

Commission on the
Status of Women

Commission on the Status of Women
Wednesday, October 18, 2023 – 7:00pm
North Berkeley Senior Center
1901 Hearst Ave, Berkeley, CA 94709

AGENDA

Mayor Arreguin:
Tiffaney Boyd

Rashi Kersarwani:
Alison Simon

Terry Taplin:
Saanvi Arora

Ben Bartlett:
Kameka Goodwin

Kate Harrison
Shirley Posey

Sophie Hahn
Vice-Chair Radha Seshagiri

Susan Wengraf:
Chair-Carole Marasovic

Rigel Robinson:
Keyanna Ortiz-Cedeno

Mark Humbert
Linda Oliver

All items are for discussion and possible action.

1. Roll Call.
2. Reading of Land Acknowledgment.
3. Public Comment for Items not on Agenda.
4. Approval of Minutes from September 20, 2023. Discussion and Action.
5. Approval of Agenda. Discussion and Action.
6. Panel/ Presenters on Sex Trafficking. Discussion and Possible Action
7. Chair Report (Discussion only)
8. Discussion of Topics from Small Business Subcommittees. Discussion and Possible Action.
9. Discussion on Proper Lighting in Neighborhoods. Discussion and Possible Action.
10. Discussion of a Calendar of Public Information (such as housing and mortgage protection, health insurance sign-ups) that the City could Share via Social Media. Discussion and Possible Action.
11. Discussion on Non-Profit Village Connect. Discussion and Possible Action.
12. Discussion on Whether to Approach Commission Issues of Interest as a Full Commission or as a Subcommittee Identified by the Individual Issues. Report from any Additional Subcommittees, if any. Discussion and Possible Action.
13. Continue to Develop Workplan. Discussion and Possible Action.

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SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Manager’s Office located at 2180 Milvia Street, 5th Floor.

Commission Contact Information

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Commission on the Status of Women
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
510/981-7239 (Office)
510/529-5376 (Cell)
Ovance-dozier@berkeleyca.gov (email)*

Land Acknowledgement Statement

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.



Commission on the
Status of Women

Approved 2023 Meeting Schedule Commission on the Status of Women

1. Wednesday, January 18, 2023 at 6pm
2. Wednesday, February 15, 2023 at 6pm
3. Wednesday, March 15, 2023 at 6pm
4. Wednesday, April 19, 2023 at 7pm
5. Wednesday, May 17, 2023 at 7pm
6. Wednesday, June 21, 2023 at 7pm
7. Wednesday, August 30, 2023 at 7pm
8. Wednesday, September 20, 2023 at 7pm
9. Wednesday, October 18, 2023 at 7pm
10. Wednesday, November 15, 2023 at 7pm



Commission on the Status of Women

**Commission on the Status of Women
Regular Meeting – September 20, 2023
DRAFT MINUTES**

The meeting convened at 7:00pm with Chairperson Marasovic presiding.

ROLL CALL

Present: Goodwin, Posey, Seshagiri, Oliver, Ortiz-Cedeno, Marasovic

Absent:

Leave of Absence: Simon, Boyd

//////////

Comments from the Public

- Public attendance: 2
- Public comments: 1

//////////

Action

Item # 1:

Approval of August 30, 2023 Minutes:

Minutes Approved

M/S/C: Marasovic, Oliver

Ayes: Goodwin, Posey, Seshagiri, Oliver, Ortiz-Cedeno, Marasovic

Absent:

Leave of Absence: Simon, Boyd

//////////

Item # 2:

Approval of the Agenda:

Agenda Approved

M/S/C: Marasovic, Posey

Ayes: Goodwin, Posey, Seshagiri, Oliver, Ortiz-Cedeno, Marasovic

Absent:

Leave of Absence: Simon, Boyd

//////////

Item # 3:
Presentation from National Housing Law Project on Abuse and Exploitation of Older Women in the Housing Market. Discussion and Possible Action.

Commission staff will work on a possible resolution and present at the next scheduled meeting.

//////////

Item # 4:
Discussion on How Commission Recommendations are made to Council. Discussion and Possible Action.

Chair gave multiple examples of what would be approved and moved forward and what would not.

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Item # 5:
Recommendation to Council on Development of Sex Trafficking Resources in Berkeley. Possible Q and A Discussion and Possible Action.

Motion made by Commission chair Marasovic to remove from agenda and revisit.

//////////

Item # 6:
Further Development of Subcommittees and Report on of from Subcommittees, if any. Discussion and Possible Action.

Commission staff was not able to discuss

//////////

Item # 7:
Finalize Workplan Plan. Discussion and Possible Action.

Commission staff was not able to discuss

The meeting was adjourned at 9:50pm

Respectfully Submitted,

**Okeya Vance-Dozier, Secretary
Commission on the Status of Women**



Commission on the Status of Women

ACTION CALENDAR

April 4, 2017

To: Honorable Mayor and Members of the City Council

From: Commission on the Status of Women

Submitted by: Maritessa Bravo Ares, Chairperson, Commission on the Status of Women

Subject: Referral Response: Gender Pay Equity

RECOMMENDATION

1. Direct staff to draft an ordinance related to an equal pay vendor preference for city contractors who demonstrate equal pay for male and female employees (gender based on self-identification),
2. Complete a pay audit on the salaries of City of Berkeley employees to investigate potential gender pay gaps within the city workforce, and
3. Develop an equal pay certification program for city contractors.

SUMMARY

The gender pay gap is a pervasive problem that deeply affects the women of Berkeley - women here earn only 71 cents for every dollar earned by men. While existing state laws address some aspects of the gender wage gap, an innovative policy solution developed in New Mexico augments those enforcement policies with a voluntary contractor bid preference that rewards compliant vendors with a 5% bid preference on city contracts. The City can also reward participating vendors with an Equal Pay Certification, which vendors can use in their promotional materials. Additionally, the City should conduct an internal pay audit to ensure compliance on gender pay equity for city employees.

FISCAL IMPACTS OF RECOMMENDATION

The city pay audit and equal pay certification can be implemented by city employees using existing resources and programs. The fiscal impact of the equal pay vendor preference will vary based on how many vendors participate in the program.

CURRENT SITUATION AND ITS EFFECTS

At the December 7, 2016 Commission on the Status of Women meeting, the Commission took the following action to approve this recommendation to Council:

M/S/C (Campbell/Rudnick):

Ayes: Adhikara, Ares, Campbell, Hayer, Murphy, Rudnick,
Noes: None.
Abstain: None.
Absent: Nelson, Weinstein, Williams-Bloom

Women are consistently paid less than men in almost every occupation. The persistent disparity in pay between men and women is known as the gender wage gap. In California, women earn only 84 cents for every dollar earned by men, collectively losing over \$33.6 billion dollars each year to the gender wage gap. If the wage gap remains the same, the average woman in California could lose \$322,120 to pay inequity over the course of her lifetime.

In Berkeley, the pay gap is especially high, and women here earn only 71 cents for every dollar earned by men.

Local governments around the country are taking action to address this issue within their communities. San Francisco, Albuquerque, and Boston have all implemented their own proposals to reduce their gender pay gaps. Berkeley should follow their lead to address the pay gap in our community.

BACKGROUND

Our Process

Councilmember Kriss Worthington brought forward a referral to investigate amending the Berkeley Municipal Code to require City contractors and subcontractors with 20 more employees to submit an Equal Pay Report. It was co-sponsored by Councilmember Lori Droste and passed the Council in March 2015.

The Commission on the Status of Women (COSOW) received the referral to look into the implementation of an equal pay initiative in Berkeley. We formed a subcommittee to work on this referral and met over a period of 10 months as we developed this recommendation.

First, we completed a research phase, in which we reviewed possible models. We spoke with leaders who have brought equal pay initiatives to their cities, including Boston, San Francisco, and Albuquerque. Based on what we learned, we developed a model that would work best for Berkeley, based on the city's size and level of resources available for this program.

We hosted a focus group session on our proposed recommendation and invited local contractors who have bid on city contracts to attend. We hosted an Equal Pay Town

Hall to seek community feedback and presented guest speakers on employment law and gender pay equity. Finally, we sought feedback from city staff on the recommendation before submitting it to Council.

Recommendation #1: Contractor Bid Incentives

We recommend following the model, developed for the City of Albuquerque, New Mexico by gender pay equity expert Dr. Martha Burk. There, city contractors can choose to submit an Equal Pay Report in tandem with their bids for city contracts. If the Equal Pay Report demonstrates that the pay gap between male and female employees in the same job category is less than 10%, the company is entitled to a 5% bonus on their bid.

This model is similar to Berkeley's Local Vendor Preference, which awards a 5% preference on bids to local contractors for supplies, equipment and nonprofessional services.

The Equal Pay Report requires contractors to fill in a simple salary form that is downloadable as an Excel file. The form mirrors many other state/federal government reporting forms. The contractor simply fills in the data on their employee salaries and the Excel form calculates the average pay differential between male and female employees, by job category. The contractor does not submit the data on individual employees, but only submits the percentage differentials between male and female employees by job category. This document becomes a part of the bid packet. A version of the form contractors use is attached to this report as Attachment 2.

This program is entirely voluntary. Existing state and federal laws which sanction employers who pay employees unequally are already on the books, but such violations can be difficult to prove. In coordination with those pre-existing efforts, voluntary equal pay initiatives provide positive incentives for employers to examine wage gaps and work to remedy them.

We recommend offering this program to contractors with 5 or more employees (full-time equivalents). Smaller businesses may have too few employees to accurately assess gender pay parity, or may raise anonymity concerns.

We also recommend limiting the program to businesses with both female and male employees. In an all-male or all-female business, there would be no internal gender pay gap, but there would also be no way for the City to assess gender pay equity.

Recommendation #2: City Pay Audit

Before the City of Berkeley asks businesses to demonstrate compliance with equal pay, it is essential to ensure that the city government is also in compliance. In May, we contacted the city's Equal Employment Opportunity Officer and learned the city has no

reports on its gender pay equity. The city must ensure its own adherence to equal pay before initiating an equal pay program for businesses.

Many people assume that civil service jobs do not have gender pay gaps because they use salary classifications schedules. This assumption is incorrect.

The California State Auditor released a report in May 2016 entitled “County Pay Practices: Although the Counties We Visited Have Rules in Place to Ensure Fairness, Data Show That a Gender Wage Gap Still Exists.” The report looked into pay practices in county governments in Fresno, Santa Clara, Orange, and Los Angeles counties.

The audit found that women working in those county governments, on average, earned between 73 percent and 88 percent of what men earned. Many factors contributed to this wage gap. Even though women made up the majority of the workforces, men were promoted to the highest paid positions at a disproportionate rate. The wage gap could also be traced to the very beginning of an employee’s time with the county. Among new hires, 79% of women were started at the minimum salary rate for their positions while only 63% of men were. The audit also found that the counties relied on prior salary to set an employee’s salary, which can compound and create persistent wage gaps for female employees, building on years of wage discrimination.

The City of Berkeley should conduct an internal pay audit as the first step in the process toward promoting pay equity in our community.

Recommendation #3: Equal Pay Certification Program

In tandem with Recommendation #1, the contractor bid preference program, we also recommend developing an Equal Pay Certification Program. This program could follow the format of other popular certification programs, such as the Bay Area Green Business Program or the California Healthy Nail Salon program.

The city should develop a certification for contractors who submit a positive Equal Pay Report. This certification can serve a functional role in the bidding process, but can also serve as an educational and public relations tool.

The contractor could use the certification logo in their promotional materials, on their website, and in their storefront. The city could publish a list of Equal Pay-certified contractors on the city website.

ENVIRONMENTAL SUSTAINABILITY

There are no known environmental impacts associated with the recommendation of this report.

RATIONALE FOR RECOMMENDATION

These suggested policies will affirm Berkeley's commitment to closing the gender pay gap, and will make us one of the first cities in the country to adopt such an ordinance. These recommendations maximize the city's pre-existing resources to implement a meaningful plan without requiring additional financial resources or hiring of a new staffer.

ALTERNATIVE ACTIONS CONSIDERED

No alternative plans are practicable without hiring a full-time city staffer for oversight and assigning a significant budget to implement and maintain the program.

CITY MANAGER

See City Manager Companion Report

CONTACT PERSON

Nathan Dahl, Community Development Project Coordinator, (510) 981-5405

Attachments:

- 1: Berkeley Employment Statistics, U.S. Department of Labor, Women's Bureau
- 2: City of Albuquerque New Mexico's Pay Equity Worksheet.

