



**COLORADO**  
**CHTC**  
**HUMAN TRAFFICKING COUNCIL**

Annual Report | 2016



# Colorado Human Trafficking Council

## 2016 Annual Report

Report to the Judiciary Committees of the House of Representatives and the Senate,  
pursuant to C.R.S. § 18-3-505



*The Colorado Human Trafficking Council  
logo designed by John Patzam*

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## Acknowledgements

Throughout 2016, members of the Colorado Human Trafficking Council remained persistent and engaged with the complex and difficult work of addressing human trafficking in the state. The Council is thankful for the leadership provided by its Chair, Janet Drake, and Vice Chair, Angela Lytle. The recommendations contained in this report, as well as the training modules produced by the Council, are a reflection of the hard work, passion, and dedication of the Council.

The Council is also appreciative for the extra time and effort put forth by the co-chairs of each of the Council's task forces: Claude d'Estrée and Amanda Finger, who co-chaired the Data and Research Task Force; Debi Grebenik and Sterling Harris, who co-chaired the Standards and Certification Task Force; and Dan Steele and Katie Kurtz (resigned), who co-chaired the Training Standards and Curricula Task Force.

The Council is also indebted to the community stakeholders who volunteer their time to serve on Council task forces. Task force membership reflects a diverse group of experts committed to improving the lives of victims and survivors of human trafficking, as well as improving the state's response to human trafficking. The Council's effectiveness depends on their expertise and commitment.

The Council does not operate in isolation from the community. The anti-trafficking movement's success in addressing human trafficking is largely contingent on robust public engagement on this issue. The Council is emboldened by the hard work and generosity of the many agencies, community groups, and multidisciplinary collaborations that devote time to providing assistance to human trafficking victims and survivors across the state.

## Council Members

*The composition of Council membership is set forth in C.R.S. § 18-3-505*

**Janet Drake, *CHTC Chair***  
 Colorado Attorney General's Office  
*Rep. of Colorado Department of Law*

**Angela Lytle, *CHTC Vice Chair***  
 Arapahoe County Department of Human Services  
*Rep. of child welfare services for a county department of social services*

**Tom Acker**  
 Western Slope Against Trafficking  
*Rep. of a regional or city-wide human trafficking task force or coalition*

**Lester Bacani**  
 University of Colorado Hospital  
*Community member*

**Jill Brogdon**  
 Colorado Department of Transportation  
*Community member*

**Maureen Cain**  
 Colorado Criminal Defense Bar  
*Rep. of statewide organization of criminal defense attorneys*

**Mari Dennis**  
 Colorado Springs Police Department  
*Rep. of an organization that provides direct services to victims of human trafficking*

**Claude d'Estrée**  
 Human Trafficking Center, University of Denver  
*Rep. of a college or university department that conducts research on human trafficking*

**Matthew Dodson**  
 Archuleta County Department of Human Services  
*Rep. of a rural county dept. of social services*

**Amanda Finger**  
 Colorado Network to End Human Trafficking  
*Rep. of a regional or city-wide human trafficking task force or coalition*

**Debi Grebenik**  
 Maple Star Colorado  
*Rep. of an organization that provides direct services to victims of human trafficking*

**Sterling Harris**  
 Colorado Organization for Victim Assistance  
*Rep. of a statewide organization that provides services to crime victims*

**Captain Lawrence Hilton**  
 Colorado State Patrol  
*Rep. of Colorado State Patrol*

**Lynn Johnson**  
 Jefferson County Human Services  
*Rep. of an urban department of social services*

**Alexis King**  
 Colorado District Attorneys' Council  
*Rep. of a statewide organization of district attorneys*

**Jason Korth**  
 Restore Innocence  
*Rep. of a faith-based organization that assists victims of human trafficking*

**Judge Robert Lung**  
 18<sup>th</sup> Judicial District, District Court  
*Rep. of the Judicial Branch*

**Patricia Medige**  
 Colorado Legal Services  
*Rep. of a statewide immigration rights organization*

**Saida Montoya**

Colorado Division of Labor & Employment  
*Rep. of the state Department of Labor & Employment*

**Cara Morlan**

18<sup>th</sup> Judicial District's Human Trafficking Task Force  
*Rep. of a regional or city-wide human trafficking task force or coalition*

**Don Moseley**

Ralston House  
*Rep. of a child advocacy center*

**Sara Nadelman**

Denver Anti-Trafficking Alliance  
*Rep. of a regional or city-wide human trafficking task force or coalition*

**Jo-Ann O'Neil**

Human Trafficking Task Force of Southern Colorado  
*Rep. of a regional or city-wide human trafficking task force or coalition*

**Tammy Schneiderman**

Division of Youth Corrections, CDHS  
*Rep. of the Department of Human Services*

**Raana Simmons**

Colorado Coalition Against Sexual Assault  
*Rep. of statewide coalition for victims of sexual assault*

**Anthony Spurlock**

Douglas County Sheriff's Office  
*Rep. of statewide association of county sheriffs*

**Sergeant Daniel Steele**

Denver Police Department  
*Rep. of a statewide association of police chiefs*

**Linda Weinerman**

Office of the Child's Representative  
*Rep. of a statewide organization that provides legal advocacy to abused, neglected, and at-risk children*

**Dr. Robert Werthwein**

Division of Child Welfare, Office of Children Youth & Families, CDHS  
*Rep. of the Department of Human Services*

**Marty Zaffaroni**

Excelsior Youth Center  
*Rep. of a nonprofit organization that facilitates the treatment or housing of human trafficking victims*

**Resignations in 2016**

**Katie Kurtz** (resigned July 2016)

Colorado District Attorneys' Council  
*Rep. of a statewide organization of district attorneys*

**Michelle Salazar** (resigned January 2016)

San Luis Valley Immigration Resource Center  
*Person appointed by the Commissioner of Agriculture*

**Justin Smith** (resigned April 2016)

Larimer County Sheriff's Office  
*Rep. of a statewide association of county sheriffs*

**Stephanie Villafuerte** (resigned January 2016)

Rocky Mountain Children's Law Center  
*Rep. of a statewide organization that provides legal advocacy to abused, neglected, and at-risk children*



## Task Force Members

### Data and Research Task Force

| <b>Name</b>                | <b>Affiliation</b>                                                                     |
|----------------------------|----------------------------------------------------------------------------------------|
| Claude d’Estrée (Co-Chair) | Human Trafficking Center at the University of Denver                                   |
| Amanda Finger (Co-Chair)   | Colorado Network to End Human Trafficking                                              |
| Melina Leodas-Whelan       | Colorado Legal Services                                                                |
| Sara Nadelman              | Denver Anti-Trafficking Alliance                                                       |
| Mallory Nassau             | Office of the State Court Administrator                                                |
| Monica Petersen            | Human Trafficking Center at the University of Denver                                   |
| Scott Rogers               | 8 <sup>th</sup> Judicial District Attorney’s Office                                    |
| Laura Said                 | U.S. Department of State – Diplomatic Security Service                                 |
| AnnJanette Alejano-Steele  | Metropolitan State University of Denver and the Laboratory to Combat Human Trafficking |

### Standards and Certification Task Force

| <b>Name</b>                | <b>Affiliation</b>                                              |
|----------------------------|-----------------------------------------------------------------|
| Debi Grebenik (Co-Chair)   | Maple Star Colorado                                             |
| Sterling Harris (Co-Chair) | Colorado Organization for Victim Assistance                     |
| Jill Brogdon               | Community Member                                                |
| Mari Dennis                | Colorado Springs Police Department                              |
| Claude d’Estrée            | Human Trafficking Center at the University of Denver            |
| Matthew Dodson             | Archuleta County Department of Human Services                   |
| Vista Exline               | Victim Outreach Inc.                                            |
| Lawrence Hilton            | Colorado State Patrol                                           |
| Alane Holsteen             | Jefferson County District Attorney’s Office                     |
| Jeannie Killebrew          | Lakewood Municipal Probation                                    |
| Jason Korth                | Restore Innocence                                               |
| Patricia Medige            | Colorado Legal Services                                         |
| Saida Montoya              | Colorado Department of Labor and Employment                     |
| Cara Morlan                | 18 <sup>th</sup> Judicial District Human Trafficking Task Force |
| Sara Nadelman              | Denver Anti-Trafficking Alliance                                |
| Pam Neu                    | Office of Behavioral Health, CDHS                               |
| Tammy Schneiderman         | Division of Youth Corrections, CDHS                             |
| Raana Simmons              | Colorado Coalition Against Sexual Assault                       |
| Caleb Stewart              | Colorado Legal Services                                         |
| Robert Werthwein           | Colorado Department of Human Services                           |
| Martin Zaffaroni           | Excelsior Youth Center                                          |

## Training Standards and Curricula Task Force

| <b>Name</b>              | <b>Affiliation</b>                                |
|--------------------------|---------------------------------------------------|
| Daniel Steele (Co-Chair) | Denver Police Department                          |
| Katie Kurtz (Co-Chair)   | Colorado District Attorneys' Council (resigned)   |
| Tom Acker                | Western Slope Against Trafficking                 |
| Lester Bacani            | Community Member                                  |
| Edgar Balzac             | Colorado Legal Services                           |
| Janet Drake              | Colorado Attorney General's Office                |
| Mary Durant              | Laboratory to Combat Human Trafficking            |
| Amanda Finger            | Colorado Network to End Human Trafficking         |
| Joe Gabbard              | La Plata County Sheriff's Office                  |
| Lynn Johnson             | Jefferson County Department of Human Services     |
| Alexis King              | Colorado District Attorneys' Council              |
| Tammy Lee                | Colorado Bureau of Investigation                  |
| Angela Lytle             | Arapahoe County Department of Human Services      |
| Don Moseley              | Ralston House                                     |
| Jo-Ann O'Neil            | Human Trafficking Task Force of Southern Colorado |
| Laura Said               | U.S. Department of State - Denver Resident Office |
| Anthony Spurlock         | Douglas County Sheriff's Office                   |
| Linda Weinerman          | Office of the Child's Representative              |

## Colorado Department of Public Safety, Division of Criminal Justice Staff

| <b>Name</b>      | <b>Role</b>                                                        |
|------------------|--------------------------------------------------------------------|
| Jeanne Smith     | Division of Criminal Justice, Director                             |
| Joe Thome        | Division of Criminal Justice, Deputy Director                      |
| Kelly Kissell    | Office for Victims Programs, Manager                               |
| Maria Trujillo   | Office for Victims Programs, Human Trafficking Program Manager     |
| Catherine Bowman | Office for Victims Programs, Human Trafficking Program Coordinator |
| Brendan Davidson | Office for Victims Programs, Program Assistant                     |

## Message from the Council Chair

The Colorado Human Trafficking Council is a legislatively formed, statewide group of anti-human trafficking stakeholders who are committed to seeking dignity and justice for all trafficked persons in Colorado. As Council Chair, I extend my sincere thanks to all of the Council members and the Council staff for their dedication and contributions.

In 2016, the Council worked together to research, discuss, and decide issues that were framed by the 2014 legislative mandates set forth in House Bill 14-1273. Additional work was conducted through the following task forces: Standards and Certification; Training Standards and Curricula; and Data and Research.

The Council studied the impact of federal human trafficking legislation on Colorado, to be informed and collaborative in implementing a state response.

Council staff also researched and presented a variety of public awareness campaigns. This report contains recommendations concerning the development of a statewide public awareness campaign, which the Council determined should address labor and sex trafficking, and should include a specific call to action. Additional work and funding will be necessary for the development and implementation of a public awareness campaign.

Safe harbor for minors exploited through sex trafficking was debated extensively in the 2015 Council Legislative Task Force, and recommendations were made in accordance with House Bill 15-1019. The Council renewed debate regarding legal protections for crimes associated with a person's sex and/or labor trafficking experience. Panel presentations representing a variety of viewpoints, including from survivors, informed the Council prior to voting. The Council's recommendations concerning legal protections in the form of immunity, diversion, and affirmative defense are detailed in this report; those recommendations are specified for minors and adults, and for labor trafficking and sex trafficking.

Colorado's anti-human trafficking movement is growing. Our effectiveness depends on partnership. Together we must continue to be victim-centered and make survivor-informed decisions to prevent and protect all people who are vulnerable to human trafficking. Together we must speak out against the people who perpetrate human trafficking and support

prosecution efforts by strengthening our laws, building evidence-based cases, and helping victims become survivors.

It is an honor and privilege to be part of the Council. Thank you for the opportunity to participate in the anti-human trafficking movement in such a collaborative, meaningful way.

Sincerely,

A handwritten signature in blue ink that reads "Janet Drake". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

**Janet Drake**  
**Chair, Colorado Human Trafficking Council**

## List of Acronyms and Abbreviations

|        |                                                                  |
|--------|------------------------------------------------------------------|
| AFCARS | Adoption and Foster Care Analysis and Reporting System (federal) |
| CACP   | Colorado Advocate Certification Program                          |
| CAPTA  | Child Abuse Prevention and Treatment Act (federal)               |
| CBCS   | Capacity Building Center for States                              |
| CBI    | Colorado Bureau of Investigation                                 |
| CBVA   | Community-Based Victim Advocate                                  |
| CDHS   | Colorado Department of Human Services (state)                    |
| CDPS   | Colorado Department of Public Safety (state)                     |
| CHSDA  | Colorado Human Services Directors Association (state)            |
| CHTC   | Colorado Human Trafficking Council                               |
| CoNEHT | Colorado Network to End Human Trafficking                        |
| COVA   | Colorado Organization for Victim Assistance                      |
| CJASS  | Colorado Justice Analytics Support System                        |
| C.R.S. | Colorado Revised Statutes                                        |
| CSEC   | Commercial Sexual Exploitation of a Child                        |
| CSPD   | Colorado Springs Police Department                               |
| CTOCC  | Colorado Trafficking and Organized Crime Coalition               |
| DCJ    | Division of Criminal Justice (state)                             |
| DHHS   | Department of Health and Human Services (federal)                |
| DHS    | Department of Human Services (state)                             |
| DLMS   | Distance Learning Management System                              |
| DOJ    | Department of Justice (federal)                                  |
| DORA   | Department of Regulatory Agencies (state)                        |
| DRTF   | Data and Research Task Force                                     |
| FBI    | Federal Bureau of Investigation (federal)                        |
| FN     | Foreign National                                                 |
| FTE    | Full-Time Equivalent                                             |
| HSI    | Homeland Security Investigations (federal)                       |
| ICE    | U.S. Immigration and Customs Enforcement (federal)               |
| ICON   | Integrated Colorado Online Network (state)                       |
| IDD    | Intellectual and Developmental Disabilities                      |
| JVTA   | Justice for Victims of Trafficking Act                           |
| LPR    | Legal Permanent Resident (federal)                               |
| MDT    | Multi-Disciplinary Team (state)                                  |
| NGO    | Non-Governmental Organization                                    |
| NHTH   | National Human Trafficking Hotline (federally funded)            |
| OTIP   | Office on Trafficking in Persons (federal)                       |
| OVC    | Office for Victims of Crime (federal)                            |
| P.L.   | Public Law (federal)                                             |
| POST   | Peace Officer Standards and Training                             |
| Rep.   | Representative                                                   |
| RMILTF | Rocky Mountain Innocence Lost Task Force                         |
| SCTF   | Standards and Certification Task Force                           |
| TTF    | Training Standards and Curricula Task Force                      |
| USC    | United States Citizen                                            |

## Executive Summary

In its second year, the Colorado Human Trafficking Council welcomed a new chair, Senior Assistant Attorney General Janet Drake, and a new vice chair, Angela Lytle, Deputy Director with Arapahoe County's Child and Adult Protective Services. The Council set out to expand its work to address legislative mandates not yet undertaken and to complete tasks it identified as ongoing in 2015.

The focus of the Council's work at the *task force* level in 2016 has been on the following four activities:

- The collection of data on the incidence of human trafficking and law enforcement efforts to combat the crime;
- A survey of prosecutors regarding their activities, primarily since the repeal and reenactment of Colorado human trafficking statutes in 2014;
- The development of two human trafficking training modules: a human trafficking core curriculum and a law enforcement curriculum; and
- The creation of standards for two professional sectors: community-based victim advocates and mental/behavioral health professionals **who want to specialize in serving human trafficking survivors.**<sup>1</sup>

Additionally, the Council reserved room on its monthly agendas to tackle three additional substantive issues: 1) the impact of recent human trafficking-related federal legislation on Colorado; 2) the development of a Colorado-specific public awareness campaign on human trafficking; and 3) the consideration of whether there should be a form of legal protection from criminal liability for human trafficking survivors who commit crimes (other than prostitution) as a direct result of their trafficking experience. The Council did not consider protection from criminal liability for prostitution-related offenses in 2016, since it did so through its Safe Harbor recommendations in 2015. As a result of these important discussions, the Council voted:

- In favor of a public awareness effort that educates on both sex and labor human trafficking, which is geared toward the general public and has a clear call to action.

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<sup>1</sup> The terms "human trafficking survivor" and "human trafficking victim" are used interchangeably throughout this document.

With this general framework in place, the Council is well poised to move forward with its mandate to develop an implementation plan for a Colorado public awareness campaign in 2017.

- To provide some form of protection from criminal liability for trafficking survivors. The Council debated various options of protection, including vacatur remedies, diversion, affirmative defense, and blanket immunity, but did not come to a clear consensus on which form of protection should be recommended or for which crimes it should apply. Nonetheless, Council members, survivors, and experts shared valuable insights that will hopefully lead to further discussions and action on this very timely issue.

A full description of the Council's activities and discussions related to all three topics may be found in Section 1 – Year in Review.

### [Data Collection on Human Trafficking in Colorado](#)

Given the continuing methodological challenges of measuring the prevalence of human trafficking in the state, the Council collected different measures of incidence as reflected by the number of investigations, prosecutions, human trafficking victims served by federally funded service providers, and calls/unique tips of human trafficking as identified by the National Human Trafficking Hotline (NHTH) and the Colorado Network to End Human Trafficking (CoNEHT) hotlines for the reporting period of 2013–2015. The Council identified three key trends through its data collection efforts:

- Colorado has witnessed significant and promising efforts among prosecutors to hold human traffickers accountable, as evidenced by 42 human trafficking case filings in 2015—this represents the largest number of human trafficking case filings in any given year since human trafficking statutes were enacted in the state.
- Law enforcement's human trafficking investigative activities remain strong as evidenced by the joint efforts of members of the Rocky Mountain Innocence Lost Task Force (RMILTF) and the Colorado Trafficking and Organized Crime Coalition (CTOCC), and by the anti-trafficking specialization activities of local law enforcement agencies. The increase in the number of investigations reported by Homeland Security Investigations (HSI) for fiscal year 2015 provides yet more evidence.



- Colorado law enforcement and service providers continue to report distinct human trafficking populations; whereas law enforcement reports a majority of sex trafficking cases, service providers continue to report larger numbers of labor trafficking survivors served, as well as higher reports of adult, foreign national, and male victims. This divergence in reporting extends to the number of prosecutions—the vast majority of current Colorado prosecutions involve sex trafficking cases. These numbers suggest that labor traffickers in Colorado are less likely to be held accountable in the criminal justice system than sex traffickers, especially when taking into account the number of labor trafficking prosecutions relative to the number of labor trafficking survivors receiving social and legal services. (see Table 7, p. 36)

In addition to data collection, the Council set out to survey prosecutors on their activities to combat human trafficking, given both the increased use of the 2014 human trafficking statutes and the Council’s comparable survey of law enforcement in 2015. At the time of this writing, the prosecutor survey had not yet been administered. Consequently, the Council has no data-related recommendations. An in-depth description of data-related topics can be found in Section 2 of the report.

### **Developing Training Standards and Curricula on Human Trafficking**

The Council prioritized the development of training standards and curricula—one of its eight legislative mandates—by establishing a Training Task Force in 2016. The task force consists of a diverse membership of survivors, law enforcement, prosecutors, human services, and non-profit advocacy and service providers. In its first year, the Task Force developed: 1) a core human trafficking curriculum, and 2) a law enforcement-focused human trafficking training curriculum.

As a logical starting point in its training curricula development activities, the Council decided to create a core curriculum that represents the synthesis of the most pertinent information about human trafficking as determined by subject matter experts serving on the Training Task Force. Moreover, the Council tailored the core curriculum to address relevant Colorado law and highlight labor and sex trafficking cases that have occurred in urban, suburban, and rural parts of Colorado. The curriculum utilizes a PowerPoint slide deck, a series of videos and case studies, as well as several handouts designed to engage a variety of learning styles. Keeping in

mind the legislature’s intended audience for training, the Council formulated a comprehensive and concrete list of sectors well suited to benefit from the core human trafficking curriculum (see Table 13 on p. 46).

Additionally, the Council created a law enforcement curriculum designed to be taken as a capstone to the core human trafficking curriculum. It builds on the core curriculum by addressing the role and obligations of law enforcement officers; it is specially geared toward officers in training and existing law enforcement personnel. The Council recommends that in order to become a certified peace officer, one should receive a minimum of two hours of training on human trafficking.<sup>2</sup> It also recommends that existing Colorado law enforcement receive two to four hours of human trafficking training (one time) as a part of the annual 24-hour required In-Service Continuing Education Program (Rule 28).<sup>3</sup>

The Council anticipates that the initial training modules will be delivered through a combination of in-person, facilitated training events, and online trainings housed on a statewide distance learning management platform. Council staff will prioritize audiences outside of the Denver metropolitan area through its training efforts in 2017, and aims to host train-the-trainer events statewide to boost the number of professionals who have access to the training materials and are available to train in their communities. Training activities are described further in Section 3.

### **Standards for Community-Based Victim Advocates and Mental/Behavioral Health Professionals**

After recommending that the state establish standards for organizations and professionals that provide direct services to survivors of human trafficking in 2015, the Council made substantial progress in 2016 by articulating a full set of standards for two of the five sectors it identified:

1. Community-based victim advocates; and
2. Mental/behavioral health professionals.

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<sup>2</sup> According to the Colorado POST website, to be eligible for appointment as a peace officer, an applicant must first be certified by the POST Board. By law, basic certification requires successful completion of a POST-approved basic academy, successful completion of the POST certification exam, and a background check.

<sup>3</sup> The purpose of rule 28 of the In-Service Continuing Education Program is to provide continuing education to certified peace officers to develop their knowledge and skills. The annual in-service training program is defined in C.R.S. §24-31-303 (I) and states that the POST Board can “promulgate rules deemed necessary by the Board concerning annual in-service training requirements for certified peace officers, including but not limited to evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies and departments.”

The Council created a basic standards template that can be adapted for the remaining sectors it has identified. The basic standards framework is composed of four main sections: an introduction, a section on required training elements, another on promising practices, and a final section highlighting relevant training resources. Examples of required trainings include core instruction on the crime of human trafficking and providing trauma-informed care, as well as the completion of a minimum number of direct service hours. Promising practices include such things as the importance of survivor-informed, culturally responsive, and individualized services. Overall, the Council's intent is to ensure that service providers are better prepared and equipped to serve survivors of human trafficking so that they may move beyond their victimization and restore a sense of safety and well-being to their lives.

### ***Recommendations for Standards in Serving Human Trafficking Survivors***

To initiate the process of formalizing human trafficking standards for victim service professionals in Colorado, the Council has put forth six recommendations it believes will encourage and incentivize service providers to add human trafficking survivors to the list of those they serve (if they aren't already doing so) and adopt the standards and promising practices defined by the Council. First, the Council recommends that state and county Departments of Human Services adopt the standards outlined for mental/behavioral health professionals into their contracts for mental/behavioral health services provided to survivors of human trafficking. Second, it recommends that Victim Compensation Boards adopt the standards for mental/behavioral health professionals when paying for mental/behavioral health services provided to survivors of human trafficking. Third, the Council recommends that the Department of Regulatory Affairs (DORA) hold mental/behavioral health professionals accountable to the standards outlined for engaging with survivors of human trafficking under their existing ethical codes of conduct. Fourth, it recommends that private and public funding sources adopt the standards put forth for community-based victim advocates when funding advocacy services for human trafficking survivors. Fifth, it recommends that regional anti-trafficking collaborations as well as hotlines, such as the CoNEHT hotline, that provide human trafficking service referrals adopt the standards put forth for mental/behavioral health professionals and community-based victim advocates as part of their vetting process for providers to be included on their referral directories for services for human trafficking survivors. Finally, to ensure adherence to the standards, the Council recommends either that:

a) The general assembly provide the necessary funds for one full-time equivalent (FTE) at the Division of Criminal Justice to review applications from mental/behavioral health professionals and community-based victim advocates who want to specialize in service provision to human trafficking survivors. The Division of Criminal Justice will maintain and update the list of those providers who have met the requirements outlined in the standards; *(and if not feasible)*

b) Community-based victim advocates who want to specialize in providing victim advocacy to human trafficking survivors should obtain the basic certification from the Colorado Advocate Certification Program administered by the Colorado Organization for Victim Assistance (COVA) and meet the additional requirements outlined further in the standards document. As part of this process, COVA will maintain and update a list of community-based victim advocates who have met the requirements outlined in the standards for human trafficking advocacy.

