SECTION 2

Collecting Data on Human Trafficking in Colorado

Summary of Recommendations

Based on findings from the law enforcement survey that was carried out by the Council in August of 2015, and considering its initial assessment of the current data collection practices in Colorado, the Council recommends that:

1. All law enforcement agencies collect and report on incidents and arrests containing the human trafficking offense codes of a) "involuntary servitude" and b) "sexual servitude" as part of the National Incident Based Reporting System (NIBRS) data it submits to the Colorado Bureau of Investigation pursuant to C.R.S. § 24-33.5-412(5).

2. For the purpose of data collection to measure the prevalence of human trafficking in Colorado, the District Attorney or relevant law enforcement agent shall indicate at the time of charging if an offense is alleged to include an underlying factual basis of human trafficking, regardless of the crime charged. This information shall be collected through a data system best determined by stakeholders.

3. Pursuant to the mandate outlined in C.R.S. § 18-3-505(4)(e) for the Council, it is recommended that training standards and curricula developed for Colorado-based law and applicable code enforcement agencies, including but not limited to the Colorado Department of Labor and Employment and the Colorado Department of Regulatory Affairs, include the following topics:
   a) The indicators of sex and labor trafficking; and
   b) How to collect and report on human trafficking incidents and arrests.

Introduction

The Data and Research Task Force (DRTF) was established by the Council to collect data on the

prevalence of, and efforts of law enforcement to combat, human trafficking in Colorado. The

DRTF began its work by first defining key terms contained in the mandate and then determining the best approach to accurately and responsibly collect and present the requested data. In response to this mandate, the Council reports on available information relating to the incidence of human trafficking since measuring prevalence would require a method of estimating the number of reported and unreported human trafficking cases. Such a calculation is not possible given the current data gaps and methodological challenges of documenting the crime of human trafficking nationally and in the state.

Measuring Prevalence vs. Incidence

Prevalence: Prevalence is a measurement of all individuals trafficked at a particular time.

Incidence: Incidence is a measure of the number of new individuals who are identified as human trafficking victims during a particular period of time.

Source: The U.S. Centers for Disease Control

Despite the present data collection limitations, Council members are deeply committed to the goal of accurately and comprehensively reporting on the scope and magnitude of human trafficking and current efforts to combat it statewide. Thus, in addition to presenting information currently available on the incidence of human trafficking, this section of the report describes the various methodological and conceptual challenges inherent to collecting data on human trafficking and identifies potential sources of information on the crime that are still missing. The Council offers recommendations that seek to address gaps in knowledge by building off existing data collection practices.

National Human Trafficking Data Collection: Methodological Challenges

With the passage of the TVPA in 2000, U.S. lawmakers acknowledged that human trafficking was a serious crime, yet 15 years later the U.S. government still lacks a consistent and uniformly applied method to comprehensively define, measure, and quantify the problem. Human trafficking constitutes a hidden crime, of which the size and boundaries are unknown and for which no sampling frame exists.[16] Researchers and data experts continue to grapple with *who* to count within these hidden populations: persons at risk of being trafficked, current

---

[16] Tyldum, G. and Brunovskis, A. (2005). Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking. *International Migration*, 43(1-2), 17–34.

victims, former victims, or whose victimization is still undetermined.[17] Likewise, data analysts do not always have a way of capturing incidents of human trafficking that may initially present as other forms of violence or exploitation. Furthermore, many cases go unreported, either due to the illegal activities often involved with human trafficking and the vulnerable status of victims. In other instances, traffickers may hamper victim reporting because they are an influential employer both in the U.S. and/or in the worker's country of origin. For example, victims of sex trafficking may be reluctant to recount their victimization to a law enforcement officer because they have engaged in prostitution, despite the fact that their illegal conduct was coerced. Or, lawfully present farm workers might stay in a trafficking situation for fear they will lose their legal status or be deported for reporting a long-standing employer of temporary foreign workers.

