

## Executive Summary

During the 2014 legislative session, the Colorado legislature made a bold and pioneering move to establish the Colorado Human Trafficking Council - referred to from here on as the “Council” or “CHTC.” At the time of its formation, no other state legislature had established such a comprehensive, expansive and long-term approach to combat human trafficking. Additionally, Colorado is one of the only states to appropriate funds for full-time staff to support the work of the Council.<sup>1</sup> The legislature intentionally established a 30-member council that crosses multiple sectors (e.g. law enforcement, human services, community-based anti-trafficking collaborations, academia, etc.) and geographical regions (e.g. urban, rural, Front-Range, Western Slope, etc.) to ensure a dynamic, multidisciplinary and collaborative response to a very complex issue. The range of actors appointed to the Council is a unique feature of the CHTC that had not been seen before.<sup>2</sup> As stated in statute:

The Council’s purpose is to bring together leadership from community-based and system-based anti-trafficking efforts from across the state, to build and enhance collaboration among communities, counties and sectors within the state, to establish and improve comprehensive services for victims of human trafficking, to assist in the successful prosecution of human traffickers, and to help prevent human trafficking in Colorado.<sup>3</sup>

To focus the Council’s efforts to mitigate human trafficking in the state, the legislature tasked the Council to provide recommendations on a wide range of issues. In 2014, the General Assembly outlined eight mandates to the Council:

- By January 1, 2016, make recommendations to the Judiciary Committees of the House and Senate concerning whether the General Assembly should:
  - Establish standards and a process for the certification of organizations that provide services to victims of human trafficking; and
  - Establish a grant program to which organizations that provide services to victims of human trafficking may apply for grants, including consideration of how such a grant program may be funded;

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<sup>1</sup> Foot, K. (2015). *Collaborating Against Human Trafficking: Cross-Sector Challenges and Practices*. Lanham, Maryland: Rowman and Littlefield, pg. 36.

<sup>2</sup> Foot, K. (2015), pg. 36.

<sup>3</sup> The Council’s purpose is outlined in C.R.S. § 18-3-505(1)(a).

- By January 1, 2017, (and each year thereafter), submit a report to the Judiciary Committees summarizing the activities of the council during the preceding year;
- Consider and make, as it deems necessary, recommendations concerning any statutory changes that the council deems necessary to facilitate the prosecution and punishment of persons who engage in, and to protect the victims of, human trafficking;
- 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;
- Develop training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement agencies;
- Identify best practices for the prevention of human trafficking, particularly for the prevention of child sex trafficking;
- Collect data relating to the prevalence of, and the efforts of law enforcement to combat, human trafficking in Colorado. The Council shall annually report the data to the Judiciary Committees;
- Research and pursue funding opportunities for the council.<sup>4</sup>

Additionally, with the passage of House Bill 1019 in April of 2015, the General Assembly further directed the Council to consider the enactment of legislation concerning:

- A. The prosecution of, or granting of immunity to, a child victim of commercial sexual exploitation for offenses related to that exploitation;
- B. The creation of other legal protections, including statutory defenses for child victims of commercial sexual exploitation for offenses related to that exploitation and the creation of any necessary changes to Title 19, C.R.S., to implement those legal protections or defenses;
- C. Standards, guidelines, or mandates regarding the appropriate assessment, placement, and treatment of child victims of commercial sexual exploitation through Title 19, C.R.S., including but not limited to the use of locked placement.<sup>5</sup>

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

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

By providing a clear set of mandates, the General Assembly struck an innovative balance between providing focus to the Council's work and empowering it to evolve and sustain its activities over time. Among the nine mandates, the Council prioritized three challenging and complex issues for 2015: the collection of data relating to the prevalence of human trafficking; standards and certification for human trafficking victim services providers; and statutory recommendations for Safe Harbor legislation. In order to tackle these substantive issue areas the Council divided into three task forces. Task force membership included Council members as well as community members who brought additional expertise. Based on the findings of the task forces, the CHTC makes a series of recommendations and findings to the Judiciary Committees of the House of Representatives and Senate, all of which are contained in this inaugural report. These recommendations represent what the Council determined were the most viable proposals for change in its first year of work responding to human trafficking statewide. These recommendations are outlined in brief here and described in further detail in sections two through four of this report.

