



Colorado Commission on Criminal and Juvenile Justice

Minutes

June 12, 2015

Lakewood Civic Center – Employee Relations Training Rm
 480 S. Allison Parkway
 Lakewood, CO 80226

Commission Members Attendance

Stan Hilkey, Chair	Jeff McDonald - ABSENT	Aaurice Tafoya-Modi
Doug Wilson, Vice-Chair ABSENT	Norm Mueller	Scott Turner
Jennifer Bradford - ABSENT	Kevin Paletta- ABSENT	Dave Weaver - ABSENT
John Cooke - ABSENT	Joe Pelle	Michael Vallejos
Kelly Friesen	Eric Philp - ABSENT	Pete Weir
Charles Garcia	Rick Raemisch - ABSENT	Robert Werthwein - ABSENT
Kate Horn-Murphy	Brandon Shaffer	Meg Williams - ABSENT
Evelyn Leslie - ABSENT	Lang Sias - ABSENT	Dave Young - ABSENT
Beth McCann - ABSENT	Pat Steadman	Jeanne Smith, <i>Ex Officio</i>

Substitutes: Steve Hager for Rick Raemisch, Department of Corrections

CALL TO ORDER AND OPENING REMARKS

Stan Hilkey, Chair

Stan Hilkey (Chair and CDPS Executive Director) welcomed everyone and thanked them for attending. He announced that there may be a handful of late arrivals due to the memorial service for State Representative John Buckner which is taking place at the same time as the Commission meeting. Mr. Hilkey introduced Judge Michael Vallejos who has recently been appointed to the Commission representing Colorado State Judicial. He also introduced Scott Turner who has been designated as the representative for the Attorney General’s Office. Mr. Hilkey noted that this is the last meeting for Commissioner Aaurice Tofoya-Modi who has served on the Commission for six years. He also took a moment to introduce the new Deputy Executive Director of the Department of Public Safety (CDPS), Rebecca Spies who is replacing former Deputy Executive Director Kathy Sasak. Mr. Hilkey explained that Ms. Spies worked as second in command at the Mesa County Sheriff’s Office when he served as the Mesa County Sheriff. He added that Miss Spies started her career in Lakewood as an agent; she then worked in the Jefferson County District Attorney’s Office before transitioning into the private sector. She worked in the banking industry for 20 years in leadership positions and fraud operations before returning to public service in Mesa County after 9/11.

Mr. Hilkey requested any corrections to the Minutes and none were offered. He postponed requesting a motion to approve the minutes due to a lack of Commissioners in attendance and therefore no quorum.

LEGISLATIVE UPDATE**Jana Locke, CDPS**

Legislative Update. Jana Locke began the legislative update by directing members' attention to an image on the overhead screen summarizing the final status of the Commission produced bills. She noted that the only thing that has changed since her presentation in April is regarding House Bill 2015-1203 which 'Retroactively Provides Earned Time Credit to Certain Individuals Sentenced under the Habitual Criminal Statute' was in process in April but has since been signed. She added that three Commission bills made it all the way through the legislative process and were signed (HB 2015-1022, HB 2015-1072 and HB 2015-1203). One bill failed due to cost (SB 2015-007) and the bill regarding 'Early Discharge from Lifetime Supervision for Sex Offenders' was not introduced because there was not enough interest in bipartisan sponsorship.

Jeanne Smith asked Ms. Locke if there will be a way to look back at the Juvenile Petty Offense Contracts bill (HB 2015-1002) to determine the impact and whether information will be entered into ICON and will be searchable. Sheriff Joe Pelle answered that he didn't believe so since municipalities will be entering data into their own databases and there is no common state data base to track the information. Charles Garcia added that he is concerned that law enforcement agencies across the state are not aware of this new statute. Mr. Hilkey stated that the Colorado District Attorneys' Council (CDAC) usually offers trainings regarding new legislation. Pete Weir added that the trainings should get underway in the next few weeks.

Mr. Hilkey took a moment to acknowledge the hard work done by Jana Locke and others to move Commission recommendations and legislation through the General Assembly.

Legislative Directives to DCJ. Ms. Smith reported that in addition to the legislation that was pushed forward under the Commission label there were also a number of issues in the legislature related to the desire for data collection and data analysis. She said requests are sometimes forwarded to the Commission, sometimes given directly to CDPS and often advanced to the Division of Criminal Justice (DCJ) in particular. Ms. Smith reviewed the directives as follows:

House Bill 2015-1273, the 'Comprehensive School Discipline Reporting' requirement is a refinement of what was already in statute. The original requirement called for law enforcement in schools to report to DCJ on disciplinary issues involving law enforcement, however the requirement lacked funding or any real structure. Ms. Smith noted that HB 1273 provides that structure and resources so DCJ may be able to actually produce some usable information and get a better picture of the issues relating to law enforcement activity around school grounds.

House Bill 2015-1285, the Law Enforcement use of Body Worn Cameras requirement received a lot of publicity and is a high interest item at the federal level as well. This legislation resulted in a combination study group under the auspices of the CDPS. Ms. Smith added that Mr. Hilkey will be appointing that committee and the study group is supposed to have a report back by March 2016 on best practices for body worn cameras including everything from when a camera should be turned on to the length of time recordings should be retained and what types of recordings should be retained. She added that the other half of this bill was a grant program to supplement the cost for law enforcement agencies for the cameras as well as the retention.

However, the grant portion of this bill was not funded in any fashion so DCJ has the grant program and has been directed to find money.