In addition to the covert nature of human trafficking, current federal data collection is largely uncoordinated within and between law enforcement and human trafficking service responders.[18] As Latecia Engram, Data Lead at the newly established federal Office on Trafficking in Persons (OTIP) within the Department of Health and Human Services acknowledged in a September 17, 2015 public address, governmental and federally funded nonprofit human trafficking service providers lack the means to coordinate, build capacity and organize data collection activities.[19] This limitation contributes to a lack of awareness of the crime, which, in turn leads to unreliable reporting. Engram explains: "Twenty years ago we could not see domestic violence either. What we don't see we don't count, and what we don't count, we don't change." To counter this problem, OTIP unveiled its plans to develop the first uniform data collection tool with common definitions and data fields that may be used by federal agencies and non-governmental organization (NGO) grantees that serve human trafficking victims. Yet, at the time of writing this instrument was still in development.

Another federal effort to collect data on human trafficking commenced in 2007 with the U.S. Bureau of Justice Assistance's (BJA) creation of a web-based Human Trafficking Reporting

---

[17] *See* Tyldum, G. and Brunovskis, A. (2005), pg. 20.

[18] *See* Government Accountability Office. (2006). *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-Trafficking Efforts Abroad* (GAO Publication No. 06-825). Retrieved on October 6, 2015 from http://www.gao.gov/new.items/d06825.pdf

[19]Engram, L [Department of Health and Human Services IDEA Lab]. (2015). *Now You See Me: The Human Trafficking Data Collection Project* [Video File]. Retrieved on October 1, 2015 from https://www.youtube.com/watch?v=Xrt4t9_wEoA

System (HTRS). HTRS was the first tool of its kind to capture information on human trafficking investigations conducted by federal, state, and local law enforcement agencies. However, HTRS is limited in scope to capturing only the law enforcement activities of BJA-funded human trafficking task forces. Efforts of non-BJA task forces and law enforcement working groups are not reflected in HTRS. Moreover, since many BJA law enforcement task force members originated within or in conjunction with pre-existing vice units, a majority of cases represented in HTRS identify sex trafficking rather than labor trafficking given their specialization in prostitution-related crimes.[20] Thus, while HTRS provides a valuable source of information on cases investigated by law enforcement, the scope of its data is limited by the investigative focus area of BJA-taskforce members and by the limited number of human trafficking specific law enforcement task forces funded by BJA.

Additionally, while the Federal Bureau of Investigation (FBI) added human trafficking offenses—involuntary servitude and forced commercial sex acts—to its Uniform Crime Reporting program in 2013, only 27 states (including Colorado) added the capability to collect human trafficking data by the end of 2014.[21] As Engram's observations about domestic violence and the national data collection initiatives make clear, accurate measures to evaluate the scope and magnitude of a crime typically lag behind the enactment of legislation. At the national level, the passage of comprehensive anti-trafficking laws represented a critical first step in creating awareness of the crime. But the development and synchronization of data collection systems across jurisdictions and sectors has involved continuous augmentation and remains a work in progress.

Colorado's Current Data Collection Practices

Like most states around the country, Colorado does not have a standardized approach to collecting and reporting data on the incidence of human trafficking.[22] However, various studies

---

[20] *See* California Department of Justice. (2012), *The State of Human Trafficking in California*, pg. 49. Retrieved on October 1, 2015 from http://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf.

[21] Federal Bureau of Investigation (Criminal Justice Information Service Division). (2014). *Crime in the United States, 2014*. Retrieved on October 11, 2015 from https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/additional-reports/human-trafficking-report/human-trafficking.pdf

[22] For a discussion of data collection challenges in other states, *see* California Department of Justice. (2012), pg.48; Massachusetts Department of Justice. (2013). *Massachusetts Interagency Human Trafficking Policy Task Force Report*, pg. 37. Retrieved on October 1, 2015 from http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf and Florida Department of Children and Families. (2011). *Statewide Human Trafficking Task Force Report*, pg. 11. Retrieved on October 1, 2015 from. https://www.dcf.state.fl.us/programs/humantrafficking

on human trafficking have featured Colorado in their analysis.[23] For example, in 2012 the "Colorado Project to Comprehensively Combat Human Trafficking", a three-year research project involving over 40 multi-sector core partners, measured efforts to comprehensively address human trafficking by evaluating efforts centered on the "4Ps" of prevention, protection, prosecution, and partnership. This effort provided a baseline, descriptive study of existing anti-human trafficking efforts statewide. The project's findings outlined Colorado's strengths and gaps in the areas of the "4Ps" and the study's authors proposed subsequent recommendations to address them (see Appendix 2, for a summary of the Colorado Project's key findings and recommendations).[24]

