 1154 and 1156 of this title, the term 'Indian country' . . . means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same." 18 U.S.C. §1151 (2006). See also Stewart Wakeling et al., *Policing on American Indian Reservations* (Washington, DC: National Institute of Justice, 2001), 9, http://www.ncjrs. gov/pdffiles1/nij/188095.pdf.

[319] Benjamin Thomas Greer, "Hiding Behind Tribal Sovereignty: Rooting Out Human Trafficking in Indian Country," *Journal of Gender, Race and Justice* 16, no. 2 (2013): 453.

[320] Harris, *State of Human Trafficking in California*, 18–19.

providers and current tribal law enforcement departments. Local law enforcement may not enjoy the trust it expects with its tribal deputized counterparts. Tribal law enforcement may seek to investigate crimes independently with limited resources. If traffickers are identified, tribal law enforcement may not share the criminal intelligence with state or federal counterparts, not holding the requisite trust of the state or federal criminal justice system.

An application of SIT can help translate and bridge some of the cultural disconnects between non-tribal law enforcement and the tribal community. Hamamura's research published in the *Journal of Cross-Cultural Psychology* articulates two types of social identity—*collective* and *relational*—and demonstrates "positive attitudes toward multiculturalism can exist harmoniously with elements of social identity represented relationally, in terms of interpersonal ties within groups."[321] He states, "In societies where relational model of social identity is prevalent, the primary source for identification and cooperation emanates from the maintenance of relational harmony and promotion of cohesion within groups."[322]

As presented in the Native American scenario, we are tasked with integrating an in-group of tribal identity into the in-group of law enforcement identity. Having non-tribal law enforcement eminently aware of the cultural history of its tribal counterparts can inform a well-intentioned officer on how to approach and investigate trafficking involving the tribal community. State and federal non-tribal law enforcement agencies may have the flexibility to cross-deputize tribal units. This simple act demonstrates cross-cultural trust and may give greater access to law enforcement sensitive information with more favorable sharing protocols.[323]

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[321] Takeshi Hamamura, "Social Identity and Attitudes toward Cultural Diversity: A Cultural Psychological Analysis," *Journal of Cross-Cultural Psychology* 48, no. 2 (2016): 185, https://doi.org/10.1177/0022022116681845.

[322] Hamamura, 186.

[323] Office of Community Oriented Policing Services, *Cross-Deputization in Indian Country* (Washington, DC: Office of Community Oriented Policing Services, 2018), https://www.sheriffs.org/sites/default/files/Cross%20Deputization%20in%20Indian%20Country.pdf.

7. Effective Delivery of Services: Reduce and Mitigate Retraumatization

Generally, law enforcement often fails to fully appreciate how trafficker coercion and the push and pull factors influenced the trafficked victim experience.[324] Research has shown law enforcement officers assess the expected or "correct" response to trauma based on how they believe a "typical" victim should respond.[325] These assumptions can leave the victim with the impression one's testimony is not believed or understood, thus failing to capitalize on the trust bonding opportunity.[326] A knowledgeable law enforcement officer recognizes the perceived reluctance or recalcitrant behavior as a potential symptom of exploitation and inquires with victim service partners for context. In their paper published in *St. Mary's Law Review*, Greer and Dyle discuss this potential disconnect:

> When victims are faced with internal mental [injury] barriers inhibiting them from assisting in investigation efforts, their reluctance should not automatically be seen as obstruction. . . . Victims may also be mentally traumatized to the extent they are rendered unable to retell their story, thereby causing them to be unable to adequately inform law enforcement of the underlying crime.[327]

By applying a SIT approach, task forces can build a learning atmosphere in which investigators, victim advocates, and service providers lend situational context to the manifest victimization.

Law enforcement over-relies on traditional investigatory strategies and practices when building anti-trafficking cases.[328] Research demonstrates many agencies do not understand or strategically comprehend how law enforcement can proactively investigate trafficking.[329] While experts almost unanimously agree that structured partnerships are a necessity, there is little desire or understanding for modifying the investigative culture.[330]

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[324] Farrell and Pfeffer, "Cultural Blinders and Organizational Barriers," 46–64.

[325] Farrell et al., "Failing Victims?," 649–73.

[326] Farrell et al., 649–73.

[327] Greer and Dyle, "Determining the Reasonableness of Non-Compliance," 385.

[328] Farrell and Pfeffer, "Cultural Blinders and Organizational Barriers," 46–64.

[329] Farrell and Pfeffer, 46–64.

[330] Farrell and Pfeffer, 55, 61.

