

2019

ANNUAL  
REPORT

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# Colorado Human Trafficking Council

## 2019 Annual Report

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



**Colorado Human Trafficking Council**

Maria Trujillo, Program Manager

**Office for Victims Programs**

Kelly Kissell, Unit Manager

**Division of Criminal Justice**

Joe Thome, Director

**Department of Public Safety**

Stan Hilkey, Executive Director

Annual report cover designed by  
Hope Dalton. The Colorado Human  
Trafficking Council logo designed by  
John Patzam.

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Division of Criminal Justice | 700 Kipling Street, Suite 1000 | Denver, Colorado 80215

Tel: 303-239-5719

Fax: 303-239-5743

<https://sites.google.com/state.co.us/human-trafficking-council>



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## Acknowledgements

The Colorado Human Trafficking Council was scheduled to sunset (dissolve) in September of 2019 after four years of addressing human trafficking in the state of Colorado. However, Senate Bill 19-149, signed into law in May, extended the Council's work through September 1, 2024. The continuation of the Council and its activities is a testament to the accomplishments of the Council to date. It is a recognition of the value that Council members provide the state by volunteering their time, expertise and experience. The Council bring together a range of stakeholders to collaborate in order to serve victims and survivors of human trafficking. The Council is grateful to its members, community stakeholders, and volunteers for their participation on the Council and its advisory committees.

The Council is thankful to our Chair, Christian Gardner-Wood and Vice-Chair, Robert Lung for their strong and thoughtful leadership throughout 2019. The Council would also like to thank the task force chairs. The Council recognizes the efforts of Amanda Finger in chairing the Data and Research Task Force, Dr. Thomas Acker in chairing the Labor Trafficking Task Force, and Tammy Schniederma in chairing the Public Awareness Task Force.

Division of Criminal Justice staff Maria Trujillo, Camerron Resener and Alexandra Woods were the primary authors of this report. The Council is grateful to Maureen Cain for her assistance providing data and analysis for Section 3: Post-Enactment Review Section of Senate Bill 15-030. In addition, former DCJ staffer, Catherine Bowman, contributed to the writing of Section 2: Collecting Data on Human Trafficking in Colorado. Thanks to all, for their hard work and contributions to the 2019 report.

Finally, the Council is grateful to human trafficking survivors who continue to engage with the Council and guide our discourse on this critical issue. The advocacy and dedication of survivor leaders to the prevention of human trafficking and support of current victims and other survivors is invaluable to Colorado's efforts to address human trafficking.

## Colorado Human Trafficking Council Membership

*The composition of Council membership is set forth in C.R.S. § 18-3-505(1)(b)*

**Christian Gardner-Wood (Chair)**

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

**Judge Robert Lung (Vice Chair)**

18th Judicial District, District Court  
*Rep. of the judicial branch*

**Dr. Thomas Acker**

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

**Kelsey Antun**

Urban Peak  
*Rep. of an organization that provides direct services to victims of human trafficking*

**James Baird**

Breckenridge Police Department  
*Rep. of a statewide organization of police chiefs*

**Mary Berg**

Jefferson County Department of Human Services  
*Dir. of an urban county department of social services*

**Jill Brogdon**

*Community member*

**Maureen Cain**

Colorado State Public Defender  
*Rep. of statewide organization of criminal defense attorneys*

**Jessa Crisp**

BridgeHope  
*Community member*

**Matthew Dodson**

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

**Janet Drake**

Office of the Attorney General, Colorado Department of Law  
*Rep. of the department of law*

**Amanda Finger**

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

**Brie Franklin**

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

**Diana Goldberg**

SungateKids  
*Rep. of a child advocacy center*

**Cassandra Gonzalez**

University of Colorado, Boulder  
*Rep. of a college or university department that conducts research on Human Trafficking*

**Sterling Harris**

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



**Chris Henderson**

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

**Mona Petrocco Klein**

Alliance to Combat Trafficking – Pueblo  
*Rep. of a regional or city-wide human trafficking task force or coalition*

**Nhu-Minh Le**

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

**Meghan Lundstrom**

Free Our Girls  
*Community member*

**Major Brett Mattson**

Colorado State Patrol  
*Rep. of Colorado State Patrol*

**Patricia Medige**

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

**Jo-Ann O’Neil**

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

**Steven Ramirez**

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

**Elise Reifschneider**

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

**Fikile Ryder**

Catholic Charities Diocese of Pueblo  
*Rep. of a faith-based organization that assists victims of human trafficking*

**Tammy Schneiderman**

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

**Hava Simmons**

Larimer County Department of Human Services  
*Rep. of a person who provides child welfare services for a county department of social services*

**Sheriff Anthony Spurlock**

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

**Caleb Stewart**

Rocky Mountain Immigrant Advocacy Network  
*Individual who has extensive professional experience advocating for victims of labor trafficking*

**Sherman Swafford**

Colorado Department of Labor and Employment  
*Rep. from the Department of Labor and Employment*

**Cathie Swanson**

Community Member  
*Rep. from the Department of Agriculture*

**Michael Tessean**

Office of Children, Youth & Families, CDHS  
*Rep. from the Department of Human Services*

**Former Council Members**

*Resignations in 2019*

**Lester Bacani**

University of Colorado Hospital  
*Community Member*

**AG Cynthia Coffman**

Office of the Attorney General, Colorado  
Department of Law  
*Rep. of the department of law*

**Mari Dennis**

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

**Luis Guzman**

Office of Children, Youth & Families, CDHS  
*Rep. from the Department of Human Services*

**Sara Nadelman**

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

**Daniel Steele**

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

## Advisory Committees

### Data and Research Task Force

<b>Name</b>	<b>Affiliation</b>
Amanda Finger (Chair)	Colorado Network to End Human Trafficking
AnnJanette Alejano-Steele	Metropolitan State University of Denver and the Laboratory to Combat Human Trafficking
Mary Berg	Jefferson County Department of Human Services
Maureen Cain	Colorado State Public Defender
Brie Franklin	Colorado Coalition Against Sexual Assault
Christian Gardner-Wood	Colorado District Attorneys' Council
Cassandra Gonzalez	University of Colorado, Boulder
Laurie Rose Kepros	Office of the State Public Defender
Melina Leodas	Formerly of Colorado Legal Services
Judge Robert Lung	18 <sup>th</sup> Judicial District, District Court
Caleb Stewart	Rocky Mountain Immigrant Advocacy Network
Sammie Wicks	Aurora Police Department

### Labor Trafficking Task Force

<b>Name</b>	<b>Affiliation</b>
Dr. Thomas Acker (Chair)	Western Slope Against Trafficking
James Baird	Breckenridge Police Department
Janet Drake	Office of the Attorney General
Sterling Harris	Colorado Organization for Victim Assistance
Laurie Jaeckel	Equal Opportunity Employment Commission
Nhu-Minh Le	Asian Pacific Development Center
Crystal Littrell	Colorado Office of the Attorney General
Major Brett Mattson	Colorado State Patrol
Jo-Ann O'Neil	Human Trafficking Task Force of Southern Colorado
Elise Reifschneider	Denver Anti-Trafficking Alliance
Jennifer Rodriguez	Colorado Legal Services, Migrant Division Director
Fikile Ryder	Catholic Charities of Pueblo
Laura Said	U.S. State Department, Diplomatic Security Unit
David Seligman	Towards Justice
Hava Simmons	Larimer County Department of Human Services
Sheriff Anthony Spurlock	Douglas County's Sheriff's Office
Sherman Swafford	Colorado Department of Labor and Employment
Cathie Swanson	Department of Agriculture

## Public Awareness Task Force

<b>Name</b>	<b>Affiliation</b>
Tammy Schneiderman (Chair)	Division of Youth Services, CDHS
Jill Brogdon	Community Member
Matthew Dodson	Archuleta County Department of Human Services
Diana Goldberg	SungateKids
Patricia Medige	Colorado Legal Services

## Training Working Group

<b>Name</b>	<b>Affiliation</b>
Mari Dennis	Colorado Springs Police Department
Mary Landerholm	Collective Solutions, LLC
Sara Nadelman	Formerly of Colorado Department of Human Services
Steven Ramirez	Shiloh House

## Division of Criminal Justice Staff

<b>Name</b>	<b>Role</b>
Joe Thome	Division of Criminal Justice, Director
Debbie Oldenettel	Division of Criminal Justice, Deputy Director
Kelly Kissell	Office for Victims Programs, Manager
Maria Trujillo	Human Trafficking Program Manager
Alexandra Woods	Human Trafficking Program Coordinator
Camerron Resener	Human Trafficking Training Coordinator

## Message from the Council Chair


On behalf of the Colorado Human Trafficking Council, it is my pleasure to submit the 2019 Annual Report. The report is a compilation of the dedicated and passionate efforts of the Council members and staff of the Division of Criminal Justice (DCJ) in 2019. As Chair of the Council, I offer my genuine thanks and admiration to the members and staff for their hard work and dedication to fighting all forms of human trafficking.

In recognition of the important work of the Council over the last four years, the General Assembly in 2019 reauthorized the Council until 2024. We appreciate that the General Assembly recognition of the important work that has been accomplished by the Council and that more work is still needed. Additionally, through expiring terms of Council members and additional representatives added by the General Assembly through the sunset review process, the Council will have many new faces in the new year, and everyone is excited to begin our work together. Additionally, in 2019, the legislative ideas that came from the Council over the last two years were made a reality during the legislative session (e.g. wage theft and juvenile immunity). The Council continued to be involved in important statewide trainings, continued to direct the conversations around the state about data and research regarding human trafficking, and continued to focus on combatting labor trafficking which resulted in the recommendations that are contained in this report.

In 2020, we look forward to moving into the new decade and identifying priorities for both the year to come and for the next four years that the General Assembly has authorized for this Council. We are particularly excited that in 2020 the efforts of the Council in creating a statewide human trafficking awareness campaign will come to fruition due to grant funding obtained by DCJ staff. The state of Colorado has long been a leader in the fight against human trafficking, in no small part due to the great efforts of the Council over the years, and the current members of the Council and I want to make sure that our state continues to be a leader in this area in the years to come.

It continues to be an honor for me to be the district attorney representative to the Council and a very distinct honor and pleasure to be the Chair and lead the Council and its remarkable members in the continuing fight against human trafficking in our state.

Sincerely,



Christian Gardner-Wood  
Chair, Colorado Human Trafficking Council

## List of Acronyms and Abbreviations

CBI	Colorado Bureau of Investigation (state)
CDAC	Colorado District Attorneys' Council
CDHS	Colorado Department of Human Services (state)
CDPS	Colorado Department of Public Safety (state)
CEHTTF	Child Exploitation and Human Trafficking Task Force
CoNEHT Council	Colorado Network to End Human Trafficking (state) Colorado Human Trafficking Council
CJASS	Colorado Justice Analytics Support System
C.R.S.	Colorado Revised Statutes
CP 2.0	Colorado Project 2.0
CSU	Colorado State University
CTOCC	Colorado Trafficking and Organized Crime Coalition
CY	Calendar Year
DA	District Attorney
DATA	Denver Anti-Trafficking Alliance
DCJ	Division of Criminal Justice (state)
DCW	Division of Child Welfare at CDHS
DOJ	Department of Justice (federal)
DRTF	Data and Research Task Force
DSD	Denver Sheriff's Department
ECM	Enhanced Collaborative Model
FAR	Family Assessment Response
FBI	Federal Bureau of Investigation (federal)
FFY	Federal Fiscal Year
GIS	Geographic Information Systems
HB	House Bill
HRV	Colorado High-Risk Victim Identification Tool
HSI	Homeland Security Investigations (federal)
HT	Human Trafficking
HTLA	Human Trafficking Leadership Academy
ICON	Integrated Colorado Online Network
IRB	Institutional Review Board
LCHT	Laboratory to Combat Human Trafficking
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex
LT	Labor Trafficking
LTTF	Labor Trafficking Task Force
MDT	Multi-Disciplinary Team
NGO	Non-Governmental Organization
NHTH	National Human Trafficking Hotline (federally funded)
OCC	Orange Circle Consulting
OLLS	Office of Legislative Legal Services
OSHA	Occupational Safety and Health Administration
OSPD	Office of the State Public Defender
OTIP	Office on Trafficking in Persons (federal)
OVC	Office for Victims of Crime (federal)
PATF	Public Awareness Task Force

PA4	Program Area 4 (Program for Youth in Conflict)
POST	Peace Officer Standards and Training
RED	Review, Evaluate and Direct
RMILTF	Rocky Mountain Innocence Lost Task Force
SB	Senate Bill
ST	Sex Trafficking
TIP	Trafficking in Persons
TTT	Train-the-Trainer
TVPA	Trafficking Victims Protection Act
UCR	Uniform Crime Reporting
U.S.C.	U.S. Code
VCAC	Violent Crimes Against Children







## Executive Summary

The Colorado Human Trafficking Council (the Council) was scheduled to sunset (dissolve) in September 2019, after four years of work addressing human trafficking in the state of Colorado. However, Senate Bill 19-149, signed into law in May, extended the Council's work through September 1, 2024. The passing of this legislation demonstrates the value of the Council's work and the importance of the work continuing over the next four years.