While the work of the Colorado Project has been important to the Council, the state lacks the adequate resources to investigate potential human trafficking incidents or to collect comprehensive data on the problem. For example, the state currently has no BJA-funded anti-trafficking task forces whereby data would be collected by HTRS. Colorado does have two law enforcement working groups that specifically address the crime of human trafficking: the RMILTF and the Colorado Trafficking and Organized Crime Coalition (CTOCC). Of these two groups, RMILTF—representing primarily Denver metropolitan law enforcement agencies— collects and routinely reports its data to the FBI Crime Against Children Unit's Innocence Lost Database. CTOCC, an unfunded coalition of law enforcement members, does not have a shared data collection tool to systematically capture its joint operations; thus CTOCC only reports to Sentinel, a separate FBI database, for those cases in which FBI agents were directly involved.

---

[23] For more information on human trafficking analyses that have included Colorado as a research site, *see* Verite. (2010). *Immigrant Workers in US Agriculture: The Role of Labor Brokers in Vulnerability to Forced Labor.* Retrieved on December 3, 2015 from https://www.verite.org/sites/default/files/images/HELP%20WANTED_A%20Verite%CC%81%20Report_Migrant%20Workers%20in%20the%20United%20States.pdf; Dank et al. (2014). *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major U.S. Cities*. Retrieved on November 3, 2015 from http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413047-Estimating-the-Size-and-Structure-of-the-Underground-Commercial-Sex-Economy-in-Eight-Major-US-Cities.PDF; Clawson, H. et al. (2008). *Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices*. Retrieved on November 2, 2015 from https://www.ncjrs.gov/pdffiles1/nij/grants/223972.pdf; Morris, M. et al. (2012). *Prostitution-related arrests in the City and County of Denver: Who Pays*. Retrieved on November 2, 2015 from http://www.combathumantrafficking.org/whopays; Owens et al. (2014*). Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States.* Retrieved on November 5, 2015 from http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413249-Understanding-the-Organization-Operation-and-Victimization-Process-of-Labor-Trafficking-in-the-United-States.PDF; and Shively, M. et al. (2012). *A National Overview of Prostitution and Sex trafficking Demand Reduction Efforts*. Retrieved on November 2, 2015 from https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf
[24] *See* Colorado Project to Comprehensively Combat Human Trafficking Project Team. (2013). *Colorado Project Statewide Data Report*. Retrieved on November 2, 2015 from http://coloradoproject.combathumantrafficking.org/resultsandfindings/statereport

These distinct and incomplete reporting patterns—concentrated primarily along the Front Range—produce a fragmented account of human trafficking in Colorado.

While the state's passage of House Bill 14-1273 brought its human trafficking statutes into better alignment with federal laws, and improved the tools available to law enforcement to successfully investigate and prosecute human trafficking statewide, the statutes have only been in place since July of 2014; thus little data exist on them. Similarly, Colorado added human trafficking offenses to its Uniform Crime Reporting/National Incident Based Reporting System (NIBRS) programs in 2013 as a result of changes in federal law.[25] Yet, even though the state actively collects and reports human trafficking incidents and arrests to the FBI, individual law enforcement agencies around the state may or may not have added the human trafficking codes to their individual record management systems. Thus, the data generated from these codes remain too new to provide a reliable measure of human trafficking-related criminal activity.[26]

Regardless of the challenges of presenting a complete and accurate picture of incidence of human trafficking in Colorado, data collection and evaluation efforts are nonetheless vital to identifying and serving victims of these crimes and to providing a critical tool for law enforcement to identify and prosecute traffickers. The data presented below provide multiple snapshots of human trafficking incidence based on available data from Colorado-based law enforcement and victim service provider sources.