Senate Bill 2015- 185 refers to Police Data Collection and Community Policing. This is the bill co-sponsored by Representative Fields and Senator Johnson that was discussed during the March Commission meeting. The bill changed quite a bit from its first draft and currently includes data collection elements from arrest through post-conviction. Many data points including race categories will be collected, however ethnicity categories will remain a challenge. It is believed that many of the data points exist in current systems which should allow DCJ to be able to comply to a greater extent than would have been possible under the original draft of the bill. DCJ will provide updates to the Commission as this work progresses.

Senate Bill 2015- 217 is the Police Shooting Data Collection bill. This bill was a result of the recent headlines relating to police shootings around the country. It is believed this will not be a new system of data collection as the numbers will likely be fairly limited. With that in mind this will be conducted as a 'by hand' data collection. Kim English from DCJ's Office of Research and Statistics is working with various IT and Data Collection units in different agencies to determine the best way to go about the collection process.

Next Steps / Senate Bill 2015-007, Community Corrections Boards Standards. Mr. Hilkey introduced the next order of business which was a 'next steps' discussion about the Commission produced bill regarding Community Corrections Boards Standards which did not pass. He asked Ms. Smith to provide background on the recommendation and the challenges faced at the legislature.

Ms. Smith explained that this bill was created from a recommendation produced by the Community Corrections Task Force and then approved by the Commission. While the bill was viewed favorably by the legislature, it failed due to a substantial fiscal note. The most expensive part of the bill would have required the creation of a baseline assessment for each community corrections board coupled with the establishment of a standardized decision making tool for all boards. There was an option for the bill to be split with that item removed, however eliminating that piece of the legislation would not have been consistent with the Commission's original intent. The less expensive part of the bill was a piece that would have established statewide training of community corrections board members. It was believed that these two pieces ran in partnership and removing one of them would significantly compromise the purpose of the recommendation.

The majority of upfront costs would have taken place in year one and year two, during which time the contract for professional consultation services would have been put in place for the development of the assessment tools. After the first two years the cost of the bill dropped dramatically in year three, four, and beyond. Ms. Smith noted that this is where things have stalled regarding the bill which is why the issue is back before the Commission to determine the next steps for the recommendation.

Pete Weir, the Chair of the Community Corrections Task Force informed commissioners that this issue was discussed at the task force meeting yesterday, with two possible options to move

forward. One option is for the task force to examine the fiscal note with an eye toward phasing in some of the proposals with the hope of mitigating expenses for the first two years, therefore reducing the fiscal note. Another option is to look at other sources for funds. He added that it appears there is a reversion of a significant amount of money on an annual basis coming out of community corrections itself (somewhere between \$750,000 and \$1.5M) and that task force members would like to explore that option further. He said there's also a possible option of exploring scaling back the elements of the recommendation. Mr. Weir reiterated that it is the general feeling of the task force that all the elements of the bill are inextricably intertwined and that it is essential that the training and assessment tools work hand in hand. He proposed that the task force take another stab at the recommendation and see if they can't come up with an option that would be palatable to the Commission.

Ms. Smith added that the amount of possible reversion dollars is unknown until the end of the fiscal year.

Sheriff Pelle inquired about assessment tools in other states. Commission consultant Paul Herman responded that the community corrections structure in Colorado is very different from most other states. In other 'community corrections states' the boards have different purposes. In some states the boards are connected with sheriff in running the jail. Since Colorado is structured so differently there is no other state to go to regarding a workable model. Mr. Herman reiterated that the recommendation calls for the development of two tools, one for board decision making, and one for the evaluation of community corrections programs. Development of the evaluation tool is the one that carries the higher price tag.

Alaurice Tafoya-Modi added that as a member of the Community Corrections Task Force she fully supports the task force returning to the table to explore how this recommendation can be put into action. She noted that the implementation of the standards is critical in terms of uniformity and evidence-based practices.

Mr. Hilkey summarized that the suggestion is to send the recommendation back to the Community Corrections Task Force and ask them to consider three different options. Those options include a possible phased approach to the items in the recommendation, utilizing reversion dollars for implementation or scaling back the recommendation.

TASK FORCE AND SUBCOMMITTEE UPDATE

Re-entry Task Force. Mr. Hilkey informed commissioners that the Re-entry Task Force has held three meetings to date. The first order of business for this task force is around technical violations and task force members have been educated with many in-depth presentations. The group has also examined nationwide and statewide trends. Mr. Hilkey added that he missed the most recent task force meeting and asked Mr. Herman if he wanted to add anything. Mr. Herman stated that the group struggled to stay focused on the issue of technical violations at the May meeting, but that during the June meeting task force members refocused their attention on the mandate from the Commission to stick with violation work. Mr. Herman added that there is a plethora of data from probation, community corrections and parole on technical violations and

why people fail. He said the task on the table currently is to start looking at why people succeed and what generates positive behavior. The task force wants to explore what appropriate mechanisms are in place or need to be in place to increase or enhance opportunity for success. With that said a small working group of five task force members will meet in next ten days to take that conversation and produce a road map and work plan for the full task force.

Data Sharing Task Force Update. Ms. Smith reminded commissioners that a data sharing effort has been attempted by the Commission previously but did not gain traction. With the creation of this new task force the conversation has been about how to do things differently this time around in the hopes of a more successful outcome. In an effort to approach the problem differently DCJ staff will be holding focus groups of the users of criminal justice data around the state including case managers, pretrial officers, community corrections and probation staff. DCJ staff will be asking questions about what kind of information is currently available, what types of information would ideally be available, and what is needed to impact the decisions being made about an offender. Four focus groups have been held to date and another six are scheduled to be held through September.

Ms. Smith shared that after the focus group information is gathered and synthesized it will be presented to the full Data Sharing Task Force to determine the next steps to move the ball forward. She added that initial information and feedback from the focus groups is not too surprising and that case managers are still not receiving complete criminal history and other information. The task force membership will reconvene in October to look at the outcomes from the focus groups and determine the course of action.