2019 marked the first full year of leadership from the new chair, Christian Gardner-Wood (Deputy District Attorney) and new vice-chair, Robert Lung (judge in the 18<sup>th</sup> Judicial District of Colorado), whose terms began in September 2018. In addition to extending the Council's work for four years, SB 19-149 added new seats to the Council's membership: an additional former victim of labor trafficking, an additional former victim of sex trafficking, a representative of a statewide coalition for victims of domestic violence, and a labor trafficking expert.

Two pieces of legislation that began as Council recommendations passed during Colorado's 2019 legislative session. SB 19-185 was signed into law by the Governor in May 2019. This law includes several protections for minor human trafficking victims: 1) an immunity to the charge of prostitution and several related offenses if probable cause exists that the minor was a victim of human trafficking at the time of the offense; 2) an affirmative defense for all crimes committed (except class 1 felonies), if the minor can prove by a preponderance of the evidence that he or she was a victim of human trafficking at the time of the offense; and 3) the addition of involuntary servitude of a minor (labor trafficking) as a form of child abuse or neglect. HB 19-1267 was signed into law on May 17<sup>th</sup>, which establishes that if an individual willfully refuses to pay wages or compensation, the action constitutes wage theft. This law clarifies that wage theft is theft and that the classification of the offense and the penalties associated with

the offense will be dictated by the theft statute. Therefore, depending on the amount of the wage theft, the offense will range from a petty offense all the way up to a class 2 felony.

In 2019, the Council's advisory committees completed work in the following areas:

- Implementation of a service provider study with the goal to learn more about how victims and survivors in the state access services, to determine how different types of service providers address survivor needs, and to gauge the strengths and areas for improvement in the state's efforts to meet victim and survivor needs.
- Development of a campaign concept for a statewide public awareness campaign and securing funding to implement the first year of its implementation.
- Finalization of a training curriculum for a service provider workshop, called *Meeting Human Trafficking Survivors' Needs: An Advance Course for Service Providers*, and the launch of an online version of the Council's *An Introduction to Human Trafficking in Colorado* program.
- Development of recommendations that address loopholes in Colorado laws governing employer-provided housing that traffickers could exploit to coerce employees into forced labor.

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

In 2019, in addition to its annual data collection on the incidence of human trafficking, the Council conducted research to gain a more accurate picture of how victims and survivors across the state access services and how different types of service providers are addressing the needs of victim and survivor. As in previous Council annual reports, the 2019 annual report includes data and analysis for a three-year period (2016–2018) related to federal investigations, state and local law enforcement activities, state judicial cases, service provision by U.S. Office for Victims of Crime (OVC)-funded service providers, related data collected by the state's child welfare departments, and reports to the National Human Trafficking Hotline (NHTH) and the Colorado Network to End Human Trafficking (CoNEHT).

The Council identified the following developments and trends based on its data collection for 2019:

- The Rocky Mountain Innocence Lost Task Force (RMILTF) experienced a decrease in investigations and recoveries in 2018, as an annual operation “Operation Cross Country” did not occur.
- In 2018, the activities of the RMILTF and Colorado Trafficking and Organized Crime Coalition (CTOCC) merged under the new Child Exploitation and Human Trafficking Task Force (CEHTTF). While the priority of this renamed task force will be on domestic minor sex trafficking cases, its members will also handle human trafficking cases involving adults and international victims of both labor and sex trafficking.
- Service providers funded by OVC grants reported serving more foreign national clients than U.S. citizen and legal permanent residents for federal fiscal year 2018 (FFY 2018).
- There is still a strong focus from law enforcement on sex trafficking, while federally funded service providers report a higher number of labor trafficking survivors under their case management.
- The NHTH and CoNEHT hotlines reported increases in the number of contacts or calls received in calendar year (CY) 2018. In addition, both hotlines reported more contacts or calls related to sex trafficking than labor trafficking, when disclosed by the reporter.
- 2018 marked the second year human trafficking data was collected by county departments of human services across the state. In CY 2018, the Colorado Department of Human Services (CDHS) reported that 42 assessments for 45 clients were completed, with at least one allegation of sex trafficking. CDHS also collects data on the use of a High-Risk Victim Identification Tool for Human Trafficking (HRV tool) administered by county departments of human services. The HRV tool is used to screen for risk factors for minors who are vulnerable to human trafficking. CDHS reported a substantial increase in the use of the HRV tool in 2018, with 279 uses of the tool, involving 214 unique clients, which is up from 151 uses and 139 clients in 2017.

As mentioned, in 2019 the Council conducted additional research related to service provision in Colorado in order to gain an accurate picture of how victims and survivors in the state access services and how different types of service providers address victim and survivor needs. A total of seven service providers from across the state participated in the study, which included a pre-interview questionnaire and in-person interviews.

Participants in the study noted that service providers are a strong source of referral for each other and employ promising practices for service provision, including employing trauma-informed care. The study also identified areas for growth for service providers, including expanding client populations so that Spanish-speaking clients or clients with cognitive and physical disabilities are served universally. The Council made several recommendations, based on this service provider study, to provide concrete next steps to respond to these gaps (see pp. 60-62).

## **Post-Enactment Review of Senate Bill 15-030**

Senate Bill 15-030, enacted in 2015, had two purposes:

- To create an affirmative defense for the charge of prostitution (C.R.S. § 18-7-201) at the state level or any corresponding municipal offenses committed on or after July 1, 2015, if the criminal act was found to have been, based on the preponderance of the evidence, committed as a direct result of the person being a victim of human trafficking; and
- To establish a procedure to petition the court, on or after January 1, 2016, to seal (for adults) or expunge (for juveniles) convictions for state or municipal offenses of prostitution committed prior to July 1, 2015.

It also required the Colorado Human Trafficking Council to “perform a post-enactment review of 18-7-201.3 [SB15-030] and report its findings to the judiciary committees of the senate and house of representatives, or any successor committees.”<sup>1</sup> The aim of the post-enactment review is to understand the use and impact of the legislation.

As the Council conducted the post-enactment review, it identified several challenges to collecting accurate data. First, there was no mechanism for tracking the use of the affirmative

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<sup>1</sup> Language derived from C.R.S. § 18-7-201.3. For the complete language of SB15-030, see Appendix 1.

defense in the state's judicial database, the case management system utilized by district attorney's offices, or the Office of the State Public Defender (OSPD). Additionally, there is no tracking of human trafficking victimization as the underlying reason for petitioning to seal or expunge prostitution charges and/or convictions. These challenges were compounded by the fact that prostitution is more commonly charged at the municipal level. Due to these limitations, for this review, the Council with the assistance of the OSPD was able to collect limited quantitative data regarding cases that include a charge of prostitution filed in district court, county court, and juvenile court, along with some qualitative data from the attorneys of record.

The post-enactment review determined that the usage of SB 15-030 was limited, and therefore its intended results and benefits were not wholly achieved. Specifically, the data provided by OSPD indicated that the affirmative defense for prostitution was raised only a few times since its enactment in July 2015. According to the qualitative data provided by the various attorneys at OSPD, a few reasons were cited: 1) a large number of these cases included other charges besides prostitution, making it irrelevant to raise the affirmative defense; 2) due to concerns that the client may be a victim of human trafficking, the prosecutor involved in the case would occasionally dismiss charges, making the affirmative defense unnecessary; and 3) clients would often rather take a plea deal in order to avoid a trial and raising the affirmative defense.

With respect to the sealing and expungement of cases, the Council identified a total of five requests for sealing and two for expungement. Of those, after review from the Colorado District Attorneys' Council (CDAC), none of these were a result of SB 15-030. The complete details of this review are in Section 3, on pp. 63-71.

## **Addressing Labor Trafficking in Colorado**

In 2019, the Council's Labor Trafficking Task Force (LTTF) focused on researching and addressing employer-provided housing, as it spans across various industries and can be a means for employers to coerce an employee into complying with their demands for the purpose of exploited labor. The LTTF, with the support of legal experts within the task force, discussed loopholes in Colorado laws C.R.S. § 38-12-503 (Warranty of Habitability statute) and C.R.S. § 8-4-123 (License to Occupy and Termination of Occupancy statute). There is an exemption for the warranty of habitability, as employers who provide housing are not obliged

to follow this law, which means employees do not have any protection from living in unsanitary or unsafe housing conditions. With the Termination of Occupancy statute, statute language allows employers other than those intended by the law, such as nursing homes and building management companies, to avoid the court process for eviction and can remove an employee from employer-provided housing in as little as three days. This loophole allows employers to use the threat of quick eviction and the prospect of homelessness to coerce employees to perform labor or comply with other demands. In addition, the LTTF discussed other means of coercion available to employers providing housing, specifically imposing curfews and limiting the visitors or visiting hours to employee housing.

The Council approved five recommendations to address these gaps, which are included in Section 4 of this report, pp. 73-80.

## **Public Awareness and Outreach Campaign**

In 2019, the Council continued to fulfil its legislative mandate with the planning of a public awareness and outreach campaign. The main focus of the Council's Public Awareness Task Force (PATF) was on the creative concept process for the campaign. "A creative concept is an overarching 'Big Idea' that captures audience interest, influences their emotional response and inspires them to take action. It is a unifying theme that can be used across all campaign messages, calls to action, communication channels and audiences."<sup>2</sup> With support from Orange Circle Consulting (OCC), this work involved collecting feedback with statewide stakeholders, including survivors of human trafficking, to inform a research-based creative concept; writing a survivor-informed creative brief; and developing sample creative concepts for review by the PATF.

In order to infuse the creative concepts with relevant data and feedback from the campaign's target audience, a thoughtful data collection effort was undertaken in 2019. Stakeholders from across the state were engaged to provide input through in-person discussion sessions and surveys. This input was vital to the creation of the creative concepts, as the Council wanted to ensure that the campaign was responsive to the needs and concerns about human trafficking that are unique to the Colorado context. It was especially important that any creative concept

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<sup>2</sup> "How to Develop a Creative Concept," Compass, 2015, accessed on October 23, 2019, <https://www.thecompassforsbc.org/how-to-guides/how-develop-creative-concept>.

designed was survivor-informed. As such, an additional effort was undertaken to gain insights from a range of human trafficking survivors. Upon completion of the research derived from stakeholders, findings were summarized into a creative brief to provide clear direction on developing creative concepts for review, refinement, and selection. The creative concepts presented to the PATF for consideration mixed ideas, words, and images that were all inspired by insights obtained through the stakeholder research. The Council approved one of creative concepts, which will be further explored in 2020 and developed into various types of collateral (e.g. billboards, posters, TV spots, etc.). The Council secured a one-year grant to launch the public awareness and outreach campaign in 2020.

## Human Trafficking Training Outcomes

From January 1 to November 30, 2019, Division of Criminal Justice (DCJ) staff and trained volunteer facilitators, who completed the Council's two-day train-the-trainer (TTT) program, delivered a total of 118 in-person trainings around the state of Colorado. By utilizing the Council's two previously developed training programs—*Introduction to Human Trafficking in Colorado* and *Human Trafficking Investigations: An Introductory Course*—DCJ staff and facilitators reached a total of 2,480 individuals during the same timeframe. This includes the training of *all* law enforcement officers in six law enforcement agencies across Colorado. The most common professional sectors trained this year included: local law enforcement, community members, health care providers, students, and educators.

In addition, in May 2019 the Council approved the curricula for a new advanced workshop for service providers, *Meeting Human Trafficking Survivors' Needs: An Advance Course for Service Providers*. The first workshop of this new training curricula was implemented in October 2019. Also, in May 2019, DCJ staff launched an online version of *An Introduction to Human Trafficking in Colorado*, which was converted from the two-hour facilitated program. The launching of an online version creates further accessibility to Coloradans in every corner of the state.

The 2019 Annual Report marks the Council's fifth year in existence, and the membership is proud of the work and significant strides it has made to confront human trafficking in Colorado. Over the last five years, the Council's training programs have reached thousands of Coloradans from all corners of the state; its policy recommendations have become state laws that better address human trafficking of minors and labor exploitation; and its data collection

efforts have established a clearer understanding of the incidence of human trafficking, helping anti-trafficking practitioners, legislators, and the public better understand the issue. The Council looks forward to continuing its work on this critical issue for another five years, and thanks the Colorado General Assembly for seeing the value that the Council brings to addressing human trafficking in Colorado.



