



OFFICE OF THE DISTRICT ATTORNEY CONTRA COSTA COUNTY

Diana Becton
DISTRICT ATTORNEY

July 7, 2021

Mariana Moore, Chair
Measure X Community Advisory Board

Subject: Investment Request to Enhance Efforts to Collaboratively Prevent and Respond to
All Forms of Human Trafficking in our Community

Overview:

The Contra Costa District Attorneys Office is the sole prosecuting agency with Contra Costa County. Our sole mission is to seek justice and enhance public safety for all residents. It has become clear that human trafficking occurring in and through our community is significant. Sex and labor trafficking occur in several forms here, including street level prostitution, exploitation through on-line dating applications and social media sites, domestic servitude, wage theft and extortion.

In 2018, District Attorney Diana Becton established the office's first Human Trafficking Unit to develop a collaborative and comprehensive approach to combat exploitation of persons for sex, or labor, coordinate victim services, and provide education to raise community awareness. Contra Costa County received a federal grant, and the District Attorney's office became the funded law enforcement partner in the Federal Enhanced Collaborative Model to Combat Human Trafficking grant. We expanded our partnership with The Contra Costa Alliance to End Abuse and local direct service providers to build a local, state and federal Human Trafficking Task Force, which has seen remarkable success.

The Contra Costa District Attorney's office has been a leader in our County's collaborative efforts to identify victims of all forms of human trafficking, but is significantly underfunded to meet the needs of our community. The Human Trafficking Unit needs to expand in order to truly have a meaningful impact on crimes of trafficking and exploitation in our community.

Trends:

Human trafficking is among the worlds fastest growing criminal enterprises and is estimated to be a \$150 billion-a-year global industry. It is a form of modern day slavery that profits from the exploitation of our most vulnerable populations. The International

Labor Organization estimates that there are more than 24.9 million human trafficking victims worldwide at any time. This includes 16 million victims of labor exploitation, 4.8 million victims of sexual exploitation, and 4.1 million victims of state imposed forced labor. The victims of human trafficking are often young girls and women. Young girls and women are 57.6% of forced labor victims and 99.4% of sex trafficking victims. ¹

Highway 4 links sex trafficking victims and exploiters from East to West Contra Costa. Richmond and San Pablo see street-level prostitution in the 23rd Street corridor (known as a “blade”). East and Central County see on-line dating applications being used to promote commercial sex that then occurs in cars parked in public places (“car dates”) or hotels.

The economic instability caused by the pandemic has made people more vulnerable to both sex and labor exploitation. Commercial sex, often involving domestic and teen-dating violence, has become a part of intimate partner relationships as more couples struggle to make ends meet. Young people glamorize commercial sex based on popular culture / music which promotes the so-called “pimp” lifestyle.

Racial Equity:

In Contra Costa County, many of our sex trafficking victims are young Black and Hispanic women. Young people glamorize commercial sex based on popular culture / music which promotes the so-called “pimp” lifestyle.

Gaps:

We do not have adequate resources and/or staff, and there is a continued need to develop a collaborative and comprehensive approach to combat exploitation of persons for sex, or labor, to coordinate victim services, and provide education to raise community awareness. Given the multijurisdictional nature of this work, there is an acute need for a Human Trafficking Coordinator, who brings together the large number of local, state and federal law enforcement agencies due to the multijurisdictional nature of this work, along with other essential staff who support the work of the Human Trafficking Unit. The existing staff is strained because in addition to managing complex human trafficking cases, they must actively engage in prevention, awareness-raising outreach events, community events, and school trainings. These activities are critical to meeting grant mandates, as well as building trust between law enforcement, community members and social service/advocacy professionals.

Human trafficking cases are complex, often involving an enormous amount of evidence that must be examined from digital devices, like cell phones, computers, and social media accounts.

Additional resources are needed to strengthen identification, investigation and prosecution

¹ *Human Trafficking*, State of California, Department of Justice, Oag.ca.gov

of all types of Human Trafficking Cases.

Intersectional:

The victims of human trafficking are often young girls and women. Young girls and women are 57.6% of forced labor victims and 99.4% of sex trafficking victims.²

In Contra Costa County, our victims are all too often young Black and Hispanic women. Young people glamorize commercial sex based on popular culture / music which promotes the so-called “pimp” lifestyle.