Mandatory Parole Subcommittee. Mr. Herman reported the Mandatory Parole Subcommittee update on behalf of Mr. Wilson. Mr. Herman stated that this subcommittee has met twice with the goal of getting people on the same page and getting smart about the history of parole both nationally and in Colorado. He shared that there a lot of interesting parallels when looking at sentencing reform and parole over the last thirty to forty years. Having looked at that history and context the group is now looking at data in regards to parole releases including information in regard to discretionary parole, mandatory parole, mandatory re-parole, sentence discharge and court release. The group also looked at the 'Purpose of Parole' statute and whether a statute written thirty years ago is still relevant today.

Mr. Herman shared that Colorado is very lucky to have the detailed data that it has and that not all states can produce that level of information. He said that after looking at the information it became clear that different subcommittee members had different ideas about how an ideal parole system would operate. At the conclusion of the last meeting subcommittee members agreed on five common goals regarding the purpose of parole. Next steps include assessing some alternative parole structures to achieve the goals outlined.

Community Corrections Task Force. Mr. Weir informed commissioners that upcoming work for the Community Corrections Task Force includes a study of Diversion and the stakeholder's view of Diversion. A survey created by the task force was recently finalized that will be distributed to Judicial, probation officers, judges, defense attorneys and district attorneys. The survey asks questions regarding what services community corrections should provide and what

factors should be considered by boards when deciding whether or not to accept somebody on a Diversion basis into community corrections. The task force believes this is a good way to get a feel for what the general understanding of community corrections is by stakeholders and to look at what factors boards should be considering when making acceptance decisions. Mr. Weir added that this also ties into judicial education and the best way to engage judges about the scope and nuances of community corrections.

Mr. Weir added that one other possible area of future work for this task force includes addressing the problem regarding the difficulty in relocating or establishing a community corrections facility. One possible solution to the problem could be to offer incentives (financial or otherwise) to localities where a facility may be located. He concluded that the group is excited to refocus its purpose and its work and brainstorm new areas of study.

HUMAN TRAFFICKING PRESENTATION

Maria Trujillo, Human Trafficking Program Manager

Jeanne Smith reminded the Commission that human trafficking was a topic designated to the Commission from the General Assembly in 2013 when the legislature asked the Commission to compile a report on the state of the human trafficking problem in Colorado. During the writing of that report it became clear that looking at what happens solely in the courts offered only a very small view of the human trafficking problem. Then last year the legislature formed a Human Trafficking Council that resides within the Division of Criminal Justice. That council was given a variety of legislative mandates and the resources to hire someone to lead the council. That position was filled by Maria Trujillo who came to Colorado from Texas, where she was a leader in the anti-human trafficking efforts of that state.

Ms. Smith shared that Commission leadership felt it was important for the Commission to hear about what is going on in the arena of human trafficking, especially as it was an offshoot of the work originally assigned to the Commission.

Ms. Trujillo thanked the Commission for the opportunity to talk about the issue of human trafficking. She explained that she would offer a quick overview of what human trafficking is and would then explain the specifics of the Human Trafficking Council and the work of the council. Ms. Trujillo offered a thorough PowerPoint presentation which is attached to the end of these minutes. At the conclusion of her presentation Ms. Trujillo addressed questions from the Commission. [The presentation is appended to the end of these Minutes.]

Questions

Mr. Weir thanked Ms. Trujillo for the informative presentation and stated that it is a very important topic. He said he believes the legislation has placed a tremendous burden on the council as far as the scope of work outlined in the legislative mandates and the timeline. He said he is concerned about the council having to rush through the issues.

He asked about the executive committee that will be weighing in on any proposed legislation and how that executive committee will arrive at agreements. Ms. Trujillo responded that this scenario

has yet to play out as the council is so new and recommendations have yet to be produced. She added that the plan at this point is for the executive committee to meet weekly once the 2016 session gets underway and human trafficking legislation is proposed. She also added that the committee has agreed that there will need to be a 2/3 majority vote on any position.

Mr. Hilkey shared that from a law enforcement perspective he remembers a time when he was very naïve about the scope of the human trafficking problem. He noted that it took a lot of effort for all stakeholders to really begin to understand the magnitude of the issue. He asked what this council hopes to do to try to interface with communities and stakeholders around education efforts. Ms. Trujillo responded that there is a mandate for the council to develop training standards and curricula on the issue of human trafficking. One specific area of focus in the statute is on law enforcement training and that it's the purview of the council to develop solid training standards. She added that she also believes the council will work on an implementation and dissemination strategy. Ms. Trujillo shared that she has spent many years training law enforcement and understands the critical importance of law enforcement training.

Mr. Hilkey asked what other units in the state, aside from State Patrol, are looking into human trafficking issues. Ms. Trujillo answered that some various human trafficking units are being established around the state including efforts in Colorado Springs, and elsewhere. Efforts are also underway by the Rocky Mountain Innocence Lost Task Force which is led by the Federal Bureau of Investigation and the Denver Police Department. That effort also includes work from Lakewood Police Department and other players working on those cases. Ms. Trujillo concluded that in Colorado there is a really good and strong focus on detecting and investigating sex trafficking cases, but that what she would love to see in the future is more expansion into the realms of labor trafficking and adult victims.

ADJOURNMENT

Ms. Smith shared that as a preview of next month's meeting there will be a presentation and discussion regarding the broader issue of victim services in general in Colorado including how victim's services are funded, how they are managed, whether or not there is any standardization and a variety of other victim services issues.

