



SECTION 1

Year in Review

In January 2017, members of the Colorado Human Trafficking Council participated in a full-day annual retreat in order to prioritize which mandates they would address and set the agenda for the year. Council staff administered an online survey prior to the retreat to elicit feedback from members regarding what they believed were the successes and challenges in 2016 and to establish 2017 priorities. Through the survey, members indicated the following three mandates as their top priority areas:

1. Public Awareness
2. Data Collection
3. Standards and Certification

During retreat discussions, the Council considered which of the selected mandates needed to be addressed through the formation of a task force or working group and which should be undertaken by the full Council during its regular monthly meetings. Through a series of votes, Council members opted to form the following two task forces in 2017:

Standards and Certification Task Force: As a task force going into its third year of work, SCTF prioritized the development of standards for the housing sector, specially developing standards for the adult housing providers, and for licensed 24-hour child care facilities and Division of Youth Services state-operated facilities.

Task Force Chair: **Tammy Schneiderman**

Data and Research Task Force: As a task force going into its third year of work, the task force prioritized data collection and completion of its analysis of Colorado's prosecution activities. It also began information gathering on the current reporting practices of state and local law enforcement agencies on human trafficking incidents and arrest with the aim of learning how to promote more accurate reporting in this area.

Task Force Chair: **Claude d'Estrée and Amanda Finger**

Additionally, the Council established three working groups: Grant Funding, Public Awareness and Training. The Grant Funding Working Group carried out a comprehensive analysis of the funding landscape for organizations that serve human trafficking survivors. The Public Awareness Working Group focused on the development of an implementation plan for a statewide public awareness campaign. The Training Working Group was tasked with developing curricula for service providers.

Beyond the work of the task forces, the Council identified issues that warranted attention of the full Council. Consequently, the Council set aside a portion of its monthly agendas to address the following topics:

- **Labor trafficking:** Several Council members acknowledged that they lacked direct professional expertise on labor trafficking and expressed a desire to develop their understanding of populations vulnerable to labor trafficking in Colorado. Members also wanted to engage in candid dialogue about the current barriers to identification, investigation, and prosecution of labor trafficking cases. Finally, there was interest in formulating a substantive plan to better address labor trafficking, taking into account the views of experts and survivors and considering strategies that have worked in other states. Members elected to dedicate two monthly Council meetings (February and May) to address these areas.
- **Housing:** Since many members of the Council agree that safe, quality housing options for trafficking survivors are limited in Colorado regardless of client profile, and because the Standards and Certification Task Force set out to establish standards for this sector in 2017, members opted to dedicate the March Council meeting to learning more about the Coalition to Abolish Slavery and Trafficking's (CAST) shelter program, a program widely considered a national model for shelter provision.

What follows is a summary of those discussions, including a description of Council member votes when appropriate, and recommendations pertaining to the topics above.¹

Addressing Labor Trafficking In Colorado

The Council launched its discussion of labor trafficking in February with a presentation from Council staff member Cate Bowman on immigrant populations vulnerable to labor trafficking in Colorado, followed by a panel discussion with experts to address barriers and possible solutions to identifying, investigating, and serving labor trafficking survivors. The session was opened by asking Council members to consider how the Colorado anti-trafficking field could encourage a cultural shift in the way victims of labor trafficking are viewed and treated by law enforcement and the public similar to the shift progressively achieved in the case of sex trafficking victims over the past decade.

Populations Vulnerable to Labor Trafficking

Domestic Populations

While the Council's discussion of populations vulnerable to labor trafficking centered on immigrant populations, it is important to note that U.S. citizens are also vulnerable to labor trafficking. A recent report released by Polaris entitled *The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States* highlights several legal and illicit industries from which the National Human Trafficking Hotline has received tips or reports of potential U.S. victims, including traveling sales crews, peddling and begging, and personal sexual servitude.² In fact, Colorado's first filing of involuntary servitude under the new 2014 statutes involves allegations that the defendant subjected a U.S. citizen with intellectual disabilities into forced personal sexual servitude and domestic labor.

International Populations

A review of suspected and confirmed immigrant human trafficking cases in Colorado points to populations that are particularly vulnerable to the crime. With respect to youth, law

¹ 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. 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>.

² Polaris (2017). *The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States*. Last accessed on August 20, 2017, from <https://polarisproject.org/sites/default/files/Polaris-Typology-of-Modern-Slavery.pdf>.

enforcement and service providers referenced the growing presence of Central American minors, who they believe are recruited to smuggle drugs or to work in the manufacturing and/or sale of drugs. Additionally, the arrival of unaccompanied foreign minors to the United States has been on the rise since the Latin American emigration crisis of 2014. This population is similarly at heightened vulnerability to exploitation given their tenuous immigration status and their separation from parents or other primary caregivers.

For the adult population, immigrant workers in a range of industries can become victims of labor trafficking, from agricultural, hospitality, and domestic labor to those in high-skilled fields such as nursing. A common perception is that immigrant labor trafficking victims are undocumented, i.e., lacking legal immigration status. In reality, Colorado law enforcement and service providers have identified labor trafficking victims with and without status. Many confirmed cases have involved foreign nationals who came to Colorado on a legal temporary visa to work, only to find themselves in situations of forced labor once they arrive.