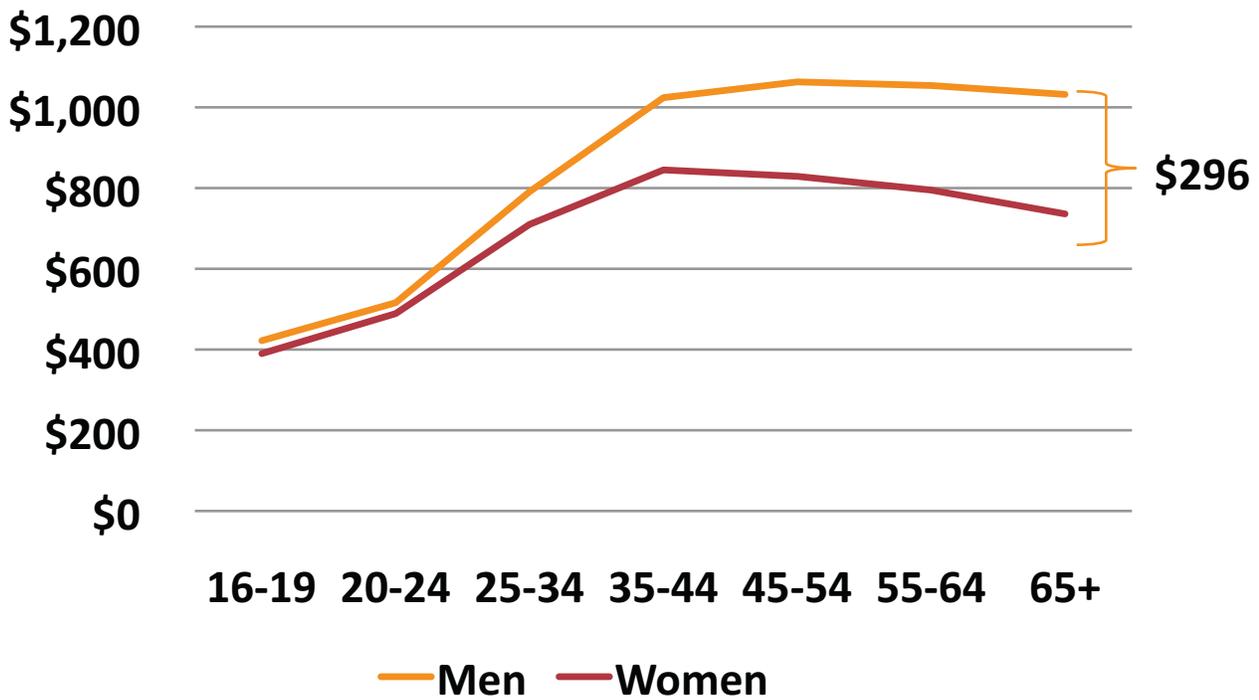
Economic Status of Women in Berkeley

US Department of Labor, Women's Bureau

Gender Wage Gap in Berkeley

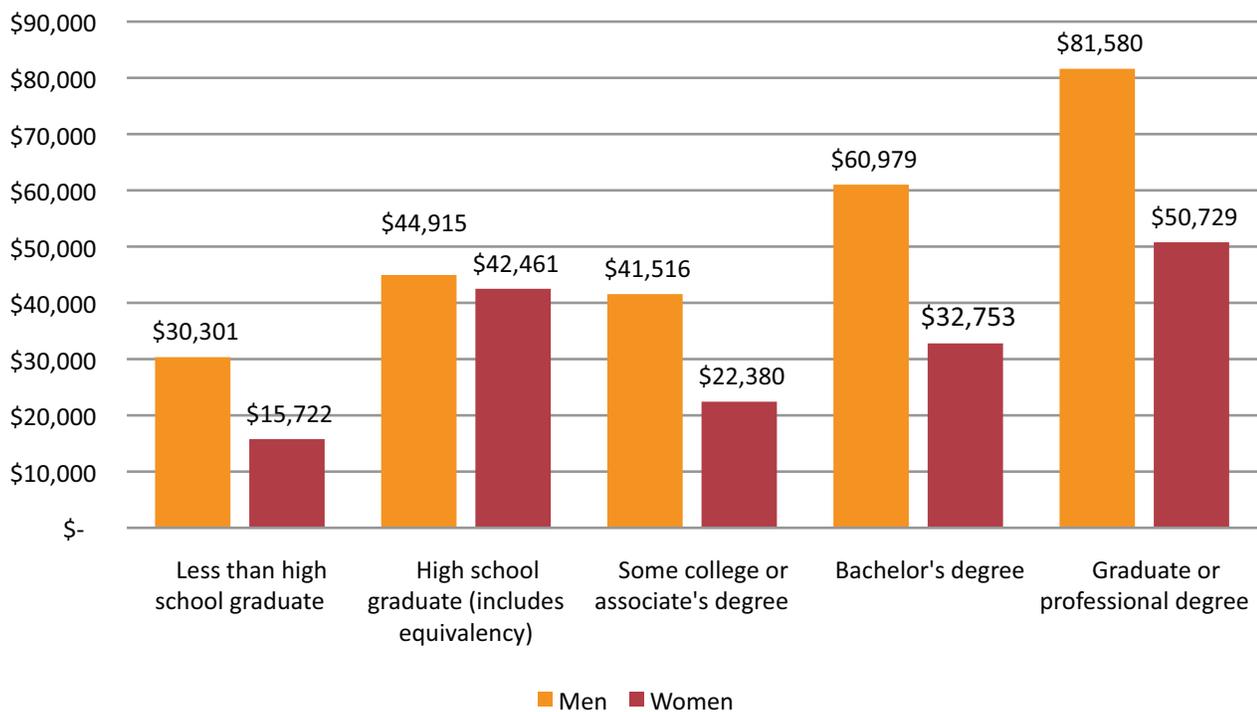
- Berkeley's wage gap: 71%
 - For every dollar earned by a male employee, a female employee earns 71 cents.
- National average: 80%

Berkeley Median Weekly Earnings by Age, 2016



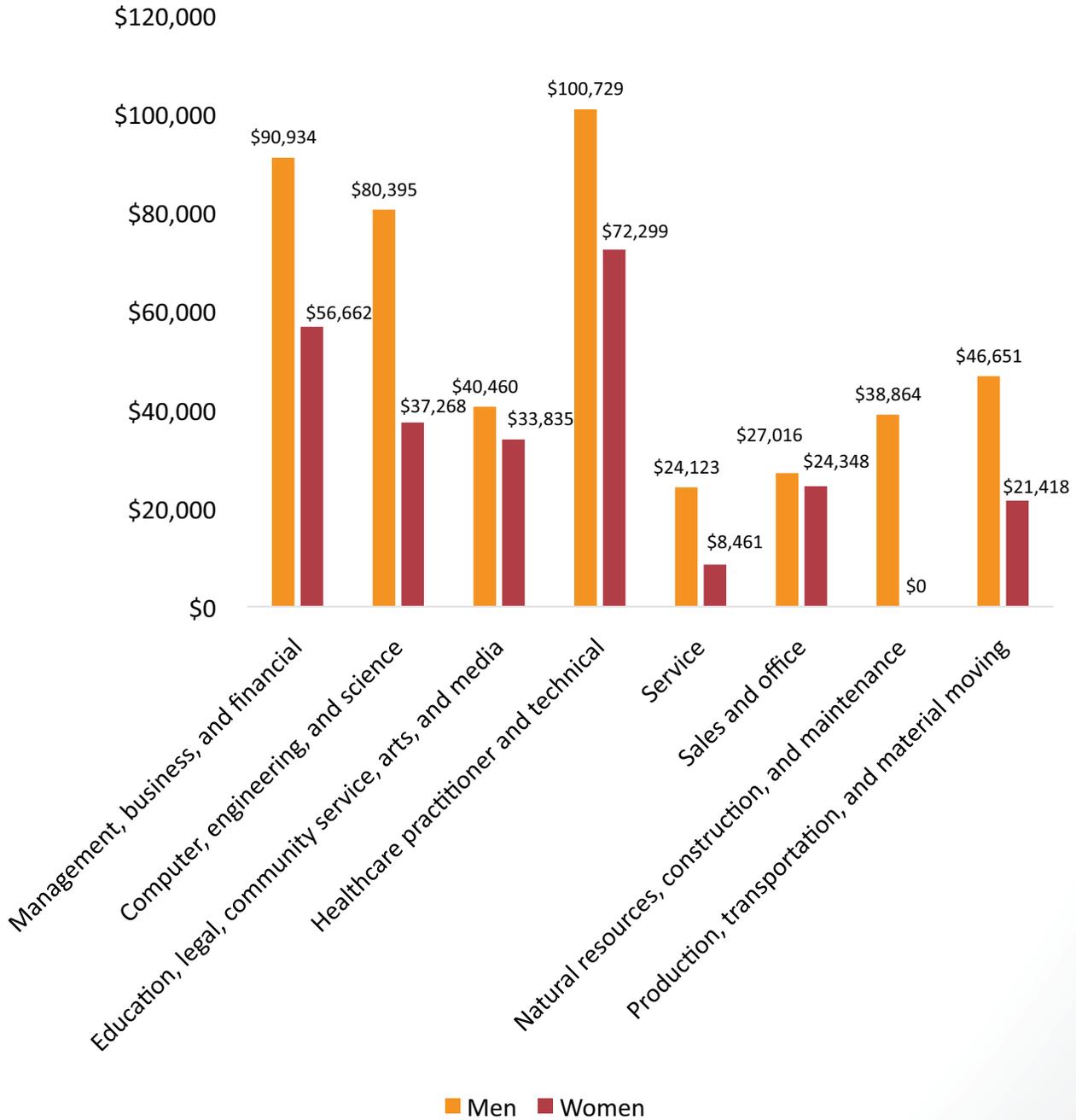
Source: U.S. Bureau of Labor Statistics.

Berkeley Median Earnings by Educational Attainment and Sex, 2015



Source: U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates, Berkeley

Median Earnings by Occupational Category and Sex, 2015



Source: U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates, Berkeley

Pay Equity Report PE10-249 Worksheet

New Mexico

Company name:
 Mailing address line 1:
 Mailing address line 2:
 City, state, zip code:
 Phone:
 E-mail address:
 FEIN number:
 EAN number:
 SHARE vendor number:
 Reporting calendar year:

Job Category	No. Females	Female Grand Total Comp.	Female Grand Total Hours	Female Avg	No. Males	Male Grand Total Comp.	Male Grand Total Hours	Male Avg	Gap (Absolute \$)	Gap (Absolute %)
1 - Officers and Managers				N/A				N/A	N/A	N/A
2 - Professionals				N/A				N/A	N/A	N/A
3 - Technicians				N/A				N/A	N/A	N/A
4 - Sales Workers				N/A				N/A	N/A	N/A
5 - Office and Admin. Support				N/A				N/A	N/A	N/A
6 - Craft Workers (Skilled)				N/A				N/A	N/A	N/A
7 - Operatives (Semi-Skilled)				N/A				N/A	N/A	N/A
8 - Laborers (Unskilled)				N/A				N/A	N/A	N/A
9 - Service Workers				N/A				N/A	N/A	N/A

Total # Job Categories With No Employees	9
Total # Female Only Job Categories	0
Total # Male Only Job Categories	0
Total # Females (all categories)	0
Total # Full Time Females	
Total # Part Time Females	
Total # Males (all categories)	0
Total # Full Time Males	
Total # Part Time Males	
Total # Employees	0
% of Total for Females	N/A
% of Total for Males	N/A

Vance-Dozier, Okeya

From: carole marasovic <daphnesflight@yahoo.com>
Sent: Tuesday, October 10, 2023 3:42 PM
To: Vance-Dozier, Okeya
Cc: Radu, Peter
Subject: Fw: PRA

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Okeya,

Please also place this document in the 10/18/23 COSOW meeting packet. The packet, thus, consists of this e-mail and the other attachments, sent to you in 2 separate e-mails: the first of which is documents from the City Clerk on an earlier COSOW recommendation regarding small businesses; the second documents sent to you came from the City Clerk related to a 2012 COSOW recommendation on sex trafficking. Also, in the packet should be the list of commissioners' areas of interest and a draft work plan. That completes the packet. Thank you. Carole

----- Forwarded Message -----

From: Numainville, Mark L. <mnumainville@berkeleyca.gov>
To: carole marasovic <daphnesflight@yahoo.com>
Cc: Records <records@berkeleyca.gov>
Sent: Tuesday, September 19, 2023 at 09:31:50 PM PDT
Subject: RE: PRA

Carole,

The equal pay vendor preference ordinance is listed as a work in progress with the Finance Department. It has not returned to Council.