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

Federal Law Enforcement Activities in Colorado

The reports of investigations, recoveries, arrests, prosecutions and convictions among federal law enforcement agencies with field offices in Colorado provide relevant information about human trafficking incidence and related law enforcement response. The Council sought such data from the FBI, HSI, DOL, and the USAO. All agencies, with the exception of the DOL, provided data on its human trafficking-related investigative or prosecution efforts.

---

[25] NIBRS is the data collection system that police, sheriff and Colorado State Patrol officers use to report crime data to the CBI, who, in turn provides statewide data to the FBI.
[26] In January 2013, the national UCR Program began collecting offense and arrest data regarding human trafficking as authorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

FBI-Sponsored Task Forces and Working Groups

FBI task forces and work groups specializing in human trafficking investigations provide one measure of the crime's incidence in Colorado. Appendix 3 (pg. 67) features FBI human trafficking enforcement activity at the national and state levels. The RMILTF is one of several task forces across the country that is federally funded to combat the commercial sexual exploitation of U.S. born youth. It formally commenced its work in 2012. As Appendix 3 highlights, the number of RMILTF investigations has almost doubled over the last three years, from 33 in 2012 to 63 in 2014.

Whereas the focus of RMILTF is on the commercial sexual exploitation of children, including sex trafficking, CTOCC, an unfunded law enforcement working group comprised of 25 Colorado-based law enforcement agencies, specializes on human trafficking involving adult, foreign-national individuals. CTOCC reporting is partial, however, since only those cases initiated by the FBI were included; any investigations in which another CTOCC agency was the lead investigating agency were not counted. As is the case with RMILTF, Appendix 3 demonstrates that CTOCC investigations have more than doubled in the last three years from 6 to 19 investigations.

Overall, RMILTF and CTOCC data reveals a gradual upward trend over the three-year period in investigations, operations conducted, recoveries of juvenile victims and arrests made of suspected traffickers.

Homeland Security Investigations

HSI also collects data on is efforts to combat human trafficking; its reported investigations are captured in Appendix 4 (pg. 67). Due to privacy concerns, HSI declined to report the number of victims associated with each investigation. HSI likely underreports investigations that involve elements of human trafficking when an investigation is initiated—and thus recorded—as a different crime. For example, a high profile labor trafficking case involving a Colorado resident and naturalized U.S. citizen, Kizzy Kalu, was coded in its system as visa fraud since facts available when the investigation began did not initially include human trafficking.[27] This

---

[27] McGhee, T. (2013, July 1). Jury Finds Kalu Guilty of Human Trafficking. *The Denver Post*. Retrieved on October 31, 2015 from http://www.denverpost.com/ci_23577659/highlands-ranch-businessman-convicted-human-trafficking-case

example underscores the challenges of obtaining a full picture of law enforcement activities given the constraints of existing case management systems and case tracking practices.

Department of Justice

Within the USAO, human trafficking prosecutions-initiate out of three separate units: Major Crimes (typically, labor trafficking of adults), Special Prosecutions (crimes against children), and Economic Crimes. In FY2012, the USAO for the District of Colorado prosecuted one labor trafficking case and obtained a conviction in a separate sex trafficking case. It reported no prosecutions or convictions in FY 2013; while one labor trafficking defendant was found guilty in 2013 he was not sentenced until the following year. In FY2014, the USAO for the District of Colorado prosecuted one case of sex trafficking and obtained one labor trafficking conviction.

State and Local Law Enforcement Data Collection Activities

To gain insights from state and local law enforcement agencies on the incidence of human trafficking and current efforts to combat it, the Council drew from three primary data sources: police departments, sheriff offices and Colorado State Patrol reports of human trafficking incidents and arrests; state judicial filings containing human trafficking statutes or ancillary statutes; and results from a survey it administered to Colorado-based law enforcement investigators in August of 2015.

Colorado's National Incident Based Reporting System (NIBRS) Data

As was previously mentioned, the FBI added the human trafficking offense and arrest codes of sexual servitude and involuntary servitude and began collecting the associated data through UCR and NIBRS in 2013. Colorado promptly complied with the changes in federal policy by adding these codes to its statewide crime data collection and reporting activities. In 2014, Colorado-based law enforcement agencies reported 11 known incidents of sexual servitude and two known incidents of involuntary (labor) servitude to CBI. In the same year, there were two reported arrests of sexual servitude and one arrest involving involuntary servitude. As of August 2015, law enforcement reported seven known incidents of sexual servitude and three incidents of involuntary servitude; there was only one reported arrest involving sexual servitude in 2015.