Temporary Migrant Workers

The federal government administers several temporary visa labor programs, which are legally defined under section 214 of the Immigration Nationality Act. The U.S. Department of Homeland Security works with the Departments of Labor and State to provide oversight for workers present in the United States under these categories. Nonetheless, the U.S. temporary migrant labor system has vastly expanded in recent years—a situation that many critics contend has made it harder to regulate and ensure the rights and well-being of temporary migrant workers.³

In a given year, Colorado is host to more than 25,000 foreign nationals present on short-term visas that provide them with legal status to engage in employment activities—including the H-1 visa for skilled workers, e.g., technology and healthcare; the H-2A for agricultural workers; the H-2B for nonagricultural workers in occupations ranging from hospitality to landscaping; and

³ For a discussion of the challenges facing temporary migrant workers present in the United States on nonimmigrant labor visas, see Suthankar, Ashwinia. (2012). *Visa's Inc.: Corporate Control and Political Incoherence in the U.S. Temporary Foreign Labor System*, last retrieved on August 30, 2017, from <http://www.globalworkers.org/our-work/publications/visas-inc>; Polaris (2015). *Labor Trafficking in the United States: A Closer Look at Temporary Work Visas*, last retrieved on August 30, 2017, at [https://polarisproject.org/sites/default/files/Temp%20Visa_v5%20\(1\).pdf](https://polarisproject.org/sites/default/files/Temp%20Visa_v5%20(1).pdf); Lee, Jennifer and Endres, Kyle. (2010). *Overworked and Underpaid: H-2A Shepherders in Colorado*. Last retrieved on August 20, 2017, from <https://fairlaborrecruitment.files.wordpress.com/2013/01/overworked-and-underpaid-h-2a-herders-in-colorado.pdf>.

the J-1 visa, a cultural exchange visa, which permits individuals to live and work temporarily while experiencing American culture and customs. J-1 visa holders can range from research scholars invited by host research institutions to undergraduate college students working minimum wage service sector jobs. Immigrant and labor advocates have expressed growing concern about J-1 workers placed in low-wage jobs in hospitality, recreation, and domestic labor.⁴ Table 1 provides a breakdown of the number of workers placed in Colorado by visa category.

Table 1: U.S. Temporary Migrant Workers in Colorado, 2015	
Visa Category	Total Number of Workers
H-1	15,124
H-2A	1,717
H-2B	4,861
J-1 Summer Work Travel Program	4,232

Sources: U.S. Department of Labor and the U.S. Department of State.

Several structural factors inherent in the U.S. temporary migrant labor system heighten workers' vulnerability to abuse and—in extreme circumstances—may lead to human trafficking. Some of these structural factors include:

- **Lack of visa portability.** In most cases, it is the employer who certifies a labor shortage and petitions the U.S. government for workers. Based on this process, workers approved by the U.S. Department of Labor are effectively **tied** to their employer who sponsors the labor visa. If the worker leaves the employer or is terminated, he or she risks losing their legal immigration status.
- **Isolation.** Given the central role that most employers play in sponsoring temporary migrant labor visas, it is very common for temporary migrant workers to live in employer-provided housing and to spend most of their time in employer-sponsored housing and the worksite. With minimal social support networks, workers who do

⁴ Southern Poverty Law Center. (2014). *Culture Shock: The Exploitation of J-1 Cultural Exchange Workers*; Last retrieved on August 10, 2017, from https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/publication/j-1_report_v2_web.pdf
Costa, Daniel. (2011). *Guest worker Diplomacy: J-1 Visas Provide Minimal Oversight Despite Significant Implications for U.S. Labor Market*. Last retrieved on August 10, 2017 from <http://www.epi.org/files/2011/BriefingPaper317.pdf>.

experience egregious labor abuse may perceive they have no recourse or options for escape.

- **Poverty and recruiter ties to the home country.** Many employers rely on in-country staffing agencies to recruit workers for seasonal positions. Workers are often recruited from countries with high rates of poverty, and have few alternative employment options. Furthermore, recruiters may be well known to the community and often require collateral—in some cases property titles—in exchange for a visa. Workers often have viable concerns that they will be blacklisted and/or that economic, physical harm may come to them or their families if they complain about an abusive employer or recruiter, given the recruiter's connection to their home community.

State Strategies to Address Labor Trafficking

Given the factors that make persons vulnerable to labor trafficking and the complexity involved in the identification and investigation of these cases, the Council considered the efforts of two states to increase outreach to vulnerable populations and to encourage victim reporting and increased labor trafficking investigation and prosecution activities.

California enacted the Foreign Labor Recruitment Act in 2014,⁵ which seeks to protect temporary foreign workers from abuse and human trafficking by requiring all foreign labor contractors operating in California to register with the state. It prohibits recruiters from charging workers recruitment fees and requires full disclosure of employment conditions. California employers who exclusively contract with registered recruiters are protected from criminal liability, but those who do not may be civilly and criminally sanctioned.

Illinois' Public Act 099-0870⁶ provides a bridge of public benefit eligibility to immigrant human trafficking victims while they await federal benefits associated with obtaining a T or U visa. This provides an incentive to victims to report their crime, especially temporary visa holders who may lose their immigration status by escaping a trafficker who sponsored their original immigration visa.

⁵ California Foreign Labor Recruitment Law, S.B. 477 (2014). Last retrieved on August 10, 2017, from http://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201320140SB477.

⁶ Illinois Public Act 099-0870, S.B. 3007 (2016). Last retrieved on August 10, 2017, from <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0870>.