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

In its first year, the Council sought to understand which data and data collection mechanisms currently exist on human trafficking incidence rather than prevalence due to data gaps and methodological issues. The Council also wanted to determine current law enforcement efforts underway to combat the crime, and to identify the current gaps in data collection. Through this exercise the Council discovered that similar to the national landscape, Colorado does not have a standardized approach for collecting and reporting data on human trafficking. Since human trafficking constitutes a hidden crime, policy makers are hard pressed to arrive at a reliable method for counting all known cases in the state or for estimating the number of unreported cases. Colorado-based law enforcement and service providers presently rely on multiple data management systems to document cases, which tend to be uncoordinated. Moreover, existing systems do not always capture suspected human trafficking activity when criminal activity is initially recorded or formally charged as a separate crime, and in situations where law enforcement personnel are not trained or funded to conduct human trafficking investigations. Nonetheless, the Council identified very important trends in the available data worth noting, especially when it comes to law enforcement efforts to combat the crime.

- Dedicated law enforcement task forces on human trafficking have doubled their investigative activity between 2012 and 2014.
- District attorneys are more actively pursuing human traffickers as evidenced by the steady increase in human trafficking and minor sex trafficking prosecutions; moreover, in districts where investigators and/or prosecutors have prioritized the crime of sex trafficking, an increase in prosecutorial activity has followed.
- Colorado-based law enforcement and service providers report distinct human trafficking victim populations: whereas law enforcement identifies more U.S. minor victims of sex trafficking, service providers report a majority of foreign national adult labor trafficking victims.

Given these findings, the Council recommends several changes that will improve data collection activities on human trafficking. First, it recommends that 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 they submit to CBI. Second, it recommends that 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. Third, it recommends 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 and the Colorado Department of Regulatory Affairs, should include the following topics: a) the indicators of sex and labor trafficking; b) how to collect and report on human trafficking incidents and arrests. These recommendations seek to improve upon existing systems as an important starting place in the Council’s long-term efforts to build a stronger and more coordinated human trafficking data collection process.

### **[Policy Recommendations for Safe Harbor Legislation](#)**

Following extensive deliberations, in which multiple viewpoints were discussed, the Council recommends that the Colorado General Assembly enact into law Safe Harbor legislation for child victims of commercial sexual exploitation. The Safe Harbor legislation should include an immunity provision for the charge of prostitution that would go into effect on January 1, 2018.

The Council further recommends the inclusion of a 24-month implementation plan (which is outlined in greater detail in this report) that will allow for improvements of the multiple systems that would play a role in working with this population. Additionally, the immunity for prostitution provision should include a sunset and post-enactment review that will take place two years after the immunity provision goes into effect.

The existing temporary custody provisions contained in Title 19 (C.R.S § 19-3-401 through 405) should be used to accomplish the short-term assessment, placement and treatment needs of victims. Placement should be based on least-restrictive placement and the Council advocates an addition to the statute of the option for hospitalization if criteria are met. Placement options should also include the use of locked detention facilities for up to 24 hours as currently delineated in Title 19. The Council encourages a mandated child welfare response in all suspected, high-risk and identified cases of juvenile sex trafficking (including commercial sexual exploitation of children) regardless of the relationship of the trafficker to the victim. Further, the Council recommends the use of a multidisciplinary response team, including but not limited to, law enforcement, child welfare, and victim advocates, as well as requiring notification between child welfare and law enforcement on all suspected or identified cases of child sex trafficking.

