

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: June 21, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Gerry F. Miller *Key for*
Chief Legislative Analyst

Council File No: 13-0002-S80
Assignment No: 13-05-0435

SUBJECT: Resolution (Parks - Perry) to support AB 156, which would expand provisions authorizing the interception of wire or electronic communications

CLA RECOMMENDATION: Adopt Resolution (Parks - Perry) to include in the City's 2013 – 2014 State Legislative Program SUPPORT for AB 156 (Holden), which would expand the provisions under state law authorizing the interception of wire or electronic communications, to apply if a judge determines that there is probable cause that a suspect is involved in human trafficking.

SUMMARY

On May 15, 2013, a Resolution (Parks - Perry) was introduced in support of AB 156 (Holden), legislation which would expand provisions governing wire taps and electronic communication intercepts in California by allowing judges to authorize the interception of wire or electronic communications in cases where a judge determines that there is probable cause to believe that an individual is involved in human trafficking. The Resolution states that human trafficking is one of the fastest growing criminal enterprises in the world, and the United States is one of the top three destination points for trafficking victims. Further, the Resolution states that Los Angeles is one of the major entry points into the country for human trafficking victims, and that many of these individuals end up in California.

The Resolution states that human trafficking is undertaken by organized criminal groups, much like drug trafficking, and that expansion of wiretap provisions to cover this crime would give law enforcement agencies a valuable tool to combat this crime. The Resolution, therefore, seeks an official position of the City of Los Angeles to support AB 156, which would expand the provisions under state law authorizing the interception of wire or electronic communications, to apply if a judge determines that there is probable cause that the suspect is involved in human trafficking.

BACKGROUND

Human trafficking is one of the fastest growing criminal enterprises in the world, and the United States is a major destination for victims. Victims are forced to leave their homes and to work as prostitutes, farm laborers, sweatshop workers, or domestic slaves. California is one of the major transit points for individuals being trafficked into the United States, where traffickers can hide their victims in the large immigrant population, transit them into the state through California's

ports and across its border with Mexico, and move their victims throughout California or across state boundaries to other points in the United States.

While it is difficult to the full extent of human trafficking in the United States, it is estimated that there are 100,000 to 200,000 individuals forced into labor or prostitution against their will in this country. Further, it is estimated that 80% of these victims are women or children. The state has recognized this issue and passed legislation to combat trafficking, most recently with Proposition 35 in November 2012.

However, there are areas of the law that can be strengthened. Under current law, state law enforcement officials cannot obtain court orders authorizing the interception of wire or electronic communications in human trafficking cases. California only allows for wire or electronic communications interception in specific circumstances for specific crimes, such as drug trafficking, criminal gang activity, murder, kidnapping, bombing, and the possession of a destructive device, weapons of mass destruction or restricted biological agents.

AB 156 would add human trafficking to this list of specific crimes that court orders for electronic or wire communications interception could be granted. Human traffickers are often part of sophisticated criminal syndicates, much like drug traffickers, and an expansion of wiretap authorities to include human trafficking would enable law enforcement agencies to more effectively combat this crime.

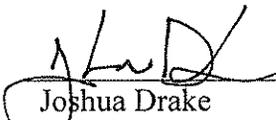
AB 156 enjoys wide support from a variety of law enforcement groups, including the Los Angeles Police Protective League, the California District Attorneys Association, and the California Police Chiefs Association.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

01/22/2013	Bill introduced; referred to Committee on Public Safety
03/13/2013	Passed in committee
02/13/2013	Referred to Committee on Appropriations
05/01/2013	Referred to Appropriations suspense file


Joshua Drake
Analyst

GFM:MF:jwd

Attachment: Resolution (Parks - Perry)

MAY 15 2013

13-0002-580

RESOLUTION

RULES, CLERK OF THE CITY OF LOS ANGELES

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, human trafficking is one of the fastest growing criminal enterprises in the world, and the United States is one of the top three destination points for trafficking victims; and

WHEREAS, many of the victims of human trafficking in the United States end up in California, with Los Angeles being one of the major points of entry for victims of trafficking; and

WHEREAS, California takes the threat of human trafficking seriously, and has formed regional task forces across the state to combat this criminal activity and prosecute those responsible; and

WHEREAS, California law currently allows law enforcement agencies to obtain a court order to monitor electronic communications for drug trafficking and criminal gang activity, but not human trafficking; and

WHEREAS, human trafficking is undertaken by organized criminal groups, similar to drug trafficking, and expansion of authorities to intercept electronic and wire communication to include this activity would give law enforcement a valuable tool in ending human trafficking in the state; and

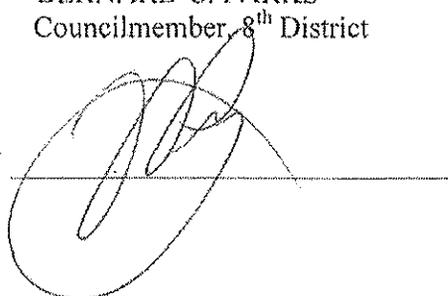
WHEREAS, AB 156 (Holden), recognizes the sophistication of human trafficking networks, and expands the provisions of California law governing wire taps and electronic communication intercepts to allow their use against suspected human traffickers;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT for AB 156, which would expand the provisions under state law authorizing the interception of wire or electronic communications, to apply if a judge determines that there is probable cause that the suspect is involved in human trafficking.

PRESENTED BY


BERNARD C. PARKS
Councilmember, 8th District

SECONDED BY



jwd

