

COLORADO

# Annual Report

## 2017

HUMAN TRAFFICKING COUNCIL



# Colorado Human Trafficking Council

## 2017 Annual Report

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



Annual Report Cover designed by  
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## Acknowledgements

Dedicated members of the Colorado Human Trafficking Council (the Council) tackled the complex challenge of addressing human trafficking in Colorado. The Council is thankful for the thoughtful and diligent leadership provided by its Chair, Janet Drake, and Vice Chair, Angela Lytle. The recommendations and work products throughout this report reflect the passion and expertise of Council members, Division of Criminal Justice Staff and the wider anti-trafficking movement in Colorado.

The Council is inspired by the hard work and generosity of the many agencies, community groups, and multidisciplinary collaborations that devote time to providing assistance to human trafficking victims and survivors across the state.

The Council also appreciates the continued efforts put forth by the co-chairs of each of the Council's task forces: Claude d'Estrée and Amanda Finger, who co-chaired the Data and Research Task Force; as well as Tammy Schneiderman, who co-chaired the Standards and Certification Task Force.

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

The Council also would like to thank two guest speakers who traveled to Colorado from California to provide their expertise: Ms. Rebecca Amado-Sprigg from the Coalition to Abolish Slavery and Trafficking and Mr. Daniel Roisman from the Alameda County District Attorney's Office. Their insights were critical to the Council's work this year.

## The Colorado Human Trafficking Council Members

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

**Janet Drake, Chair**

Colorado Attorney General's Office  
*Rep. of Colorado Department of Law*

**Angela Lytle, Vice Chair**

Arapahoe County Department of Human Services  
*Rep. of child welfare services for a county department of social services*

**Tom Acker**

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

**Lester Bacani**

*Community member*

**Jill Brogdon**

Colorado Department of Transportation  
*Community member*

**Maureen Cain**

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

**Mari Dennis**

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

**Claude d'Estrée**

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

**Matthew Dodson**

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

**Amanda Finger**

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

**Christian Gardner-Wood**

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

**Sterling Harris**

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

**Captain Lawrence Hilton**

Colorado State Patrol  
*Rep. of Colorado State Patrol*

**Lynn Johnson**

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

**Jason Korth**

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

**Nhu-Minh Le**

Asian Pacific Development Center  
*Rep. of an organization that provides direct services to victims of human trafficking*

**Judge Robert Lung**

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

**Patricia Medige**

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

**Saida Montoya**

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

**Cara Morlan**

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

**Don Moseley**

Ralston House  
*Rep. of a child advocacy center*

**Sara Nadelman**

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

**Jo-Ann O'Neil**

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

**Commander Jerry Peters**

Thornton Police Department  
*Rep. of Statewide Association of Police Chiefs*

**Steven Ramirez**

Shiloh House  
*Rep. of a nonprofit organization that facilitates the treatment or housing of human trafficking victims*

**Tammy Schneiderman**

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

**Raana Simmons**

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

**Sheriff Anthony Spurlock**

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

**Cathie Swanson**

Colorado Department of Agriculture  
*Rep. from the Department of Agriculture*

**Linda Weinerman**

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

**Resignations in 2017**

**Debi Grebenik** (resigned February 2017)

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

**Daniel Steele** (resigned February 2017)

Denver Police Department  
*Rep. of Statewide Association of Police Chiefs*

**Marty Zaffaroni** (resigned February 2017)

Excelsior Youth Center

**Alexis King** (resigned June 2017)

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

**Robert Werthwein** (resigned July 2017)

Office of Children Youth and Families  
*Rep. of the Department of Human Services*

**Amber McDonald**(resigned August 2017)

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



## Task Force and Working Group Members

### Data and Research Task Force

<b>Name</b>	<b>Affiliation</b>
Claude d'Estrée (Co-Chair)	Human Trafficking Center at the University of Denver
Amanda Finger (Co-Chair)	Colorado Network to End Human Trafficking
Thomas Acker	Western Slope Against Trafficking
Maureen Cain	Colorado Defense Bar
Christian Garnder-Wood	Colorado District Attorney's Council
Melina Leodas-Whelan	Colorado Legal Services
Scott Rogers	8 <sup>th</sup> Judicial District Attorney's Office
Laura Said	U.S. Department of State – Diplomatic Security Service
AnnJanette Alejano-Steele	Metropolitan State University of Denver and the Laboratory to Combat Human Trafficking

### Standards and Certification Task Force

<b>Name</b>	<b>Affiliation</b>
Tammy Schneiderman (Chair)	Division of Youth Services, Colorado Department of Human Services (CDHS)
Jill Brogdon	Community Member
Mari Dennis	Colorado Springs Police Department
Matthew Dodson	Archuleta County Department of Human Services
Vista Exline	Victim Outreach Inc.
Sterling Harris	Colorado Organization for Victim Assistance
Amy Hixson	Colorado Department of Human Services, Licensing
Alane Holsteen	Jefferson County District Attorney's Office
Jeannie Killebrew	Lakewood Municipal Probation
Jason Korth	Restore Innocence
Patricia Medige	Colorado Legal Services
Nhu-Minh Le	Asian Pacific Development Center
Saida Montoya	Colorado Department of Labor and Employment
Jacque Morse	Colorado Coalition Against Domestic Violence
Sara Nadelman	Division of Child Welfare, CDHS
Pam Neu	Office of Behavioral Health, CDHS
Jo-Ann O'Neil	Human Trafficking Task Force of Southern Colorado
Steven Ramirez	Shiloh House
Cheryl Secorski	Division of Housing, Colorado Department of Local Affairs
Raana Simmons	Colorado Coalition Against Sexual Assault
Caleb Stewart	Colorado Legal Services
Linda Weirnerman	Office of the Child's Representative

## **Training Standards and Curricula Working Group**

<b>Name</b>	<b>Affiliation</b>
Mary Durant	Laboratory to Combat Human
Mari Dennis	Trafficking Colorado Springs Police
Steven Ramirez	Shiloh House

## **Grants Funding Working Group**

<b>Name</b>	<b>Affiliation</b>
Mary Beth Swanson	Voices Cary Child Advocacy Center
Amanda Finger	Laboratory to Combat Human Trafficking
Craig Nason	Laboratory to Combat Human Trafficking

## **Public Awareness Working Group**

<b>Name</b>	<b>Affiliation</b>
Jill Brogdon	Community Member
Sarah Kcral	Office of Children, Youth and Families, CDHS
Robert Lung	18 <sup>th</sup> Judicial District, District Court
Angela Lytle	Arapahoe County Department of Human Services
Patricia Medige	Colorado Legal Services
Cara Morlan	18 <sup>th</sup> Judicial District Attorney's Office
Don Mosely	Ralston House
Sara Nadelman	Division of Child Welfare, CDHS
Tonya Peters	Orange Circle Consulting
Tammy Schneiderman	Division of Youth Services, CDHS
Monica Strachan	Orange Circle Consulting

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

<b>Name</b>	<b>Role</b>
Joe Thome	Division of Criminal Justice, Director
Kelly Kissell	Office for Victims Programs, Manager
Maria Trujillo	Office for Victims Programs, Human Trafficking Program Manager
Catherine Bowman	Office for Victims Programs, Human Trafficking Program Coordinator
Caree Edson	Office for Victims Programs, Human Trafficking Training Specialist
Brendan Davidson	Office for Victims Programs, Program Associate

## Message from the Council Chair

The Colorado Human Trafficking Council was legislatively created by House Bill 14-1273. Members of the Council have now completed three years of dedicated service. Our work has been guided by the legislative mandates enumerated in § 18-3-505 C.R.S., and the “four P” framework: prevention, protection, prosecution, and partnership.

In 2017, the Council focused on labor trafficking—a crime that continues to be under-identified and largely ignored. I hope that the information contained in this annual report will be a useful guide to the General Assembly, policy makers, and anyone interested in joining the fight against human trafficking.

The Council meetings afford opportunities for stakeholders to develop relationships and appreciate different perspectives. This forum substantively enhances collaboration between systems (criminal justice, human services, immigration...), which benefits everyone.

On behalf of the Council, I extend my sincere thanks to the talented staff who inspired and supported us throughout the year. It is an honor to participate on the Council, and a particular privilege to serve as Chair.

Thank you!

Sincerely,



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

## List of Acronyms and Abbreviations

ADA	Americans with Disabilities Act
CAST	Coalition to Abolish Slavery and Trafficking
CBI	Colorado Bureau of Investigation
CDAC	Colorado District Attorney's Council
CDHS	Colorado Department of Human Services (state)
CDPS	Colorado Department of Public Safety (state)
CHTC	Colorado Human Trafficking Council
CoNEHT	Colorado Network to End Human Trafficking
COVA	Colorado Organization for Victim Assistance
CJASS	Colorado Justice Analytics Support System
C.R.S.	Colorado Revised Statutes
CSEC	Commercial Sexual Exploitation of a Child
CSP	Colorado State Patrol
CTOCC	Colorado Trafficking and Organized Crime Coalition
CVS	Crime Victim Service Funds
CY	Calendar Year
DA	District Attorney
DCJ	Division of Criminal Justice (state)
DHS	Department of Human Services (state)
DLMS	Distance Learning Management System
DOJ	Department of Justice (federal)
DOLA	Department of Local Affairs
DORA	Department of Regulatory Agencies (state)
DRTF	Data and Research Task Force
DYS	Division of Youth Services (state)
ECM	Enhanced Collaborative Model
FBI	Federal Bureau of Investigation (federal)
FFY	Federal Fiscal Year
HB	House Bill
H.E.A.T.	Human Exploitation and Trafficking
HSI	Homeland Security Investigations (federal)
ICE	U.S. Immigration and Customs Enforcement (federal)
ICON	Integrated Colorado Online Network (state)
IRB	Institutional Review Board
JAG	Juvenile Assistance Grant
LCHT	Laboratory to Combat Human Trafficking
MDT	Multi Disciplinary Team (state)
NGO	Non Governmental Organization
NHTH	National Human Trafficking Hotline (federally funded)
NIBRS	National Incident-Reporting System
OCC	Orange Circle Consulting
OTIP	Office on Trafficking in Persons (federal)
OVC	Office for Victims of Crime (federal)
PAWG	Public Awareness Working Group
POST	Peace Officer Standards and Training
Rep.	Representative
RMILTF	Rocky Mountain Innocence Lost Task Force
RMS	Record Management System

SASP	Sexual Assault Services Program
SB	Senate Bill
SCTF	Standards and Certification Task Force
STIS	Smuggling and Trafficking Interdiction Section
UCR	Uniform Crime Reporting
VALE	Victim Assistance and Law Enforcement (funds)
VAWA	Violence Against Women Act
VOCA	Victims of Crime Act

## Executive Summary

In its third year, the Colorado Human Trafficking Council tackled a number of important issues ranging from how to address labor trafficking, to better understanding prosecution efforts, to developing standards for housing providers who serve trafficking survivors. The Council continued to be guided by the leadership of Chair Janet Drake (Senior Assistant Attorney General) and Vice Chair Angela Lytle (Deputy Director with Arapahoe County's Child and Adult Protective Services). During the January retreat, the Council set out to define and prioritize its work for the following calendar year.

The focus of the Council's work at the *task force level* in 2017 was on the following activities:

- Collect data on the incidence of human trafficking and law enforcement efforts to combat human trafficking, including additional data that provide insight on the defendants who are charged and convicted of human trafficking.
- Gather preliminary information on the current practices of law enforcement to collect and report on human trafficking incidents and arrests through Colorado's National Incident-Based Reporting System (NIBRS).
- Complete a two-year study of prosecution activities in the state's 22 judicial districts and the Attorney General's office.
- Create standards for two types of housing providers who choose to serve trafficking survivors: adult housing providers and licensed 24-hour child care facilities and Division of Youth Services (DYS) state-operated facilities.

The Council also elected to establish three working groups that focused on public awareness, grant funding, and training to accomplish the following objectives:

- To develop an implementation plan for a statewide public awareness campaign to raise awareness about human trafficking;
- To conduct an analysis of the funding landscape for organizations that serve human trafficking survivors; and
- To create a training program for individuals who provide services to survivors of human trafficking.

Additionally, the Council identified two substantive issues that warranted attention of the full Council and it reserved significant time on its monthly agendas to 1) engage in candid dialogue about the current barriers to identification, investigation, and prosecution of labor trafficking as well as to formulate a substantive plan to best address labor trafficking, and 2) glean lessons learned from a long-standing, successful shelter program exclusively serving human trafficking clients based in Los Angeles. As a result of these important conversations, the Council voted to:

- Establish a labor trafficking task force in 2018.
- 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.

A full description of the Council's activities and discussions related to the above two topics can be found in [Section 1 – Year in Review](#) (pg. 21).

## **Data Collection on Human Trafficking in Colorado**

The Council continues to collect different measures of human trafficking incidence in the state in the areas of investigations, prosecutions, human trafficking victims served by federally funded service providers, and calls/unique tips of human trafficking as identified by the National Human Trafficking Hotline (NHTH) and the Colorado Network to End Human Trafficking (CoNEHT) hotline for the reporting period of 2014–2016. The Council identified four key trends through its data collection efforts:

- Human trafficking investigative activities remain strong, especially as reflected by the joint work of the Rocky Mountain Innocence Lost Task Force (RMILTF) and the Colorado Trafficking and Organized Crime Coalition (CTOCC).
- Significant efforts are being made among prosecutors to hold traffickers accountable. Between 2014 and 2016, prosecutors filed 97 cases involving a human trafficking statute and have received 23 case convictions.
- The average prison sentence for those convicted of human trafficking is 48.9 years and the median sentence is 17 years. To date, the longest sentence of 400 years involved a



defendant convicted in the 19th Judicial District for human trafficking and related charges.

- Law enforcement and service providers continue to report distinct human trafficking populations. Law enforcement is identifying more domestic sex trafficking cases, while service providers report more foreign national labor trafficking cases. Of special note, law enforcement continues to see an increase in the number of males recovered as part of its domestic minor sex trafficking operations, from ten male recoveries in Calendar Year (CY) 2015 to 15 in CY 2016.

In addition to data collection, the Council completed a two-year study on the prosecution activities in the state's 22 judicial districts and the Attorney General's office. The study utilized a two-tiered data collection process: the administration of a brief online survey and a limited set of semi-structured interviews with seven prosecutors from across the state. The survey sought to understand the knowledge, awareness, and use of human trafficking laws, and the current processes and protocols in place to criminally charge human trafficking. The semi-structured interviews sought information from prosecutors about the resources and relationships needed to specialize on the crime. The key findings from the study include:

- Prosecutors are knowledgeable about and aware of human trafficking statutes. All those surveyed reported they were aware of the 2014 human trafficking statutes. Of the 18 judicial districts that responded to the survey, 11 received formal training on human trafficking in the last year.
- Collaboration between prosecutors across judicial districts and with the RMILTF was a key factor referenced by prosecutors to explain the high number of case filings and the strong judicial outcomes for human trafficking defendants in Colorado.
- Prosecutors cited victim cooperation as a key challenge. They also expressed mixed feelings about how victims experience the criminal justice process. Most prosecutors said they relied on one victim specialist to address victim needs statewide as opposed to a robust service network upon which they could call.
- The judicial districts that have a human trafficking specialization credit a supportive District Attorney (DA) and buy-in from the County Commissioners that help secure the funding needed for human trafficking-specific positions. Non-metro jurisdictions

reported that a human trafficking prosecutor and/or unit were not practical given their scale of operations and limited resources.

- Most districts that have created human trafficking specializations have done so in part to respond to the volume of cases generated by the RMILTF.
- Prosecutors cite various possible reasons for a lack of labor trafficking prosecutions:
  - Law enforcement is not bringing cases forward;
  - Public attitudes about immigrant workers and what constitutes a violation of their rights; and
  - The need to bring in different stakeholders to identify cases, e.g., service providers and workplace regulatory agencies.

An in-depth description of data-related topics as well as the full results of the prosecution survey can be found in [Section 2](#) of this report (pg. 45).

## Standards for Housing Providers

In 2017, the Council continued its work to develop standards for organizations that provide victim services to human trafficking survivors. The focus this year was on developing standards for housing providers. Recognizing that the rules and regulations that govern housing providers are dramatically different when serving an adult population versus a juvenile population, the Council narrowed its focus and developed two separate sets of standards for two distinct audiences: Adult Housing Providers, and Licensed 24-Hour Child Care Facilities and Division of Youth Services State-Operated Facilities. The intent of both sets of standards is to provide *guidance* to housing providers, ***not to replace or add new requirements*** to existing rules and regulations that govern housing providers in the state. Additionally, these standards are created for those agencies that ***choose*** to provide housing to survivors of human trafficking.

The basic standards framework developed for housing providers is composed of seven sections: requirements (with a focus on training topics), guiding principles, victim confidentiality, identifying trafficking and intervening, service needs, partnering with other service providers, and transition planning and long-term survivorship. The standards for adult housing providers also include a section dedicated to safety considerations. The full list of standards developed for housing providers can be found in [Section 4](#) of this report (pg. 85).

## **Developing a Public Awareness Campaign in Colorado**

A Public Awareness Working Group (PAWG) was established to tackle the Council's mandate of developing an implementation plan for a statewide public awareness campaign to educate the public about the issue of human trafficking. Recognizing the need for expertise in the field of communications outreach to guide the Council with this task, a communication and marketing consultant, Orange Circle Consulting (OCC) was secured. OCC was brought on in September 2017 to conduct formative research that will provide the foundation for the strategy and tactics recommended in the implementation plan as well as develop the comprehensive campaign plan in collaboration with the PAWG. The formative research includes a review of secondary data as well as collecting primary data through the administration of a statewide online survey of a representative sample of Colorado residents. The survey aims to measure Coloradans' knowledge, perception, and motivators to actions regarding human trafficking. Primary data collection will also include interviews with key informants from across the state that represent either a specific work sector, geographic location, and/or experience with human trafficking. The goals of these interviews are to understand more about existing efforts, perceived barriers, and desired actions. The work of OCC and PAWG will continue through the fall/winter of 2017 and into 2018, with the final work product presented to the full Council. A complete description of the progress made and future steps of the PAWG and OCC can be found in [Section 1 – Year in Review](#) (pg. 40).