A full list of the standards developed for community-based victim advocates and mental/behavioral health professionals can be found in Section 4 of this report.

The Council takes seriously its efforts to combat human trafficking and to move the needle forward when it comes to meeting the Colorado legislature's directives to comprehensively and collaboratively address human trafficking. Council members continue to take innovative and groundbreaking steps to collect and evaluate available data on human trafficking, develop human trafficking training that is unique to the Colorado context and accessible to stakeholders statewide, and to establish standards in service provision that can guide the field and become a model for other states.



# SECTION 1

## Year in Review

The year 2016 marked the Colorado Human Trafficking Council's (CHTC) second full year of activity. An example of the Council's impact in its first year was the passage of House Bill 16-1224.<sup>4</sup> In the 2015 CHTC Report, the Council recommended that the human trafficking of minors for sexual servitude and commercial sexual exploitation of a minor be added to Colorado's definition of child abuse when such conduct is committed by a third party. It also recommended a mandated child welfare response in all suspected, high-risk, and identified cases of juvenile sex trafficking. While reflecting only a portion of the Council's recommendations on Safe Harbor legislation, House Bill 16-1224 makes the changes to the state's child abuse laws recommended by the Council to prompt a Department of Human Services (DHS) response to human trafficking, even when the alleged perpetrator is not related to the minor (a summary of HB 16-1224 can be found on p. 24). Building upon this positive development, the Council undertook several concrete activities in 2016 to strengthen the anti-trafficking field statewide.

### [2016 Council Mandate Priorities](#)

To lend structure and clear purpose to its 2016 activities, Council members participated in a full-day annual retreat as part of its January meeting. In anticipation of the retreat, CHTC staff administered an online survey to elicit feedback from members regarding what they believed were the successes and challenges in 2015 and to indicate their priorities for 2016 based on the legislative mandates outlined in House Bill 14-1273 — the legislation that gave rise to the

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<sup>4</sup> While the Council does not draft or promote state legislation, it nonetheless draws from its collective expertise to inform law makers and others on promising anti-trafficking policy and practices through its annual recommendations.

Council and its legal duties. Through the online survey, members indicated the following five mandates as their top preferences:

1. Standards and Certification
2. Data Collection
3. Training Standards and Curricula
4. Best Practices
5. (Equal votes for fifth place) Public Awareness and Statutory Changes

During retreat discussions, the Council considered which of the selected mandates needed to be addressed through the formation of a task force and which should be undertaken by the full Council during its regular monthly meetings. The Council also took stock of those activities it identified in the *2015 CHTC Annual Report* as unfinished business. Through a series of votes, Council members opted to form the following three task forces to focus on specific activities in 2016:

**Standards and Certification Task Force:** As a task force going into its second full year of work, SCTF prioritized the development of standards for two sectors: community-based victim advocates and mental/behavioral health treatment providers. The standards developed apply only to community-based victim advocates and mental/behavioral health professionals who want to specialize in serving human trafficking survivors. SCTF also developed a set of recommendations for implementation and oversight of the standards and a certification process for these two sectors.

**Task Force Co-Chairs:** Debi Grebenik and Sterling Harris

**Training Standards and Curricula Task Force:** As a newly formed task force, TTF set out to identify concrete professional and community audiences for each of the categories outlined in the mandate. Its goal was to develop human trafficking training curricula for at least two professional sectors in 2016.

**Task Force Co-Chairs:** Daniel Steele and Katie Kurtz

**Data and Research Task Force:** As a task force entering its second year of work, the task force prioritized data collection and an analysis of Colorado prosecution activities.

**Task Force Co-Chairs:** Claude d'Estrée and Amanda Finger

Beyond the work of the task forces, the Council determined that there were issues of great import that warranted attention from its members. The Council was concerned that if these issues were relegated to a task force, some members might be excluded from conversations on subjects in which all or most members have a vested interest. Consequently, the Council set aside a portion of its monthly agenda to address the following topics:

- The impact of recent human trafficking-related federal legislation on Colorado;
- The development of a Colorado-specific public awareness campaign on human trafficking; and
- How to address charges and convictions that human trafficking survivors carry as a direct result of their trafficking experience.

Between February and August, the Council reserved a portion of its agenda to address each topic in turn. What follows is a summary of those discussions, including a description of Council member votes when appropriate, and recommendations pertaining to the topics above.<sup>5</sup>

## **Impact of New Federal Human Trafficking Laws on Colorado**

For many years the Trafficking Victim Protection Act was the central piece of federal legislation on human trafficking. In 2014 and 2015, however, two federal laws addressing human trafficking were passed. On September 29, 2014, the Preventing Sex Trafficking and Strengthening Families Act, or Public Law 113-183, was signed into law. The purpose of P.L. 113-183 was to take the necessary actions to protect and prevent children and youth in the care of the state/county Departments of Human Services from becoming victims of sex trafficking and to make enhancements to the child welfare systems to help improve outcomes for youth in DHS care.<sup>6</sup> P.L. 113-183 outlined requirements of state and county child welfare systems to adopt policies on identifying, documenting, and determining services for victims of

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<sup>5</sup> At its October 23, 2015, meeting, the Council voted to publish in its annual report all votes in which any single minority vote reached a 25% threshold among those present. As such, tables reflecting the Council's vote on the preferred audience for a Colorado public awareness campaign and a series of votes on legal protections for human trafficking survivors in the criminal justice system are included in this report. Council votes in which the minority does not reach 25% may be accessed in the meeting minutes located on the CHTC website: <https://sites.google.com/a/state.co.us/cdps-prod/home/human-trafficking-council/meetings>.

<sup>6</sup> Murray, Jeanne. (2015). *Policy Brief: Preventing Sex Trafficking & Strengthening Families Act of 2014*. Chicago, IL: Loyola University, Center for the Human Rights of Children. Retrieved on November 2, 2016, from <http://www.luc.edu/media/lucedu/chrc/pdfs/Preventing%20Sex%20Trafficking%20Policy%20Brief%20Final%20Draft%205.6.pdf>.

sex trafficking or those who are at risk of becoming a sex trafficking victim, reporting instances of sex trafficking, and locating and responding to runaway foster youth (see Table 1). A year later, on May 29, 2015, a separate piece of federal legislation, the Justice for Victims of Trafficking Act, or Public Law 114-22, was signed into law. The JVT Act expands the federal definition of sex trafficking, strengthens benefits for human trafficking survivors, and mandates states to take concrete actions to ensure a coordinated response to child trafficking, especially trafficking of children into the commercial sex industry.

While these federal laws do not require specific action on the part of the Council, several Council members were directly involved with developing and implementing a Colorado state response. As such, Council members felt it was important to inform themselves and the public on how these recent changes in federal law will impact Colorado.

### **Rules, Tools, Trails, and Guidance**

At the March 2016 Council meeting, Ms. Lorendia Schmidt, the Child Abuse Prevention and Treatment Act (CAPTA) Administrator with the Colorado Department of Human Services (CDHS), Division of Child Welfare, Office for Children, Youth and Families, provided an overview of Colorado's efforts to meet federal requirements as outlined in P.L. 113-183 and P.L. 114-22, in addition to new state requirements.<sup>7</sup> Representatives of Colorado's Human Services Directors Association (CHSDA) and CDHS formed the Collaborative State-County Response to Human Trafficking Task Group, which represents state/county child welfare divisions as well as expertise from the anti-trafficking field. This task group has been charged with assisting CDHS's Office of Children, Youth and Families in developing rules, tools, and guidance for compliance with these new laws. Its goal has been to establish a common understanding of the federal and state requirements and to develop a coordinated response across the state, a particularly important undertaking considering the autonomy counties have to carry out child welfare policy in Colorado. The task group has strong Council representation with several Council members and the Program Manager for the CHTC participating.

Since its formation, the Collaborative State-County Response to Human Trafficking Task Group has met on a monthly basis to interpret the federal and state requirements, and to make

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<sup>7</sup> State requirements are outlined in HB15-1078, a law requiring departments of human services to report missing children in its care within 24 hours, and HB 16-1224, which expands the definition of child abuse to include sex trafficking, even when the perpetrator is a third party.



recommendations to CDHS about the various avenues available to come into compliance. Ms. Schmidt indicated that some of the federal provisions will be incorporated into Child Welfare *Volume Seven rules*—e.g., the administrative rules governing child welfare contained in the Code of Colorado Regulations. Other provisions will take the form of *guidance* to improve practice when it comes to screening youth for human trafficking and adequately responding to meet trafficked youth’s unique needs. Some of the screening and reporting requirements necessitate enhancements to the Colorado Department of Human Services database, *Trails*, which is used to monitor youth within its system for child abuse and neglect. Similarly, the task group has also identified certain *tools* necessary to implement federal and state law, such as an at-risk screening tool to identify children and youth who are victims of sex trafficking or who may be at risk.

### **Public Law 113-183: Preventing Sex Trafficking and Strengthening Families Act**

P.L. 113-183 is the first federal bill to “address the intersection of child welfare and child trafficking.”<sup>8</sup> In particular, Sections 101 through 104 of the law have required significant action on the part of state child welfare agencies to address human trafficking. Colorado is one of a handful of states to have taken early and comprehensive steps to meet the legal requirements. Ms. Schmidt provided an overview of the task group’s concrete actions:

- **Section 101—Identify, Document and Determine Services:** The task group suggested guidelines for identifying, documenting, and determining services, including a uniform screening tool to be used statewide and the implementation of trauma, emotional, and physical health assessment instruments. A screening tool that helps child welfare workers identify youth in their care who demonstrate high-risk behaviors associated with vulnerability to human trafficking has already been approved (see Appendix 5). While Colorado was not required to include high risk behaviors related to labor trafficking as part of the screening tool, task group members believed it was vital to adopt this promising practice of screening for all forms of child trafficking. A documentation function is being added to *Trails* and should be available in fall of 2016.

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<sup>8</sup> Murray, Jeanne. (2015). *Policy Brief: Preventing Sex Trafficking & Strengthening Families Act of 2014*. Chicago, IL: Loyola University, Center for the Human Rights of Children. Retrieved on November 28, 2016, from <http://www.luc.edu/media/lucedu/chrc/pdfs/Preventing%20Sex%20Trafficking%20Policy%20Brief%20Final%20Draft%205.6.pdf>.

- **Section 102—Report Instances of Sex Trafficking:** The task group is developing new rules and guidance to ensure that child welfare officials cross-report suspected and identified cases of sex trafficking to law enforcement within 24 hours and report in a timely manner to the U.S. Department of Health and Human Services on total numbers of victims.
- **Section 103—Include Child Sex Trafficking Data in the Adoption and Foster Care Analysis and Reporting System (AFCARS):** The goal of this measure is to help the field gain a better sense of the prevalence of sex trafficking in the child welfare system. Colorado efforts are pending the issuance of a federal final rule.
- **Section 104—Locate and Respond to Children Who Run Away from Foster Care:** This aspect of the law has been met due to the passage of Colorado House Bill 15-1078, a law outlining requirements similar to those in P.L. 113-183. As a result, the task group has already worked to incorporate these requirements into Volume 7.000.2 and 7.303.4 rules for reporting youth who have run away or disengaged from foster care to law enforcement and National Center for Missing and Exploited Children (NCMEC) within 24 hours.

| Year One (By October 2015)                                                                                                                                                                                                                                   | Year Two (By October 2016)                                                                                                                                                                                                                  | Year Three (By October 2017)                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ Develop policies and procedures for identifying, documenting, and serving child sex trafficking victims and those at risk</li> <li>▪ Implement specific protocols related to children missing from care.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Implement policies from year one</li> <li>▪ Report missing children to the NCMEC/area law enforcement</li> <li>▪ Report incidents of sex trafficking to law enforcement within 24-hours</li> </ul> | <ul style="list-style-type: none"> <li>▪ Report total number of children/youth who are sex trafficking victims to the federal government</li> </ul> |

**Public Law 114-22: Justice for Victims of Trafficking Act**

Ms. Schmidt and CHTC staff members Maria Trujillo and Catherine Bowman also provided an overview of Public Law 114-22 during the March 2016 Council meeting. Similar to P.L. 133-183, P.L. 114-22 contains obligations for states, namely in the areas of identification, assessment, and data tracking of all reports involving children known or suspected to be victims of sex trafficking, and in the training of child welfare workers about identifying,

assessing, and providing comprehensive services for children. An online Human Trafficking 101 training has been available to DHS employees since 2015, and an in-person, facilitated training program developed by the Capacity Building Center for States (CBCS) is being adapted to the Colorado context for child welfare workers, supervisors, administrators, and foster parents. The CBCS-designed training is a comprehensive program developed to build the capacity of child welfare professionals in identifying and serving survivors of child sex trafficking. It will launch in fall of 2016. Moreover, the law requires child sex trafficking to be added as a form of child abuse and neglect and sexual abuse under state laws; this mandate was fulfilled by Colorado House Bill 16-1224 (see Appendix 3).

In addition to containing child welfare provisions, P.L. 114-22 expands the federal definition of sex trafficking to include: 1) the act of *patronizing or soliciting* victims of trafficking, 2) *the production of child pornography*, 3) the *advertising* for sexual activity, or otherwise financially benefiting from such advertising, when it is known that the individual involved was a minor or victim of force, fraud, and coercion, and 4) knowingly *transporting* any individual with the intent that such individual engage in prostitution or in any criminal sexual activity.<sup>9</sup> P.L. 114-22 also extends the rights of human trafficking survivors, including increased compensation and restitution, and the establishment of a domestic trafficking victim fund. P.L. 114-22 creates a National Strategy to Combat Human Trafficking; each district of the United States Attorney's Office, including the Colorado District, is tasked with developing a district-specific plan in consultation with state and local officials.

The law also establishes several human trafficking training requirements, including training for federal criminal investigators on strategies to combat the demand side of sex trafficking, and training for overseas State Department personnel and Transportation Security Administration (TSA) employees on how to detect human trafficking. While P.L. 114-22 primarily addresses sex trafficking, it does direct Department of Justice task forces with jurisdiction to investigate child labor. Finally, P.L. 114-22 brings about new funding opportunities to serve trafficking

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<sup>9</sup> 18 U.S.C. § 1591 and 22 U.S.C. § 7102(10) address the patronizing or soliciting of child sex traffickers. 18 U.S.C. § 242(f) adds the act of producing child pornography to the definition of sex trafficking. 18 U.S.C. § 1591(a) adds the offense of knowingly advertising a person's sexual services when one is the victim of force, fraud, and coercion. 18 U.S.C. § 2421 amends the criminal code to impose fine/prison time of up to 10 years for anyone who knowingly transports any individual with the intent that such individual engage in prostitution or in any criminal sexual activity.

survivors; Council staff will track and include any JVTA-related federal funding announcements in its monthly online newsletter.

## Public Awareness

### Public Opinion on Human Trafficking

At the April, May, and September meetings, the Council considered the development of a Colorado-specific human trafficking public awareness campaign. Dr. Dana Wittmer, Colorado College Assistant Professor of Political Science presented findings from a research report titled *Identifying Effective Counter-Trafficking Programs and Policies in the United States: Legislative, Legal, and Public Opinion Strategies that Work* to the Council. Her research was carried out in collaboration with two well-known anti-trafficking researchers, Dr. Vanessa Bouche and Dr. Amy Farrell. Their research activities were funded by the U.S. Department of Justice.

While their research broadly addressed effective counter-trafficking programs and practices at the state level, Dr. Wittmer primarily discussed results of their nationally representative public opinion survey of 2,000 individuals in the United States conducted in the spring of 2014. As stated in the report, “[t]he first goal of the survey was to track what the public knows, thinks and feels about human trafficking. The second goal was to identify factors that may cause people to change the way they think and engage with the issue.”<sup>10</sup> The purpose of her presentation was to educate Council members about potential gaps in public knowledge and identify approaches to public education that may be most effective for a future Colorado public awareness campaign. She noted several key findings from the survey:

- Overall, the U.S. public has a keen understanding of the fact that human trafficking is slavery, but many hold incorrect beliefs about the crime, e.g., that victims are almost always female, that human trafficking always involves threats or acts of physical violence, that it involves mostly illegal immigrants, etc.
- Concern among the public about human trafficking is strong. Nonetheless, women reported more concern and indicated that human trafficking should be a greater government priority than men did. Similarly, racial minorities reported that it should be a higher government priority than did Caucasian respondents.

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<sup>10</sup> Bouche, Vanessa, Farrell, Amy, and Wittmer, Dana. (2016). *Identifying Effective Counter-Trafficking Programs and Policies in the United States: Legislative, Legal, and Public Opinion Strategies that Work* (p. iii). Retrieved on January 28, 2016, from <https://www.ncjrs.gov/pdffiles1/nij/grants/249670.pdf>.

- The U.S. public believes that sex trafficking is a more significant problem than labor trafficking. Respondents believe that human trafficking happens in the United States and within their states, but not in a person's own community.
- Survey respondents cited television news as their top source of information on human trafficking, followed by newspapers, movies, and the internet.
- Interestingly, sex-related behaviors affect human trafficking beliefs. Those survey respondents who had consumed pornography in the last year reported more knowledge of the issue but less concern. Likewise, those who had visited adult entertainment venues within the last year reported lower levels of concern about human trafficking than those who had not, and believed human trafficking should be less of a government priority.
- Based on a series of experiments conducted by Dr. Wittmer and her colleagues, they found that public service announcements (PSAs) with a clear call to action were more effective than those without one.<sup>11</sup>

Overall, Dr. Wittmer recommended education-oriented public awareness campaigns that seek to overcome the common misconceptions she noted. She suggested that targeted campaigns may be necessary to increase concern among key groups, such as Caucasian males. Dr. Wittmer believed that states like Colorado may want to make efforts to draw connections for the public between how individual attitudes and sexual behavior can help or hinder efforts to prevent and combat human trafficking.

### **National, State, and Local Human Trafficking Public Awareness Campaigns**

CHTC staff members Maria Trujillo, Brendan Davidson, and Catherine Bowman provided an overview of national, state, and local public awareness campaigns. The goal of their presentation was to highlight the strengths and weaknesses of well-known or particularly successful campaigns nationwide in light of the Council's mandate to develop an implementation plan for a statewide public awareness campaign. They reviewed dozens of campaigns and carried out informational interviews with several of the creators of campaigns featured in their presentation. Their main observations were:

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<sup>11</sup> Ibid, pg. 45.

- Survivor input and consultation throughout the campaign; survivors are uniquely positioned to craft messaging that will help potential victims recognize their own victimization without re-traumatizing them<sup>12</sup>
- Inclusion of all types of human trafficking and victim profiles in order to give the public a sense of the crime's scope and many possible forms and the people it can affect
- Clear and concise messaging that references one call to action and/or hotline number to avoid confusion and a dilution of the message
- Availability of public awareness tools in multiple languages, and, when possible, the tailoring of messages by specific geographical contexts, e.g., the use of appropriate foreign languages for immigrant communities, etc.
- Leveraging of in-kind and other cost-effective funding measures; in various instances, marketing and advertising firms donated their time and some media companies provided free advertising space
- Taking care to avoid sensationalized imagery and disempowering depictions of human trafficking survivors
- Use of social media and other electronic media to reach a wide audience, including youth
- A well-developed plan for monitoring and evaluating the impact of the public awareness campaign, such as measuring before-and-after calls to the hotline number listed, traffic to the campaign's website, and pre-and-post surveys gauging the public's understanding of human trafficking, etc.

### [Planning a Colorado Public Awareness Campaign](#)

At the May 2016 meeting, Council members considered the steps involved in developing a public awareness campaign. Based on guidance provided by Polaris<sup>13</sup>, Ms. Trujillo outlined the basic components involved in formulating a public awareness campaign:

1. Research the issue.

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<sup>12</sup> A survivor-driven campaign was recommended by the United States Advisory Council in its first Annual Report released in October 2016. The U.S. Advisory Council on Human Trafficking is composed of survivor leaders who bring their knowledge and experience to advise and provide recommendations on federal anti-trafficking policies to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF). Its 2016 report can be accessed at <http://www.state.gov/documents/organization/263434.pdf>.

<sup>13</sup> Polaris, National Human Trafficking Hotline. (2014). Human Trafficking Public Outreach Campaigns: Effectively Reaching Your Audience. (Online Training). Retrieved on November 9, 2016, at <https://traffickingresourcecenter.org/resources/human-trafficking-public-outreach-campaigns>

2. Establish goals, e.g., determine whether the campaign should address broad social change or be campaign specific.
3. Identify the target audience.
4. Develop the message for the identified audience.
5. Develop the campaign message.
  - Keep in mind language considerations based on the population you want to reach and the demographics of an area.
  - Avoid inappropriate images. Don't sensationalize or misrepresent the issue.
  - Campaign messaging should be victim-centered, informative, and empowering.
6. Assess campaign success. There should be a way to track the outcomes of a campaign.<sup>14</sup>

With insights gained from the April and May meetings, Council members reflected on potential campaign strategies.<sup>15</sup> Some members noted that a broad public awareness campaign is an appropriate first step before engaging in more targeted campaigns, since the public at large is not as educated on human trafficking as members might assume. Another member underscored the importance of avoiding sensationalized images that might serve to disempower victims in the minds of the public and limit understanding of the many forms human trafficking can take and the range of people the crime can affect.

After careful consideration of public awareness campaign options, the Council cast a series of votes in May and September that will guide its next steps. A clear majority voted to focus on both sex and labor trafficking as part of a Colorado public awareness effort. Furthermore, the Council opted for a campaign-specific approach over a broad social change tactic, and voted in favor of an initial campaign to focus on the general public in lieu of a targeted population. (See below for the breakdown of members' votes).

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<sup>14</sup> Ibid.

<sup>15</sup> One member submitted results from a Colorado-specific survey on the topic of public awareness. For more information, see Laboratory to Combat Human Trafficking. (2013). *Colorado Project to Comprehensively Combat Human Trafficking National Survey Report and Statewide Data Report*. Denver, CO: Laboratory to Combat Human Trafficking. Retrieved on November 8, 2016, at <http://lcht.hotpressplatform.com/resultsandfindings/statereport>.

| Preferred Audience of the Colorado Public Awareness Campaign?                                                                                                                                                        |                                                                                               |                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------|
| General Public (13)                                                                                                                                                                                                  | Target Population (6)                                                                         | Abstain (2)                     |
| Tom Acker<br>Jill Brogdon<br>Mari Dennis<br>Debi Grebenik<br>Sterling Harris<br>Alexis King<br>Robert Lung<br>Don Moseley<br>Sara Nadelman<br>Jo-Anne O'Neil<br>Raana Simmons<br>Linda Weinerman<br>Martin Zaffaroni | Lester Bacani<br>Amanda Finger<br>Pat Medige<br>Cara Morlan<br>Dan Steele<br>Robert Werthwein | Lawrence Hilton<br>Angela Lytle |

The Council also voted to craft a campaign with a specific call to action over a broad educational effort. With these general parameters set, the Council will revisit this topic in 2017 and decide whether it is necessary to form a task force or small working group in order to move forward with plans to develop a Colorado public awareness campaign.

### **Protection from Criminal Liability for Crimes Committed as a Direct Result of Human Trafficking Victimization**

In 2015, the Council considered whether or not the General Assembly should enact legislation granting immunity to child victims of commercial sexual exploitation for offenses related to that exploitation and creating other legal protections.<sup>16</sup> The topic was rigorously debated among Council members. The majority of the Council voted on a comprehensive set of recommendations for protecting child victims of commercial sexual exploitation that included an immunity provision for the charge of prostitution. (For a full discussion of this process and a summary of Council member votes on this topic, see the *2015 Colorado Human Trafficking Council Report*, pp. 29–45.) What was left unfinished, however, was a broader discussion about whether there should be protections from criminal liability for adult and minor trafficking victims of sex and labor trafficking who are arrested, prosecuted, or convicted for crimes *other* than prostitution, which were directly related to their human trafficking experience.

The Council’s discussion of protections from criminal liability for human trafficking survivors has not occurred in a vacuum. In 2013, the American Bar Association and the National Conference of Commissioners on Uniform State Laws adopted policies encouraging states to

<sup>16</sup> C.R.S. § 18-3-505(4)(a)-4(a.5).



enact affirmative defense provisions, vacatur laws, and other legal protections from criminal liability for victims of human trafficking.<sup>17</sup>

Similarly, in February 2016, U.S. State Department Ambassador-at-Large to Monitor and Combat Human Trafficking Susan Coppedge spoke at the National Association of Attorneys General in Washington D.C. in support of vacatur laws for trafficking victims convicted of nonviolent crimes as a direct result of their victimization. According to Coppedge, expungement and vacatur laws are needed because often:

[V]ictims who are forced to commit a crime are mistaken for criminals by law enforcement and judicial officials. Many victims of both sex and labor trafficking, both here in the U.S. and around the world, remain undetected among those who have committed crimes because they fear coming forward and law enforcement lacks of [sic] proper victim screening and identification measures.<sup>18</sup>

Ms. Coppedge cited the many consequences that criminal arrests and convictions of trafficking survivors can have, including the inability to pursue educational and professional goals, secure safe housing, or obtain loans and other aid.