### **Recommendations for Standards, Certification and Grant Funding for Human Trafficking Victim Service Organizations**

During this first year, the Council conducted a desk review to ascertain the existence of documents (e.g. frameworks, policies, protocols, etc.) that outline standards, practices and/or certification processes for service providers that engage with victims of human trafficking. The desk review yielded the discovery of 52 documents from across the globe, of which only five originated from the US. The documents revealed limited information on the topic of establishing minimum standards for human trafficking service providers. In response, the Council sought to develop a thoughtful and detailed process for providing recommendations on this subject.

As a result of this process, the Council recommends that standards be developed for organizations and professionals that provide direct services to victims of human trafficking but suggests limiting standards to the following five professional sectors 1) community-based

victim advocates, 2) treatment providers, 3) housing program providers, 4) case managers and 5) social service providers. In addition, the Council recommends the development of guiding principles that would guide any professional engaging with this victim population from a law enforcement officer to a teacher. However, the Council recognizes the incredible challenge in developing standards for such a large array of professional sectors. It is also important to strike a delicate balance between setting a high enough bar that would elevate service provision in order to reduce the number of victims who receive inadequate services while not being overly prescriptive, which could lead to limiting rather than growing the number of service providers. The Council also wants to ensure that the standards developed are responsive and inclusive of those service providers that would be most affected and who are subject matter experts in their field. Therefore, the Council further recommends the formation of work groups comprised of these experts to facilitate the Council's work in the coming year to crystalize the minimum standards for each of the five professional sectors. The final recommendations for standards for each of the professionals sectors will be contained within the 2016 Annual Report.

Given the complexity involved in developing standards for service providers, it is the recommendation of the Council to explore the concept of a certification process in more detail in conjunction with the work that the Council will commit to with developing standards. The Council recognizes that there are many regulatory bodies that already exist in the State and a number of potential avenues in which a certification process could be implemented. Additionally, a cost benefit analysis should be performed before any final recommendations are put forth for consideration. Despite the challenges named, the Council does see many benefits for establishing a certification process, such as:

- Creating streamlined, reliable, and comprehensive processes for agencies to be vetted by a third party regarding their service provision, experience, and training to work with this population.
- Professionals who are looking for referrals or placement for their clients can refer to a list of certified providers, which would increase confidence that their client will receive the appropriate services they need.
- Decreasing the waste of resources when multiple professionals duplicate efforts to vet service providers.

- Minimizing the risk that trafficking victims could be re-traumatized by being placed with a provider who is untrained and/or lacks the experience to work with victims of human trafficking.
- Increasing the pool of suitable services being provided that will result in positive outcomes for trafficking victims.

Finally, the Council finds that it is equally important to establish a grant program to support the work of professionals and organizations who serve victims of human trafficking. The Council recommends grants funds to be used in three key ways: 1) funds should be made available to meet the needs of victims to recover fully from their horrific experiences; this often requires long-term and high-cost care; 2) funds should be dedicated to assist organizations and professionals to meet the minimum standards set forth by the Council. Providing funding assistance will help strike a balance between setting standards that will benefit the field while also helping to grow a pool of organizations and professionals who have the capacity and resources to serve this population; and 3) funds should be set aside for evaluation and research on the efficacy of the standards and the certification process established, as it is a new venture that very few have tried before. Evaluating the success and potential challenges will be crucial in making a better and stronger system to support victims of human trafficking in the future. However, before any grant program is established the Council recommends spending additional time exploring how such a program can be funded in a sustainable way.

The Council has covered a number of topics in its inaugural report. The recommendations build off nationally established promising practices and the work of other states. While the recommendations are ambitious, the Council seeks to leverage existing systems in order to avoid duplicative efforts and to build sustainable practices. The work of the Council is only at the beginning and there is much more work to be done. However, the recommendations contained in this report represent a significant first step towards combating and ultimately preventing human trafficking in Colorado.