# SECTION 1

## Year in Review



Many of the originally appointed council members completed their four-year terms at the end of 2018. Though several of the original members applied to be reappointed, the Council saw others complete their term, allowing new people to apply and be appointed by the Governor. With these new members came fresh perspective in the new year. Members of the Council participated in their annual retreat on January 4, 2019, with the goal to establish priorities for the year and review guiding documents that were created during the advent of the Council in 2014.

Anne Comstock of Comstock Consulting facilitated the retreat and led the group through a review and update of the Council's bylaws and guiding principles. She facilitated a series of activities throughout the day to allow members to highlight stakeholder priorities. The following task forces and working group were established in 2019:

**Public Awareness Task Force:** This task force built upon the 2018 development of a public awareness and outreach campaign and evaluation plan. This year's focus was on implementing the statewide campaign by developing the creative concept and seeking funding.

Task Force Chair: **Tammy Schneiderman, Division of Youth Services, CDHS**

**Data and Research Task Force:** The task force continued to collect data related to statewide human trafficking incidence. They also conducted a study to better understand access to services, determine the roles of different types of service providers, and gauge strengths and gaps in Colorado's efforts to meet victim and survivor needs.

Task Force Chair: **Amanda Finger, Colorado Network to End Human Trafficking**

**Labor Trafficking Task Force:** To build on the work accomplished in 2018, the task force continued in 2019 with the goal to better understand state and federal workplace regulations and their intersection with labor trafficking.

Task Force Chair: **Tom Acker, Western Slope Against Trafficking**

**Training Working Group:** The Council prioritized completion of the service provider workshop. The group began work on the advanced workshop in 2018 and continued their work in 2019, which included beta-testing the program.

## Continued Learning

Outside the work of the Council's advisory committees, several guest speakers were featured at Council meetings in 2019. In May, the Council invited Mary Landerholm, MSW, and Lori Darnel, JD, MSW, to facilitate a conversation on key service terms used in the anti-trafficking field in order to achieve shared language and deeper insight. In their presentation they discussed the meaning and practical application of the following terms: survivor-informed, survivor leader, victim-centered, client-centered, and trauma-informed. The presentation incorporated both social work and legal frameworks surrounding these key service terms and was followed by discussion.

In June, Dr. Brenna Tindall and Council Chair Christian Gardner-Wood presented a concept for a high-risk offender identification tool. They developed this concept for the purpose of working on prevention—specifically focused on individuals at risk of becoming sex traffickers. The main objective of the presentation was to introduce the concept and seek the Council's feedback for future refinement.

In July, the Laboratory to Combat Human Trafficking (LCHT) presented the results of a year-long study of the Colorado

U.S. ADVISORY COUNCIL  
ON HUMAN TRAFFICKING  
DELEGATION CHOSE  
DENVER FOR SITE VISIT!

The U.S. Advisory Council on Human Trafficking comprises survivor leaders who bring their knowledge and expertise to advise and provide recommendations on federal anti-trafficking policies and to the President's Interagency Task Force to Monitor and Combat Human Trafficking.

A delegation from the group completes site visits every other year, and in 2019, the U.S. Council chose Denver as one of the sites. Three members of the U.S. Council met with a range of stakeholders, including the Council, and highlight learning from this trip may be included in their 2019 annual report. Thank you, Judge Robert Lung, Flor Molina of California, and Bukola Love Oriola of Minnesota, for your work and visit!

Project 2.0 (CP 2.0) – 2019. Amanda Finger and Dr. Annie Miller presented a comparison between the first Colorado Project (2013) and CP 2.0 (2019), discussed the research methodology, and reviewed the resulting 10 recommendations that make up the Action Plan. LCHT distributed seven regional community profiles, a statewide report, and an action plan to the Council.

## 2019 Legislative Activities

### Colorado Legislation

#### *Senate Bill 19-149: Sunset Human Trafficking Council*

Per statute, the Colorado Human Trafficking Council was scheduled to sunset (i.e., come to an end) on September 1, 2019, after four years of work (read more about the sunset review process in the *2018 Annual Report*, p. 18). SB 19-149 continued the Council’s work until September 1, 2024. The Council membership was amended to include: an additional former victim of labor trafficking, an additional former victim of sex trafficking, a representative of a statewide coalition for victims of domestic violence, and a labor trafficking expert.

#### *Senate Bill 19-185: Protections for Minor Human Trafficking Victims*

This act establishes immunity when a minor is charged with a violation of prostitution and several related offenses if probable cause exists that they are a labor or sex trafficking victim. It also establishes an affirmative defense for all crimes committed as a direct result of a child’s trafficking experience (except class 1 felonies) for child human trafficking victims. Another significant change created by this bill is the addition of labor trafficking of minors as a form of child abuse and neglect. A post-enactment review of the act is required in five years.

#### *House Bill 19-1267: Penalties for Failure to Pay Wages*

In 2018, the Council recommended a change to the Colorado Theft Statute to include “labor” as a thing of value that could be subject to theft (see *2018 Annual Report*, p. 68, for more details). In response to this recommendation, the Colorado District Attorney’s Council (CDAC) lobbied for a bill that resulted in Representatives Singer and Froelich introducing HB 19-1267, the Penalties for Failure to Pay Wages bill. This act establishes that if an individual willfully refuses to pay wages or compensation, that action constitutes wage theft. Wage theft over the amount of \$2,000 is now considered a felony. This law clarifies that wage theft is theft and that the

classification of the offense and the penalties associated with the offense will be dictated by the theft statute. Therefore, depending on the amount of the wage theft, the offense will range from a petty offense all the way up to a class 2 felony.

#### *House Bill 19-1051: Colorado Department of Public Safety Human Trafficking-related Training*

Existing Colorado law requires the Council to develop training standards and curricula for various professionals throughout the state. The passage of this act makes the Department of Public Safety's Division of Criminal Justice an additional resource for training to include, but not limit to, the following programs: train-the-trainer, direct training, and online training. This training must be developed in consultation with the Council and be focused on law enforcement, educators, and groups that provide services to human trafficking victims.

#### *House Bill 19-1275: Increased Eligibility for Criminal Record Sealing*

This act creates a simplified process to seal criminal records when: 1) a case against a defendant is completely dismissed because the defendant is acquitted of all counts in the case, 2) the defendant completes a diversion agreement when a criminal case was filed, or 3) the defendant completes a deferred judgment and sentence and all counts are dismissed. Additionally, this act allows victims of human trafficking who pursue a sealing of a conviction record for misdemeanor offenses committed as a result of their trafficking experience to not have to pay the required processing fee.

## Federal Legislative Activities

While significant progress was made at the state level in 2019 to address human trafficking, continuous strides were made at the federal level as well, primarily with the U.S. government reauthorizing the Trafficking Victims Protection Act (TVPA). Two pieces of legislation worked on in 2017 and 2018 were signed into law in January 2019. Both amended the baseline federal human trafficking statute, the TVPA. The Trafficking Victims Protection Reauthorization Act of 2017<sup>3</sup> modified requirements for the annual Department of State's Trafficking in Persons (TIP) Report and attempted to close financial gaps. The act modified the criteria of the TIP Report's tiered system by: requiring action plans, explaining tier changes from year to year, and

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<sup>3</sup> Trafficking Victims Protection Reauthorization Act of 2017, S. 1862, 15th Cong. (2019).

updating reporting guidelines to a country's foreign minister, if a country is downgraded from tier 1 to tier 2.

With this legislation, the responsibility of the President now includes oversight of federal agencies' grants and contracts to ensure they are not made with entities that engage in human trafficking-related activities, such as charging employees for placement or recruitment fees. The Department of the Treasury's responsibility now includes spurring international banks' U.S. Executive Directors to initiate discussions for the creation of anti-human trafficking policies.

A second piece of legislation, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018,<sup>4</sup> responded to promising practices and gaps in services in the field by addressing a myriad of anti-trafficking efforts. It established more programs and grants, addressed gaps in the prosecution of diplomats, expanded the supply chain scope to include goods that are produced with items made with forced or child labor, and incorporated other learned aspects from the field.

## Conclusion

Aside from the exciting work of the Council and the Colorado legislature passing several anti-trafficking bills, many activities took place in the anti-human trafficking field in 2019. Three of note were a visit from the TIP Heroes to Denver, the Human Trafficking Leadership Academy – Class Four taking place in Colorado, as well as the launch of the Colorado Network to End Human Trafficking (CoNEHT) Hotline's text line.

In June, the 2019 TIP Heroes visited Denver's anti-trafficking organizations to learn more about the movement in the Denver metro area. TIP Heroes are chosen each year by the Department of State for their exemplary work internationally in the anti-trafficking movement.

From April to August 2019, Class Four of the Human Trafficking Leadership Academy (HTLA) took place in Denver. The purpose of HTLA is to develop and expand survivor-informed services while also providing leadership development opportunities to survivor leaders and

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<sup>4</sup> Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, H.R. 2200, 15th Cong. (2019).

ally professionals.<sup>5</sup> An equal number of survivor leaders and ally professionals from the Colorado region were accepted into the program and came together to collaboratively develop substantive recommendations to address the question: “How can state and local governments help survivors of trafficking reach financial stability?”<sup>6</sup> The fellows presented their recommendations to federal stakeholders in Washington, DC, in August and also presented to the Council at their November 2019 meeting.

CoNEHT launched a text line feature to the statewide human trafficking hotline in September 2019. Text lines are important modes of communication for many individuals who may not be able to make a phone call safely or may feel more comfortable using text as a mode of communication. The text line number is 720-999-9724, with text advocates available from 12 PM to 12 AM mountain time daily. Congratulations on launching this valuable resource, CoNEHT!

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<sup>5</sup> “Human Trafficking Leadership Academy,” U.S. Department of Health & Human Services, Administration for Children & Families, Office on Trafficking in Persons, last reviewed December 3, 2019, accessed November 13, 2019, <https://www.acf.hhs.gov/otip/training/nhttac/human-trafficking-leadership-academy>.

<sup>6</sup> Ibid.



## SECTION 2

# Collecting Data on Human Trafficking in Colorado

### Summary of Recommendations

#### Recommendation 1:

Based on the service provider study and others conducted in Colorado, this section highlights the gaps both in services and in the way services are delivered within the state, and invites the engagement of nonprofits, government entities, and other stakeholders to address those gaps through the following actions:

- Conduct additional research with survivors regarding strengths and gaps in the state and what they perceive as the most pressing needs. Ensure outreach to survivors is representative of underserved populations including but not limited to labor, LGBTQI, males, immigrants, and others.
- Encourage future research efforts to take into account geographical differences within Colorado (e.g., rural, suburban, urban, and other).
- Consult with stakeholders to address the “Protection Recommendations” from the Colorado Project 2.0, which specifically highlight gaps in services for survivors.

## Recommendation 2:

Stronger relationships between service providers and law enforcement should be fostered by:

- Compiling a list of resources and services for multi-disciplinary use (e.g., social services, nonprofits, law enforcement, etc.).
- Supporting the creation and utilization of mechanisms to connect service providers and law enforcement when survivors wish to participate in criminal cases.

## Recommendation 3:

Convene a series of critical dialogues designed to bridge perspectives of service providers and law enforcement. These facilitated dialogues will promote promising practices in engaging and working with survivors, including but not limited to the following ideas:

- Regional and local policies and limitations (e.g., law enforcement policies on forensic interviews, service provider confidentiality policies as they relate to disclosure of information to third parties, etc.)
- A joint training of service providers and law enforcement on trauma-informed practices and other topics identified by the Council's research. Further recommendations for training:
  - Increase reach throughout the state by convening the training at an annual statewide conference.
  - Build on past successes by presenting case studies of communities where collaboration has been successful and works well for survivors.

## Recommendation 4:

Due to the limited numbers of labor trafficking cases that have been investigated and prosecuted in the state over the last several years, a training program should be developed, informed by subject matter experts, and delivered to law enforcement and prosecution communities on labor trafficking investigations and prosecution.

## Introduction

This section provides federal, state, and local data on human trafficking incidence and service provision to human trafficking survivors as reported by law enforcement agencies,



prosecutors, and non-governmental organization (NGO) service providers covering the three-year period of 2016, 2017, and 2018. The Council provides reporting through the end of the previous year to avoid a partial report of the current year's investigative, judicial, and service provision activity. For the second year, this section also includes data on human trafficking reported by the state's child welfare departments. Additionally, the Council carried out a study of seven Colorado service providers in 2019. The goal of this study was to learn more about how victims and survivors in the state access services, determine how different types of service providers address survivor needs, and gauge the strengths and areas for improvement in the state's efforts to meet victim and survivor needs. In 2019, the Council originally sought to include survivor perspectives on services and perceptions of justice, but due to staffing and time constraints, it did not pursue this area. The Council will consider addressing this area in the upcoming year.