Nonetheless, there exist significant challenges in enacting such measures. A fundamental question state law makers must address is which forms of protection are the most appropriate and effective to protect human trafficking survivors from criminal liability. Moreover, leaders must consider whether and how such laws might limit law enforcement's and prosecutors' ability to enforce the law and seek justice on behalf of all crime victims. Finally, since such laws in other states like New York, California, and Illinois are relatively new, it may be too soon to fully evaluate their outcomes, including any unintended consequences.

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<sup>17</sup> See American Bar Association. (2013). *Resolution to Prohibit the Prosecution of Victims of Trafficking for Crimes Arising from their Trafficking, Resolution for Affirmative Defense for Victims of Trafficking, and Resolution for Vacating of Convictions for Victims of Trafficking*. Retrieved on October 7, 2016, from [http://www.americanbar.org/groups/human\\_rights/projects/task\\_force\\_human\\_trafficking/aba-policies.html](http://www.americanbar.org/groups/human_rights/projects/task_force_human_trafficking/aba-policies.html). See also National Conference of Commissioners on Uniform State Laws. (2013). *Uniform Act on Prevention of and Remedies for Human Trafficking*. Retrieved on October 7, 2016, from [http://www.uniformlaws.org/shared/docs/Prevention%20of%20and%20Remedies%20for%20Human%20Trafficking/2013AM\\_UPRHT\\_As%20approved.pdf](http://www.uniformlaws.org/shared/docs/Prevention%20of%20and%20Remedies%20for%20Human%20Trafficking/2013AM_UPRHT_As%20approved.pdf).

<sup>18</sup> Coppedge, Susan. (2016). Stop Criminalizing the Victims. *The CNN Freedom Project: Ending Modern Slavery*. Retrieved on October 6, 2016, from <http://edition.cnn.com/2016/03/17/opinions/coppedge-freedom-project-new-lives/index.html>.

Colorado has several existing laws that provide some form of protection for human trafficking survivors arrested or convicted for crimes committed as a direct result of their trafficking. Colorado has a longstanding duress defense preventing a person from criminal liability for conduct in which a person engaged in the illegal conduct at the direction of another person.<sup>19</sup> In 2002, Colorado enacted pretrial diversion and deferred sentencing provisions for defendants charged with a range of offenses, but excluding many serious sexual offenses.<sup>20</sup> Diversion refers to diverting defendants out of the criminal justice system by having them complete a rehabilitative program rather than incarceration. Criminal charges are typically dropped when defendants successfully complete the diversion program, thereby preventing them from having a conviction on their record. In 2012, the General Assembly enacted House Bill 12-1151 allowing a defendant to petition the court to expunge prostitution-related juvenile delinquency records when the petitioner can show by a preponderance of the evidence that he or she was a victim of human trafficking at the time the offense occurred.<sup>21</sup> Similarly, the passage of Senate Bill 14-206 provided an avenue for adult survivors of human trafficking to petition the court to seal criminal conviction records for prostitution and prostitution-related offenses when the petitioner establishes by a preponderance of evidence that, at the time of the offense, he or she had been trafficked by another person.<sup>22</sup> In 2015, the state enacted an affirmative defense law allowing survivors of human trafficking to assert an affirmative defense against the charge of prostitution if they can show by a preponderance of evidence that, at the time of the offense, they were a victim of human trafficking.

### **Council Discussion of Legal Protections for Human Trafficking Survivors**

With the national conversations and existing Colorado law in mind, the Council convened two panels to explore member views on whether Colorado law makers should consider protection from criminal liability for survivors of human trafficking and, if so, what forms of protection.

#### ***Sex Trafficking***

In order to give a well-balanced representation of the issues, the Council hosted two panels on legal considerations for survivors of sex trafficking. Members of the panels included sex

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<sup>19</sup> C.R.S. § 18-1-708.

<sup>20</sup> C.R.S. § 18-1.3-101 addresses pretrial diversion and § 18-1.3-102 addresses deferred sentencing.

<sup>21</sup> C.R.S. § 19-1-306(5)(d) provides the possibility for expungement for juvenile delinquency records for human trafficking survivors for the offenses of: prostitution (§18-7-201), soliciting for prostitution (§ 18-7-202), keeping a place of prostitution (§ 18-7-204), and public indecency (§ 18-7-301).

<sup>22</sup> C.R.S. § 24-72-706.

trafficking survivors, representatives of law enforcement and prosecution, and social service providers. During these panels and Council follow-up discussion, the following key points were made:

- Survivors who addressed the Council explained that victims are often forced to commit crimes as a means of survival. The cost and legal red tape prevent too many survivors from seeking to seal or expunge a criminal record. They also observed that while diversion programs can be successful and indeed were so for one panelist, they simply do not exist in all jurisdictions and their success is uneven. They also insisted that survivors may lack the resources and wherewithal to participate in diversion programs or to take the necessary steps to fight a criminal charge once filed.
- Law enforcement representatives discussed the need and value in having some form of legal protections from criminal liability, but noted that for crimes ranging from serious offenses like sexual assault to lesser offenses like burglary involving another victim, the right of the other victims seeking justice should be upheld.
- Members representing the prosecution perspective maintained that they make considerable effort, and are indeed so charged, to ensure that human trafficking victims do not face criminal charges when they commit crimes as a direct result of their trafficking. They endorsed diversion as an effective legal protection and also suggested that the Council consider sealing and expungement provisions. Nonetheless, they cautioned against blanket immunity, especially for minors. They reasoned that it might cause traffickers to target youth knowing they would not face criminal liability for engaging in criminal activities, a point one Council member challenged on the grounds that if all trafficking victims were granted immunity traffickers would not be able to target minors.
- Social service providers pointed out that diversion and affirmative and duress defense remedies potentially run counter to a victim-centered approach and place a significant burden on the human trafficking survivor to prove his or her own innocence. They urged the Council to consider more proactive versus reactive legal remedies. They also pointed out the difference in the sealing process (for adults) and the expungement procedure (for minors), namely, that sealing is only a partial remedy and allows certain

entities, such as government employers, to access someone’s entire record—even convictions that have been sealed.

Having heard and fully discussed legal remedies for sex trafficking survivors, the Council cast a series of votes to finalize its recommendations. A clear majority of Council members recommended some form of legal protection for both adult (19 votes in favor, two against and three abstentions) and minor (21 in favor, two against and one abstention) survivors of sex trafficking arrested or convicted for crimes as a direct result of their human trafficking experience. But with respect to what form the legal protections should take and for which crimes, the Council was unable to reach a clear consensus. Specifically, the Council was asked to vote separately on what form of legal protection it recommends for adults versus minors, with the options of immunity, diversion, affirmative defense, and abstention. Council members could select multiple remedies. Furthermore, Council members were asked to indicate for which crimes they recommended each form of legal protection, with the options of: all crimes, nonviolent crimes, victimless crimes, none, or abstention. The results of those votes follow.

**Votes on Legal Protections from Criminal Liability for Minor Sex Trafficking Victims**

| What form of legal protections from criminal liability does the Council want to recommend (for minors)?<br><i>(multiple selections possible)</i>                                                                                                           |                                                                                                                                                                                                                          |                                                                                                                                                                                                  |                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Blanket Immunity<br>(15)                                                                                                                                                                                                                                   | Diversion (deferred sentence or deferred prosecution) (14)                                                                                                                                                               | Affirmative Defense (12)                                                                                                                                                                         | Abstain (4)                                                  |
| Tom Acker<br>Jill Brogdon<br>Maureen Cain<br>Claude d’Estrée<br>Debi Grebenik<br>Sterling Harris<br>Lynn Johnson<br>Angela Lytle<br>Saida Montoya<br>Don Moseley<br>Jo-Ann O’Neil<br>Raana Simmons<br>Daniel Steele<br>Linda Weinerman<br>Martin Zaffaroni | Tom Acker<br>Jill Brogdon<br>Maureen Cain<br>Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Lynn Johnson<br>Alexis King<br>Angela Lytle<br>Saida Montoya<br>Cara Morlan<br>Don Moseley<br>Jo-Ann O’Neil<br>Daniel Steele | Tom Acker<br>Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Sterling Harris<br>Alexis King<br>Angela Lytle<br>Saida Montoya<br>Cara Morlan<br>Don Moseley<br>Jo-Ann O’Neil<br>Tammy Schneiderman | Janet Drake<br>Amanda Finger<br>Robert Lung<br>Sara Nadelman |

| For what crimes? Blanket immunity for minors <i>(only one selection possible)</i>                                                    |                                |                                                                                                                |                            |                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------|
| All Crimes (8)                                                                                                                       | Nonviolent Crimes (2)          | Victimless Crimes (7)                                                                                          | None (2)                   | Abstain (5)                                                                           |
| Tom Acker<br>Jill Brogdon<br>Claude d'Estrée<br>Debi Grebenik<br>Sterling Harris<br>Lynn Johnson<br>Jo-Ann O'Neil<br>Linda Weinerman | Saida Montoya<br>Raana Simmons | Maureen Cain<br>Mari Dennis<br>Matt Dodson<br>Angela Lytle<br>Don Moseley<br>Daniel Steele<br>Martin Zaffaroni | Alexis King<br>Cara Morlan | Janet Drake<br>Amanda Finger<br>Robert Lung<br>Sara Nadelman<br>Tammy<br>Schneiderman |

| For what crimes? Diversion for minors <i>(only one selection possible)</i>                                                                                                                        |                              |                                                                |          |                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------|
| All crimes (12)                                                                                                                                                                                   | Nonviolent Crimes (2)        | Victimless Crimes (4)                                          | None (0) | Abstain (6)                                                                                              |
| Tom Acker<br>Jill Brogdon<br>Maureen Cain<br>Debi Grebenik<br>Sterling Harris<br>Lynn Johnson<br>Alexis King<br>Saida Montoya<br>Don Moseley<br>Jo-Ann O'Neil<br>Raana Simmons<br>Linda Weinerman | Cara Morlan<br>Daniel Steele | Mari Dennis<br>Matt Dodson<br>Angela Lytle<br>Martin Zaffaroni |          | Claude d'Estrée<br>Janet Drake<br>Amanda Finger<br>Robert Lung<br>Sara Nadelman<br>Tammy<br>Schneiderman |

| For what crimes? Affirmative defense for minors <i>(only one selection possible)</i>                                                                                                                           |                       |                                 |          |                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------|
| All crimes (13)                                                                                                                                                                                                | Nonviolent Crimes (1) | Victimless Crimes (2)           | None (0) | Abstain (8)                                                                                                                               |
| Tom Acker<br>Jill Brogdon<br>Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Sterling Harris<br>Lynn Johnson<br>Alexis King<br>Angela Lytle<br>Saida Montoya<br>Don Moseley<br>Jo-Ann O'Neil<br>Linda Weinerman | Daniel Steele         | Cara Morlan<br>Martin Zaffaroni |          | Maureen Cain<br>Claude d'Estrée<br>Janet Drake<br>Amanda Finger<br>Robert Lung<br>Sara Nadelman<br>Raana Simmons<br>Tammy<br>Schneiderman |

**Votes on Legal Protections from Criminal Liability for Adult Sex Trafficking Victims**

| What form of legal protections from criminal liability does the Council want to recommend (for adults)?<br><i>(multiple selections possible)</i>        |                                                                                                                                                                                                                             |                                                                                                                                                                                              |                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Immunity (9)                                                                                                                                            | Diversion (deferred sentence or deferred prosecution) (14)                                                                                                                                                                  | Affirmative Defense (12)                                                                                                                                                                     | Abstain (6)                                                                                         |
| Maureen Cain<br>Claude d'Estrée<br>Debi Grebenik<br>Sterling Harris<br>Lynn Johnson<br>Don Moseley<br>Jo-Ann O'Neil<br>Raana Simmons<br>Linda Weinerman | Tom Acker<br>Jill Brogdon<br>Maureen Cain<br>Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Lynn Johnson<br>Alexis King<br>Angela Lytle<br>Cara Morlan<br>Don Moseley<br>Jo-Ann O'Neil<br>Daniel Steele<br>Martin Zaffaroni | Tom Acker<br>Jill Brogdon<br>Mari Dennis<br>Matt Dodson<br>Sterling Harris<br>Lynn Johnson<br>Alexis King<br>Angela Lytle<br>Cara Morlan<br>Don Moseley<br>Daniel Steele<br>Martin Zaffaroni | Janet Drake<br>Amanda Finger<br>Robert Lung<br>Sara Nadelman<br>Saida Montoya<br>Tammy Schneiderman |

| For what crimes? Blanket immunity for adults <i>(only one selection possible)</i>                 |                       |                                                                                                                   |                                            |                                                                                                                     |
|---------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| All Crimes (6)                                                                                    | Nonviolent Crimes (1) | Victimless Crimes (7)                                                                                             | None (3)                                   | Abstain (7)                                                                                                         |
| Tom Acker<br>Maureen Cain<br>Claude d'Estrée<br>Debi Grebenik<br>Jo-Ann O'Neil<br>Linda Weinerman | Raana Simmons         | Mari Dennis<br>Matt Dodson<br>Sterling Harris<br>Lynn Johnson<br>Don Moseley<br>Daniel Steele<br>Martin Zaffaroni | Alexis King<br>Angela Lytle<br>Cara Morlan | Jill Brogdon<br>Janet Drake<br>Amanda Finger<br>Robert Lung<br>Saida Montoya<br>Sara Nadelman<br>Tammy Schneiderman |

| For what crimes? Diversion for adults <i>(only one selection possible)</i>                                                                       |                               |                                                                                               |          |                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------|
| All Crimes (9)                                                                                                                                   | Nonviolent Crimes (2)         | Victimless Crimes (6)                                                                         | None (0) | Abstain (7)                                                                                                            |
| Tom Acker<br>Jill Brogdon<br>Maureen Cain<br>Sterling Harris<br>Lynn Johnson<br>Don Moseley<br>Jo-Ann O'Neil<br>Raana Simmons<br>Linda Weinerman | Angela Lytle<br>Daniel Steele | Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Alexis King<br>Cara Morlan<br>Martin Zaffaroni |          | Janet Drake<br>Claude d'Estrée<br>Amanda Finger<br>Robert Lung<br>Saida Montoya<br>Sara Nadelman<br>Tammy Schneiderman |

| For what crimes? Affirmative defense for adults ( <i>only one selection possible</i> )                                                                        |                                   |                             |               |                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All Crimes (10)                                                                                                                                               | Nonviolent Crimes (2)             | Victimless Crimes (2)       | None (1)      | Abstain (9)                                                                                                                                                |
| Tom Acker<br>Jill Brogdon<br>Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Sterling Harris<br>Lynn Johnson<br>Alexis King<br>Don Moseley<br>Linda Weirnerman | Daniel Steele<br>Martin Zaffaroni | Angela Lytle<br>Cara Morlan | Jo-Ann O'Neil | Maureen Cain<br>Janet Drake<br>Claude d'Estrée<br>Amanda Finger<br>Robert Lung<br>Saida Montoya<br>Sara Nadelman<br>Raana Simmons<br>Tammy<br>Schneiderman |

**Labor Trafficking**

At its July 2016 meeting, the Council considered legal remedies for labor trafficking survivors arrested or convicted for crimes directly resulting from their trafficking experience. Ms. Jenna Novak, Program Specialist with the National Human Trafficking Hotline (NHTH), provided a national overview of labor trafficking and addressed the types of relief being considered for this population in other states. She commented that of labor trafficking calls received by the NHTH, most related to domestic work, agriculture, traveling sales crews, and restaurant/food service. It was noted that there is a distinct lack of services and housing options for labor trafficking survivors and that labor traffickers enjoy greater impunity, since labor trafficking prosecutions lag behind sex trafficking prosecutions across the country. This trend mimics the situation in Colorado, given its minimal labor trafficking prosecutions at either the federal or state level. The crimes most often associated with labor trafficking victims include vagrancy, trespassing, disorderly conduct, larceny/theft, drug offenses, Medicaid fraud, and panhandling. As with sex trafficking, vacatur remedies represent a practical solution; at least eight states recently passed measures that account for labor trafficking victims in their vacatur laws.

Similar to its panel for sex trafficking, the Council hosted a labor trafficking panel, which included a labor trafficking survivor, and representatives from law enforcement, social services, and community and advocacy groups. During the panel and Council follow-up discussion, participants expressed the following observations:

- A labor trafficking survivor described the fear and shame he felt when he was no longer in the U.S. legally, a situation directly attributable to his decision to flee his traffickers.

He urged the Council to keep in mind that trafficking survivors often face impossible choices and have no intention of breaking U.S. laws.

- A law enforcement representative acknowledged that given his training and experience, he had successfully detected situations in which people have committed criminal activity under duress. But he conceded that without proper training of law enforcement, these individuals could be unfairly criminalized. Notwithstanding, he expressed reservations about legislating blanket immunity for labor trafficking survivors.
- A community anti-trafficking leader and activist explained that for many temporary migrant workers in Colorado, their experiences are largely hidden, and he noted the inherent coercion of many temporary migrant labor programs. Since temporary migrant worker visas are sponsored by employers, many labor abuses go unreported out of fear of retaliation and/or deportation. The mere act of leaving one's employer results in violation of immigration laws.
- Community advocates and service providers reaffirmed the position of the American Bar Association and Ambassador Susan Coppedge, insisting that communities rely too heavily on the criminal justice system to solve societal ills and that most remedies continue to rely heavily on punitive approaches. A blanket immunity approach was supported, especially for labor trafficking survivors who may lack the funds, language skills, and/or knowledge of U.S. systems to seal their records after the fact.

Council members voted overwhelmingly in favor of some form of protection for minor labor trafficking victims who commit crimes as a direct result of their labor trafficking experience. Members also voted in favor of some form of protection for adult labor trafficking victims. Similar to the sex trafficking discussion and vote, Council members did not reach consensus with on the form of protections that should be available for labor trafficking survivors. Below is the summary of votes pertaining to the form of protection from criminal liability for labor trafficking survivors and the crimes for which protection should be offered.



### Votes on Legal Protections from Criminal Liability for Minor Labor Trafficking Victims

| What form of legal protection from criminal liability does the Council want to recommend (for minors)?<br><i>(multiple selections possible)</i>                                                          |                                                                                                                                                                                                                  |                                                                                                                                                                                     |                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| Blanket Immunity (12)                                                                                                                                                                                    | Diversion (deferred sentence or deferred prosecution) (13)                                                                                                                                                       | Affirmative Defense (11)                                                                                                                                                            | Abstain (4)                                                    |
| Lester Bacani<br>Jill Brogdon<br>Mari Dennis<br>Matt Dodson<br>Amanda Finger<br>Debi Grebenik<br>Sterling Harris<br>Don Moseley<br>Jo-Ann O'Neil<br>Raana Simmons<br>Linda Weinerman<br>Martin Zaffaroni | Tom Acker<br>Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Alexis King<br>Robert Lung<br>Don Moseley<br>Jo-Ann O'Neil<br>Raana Simmons<br>Dan Steele<br>Linda Weinerman<br>Robert Werthwein<br>Martin Zaffaroni | Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Sterling Harris<br>Alexis King<br>Judge Robert Lung<br>Cara Morlan<br>Don Moseley<br>Jo-Ann O'Neil<br>Dan Steele<br>Martin Zaffaroni | Lawrence Hilton<br>Angela Lytle<br>Pat Medige<br>Sara Nadelman |

| For what crimes? Immunity for minors <i>(only one selection possible)</i>                                                              |                                           |                                                    |                                          |                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------|
| All Crimes (8)                                                                                                                         | Nonviolent Crimes (3)                     | Victimless Crimes (3)                              | None (3)                                 | Abstain (5)                                                                   |
| Lester Bacani<br>Jill Brogdon<br>Amanda Finger<br>Debi Grebenik<br>Don Moseley<br>Jo-Ann O'Neil<br>Linda Weinerman<br>Robert Werthwein | Tom Acker<br>Matt Dodson<br>Raana Simmons | Mari Dennis<br>Sterling Harris<br>Martin Zaffaroni | Alexis King<br>Cara Morlan<br>Dan Steele | Lawrence Hilton<br>Robert Lung<br>Angela Lytle<br>Pat Medige<br>Sara Nadelman |

| For what crimes? Diversion for minors <i>(only one selection possible)</i>                                                                                           |                                                                 |                                            |          |                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------|----------|-------------------------------------------------------------------------------|
| All Crimes (10)                                                                                                                                                      | Nonviolent Crimes (4)                                           | Victimless Crimes (3)                      | None (0) | Abstain (5)                                                                   |
| Tom Acker<br>Lester Bacani<br>Jill Brogdon<br>Mari Dennis<br>Amanda Finger<br>Sterling Harris<br>Don Moseley<br>Jo-Ann O'Neil<br>Linda Weinerman<br>Robert Werthwein | Matt Dodson<br>Alexis King<br>Raana Simmons<br>Martin Zaffaroni | Debi Grebenik<br>Cara Morlan<br>Dan Steele |          | Lawrence Hilton<br>Robert Lung<br>Angela Lytle<br>Pat Medige<br>Sara Nadelman |

| For what crimes? Affirmative defense for minors ( <i>only one selection possible</i> )                                                                                      |                       |                                            |                          |                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------|
| All Crimes (10)                                                                                                                                                             | Nonviolent Crimes (1) | Victimless Crimes (3)                      | None (2)                 | Abstain (6)                                                                                    |
| Lester Bacani<br>Jill Brogdon<br>Mari Dennis<br>Amanda Finger<br>Sterling Harris<br>Don Moseley<br>Jo-Ann O'Neil<br>Linda Weinerman<br>Robert Werthwein<br>Martin Zaffaroni | Matt Dodson           | Debi Grebenik<br>Cara Morlan<br>Dan Steele | Tom Acker<br>Alexis King | Lawrence Hilton<br>Robert Lung<br>Angela Lytle<br>Pat Medige<br>Sara Nadelman<br>Raana Simmons |

**Votes on Legal Protections from Criminal Liability for Adult Labor Trafficking Victims**

| What form of legal protections from criminal liability does the Council want to recommend (for adults)? ( <i>multiple selections possible</i> )        |                                                                                                                                                                                                                    |                                                                                                                                                                                                    |                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| Immunity (9)                                                                                                                                           | Diversion (deferred sentence or deferred prosecution) (13)                                                                                                                                                         | Affirmative Defense (12)                                                                                                                                                                           | Abstain (4)                                                    |
| Lester Bacani<br>Mari Dennis<br>Amanda Finger<br>Debi Grebenik<br>Don Moseley<br>Jo-Ann O'Neil<br>Raana Simmons<br>Linda Weinerman<br>Martin Zaffaroni | Tom Acker<br>Jill Brogdon<br>Mari Dennis<br>Matt Dodson<br>Debi Grebenik<br>Alexis King<br>Robert Lung<br>Don Moseley<br>Jo-Ann O'Neil<br>Raana Simmons<br>Linda Weinerman<br>Robert Werthwein<br>Martin Zaffaroni | Jill Brogdon<br>Matt Dodson<br>Mari Dennis<br>Debi Grebenik<br>Sterling Harris<br>Robert Lung<br>Cara Morlan<br>Don Moseley<br>Jo-Ann O'Neil<br>Dan Steele<br>Robert Werthwein<br>Martin Zaffaroni | Lawrence Hilton<br>Angela Lytle<br>Pat Medige<br>Sara Nadelman |

| For what crimes? Blanket immunity for adults ( <i>only one selection possible</i> ) |                                                                                                 |                                                                     |                                          |                                                                               |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------|
| All Crimes (4)                                                                      | Nonviolent Crimes (6)                                                                           | Victimless Crimes (4)                                               | None (3)                                 | Abstain (5)                                                                   |
| Lester Bacani<br>Jill Brogdon<br>Amanda Finger<br>Jo-Ann O'Neil                     | Tom Acker<br>Matt Dodson<br>Don Moseley<br>Raana Simmons<br>Linda Weinerman<br>Robert Werthwein | Mari Dennis<br>Debi Grebenik<br>Sterling Harris<br>Martin Zaffaroni | Alexis King<br>Cara Morlan<br>Dan Steele | Lawrence Hilton<br>Robert Lung<br>Angela Lytle<br>Pat Medige<br>Sara Nadelman |

| For what crimes? Diversion for adults ( <i>only one selection possible</i> )                                                     |                                                                              |                                      |                           |                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------|---------------------------|-------------------------------------------------------------------------------|
| All Crimes (8)                                                                                                                   | Nonviolent Crimes (5)                                                        | Victimless Crimes (2)                | None (2)                  | Abstain (5)                                                                   |
| Tom Acker<br>Lester Bacani<br>Mari Dennis<br>Amanda Finger<br>Sterling Harris<br>Don Moseley<br>Jo-Ann O'Neil<br>Linda Weinerman | Jill Brogdon<br>Matt Dodson<br>Debi Grebenik<br>Alexis King<br>Raana Simmons | Robert Werthwein<br>Martin Zaffaroni | Cara Morlan<br>Dan Steele | Lawrence Hilton<br>Robert Lung<br>Angela Lytle<br>Pat Medige<br>Sara Nadelman |

| For what crimes? Affirmative defense for adults ( <i>only one selection possible</i> )                                                                              |                                      |                           |                          |                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------|--------------------------|------------------------------------------------------------------------------------------------|
| All Crimes (10)                                                                                                                                                     | Nonviolent Crimes (2)                | Victimless Crimes (2)     | None (2)                 | Abstain (6)                                                                                    |
| Lester Bacani<br>Jill Brogdon<br>Mari Dennis<br>Matt Dodson<br>Amanda Finger<br>Sterling Harris<br>Debi Grebenik<br>Don Moseley<br>Jo-Ann O'Neil<br>Linda Weinerman | Robert Werthwein<br>Martin Zaffaroni | Cara Morlan<br>Dan Steele | Tom Acker<br>Alexis King | Lawrence Hilton<br>Robert Lung<br>Angela Lytle<br>Pat Medige<br>Sara Nadelman<br>Raana Simmons |

Overall, the results signal that Colorado is in step with national anti-trafficking leaders and other states in its acknowledgement of the need for protections from criminal liability for human trafficking victims. The votes also reflect that a one size fits all approach is not tenable. Statutory changes will likely need to allow flexibility in determining the appropriate legal protection for survivors according to each person’s unique situation.

