

**Introductory remarks:** Geoffrey Cowan (GC)

**Moderator:** Mark Latonero (ML)

**Panelists:** Chris Kelly (CK), D'Lita Miller (DM) , John Vanek (JV)

**GC:** I'm Geoff Cowan, former Dean of the Annenberg School and Director of the Center on Communication Leadership and Policy. The Annenberg School, along with the Price School and Dornsife Unruh center, all have been putting on this program, Road to the White House. We're getting close the end of that road. But as we do it, it's been about a lot of political issues. As you know if you've been a regular in these conversations, we try to have discussions, not debates, and we try to cover state issues as well as national issues as we do it. Today's discussion, which is really about trafficking, will be lead by Mark Latonero, who is the research director at CCLP and a research professor at the Annenberg School. It's especially interesting to our center, this area of trafficking, because about two years ago, at the invitation of the State Department, we started exploring the ways technology could be used to combat trafficking; of course it's been used to facilitate trafficking, and we want to find ways it can be used to combat it. Mark has led that effort, written an important report, been part of important State convenings, worked with the State Attorney General and the State Department, and internationally actually played an important role in the announcement that President Obama made a couple of weeks ago at the Clinton Global Initiative meeting. So we think this is a very important and appropriate topic, and we're delighted that the panelists could be here, including Chris Kelly, the author of this initiative. So Mark Latonero, take it away.

**ML:** Thanks, Geoff. And thank you all for coming. When you came through the door and maybe at your seats, you saw a printout of essentially what you would see walking into the ballot booth with regard to Proposition 35. And, I don't know about you, but when you're there and you're looking at these sort of the voter guide and such, it's really hard to get a sense of what's really going on with initiatives and ballots. And so, imagine if you're at the voting booth, you're looking at the ballot, and you say to yourself, wouldn't it be great to attend a forum for an hour and get transported to this forum and learn from the experts, actually not only the experts, the principles involved in leading this initiative and people with other points of view, and learn about this issue and then somehow get transported back to that moment and make your decision. And that's where we are today, and that's what we're here for today. And I can think of no other people to help guide us through this – not debate, but this exploration of this issue today.

To my left is Chris Kelly, former Chief Privacy Officer of Facebook, founder of Safer California Foundation, and really the principal driving force of Proposition 35. It's a pleasure to have him here. To Chris' left is D'Lita Miller. She is a trafficking survivor herself, and a mother of a trafficking survivor too, and she's really devoted her life to this issue as an advocate, and she currently works at Saving Innocence, a very important NGO here in Los Angeles. And to my right is John Vanek, retired Lieutenant, San Jose Police Department, former head of the San Jose human trafficking task force, one of many important task forces throughout the country. He's worked in many different capacities, and he's here to talk about Prop 35 as well. So let's begin.

Chris, why is this proposition on the ballot in the first place? What inspired you to put it there, and what inspired you to put, a reported 2 million dollars of your own money into this campaign?

**CK:** I've been very happy to support this campaign. It's actually a continuation of work I did at Facebook in part, and also the continuation of very hard work that Daphne Phung and the organization California Against Slavery have been trying to do since 2009. There are really three principal authors of what's now Proposition 35: Daphne, myself, and Sharmin Bock, who's now one of the leaders in the anti-trafficking crusade out of the Alameda County DA's office. Sharmin and Daphne have been working very hard in the legislature over the last five years to make some of the changes we've put into Prop 35, including changing state laws so that you no longer have to prove physical force for a minor to engage in sex trafficking, to prove that, including the changes on fines to discourage the economically motivated trafficking that goes on with both sex and labor trafficking. And also, the online piece, where I've been most involved; running privacy safety and security for Facebook for four years, and joining the company just as we were about to expand from colleges into high schools, we were very concerned that the internet had been misused in a variety of ways for a variety of illicit purposes including human trafficking, so we went out to design a way to verify identity more effectively and to fight this, so I spent a lot of time with AGs across the nation, with law enforcement across the world, thinking about the ways that various predators would try to attack youth online and we could discourage that, including most importantly, I think, real world identity and the end of anonymity on Facebook. I believe there's a constitutional right to anonymity on the Internet. I don't believe there's a constitutional right to anonymity everywhere. So we made a decision as a private business that I think is one of the main reasons that Facebook has succeeded, that it became a safer site, because we were able to identify people, and engage in other work with law enforcement and planning. So part of Prop 35 is requiring all registered sex offenders to report their Internet handles as well as their physical addresses. If Megan's Law were passed today, that would certainly be included. I did this first with Andrew Cuomo in New York State when he was Attorney General. It's been responsible for the removal of more than 25,000 convicted sex offenders from online sites, including Facebook and MySpace and a number of others. It's been phenomenally successful. I tried to get that done in the legislature here and they didn't want to move it, they said it might cost some money even though the LA Sheriffs lobbyist who was testifying with me was saying "I've taken these 290 registration forms, that's the penal code registered sex offenders, and it's just another field in the database." All it is is collecting information. It's clearly easy to do, but they didn't want to do it for various ideological reasons. So we said okay, we're going to put it on the ballot. Daphne and I were introduced by my good friend Sarah Harbaugh, who had known Daphne from a variety of other channels, and we got together and put Prop 35 on the ballot.