Modifying a reactive investigatory culture to adequately address the nuances of trafficking is likely to require developing relationships with in-groups that have historically been hostile to law enforcement—such as communities that have been marginalized or undocumented.[331] Reactive case investigations rely heavily on victim cooperation and potentially retraumatizing testimony. Reactive case investigation is time urgent and may make evidence collection and comprehensive threat assessment difficult. While reactive case management is necessary when the victim is in imminent or severe danger, or when cases involve a minor, task forces should ideally build proactive cases. A proactive investigatory posture involves integrating advanced investigative techniques and requires advanced criminal intelligence collection and analysis.[332] The better law enforcement and victim service communities can articulate the kind of criminal activity in their jurisdictions, the better they can prepare an appropriate response.

Current task force models have demonstrated isolated collaborative success, yet a broad, replicable, statewide framework has not been identified. By providing task forces with additional trust-building tools, productive group work frameworks, and information-sharing opportunities, California can unify its statewide effort to combat trafficking.

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[331] Farrell and Pfeffer, 46–64.

[332] International Association of Chiefs of Police, *Multidisciplinary Collaborative Model*, 26.

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V. CONCLUSION AND RECOMMENDATIONS

Policymakers must seek out or create new methodologies to enhance task force operations. All available research indicates that an effective anti-trafficking response requires a comprehensive victim-centered, unified, collaborative approach. In 2005, California initiated its efforts to combat trafficking. Now, in reassessing its framework, California is looking for creative enforcement tactics. Criminal law reflects society's values and morals, and the government's response through law enforcement efforts and support of victim service programs facilitates that social contract. By continuing to challenge and refine our understanding of how task forces operate, we are better positioned to redress and design a proper response structure.

As a self-recognized magnet for traffickers, California must continue to develop aggressive, forward-leaning anti-trafficking policies, not only focusing on the victim service sector but continuing to advance the cross-agency multidisciplinary approach to information sharing. Improvement requires recognizing weaknesses, failures, and inefficiencies. Although California has one of the most robust and knowledgeable anti-trafficking law enforcement and victim service responses in the world, task force members do not receive the collaborative guidance necessary to maximize their impact. As we enter the third decade of a global and domestic response, we need to think about how the existing framework of victim services and law enforcement can better collaborate for greater efficiency and effectiveness.

A. SUMMARY OF FINDINGS

As our knowledge widens and deepens, decision-makers must look for creative strategic and tactical methods of dismantling trafficking networks.[333] Expanding and refining our intelligence-sharing practices will allow law enforcement, intelligence analysts, and victim service organizations to better identify perpetrators and articulate the

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[333] Heather J. Clawson et al., *Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices: Executive Summary* (Fairfax, VA: ICF International, 2008), 27, http://www.ncjrs.gov/pdffiles1/nij/grants/223972.pdf. It is important for law enforcement to "use the tools in their toolbox" when building and prosecuting these cases. Sometimes this requires thinking outside the box.

threat nexus to drug trafficking, terrorism funding, and other ancillary criminal activity. California needs to develop a common group work model where law enforcement and civilian partners can build the requisite mutual respect and trust that collaboration demands. An aggressive application of SIT may be the conduit to advance group work from cooperation and coordination to collaboration. The STAS framework could serve as a centralized information-sharing environment where local, state, and federal law enforcement agencies and governments, as well as NGOs, can share, compile, and disseminate human-trafficking information.

B.   PATHWAYS AND RECOMMENDATIONS

California finds itself at a decision juncture. While it has successfully fostered government and NGO growth and expansion of specialty anti-trafficking task forces, the state now faces the challenge of creating an environment where these units can increase effectiveness. Based on the research in this thesis, California could improve in one of three primary pathways.

1.   Pathway 1: Encourage Informal Task Force–Initiated Intelligence-Sharing Networks

The first option is to encourage the continuation of organically created information sharing between HTTFs and community collaboratives. Urging these groups to voluntarily construct relationships fosters affiliations that are built on the mutual trust required for successful case development and outcomes. This approach, however, is susceptible to instability due to changes in personnel, political differences, and budget fluctuations. While a task force–initiated intelligence-sharing network should not be discouraged, without a statewide collaborative support system, long-term success would remain elusive.

2.   Pathway 2: Legislatively Mandated Sharing

A second option is to have the California Legislature legally mandate enhanced sharing. Human-trafficking data and intelligence sharing have been the topic of recent legislation. During the 2019–2020 legislative session, S. Res. 35 could have reestablished the CA ACTS Task Force. The restored group would have collected and organized data on

the nature and extent of trafficking in California. The bill would have required the examination of current collaborative models in practice for protecting victims of trafficking, among other related duties.[334] Governor Newsom chose to veto the bill, stating,

> I am returning Senate Bill 35 without my signature, . . . This bill's goals are laudable, and I share the author and proponents' concerns around the scourge of human trafficking in California. Through this year's budget we have invested in services for victims of trafficking, as well as studies on the scope of the problem in certain high incidence counties. However, any new or reconstituted task force such as the one envisioned by the bill should be considered and evaluated through the budget process, not stand-alone legislation.[335]

While the focus of Governor Newsome's statement was budgetary, implicit within his veto was the understanding that legislatively mandated cooperation is less likely to achieve the desired goals than self-initiated working groups. When organizations organically recognize the benefit of a collaborative effort, they are more willing to invest the time to learn about the partners required to collaborate.