### Colorado’s 2016 Legislative Activities

Colorado law makers passed four laws in 2016 that have a direct bearing on the issue of human trafficking. The new laws strengthen the state’s victim-centered approach to the crime. They also seek to better coordinate the counter-trafficking efforts of departments of human services, law enforcement, and administrative agencies in order to improve the state’s response to victims and populations, particularly vulnerable to trafficking. The four pieces of legislation are summarized below:

**Senate Bill 16-110** concerns the privacy of child victims of crime. Specifically, it limits the use of the name of child victims of human trafficking (both sex and labor) and prostitution-related crimes by criminal justice agencies and custodians of criminal records.

**House Bill 16-1033** makes minor adjustments to the Colorado Human Trafficking Council (CHTC), namely by adding a representative from the Judicial Branch to its membership.

**House Bill 16-1224** expands the definition of child abuse to include a child subjected to human trafficking of a minor for sexual servitude and victims of commercial sexual exploitation of children (CSEC). It also mandates an institutional response from county and state departments of human services when a “child has been a victim of intrafamilial, institutional or third-party abuse or neglect in which he or she has been subjected to human trafficking of a minor for sexual servitude...or commercial sexual exploitation of a child.”<sup>23</sup> In particular, county and state departments of human services shall:

- when necessary and appropriate, immediately offer social services to the child who is the subject of the report and to his or her family;
- notify the local law enforcement agency if they reasonably suspect that a child is a victim of human trafficking;
- confer with law enforcement before conducting such an interview if a county elects to interview an alleged third-party perpetrator of sex trafficking;
- implement a uniform screening tool that includes questions intended to identify children who are victims of human trafficking of a minor for sexual servitude or CSEC.

**House Bill 16-1320** eliminates loopholes in existing Massage Therapy Practice Act and aligns administrative actions related to massage therapy oversight with criminal investigations and actions. Importantly, it shifts the massage therapy licensing from businesses to individuals so that operators with ill intent cannot evade the law by registering as a new business as soon as their former business is shut down. It also provides discretion to the Department of Regulatory Affairs (DORA) to deny a massage therapy license to an applicant who “is not competent, trustworthy or of good moral character” or who has a criminal record involving human trafficking.<sup>24</sup> Similarly, it allows DORA discretion to determine that a practice is no longer

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<sup>23</sup> C.R.S. § 19-3-308(4)(c).

<sup>24</sup> C.R.S. § 12-35.5-107(7)-(8).

exempt from massage therapy licensing if there is a “continued pattern of criminal behavior with arrests, complaints regarding sexual misconduct, or criminal intent that is related to human trafficking.”<sup>25</sup> DORA may also take disciplinary action against a massage therapy license holder who has pled guilty or no contest or received a deferred sentence for a crime related to the practice of massage therapy, or for unlawful sexual behavior, including prostitution-related offenses or human trafficking-related offenses. The bill also criminalizes persons who know or abet the unlicensed practice of massage therapy. It likewise allows city, county, city and county, or other political subdivisions to inspect most massage businesses upon complaint of illegal activities and to ensure that the practice is properly licensed to perform massage therapy.

### **Anti-Trafficking Activities Across the State**

Aside from Council and legislative progress, several governmental and law enforcement anti-trafficking groups across the state were active in their efforts to raise awareness and combat the crime of human trafficking. For example, the 17<sup>th</sup> Judicial District formed an anti-trafficking taskforce and multidisciplinary team (MDT). Law enforcement personnel in northern Colorado formed a collaborative working group to pool resources and increase their investigation of human trafficking in the region. Similarly, the Roaring Fork Valley hosted community awareness events and a two-day prosecutor/law enforcement training. Additionally, the Colorado Attorney General’s Office hosted a seminar on labor trafficking to kick off a more concerted effort to enhance awareness, investigation, and prosecution of labor trafficking statewide.

Non-governmental and community groups also carried out a number of successful anti-trafficking efforts. The Colorado Project, an initiative of the Laboratory to Combat Human Trafficking, launched its Action Plan campaign to identify and address gaps in local community counter-trafficking efforts. The Human Trafficking Task Force of Southern Colorado organized its 9<sup>th</sup> Annual Symposium. Researchers, students, and government officials gathered at the University of Denver’s Human Trafficking Center to discuss advances in methods to measure the crime of human trafficking. Kristina Kangaspunta, the United Nations Office on Drugs and Crime Chief of the Global Report on Trafficking in Persons Unit, was the keynote speaker.

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<sup>25</sup> C.R.S. § 12-35.5-110(2).

Overall, stakeholders across Colorado continued to exhibit a strong and sustained commitment to the issue of human trafficking.



## SECTION 2

### Collecting Data on Human Trafficking in Colorado

Per statute, the Council is required to collect and annually report to the judiciary committees on data relating to the prevalence of and the efforts of law enforcement to combat, human trafficking in Colorado.<sup>26</sup> In addition to fulfilling this mandate, the Data and Research Task Force sought to survey prosecutors on their activities to address human trafficking, to complement the survey of law enforcement's investigative activities conducted the previous year. Given this, the Council formulated two main data and research priorities in 2016:

1. Data collection on the incidence of human trafficking in Colorado.
2. A study of prosecution activities in the state's 22 judicial districts and the Attorney General's office.

As was true in 2015, a reliable calculation of the *prevalence* of human trafficking remains elusive given the current data gaps and methodological challenges of documenting the crime nationally and in Colorado (for a full discussion of human trafficking data collection challenges and Colorado's current data collection practices, see the *2015 Colorado Human Trafficking Council Report*, pp. 12–16). This section of the report provides available federal, state, and local data available on human trafficking *incidence* and service provision as reported by law enforcement agencies, prosecutors, and non-governmental organization (NGO) service providers for the three-year period of 2013, 2014, and 2015. The current year is not included, since in many cases 2016 information will not be available until next year.

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<sup>26</sup> C.R.S. § 18-3-505(4)(f).

## Colorado Law Enforcement-Based Measures of Incidence and Activities to Combat Human Trafficking

### Federal Law Enforcement Activities in Colorado

In 2016, the Council sought the reported number of human trafficking investigations, recoveries of trafficking victims, arrests of suspected traffickers, prosecutions, and convictions among federal law enforcement agencies with field offices in Colorado. Specifically, it requested data from the Federal Bureau of Investigation, Homeland Security Investigations, and the U.S. Attorney's Office. For comparative purposes, the Council included national reporting from these federal agencies on their human trafficking activities in addition to state reporting.<sup>27</sup>

### ***FBI Activities***

As Table 2 shows, the total number of Department of Justice (DOJ) investigations nationwide dropped slightly in 2015 to 802, down from 835 investigations in 2014. It is important to note that these national numbers do not reflect human trafficking investigations carried out by DOJ Enhanced Collaborative Model (ECM) anti-trafficking task forces. DOJ funds a limited number of ECMs around the country to further the development of multidisciplinary human trafficking task forces that implement collaborative approaches to combating all forms of human trafficking. Colorado currently does not have an ECM operating within the state.

At the state level, FBI task forces and working groups have historically carried out the majority of Colorado's human trafficking investigations and arrests. Founded in 2012, the Rocky Mountain Innocence Lost Task Force (RMILTF) is one of several task forces across the country funded by the DOJ to combat the commercial sexual exploitation (CSEC) of children born in the United States. RMILTF represents a joint effort, with representatives of the FBI, the police departments of Denver and Aurora, the Colorado State Patrol, and the sheriff departments of Arapahoe and Douglas counties, along with an investigator with the 1<sup>st</sup> Judicial District Attorney's office. For a third straight year, RMILTF increased the number of open investigations; up from 63 in fiscal year 2014 to 86 in 2015 (see Table 2). While the overall number of victim recoveries fell in 2015, the number of males recovered increased sixfold, from two male recoveries in 2014 to 12 recoveries in 2015. Apart from its investigative

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<sup>27</sup> Unless otherwise noted, fiscal year (FY) refers to the year beginning on October 1st and ending on September 30th.



activities, the RMILTF also provides consultation, technical assistance, intelligence, training, victim advocacy services, forensic interviewing, and resource referrals on CSEC and domestic minor sex trafficking cases.

The other FBI law enforcement working group operating in the state is the Colorado Trafficking and Organized Crime Coalition (CTOCC), likewise founded in 2012. Whereas the focus of RMILTF is on CSEC crimes involving U.S.-born youth, CTOCC’s mission is to tackle the crime of involuntary servitude of adults and international victims who are victims of labor and/or sexual exploitation within Colorado. CTOCC investigates venues that support human trafficking, including the internet, restaurants, hotels, bars, labor camps, and businesses associated with prostitution. Currently, CTOCC partners with 25 local, state, and federal law enforcement agencies. While the number of CTOCC investigations decreased significantly in 2015 to 7, down from 19 in fiscal year (FY) 2014, it increased its joint operations from 12 in 2014 to 14 in 2015 and its human trafficking-related arrests from 11 in 2014 to 17 in 2015 (see Table 2).

**Table 2: FBI National and Colorado-Based Investigations, FY 2013–15**

| Year | National                                   |                           |     | Colorado                             |                                           |                            |                                  |    |
|------|--------------------------------------------|---------------------------|-----|--------------------------------------|-------------------------------------------|----------------------------|----------------------------------|----|
|      | DOJ Investigations/<br>Case-Type breakdown |                           |     | Rocky Mountain ILTF<br>(DMST only)** | Recoveries<br>(breakdown<br>by gender)*** | CTOCC<br>(FN adult only)** | Arrests                          |    |
|      | Total*                                     | DMST                      | FN  | Investigations<br>Opened             |                                           | Investigations<br>Opened   | Joint<br>Operations<br>Conducted |    |
| 2013 | 734                                        | 514                       | 220 | 51                                   | 57; 2M, 55F                               | 8                          | 19                               | 36 |
| 2014 | 835                                        | Breakdown<br>not provided |     | 63                                   | 88; 2M, 86FM                              | 19                         | 12                               | 11 |
| 2015 | 802                                        | Breakdown<br>not provided |     | 86                                   | 72; 10M, 62F                              | 7                          | 14                               | 17 |

Data sources: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2014, 2015, and 2016). Colorado data were obtained from FBI field office representatives of the ILTF and CTOCC, respectively.

\*Total investigations do not include those carried out as part of the Department of Justice’s Enhanced Collaborative Model Human Trafficking Task Forces, since Colorado does not currently operate an ECM Task Force.

\*\*DMST refers to domestic minor sex trafficking and FN refers to foreign nationals.

\*\*\*F refers to female and M refers to male.

### ***Homeland Security Investigations***

Homeland Security Investigations (HSI), the investigative arm within the Department of Homeland Security, is charged with combatting human trafficking. Historically, HSI has primarily focused on human trafficking of foreign nationals. Yet with the passage of the 2015 Justice for Victims of Trafficking Act, HSI now operates a Cyber Crime Center that investigates child exploitation, child pornography, and the identification of child victims of forced labor, including the sexual exploitation of minors.

Nationally, HSI reported an increase in its human trafficking investigations from 987 in FY 2014 to 1034 in 2015 (see Table 3). At the state level, HSI reported a threefold increase in its human trafficking investigations, up from 5 in 2014 to 16 in 2015 (See Table 3).

|      | <b>National Data</b>                                 | <b>Colorado Data</b>                                                                |
|------|------------------------------------------------------|-------------------------------------------------------------------------------------|
| Year | Investigations involving potential human trafficking | Colorado-based HSI investigations officially recorded as human trafficking-related. |
| 2013 | 1,025                                                | 7                                                                                   |
| 2014 | 987                                                  | 5                                                                                   |
| 2015 | 1,034                                                | 16                                                                                  |

Data sources: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2013, 2014, and 2015), and Colorado data were obtained from the local HSI field office.

### ***Federal Criminal and Civil Case Filings***

Criminal and civil filings in federal court against alleged human traffickers provide yet another measurement of the incidence of human trafficking and the efforts to combat it. In FY 2015, the federal government initiated a total of 257 federal human trafficking prosecutions, charging 377 defendants. Of this total, 248 federal cases involved predominately sex trafficking and nine involved labor trafficking.

In 2014, the District of Colorado U.S. Attorney’s Office filed charges against a Denver resident alleging child sex trafficking. This defendant pled guilty in 2015 to transporting a minor with the intent to engage in criminal sexual activity. RMILTF handled the investigation of this case. Similarly, while no formal human trafficking statutes were used, the U.S. Attorney’s office charged an Adams County resident for his operation of a website promoting massage parlors that offered sexual services. He pled guilty to one count of the use of a facility in interstate

commerce to promote a business enterprise involving prostitution. The case was investigated by the FBI and the Colorado State Patrol, with investigative assistance from local CTOCC partners.

While Colorado-based federal prosecutions were limited in FY 2015, several criminal prosecutions have had a Colorado nexus since the passage of the Trafficking Victims Protection Act. The Human Trafficking Pro Bono Legal Center provided the Council with an invaluable historical summary of federal criminal cases filed in Colorado, or with case facts involving Colorado, which are outlined in Table 4. Especially laudable are the multiple awards of restitution made to victims. It should be noted that this table does not include cases in which no formal human trafficking statutes were charged, but involved victims who were granted assistance (including legal status in the country) pursuant to their designation as human trafficking victims. For example, in *U.S. v. Sinprasong*, the U.S. Attorney’s Office for the District of Colorado charged and convicted the defendant for crimes related to human trafficking—harboring illegal aliens and tax-related violations. Former employees who were defrauded and exploited by Sinprasong were certified by the federal government as victims of a severe form of human trafficking and were awarded restitution in the case.

| Case Name (Year of Filing)  | Year | State | Type                                             | Outcome                                                                                           | Nexus to Colorado                                                                      |
|-----------------------------|------|-------|--------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| U.S. v. Askarhodjaev et al. | 2009 | MO    | Labor                                            | Ds* pled guilty; restitution ordered in the amount of \$1,007,492.28.                             | D secured fraudulent labor leasing contracts from companies in (among other places) CO |
| U.S. v. Traylor             | 2011 | CA    | Sex                                              | 39 Ds - some pled guilty; others dismissed. Restitution not ordered.                              | D transported victims to (among other places) CO                                       |
| U.S. v. Wiggins             | 2011 | TX    | Sex (includes labor charge under 18 U.S.C. 1589) | 9 Ds pled guilty; prosecution deferred; for 1 D restitution ordered in the amount of \$24,879.83. | D transported victims to (among other places) CO                                       |
| U.S. v. Anderson            | 2012 | GA    | Sex                                              | D pled guilty; restitution ordered in the amount of \$154,550.                                    | D transported victims to (among other places) CO                                       |
| U.S. v. Bell                | 2012 | IA    | Sex                                              | 1 D was convicted; 1 D pled guilty; restitution not ordered.                                      | D transported victims to (among other places) CO                                       |

**Table 4: Federal Prosecutions Filed with a Colorado Nexus (cont'd)**

| Case Name (Year of Filing) | Year | State | Type                                             | Outcome                                                                                                                            | Nexus to Colorado                                                                 |
|----------------------------|------|-------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| U.S. v. Kalu               | 2012 | CO    | Labor                                            | 1 D was convicted; 1 D pled guilty; restitution ordered in the amount of \$3,790,338.55 specifically apportioned among 16 victims) | Brought in CO                                                                     |
| U.S. v. Porter             | 2012 | CA    | Sex (includes labor charge under 18 U.S.C. 1589) | Both Ds pled guilty; restitution ordered in the amount of \$866,244.68.                                                            | Victim lived in CO when defendant recruited her                                   |
| U.S. v. Johnson            | 2013 | TX    | Sex                                              | D pled guilty; restitution not ordered.                                                                                            | D forced victim to work in CO & advertised her services on Backpage website there |
| U.S. v. Pittman            | 2013 | CA    | Sex                                              | Ongoing                                                                                                                            | D transported victims to (among other places) CO                                  |
| U.S. v. Manago             | 2014 | WA    | Sex                                              | D pled guilty; restitution ordered in the amount of \$100,000 (split evenly between two victims)                                   | D transported victims to (among other places) CO                                  |
| U.S. v. Johnson            | 2014 | TX    | Sex                                              | Both Ds pled guilty; restitution not ordered.                                                                                      | D transported victims to (among other places) CO                                  |
| U.S. v. Melendez-Gonzalez  | 2014 | TX    | Sex                                              | Ongoing                                                                                                                            | One D was arrested in CO                                                          |

Data source: The National Human Trafficking Pro Bono Law Center Criminal Database.  
 \*"D" refers to defendant and "Ds" refers to multiple defendants.

While the above summary of federal cases provides important information about efforts to criminalize human trafficking conduct, it only provides a partial snapshot of efforts to seek justice on behalf of trafficking victims through the federal court system. Table 5 provides a summary of civil cases that contain formal human trafficking statutes.

| Case Name<br>(Year of Filing)             | Year      | State | Type         | Outcome                                                                                                                                            | Nexus to Colorado                     |
|-------------------------------------------|-----------|-------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Catalan v. Vermillion                     | 2006      | CO    | Forced labor | Settled confidentially, then dismissed voluntarily by 6 plaintiffs (6/27/2008)                                                                     | Filed in CO                           |
| Does v. Rodriguez                         | 2006      | CO    | Forced labor | Default judgment for 5 plaintiffs (\$7,872,310.98, apportioned among 5 plaintiffs) (4/15/09)                                                       | Filed in CO                           |
| Briones v. JNS Construction Services, LLC | 2008      | CO    | Forced labor | Involving 68 plaintiffs; settled (5/4/09)                                                                                                          | Filed in CO                           |
| Camayo v. Peroulis and Sons Sheep, Inc.   | 2010/2011 | CO    | Forced labor | Involving 4 plaintiffs; settled (10/29/13)                                                                                                         | Filed in CO                           |
| Francisco v. Susano                       | 2010      | CO    | Forced labor | Settled w/certain defendants and default judgment (in the case of two other Ds*) for 4 plaintiffs (total damage award of \$1,237,058.60) (9/13/13) | Filed in CO                           |
| Amerineni v. Maruthi Technologies, LLC    | 2011      | TX    | Forced labor | Class action case/dismissed voluntarily (4/3/2012)                                                                                                 | One D is an entity incorporated in CO |
| Menocal v. GEO Group, Inc.                | 2014      | CO    | Forced labor | 9 plaintiffs/ class certification filed but pending (ongoing)                                                                                      | Filed in CO                           |

Data source: The National Human Trafficking Pro Bono Law Center Civil Database and Colorado Legal Services.  
 \*"D" refers to defendant and "Ds" refers to multiple defendants.

What is evident from Table 5 is that the civil cause of action has only been utilized by victims of labor trafficking. This may stem in part from the comparatively minimal number of criminal prosecutions of labor trafficking, a pattern that also exists at the national and international levels.<sup>28</sup> Also notable in Table 5 are the successful outcomes of civil litigation for trafficking survivors, discernable by the number of settlements and default judgements in favor of the plaintiffs.

### **State and Local Law Enforcement Data Collection Activities**

In order to gain a picture of the state and local law enforcement counter-trafficking efforts—not already captured through RMILTF and CTOCC reporting—the Council drew primarily from

<sup>28</sup> Human Trafficking Pro Bono Legal Center and the Freedom Fund. (2015). *Ending Impunity, Securing Justice: Using Strategic Litigation to Combat Modern-Day Slavery and Human Trafficking*(p. 4). Retrieved on October 18, 2016, from [http://www.htprobono.org/wp-content/uploads/2015/12/FF\\_SL\\_AW02\\_WEB.pdf](http://www.htprobono.org/wp-content/uploads/2015/12/FF_SL_AW02_WEB.pdf).

state judicial filings containing human trafficking statutes or ancillary statutes. The Council also considered local law enforcement efforts.<sup>29</sup>

### ***Local Law Enforcement Activities***

One potential measure of local law enforcement's efforts to combat human trafficking is the data on human trafficking incidents and arrests contained in the National Incident-Based Reporting System (NIBRS), which the Colorado Bureau of Investigation (CBI) collects and submits to the FBI annually. Local police departments, sheriff's offices, the Colorado State Patrol, and CBI are all mandated to report their crime fighting activities into the NIBRS system.<sup>30</sup> Nonetheless, NIBRS data for calendar year 2014–2015 reflect a significant underreporting of human trafficking incidents and arrests, especially when taking into account the multiple local law enforcement agencies' workforce hours dedicated to RMILTF and CTOCC activities alone. Members of the Council, the Data and Research Task Force, and Council staff do not yet fully understand the factors that might explain this underreporting, and for that reason, NIBRS data are not included in the current report due to concerns about accuracy.

Nonetheless, several local law enforcement agencies have intensified their counter-trafficking activities in recent years. For example, the Colorado Springs Police Department (CSPD) established a human trafficking unit in January of 2014 consisting of a sergeant, two detectives, and a part-time civilian investigator. CSPD decided to expend these additional resources in response to an increasing number of individuals who reported being under pimp control. In its first year, CSPD's human trafficking unit initiated 76 case reports of human trafficking. These cases resulted in 36 separate operations (involving multiagency efforts), 26 juvenile recoveries, 44 adult victim recoveries, and 14 pimp arrests.

Similarly, the Westminster Police department (WPD) began training its officers on human trafficking in late 2013 through roll call events and a human trafficking session as part of its mini-academy for officers in training. WPD now has a protocol in place for officers to refer situations of suspected human trafficking to a detective specializing in human trafficking within the force. WPD has participated in Operation Cross Country since 2014, a regional and

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<sup>29</sup> Unless otherwise indicated, the reporting period for state and local law enforcement activities is January 1-December 31st.

<sup>30</sup> C.R.S. § 24-33.5-412(5).

collaborative sting coordinated by the RMILTF. WPD is also a member of both the 17<sup>th</sup> and 1<sup>st</sup> Judicial Districts' Trafficking Task Forces and multi-disciplinary teams (MDTs).

***Judicial Filings of Human Trafficking and Related Statutes***

Another measure of local counter-trafficking efforts is the number of human trafficking and related judicial filings. One of the most promising data trends is the steady rise in Colorado human trafficking prosecutions since the 2014 enactment of the state's new human trafficking statutes. Case filings under the 2006 statute are captured in Table 6, while those filings under the 2014 statutes are contained in Table 7. Information for both tables was extracted from the Judicial Branch's Integrated Colorado Online Network (ICON) information management system.

| Statutes                           | 2013         |            | 2014         |            | 2015         |            |
|------------------------------------|--------------|------------|--------------|------------|--------------|------------|
|                                    | Case Filings | Conviction | Case Filings | Conviction | Case Filings | Conviction |
| Human Trafficking                  |              |            |              |            |              |            |
| 18-3-501(1)(a)-adult sells/barters | 3            |            | 9            | 1          |              |            |
| 18-3-501(1)(b)-adult receives      |              |            | 1            |            |              |            |
| 18-3-502(1)(a)-minor sells/barters | 5            | 1          | 3            |            | 1            |            |
| <b>Total</b>                       | <b>8</b>     | <b>1</b>   | <b>13</b>    | <b>1</b>   | <b>1</b>     | <b>0</b>   |

Data source: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division on Criminal Justice, Office of Research and Statistics.

| <b>Table 7: Cases Containing the Newly Enacted (2014) Human Trafficking Statutes, CY 2014 to 2015</b> |              |             |            |                    |            |              |             |            |                    |            |
|-------------------------------------------------------------------------------------------------------|--------------|-------------|------------|--------------------|------------|--------------|-------------|------------|--------------------|------------|
| Statutes                                                                                              | 2014         |             |            |                    |            | 2015         |             |            |                    |            |
|                                                                                                       | Case Filings | Case Status |            |                    |            | Case Filings | Case Status |            |                    |            |
|                                                                                                       |              | Pending     | Plea-Other | Dismiss/Not Guilty | Conviction |              | Pending     | Plea-Other | Dismiss/Not Guilty | Conviction |
| Involuntary Servitude 18-3-503*                                                                       | 1*           |             |            |                    | 1          | 1*           |             | 1          |                    |            |
| Sexual Servitude - Adult 18-3-504                                                                     | 6            |             | 4          | 0                  | 2          | 17           | 4           | 5          | 3                  | 5          |
| Sexual Servitude - Minor 18-3-504(2)                                                                  | 1            |             | 1          |                    |            | 24           | 4           | 12         | 1                  | 7          |
| <b>Total</b>                                                                                          | <b>8</b>     |             | <b>5</b>   | <b>0</b>           | <b>3</b>   | <b>42</b>    | <b>8</b>    | <b>18</b>  | <b>4</b>           | <b>12</b>  |

Data sources: The number of case filings were extracted from Judicial Branch’s Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division on Criminal Justice, Office of Research and Statistics. The case status for each filing was obtained from the Colorado State Courts-Data Access system on November 2, 2016, by the Division’s Colorado Human Trafficking Council staff.