Mr. Hilkey directed the commissioner's attention to the agenda and noted that there are two opportunities for new member orientation in both July and August. He added that in August the Commission meeting will begin a half hour early (at 12:00 pm) and that lunch will be provided.

Mr. Hilkey called for anything else for the good of the order. There being no further business, Mr. Hilkey adjourned the meeting at 2:20 p.m.

THE CRIME OF HUMAN TRAFFICKING

MARIA A. TRUJILLO, HUMAN TRAFFICKING PROGRAM MANAGER

June 12, 2015

Presentation to the Colorado Commission on Criminal and Juvenile Justice

WHAT IS HUMAN TRAFFICKING?

- A market-driven, criminal industry fueled by demand for labor services and commercial sex acts.
- Victims are forced, defrauded and/or coerced to supply services, labor, or sex.
- It does not necessarily imply movement or transportation but rather the buying and selling of people.
- Human trafficking is a human rights issue.

GENERAL SCOPE OF THE PROBLEM

- Illegal in every country, but happens everywhere

(Defining & Measuring Modern Slavery: Kevin Bales, 2007)

- Second largest criminal industry in the world

(US Department of Health and Human Services)

- Unlike drugs or arms, exploitation continues after point of sale

- Many forms, ever-changing

ROOT CAUSES: SUPPLY & DEMAND

- **Supply**

- Poverty, lack of opportunities, homelessness
- Desire for a better life, love, affection, and/or attention
- Political instability
- Discrimination – cultural, ethnic, religious, gender, sexual orientation, age, etc.
- Immigration laws/policies

- **Demand**

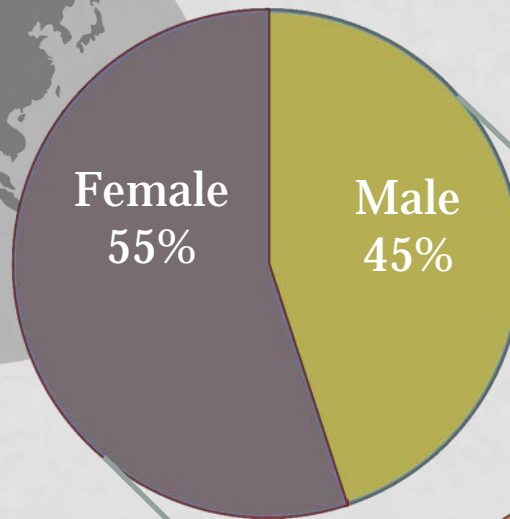
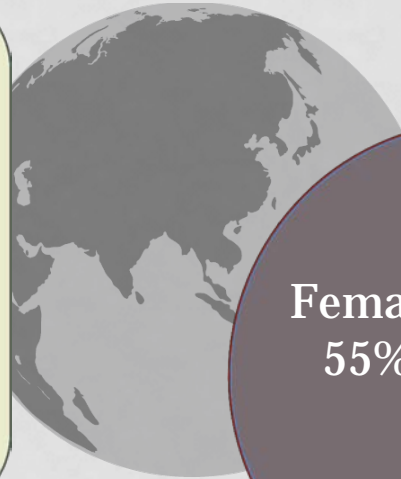
- Cheaper products
- Cheap labor
- Sex industry

VICTIMS TRAFFICKED GLOBALLY

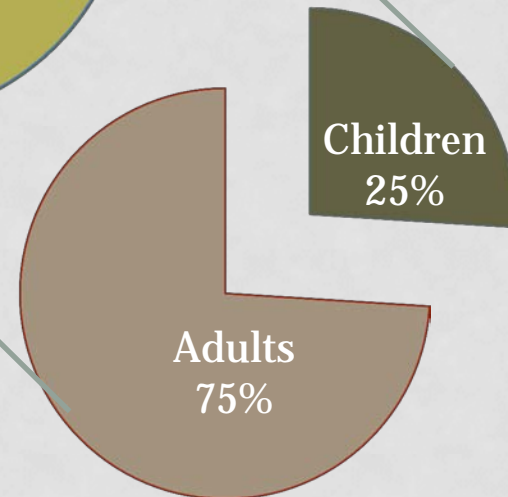
People in forced labor estimation:
21 million

Labor = 16.4 mil
Sex = 4.5 mil

Annual Profit estimation:
\$ 150 Billion,
(of which, \$99 billion) of profit are from sexual exploitation



The number of victims identified globally (44,758) reflects only 0.2% of the victims in existence.



FOREIGN-BORN VICTIMS TRAFFICKED IN THE U.S.

Top countries
of foreign
victim origin:

- Mexico
- Philippines
- Thailand
- Honduras
- Guatemala
- India
- El Salvador

- Identified foreign-born victims originated from 47 different countries
- Victims come to the US as:
 - Refugees
 - Individuals with work visas, student visas, tourist visas
 - Undocumented immigrants
 - Married to U.S. citizen

** Special Note: A recent study on labor trafficking in the US by the Urban Institute indicated that 70% of foreign-victims were in the US on legal visas.*

DOMESTIC VICTIMS TRAFFICKED IN THE U.S.