Alameda County, CA District Attorney's Office: Strategies for Pursuing Labor Trafficking

The Council invited Dan Roisman, a Deputy District Attorney from Alameda County, California's District Attorney's Office, to its May Council meeting to provide an overview of his office's innovative approach to addressing labor trafficking. Alameda County's District Attorney's Office is one of the only state-based DA's office in the United States with a labor trafficking unit. Its labor trafficking unit was initiated in 2015 and is made possible through funding from the California State Department of Insurance. The unit is responsible for prosecuting a range of employer violations, with broad authority and flexibility to build potential labor trafficking cases. Mr. Roisman also coordinates the Human Exploitation And Trafficking (H.E.A.T) Watch Labor Trafficking Team, a Bay-area coalition that brings together government organizations at all levels, community-based organizations, law enforcement and other stakeholders to develop and vet best practices in the investigation of labor exploitation and the rendering of services to survivors.

Labor Trafficking: Perception Versus Reality

There is a common misconception that labor trafficking is not happening in the United States, and/or that it is happening to a lesser degree than sex trafficking. Several factors lead the public to believe that labor trafficking is not a pressing problem. First, many victims of labor trafficking work at sites where there is little interaction with the general public, leaving people to believe that because they are not seeing potential cases they must not exist. The media tends to focus on sex trafficking exclusively, which also affects public perceptions. Mr. Roisman cited a study that estimates that rates of labor trafficking in industries such as janitorial/cleaning services, construction and food processing are as high as 30%.⁷ Trafficking rates are likely highest in industries where union penetration and worker's compensation compliance is low. Second, Mr. Roisman insisted that jurisdictions will find the cases they look for, as seen in an Ohio-based study that reviewed two different strategies taken by law enforcement to pursue labor trafficking in two Ohio cities. One city's law enforcement used an active approach, while the other's utilized a passive approach. The study found that utilizing an

⁷ Zhang, Sheldon X. (2012). *Trafficking of Migrant Laborers in San Diego County: Looking for a Hidden Population*. San Diego, CA: San Diego State University. Last retrieved on August 10, 2017, from <https://www.ncjrs.gov/pdffiles1/nij/grants/240223.pdf>.

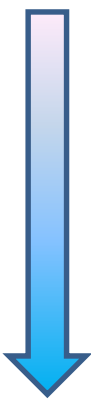
active approach significantly impacts the rates of cases detected.⁸ Third, law enforcement and prosecutors often wait for the “perfect labor trafficking case” that never comes. Especially in jurisdictions where resources are stretched thin, there is often not enough time, money, or political will to address labor trafficking. As with sex trafficking, there is the perception that labor trafficking victims are always locked in or monitored by heavy security. If cases do not contain these overt coercion tactics, law enforcement and prosecutors may dismiss them as inconclusive cases. While some confirmed cases have involved these facts, Mr. Roisman pointed out that many have not. If jurisdictions wait for these types of case facts, they will likely bring few or no cases.

Strategies Used in Alameda County to Pursue Labor Trafficking Prosecutions

In the case of labor trafficking, it is important to understand that it occurs as part of a spectrum of exploitative conduct, with employer regulatory compliance at one end and forced labor at the other. The Alameda County DA’s office has shifted its approach to investigating labor exploitation crimes with a priority on workers themselves instead of only focusing on the insurance carriers and the tax authority as the victims. Furthermore, labor trafficking victims (like sex trafficking victims) typically do not self-identify. Labor trafficking victims often have complicated relationships with their trafficker, i.e., they may be family members, persons of influence in their communities of origin, or a current employer—who also controls their immigration status. Therefore, jurisdictions should not wait for victims to come forward. Instead, Mr. Roisman pointed to proactive investigative work and building relationships with natural partners. Through the H.E.AT. Watch Labor Team, the DA’s office has formed productive relationships with immigrant service organizations and victim service providers, who have long-standing, trusting relationships with vulnerable groups. Many of these partners have already proven themselves adept at identifying cases of human trafficking.

The labor trafficking unit also takes into account several employment-related violations to investigate and potentially charge potential labor traffickers. Figure 1 provides a list of violations considered, in order from lesser offenses through those most often associated with labor trafficking.

⁸ Wilson, Jeremy M. and Dalton, Erin. (2007). *Human Trafficking in Ohio: Markets, Responses, and Considerations*. Santa Monica, CA: Rand Corporation.

Figure 1: Form of Labor Violation/ Exploitation⁹	% of Respondents Reporting Violation	
Less pay than promised	83%	Labor Exploitation  Labor Trafficking
Withheld pay	81%	
Under minimum wage	80%	
Denial of pay	80%	
Illegal deductions	62%	
No written earnings statement	62%	
No meal breaks	42%	
Safe water, toilet	30%	
Hazardous work environment	16%	
Movement to work controlled	80%	
Victim lived where worked	56%	
Depriving/Disorienting	84%	
Threats or use of Violence	82%	
Demoralizing	82%	
Intimidation and control	80%	
Deception of consequences	71%	
Use/threatened use of law	71%	
Diminishing resistance	70%	

Mr. Roisman noted that one of the major violations the unit uncovers is wage theft. Under California law, wage theft that exceeds \$950 constitutes a felony. Another common theme found in these cases is illegal deductions for housing. He urged Council members to review Colorado laws on payroll deductions, given that in Alameda County permissible deductions for housing are capped at much lower rates than the market price for housing. Some employers justify steep deductions based on an average price for housing, a situation that violates state law and opens the door to review for other payroll violations. Another area to consider is unsafe working conditions, such as hazards at the worksite or unsafe water. Worker's compensation law in California allows the unit to obtain a search warrant, a tool that provides access to key employer documents that might reveal other criminal practices. Even when labor trafficking is not charged, other felonies may be charged in an effort to hold labor traffickers accountable, such as for criminal threats, assault, rape, and intimidating a witness. Charging decisions ultimately depend on whether the coercion involved is violent or nonviolent. The unit also carefully weighs what the labor trafficking victim wants—many times Mr. Roisman's