**ML:** John, making the Internet safer from sexual predators, increasing fines for human traffickers - how could anyone be against this?

**JV:** Well, against those two things, on the face of it, you can't be. And I think you raise a really good point – when you look at what the ballot looks like, who could oppose this? And certainly who could oppose any form of slavery or exploitation. But we have to go deeper into the initiative, I believe, and look at all of the other impacts. I'd like to preface this, Mark, first by thanking you for having this discussion, thank you for hosting it, thank you for the work that you're doing in terms of technology and response to trafficking, that's an area that hadn't been touched on until you guys took it on. But I'd like to just preface everything I say, with a little bit of background. In 2006, I became responsible for the Human Trafficking Task Force in San Jose Police Department. We were responsible for the four South Bay counties; federally funded, to work with federal law enforcement, local law enforcement, federal and local victim service providers, advocates, legislators, policy drafters etc. And when we look overall at this initiative there are a couple of areas, where - collectively my colleagues across the state- where we have some real issues with it. We can get there, I'm sure we will- I actually think of all of the elements that are touched upon in Prop 35, the data going into the 290 registrant fields and the database – that's great. If you are a convicted sex registrant, having your ISP information, your online identifiers – that's great. We have issues, though, when we start talking about the fine structure. Under current law – another thing, I'm going to try to educate everyone along the way, because frankly, most of us really don't understand the status of the current law. In 2005, a comprehensive piece of legislation was passed by the legislators, the California Trafficking Victims Protection Act, also known as Assembly Bill 22, and it created a way for victims to receive wages owed, restitution, damages, from their traffickers. And it actually allows triple damages, and I don't want to get too far in the weeds, but it becomes very complicated. But what it does, is it places the victims rights and access to money ahead of law enforcement. Prop 35, one of things it will do is create a fine structure - upfront fines - the fines would be imposed by a judge against a trafficker upon conviction. Now, there's some confusion because in a case like that, the wages owed somebody for their work – and please understand, when we're talking about human trafficking we're talking about some kind of labor exploitation – it doesn't really matter, in terms of defining that exploitation, if you are picking fruit, picking vegetables, working in a sweatshop, as a domestic servant, or being pimped or prostituted on the street or the Internet. When we look at the wages owed, we have to look at the work you performed. And we try to help a survivor move forward in their life by first of all recognizing that they performed labor that they need to be compensated for. Under current law, you can get much higher damages than you'll be able to under the proposition. But more importantly, what this does, is it allows this fine structure – money can go to and go to pay for the victim, only for the wages worked, and then the rest of the fine gets split. 30% goes to the law enforcement agencies that were involved in the prosecution and the investigation of that particular case. The other 70% is going to be broadly distributed through a grant operation through the CA Emergency Management Agency to anti-human trafficking providers and non-governmental organizations. Which is a very broad spectrum; we really don't know what that includes. But what this does, is it places the focus on prosecution, it diverts money that would go to these fines that is not available to a victim afterwards when they go to have a civil proceeding against their trafficker, saying “wait a minute. I don't want just the minimum wage for my hours worked, I want triple that, I want restitution, I want pain and suffering.” So 35 places a

focus on the prosecution piece, as opposed to being victim-centered and placing the needs of the victims first.

**ML:** D'Lita, speaking from your powerful experience and such, do you think the current law is adequate enough and do you think that we need Proposition 35?

