

# California Law Protects You From Human Trafficking



# FAQ

California laws exist to protect and support victims and help prevent human trafficking. Human trafficking is a form of modern slavery and violates both civil and criminal laws. The Civil Rights Department (CRD) receives, investigates, mediates, and prosecutes civil complaints alleging human trafficking under the California Trafficking Victims Protection Act. In addition, under this law, survivors of human trafficking may bring a civil action – a case before a court, also known as a lawsuit – against those responsible for their trafficking. The law protects everyone in California from human trafficking regardless of their immigration status.

## 1 | What is human trafficking?

“Human trafficking” and “modern slavery” are umbrella terms – often used interchangeably – to refer to the exploitation for profit of another person by compelling the person to perform labor or engage in commercial sex. In California, a person who deprives or violates the personal liberty of another with the intent to get forced labor or services, commercial sex, or to exploit the person in an obscene manner has engaged in human trafficking. This is prohibited by civil and criminal laws. The restrictions on a person’s liberty can happen through force, fear, fraud, deceit, coercion, or threat of injury. Human trafficking is commonly broken down into two types: sex trafficking and labor trafficking.

## 2 | What is sex trafficking?

Also known as forced sex work, sex trafficking is the range of activities involved when a person uses force, fraud, or coercion to get another person to engage in a commercial sex act or causes a child (under the age of 18) to engage in a commercial sex act. Or, more simply, when one person or group of people causes another person to take part in sexual behaviors (sex or other sexual acts) to gain something of value. Things of value might include money, a place to stay, protection, or something to meet a daily need.

Any person under age 18 who performs a commercial sex act is being trafficked, even if they did not experience force, fraud, or coercion. This is different from the definition of sex trafficking for people age 18 or older.

## 3 | What is labor trafficking?

Also known as forced labor, labor trafficking is the range of activities involved when a person uses force, fraud, or coercion to exploit the non-sexual labor (or work) or services of another person. Labor trafficking often involves situations where victims get little to no pay for their work resulting in involuntary servitude, peonage, debt bondage, or slavery. Even if someone is paid for their work, they can still be victims of trafficking if they experience force, fraud, or coercion related to the work performed.

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### 4 | How does trafficking work?

People who traffic others use force, fraud, or coercion to subject the person being trafficked to engage in a commercial act.

*Force:* This may include physical restraint, physical harm, and/or sexual assault.

*Fraud:* This may include false promises regarding employment, wages, or working conditions.

*Coercion:* This may include threats of serious harm; psychological manipulation; document confiscation; or threats to report someone to the police, immigration authorities, or other authorities.

*Commercial act:* In this context, this may be a sex act or labor in return for money or something else of value to the person being exploited. Examples of other things of value include providing a place to stay/shelter, transportation, drugs or alcohol, some form of protection, a job, food, or clothing.

### 5 | What are signs that I may be in a human trafficking situation?

- You are not free to come and go as you wish
- You were fraudulently recruited through false promises about your employment, wages, or working conditions
- You are coerced to work but you are not paid, paid little, or paid only through tips
- You owe someone a large debt and are forced to work for them to pay it off
- You or your family are threatened with harm or being reported to immigration or police
- You are not in control of your own money or bank accounts
- You are not in control of your identification or travel documents, or your documents were confiscated
- You are not allowed to speak for yourself and/or someone is always with you
- You are not able to contact your friends or family when you want to
- You are forced to work long hours or work when you are sick

While the presence of these “red flags” may not mean that you are being trafficked, they do indicate a potential trafficking situation. You may want to reach out for assistance to determine whether you are being trafficked, or whether you are experiencing a potential labor, employment, or other violation. Remember, human trafficking does NOT require movement or border crossing.

## 6 | What can I do if I've experienced human trafficking?

Human trafficking is illegal. It violates both civil and criminal law.

If you wish to pursue a criminal case against the person or people responsible for your trafficking, you should contact the local police, district attorney, or the California Department of Justice.

You can also choose to file a civil (non-criminal) case in court against the person or people responsible for your trafficking to seek monetary damages for the harm you have suffered. Or, you could ask the Civil Rights Department (CRD) to investigate what happened to you by filing a complaint with the department. CRD has authority to receive, investigate, conciliate, mediate, and prosecute civil complaints alleging human trafficking at no cost to the survivor. Human trafficking complaints are investigated regardless of immigration status.