- U.S. citizens/legal permanent residents
- Every gender, all ages
- Forced labor and sexual services
- Vast majority of the victims identified have been children forced into the commercial sex industry

HUMAN TRAFFICKING LEGISLATION IN THE U.S.: TRAFFICKING VICTIMS PROTECTION ACT (TVPA)

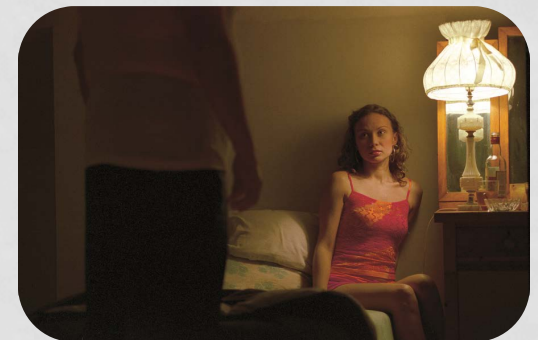
- First passed in 2000
- Made human trafficking a federal crime
- Victim-centered law
- 4-P approach:
 - Protection
 - Prevention
 - Prosecution
 - Partnership (Added in 2010)
- Reauthorized in 2003, 2005, 2008, and 2013

TRAFFICKING VICTIMS PROTECTION ACT (TVPA) OF 2000

- Sex trafficking: (22 USC §7102(9))
 - “The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act , in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years.”
 - Commercial sex act – “any sexual act for which anything of value is given to or received by any person.”
(22 USC § 7102(3))

** When a minor is trafficked for a commercial sex act, there is no need to prove force, fraud or coercion.*

Adapted from the Trafficking Victims Protection Act of 2000



SEX TRAFFICKING: WHERE?

- Forced Prostitution
 - Escort Services
 - Spas/Massage Parlors
 - Residential Brothels
 - Truck Stops
 - Street Prostitution
- Exotic Dancing
- Forced criminality
- Arranged Marriages
 - This is not an exhaustive list.

TRAFFICKING VICTIMS PROTECTION ACT (TVPA) OF 2000

- Labor trafficking: (22 USC § 7102(8))
 - “The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.”
 - Involuntary Servitude: (22 USC § 7102(5))
 - Peonage: (8 CFR 214.11)
 - Debt Bondage: (22 USC § 7102(4))



LABOR TRAFFICKING: WHERE?

- Restaurants
- Construction
- Gardening/landscaping
- Migrant and Agricultural Labor
- Forced criminality
- Sweatshops
- Door-to-door sales
- Peddling/begging
- Domestic servants
- Nannies/elder care

• This is not an exhaustive list.

TVPA: ELEMENTS OF TRAFFICKING

- Force - involves the use of rape, beatings and confinement to control victims
 - Examples: isolation, physical or sexual abuse, starvation
- Fraud - involves false offers that induce people into trafficking situation
 - Examples: debt bondage, offering a job different from reality, establishing a romantic relationship with the victim.
- Coercion - threats that cause an individual to feel as if they cannot leave the situation they are in
 - Examples: threats of deportation, blackmail, threats against family members

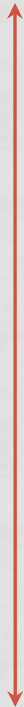
(22 USC §7102(2))

WHO ARE THE OFFENDERS?

Presentation to the Colorado Commission on Criminal and Juvenile Justice

WHO ARE THE HUMAN TRAFFICKERS?

Less Organized



More Organized

Diverse Trafficking Operations

- Individuals
 - Pimps
 - Neighbors, friends, relatives, intimate partners
 - Foreign diplomats and staff from int'l orgs (i.e. IMF, WHO)
 - Labor recruiters/brokers
- Informal criminal operations
 - Family or extended family
 - Pimp Networks
 - Gangs
- Businesses (Small and Large)
 - Small contractors/agents
 - Labor recruiters
- International organized crime syndicates

COMMON MISCONCEPTION

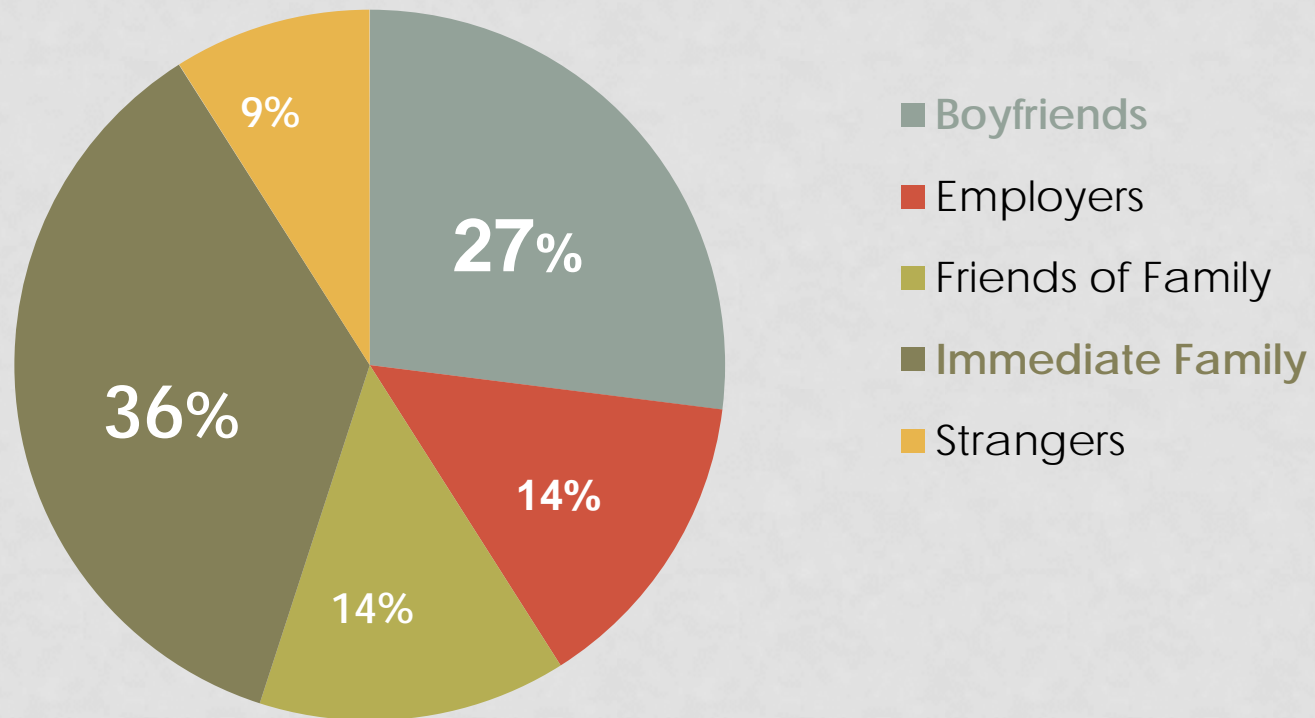
Traffickers are strangers and not someone known to the victim such as friends, family and intimate partners

