

Senate Bill 955

Wire Tapping for Human Trafficking

Senator Holly J. Mitchell

THIS BILL

SB 955 amends California's wiretap statute (Penal Code Section 629.52(a)) to authorize a court to issue a wiretap order to human trafficking organizations, and extends the sunset of California's wiretap statute to 2020.

ISSUE

Penal Code section 629.52(a) enumerates the offenses for which a wiretap may be authorized. This list includes certain narcotic offenses, murder, aggravated kidnapping, any felony violation of Penal Code section 186.22, and attempts or conspiracies to commit these enumerated offenses.

Notably absent from Penal Code section 629.52(a) is Penal Code section 236.1 et seq., human trafficking. Proposition 35, overwhelming passed by 81% of the voters in 2012, resulted in increased prison terms for human traffickers, now requires convicted sex traffickers to register as sex offenders, and mandates law enforcement training on human trafficking.¹

Human trafficking is a form of modern-day slavery. It is a crime that involves the use of force, fraud, or coercion to recruit, harbor, transport, provide or obtain a person for the purposes of sexual or labor exploitation. Victims of human trafficking are young children,

¹ A provision that requires all registered sex offenders to disclose their internet accounts has been stayed by a federal judge as part of a temporary restraining order.

teenagers, men, and women. Approximately 800,000 victims annually are trafficked across international borders worldwide, and between 14,500 and 17,500 of those victims are trafficked into the United States according to the U.S. Department of State. After drug dealing, trafficking humans is tied with arms dealing as the second largest criminal industry in the world, and is the fastest growing.² Unfortunately California's wiretapping laws have not kept up.

BACKGROUND

According to the Governor's Office of Emergency Services:

"It is estimated that California is amongst the top three states in the nation for human trafficking. By its very nature, human trafficking, in all of its forms, is largely hidden from view. This is due in part to the large immigrant communities, within California, which provide for good concealment of a trafficking operation - in many cases, these persons can be hidden in plain sight. Many of these communities are not trusting of law enforcement and tend to maintain cultural norms - some which dictate maintaining silence in the face of illegal enterprise.

The state's extensive international border, its major harbors and airports, its powerful economy and accelerating population, its large immigrant

² www.cdss.ca.gov/refugeeprogram/PG1268.htm

population and its industries make it a prime target for traffickers. Apart from the harm that this crime causes its victims, the infrastructure that is necessary to support this heinous crime can serve the needs of terrorist wishing to smuggle themselves and/or dangerous weapons into the country.”

Los Angeles is one of the top three points of entry into this country for victims of slavery and trafficking. This trafficking route occurs in a triangle from Los Angeles, California to Las Vegas, Nevada, and back to Sacramento, California. Immigration agents estimate that 10,000 women are being held in Los Angeles’ underground brothels; this does not include the thousands of victims in domestic work, sweatshops or other informal industries.³

Like drug trafficking organizations (DTOs), human trafficking organizations are resistant to conventional law enforcement techniques. They are difficult to infiltrate and involve uncooperative “users.” The victims of human trafficking are frequently runaway minors who have been forced into prostitution by their pimps.

The interception of wire and electronic communications (cell phones, text messages, etc.) comprises the ideal tool to investigate, infiltrate, dismantle, and prosecute human trafficking organizations. The ubiquity of cell phones in virtually all sophisticated criminal enterprises cannot be understated. There is no more powerful and irrefutable evidence that can be presented in court than the very words of the defendant describing his or her involvement in the charged crime. Every effort should be made to enable the prosecution of the pimps without forcing their victims to testify.

³ www.weaveinc.org/post/facts-about-human-trafficking

CONCLUSION

California’s wiretap statutes are based on the federal wiretap statutes, which are contained in Title 18 of the United States Code, sections 2510-2522. The list of crimes for which a federal wiretap may be obtained is far more expansive than California’s, and includes sex trafficking of children, sexual exploitation of children, and selling or buying of children.

The voters of California and several local governments have challenged California to better prosecute perpetrators of human trafficking and provide assistance to the victims of human trafficking .

In order to continue to crack down on the scourge of human trafficking, SB 955 provides law enforcement with access to one of the most powerful investigatory tools available to California law enforcement.

SUPPORT

County of Los Angeles (Sponsors)
California Alliance of Child and Family Services
Coalition to Abolish Slavery & Trafficking (CAST)
City of Long Beach
Los Angeles County District Attorney’s Office

OPPOSITION

FOR MORE INFORMATION

Contact: John Skoglund at (916) 651-4026
john.skoglund@sen.ca.gov