**DM:** Current law – absolutely not. I, unfortunately, have had the opportunity under two circumstances to be involved in human trafficking as a parent. The first case was against a trafficker, a pimp who had been pimping my minor daughter. He was a gang member. As a result of that, I remember after coming home from a preliminary hearing- which this pimp, who was 21 years old, posted a million dollars bail - being told that my family and I had to relocate from our home. And I had about two or three hours to pack up my two children and my grandson and leave. There were no victims services given to us. There was no victim specialist. We called around to different nonprofits, trying to get assistance. This was really before I had been working in the human trafficking population, so I wasn't really aware of the different resources in nonprofits. However, my family and I had to scrape up money and borrow money from other family members and friends to pay for a motel room for about four or five months while we were awaiting trial, and the fact that this individual was a gang member who knew where we lived. So, what Prop 35 does with its fine and with its 70% - I would like to speak on the 70% that Mr. Vanek spoke of – and I will give it to you from a parental perspective. You're a parent. You have your home, you have your monthly expenses. All of a sudden, one day somebody comes and says you have to leave. You're not prepared for that financially. I'm a single mom with five children, you know. I'm not prepared for that. What do you do? What can you do for me? You need my daughter to – not need, but it's important for my daughter's testimony in this case, but our safety and wellbeing is on the line. To this day we haven't received victim services. What Prop 35 does in that 70%, I understand it's broad, but what it does is it gives us an ability to possibly have a fund so that when girls are rescued they will have somewhere safely for them as well as their families. My daughter had a family. To take her away from us wasn't great for her emotional gain. From a service provider's perspective – I am the Family Support Outreach Coordinator at Saving Innocence – one of the hardest issues that we have is funding. There are lots of services that the girls need, but we don't have the funding. There's nowhere to take the girls. So what Prop 35 does, it provides an avenue to help victims, and to help to service providers to provide services for those victims. So that's my take with regards to that.

**ML:** Chris, stories like D'Lita's are so powerful. How did you go about crafting the content of Proposition 35 itself, and what else – really go deep into these stories and meet with folks to inspire you

**CK:** Absolutely. Daphne and Sharmin had been on the streets for years. I had talked with a number of trafficking victims in my job, in my capacity at Facebook. But as we really began to craft the initiative, what we heard overwhelmingly from victims was the current system doesn't work. Shared Hope International, which has done a national survey of anti-sex trafficking laws, found that California deserved an F on it's anti-trafficking laws. The bureaucratic process of AB 22, the trafficking victim has to prove wages, damages,

and file suit, and go through years and years of process in a backward court system, it's something that just doesn't work. I mean, I don't know, do we have an aggregated amount of what's been recovered under AB 22 at this point? I don't know of a single case that I've seen where people have recovered wages under AB 22. We wanted to have a comprehensive approach that provided an economic disincentive to traffickers. As we see increasing movement of criminal gangs, into both labor and sex trafficking, because you can sell human beings over and over and over again, whereas you can only sell drugs once. We wanted to provide an aggressive deterrent, and to have a comprehensive strategy that included victim services, and that was informed by deep input by victims organizations. We didn't talk to everyone, and for that I apologize to John Vanek, but we talked to a lot of people, and we think that this is a comprehensive, well thought out, what will be a successful approach in actually deterring and prosecuting human trafficking in the state.

**ML:** If Chris was to have talked to you, John, what would you have said about the street-level impact, as a law enforcement officer, of Proposition 35 on your work and the people directly impacted?

**JV:** Well, I'm sorry we didn't have a chance to meet on this. That's really probably one of the greatest tragedies in this whole story we're currently talking about with the proposition. I would have loved to have met Chris prior to today. And in fact, Chris and I were interviewed separately, but we were on a radio program this past weekend in San Francisco, and he brought that question about civil judgments, so I reached out to my colleagues – and I'm happy to give you a lot of information, because I got a lot back. We're probably looking at something in the neighborhood of about 20, give or take, civil judgments under both California code and federal code in California since the creation of the law in 2006. Now that might not sound like a lot, but understand please that when California law was created, there was no mechanism to really push out and say now create the response. And in fact it wasn't until three years ago that the State put any money into actually responding to human trafficking sort of at the law enforcement standpoint. They took federal stimulus money, they created a grant program to give additional funding to the existing six federally-funded task forces in California- we've had those task forces in San Jose, San Francisco, Oakland, San Diego, Orange County, and Los Angeles. They then created three additional task forces in Riverside, Fresno, and Sacramento. They also then funded another 1.2 million dollar program to create a human trafficking of minors course, which is now offered eighteen times across the state -we've been doing it for two years, we're funded for another two years - for law enforcement, service providers, academics, students, community members, anyone who wants to come to this class, it's free. So, what I would have said is, the number of people who are true experts in this field, in California, is actually quite small. We've all had some connection with the Attorney General's work group that she put together this year. Three meetings across the state, and when you look at the list of subject matter experts that were invited to participate from a variety of sectors, it came down to about a hundred people. Now that doesn't mean that we don't need other voices that are not subject matter experts, that does not mean that we do not need to hear from the community. Absolutely, because that helps gain traction, it helps motivate local law enforcement agents to say "hey, you know what,