The Council does not necessarily equate these initially low reports of incidence among patrol officers with an absence of human trafficking in the state. Rather, they are likely attributable to the recent addition of human trafficking offense codes and a potential lack of awareness and training among those tasked with recognizing and responding to the crime and reporting it in record management systems. Hence, the Council recommends that Colorado law enforcement agencies that have not already done so add the human trafficking codes to their respective systems to progressively enhance the quantity and quality of data on human trafficking incidence (see a discussion of this recommendation on pg. 25).

Judicial Filings of Human Trafficking and Related Statutes

To complete the analysis of judicial filings potentially involving human trafficking, human trafficking statutes and statutes commonly related to the crime were extracted from the Judicial Branch's Integrated Colorado Online Network (ICON) system. Appendix 5 (pg. 68) contains filings under the new Human Trafficking statutes (C.R.S. § 18-3-503 and C.R.S. § 18-3-504), and under the original human trafficking statutes enacted in 2006 and repealed in 2014 (C.R.S. § 18-3-501 and 18-3-502). It should be noted that in 2011 a child sex trafficking conviction (using C.R.S. § 18-3-502) was challenged on the grounds that the law restricts the definition of child trafficking to the barter, lease, sale or exchange of a child, not a child's *services.* This appeal placed the statute in legal limbo as reflected in the low filings for this charge in 2012 and 2013 (see Appendix 5).[28]

Cases containing formal human trafficking statutes, however, only represent a fraction of the ongoing work among several Colorado judicial districts to prosecute suspected human trafficking—especially prior to the passage of the 2014 laws. Specifically, when addressing the crime of sex trafficking, prosecutors on the Council reported that before HB14-1273 was enacted they often charged suspected sex traffickers using a number of prostitution-related statutes other than human trafficking, which are outlined in Appendix 6 (pg. 69). For the purpose of the present analysis, the Council opted to limit the presentation of data to cases

---

[28] The Colorado Court of Appeals issued its ruling in the *People of Colorado vs. Dallas Cardenas* in 2014 (COA 35 No. 11CA1954). It vacated a conviction of sex trafficking, finding that the prosecution must provide concrete proof of the elements of the crime, such as a showing that a defendant transferred physical or legal custody of a child to another person permanently or for a defined period in exchange for money or other consideration. This legal challenge to § 18-3-502 led many prosecutors to utilize other charges to indict suspected sex traffickers until Colorado's human trafficking laws were reformed in 2014.

involving prostitution-related conduct in which *minors* are the suspected victims since such conduct constitutes sex trafficking pursuant to state and federal definitions of human trafficking. 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. An analysis of statutes contained in Appendix 6 was conducted for years 2009-2015. The results of this analysis are presented in Appendix 7 (pg. 69).

The Council acknowledges that the presentation of judicial filings using ancillary child sex trafficking statutes does not allow for an analysis of the factors that push minors into prostitution and keep them there. For example, a 2014 John Jay College of Criminal Justice study found that the relationship between pimp and prostitute may be much more nuanced and that fewer young prostitutes (between the ages of 16-24) have pimps than once thought.[29]

Additionally, due to the current inability to distinguish labor exploitation from those situations that potentially rise to the level of labor trafficking in the state's judicial data collection system, the Council was unable to conduct an equivalent analysis of judicial filing information for labor-related crimes, such as criminal extortion or coercion of involuntary servitude.

While the analysis of judicial filing data does present certain limitations, some very important trends are nonetheless worth noting from Appendix 7. Judicial filings containing formal human trafficking statutes and prostitution-related offenses involving a minor have increased over the seven-year period. Moreover, in districts where investigators and/or prosecutors have prioritized the crime of sex trafficking—namely in the first, second, fourth, seventeenth and eighteenth districts—a notable increase in prosecutorial activity has followed. This suggests initial success as a result of the 2014 legal reform of human trafficking statutes since they are being used with greater frequency than the 2006 human trafficking statutes. They also affirm the vital importance of accompanying statutory reform with an affirmative commitment to combating human trafficking.