## **Funding Landscape for Human Trafficking Victim Services**

A Grants Working Group was established to identify funding streams that either fund, or have the potential to fund, organizations that provide services to human trafficking survivors and identify gaps in funding available to these organizations. The purpose for conducting this funding research was to assist the Council in responding to the mandate that asks the Council to recommend whether a grant program should be established by the state to assist organizations that provide services to victims of human trafficking. The funding landscape in Colorado is made up of four primary funding sources: federal grants, federal grants administered by the state, state grants, and private foundation funding. After reviewing the funding landscape, three main 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.
- Federal funding administered by the state, (specifically, the Crime Victim Services funds) are underutilized by human trafficking victim service organizations.
- Foundation funding has been relatively untapped by Colorado human trafficking victim service organizations.

To identify gaps in funding, the Grants Working Group partnered with the Laboratory to Combat Human Trafficking (LCHT) to survey organizations that currently service trafficking survivors. The main areas of inquiry are: what are the challenges in acquiring funding to serve human trafficking survivors, and how can these challenges be addressed. The data received from this survey will be analyzed in early 2018. A full review of the funding landscape in Colorado can be found in [Section 1 – Year in Review](#) (pg. 34).

## **Developing and Delivering Human Trafficking Training**

In 2016 the Council developed two training programs: An Introduction to Human Trafficking in Colorado and Human Trafficking Investigations. The first was developed as a foundational program designed to reach a wide range of sectors in order to establish a common language and understanding of the issue of human trafficking rooted in the Colorado context. The second program was designed exclusively for law enforcement officers to illustrate how to conduct victim-centered, evidence-based human trafficking investigations and to provide tools/information to assist officers in having successful human trafficking investigation and prosecution. To ensure dissemination of these curricula into the field, the Division of Criminal Justice (DCJ) hired a Human Trafficking Training Specialist to 1) respond to training requests received, 2) develop and deliver Train-the-Trainer programs to facilitator cohorts in communities (primarily outside the Denver metro area) to address training needs in their respective communities, and 3) assist in translating the training programs to an online, self-paced training module that will provide greater opportunity for people across the state to access the Council's human trafficking curricula and overcome the barriers of geography, time constraints, and financial limitations.

All three goals established for the Human Trafficking Training Specialist have been successfully met over the course of the year. From January – to the end of October 2017, DCJ staff responded to training requests from 29 unique agencies, resulting in 973 frontline professionals being trained on human trafficking utilizing the Council’s curriculum. Six communities have received the train-the-trainer program, with 49 of the facilitators actively delivering the Council’s core training program in their respective communities. A train-the-trainer program is under development for the law enforcement program, with the goal of training a facilitator cohort of law enforcement officers by the end of 2017. The online version of the core human trafficking training is in its final stages of development and on schedule to be launched in early 2018.

In addition to successfully disseminating the Council’s first two training programs, the Council also established a Training Working Group to develop a training curriculum specifically geared towards service providers. The aim of the curriculum is to go beyond awareness and identification of human trafficking and provide service providers the tools necessary to successfully work with human trafficking survivors. The program covers topics that are most pertinent to these professionals, such as: the impact of trauma, survivor-driven approach to service delivery, identifying service needs, challenges to service delivery, referral networks and case management plans, and vicarious trauma and self-care strategies. A complete review of the Council’s training delivery efforts and training under development can be found in [Section 3 – Training Response](#) (pg. 79).





# 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.<sup>1</sup>

## **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.<sup>2</sup> 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

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<sup>1</sup> At its October 23, 2015, meeting, the Council voted to publish in its annual report all votes in which any single minority vote reached a 25% threshold among those present. Council votes in which the minority does not reach 25% may be accessed in the meeting minutes located on the CHTC website: <https://sites.google.com/a/state.co.us/cdps-prod/home/human-trafficking-council/meetings>.

<sup>2</sup> 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.<sup>3</sup>

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

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<sup>3</sup> 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.<sup>4</sup> Table 1 provides a breakdown of the number of workers placed in Colorado by visa category.

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

<sup>4</sup> 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](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,<sup>5</sup> 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 099-0870<sup>6</sup> 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.

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<sup>5</sup> 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](http://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201320140SB477).

<sup>6</sup> 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%.<sup>7</sup> 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

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<sup>7</sup> 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.<sup>8</sup> 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.

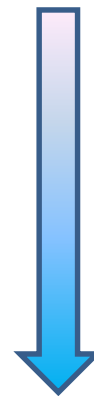
The labor trafficking unit also takes into account several employment-related violations to investigate and potentially charge potential labor traffickers. Figure 1 provides a list of violations considered, in order from lesser offenses through those most often associated with labor trafficking.

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

<b>Figure 1: Form of Labor Violation/Exploitation<sup>9</sup></b>	<b>% of Respondents Reporting Violation</b>
Less pay than promised	83%
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%

**Labor Exploitation**



**Labor Trafficking**

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

<sup>9</sup> 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; Pfeiffer, 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.<sup>10</sup> 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

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<sup>10</sup> 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 learned<sup>11</sup> 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	Jill Brogdon	Janet Drake
Lester Bacani	Mari Dennis	Sterling Harris
Claude D'Estree	Christian Gardner-Wood	Lawrence Hilton
Matt Dodson	Jason Korth	
Amanda Finger	Nhu-Minh Le	
Lynn Johnson	Amber McDonald	
Robert Lung	Cara Morlan	
Angela Lytle	Don Moseley	
Pat Medige	Jo-Ann O'Neil	
Steven Ramirez	Jerry Peters	
Tony Spurlock	Tammy Schneiderman	
Linda Weinerman	Raana Simmons	
	Cathie Swanson	

### **Human Trafficking Funding Research**

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

<sup>11</sup> For a complete review of the Council’s discussion on labor trafficking, see the minutes from the meetings on June 23<sup>rd</sup> and July 27<sup>th</sup>. 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 provide services to victims of human trafficking may apply, including consideration for how such a grant program may be funded.<sup>12</sup>

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.<sup>13</sup> Of these grants, 12 were designed to provide funding to organizations that provide services to human trafficking survivors. As shown in Figure 2<sup>14</sup>, 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

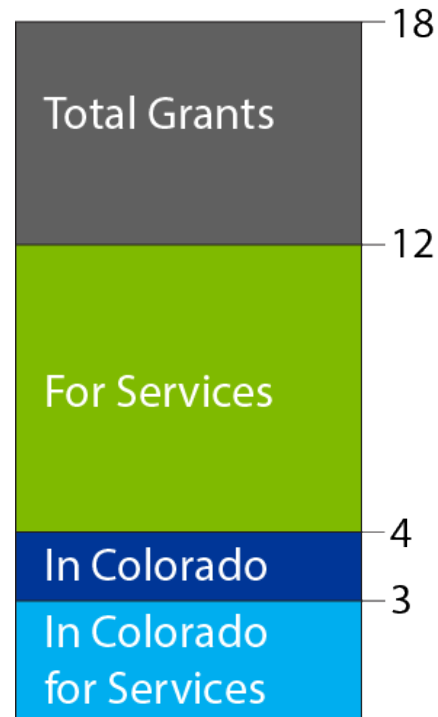


Figure 2: Available federal Grants to which Colorado organizations may apply.

<sup>12</sup> C.R.S. § 18-505(4)(a)

<sup>13</sup> 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.

<sup>14</sup> 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](http://grants.gov) and [usaspending.gov](http://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.<sup>15</sup> 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).<sup>16</sup> In 2016, DCJ provided \$12,267,882 in grant funding to victim service organizations.<sup>17</sup> 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.<sup>18</sup>

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

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

<sup>17</sup> 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.

<sup>18</sup> 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.

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.”<sup>19</sup> 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

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<sup>19</sup> 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.<sup>20</sup>

- 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

<sup>20</sup> 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.”





## SECTION 2

### Collecting Data on Human Trafficking in Colorado

#### Summary of Recommendations

Recommendation 1: Efforts should be made to channel anti-trafficking expertise and resources, from metro-area jurisdictions to those located outside the metro area. Two avenues for knowledge and resource transfer for prosecution are:

- Colorado District Attorneys' Council (CDAC) - sponsored training on investigating and prosecuting complex cases in which human trafficking is featured as a key content area;
- implementation of a CDAC-based human trafficking listserv administered by prosecutors with significant human trafficking case experience in order to share promising practices and lessons learned, and to respond to case-related questions posed by prosecutor colleagues from other districts.

Recommendation 2: Based on the Council's prosecution study findings highlighting the valuable role that cross-agency, multijurisdictional collaboration plays in furthering sex trafficking investigations and prosecutions, a Council-based labor trafficking task force should be created to promote new resources for case referrals and better coordination of labor trafficking response. The task force should consider membership for and outreach to a wide representation of relevant stakeholders, specifically, the Colorado Departments of Regulatory Agencies, Revenue, and Environmental Health; representatives from the Economic Crimes units of District Attorney's offices; worker's compensation insurance providers; federal regulatory and enforcement agencies; and immigrant/ethnic and community-based organizations not currently represented on the Council.

Recommendation 3: The Council should conduct further analysis emphasizing the needs and experiences of human trafficking victims/survivors, especially as they relate to their participation in the criminal justice process.

## Introduction

With each passing year since the enactment of HB 14-1273, the Council has amassed a larger and more comprehensive set of data, which allows for a more sophisticated evaluation of how the 2014 statutes have been implemented and makes it possible for the Council to better fulfill its legislative mandate.<sup>21</sup>

The Council set three key data and research priorities for 2017:

1. Collect data on the incidence of human trafficking in Colorado.
2. Gather preliminary information on the current practices of law enforcement to collect and report on its human trafficking incidents and arrests through Colorado's National Incident-Based Reporting System.
3. Complete a two-year study of prosecution activities in the state's 22 judicial districts and the Attorney General's office.

This section of the report provides recent federal, state, and local data on human trafficking *incidence* and service provision as reported by law enforcement agencies, prosecutors, and nongovernmental organization (NGO) service providers for the three-year period of 2014, 2015, and 2016.<sup>22</sup> It also includes a summary of key takeaways from a meeting with law enforcement personnel in which current NIBRS data collection practices were discussed. This meeting was convened to consider the factors that may contribute to underreporting on human trafficking case work as well as steps that could be taken by the Council and its law enforcement partners to improve the accuracy of NIBRS reporting. Finally, this section provides a summary of key prosecution study findings.

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<sup>21</sup> C.R.S. § 18-3-505(4)(f).

<sup>22</sup> As was true in years past, a reliable calculation of the prevalence of human trafficking remains elusive given the current data gaps and methodological challenges of documenting the crime nationally and in Colorado. For a full discussion of human trafficking data collection challenges and Colorado's current data collection practices, see the 2015 *Colorado Human Trafficking Council Report*, pp. 12–16.



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

### Federal Law Enforcement Activities in Colorado

As in previous reporting years, the Council collected data on the number of human trafficking investigations, recoveries of trafficking victims, arrests of suspected traffickers, prosecutions, and convictions among federal law enforcement agencies with field offices in Colorado, namely the Federal Bureau of Investigation (FBI), Homeland Security Investigations (HSI), and the U.S. Attorney's Office. The Council includes national reporting from these federal agencies on their human trafficking activities in addition to state reporting. It should be noted that national reporting captures federal fiscal years, while Colorado data often reflect the calendar year. This difference will be noted throughout the report by using FFY for fiscal year or CY for calendar year.

### ***FBI Activities***

As Table 4 shows, the total number of Department of Justice (DOJ) investigations nationwide increased dramatically in FFY 2016 to more than 1,800 investigations, up from 802 investigations in FFY 2015. This number does not include human trafficking investigations carried out by DOJ Enhanced Collaborative Model (ECM) anti-trafficking task forces. DOJ funds 11 ECMs around the country to further the development of multidisciplinary human trafficking task forces that implement collaborative approaches to combating all forms of human trafficking. Colorado currently does not have an ECM operating within the state; thus, it currently has no ECM data to report.

The Rocky Mountain Innocence Lost Task Force is one of several task forces across the country funded by DOJ to combat the commercial sexual exploitation of children (CSEC) born in the United States. RMILTF represents a joint effort, with representatives from the FBI, the police departments of Denver and Aurora, the Colorado State Patrol, and the sheriff departments of Arapahoe and Douglas counties, as well as investigators from the 1<sup>st</sup> and 18<sup>th</sup> Judicial District Attorney's offices. For a fourth straight year, RMILTF reported an increase in the number of open investigations, up from 86 investigations in CY 2015 to 152 in CY 2016 (see Table 5). The overall number of victim recoveries also rose in CY 2016 (119, up from 72 in 2015), as did the number of males recovered, from 10 male recoveries in 2015 to 15 recoveries in CY 2016. RMILTF attributes these increases in investigations and recoveries primarily to a growth in

high-risk minor reporting from counties to the RMILTF in 2016, but also to increased task force investigator capacity.

The other local FBI human trafficking law enforcement working group, the Colorado Trafficking and Organized Crime Coalition, reported a slight decrease in its activities in 2016. CTOCC’s mission is to focus on adults and international victims of labor and/or sexual exploitation within Colorado. CTOCC investigates venues that support human trafficking, including the internet, restaurants, hotels, bars, labor camps, and businesses associated with prostitution. CTOCC partners with 25 local, state, and federal law enforcement agencies. CTOCC’s lower reporting in 2016 stems in part from a change in the way it reports its activities to the Council. Whereas for the 2015 and 2016 reports, CTOCC attempted to account for all investigative work conducted by FBI and its partners, for the 2017 report CTOCC representatives only reported *FBI-led* investigations, operations, and arrests. For CY 2016, FBI personnel assigned to CTOCC reported eight investigations opened, six joint operations conducted, and 15 human trafficking arrests made (see Table 6).

Year	DOJ Investigations Totals
2014	835
2015	802
2016	>1,800

Data source: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2015, 2016, and 2017).

Year	Investigations Opened	Recoveries (breakdown by gender)**	Arrests***
2014	81	88; 2M, 86F	55
2015	86	72; 10M, 62F	55
2016	152	119; 15M, 104F	35

Data source: Federal Bureau of Investigation-Denver Office.

\* The focus of the RMILTF is on investigations involving the CSEC and minor sex trafficking.

\*\*M stands for male and F stands for female.

\*\*\* Arrest data include arrests for sex trafficking of a minor, pimping-related activity, sexual assault on a child, and patronizing a child prostitute.

**Table 6: Colorado Trafficking and Organized Crime Coalition Activities, Calendar Year 2014-16\***

Year	Investigations Opened	Joint Operations Conducted	Arrests
2014	19	12	11
2015	7	14	17
2016**	8	6	15

Data source: Federal Bureau of Investigation-Denver Office.

\* The focus of CTOCC is on adults and international victims of labor and/or sexual exploitation within Colorado.

\*\* While the 2014 and 2015 numbers include both FBI-Denver led and supported CTOCC investigations, the 2016 numbers reflect only FBI-Denver led activity for calendar year 2016.

### ***HSI Activities***

HSI, the investigative arm of the Department of Homeland Security, is likewise charged with combating human trafficking. HSI pursues a broad range of suspected human trafficking and related activity—from cases involving adult foreign nationals to the investigation of child sexual exploitation, child pornography, and the forced labor of minors, especially situations involving the use of the internet to lure and/or victimize minors.

Nationally, HSI reported a marginal decrease in its human trafficking investigations, from 1,034 in FFY 2015 to 1,029 in FFY 2016 (see Table 7). At the state level, HSI reported a decrease in its human trafficking investigations, from 16 in FFY 2015 to 10 in FFY 2016 (see Table 7). New this year, HSI provided a breakdown of investigation by type: seven involved sex trafficking and three involved labor trafficking.

**Table 7: HSI National and Colorado-Based Investigations, FFY 2014-16**

	National Data	Colorado Data
Year	Investigations Involving Potential Human Trafficking	Colorado-Based HSI Investigations Officially Recorded as Human Trafficking-Related
2014	987	5
2015	1,034	16
2016	1,029	7 sex trafficking
		3 labor trafficking

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

### ***Federal Criminal Case Filings***

In FFY 2016, the United States Attorney's Office, District of Colorado, reported no federal human trafficking prosecutions. However, in January 2016, a defendant was sentenced to 151

months (more than 12 years) in federal prison based on a conviction for Transportation with Intent to Engage in Criminal Sexual Activity.

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

In order to gain a picture of the state and local law enforcement counter-trafficking efforts—not already captured through RMILTF and CTOCC reporting—the Council drew primarily from state judicial filings containing human trafficking statutes. The Council also considered local law enforcement efforts, including personnel allocations to carry out anti-trafficking activities and activity recorded in NIBRS.<sup>23</sup>

#### ***Expansion of Colorado Bureau of Investigation Human Trafficking Team***

In mid-2017, funding from the Colorado State Patrol's (CSP) Smuggling and Trafficking Interdiction Section (STIS) made it possible for the Colorado Bureau of Investigation (CBI) to allocate two agents to assume a human trafficking caseload. Among their key priorities is to support any human trafficking interdiction cases or leads generated by STIS or the CSP in general. CBI will also provide support to rural agencies should they have a human trafficking case or leads that need to be pursued, as well as assist in proactive sting operations. The agents selected for this role have significant experience investigating sex crimes, and one CBI agent assisted in the state's first labor trafficking case under the new 2014 statutes.