Mark Numainville

City Clerk

City of Berkeley

(510) 981-6909

Action Calendar – Old Business

24. **Traffic Engineer Regulations for Objects on Sidewalks** (*Continued from March 14, 2017*)
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Item referred to the Ad Hoc Subcommittee on Homelessness.

Action Calendar – New Business

25. **Contract Amendment: CalPERS Cost Share under Government Code 20516 for Employees Represented by the SEIU Local 1021 Maintenance and Clerical Chapters and Unrepresented Employees Group**
From: City Manager
Recommendation:
1. Adopt a Resolution of Intention amending the City's contract with the California Public Employees Retirement System (hereinafter "CalPERS") to include a mandatory monthly employee contribution of 1.0% of salary as provided under Government Code Section 20516, applicable to all members (Miscellaneous employees, both Classic and New Members) represented by the Service Employees International Union (SEIU) Local 1021 Maintenance and Clerical Chapters (hereinafter "SEIU Local 1021MC") and Unrepresented Employees Group.
2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to provide the mandatory monthly employee contribution of 1.0% of salary as provided under Government Code Section 20516, applicable to all members (Miscellaneous employees, both Classic and New Members) represented by the SEIU Local 1021MC and Unrepresented Employees Group.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Item held over to September 12, 2017.
- 26a. **Referral Response: Gender Pay Equity**
From: Commission on the Status of Women
Recommendation:
1. Direct staff to draft an ordinance related to an equal pay vendor preference for city contractors who demonstrate equal pay for male and female employees (gender based on self-identification),
2. Complete a pay audit on the salaries of City of Berkeley employees to investigate potential gender pay gaps within the city workforce, and
3. Develop an equal pay certification program for city contractors.
Financial Implications: See report
Contact: Eric Brenman, Commission Secretary, 981-5400

Action Calendar – New Business

26b. Companion Report: Gender Pay Equity

From: City Manager

Recommendation: Refer the Commission on the Status of Women's recommendations to the City's referral prioritization process.

Financial Implications: See report

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Action: Items 26.a. and 26.b. moved to the Consent Calendar with the direction that the items in 26.a. be severed for the purpose of determining the ability of staff to complete any of the items as short term referrals.

27. Addressing Berkeley's Homeless Crisis: The Pathways Project

From: Mayor Arreguin and Councilmembers Hahn, Maio, and Worthington

Recommendation:

1. Direct the City Manager to implement Emergency Interim Measures, as described in the attached Pathways Project report, to provide stability, navigation and respite to homeless individuals, and pathways to permanent housing and services. Interim measures include establishment of a STAIR Center modeled after San Francisco's Navigation Centers and a Bridge Living Community for extended temporary stays; implementation of a location-based STAIR Center intake and enforcement process; and the development of long-term solutions for the homeless including supportive housing, Homeward Bound-type programs, and other pathways out of homelessness. The item will be presented to the Ad Hoc Sub-Committee on Homelessness, the Committee will vote on the proposal, and report the results of that vote to Council.

2. Refer to the City Manager the creation of a 1,000 Person Plan to address the homeless crisis in Berkeley as described in the attached Pathways Project report, including prevention measures and a comprehensive approach that addresses the long-term needs of the City's approximately 1,000 homeless individuals. The plan should include the assessment, development and prioritization of all homeless housing projects currently underway; all homeless housing referrals from Council; housing and service opportunities that may be proposed by the City Manager; and a comprehensive plan to purchase, lease, build or obtain housing and services for Berkeley's homeless. The 1,000 Person Plan shall be presented to the City Council by the end of 2017 and include a preliminary budget and proposed sources of income to fund capital and operational needs over a 10-year period.

Financial Implications: Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

Action: 24 speakers. M/S/C (Arreguin/Hahn) to approve recommendations 1 and 2 as written.

Vote: All Ayes.

Sex Trafficking Policy in Berkeley, California

**For the Berkeley Commission on the Status of
Women**

Amanda Jordan Christenson

Mills College Public Policy Program

May 3rd, 2013

Disclaimer

This study has been prepared for the Berkeley Commission on the Status of Women in Berkeley, California. The author completed this study in partial fulfillment of the requirements for the degree of Masters in Public Policy at Mills College. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Mills College Public Policy Program, the client organization, or any other agency.

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Executive Summary

This report will explore policy options on sex trafficking for Berkeley, CA. The City of Berkeley is concerned with sex trafficking within its city limits as well as in Alameda County. These concerns stem from a high profile trafficking case in 2000 involving a Berkeley landlord who trafficked underage girls for both labor and sex (Chabria, 2001). There is also concern about sex trafficking taking place in massage parlors in Berkeley that are suspected of being fronts for prostitution (Oakley, 2011). The commission is also interested in options to educate high school students about sex trafficking so that they can better avoid tactics that traffickers use to coerce youth into sex work.

Berkeley exists in the larger context of Alameda County, and shares a border with Oakland which is known as a major hub for trafficking of Commercially Sexually Exploited Children (CSEC) in the Bay Area (HEAT Watch, 2012). Although there have been few sex trafficking cases in Berkeley in the last 10 years, the issue of sex trafficking is geographical and a strong stance on sex trafficking for every city in Alameda County could help make a united front against sex trafficking in the Bay Area.

For this project I analyzed practices from six different categories of policy options that best fit the current conditions and needs of Berkeley. These [policy options focus on](#) ~~were:~~

- [Focusing on](#) data collection and victim identification
- [Focus on](#) broader goals for police: training police officers to recognize trafficking victims in these situations through additional training and explicit training materials and police codes
- [Focus on](#) CSEC, by creating curriculum in schools
- [Focus on](#) massage parlors and other commercial businesses that may be fronts for prostitution or trafficking
- [Focus on](#) men who buy commercial sex

- ~~C~~reating a network with other cities in Alameda County and Alameda County services.

These different issue areas were evaluated based on the current conditions in Berkeley and using criteria including cost, efficiency, effectiveness, political feasibility, and administrative feasibility.

I make ~~three~~-four main recommendations based on my analysis:

- A ~~S~~hort-term goal of administering a quantitative study of service providers in Berkeley in order to gather data on the scope of the sex trafficking problem in Berkeley beyond police data. As well as to satisfy the secondary goal of identifying the competence of service providers serving at-risk populations and to gauge whether further training is needed.
- A mid-term goal to influence the Berkeley Police Department to create a targeted set of policies and include additional training for officers in order to better equip Berkeley Police to identify and offer services to trafficking victims.
- A ~~m~~Mid-term goal of looking into options for curriculum for at-risk youth.
- As a longer-term goal to join the Alameda County SEM Network which is a network of service providers which will allow for these services to be coordinated which will help trafficking victims by allowing coordinated care across agencies by sharing knowledge and information.

These ~~three~~-four recommendations are within the scope of Berkeley's resources and fit within the context of the current conditions in Berkeley at this time.

I. Chapter One

Human trafficking is quickly becoming recognized as a global issue. In the last 15 years there has been an increased interest in creating laws surrounding human trafficking based on several high profile trafficking cases in the United States (Lee & Lewis, 2003).

Human trafficking in the United States is multi-faceted, and includes both United States citizens and non-United States citizens some who are brought into the United States for the purposes of being trafficked. The United States is not the only destination country for international trafficking, but it is one of the largest destination countries for traffickers (United States Department of State, 2008).

This report will explore possible policies for Berkeley, CA. This report is not meant to be an overview of sex trafficking in general, but offer policy solutions for addressing and recognizing instances of sex trafficking in the specific location that is in the client's jurisdiction.

Description of Research

The City of Berkeley is concerned with human trafficking within its city limits as well as in Alameda County and cities along the I-580 corridor. Although Berkeley has seen few confirmed cases of sex trafficking in the last 10 years, the city exists in the larger context of Alameda County, and shares a border with Oakland, which is known as a major hub for minor sex trafficking in the Bay Area (HEAT Watch, 2012). A policy for Berkeley could act as deterrence for traffickers settling in Berkeley, and the Bay Area in general and would enable them to collaborate with other cities in Alameda County on policies in ways that could form an effective united front on this serious issue.

Berkeley is interested in developing policies and defining the scope of the problem, although Berkeley does not currently have a comprehensive set of policies regarding human trafficking.

Arguably the highest profile human trafficking case Berkeley has seen in recent years was the Lakireddy case in 2000. In this case Lakireddy Bali Reddy, a prominent Berkeley landlord, trafficked underage girls for both labor and sex. He was later suspected of being involved in labor trafficking and smuggling as well, over a period of 17 years (Chabria, 2001). The human trafficking was discovered through the investigation of a different charge, for negligent homicide of one of the trafficked girls who had died after a gas leak in one of Lakireddy's properties where the girls were living (Diana Russell & Marcia Poole, 2003). In this case, both sex and labor trafficking were at issue, which is an example of how the lines between the two forms of trafficking can be blurred in some cases (Barnhart, 2009). This case has influenced state policy in California by influencing the passage of a bill setting higher penalties for traffickers (Sundaram, 2012).

More recently there has been concern surrounding massage parlors in Berkeley that are acting as fronts for prostitution. It is suspected that sex trafficking may be taking place at these businesses (Oakley, 2011).

The mission of the Berkeley Commission on the Status of Women is to “seek improvement of all conditions affecting women and advocate (for) women's issues” (City of Berkeley, 2013). Sex trafficking is central to the mission of the commission because sex trafficking disproportionately affects women (United States Department of State, 2012). By targeting sex trafficking and offering services, Berkeley can help curb the problem of sex trafficking within its borders as well as in Alameda County.

II. Background

Definition of Human Trafficking

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines human trafficking (or alternately trafficking in persons) as the “recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion... for the purpose of exploitation” (United Nations, 2000). Full text can be found in Appendix A.

Figure 1: UN Protocol of 2000 Definition of Human Trafficking

Process	+	Way/Means	+	Goal
<i>Recruitment</i>	A N D	<i>Threat</i>	A N D	<i>Prostitution</i>
<i>or</i>		<i>or</i>		<i>or</i>
<i>Transportation</i>		<i>Coercion</i>		<i>Pornography</i>
<i>or</i>		<i>or</i>		<i>or</i>
<i>Transferring</i>		<i>Abduction</i>		<i>Violence/Sexual Exploitation</i>
<i>or</i>		<i>or</i>		<i>or</i>
<i>Harboring</i>		<i>Fraud</i>		<i>Forced Labor</i>
<i>or</i>		<i>or</i>		<i>or</i>
<i>Receiving</i>		<i>Deceit</i>		<i>Involuntary Servitude</i>
	<i>or</i>	<i>or</i>		
	<i>Deception</i>	<i>Debt Bondage (with unfair wages)</i>		
	<i>or</i>	<i>or</i>		
	<i>Abuse of Power</i>	<i>Slavery/Similar practices</i>		

Source: (United States Department of State, 2008)

The UN Protocol definition is visually demonstrated in Figure 1. Under this definition, human trafficking of an adult requires each of the process, means, and goals to be present in order to be considered under this definition, unless the victim is under the age of 18 in which case only the process and goal are required. This means that no force or coercion is necessary if involving people under the age of 18 to be considered human trafficking.

This is a standard definition of trafficking that was adopted by the United Nations in 2000. It was meant to set a standard to be accepted by countries to address the multi-national issue of [human trafficking](#) and to assist individual countries to create their own comprehensive legislative definitions (Gozdziak, 2005).