⁹ Roisman, Dan. (2017). "Presentation for the Colorado Human Trafficking Council on Labor Trafficking." (adapted from Owens, Colleen; Dank, Meredith, PhD; Breaux, Justin; Banuelos, Isela, Farrell, Amy, PhD; Pfeffer, Rebecca, PhD; Bright, Katie, Heitsmith, Ryan; Jack McDevitt, PhD. (2014). *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*, pg. 80. Washington, DC: Urban Institute and Northeastern University. Last retrieved on December 20, 2017, from <https://www.urban.org/research/publication/understanding-organization-operation-and-victimization-process-labor-trafficking-united-states>.)

office will prioritize opportunities for restitution to help victims recover assets lost to the trafficker.

Vital Partnerships in the Fight Against Labor Trafficking

Mr. Roisman concluded his presentation by discussing the essential partnerships his office has formed with a range of local and federal law enforcement agencies, regulatory divisions, and nonprofit organizations to proactively combat labor trafficking. Such agencies include the U.S. Department of Homeland Security, the U.S. and California Labor Departments, the Mexican Consulate, legal aid organizations, and social service and community-based health groups. Mr. Roisman underscored the importance of bringing all of these groups together to build trust and common goals. His office makes a firm commitment not to report victims to Homeland Security until it receives consent from the immigration attorney. This policy encourages immigrant victims to report the crime. He noted that many victims eventually report the crime to Homeland Security to facilitate receiving Continued Presence, a tool that law enforcement can initiate to provide immigrants temporary immigration status. Continued Presence also allows the individual to access public assistance for immigrants during the criminal investigation.

Labor Trafficking Expert Panels

The Council also hosted two separate labor trafficking panels in February and May to learn more about the barriers victims face in reporting labor trafficking, the possible factors that impede the investigation and prosecution of the crime, as well as potential solutions the Council could consider to better address labor trafficking statewide.

The first panel in February featured Angelika Carnes, Human Trafficking Program Manager for the Colorado Organization for Victim Assistance (COVA); Andrew Turner, a partner with Kelman Buescherm, a law firm that specializes in labor issues; Brandt Milstein, founder and principal of the Milstein Law office, a firm dedicated to recovering unpaid wages of workers; and Sheriff Tony Spurlock, a Council member and Douglas County Sheriff.

The panelists were asked to address the following topics:

- What are some of the reasons victims may not come forward to report their trafficking or why their cases may go uninvestigated?
- How does the decision to report or not report limit the services available to immigrant victims? How does the decision to not report impact a victim's recovery or vulnerability

to subsequent abuse? How can immigration remedies such as the T or U visa help stabilize a victim and help them access critical social assistance—benefiting labor trafficking victims and investigators/prosecutors alike?

- What are the political factors that complicate labor trafficking investigations, especially in rural communities? How do these factors impact efforts to combat labor trafficking in Colorado? How can some of these political barriers be overcome?
- How do the vulnerabilities facing immigrants in the workplace, especially those who lack immigration status, differ from those of other workers?
- What vulnerabilities are unique to guest workers who are in the United States temporarily for work?
- How might the Council improve efforts to identify and assist immigrant victims of the worst forms of labor exploitation?

Ms. Carnes believes that one reason labor trafficking goes uninvestigated is that law enforcement may interpret an outcry of human trafficking as merely a dispute between an employer and worker. She also noted that for many of her clients, geographic, social, and language isolation prevents or delays their reporting. Shame also plays a role in silencing labor trafficking victims. For example, male labor trafficking victims have expressed tremendous shame at having traveled abroad for work only to be abused in the United States and be unable to provide for their families. Ms. Carnes noted that for some victims, they are simply too traumatized and have lost their trust in others and the criminal justice system. With respect to services, Ms. Carnes explained that COVA provides services to victims regardless of whether they cooperate with law enforcement or not—self-determination is a cornerstone of their service model. But, she acknowledged the ability of foreign-born clients to obtain a T or U visa plays a vital role in their effort to establish self-sufficiency and move past their trafficking experience. Ms. Carnes encouraged the Council not to overlook youth involved in labor trafficking, and to consider how child welfare could better address victim needs—especially among foreign youth victims.

Mr. Turner and Mr. Milstein addressed the vulnerabilities unique to immigrant workers. Mr. Turner insisted that it takes a great deal for immigrant workers to report egregious abuse considering the climate of fear in which many immigrants live. Debt bondage is a major factor impeding disclosure, especially among legal temporary migrant workers recruited by

unscrupulous labor contractors. It was noted that clients seem more trusting of law enforcement in Colorado. Concern was expressed that changes to federal immigration enforcement rhetoric and treatment of immigrants will hurt local law enforcement's efforts to maintain trust with vulnerable immigrant communities going forward. Mr. Milstein pointed out that unlike U.S. workers who are entitled to social security benefits even if they decide to leave a bad employer, immigrant workers face a multitude of systematic labor abuses and the inability to claim social security benefits despite years of work. In terms of solutions, Mr. Milstein, Ms. Carnes, and Mr. Spurlock underscored the need to view immigrants as persons worthy of rights and to humanize their plight.