#### ***Local Law Enforcement Reporting on Human Trafficking***

Apart from tracking recent anti-trafficking initiatives and personnel expansions, the Council considered NIBRS reporting for 2014, 2015 and 2016. NIBRS data on human trafficking incidents and arrests are drawn from the record management systems (RMS) of local police departments, sheriff's offices, the Colorado State Patrol, and CBI. All of these local and state law enforcement agencies are mandated to report their crime fighting activities to CBI's Crime Information Management Unit, which in turn submits statewide data to the FBI's Uniform Crime Reporting (UCR) database.<sup>24</sup> Council staff determined that data collected by CBI for calendar years 2014, 2015, and 2016 significantly underreport human trafficking incidents and arrests, especially when taking into account the multiple local law enforcement agencies'

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<sup>23</sup> Unless otherwise indicated, the reporting period for state and local law enforcement activities is January 1–December 31st.

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

workforce hours dedicated to RMILTF and CTOCC activities alone. Due to these concerns about inaccuracies, the Council has not included NIBRS data in its report.

Nonetheless, given the Council's data reporting and training mandates, Council staff convened a meeting on June 6, 2017, with representatives of several law enforcement agencies actively engaged in anti-trafficking activities to learn about the factors that might contribute to low law enforcement reporting on human trafficking in NIBRS. Those in attendance included the Thornton and Aurora police departments, the Jefferson County Sheriff's Department, CSP, CBI, and the FBI. Also in attendance was the UCR Manager for the state of Colorado. Law enforcement in attendance generally agreed that their human trafficking work is underreported, and offered several possible reasons for this problem:

- Law enforcement personnel carrying out human trafficking investigations and/or arrests within their own jurisdictions may not be reporting them to their home agencies when that work is carried out under the auspices of RMILTF or CTOCC.
- Similarly, the activities of law enforcement members on human trafficking multidisciplinary teams (MDTs) are potentially not reflected in NIBRS data, especially in those circumstances where participating law enforcement agencies lack a protocol for updating their RMS based on their MDT-related investigative work.
- Some agencies may only be reporting the highest offense into their RMS, despite the fact that **all** conduct can and should be recorded.
- One agency explained that its current protocol is to record/update its RMS based on the charges that the District Attorney's office ultimately pursues. This practice potentially results in underreporting since the decisions and activities of the District Attorney's office should have no bearing on what is reported by law enforcement in their agency's RMS.
- Multiple law enforcement representatives explained that initial incidents or arrests are commonly not reported as human trafficking because of the complexity of the crime and the many steps normally involved in determining whether human trafficking conduct occurred. Often the detective assigned to investigate the alleged human trafficking is responsible for alerting the records management staff or updating the RMS independently once a human trafficking investigation is opened. Many detectives may not know that this is their responsibility.

- Suspected cases of sex trafficking of a minor may initiate as a runaway incident and are only recorded as such. If further investigation takes place as a result of suspected human trafficking activity, such activity should be recorded as a human trafficking incident for NIBRS reporting purposes and the suspect should be listed as unknown.

At the conclusion of the June 6th meeting, attendees agreed upon a series of next steps. These steps include informal agency audits of how human trafficking law enforcement activities are currently being recorded in the agencies' systems. Attendees also agreed to communicate with relevant personnel to correct the inaccurate reporting practices identified at the stakeholder meeting. Council staff plans to reconvene the group in late 2017 or early 2018 to formulate NIBRS-related recommendations for its 2018 annual report. It also aims to create key training points on law enforcement reporting that it can incorporate into the Council's law enforcement training module.

### ***Human Trafficking and Related State Judicial Case Information***

Another measure of local counter-trafficking efforts is the number and outcome of state judicial human trafficking cases.

Table 8 provides the breakdown of the number of times the newly enacted human trafficking statutes have been filed, along with the overall number of cases involving human trafficking statutes in the years 2014, 2015, and 2016.

<b>Table 8: State Judicial Cases with Filings of the 2014 Human Trafficking Statutes, CY 2014 to 2016</b>				
	<b>2014*</b>	<b>2015</b>	<b>2016</b>	<b>Total</b>
<b>Statute</b>	<b># of Filings</b>	<b># of Filings</b>	<b># of Filings</b>	<b># of filings</b>
Involuntary Servitude § 18-3-503**	1	1	3	5
Sexual Servitude - Adult § 18-3-504	7	22	17	46
Sexual Servitude - Minor § 18-3-504(2)	1	30	55	86
<b>Total Filings (cases)</b>	<b>9 (8 total cases)</b>	<b>53 (39 total cases)</b>	<b>75 (50 total cases)</b>	<b>137 (97 total cases)</b>

Data sources: All case filings containing formal human trafficking statutes were queried using the Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS).

\*The 2014 case filings only reflect activity from July–December, since the new statutes did not go into effect until July.

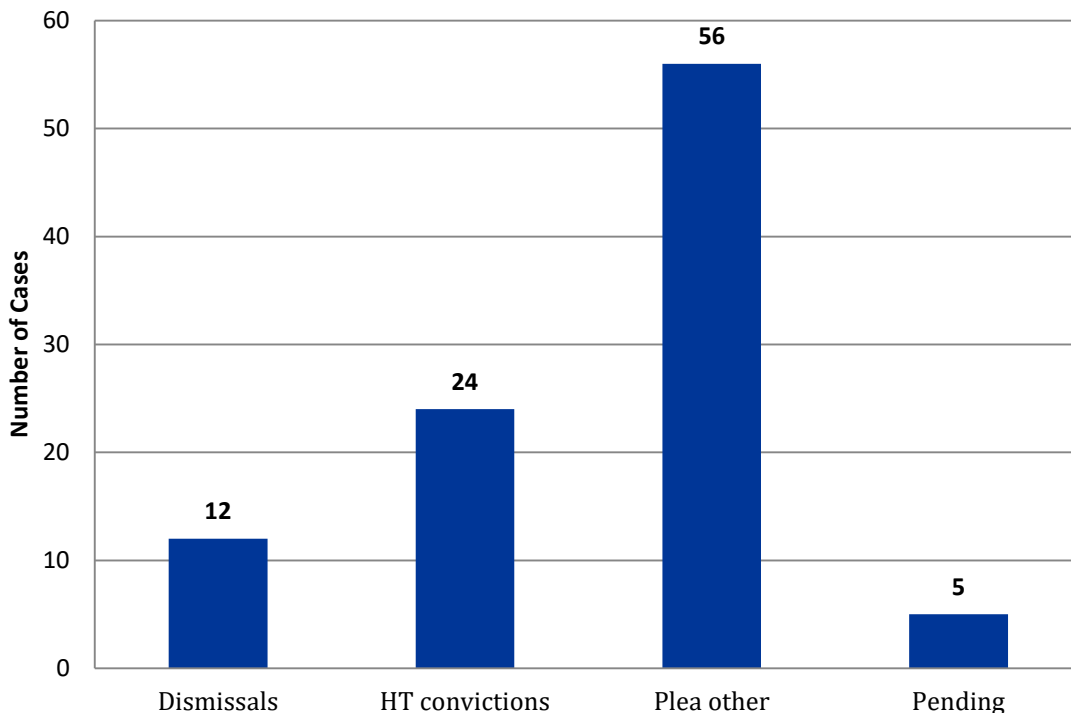
\*\*While there was one case filing under § 18-3-503 in 2014, another in 2015, and three filings in 2016, the 2014 filing of § 18-3-503 involved allegations and evidence of a sexual assault and did not include any allegations or evidence of forced labor, suggesting that the statute was used in error. The 2015 filing involved an initial, erroneous charge of § 18-3-503. The defendant in the case pled to §18-7-403(1)(b), the pandering of a child, conduct more closely related to the sex trafficking of a minor. Likewise, of the three filings of 18-3-503 in 2016 two cases had underlying facts of sex trafficking, thus appearing to be misfiled, while the third filing was a confirmed charge of involuntary servitude and the outcome of that case is still pending.

As the table demonstrates, the number of filings of human trafficking statutes and of overall cases have steadily increased since HB14-1273 went into effect in July 2014, particularly prosecutions involving a charge of the sexual servitude of a minor (§ 18-3-504(2)). The 97 human trafficking cases originated in 11 of the 22 Colorado judicial districts. Of those 97 cases, 69, or 71%, were filed in the Denver metro area, while 28 (29%) were filed elsewhere. Only one of the five filings of involuntary servitude (§ 18-3-503) contained an underlying factual basis of labor trafficking; the four remaining filings of involuntary servitude involved allegations of unlawful sexual conduct, signaling a filing error versus a legitimate labor trafficking case. The one intended filing of § 18-3-503 in 2016 was pending trial at the writing of this report.

Figure 3 provides a breakdown of how the 97 human trafficking cases were resolved. The majority of cases (56) involving a charge of human trafficking resulted in the defendant pleading guilty to related charges, while 24 cases resulted in a human trafficking conviction. Twelve cases involving a human trafficking filing were dismissed, though in at least one case

the dismissal resulted from a consolidation of two related cases of the same defendant rather than a lack of evidence to proceed. At the time of this report, the outcomes of five cases were still pending.

**Figure 3: Dispositions for Cases Involving a Human Trafficking Charge, 2014-2016**



Data source: The number of total case was calculated using information obtained through the Judicial Branch’s Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS). The case status for each filing was last obtained from the Colorado State Courts – Data Access system on December 1, 2017, by the Division of Criminal Justice’s Colorado Human Trafficking Council staff.

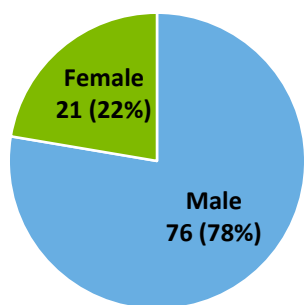


Figure 4 provides the gender breakdown of those charged with human trafficking along with the gender breakdown of those convicted of the crime.

**Figure 4: Breakdown of Those Charged and Convicted of Human Trafficking by Gender, 2014–2016**

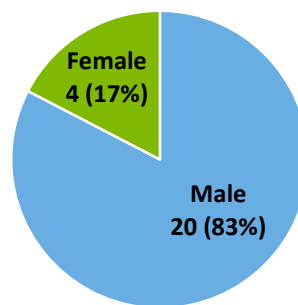
*Charged with Human Trafficking*

*N = 97*



*Convicted of Human Trafficking*

*N = 24*



Data source: The Colorado Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS). These data were obtained on December 1, 2017.

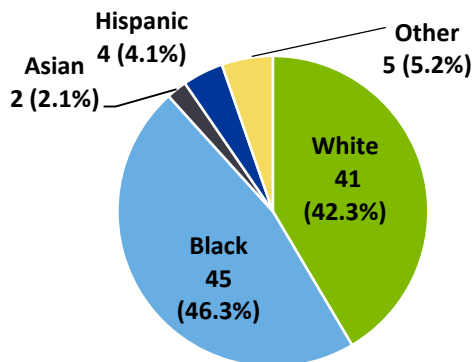
Figure 5 provides the breakdown by race and ethnicity for those charged with human trafficking and those convicted of human trafficking for the years 2014–2016. The largest share of defendants was reported as black, followed by white.<sup>25</sup> Caution should be used when making conclusions about race, however; the data indicate a possible trend toward a racial disparity between those who are charged and those who are convicted of human trafficking. Further analysis is warranted on gender, race/ethnicity, and age (demographics) as more information is collected on charges and convictions to understand the reasons for the disparity between charged versus convicted.

<sup>25</sup> It should be noted, however, that the judicial database systematically collects race but not ethnicity data; most Hispanics are in the white category. As a result, the ability to accurately interpret these data is limited.

**Figure 5: Breakdown of Defendants Charged and Convicted of Human Trafficking by Race and Ethnicity, 2014–2016**

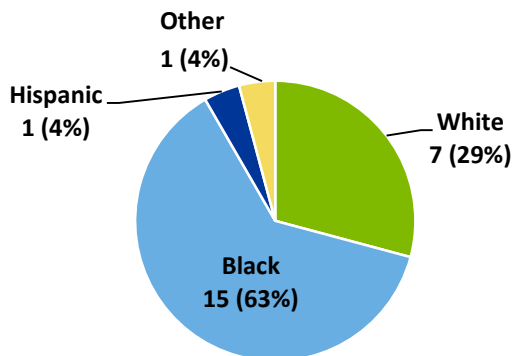
*Charged with Human Trafficking*

*N = 97*



*Convicted of Human Trafficking*

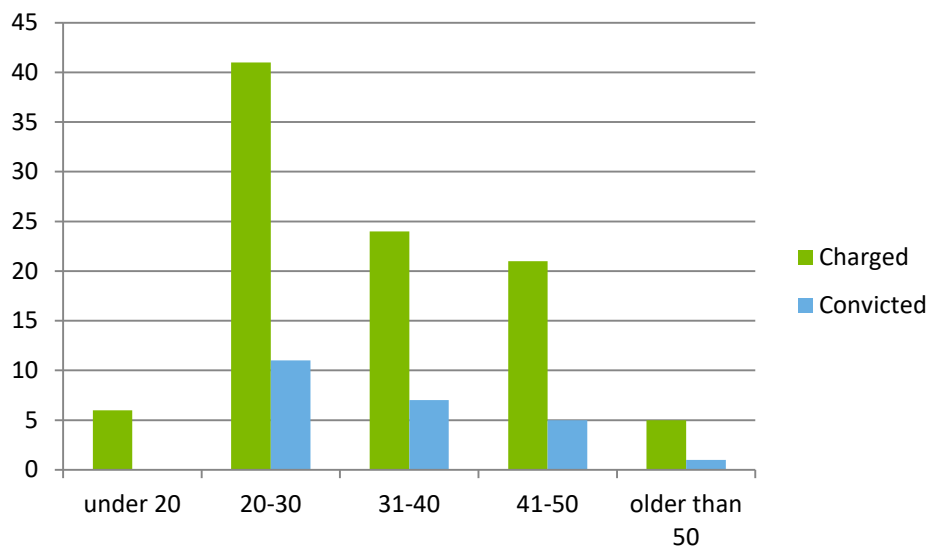
*N = 24*



Data source: The Colorado State Courts – Data Access system. These data were obtained on December 1, 2017.

Figure 6 represents the age of those charged and convicted of human trafficking. As the figures show, the highest concentration of defendants is in the 20- to 30-year-old cohort.

**Figure 6: Defendants Charged/Convicted of Human Trafficking by Age, 2014–2016**



Data source: The Colorado Judicial Branch’s Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS). These data were obtained on December 1, 2017.

The Council also considered the ancillary charges defendants are convicted on (and how often) in cases in which they are also found guilty of human trafficking. Table 9 provides a summary of ancillary charges on which defendants were also convicted for the 24 criminal cases in which a conviction of involuntary or sexual servitude was reached between 2014 and 2016.

<b>Table 9: Ancillary Charges on Which Trafficking Defendants Were Also Convicted</b>		
<b>Criminal Code</b>	<b>Charge</b>	<b># of Cases Involving the Ancillary Conviction</b>
§18-7-405	Pimping of a Child	5
§18-6-701	Contributing to the Delinquency of a Minor	4
§18-7-206	Pimping	4
§ 18-7-402	Soliciting for Child Prostitution	4
§ 18-7-403	Pandering of a Child	4
§ 18-6-403	Sexual Exploitation of a Child	4
§ 18-3-402	Sexual Assault	4
§ 18-7-403.5	Procurement of a Child	3
§ 18-7-405.5	Inducement of Child Prostitution	3
§ 18-7-406	Patronizing a Prostituted Child	3
§18-3-202	Assault in the First Degree	2
§18-7-203	Pandering of a Child	2
§ 18-3-404	Unlawful Sexual Contact	2
§ 18-3-302	Second Degree Kidnapping	1
§ 18-3-405	Sexual Assault on a Child	1
§ 18-7-404	Keeping a Place of Child Prostitution	1
§ 18-7-703	Victim Bribing	1
§ 18-7-707	Victim Tampering	1
§18-17-104	Colorado Organized Crime Act	1
§ 18-18-405	Unlawful distribution	1

Data source: The Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and Colorado State Courts – Data Access system. These data were obtained on December 1, 2017.

Finally, the Council evaluated the sentencing outcomes for those convicted of human trafficking. At the time of this report's publication, the sentencing of one case was pending. Of the remaining 23 cases, three defendants were sentenced to probation, while 20 received a Department of Corrections (prison) sentence. The average human trafficking conviction involving a prison sentence is 48.9 years and the median sentence is 17 years. The high sentencing average results from two particularly long sentences of 248 years and 400 years, which were handed down in 2016 and 2017, respectively. The average probationary sentence is 3.3 years.<sup>26</sup>

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

The Council also collected data on the activities of Colorado-based service providers to identify and meet the complex needs of trafficking survivors living in or having ties to Colorado. Considering the Council's consistent finding that law enforcement entities report different forms of human trafficking and victim profiles than service providers do—namely, law enforcement reports more cases of sex trafficking involving U.S. citizens, while service providers report serving more foreign national labor trafficking survivors—its members believed it was vital to continue collecting data from both sources and to document such trends. As was noted in the *Council's 2016 Annual Report*, various factors may account for the diverging picture of human trafficking in the state. Service providers often have built trusting relationships with communities and persons vulnerable to multiple forms of exploitation and abuse, whether it is vulnerability resulting from one's temporary or undocumented immigration status or from one's previous victimization. Given this reality, NGO service professionals may come into contact with victims that law enforcement does not detect or is not called upon to investigate. Consequently, the NGO community provides a vital and complementary source of data on the incidence of human trafficking.

### **U.S. Department of Justice, Office for Victims of Crime**

Historically there have been two main sources of federal human trafficking funding to support survivors and the comprehensive social and legal services they receive: the Department of Justice's Office for Victims of Crime (OVC) Service Grant and the Department of Health and

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<sup>26</sup> This average is based on the sentencing for all charges upon which a defendant is convicted if that defendant is convicted on formal human trafficking statutes.