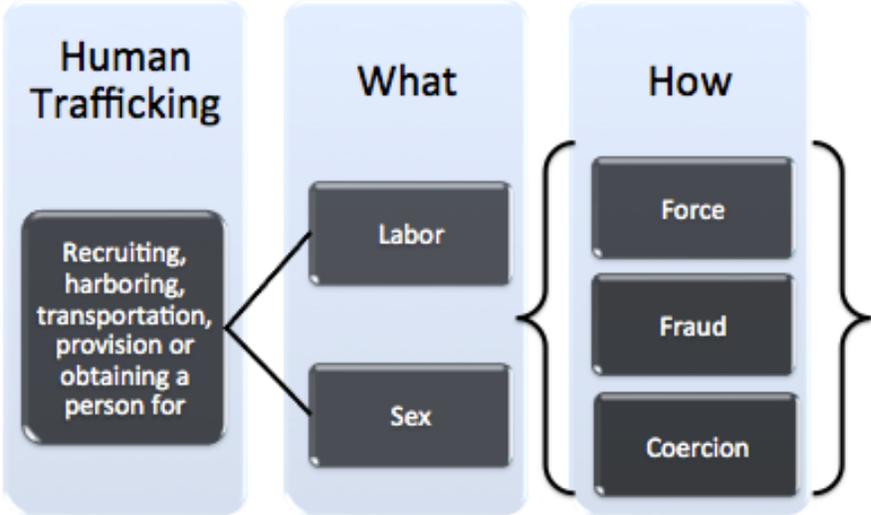
The UN definition was adopted by the United States in the Victims in Trafficking and Violence Protection Act of 2000 (VTVP) with minor changes and expansions. The VTVP simplifies the means to broad categories of force, fraud, and coercion. Force is defined as physical restraint or physical harm and violence, fraud is defined as false promises about employment, wages, or the type of employment, and coercion as threats of physical harm or restraint in a pattern intended to control the trafficked persons (Trafficking and Violence Protection Act of 2000-). The VTVP also makes a clear and simplified distinction between types of trafficking, placing trafficking into two distinct groups: labor trafficking and sex trafficking (see [Figure 2](#)).

Labor trafficking is defined as trafficking people for labor or services. People trafficked for labor are often coerced through debt bondage or peonage in which traffickers require forced labor to repay real or alleged debt, however the debt is not reasonably paid down from wages, or define the nature of the work ([SENTENCE NEEDS REWORDING](#)) (Office of Refugee Resettlement, 2012). This traps the victim in a cycle of real or perceived debt and can even be inherited within a family (US Department of State, 2011).

Sex trafficking is trafficking people for commercial sex acts. Commercial sex acts are sex acts in exchange for money or other things of value (Trafficking and Violence Protection Act of 2000). Sex work or prostitution are not the same as sex trafficking as they involve commercial sex acts being performed without coercion being a factor. Understanding the differences between sex work and sex trafficking are important when crafting policies that explicitly target sex trafficking. Although commercial sex work is illegal in the United States, using broad policies in order to catch sex trafficking will have negative consequences against the very populations that they are designed to help.

Targeted policies, on the other hand, are much more likely to affect trafficking without further disenfranchising populations who voluntarily engage in sex work, sometimes as a strategy for survival.

Figure 2: VTVP Simplified Definition of Human Trafficking



Created by: Jordan Christenson Data from: (22 USC § 7101)

For the purposes of this report I will focus on the VTVP definition, as it is the standard definition recognized in the United States and encompasses the UN definition fairly completely.

The term “human trafficking” insinuates that transportation of people across state or country borders is necessary to be considered trafficking because the term is often used when speaking about the cross-border transport of drugs and firearms or other. However, movement is not a necessary part of identifying a trafficking victim if recruitment or other processes and exploitation are present (United States Department of State, 2012). Although the definition does not require movement, undocumented people and people who are interested in being immigrants to the United States are vulnerable populations which face greater risk of being coerced because of their documentation status, language barriers, poverty, lack of employment options, among other issues (Polaris Project, 2013).

Trafficking is distinct from smuggling in a few important ways. People who are smuggled generally cooperate with the smuggler; there is generally no coercion involved with the act of smuggling. Once over the border, people who are smuggled are free to leave the smuggler and their movement is not contained by their smuggler, and smuggling always involves crossing international borders whereas trafficking does not always involve crossing borders. (U.S. Department of State, 2006).

Consent to the process or goal of the act of trafficking is irrelevant if any of the defined means are present (e.g. Threats, coercion, force). This means that although trafficked people may consent to smuggling, work, or other acts, they are still defined as trafficking victims if their trafficker uses coercion, force, or other means to control their actions and movements. It is also important to note that any illegal acts that were conducted while under coercion or as a result of the trafficking do not disqualify the trafficked person from the definition of a human trafficking victim (United States Department of State, 2012).

In the case of people under the age of 18, any recruitment, harboring or transferring for the purpose of exploitation with or without coercion or force is defined as trafficking (United Nations, 2000). Youth who are sexually trafficked are called Commercially Sexually Exploited Children (CSEC) which is the term I will be using throughout this

report. However, there are other terms that are used to describe this population including Commercially Sexually Exploited Youth (CSEY), and Commercially Sexually Exploited Minors (CSEM) (MISSEY, 2010). I chose to use CSEC throughout this paper because it is a fairly standard acronym used by the majority of the sources and better practices that I researched, although the others may be more accurate about the populations as CSEC includes all people who are sexually exploited under the age of 18. Youth populations who have a greater risk of being trafficked based on their vulnerability include homeless youth and youth in foster care (Polaris Project, 2013). The average age that women and girls report that they were trafficked into sex work is 12 to 14 years old (Minnesota Coalition Against Sexual Assault, 2009).

There is no one face to human trafficking. Trafficking victims come from all genders, nationalities and ages (Polaris Project, 2013). Accurate data and statistics about human trafficking are difficult to capture because of the nature of the issue. Many elements of human trafficking make the issue difficult to estimate because of the illegal and secretive nature of the phenomenon compounded by the global scope of the problem. Issues with data reporting exist, including underreporting, trafficked persons located in difficult to calculate areas such as private residences and businesses, and the type of data collection and quality varies by country and jurisdiction (Clawson, Layne, & Small, 2006). Estimates have shifted wildly depending on the organization estimating the trend, and the year that the data was released (Jac-Kucharski, 2012). Although organizations have come out with different estimates, the International Labor Organization estimates are considered a definitive source since they released their first estimate in 2005 (United States Department of State, 2012).

In June 2012, the International Labor Organization issued a new estimate. Its new estimate of global trafficking in persons to be 20.9 million people a year. They estimate that 55% of forced labor victims are women and girls, as are 98% of sex trafficking victims (International Labor Organization, 2012). This is an increase from their previous estimates, highlighting the difficulty to capture reliable data about human trafficking.

Although the United States is considered [a](#) major destination country for human trafficking (United States Department of State, 2012), accurate information about the scope of the issue is similarly difficult to gather. The United States faces similar issues in terms of accuracy, and reliability of the data (Clawson, Layne, & Small, 2006). The 2006 Trafficking in Persons Report estimated that 14,500–17,500 persons per year are trafficked into the United States. This estimate has not been updated since 2006, but previous estimates ranged from 18,000 to 50,000 persons (U.S. Department of Health and Human Services, 2007).

Human trafficking within the United States of people and citizens internally has not been estimated with as much attention because United States policy generally takes an international view of the issue. Although any demographic of people can be trafficked, there are vulnerable populations that [are](#) more at risk of being trafficked for labor or sex work than others. These include runaway and homeless youth, foster youth, new immigrants, and other oppressed groups (Polaris Project, 2013).

California is a major destination for human trafficking, and 80% of labor trafficking cases in California are estimated to take place in the areas in and surrounding Los Angeles, San Diego, San Francisco, and San Jose (University of California Berkeley Human Rights Center, 2005). It is estimated that sex trafficking cases are similarly concentrated in these areas (HEAT Watch, 2012). Berkeley is part of the San Francisco [Bay Area](#), making it a potential area for human trafficking to take place.

For the purposes of this report I will be focusing mainly on sex trafficking. However, keeping in mind the interconnectedness of the types of trafficking is key even when looking at a specific segment of trafficking that takes place.

As well as private homes being used, businesses can act as fronts for prostitution that may include trafficking (U.S. Department of Health and Human Services, 2007). These include strip clubs, massage parlors, hotels, and other businesses (Hepburn, 2010).

The reasons that trafficking victims have trouble accessing services are varied and generally involve fear and lack of knowledge. Barriers to providing services to trafficking victims include; language barriers, lack of funding, lack of training, lack of resources, safety concerns, and the victim's immigration status (California Alliance to Combat Trafficking and Slavery Task Force, 2007). Finding a way to counteract these barriers is important for service providers hoping to serve victims of human trafficking.

Human trafficking and prostitution are often used interchangeably in policies and laws. Although the aims of policies that blur the line between prostitution and trafficking are to reduce trafficking, they can have unintended consequences for non-citizens, sex workers who are not coerced, and other groups (Laczko, 2010). In crafting the policies surrounding human trafficking for Berkeley, it is important to create policies that will minimize unintended consequences by carefully crafting the language and intent.

United States Laws about Human Trafficking

There are three main ways national legislation addresses the issue of human trafficking: identifying trafficking victims, targeting traffickers, and targeting men who buy commercial sex.

The aforementioned Trafficking and Violence Protection Act of 2000 adjusts sentencing, sets up the T-Visa program that allows trafficking victims to have the availability of services. The TVPA defines "severe forms of trafficking" and outlines benefits that trafficking victims are eligible for. Among the established benefits was the creation of the T-Visa program, which establishes non-immigrant status for trafficking victims who are not U.S. citizens and allows them to have access to benefits and stay in the United States. People who apply for T-Visas are required to work with law enforcement to convict their traffickers (US Citizenship and Immigration Services, 2011). This is problematic because trafficked people often sympathize with their traffickers, and often manipulated psychologically, physically, and emotionally by their traffickers making trafficking victims unwilling to work with law enforcement to convict their traffickers (Polaris Project, 2013).

Trafficking victims who are United States citizens do not need additional certification to be eligible for benefits including Temporary Assistance for Needy Families (TANF), Medicaid, or Supplemental Nutrition Assistance Programs (SNAP). Victims who are not United States citizens are required to go through a further certification process to allow them to gain access to these services (U.S. Department of Health and Human Services, 2007).

Minors who are trafficking victims do not need to go through an additional certification process, but rather have benefits available to them through the Office of Refugee Resettlement in the [Health and Human Services \(HHS\)](#) Administration for Children and Families. Among these services is the Unaccompanied Refugee Minor Program, which makes services available for international minors who were trafficked into the United States. This allows for these minors to receive the full range of benefits that a United States citizen minor would have access to if they are not already United States citizens (U.S. Department of Health and Human Services, 2007).

U-Visas are also used in some cases with victims of trafficking. U-Visas are temporary visas given to people who are not U.S. citizens who have suffered mental or physical abuse resulting from a crime perpetrated against them. U-Visas also hold the requirement that victims help police with the investigation (US Citizenship and Immigration Services, 2011).

California Laws About Human Trafficking

Listed below are the penal codes that relate directly to human trafficking in California. Although there are national laws in place, states have their own set of laws regarding human trafficking in that state.

Penal Code § 11165.7: “Mandated Reporter Law”
Teachers and other school professionals reporting mandates

All states are mandated to have policies identifying mandated reporters that are required to report suspected instances of abuse or neglect including suspected prostitution or

coercion to child protective services (Administration for Children and Families , 2012). In California, this list is exhaustive and includes teachers and other school officials.

Penal Code § 236.1: “The California Trafficking Victims Protection Act” (2005)
Sentencing requirements and definitions

Passed in 2005, the penal code states definitions and sentencing requirements for human trafficking as well as general police protocols. This law uses similar and equitable definitions as the Trafficking and Violence Protection Act regarding trafficking (Legislative Counsel of California, 2008).

Penal Code § 13519.14: “The Human Trafficking Collaboration and Training Act”
Police Requirements

The Human Trafficking Collaboration and Training Act required the establishment of law enforcement guidelines for responding to human trafficking cases. The human trafficking guidelines were released in 2008 and are widely available for any police department in California. The guidelines list a set of guidelines that police officers and departments should be able to identify and includes background knowledge and indicators of human trafficking along with appropriate case law (California Commission on Peace Officer Standards and Training, 2008).

Penal Code § 18945: “The Access to Benefits for Human Trafficking and Other Serious Crime Victims Act” (2006)
Benefits to trafficking victims

Allows for temporary services for immediate assistance for trafficking victims waiting for federal benefits. Federal benefits for trafficking victims can take up to two years to certify. This was the first of its kind in the United States to allow for benefits in-between that time (California Alliance to Combat Trafficking and Slavery Task Force, 2007).