3. Pathway 3: CalOES-Created Human-Trafficking Information-Sharing Initiative

CalOES should fill the leadership void. Currently, there is no state-level agency leading or coordinating California's anti-trafficking intelligence efforts. This leadership void creates duplicative investigations that waste valuable time and resources, lacks coordinated efforts that clarify the threat environment, and casts shadows whereby traffickers function with limited risk. However, this vacuum provides an opportunity for CalOES to create a formal collaborative framework and intelligence-sharing environment for law enforcement and victim service entities to come together, learn from each other, share best practices, share case intelligence, identify gaps and challenges, and build the mutual trust that collaboration demands. A coordinated information-sharing methodology

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[334] Human Trafficking: California ACTS Task Force, S. Res. 35, 2019 Leg., Reg. Sess. (Cal. 2019), http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=.

[335] Human Trafficking: California ACTS Task Force.

is consistent with California's commitment to apply an aggressive and meaningful approach to combating trafficking.

Since 2015, more than $90 million in federal and state funding has been allocated to CalOES to support comprehensive services for survivors of human trafficking, training to first responders and service providers, and communications to increase awareness. CalOES maintains three major counter-trafficking initiatives, positioning it best to lead a statewide coordination effort: (1) the collection, fusion, and dissemination of criminal intelligence within STAS; (2) Human Trafficking Grant Programs Division funding for victim support programs in all major metropolitan areas of the state; and (3) anti-trafficking research and training conducted by the California Specialized Training Institute. These three divisions have reach in every county of California, in addition to possessing strong working relationships with cross-state and international partners.

A formalized mission and coordinated OES approach would be consistent with the CalOES's existing Strategic Plan summary by bolstering law enforcement, Homeland Security, and victim service grant program objectives.[336] It also advances and enhances the *2017–2020 CalOES California Homeland Security Strategy*'s goals of addressing border security and assessing the threat TCOs and street gangs pose to the state of California. CalOES's primary mission is to protect lives and property of Californians, to build response and planning capabilities, and support all communities for a more resilient California.[337] CalOES achieves its mission by fostering multiagency collaboration in its preparation, protection against, response to, recovering from, and mitigating the impacts of all hazards, threats, and crimes it faces.[338] In building a framework for a Human Trafficking Information Sharing and Leadership Initiative, CalOES could support the HTTF and community collaboratives, providing a secure and collaborative environment where the existing units and relevant state agencies could share sensitive case intelligence, potentially identifying knowledge gaps and challenges, and illuminating emerging trends

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[336] "Strategic Plan," California Governor's Office of Emergency Services, accessed December 9, 2021, https://www.caloes.ca.gov/cal-oes-divisions/about-cal-oes/strategic-plan.

[337] California Governor's Office of Emergency Services.

[338] California Governor's Office of Emergency Services.

and tactics.[339] Many of these groups have not previously worked together formally, making engagement and input crucial to the success of this initiative. CalOES's reputation and working relationship with many of these units make it a trusted partner with the capacity of holding multidisciplinary working group meetings throughout the state.

C.   RECOMMENDATION

Ideally, Pathway 3 provides the most fertile ground for California's task forces to learn about their partners, build and strengthen trust bonds, and share substantive operational intelligence. CalOES carries the legitimacy and the visibility necessary to realign California's anti-trafficking efforts. While CalOES no longer funds law enforcement operations in California, it does provide significant financial support to trafficking-victim service providers, and numerous recipients of its trafficking grants are members of task forces. Enhancing this existing relationship advances both the victim service goals and the homeland security goals of CalOES.

D.   OPPORTUNITIES FOR FURTHER RESEARCH

Trafficking, as a research field, is in its infancy. Researchers already agree, though, that today's exploitation is conducted by a variety of perpetrators including sole practitioners, individuals connected to organized criminal enterprises, and transnational gangs. Perpetrators are extracting immense monetary value at the expense of their victims. The International Labour Office estimates that human traffickers generate more than $150 billion worldwide annually.[340] According to the United Nations Office on Drugs and Crime and the United States Department of Justice, human trafficking is only surpassed by global narcotics dealing and is commonly seen as the second-largest criminal activity in the world, equaling elicit arms sales.[341] Many researchers have assessed trafficking as the

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[339] This is the proposed title of the agency initiative.