Intimate partners and family members can also be traffickers

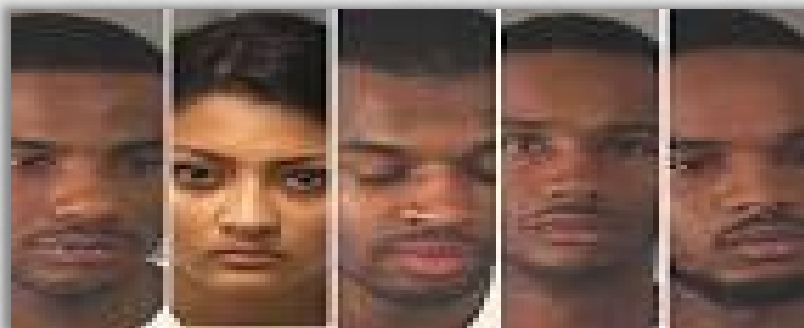
WHO ARE THE HUMAN TRAFFICKERS?

Covenant House of New York Study on Domestic Minor Sex Trafficking Survivors, May 2013

Types of Traffickers



COLORADO'S HUMAN TRAFFICKERS ARE STATEWIDE



Sources: multiple Colorado news media reports

COLORADO TRAFFICKING LAWS

Presentation to the Colorado Commission on Criminal and Juvenile Justice

COLORADO STATE LEGISLATION

- In 2006, Colorado enacted its first Human Trafficking and Smuggling laws. Included:
 - Human Trafficking of an Adult
 - Human Trafficking of a Child
 - Involuntary Servitude
- Only had three state convictions in Colorado under 2006 law.
- Repealed law and reenacted with many improvements in 2014 – **HB 14-1273**.

INVOLUNTARY SERVITUDE

§ 18-3-503 C.R.S

- Knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives or obtains by any means another person for the purpose of coercing the other person to perform labor or services.
- Involuntary Servitude of an Adult = Class 3 Felony
- Involuntary Servitude of a Minor = Class 2 Felony

SEXUAL SERVITUDE

§ 18-3-504 C.R.S

- Sexual Servitude of an Adult - Knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives or obtains by any means another person for the purpose of coercing the person to engage in commercial sexual activity.
 - Sexual Servitude of an Adult = Class 3 Felony
- Sexual Servitude of a Minor – Knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains or makes available a minor for the purpose of commercial sexual activity.
 - Sexual Servitude of a Minor = Class 2 Felony

SEXUAL SERVITUDE

§ 18-3-504 C.R.S

- Sexual Servitude of a Minor Cont'd
 - It is not a defense that:
 - The minor consented
 - The defendant did not know the age of the minor or reasonably believed the minor was 18 or older.
 - The minor or another person represented the minor as an adult
 - A person does not receive any of the proceeds of any commercial sexual activity.

COERCION

§ 18-3-502 C.R.S

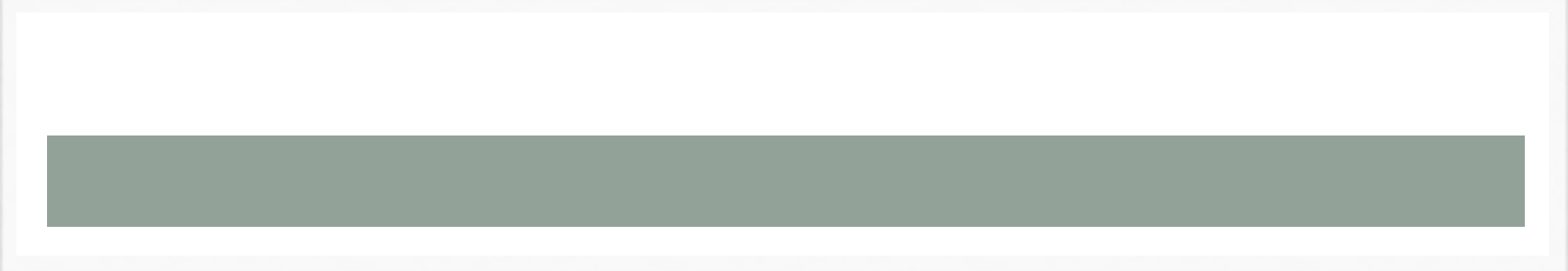
- Coercion is defined as inducing a person to act by:
 - Use or threat of the of **force**
 - Using or threatening to use the law for any purpose for which the law was not designed
 - Threatening to notify law enforcement of immigration violation
 - Destroying or taking identification documents
 - Controlling access to controlled substances
 - Debt bondage
 - Exploitation of physical or mental impairment



COLORADO

CHTC

HUMAN TRAFFICKING COUNCIL



Presentation to the Colorado Commission on Criminal and Juvenile Justice

HB 14-1273

§ 18-3-505 C.R.S

- Established the Human Trafficking Council, a state-wide council of 30 representatives from various sectors.
- The legislative mandates of the Council are to address:
 - Establishing certification and standards for victim services
 - Establishing a grant program for victim services
 - Recommendations for statutory changes
 - Implementation of a public awareness campaign
 - Developing training standards and curricula
 - Identify best practices for the prevention of human trafficking
 - Collect data relating to the prevalence of human trafficking
 - Research and pursue funding opportunity for the council

