



Alameda County  
**District Attorney's Office**  
Nancy E. O'Malley, *District Attorney*

## **Alameda County District Attorney's Office Unveils H.E.A.T. Watch**

Alameda County District Attorney Nancy E. O'Malley announces the unveiling of **H.E.A.T. Watch**, the Alameda County District Attorney's Office's model program to combat Human Exploitation and Trafficking (H.E.A.T.)

**H.E.A.T. Watch** is an innovative blueprint to combat the H.E.A.T. epidemic victimizing our youth, plaguing our communities, and impacting our businesses. **H.E.A.T. Watch** brings together under one umbrella five strategies to combat H.E.A.T. at local, regional, and national levels, because human trafficking knows no borders and exists right before our very eyes. **H.E.A.T. Watch** challenges everyone to open their eyes and ears, to WATCH and take ACTION.

"Our **H.E.A.T. Watch** blueprint will guide other communities in their effort to combat exploitation taking place in their neighborhoods. This is more than geographic regionalization; this must be an organization of community partners cooperating for one common goal. We extend an invitation to our surrounding counties to participate in **H.E.A.T. Watch**, and join our local, regional and national efforts to combat human trafficking," says Ms. O'Malley

The five components of **H.E.A.T. Watch** are:

### **1. Education and Engagement of Local Businesses and Communities**

Based upon the neighborhood watch model, **H.E.A.T. Watch** educates and engages local businesses, communities, schools, and faith based organizations to be the eyes and ears of their neighborhoods. Just as Neighborhood Watch keep streets safe and prevents neighbors from becoming victims of crime, **H.E.A.T. Watch** challenges our businesses and communities to open their collective eyes and ears to keep our children and our streets safe. Raising community awareness about the H.E.A.T. epidemic, dispelling myths and misconceptions that perpetuate the problem, and teaching individuals to recognize and report exploitation, are critical building blocks to a successful effort.

"We are educating and engaging businesses and communities to keep their eyes and ears open and tell us what they see on the street every day – in essence they are our Neighborhood Watch for human trafficking," says Ms. O'Malley. "Sadly, many victims of human trafficking are children. It's important to recognize that these children are all of our children, and they can be rescued when someone opens their eyes, pays attention, and takes action."

O'Malley has created an anonymous tip line – **(510) 208-4959** – and an email address [HEATWatch-DA@acgov.org](mailto:HEATWatch-DA@acgov.org) - for reporting suspected child commercial sexual exploitation and human trafficking. Requests for anonymity will be honored.

“Give us the details and we will do the rest,” says O'Malley.

## **2. Enforcement Training, Intelligence Sharing, and Coordinated Operations**

**H.E.A.T. Watch** promotes the education of law enforcement and facilitation of a coordinated H.E.A.T. response. The Alameda County District Attorney's Office H.E.A.T. Unit will continue its leadership role of providing training, education, and sensitization of local, regional and national law enforcement. **H.E.A.T. Watch** facilitates interagency sharing of information as well as coordination of enforcement operations.

In the fight to combat trafficking in Alameda County, Deputy District Attorney Sharmin Bock, head of the District Attorney's Office H.E.A.T. Unit, works closely with the Oakland Police Department, Sheriff's Department, Fremont Police Department, BART, and other local, state, and federal law enforcement partners. DDA Bock provides hands on training and case-by-case assistance with complex cases and also multi-jurisdictional cases crossing city, county, and state lines. As a nationally recognized human trafficking expert, DDA Bock trains and advises state and federal law enforcement agencies across the country and Hawaii. Her guidance resulted in the first ever closure of a massage parlor on the island of Oahu.

In the summer of 2010, the Alameda District Attorney's Office, in conjunction with the Oakland Police Department, will provide its 2nd National Conference to Combat H.E.A.T. The conference will provide intensive training with a practical focus for law enforcement, lawyers and advocates countrywide.

“I am proud of the leadership role my Office has taken in the state and country in training law enforcement at both state and federal levels; I continue to be committed to this important endeavor,” says Ms. O'Malley.

DDA Bock is a conference coordinator. Parties interested in participating should contact her at 510-272-6222.

## **3. Vigorous Prosecution of Offenders**

Vigorous prosecution of those who financially benefit from the trafficking enterprise, and ensuring that traffickers receive the maximum sentence supported by the facts and law, is a key component of **H.E.A.T. Watch**.

District Attorney Nancy O'Malley formed the H.E.A.T. Unit in 2005 prior to the passage of Penal Code Section 236.1, California's Human Trafficking Statute. It is believed DDA Bock was the first to file charges under Penal Code section 236.1. In January 2010, DDA Bock requested imposition of the first human trafficking fine under AB 17, which was signed by the Governor on 10/11/09. The H.E.A.T. Unit also prosecutes traffickers under traditional pimping and pandering, sexual assault, kidnapping and burglary laws, which in some instances carry a life sentence.

The net of human trafficking is cast broadly; those who solicit children under the age of 14 for sex, those who lure children into the commercial sex trade, and those who aid in the exploitation, are all prosecuted as traffickers. Enforcers, who act as security guards and conspire to exploit victims for financial gain, are also charged as felons and traffickers.

