

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.**¹

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.

¹ 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.² 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).³

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.

² 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.

³ 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.