this is an important issue in my town, because my citizens are telling me, if I'm the Chief of Police, that we need to take it on." But what I would have asked, is that these people would have been invited to the table. In Daphne's defense, I have tremendous admiration for her passion, and her commitment – three years ago she came to me and said, "Hey, John, what do you think we should do with this? What are your opinions on it?" and I said, "You know what, I don't think that raising sentencing is an effective crime prevention strategy. It certainly works to cut down recidivism while traffickers are in jail." But when she has gone out and asked for input from many of the experts, many of the experts have said, "Daphne, we think you're approaching this in the wrong way. We think many of the elements you're building in in the wrong way." And in fact, when she asked, when Daphne invited me to speak to potential funders last year, I had to tell her that I couldn't do it. I didn't think she was taking the right approach, and I didn't think she was listening to many of the people who were doing the work day in and day out.

**CK:** D'Lita, did you want to jump in?

**DM:** Absolutely. Absolutely. With regards to what Mr. Vanek said about raising the sentencing. What I can you from speaking with victims, is that one of their greatest fears, and from my own daughter's statement as well as many others, is the fear of the trafficker being able to get out of jail and, you know, find the victim. These girls are what you call – they go through a grooming process, they're somewhat like brainwashed. So these traffickers really have these girls believing – really have them controlled. Some people ask the question, well if they're walking the street, why don't they just run? It's not that easy. So with the greater sentencing, what that does – I'll tell you this, I know a case, where a pimp was sentenced. He pimped and beat and raped a young lady. With regards to pimping and pandering, let me clarify this, 90%, I'll say on 100%, the majority of the girls are beaten, most of them under the age of 18 are raped, according to California law, anyone under the age of 18 does not have consent to have sex, so if they're under the age of 18 – I work with a lot of underage kids, so, you know, that's my focus – it's rape every time. On an average day, these girls are seeing anywhere from 20 – 30 clients a day – there's a quota they have to bring in. so the girls are afraid – and this is speaking from the girls' perspective, I would like to be their voice today, because at the end of the day they are the ones who are being victimized, they are the ones that are experiencing the torture, and the degrading as a human being – they are saying, if this guy has pimped and trafficked me, and he only does 17 months in jail, he's beat me, he's raped me, a lot of these girls are kidnapped, you know, all types of things are going on – gang rapes are going on, they're taken from their families, they're teenagers who are not getting an education. I did a little research last night, and I also interviewed a few pimps last week just to see their perspective. And pimps can be bold sometimes, and with regards to pimping and pandering, their motto is, you know, actually they really don't get arrested, the girls are the ones who get arrested, I'm just going to keep it real with you – most of the time the girls are getting arrested, so the pimps aren't getting arrested, for one. For two, they're not getting a lot of time. For one reason it's because the victims are so afraid of these pimps, and they're so brainwashed, that they're not willing to come forth and testify, and even if they do testify, the trauma they are put through during sentencing. I witnessed, I was there for a trial with a thirteen year old victim, which was in a public

forum such as this. In normal juvenile courts, the public is not allowed in the court. But this thirteen year old child who had been beaten and pimped and tortured had to sit on a stand in front of the public and against this pimp who posted a million dollar bail, and I have to just continue to speak on that, because I'm thinking, he posted a million dollar bail, but my family and I had to become homeless. And he gets to sit on the other side. He was convicted for over 35 years, and I'm happy to say that. But that's not the average case. The average case here is that pimps are just slapped on the wrist. And what Prop 35 represents is that we're not taking it anymore. You will not pimp and traffic our children and young girls – or even boys are being affected, and men are being affected by this issue – you will not do that anymore. If we catch you pimping and pandering, this is what you'll get. And what that does, and what I've seen is that instead of pimps saying, "well, you know, we don't get caught anyway and they're not really doing it, and I'll just bail out and this and this." They think that we as a community, we as service providers, law enforcement, legislature, they really think that we're a joke. So what Prop 35 does is it brings awareness, not only to the community but it brings awareness to these pimps and traffickers to let them know that we will not tolerate this anymore. You understand what I'm saying? And I kind of feel, although I am working in human trafficking, but as a citizen, as a parent, when it comes to politics, and attorneys and things like that, I feel that they are looking at the situation from a legal perspective, from what's written. They don't understand the pain that we as families go through. It's not always just the girls; families are impacted by this. Communities are impacted by this. And so, I have this great passion, because I truly believe that if traffickers know that they will not get a slap on the wrist, it will raise an eyeball to them. No, it won't solve all problems, but it will let them know and send out a clear statement that you will go to jail for a very long time, and that gives us time to work with these young ladies. I'm sorry