\*While there was one case filing under § 18-3-503 in 2014 and another in 2015, the 2014 filing of § 18-3-503 involved allegations and evidence of a sexual assault and did not include any allegations or evidence of forced labor, suggesting that the statute was used in error. The 2015 filing involved an initial, erroneous charge of § 18-3-503. The defendant in the case pled to §18-7-403(1)(b), the pandering of a child, conduct more closely related to the sex trafficking of a minor.

Some key observations from Tables 6 and 7 are worth noting. First, while the new human trafficking statutes took effect in July 2014, the 2006 statutes were used to file one criminal case in 2015. This is because the alleged criminal conduct occurred before the passage of the new human trafficking laws. Second, there was a fivefold increase in human trafficking case filings, from eight in 2014 to 42 in 2015. This is a significant increase considering that only 52 cases were filed using the 2006 statute over the past six years combined (2010–2015).

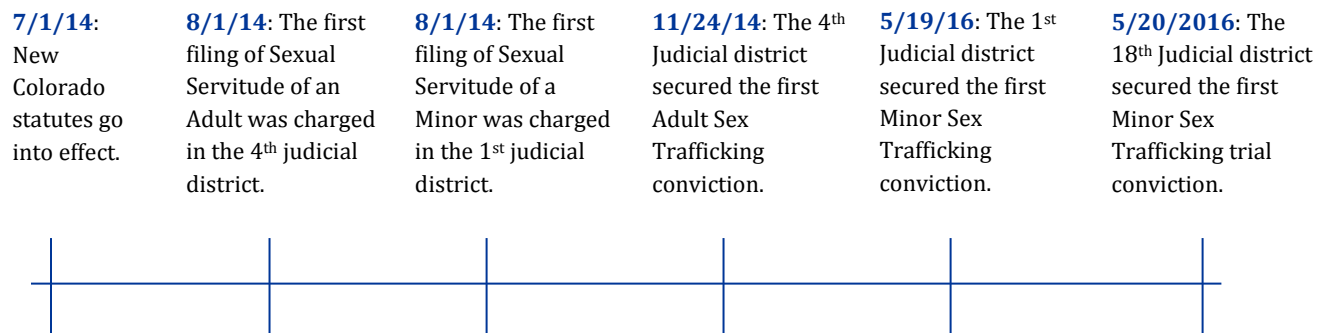
Third, Table 7 not only includes a summary of case filings by type of human trafficking but also provides a breakdown of case status. Of the eight human trafficking case filings in 2014, prosecutors secured three convictions on formal sex trafficking statutes and five convictions on related charges. In 2015, prosecutors have thus far secured 12 convictions under the formal statute of sexual servitude and 18 convictions on charges related to sex trafficking.

At the writing of this report, eight of the 2015 case filings were still pending and going through the judicial process. Of the 50 human trafficking case filings in 2014 and 2015, there were only four dismissals or findings of not guilty. Based on the above judicial information, prosecutors seem confident in using the 2014 sex trafficking statutes. The case filings under the new



human trafficking statutes likewise provide initial evidence that prosecutors have had success in holding traffickers accountable. Nonetheless, while sex trafficking is being prosecuted at solid rates, there were relatively fewer labor trafficking prosecutions. In fact, of the two labor trafficking case filings filed in 2014 and 2015, neither contained underlying factual basis of involuntary servitude but rather of sexual assault and the sexual servitude of a minor. More analysis is needed to understand the factors that may explain why state labor trafficking prosecutions lag significantly behind sex trafficking cases, and, furthermore, what explains the gap between the identification of 81 labor trafficking victims by federally funded, Colorado-based service providers in 2015 and state prosecutions of their traffickers. (This issue is discussed further below). The following graph provides a timeline of the recent milestones achieved under the 2014 human trafficking statutes.

**Figure 1: Timeline of 2014 Human Trafficking Statute Milestones**



In addition to collecting information on case filings using formal human trafficking statutes, the Council also tracked the number of cases that contain at least one statute that were commonly used to prosecute alleged child sex trafficking defendants before the 2014 statutes were enacted (Table 8 provides a list of statutes commonly related to sex trafficking.) As in the 2015 report, the Council opted to limit the presentation of data to cases involving prostitution-related conduct in which minors are the suspected victims. In the case of adults, the Council was unable to discern from available judicial data if the incident reflected a situation of prostitution or one of sex trafficking.

| Statute        | Description                           |
|----------------|---------------------------------------|
| 18-7-406(1)(a) | Patronizing a Child Prostitute        |
| 18-7-406(1)(b) | Patronizing a Child Prostitute        |
| 18-7-402(1)(a) | Soliciting Child Prostitution         |
| 18-7-402(1)(b) | Soliciting Child Prostitution         |
| 18-7-402(1)(c) | Soliciting Child Prostitution         |
| 18-7-403(1)(a) | Pandering of a Child-Menacing         |
| 18-7-403(1)(b) | Pandering of a Child-Arranging        |
| 18-7-403.5     | Procurement of a Child                |
| 18-7-404(1)(a) | Keeping a Place of Child Prostitution |
| 18-7-404(1)(b) | Keeping a Place of Child Prostitution |
| 18-7-405       | Pimping of a Child                    |
| 18-7-405.5     | Inducement of Child Prostitution      |

Table 9 features the number of cases containing at least one charge ancillary to minor sex trafficking. The number rose steadily in 2015 to 100, up from 61 cases in 2014 and 42 cases in 2013. This change signals a growing commitment among Colorado law enforcement investigators and prosecutors to criminally pursue those whom they suspect of CSEC crimes.

| District-Counties*                                         | 2013      | 2014      | 2015       | Total      |
|------------------------------------------------------------|-----------|-----------|------------|------------|
| 1-Jefferson, Gilpin                                        | 1         | 13        | 13         | 27         |
| 2-Denver                                                   | 7         | 2         | 9          | 18         |
| 4-El Paso, Teller                                          | 8         | 3         | 18         | 29         |
| 5-Eagle, Summit, Lake, Clear Creek                         |           | 1         |            | 1          |
| 7-Gunnison, Delta, San Miguel, Ouray<br>Hinsdale, Montrose |           | 1         |            | 1          |
| 8-Larimer, Jackson, Loveland                               |           |           | 1          | 1          |
| 9-Rio Blanco, Pitkin, Garfield                             | 2         |           | 1          | 3          |
| 10-Pueblo                                                  |           | 1         |            | 1          |
| 14-Moffat, Routt, Grand                                    | 2         |           |            | 2          |
| 15-Cheyenne, Kiowa, Prowers, Baca                          |           |           | 1          | 1          |
| 17-Adams, Broomfield                                       | 2         | 3         | 5          | 10         |
| 18-Arapahoe, Douglas, Elbert, Lincoln                      | 18        | 31        | 32         | 81         |
| 19-Weld                                                    | 1         | 2         | 13         | 16         |
| 20-Boulder                                                 |           | 2         |            | 2          |
| 21-Mesa                                                    | 1         | 2         | 7          | 10         |
| <b>Total</b>                                               | <b>42</b> | <b>61</b> | <b>100</b> | <b>203</b> |

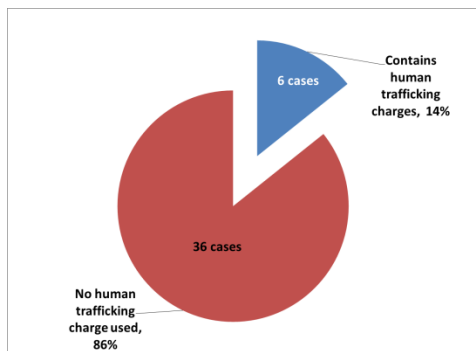
Data source: Court records were extracted from the Judicial Branch’s Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System and analyzed by the Division on Criminal Justice.

\*Counties not listed in Table 9 had no ancillary case filings for the selected years.

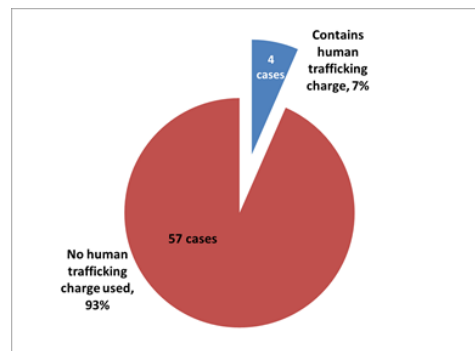
The Council also sought to evaluate how the use of ancillary minor sex trafficking charges has changed since the new 2014 human trafficking statutes were enacted by tracking how often in a criminal case ancillary charges were filed in addition to formal human trafficking statutes. Figure 2 provides three pie charts representing the percentage breakdown of cases involving both formal sex trafficking charges and charges related to minor sex trafficking (blue section of pie chart) as compared to those that do not contain trafficking statutes (red section of pie chart) for 2013, 2014 and 2015 respectively. There was a slight decrease in dual filings of formal statutes with ancillary charges in 2014, perhaps owing to the fact that the 2006 statutes were repealed that year and the new statutes did not take effect until July of 2014. Notwithstanding, there is a clear increase in the joint filing of human trafficking and ancillary charges in 2015. While preliminary, these data provide early indications that prosecutors are utilizing formal human trafficking statutes in conjunction with ancillary statutes more often to pursue alleged sex traffickers than they did before the new statutes went into effect.

**Figure 2: Cases Containing Any of the Common Statutes Related to Child Sex Trafficking (Table 8), by Whether Accompanying Human Trafficking Charges Were Used**

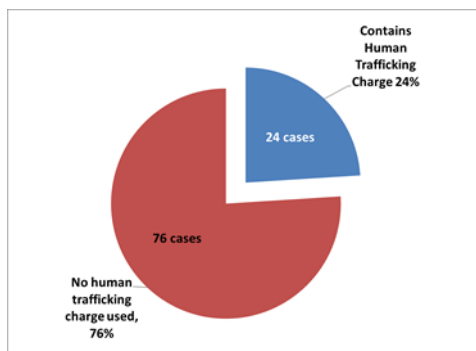
**2013**



**2014**



**2015**



Data source: Court records were extracted from the Judicial Branch’s Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division on Criminal Justice, Office of Research and Statistics.

### ***Plans for Further Analysis of Colorado Prosecutions***

While the information contained in the current report on prosecutions is informative, the Data and Research Task Force recognized that numbers alone do not tell the full story about how the prosecution of human trafficking cases has changed in the last several years. To address this deficit, the Data and Research Task Force began developing plans to conduct a two-part analysis of Colorado prosecution activities. While the prosecution analysis had not been carried out at the time of this report's publication, the Task Force plans to feature its results in the 2017 report.

Specifically, the Data and Research Task Force plans to administer an online survey to each of the 22 state judicial districts to gauge prosecutors' awareness of human trafficking generally and of the 2014 revised statutes in particular, as well as to understand the strategies prosecutors use to pursue human trafficking cases. To complement the survey, the task force will interview a subset of six to nine judicial representatives. Through in-person or phone interviews, task force members will seek to learn more about the challenges and successes of human trafficking case work and different judicial districts' level of preparedness to pursue labor and sex trafficking cases. Additionally, for judicial districts that have specialized in human trafficking or are in the process of doing so, the Task Force will seek to learn about the relationships and resources that were integral to this specialization and to pinpoint promising practices among Colorado prosecutors that can be shared with others. The task force aims to carry out a small number of interviews with federal prosecutors to incorporate the federal prosecution perspective as well. It should be noted that this prosecution study is primarily unfunded and, overall, the Council's human trafficking data collection and analysis are greatly limited by current budgetary constraints. In order to meet the growing data collection and research needs of the Council, additional funds to support this work are needed.

### **Role of Victim Service Providers in Identifying and Responding to Human Trafficking**

The Council also collected data on the activities of Colorado-based service providers to identify and meet the complex needs of trafficking survivors living in or having ties to Colorado. Considering last year's finding that law enforcement entities report different forms of human trafficking and victim profiles than service providers do—namely law enforcement reports more cases of sex trafficking involving U.S. citizens, while service

providers report serving more foreign national labor trafficking survivors—the Council believed it was vital to continue to collect data from both sources and document such trends. As was noted in the *CHTC 2015 Report*, various factors may account for the diverging picture of human trafficking in the state. Service providers often have built trusting relationships with communities and persons vulnerable to multiple forms of exploitation and abuse, whether it is vulnerability resulting from one’s temporary or undocumented immigration status or from one’s previous victimization. As such, NGO service professionals may come into contact with victims that law enforcement does not detect or is not called upon to investigate. Consequently, the NGO community provides a vital and complementary source of data on the incidence and impact of human trafficking in Colorado communities.

#### **[Department of Justice, Office for Victims of Crime](#)**

There have historically been two main sources of federal human trafficking funding to support survivors and their comprehensive social and legal services. One source of this funding is the Department of Justice’s Office for Victims of Crime (OVC) Human Trafficking Service Grants. OVC grants provide block funding to NGOs to staff legal and social service professionals and to cover or offset some of the costs of medical, housing, transportation, and related expenses. Currently, two Colorado-based NGOs receive OVC funding, one to provide intensive case management and social services and the other to provide specialized legal services. Both grantees serve *all* victims of human trafficking. Table 10 provides a demographic breakdown of those served by the two Colorado-based OVC grantees in fiscal years 2013, 2014, and 2015, (OVC’s fiscal year begins on July 1 and ends on June 30<sup>th</sup>). Notable in Table 10 is the significant increase in those served to 113 individuals in 2015, up from 54 individuals in 2014. This is at least partially attributable to the fact that one of the NGO’s grant cycle did not begin until mid-2014. OVC grantees continued to report serving more labor trafficking than sex trafficking survivors, and more foreign nationals than U.S. citizens/legal permanent residents. Additional demographic data on gender reveals a slightly higher rate of men served than women.

|      | National                    |                                   |                        |          | Colorado                      |                |    |         |       |     |      |       |       |
|------|-----------------------------|-----------------------------------|------------------------|----------|-------------------------------|----------------|----|---------|-------|-----|------|-------|-------|
| Year | Breakdown of Victim Profile |                                   |                        |          |                               |                |    |         |       |     |      |       |       |
|      | Open Cases                  | Of Open Case Load, # of New Cases | FN*                    | USC/LPR* | Open Cases                    | # of New Cases | FN | USC/LPR | Labor | Sex | Both | Adult | Minor |
| 2013 | 1,911                       | 1,009                             | Breakdown Not Provided |          | Unavailable                   |                |    |         |       |     |      |       |       |
| 2014 | 2,782                       | 1,366                             | 1,530                  | 1,252    | 54                            | 21             | 46 | 8       | 46    | 6   | 2    | 50    | 4     |
| 2015 | 3,889                       | 2,180                             | 1,906                  | 1,983    | 113;<br>59 M<br>52 F<br>2 T** | 59             | 80 | 33      | 81    | 28  | 4    | 104   | 9     |

Data sources: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2013, 2014, and 2015) and Colorado data were obtained from the two Colorado-based grantees of the U.S. DOJ/OVC Human Trafficking Service Grant.

\* FN refers to foreign national victims while USC/LPR refers to U.S. citizens and legal permanent residents

\*\* M refers to male victims, F refers to female victims and T refers to transgender individuals.

### [Department of Health and Human Services Per Capita Funding Program for Foreign National Victims of Human Trafficking](#)

The second main source of federal funding for human trafficking survivors is provided through a per-capita grant program administered by the U.S. Department of Health and Human Services’ (DHHS) Office for Trafficking in Persons (OTIP).<sup>31</sup> Unlike OVC funding, the OTIP per-capita human trafficking program funding *only* serves foreign national clients who have been certified by the federal government as victims of a severe form of human trafficking. This funding stream was originally established as a way to provide time-limited case management and to pass through funds to foreign national survivors for basic needs comparable to those received by refugees, since foreign nationals do not otherwise qualify for many government benefits such as Medicaid and Food Stamps. In other words, U.S. survivors and those foreign national victims who chose not to report their crime to law enforcement and/or pursue immigration relief pursuant to their human trafficking victim status are not served under the per-capita program. Furthermore, unlike some states with multiple per-capita grantees, Colorado only has one grantee serving the entire state. As Table 11 shows, significantly fewer trafficking survivors are served than those served through OVC funding.<sup>32</sup> The Council was able to obtain more detailed demographic data for fiscal year 2015, indicating more adults

<sup>31</sup> OTIP’s fiscal year reporting cycle begins on October 1 and ends on September 30th.

<sup>32</sup> It should be noted that in some cases survivors are served under both OVC and OTIP per capita program grants.

served than minors, more labor than sex trafficking survivors served, and more females served than males.

| Year | National Data | Colorado Data |     |      |       |       |      |        |
|------|---------------|---------------|-----|------|-------|-------|------|--------|
| 2013 | 915           | 9             |     |      |       |       |      |        |
| 2014 | 1,137         | 6             |     |      |       |       |      |        |
| 2015 | 1,726         | 11            |     |      |       |       |      |        |
|      |               | Labor         | Sex | Both | Adult | Minor | Male | Female |
|      |               | 8             | 1   | 2    | 10    | 1     | 3    | 8      |

Data sources: National data were obtained from the U.S. Department of State *Trafficking in Persons Report* (2013, 2014, and 2015) and Colorado data were obtained from the U.S. Committee for Refugees and Immigrants, the national coordinating agency for the DHHS per-capita funded services.

## Human Trafficking Hotline Call Information

Calls to the national and Colorado NGO-administered hotlines provide yet another valuable source of information on the potential incidence of human trafficking. Polaris’s National Human Trafficking Hotline (NHTH) hotline tracks information about the calls it receives nationwide as well as those related to Colorado. NHTH reported an increase in its overall calls in calendar year 2015, with 21,947 calls compared to 21,431 in 2014 (see Table 12). Likewise, it reported an increase of hotline calls referencing Colorado: 310 in 2015 compared to 273 in 2014 as well as an uptick in unique tips reported—77 unique tips reported in 2015 compared to 67 unique tips reported in 2014. The majority of cases reported to the NHTH involved sex trafficking.

At the state level, Colorado operates the Colorado Network to End Human Trafficking (CoNEHT) hotline. The CoNEHT hotline is currently administered by the Laboratory to Combat Human Trafficking. Like the NHTH, CoNEHT reported an increase in calls and unique tips reported: it reported 200 calls and 163 unique tips in 2015, up from 158 calls and 137 unique tips reported in 2014. Like NHTH call data, CoNEHT data indicate more calls regarding sex trafficking than labor trafficking. It is important to note that the call data from the NHTH and CoNEHT hotlines cannot be added together to calculate a Colorado total of hotline calls due to potential duplication in callers between the two hotlines.

| <b>Table 12: Human Trafficking Hotline Call Data, Calendar Year 2013–15</b> |                                                                                                                               |                                                                                           |                                                                                                                                  |                                                                                       |                                                                                                                                   |                                                                                           |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>National Human Trafficking Hotline</b>                                   |                                                                                                                               |                                                                                           |                                                                                                                                  |                                                                                       |                                                                                                                                   |                                                                                           |
|                                                                             | <b>2013</b>                                                                                                                   |                                                                                           | <b>2014</b>                                                                                                                      |                                                                                       | <b>2015</b>                                                                                                                       |                                                                                           |
|                                                                             | <b>National</b>                                                                                                               | <b>Colorado</b>                                                                           | <b>National</b>                                                                                                                  | <b>Colorado</b>                                                                       | <b>National</b>                                                                                                                   | <b>Colorado</b>                                                                           |
| <b>Total Number of Substantive Calls</b>                                    | <b>20,579</b>                                                                                                                 | <b>301</b>                                                                                | <b>21,431</b>                                                                                                                    | <b>273</b>                                                                            | <b>21,947</b>                                                                                                                     | <b>310</b>                                                                                |
| <b>Total Number of Unique Tips Reported*</b>                                | <b>4,884</b> unique tips reported, of which <b>3,392 ST, 871 LT, 119 both</b>                                                 | <b>73</b> unique tips reported, of which <b>49 ST, 12 LT, 9 both, and 3 not specified</b> | <b>5,042</b> unique tips reported, of which <b>3,598 ST, 818 LT, 172 both</b>                                                    | <b>67</b> unique tips reported, of which <b>41 ST, 20 LT, 4 both, 2 not specified</b> | <b>5,544</b> unique tips reported, of which <b>4,136 ST, 721 LT, 178 both, and 509 not specified</b>                              | <b>77</b> unique tips reported, of which <b>48 ST, 22 LT, 5 both, and 2 not specified</b> |
| <b>Colorado Network to End Human Trafficking (CoNEHT ) Hotline</b>          |                                                                                                                               |                                                                                           |                                                                                                                                  |                                                                                       |                                                                                                                                   |                                                                                           |
|                                                                             | <b>2013</b>                                                                                                                   |                                                                                           | <b>2014</b>                                                                                                                      |                                                                                       | <b>2015</b>                                                                                                                       |                                                                                           |
| <b>Total Number of Calls</b>                                                | <b>123</b>                                                                                                                    |                                                                                           | <b>158</b>                                                                                                                       |                                                                                       | <b>200</b>                                                                                                                        |                                                                                           |
| <b>Total Number of Unique Tips Reported**,***</b>                           | <b>113; 48</b> involved indicators of potential sex trafficking; <b>20</b> involved indicators of potential labor trafficking |                                                                                           | <b>137; 66</b> involved indicators of potential sex trafficking and <b>20</b> involved indicators of potential labor trafficking |                                                                                       | <b>163 ; 99</b> involved indicators of potential sex trafficking and <b>41</b> involved indicators of potential labor trafficking |                                                                                           |

Data sources: National data were obtained from the National Human Trafficking Hotline and Colorado data were obtained from the Laboratory to Combat Human Trafficking.

\*ST indicates sex trafficking, LT indicates labor trafficking

\*\*In the case of CoNEHT data, unique calls represent the number of total calls minus duplicates, e.g., multiple calls referring to the same case. Nonetheless, in many instances a different set of information and/or resources were involved.

\*\*\* The reported numbers are not exclusive to law enforcement-related tips.

Overall, the Council’s data collection reflects three broad trends. First, law enforcement’s human trafficking investigative activities remain strong, especially as reflected by the joint efforts of the RMILTF and CTOCC law enforcement working groups. Second, Colorado has witnessed significant and promising efforts among prosecutors to hold human traffickers accountable. Nonetheless, this prosecutorial activity is largely limited to the prosecution of sex trafficking cases. Third, Colorado law enforcement and service providers continue to report distinct human trafficking populations. It is the hope of the Council that with an improved understanding of what accounts for these differences it can find ways to bridge the gap, including through its development of a Colorado public awareness campaign and increased training on all forms of human trafficking.





# SECTION 3

## Training Standards and Curricula

### Summary of Recommendations

Recommendation 1: Members of the sectors and groups outlined in Table 13 should receive a basic human trafficking training that addresses the following learning objectives:

- a) Define human trafficking;
- b) Identify populations vulnerable to human trafficking;
- c) Recognize indicators of the crime and know what steps to take;
- d) Understand human trafficking victimization and the importance of multisector collaboration in meeting the needs of crime survivors;
- e) Be familiar with the types of human trafficking cases that occur in Colorado.

Recommendation 2: In order to become a Peace Officer Standards and Training (POST)-certified peace officer, individuals seeking Basic Certification should receive a minimum of two hours of training on human trafficking.<sup>33</sup>

Recommendation 3: Colorado law enforcement should receive two to four hours of human trafficking training (one time) as a part of the annual 24-hour required In-Service Continuing Education Program (Rule 28).<sup>34</sup>

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<sup>33</sup> To be eligible for appointment as a peace officer, an applicant must first be certified by the POST Board. By law, basic certification requires successful completion of a POST-approved basic academy, successful completion of the POST certification exam, and a background check.