**HEAT Stats 1/1/06 (since passage of Penal Code section 236.1) – 1/11/2010**

These stats do not differentiate between child and adult victims, though the majority of H.E.A.T. victims are minors and US citizens, who have been domestically trafficked. These statistics also do not include juveniles who have been arrested for trafficking in their capacity as pimp, bottom girl, or enforcer. The stats only track adult traffickers who have been charged with violating Penal Code Sections 236.1, 266h, 266i, 266j, and 209(a) where the purpose of the kidnap is the use of the female body for financial gain.

<b>1/1/2006 – 1/11/2010</b>	<b>Defendants</b>	<b>Cases</b>
<b>Charged</b>	<b>148</b>	<b>123</b>
<b>Convicted</b>	<b>109</b>	
<b>Pending</b>	10	
<b>Probation Violation</b>	11	
<b>Parole Violation</b>	1	
<b>Forfeiture Proceedings</b>	3	
<b>Dismissed</b>	11 (includes 2 recharged cases)	
<b>Acquitted</b>	1	
<b>Outstanding Warrant</b>	1	
<b>Deferred to Federal Prosecution</b>	1	

Recognizing that children who are exploited and trafficked are victims of child abuse, and not criminals, is another key component of **H.E.A.T. Watch** prosecution efforts.

“Referring to these children as commercially sexually exploited youth, as opposed to prostitutes, acknowledges their victimization and instead shifts responsibility where it rightfully belongs – to the pimps, buyers and facilitators - the traffickers who facilitate and engage in sex with children,” says DDA Bock.

In Alameda County, these young girls are directed away from criminal prosecution and directed to specialized services through a diversion program run by the District Attorney’s Office and created by AB 499, legislation which passed as a result of the effective partnership between Assembly Member Swanson (Oakland) and Ms. O’Malley’s Office.

“For four years we have been fighting to shatter the perception of children as prostitutes and criminals undeserving of protection. These young people are victims of child abuse. We are committed to continue our ongoing efforts to educate the community, prosecute the offenders, and rescue these girls,” says Ms. O’Malley

**4. Engage and Enlist Policy Makers, Legislators & Community Decision Makers**

Elected officials, as well as key decision makers, must be educated about the true nature and dynamic of child commercial sexual exploitation. In order to pass legislation and policy that is necessary to end human trafficking, **H.E.A.T. Watch** challenges all leaders to open their eyes and ears to the reality of the problem, which is growing faster than the laws used to contain the problem. After arming leaders with facts rather than fiction, **H.E.A.T. Watch** enlists their help to create laws in every state across the Nation to end

the epidemic violating our youth.

Legislative changes are key. The Alameda County District Attorney's Office continues to be a national leader in the enactment and implementation of laws, and the education of lawmakers. The Alameda County District Attorneys Office filed the first human trafficking case under section 236.1, which focuses on prosecuting traffickers. The Alameda County District Attorney's Office drafted and sponsored AB 499, which recognizes victimization and provides resources to break the hold of traffickers. The Alameda County District Attorney's Office sponsored AB 17, which hits traffickers in the pocketbook: increasing fines up to \$20,000 and forfeiting assets. 50% of these funds will be directed to support services for sexually exploited minors. Assembly Member Swanson carried both Assembly Bills 499 and 17. Assembly Member Swanson and DDA Bock are currently fighting in Sacramento for the passage of AB 559 to clarify California's human trafficking law. DDA Bock has worked with legislators in Georgia and Hawaii to develop effective legislation to combat trafficking.

"Because human trafficking knows no borders, I am committed to sharing the expertise of the Alameda County District Attorney's Office in order to get the job done and end this least recognized form of child abuse in our country," says O'Malley.

## **5. Wrap Around Services and Housing to Meet Specialized Needs of Victims**

**H.E.A.T. Watch** recognizes that the commercial sexual exploitation of minors is child abuse and modern day slavery whether or not force is used. "Because coercion eludes the coerced, many children do not even realize they are victims of exploitation," explains DDA Bock. Sexually exploited children must be supported at every stage in the investigation and prosecution of these cases.

**H.E.A.T. Watch** provides specialized, wrap around services, designed to meet the unique needs of sexually exploited minors. The Alameda County District Attorney's Office supports victims of exploitation, who are often hard to locate or too fearful to cooperate. It can be said that the Stockholm syndrome, where victims identify with their captors, is in full force and effect with this vulnerable population.

The Alameda County District Attorney's Office is a leader in creating strong support systems, such as the SPA (Safe Place Alternative), the SEM (Sexually Exploited Minor) Network, the District Attorney's Office H.E.A.T. Victim Witness Advocacy Program, and SEMRISE (Sexually Exploited Minors Reclaiming Innocence and Stemming the Epidemic). Services are provided from point of first contact, on the street or at the SPA, and continue through the court process and beyond. Efforts are currently underway to create and fund a regional Safe House.

"One of the greatest challenges of prosecuting a trafficking case is making sure the victim is on the train when the train pulls into the courtroom. Without the victim's participation in the prosecution, we don't have a case. As a result of the specialized services and programs Nancy O'Malley created, our H.E.A.T. victims in Alameda County feel supported, less vulnerable, and better able to face their exploiters in court. It takes a village to prosecute a trafficker and rescue a victim – that's our goal and thanks to O'Malley's visionary leadership, in collaboration with our partners, the H.E.A.T. Unit is getting the job done," says DDA Bock.