Human Services, Office for Trafficking in Persons Per-Capita Grant Program. OVC grants provide block funding to NGOs to staff legal and social service professionals and to cover or offset some of the costs of medical, housing, transportation, and related expenses. Currently two Colorado-based NGOs receive OVC funding—one to provide intensive case management and social services and the other to provide specialized legal services.<sup>27</sup> Both grantees serve all victims of human trafficking. Table 10 provides a demographic breakdown of those served nationally and by the two Colorado-based OVC grantees in fiscal years 2014, 2015, and 2016, (OVC’s fiscal year begins on July 1 and ends on June 30<sup>th</sup>).

Year	National				Colorado			
	Open Cases	Of Open Case Load, # of New Cases	Foreign National	U.S. Citizen/ Legal Permanent Resident	Open Cases	# of New Cases	Foreign National	U.S. Citizen/ Legal Permanent Resident
2014	2,782	1,366	1,530	1,252	54	21	46	8
2015	3,889	2,180	1,906	1,983	113	59	80	33
2016	5,655	3,195	1,923	3,732	104	40	63	41

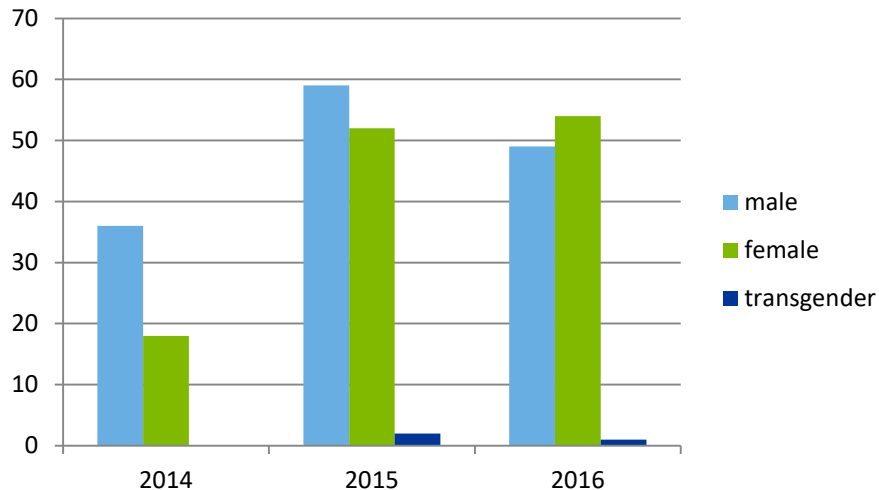
Data sources: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2014, 2015, and 2016) and Colorado data were obtained from the two Colorado-based grantees of the U.S. DOJ/OVC Human Trafficking Service Grant.

At the national level, the victim population has shifted from a greater share of foreign nationals served to more U.S. citizens and legal permanent residents served, while at the state level, the OVC grant still serves a greater share of foreign nationals. It should be noted that since OVC groups U.S. citizens and legal permanent residents into one category, the actual size of Colorado’s foreign-born human trafficking population is likely greater than shown in the table.

<sup>27</sup> To ensure the safety and confidentiality of human trafficking survivors, the names of the service organizations are not referenced.

Figure 7 provides the Colorado OVC client breakdown by gender, Figure 8 shows the breakdown of adults versus youth, and Figure 9 represents the distribution by type of case.

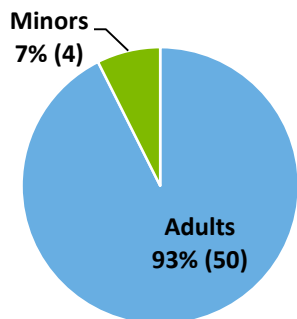
**Figure 7: Gender Breakdown of Colorado OVC Clients, 2014–2016**



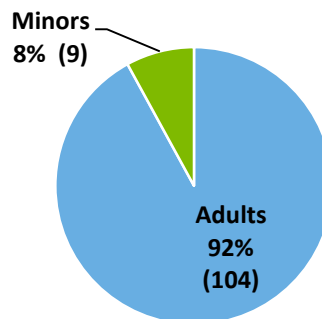
Data Source: Department of Justice, Office for Victims of Crime Trafficking Information Management System.

**Figure 8: Colorado OVC Clients by Adults Versus Youth, 2014–2016**

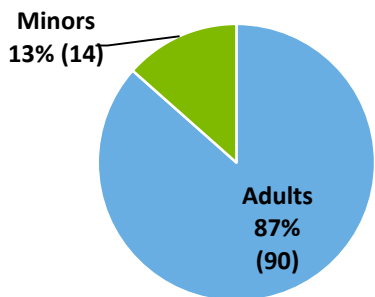
**2014**



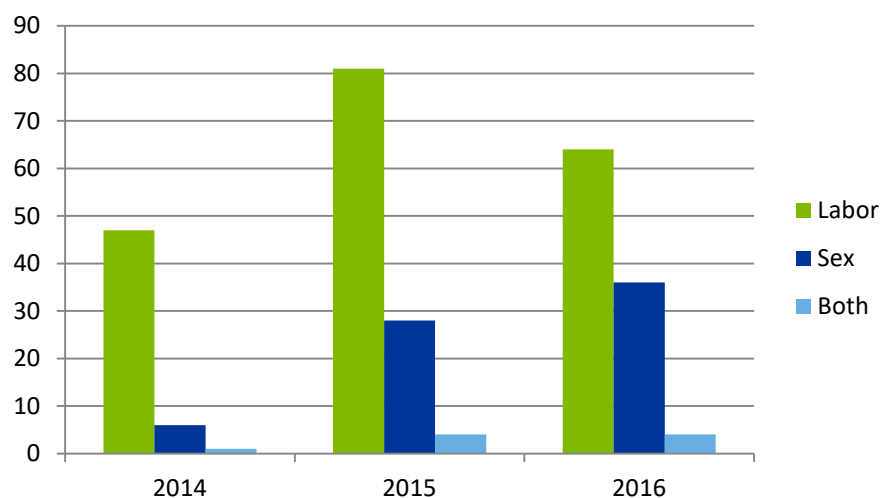
**2015**



**2016**



Data Source: Department of Justice, Office for Victims of Crime Trafficking Information Management System.

**Figure 9: Distribution of Colorado OVC Clients by Type of Case**

Data Source: Department of Justice, Office for Victims of Crime Trafficking Information Management System

Colorado OVC grantees continued to report serving more labor than sex trafficking survivors, and more foreign nationals than U.S. citizens/legal permanent residents. But unlike in 2015, more women were served than men in 2016, and the share of sex trafficking clients increased, as did the share of minors served.

In past years the report has also contained client information for those human trafficking survivors served under the U.S. Department of Health and Human Services, Office of Trafficking in Persons Per-Capita Grant Program. Immigrant survivors of human trafficking certified by the U.S. federal government as victims of a severe form of human trafficking are eligible for services under this program. Since the volume of clients served under this program in Colorado is, on average, less than 10 clients per year, the Council opted to omit these statistics for the current report.

## Human Trafficking Hotline Call Information

Calls to the national and Colorado NGO-administered hotlines provide yet another valuable source of information on the potential incidence of human trafficking. The National Human Trafficking Hotline (NHTH) administered by Polaris tracks information about the calls it receives nationwide as well as those related to Colorado. NHTH reported an increase in its overall calls for a third straight year, with a significant increase in 2016 to 26,727 calls up from 21,947 calls in 2015 (see Table 11). Likewise, it reported an increase of total hotline calls referencing Colorado: 391 calls in 2016 compared to 310 calls in 2015 as well as an uptick in unique Colorado tips reported—120 unique tips were reported in 2016 compared to 77 unique tips in 2015. Total calls represent the overall volume, while the unique tips tally eliminates duplicate calls that refer to the same case. The majority of cases reported to the NHTH involved sex trafficking.

At the state level, Colorado has the Colorado Network to End Human Trafficking (CoNEHT) hotline. The CoNEHT hotline is currently administered by the Laboratory to Combat Human Trafficking (LCHT). Like the NHTH, CoNEHT reported a major increase in calls and unique tips: 310 calls and 194 unique tips in 2016, up from 200 calls and 163 unique tips reported in 2015 (see Table 11). LCHT also reported that one third of callers identified themselves as victims/survivors (103 callers), a positive trend if indeed individuals are becoming more likely than in the past to self-identify and report their situations. Like NHTH call data, CoNEHT data indicate more calls regarding sex trafficking than labor trafficking. It is important to note that the call data from the NHTH and CoNEHT hotlines cannot be added together to calculate a Colorado total of hotline calls due to potential duplication in callers between the two hotlines. The two hotlines do have a protocol for making referrals to each other.



<b>Table 11: Human Trafficking Hotline Call Data, Calendar Years 2014–16</b>						
<b>National Human Trafficking Hotline</b>						
	<b>2014</b>		<b>2015</b>		<b>2016</b>	
	<b>National</b>	<b>Colorado</b>	<b>National</b>	<b>Colorado</b>	<b>National</b>	<b>Colorado</b>
Total Number of Substantive Calls	21,431	273	21,947	310	26,727	391
Total Number of Unique Tips Reported*	<b>5,041</b> unique tips reported, of which <b>3,593</b> ST, <b>815</b> LT, <b>181</b> both, <b>452</b> not specified	<b>67</b> unique tips reported, of which <b>42</b> ST, <b>19</b> LT, <b>4</b> both, and <b>2</b> not specified	<b>5,575</b> unique tips reported, of which <b>4,183</b> ST, <b>728</b> LT, <b>172</b> both, and <b>492</b> not specified	<b>79</b> unique tips reported, of which <b>49</b> ST, <b>24</b> LT, <b>4</b> both, and <b>2</b> not specified	<b>7,621</b> unique tips reported, of which <b>5,593</b> ST, <b>1,064</b> LT, <b>272</b> both, and <b>692</b> not specified	<b>122</b> unique tips reported, of which <b>86</b> ST, <b>21</b> LT, <b>7</b> both, and <b>8</b> not specified.
<b>Colorado Network to End Human Trafficking (CoNEHT) Hotline</b>						
	<b>2014</b>		<b>2015</b>		<b>2016</b>	
Total Number of Calls	158		200		310	
Total Number of Unique Tips Reported**,**	<b>137</b> ; <b>66</b> involved indicators of potential sex trafficking and <b>20</b> involved indicators of potential labor trafficking		<b>163</b> ; <b>99</b> involved indicators of potential sex trafficking and <b>41</b> involved indicators of potential labor trafficking		<b>194</b> unique tips reported, of which <b>129</b> ST, <b>22</b> LT, and <b>18</b> both.	

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

\*ST indicates sex trafficking, LT indicates labor trafficking.

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

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

## Colorado Data Collection Summary

Overall, the Council’s data collection points to a continuing increase in law enforcement task force work to address human trafficking, specifically, an increase in work related to the sexual servitude of minors as reflected by RMILTF’s reported investigations and recoveries. While federal human trafficking prosecutions have decreased, the number of state criminal cases utilizing the new 2014 statutes continued to increase for a third straight year. Labor trafficking prosecutions lag significantly behind sex trafficking ones, but 2016 brought the state’s first intentional filing of involuntary servitude under the new 2014 statutes. The available data indicate that human trafficking defendants in Colorado cases are most likely to be male, black, and in the 20- to 30-year-old age cohort. The average state prison sentence for someone convicted of human trafficking is 48.9 years.

With respect to service-based information, hotline calls and unique tips have risen for a third straight year, and according to CoNEHT hotline information, survivors represent a growing

share of callers. Colorado service providers with federal funds to serve trafficking survivors continue to report international labor trafficking survivors as their most common client profile, but for the first time female clients outnumbered males and the share of sex trafficking survivors and minors also rose.

## **The 2016–17 Colorado Prosecution Study**

Since the inception of the Council’s Data and Research Task Force (DRTF), the task force members have sought whenever possible to provide background and contextual information for the data tables featured in annual reports. While the numerical information that the Council has collected on Colorado’s 2014 human trafficking statutes suggests that prosecutors are indeed using the statutes, the Council wanted to better understand why and how this is taking place. The Council also wanted to learn about any potential challenges and gaps in use of the statutes. Moreover, since the Council conducted a survey of law enforcement anti-trafficking activities in 2015, it sought to balance this analysis with prosecution activities. As such, in 2016 and 2017 the Council prioritized an in-depth analysis of Colorado human trafficking prosecution efforts.<sup>28</sup> The prosecution study was driven by four primary research questions:

### **Prosecution Study Research Questions**

1. What is the baseline awareness and knowledge among prosecutors on the issue of human trafficking, including knowledge and experience with the revised 2014 human trafficking statutes and experience with charging human trafficking statutes?
2. What are the current protocols and strategies prosecutors are using in their human trafficking case work—from the initial referral through sentencing?
3. What are the relationships within each jurisdiction and externally that have led to a greater awareness and willingness to prosecute suspected human trafficking offenses?
4. What are the resources and factors necessary to identify human trafficking, pursue criminal charges, and—where applicable—to form a specialization within the prosecutor’s agency?

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<sup>28</sup> Council staff sought and obtained Institutional Review Board (IRB) approval from the University of Southern Maine to conduct the foregoing analysis. The Council’s prosecution study’s IRB protocol number is 17-01-883.

## Methods

To address these research questions, the Council's DRTF used a multimethod approach using a survey and semi-structured interviews. DRTF worked with the Colorado District Attorney's Council (CDAC) to arrive at a mutually agreed-upon set of 16 survey questions, CDAC sent out an online survey through the Survey Monkey platform to each of the 22 districts' District Attorneys and a representative of the Colorado Department of Law (see Appendix 4 for a list of survey questions). The Survey Monkey platform protected participant anonymity. Survey instructions requested that only one representative from each office complete the survey, ideally the individual with the most direct experience handling human trafficking cases. Survey participants were asked to report their region as opposed to their jurisdiction to further protect confidentiality.

The overall survey response rate was very strong, at 78% (n = 18), with 77% of District Attorney's offices and one representative of the Attorney General's Office responding. The table below provides the number of responses by region. The survey opened on April 17 and closed on April 28th, 2017. These data were collected and analyzed by Council staff, with consultation from DCJ's Office of Research and Statistics.

District Attorney Region <sup>29</sup>	N responses	%
Denver Metro (judicial districts: 1,2, 17, 18, 20, Attorney General's office)*	6	37.5
Northeast (8, 13, 19)	3	18.75
Northwest (5, 9, 14)	1	6.25
South (3, 11, 12)	2	12.5
Southwest (6, 7, 21, 22)	2	12.5
Southeast (4,10, 15, 16)	2	12.5

\*The Attorney General's office is captured in the metro region.

Additionally, the Council carried out semi-structured interviews with seven prosecutors located around the state to provide case study accounts (see Appendix 5, Prosecutor Interview Guide). To select the sample, the Council considered a) a geographical balance, i.e., a mix of

<sup>29</sup> Two judicial districts skipped this question.

prosecutors from the Denver metropolitan area and those outside the metro area, b) a range of experience prosecuting human trafficking cases, and c) the type of human trafficking case handled (sex versus labor trafficking). To maintain the confidentiality of interview participants, the judicial districts and prosecutors interviewed are not listed.

A member of the Council staff was present for every interview and, whenever feasible, a member of the DRTF accompanied the staff member. Interviews were carried out between December 22, 2016, and May 12, 2017.<sup>30</sup>

### ***Study Limitations***

While the Council took several steps to achieve a high level of research design integrity, the study has certain limitations. First, in designing the online survey it was necessary for the Council to work collaboratively with its prosecutor members and the CDAC to draft questions; through this process some questions from the original survey questionnaire that might have yielded more information about the prosecutorial process were adapted or deleted. Yet building consensus with CDAC on the survey was an important part of the research process, as it assisted in developing questions that more fully addressed prosecutor decision making, led to CDAC's endorsement of the tool, and resulted in a high survey response rate.

Second, given resource limitations, Council staff was only able to interview officials from seven of the 22 judicial districts and the Colorado Department of Law. Consequently, while instructive, the interview responses featured in the report are not generalizable to all Colorado prosecutors or all geographical regions. Third, analysis of prosecution efforts raises questions about how other stakeholders not surveyed/interviewed might view the same issues, such as the equally important perspectives of federal prosecutors, members of the Defense Bar, and victims who cooperate and/or are called on to testify in human trafficking cases. Although those perspectives are critical, eliciting them was beyond the scope of the current study.

Finally, six out of seven prosecutors interviewed for the study characterized themselves either as generalists or as specializing in the prosecution of sex trafficking cases. Indeed, this

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<sup>30</sup> In order to analyze interview results, a Council staff member utilized Nvivo qualitative data analysis software to thematically code each interview. Additionally, three members of the DRTF analyzed de-identified/redacted versions of four interviews to ensure that each one was reviewed and coded by at least two analysts. Staff and DRTF members worked together to objectively identify those themes that resonated across all interviews or were particularly salient to the study's main research questions.

characterization seems to be borne out by the fact that only one of the 97 human trafficking cases filed since mid-2014 involves involuntary servitude. Consequently, the findings often pertain to prosecution strategy used to handle sex trafficking cases unless otherwise noted.

A summary of the key themes the Council identified through the survey and interview process is provided below.

### **Awareness and Training on Human Trafficking and the New Statutes**

Results from both the survey and interviews demonstrate that study participants statewide have a robust awareness of the new human trafficking. All 18 respondents reported that they knew about the 2014 statutes. In response to a survey question about formal training on human trafficking, 11 prosecutors responded that they had received some formal human trafficking training in the past year, while seven reported that they had received no formal training. Equal numbers of metro prosecutors (five) and non-metro prosecutors (five) reported they had been formally trained, while the 11th respondent did not identify a jurisdictional region. Of the seven prosecutors who had not received formal training, five were from non-metro jurisdictional regions. Those prosecutors who had received formal training indicated that they were most commonly trained by fellow prosecutors at a CDAC-sponsored event or by law enforcement colleagues.