<sup>34</sup> The purpose of rule 28 of the In-Service Continuing Education Program is to provide continuing education to certified peace officers to develop their knowledge and skills. The annual in-service training program is defined in C.R.S. §24-31-303 (1)(I) and states that the POST Board can “promulgate rules deemed necessary by the Board concerning annual in-service training requirements for certified peace officers ...”

| <b>Table 13: Recommended Sectors for Basic Human Trafficking (HT-101) Training</b>                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>§18-3-505(e) Mandate:</b> Develop training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement agencies. |                                                                                                                                                                                                                                                                                                                                                         |
| <b>Training Priority Areas per § 18-3-505(e)</b>                                                                                                                                                                                                                                        | <b>Professional Sector*</b>                                                                                                                                                                                                                                                                                                                             |
| Organizations that provide assistance to victims of human trafficking                                                                                                                                                                                                                   | State and county Department of Human Services                                                                                                                                                                                                                                                                                                           |
|                                                                                                                                                                                                                                                                                         | Community-based victim advocates                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                                         | Treatment providers (i.e., mental health care providers, etc.)                                                                                                                                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                                         | Social service providers (i.e., domestic violence shelters, immigrant service providers, faith-based organizations, etc.)                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                         | Legal service providers who represent human trafficking survivors with immigration proceedings, civil litigation, and family law matters related to their trafficking.                                                                                                                                                                                  |
| Law enforcement [and related] agencies                                                                                                                                                                                                                                                  | Law enforcement personnel: <ul style="list-style-type: none"> <li>▪ Patrol officers</li> <li>▪ Investigators</li> <li>▪ Prosecutors</li> <li>▪ Criminal justice victim advocates</li> <li>▪ 911</li> <li>▪ Dispatch</li> </ul>                                                                                                                          |
|                                                                                                                                                                                                                                                                                         | Judicial branch <ul style="list-style-type: none"> <li>▪ Judges</li> <li>▪ Pretrial and Probation Services</li> <li>▪ Guardian ad litem</li> <li>▪ Court-appointed attorneys</li> </ul> Juvenile Assessment Center staff                                                                                                                                |
|                                                                                                                                                                                                                                                                                         | Department of Corrections                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                         | Workplace inspectors <ul style="list-style-type: none"> <li>▪ Department of Regulatory Affairs</li> <li>▪ Department of Labor and Employment</li> <li>▪ Department of Public Health and the Environment</li> </ul>                                                                                                                                      |
|                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                         |
| Persons who work in or who frequent places where human trafficking victims are likely to appear                                                                                                                                                                                         | Education professionals <ul style="list-style-type: none"> <li>▪ Administrators</li> <li>▪ Teachers</li> <li>▪ School counselors</li> <li>▪ Coaches</li> </ul>                                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                                         | First responders and health care providers <ul style="list-style-type: none"> <li>▪ Emergency Medical Service (EMS) workers</li> <li>▪ Fire fighters</li> <li>▪ Emergency room personnel</li> <li>▪ Urgent care staff</li> <li>▪ Community care facilities</li> <li>▪ Adolescent care providers</li> </ul>                                              |
|                                                                                                                                                                                                                                                                                         | Transportation industry <ul style="list-style-type: none"> <li>▪ Airline flight attendants</li> <li>▪ Transportation Security Administration</li> <li>▪ Truckers</li> <li>▪ Taxi drivers</li> <li>▪ Department of Transportation employees who interface with the public in CDOT facilities</li> <li>▪ Truck stop owners and frontline staff</li> </ul> |
|                                                                                                                                                                                                                                                                                         | Hospitality Industry <ul style="list-style-type: none"> <li>▪ Hotel Managers and Front Desk</li> <li>▪ Maid and Janitorial Staff</li> <li>▪ Restaurant owners, managers and workers</li> </ul>                                                                                                                                                          |
|                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                         |

\* The basic human trafficking training is also appropriate for community members, not just professionals.

The training mandate, outlined in C.R.S. §18-3-505(e), requires that the Council:

Develop training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement officers.

In response to this directive, the Council established a Trainings Standards and Curricula Task Force, henceforth referred to as Training Task Force. To effectively accomplish the training mandate, task force members sought to clarify the definitions of standards and curricula.

The agreed upon definition for “standards” is the basic framework that should apply to Colorado-based human trafficking trainings. These include such things as the recommended number of training hours for each professional sector as well as the overarching ideas and learning objectives that should be achieved by the training program. Standards, in this way, will be developed for each unique professional sector (e.g. law enforcement, educators, health care professionals).

Curricula refer to the *content* necessary to impart learning to an audience. Upon reviewing the training mandate, members of the Training Task Force decided to create a series of training modules that will establish the training content (i.e., curricula), as well as set forth the standards for each professional sector regarding the appropriate number of training hours and learning objectives necessary for an effective training.

## **Need for Human Trafficking Training**

The need for broader training and education on human trafficking was reported repeatedly by Council members during Council and Task Force meetings in 2015 and 2016. Council discussions often referenced substantial gaps in knowledge—a lack of awareness of human trafficking issues and identifiers—as a partial explanation for some of the challenges facing the Colorado anti-trafficking field.

Council discussions regarding legal remedies for trafficking victims involved in the criminal justice system also frequently circled back to the oft cited need for training. Systems (e.g., juvenile justice, criminal justice, social services, etc.) have faced challenges in identifying and addressing the needs of this victim population. As a result, those who might otherwise

intervene on a victim's behalf missed opportunities to identify a potential human trafficking victim and properly address his or her needs. This means that victims may inadvertently be further traumatized by systems that are intended to protect, thereby compounding the trauma they endure.

Additionally, while many human trafficking training curricula exist, members of the Council wanted to produce Colorado-specific human trafficking training curricula that could be made available across the state, and highlight unique contexts in which human trafficking occurs across the various cultural and geographic regions of the state.

### [Baseline for Colorado](#)

Members of the Training Task Force decided the best way to initially address the Council's training standards and curricula mandate was to develop a baseline human trafficking curriculum. The baseline training content was developed to be relevant for a wide array of audiences, as well as provide a base from which additional human trafficking training curricula for specific professions could be built. Given the wide range of perspectives present in the development of the core human trafficking training curriculum, it represents the synthesis of what a variety of professionals believes is the most pertinent information a basic human trafficking program needs to teach.

To effectively institute change into the statewide discourse on this issue, the core curriculum was developed to be specific to Colorado's unique geographic and cultural context. It is the hope of the Council that the baseline human trafficking training will, in addition to an effective public awareness campaign, establish a common language by which Colorado citizens come to understand and discuss human trafficking issues. As it stands now, many people hold incorrect beliefs about human trafficking. According to the previously referenced report, *Identifying Effective Counter-Trafficking Programs and Practices in the U.S.: Legislative, Legal, and Public Opinion Strategies that Work*, 92% of respondents to a national survey understand human trafficking as something that happens predominately to females, and 62% think that human trafficking always requires threats of or actual physical violence, neither of which are true.<sup>35</sup> The study has important findings relevant to the need for the creation of a basic human

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<sup>35</sup> Bouche, Vanessa, Farrell, Amy, and Wittmer, Dana. (2016). *Identifying Effective Counter-Trafficking Programs and Practices in the U.S.: Legislative, Legal, and Public Opinion Strategies that Work*. Retrieved on January 28, 2016 at <https://www.ncjrs.gov/pdffiles1/nij/grants/249670.pdf>.

trafficking curriculum. In the same national survey, respondents only answered half of the factual questions on human trafficking correctly.<sup>36</sup> This has important ramifications for training, education, and public awareness on this issue. Respondents with accurate knowledge about human trafficking rank human trafficking issues as more concerning and worthy of government action than those who did not hold accurate beliefs.<sup>37</sup> Thus, the degree to which our state can tackle this issue at the community level is contingent upon how attuned Colorado residents are to this issue.

As to the work product itself, the core human trafficking training produced by the Council includes a trainer's guide, PowerPoint slide deck, a series of videos and case studies, as well as several handouts designed to augment learning. The trainer's guide is the backbone of Council's training program. To ensure fidelity in the delivery of the program across the state, the trainer's guide provides the trainer comprehensive instructions on how to deliver the training, trainer talking points that accompany each slide, instructions on how to facilitate activities, and ways to direct further audience education on this issue—including responses to potential questions from participants. The PowerPoint slide deck serves as the visual training tool. Training videos are included in the curriculum to reinforce learning content in the module and to make the training accessible to different adult learning styles. Lastly, a series of handouts accompany parts of the training to provide supplemental information to training participants. Some of these handouts include case studies with real life examples of human trafficking scenarios that have occurred or could occur in Colorado. They are used to assess audience comprehension of human trafficking concepts, as well as to anchor such concepts to real world examples of the crime.

### **Training Content for Law Enforcement**

Task Force members also prioritized the development of a training curriculum for law enforcement officers. As professionals who investigate and respond to reports of criminal activity on a daily basis, officers are uniquely positioned to encounter and intervene on behalf of a human trafficking victim. To ensure that the training content was appropriate for a law enforcement audience, additional task force members representing multiple law enforcement agencies were invited to serve on the task force.

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<sup>36</sup> Ibid

<sup>37</sup> Ibid

While creating the law enforcement training curriculum, the Training Task Force developed content with the goal that this material would be presented at POST Academies across the state. Members of the Training Task Force and the Council felt that the law enforcement training content developed could be appropriate for in-service peace officers as well. In addition to the learning objectives highlighted as part of the core human trafficking curriculum, peace officers are expected to gain knowledge about:

1. Colorado's laws on human trafficking;
2. How to recognize human trafficking in the course of first responder duties;
3. How to work effectively with victims of human trafficking;
4. General human trafficking investigative considerations;
5. The importance of working with other law enforcement partners, governmental, and non-profit agencies on human trafficking cases.

There was a concerted effort among members of the task force to ensure that the training developed for law enforcement officers was appropriately victim-centered, though this was not an explicit learning objective. The training content of the law enforcement module was designed to illustrate how to conduct a victim-centered and evidence-based investigation. Law enforcement training materials include a wide array of information on how peace officers can recognize human trafficking and the necessary tools and information required to successfully investigate these crimes for successful prosecution.

Similar to the core human trafficking training curriculum, the law enforcement training curriculum includes a trainer's guide, PowerPoint slide deck, a series of videos, and case studies to facilitate trainings. These materials were developed for a law enforcement audience and materials included in the training (handouts, case studies, videos) are designed to tie the learning objectives for peace officers with various activities that engage a variety of adult learning styles.

### **Training Delivery**

In consultation with members of the Colorado community and members of the Council, Division on Criminal Justice staff has taken proactive steps to ensure the trainings developed by the Council are available for use by those who request them. The dissemination of training curricula developed by the Council will begin in early 2017.

Some organizations and individuals currently provide quality human trafficking trainings in the state. The Denver metro area, in particular, has a robust group of experts and quality trainers. Not all Colorado regions, however, have ready access to these training experts or their materials. Moreover, training content that is Denver metro-centric is not always congruent with the needs of other Colorado communities. In recognition of this, an implementation plan has been created to ensure areas of the state outside of the Denver metro area have access to quality training content via facilitated in-person trainings, as well as online trainings housed on a statewide distance learning management platform.

The distance learning management system (DLMS) will serve as a space where online, self-paced human trafficking trainings can take place. Training content for the online modules will mirror what has been developed by the Council, but with appropriate changes to make it engaging for an online training environment. Use of the DLMS will allow for the training curricula developed by the Council to reach a broader statewide audience, as it will not be constrained by geographic or financial limitations.







# SECTION 4

## Standards and Certification for Victim Service Providers

### Summary of Recommendations

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*The standards referenced in this section apply only to community-based victim advocates and mental/behavioral health professionals who want to specialize in serving human trafficking survivors.*

Recommendation #1: State and county Departments of Human Services adopt the standards outlined for mental/behavioral health professionals into their contracts for mental/behavioral health services provided to survivors of human trafficking.

Recommendation #2: Victim Compensation Boards adopt the standards for mental/behavioral health professionals when paying for mental/behavioral health services provided to survivors of human trafficking.

Recommendation #3: The Department of Regulatory Agencies (DORA) hold mental/behavioral health professionals accountable to the standards outlined for engaging with survivors of human trafficking under their existing ethical codes of conduct.

Recommendation #4: Private and public funding sources adopt the standards put forth for community-based victim advocates when funding advocacy services for human trafficking survivors.

Recommendation #5: Regional Colorado anti-trafficking collaborations as well as hotlines, such as the Colorado Network to End Human Trafficking hotline, that provide human trafficking service referrals adopt the standards put forth for mental/behavioral health professionals and

community-based victim advocates as part of their vetting process for providers to be included on their referral directories for services to human trafficking survivors.

Recommendation #6: To ensure adherence to the standards:

- a) The general assembly provide the necessary funds for one full-time equivalent (FTE) at the Division of Criminal Justice to review applications from mental/behavioral health professionals and community-based victim advocates who want to specialize in service provision to human trafficking survivors. The Division of Criminal Justice will maintain and update the list of those providers who have met the requirements outlined in the standards (*and if not feasible*)
- b) Community-based victim advocates who want to specialize in providing victim advocacy to human trafficking survivors should obtain the basic certification from the Colorado Advocate Certification Program (CACAP) administered by the Colorado Organization for Victim Assistance (COVA) and meet the additional human trafficking specific requirements outlined further in the standards document.
  - COVA will maintain and update a list of community-based victim advocates who have met the requirements outlined in the standards for human trafficking advocacy.

As part of the 2015 Annual Report, the Council conducted an in-depth analysis of the literature available on standards that were developed by other states and countries for the purpose of answering the question, is there a need to develop standards and a process for the certification of organizations that provide services to victims of human trafficking.<sup>38</sup> The conclusion of this analysis was a recommendation from the CHTC to establish standards for organizations and professionals that provide direct services to victims of human trafficking. The Council further specified that standards should only apply to a subset of professional sectors and identified five key sectors: community-based victim advocates, mental/behavioral health professionals, housing program providers, case managers, and social service providers (For a full discussion of the analysis and rationale for recommending standards, see the *2015 Colorado Human Trafficking Council Report*, pp. 47–56.) However, the work of developing the specific standards

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<sup>38</sup> C.R.S. § 18-505(4)(a)(I)-(II) outline the mandate requiring the Council to provide recommendations on whether standards and a certification process should be developed for organizations that provide services to victims of human trafficking.

for each of the above-mentioned sectors was left for the Standards and Certification Task Force (SCTF) of the Council to tackle in 2016.

Due to the complexity of developing standards, the SCTF chose to focus on two of the five identified professional sectors: community-based victim advocates and mental/behavioral health providers. The SCTF's objective was to also develop a basic standards framework that could be adapted for each of the remaining professional sectors. Given the fact that the anti-trafficking field is still in its early stages, the main goal was to establish minimum baseline of standards for these sectors. With this goal in mind, the standards have a heavy emphasis on training and promising practices. The intent of these standards is to provide the necessary guidance to help professionals be better equipped and prepared to provide services that will result in positive outcomes for survivors and establish a continuity of care and consistency across various service provider systems. It is important to note that the standards issued by the Council will not be static. These standards will need to be regularly reviewed and updated to reflect the growing body of research, the emergence of promising practices, and the experience of service providers in the anti-trafficking field.

The basic standards framework is composed of four main sections: introduction, required training elements, promising practices, and training resources. The training elements section contains three main components: required courses, elective courses and continuing education. The promising practices section primarily focuses on providing detailed information on guiding principles and victim confidentiality. Finally, each standards document provides a detailed appendix of training resources designed to help service providers meet all the training requirements contained in the standards. The training resources provided took into consideration cost and accessibility to ensure that all can access training and meet the standards put forth. The following pages contain the complete list of standards developed by the Council for community-based victim advocates and mental/behavioral health professionals.

## **Standards for Community-Based Victim Advocates**

Community-based victim advocates play a critical role in providing long-term assistance to human trafficking survivors. Community-based victim advocates render advice, counsel and assist victims<sup>39</sup> in accessing services, promote healing<sup>39</sup>, and help victims regain control.<sup>40</sup>

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<sup>39</sup> C.R.S § 13-90-107(k)(II)(A).

Community-based victim advocates often provide case management.<sup>41</sup> Case management is defined as the provision of services tailored to the unique needs and goals of the trafficking survivor<sup>42</sup> on his or her path to healing and independence.

The standards contained in this document apply only to **community-based victim advocates who want to specialize in serving human trafficking survivors**. These standards do not apply to community-based victim advocates who work for private non-profit organizations that are either employed by or have contracts with a District Attorney's office or law enforcement agency to provide victim advocacy services. Please note that community-based victim advocates play a key role in maintaining confidentiality of the victim and in some circumstances may have legal privilege per Colorado statute (*Reference C.R.S § 13-90-107(k)(I-II)*). It is not the intent of these standards to alter the current privilege statute referenced above.

The goal of these standards is to provide overarching guidance to community-based victim advocates on the training and experience needed to be a successful advocate on behalf of human trafficking survivors as well as provide an overview of the promising practices emerging from the anti-trafficking field on how best to serve and engage with victims of this crime.

### [Role of Community-Based Victim Advocates](#)

The community-based victim advocate plays an important role in maintaining the confidentiality of the victim and assists the victim in determining not only whether information will be shared, but also what specific information should be shared. Due to this confidential relationship, community-based victim advocates are in a unique position to help the victim to process in a safe environment when, how, and if information is shared. Representing victim experiences and perspectives is unique to victim advocates. The victims of these intimate, complex, and dangerous crimes require a specialized victim advocacy approach and advocates who are highly trained, experienced, knowledgeable, and skilled professionals.

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<sup>40</sup> Colorado Organization for Victim Assistance. (2006, April 10). Code of Professional Ethics for Victim Assistance Providers. Retrieved on March 18, 2016 from <http://www.coloradocrimevictims.org/colorado-advocate-certification-prgram-cacp.html>.

<sup>41</sup> The word victim is used in this definition as that is the language used in both the C.R.S. and COVA Code of Professional Ethics.

<sup>42</sup> The terms "human trafficking survivor" and "human trafficking victim" are used interchangeably throughout these standards.

**REQUIREMENTS****Qualifications for Community-Based Victim Advocates Working with Human Trafficking Survivors****I. Fully Certified Community-Based Victim Advocate Requirements**

*A fully certified community-based victim advocate is someone who is an active advocate already working in the field, who has already completed a minimum of 140 experiential direct services hours, and 60 hours of basic advocate training (which includes the following subject areas: Victim Topics [15hrs], Advocate Skills [15hrs], System Agency Response [15hrs], and Electives [15hrs]).*

**A. Obtain the *Basic* certification from:**

1. The Colorado Advocate Certification Program (CACP), administered by the Colorado Organization for Victim Assistance (COVA).

Website URL: <http://www.coloradocrimevictims.org/colorado-advocate-certification-prgram-cacp.html>.

- a. You may participate in the Colorado Victim Assistance Academy offered by COVA in order to meet the requirements for the *Basic* certification. To learn more about the academy, visit:

<http://www.coloradocrimevictims.org/colorado-victim-assistance-academy-cvaa.html>

***Attention:*** Please note that obtaining the *BASIC* certification through the CACP program does not require you to participate in trainings offered by COVA or any other organization. You may fulfill the training requirements for the *BASIC* certificate by completing any training that covers the content areas listed and by providing proof of your attendance with your CACP application.

- b. Additional resources for training that could satisfy the above requirements are listed in Appendix 6.

- B. These standards require that the 15 hours of elective training prescribed through the CACP shall include the content areas below. This requirement is to ensure proper training on human trafficking and how to best engage with a human trafficking survivor. Due to the rapidly evolving nature of the anti-trafficking field,

all human trafficking-related courses must have been completed within the last three years.

REQUIRED COURSES/TOPICS (five hours total):

- Colorado Human Trafficking 101 (120 minutes)
- Community-Based Victim Advocates and the Human Trafficking Survivor: This course must cover understanding service needs of human trafficking survivors, providing intensive case management, understanding challenges to service delivery, and utilizing local resources.
- Applying Trauma-Informed Care to Human Trafficking Cases

ELECTIVE COURSES/TOPICS<sup>43</sup>

*(at least five out of the seven content areas for a minimum of 10 hours)*

- Human Trafficking in Rural Communities
- Overview of Labor Trafficking Cases
- Gang Involvement in Human Trafficking
- Child Trafficking
- Immigration Relief for Trafficking Survivors
- The Intersection Between Domestic Violence, Sexual Assault, and Child Sex Abuse and Human Trafficking
- The Importance of Collaboration in Human Trafficking Cases

- C. Experiential hours according to the COVA requirements, which can be found in the CACP application (<http://www.coloradocrimevictims.org/colorado-advocate-certification-prgram-cacp.html>). *Experiential hours refer to paid or volunteer work experience in the field of victim advocacy as well as service hours, which include direct service to victims (e.g., case review meetings, hotline work, shadowing, case management, call out time, etc.)*

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<sup>43</sup> Training resources for elective courses/topics can be found in Appendix 6.

## II. Entry-Level Community-Based Victim Advocates

*An entry-level community-based victim advocate is someone who is just entering the field of victim advocacy and has completed a minimum of 70 hours of experiential direct service and a minimum of 30 hours of basic advocacy training.*

### A. Training Hours:

1. A minimum of 30 initial hours of basic advocate training must be completed to serve as an entry-level community-based victim advocate and shall include: victim advocacy, human trafficking dynamics, victimization, and safety planning.
2. The remaining 30 hours of training required to become a fully certified community-based victim advocate shall be achieved within the first year of work as an entry-level community-based victim advocate and shall include the 15 hours of elective course training focused on human trafficking as listed previously.

### B. Experiential Hours:

1. A minimum of 70 hours of experience working with crime victims must be completed to serve as an entry-level community-based victim advocate. Five of the 70 hours must be dedicated to working directly with human trafficking survivors. These hours may be earned through any combination of employment, volunteer work, or internships.
2. The remaining 70 experiential hours required for a fully certified community-based victim advocate shall be earned within two years.

## III. Continuing Education and Renewal of Advocacy Certification

A. Renewal of CACP certification every two years.

B. Over a two-year period, dedicate eight of the required 32 hours of continuing education for CACP renewal to human trafficking-related courses/topics, which cannot include the original required training courses for the human trafficking specialty. *Refer to elective list of courses/topics for ideas.*

#### IV. Victim Advocates Shall Be Knowledgeable About Local Resources

Survivors of human trafficking have a myriad of needs, needs that cannot be fulfilled by a single agency. It will be critical in your work as an advocate to be knowledgeable about the availability of resources in your community. The following is a list of common needs survivors of human trafficking might present (*please note that this list is not exhaustive*):

- Safety planning
- Food, clothing, and other basic needs
- Legal guardianship (*for minors only*)
- All forms of housing
- Legal assistance,<sup>44</sup> which may include
  - Filing for immigration relief
  - Reunification/repatriation
  - Civil litigation, family, and other civil matters
- Vacating/expunging criminal convictions
- Translation services
- Child care
- Transportation services
- Address confidentiality program
- Victim/witness notification
- Victim compensation
- Medical and dental health services
- Behavioral health services
  - *May include substance abuse treatment*
- Life skills education
- Education
- Job training/employment placement assistance, and
- Culturally and linguistically appropriate services

### **PROMISING PRACTICES IN VICTIM ADVOCACY FOR HUMAN TRAFFICKING SURVIVORS**

#### ***Guiding Principles***

Community-based victim advocates should provide assistance that is:

- **Survivor-informed**: Listening and learning from survivors.<sup>45</sup> Giving survivors the tools to do for themselves rather than doing for them.
- **Culturally responsive**: Paying particular attention to social and cultural factors in managing encounters with clients from different social, cultural, and religious backgrounds. A basic premise is to recognize the client's culture, your own culture, and how both affect the client-provider relationship.<sup>46</sup>
- **Trauma-informed**: Recognizing that trauma can have a broad and pervasive effect on a client's personhood, which affects every area of human functioning—physical,

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<sup>44</sup> Please note that trafficking survivors have many legal needs some of which may not necessarily be directly related to their trafficking experience.

<sup>45</sup> Definition adapted from the Freedom Network, Retrieved on June 23, 2016 from <http://freedomnetworkusa.org/>

<sup>46</sup> Definition adapted from Dimension of Culture: Cross-Cultural Communications for Healthcare Professionals, Retrieved on June 23, 2016 from <http://www.dimensionsofculture.com/2010/10/576/>



mental, behavioral, social, and spiritual. It also involves creating an environment for clients that conveys dignity, respect, hopefulness, and the opportunity for choice and empowerment among clients.<sup>47</sup>

- **Individualized and need-based:** Services should be tailored to the unique needs and background of each client, taking into consideration the spiritual, cultural, intellectual, physical, and emotional dynamics resulting from his or her trafficking experience.
- **Legally informed:** Understanding the laws governing mandatory reporting, confidentiality, and the limitations of legal privilege; should be familiar with Victim Compensation program's abilities and reimbursable expenses; knowledgeable regarding the rights afforded to and the limitations on the rights of victims under the Colorado Victim's Rights Act. Advocates should not provide legal advice without a law license, and should refer questions regarding charging, legal violations, and other legal proceedings to the criminal justice advocate or lawyer handling the criminal or civil case.
- **Accessible:** Services should be accessible based on literacy level, language, financial considerations, ADA, etc.

### **Peer Consultation**

Peer consultation with other fully certified community-based victim advocates or consultation with local victim service providers is strongly encouraged. Peer consultation may include:

1. Sharing information about training opportunities and resources
2. Confidentiality issues
3. Advocacy on behalf of a specific population
4. Technical assistance and safety planning

### **Advocacy Contacts**

Advocacy contacts with the victim shall address the following:

1. A brief explanation of the advocate's role and why he or she is making contact.
2. Explanation of confidentiality, including limitations.