COLORADO HUMAN TRAFFICKING COUNCIL MEMBERS

- Thomas Acker
- Tris Lester Bacani
- Jill Brogdon
- Maureen Cain
- Claude d'Estree
- Maricela Dennis
- Matthew Dodson
- Janet Drake
- Amanda Finger
- Debi Grebenik
- Sterling Harris
- Capt. Lawrence Hilton
- Lynn Johnson
- Jason Korth
- Katie Kurtz
- Angela Lytle
- Pat Medige
- Cara Morlan
- Don Moseley
- Jo-Ann O'Neil
- Saida Montoya
- Michelle Salazar
- Tammy Schneiderman
- Sheriff Justin Smith
- Sgt. Daniel Steele
- Stephanie Villafuerte
- Marty Zaffaroni

2015 PRIORITIES

- The Colorado Human Trafficking Council decided to establish three Task Forces to address several of the legislative mandates:



CHTC - EXECUTIVE LEGISLATIVE SUBCOMMITTEE (ELS)

- The Executive Legislative Subcommittee shall consist of the Council Chair, Vice Chair, Legislative Task Force Co-Chairs and three additional Council Members appointed by the Chair.
- The Council will adopt position on introduced legislative via the ELS.
- The ELS, can take positions of support, oppose, monitor, amend or no position.
- The ELS is the only body, aside from the Council itself, with authority to adopt Council position on legislation generated outside the Council.

COLORADO HUMAN TRAFFICKING COUNCIL

- Meetings of the full Council occur:
 - 4th Friday of the month
 - 9AM – 11AM
 - Jefferson County Department of Human Services Bldg.
900 Jefferson County Parkway
 - Next meeting: June 26th
- Task Force meeting take place immediately following the CHTC meeting.
 - 11AM – 1PM
- All meetings are open to the public, agendas are posted on the website several days in advance.

2015 LEGISLATION

- SB15-030 (Carroll), signed by Governor on 4/16/215
 - Creates an affirmative defense to the crime of prostitution on or after July 1, 2015, if the person committed the act as a direct result of being a victim of human trafficking.
 - Must demonstrate by a preponderance of the evidence that he or she was a victim of human trafficking at the time of the offense.
 - An adult charged with or convicted of prostitution before July 1, 2015, may petition the court for a sealing of records.
 - A juvenile charged with or adjudicated of prostitution before July 1, 2015, may apply to the court for expungement of his or her record.
 - A person may also request a protective order to protect their confidentiality.
 - After January 1, 2019, CHTC will perform a post-enactment review and report findings to the judiciary committees.

2015 LEGISLATION

- HB15-1078 (Nordberg & McCann)
 - Reporting of missing children who are in the custody of a state agency to Law Enforcement & NCMEC within 24 hours.
 - Signed by Governor on 3/20/2015
- HB15-1019 (Lundeen)
 - Signed by Governor on 5/29/15
 - Ask the Council to recommend by 1/2016 to the General Assembly to enact legislation concerning:
 - Granting immunity to a child victim of Commercial Sexual Exploitation of a Child (CSEC) for offenses relates to that exploitation.
 - Create other legal protections, including statutory defenses for child victims.
 - Develop standards, guidelines or mandates regarding assessment, placement and treatment of child victims of CSEC.

2016 POLICY CONSIDERATIONS

- Safe Harbor Legislation
 - Purpose:
 - To address inconsistencies with how children that are being exploited for commercial sex are treated.
 - Treat minors as victims of the crime of sex trafficking rather a criminal engaged in prostitution.
 - Provide victims with legal protection and provision of services.
 - Main Discussion Points:
 - What type of legal protection?
 - Option A: Immunity from prosecution for certain types of offenses
 - Option B: Establish a diversion program that affords a means for a dismissing charges upon completion.
 - How do services get provided?
 - Option A: Juvenile Justice OR Option B: Child Welfare
 - How will services be funded?
 - What types of services will be provided?