CRD's human trafficking investigations are independent and are not linked to outside law enforcement.

## 7 | How do I file a complaint with CRD?

If you think you have been trafficked and wish to file a complaint or learn more about the complaint process, please contact CRD.

*To file a complaint*

**Civil Rights Department**

[calcivilrights.ca.gov/complaintprocess](https://calcivilrights.ca.gov/complaintprocess)

Toll Free: 800.884.1684

TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation, CRD can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711).

CRD offers assistance in languages other than English. You may contact our Communication Center to access language assistance:

- Call our Communication Center at 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711
- Email [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov) and we will respond within 3-5 business days.

## 8 | How long do I have to file a human trafficking complaint with CRD?

Generally, a complaint for human trafficking must be filed with CRD within seven years of the date on which the person being trafficked was freed from the trafficking situation. Or, if the trafficked person was a minor when the act of human trafficking occurred, the complaint generally must be filed with CRD within 10 years after the date the trafficked person becomes 18 years old.

## 9 | What happens if I file a human trafficking complaint with CRD?

Every survivor and experience of human trafficking is different. If you decide to file a complaint with CRD, you will need to complete an intake form. CRD will evaluate the allegations in the intake form and decide whether laws enforced by CRD apply to the allegations. CRD can only investigate complaints under its enforcement authority. If your complaint is not accepted for investigation, it is not because CRD does not believe you were treated unfairly. Rather it is because your complaint does not fall within CRD's jurisdiction. If your complaint is accepted, CRD will investigate the facts and legal issues in your case.

You may try to work out a resolution with the help of a mediator at CRD. Dispute resolution provided by CRD mediators takes place outside of the courtroom setting and is confidential. Learn more about dispute resolution and mediation services at CRD: [calcivilrights.ca.gov/disputeresolution/](https://calcivilrights.ca.gov/disputeresolution/).

Some trafficking complaints may result in a civil lawsuit filed by CRD on behalf of the survivor. Still other complaints may result in the filing of a Director's Complaint on behalf of a group or class of people all impacted similarly by a violation of a law under CRD's enforcement.

Not all complaints brought by survivors of human trafficking will result in civil litigation in a courtroom. If civil litigation in a courtroom setting does occur, a complainant may be asked to testify in court.

The department may decide to close your case. If it does, you still have the right to file your own lawsuit in court.

## 10 | What do I need to file a complaint?

If you decide to file a complaint with CRD, the following information would be helpful but is not necessary to file a complaint:

- The specific facts and any records about the incident(s), including the name and contact information of the person or entity you believe harmed you (if known);
- Copies of any documents or other evidence related to your complaint; and
- The names and contact information of any witnesses (if known).

As part of the investigation, CRD has a broad range of tools to investigate, including the ability to interview other witnesses, obtain documents, and depose individuals.

## 11 | Can I file a complaint with CRD anonymously or confidentially?

You can file an initial complaint with CRD anonymously. If CRD is able to investigate your complaint, there are confidential processes that can protect you if you are concerned about your safety in this, or another, country. If you or a witness ask for your identity to be kept confidential, CRD will seek not to disclose your identity or that of a witness, subject to legal requirements. If your complaint proceeds to litigation in court however, CRD may not be able to keep your identity confidential.

Please call CRD if you have questions about confidentiality, filing anonymously, the filing timeline, or any other questions about filing a human trafficking complaint.

## 12 | What if I filed a trafficking complaint with CRD but am undocumented or do not have legal status to remain in the United States for the duration of CRD's investigation?

Everyone in California is protected from human trafficking, regardless of immigration status and everyone, regardless of immigration status, has a right to file a complaint with CRD.

If you do not have legal status to remain in the United States and you have been trafficked, you may be eligible for a U or T visa from the federal government. When applying to the U.S. Customs and Immigration Service for a U or T visa, you will need a certification from a law enforcement agency stating that you were the victim of a qualifying crime and that you have assisted the law enforcement agency investigate or prosecute the crime. CRD is authorized to provide this certification for cases that fall under its jurisdiction. To request CRD's assistance, you will need to provide information about yourself and the crime against you to CRD. You may request CRD's certification even if you do not currently have a complaint filed with the department or an open investigation. Contact CRD at [visacertification@calcivilrights.ca.gov](mailto:visacertification@calcivilrights.ca.gov).