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

### **Federal Law Enforcement Activities in Colorado**

The Council collected data on the number of human trafficking investigations, trafficking victim recoveries, suspected-trafficker arrests, prosecutions, and convictions across 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-level reporting. It should be noted that national reporting captures federal fiscal years (October through September, or July through June, depending on the federal agency), while Colorado data often reflect the calendar year (January through December). This difference will be noted throughout the report by using FFY for federal fiscal year or CY for calendar year.

#### *FBI Human Trafficking Re-Organization and Annual Activities*

As Table 1 shows, the total number of Department of Justice (DOJ) investigations nationwide decreased for a second year in a row, from 783 in FFY 2017 to 657 in FFY 2018.<sup>7</sup> Data on DOJ

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<sup>7</sup> U.S. Department of State, *Trafficking in Persons Report*, 2019, 485.

investigations do not account for human trafficking investigations carried out by DOJ-funded Enhanced Collaborative Model (ECM) anti-trafficking task forces. In FFY 2018, the DOJ funded 17 ECMs to further the development of multi-disciplinary human trafficking task forces that use collaborative approaches to combat all forms of human trafficking. The Denver Anti-Trafficking Alliance (DATA) human trafficking task force was awarded the ECM grant by the DOJ in September 2018, with funding facilitated through the Denver District Attorney’s Office and the Asian Pacific Development Center. Because award funds were dispersed in mid-2019, the Council will not report on the DATA task force’s ECM activities until 2020.

<b>Table 1: FBI National Investigations, FFY 2016–2018</b>	
	National (reported by fiscal year)
Year	Total DOJ Investigations
2016	843
2017	783
2018	657

Data source: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2017, 2018, and 2019).

The Rocky Mountain Innocence Lost Task Force (RMILTF) was one of several law enforcement task forces across the country funded by the DOJ to combat the commercial sexual exploitation of children. RMILTF represented a joint effort, with officers and agents from the FBI, the Colorado Bureau of Investigation (CBI), the police departments of Denver and Aurora, the Colorado State Patrol, and the sheriff departments of Arapahoe and Douglas counties, as well as an investigator from the 18<sup>th</sup> Judicial District Attorney’s Office. While RMILTF’s area of responsibility included Colorado and Wyoming, the data reported for CY 2018 reflect activities that occurred in, or primary investigative activities that originated in Colorado. RMILTF investigations decreased from 167 in CY 2017 to 118 in CY 2018. Similarly, what the task force refers to as “victim recoveries” decreased from 112 in CY 2017 to 38 in CY 2018. During the same period, arrests increased from 49 in CY 2017 to 55 in CY 2018 (see Table 2). Prosecutions of these 55 arrests were accepted by seven different Colorado-based judicial districts and one judicial district outside of Colorado.

According to FBI Special Agent in Charge for RMILTF, Beth Boggess, the decrease in investigations and recoveries in 2018 stems from a combination of factors. In 2018, “Operation

Cross Country,” an annual operation conducted by the FBI with RMILTF that typically results in several “victim recoveries,” did not occur. RMILTF also experienced a loss in personnel during the same year, which impacted its usual level of investigative activity. Additionally, RMILTF shifted its strategy in 2018 toward targeting traffickers through conducting reverse stings, a situation in which law enforcement personnel pose as a potential victim or seller of commercial sex; this investigative tactic often results in more arrests of buyers and panderers and fewer recoveries of victims.

<b>Table 2: FBI: Rocky Mountain Innocence Lost Task Force Activities, CY 2016–2018*</b>			
<b>Year</b>	<b>Investigations Opened</b>	<b>Recoveries (breakdown by gender)**</b>	<b>Arrests***</b>
2016	152	119; 15M, 104F	35
2017	167	112; 21M, 88F, 3T	49
2018	118	38; 6M, 32F	55

Data source: Federal Bureau of Investigation-Denver Office.

\* The focus of the RMILTF is on investigations involving the commercial sexual exploitation of children and minor sex trafficking.

\*\* M stands for male, F stands for female, and T stands for transgender.

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

Historically the Council reported on the activities of the Colorado Trafficking and Organized Crime Coalition (CTOCC), a law enforcement working group focused on adult and international victims of labor and/or sexual exploitation within Colorado. Due to an October 2018 reorganization of CTOCC activities from the FBI’s Civil Rights Unit to its Violent Crimes against Children (VCAC) program, the activities of RMILTF and CTOCC have merged under the Child Exploitation and Human Trafficking Task Force (CEHTTF). While the priority of this reorganized and renamed task force will be on domestic minor sex trafficking cases, its members will also handle human trafficking cases involving adults and international victims of both labor and sex trafficking.

Given the dissolution of CTOCC, Table 3 now refers to the FBI’s adult and immigrant human trafficking investigations and arrests instead of CTOCC activities. In CY 2018, the FBI reported 42 investigations and 66 arrests, which at face value represents a sharp increase from its 16 investigations and 28 arrests reported in CY 2017 (see Table 3). All of the 42 investigations opened in CY 2018 were sex-trafficking related. According to an FBI analyst the Council consulted to obtain the FBI data, much of the increase in investigations and arrests resulted

from a reclassification of cases carried over from the FBI’s Civil Rights Unit—in some cases from the previous year. Therefore, this increase should not be considered an actual increase in human trafficking investigations or arrests.

Year	Investigations Opened	Arrests
2016	8; 7 sex trafficking, 1 labor trafficking	15
2017	16; 16 sex trafficking, 0 labor trafficking	28
2018	42; 42 sex trafficking, 0 labor trafficking	66

Data source: Federal Bureau of Investigation-Denver Office.

### *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 exploit minors.

Nationally, HSI opened 849 human trafficking investigations, up slightly from 833 in FFY 2017 (see Table 4). At the state level, HSI reported an increase in its human trafficking investigations for a second year in a row, from 14 in FFY 2017 to 34 in FFY 2018 (see Table 4). In FFY 2018, all but one of HSI’s investigations constituted cases of sex trafficking; the agency arrested 54 individuals in connection with these investigations. Most of these arrests will be handled by the state judicial system. HSI officials noted that an increase in awareness among agents on the issue of human trafficking led to the higher number of investigations opened in FFY 2018.

Year	National Data (investigations involving potential human trafficking)	Colorado Data (Colorado-based HSI investigations officially recorded as human trafficking-related)
2016	1,029	10; 7 sex trafficking, 3 labor trafficking
2017	833	14; 14 sex trafficking, 0 labor trafficking
2018	849	34; 33 sex trafficking, 1 labor trafficking

Data sources: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2017, 2018, and 2019). Colorado data were obtained from the HSI Denver field office.

## Federal Criminal Case Filings

While in FFY 2017 there were no federal human trafficking indictments, prosecutions, or sentences, in FFY 2018 the U.S. Attorney's Office, District of Colorado, reported two indictments. Of those indictments, one resulted in a guilty plea and a second resulted in a guilty jury verdict, which fell outside of the FFY 2018 reporting period.

## Civil Cases

Table 5 lists civil cases in Colorado that were filed during CY 2016–2018; were still ongoing at the end of CY 2018; or were closed, settled, or received a judgement during CY 2016–2018. As noted in Table 5, the majority of civil cases involved situations of labor trafficking. In 2018, one of the civil plaintiffs in Colorado won a judgement in their favor, see the Echon v. Sackett case study.

<b>Table 5: Civil Cases Filed, Ongoing, or with Judgements, CY 2016–2018</b>			
Case Name	Date Filed	Type	Outcome
Bonilla v. Buch	August 2018	Domestic Servitude	Settled (March 2019—outside of reporting period)
Calderon Torrico v. Ortega	January 2017	Forced Labor	Administratively closed following divorce
Echon v. Sackett	December 2014	Forced Labor	Judgement in favor of the plaintiffs (February 2018)
Gilbert v. United States Olympic Committee	August 2018	Non-commercial sexual servitude	Ongoing
Menocal v. GEO	October 2014	Forced Labor	Ongoing

Data Source: The Human Trafficking Legal Center, <https://www.htlegalcenter.org/>

### **Echon v. Sackett Case Study: Success through Civil Litigation**

In addition to criminal federal cases, a civil case filed in 2014 involving claims of forced labor resulted in a three-day jury trial beginning on February 12, 2018. On February 14<sup>th</sup>, the jury returned a verdict in favor of the plaintiffs, Esmeraldo Villanueva Echon, Maribel Echon, and Justin Echon, on their claims under the Colorado Minimum Wage of Workers Act/Colorado Minimum Wage Order, the Colorado Wage Claim Act, and 18 U.S.C. § 1589.<sup>1</sup> The trial was the first in Colorado held under the federal Trafficking Victims Protection Act; previous federal civil cases filed in the District of Colorado involving trafficking claims were resolved through settlements and default judgements.<sup>2</sup> It should be noted that the Echon case is currently under appeal in the 10<sup>th</sup> circuit court.

<sup>1</sup> This federal law “makes it unlawful to provide or obtain the labor or services of a person through one of three prohibited means.” “Involuntary Servitude, Forced Labor, and Sex Trafficking Statutes Enforced,” U.S. Department of Justice, August 6, 2015, <https://www.justice.gov/crt/involuntary-servitude-forced-labor-and-sex-trafficking-statutes-enforced>.

<sup>2</sup> To learn more about this case, see Robert Boczkiewicz, “Rocky Ford Business Owners Ordered to Pay Attorney’s Fees,” La Junta Tribune, February 17, 2019, <https://www.lajuntatribunedemocrat.com/news/20190217/rocky-ford-business-owners-ordered-to-pay-attorney-fees>.

## State and Local Law Enforcement Activities

In order to gain a picture of the state and local law enforcement’s counter-trafficking efforts, the Council drew primarily from state judicial filings containing human trafficking statutes. The Council also considered local law enforcement efforts, human trafficking-related incidents, and arrests reported as part of CBI’s Uniform Crime Reporting (UCR) program, which in turn submits statewide data to the FBI’s UCR database.<sup>8</sup>

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

Since CBI began collecting information on human trafficking incidents and arrests in 2014, the Council considered including these data in its annual reports. UCR data on human trafficking incidents and arrests are drawn from police departments, sheriff’s offices, the Colorado State Patrol, and CBI. All of these local and state law enforcement agencies are mandated to report

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<sup>8</sup> Unless otherwise indicated, the reporting period for state and local law enforcement activities is January 1 to December 31, 2019.

their crime-fighting activities to CBI’s Crime Information Management Unit.<sup>9</sup> While it was determined that data collected by CBI for CY 2016 and 2017 significantly underreported human trafficking incidents and arrests, CY 2018-recorded incidents matched individual jurisdictions’ accounts of their human trafficking police activity (see Table 6). Given the Council’s limitation in assuring accuracy for previous years, Table 6 features only CY 2018 UCR report of incidents and does not include CY 2018 UCR report of arrests.

<b>Table 6: Incidents of Human Trafficking, Colorado Uniform Crime Reporting (UCR) Data: 2018</b>		
<b>Jurisdiction by City or County</b>	<b>Human Trafficking—Sexual Servitude</b>	<b>Human Trafficking—Involuntary Servitude</b>
Adams County Sheriff’s Office	1	
Aurora Police Department	13	
Brighton Police Department		1
Commerce City Police Department	2	1
Thornton Police Department	2	
Boulder County Sheriff’s Office	1	
Denver Police Department	19	
Colorado Springs Police Department	3	
El Paso County’s Sheriff Department	1	
Arvada Police Department	1	
Jefferson County Sheriff’s Office	3	
Craig Police Department		1
Pueblo Police Department	1	
Greeley Police Department		1
Broomfield Police Department		1
<b>TOTAL</b>	<b>47</b>	<b>5</b>

Data Source: Colorado Bureau of Investigation.

Colorado’s improved UCR reporting on human trafficking incidents could be a result of DCJ staff-hosted stakeholder meetings aimed at learning about challenges and opportunities for

<sup>9</sup> Functions of bureau - legislative review - interagency cooperation with reporting functions - processing time for criminal history record checks - computer crime - synthetic cannabinoids enforcement, C.R.S. § 24-33.5-412(5).

improving human trafficking reporting practices among local police, sheriff, and Colorado State Patrol. As an Aurora detective noted in a June 19<sup>th</sup> email to DCJ staff, after the stakeholder meetings and a separate follow-up meeting between Aurora and Denver Police Departments to further discuss reporting procedures, “detectives were much more diligent in properly adding HT 6411 NCIC [the human trafficking code for commercial sex acts] to reports. In the past, these same reports might have simply been classified as sex assaults or prostitution. If the numbers seem high, it is likely due to these two detectives doing a better job of classifying and re-classifying reports.”