Proposition 35
More severe punishments for people convicted of trafficking convictions, police guidelines, and restrictions for people on the sex offender registry

On November 6th 2012, California voters passed proposition 35 with 81.3% of yes votes (California Secretary of State Debra Bowen, 2012). Proposition 35 increases

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punishments for human trafficking offenses, increases [programming](#) for victims, requires police training on handling human trafficking cases, and expands requirements for sex offender registration (California Secretary of State, 2012). Proposition 35 was blocked by a lawsuit from the American Civil Liberties Union (ACLU) based on the unconstitutionality of the new requirements surrounding sex offender registration and monitoring of online activities of people on sex offender registries (California PR Web, 2012).

Existing [Ce](#)onditions in Berkeley

Berkeley has gone through periods of media speculation around prostitution and sex trafficking in the city. These media reports have focused on a few specific concerns. Some are concerned about sex work in massage parlors, whereas others are concerned about youth who are at risk of being trafficked.

An area that has been a [foc](#)us point of attention concerning prostitution and sex trafficking has been massage parlors. Massage parlors along with hotels, strip clubs, and other similar commercial businesses are sometimes used as commercial fronts for sex trafficking and brothel-style prostitution (Polaris Project, 2013). [The police were made aware of the allegations through calls for service by community members who lived near the establishments, and through online review sites of the businesses that detailed the sex acts offered at the establishments \(Oakley, 2011\).](#)

Berkeley police closed 12 massage parlor locations in Berkeley that were suspected of being fronts for prostitution in the 18 months between January 2010 and July 2011. [The Berkeley police was made aware of the allegations through calls for service by community members who lived near the establishments, and through online review sites of the businesses that detailed the services provided \(Oakley, 2011\).](#) This was executed by revoking the business licenses of the establishments, forcing them to shut down based on zoning requirements. [There were complaints made to police, and investigation of explicit reviews made on review websites detailing sex acts that were offered at the establishments.](#) The businesses were shut down based on prostitution allegations,

however there was not further investigation into whether there was sex trafficking present, nor were there any arrests made although there was some concern that the women who worked in these establishments were being coerced at some level to perform commercial sex acts (Orenstein, 2012).

This is a place that the sensitivity training of Berkeley police should be investigated. It is not clear whether they utilized any tools to tell if the people working in the massage parlors were trafficking victims. Although the businesses were shut down, the owners can still file for a new business license. This may lead to a pop-up problem for Berkeley, where these businesses move locations rather than shut down permanently.

The department that handles trafficking and prostitution is a small department with only a small number of officers (HOW MANY?). For this reason, undercover operations are often not feasible for the police department to conduct. ~~For this reason~~Consequently, it was not possible for the police to discover if there ~~were~~was trafficking going on in the massage parlors or if it was simply sex work.

The Berkeley Police Department has data on calls for service and arrest records for prostitution and other “lewd acts in public”. These calls for service are from residents calling the police about something that they see, and police are dispatched to follow up. The Berkeley police generally use two codes when it comes to prostitution calls for services and arrest records as seen in Table 1.

Table 1: Police Codes Used by Berkeley Police for Prostitution and Solicitation

Police Code	Meaning	Description
647(a)	Loitering and lewd conduct	Usually in car or on street, not always prostitution related. Fewer resources needed to investigate: Usually from Call for Service request
647(b)	Prostitution	Undercover/decoy usually needed, more resources needed, 3-4 police officers

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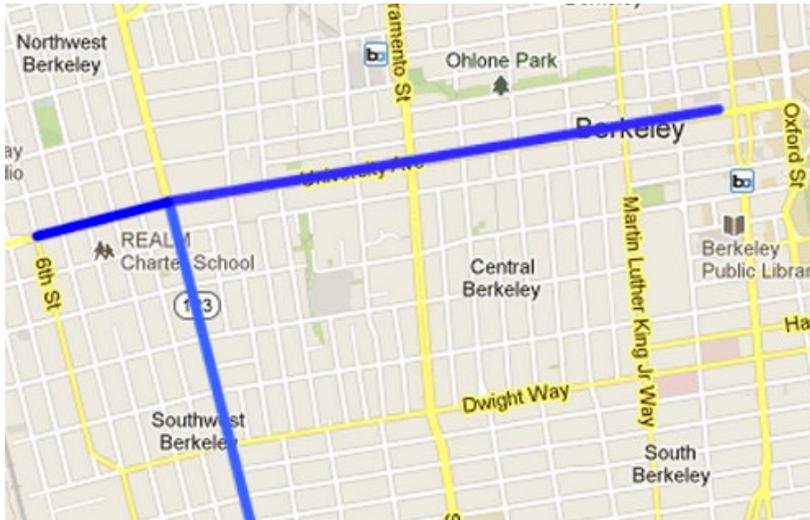
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The calls for service that have been categorized into these two codes have decreased greatly in the last three years. Through my interview with a police officer in Berkeley ([DID GREENWOOD ASK FOR ANONYMITY?](#)), he estimated that the calls for service for these two codes have decreased by half every year since 2010. He estimated that they were around 100 calls in 2010, 50 in 2011, and around 25 in 2012. The decreasing number of calls for service is interesting, as this is the same period that the massage parlors in Berkeley suspected of prostitution were shut down.

The police have noticed that many issues have gone undercover, and whereas many crimes such as drug dealing and prostitution were more visible on the street in the 1980's and 1990's, technological advances have made it possible for the crimes to become more difficult to see as they are not necessarily performed on the street as much as they once were. Review websites such as yelp, craigslist, and Redbook have made it easier for sex workers to find clients, and for massage parlors to stay inconspicuous about the commercial sex acts that are offered. The Berkeley police still prosecute street prostitution, but understand that the way the crimes are carried out has changed with technology. Because of this change, the Berkeley police have changed its strategy when addressing these issues.

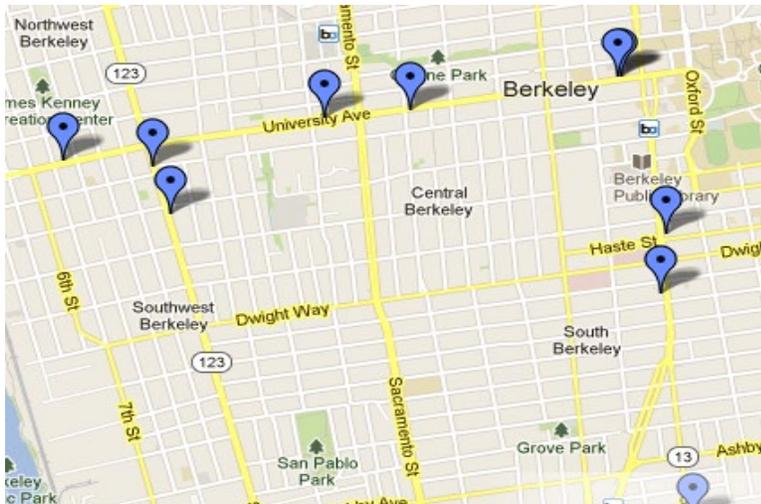
The streets that have historically been issues for street solicitation and prostitution in Berkeley are San Pablo [Avenue](#) closer to the Berkeley/Emeryville/Oakland border, and University [Avenue](#) which runs east/west through the city. Comparing the streets that have historically been linked to prostitution to the locations of the massage parlors that have recently been shut down based on suspicions of prostitution demonstrates a connection between the locations. The streets that have historically been known for street prostitution, and the streets where massage parlor businesses that were shut down based on prostitution are located are mirrored. This demonstrates that prostitution issues are still a problem in these areas, but the form that the prostitution takes has changed. Rather than street prostitution, it has moved to massage parlors in these areas. This [can be seen](#) demonstrated in [Figures 3 and 4](#).

Figure 3: Streets known for Street Prostitution in 1980's and 1990's



Source: Google Maps, interview with police officers

Figure 4: Locations of Massage Parlors Shut Down based on Prostitution Suspicions



Source: (Oakley, 2011)

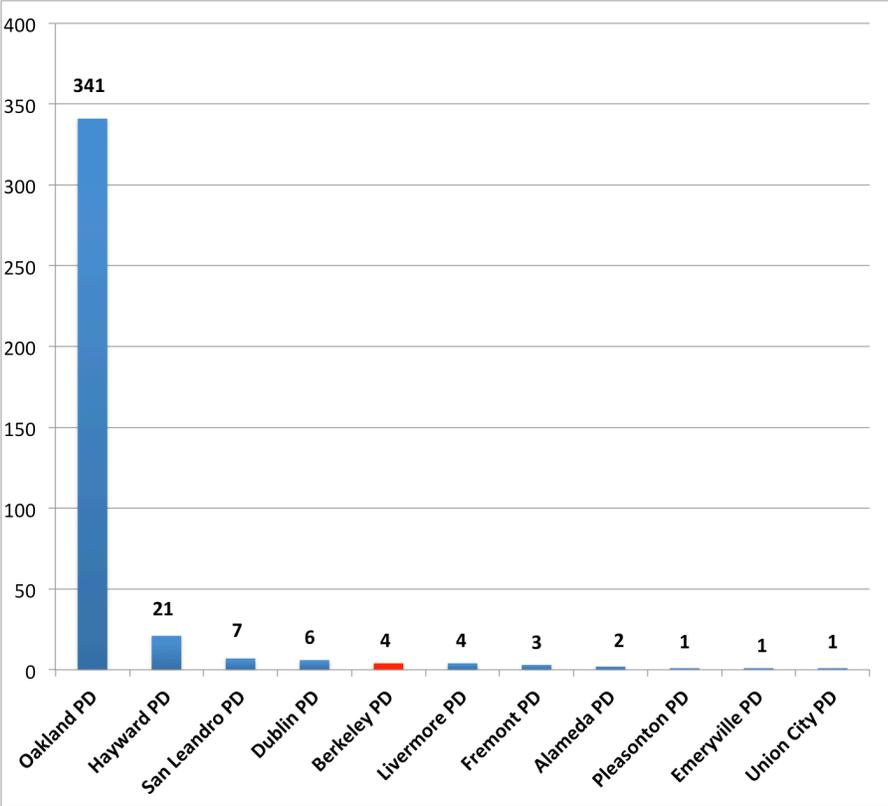
There has recently been media attention surrounding human trafficking, specifically sex trafficking in Berkeley. There has been media concern about sex trafficking victims who attend Berkeley High School, however these claims have not been backed up with confirmed cases of trafficking to the extent that the hype makes up by the police [\(CONFUSING SENTENCE\)](#) (Karlamañgla, 2011).

The arrest rates for juveniles in Berkeley, California for prostitution from between 2000–2009 were very low, with only four arrests (one in 2005, two in 2006, one in 2007) made between those years from data gathered from the Special Requests Unit of the Criminal Justice Statistics Center (Beaty, 2011). These low incident and arrest numbers can be compared to other jurisdictions in Alameda County, and Oakland in particular, to contextualize these numbers. In 2011 four cases of underage sex trafficking were investigated, two of which concerned Berkeley High School students. In 2010 there were seven reports, three involving Berkeley High School students. However, there were zero confirmed cases of underage sex trafficking in either year (Karlamañgla, 2011). As can be seen in Figure 5, there does not seem to be evidence for a “spillover effect” from Oakland into Berkeley or any other city in Alameda County with CSEC.

Although the data demonstrated in Figure 5 seems to indicate that there is not an issue with underage sex trafficking in Berkeley, this data is taken from Berkeley and Alameda County police data. This does not include data from other sources, such as from service providers or other organizations which often have first contact with victims, and as demonstrated later in this report, it is not clear that the Berkeley Police Department has a full picture of the issue for multiple reasons.

This data also does not include adults who are sex trafficking victims. This data is more difficult to determine, and as all minors involved in sex work are categorized as trafficking victims, this is not the case for adults. Not all adults who are arrested for prostitution offenses are trafficked or coerced, and the data identifying adult trafficking victims from sex workers is much more difficult to divulge.

Figure 5: Juvenile Prostitution Arrests 2000-2009 in Alameda County



Data from the Special Requests Unit of the Criminal Justice Statistics Center

Although these numbers are extremely low in the context of Alameda County and Oakland, is not to say that sex trafficking of minors in Berkeley is not a concern. Oakland and San Francisco are both known as major hubs for underage sex trafficking, but the issue is still important to address in other cities in Alameda County (Guzman, 2011). The low statistics may indicate that there have not been police reports or confirmed cases by the police, but there still may be exploited girls in Berkeley. This may also be an identification issue. Trafficking victims are difficult to locate, because of the secretive nature of the issue. Because they tend to be from vulnerable populations, there are multiple points of contact with potential victims.

