

SECTION 1

Introduction



The Colorado Human Trafficking Council

The Council was established by HB 14-1273, which went into effect on July 1, 2014.⁶ The bill was sponsored by Representatives Beth McCann and Jared Wright from the House of Representatives and Linda Newell and Gail Schwartz from the Senate. In brief, HB 14-1273 recognized that human trafficking constitutes a serious problem in the state and that a comprehensive approach to combat the crime includes prevention, protection, prosecution and partnership.⁷ HB 14-1273 was also written, in part, to bring Colorado law into better alignment with common standards and definitions as outlined by the National Conference of Commissioners on Uniform State Laws in its 2013 publication *Uniform Act on Prevention of and Remedies for Human Trafficking*⁸ and to better align with federal law as delineated in the Trafficking Victims Protection Act (TVPA), originally passed in 2000.

⁶ When HB 14-1273 was signed into law, it became embedded in Colorado Law in C.R.S. § 18-3-501 *et seq.*

⁷ The CHTC is guided by the “4P” paradigm established by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000) and the United States Trafficking Victims Protection Act (2000).

⁸ National Conference of Commissioners on Uniform State Laws. (2013). *Uniform Act on Prevention of and Remedies for Human Trafficking*. Retrieved on November 12, 2015 from http://www.uniformlaws.org/shared/docs/Prevention%20of%20and%20Remedies%20for%20Human%20Trafficking/2013AM_UPRHT_As%20approved.pdf

Federal Definitions from the Trafficking Victims Protection Act⁹

Sex Trafficking (22 USC § 7102(9)-(10)): The recruitment, harboring, transportation, provision, obtaining, *patronizing or soliciting*¹⁰ 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 (22 USC § 7102(4)): Any sexual act for which anything of value is given to or received by any person.

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.

An Overview of Human Trafficking

The breadth and complexity of the human trafficking issue is immense. Victims of human trafficking constitute a unique population due to the multiple forms that the crime may take, their varying levels of risk and vulnerability, and the complex traumas endured as part of this severe form of exploitation. Human trafficking involves force, fraud and/or coercion of individuals into illegal activities such as panhandling, drug dealing, and commercial sex work. It may also occur in the context of legal workplace activities and familiar spaces, such as construction sites, restaurants, schools or private homes. To date, trafficking cases have been documented in 20 distinct industries across the United States. Moreover, human trafficking victims do not conform to a single demographic category. A victim may be male, female, or transgender. A victim can be an adult or a child, a foreign national or a U.S. born citizen. The realities of the crime confound efforts to fight it, since human trafficking involves multiple indicators and a wide range of victim profiles.

In general, human trafficking falls into two broad categories: labor trafficking and sex trafficking. Labor trafficking can occur in a wide variety of contexts and industries such as agriculture, hospitality, construction, domestic service (e.g. nannies, maids), and more. Immigration status, desire for a better life, debt bondage, isolation, lack of strong labor

⁹ See Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102(4), (8)-(10).

¹⁰ The sex trafficking definition was updated to add the two words italicized “patronizing or soliciting” as part of the Justice for Victims of Human Trafficking Act that was signed into law on May 30, 2015.

protections, and poverty are some of the vulnerabilities that can lead to a person's exploitation by a trafficker. Labor trafficking is often categorized as a form of involuntary servitude.

Colorado State Statute on Labor Trafficking¹¹

Involuntary Servitude: A person who 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.

Human trafficking for involuntary servitude of an adult is a class 3 felony.

Human trafficking of a minor for involuntary servitude is a class 2 felony.

Sex trafficking also involves force, fraud or coercion of men, women, transgender individuals and children to engage in commercial sex (e.g. forced prostitution, sex chat lines, pornography, strip dancing) against their will. According to state and federal law, any minor under the age of 18 years of age induced into commercial sex is a victim of sex trafficking. Sex trafficking occurs in a variety of venues within our community. This includes, but is not limited to, massage parlors/spas, residential brothels located in homes and apartment complexes, designated streets called "tracks" and at truck stops across the state. However, one of the most prevailing venues for sex trafficking is the Internet. There are numerous websites where the buying and selling of sexual services can be arranged. The Internet is not only a main venue for the selling of commercial sex but also a widely used avenue for recruitment.

Colorado State Statute on Sex Trafficking¹²

Sexual Servitude of an Adult: A person who 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.

Human trafficking for sexual servitude of an adult is a class 3 felony.

Sexual Servitude of a Minor: A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, *obtains by any means, maintains or makes available a minor* for the purpose of commercial sexual activity.

Human trafficking of a minor for sexual servitude is a class 2 felony.

¹¹ C.R.S. § 18-3-503(1)-(2)

¹² C.R.S. § 18-3-504(1)-(2)

Guiding Principles of the Council

The CHTC was established to address all forms of human trafficking and to seek dignity and justice for all trafficked persons in Colorado. One of the first tasks of the Council was to develop a set of Guiding Principles in order to better focus its work. These principles instruct and inform the Council's core mission and actions. The Guiding Principles of the Council are as follows:

- Survivor safety and security is paramount.
- All services provided to survivors should be holistic.
- Combating human trafficking requires a collaborative, coordinated team approach that is guided by survivor voices.
- Decisions of the Council will be based on thoughtful discussions and deliberation of promising and/or evidence-based practices, available research and expertise of council members.
- Offenders who perpetrate crimes of human trafficking should be held accountable.
- Prevention of human trafficking in Colorado is the ultimate goal.