Sheriff Spurlock responded to questions regarding the political challenges of identifying and investigating labor trafficking among immigrants. Because selection of Sheriffs and District Attorneys is based on an election process, Sheriff Spurlock acknowledged that this can create challenges for law enforcement when the wealthy and influential are accused of violating the rights of their immigrant workforce. Additionally, Sheriff Spurlock explained that he believed that undocumented workers have it easier than legal temporary migrant laborers.¹⁰

Undocumented migrants often operate more freely in their efforts to seek employment and avoid labor abuse and deportation. While they may be picked up on a raid, they are often released and can move on to the next job/employer. In the situation of legal guest workers, their employers may be well connected in the community, making it difficult for workers to seek recourse should they suffer abuse. Moreover, legal migrant workers often live in employer housing and reside miles away from a local sheriff's office—especially in rural communities. This social and geographic isolation often experienced by temporary legal migrant workers makes potential situations of labor trafficking much harder to identify and investigate. Sheriff Spurlock conceded that a cultural change is needed within law enforcement to begin to pursue labor traffickers. He insisted that the political pressure in his jurisdiction to go after sex traffickers is much greater than it is for labor traffickers. Sheriff Spurlock believes that instead of getting caught up in the political rhetoric around immigration, communities should engage in productive and practical conversations with legislators about how to

¹⁰ Sheriff Spurlock's view is supported by a recent study comparing the labor market outcomes in the case of Mexican authorized temporary migrant workers and undocumented Mexican workers. See Apgar, Lauren (2015). *Authorized Status, Limited Returns: The Labor Market Outcomes of Temporary Migrant Workers*. Last retrieved on August 10, 2017, from <http://www.epi.org/publication/authorized-status-limited-returns-labor-market-outcomes-temporary-mexican-workers/>.

effectively deal with the presence of immigrants in communities—but he admitted that this cultural shift will be hard to achieve.

The Council hosted a second labor trafficking panel in May consisting of two labor trafficking survivors involved in the same case. Both individuals were brought over to the United States on the H-2B visa to work in the hospitality sector. Council members were interested to learn:

- how the panelists were recruited and how their situation turned into labor trafficking
- what does justice look like, and whether they felt justice was achieved in their case

Labor Trafficking Case Summary: Perspectives from the Survivors

The panelists explained that they were recruited by the same couple in their home country of the Philippines. They were lied to about the terms and conditions of their employment. For example, they were told that housing, food, and transportation would be provided for free and if they did a good job that the labor recruiters could help them obtain legal permanent resident status in the United States. Upon arrival, they realized something was very wrong with their situation. They were crammed into housing with nearly three dozen other workers, charged for everything, and after deductions their paycheck left them little to live on and nothing to send home. Threats from the labor recruiter couple were regularly received and the survivors were told that if they talked to anyone about their situation there would be consequences. The survivors wished they had been better informed about the risks of human trafficking and resources available in the United States before leaving their home country. Once in the United States, they thought that no one could help them. They knew that their traffickers were friends with an influential judge, and felt they had no control over their situation.

What Does Justice Look Like?

Justice was described by panelists to mean many things, including having peace of mind and a feeling of normalcy. It also includes seeing the traffickers pay for their crime and to recover some of the lost wages through a civil lawsuit. One panelist indicated that “justice means seeing the trafficker in jail;” unfortunately, the traffickers still operate a portion of their business—which feels unjust. Justice means being able to move on with your life, having the opportunity to go back to school, and living out your dreams. One panelist dreamed about becoming a nurse and help with prevention efforts in the medical field. This panelist will be completing nursing school in the of fall 2017.

Council Discussion of Labor Trafficking and Next Steps

After hearing from the various labor trafficking experts, Council members discussed what they learned¹¹ and voted to take the following next steps:

- To establish a labor trafficking task force in 2018
- To recommend that Colorado victim service providers—and organizations that work with immigrant communities—explore successful models and consider establishing peer-to-peer outreach as a method to educate and engage immigrant communities on the issue of human trafficking.

Finally, the Council considered a recommendation that Colorado law enforcement entities develop a plan to better engage with vulnerable populations in an effort to increase reporting of this crime. The Council voted against this recommendation; however, since the minority vote met the 25% threshold, the full vote breakdown is provided in Table 2.

Table 2: Council Members Vote to the Question: Should Colorado law enforcement entities develop a plan to better engage with vulnerable populations, which will hopefully result in an increase in reporting of this crime.

Yes (12)	No (13)	Abstain (3)
Tom Acker Lester Bacani Claude D'Estree Matt Dodson Amanda Finger Lynn Johnson Robert Lung Angela Lytle Pat Medige Steven Ramirez Tony Spurlock Linda Weinerman	Jill Brogdon Mari Dennis Christian Gardner-Wood Jason Korth Nhu-Minh Le Amber McDonald Cara Morlan Don Moseley Jo-Ann O'Neil Jerry Peters Tammy Schneiderman Raana Simmons Cathie Swanson	Janet Drake Sterling Harris Lawrence Hilton

Human Trafficking Funding Research

As previously noted, the Council established the Grants Working Group to help the Council respond to the mandate:

¹¹ For a complete review of the Council's discussion on labor trafficking, see the minutes from the meetings on June 23rd and July 27th. To access these minutes visit: <https://sites.google.com/a/state.co.us/cdps-prod/home/human-trafficking-council/meetings>.

Should the General Assembly establish a grant program to which organizations that provides services to victims of human trafficking may apply, including consideration for how such a grant program may be funded.¹²

To answer this mandate, the Grants Working Group set forth two objectives:

1. Identify funding streams that either fund, or have the potential to fund, organizations that provide services to human trafficking survivors.
2. Identify gaps in funding available to organizations that provide direct services to human trafficking survivors.