VICTIM SERVICES

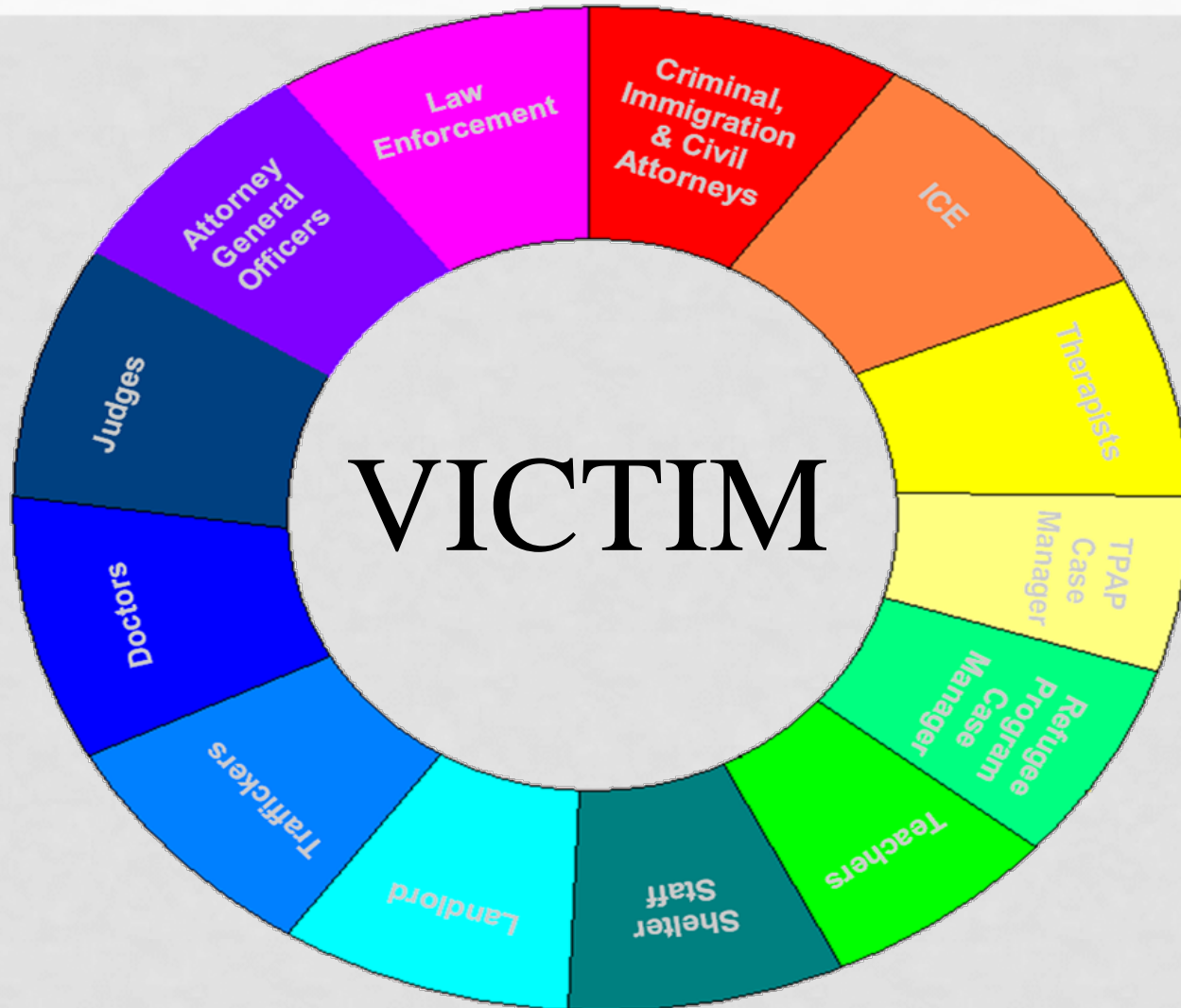
FOR TRAFFICKING VICTIMS

Presentation to the Colorado Commission on Criminal and Juvenile Justice

COMPONENTS OF A COMPREHENSIVE SERVICE MODEL

- Addresses the survivor's need for safety, security and healing.
- Establishes an individualized service plan that is tailored to meet the victims' identified needs.
- Services should be victim-centered, helping the victim express their choices while working through the trauma of their experience.
- No one agency can be expected to provide all the services a survivor requires.
- Requires a coordinated community-wide approach to service provision with local, state and federal partners.
- Utilizes intensive case management that supports the victim in accessing and coordinating services across multiple systems.

CASE COORDINATION



POTENTIAL SERVICE NEEDS

- *Emergency: First 24-72 hours*
 - Safety Planning
 - Emergency Housing (DV Shelter, homeless shelter, hotel, etc.)
 - Basic needs (Food, clothing, hygiene products, bedding, etc.)
 - Transportation
 - Interpretation/Translation Services
 - Emergency Medical and Mental Health Treatment (may include detox)
 - Identification of legal guardianship (for minors only)
 - Establishing Immigration Status and the need for Continued Presence (foreign-born victims only)

POTENTIAL SERVICE NEEDS

- *Short-term/Long-term: Ongoing Services*
 - Safety Planning
 - Housing/Shelter (Transitional, group/residential, foster care, independent, permanency placement)
 - Transportation
 - Interpretation/Translation Services
 - Medical and Dental Care
 - Mental Health Treatment (includes substance abuse treatment)
 - Financial Assistance
 - Victim Advocacy
 - Legal Services (Immigration relief, civil matters, criminal convictions)
 - Educational Services (Literacy, GED, Job Training)
 - Life Skills Training (Managing finances, self-care, parenting classes, cultural orientation)
 - Job Placement Services

LOCAL ANTI-HUMAN TRAFFICKING COLLABORATIONS

- Arapahoe County Human Trafficking Task Force
- CO Trafficking & Organization Crime Coalition (*law enforcement focus*)
- Denver Anti-Trafficking Alliance
- Front Range Anti-Trafficking Coalition
- Human Trafficking Task Force of Southern Colorado
- Jefferson County Human Trafficking Sub-Committee
- Larimer County Anti-Trafficking Community Response Team
- North Eastern Colorado Coalition Against Trafficking
- Office of Children, Youth and Families Human Trafficking Task Group
- Pueblo Alliance to Combat Human Trafficking
- Rocky Mountain Innocence Lost Task Force (*law enforcement focus*)
- Western Slope Human Trafficking Initiative

REPORT A TIP

National Human
Trafficking Resource Center
Hotline

1-888-3737-888

- Staffed 24/7
- Multi-lingual
- More information
- Report a tip

traffickingresourcecenter.org/

The Colorado Network to End
Human Trafficking (CoNEHT)

1-866-455-5075

- Colorado based
hotline
- Depth of knowledge
for local referrals

coloradocrimevictims.org/human-trafficking-program.html

CONTACT INFORMATION

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[https://sites.google.com/a/state.co.us/
cdps-prod/home/human-trafficking-council](https://sites.google.com/a/state.co.us/cdps-prod/home/human-trafficking-council)