**ML:** That's okay. I'm going to ask Chris to chime in right now, but I want the audience to sort of think a little bit about what kind of questions they might also want to ask after this dialogue.

**CK:** This is meant to be transformational. This is meant to say to law enforcement, to prosecutors, you should be going after traffickers, and not the victims in these cases. We get a little bit of resistance from some in the prosecutorial community, who are very comfortable with the prostitution busts that flow through their offices. But we've had a number of progressive DA's step up, and aggressively support Prop 35, including Jeff Rosen, in Santa Clara county where John was law enforcement for years, Jim Wagstaffe in San Mateo County, Nancy O'Malley, who's been a leader of this in Alameda County. We've got some good progressive law enforcement backing, and people that we've been in discussions with over the years. Some who are opposing Prop 35 have tried to say that they're the only experts out there. We've spent a lot of time with a lot of different experts, including D'Lita, and people who have experienced this themselves. We wanted to make a radical change, and that's one of the reasons, when Daphne and I first met, we were like, "well, do we go back to the legislature joining forces again?" and we said no, because this is a legislature that, over the last five years, that she and Sharmin have been trying, over the last couple of years that I've been trying on the Internet piece of this, they want to do little piecemeal things, that they can put out a press release on. That's what

moves politics in Sacramento right now. We wanted to actually make a difference on the streets, and that's why we have Prop 35.

**JV:** Okay, I would just like to respond to a couple of things. First off, I gotta tell you that after 25 years in law enforcement, handling a variety of types of cases, to be – and I know D'Lita is hopefully not speaking to me personally – but to be lumped in that law enforcement doesn't care about victims, it's just not the case. And I work with a lot of people who care an awful lot about people. I work with a lot of victim service providers who really care about people, and we could sit here and talk like a case by case by case by case. Criminal cases are very easily taken out of context, and not the victimization that occurs. Every day, throughout the world, people are being victimized in heinous ways. And many of us, I mean we want the same thing here, everybody here wants the same thing. We want less victimization, less pain and suffering in our communities. But when we look at how we approach that, we have to ask ourselves is this the best way to do it? I would ask you to just reflect, what agenda would I have in being opposed to this? I never thought I would be opposing legislation to help victims of human trafficking. And when we politicize things through the initiative process, it can become, one very emotional, and two, place a tremendous burden on the voters, because if there wasn't concerns, then why would Community Solutions, who is the victims services provider in Morgan Hill and serves trafficking and sexual assault domestic abuse victims throughout the South Bay, take a public stance in opposition to Prop 35? An organization called SAGE, many of you might be familiar with SAGE, stands for Stand Against Global Exploitation, one of the first human trafficking-specific victims services organizations in the San Francisco – founded by Norma Hortaling, a victim of the commercial sex trade, originally endorsed Prop 35. Just this past Monday, their board voted to rescind that endorsement, and they notified Daphne via email Monday night. The Bill Wilson Center, which takes care of youth victims in the Santa Clara County area, is opposed. And we also have to understand, when this politicization happens, we have to sort of read between the lines sometimes, and ask ourselves particularly in a highly emotional case like this, who is not taking any position? Because when we look at organizations like the Coalition to Abolish Slavery and Trafficking, here in Los Angeles, at the forefront of legislative action in California, they've chosen not to take a position, and they've been quoted as having concerns about Prop 35. The Polaris Project – a national organization, but works individually in states, here in California they've chosen not to take a position. Do you understand how difficult it is for any organization to come out and say I oppose something that is helping human trafficking victims? It's because they look at the deeper issues and they realize it's just not the best way. We're not saying we don't need to improve some things. We're not saying we don't need to move forward. I'll tell you right now, we absolutely need to raise awareness among law enforcement. So there's two hours of training – don't think that's enough, personally - but you know what, when law enforcement investigates and takes it to the DAs and the DAs are like, "what's human trafficking?" I'm sorry, there are many District Attorneys, prosecutors, the prosecutors who don't understand that there's Penal Code 236.1 on the books, has been since 2006, it defines human trafficking and lays out the elements of the crime. Judges don't know. And one of the biggest problems that lies in the way of prosecution is that the public doesn't know. Because ultimately the public is going to be a jury in a criminal trial. So

there are all these complexities. I've done many things in law enforcement in 25 years, and I have to tell you this is the most complex issue, in my opinion, that exists in American law enforcement today. We have a lot of work to do, but we need to be very careful about it.