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<sup>47</sup> Definition from the National Council for Behavioral Health, Retrieved on June 23, 2016 from <http://www.thenationalcouncil.org/areas-of-expertise/trauma-informed-behavioral-healthcare/>

3. Conducting a needs assessment and honoring the victim's self-determination in providing information and resources.
4. Determination of whether or not the victim wishes to be contacted, including preferred and most secure method of contact. Social media or similar electronic/digital communication avenues should be used with caution and only when appropriate to contact victims, as confidentiality may be jeopardized.
5. Any concerns about safety that the victim may have.
6. Referrals and resources.

## Victim Confidentiality

### **I. Importance of Victim Confidentiality**

It is critical for victims of human trafficking to have confidential communications with and confidential assistance from community-based victim advocates. The ability to receive confidential services can both enhance victims' safety and their ability to reach out to and to trust advocates. However, it is important for advocates to explain the benefits and limitations of confidentiality to the victims they assist.<sup>48</sup>

### **II. Duty of Confidentiality**

Generally speaking, the duty of confidentiality for community-based victim advocates is to not reveal any confidential information relating to assistance provided on behalf of, or communications with, a victim of human trafficking. Community-based victim advocates shall know and adhere to their agency's confidentiality policies and procedures.

#### **A. Consent to Release Information:**

Community-based victim advocates shall not disclose personally identifying information about victims, unless the individual consents to having her or his information shared.

1. Victims shall be informed of the benefits and potential consequences of having their information shared.

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<sup>48</sup> For additional information, refer to Confidentiality Institute. (2015). A Primer on Privilege & Confidentiality for Victim Service Providers. Retrieved on May 19, 2016 from: [http://nnedv.org/downloads/NNEDV\\_CI\\_Primer\\_on\\_Privilege\\_2015.pdf](http://nnedv.org/downloads/NNEDV_CI_Primer_on_Privilege_2015.pdf).

2. Victims' consent to a release of information shall be specific, written, and reasonably time-limited.
  3. Community-based victim advocates shall share only the minimum amount of information necessary to meet the victim's needs, or, in other words, release information on a "need to know basis."
  4. Community-based victim advocates shall honor victims' rights and choices regarding what, if any, victim information will be shared, and with whom, including:
    - a. What specific victim information the advocate will be sharing
    - b. Who the information is to be shared with
    - c. How that information may be utilized
    - d. When that information will be shared
    - e. The time period for the release of information
  5. The victim can revoke the release of information at any time
- B. Exceptions to Victim Confidentiality
1. Reporting of suspected abuse or neglect of children:
    - a. All community-based victim advocates have a responsibility and shall report suspected abuse or neglect of children. (*Reference C.R.S. § 19-3-302*)

*Special Note: As of 2016, human trafficking of a minor for sexual servitude (C.R.S § 18-3-504) and the commercial sexual exploitation of children have been added to the definition of child abuse or neglect (C.R.S § 19-1-103)*
    - b. Advocates shall inform victims of this exception upon initial contact and as appropriate during victim contacts.
    - c. Victims should be notified when a report is made for suspected child abuse or neglect, or when their information is shared under a court order.
  2. Court ordered release of information
    - a. The community-based victim advocate or the advocate's records could be subpoenaed.

## Standards for Mental/Behavioral Health Professionals

Mental/behavioral health professionals play a critical role in providing long-term clinical interventions and support to human trafficking survivors. Mental/behavioral health professionals provide counsel, help to access services that promote healing and help survivors find their voice again. Mental/behavioral health professionals often provide case management. Case management is defined as the provision of services tailored to the unique needs and goals of the trafficking survivor<sup>49</sup> on the path to healing and independence.

Per Colorado Statute, when the term “mental/behavioral health professional” is used throughout these standards, the reference is to mental/behavioral health professionals who are licensed, registered, or certified pursuant to the articles contained in C.R.S § 12-43-303, 12-43-403, 12-43-503, 12-43-601.5 and 12-43-803. These define the practice of psychiatry, psychology, social work, marriage and family therapy, licensed professional counseling, and addiction counseling, respectively.

Providing mental/behavioral health services to human trafficking survivors requires advanced expertise not offered in traditional graduate course work. The goal of these standards is to provide overarching guidance to mental/behavioral health professionals on the training and experience necessary to be successful in working with human trafficking survivors as well as provide an overview of the promising practices emerging from the anti-trafficking field, including recommended treatment modalities to use with victims of this crime.

**The standards contained in this document apply to licensed, registered, or certified mental/behavioral health professionals who choose to provide services to survivors of human trafficking.** Victim and community safety are the highest priorities of these standards. As such, these principles should guide the responses of the criminal justice system, victim advocacy, clinical interventions, and human services.

It is important for mental/behavioral health professionals to understand and respect the limitations of their practice and the advanced expertise required to properly serve human trafficking survivors, as per C.R.S § 12-43-202(1), which states “notwithstanding any other

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<sup>49</sup> The terms “human trafficking survivor” and “human trafficking victim” are used interchangeably throughout this document.

provision of this article, no licensee, registrant, or certificate holder is authorized to practice outside of or beyond his or her area of training, experience, or competence.”

## **REQUIREMENTS**

### ***Mental/Behavioral Health Professional Credential:***

- I. Registered, licensed, or certified through Department of Regulatory Agencies (DORA) as a mental/behavioral health professional. See DORA regulations at <https://www.colorado.gov/dora>

### ***Training Content Areas:***

- I. Due to the level of trauma most human trafficking survivor’s experience, these standards require that mental/behavioral health professionals have knowledge and training on trauma as well as experience providing trauma-specific treatment. This knowledge on trauma shall be demonstrated through the completion of a minimum of eight hours of training in *Trauma-Specific Treatment Intervention* within the last three years.
  
- II. To ensure relevant training on human trafficking and how to best engage with a human trafficking survivor, these standards require you to obtain and provide proof of completion of training, within the last three years, in the content areas listed below<sup>50</sup>:

#### **REQUIRED COURSES/TOPICS** (*following courses are required once*):

- Colorado Human Trafficking 101 (120 minutes)
- Service Needs of Human Trafficking Survivors

#### **ELECTIVE COURSES/TOPICS:** (*At least two electives for a minimum of two hours*)

- Human Trafficking in Rural Communities
- An Overview of Labor Trafficking Cases
- Applying Trauma-Informed Care to Human Trafficking Cases
- Understanding Complex Trauma in Relation to Human Trafficking
- Special populations in human trafficking, including gangs, substance abusers, homeless, and individual with Intellectual and Developmental Disabilities (IDD).

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<sup>50</sup> Training resources for required and elective courses/topics can be found in Appendix 7.

- Child Trafficking
- The Intersections of Human Trafficking and the Impact of Related Issues (such as but not limited to: domestic violence, sexual assault, child sexual abuse, substance abuse, self-harm)
- Knowledge of Investigations and the Criminal Justice Process in Relation to Human Trafficking Cases
- The Role of Confidentiality, Mandatory Reporting, and Legal Privilege in Human Trafficking Cases

### ***Continuing Education***

Due to the rapidly evolving nature of the anti-trafficking field, it is critical to engage in continuing education as promising and eventually best practices begin to emerge for the treatment of human trafficking survivors. In recognition of this, these standards recommend over a two-year period that mental/behavioral health professionals dedicate eight hours of continuing education to human trafficking content areas. *Refer to the list of elective courses/topics for ideas as well as the training resources listed in Appendix 7.*

### **PROMISING PRACTICES FOR PROVIDING MENTAL/BEHAVIORAL HEALTH CARE TO HUMAN TRAFFICKING SURVIVORS**

#### ***Guiding Principles***

Mental/behavioral health professionals should provide care that is:

- Survivor-informed: Listening and learning from survivors.<sup>51</sup> Giving survivors the tools to do for themselves rather than doing for them.
- Culturally responsive: Paying particular attention to social and cultural factors in managing encounters with clients from different social, cultural, and religious backgrounds. A basic premise is to recognize the client's culture, your own culture, and how both affect the client-provider relationship.<sup>52</sup>

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<sup>51</sup> Definition adapted from the Freedom Network. Retrieved on June 23, 2016 from: <http://freedomnetworkusa.org/>

<sup>52</sup> Definition adapted from Dimension of Culture: Cross-Cultural Communications for Healthcare Professionals. Retrieved on June 23, 2016 from: <http://www.dimensionsofculture.com/2010/10/576/>

- **Trauma-informed:** Recognizing that trauma can have a broad and pervasive effect on a client’s personhood, which affects every area of human functioning—physical, mental, behavioral, social, and spiritual. It also involves creating an environment for clients that conveys dignity, respect, hopefulness, and the opportunity for choice and empowerment among clients.<sup>53</sup>
- **Individualized and need-based:** Services should be tailored to the unique needs and background of each client, taking into consideration the spiritual, cultural, intellectual, physical, and emotional dynamics resulting from his or her trafficking experience.
- **Legally informed:** Understanding the laws governing mandatory reporting, confidentiality, and the limitations of legal privilege; should be familiar with the Victim Compensation program’s abilities and reimbursable expenses; knowledgeable regarding the rights afforded to and the limitations on the rights of victims under the Colorado Victim’s Rights Act. Mental/behavioral health professionals should not provide legal advice without a law license, and should refer questions regarding charging, legal violations, and other legal proceedings to the criminal justice advocate or lawyer handling the criminal or civil case.
- **Accessible:** Services should be accessible based on literacy level, language, financial considerations, ADA, etc.
- **Collaborative:** Collaboration is encouraged with other stakeholders in the following ways:
  - Sharing information about training opportunities and resources.
  - Advocacy on behalf of human trafficking survivor population.
  - Technical assistance, safety planning, brainstorming on difficult cases while preserving client confidentiality.

### **Treatment Focus:**

- Needs Assessments
- Mental/Behavioral Health Treatment
- Psycho-education
- Safety planning

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<sup>53</sup> Definition from the National Council for Behavioral Health. Retrieved on June 23, 2016 from: <http://www.thenationalcouncil.org/areas-of-expertise/trauma-informed-behavioral-healthcare/>

- Crisis Management
- Community Reintegration
- Self-advocacy Promotion

### Recommended Treatment Modalities for Working with Human Trafficking Survivors

These modalities can be delivered individually or in groups, and are often augmented by other complimentary approaches, including culturally relevant material. The primary goals of services for trafficking survivors focus on empowerment and recovery (growth, mastery, and efficacy). *The following modalities are not listed in any particular order.*

- Grounding techniques to help manage dissociative symptoms
- Desensitization therapies to help make painful images more tolerable
- Certain behavioral therapies that teach skills for coping with post-trauma effects<sup>54</sup>
- Group therapy to address and build skills development
- Affect regulation
- Relationship building
- Competency and resiliency building
- Use of peer support groups to increase normalization, build healthy interpersonal relationship skills, and establish social supports
- Specific modalities include:
  - ARC-HT—Attachment, Regulation, Competency & Narrative
  - Dialectical Behavior Therapy
  - Seeking Safety Interventions
  - Psycho-education
  - Narrative Therapy
  - Trauma-Focused Cognitive Behavior Therapy
  - Trauma-specific behavioral treatment such as holistic, sensory interventions
  - Eye Movement Desensitization and Reprocessing (EMDR) Therapy
  - Motivational Interviewing

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<sup>54</sup> Harris, Maxine, and Fallot, Roger D. (2001). *Using Trauma Theory to Design Service Systems: New Directions for Mental Health Services, No. 89*. San Francisco, CA: Jossey-Bass.



## Victim Confidentiality, Legal Privilege, and Mandatory Reporting

### **I. The Importance of Victim Confidentiality**

It is critical for victims of human trafficking to have confidential communications with and confidential assistance from mental/behavioral health professionals. The ability to receive confidential services can both enhance victims' safety and their ability to reach out to and trust the provider. Additionally, it is important for mental/behavioral health professionals to explain the benefits and limitations of confidentiality to the victims they assist.<sup>55</sup>

### **II. Legal Privilege**

Pursuant to C.R.S. § 13-90-107(1)(g), the following individuals shall not be examined without the consent of the licensee's, certificate holder's, registrant's, candidate's, or person's client as to any communications made by the client to the licensee, certificate holder, registrant, candidate or person of the advice given in the course of professional employment.

- A licensed psychologist, professional counselor, marriage and family therapist, social worker, or addiction counselor,
- a registered psychotherapist,
- a certified addiction counselor,
- a psychologist candidate registered pursuant to section *C.R.S. § 12-43-304(7)*,
- a marriage and family therapist candidate registered pursuant to section *C.R.S. § 12-43-504(5)*,
- a licensed professional counselor candidate registered pursuant to *C.R.S. § 12-43-603(5)*, or
- a person described in section *C.R.S. § 12-43-215*

### **III. Exceptions to Victim Confidentiality**

- A. Reporting of suspected abuse or neglect of children, at-risk elders, and adults with intellectual and developmental disabilities (IDD):

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<sup>55</sup> For additional information, refer to Confidentiality Institute. (2015). *A Primer on Privilege & Confidentiality for Victim Service Providers*. Retrived on May 19, 2016 from: [http://nnedv.org/downloads/NNEDV\\_CI\\_Primer\\_on\\_Privilege\\_2015.pdf](http://nnedv.org/downloads/NNEDV_CI_Primer_on_Privilege_2015.pdf).

1. All mental/behavioral health professionals have a responsibility and shall report suspected abuse or neglect of children, at-risk elders, and at-risk adults with IDD. (*Reference C.R.S. § 19-3-302, C.R.S. § 18-6.5-108*).

*Special Note: As of 2016, human trafficking of a minor for sexual servitude (C.R.S § 18-3-504) and the commercial sexual exploitation of children have been added to the definition of child abuse or neglect (C.R.S § 19-1-103).*

2. Providers shall inform client of this upon initial contact and as appropriate during client contacts.

B. Duty to Warn

1. Mental/behavioral health providers have a duty to warn and protect and shall make reasonable and timely efforts to notify the specific location or entity of the threat as well as law enforcement. (*For more information reference C.R.S. § 13-21-117.*)

C. Release of information

1. The mental/behavioral health professional and/or their records could be subpoenaed. Upon receipt of a subpoena, mental health providers should immediately notify their agency's counsel to determine if a motion to quash should be filed, and shall immediately notify their client/patient of the subpoena, as the victim in a criminal case has a right to be notified and object in court.
2. Treatment records provided to probation may be subject to automatic disclosure, if the client has signed a release of records.

## SECTION 5

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# SECTION 6

## Appendices

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## Appendix 1: Concerning Protecting the Privacy of Child Victims When Releasing Criminal Justice Records – SB 16-110<sup>56</sup>

**SECTION 1.** In Colorado Revised Statutes, 24-72-304, **add** (4.5) as follows:

**24-72-304. Inspection of criminal justice records.** (4.5) (a) THE NAME AND ANY OTHER INFORMATION THAT WOULD IDENTIFY ANY CHILD VICTIM OF OFFENSES, ALLEGED OFFENSES, ATTEMPTED OFFENSES, OR ALLEGEDLY ATTEMPTED OFFENSES IDENTIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (4.5) OR UNDER PARAGRAPH (c) OF THIS SUBSECTION (4.5) SHALL BE DELETED FROM ANY CRIMINAL JUSTICE RECORD PRIOR TO THE RELEASE OF SUCH RECORD TO ANY INDIVIDUAL OR AGENCY OTHER THAN A CRIMINAL JUSTICE AGENCY OR THE NAMED VICTIM OR VICTIM'S DESIGNEE, WHEN SUCH RECORD BEARS THE NOTATION "CHILD VICTIM" REQUIRED BY THIS SUBSECTION (4.5).

(b) A CRIMINAL JUSTICE AGENCY OR CUSTODIAN OF CRIMINAL JUSTICE RECORDS SHALL MAKE THE NOTATION "CHILD VICTIM" ON ANY RECORD OF OFFICIAL ACTION AND ON THE FILE CONTAINING SUCH RECORD WHEN THE OFFICIAL ACTION IS RELATED TO THE COMMISSION OR THE ALLEGED COMMISSION OF ANY OF THE OFFENSES IN THE FOLLOWING STATUTES:

- (I) PART 4 OF ARTICLE 6 OF TITLE 18, C.R.S.;
- (II) INTERNET SEXUAL EXPLOITATION OF A CHILD UNDER SECTION 18-3-405.4, C.R.S.;
- (III) ENTICEMENT OF A CHILD UNDER SECTION 18-3-305, C.R.S.;
- (IV) INTERNET LURING OF A CHILD UNDER SECTION 18-3-306, C.R.S.;
- (V) SOLICITING FOR CHILD PROSTITUTION UNDER SECTION 18-7-402, C.R.S.;
- (VI) PANDERING OF A CHILD UNDER SECTION 18-7-403, C.R.S.;
- (VII) PROCUREMENT OF A CHILD UNDER SECTION 18-7-403.5, C.R.S.;
- (VIII) KEEPING A PLACE OF CHILD PROSTITUTION UNDER SECTION 18-7-404, C.R.S.;
- (IX) PIMPING OF A CHILD UNDER SECTION 18-7-405, C.R.S.;
- (X) INDUCEMENT OF CHILD PROSTITUTION UNDER SECTION 18-7-405.5, C.R.S.;
- (XI) PATRONIZING A PROSTITUTED CHILD UNDER SECTION 18-7-406, C.R.S.;

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<sup>56</sup> Appendix 1 represents the entirety of the enacted legislation – SB 16-110. Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of the act.

(XII) HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE UNDER SECTION 18-3-503, C.R.S.;

(XIII) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE UNDER SECTION 18-3-504 (2), C.R.S.; AND

(XIV) AN ATTEMPT TO COMMIT ANY OF THE OFFENSES LISTED IN SUBPARAGRAPHS (I) TO (XIII) OF THIS PARAGRAPH (b).

(c) A CRIMINAL JUSTICE AGENCY OR CUSTODIAN OF CRIMINAL JUSTICE RECORDS SHALL MAKE THE NOTATION "CHILD VICTIM" ON ANY RECORD OF OFFICIAL ACTION AND ON THE FILE CONTAINING SUCH RECORD WHEN THE OFFICIAL ACTION INVOLVES A CHILD VICTIM WHEN:

(I) ANY EMPLOYEE OF THE COURT, OFFICER OF THE COURT, OR JUDICIAL OFFICER NOTIFIES SUCH AGENCY OR CUSTODIAN OF THE NAME OF A CHILD VICTIM WHEN SUCH A NAME IS DISCLOSED TO OR OBTAINED BY SUCH EMPLOYEE OR OFFICER DURING THE COURSE OF PROCEEDINGS RELATED TO SUCH OFFICIAL ACTION; OR

(II) THE RECORD OR FILE CONTAINS THE NAME OF A CHILD VICTIM AND THE CHILD VICTIM OR THE CHILD'S LEGAL GUARDIAN REQUESTS THE CUSTODIAN OF THE CRIMINAL JUSTICE RECORD TO MAKE SUCH A NOTATION.

(d) THE PROVISIONS OF THIS SUBSECTION (4.5) SHALL NOT APPLY TO THE SHARING OF INFORMATION BETWEEN:

(I) CRIMINAL JUSTICE AGENCIES, SCHOOL DISTRICTS, STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENTS AND AUTHORIZED UNIVERSITY ADMINISTRATORS PURSUANT TO SECTION 23-5-141, C.R.S., ASSESSMENT CENTERS FOR CHILDREN AS DEFINED IN SECTION 19-1-103 (10.5), C.R.S., OR SOCIAL SERVICES AGENCIES AS AUTHORIZED BY SECTION 22-32-109.1 (3), C.R.S.;

(II) PUBLIC SCHOOLS AND SCHOOL DISTRICTS FOR THE PURPOSES OF SUSPENSION, EXPULSION, AND REENROLLMENT DETERMINATIONS PURSUANT TO SECTIONS 22-33-105 (5) (a), 22-33-106 (1.2) AND (4) (a), AND 19-1-303, C.R.S.; AND

(III) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL, CHILD FATALITY REVIEW TEAMS AS DEFINED IN SECTIONS 25-20.5-404, 25-20.5-406, AND 26-1-139, C.R.S., AND STATE OR COUNTY DEPARTMENTS OF HUMAN OR SOCIALSERVICES IN THE EXERCISE OF THEIR DUTIES.

**SECTION 2. Effective date - applicability.** This act takes effect September 1, 2016, and the notation requirement applies to offenses committed on or after said date. Criminal justice

agencies and custodians of criminal justice records shall make reasonable efforts to comply with this act for offenses committed prior to September 1, 2016.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



## Appendix 2: Concerning the Colorado Human Trafficking Council – House Bill 16-1033<sup>57</sup>

**SECTION 1.** In Colorado Revised Statutes, 18-3-505, amend (I)

(b) (XXI), (1) (b) (XXII), and (3); and add (I) (b) (XXIII) as follows:

**18-3-505. Human trafficking council - created - duties - repeal.**

(I) (b) The membership of the council shall reflect, to the extent possible, representation of urban and rural areas of the state and a balance of expertise, both governmental and non-governmental, in issues relating to human trafficking. The council shall include members with expertise in child welfare and human services to address the unique needs of child victims, including those child victims who are involved in the child welfare system. The membership of the council shall consist of the following persons, who shall be appointed as follows:

(XXI) A representative of a child advocacy center; and

(XXII) One person to be appointed by the commissioner of agriculture; AND

(XXIII) ONE PERSON REPRESENTING THE JUDICIAL BRANCH, TO BE APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT.

(3) Each member of the council shall serve at the pleasure of his or her appointing authority for a term of four years. The appointing authority may reappoint the member for an additional term or terms. Members of the council shall serve without compensation BUT MAY BE REIMBURSED FOR ACTUAL TRAVEL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

**SECTION 2.** Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1(3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item,

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<sup>57</sup> Appendix 2 represents the entirety of the enacted legislation – HB 16-1033. Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of the act.

section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

## Appendix 3: Concerning Child Abuse Involving Human Trafficking of Minors – House Bill 16-1224<sup>58</sup>

**SECTION 1.** In Colorado Revised Statutes, 19-1-103, add (1) (a)

(VIII) and (23.5) as follows:

**19-1-103. Definitions - repeal.** As used in this title or in the specified portion of this title, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(VIII) ANY CASE IN WHICH A CHILD IS SUBJECTED TO HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S. (23.5) "COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN" INVOLVES CRIMES OF A SEXUAL NATURE COMMITTED AGAINST JUVENILE VICTIMS FOR FINANCIAL OR OTHER ECONOMIC REASONS.

**SECTION 2.** In Colorado Revised Statutes, 19-3-308, add (4) (c) as follows:

**19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - investigations - child protection team - rules.**

(4) (c) UPON THE RECEIPT OF A REPORT, IF THE COUNTY DEPARTMENT ASSESSMENT CONCLUDES THAT A CHILD HAS BEEN A VICTIM OF INTRAFAMILIAL, INSTITUTIONAL, OR THIRD-PARTY ABUSE OR NEGLECT IN WHICH HE OR SHE HAS BEEN SUBJECTED TO HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S.; OR COMMERCIAL SEXUAL EXPLOITATION OF A CHILD, IT SHALL, WHEN NECESSARY AND APPROPRIATE, IMMEDIATELY OFFER SOCIAL SERVICES TO THE CHILD WHO IS THE SUBJECT OF THE REPORT AND TO HIS OR HER FAMILY, AND IT MAY FILE A PETITION IN THE JUVENILE COURT OR THE DISTRICT COURT WITH JUVENILE JURISDICTION ON BEHALF OF SUCH CHILD. IF, AT ANY TIME AFTER THE COMMENCEMENT OF AN INVESTIGATION, THE COUNTY DEPARTMENT HAS REASONABLE CAUSE TO SUSPECT THAT THE CHILD OR ANY

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<sup>58</sup> Appendix 3 represents the entirety of the enacted legislation – HB 16-1224. Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of the act.

OTHER CHILD UNDER THE SAME CARE IS A VICTIM OF HUMAN TRAFFICKING, THE COUNTY DEPARTMENT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY AS SOON AS IT IS REASONABLY PRACTICABLE TO DO SO. IF IMMEDIATE REMOVAL IS NECESSARY TO PROTECT THE CHILD OR OTHER CHILDREN UNDER THE SAME CARE FROM FURTHER ABUSE, THE CHILD OR CHILDREN MAY BE PLACED IN PROTECTIVE CUSTODY IN ACCORDANCE WITH SECTIONS 19-3-401 (1) (a) AND 19-3-405. IN INSTANCES OF THIRD-PARTY ABUSE OR NEGLECT AS IT RELATES TO HUMAN TRAFFICKING, A COUNTY DEPARTMENT OF SOCIAL SERVICES MAY, BUT IS NOT REQUIRED TO, INTERVIEW THE PERSON ALLEGED TO BE RESPONSIBLE FOR THE ABUSE OR

NEGLECT OR PREPARE AN INVESTIGATIVE REPORT PURSUANT TO PARAGRAPH

(a) OF SUBSECTION (5.3) OF THIS SECTION. IF A COUNTY DEPARTMENT ELECTS TO INTERVIEW THE THIRD-PARTY INDIVIDUAL, IT SHALL FIRST CONFER WITH ITS LOCAL LAW ENFORCEMENT AGENCY.