[340] Patrick Besler, *Forced Labour and Human Trafficking: Estimating the Profits*, DECLARATION/ WP/42/2005 (Geneva: International Labour Office, 2005), 18, http://www.ilo.org/wcmsp5/groups/public/@ ed_norm/@declaration/documents/publication/wcms_081971.pdf.

[341] "Human Trafficking," Official website of United States Department of Justice, accessed January 20, 2022, https://www.justice.gov/usao-ri/human-trafficking; "UNODC report on human trafficking exposes modern form of slavery," United Nations Office on Drugs and Crime, accessed January 20, 2022, https://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html.

fastest growing criminal activity.[342] However, beyond these generalized statements, much is left to learn. Most of the global research on trafficking has focused on the international cross-border component of the trafficking experience. While this thesis focused on how task forces in California can better collaborate, little research has examined intra-country or intrastate trafficking; the dynamics of international and intrastate trafficking may be significantly different.[343]

With little more than two decades of legal history, the research field presents a sanguine atmosphere to examine tough but meaningful questions. Criminal justice and homeland security researchers have only begun to examine the connections of trafficking to other disciplines and criminal activities. The extent to which FTOs and TCOs utilize trafficking as a multipurpose capital resource and the ways traffickers exploit vulnerabilities exacerbated by natural disasters are all issues that demand further analysis. An effective counter-trafficking response structure has numerous dimensions, including historical, political, economic, and social aspects, that demand deep analysis to fully understand this complex criminal activity.

There are four concurrent legal systems overlaid across the United States: state jurisdiction, federal jurisdiction, the Uniform Code of Military Justice, and tribal jurisdiction. How the native community is affected by trafficking and how tribal nations can exercise their legal sovereignty over trafficking cases have gone largely unaddressed. While most statistical research on trafficking of Indigenous peoples focuses on commercial sexual exploitation, labor exploitation has been largely neglected. To gain a better operational picture of trafficking across the United States, scholars and the Department of Justice should examine these issues.

E.   CONCLUSION

A jurisdiction's criminal law reflects the values and morals of that community. The ability to refine and perfect a response defines its commitment to the cause. Therefore,

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[342] Office on Trafficking in Persons, "What Is Human Trafficking?"

[343] Savona and Stefanizzi, *Measuring Human Trafficking*, 40.

people "who engage in the exploitation of others have chosen to live outside of societal morals."[344] While most of the public expresses concern about human trafficking, they simultaneously hold false or misleading perceptions about the crime.[345] When implementing an anti-trafficking response framework, the goal should be not to slow the enterprise but to install skilled operators who enhance their partners' strengths with the mutual goal of systematic eradication. California likely has the most significant human-trafficking problem in the United States. In times of uncertainty, people look for leadership. The current leadership void provides CalOES the opportunity to demonstrate its dedication to the anticipation of threats and strengthening of California's ability to mitigate crime and terrorist events.[346]

When combating human trafficking, a government should ask, "Are we providing an environment for law enforcement and victim services to be successful?" The most effective responses focus on root causes and motivations. An effectively designed anti-trafficking system should be judged by its ability to address root causes and its agility in adapting to each form of trafficking, effecting equitable justice, and holding perpetrators accountable for their actions. The three recommendations outlined in this chapter—the status quo, the legislative mandate, or CalOES's taking the initiative to demonstrate leadership—provide the path and basis for California to mature its counter-trafficking response. Trust is an interpersonal currency. It can be earned, banked, and spent. As traffickers seek to extract value from their victims, task forces must learn how to invest their time on tactics that will provide the highest rate of return.

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[344] Greer, "Crime Shouldn't Pay," 267.

[345] Bouche, Farrell, and Wittmer, *Identifying Effective Counter-Trafficking Programs*.

[346] "About Cal OES," California Governor's Office of Emergency Services, accessed December 9, 2021, https://www.caloes.ca.gov/Cal-OES-Divisions/About-Cal-OES. The agency's goals are as follows: "Goal 1. Anticipate and enhance prevention and detection capabilities to protect our State from all hazards and threats. Goal 2. Strengthen California's ability to plan, prepare for, and provide resources to mitigate the impacts of disasters, emergencies, crimes, and terrorist events. Goal 3. Effectively respond to and recover from both human-caused and natural disasters. Goal 4. Enhance the administration and delivery of all state and federal funding and maintain fiscal and program integrity. Goal 5. Develop a united and innovative workforce that is trained, experienced, knowledgeable, and ready to adapt and respond. Goal 6. Strengthen capabilities in public safety communication services and technology enhancements."

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