Potential locations of first contact with victims include:

- Shelters
 - Homeless and battered women's
- Police
- Child protective services
- Schools/officials
- Tip lines
- Foster care
- Health care and emergency care workers

Because the first contact with trafficking victims is not always necessarily the police, relying only on police data will miss important areas where information on trafficking victims can be collected.

The first contact being with police is an issue in many cases because trafficking victims, specifically CSEC, have historically been viewed as criminals rather than victims. This mentality is changing in police forces across the country, but in many cases training is still needed to help officers identify sex trafficking victims and differentiate sex workers from trafficking victims (The Sage Project, 2013). This also does not solve the underlying problem that resources and services trafficking victims need are not easily accessible in the criminal justice system. This is why a network of services is necessary when working with trafficking victims. Understanding other potential points of contact is also important when working with sex trafficking victims. Trafficking victims and sex workers also come into contact through investigation of other crimes, specifically survival crimes or low-level offenses such as petty theft or drug crimes (Strategies for Youth, 2012).

The Sexually Exploited Minors Network (SEM Network) is a network in Alameda County of service providers. The goal of the SEM Network is to network with service providers in Alameda County in order to better serve CSEC and other exploited minors.

It was begun in 2004, beginning as an informal network that transitioned to a formal group. The SEM Network meets monthly and is currently in the steps to secure 501C3 status, transition their name to SEM Rise, and compile the list of goals for the organization (Alameda County California, 2012).

III. Policy Options

For this section I will be detailing several ~~example~~ practices of other cities and counties and analyzing them for their potential relevance and replicability in Berkeley based on criteria explained below. The options explored below are only a cross-section of the available approaches, chosen based on the relevancy within the existing conditions of Berkeley at this time by taking into account the size of the city, demographics, available data about the problem, and resources available.

Berkeley will have to make a decision on what aspect of trafficking they would prefer to focus on because of limited resources. There are a few distinct categories that they could focus on, however they are not mutually exclusive:

- Focusing on data collection and victim identification
- Focus on broader goals for police: training police officers to recognize trafficking victims in these situations through additional training and explicit training materials and police codes.
- Focus on CSEC, by creating curriculum in schools
- Focus on massage parlors and other commercial businesses that may be fronts for prostitution or trafficking
- Focus on men who buy commercial sex
- Create a network with other cities in Alameda County and Alameda County services

These six different issue areas will be explored below.

Understanding the Problem: Data Collection and Identification

Improving upon the methods for identifying sex trafficking victims is essential to gain an understanding of the scope of the problem and assisting those individuals in contacting the services that they need.

The Commission on the Status of Women is already aware of the data collection gaps. As human trafficking is difficult to locate and collect data on, what may be helpful to them is a map of where to go from here. It is not the focus of this report to compile this data, however I will offer recommendations on how to collect the data at a later date.

The Berkeley police have data about calls for service and arrest rates of prostitution, and solicitation in Berkeley, California but this is not the only source of data that can or should be used to better understand the problem. The police have not found any incidences of human trafficking in the last two years, nor do they have specific protocols established for trafficking victims. Relying only on data from the police may lead to gaps in data that can be filled through other types of data collection.

Homeless shelters and services as well as foster care services are locations of first contact with trafficking victims. Collecting data from these organizations on if they have training for their volunteers and paid staff on how to identify trafficking victims, as well as if they have come in contact with trafficking victims is a place where further research is necessary beyond this project. This can be accomplished by conducting a qualitative or quantitative survey of service providers in Berkeley.

A quantitative study would be useful if the commission is interested in statistics and getting a numerical understanding of the problem. This may be the best first step to better understand the problem. This would consist of a closed question survey with some open-ended questions that was collected either by physical paper copies, phone, or e-mail that include indicators such as:

- If the volunteers or staff members of the organization have received training on how to identify or work with a trafficking victim.

- If they have had training, what that training was and if they feel that they have an adequate understanding of how to identify and help trafficking victims
- If they have worked with trafficking victims.
- How many people in the last year/2 years/5 years they have had who have been or have been suspected of being trafficking victims or sexually exploited.
- How many runaway and homeless youth they work with in general.
- What other factors the people that they work with are dealing with that are also indicators of people who are at risk of being trafficked including abusive homes, drug abuse, etc.

A semi or unstructured qualitative study may also be helpful once the scope of the problem is better understood, in order to understand better the issues that are apparent in working with these populations.

This alternative ([WHICH? Qualitative or quantitative?](#)) is low cost and well within the scope of what the Berkeley Commission on the Status of Women can accomplish, as it is a research project that an intern or other student can conduct. It will allow for a better understanding of the scope of the problem, and will inform what policy options should be pursued at a later date. This research project will help close the data collection gaps and broaden the data collected past police data.

If through the research project detailed above it is not clear that homeless and other services have adequate training to identify victims of human trafficking, offering resources for additional training is an option that may help identify trafficking victims. As this information is not yet available, additional training for shelter staff is not an option that I will review here. However, it may be useful to look into based on what the study turns up.

Broad Police Options

The police are often the first contact with trafficking victims. Building strong policies for the police can directly affect trafficking victims by assisting with identification and offering services for trafficking victims. The two policies in this section should be treated as a pair, as one without the other would be less effective than both together and they require similar resources.

Additional training for police officers

Proposition 35 has been blocked for possibly violating first amendment rights of people on the sex offender registries. However, Berkeley police should be prepared to comply with the training requirements.

The police requirements of Proposition 35 state that any police officer ~~that~~ who comes into contact with CSEC or a victim of domestic violence or sexual assault, the officer is required to look for indicators of human trafficking. These requirements do not add much to established police guidelines under The Human Trafficking Collaboration and Training Act detailed above, but it does designate additional training of at least 2 hours per officer on how to handle human trafficking complaints. It requires this to be completed by July 1, 2014 or within six months of the officer being assigned to the field of investigative work (California Secretary of State, 2012).

Berkeley already complies with the training requirements outlined in Proposition 35, as it holds training for officers concerning human trafficking (both labor and sex trafficking) every two years. However, it is unclear whether this training includes sensitivity to indicators of trafficking victims (FIND OUT). Adding training on indicators of trafficking and in which situations to look for them will strengthen the training on trafficking victims considerably and allow for officers to more easily identify victims of sex trafficking.

One option for the Berkeley Police would be to comply with the training requirements in The Human Trafficking Collaboration and Training Act and the additional requirements of Prop 35. This would mean to create or adopt training guidelines outlined in The Human Trafficking Collaboration and Training Act, and training officers in recognition of the indicators of trafficking victims.

Creating a comprehensive police policy for identifying sex trafficking victims

Creating a comprehensive policy that would help police officers identify and understand how to treat human trafficking victims through the system. The Berkeley Police Department has an understanding that human trafficking victims are victims rather than offenders, however there are not specific policies in place about how to identify and handle trafficking victims in the system.

Contact with police by trafficking victims can be through a prostitution investigation or arrest, or through arrest or investigation of another crime. Because it is not always clear who is a trafficking victim, a policy in place that gives guidelines on how to identify trafficking victims is essential to identify and help victims.

There are many examples that the Berkeley police could mirror or draw from in crafting their policies including information from the [Justice Department](#), the State of California, and the United Nations. This option would be low cost and low time, but it may lead to increased administrative costs as the policy was drafted and implemented.

Focus on CSEC

School Curriculum

Although many of the options presented may also help identify and target CSEC, developing a school curriculum would directly target youth who are at a higher risk of being exploited. Developing school curriculum with service providers around human trafficking and sexual exploitation is a change that can be made in schools that would help inform children about sexual exploitation, and be used as early intervention and prevention for youth at high risk.

The Justice Resource Institute's "My Life, My Choice" project based in Massachusetts is an example of prevention curriculum. This curriculum is designed to be facilitated by teachers, care providers, and service workers who work with youth as well as helps these teachers and care providers better understand sexual exploitation of youth and how to identify and help them. The curriculum includes lesson plans for groups of youth with risk factors for being sexually exploited, or youth ~~that~~[who](#) are currently being exploited. The course includes 10-week hour and a half sessions that educates youth about myths surrounding sexual exploitation, understanding how traffickers recruit and how to avoid it, sexual health, [the](#) link between sexual exploitation and substance abuse, raising self-esteem, and pathways out of sexual exploitation and resources available to do so (The Justice Resource Institute, 2013). This curriculum is specifically designed for youth with risk factors for being exploited.

Focus on Massage Parlors

Code Violations

In 1994, Nassau County Problem Oriented Policing team received an increased number of complaints by community groups about the number of massage parlors that were fronts for prostitution that were present along the county's western edge closest to New York City. These massage parlors were suspected of being used as fronts for prostitution and possibly trafficking and many of the women working as massage therapists were not licensed. The county used a different strategy for shutting down massage parlors tied to prostitution than the classic route. Rather than revoking ~~their~~-its business license and forcing the business to shut down based on zoning requirements, as is the standard practice in most cases, they attempted a different kind of code enforcement. Rather than attempt to shut down the business directly by targeting business owners, they attempted to shut down the business by focusing on the property owners—or landlords (Leahy, 1995).

Many of the property owners of buildings that contain commercial-front businesses for prostitution are not the same people as the business owners (Polaris Project, 2013). Nassau County also found that the original people who signed the lease were difficult if not impossible to find, and that the massage parlors had often changed the buildings' structure resulting in fire and building code violations. The Nassau County police targeted the property owners, forcing them to shut down the businesses by notifying them of the code violations and fraudulent lease agreements. When they did not comply, or ignored the violations the police, fire department, and building inspectors began citing the owners with large fines. These ranged from \$200—\$1000 a day for building code violations to \$5000 for fire code violations (Hughes, 2005). These fines put pressure on the property owners to shut down the business, if they did not they would have to pay enormous fees and be liable for charges of allowing prostitution on their property. The results were overwhelming, with the police department able to shut down every massage parlor that was suspected of prostitution (Leahy, 1995).

This policy reduces the likelihood of the popping up nature of businesses like this. By just revoking the business license, it is possible that the business will relocate or stay open as the process for revoking the business license takes place. By targeting the property owners, it makes it more likely that fewer property owners will be willing to ignore the type of business that is renting their properties in the future, as they will be liable for the fines. It is important to note that although this policy may make it more difficult for these businesses to move to the city or county that has the policy, it may also just push the businesses to a surrounding city or county.

Nassau County had an additional issue of how the businesses were being advertised. The police cracked down on advertising for massage parlors in newspapers and gym bulletin boards (Hughes, 2005). [\(MORE CONTEXT?\)](#)

Berkeley's policy [of revoking permits](#) to shut down illegal massage parlors ~~of revoking permits~~, forcing the closure of the businesses based on zoning requirements is different from the Nassau County policy in several distinct ways. The Berkeley policy leaves the possibility for the businesses popping up in different locations in the city by getting a new business license. The Nassau County policy makes the entire jurisdiction inhospitable for future or current traffickers or illegal massage parlor business owners. This policy sends a message that illegal massage parlors that allow prostitution are unwelcome in their jurisdiction and will not be tolerated. This leads to deterrence for traffickers and illegal business owners. The Nassau County policy has a greater possibility of deterring traffickers and johns, however like Berkeley's current policy it will not help identify and help victims. The benefit to moving to a policy like Nassau County's would be to act as deterrence and reduce prostitution and by extension the possibility of sex trafficking within the city of Berkeley.

Targeting People who Buy Commercial Sex

Another strategy is to attempt to deter buyers of commercial sex. There are multiple options for this strategy, none that Berkeley may be interested in pursuing. They are listed here for the purpose of understanding the policies, as they are an alternative to arresting buyers of commercial sex although they require a level of police resources that are not available or necessary at this time. In the future, if the conditions change this may be a good alternative for Berkeley. These policies target buyers of commercial sex rather than trafficking victims in an attempt to reduce demand.