**SECTION 3.** In Colorado Revised Statutes, add 19-3-317 as follows:

**19-3-317. Screening tool - human trafficking.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, PURSUANT TO THE FEDERAL "PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT", PUB.L. 113-183, THE DEPARTMENT AND EACH COUNTY DEPARTMENT, AS DEFINED IN SECTION 19-1-103 (32) (a), SHALL IMPLEMENT A UNIFORM SCREENING TOOL THAT INCLUDES QUESTIONS THAT ARE INTENDED TO IDENTIFY CHILDREN WHO ARE VICTIMS OF HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S., OR COMMERCIAL SEXUAL EXPLOITATION OF A CHILD, OR WHO ARE AT RISK OF BEING SUCH VICTIMS.

**SECTION 4. Act subject to petition - effective date.** This act takes effect January 1, 2017; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on January 1, 2017, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

## Appendix 4: Concerning the Regulation of Massage Therapy to Modify Practices that are Linked to Criminal Behavior – HB 16-1320<sup>59</sup>

**SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

(a) Colorado has seen an increase in the number of human trafficking and prostitution offenses linked to massage therapy;

(b) Loopholes in existing massage law, both local and state, are manipulated by traffickers to escape detection and liability and cast aspersion on law-abiding massage therapy professionals; and

(c) Administrative actions should be aligned with criminal investigations and actions.

(2) It is therefore the intent of the general assembly to prohibit or modify practices that contribute to criminal behavior by making changes to the "Massage Therapy Practice Act".

**SECTION 2.** In Colorado Revised Statutes, 12-35.5-103, **amend** (7) as follows:

**12-35.5-103. Definitions.** As used in this article, unless the context otherwise requires:

(7) "Massage" or "massage therapy" means a system of structured touch, palpation, or movement of the soft tissue of another person's body in order to enhance or restore the general health and well-being of the recipient. Such system includes, but is not limited to, techniques such as effleurage, commonly called stroking or gliding; petrissage, commonly called kneading; tapotement or percussion; friction; vibration; compression; passive and active stretching within the normal anatomical range of movement; hydromassage; and thermal massage. Such techniques may be applied with or without the aid of lubricants, salt or herbal preparations, water, heat, or a massage device that mimics or enhances the actions possible by human hands. ~~"Massage" or "massage therapy" does not include therapeutic exercise, intentional joint mobilization or manipulation, or any of the methods described in section 12-35.5-110 (1) (c).~~

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<sup>59</sup> Appendix 4 represents the entirety of the enacted legislation – SB 16-1320. Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of the act.

**SECTION 3.** In Colorado Revised Statutes, 12-35.5-107, **amend** (1) (d), (1) (e), and (6); and add (1) (f), (7), and (8) as follows:

**12-35.5-107. License - reciprocity - denial of license application.**

(1) Every applicant for a license to practice massage therapy shall:

(d) Pay a fee in an amount determined by the director; ~~and~~

(e) Submit to a criminal history record check in the form and manner as described in subsection (2) of this section; AND

(f) DOCUMENT THAT HE OR SHE WILL BE AT LEAST EIGHTEEN YEARS OF AGE AT THE TIME OF LICENSURE.

(6) Notwithstanding any provision of this section, the director may deny a license if the applicant has committed any act that would be grounds for disciplinary action under section 12-35.5-111 or if the director determines, subsequent to the criminal history record check, that the applicant was convicted of, or pled guilty OR NOLO CONTENDERE to, OR RECEIVED A DEFERRED SENTENCE FOR a charge of unlawful sexual behavior as defined in section 16-22-102, C.R.S., ~~or~~ any prostitution-related offense, OR A HUMAN TRAFFICKING-RELATED OFFENSE AS DESCRIBED IN SECTIONS 18-3-503 AND 18-3-504, C.R.S., whether or not the act was committed in Colorado.

(7) THE DIRECTOR MAY DENY A LICENSE IF THE DIRECTOR DETERMINES THAT THE APPLICANT IS NOT COMPETENT, TRUSTWORTHY, OR OF GOOD MORAL CHARACTER.

(8) PURSUANT TO SECTION 24-5-101, C.R.S., THE DIRECTOR SHALL CONSIDER WHETHER AN APPLICANT WITH A CRIMINAL RECORD HAS BEEN REHABILITATED, SPECIFICALLY CONSIDERING WHETHER THE APPLICANT HAS BEEN A VICTIM OF HUMAN TRAFFICKING AND THE LAPSE OF TIME SINCE THE OFFENSE.

**SECTION 4.** In Colorado Revised Statutes, 12-35.5-110, **amend** (1) (e); and **add** (2) and (3) as follows:

**12-35.5-110. Scope of article - exclusions - authority for clinical setting.** (1) Nothing in this article prohibits or requires a massage therapy license for any of the following:

(e) The person provides alternative methods that employ contact and does not hold himself or herself out as a massage therapist. For the purposes of this paragraph (e), "alternative methods that employ contact" include, but are not limited to:

(I) Practices ~~in which only the soft tissue of a person's hands, feet, or ears are manipulated~~ USING REFLEXOLOGY, AURICULAR THERAPY, AND MERIDIAN THERAPIES THAT AFFECT THE REFLEXES OF THE BODY;

(II) Practices using touch, words, and directed movements to deepen a person's awareness of movement patterns in his or her body, such as the Feldenkrais method, the Trager approach, and body-mind centering;

(III) Practices using touch OR HEALING TOUCH to affect the human energy systems, such as reiki, shiatsu; and ~~Asian or polarity bodywork therapy~~ MERIDIANS;

(IV) Structural integration practices such as Rolfing and Hellerwork; and

(V) The process of muscle activation techniques.

(2) IF THERE IS A CONTINUED PATTERN OF CRIMINAL BEHAVIOR WITH ARRESTS, COMPLAINTS REGARDING SEXUAL MISCONDUCT, OR CRIMINAL INTENT THAT IS RELATED TO HUMAN TRAFFICKING DISGUISED AS A LEGITIMATE EXEMPTION, THE DIRECTOR MAY, AT HIS OR HER DISCRETION DETERMINE THAT A PRACTICE IS NO LONGER EXEMPT FROM LICENSING PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION.

(3) NOTHING IN THIS ARTICLE PROHIBITS THE PRACTICE OF MASSAGE THERAPY BY A PERSON WHO IS LICENSED OR REGISTERED TO PRACTICE MEDICINE, NURSING, OSTEOPATHY, PHYSIOLOGY, CHIROPRACTIC, PODIATRY, COSMETOLOGY, OR ANY OTHER HEALTH CARE PROFESSION, AS LONG AS THE PRACTICE IS WITHIN THE LIMITS OF EACH RESPECTIVE PRACTICE ACT.

**SECTION 5.** In Colorado Revised Statutes, 12-35.5-111, **amend** (1) (j) and (1) (m); and add (1) (p) and (1) (q) as follows:

**12-35.5-111. Grounds for discipline - definitions.** (1) The director is authorized to take disciplinary action pursuant to section 12-35.5-112 against any person who has:

(j) Been convicted of, or pled guilty or nolo contendere to, OR RECEIVED A DEFERRED SENTENCE FOR a felony or a crime for which the act giving rise to the crime was related to the practice of massage therapy or was perpetrated against a massage client during a therapeutic relationship, as defined in subparagraph (II) of paragraph (b) of this subsection (1); or committed any act specified in this section. A certified copy of ~~the judgment of~~ A DOCUMENT FROM a court of competent jurisdiction of DOCUMENTING a conviction or ENTRY OF A plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, the director shall be governed by the provisions of section 24-5-101, C.R.S.

(m) Been convicted of, ~~or~~ pled guilty OR NOLO CONTENDERE to, OR RECEIVED A DEFERRED SENTENCE FOR a charge of unlawful sexual behavior as defined in section 16-22-102, C.R.S., ~~or~~ any prostitution-related offense,

OR ANY HUMAN TRAFFICKING-RELATED OFFENSE AS DESCRIBED IN SECTIONS

18-3-503 AND 18-3-504, C.R.S., whether or not the act was committed in Colorado;

(p) USED FRAUDULENT, COERCIVE, OR DISHONEST PRACTICES, OR DEMONSTRATED INCOMPETENCE OR UNTRUSTWORTHINESS, IN THIS STATE OR ELSEWHERE;

(q) EXPOSED AN INTIMATE PART OF HIS OR HER BODY TO THE VIEW OF A CLIENT OR ANY PERSON PRESENT WITH THE CLIENT, OR PERFORMED AN ACT OF MASTURBATION IN THE PRESENCE OF A CLIENT. FOR THE PURPOSES OF THIS PARAGRAPH (q):

(I) "INTIMATE PART" MEANS THE EXTERNAL GENITALIA, THE PERINEUM, THE ANUS, THE BUTTOCKS, THE PUBES, OR THE BREAST OF ANY PERSON.

(II) "MASTURBATION" MEANS THE REAL OR SIMULATED TOUCHING, RUBBING, OR OTHERWISE STIMULATING OF A PERSON'S OWN GENITALS OR PUBIC AREA, REGARDLESS OF WHETHER THE GENITALS OR PUBIC AREA IS EXPOSED OR COVERED.

(III) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD OF TIME BEGINNING WITH THE INITIAL MASSAGE THERAPY SESSION AND ENDING UPON WRITTEN TERMINATION OF THE RELATIONSHIP BY EITHER PARTY.

**SECTION 6.** In Colorado Revised Statutes, 12-35.5-112, **amend** (2); and **add** (11) as follows:



**12-35.5-112. Disciplinary proceedings - injunctions - investigations - hearings - judicial review - fine.** (2) The director may request the attorney general to seek an injunction, in any court of competent jurisdiction, to enjoin any person from ~~committing an act~~ ENGAGING IN OR AIDING AND ABETTING AN ACT OR PRACTICE prohibited by this article. When seeking ~~an~~ A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR injunction under this subsection (2), the attorney general ~~shall~~ IS not be required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation of this article.

(11) IF A PERSON COMMITS AN ACT THAT VIOLATES THIS ARTICLE, THE DIRECTOR MAY IMPOSE A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS PER VIOLATION. EACH DAY OF A CONTINUING VIOLATION CONSTITUTES A SEPARATE VIOLATION.

**SECTION 7.** In Colorado Revised Statutes, **amend** 12-35.5-115 as follows:

**12-35.5-115. Unauthorized practice - criminal penalties.** (1) A person who practices or offers or attempts to practice massage therapy without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and for the second or any subsequent offense, the person commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(2) A PERSON WHO KNOWINGLY AIDS OR ABETS THE UNLICENSED PRACTICE OF MASSAGE THERAPY COMMITS A CLASS 2 MISDEMEANOR FOR THE FIRST OFFENSE AND A CLASS 1 MISDEMEANOR FOR ANY SUBSEQUENT OFFENSE, AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

**SECTION 8.** In Colorado Revised Statutes, 12-35.5-118, **add** (3) as follows:

**12-35.5-118. Local government - regulations - enforcement.**

(3) A CITY, COUNTY, CITY AND COUNTY, OR OTHER POLITICAL SUBDIVISION MAY INSPECT MASSAGE BUSINESSES, EXCEPT FOR A SOLE PROPRIETORSHIP WITH A PERSON'S RESIDENCE, UPON COMPLAINT OF ILLEGAL ACTIVITY AND ENSURE THAT THE PEOPLE PERFORMING MASSAGE THERAPY ARE LICENSEES. A CITY, COUNTY, CITY AND COUNTY, OR

OTHER POLITICAL SUBDIVISION SHALL NOT CHARGE A FEE FOR THE INSPECTION OR LICENSE VERIFICATION.

**SECTION 9.** In Colorado Revised Statutes, 6-1-724, **amend** (6) (q) as follows:

**6-1-724. Unlicensed alternative health care practitioners - deceptive trade practices - short title - legislative declaration - definitions.** (6) A complementary and alternative health care practitioner providing complementary and alternative health care services under this section who is not licensed, certified, or registered by the state shall not:

(q) Practice or represent that he or she is practicing MASSAGE OR massage therapy ~~which, for purposes of this section:~~ AS DEFINED IN ARTICLE 35.5 OF TITLE 12, C.R.S.

~~(I) Includes practices where the primary purpose is to provide deep stroking muscle tissue massage of the human body; and~~

~~(II) Excludes:~~

~~(A) Stroking of the hands, feet, or ears; or~~

~~(B) The use of touch, words, and directed movement of a healing art within the bodywork community, including healing touch, mind-body centering, orthobionomy, reflexology, rolfing, reiki, qigong, muscle activation techniques, and practices with the primary purpose of affecting energy systems of the human body;~~

**SECTION 10. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

## Appendix 5: Colorado High Risk Victim Identification Tool

The Colorado High Risk Victim Identification Tool is the work product of the *Collaborative State-County Response to Human Trafficking Task Group*, which is a group that represents state/county child welfare as well as expertise from the anti-trafficking field.

### Colorado High Risk Victim Identification Tool

Youth Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Screening Date: \_\_\_\_\_ Completed by: \_\_\_\_\_

Agency: \_\_\_\_\_ Case #: \_\_\_\_\_

**Identifiers:**

**Source: (Indicate self report or documentation)**

|                                                                                                                 |  |
|-----------------------------------------------------------------------------------------------------------------|--|
| <input type="checkbox"/> Three or more runs in 12 months                                                        |  |
| <input type="checkbox"/> First run at the age of 12 or younger                                                  |  |
| <input type="checkbox"/> Longest run more than 20 days                                                          |  |
| <input type="checkbox"/> Credible report of commercial sexual exploitation                                      |  |
| <input type="checkbox"/> Found in a motel/hotel or area known for commercial sex. (See local guide for details) |  |

**Enhancers:**

**Source: (Indicate self report or documentation)**

|                                                                                                                                                                     |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <input type="checkbox"/> Drug charges/substance abuse                                                                                                               |  |
| <input type="checkbox"/> Tattoos/Brands-unexplained, reluctance to explain                                                                                          |  |
| <input type="checkbox"/> Truancy and/or not enrolled in school                                                                                                      |  |
| <input type="checkbox"/> In relationship/expressed interest in older men/women who may be intimate partner, friend or relative                                      |  |
| <input type="checkbox"/> Possession of expensive items, large amounts of cash, unexpected travel                                                                    |  |
| <input type="checkbox"/> Giving false info/no ID/lying about age/NOT in control of ID                                                                               |  |
| <input type="checkbox"/> Homeless, not living with adults, couch surfing, etc.                                                                                      |  |
| <input type="checkbox"/> History of, or current concern about Sexual Abuse, Physical Abuse or Neglect                                                               |  |
| <input type="checkbox"/> History of law enforcement contact related to prostitution or other charges that may occur while being trafficked (theft, drugs, assault). |  |

|                                                                                                                                    |  |
|------------------------------------------------------------------------------------------------------------------------------------|--|
| May have multiple curfew violations.                                                                                               |  |
| <input type="checkbox"/> Stays with individual(s) who require payment for housing. Payment could be sexual favors, drugs or money. |  |
| <input type="checkbox"/> Family, friends, peers known to be involved in illegal commercial sex and/or criminal activities          |  |

**Additional Red Flags:**

**Source: (Indicate self report or documentation)**

|                                                                                                                                                                                        |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <input type="checkbox"/> Sexually explicit social networking profiles/chat room engagement                                                                                             |  |
| <input type="checkbox"/> Demeanor: unable to make eye contact, afraid to speak                                                                                                         |  |
| <input type="checkbox"/> Not in control of money earned, owes a debt or has intense sense of financial responsibility toward family or intimate partner.                               |  |
| <input type="checkbox"/> Using the language of the commercial sex industry (“the life”). Ask local experts for examples                                                                |  |
| <input type="checkbox"/> Relationships/found in the presence of older, non-related adults                                                                                              |  |
| <input type="checkbox"/> STIs, pregnancy, abortions                                                                                                                                    |  |
| <input type="checkbox"/> Lack of support system or supportive relationships                                                                                                            |  |
| <input type="checkbox"/> Cannot identify address or residence                                                                                                                          |  |
| <input type="checkbox"/> Gang Involvement                                                                                                                                              |  |
| <input type="checkbox"/> Family dysfunction                                                                                                                                            |  |
| <input type="checkbox"/> Bruises/unexplained marks                                                                                                                                     |  |
| <input type="checkbox"/> Mental health: Fear, anxiety, depression, paranoia, PTSD, suicidal, etc.                                                                                      |  |
| <input type="checkbox"/> Physical: malnourished, poor hygiene, skin rash, exhaustion, etc.                                                                                             |  |
| <input type="checkbox"/> Not in control of eating and/or sleeping                                                                                                                      |  |
| <input type="checkbox"/> Inconsistent stories-different accounts of relationships, events, etc. to different people or at different times.                                             |  |
| <input type="checkbox"/> Has received threats to self, family or friends if they do not work or participate in criminal activity.                                                      |  |
| <input type="checkbox"/> Appears to be monitored-unable to have private meetings, phone conversations, whereabouts are being monitored, fear of not sharing location/who they are with |  |

**Labor Trafficking Indicators**

**Source: (Indicate self report or documentation)**

**If your MDT does not have this expertise, please call the CONEHT Hotline (866-455-5075) for assistance and resources.**

|                                                                                                                          |  |
|--------------------------------------------------------------------------------------------------------------------------|--|
| <input type="checkbox"/> Recruited with false promises of work conditions or pay                                         |  |
| <input type="checkbox"/> Works long hours with few or no breaks                                                          |  |
| <input type="checkbox"/> Pay is inconsistent                                                                             |  |
| <input type="checkbox"/> Some or all pay goes towards debt, housing , food, etc.                                         |  |
| <input type="checkbox"/> Some or all pay is given to someone else                                                        |  |
| <input type="checkbox"/> Unexplained signs of injury or illness, possibly untreated                                      |  |
| <input type="checkbox"/> Shows anxiety in maintain job for duty to family, intimate partner or to pay a debt to employer |  |
| <input type="checkbox"/> Desperation to make a sale (magazines, beauty products, etc) or for money while begging         |  |
| <input type="checkbox"/> Resides with a number of unrelated co-workers and others                                        |  |
| <input type="checkbox"/> Forced, threatened or coerced to participate in illegal activities including drug sales         |  |

*Disclaimer: While this checklist can be a useful tool to improve identification of potential victims of exploitation, it is not a validated diagnostic tool. The checklist is intended to be used to supplement comprehensive screening, assessment and/or intake processes that explore a multitude of domains such as family, peers, school, employment, substance abuse, protective factors, etc. Even if a youth's profile suggests a presence of multiple indicators on the checklist, it does not confirm trafficking/victimization, but highlights a need for further assessment. Information noted on this checklist will be part of a confidential database and only shared by professionals involved in the youth's care.*

## Appendix 6: Training Resources for Community-Based Victim Advocates

Below is a list of national and Colorado-based organizations, conferences, and online resources where you can obtain training in the areas of victim advocacy and human trafficking. Please note this is not an exhaustive list. There are many more organizations, conferences and online resources available for training.

### National Training Resources:

Online training courses available to help fulfill requirements necessary for the CACP *Basic* certification:

- National Organization for Victim Assistance (NOVA)\*
  - 40-hour live distance learning training  
Website URL: <https://www.trynova.org/help-crime-victim/nalc/nvaa/>
- Office for Victims of Crime (provided for free)\*
  - 40-hour online Victim Assistance Training program  
Website URL:  
[https://www.ovcttac.gov/views/TrainingMaterials/dspOnline\\_VATOnline.cfm](https://www.ovcttac.gov/views/TrainingMaterials/dspOnline_VATOnline.cfm)

*Please Note: if you utilize a national training course to fulfill your requirements for the BASIC certification, you will have to obtain training locally on the Colorado Victim Compensation program and Colorado Victim Rights Act as these two content areas are unique to victim advocacy in Colorado. Training for both content areas are available through the Colorado Department of Public Safety's Division of Criminal Justice, Office for Victims Programs. Visit <http://dcj.state.co.us/> for more information.*

Online training courses and webinars available to fulfill human trafficking elective requirements:

- National Human Trafficking Hotline (Polaris)
  - Website URL: <https://traffickingresourcecenter.org/training-resources/get-training>
- Futures Without Violence
  - Website URL: <https://www.futureswithoutviolence.org/resources-events/webinars/>
- Office for Victims of Crime Training and Technical Assistance Center (OVC-TTAC)
  - Website URL:  
<https://www.ovcttac.gov/views/HowWeCanHelp/dspHumanTrafficking.cfm>
- “Implementing Trauma-Informed Case Management Services: 4 Part Series,” *presented by OVC TTAC and the Freedom Network*
  - Available as a webinar at: <http://freedomnetworkusa.org>

## Annual Anti-Human Trafficking Conferences:

- The Freedom Network (*usually takes place in April*)
  - Website URL: <http://freedomnetworkusa.org>
- The National Human Trafficking Hotline provides a regularly updated schedule of conferences that are taking place around the country.
  - Website URL: <https://traffickingresourcecenter.org/types/conference>

**Colorado Training Resources**

Annual Conferences in Colorado that would fulfill victim advocacy and human trafficking training requirements

- Colorado Advocacy in Action Conference (*usually takes place in June*)
  - Website URL: <http://coloroadadvocacy.org/>
- COVA Conference (*usually takes place in October*)
  - Website URL: <http://www.coloradocrimevictims.org/cova-conference.html>
- COVA Victim Assistance Academy (CVAA) (*usually takes place in June*)
  - Website URL: <http://www.coloradocrimevictims.org/colorado-victim-assistance-academy-cvaa.html>

Organizations that provide training courses that would fulfill human trafficking elective requirements:

- Colorado Legal Services
  - Website URL: <http://www.coloradolegalservices.org/>
- Colorado Human Trafficking Council (CHTC): The CHTC website contains a calendar of training events that are taking place across the state. In early 2017 the website will also contain e-learning training opportunities.
  - Website URL: <https://sites.google.com/a/state.co.us/cdps-prod/home/human-trafficking-council>
- Colorado Organization for Victim Assistance
  - Website URL: <http://www.coloradocrimevictims.org/human-trafficking-program.html>
- The Laboratory to Combat Human Trafficking
  - Website URL: <http://www.combathumantrafficking.org/>

## Appendix 7: Training Resources for Mental/ Behavioral Health Professionals

Below is a list of national and Colorado-based organizations, conferences, and online resources where you can obtain training in the human trafficking content areas recommended in the standards. Please note this is not an exhaustive list. There are many more organizations, conferences and online resources available for training.

### National Training Resources:

Online training courses and webinars available to fulfill human trafficking elective requirements:

- Futures Without Violence
  - Website URL: <https://www.futureswithoutviolence.org/resources-events/webinars/>
- National Child Traumatic Stress Network
  - Website URL: <http://www.nctsn.org>
- National Human Trafficking Hotline (Polaris)
  - Website URL: <https://traffickingresourcecenter.org/training-resources/get-training>
- Office for Victims of Crime Training and Technical Assistance Center (OVC-TTAC)
  - Website URL: <https://www.ovcttac.gov/views/HowWeCanHelp/dspHumanTrafficking.cfm>

Annual Anti-Human Trafficking Conferences:

- The Freedom Network (*usually takes place in April*)
  - Website URL: <http://freedomnetworkusa.org>
- The National Human Trafficking Hotline provides a regularly updated schedule of conferences that are taking place around the country.
  - Website URL: <https://traffickingresourcecenter.org/types/conference>

### Colorado Training Resources

Annual Conferences in Colorado that would fulfill human trafficking training requirements:

- COVA Victim Assistance Academy (CVAA) (*usually takes place in June*)
  - Website URL: <http://www.coloradocrimevictims.org/colorado-victim-assistance-academy-cvaa.html>



- COVA Conference (*usually takes place in October*)
  - Website URL: <http://www.coloradocrimevictims.org/cova-conference.html>
- Colorado Advocacy in Action Conference (*usually takes place in June*)
  - Website URL: <http://coloroadvocacy.org/>

Organizations that provide training courses that would fulfill human trafficking elective requirements:

- Colorado Legal Services
  - Website URL: <http://www.coloradolegalservices.org/>
- Colorado Human Trafficking Council (CHTC): The CHTC website contains a calendar of training events that are taking place across the state. In early 2017 the website will also contain e-learning training opportunities.
  - Website URL: <https://sites.google.com/a/state.co.us/cdps-prod/home/human-trafficking-council>
- Colorado Organization for Victim Assistance
  - Website URL: <http://www.coloradocrimevictims.org/human-trafficking-program.html>
- The Laboratory to Combat Human Trafficking
  - Website URL: <http://www.combathumantrafficking.org/>

The background of the page is composed of several large, overlapping geometric shapes. On the left, there is a large dark blue triangle. To its right is a lighter blue triangle. Below these, there are yellow and green triangles that meet at a central point. The shapes are separated by thin white lines.

## 2016 Annual Report

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