In future years the Council aims to supplement the presentation of judicial filings involving formal human trafficking statues, and especially those involving ancillary charges to sex trafficking, with qualitative data obtained through interviews with prosecutors, labor

---

[29] Marcus, H. et al. (2014). Conflict and Agency among Sex Workers and Pimps: A Closer Look at the Domestic Minor Sex Trafficking. The *Annals of the American Academy of Political and Social Science.* 653, 225-246.

advocates, and prostitution and child sex trafficking experts. In so doing, it aims to better understand the factors underlying cases involving the prostitution of minors and about the potentially misleading stereotypes and unintended consequences that may result from partial representations of human trafficking prosecution information. The Council also seeks to learn why more human trafficking cases are not charged at the federal level and what factors might contribute to the comparably fewer labor versus sex trafficking prosecutions statewide.

The 2015 Colorado Law Enforcement Survey

Recognizing the limitations of current law enforcement data on human trafficking, the Council distributed a survey to law enforcement agencies in August of 2015. The survey was administered to deepen the Council's knowledge of the efforts of law enforcement and their perceptions of issues and challenges that surround the underlying investigation of human trafficking.[30] The survey was distributed to 265 law enforcement agencies,[31] including Colorado State Patrol, 22 district attorney's offices, and three federal agencies (USAO, HSI, and the FBI), for a total of 290 agencies. The response rate by type of agency is indicated in the table below. The overall response rate was 37% (n=107), with 73% of sheriffs' departments responding, 32% of DA offices responding, and 19% of police departments responding.

What type of agency/organization do you work for?	N responses	%
Local police department	57	52.1
Sheriff's office	39	38.8
State Patrol	2	1.7
District Attorney Investigator	7	5.8
Federal Law Enforcement	2	1.7
TOTAL	107	100.0%

These data were collected and analyzed by the Division of Criminal Justice, Office of Research and Statistics. Below is a summary of the findings from the survey.[32] The Council acknowledges that the survey, while informative, potentially double counts cases (i.e. a member of a task force

---

[30] Some questions in the survey are included with permission from the Laboratory to Combat Human Trafficking and Northeastern University. One completed survey per agency was requested.

[31] These include 64 county sheriff offices and 201 members of the Colorado Association of Chiefs of Police (CACP). Note that not all police departments are members of CACP.

[32] A list of survey questions is provided in Appendix 8 (pg. 70).

reports its total case investigations and a district attorney's investigator, who worked on some of the same cases, might also report the same cases). Since the sample size did not include all potential law enforcement agencies, it is also susceptible to underrepresentation of the total number of human trafficking-related law enforcement activities carried out within the reporting period.

Key Law Enforcement Survey Findings:

➢ Approximately one-quarter (28%) of 107 respondents said they were "unsure" about the prevalence of human trafficking in their jurisdiction. Over half reported that human trafficking was "rare" or "nonexistent."

➢ A total of 278 human trafficking cases investigated in 2014 were reported in this survey; 186 cases investigated during the first 8 months of 2015 were likewise reported. 72% of respondents reported investigation of <u>no</u> human trafficking cases in 2014; 80% reported <u>no</u> human trafficking investigations through August 2015.
  o 17% reported 1-2 cases in 2014
  o 6% reported 3-10 cases in 2014
  o 6% reported over 10 cases in 2014:

➢ Two-thirds of respondents (n=71) reported that their agency uses a task force during the course of human trafficking investigations.

➢ When asked about challenges to addressing human trafficking, respondents reported the following:
  o 67% reported that lack of awareness within their community was "very" or "occasionally" challenging
  o Lack of agency support was "seldom" or "never" challenging for 70% of respondents
  o Challenges related to the identification of victims of human trafficking was cited by 70% of respondents
  o Lack of agency resources was reported by 72% of respondents

➢ 44% of respondents said no member of their department had received training on how to identify and respond to human trafficking cases
  o 55 respondents reported that 1,962 personnel have been trained on identifying and responding to human trafficking cases. The Denver Police Department reported training 1,500 officers, mostly with bulletins or roll call briefings.