**ML:** I'll let Chris just respond to that and then I'll open it up to questions.

**CK:** I do think it's really unfortunate when things get politicized, and this is actually, I think, at the end of the day, a simple issue. And having a comprehensive strategies that has some increased penalties, not unbelievably draconian at the end of the day, all they do is match federal penalties on sentences. Some increased fines because there is an economic root to this and we want to aggressively deter it, with those fines going substantially to victim services, and to law enforcement retraining – so we changed this culture that's operating. And politicization happens because this is real change. There's been a lot of misinformation thrown out there, not so much by John, but by a whole bunch of other opponents who deliberately misread the statutory text, who try to say that it does things that it doesn't even come close to doing, that it doesn't do anything for victims at all. That's what you're hearing from a few organization right now. But if you look at MISSEY or Wind River Services or the organizations that we've worked with to put this together, they come out and they rebut whenever some new organization that's been asked to come off or not to say anything does that. We're really proud of what we're doing here, because it actually will make real change, and that's I think a good indicator of the process. It is getting politicized because we're actually going to make people do things differently. I'm perfectly comfortable with that.

**ML:** I'd like to take a question from the audience.

**Audience member:** My question relates specifically to the wording of the bill. How does California law define human trafficking, specifically does it encompass sex trafficking and labor trafficking? And under this law, would labor traffickers, who haven't necessarily engaged in sexual abuse be forced to register as sex offenders?

**CK:** It's force, fraud, or coercion. Sort of obtaining services through force, fraud, or coercion. And no, labor traffickers won't have to register as sex offenders. That's one of the lies that's been spread here. There's no statutory interpretation you could come up with, and it's a little confusing because when you write an initiative, you have to amend certain sections, but we did this very carefully, and that's one of the most aggressively false things that's been said about the initiative.

**Audience member:** I wanted to ask about your point regarding restitution. Seeing some of these cases firsthand, do you really think that it's practical that someone, that a victim that's looking at their pimp and realizes that this pimp can post a million dollars bail, and will mostly likely only get a couple of months or a couple of years of jail time, do you really think it's practical that these victims would post charges or seek restitution from these traffickers, knowing the threat that they face with this trafficker coming back out in only a couple of years if Prop 35 doesn't pass?

**JV:** That's a great questions because you touch on a couple of things. Thank you very much. So first off, I think that what we have to do is ask the victims. What do they want? And professional victims service providers understand that. We practice a national philosophy, and it's actually a law, refers to a victim-centric response, where the needs and the desires of the victims come first, even ahead of law enforcement. But what I can tell you is that they do move forward in civil judgments against their traffickers, because the vast majority of cases that have been awarded under both federal law in California, but also state court, have been in cases where there has not been any criminal prosecution. So there's are already occurring. And the service providers who do that work know how to balance that need for restitution and trying to create a sense of whole for victims, for survivors, excuse me. So yes, it does work. Understand too, that in criminal court the burden of proof for a prosecution is much higher than in civil court, that's why we try and place the victim first, and we understand that. So from the perspective of my colleagues who do service work, the attorneys who represent them, their concern here is there's only a small pool – whatever that pool of money, maybe it's a million dollars, maybe it's no money, right – but when somebody is convicted in criminal court, if the judge were to say okay, you have to pay the victim for their hours worked, and then there's going to be another piece of the fine, and 30% goes here and 70% goes here. Civil actions cannot occur until – they get delayed until after criminal action is finished. And at that point, if we have taken money and sent it to the state, is that money then going to be available for that victim to come back and say, “wait a minute, now I also want three times my labor wages, I want additional funds for pain and suffering.” And those are the concerns that my colleagues who are doing this work have.

**Audience member:** Do you have statistics?

**JV:** Actually, I do.

**CK:** Have there only been 20 cases of trafficking in the last six years, then?

**JV:** No. What I was saying is that, again, I reached out on Sunday night to about four civil attorneys, and I've come up with about 20 cases, and some of the damages have been in the hundreds of thousands of dollars. Understand that there's a lot of work going on that you just don't see. There's a lot of work that goes that doesn't make the press. So please don't think that this work is not being done in California, because it is. And if we want to talk about criminal cases, we've had about 80 convictions for the actual human trafficking section, 236.1, in California since 2006.

