



Memorandum

TO: PUBLIC SAFETY, FINANCE, AND
STRATEGIC SUPPORT COMMITTEE

FROM: Edgardo Garcia

**SUBJECT: PERSONAL CARE BUSINESS
COMPLIANCE INITIATIVE
FOLLOW-UP REPORT**

DATE: October 9, 2019

Approved

Date

10-17-19

RECOMMENDATION

Accept a follow-up report on the Personal Care Business Compliance Initiative with respect to progress of enacted massage parlor best practice interventions for human trafficking survivors.

BACKGROUND

On September 20, 2018, the Public Safety, Finance, and Strategic Support Committee (PSFSS) accepted the Personal Care Compliance Initiative Report. The report highlighted the positive outcomes of a new enforcement/education program which resulted in the closure of 107 illicit massage business (IMBs). The matter was referred to the full Council and voted to be removed from the Council Priority List. As part of its action on the item, the Council also approved the following staff direction:

1. Continue and expand collaboration with non-profit providers, Santa Clara County Human Trafficking Coalition, and other leaders in the field to increase their participation in providing services to victims during vice operation on massage parlors; and
2. Report back to PSFSS on the progress of enacted massage parlor best practice interventions for human trafficking survivors.

This memorandum will provide an update on these efforts and continued enforcement.

ANALYSIS

The Vice Unit continued to target IMBs suspected of commercial sex activities. This plan included:

- 1) Collaborative effort between the Vice Unit, Code Enforcement, City Attorney's Office, and the Permits Unit.

- 2) Increased covert investigations at suspected IMBs.
- 3) Landlord Education Program.

A new element to our plan was added:

- 4) New partnership with Community Solutions and South Bay Coalition to End Human Trafficking to include services to victims of human trafficking during Vice Unit operations.

The Vice Unit maintains a list of suspected IMBs based on complaints from residents, explicit online postings, and areas of heavy clustering. At the time of the September 2018 report to the PSFSS Committee, 191 suspected IMBs had been identified. Since that time, the Vice Unit identified 55 additional suspected IMBs, bringing the total number to 246.

The Vice Unit's original effort focused on suspected IMB's with erotic reviews on illicit websites such as RUBMAPS.COM. After the Unit's success at closing 107 IMBs by September 2018, many sex buyers stopped leaving reviews on illicit websites. As a result, the Unit began adding businesses to the list of suspected IMBs just based on being listed on an illicit website, even if they had no reviews. When sex buyers stopped leaving online reviews it impacted the Vice Unit's program in two ways. First, there were fewer Landlord Education Program meetings, as online reviews were a key component to show commercial sex was likely occurring. Second, because there were less Landlord Education Program meetings the Vice Unit had to increase covert operations in order to provide the landlord with definitively proof that commercial sex was occurring. Additionally, the Vice Unit continued to find new IMBs that were disguised as legitimate businesses such as salons and skin care.

Results of Implementation Efforts

This year our strategy has yielded the following results:

- 79 more IMBs have closed (107 in September 2018, totaling 186).
- Only 6 suspected IMBs have yet to be processed (45 in September 2018).
- 18 IMBs are in-process and expected to close (33 in September 2018).
- 82 covert investigations were completed (60 in September 2018).
- 30 covert investigation revealed no prostitution was occurring (6 in September of 2018).
- 21 Landlord Education Meetings were completed (114 in September 2018).
- 75% of the massage businesses were confirmed to be offering commercial sex services (90% in September 2018).
- 2 IMBs where commercial sex was occurring had uncooperative landlords; this resulted in City Attorney involvement (2 in September 2018).
- 9 fully permitted IMBs were found to be offering commercial sex services. Their permits have been revoked and they have closed (7 in September 2018).
- The Permits Unit continues to see increases in massage business owners applying for a Massage Business permit compared to 2016-2017:
 - 2016 - 4 applicants
 - 2017 - 7 applicants

- 2018 - 67 applicants
- 2019 - 31 applicants to date
- 23 massage business are currently fully permitted and 10 are in process.
- Since October of 2018, the Code Enforcement Division conducted 320 inspections (some businesses were inspected more than once) 51 compliance orders and 30 citations.

New Partnership and Best Practices

The Vice Unit partnered with Community Solutions to increase participation during vice operations and South Bay Coalition to End Human Trafficking establish best practice interventions for human trafficking survivors. The following best practices have been implemented:

- 1) **Advocates now respond to IMBs during Vice Unit operations.** The Vice Unit now notifies Community Solutions, the coalitions point agency, in advance of planned covert operations. If commercial sex is found to be occurring the Advocates are provided the location of the IMB. Once the advocates arrive, one officer will stay behind to act as security. The advocates will conduct outreach with each worker in a private setting and offer services.
- 2) **The Vice Unit no longer arrests sex workers in massage parlors.** Historically, the Vice Unit has made arrests or issued a citation when commercial sex was found to be occurring. After collaborating with South Bay Coalition to End Human Trafficking, the Vice Unit has ended this practice. The Vice Unit now documents the violation and submits the case to the District Attorney for review at a later time. By not taking enforcement action on scene, the Vice Unit is creating a less stressful environment where potential survivors of human trafficking will be more comfortable disclosing.
- 3) **Stop Human Trafficking brochures are provided to IMB workers.** The Vice Unit passes out brochures provided by the Asian American Community Involvement (ACCI) during massage parlor operations. The brochures are available in various languages and provide information about human trafficking indicators, the 24-hour crisis hotline and legal help. Our hope is if a victim does not feel comfortable disclosing during a Vice Unit operation, they will have the needed information to reach out for help at a later time.
- 4) **Information sharing with regional partners.** After 107 massage parlors closed in 2018, neighboring jurisdictions reported increases in massage business opening in their jurisdictions. To assist in preventing IMBs from moving from one jurisdiction to another a collective impact approach was required. The regional law enforcement database LEAP will allow for county wide information sharing. Shared information will include the IMB business name, address, manager name, date of birth and phone number. The first phase of this project has involved migrating San Jose confirmed IMBs into the LEAP system. The second phase will involve outreach to our law enforcement partners to ensure participation. This project will have the added benefit of identifying larger IMB networks and exposing organized crime.
- 5) **Partnership with South Bay Coalition to End Human Trafficking.** In June of 2019, Sharan Dhanoa, Director of Strategic Development at the South Bay Coalition to End Human Trafficking, presented a report entitled *A Regional and Countywide Response to*

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Illicit Massage Establishment to the Santa Clara County Children, Seniors and Families Committee. The purpose of this report was to identify regional trends, patterns, criminal & civil approaches, collaborative partnerships and recommendations to combat human trafficking at IMBs. As part of the Police Department's partnership with the Coalition, Vice Unit personnel provided information on the Unit's enforcement and non-enforcement approaches to IMBs to assist in the drafting of this report. Vice Unit personnel attended the County Children, Seniors and Families Committee meeting when the report was presented and participated in the follow-up discussion. Since this presentation, the Vice Unit has followed-up with the South Bay Coalition to End Human Trafficking to further discuss regional approaches, specifically the creation of a countywide database.

Conclusion

The results demonstrate the Police Department's approach continues to be successful. Our new partnership with Community Solutions and the South Bay Coalition to End Human Trafficking will only aid us in providing services to survivors of human trafficking. The Department recommends focusing on continued enforcement and education while implementing our new best practices strategy.

COORDINATION

This memorandum has been coordinated with the Code Enforcement Division of the Department of Planning, Building and Code Enforcement, and the City Attorney's Office.

/s/

Edgardo Garcia
Chief of Police

For questions, please contact Lieutenant Paul Messier at (408) 537-1447.