In Contra Costa we have adopted a Five-prong approach. Prevention, Education, Awareness, and Enforcement, are supported by robust victim services. Our Human Trafficking prosecutors have noted how genuinely surprised many defendants are to be facing serious criminal consequences for supporting or profiting from the commercial sex work of others. As a result, we have partnered with Outreach Teams to teach human trafficking in local high schools including Richmond High and Cal High in order to raise awareness and allow our youth to make more informed choices in this arena to avoid both victimization and criminal justice system involvement.

Our Human Trafficking Unit collaborates with trusted advocacy partners including The Alliance, CVS, Family Justice Centers, CFS / CSEC Steering Committee, STAND, Love Never Fails, Justice at Last, Bay Area Legal Aid and more and on teaching, outreach and prevention.

Our Task Force partners now include the US Attorney’s Office, FBI and Homeland Security Investigations, California’s Department of Industrial Relations, Franchise Tax Board and Employment Development Department, Contra Costa law enforcement agencies, and local victim service providers.

How Measure X Funds will Support and Enhance Prevention:

Our Human Trafficking Unit actively supports outreach aimed at prevention, education, and awareness. Staff, including Victim-Witness advocates represents the Task Force at awareness-raising events such as National Night Out and Human Trafficking Days of Action, based out of our Family Justice Centers in Richmond and Antioch.

Prevention is enhanced by prosecutors who engage in outreach into schools to teach Human Trafficking awareness in Richmond, San Ramon and Antioch schools, and have plans to expand the work with the San Pablo Police Department, along with working to secure Richmond as the location for a pilot, federally funded school outreach program. Our

² *Human Trafficking, State of California*, Department of Justice, Office of the Attorney General, Oag.ca.gov

Human Trafficking Unit collaborates with trusted advocacy partners including The Alliance, CVS, Family Justice Centers, CFS / CSEC Steering Committee, STAND, Love Never Fails, Justice at Last, Bay Area Legal Aid and more and on teaching, outreach and prevention. Augmenting Human Trafficking Unit Staff will allow these efforts to continue and expand, even as referrals, investigations and prosecutions increase.

How Measure X Funds will Enable Transformational, Bold Ideas to Better Support Immigrant Workers and Families:

The Human Trafficking Unit and Task Force have fantastic opportunities to expand our outreach efforts to those community members who are particularly vulnerable to labor trafficking and exploitation such as day laborers, construction workers, seasonal farm workers, domestic workers in hotels and motels and elder care facilities, in the first languages of these workers.

These populations are disproportionately Hispanic and Asian community members lacking immigration status. The Task Force envisions outreach to vulnerable communities, including distributing information that will help these community members support their families by understanding their legal rights to California's minimum wage and overtime, and fair, safe working conditions. Materials would be produced in English, Spanish and Mandarin and presented by/with advocacy partners already working in and trusted by these communities with the expected goal of connecting victims to culturally-competent services and support and investigating /prosecuting exploiters to get court-ordered restitution for the legal value of the victim's labor and support applications for Continued Presence, U Visas and / or T Visas.

These innovative approaches will require that we add capacity to the Human Trafficking Unit in order to plan and execute these outreach efforts and also to respond to the increased referrals, investigations and prosecutions, and victim service needs that will result.

What Success Will Look Like When Measure X Funds Are Used to Add Capacity to the Human Trafficking Unit and Human Trafficking Task Force:

The District Attorney's office will be able to better fulfill its existing mission of creating a sustainable, multidisciplinary and collaborative Human Trafficking Task Force. The office will have sufficient trained and experienced staff members to support and expand on existing outreach and training efforts. This will generate more case referrals, more investigations, more survivors recovered and connected to culturally competent services and support and more traffickers held accountable through state and/or federal prosecutions that have a goal of making victims whole through court-ordered restitution. As awareness of rights and potential liabilities increases, community members will be able to make more informed choices to avoid or mitigate exploitative situations involving labor and/or commercial sex or access needed help.

Also support for data collection and analysis allows for all Task Force partners to take more of a “data driven approach” to investigations and prosecutions, thus maximizing scarce resources.

Funding Request:

\$1 Million



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Subject: Investment Request for Independent Investigations Bureau

Overview:

The Contra Costa District Attorney's Office is the sole prosecuting agency within Contra Costa County. Our sole mission is to seek justice and enhance public safety for all residents. A core component of public safety is community trust, which is strengthened by being transparent with the communities we are sworn to serve.