**Audience member:** When I first was told about Proposition 35, my immediate reaction was this was another attempt to arrest more independent escorts, as we've seen when we talk about cases with Backpage.com and that kind of thing. As a former independent escort, and someone who is good friends with independent escorts, I want to make sure that there are no provisions in Proposition 35 that would hurt independent escorts. Do you guys have any feelings about decriminalizing prostitution one day? But I also want to

thank D'Lita because I'm sure we had very different experiences, and I so rarely get to hear about your side of things.

**CK:** I'm not in favor of decriminalization over time, but that's also clearly not the target of Prop 35. Force, fraud, and coercion. I think it's highly unlikely that you'll see prosecution focused on independent activity, it just doesn't fit the statute. And one of the things that gets thrown about in talking about the drafting of the statute, and you also have to remember that criminal laws are construed strictly by courts as well, so the likelihood that some outrageous reading could be given to this depends on two things. One is a breach of prosecutorial ethics to overreach with a statute they know doesn't apply here, and two is a judge willing to go along with that, and I just don't see that being a serious possibility.

**JV:** And I would agree with everything that Chris just said.

**DM:** Thank you, and one thing is that as a survivor, I was more of an independent escort as well, being a survivor I had my first kid when I was very young, so I began the life of a sex worker at the age of 15 years old. So I believe that's where the victimization came in. But until my daughter was victimized I didn't realize that there was a separation between, you know, people who are sex trafficked, and volunteer escorts. And I asked the same question that you did. Again, in order to have a case of human trafficking or sex trafficking, there has to be force, fraud, or coercion. When it comes to the case of independent escorts, you know, we're doing this on our own, we're voluntarily doing this, so those elements do not exist, unless you are a minor – there's no need for force, fraud, or coercion.

**ML:** I should just say that the work that our center does is specifically and only deals with intersection of technology and trafficking with regard to force or coercion, or sex trafficking of minors.

**Audience Member:** One of the concerns that has been raised is that a ballot measure is difficult to change, and that evolution and progress would be difficult for a very complex issue. I'd like to hear your thoughts on that.

**CK:** This is why we put in the ballot initiative, language saying that it can be amended by a majority vote in the legislature consistent with the initiative. So the legislature can not go back and, given that this has gotten so politicized, if there are attempts by the legislature to undermine it, we will fight them. But anything consistent with the purposes of the statute can be handled by a majority vote in the legislature.

**JV:** I'd like to just add onto that, Mark. So there was confusion about that. I've learned an awful lot about California's proposition law and imitative process the last few months.

**CK:** Me too, this is the first time I've done this.

**JV:** And I've spent more time talking to attorneys the last three months than I did probably the last 25 years of law enforcement. But yes, we can change elements that are put in place as a result of the initiative, and I can tell you that there are already attorneys who work in Sacramento who are looking at this, already preparing to work to undo some elements of it, should it be passed by the voters.

**CK:** And we'll be happy to fight them aggressively.

**ML:** So one more questions here, and then hopefully a round of conclusions.

**Audience Member:** Well, D'Lita, you said that you had wanted to be a voice for the kids who we don't get to hear from a lot. So I just wanted to give you an opportunity – is there anything that you've learned the last few weeks – are the kids you're working with aware of Prop 35, do they feel they need it, do they feel it's useful, how do they feel?

**DM:** Yes, the kids are knowledgeable. I had a conversation with a group of young ladies yesterday, and I was very shocked on their response. And I would like to clarify that as victims, and as victims, and as a voice for victims, and as myself, I do think that there are law enforcement officers out there who really care about this issue. Most children I've talked to are aware, they are aware of human trafficking. And they have to views, as children. The first is, well, will Prop 35 help me when I was kidnapped and put on the street, but when I came in contact with officers, I was arrested, handcuffs were put on me, and I was treated like a criminal. How will Prop 35 help me? And that's something that wasn't brought up, and I would like to address, with regards to law enforcement training. Even the contact that I had with both my cases with law enforcement, they were not trained, they did not know how to handle the situation at first. Now, there are law enforcement officers who are knowledgeable of human trafficking so they're handling the situation. But mandating law enforcement officers to take training and to understand that these girls are victims, so when they come in contact with them, and this is like the girls' main purpose – we are victims, all terrible things happened to us, but when we come in contact with law enforcement, who's supposed to be there to protect and serve, we're treated like criminals, we're looked down upon. I mean, I was interviewed at one o'clock in the morning on the streets of Compton, on the curb, after my daughter had been rescued from being kidnapped and trafficked. So it is very important, and that's one of the girls' main concerns as far as Prop 35, but they are educating themselves up on this issues