The Council’s goal was to continue to build on these reporting improvements through its law enforcement training curriculum, which provides a *Frequently Asked Questions* handout on common reporting errors and features an example of what the reporting screen in a typical record management system looks like to encourage officers to properly report human trafficking incidents and arrests.

### *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 7 provides the breakdown of the number of times the human trafficking statutes were filed, along with the overall number of cases involving human trafficking statutes in CY 2016, 2017, and 2018.

	2016	2017	2018	Totals
Statutes	# of Filings	# of Filings	# of Filings	# of filings
Involuntary Servitude § 18-3-503*	3	1	4	8
Sexual Servitude - Adult § 18-3-504	16	17	7	40
Sexual Servitude - Minor § 18-3-504(2)	55	47	38	140
<b>Total Filings (cases)</b>	<b>74 (49 total cases)</b>	<b>65 (41 total cases)</b>	<b>49 (32 total cases)</b>	<b>188 (122 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).

\* While there have been multiple filings of § 18-3-503 and two convictions on that charge since it was enacted in 2014, all but two filings related to sex crimes. One of the intentional filings of involuntary servitude resulted in the defendant’s plea to other charges, and one filing is currently pending in state court.



As the table demonstrates, the number of filings of human trafficking statutes—while well above human trafficking filings prior to the enactment of the 2014 statutes—have decreased over the past two years, from 49 total cases in 2016 to 41 in 2017 and 32 in 2018. Some of this decrease is likely attributable to changes in staffing and staffing levels in key judicial districts. Of those 122 cases filed between 2016 and 2018, 97 cases, or 81%, were filed in the Denver metro area,<sup>10</sup> while 23 (19%) were filed elsewhere in the state. As similarly noted in the Council’s annual reports from previous years, three of the four 2018 filings of involuntary servitude (§ 18-3-503) involved allegations of unlawful sexual conduct, signaling a filing error versus a legitimate labor trafficking case. The one 2018 filing of § 18-3-503 out of the 2<sup>nd</sup> Judicial District (Denver County) that involved a legitimate charge of involuntary servitude was still pending at the writing of this report. The ongoing misuse of the involuntary servitude statute, coupled with its low use overall, signals that more training is likely needed among prosecutors and law enforcement personnel on the crime of labor trafficking, including how to identify it, collect relevant evidence, and apply (or not apply) the statute in criminal cases.

Colorado prosecutors should also have opportunities to learn more about the types of criminal tactics and coercion labor traffickers use to control their victims, as part of a broader effort to charge labor traffickers for the totality of criminal conduct; this is currently done in state-based sex trafficking cases. Considering that passage of House Bill 19-1267 resulted from a 2018 Council recommendation to make cases of wage theft over \$2,000 punishable by felony, prosecutors should regard offenses such as wage theft as part of a holistic approach for labor trafficking charges. The wage theft bill was seen by prosecutors as a way to have an ancillary charge to address issues surrounding labor trafficking, just as there are ancillary sex offenses charges to address issues within the sex trafficking context. A statewide wage theft training was hosted by the Colorado District Attorneys’ Council (CDAC) at the end of 2018. Further, as the CDAC was a key supporter of the Wage Theft Bill, it is anticipated that prosecutors will be aware of this new tool in addressing exploitation in the labor trafficking context.

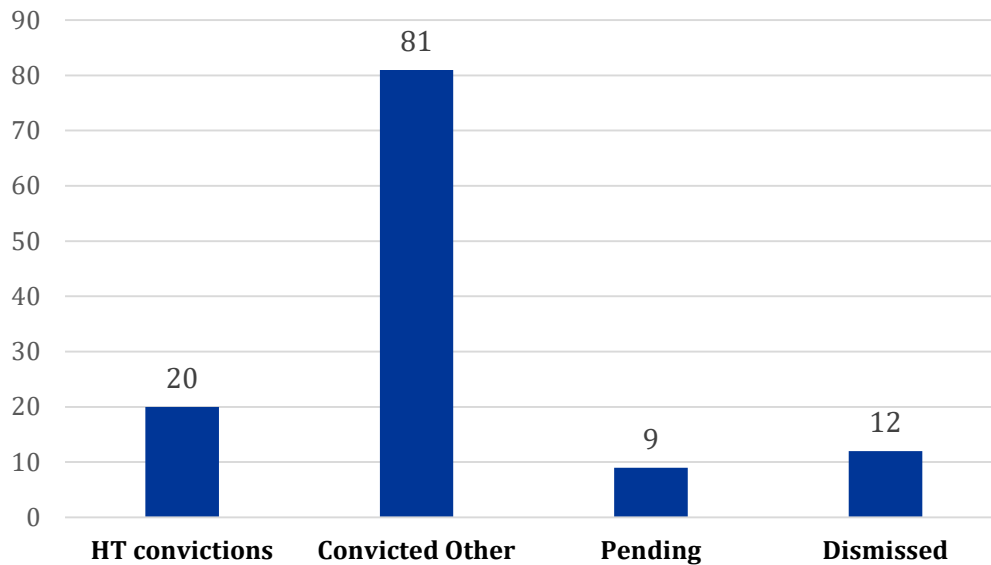
Figure 1 provides a breakdown of how the 122 human trafficking cases were resolved. The majority of cases (81) involving a charge of human trafficking resulted in the defendant’s conviction on other related sex charges, while 20 cases resulted in a human trafficking

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<sup>10</sup> Denver metro area jurisdictions include the 1<sup>st</sup>, 2<sup>nd</sup>, 17<sup>th</sup>, and 18<sup>th</sup> Judicial Districts.

conviction. Twelve cases involving a human trafficking filing were dismissed, and at the writing of this report, the outcomes of nine cases were still pending. As with previous years and as noted above, there was at least one filing, if not two, of the involuntary servitude statute (§ 18-3-503) that appeared to be related to sex crimes and not forced labor.

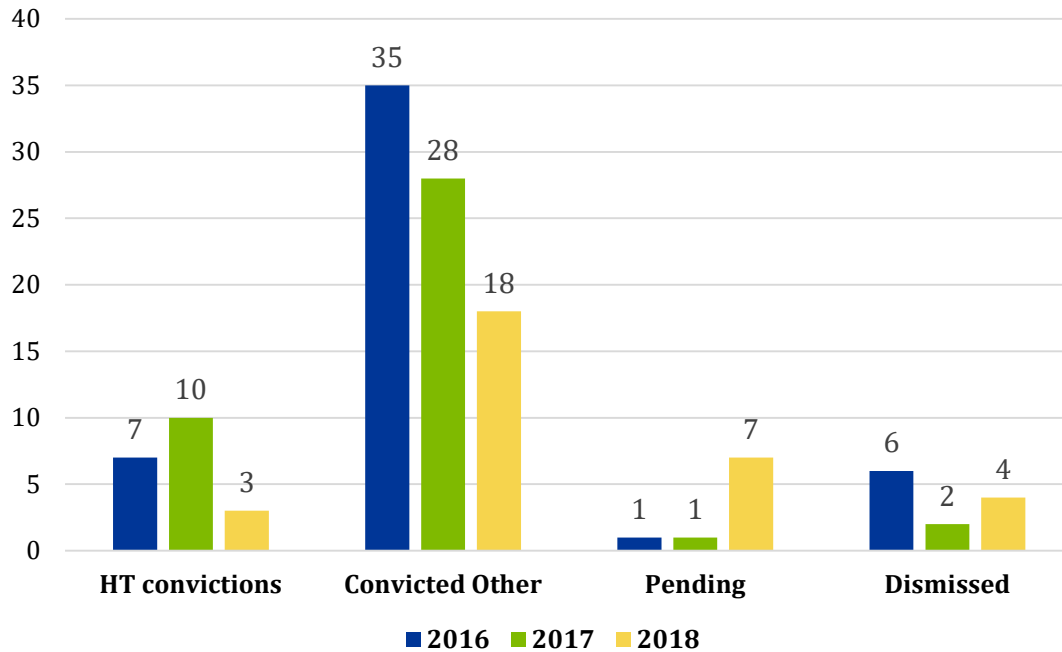
**Figure 1: Dispositions for Cases Involving a Human Trafficking Charge, CY 2016–2018**



Data source: The number of total cases was calculated using information obtained through the Judicial Branch’s ICON information management system via the CJASS. The case status for each filing was last obtained from the Colorado State Courts – Data Access system on November 27, 2019, by the Division of Criminal Justice’s Colorado Human Trafficking Council staff.

Figure 2 provides the resolution of cases as well as a detailed breakdown of the distribution of case outcomes in each category (e.g., human trafficking conviction, other conviction, dismissal, etc.) by year.

**Figure 2: Dispositions for Cases Involving a Human Trafficking Charge, Breakdown by Type of Disposition for Each Year, CY 2016–2018**

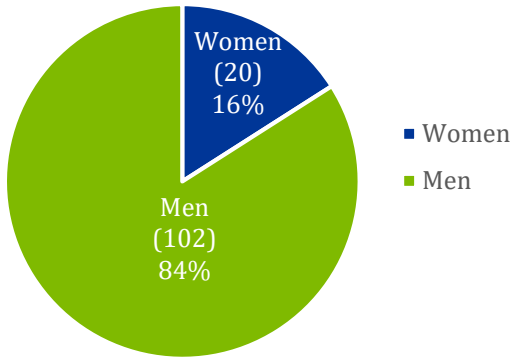


Data source: The number of total cases was calculated using information obtained through the Judicial Branch’s ICON information management system via the CJASS. The case status for each filing was last obtained from the Colorado State Courts – Data Access system on November 27, 2019, by the Division of Criminal Justice’s Colorado Human Trafficking Council staff.

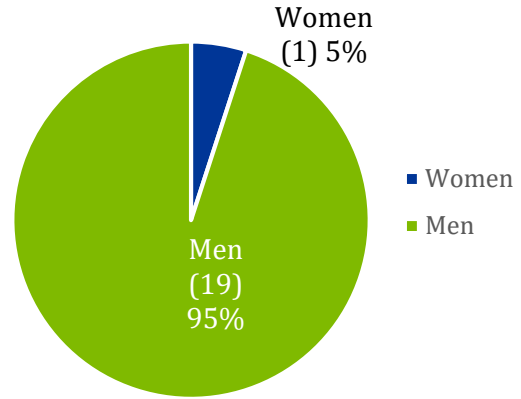
Figure 3 provides the gender breakdown of those charged with human trafficking, along with the gender breakdown of those convicted of the crime over the three-year period. This year the Council opted not to provide a racial analysis of defendants charged with and convicted of human trafficking offenses. The judicial database systematically collects race but not ethnicity data. In using secondary race data, the Council also had concerns about how those entering demographic data determine a defendant’s racial category and whether race is assessed in the same way by each staff and across all jurisdictions.

**Figure 3: Breakdown of Those Charged and Convicted of Human Trafficking by Gender, CY 2016–2018**

Charged with Human Trafficking  
*N* = 122



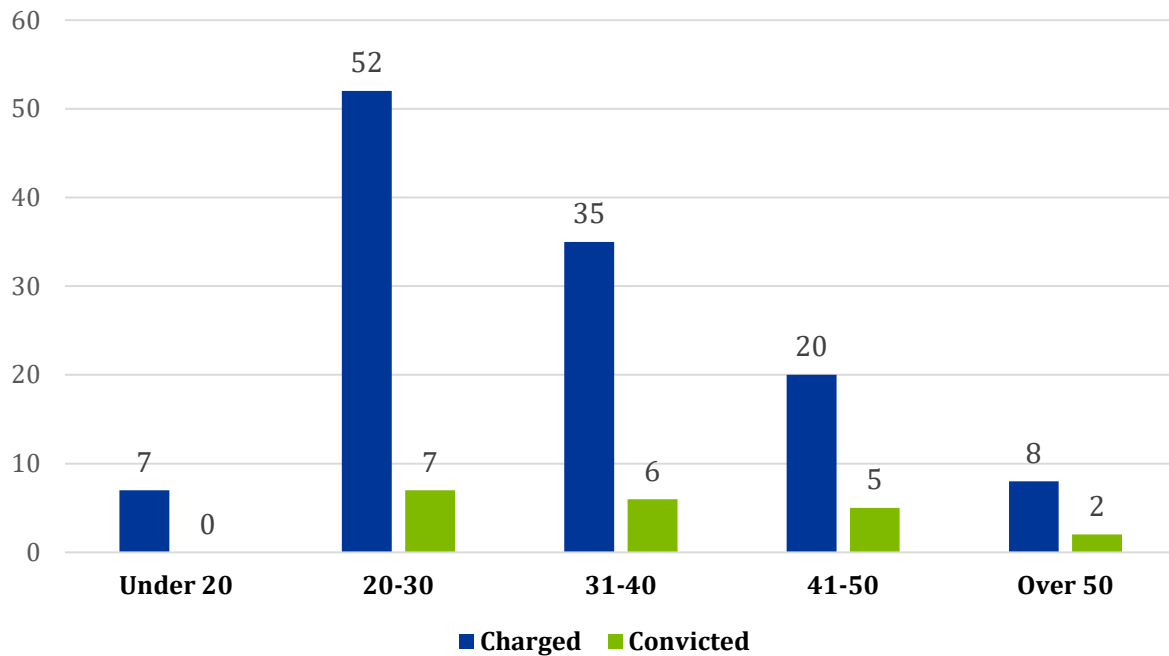
Convicted of Human Trafficking  
*N* = 20



Data source: The Colorado Judicial Branch’s ICON information management system via the CJASS. These data were obtained on November 27, 2019.