During the interviews, prosecutors elaborated on the ways they developed the knowledge and skills to prosecute human trafficking cases. One prosecutor noted that while formal training was helpful, it was insufficient: “I went to a class that a [prosecutor colleague] offered at the University of Denver. It was an excellent class, but it was not the kind of long-term preparation [needed] for doing this work.” Prosecutors from four of the seven judicial districts interviewed acknowledged they had not received formal human trafficking training before taking their first case. Instead of formal training, prosecutors highlighted the value of on-the-job training. For example, nearly all of those interviewed commented on how much they learned from professionals they partnered with on an initial human trafficking case, whether it was a detective with the RMILTF or a specialized prosecutor within the Attorney General’s Office. Some mentioned the benefit of informally sharing strategy and counsel with prosecutors from other judicial districts, especially districts similar to their own.

### [Prosecutorial Strategy for Handling Human Trafficking Cases](#)

When it comes to pursuing suspected human traffickers, prosecutors widely agreed that these are complex, time-intensive cases that depend on:

1. The skills and experience to build victim-focused cases, i.e., cases that are centered around the statements and testimony of the victim—including a knack for building rapport and trust with victim witnesses;
2. A unique level of collaboration with fellow prosecutors and law enforcement to build evidence-based cases, i.e., cases that rely on multiple forms of digital and physical evidence to thoroughly corroborate victim statements; and
3. A sophisticated application of techniques (many times, borrowed from other case types) to promote a reasonable likelihood of conviction and strong sentencing outcomes.

### ***Assignment of Trafficking Cases***

The Council was interested to learn whether judicial districts typically had a formal protocol for handling possible human trafficking cases, including a process for assigning cases within each district. As both the survey and interviews revealed, the process for assigning cases takes one of two primary forms: Cases are either routed to a prosecutor designated as the human trafficking specialist, or, in offices that do not have a designated human trafficking prosecutor, cases are assigned to an experienced prosecutor—either a section/unit chief, or, in smaller districts, to the elected District Attorney given the complexity and time-intensiveness of human trafficking cases.

### ***Building the Case***

Prosecutors referenced the extensive amount of evidence involved in human trafficking cases and the related volume of discovery, the often sprawling cast of characters in each investigation, and the frequent need to work closely with victims to build a legal case. Human trafficking cases involving minors present the added challenge of knowing how to navigate and interpret juvenile code in addition to criminal law. One prosecutor described the experience of working human trafficking cases in the following way:

You're dealing with a really large...cast of characters, you are immediately in the zone of overlapping complex kinds of case investigations, and they web out, and



### ***Charging Decisions***

The survey, interviews, and existing judicial data all confirm that Colorado prosecutors rely on a combination of formal human trafficking statutes and ancillary charges to pursue suspected human traffickers ([Table 9](#) on page 57 provides a summary of ancillary charges on which trafficking defendants were also convicted between 2014 and 2016). As one prosecutor explained, “When it comes to charging, with a juvenile who’s being sex trafficked, there’s just a pack of charges that we almost always use...we go to this child prostitution part of the [criminal] statutes and figure out what else we have.”

Prosecutors offered various explanations for why this is a common practice. One reason is that the 2014 human trafficking statute is written broadly to reflect a range of criminal conduct that commonly occurs in cases. Consequently, prosecutors noted, there are often several charges that may apply. Prosecutors explained that they file on all charges for which they have credible evidence—a practice that applies to charging decisions generally, not just human trafficking.

Another reason is that, as one prosecutor put it, the crime of trafficking is not commonly a “neatly bookended, short event,” but encompasses a pattern of conduct. As with other crimes involving a pattern of criminal conduct, prosecutors charge for each distinguishable human trafficking-related criminal activity.

The most frequently cited reason for charging multiple statutes relates to sentencing outcomes. While prosecutors commended various aspects of the new statutes, some prosecutors noted their relative weakness when it comes to criminal penalties. One prosecutor explained:

The one thing that my prosecutor colleague and I struggled with in X case is [is that sex] trafficking does not carry an indeterminate sentence in a way that normal sex offenses do, but he [the defendant] had other stand-alone offenses so we had a bit of leverage. And he absolutely deserves to be an indeterminate sentence guy.

In describing her office’s sex trafficking-related sentencing outcomes, another prosecutor explained: “[my predecessor] had a number of cases where she got a significant number of years. They always had mandatory charges attached. It was not the trafficking charge that was dominating the day.”



It is worth noting that with the passage of HB 17-1172, a person convicted of a class two felony for sexual servitude of a minor will now be subject to a minimum mandatory sentence of eight years. This statutory change does not address situations of involuntary servitude or the sexual servitude of an adult, so sentencing concerns may continue to impact charging decisions in Colorado human trafficking cases, but it may address some of the sentencing concerns prosecutors raised during this study.

### Specialization

Since 2014, at least four judicial districts have established some form of human trafficking specialization by designating a human trafficking prosecutor and/or allocating in-house investigative resources. This practice has helped to build Colorado prosecutor expertise on human trafficking more quickly. Nonetheless, non-Denver metro jurisdictions reported that a human trafficking prosecutor and/or specialized unit were not practical given their scale of operations and limited resources. For the districts that pursued specialization, prosecutors credited the support of their internal leadership, e.g., the DA, and buy-in from County Commissioners to secure the funding needed for human trafficking-specific positions. Notably, two prosecutors stated that a main reason for pursuing specialization was in response to the sex trafficking caseload generated by the RMILTF.

### Role of Collaboration in Combating Human Trafficking in Colorado

In response to the Council's research question about the role of relationships in human trafficking efforts, prosecutors reported that their interactions with colleagues in other judicial districts, with federal prosecutors, and with law enforcement partners—

*[P]rosecutors referenced **collaboration** as a key strength of Colorado's anti-trafficking efforts*

especially RMILTF—were integral to their success. In fact, prosecutors referenced **collaboration** as a key strength of Colorado's anti-trafficking efforts—a theme that ran through both the survey and interviews.

For example, when prosecutors were asked in the survey what their next steps would be if a case filed with their office had insufficient evidence to charge human trafficking, they unanimously reported that they would refer the case back to local law enforcement to carry out

additional investigative work. Only three prosecutors stated that they would decline a case.<sup>31</sup> Similarly, when asked if they suspected human trafficking in a case not originally filed as such, the prosecutors again indicated they would refer the case back to law enforcement to carry out additional investigative work—a far more common and collaborative response than declining a case.

A lynchpin of collaboration in the Colorado context is the RMILTF. As one prosecutor explained:

Because the Innocence Lost Task Force has developed contacts in all these jurisdictions around the state...they do a good job of trying to de-conflict with other agencies and make sure that people are in the loop. Once word goes out, 'Hey-we're working a case involving this target,' suddenly we had a detective from jurisdiction X involved, and she was available to assist and connected the dots from our defendant to three key victims in the case....

Not only is RMILTF viewed as instrumental in connecting prosecutors to law enforcement they might not be personally familiar with, but RMILTF members also play an integral role in bringing together prosecutors from different jurisdictions and levels of government to determine the best venue and strategy for a case. A prosecutor described this process:

[the RMILTF detective] talked non-stop two hours just to familiarize ourselves with the cast of characters associated with the case. It was that complicated. Face charts, all the stuff that you do when you have a huge dump of information, and you got to help somebody come into your story. The thing that happened was, the detective got to the point where s/he had done all the investigations s/he knew how to do. The detective needed guidance, s/he needed a prosecutor who'd be looking at search warrants, and things like that. The detective needed to know what jurisdiction was going to be involved.

Another prosecutor similarly noted the unique level of collaboration between prosecutors and RMILTF detectives:

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<sup>31</sup> Prosecutors could provide multiple responses to this survey question (*see* Colorado Human Trafficking Council Online Survey, Appendix 4, question 7).

I think that the collaboration piece is bigger in these human trafficking cases than it is in any other type of case. I mean normally, like a regular felony case that we charge, there's not going to be much input from an officer in terms of what charges we decide to file...I think its partially because you need the extra brains to make sure that...there are so many potential charges that would fit in these cases, that was a big part of it. I think the other piece is, sometimes, because the investigation is big enough the officer knows the facts a lot better than we do at that point in a lot of circumstances and so we are really relying on them to say, "that one's not gonna fit because she said X."

This collaboration also extends to federal prosecutors. Prosecutors noted that federal prosecutors are typically part of RMILTF debriefing sessions and will often defer cases to state prosecutors after a discussion of how taking a case federally could affect the outcome of the case, especially in terms of sentencing.

Collaboration was not limited to RMILTF. Prosecutors in jurisdictions outside of the metro area applauded the skills and cooperation of local police departments and sheriff's offices. They also praised agencies that provided specialized assistance, including the Attorney General's Office, CTOCC agents, CBI, and regional HSI offices.

### **Challenges in Prosecuting Human Trafficking Cases**

Prosecutors cited two primary challenges in pursuing human trafficking cases: victim cooperation and the barriers to bringing labor trafficking cases.

#### ***Victim Cooperation***

Results from the survey indicate that the number one challenge for prosecutors in sex trafficking cases is victim cooperation (nine out of 18 survey respondents ranked it as a major problem). In interviews, prosecutors explained that victims—particularly minor victims of sexual servitude—struggle with a range of pre-existing circumstances, such as social service or juvenile justice involvement, drug dependency, mental health illness, and/or previous trauma, that compromise their ability to cooperate in criminal cases. In fact, six out of seven prosecutors acknowledged that one or more of the victims they worked with did not want to participate in the criminal justice process and that the stress of a potential trial and/or ongoing cooperation was a factor. As one prosecutor put it:

I don't think that prosecution is the right fit for lots of things and sometimes, these [victims] have much more immediate, exigent needs that need to be tended to that have nothing to do with going to court, or being named the victim in a case.

Yet prosecutors asserted that they often had to weigh the interests of victims against the threat that defendants posed to public safety when deciding whether to move forward with a human trafficking case.

Prosecutors were specifically asked what it means to be “victim-centered.” Unlike the term “victim-focused,” which refers to a prosecutorial strategy that places the statements and testimony of victims at the center of the case, the Council interview guide used the term “victim-centered” to refer to a consideration of the needs, interests, and self-determination of victims during the criminal justice process. Prosecutors provided a range of responses to this question. For two prosecutors, it meant putting together a case in which the victim was not needed at trial. For five of seven prosecutors interviewed, being victim-centered was about taking the time to get to know the victim, keeping her or him informed, and being honest about what s/he could expect as a witness.

“  
*I don't think that prosecution is the right fit for lots of things and sometimes, these [victims] have much more immediate, exigent needs that need to be tended to that have nothing to do with going to court, or being named the victim in a case.*  
”

While five of seven prosecutors suggested that helping victims get connected to social and legal services was part of their victim-centered approach, few offered concrete examples of how this process worked or how victim witnesses they worked with fare in the long term. Only one prosecutor emphasized the importance of forging strong relationships with child welfare as a necessary part of a victim-centered approach. Instead, prosecutors tended to reference one law enforcement-based victim specialist as responsible for addressing victim needs statewide. It should be noted that this specialist's focus is primarily on minor sex trafficking victims.

A final challenge to victim cooperation mentioned through the interview process pertains to potential human trafficking victims who are minors and may have committed delinquent acts. Because the youth may also have engaged in illegal conduct relating to other offenses—in

addition to her or his potential status as a victim—there must be a careful consideration of the minor's constitutional and statutory rights to ensure they are not violated in the course of obtaining victim statements. It should be noted that concern about how victims (both minors and adults of any form of trafficking) are handled via the criminal justice system is not new or unique to Colorado. Susan Coppedge, the Ambassador-at-Large for the U.S. State Department's Office to Monitor and Combat Human Trafficking, has argued that more should be done nationwide to protect trafficking victims from criminal liability.<sup>32</sup> Furthermore, the Council has debated these issues at length (for a discussion of the Council's decision about whether Colorado should enact Safe Harbor legislation, see the *Council's 2015 Annual Report*. For a summary of the Council's discussions about whether victims of human trafficking should have protection from criminal liability for crimes—other than prostitution—committed as a direct result of their trafficking, see the *Council's 2016 Annual Report*).

Overall, prosecutors expressed some degree of ambivalence about how victim-centered the criminal justice process is from the vantage point of victims, especially minors. Additionally, prosecutors' tendency to rely on one victim advocate to keep victims engaged and to address their needs suggests that more work may be needed to support victims during and after the criminal justice process concludes.

### ***Barriers to Prosecution of Labor Trafficking Cases***

Another important prosecution study finding relates to the barriers to prosecution of labor trafficking cases. Prosecutors cited several possible reasons for a relative lack of labor trafficking prosecutions under the new statutes:

- Law enforcement is not bringing prosecutors labor trafficking cases; most proactive case work centers on the commercial sex industry.
- The political climate facing immigrants, which may impede detection of labor trafficking and reporting among immigrant victims.
- Lack of partnerships with and referrals from regulatory agencies and nongovernmental organizations that could provide vital information and tips.

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<sup>32</sup> Coppedge, Susan. "Stop Criminalizing the Victims." CNN. Last retrieved on August 10, 2017, from <http://www.cnn.com/2016/03/17/opinions/coppedge-freedom-project-new-lives/index.html>.

When asked about the most problematic factors in bringing labor trafficking cases, five of the 16 survey takers who responded to the question ranked language barriers and access to interpretation as a major impediment. It is not clear because of the structure of the survey question whether prosecutors perceived that language barriers preclude disclosure about possible human trafficking, or whether prosecutors and their law enforcement partners lacked interpretation services to adequately investigate and prosecute the crime, or both.

When asked during the interview process why there are not more state labor trafficking prosecutions and what strategies could be adopted to increase the number of cases, prosecutor responses tended to focus on the challenges of identifying *immigrant* victims of labor trafficking.

One prosecutor made the following observation: “If you really want to have an impact on [labor trafficking], I would have the state fund the Department of Labor or something [similar] with investigators to shake the trees. You’ve got to look around for it.”

Two other prosecutors mentioned the current political climate and the potential reluctance immigrants may have to participate in the criminal justice system. One prosecutor reflected on a conversation she had with an immigration attorney about the likelihood his clients would report human trafficking:

[He] said there’s not really much advantage in his clients calling the cops. It would really depend [on] where venue was for them, and who they would report to, and that is a political issue. If they don’t see it as an advantage, then they’re not going to advise their client do it.

“  
*If you really want to have an impact on [labor trafficking], I would have the state fund the Department of Labor or something [similar] with investigators to shake the trees. You’ve got to look around for it.*

Another prosecutor explained the challenges she observes to bringing labor trafficking cases:

I think the reason we’re not seeing more labor trafficking cases is twofold....It’s partly because law enforcement is not identifying the cases. They’re just not building the cases. They’re looking, yes. There are ways that we could enhance law enforcement’s toolbox so that they’re working more collaboratively with regulatory agencies, for example. The other

”

problem is with the survivors; they don't want to be involved in the [criminal] justice system. Much like the [suspected case of labor trafficking among immigrant construction workers], half of those guys preferred to go home and [not stay] in the United States. They didn't want to be involved in any of it.

Another potential barrier to the prosecution of labor trafficking is that the backgrounds of most Colorado prosecutors specializing in human trafficking is on sex crimes and/or juvenile matters. Moreover, two prosecutors acknowledged that the human trafficking specialization created within their office was specifically to address child sex trafficking cases.

### **Prosecution Study Conclusion**

In summary, the Council's prosecution study results point to strong awareness among Colorado prosecutors of the new 2014 statutes. While prosecutors are more likely to be aware of the human trafficking statutes than to be formally trained on the issue, on-the-job training and hands-on guidance from fellow prosecutors is what often prepares them to take on these labor-intensive, complex cases.

When it comes to human trafficking case work, prosecutors report that their overarching strategy is to build victim-focused, evidence-based cases. Victim statements and testimony constitute the core evidence in cases, while digital evidence in the form of social media content, photographs, and "phone dumps" proves vital—particularly in sex trafficking cases.

Furthermore, the study's results confirm that a common practice of prosecutors is to file multiple charges against defendants in human trafficking cases owing to the range and patterned nature of human trafficking conduct as well as sentencing considerations.

In terms of the challenges, prosecutors report that victim cooperation represents a significant challenge given that many victims are often struggling to cope with trauma, substance use, and other adverse personal circumstances—factors that may preclude a willingness to participate in the criminal justice process. Finally, the study reveals multiple barriers to the successful prosecution of labor trafficking at the state level, including limited referrals from law enforcement, a political climate inhospitable to immigrant victims of crime, and limited partnerships with regulatory agencies and NGOs—two entities that are well-positioned to identify and bring forward information about possible labor trafficking situations.