**CK:** The greatest pleasure for me in this experience in putting things together has been working with the victims directly, and hearing their stories, and that's why we've focused so much on them on the website, [yesonprop35.org](http://yesonprop35.org), where you can see the victims' stories on what's going on, and have a number of victims talking about what the initiative change will mean to them. And the statement that we're making as a state that we're actually not going to get kind of caught up in bureaucratic processes, that we're going to help retrain law enforcement to focus on the real victims here. And we think that that's a great opportunity for this state. Unfortunately, sometimes things do get politicized, and people start throwing around things. What we're looking for is a better comprehensive

strategy. Prop 35 is it. It's been very well considered, it's been very well put together, it addresses, as President Obama stressed in his anti-sex trafficking and human trafficking speech, both an online and an offline component. It's very well crafted to address these things, with some increased penalties that address federal law, so it's not like this isn't happening already on some levels. We want more resources to go to that prosecution, and to collect more fines, so that we can actually redistribute the money that the traffickers are making to victim services and to law enforcement training. And we want to change a couple rules that don't make sense. We want to harmonize state law with federal law, and make sure that we're not so out of step anymore. So there's a real opportunity here for California voters to stand up and step forward for a lot of these victims on the streets. It is a straightforward proposition, which is why it's been endorsed by Senator Boxer, and Senator Feinstein, and the California Democratic Party, the California Republican Party, by all these different groups, who have looked at it twenty ways from Sunday. And there are a few dissenters, and we're okay with dissenters, but we want to make sure we're really pulling for victim services, and that's what Prop 35 will do.

**JV:** So, I would ask you, I think maybe up here somewhere – you know, unfortunately there's no money to give our voice. We have a free blog: [noon35.wordpress.com](http://noon35.wordpress.com). So please visit, because you'll find some other voices and find some more information. They have an impressive list of endorsers, but yet I've talked to some of these endorsers, one being the office U.S. Representative Jackie Speier. They did not seek input from anybody other than California Against Slavery, and maybe they should have. We also didn't get a chance to touch on the conflation, or the confusion here between sex and labor trafficking. Prop 35 create a different sentencing standard for sex trafficking vs. labor trafficking. I personally believe that we should not place one type of victim ahead of another type of victim. Sex is often used to control people who are forced to do other types of labor. That's a broad philosophical question, and for those of us working at the national level, we struggle to keep that parity – understand that individual cases are all charged, and prosecuted on their individual merits. So we have to be careful when we say this sentencing happens here, and this sentencing happens here. Also, please understand, that under current California law, and should Prop 35 pass, human trafficking is not a prison-mandatory sentencing crime, which is a hard thing to explain, I'm happy to talk about it when we're offline here. You can be convicted of human trafficking right now and not go to prison. And that will not change under Prop 35. That is something that would have been exceptionally meaningful change in California. I would ask you to think about two things. Again, coming back, what agenda would I have? What agenda would the professional service providers have who are opposed? And if any are opposed, we should at least stop and ask ourselves why. The final thing I'll leave you with is this: talking to a lot of people, getting a lot of emails, people saying, “hey, you know what, what if we just want to pass something. We want to do something to feel like we're taking a stand for human trafficking victims in California, and this is our opportunity. This is our chance.” Well, that's right, this is your chance. But ask yourself, are you voting for this proposition so you feel good, or because you actually think it is going to make our response better? And if you believe it really does make the response better, then God bless you. Vote for it. But if you have questions, and you wonder why professionals

have questions, but you're voting for it because you want to feel good, you just might want to reconsider that. Thank you for your time, I really appreciate it. Thank you, Mark.

**ML:** You know, what I'm convinced of is that even though some of the panelists might have different ways – I mean, everyone on this panel has different approaches to addressing the problem of human trafficking, and it's a very real problem, I'm convinced that everyone is drawing from the same compassion and willingness to do something about this issue. Now let me just ask one question of the audience. So now you're transported back into the voter booth, now it's time to vote yes or no on Prop 35 – you don't have to tell me what you're going to vote, but raise your hand if this conversation helped you learn a little bit more about this proposition. With that, thank you very much.