Council Membership

Council membership is comprised of subject-matter experts across various levels of government, law enforcement, nonprofit agencies, community-based service providers and local anti-trafficking collaborations. The Council reflects representation from urban and rural areas of the state and a balance of expertise from both governmental and non-governmental organizations. The Council is housed within the Department of Public Safety, Division of Criminal Justice, Office for Victims Programs. Membership of the Council includes:

- (I) Two representatives from the department of human services, each to be appointed by the executive director of the department of human services;
- (II) A representative of the department of law, to be appointed by the attorney general;
- (III) A representative of the state department of labor and employment, to be appointed by the executive director of the department of labor and employment;

- (IV) A representative of the division of the Colorado state patrol that addresses human smuggling and human trafficking pursuant to section 24-33.5-211, C.R.S., to be appointed by the executive director of the department of public safety;
- (V) A representative of a statewide association of police chiefs, to be appointed by the governor or his or her designee;
- (VI) A representative of a statewide association of county sheriffs, to be appointed by the governor or his or her designee;
- (VII) A representative of a statewide coalition for victims of sexual assault, to be appointed by the governor or his or her designee;
- (VIII) A representative of a statewide organization that provides services to crime victims, to be appointed by the governor or his or her designee;
- (IX) A representative of a statewide immigrant rights organization, to be appointed by the governor or his or her designee;
- (X) A representative of a statewide organization of district attorneys, to be appointed by the governor or his or her designee;
- (XI) A representative of a statewide organization of criminal defense attorneys, to be appointed by the governor or his or her designee;
- (XII) At least three but not more than five persons, each representing a regional or city-wide human trafficking task force or coalition, each to be appointed by the governor or his or her designee;
- (XIII) A representative of a nonprofit organization that facilitates the treatment or housing of human trafficking victims, to be appointed by the governor or his or her designee;
- (XIV) A representative of a college or university department that conducts research on human trafficking, to be appointed by the governor or his or her designee;
- (XV) A representative of a statewide organization that provides legal advocacy to abused, neglected, and at-risk children, to be appointed by the governor or his or her designee;
- (XVI) Two representatives of organizations that provide direct services to victims of human trafficking, to be appointed by the governor or his or her designee;
- (XVII) One representative of a faith-based organization that assists victims of human trafficking, to be appointed by the governor or his or her designee;

- (XVIII) Two persons, each of whom is a director of a county department of social services, one from an urban county and the other from a rural county, each to be appointed by the governor or his or her designee;
- (XIX) One person who provides child welfare services for a county department of social services, to be appointed by the governor or his or her designee;
- (XX) Two persons who are former victims of human trafficking, one who is a former victim of human trafficking for involuntary servitude and one who is a former victim of human trafficking for sexual servitude, each to be appointed by the governor or his or her designee;
- (XXI) A representative of a child advocacy center; and
- (XXII) One person to be appointed by the commissioner of agriculture.¹³

In total, the Council is comprised of 30 members. At the writing of this report, only 29 of the Council seats were filled. Each member has been appointed for a four-year term. Appointments by government agencies were made by the executive director of that agency and community-based appointments were made by Governor Hickenlooper. The Council commenced regular meetings in October 2014. In order to address the many areas prescribed to the Council by the General Assembly, it was decided by its members to convene monthly meetings on the fourth Friday of each month. During these initial meetings it was important to provide an overview of the anti-trafficking field nationally as well as the landscape in Colorado. It was also an opportunity for Council members to have a better understanding of the expertise that is represented on the Council and how their experience and knowledge would contribute to the work ahead. In January 2015, the Council held an all-day retreat to set the priority areas for the year, which are: standards and certification for service providers, recommendations for statutory changes and data collection and research. In order to best address these priority areas, the Council established three corresponding task forces.

Task Forces

Task forces of the CHTC are fluid in nature, and reflect the needs and priorities of the Council. According to Council bylaws, task forces may be created to address specific issues and provide recommendations to the Council based on membership expertise, research, and discussions

¹³ Council membership is set forth in C.R.S. § 18-3-505(1)(b). To see the full list of members of the CHTC refer to the Council Members section at the beginning of the report.

that occur in these groups. Task forces are comprised of both Council members as well as community members with expertise in the area the task force would address. In order to obtain the best, most appropriate and representative task force membership, the Council established an open application process for possible task force members. Final appointments for all task force members were made by the Chair of the Council. In order to accomplish the work designated to a task force and to meet the deadlines set by the Council, task forces also elected to convene monthly meetings. Below is the list of the three task forces, the appointed co-chairs for each of the task forces and their primary scope of work.

The Data and Research Task Force will collect data related to the prevalence of, and the efforts of law enforcement to combat, human trafficking in Colorado. It will also identify gaps in data collection in the state and provide recommendations to the Council for improvements in data collection.