Situations may arise where a law enforcement officer commits misconduct or uses force (which should only be used in accordance with the law). When improper use of force or misconduct is alleged, the public has a right to expect a thorough, transparent, and independent investigation of the incident.

The Contra Costa District Attorney's Office seeks Measure X Funding in order to establish an Independent Investigations Bureau (The Bureau), that will work exclusively on use of force and misconduct cases and operate independently of every other unit within the DA's office. The Bureau will be committed to conducting independent investigations, and when warranted prosecuting those who violate the law. The Bureau will report directly to the District Attorney. The Bureau will be staffed by senior prosecutors and experienced investigators that report directly to the District Attorney.

Data:

The Contra Costa County District Attorney's Office (CCDAO) and every law-enforcement agency in Contra Costa County has adopted the Law Enforcement Involved Fatal Incidents Protocol (Protocol) to investigate incidents when officers or civilians are shot, killed, or die during an encounter with law-enforcement. The Protocol was created in 1984 and has undergone a number of revisions, with the most recent version being updated in 2014. The Protocol may also be invoked for other incidents, such as allegations of officer misconduct.

As part of the Protocol process, the District Attorney and the involved agencies conduct independent investigations. The purpose of the criminal investigation is to determine whether any of the involved individuals, officers or civilians, committed a crime.

In Contra Costa County, since January 1, 2017, there have been 68 investigations into incidents when officers or civilians were shot, killed or died during an encounter with law enforcement.

The numbers by year are as follows:

2017—13

2018—19 (four fatalities)

2019—12 (three fatalities)

2020—13 (two fatalities)

2021— (as of May 31, 2021. One fatality)

Trends:

In the past several years, high-profile killings of unarmed black men and women have garnered worldwide attention. Around the country, issues of transparency, accountability, and public trust have drawn intense debate and controversy.

Racial Equity:

Since September 2017, there have been ten (10) fatal Officer Involved Shootings. The overall breakdown by race for the ten is as follows:

--3 Latino deaths

--3 Black deaths

--3 White deaths

--1 Asian death

Gaps:

There were days of protest across the country in the wake of George Floyd's death, placing the public view about law enforcement and accountability in the spotlight. In recent years, the community has expressed concerns about the close relationships between prosecutors and law enforcement. Concerns have been raised about the possibility of bias or conflict. These concerns undermine public trust and confidence in the investigation. In a survey following the shooting of Michael Brown in Ferguson, Missouri, 76% of African Americans had little confidence in the investigations.¹

¹ *Stark Racial Divisions in Reactions to Ferguson Police Shooting*, PEW RESEARCH CTR.,2 (Aug. 18, 2014)

Prevention:

A recent report from the Stanford Criminal Justice Center on “Improving Criminal Investigations of Police Shootings” suggests protocols that maximize: (1) independence, (2) accountability and transparency; and (3) expertise.²

Intersectional:

Enhanced community trust and confidence in the investigation.

Transformational Bold Ideas:

Establish an Independent Investigations Bureau (The Bureau), that will work exclusively on use of force and misconduct cases and operate independently of every other unit within the District Attorney’s office. The Bureau will be committed to conducting independent investigations, and when warranted prosecuting those who violate the law.

Success:

The Bureau investigators will work solely on allegations of misconduct and use of force. Investigations will be completed promptly due to concentrated resources. Enhanced public community trust and confidence in the investigation.

Investment Request:

\$3 Million

² *At Arm’s Length: Improving Criminal Investigations of Police Shootings* (Oct. 2016) (accessible at: <https://law.stanford.edu/wp-content/uploads/2016/09/At-Arms-Length-Oct-2016.pdf>).



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Subject: Investment Request for Young Adult Diversion

Overview:

The Contra Costa District Attorney's Office is the sole prosecuting agency within Contra Costa County. Our sole mission is to seek justice and enhance public safety for all residents.

Young people of color are disproportionately represented in the justice system. The main idea of Young Adult Diversion is to implement restorative justice diversion as an alternative pathway for transitional age youth (TAY), aged 18-24, who are arrested for specified felonies and serious misdemeanors. The Young Adult Diversion is part of a larger movement to recognize young adults in the justice system as a distinct group with distinct needs. TAY are disproportionately represented in the justice system, disproportionately arrested, and have the highest recidivism rate of any group. The Young Adult Diversion Program is a shift away from a punitive response, and instead a focus on healing, restoration, and accountability. The primary goal is to redirect youth from the criminal justice system, reduce the pipeline into the justice system, reduce recidivism and reduce disparities in the justice system.