➢ Three-quarters of the respondents reported that they did not have a protocol for identifying victims of human trafficking; 71% reported that they did not have a specific protocol for working with victims.

➢ 38% of respondents reported having an existing relationship with victim service providers who can meet the immediate need of victims.

Several important findings were obtained from the law enforcement survey. First, those who responded to the law enforcement survey reported that broader community awareness and training of law enforcement personnel is fundamental to properly identifying and responding to human trafficking cases. Second, establishing or enhancing internal agency protocols for responding to potential human trafficking cases represents a pressing need for many law enforcement agencies in Colorado. Finally, while a lack of resources to work human trafficking cases was noted, survey respondents indicated that taskforce participation provides a valuable avenue for pursuing human trafficking investigations.

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

While law enforcement data outlined above represents a vital source of information on the incidence of human trafficking, community based providers—including federally funded human trafficking service providers—also possess valuable information on human trafficking incidence. Owing to the potential vulnerabilities to human trafficking previously mentioned— ranging from homelessness to immigration status and interfamilial violence—an individual's circumstances may prevent victim detection by law enforcement. Persons vulnerable to or experiencing human trafficking may live in unstable conditions and/or work in the shadows of the formal economy, and thus be hard to find, or actively avoid interaction with governmental human service agencies and law enforcement. Others have been failed by the system or have mistrust of law enforcement. Given this reality, the work of Colorado-based service providers to proactively outreach and engage with vulnerable populations, to screen for human trafficking, and to address the complex needs of victims, provides an additional and rich source of data on the incidence and impact of human trafficking in Colorado communities.

Department of Justice, Office for Victims of Crime Victim Assistance Program Reporting

Currently, there are two service organizations funded through the DOJ Office of Victims of Crime (OVC) to provide case management and legal services to victims of labor and sex trafficking, including adults and minors and U.S. citizen/legal permanent resident and foreign national individuals. Appendix 9 (pg. 75) provides a demographic breakdown of Colorado's

OVC victim population. The OVC representation of *who* is victimized by human trafficking differs significantly from that provided by available law enforcement data: Reports of Colorado-based law enforcement agencies indicate a majority of human trafficking involving U.S. citizens and elements of sex trafficking while reports among OVC providers demonstrate a majority of labor trafficking cases (87%) involving foreign national individuals (85%). These differing victim profiles suggest that Colorado-based victim service providers are identifying and responding to a set of victims that differs from those that law enforcement agencies are identifying through the course of their efforts.

Department of Health and Human Services Per-Capita Funding Program for Foreign National Victims of Human Trafficking

The Department of Health and Human Services funds two Colorado-based service organizations to provide case management services to federally 'pre- and post-certified' foreign national individuals on a per-capita funding basis. Those with pre-certified status have been deemed potential victims while those with certification meet specific federal government criteria as victims of a severe form of trafficking. Appendix 10 (pg. 75) captures total numbers of human trafficking victims who received services between fiscal years 2012-2014. A more detailed description of the DHHS victim population was not available at the time of writing. During FY2010-2015, T-visas[33] were issued to approximately 50 victims located in Colorado.[34]

Human Trafficking Hotline Call Information

In addition to direct service provision, NGO-administered human trafficking hotline call data provides a complementary source of information on the potential incidence of human trafficking. At the national level, the Polaris Project receives federal funding to operate the National Human Trafficking Resource Center (NHTRC) Hotline. The Polaris Project has been managing the operation of the NHTRC since December of 2007. At the state level, the Colorado Network to End Human Trafficking—a coalition representing human trafficking service providers in the Denver metropolitan area and across the state—established the first Colorado-based human trafficking hotline in 2008. The CoNEHT hotline is currently administered by the

---

[33] T-visas are a non-immigrant status specifically for individuals who are or have been victims of human trafficking, allowing victims to temporarily remain in the United States to assist in an investigation or prosecution of human trafficking. The T-visa was created by the TVPA in 2000.
[34] The source of T-visa data is the Department of Homeland Security's Office of Policy and Strategy.