Figure 4 represents the age of those charged and convicted of human trafficking for CY 2016–2018. As in all past reporting years, the highest concentration of defendants charged with human trafficking is in the 20- to 30-year-old cohort and the highest concentration of convicted defendants is also the 20- to 30- year-old cohort.

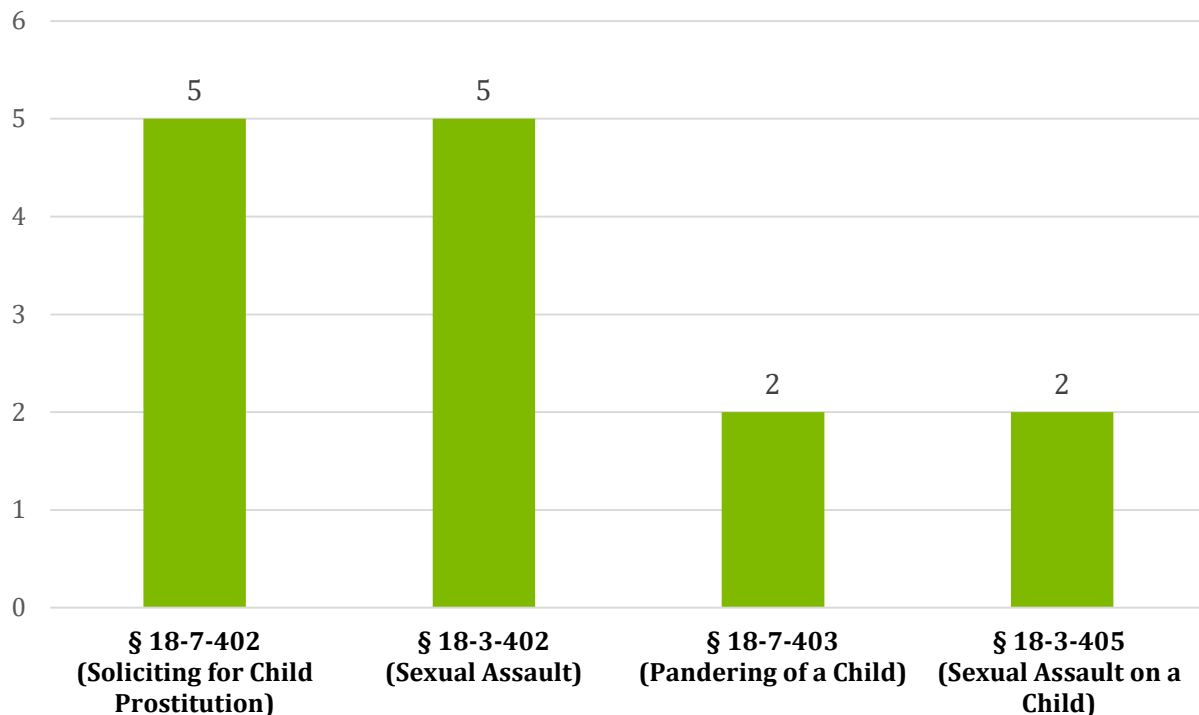
**Figure 4: Defendants Charged/Convicted of Human Trafficking by Age, 2016–2018**



Data source: The Colorado Judicial Branch’s ICON information management system via the CJASS. These data were obtained on November 27, 2019.

For those who were found guilty of human trafficking, the Council also considered what other charges they were convicted of. Figure 5 features the top four ancillary charges that human traffickers were convicted of in addition to human trafficking. This figure is limited to the 20 criminal cases in which a conviction of involuntary or sexual servitude was reached, from 2016 to 2018. As is demonstrated in the figure, the top four ancillary charges were solicitation for child prostitution, sexual assault, pandering of a child and sexual assault on a child.

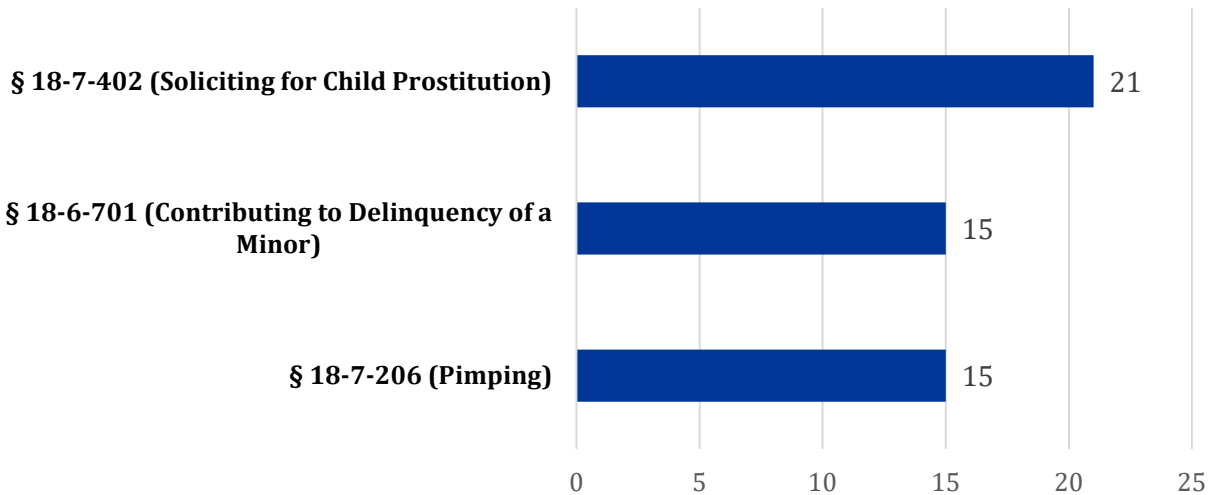
**Figure 5: Top Four Ancillary Charges on Which Defendants Convicted of Human Trafficking Were Also Convicted**



Data source: The Colorado Judicial Branch’s ICON information management system via the CJASS. These data were obtained on November 27, 2019.

Additionally, the Council evaluated the cases where the defendant was originally charged with human trafficking but convicted on other charges. In these cases, as noted in Figure 6, the top three charges the defendants were convicted on were: soliciting for child prostitution, contributing to the delinquency of a minor, and pimping.

**Figure 6: Top Three Conviction Statutes for Human Trafficking Defendants Convicted on Other Charges**



Data source: The Colorado Judicial Branch’s ICON information management system via the CJASS. These data were obtained on November 27, 2019.

Finally, the Council evaluated the sentencing outcomes for those convicted of human trafficking since the inception of the 2014 statutes.<sup>11</sup> Of the 35 cases involving a human trafficking conviction between 2014 and 2018, four defendants were sentenced to probation, while 28 received a Department of Corrections (prison) sentence. Another three defendants received both a Department of Corrections sentence and a probation sentence. The average human trafficking conviction for defendants receiving a prison sentence is 41.65 years, and the median sentence is 18 years. The high sentencing average primarily results from two particularly long sentences of 248 years and 472 years, which were handed down in 2016 and 2017, respectively. The average sentence for defendants that received probation is 4.75 years.<sup>12</sup> The average sentences for individuals who received both a prison sentence and a probation sentence were 28.33 years in prison and 13.33 years of probation following the prison term.

## **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 who identify and meet the complex needs of trafficking survivors living in or having ties to Colorado.

<sup>11</sup> These data were obtained from the Colorado Judicial Branch’s ICON information management system via the CJASS, on November 27, 2019.

<sup>12</sup> This average is based on the sentencing for all charges upon which a defendant is convicted if that defendant was convicted on formal human trafficking statutes.

Following the trend of previous years, in 2018, law enforcement reported more cases of sex trafficking than labor trafficking, while service providers reported more cases of labor trafficking. One of the factors contributing to this trend is that service providers often have trusting relationships with communities and persons vulnerable to multiple forms of exploitation and abuse. As reported in the service provider study of 2019, several providers reported a perceived reluctance of victim/survivor cooperation due to a distrust of law enforcement based on previous negative experiences with law enforcement. Additionally, they reported that some survivors do not work with law enforcement due to concerns about retaliation from traffickers and their safety. These perceptions may explain why law enforcement reports fewer cases of labor trafficking.

### U.S. Department of Justice, Office for Victims of Crime-Funded Organizations

Historically two main sources of federal human trafficking funding support survivors and the comprehensive social and legal services they receive: the DOJ's Office for Victims of Crime (OVC) Service Grant, and the Department of Health & Human Services, Office for Trafficking in Persons (OTIP) Per-Capita Grant Program. OVC currently funds three NGOs in Colorado for their service provision to human trafficking survivors; however, this report only includes the results from two NGOs, as the grant for the third NGO began in mid-2019. The OVC-funded programs included legal services, case management, and social services for all human trafficking survivors.<sup>13</sup>

Table 8, provides a breakdown of victims served by new and open cases and by immigration status for those served nationally and in Colorado during FFY 2016 and 2017 (OVC's fiscal year for grantees typically begins on October 1 and ends on September 30).

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<sup>13</sup> To ensure the safety and confidentiality of human trafficking survivors, the names of the service provider organizations are not referenced.

<b>Table 8: OVC-Funded Programs, Numbers of Victims Served, FFY 2016–2017</b>								
	National				Colorado			
Year	Breakdown of Victim Profile							
	Open Cases	Of Open Case Load, # of New Cases	Foreign National	U.S. Citizen/ Legal Permanent Resident	Open Cases	Of Open Case Load, # of New Cases	Foreign National	U.S. Citizen/ Legal Permanent Resident
2016	5,655	3,195	1,923	3,732	104	40	63	41
2017	8,003	4,349	2,721	5,282	188	60	91	97

Data sources: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2017 and 2018). Colorado data were obtained from the two Colorado-based grantees of the U.S. DOJ/OVC Human Trafficking Service Grant.

Table 9 includes the breakdown of victims served nationally during FFY 2018, and Table 10 below includes the breakdown of victims served in Colorado during FFY 2018. In previous annual reports, the Council reported on the data from OVC grantees jointly, as the two grantees were able to coordinate efforts to de-duplicate data from clients served by both organizations, in order for the Council to report data for unique individuals who receive services by OVC-funded organizations. However, due to staffing changes at the time of reporting, these organizations were not able to coordinate on de-duplication efforts for FFY 2018. Therefore, the numbers in Table 10 below do not represent unique victims served, as there are some individuals served by both organizations.

<b>Table 9: National OVC-Funded Programs, Numbers of Victims Served, FFY 2018</b>				
	National			
Year	Breakdown of Victim Profile			
	Open Cases	Of Open Case Load, # of New Cases	Foreign National	U.S. Citizen/ Legal Permanent Resident
2018	8,913	4,739	2,496	6,417

Data sources: National data were obtained from the U.S. Department of State, *Trafficking in Persons Report* (2019).