The first objective was set to help understand the funding landscape in Colorado for organizations that provide services to human trafficking victims. Four primary funding streams were identified: federal grants, federal grants administered by the state, state grants, and foundation funding.

Federal Funding Sources

Information was collected about federal funding streams from USAspending.gov and grants.gov. Between the federal fiscal years (FFY) of 2012 and 2017, the federal government put forth 18 (unique) grants specific to human trafficking.¹³ Of these grants, 12 were designed to provide funding to organizations that provide services to human trafficking survivors. As shown in Figure 2¹⁴, Colorado organizations received three of the 12 federal grants available for services for a total of \$2,800,000. The single largest award was made to the Colorado Organization for Victim Assistance (for a total

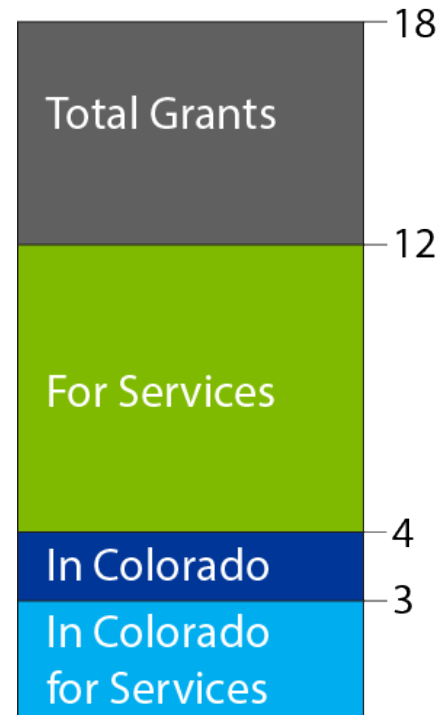


Figure 2: Available federal Grants to which Colorado organizations may apply.

¹² C.R.S. § 18-505(4)(a)

¹³ Please note that awards made in multiple years between 2012 and 2017 were not double counted (if an organization received a federal grant more than once during this time frame, that grant was not counted as having been received twice). In addition, the National Human Trafficking Hotline grant solicitation was not included in the total number of grants.

¹⁴ Data for this figure was compiled using the search terms "human trafficking" and "human trafficking service" between the years of 2012 and 2017 from the [grants.gov](https://www.grants.gov) and [usaspending.gov](https://www.usaspending.gov) online data bases. These two sources were checked against each other for accuracy and grants issued in more than one instance during the time frame queried were not double counted.

of \$750,000) by the Office for Victims of Crime in FFY 2015 as part of the *Comprehensive Services for Victims of All Forms of Human Trafficking Competitive Solicitation*. In addition, the federal government administers 30 victim services grants to which organizations that serve human trafficking victims may apply.¹⁵ Colorado agencies received 13 of these federal grants; however, this funding is not necessarily used to provide services to human trafficking survivors.

State Funding Sources

Members of the grants working group also looked at available funding from the state, including federal dollars administered by state agencies and state dollars themselves. Funding streams identified in this category primarily originated as federal dollars administered by state agencies; however, two funding streams that exclusively come from state dollars were identified: Local Victim Assistance and Law Enforcement (VALE) funding, which is administered by the 22 judicial districts in Colorado, and State VALE funding, which is administered by the Division of Criminal Justice (DCJ) at the Colorado Department of Public Safety (CDPS).¹⁶ In 2016, DCJ provided \$12,267,882 in grant funding to victim service organizations.¹⁷ This includes funds from three federal funding streams—Violence Against Women Act (VAWA), Victims of Crime Act (VOCA), Sexual Assault Services Program (SASP)—and State VALE. This collection of funding is also known as Crime Victim Services (CVS) funds. Separate from these CVS funds, DCJ also administered federal funds from the Justice Assistance Grant (JAG). Table 3 shows the amount of federal dollars administered (i.e., awarded to organizations) by the state in calendar year (CY) 2016 for crime victim services. From the \$9,865,301 in CVS funds, 10 awards were made to organizations with the intent to serve labor trafficking victims and 12 to organizations with the intent to serve sex trafficking victims, in addition to other victim populations they serve. No organizations that exclusively serve human trafficking victims were funded from these funding streams based on eligibility.¹⁸

¹⁵ These grants were identified by searching for the terms “victim” and “victim services.”

¹⁶ For more information about Local and State VALE funding streams, see C.R.S. § 24-4.2-101.

¹⁷ In CY 2017, \$19,150,000 was awarded with CVS funding. CVS funds operate on two-year funding cycles. VOCA grants, in particular, have seen a surge in available dollars.

¹⁸ Information gathered for 2016 is from DCJ and Office for Victims Programs (OVP) databases, which make readily available information on whom and for what amount organizations are funded in a given calendar year.

Table 3: Federal Grants Administered by the State (CY 2016) for Crime Victim Services (Awarded)			
VAWA	VOCA	SASP	State VALE
\$1,899,454	\$6,971,907	\$225,680	\$768,260
Zero Awards Made to Human Trafficking-Specific Service Organizations			

What is striking about Table 3 is that of all the CVS grants awarded, zero were awarded to human trafficking-specific service organizations. The only grant awarded specifically for human trafficking was a one-time VOCA funding grant to DCJ to implement the statewide human trafficking training curriculum produced by the Council in 2016. In addition to the grants shown in Table 3, the working group members identified other funding streams, such as community services block grants or awards made by Local VALE and victim compensation boards that might also be able to assist agencies in providing services to human trafficking survivors.