Data:

According to the 2019 data collected by the California Department of Justice (DOJ), youth of color bore the brunt of justice system involvement. Also, based on data from the Final Report of the Contra Costa County Racial Justice Task Force, across the County, Black adults were more than 3 times more likely to be arrested than adults from any other racial/ethnic group, and Black youth were more than 7 times more likely to be arrested than youth from any other racial/ethnic group.

- Black, Latinx, and youth of color are more likely to be arrested in California compared to white youth.

- In California, compared to white youth, Black youth are 8.7 times more likely to be arrested, and Latinx youth are 2.1 times more likely to be arrested.
- Systemic racism has led to the increase of racial and ethnic disparities at each subsequent point of contact within the juvenile justice system.
- Black and Latinx, and youth of color are more likely to have their arrest referred to court, get sentenced, and be incarcerated for longer periods of time. ¹

Trends:

Data confirms that Youth of color bear the brunt of California's justice system, and that youth of color are primarily impacted by the system. Across the state is that there is a demand for change.

Racial Equity:

Across Contra Costa County, racial and ethnic disparities in arrests and detention of youth plague our system. According to data from the State of California's Department of Justice's criminal Justice Statistics Center, Black people are more likely to be arrested than individuals from any other racial or ethnic group in every city but one in Contra Costa County.² Additionally, both Black and Latinx youth were 50% more likely to be detained than White youth. ³

Gaps:

There has never been a post-arrest, pre-charge diversion program in Contra Costa County aimed at prevention over incarceration for TAY (18-24 years old). TAY youth are system impacted and bear the burden of systemic inequities including racial and ethnic disparities. Resources for this group of young people are extremely limited.

¹ (Haywood Burns Institute. United States of Disparities. Retrieved from: <https://usdata.burnsinstitute.org/#comparison=3&placement=3&rac=1,2,3,4,5,6&offenses=5,2,8,1,9,11,10&year=2017&view=m>)

² (Contra Costa County Racial Justice Task Force (2017). Final report to board of supervisors. Retrieved from: [http://64.166.146.245/docs/2018/BOS/201807241121/34430_FINAL%20CCC-RJTF BoS-memo 20180710 STC.pdf](http://64.166.146.245/docs/2018/BOS/201807241121/34430_FINAL%20CCC-RJTF%20BoS-memo%2020180710%20STC.pdf))

³ (California Department of Justice. (n.d.). Retrieved from: <https://openjustice.doj.ca.gov/crime-statistics/arrests>)

Prevention:

A Young Adult Diversion program divert youth away from punitive solutions and towards rehabilitative services. Youth will be provided with wraparound services that are trauma informed, culturally relevant, and developmentally appropriate.

Intersectional:

TAY youth, are disproportionately represented in the justice system, disproportionately arrested, and have the highest recidivism rate of any group. The Young Adult Diversion Program is a shift away from a punitive response, and instead a focus on accountability, healing, and restoration, for the youth, the victim, and the community. The program will divert felonies and serious misdemeanor cases for which youth of color are disproportionately arrested and/or incarcerated. Victims are contacted and provide meaningful input, if desired. Victims also have the opportunity to get answers, and to see the youth show remorse for their actions.

Transformational Bold Ideas:

District Attorney Becton is an advocate for solutions that reduce youth incarceration and vulnerability to the prison pipeline. The District Attorney's office will partner with other justice partners, and with community-based programs to develop case eligibility requirements, avoid net-widening and focus on reducing racial and ethnic disparities

The *bold idea* is to invest in prevention over incarceration. The Young Adult Diversion Program is a shift away from a punitive response, and instead a focus on healing, restoration, and accountability. The primary goal is to redirect youth from the criminal justice system, reduce the pipeline into the justice system, reduce recidivism, increase victim satisfaction, and reduce disparities in the justice system.

Success:

The anticipated successful outcomes are:

- Redirect youth from the criminal justice system
- Lower recidivism
- Development of "life skills"
- Reduce racial and ethnic disparities in the criminal justice system
- Data collection and transparency
- Reduce related fiscal and social costs

Funding Request:

\$1 Million