# SECTION 3

## Training Response

### Overview of Training Recommendations and Response

In response to the growing need for broader and more comprehensive training on human trafficking across the state, the Council, in 2016, prioritized addressing the training mandate given to them through C.R.S. § 18-3-505(e). This mandate requires the Council to:

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

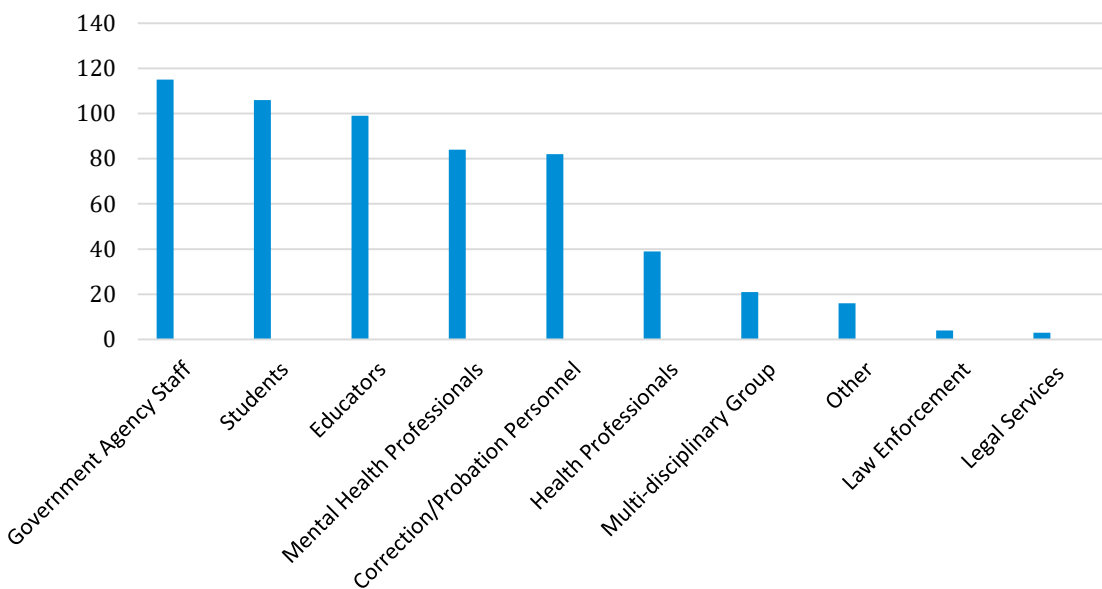
In response to this directive, the Council developed two training programs. The first program, *An Introduction to Human Trafficking in Colorado*, was designed to be accessible to a wide range of professional sectors (for a full list, see the *2016 Annual Report*). The primary goal of the training curriculum was to be a foundational program that established a common language and understanding of the issue of human trafficking rooted in Colorado's unique geographic and cultural context. The Council also recognized the unique role law enforcement plays in combating human trafficking and designed a program with their specific needs in mind. The program, *Human Trafficking Investigations*, is a two-hour training module, which is designed to illustrate how to conduct victim-centered and evidence-based investigations, providing officers the necessary tools and information for successful investigations and prosecutions of human trafficking.

In order to ensure these programs were disseminated into the field and that the training recommendations of the Council were fulfilled, DCJ sought and was awarded grant funding to hire a part-time Human Trafficking Training Specialist in 2017. The implementation plans for achieving these training goals were threefold: first, being responsive to training requests received from communities and organizations across the state; second, developing a Train-the-Trainer program and delivering this program to facilitator cohorts in communities, (primarily outside the Denver metro area), allowing these community cohorts to address training needs within their respective communities; third, translating the core human trafficking curriculum into an online, self-paced training module that would free learners from the potential barriers of geographic distance, organizational involvement, and time limitations.

### Training Delivery

From January through the end of October 2017, DCJ staff disseminated the human trafficking training across the state of Colorado. The team responded to training requests from 29 organizations, training a total of 973 frontline professionals, community members, and students on the key elements of the law, indicators of the crime, and how to respond to potential trafficking situations.

**Figure 11: Individuals Trained by Professional Sector**

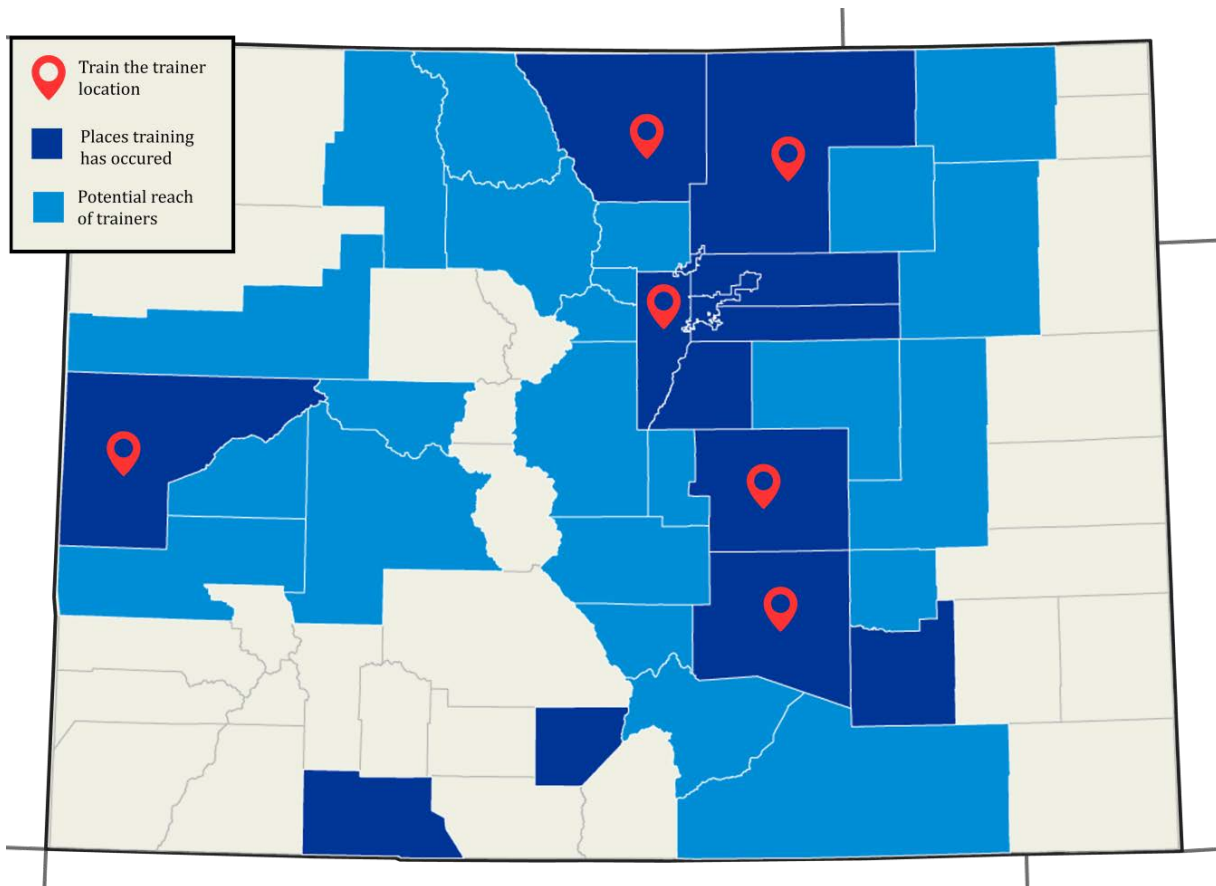


## **Train-the-Trainer Program**

After pilot testing and editing the core training program and finalizing an accompanying facilitation guide, the Training Specialist developed a Train-the-Trainer curriculum for facilitators in six regions throughout the state (with a primary focus on communities outside the Denver metro area) to be able to deliver training in their respective communities. Working in partnership with leadership of regional anti-trafficking coalitions, DCJ staff vetted applicants and identified facilitators from each region who would serve as training cohorts for six coalitions: Jefferson County Human Trafficking Sub-Committee, Larimer County's Community Response to Trafficking, Pueblo's Alliance to Combat Human Trafficking, Western Slope Against Trafficking, Northeast Coalition Against Human Trafficking, and the Human Trafficking Task Force of Southern Colorado. Six train-the-trainer programs were delivered in 2017, resulting in 49 facilitators trained to deliver the core curricula. Facilitators were guided through a series of activities to learn adult facilitation techniques, and were taught the impact of language and imagery related to the issue. Facilitators were provided with everything they needed to promote and deliver training, including: background information on the development of the training, flyer templates, sign-in sheets, pretests, evaluations, facilitation guides, handouts, case studies, a vocabulary list, and appendices with additional information and answers to frequently asked questions. Facilitators were also given a flash drive with all of the content indicated above, along with three versions of the core training PowerPoint slide deck so they could deliver 1-, 2-, or 2.5-hour trainings without losing the fidelity of the program. The primary goal of this program was to maintain consistent messaging on this issue throughout the state.

In accordance with program expectations, individual facilitators were tasked with delivering training to a minimum of 50 additional community members, for a total reach of 2,450 trained over the following year. Cohorts have already begun delivering training, and from August to the end of October 2017, these trained facilitators have already reached 305 individuals through 17 training events.

The map indicates areas where the train-the-trainer program was implemented and its potential reach:



## Law Enforcement Training

In the Council’s 2016 annual report, the Council offered two recommendations in regard to training law enforcement on human trafficking. First, the Council recommended adding a minimum of two hours of human trafficking training to the Basic Certification curriculum managed by the Colorado Peace Officer Standards and Training (POST) Board, which is required to become a POST-certified peace officer in the state of Colorado. Second, the Council recommended that current certified law enforcement officers should receive two hours of human trafficking training (one time) as part of their annual In-Services Continuing Education Program (for more information about these recommendations, see the *2016 CHTC Annual Report*).

To help ensure these recommendations are achieved, the Council developed a two-hour training program: *Human Trafficking Investigations*. This program's learning objectives include: understanding Colorado's human trafficking statutes; how to identify indicators of human trafficking, investigative considerations specific to this crime and best practices for establishing collaborative partnerships with stakeholders. At the writing of this report, DCJ staff are in the process of finalizing a facilitation guide and adapting the law enforcement curricula into a Law Enforcement Train-the-Trainer program to be delivered in the winter of 2017/2018.

Facilitators have already been identified from across the state to take part in the train-the-trainer program for the law enforcement curriculum. They will be active law enforcement officers, criminal justice victim advocates, criminal justice employees, and other individuals who currently train peace officers, and they will receive all of the tools necessary to deliver the training.

### **Training for Service Providers**

During the Council's 2017 Annual Retreat, the Council established a Training Work Group to develop training curricula for individuals who provide services to survivors of human trafficking. Members of the work group decided to address the mandate by developing a broad curriculum that would build upon the information provided in the core curriculum, with the expectation that training participants would have already received basic human trafficking training prior to participation in this program. The training targets four professional sectors: community-based victim advocates, mental/behavioral health professionals, case managers, and others who provide direct care to survivors of human trafficking. The program covers topics that are most pertinent to professionals working specifically with survivors of trafficking, such as: the impact of trauma, a survivor-driven approach to service delivery, identifying service needs, challenge to service delivery, referral networks and case management plans, and vicarious trauma and self-care strategies. However, it is not the intent of this program to replace either advanced education or in-depth training on trauma or vicarious trauma. The training program encourages further education and provides resources in this area.

The completed training program will include a facilitator's guide, PowerPoint slide deck, training videos, handouts, and case scenarios. The PowerPoint slide deck serves as a visual guide and training tool, while the facilitator's guide provides in-depth information such as comprehensive instructions on how to deliver the training, essential talking points to accompany each slide, instructions on how to facilitate activities, and ways to increase audience engagement, including responses to questions that may arise during training. Training videos are included to reinforce learning concepts and to make the training accessible and engaging to all adult learning styles. A series of handouts provide training participants with information and resources they can take away from the training to reference, as needed, in the course of their daily activities and professional responsibilities. Case scenarios summarize real life examples rooted in a Colorado context, and provide the audience with an opportunity to draw upon organizational resources while building skills learned in the training, and opportunities to practice and reinforce the concepts presented. The training program will also include a pretest and posttest evaluation tool to measure knowledge gained from the program and give feedback on how to make the program better.

### **Online Training Program**

The Distance Learning Management System (DLMS) serves as a space where online, self-paced human trafficking training can take place. Training content that mirrors the core training developed by the Council in 2016 was designed for the online learning platform, but with appropriate changes to make the information engaging for online learners. DCJ anticipates rollout of this online training program to occur in early 2018. This training format will be promoted through the Council's website and monthly newsletters. Use of a DLMS will allow the training curriculum to reach a broader statewide audience, without constraints of geography, involvement with specific organizations who have requested training, or time limitations. The law enforcement curriculum will be adapted and rolled out to online learners in 2018.



## SECTION 4

### Standards for Housing Providers

#### Introduction

In 2017, the Council continued its work of developing standards for organizations that provide victim services to human trafficking survivors. The focus this year was on developing standards for housing providers. The first phase of this process was recognizing that housing providers and the regulations that govern these housing programs vary dramatically when serving an adult population versus a juvenile population. As a result, the Council developed two separate and unique sets of standards that narrowed down the intended audience to: “Adult Housing Providers” and “Licensed 24-Hour Child Care Facilities and DYS State-Operated Facilities.”

As with previous standards developed by the Council, it is important to note that these standards **are not replacing or adding new requirements** to existing rules or regulations that govern housing providers in the state of Colorado. It is equally important to note that the standards outlined below are targeted for adult housing providers and licensed 24-hour child care facilities and DYS state-operated facilities **that choose to provide services to survivors of human trafficking**. The intent of these standards is to provide the necessary guidance to help professionals be better equipped and prepared to provide housing to human trafficking survivors that will result in positive outcomes for survivors, and to help establish a continuity of care and consistency across various service provider systems. These standards are not static, but will need to be regularly reviewed and updated to reflect the growing body of

research, the emergence of promising practices, and the experience of service providers in the anti-trafficking field.

The basic standards framework developed for housing providers is composed of nine main sections: requirements, guiding principles, victim confidentiality, identifying trafficking and intervening, service needs, partnering with other service providers, and transition planning and long-term survivorship. The standards for adult housing providers also include a section dedicated to safety considerations. Finally, each standards document provides a detailed appendix of training resources designed to help housing providers meet the training requirements contained in the standards. In choosing these resources, the Council took into consideration training cost and accessibility to ensure that all can access training and meet the standards put forth. The following pages contain the complete content of the standards developed for adult housing providers and licensed 24-hour child care facilities and DYS state-operated facilities.

### **Standards for Working with Human Trafficking Survivors: Adult Housing Providers**

Adult housing providers play a critical role in filling a basic need that many adult survivors of human trafficking have after leaving their trafficking situation. Survivors of human trafficking often require an array of housing options, including emergency shelter, short-term, transitional housing, and long-term housing dependent on their unique set of circumstances. Some survivors may need to utilize all the forms of housing available as they transition into long-term survivorship, while other survivors may only use one form of housing.

**The standards contained in this document are targeted towards adult housing providers that choose to provide services to adult survivors of human trafficking.** Victim and community safety are the highest priorities of these standards.

The goal of these standards is to provide overarching guidance to housing providers on the training, expertise, and experience needed to be successful in providing housing for all adult human trafficking survivors. This includes all victim profiles. It is also the intent of these standards to provide an overview of the promising practices emerging from the anti-trafficking field on how best to serve and engage with survivors of this crime.



## Requirements

### *Training Content Areas for All Housing Program Staff*

- I. Due to the level of trauma most human trafficking survivor's experience, these standards require that all staff with direct client care contact (as determined by the facility) have knowledge and training on trauma as well as experience providing trauma-responsive interventions. This knowledge on trauma shall be demonstrated through the completion of a minimum of four hours of training in *Trauma-Specific Interventions* within the last three years.
- II. To ensure relevant training on human trafficking and how to best engage with a human trafficking survivor, these standards require you to obtain and provide proof of completion of training, within the last three years, in the content areas listed below<sup>33</sup>:
 

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

  - Introduction to Human Trafficking in Colorado (120 minutes)
  - Service Needs of Human Trafficking Survivors
- III. Due to the rapidly evolving nature of the anti-trafficking field, it is critical to engage in continuing education as promising and eventually best practices begin to emerge for the care of human trafficking survivors. In recognition of this, these standards recommend over a two-year period that staff with direct client care contact at the facilities dedicate eight hours of continuing education to human trafficking content areas. *Refer to the list of elective courses/topics for ideas as well as the training resources listed in Appendix 6.*

## Guiding Principles

Housing providers should provide programming that is:

- Survivor-informed: Listening to and learning from survivors.<sup>34</sup> Giving survivors the tools to do for themselves rather than doing for them.
- Culturally responsive: Paying particular attention to social and cultural factors in managing encounters with clients from different social, cultural, and religious

<sup>33</sup> Training resources for required and elective courses/topics can be found in Appendix 6.

<sup>34</sup> Definition adapted from the Freedom Network. Retrieved on June 23, 2016, from <http://freedomnetworkusa.org/>.

backgrounds. A basic premise is to recognize the client’s culture, your own culture, and how both affect the client-provider relationship.<sup>35</sup>

- **Trauma-responsive**: Recognizing that trauma can have a broad and pervasive effect on a client’s personhood, which affects every area of human functioning—physical, mental, behavioral, social, and spiritual. It also involves creating an environment for clients that builds trust, conveys dignity, respect, hopefulness, and offers the opportunity for choice and empowerment among clients.<sup>36</sup>
- **Individualized and need-based**: Services should be tailored to the unique needs and background of each client, taking into consideration, but not limited to, the gender-identity, the spiritual, cultural, intellectual, physical, and emotional dynamics resulting from his or her trafficking experience.
- **Legally informed**: Understanding the laws governing mandatory reporting, confidentiality, and the limitations of legal privilege; should be familiar with the Victim Compensation Program’s policies regarding reimbursable expenses; knowledgeable regarding the rights afforded to and the limitations on the rights of victims under the Colorado Victim’s Rights Act. Mental/behavioral health professionals should not provide legal advice without a law license, and should refer questions regarding charging, legal violations, and other legal proceedings to the criminal justice advocate or lawyer handling the criminal or civil case.
- **Accessible**: Services should be accessible based on literacy level, language, financial considerations, Americans with Disabilities Act (ADA), etc.
- **Collaborative**: Collaboration is encouraged with other stakeholders in the following ways:
  - Sharing information about training opportunities and resources.
  - Advocacy on behalf of human trafficking survivor population.
  - Technical assistance, safety planning, brainstorming on difficult cases while preserving client confidentiality.