Private Foundation Funding Sources

Three Colorado-based foundations—The Anschutz Family Foundation, Community First Foundation (which serves as a pass-through organization for *Colorado Gives Day*), and the AJL Charitable Foundation—report that they have funded or currently fund human trafficking organizations in the state (though it was not indicated that this funding went towards service provision). Using Guidestar.org as a starting point and other foundation networking sites as well, the Grants Working Group identified 17 other Colorado-based foundations as potential funding sources to support human trafficking service organizations, as they fund other human rights and justice initiatives. However, it should be noted that no Colorado-based foundation has specified human trafficking as a funding priority.

After reviewing the current funding landscape three themes emerged:

- Colorado organizations are successfully accessing federal grants. Three of the 12 federal grants available for services to human trafficking survivors between federal fiscal years 2012 and 2017 were awarded to Colorado organizations.
- CVS funding is underutilized by human trafficking victim service organizations, and
- Foundation funding has been relatively untapped.

To better understand the gaps in available funding as well as the challenges organizations face in acquiring funds to serve the human trafficking victim population, the Council partnered with the Laboratory to Combat Human Trafficking. They will conduct further research to help identify service organization challenges in acquiring funding to serve human trafficking survivors, as well as ways in which these challenges can be addressed. The data received in these two areas will be analyzed in early 2018.

Based on the initial information collected, the Council identified areas for future inquiry:

- Explore challenges organizations face in acquiring funding;
- Investigate the possibility of public-private partnerships to encourage more foundation funding on this issue;
- Conduct outreach and education to service organizations on how to successfully apply for Crime Victim Services (CVS) funds administered by DCJ for the 2019 funding cycle;
- Conduct outreach and education to funders (private donors, foundations, Local VALE, crime victim compensation boards, etc.) on human trafficking to encourage further investment in this area.

Housing for Human Trafficking Survivors

Since the Council prioritized the development of standards for the housing sector in 2017, Council membership expressed interest in learning more about the similarities and differences in the provision of shelter and housing for trafficking survivors versus other populations. The Council also wanted the opportunity to learn from organizations that have developed successful, sustainable, and comprehensive housing programs for trafficking survivors. At the Council's March meeting, the Council hosted Rebecca Amado-Sprigg, Shelter Program Manager for the Coalition to Abolish Slavery and Trafficking (CAST). Ms. Amado-Sprigg presented on the core elements of the CAST Shelter Program.

Overview of CAST

CAST operates a 24/7, toll-free human trafficking hotline and emergency response program. The hotline is managed primarily by volunteers who receive calls via cellphone. During regular business hours, staff are available to support volunteers taking these calls. In addition to the shelter program, CAST provides case management services, social services, and legal services to survivors. CAST also has a strong public policy arm that advocates for legislative changes

that benefit their clients and the anti-trafficking field. CAST regularly participates in outreach activities and provides human trafficking training. At its core, CAST is a strength-based, survivor-driven program. CAST operates a Local Survivor Advisory Caucus and is responsible for the creation of the National Survivor Network. Members of both of these groups inform and play a key role in CAST's policy initiatives, influencing state and national anti-trafficking policy.

CAST Shelter Program

Founded in 2005, the CAST Shelter Program is one of the only dedicated shelters in the country for adult trafficking survivors. It has the capacity to serve up to 10 adult female survivors (age 18 and older) of human trafficking for 12+ months of transitional housing (with an average stay of 18 months). In addition to safe shelter, the program offers case management, a financial savings program, social and cultural activities, group therapy, supportive counseling and more. Shelter residents are also taught skills in conflict resolution, job training, independent living, and financial planning. The shelter serves an equal share of labor and sex trafficking survivors. While their in-house capacity is limited to 10 beds, CAST partners with several shelters around Los Angeles to meet the needs of approximately 200 trafficking survivors per year.

CAST's Unique Approach to Serving Trafficking Survivors

Traditional shelter program rules are often overly strict and restrictive for the unique needs of the trafficking survivor population. In response, CAST's philosophy is to be flexible with its housing population, an approach that better equips staff to accommodate persons coping with complex trauma. The only two rules that CAST rigorously enforces are a no violence against others rule and a confidentiality rule to maintain the confidentiality of the shelter's location and its occupants.

CAST's shelter program staff have specialized training in the treatment of human trafficking survivors, and most staff have a master's degree in social work. Staff strives to provide flexible, trauma-informed programming centered on an empowerment framework, which allows for client self-determination, and self-sufficiency. This framework is fostered through resident workshop offerings and life skills development classes to help prepare clients for whatever path they are interested in pursuing (career, education, etc.).

CAST's empowerment and client-centered approach to programming includes:

- Programming focuses on survivor strengths, not deficits, to seek solutions to problems

- The resident's right to self-determination and client-driven case management
- A nonjudgmental staff approach toward shelter residents
- A strong commitment of survivor/resident confidentiality

The CAST Shelter Program measures the success of its empowerment-based model by whether their residents achieve self-sufficiency upon graduation from the shelter program.

Current Challenges in Providing Housing for Trafficking Survivors

Ms. Amado-Sprigg outlined key challenges in providing housing to trafficking survivors based on her experience as the CAST Program Shelter Manager:

- There is a dearth of emergency, transitional, and supportive housing available for survivors of human trafficking. There is also a lack of affordable, long-term housing for survivors to transition into after graduating from service programs.
- Housing and shelter programs sometimes are not trauma-informed, nor do they have staff adequately trained on human trafficking. These factors result in survivors of human trafficking not receiving the support they need.
- Males, persons with disabilities, and survivors with children are in the greatest need of shelter options.
- Language and cultural barriers sometimes prevent survivors from accessing housing.