<b>Table 10: Colorado OVC-Funded Programs, Numbers of Victims Served, FFY 2018</b>								
	Colorado Organization 1				Colorado Organization 2			
Year	Breakdown of Victim Profile							
	Open Cases	Of Open Case Load, # of New Cases	Foreign National	U.S. Citizen/ Legal Permanent Resident	Open Cases	Of Open Case Load, # of New Cases	Foreign National	U.S. Citizen/ Legal Permanent Resident
2018	81	22	75	6	35	18	22	13

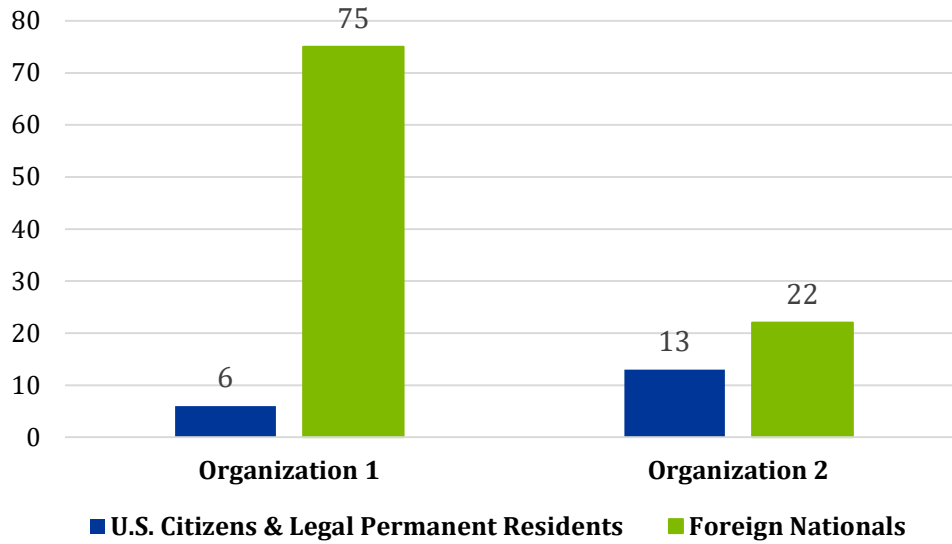
Data Source: Colorado data were obtained from the two Colorado-based grantees of the U.S. DOJ/OVC Human Trafficking Service Grant.

At the national level, OVC grantees continued to report serving more U.S. citizens and legal permanent residents than foreign nationals, and the share of U.S. citizens and legal permanent residents continues to increase. At the state level, OVC grantees supported more foreign national victims than U.S. citizens/legal permanent residents in 2018. In FFY 2017, OVC grantees in Colorado provided services to 97 U.S. citizens and legal permanent residents. In FFY 2018, Colorado Organization 1 provided services to six U.S. citizen/legal permanent residents, and Colorado Organization 2 provided services to 13 U.S. citizen/legal permanent residents.<sup>14</sup> However, the significant increase in U.S. citizens and legal permanent residents in 2017 was likely an aberration for the year. It should also 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.

Figure 7 represents the immigration status of Colorado OVC clients for FFY 2018, Figure 8 provides the Colorado OVC client breakdown by gender for FFY 2018, and Figure 9 represents the distribution by type of case for FFY 2018.

<sup>14</sup> Please note that because Organization 1 and Organization 2 did not de-duplicate clients for FFY 2018, the numbers reported are not necessarily unique individuals.

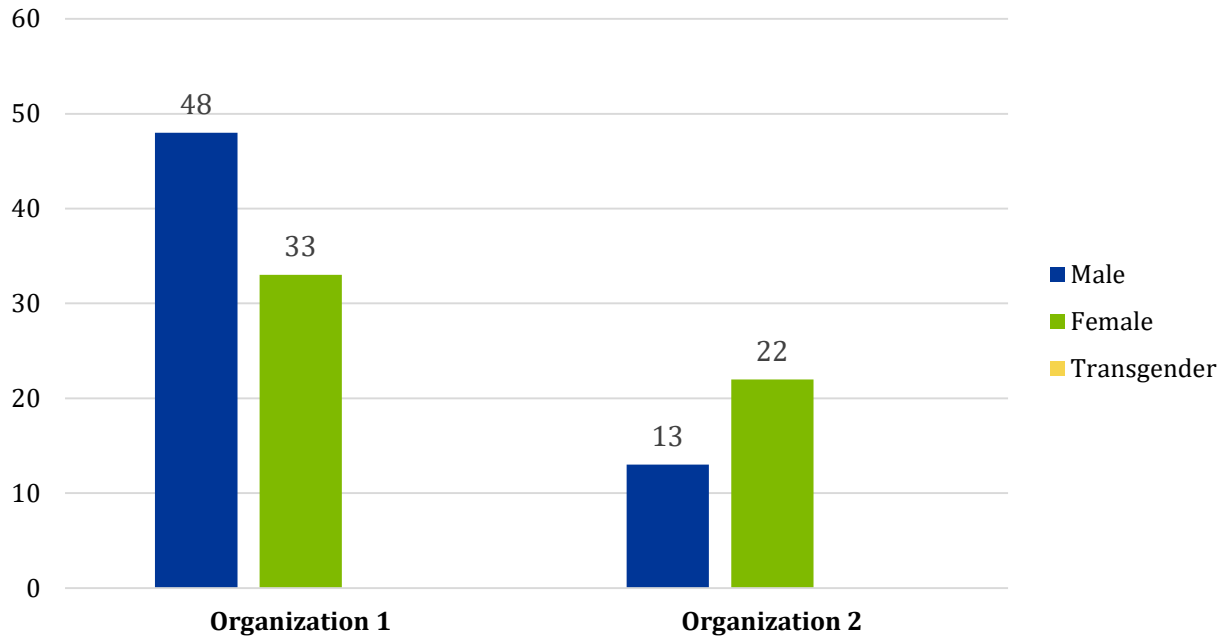
**Figure 7: Distribution of Colorado OVC Clients by Immigration Status, FFY 2018**



Data Source: Colorado data were obtained from the two Colorado-based grantees of the U.S. DOJ/OVC Human Trafficking Service Grant.

During FFY 2018, one OVC grantee (Organization 1) reported providing services to more male clients than female clients, and the other (Organization 2) reported serving more female clients than males. For FFY 2018, neither organization reported providing services to transgender clients. As a point of comparison, in FFY 2017, significantly more female than male clients were served in Colorado by OVC grantees, which differed from previous years when service provision was more evenly split between male and female clients. In the 2018 report, the increase in women clients for FFY 2017 was attributed to one of the two Colorado-based OVC grantees. Again, this is likely an anomaly due to the sharp increase in the number of clients served by the organization in 2017. Because the data from OVC grantees for FFY 2018 was not reviewed for duplicate clients, the data in Figure 8 does not represent unique clients, so it was not possible to make a clear characterization of trends related to more female or male clients served.

**Figure 8: Gender Breakdown of Colorado OVC Clients, FFY 2018**

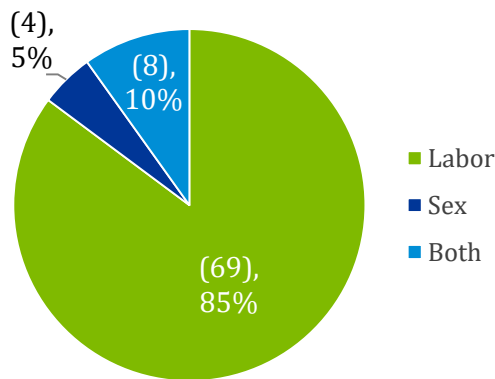


Data source: Colorado data were obtained from the two Colorado-based grantees of the U.S. DOJ/OVC Human Trafficking Service Grant.

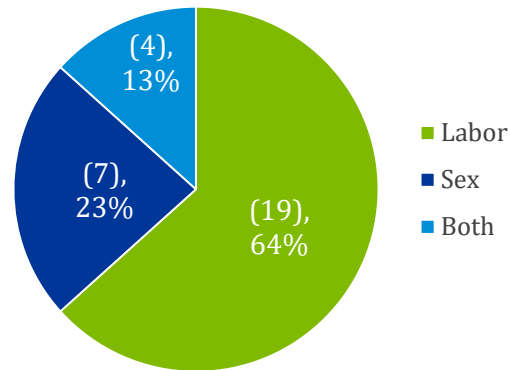
As Figure 9 reflects, both Colorado OVC grantees reported serving more labor than sex trafficking survivors for FFY 2018. This continues the trend from previous years, in which the grantees consistently report that they provided services to a higher number of labor trafficking clients than sex trafficking clients. In FFY 2017, there was a significant increase in the number of survivors of sex trafficking served by one of the grantees. However, this trend did not continue during FFY 2018.

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

Organization 1



Organization 2



Data Source: Colorado data were obtained from the two Colorado-based grantees of the U.S. DOJ/OVC Human Trafficking Service Grant.

## Role of Colorado Counties' Departments of Human Services (CDHS) in Identifying Human Trafficking of Children/Youth

In 2014, the U.S. Congress passed the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183). With its passage came new requirements and responsibilities for child welfare agencies nationwide. Among them is the use of tools to better identify child/youth who are at high risk for human trafficking within child welfare systems, and new responsibilities to: 1) report allegations of the sexual servitude of a minor to law enforcement, 2) document and annually report to the federal government on the number of victims the agency identified, and 3) develop protocols and practices to serve trafficked children/youth within the agency's care, including a method of locating and responding to children who run away from foster care.

At the state level, Colorado passed HB 16-1224 in 2016, which expanded the definition of child abuse and neglect to include subjection to human trafficking of a minor for sexual servitude and commercial sexual exploitation of children. It mandated an immediate response of social service provision from county and state departments of human services when a child or youth "has been a victim of intrafamilial, institutional, or third-party abuse or neglect in which he or

she has been subjected to human trafficking of a minor for sexual servitude ... or commercial sexual exploitation of a child.”<sup>15</sup> In addition, this 2016 law requires all county departments of human services to report suspected and identified cases of sexual servitude of a minor to local law enforcement within 24 hours. It also requires the use of a uniform screening tool “to identify children who are victims of human trafficking for sexual servitude or commercial sexual exploitation of a child, or who are at risk of being such victims.”<sup>16</sup> The Colorado Department of Human Services opted to have all counties use a uniform tool, the Colorado High-Risk Victim Identification Tool (HRV) in order to meet this aspect of the law. The provisions of this law went into effect on January 1, 2017.<sup>17</sup>

As a recipient of the DOJ/OVC Improving Outcomes for Child Youth Victims of Human Trafficking grant, CDHS provides additional support to build human trafficking service capacity in target regions of the state and to bolster CDHS’s human trafficking data collection activities. As part of this grant, CDHS and Colorado Department of Public Safety (CDPS)/Division of Criminal Justice (DCJ) formed a partnership to track and report on child welfare-based human trafficking data. As a result of this partnership, the Council’s report includes child welfare information on human trafficking identification and response efforts for a second consecutive year.

As was noted in last year’s report, CDHS’s child welfare case management system, TRAILS, is still in the midst of a technology modernization process that affects the ease with which child welfare case workers can access and submit data on assessments and the HRV tool. These factors resulted in gaps in human trafficking data collection within TRAILS. The Council expects that with each passing year, as the TRAILS modernization process is completed and counties have the opportunity to implement federal and state human trafficking-related requirements, data collected will likely be more comprehensive and accurate. In addition to the modernization of TRAILS, county staff must be trained on how to identify, investigate, and respond to cases of human trafficking. CDHS continues to focus on its efforts on writing rules, developing guidance, and providing training for child welfare workers. As with the TRAILS

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<sup>15</sup> Action upon report of intrafamilial, institutional or third-party abuse, C.R.S. § 19-3-308(4)(c).

<sup>16</sup> Concerning Child Abuse Involving Human Trafficking of Minors Act, HB16-1224 (2016).

<sup>17</sup> Ibid.

system modification, the Council expects that as child welfare workers become more familiar with trafficking, data reporting will become more robust and accurate.

According to available data, in CY 2018 CDHS received 302 referrals of child abuse and/or neglect that reference sex trafficking. These references to sex trafficking do not necessarily constitute allegations of sex trafficking but rather relate to a concern raised as part of the referral of child abuse and/or neglect. In CY 2018, the count for these types of referrals was up slightly from 273 in CY 2017. After CDHS receives a referral for child abuse and/or neglect, the initial information is screened to determine whether counties have jurisdiction to further assess. Each referral is sent to the relevant county's human services agency, where a "RED<sup>18</sup> team," a cross section of agency workers and supervisors, reviews referrals received from the previous day. Based on the evaluation of the RED team, a referral will be either accepted for assessment or screened out, based on legal criteria.

In CY 2018, of the 302 referrals with a concern related to sex trafficking of a minor received by the hotline, only 94 met the criteria to be accepted for assessment by the county child welfare agency in the jurisdiction where the child or youth resided, after review by a RED team. The primary concern of these 94 assessments accepted at the county level was sex trafficking of a minor. It should be noted that the number of situations that were accepted for assessment in 2018 declined from 117 in 2017. CDHS defines an "assessment"<sup>19</sup> as "the work conducted by a case worker to engage the family and the community to gather information to identify the safety, risks, needs and strengths of a child, youth, family, and community to determine the actions needed." The term "assessment" is interchangeable with the term "investigation."<sup>20</sup> Of the 94 sex trafficking referrals accepted for assessment, 10 were substantiated (founded) for sex trafficking while half of the remainder were closed with no findings, and the rest were determined to be inconclusive.

