



S.A.L.T.

**Sex & Labor Trafficking Program
Safe Neighborhoods and Gang Division
Criminal Branch**

Classic City Prosecutor Model

Criminal misdemeanor prosecutions:

- Prostitution-related activity
- Supervising a prostitute

Transition: Diversion

- Prostitution Diversion Program
- John School

Transition: Civil Remedies

- Red Light Abatement Law
- AB2212: Civil Nuisance Abatement
- Business and Professions 17200
Unlawful Business Practices

State Legislation

- Pen. Code, § 236.1
- Pen. Code, § 236.23
- Evid. Code, § 1107.5
- Evid. Code, § 1161
- Pen. Code, § 1203.49
- Pen. Code, § 667.5
- Pen. Code, § 1203.4

SB823: Goal

Pen. Code, § 236.14:

- Allows victims of human trafficking to petition to vacate their records of arrests and convictions

SB823: Mechanics

- Burden on petitioner
- Clear and convincing standard
- Consolidation into one hearing a petition with multiple convictions from multiple jurisdictions upon stipulation of all parties
- 45 days for prosecutors to respond

SB823: Hearing

- Court may set an evidentiary hearing, if deemed necessary

SB823: Court Findings

Court may grant petition if it finds:

- Petitioner was victim of HT at time nonviolent crime was committed
- Crime was direct result of being HT victim
- Petitioner is engaged in good faith effort to distance from trafficking scheme
- Best interest of petitioner and justice

SB823: Relief

Order **shall** include that:

- Petitioner may lawfully deny arrest, conviction or adjudication
- Records shall be distributed to any licensing board
- Record of proceeding shall not disclose petitioner's name
- Records be sealed for 3 years then destroyed

SB823: Relief

Order **may** also include:

- “...any additional action as appropriate under the circumstances to carry out the purposes of this section...”
- Example: court costs, restitution, etc.?

SB823: Challenges

- Quality of petitions
- Educating courts
- Educating prosecutors
- Multi-jurisdictional issues
- Filing, service, stipulation issues
- Complete criminal history of petitioner
- Potential *Brady* issue

SB823: Potential Issues

- What specified offenses are to be covered by petition?
- How extensive should the relief be?
- How to engage and educate victim service providers, courts, prosecutors, public defenders?
- Funding?
- How to deal with repeat offenders?
- Degree of proof required?

Other City Attorney Projects

SB1193 Hotline Posting

Other City Attorney Projects

LARHTTF Labor Trafficking Subcommittee

- Expanding Eyes and Ears Network
- Developing Systematic Investigations



For More Information, Please Contact: (213) 978-4090

Sex and Labor Trafficking Program

Supervisor Anh Truong:

anh.truong@lacity.org

Deputy City Attorney Rena Shahandeh:

rena.shahandeh@lacity.org