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<sup>35</sup> Definition adapted from Carteret, Marcia. *Key Concepts in Cross-Cultural Communications: Culturally Responsive Care*. Dimension of Culture: Cross-Cultural Communications for Healthcare Professionals. Retrieved on June 23, 2016, from <http://www.dimensionsofculture.com/2010/10/576/>.

<sup>36</sup> Definition from the National Council for Behavioral Health. *Trauma Informed Care*. Retrieved on June 23, 2016, from <http://www.thenationalcouncil.org/areas-of-expertise/trauma-informed-behavioral-healthcare/>.

### **Victim Confidentiality**

It is critical for victims of human trafficking to have confidential communications with and confidential assistance from direct care staff of housing programs. The ability to receive confidential services can both enhance victims' safety and their ability to reach out to and trust the provider. Some direct care staff (depending on their job function) of housing programs may have legal privilege per Colorado statute, if they meet the requirements laid out in statute.<sup>37</sup> Staff who do not have legal privilege or otherwise statutorily protected communications should receive guidance from their agency regarding appropriate recordkeeping (factual, limited information, no anecdotal or opinion-based) and full awareness that their records could be subpoenaed. Confidentiality as a concept can extend beyond statute. There are best practices when it comes to victim confidentiality that should be followed regardless, whether staff has statutorily protected communication or not:

- Information should not be shared without a signed release;
- When appropriate, the location of the housing program should not be shared with the public (staff and residents should understand and agree to not disclose the location);
- Participants in the housing program should not be expected to share picture or personal information for media, fundraising, and/or awareness raising purposes in order to receive services.

Additionally, it is important for housing providers to explain the benefits and limitations of confidentiality to the victims they assist.<sup>38</sup>

### **Identifying Trafficking and Intervening**

The housing program provider should know how to identify human trafficking within their client population.

### **Service Needs of Trafficking Survivors**

Each survivor will have individualized and changing needs. Immediate, short-term, and long-term needs should be assessed on a regular basis, as needed in order to identify the service

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<sup>37</sup> By Colorado law certain professionals have statutorily protected communication if they meet all the requirements set forth in statute. To see which professions are protected under Colorado law, see C.R.S. § 13-90-107.

<sup>38</sup> For additional information, refer to Confidentiality Institute. (2015). *A Primer on Privilege & Confidentiality for Victim Service Providers*. Retrived on May 19, 2016, from <https://nnedv.org/mdocs-posts/assessing-organization-readiness-to-provide-online-advocacy-services/>.

needs of the survivor. Below is a list of the most common needs; however, this is not an exhaustive list. Housing providers should consider how they will provide for these needs either in-house, through contracted services, or through referral to partner agencies.

- Safety planning
  - Address Confidentiality Program
- Food, clothing, and other basic needs
- On-going/long-term housing
- Service needs of aging adults
- Legal assistance,<sup>39</sup> which may include
  - Filing for immigration relief
  - Reunification/repatriation
  - Civil litigation, family, and other civil matters
  - Vacating/sealing criminal convictions
- Child care (if applicable)
- Transportation services
- Obtaining vital documents (i.e. birth certification, social security card, government ID, etc.)
- Translation services
- Victim/witness notification
- Mental/behavioral health services
- Medical and dental health services
- Substance use (abuse) treatment services
- Life skills education
- Education/vocational training
- Job training/employment placement assistance, and
- Culturally and linguistically appropriate services

When mental/behavioral health service providers are used, those providers should be able to meet the standards created by the Council as outlined for that professional sector.

In working with human trafficking survivors, it is important to understand the many layers of trauma that survivors may have experienced prior to, during, and following their trafficking experience (e.g. prior sexual/physical abuse, gang involvement, substance abuse, homelessness, etc.). All services should consider how they may need to integrate these experiences.

### **Safety Considerations**

Housing providers should have written policy and procedures regarding safety, which should include safety protocols and procedures that minimally include a response to safety threats.

The housing program should maintain safe living conditions for survivors, which may include:

- locking doors and windows;
- security system with camera surveillance for the building perimeter;

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<sup>39</sup> Please note that trafficking survivors have many legal needs, some of which may not necessarily be directly related to their trafficking experience.

- appropriate lighting;
- mechanisms or devices for contacting emergency assistance;
- compliance with applicable fire and safety codes;
- weapons of any kind should not be allowed at the facility—this can include, but is not limited to, knives of any kind, sharp objects, blunt objects, etc.;
- developing a policy regarding visitors for housing program participants;
- For the safety of the survivor, it is recommended to have individuals sign in and out of the housing program and inform staff of where they will be going;
- The locator or GPS services should be disabled on the cell phones of survivors and staff in order to protect the location of the facility and the safety of everyone; and
- It is recommended that staff or survivors not receive packages or mail at the location of the housing program. An alternative address, (such as a P.O. Box) should be provided to survivors to receive mail or packages. Consider the use of the Address Confidentiality Program<sup>40</sup>.

It is important to note that although safety procedures and protocols are important, they should not unnecessarily restrict individual autonomy and freedom of movement of survivors.

### **Partnering With Other Service Providers**

It is important for housing providers to partner with other agencies. This is especially true when planning for transitioning out of the program and long-term survivorship.

When applicable and when available, housing providers are highly encouraged to partner with agencies that meet the standards put forth by the Council for their professional sector. In the absence of standards to reference, other ways to vet partner agencies should be considered. In some situations it may be beneficial to have written agreements between the housing agency and its partner agencies.

When utilizing services from outside agencies, housing providers should consider how to best provide a supportive transition for the survivor. Programs should consider having procedures in place to ensure for a smooth transition between different stages of service for the survivor. It is important to honor survivor choice in selection of services. Survivors must be informed

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<sup>40</sup> To learn more about Colorado's Address Confidentiality Program visit: <https://www.colorado.gov/pacific/dcs/acp>.

that their participation in all services is voluntary, and they should play an active role in choosing their service provider(s).

### **Transition Planning and Long-Term Survivorship**

The ultimate goal for survivors participating in a housing program is to regain power and control over their own lives and be self-sufficient as defined by the program participants themselves. Therefore, an important aspect of any program should be on transition planning and long-term survivorship. Planning should start early on in a client's stay and should consider the following:

- Safety planning
- Long-term housing plan
- How to build a natural support network/identifying healthy relationships
  - Spiritual/religious support
  - Cultural support
  - Family/friend support
- How to identify exploitative situations
  - Understanding your legal rights, including in the work place
- How to access legal services
- Physical and emotional health care
- Development of a self-care plan
- How to deal with future triggers
- How to access medical and mental health services, and if necessary, through public assistance
- Transportation
  - Obtaining a driver's license
  - Access and using public transportation, etc.
- Education/vocational plan
- Employment plan
  - Resume writing
  - Job searching/interview skills
- Financial literacy/creating a budget

## **Standards for Working with Human Trafficking Survivors: Licensed 24-Hour Child Care Facilities and Division of Youth Services (DYS) State-Operated Facilities**

The standards and guidance contained in this document are currently **not** requirements under Volume 7 rules that govern social services for licensed 24-hour child care facilities and DYS state-operated facilities, but are recommendations for how to successfully provide housing for human trafficking survivors. Licensed 24-hour child care facilities and DYS state-operated facilities (which from here on out will be referenced as “facilities”) play a critical role in fulfilling the basic need for housing that many child and youth survivors of human trafficking have after leaving their trafficking situation. Survivors of human trafficking often require an array of housing options, including emergency shelter, and short-term, transitional and long-term housing, depending on their unique set of circumstances. Some survivors may need to utilize all forms of housing available as they transition into long-term survivorship, while other survivors may only use one form of housing.

**The standards contained in this document are targeted towards licensed 24-hour child care facilities and Division of Youth Services state-operated facilities that choose to provide services to child and youth survivors of human trafficking.** Victim and community safety are the highest priorities of these standards.

The goal of these standards is to provide overarching guidance to the facilities on the training, expertise, and experience needed to be successful in providing housing for all human trafficking survivors. This includes all victim profiles. It is also the intent of these standards to provide an overview of the promising practices emerging from the anti-trafficking field on how to best serve and engage with survivors of this crime.

### **Requirements**

#### ***Licensure for 24-Hour Child Care Facilities***

- I. 24-hour child care facilities must meet all the rules and regulations associated with their license type outlined by the Colorado Department of Human Services in 12 CCR

2509-8 Volume 7 [Child Care Facility Licensing](#)<sup>41</sup> and all rules and regulations pertaining to any other licenses, designations, accreditations, or certifications they carry as defined by those rules and regulations.

### ***Training Content Areas for all Housing Program Staff***

- II. Due to the level of trauma most human trafficking survivor's experience, these standards require that all staff with direct client care contact (as determined by the facility) have knowledge and training on trauma as well as experience providing trauma-responsive interventions. This knowledge on trauma shall be demonstrated through the completion of a minimum of four hours of training in *Trauma-Specific Interventions* within the last three years.
- III. To ensure relevant training on human trafficking and how to best engage with a human trafficking survivor, these standards require you to obtain and provide proof of completion of training, within the last three years, in the content areas listed below<sup>42</sup>:  
REQUIRED COURSES/TOPICS (*following courses are required once*):
  - Introduction to Human Trafficking in Colorado (120 minutes)
  - Service Needs of Human Trafficking Survivors
- IV. Due to the rapidly evolving nature of the anti-trafficking field, it is critical to engage in continuing education as promising and eventually best practices begin to emerge for the care of human trafficking survivors. In recognition of this, these standards recommend over a two-year period that staff with direct client care contact at the facilities dedicate eight hours of continuing education to human trafficking content areas. *Refer to the list of elective courses/topics for ideas as well as the training resources listed in Appendix 7.*

### **Guiding Principles**

Facilities should provide programming that is:

- Survivor-informed: Listening to and learning from survivors.<sup>43</sup> Giving survivors the tools to do for themselves rather than doing for them.

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<sup>41</sup> Colorado Department of Human Services, 12 CCR 2509-8 Child Care Facility Licensing Section 7.700, Last retrieved on December 21, 2017.  
<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=7077&fileName=12%20CCR%202509-8>

<sup>42</sup> Training resources for required and elective courses/topics can be found in Appendix 7.



- Culturally responsive: Paying particular attention to social and cultural factors in managing encounters with clients from different social, cultural, and religious backgrounds. A basic premise is to recognize the client’s culture, your own culture, and how both affect the client-provider relationship.<sup>44</sup>
- Trauma-responsive: Recognizing that trauma can have a broad and pervasive effect on a client’s personhood, which affects every area of human functioning—physical, mental, behavioral, social, and spiritual. It also involves creating an environment for clients that builds trust, conveys dignity, respect, hopefulness, and the opportunity for choice and empowerment among clients.<sup>45</sup>
- Individualized and need-based: Services should be tailored to the unique needs and background of each client, taking into consideration, but not limited to, the gender-identity, spiritual, cultural, intellectual, physical, and emotional dynamics resulting from their trafficking experience.
- Legally informed: Understanding the laws governing mandatory reporting, confidentiality, and the limitations of legal privilege; should be familiar with the Victim Compensation Program’s policies regarding reimbursable expenses; knowledgeable regarding the rights afforded to and the limitations on the rights of victims under the Colorado Victim’s Rights Act. Mental/behavioral health professionals should not provide legal advice without a law license, and should refer questions regarding charging, legal violations, and other legal proceedings to the criminal justice advocate or lawyer handling the criminal or civil case.
- Accessible: Services should be accessible based on literacy level, language, financial considerations, ADA, etc.
- Collaborative: Collaboration is encouraged with other stakeholders in the following ways:
  - Sharing information about training opportunities and resources
  - Advocacy on behalf of human trafficking survivor population

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<sup>43</sup> Definition adapted from the Freedom Network. Retrieved on June 23, 2016, from <http://freedomnetworkusa.org/>.

<sup>44</sup> Definition adapted from Dimension of Culture: Cross-Cultural Communications for Healthcare Professionals. Retrieved on June 23, 2016, from: <http://www.dimensionsofculture.com/2010/10/576/>.

<sup>45</sup> Definition from the National Council for Behavioral Health. Retrieved on June 23, 2016 from <http://www.thenationalcouncil.org/areas-of-expertise/trauma-informed-behavioral-healthcare/>

- Technical assistance, safety planning, brainstorming on difficult cases while preserving client confidentiality

### **Victim Confidentiality**

Refer to rules and regulations regarding victim confidentiality as outlined in Volume 7 social services rules<sup>46</sup>, 21<sup>47</sup> and Title 12<sup>48</sup> and 19.

### **Identifying Trafficking and Intervening**

Facilities should know how to identify human trafficking within their client population.

### **Service Needs of Trafficking Survivors**

Each survivor will have individualized needs. A needs assessment should be conducted at intake and on a regular basis, as needed in order to develop a comprehensive service plan that incorporates all the needs a survivor may have. Below is a list of the most common needs; however, this list is not exhaustive. Facilities should consider how they will provide for these needs either in-house, through contracted services, or through referral to partner agencies.

- Safety planning
  - Address Confidentiality Program
- Food, clothing, and other basic needs
- On-going/long-term housing
- Legal guardianship
- Family resources
- Legal assistance,<sup>49</sup> which may include
  - Filing for immigration relief
  - Reunification/repatriation
  - Civil litigation, family, and other civil matters
  - Vacating/expunging criminal convictions
- Obtaining vital documents (i.e. birth certification, social security, government ID, etc.)
- Translation services
- Child care
- Transportation services
- Victim/witness notification
- Mental/behavioral health services
- Medical and dental health services
- Life skills education
- Education
- Job training/employment placement assistance, and
- Culturally and linguistically appropriate services

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<sup>46</sup> Colorado Department of Human Services. 12 CCR 2509-8 Confidentiality of Records Section 7.701.6 and 7.714.931, last retrieved on December 21, 2017.

<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=7077&fileName=12%20CCR%202509-8>

<sup>47</sup> Colorado Department of Human Services. 2 CCR 502-1 Behavioral Health Section 21.170.2 and 21.170.3, last retrieved on December 21, 2017.

<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=7156&fileName=2%20CCR%20502-1>

<sup>48</sup> C.R.S. § 12-43-218 General Provisions

<sup>49</sup> Please note that trafficking survivors have many legal needs some of which may not necessarily be directly related to their trafficking experience.

Facilities are expected to provide mental/behavioral health services on-site through direct hire or by contract personnel. Mental/behavioral health service providers utilized should be able to meet the standards created by the Council as outlined for that professional sector.

In working with human trafficking survivors, it is important to understand the many layers of trauma that a survivor may have experienced prior to, during, and following their trafficking experience (e.g., prior sexual/physical abuse, gang involvement, substance abuse, homelessness, etc.). All services plans should consider how they may need to integrate these experiences.

### **Partnering With Other Service Providers**

It is important for facilities to partner with other agencies. This is especially true when planning for transitioning out of the program and long-term survivorship.

When applicable and when available, it is highly encouraged that facilities partner with agencies that are in compliance with the standards put forth by the Council for their professional sector. In the absence of standards to reference, other ways to vet partner agencies should be considered. In some situations it may be beneficial to have written agreements between the housing agency and its partner agencies.

When utilizing services from outside agencies, facilities should consider how to best provide a supportive transition for the survivor. Facilities should consider having procedures in place to ensure for a smooth transition between different stages of service for the survivor.

### **Transition Planning and Long-Term Survivorship**

The ultimate goal for survivors participating in a housing program is to regain power and control over their own lives and be self-sufficient as defined by the program participants themselves. Therefore, an important aspect of any facility should be on transition planning and long-term survivorship. Planning should start early on in a client's stay and should consider the following:

- Safety planning
- Long-term housing plan
- How to build a natural support network/identifying healthy relationships
  - Spiritual/religious support

- Cultural support
- Family/friend support
- How to identify exploitative situations
  - Understanding your legal rights, including in the work place
- How to access legal services
- Physical and emotional health care
- Development of a self-care plan
- How to deal with future triggers
- How to access medical and mental health services, if necessary through public assistance
- Transportation
  - Obtaining a driver's license
  - Access and using public transportation, etc.
- Education/vocational plan
- Employment plan
  - Resume writing
  - Job searching/interview skills
- Financial literacy/creating a budget

# SECTION 5

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# SECTION 6

## Appendices

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## Appendix 1: Concerning Authorizing the Interception of Communication Relating to a Crime of Human Trafficking | HB 17-1040<sup>50</sup>

**SECTION 1.** In Colorado Revised Statutes, 16-15-102, amend (1)(a)(IX); and add (1)(a)(X) as follows:

**16-15-102. Ex parte order authorizing the interception of wire, oral, or electronic communications.** (1) (a) An ex parte order authorizing or approving the interception of any wire, oral, or electronic communication may be issued by any judge of competent jurisdiction of the state of Colorado upon application of the attorney general or a district attorney, or his or her designee if the attorney general or district attorney is absent from his or her jurisdiction, showing by affidavit that there is probable cause to believe that evidence will be obtained of the commission of any one of the crimes enumerated in this subsection (1) or that one of said enumerated crimes will be committed:

(IX) Limited gaming as defined in article 47.1 of title 12 ~~C.R.S.~~, or in violation of article 20 of title 18; ~~C.R.S.~~ OR

(X) HUMAN TRAFFICKING AS DESCRIBED IN SECTION 18-3-503 OR 18-3-504.

**SECTION 2. Act subject to petition - effective date -applicability.** (1) This act takes effect September 1, 2017; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to orders applied for on or after the applicable effective date of this act.

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<sup>50</sup> Appendix 1 represents the entirety of the enacted legislation – HB 17-1040. Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of the act.