Dear John Letters

Dear John Letters are a policy that many community groups in the United States have begun using as a tool to deter men who buy commercial sex. [The City of Oakland California](#) recently began a Dear John letter campaign in neighborhoods that have a high density of street prostitution, especially of Commercially Sexually Exploited Children (CSEC). Local community organizing groups and the Oakland Police Department work together to send letters to men whose cars were in areas in Oakland that are known for high levels of prostitution and CSEC and were acting in a way that demonstrated that they were looking to hire commercial sex workers (Walter, 2011). Residents in the neighborhood send license plate numbers of the men in the neighborhood suspected of looking for sex workers. The police department then finds the records based on the license plate numbers and sends letters to the owners of the vehicles that explain that their actions are illegal and that the community notices their actions, as well as explaining that prostitution is linked to human trafficking and sexual exploitation of children. These letters are sent out within the week of the Oakland Police Department receiving the license plate information after the make and model is checked against the record for the driver (Masunaga, 2012). This policy is meant to be a deterrence tool as well as a community action model by removing the anonymity of men who buy commercial sex in these neighborhoods. An example of a Dear John Letter from Florida can be seen in Appendix B.

John Schools

Colloquially known as “John Schools”, First Offender programs are programs aimed at reducing the demand for sex workers in the city that they are implemented by offering or mandating that men who buy commercial sex attend a one to three day class session with experts and former sex workers instead of or as a part of sentencing (Jordan, 2012).

San Francisco First Offender Prostitution Program was the first John School that was begun [\(IN US? IN CA?\)](#). It offers first time offenders an alternative to prosecution by paying a fee and attending a one-day class as long as they do not reoffend in a certain time span. This program is a joint partnership between the San Francisco Police Department, San Francisco District Attorney’s office, and a local non-profit organization. The fees cover the cost of the programming, making it cost effective. The fees also go to support programming in local non-profits that work with CSEC (Michael Shively, et al., 2008).

Network with Services in Alameda County

Many aspects of human trafficking policy may be best accomplished in a network with surrounding cities and counties. Trafficked persons, particularly CSEC, may come in contact with multiple agencies including health care services, juvenile justice centers, mental health care organizations, child welfare, and homeless service organizations and each of these agencies deal with a different aspect of the trafficked person’s care (Piening & Cross, 2012). For this reason, creating a network of available services that are coordinated will help trafficking victims by allowing coordinated care across agencies by sharing knowledge and information.

Alameda County already has a loose network of organizations and resources for addressing the needs of CSEC and other trafficked people, and is working on making this network stronger (Guzman, 2011). Most of these organizations are focused on or located in Oakland, where the majority of the sex trafficking issues in Alameda County are located. Berkeley does not have any services that are specified only for victims of human

trafficking. Although Berkeley does not have as much of an issue with sex trafficking as Oakland, these organizations can offer valuable resources and information to Berkeley. Because massage parlors can change jurisdictions rather than shutting down completely, this sort of network may help by keeping a record of business owners who have been shut down on suspicions of prostitution. This would help other jurisdictions with identifying issues of sex trafficking in massage parlors in the future.

Other counties have had similar networking efforts. Suffolk County in Massachusetts developed the Support to End Exploitation Now (SEEN) network in 2001 in response to increased understanding of issues affecting CSEC and other underserved populations. The SEEN network's mission is to coordinate with organizations to best serve CSEC, to effectively change policy surrounding CSEC, and to increase the effectiveness of programming offered for their clients. The network includes 35 public and private organizations and agencies and includes coordinated efforts between different organizations. Similar to Alameda County's network where most of the resources are focused on Oakland, most of the attention and services are situated around Boston, the city with the biggest known problem with CSEC in the county (Piening & Cross, 2012).

Alameda County's SEM Network is currently working on establishing themselves and creating the goals for the organization. This leaves the opportunity for Berkeley to get involved with the network and encourage other smaller cities in Alameda County to get involved. Although Oakland is currently the location with the most trafficking issues, a countywide approach to this issue would positively benefit all of Alameda County.

Looking at the SEEN network as an example, it is clear that these networks require many resources in order to be as effective as they want. Berkeley could offer resources to the organization as well as being a part of the network. This network is just beginning to get started, which leaves Berkeley the opportunity to get involved in the network.

IV. Analysis of Options Presented

I will be analyzing the policy options explained above using criteria in order to better assess how the policy will fit for Berkeley. The criteria will be given a value-based score of low, medium, or high based on how well they fit the criteria. These criteria are:

- **Cost:** The amount of money each option will cost. This criteria is assessed based on how well the option fits the criteria. Making a high score on this criteria means that it is low cost. Although this may seem counter-intuitive, this is done in order to be able to compare across criteria.
- **Efficiency:** The difference between the cost of the project and the benefit or potential impact on the problem.
- **Effectiveness:** How much of an impact each policy option has on the problem.
- **Political Feasibility:** Whether a policy option will be able to be implemented based on the political climate of the location it is to be implemented including strength and number of political opponents to the policy option.
- **Administrative Feasibility:** The ability of the organizations to implement the policy taking into account factors including resources available, complexity and difficulty of implementation, whether the option is in the jurisdiction of the organization, and other organizational factors.

They will also be analyzed based on other factors such as the similarity to Berkeley, CA in size, need, and other demographic information. The completed options criteria matrix can be found in [Figure 6](#).

Figure 6: Alternatives Criteria Matrix



Created by: Amanda Jordan Christenson

Status Quo

Continuing with the status quo in Berkeley does not increase the cost of the programming that is currently in place. Victim identification is unlikely to increase [if](#) Berkeley stays with the status quo. Calls for service to the police regarding CSEC and other trafficking issues [have](#) been extremely low and decreasing over the last few years and it is unlikely that this will change in the next five years.

The efficiency and effectiveness of the status quo in Berkeley are both low. Although it is low cost, the status quo does not have a large impact on sex trafficking in Berkeley because it does not effectively identify sex trafficking victims, and there are alternatives that may identify victims more effectively.

The political and administrative feasibility of the status quo are both high because this option would not change policy in Berkeley, and there has not been a large amount of public outcry against the current policies. It is not apparent that there are any administrative issues with the status quo.

Data Collection and Identification

This option would be to create a quantitative survey of existing service providers in Berkeley. As discussed above, this option is a first step policy for the Berkeley Commission on the Status of [W](#)women in order to gather data on problem.

This option is the least resource intensive option and is easily within the jurisdiction of the Berkeley Commission on the Status of Women. This option would require time to craft and administer the survey as well as a small amount of administrative costs included in hiring an intern and processing the data. There are multiple free or low cost data collection and analysis programs on the market, and unless the commission chose to hire an outside consultant, the cost of hiring someone to administer the survey would be minimal. Altogether, this option should not cost more than the range of a few hundred dollars for the commission including expenses such as travel and time.

This option is also administratively feasible for the commission, as it would not take many resources and would be in line with their mission and goals.

This is also politically feasible. As long as responsible and respectful research methods were used, and anonymity of the organizations and clients were kept, there should not be any major opponents to the data collection plan. In order to be sure of this, anonymity must be kept at every stage possible with clients of the organizations.

This survey is effective in the commission's goal to collect data about sex trafficking in Berkeley. This would help create a more detailed picture of the problem in Berkeley, helping the city make decisions on how many resources to spend, and where to spend them. Data collection is an important component to crafting effective policy, and this option would allow the commission to better understand the problem. Although this option would not directly change policy in Berkeley, it would help inform a baseline assessment on the issue.

This option is rated the highest of the criteria and should be an option that the Berkeley Commission on the Status of Women pursues. This is the first step that the commission should take.

Police Options

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This option includes additional training for police officers and creating a comprehensive police policy for identifying sex trafficking victims. The Berkeley Police Department does not have a separate policy on how to treat CSEC in the system, which is necessary if viewing CSEC as victims who should be diverted to services rather than criminals in which the goal would be reformation.

Both of these options would require resources and funds to accomplish. The training program would require more resources than drafting a police policy would, as training would require more time, but both would require administrative costs to implement. Drafting a set of police policies regarding CSEC and other trafficking victims will require administrative time and resources to draft the policies.

The efficiency of both policies in this alternative is high. Although they will require time and resources to accomplish, being prepared for future trafficking cases is invaluable. This alternative requires less time and resources from the police department than other alternatives, and the impact will be great.

These alternatives would be highly effective in reaching the goal of victim identification and helping trafficking victims through the system and connecting to services. Because trafficking victims have a different set of needs from other populations, it is important to have a policy that is crafted with them in mind. If and when Berkeley Police identify trafficking victims in the future, having a policy in place will help accomplish this goal.

The political feasibility of changing police policy and training in Berkeley would be moderate. An outside governmental organization attempting to push changes on the police department would not be popular with the department. It is likely that there would be backlash from the police department if these policy changes were suggested regardless

of whether they found them to be good options. These changes would also require funds and resources, which would make these policies somewhat unpopular as a rule. It is also likely that there would be pushback on these policy changes because the police department has not investigated many trafficking cases in the last few years, and they already comply with the training requirements from the state, which would make devoting more resources and training to the issue seem wasteful. However, these changes are likely to be popular with people outside of the Berkeley Police Department, judging from the overwhelming popularity of the training component of Proposition 35.

These policy changes would be useful to mention to the police department to ascertain whether the department feels that these changes are administratively feasible to pursue at this time. Because training schedules are generally fixed and coordinated, it is possible that additional training is not a feasible option at this time. Assuming that there is space for additional training and administrative time necessary for the adoption of new policies, the administrative feasibility of these two options is moderate. There would not be a need to completely overhaul the training practices of the department in regard to human trafficking, just to include indicators of trafficking victims, when to look for them, and how to treat them in the system. Because the police department already does training on human trafficking, this should not be a large administrative burden. Drafting the police policies will require more administrative time and resources, however it should not be too overwhelming.

Based on this analysis, changing the police policy and training in Berkeley is an option that Berkeley should consider.

Focus on CSEC

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This option would develop a school curriculum for students with risk factors associated with people at risk for being trafficked.

The cost of this option would vary dependent on which organizations would be holding the sessions, how many groups and sessions would be held and how many youth would be served by the groups. The “My Life, My Choice” curriculum is a cost [\(HOW MUCH?\)](#), as the organizations [that](#) lead the groups would have to purchase the curriculum. The curriculum is also recommended to be delivered by a survivor and a clinician as well as the facilitators from the organization. These people may volunteer their time for this goal, but this should not be assumed. The time required by facilitators to prepare the lesson plans and facilitate the sessions is also a factor that should be taken into account. Although lesson plans are already included, they also must be tailored for the populations that are being targeted with the lessons. The Justice Resource Institute also offers the option of their staff coming to the location and training the facilitators to facilitate the program, which would be an additional cost. There would also be a need of identifying potential victims of exploitation, which has the possibility of being costly. Because of these initial and ongoing costs, this option would be resource intensive to begin the program and will be moderately costly although once the initial costs are covered it will be relatively less costly to maintain.

The efficiency of this option would be high. Although there are many upfront costs to this option, the program would act as prevention for youth who are at risk of being exploited. If there were a number of youth who were able to take advantage of this curriculum and avoid and be educated about sexual exploitation, this option would be highly efficient.

The effectiveness of this curriculum has the potential of being high. If this curriculum was able to reach youth with risk factors of being exploited, this would reach goals of information sharing and prevention very well. If youth understand tactics used by traffickers, and gain knowledge about trafficking, they are less likely to get caught in exploitive practices that they are unable to leave. However, if this curriculum is used

more broadly, it may not have as great an effect on prevention and would be much more costly. Targeting youth with risk factors in this policy choice would make this option highly effective.

The political feasibility of this option is moderate to high. This is likely to be a popular alternative to organizations that are concerned about CSEC in their communities, as well as educators and the general public in Berkeley. It may be less popular if it requires a large amount of resources to get started.

The administrative feasibility of this curriculum is fairly low to medium. This option would require administrative costs, and as Berkeley does not have any organizations in the city that specifically target youth at risk of sexual exploitation, an organization that does not specifically target sexually exploited youth would need to facilitate the curriculum or an organization from outside of Berkeley would be needed. This has the possibility of being tricky, as the organization that was to facilitate the curriculum would have to shoulder many of the costs and administrative time. If the commission had interest in paying for the majority of the curriculum, grant proposals would need to be drafted which would be an administrative cost. If the organization chosen does not have an explicit mission that is in line with this option, it is possible that it would not be feasible to have this curriculum. The commission would need to find an organization that had the capacity to administer the curriculum, which may be difficult in an economy where non-profits are struggling.