Laboratory to Combat Human Trafficking. A detailed report of NHTRC and CoNEHT hotline call data is featured in Appendix 11 (pg. 76). NHTRC and CoNEHT hotline data reveal a steady increase in the number of Colorado-related hotline calls since 2012.

Without the efforts of human trafficking advocacy and victim service providers, many victims would go unidentified, or might otherwise abandon the criminal justice process without their immediate and ongoing needs being met. Victim service providers represent a critical partner in the fight against human trafficking. In the Council's ongoing efforts to better track the contributions of victim service providers and to capture critical information about the populations they serve, the Council has developed a victim service survey which it plans to carry out with relevant organizations in 2016.

Data and Research Recommendations

Based on the variety of information the Council has collected and presented, it proposes the following recommendations:

Enhancement of NIBRS Data Collection Practices in Colorado

Recommendation #1: All law enforcement agencies should collect and report on incidents and arrests containing the human trafficking offense codes of a) "involuntary servitude" and b) "sexual servitude" as part of the National Incident Based Reporting System (NIBRS) data they submit to the Colorado Bureau of Investigation pursuant to C.R.S. § 24-33.5-412(5).

The Council recognizes the need for more robust law enforcement data collection in the state. The Council anticipates that this will likely involve a series of measures to enhance data collection instruments and practices, and to develop a central repository for data across federal, state, regional and local law enforcement agencies.[35] The Council believes that a logical and feasible starting place is to recommend that all Colorado law enforcement agencies add the FBI human trafficking offenses of "involuntary servitude" and "sexual servitude" to their record management systems, thus enabling them to report human trafficking activity and law enforcement response efforts to the CBI on a routine basis.

---

[35] The Commonwealth of Massachusetts has made a similar recommendation in its 2013 report. The Colorado Council has consulted its data working group members about this process and will monitor their progress on this effort.

Improvement of Judicial Data Collection Capacity

Recommendation #2: For the purpose of data collection to measure the prevalence of human trafficking in Colorado, the District Attorney or law enforcement agent shall indicate at the time of charging if an offense is alleged to include an underlying factual basis of human trafficking, regardless of the crime charged. This information shall be collected through a data system best determined by stakeholders.

This proposed measure potentially creates the ability to track criminal cases that might not involve formal human trafficking statutes but do have an underlying factual basis of human trafficking, whether related to sex trafficking, labor trafficking or both. Currently, Colorado's judicial data management system, ICON, lacks this flag which precludes prosecutors from reporting this information, and prevents policy makers and researchers from accurately and fully capturing human trafficking incidence and prosecutorial activity. The Council acknowledges that the District Attorney or relevant law enforcement official may not always know at the time of charging whether human trafficking activity is involved. But, the intent with this recommendation is similar to that of creating a domestic violence flag within law enforcement and judicial data record management systems. It provides an additional way to track and document cases that might not be charged as human trafficking but may contain elements of the crime. Such flags have helped to promote awareness and a better accounting of a crime when they have been added and properly used.

Expansion of Law and Code Enforcement Data Collection Practices

Recommendation #3: Pursuant to the mandate outlined in C.R.S. § 18-3-505(4)(e) for the Council, it is recommended that training standards and curricula for Colorado-based law and applicable code enforcement agencies, including but not limited to the Colorado Department of Labor and Employment (CDLE) and the Department of Regulatory Affairs (DORA), include the following topics:

a) The indicators of sex and labor trafficking; and
b) How to collect and report on human trafficking incidents and arrests.

While recognizing that the development of training standards and curricula has already been mandated pursuant to C.R.S. § 18-3-505(4)(e), the Council reaffirms the integral relationship

between effective training on how to recognize and report on human trafficking incidents and the corresponding potential for better data on the crime statewide. Specifically, the Council calls for the development of training standards and curricula for <u>both</u> *law* and applicable *code* enforcement personnel, such as CDLE and DORA employees, who may inspect worksites where the crime of human trafficking has been known to occur, such as in restaurants and agricultural work settings. It also recommends that the human trafficking training curricula include reference to the FBI's 2013 addition of the offense codes of "involuntary servitude" and "sexual servitude" and that it provide guidance on how to properly collect and report data on these two offenses to improve the quality of information on human trafficking incidence in the state.