A U visa is a United States nonimmigrant visa which is set aside for victims of certain crimes (and their immediate family members) who have suffered substantial mental or physical abuse while in the United States and who are willing to assist law enforcement and government officials in the investigation or prosecution of the criminal activity. It permits such victims to enter or remain in the U.S. when they might not otherwise be able to do so.

A T visa is a different type of visa allowing certain victims of human trafficking and immediate family members to remain and work temporarily in the United States, typically if you report the crime to law enforcement and agree to help them in the investigation and/or prosecution of the crime (or crimes) committed against you. It also allows close family members of the victims to legally come to the United States.

## 13 | What civil remedies might be available to me if file a complaint with CRD or file a court case?

California law allows people that experience trafficking to bring a civil action – or lawsuit – against the person or people responsible for their trafficking. CRD also has the authority to bring a civil action to vindicate the rights of people who experience trafficking. A civil action is different from a criminal proceeding that might result in a jail or prison for the person or people responsible for trafficking. In a civil case, a survivor can ask for different types of relief, or remedies. These types of relief may include “damages.” “Damages” means money paid by the people responsible for the trafficking to survivors of trafficking in civil cases to compensate them for the harm they experienced.

Civil remedies available under section 52.5 include:

- Actual damages
  - Money paid to successful plaintiffs to make up for money lost or other economic impacts including lost wages, cost of medical treatments, etc.
- Compensatory damages
  - Money paid to successful plaintiffs because of the emotional suffering and distress they experienced
- Punitive damages
  - Money paid to successful plaintiffs to punish those responsible for the trafficking
- Injunctive relief
  - Order(s) by the court for the defendant/person responsible for trafficking to start or stop doing something. This can include restraining orders
- Treble damages or civil penalty
  - Successful plaintiffs/people who have been trafficked may receive three times the amount of actual damages (see above), or \$10,000, whichever is greater
- Attorney’s fees
- Other kinds of relief

## 14 | Where can I access immediate help and services regarding human trafficking?

There are many resources to access help and services or to report a suspected situation of human trafficking. Hotlines can provide help, referral to services, training, and general information.

Call a hotline to access help and services or to report a suspected situation of human trafficking:

- National Human Trafficking Resource Center: call 1-888-373-7888 or TEXT: Be Free or 233733 or Live Chat: [humantraffickinghotline.org](https://humantraffickinghotline.org)
- Coalition to Abolish Slavery and Trafficking (CAST): call 1-888-KEY-2FRE(EDOM) or 1-888-539-2373

These hotlines are:

- Available 24 hours a day, 7 days a week
- Toll-free
- Operated by non-profit, non-governmental organizations
- Anonymous and confidential
- Accessible in more than 160 languages
- Able to provide help, referral to services, training, and general information

If you or someone you know is in immediate danger, you can also call 911 for assistance.

Additional support may be available to survivors of human trafficking through the California Victim's Compensation Board (CalVCB). CalVCB may be able to assist with expenses directly related to human trafficking. Some of the expenses eligible for reimbursement by CalVCB include mental health counseling, medical and dental treatment, home security installation or improvement, relocation, and compensation for lost wages.

*To learn more, visit:*

victims.ca.gov / 1-800-777-9229

or file for assistance through the CalVCB online portal: [online.victims.ca.gov](https://online.victims.ca.gov)

This number is attended M - F from 8 - 5 pm, and closed on State holidays. Messages left will receive a response within 4 hours or the next business day.

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If you think you have been a victim of human trafficking, please contact CRD.

## TO FILE A COMPLAINT

### Civil Rights Department

calcivilrights.ca.gov / Toll Free: 800.884.1684 / TTY: 800.700.2320

Have a disability that requires a reasonable accommodation?  
CRD can assist you with your complaint.

*For translations of this guidance, visit: [calcivilrights.ca.gov/posters/general](https://calcivilrights.ca.gov/posters/general)*