Developing a Public Awareness Campaign for Colorado

As a part of its multipronged, long-range efforts, one of the Council's mandates is to "develop an implementation plan for a public awareness campaign to educate the public about human trafficking and place victims services contact information in places where victims of human trafficking are likely to see it."¹⁹ A Public Awareness Workgroup (PAWG) was established in early 2017 to initiate steps toward meeting this goal.

Recognizing the need for experts in the field of communications outreach, the Council put out a request for bids to identify a vendor in August of 2017. The scope of work requested was for the creation of a high-level, multiyear, statewide public awareness campaign implementation plan. In September 2017, Orange Circle Consulting (OCC) was secured as the marketing and communications consultant to conduct both the formative research and the development of a

¹⁹ C.R.S § 18-3-505(4)(d).

comprehensive campaign plan in collaboration with the PAWG. OCC is a small, women-owned company in Denver with a long-term background in public health and behavior change marketing.

Formative Research

A project launch meeting between project staff and OCC was held in mid-September, and progress to date includes the following action items:

- **Secondary Data Review:** Project staff provided OCC with existing information and reports that provide insights into the topic of human trafficking and existing public perceptions.
- **Primary Data Collection:**
 - *Statewide Online Survey* – The purpose of conducting a statewide survey is to measure knowledge, perceptions, and motivators for action among Colorado residents regarding social issues such as human trafficking. The OCC team also seeks to identify preferred communication methods and trusted sources of information for sensitive social issue topics. The 20-question survey instrument has been developed and was administered statewide in November 2017. A minimum of 400 responses were collected from adult participants across the state, representing Colorado's demographic population including ethnicity, gender, and urban/rural location.
 - *Key Informant Interviews* – To learn more about existing efforts, perceived barriers, and desired actions, OCC will conduct a limited number of interviews with professionals across the state that represent either a specific work sector, location, and/or experience within the topic of human trafficking. OCC developed a Key Informant Interview Guide with questions that are customized based on work sector/experience. Interviews were conducted in November 2017.
- **Research Summary:** The OCC team will identify data trends among all research platforms, report key findings to the PAWG, and develop a final summary that will help inform the development of the campaign implementation plan.

PAWG Communications Blueprint Session

In October 2017, the PAWG gathered with the OCC team to explore and respond to a subset of communication questions designed to help narrow the communication goal and develop a distinct profile of the target audience. The following categories were discussed:

- Current Attitudes & Perceptions
- Audience Barriers & Motivators to Action
- Desired Attitude & Action
- Competition & Caveats
- Compelling Reasons for Communications Outreach

PAWG input will be supplemented with information collected from the formative research, and a final Communications Blueprint will provide a foundation for the strategy and tactics recommended in the implementation plan.

Next Steps and Timeline

The ongoing action items to be carried out are listed in the timeline below.

Activity	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Project launch & information collection									
Research design development									
Research implementation & reporting									
Committee collaboration & final blueprint									
Budget analysis									
Media & creative consultation									
Strategic planning, review, & refinement									
Project management & coordination									

Colorado's 2017 Legislative Activities

In addition to the Council's anti-trafficking activities, three laws were passed in 2017 by the Colorado legislature that have a direct bearing on the issue of human trafficking.²⁰

- House Bill (HB) 17-1040 Interception of Human Trafficking Communications: Allows law enforcement to request a judge to grant a wiretap for the crime of human trafficking.
- HB 17-1172 Concerning Criminal Penalties for Persons who Commit Human Trafficking of a Minor for Sexual Servitude: Requires a court to sentence a person convicted of a

²⁰ For the complete legislative language for each of act passed, see Appendix 1 for HB 17-1040; Appendix 2 for HB 17-1172, and Appendix 3 for HB 17-1072.

class 2 felony for human trafficking of a minor for sexual servitude to the Department of Corrections for a term of at least the minimum of the presumptive range for a class 2 felony, which is 8 years.

- HB 17-1072 Concerning Human Trafficking for Sexual Servitude. This legislation has four key components:
 - Criminalizes “travel services” for the purpose of sex trafficking of a minor. The definition of the Sexual Servitude of a Minor (§ 18-3-504(2)) is amended by adding the language, “A person who knowingly advertises, offers to sell, or sells travel services that facilitate an activity prohibited pursuant to subsection (2)(a)(I) of this section commits human trafficking of a minor for sexual servitude.”
 - Provides an affirmative defense for those charged with the sexual servitude of an adult. Section 2.5 is added to § 18-3-504: “It is an affirmative defense to a charge pursuant to subsection (2) of this section if the person being charged can demonstrate by a preponderance of the evidence that, at the time of the offense, he or she was a victim of human trafficking for sexual servitude who was forced or coerced into engaging in the human trafficking of minors for sexual servitude.
 - Adds human trafficking for sexual servitude of an adult to the definition of “unlawful sexual behavior,” thus requiring those convicted of the crime to be added to the sexual offender registry (§16-22-102). Human trafficking for the sexual servitude of a minor is already enumerated under Colorado law.
 - Petition for removal from the sex offender registry. Allows a person on the sexual offender registry, based on committing the crime of human trafficking for sexual servitude of an adult, to petition to be removed if the petitioner established “by a preponderance of the evidence that at the time he or she committed the offense of human trafficking for sexual servitude of an adult, he or she had been trafficked by another person, as described in section 18-3-503 or 18-3-504, for the purpose of committing the offense.”