This alternative is a good option for Berkeley if conditions change. There are not currently many known CSEC in the city, and it does not seem to be the major issue that Berkeley is facing with sex trafficking. However, if through identification of victims and those who are at risk illuminates a population that is at risk, this is an option that Berkeley should consider implementing. The benefits of this programming outweigh the costs of implementation and would be an effective prevention tool for youth with risk factors for being sexually exploited.

Focus on Massage Parlors

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This alternative is to change code violations that target property owners of illegal massage parlor businesses based on the policy in Nassau County, New York.

This alternative would be costly to implement. It would require changing police procedure, as well as involve multiple city and county departments and organizations that are not necessary with the current policy for shutting down massage parlors suspected of sex work and trafficking. This would require more resources than are already required.

The efficiency of this policy option is moderate. This option would make Berkeley's policy on shutting down massage parlors more effective; in it would help eliminate the pop-up nature of businesses like these. However, the policy change would be costly and it would likely take time to switch to this strategy. Shutting down ~~of~~ massage parlors in Berkeley was a strategy that was fast, with 12 shut down in 18 months, the time that it would take to gather resources would change this and it would take more turn around time to implement. Because of the pop-up nature of businesses like these, a slow policy is not ideal.

This option is not effective in the goal of targeting sex trafficking in Berkeley. This policy does not help identify trafficking victims, nor does it catch traffickers. This policy is more aimed at sex work and prostitution rather than sex trafficking, which does not improve conditions from Berkeley's current policy.

This option is not politically feasible. It would require a high level of resources, and would require coordination with many agencies in Alameda County. The political climate of Berkeley is such that this policy may be unpopular. The policy criminalizes sex work more than may be politically feasible for Berkeley, which has a more open belief about sex work in general. However, the Berkeley Police have already been shutting down massage parlors suspected of sex work with no major backlash. If this policy was packaged in a way that addressed the Lakireddy case and came off as tough on corrupt landlords, it is possible that this policy would be more politically feasible.

The administrative feasibility of this option is low to medium. The Nassau County policy may not be feasible to extend to Berkeley. The county was the actor in that policy, and they may not be able to have the same level of jurisdiction on the city level. If this were true, it would require getting Alameda County involved, which would be difficult to accomplish in an effective manner.

I do not recommend that Berkeley pursue this option at this time. This policy does not help identify and help trafficking victims, and it criminalized prostitution to an extent that would likely not be politically feasible in Berkeley. Berkeley’s policy on massage parlors has a similar outcome without the increased administrative costs that would be necessary to institute this change. However, it is a policy that Berkeley should be aware of in case conditions change or a tougher policy is needed if businesses owners continue to open massage parlors as fronts for prostitution in Berkeley.

Focus on Buyers of Commercial Sex

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This option includes the Dear John letter campaign and John Schools.

The cost of implementing a Dear John letter writing campaign would be low. It would require police time and administrative costs to sending out the letters, but as the project is designed to be community led, it would not add much of a burden to the police department.

The cost of implementing a John School in Berkeley would be very high. This policy is highly resource intensive because it requires coordination with many organizations and departments in the city and Alameda County, and the cost of the sessions themselves would be very high. Although the San Francisco model is cost effective, this is unlikely to be the case at least until it is well established if ever.

The efficiency of Dear John Letters would be medium. The benefit of the campaign would be to take away the anonymity of men who buy commercial sex, and the cost would be low. However, as there is not much street prostitution in Berkeley it would be difficult to implement.

The efficiency of a John School would be low. The high costs combined with the low arrest numbers of men who buy commercial sex makes this option not efficient. It would require a high amount of police resources, and as there are not currently many offenders in Berkeley, this policy would not be cost efficient.

The effectiveness of the Dear John letters would be medium. The goal of the campaign is to target men who buy commercial sex, however Berkeley does not have a large visual presence of these men. There is not much street prostitution in Berkeley, making this policy ineffective. However, if these conditions were to change, or if there was a neighborhood in Berkeley that had a problem with street prostitution, this policy choice would be effective in targeting men who buy commercial sex.

The effectiveness of starting a John School would be low. Berkeley does not have a large street prostitution presence, making this policy unlikely to be effective.

The political feasibility of the Dear John letter writing campaign would be medium. As it requires community members to be an effective policy choice, it would be necessary for the policy to be run and started by community organizations. As there is not a large issue with CSEC in Berkeley, this policy may come off as overzealous if Berkeley reached out to neighborhoods that do not have an issue with street prostitution.

The political feasibility of a John School would be low. It would be highly resource intensive, without much impact because Berkeley does not catch many men who buy commercial sex. These two factors would make this policy unpopular because it could be seen as a waste of resources.

The administrative feasibility of a Dear John letter writing campaign is medium. It would require interested community groups, but it would not require a large amount of police department resources or time to implement.

The administrative feasibility of creating a John School would be very low. It would require a large amount of resources to start the school, and would require increasing the number of officers who worked at catching men who buy commercial sex. This would be a huge administrative cost that is not a realistic option for Berkeley at this time.

A Dear John letter writing campaign is not a good option for Berkeley because it does not have a strong presence of street prostitution or CSEC, which is what this policy is aimed at. It is also a community-based option, which is out of the jurisdiction of the Berkeley Commission on the Status of Women.

Creating a John School is not ideal for Berkeley, in part because Berkeley does not have a large problem with CSEC or other forms of sex trafficking as San Francisco which began this program, but also because Berkeley also has taken a more liberal stance on sex work so they do not catch many men who buy commercial sex at this time. This is a policy they might look into if either of these conditions change. It is too resource intensive for Berkeley to start its own John School because they would also have to increase the number of officers in their vice squad which currently is a small department. They could consider partnering with San Francisco for the men that they do catch buying commercial sex, as Alameda County does not currently have a John School.

Network with Service Organizations in Alameda County

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This option is to join the SEM Network in Alameda County of service providers that are likely to come in contact with CSEC and other victims of exploitation.

The cost of this option would be high. Because the network in Alameda County is still coming together and creating the mission and pulling together organizations, the network still requires a high level of resources. The administrative costs that would be required to have organizations in Berkeley added to this network would also be fairly high.

The efficiency of this option is medium. Although joining this network would require many resources and would be costly, it would also help create a coordinated system for assisting sex trafficking victims.

The effectiveness of this option is high. Joining this network would be in line with many of the goals that the Berkeley Commission on the Status of Women have for offering services for victims of trafficking and creating more effective policy on this issue.

The political feasibility of joining the SEM Network would be high. This is likely to be a popular option for Berkeley in general as well as the individual organizations that would be joining the network as it would offer mutual support to their organizations and make an impact on the problem of sex trafficking.

The administrative feasibility of this option is medium. Because it would require a high level of coordination and resources, it would be difficult administratively. However, because the organizations would likely be interested in joining the network, the coordination should be easier to accomplish.

V. Recommendations and Conclusions

Although the data available points to the fact that Berkeley does not have as big an issue with sex trafficking as other cities in Alameda County, there are still policy changes that the city can and should consider with regard to sex trafficking. These options are less resource intensive than other cities may need, as devoting a large amount of resources at this time is not necessary for Berkeley based on the current conditions of the city at this time.

Based my analysis of the options evaluated, I have ~~three~~four main recommendations:

- Short-term goal of administering and analyzing data from a quantitative study of service providers in Berkeley
- An optional secondary short-term goal of identifying curriculum that may be used for at-risk youth that are identified in Berkeley.
- A mid-term goal to influence the Berkeley Police Department to create a targeted set of policies and include additional training for officers
- As a longer-term goal to join the Alameda County SEM Network.

Conducting a study of homeless and foster care service providers is the next step that the commission should look toward. This will allow them to understand the scope of the problem better, and is within their jurisdiction to provide.

The secondary short-term goal is possible if the administrative issues were worked out and if at-risk youth were identified through the study or through other means. This would allow for Berkeley to focus on finding a curriculum and a service organization capable of using the curriculum for at-risk youth. The My Life, My Choice curriculum is what I identified in this report as a best practice for this goal, however it depends on the audience that Berkeley intends to use the curriculum for. The My Life, My Choice curriculum was created for youth who are at-risk for exploitation specifically in mind.

This curriculum is designed to be given by service organizations ~~who~~that work with these

specific populations. This is not a broad curriculum, and should not be used on a broader audience than the curriculum intends. If Berkeley is interested in using curriculum for a broader audience, they should look to the My Life, My Choice as a best practice and for general lesson plan ideas, but look elsewhere for a curriculum with a less specific audience in mind. If a specific curriculum is used too broadly it will not have the same impact as if it were used with the intended audience and with the number of experts who are recommended to oversee the curriculum. This option should be pursued with caution and with the understanding of the populations that will be targeted with this curriculum.

A mid-term goal that Berkeley should look to is influencing the Berkeley Police Department to create policies on how to identify and treat sex trafficking victims, specifically CSEC.

Berkeley's long-term goals should include joining the Alameda County SEM Network. This will allow the city to share resources with other cities in the county as well as make a countywide impact on sex trafficking in the area.

Conclusion

Although resource intensive options are not feasible for Berkeley at this time, low resource intensive options will be both feasible and will have an impact on important aspects of the problem.

Further research needs to be conducted about other forms of human trafficking, specifically labor trafficking. Sex trafficking and labor trafficking can be connected, and ignoring labor trafficking ignores a large swath of victims, both female and male. Considering sex trafficking as a subset of labor trafficking will better address the needs of women because the two forms are not exclusively gendered, and some estimates state that more than half of people trafficked for labor are women.

Acknowledgements

Thanks to Sharyl Rabinovici, Mark Henderson, and Edith Kinney for advising me about my thesis topic.

Thanks to Lori Droske for all your help, and introducing me to people to interview.

Thanks to Veronica Beaty for the support, both emotional and housework related.

And finally, thanks to my friends and housemates for being supportive while I completed this project.

Appendices

Appendix (A): Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

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Article 3

Use of terms

For the purposes of this Protocol:

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harboring or receipt off a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

Appendix (B): Example of a Dear John Letter from Escambia, Florida

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Oakland Dear John letters focus more on educating people about CSEC than the example below, but this is an example of how Dear John Letters can look.



John Doe
276 Main Street
Pensacola, FL 32509

Vehicle: 1990 Toyota
Location of arrest: Arlington Ave & W Street
Date and Time of arrest: 2:15 am 7/1/09

Dear John,

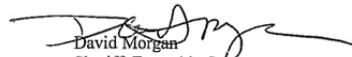
The vehicle registered in your name was involved in an arrest for violation(s) of Florida's laws prohibiting prostitution. Attached is a copy of the Florida Statute for your review. The individual arrested from your vehicle is _____. As vehicle owner, you should be aware of the Florida Contraband Forfeiture Act wherein motor vehicles can be seized if they are used in violation of this act. The Escambia County Sheriff's Office is notifying you so that you can consider these factors in deciding whether to allow others to drive your automobiles.

It is important for you to realize that the above named person and his/her significant other may have been exposed to a Sexually Transmitted Disease (STD). Certain STDs, like HIV, are incurable and may not be noticeable for a long time. It is possible to be exposed to an STD even if your partner was with a prostitute only once. Getting tested is important to your health and may impact your future ability to have children. Confidential STD testing is available through your private doctor or the Escambia County Health Department (850-595-6532). Fees may be involved.

It is a common myth that prostitution is a "victimless crime" or that it is "an act between two consenting adults." Prostitution is a crime which is linked to drugs (use and sale), acts of violence toward prostitutes and their customers and in the worst cases, human trafficking in juveniles for the sex trade. In addition to STD's, other viruses can spread through intimate contact with random individuals whom you may not know. Hepatitis, HIC and HPV can all be unknowingly transmitted and can lead to serious, and fatal, illness.

Prostitution, soliciting for prostitution and the other activities described in the attached statute (F.S.S. 796.07) will not be tolerated in Escambia County. If you think you may have been exposed to any communicable diseases after reading the contents of this letter, please contact your health care provider or the Escambia County Health Department for evaluation before having intimate contact with other people to help prevent the spreading of serious conditions.

Sincerely,


David Morgan
Sheriff, Escambia County

ESCAMBIA COUNTY SHERIFF'S OFFICE

Telephone (850) 436-9512 • www.escambiaso.com • P.O. Box 18770 • Pensacola, Florida 32523

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