## Appendix 2: Concerning Criminal Penalties for Persons Who Commit Human Trafficking of a Minor for Sexual Servitude | HB 17-1172<sup>51</sup>

**SECTION 1.** In Colorado Revised Statutes, 18-3-504, amend (2)(b) as follows:

**18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude.** (2) (b) Human trafficking of a minor for sexual servitude is a class 2 felony. THE COURT SHALL SENTENCE A PERSON CONVICTED OF SUCH A CLASS 2 FELONY TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 2 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

**SECTION 2. Act subject to petition - effective date -applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

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<sup>51</sup> Appendix 2 represents the entirety of the enacted legislation – HB 17-1172. Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of the act.

## Appendix 3: Concerning Human Trafficking for Sexual Servitude | HB 17-1072<sup>52</sup>

**SECTION 1.** In Colorado Revised Statutes, 18-3-502, **add** (11.5) as follows:

**18-3-502. Definitions.** As used in this part 5, unless the context otherwise requires:

(11.5) "TRAVEL SERVICES" INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING SERVICES, OFFERED EITHER ON A WHOLESALE OR RETAIL BASIS:

- (a) TRANSPORTATION BY AIR, SEA, ROAD, OR RAIL;
- (b) RELATED GROUND TRANSPORTATION;
- (c) HOTEL ACCOMMODATIONS; OR
- (d) PACKAGE TOURS.

**SECTION 2.** In Colorado Revised Statutes, 18-3-504, **amend** (2)(a); and **add** (2.5) as follows:

**18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude.** (2) (a) (I) A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity commits human trafficking of a minor for sexual servitude.

(II) 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.

(2.5) 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 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

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<sup>52</sup> Appendix 3 represents the entirety of the enacted legislation – HB 17-1072. Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of the act.

**SECTION 3.** In Colorado Revised Statutes, 16-22-102, **amend** the introductory portion; and **add** (9)(j.5) as follows:

**16-22-102. Definitions.** As used in this ~~article~~ ARTICLE 22, unless the context otherwise requires:

(9) "Unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(j.5) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (1);

**SECTION 4.** In Colorado Revised Statutes, 16-22-113, **add** (1)(a.5) as follows:

**16-22-113. Petition for removal from registry.** (1) Except as otherwise provided in subsection (3) of this section, any person required to register pursuant to section 16-22-103 or whose information is required to be posted on the internet pursuant to section 16-22-111 may file a petition with the court that issued the order of judgment for the conviction that requires the person to register for an order to discontinue the requirement for such registration or internet posting, or both, as follows:

(a.5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1)(d),(1)(e), AND (1)(f) OF THIS SECTION, IF THE OFFENSE THAT REQUIRED THE PERSON TO REGISTER CONSTITUTED HUMAN TRAFFICKING FOR SEXUAL SERVITUDE PURSUANT TO SECTION 18-3-504 (1)(a), UPON COMPLETION OF THE PERSON'S SENTENCE AND HIS OR HER DISCHARGE FROM THE DEPARTMENT OF CORRECTIONS, IF HE OR SHE WAS SENTENCED TO INCARCERATION, OR DISCHARGE FROM THE DEPARTMENT OF HUMAN SERVICES, IF HE OR SHE WAS COMMITTED TO SUCH DEPARTMENT, OR FINAL RELEASE FROM THE JURISDICTION OF THE COURT FOR THE OFFENSE, IF THE PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, THE PERSON MAY FILE A PETITION WITH THE COURT PURSUANT TO SUBSECTION (2) OF THIS SECTION. NOTWITHSTANDING ANY OTHER INFORMATION OBTAINED BY THE COURT DURING THE HEARING OF THE PETITION, A COURT SHALL NOT ISSUE AN ORDER DISCONTINUING THE PETITIONER'S DUTY TO REGISTER UNLESS THE PETITIONER HAS AT LEAST ESTABLISHED BY A PREPONDERANCE OF

THE EVIDENCE THAT AT THE TIME HE OR SHE COMMITTED THE OFFENSE OF HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, 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. FAILURE TO MAKE THE REQUIRED SHOWING PURSUANT TO THIS SUBSECTION (1)(a.5) REQUIRES THE PERSON TO COMPLY WITH THE PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION FOR ANY SUBSEQUENT PETITION TO DISCONTINUE THE PERSON'S DUTY TO REGISTER.

**SECTION 5. Effective date - applicability.** This act takes effect September 1, 2017, and applies to offenses committed on or after said date.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

## Appendix 4: Colorado Human Trafficking Council Online Prosecution Survey

1. Were you aware that the State of Colorado reformed its human trafficking statutes in 2014?

- Yes  
 No

2. Have you or a senior level person in your office received training dedicated to the topic of human trafficking in the last year?

- Yes  
 No

3. Who conducted the human trafficking training(s) that you received? *Check all that apply.*

- In-house training  
 Law enforcement personnel  
 Non-governmental organization  
 Victim advocates  
 Colorado District Attorneys' Council-sponsored training  
 Unsure/do not remember  
 Other (please specify) \_\_\_\_\_

4. Please specify how your office assigns human trafficking cases.

- Our office has a specialized human trafficking unit  
 Cases are referred to an experienced prosecutor within our office  
 Case referral is at the discretion of intake  
 Other (please specify) \_\_\_\_\_

5. Which of the following source(s) of referral bring or could potentially bring human trafficking cases to the attention of your office? *Check all that apply.*

- Local police departments or sheriff's offices within your judicial district  
 Federal law enforcement (e.g. Homeland Security, Federal Bureau of Investigation, etc.)  
 A human trafficking law enforcement working group, e.g. the Rocky Mountain Innocence Lost Task Force or the Colorado Trafficking and Organized Crime Coalition  
 A state law enforcement agency (e.g. Colorado State Patrol, Colorado Bureau of Investigation, etc.)  
 Internal referral/during the course of prosecuting another case  
 N/A  
 Other (please specify) \_\_\_\_\_

6. To your knowledge, how many cases of human trafficking has your office prosecuted since 2014?

- None  
 1-2  
 3-6  
 7-9  
 More than 10 cases

7. If a human trafficking case were presented to you for filing/charges but there was insufficient evidence to charge human trafficking, how might you continue to pursue human trafficking charges? *Check all that apply.*

- Request a district attorney investigator to carry out additional investigative work
- Refer the case back to the filing law enforcement agency to carry out additional investigative work
- Refer the case to the Colorado Bureau of Investigation to carry out additional investigative work
- Refer the case to an anti-trafficking law enforcement task force/working group to carry out additional investigative work
- Decline to move forward with human trafficking charges
- Other (please specify)

8. If a non-human trafficking case were presented to you that you suspected could involve human trafficking conduct, how would you likely pursue human trafficking charges? *Check all that apply.*

- Request a district attorney investigator to carry out additional investigative work
- Refer the case back to the filing law enforcement agency to carry out additional investigative work
- Refer the case back to the Colorado Bureau of Investigation to carry out additional investigative work
- Refer the case to an anti-trafficking law enforcement task force to carry out additional investigative work
- Decline to move forward with human trafficking charges

9. What other charges do you consider when evaluating an adult sex trafficking case? *Check all that apply.*

- Colorado Organized Crime Act (C.R.S. 18-17-101 to 18-17-109)
- Patronizing a Prostitute (C.R.S. 18-7-205)
- Soliciting Prostitution (C.R.S. 18-7-202)
- Pandering (C.R.S. 18-7-203)
- Pimping (C.R.S. 18-7-206)
- Keeping a place of prostitution (C.R.S. 18-7-404)
- Assault offenses (C.R.S. 18-3-201 through 18-3-204; 18-3-206)
- Sexual assault offenses (C.R.S. 18-3-402; C.R.S. 18-3-404)
- Unsure
- Not applicable
- Other (please specify) \_\_\_\_\_

10. What other charges do you consider when evaluating a child sex trafficking case? *Check all that apply.*

- Colorado Organized Crime Act (C.R.S. 18-17-101 to 18-17-109)
- Patronizing a child prostitute (C.R.S. 18-7-406)
- Soliciting child prostitution (C.R.S. 18-7-402(1))
- Pandering of a child (C.R.S. 18-7-403(1))
- Procurement of a child (C.R.S. 18-7-403.5)
- Keeping a place of child prostitution (C.R.S. 18-7-404(1))
- Pimping of a child (C.R.S. 18-7-405)



- Inducement of child prostitution (C.R.S. 18-7-405.5)
- Pimping of a Child (C.R.S. 18-7-405)
- Contributing to the delinquency of a minor (C.R.S. 18-6-701)
- Assault offenses (C.R.S. 18-3-201 to 18-3-204; 18-3-206)
- Sexual assault of a child offenses (C.R.S. 18-3-405 to 18-3-405.5)
- Unsure
- Not applicable
- Other (please specify) \_\_\_\_\_

11. What other charges do you consider when evaluating a labor trafficking case? *Check all that apply.*

- Colorado Organized Crime Act (C.R.S. 18-17-101 to 18-17-109)
- Kidnapping (C.R.S. 18-3-301 to 18-3-302)
- Assault offenses (C.R.S. 18-3-201 to 18-3-204; 18-3-206)
- Criminal extortion (C.R.S. 18-3-207)
- Theft (C.R.S. 18-4-401)
- Unsure
- Not applicable
- Other (please specify) \_\_\_\_\_

12. Please rate how problematic (if at all) the following factors are to the prosecution of sex trafficking cases?

Factors Affecting Sex Trafficking Prosecutions	Scale				
	Very major problem	Major Problem	Minor Problem	Not at all Problematic	N/A Don't know
Ineffective state sex trafficking laws	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of recognition of the crime by local law enforcement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of training of local law enforcement on sex trafficking investigative practices	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of resources within your office to focus on sex trafficking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of training for the prosecution of sex trafficking cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of experience prosecuting sex trafficking cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of awareness/understanding about sex trafficking in the community and on juries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of awareness/understanding about sex trafficking from judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evidentiary challenges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of victim cooperation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Language barriers/lack of or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

inadequate interpreter services					
Lack of housing for victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of social support services for victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of civil legal services for victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Perception that sex trafficking is a federal, not a state/local issue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional Comments for question 12: \_\_\_\_\_

13. Please rate how problematic (if at all) the following factors are to the prosecution of labor trafficking cases?

Factors Affecting Labor Trafficking Prosecutions	Scale				
	Very major problem	Major Problem	Minor Problem	Not at all Problematic	N/A Don't know
Ineffective state labor trafficking laws	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of recognition of the crime by local law enforcement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of training of local law enforcement on labor trafficking investigative practices	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of resources within your office to focus on labor trafficking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of training for the prosecution of labor trafficking cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of experience prosecuting labor trafficking cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of awareness/understanding about labor trafficking in the community and on juries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of awareness/understanding about labor trafficking from judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evidentiary challenges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of victim cooperation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of housing for victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Language barriers/lack of or inadequate interpreter services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of social support services for victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of civil legal services for victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Perception that labor trafficking is a federal, not a state/local issue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional Comments for question 13: \_\_\_\_\_

14. What is your job title? [Optional]

15. Please indicate which region of Colorado you serve:

- Denver Metro (judicial districts: 1, 2, 17, 18, 20)
- Northeast (judicial districts: 8, 13, 19)
- Northwest (judicial districts: 5, 9, 14)
- South (judicial districts: 3, 11, 12)
- Southwest (judicial districts: 6,7, 21, 22)
- Southeast (judicial districts: 4, 10, 15, 16)

## Appendix 5: Interview Guide for State/County Prosecutors

1. What is your background on the issue of human trafficking?
  - a. How did you come to work on this issue?
  - b. What training have you received on the subject of human trafficking? Do you happen to remember the topics? (e.g. definition/overview of sex/labor trafficking; identifying potential victims; safety and immediate needs of victims; state and federal legislation; investigation and prosecution techniques for sex/labor)
  - c. Do you recall who trained you? Time-frame?
  - d. Were/are there colleagues who provided technical assistance and/or mentorship in the beginning? Who?
2. Can we review your office's prosecution of case X?
3. When did X case come to your attention?
4. Who or what entity brought this case to your attention? Can you also briefly explain whether or not the process you just described is part of a formal protocol within your office?
5. Did the Attorney General's Office become involved with this case? Can you explain your process for determining whether or not their office will have involvement with a case in your jurisdiction?
6. Can you walk me through the decision to go forward with criminal charges in this case?
  - a. How were charging decisions made?
  - b. What factors were important in your office's calculation of whether to file charges?
  - c. How did the type of evidence available at indictment facilitate or inhibit the charging process?
  - d. Were there any types of evidence that were particularly important in your decision to file charges or charge under particular criminal codes?
7. Can you tell me about the steps you took after the indictment in this case? Specifically:
  - a. Was additional evidence collected? What kind of evidence? Were additional victims and/or witnesses interviewed?
  - b. Only ask, if a plea was part of case: Can you explain your decision making process in offering a plea?
  - c. What, if any, pre-trial motions were filed?

- d. Who was the lead investigative agency? Did other agencies assist in the investigation?
8. In this case, it is my understanding that the disposition was X, Y, Z --- is that correct?
9. What challenges, if any, did you face in the prosecution of this case?
10. If convicted, were you satisfied with the sentencing outcome in this case? Why or why not?
11. Can you describe the victim-centered approach you take with human trafficking cases? From your perspective, how do the victim(s) you worked with experience the criminal justice process and what if any, are lessons learned to improve their role and experience during the criminal justice process?
12. The Council observed in both its 2015 and 2016 annual report that while law enforcement reports mostly sex trafficking cases, federally funded service providers who serve human trafficking survivors have identified and worked with primarily labor trafficking victims. Furthermore, to our knowledge there has only been only one filing of labor trafficking at the state level. What do you think accounts for this discrepancy? What efforts do you believe are necessary to hold more labor traffickers accountable in the state's criminal justice system?

***Human Trafficking Specialization/Resources and Relationship Questions***

[For offices that are in the process of specializing or that have begun to prosecute human trafficking case]:

13. Can you walk me through how your office came to work on human trafficking?
  - a. Since your initial human trafficking case, would you say you are developing a specialization within the XX JD?
    - i. If so, what steps have you taken to prioritize/specialize on the crime of human trafficking, and how did these steps come about?
  - b. Has it been necessary to seek or allocate special funding to support your human trafficking prosecution activities?
  - c. If so, for which activities?
  - d. What, if any, are the relationships within and outside of your agency that have been instrumental in establishing human trafficking as a priority in your jurisdiction?
  - e. What, if any, are the benefits of prioritizing/specializing in human trafficking?
  - f. What, if any, are the challenges you anticipate by specializing in human trafficking within your judicial district?
  - g. (If applicable) Do you have recommendations for other jurisdictions considering a similar process of prioritization/specialization on human trafficking?

[For offices that do not have a specialized unit, group or prosecutor]:

- a. Does your office have any interest in creating a specialized unit, group or prosecutor to handle human trafficking?
- b. If your office is interested in this specialization but currently lacks it, what barriers or challenges do you face in specializing?
- c. What resources do you believe would help your office to overcome the challenges it faces in developing a human trafficking specialization?
- d. Does your office have a protocol in place to refer possible human trafficking cases to the Attorney General's Office?

## Appendix 6: Training Resources for Adult Housing Providers

Below is a list of national and Colorado-based organizations, conferences, and online resources where you can obtain training in the human trafficking content areas recommended in the standards. Please note this is neither an exhaustive list nor an endorsement of the resources listed below. There are many more organizations, conferences, and online resources available for training than what are listed in this appendix.

### National Training Resources

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

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

### ***Annual Anti-Human Trafficking Conferences:***

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

### Colorado Training Resources

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

- COVA Victim Assistance Academy (CVAA) (*usually takes place in June*)

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

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

- Colorado Legal Services
  - Website URL: <http://www.coloradolegalservices.org/>
- Colorado Human Trafficking Council (CHTC): The CHTC website contains a calendar of training events that are taking place across the state. In 2018 the website will also contain e-learning training opportunities.
  - Website URL: <https://sites.google.com/a/state.co.us/cdps-prod/home/human-trafficking-council>
- Colorado Organization for Victim Assistance
  - Website URL: <http://www.coloradocrimevictims.org/human-trafficking-program.html>
- The Laboratory to Combat Human Trafficking
  - Website URL: <http://www.combathumantrafficking.org/>



## Appendix 7: Training Resources for Licensed 24-Hour Child Care Facilities and Division of Youth Services State-Operated Facilities

Below is a list of national and Colorado-based organizations, conferences, and online resources where you can obtain training in the human trafficking content areas recommended in the standards. Please note this is neither an exhaustive list nor an endorsement of the resources listed below. There are many more organizations, conferences, and online resources available for training than what are listed in this appendix.

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  - Website URL: <http://www.nctsn.org>
- National Human Trafficking Hotline (Polaris)
  - Website URL: <https://humantraffickinghotline.org/resources>
- National Human Trafficking Training and Technical Assistance Center (NHTTAC)
  - Website URL: <https://www.acf.hhs.gov/otip/training/nhttac>
- Office for Victims of Crime Training and Technical Assistance Center (OVC-TTAC)
  - Website URL: <https://www.ovcttac.gov/views/HowWeCanHelp/dspHumanTrafficking.cfm>

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

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

- Colorado Legal Services
  - Website URL: <http://www.coloradolegalservices.org/>
- Colorado Human Trafficking Council (CHTC): The CHTC website contains a calendar of training events that are taking place across the state. In 2018 the website will also contain e-learning training opportunities.
  - Website URL: <https://sites.google.com/a/state.co.us/cdps-prod/home/human-trafficking-council>
- Colorado Organization for Victim Assistance
  - Website URL: <http://www.coloradocrimevictims.org/human-trafficking-program.html>
- The Laboratory to Combat Human Trafficking
  - Website URL: <http://www.combathumantrafficking.org/>





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