Co-Chairs: Amanda Finger and Claude d'Estrée.

The Standards and Certification Task Force will provide recommendations to Council on whether the General Assembly should establish standards and a certification process for organizations that provide services to victims of human trafficking and whether to establish a grant program to which organizations that provide services to victims of human trafficking may apply.

Co-Chairs: Debi Grebenik and Sterling Harris

The Legislative Task Force will make recommendations to the Council concerning any statutory changes that it deems necessary to facilitate the prosecution and punishment of persons who engage in, and to protect the victims of, human trafficking. In particular, the LTF was tasked to provide recommendations on whether to enact Safe Harbor legislation in Colorado.

Co-Chairs: Don Moseley and Dan Steele

While Colorado statute requires the CHTC to examine several other issues pertaining to trafficking in the state, the three task forces established by the Council lay the foundation upon which future work by the CHTC will take place. The complete list of task force members is

provided in the membership section of this report. The activities and recommendations from each task force are contained in this report under each corresponding section.

Sub-Committees

According to the Council bylaws, sub-committees may be created by the CHTC to address a specific issue or to accomplish a specific task associated with the Council's mission. A sub-committee may produce recommendations and/or issue a report to the CHTC. Sub-committees shall meet at times and locations as determined by the sub-committee chair. In order to establish a streamlined process for responding to legislation related to human trafficking, the Council established the Executive Legislative Sub-committee (ELS). Though the Council is encouraged to take a position on trafficking legislation, the Council does not see itself as a clearinghouse for all human trafficking legislation and at no time will members promote the concept that all human trafficking-related legislation must be routed through, approved by, or examined by the Council. However, the Council will adopt positions on introduced legislation via the ELS. This sub-committee is comprised of seven Council members who have the authority to take positions on legislation generated outside of the Council on behalf of the Council. The ELS can take positions of support, opposition, or no position on legislation, as well as monitor and propose amendments to legislation. The ELS is responsible to notify the Council of all relevant legislation introduced and which legislation is under consideration for the Council to take a position. During the legislative session, the ELS will meet weekly, or as needed, depending on the introduction of relevant legislation. The ELS must have a two-thirds majority vote in order to adopt a position on a bill. Members of the ELS are the Council Chair, Vice Chair, Legislative Task Force Co-Chairs, and three other Council members appointed by the Council Chair. The ELS is the only body, aside from the Council itself, with the authority to adopt Council positions on legislation generated outside of the Council.

Trafficking in Colorado

The CHTC is part of a national trend of state governments that recognize the severity of human trafficking in their communities and the need to combat this issue in a more comprehensive manner. Today, Colorado is in a favorable position as it has a long history of agencies, task

forces and collaborations that have worked extensively on the issue of human trafficking.¹⁴ This work dates back to 2002, when Colorado Legal Services was first awarded federal funding to represent victims of trafficking. In 2005, the first federally funded task force was formed that later evolved into the Colorado Network to End Human Trafficking (CoNEHT). In 2008, both Colorado Legal Services as well as the Colorado Office for Victim Assistance received federal funds to identify victims and provide services to Colorado’s human trafficking victim population. In 2010, the Laboratory to Combat Human Trafficking launched a three-year study called the “Colorado Project to Comprehensively Combat Human Trafficking.” In 2012, another milestone occurred for the statewide anti-trafficking effort: the Denver Police Department received funding to establish the Rocky Mountain Innocence Lost Task Force (RMILTF). Additionally, there has been a dramatic expansion of the anti-trafficking landscape in Colorado in the last three years, including the establishment of the statewide Human Trafficking Council. Over the last several years, a number of community collaborations have formed to tackle this issue at the local level. These agencies, task forces and collaborations have done an admirable job addressing the issue of human trafficking across the state over the last 10+ years. It is the hope of the Council to build upon the work that these groups have begun and to bring these efforts together to address human trafficking in a more comprehensive and cohesive manner.

In addition to the work of local and regional groups to address human trafficking issues, the state of Colorado made significant strides in improving its legislative response to human trafficking. Colorado passed a series of laws outlined in Table 1 to remedy identified gaps in policy.

Table 1. Recent legislation in Colorado concerning Human Trafficking.	
Bill Number	Title
House Bill 12-1053	Concerning the Victims’ Rights Act ¹⁵
House Bill 14-1273	Concerning human trafficking
House Bill 15-1019	Prostitution by a minor and minor victims of human trafficking
Senate Bill 15-30	Removing culpability for prostitution for a victim of human trafficking

¹⁴ For a more comprehensive timeline of the Colorado anti-trafficking field, see Appendix 1

¹⁵ HB 12-1053 added human trafficking of an adult and minor to the crimes covered by the Victim Rights Act.

Furthermore, the Council has had substantive conversations with other states that have pioneered trafficking legislation. With this information, Colorado is in a position to create and implement more elegant and constructive policy by taking lessons learned from other states and applying them to Colorado's unique context.

The remainder of this report endeavors to outline the Council's specific recommendations to better address human trafficking in Colorado pursuant to the mandates that were prioritized by the Council this year and laid out in Colorado statute.