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<sup>18</sup> RED is an acronym for Review, Evaluate, and Direct. The RED team is a group decision-making process that utilizes the framework and agency response guide to determine county department response to referrals. Defined in: Colorado Secretary of State's Code of Regulations, *Department of Human Services' Social Services Rules: Overview of Child Welfare Services*, 12 CCR 2509-1 (Denver: Colorado Secretary of State), effective January 1, 2016, p. 55, accessed November 11, 2019, <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=7344&fileName=12%20CCR%202509-1>.

<sup>19</sup> Colorado Secretary of State's Code of Regulations, p. 47.

<sup>20</sup> "Assessment" and "investigation," as used in Sections 19-3-308 - 19-3-308.5, C.R.S., are interchangeable in these rules as defined in Colorado Secretary of State's Code of Regulations, p. 47.

At times, referrals are investigated for allegations<sup>21</sup> that are not initially identified as sex trafficking situations but during the course of the investigation, they are determined to be instances of sex trafficking. For example, a child who is investigated due to another form of abuse or neglect, such as truancy, may later be determined to be a victim of human trafficking. In CY 2018, 42 assessments initially identified as other forms of abuse/neglect or that presented multiple forms of abuse/neglect revealed at least one allegation of sex trafficking as compared to 60 cases with at least one allegation of sex trafficking in 2017. These 42 assessments included a total of 45 clients, as a few of the assessments had more than one client assessed specifically for sex trafficking. CDHS collects race and ethnicity data separately, and it therefore will be presented separately in this report. In CY 2018, the majority of the 45 youth (91%) for whom an assessment was conducted identified as female and 56% identified ethnically as Latino.<sup>22</sup>

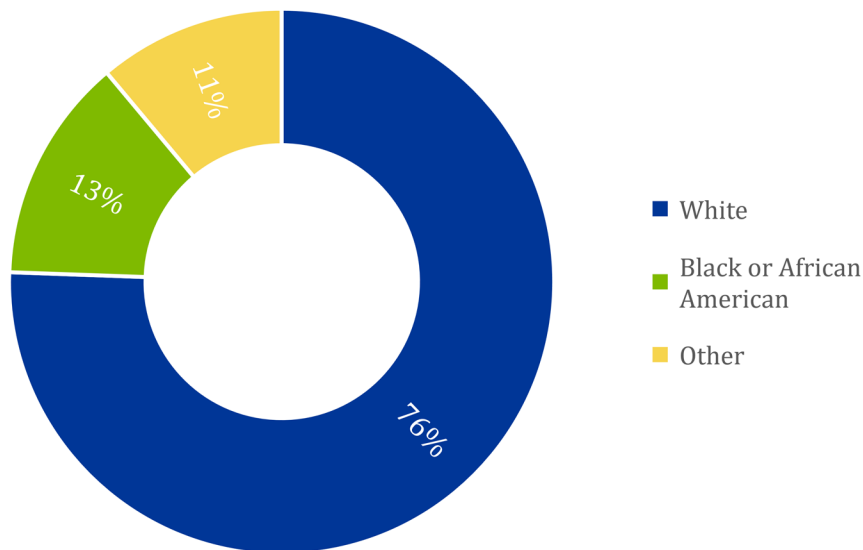
Figure 10 provides a breakdown exclusively by race of children and youth for whom an assessment of sex trafficking was carried out. Also, to ensure the privacy of CDHS youth, the agency only releases demographic and other descriptive information if the total client count for a given factor is greater than five. As noted in Figure 10 containing race data, the term “other” can be masking a category if the category is equal to or less than five clients, or masking multiple categories if their combined totals are equal to or less than five.

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<sup>21</sup> An allegation is a claim made by a reporting party that an instance of child abuse or neglect has occurred.

<sup>22</sup> Data source: Colorado Department of Human Services.

**Figure 10: Breakdown by Race of Children and Youth for Whom an Assessment with an Allegation of Sex Trafficking Was Carried Out, CY 2018**



Data source: Colorado Department of Human Services.

Table 11 provides a breakdown of the type of entity that initially reported the allegation of sex trafficking to CDHS. This refers to the number of assessments, not the total number of clients. As noted in the table, the miscellaneous category of “other” was the largest source of referrals, with 19 (e.g., sources other than county case workers, school personnel, parents/caregivers, or the other named categories in the table), followed by law enforcement at 11, then health/behavioral health providers and service providers, each at six.

<b>Table 11: Source of Report for Allegation of Minor Sex Trafficking, CY 2018</b>		
Reporter Type (Sex Trafficking Assessments Only)	Assess Count	%
Other	19	46%
Law Enforcement	11	26%
Health/Behavioral Health	6	14%
Service Provider	6	14%
<b>TOTAL</b>	<b>42</b>	<b>100%</b>

Data source: Colorado Department of Human Services.

CDHS data also indicated that the majority of assessments took place in the 10 large counties in Colorado.<sup>23</sup>

<sup>23</sup> A list of counties by size category can be found in Appendix 2, p. 112.



The possible outcomes of an assessment by county departments are:

1. **Founded:** “Founded means that the abuse and/or neglect assessment established by a preponderance of the evidence that an incident(s) of abuse and/or neglect occurred. ‘Founded’ can also be utilized in a referral when there is a law enforcement fatality investigation with no surviving child sibling, or a law enforcement investigation of a third party incident of abuse and/or neglect. ‘Founded’ and ‘confirmed,’ as used in C.R.S. 19-3-308 - 308.5, are interchangeable in these rules.”<sup>24</sup>
2. **Unfounded:** “Unfounded means that the abuse and/or neglect assessment established that there is clear evidence that no incident of abuse and/or neglect occurred.”<sup>25</sup>
3. **Inconclusive:** “Inconclusive means that the abuse and/or neglect assessment established that there was some likelihood that an incident(s) of abuse and/or neglect occurred but assessment could not obtain the evidence necessary to make a founded finding.”<sup>26</sup>
4. **FAR:** “Family Assessment Response (FAR) means that the differential response track is established for low and moderate risk situations where no finding of abuse and/or neglect is made.”<sup>27</sup> There are no findings associated with an assessment that has a FAR outcome.
5. **Program Area 4 (PA4):** Program for Youth in Conflict is when “services are provided to reduce or eliminate conflicts between a child/youth and their family members, which may include the community, when those conflicts affect the child/youth's well-being, the normal functioning of the family or the well-being of the community. The focus of services shall be on alleviating conflicts, protecting the child/youth, family, and the community, re-establishing family stability, and/or assisting the youth to emancipate successfully. Target groups for PA4 are children and youth who are beyond the control of their parents or guardians; and, children and youth whose behavior is such that there is a likelihood that they may cause harm to

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<sup>24</sup> Colorado Secretary of State’s Code of Regulations, pp. 51.

<sup>25</sup> Ibid., p. 57.

<sup>26</sup> Ibid., p. 52.

<sup>27</sup> Ibid., p. 51.

themselves or others who have committed acts that could cause them to be adjudicated a delinquent child by the court.”<sup>28</sup> There are no findings associated with an assessment that has a PA4 outcome.

Table 12 presents the outcomes of the 45 individuals included in 42 assessments with at least one allegation of sex trafficking. Unlike in 2017 when 13% of the assessments resulted in a founded outcome of sex trafficking, in 2018, there were either no assessments determined to be founded or no assessments with a reportable finding because the outcome count was equal to or less than five. Of the 45 assessments based on an allegation of sex trafficking, 25 (56%) were unfounded, and 10 (22%) were determined to be inconclusive. The other possible outcomes of these assessments—founded, FAR, and PA4—all had outcomes with counts equal to or less than five. As previously noted, CDHS does not provide specified data when it represents a count of five or fewer. While the data in Table 12 indicates that there were no founded assessments, it is still possible that some of the other assessment findings have a situation of sex trafficking. For example, if an assessment received an inconclusive finding, it could be a situation of sex trafficking, but there was not enough evidence to reach the level of a “finding,” especially given that findings need to be determined within 60 days. In addition, outcomes of PA4 and FAR do not receive a “finding,” as these are mechanisms to address cases by providing services and working with families and clients. This does not necessarily mean that the situation did not involve a situation of sex trafficking. Finally, if the case worker was unable to locate the client, there is no way of making a determination regarding the allegation of sex trafficking because the assessment cannot be completed.

<b>Table 12: Outcome of Assessments with an Allegation of Sex Trafficking of a Minor, CY 2018</b>	
Trafficking Allegation Finding	Count
Founded	*
Unfounded	25
Inconclusive	10
FAR	*
PA4	*
<b>TOTAL</b>	<b>45</b>

Data source: Colorado Department of Human Services. \* Denotes count equal to or less than 5.

<sup>28</sup> Ibid., p. 46.

Another data point related to human trafficking that CDHS tracks is the number of times the HRV tool<sup>29</sup> was used. The HRV tool screens for risk factors that apply to children and youth who are vulnerable to human trafficking. Counties are required to complete an HRV tool:

1. if at any point during the referral, assessment, or life of a case, a county department has reason to believe that a child/youth is or may be a victim of sex trafficking; and
2. if at any time a child in the custody of the state runs away from care and is subsequently returned/ recovered.

The HRV tool is not prescriptive in nature but instead helps to identify areas of risk, allowing each county to utilize its resources to address the concerns raised by the tool. It is “intended to be used to supplement comprehensive screening, assessment and/or intake processes ... [but the] presence of multiple indicators on the checklist ... does not confirm trafficking/ victimization.” In order to address the children/youth who were identified through the tool as high risk, several counties created (or are in the process of creating) multi-disciplinary teams (MDTs). These MDTs conduct case reviews of the children/youth identified as high risk and develop individualized plans to address those concerns. In total, CDHS recorded 279 uses of the screening tool, involving 214 unique clients, up from 151 uses and 139 unique clients in 2017. It should be noted that the count of 279 is exclusive of when the tool was used with a child welfare-involved child/youth and does not include screenings conducted by the Division of Youth Services. Available data does not provide information on the outcome of the screen, only that it was conducted. Table 13 provides a breakdown of how many times each of the 214 unique clients were screened utilizing the HRV tool in 2018. As the table indicates, the majority of clients (79%) were screened with the tool once, while 21% were screened utilizing the tool twice or more.

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<sup>29</sup> Colorado High-Risk Victim Identification Tool. See Appendix 3 on pp. 113-115.

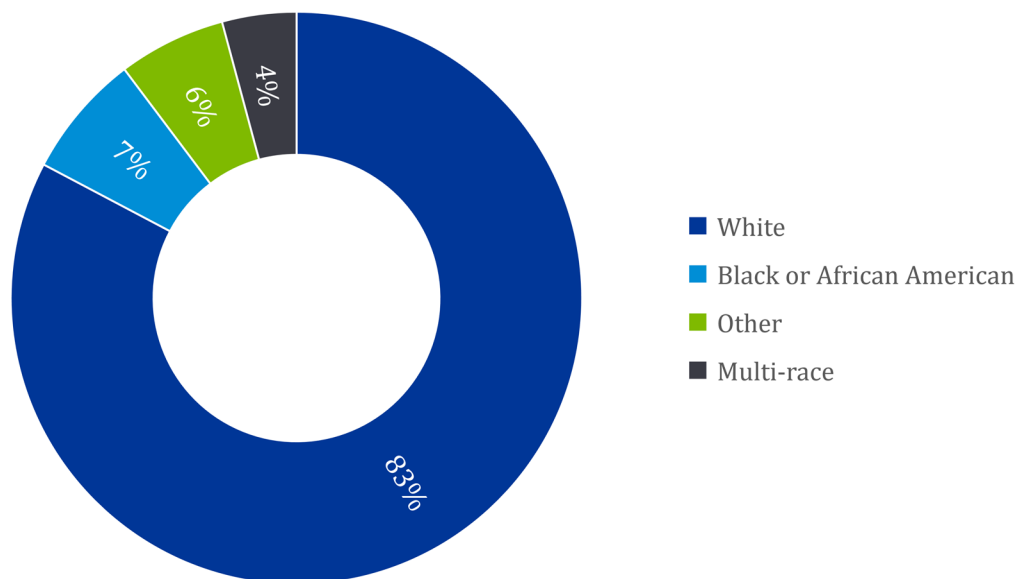
<b>Table 13: HRV Tool Count Per Client</b>		
Count Per Client	Client Count	%
1 Screening	170	79%
2 Screenings	30	14%
3+ Screenings	14	7%
<b>TOTAL</b>	<b>214</b>	<b>100%</b>

Data Source: Colorado Department of Human Services

Of the 214 unique clients screened using the HRV tool, 38% identified as Latino. Figure 11 below provides a breakdown of HRV tool implementation by race of the children/youth within Colorado’s child welfare system. Figure 12 provides a breakdown by gender, and Figure 13 provides a breakdown by age.

As the data shows, the largest group of those screened using the HRV tool were: white, at 177 (or 83%); black or African American, at 15 (or 7%); other, at 13 (or 6%); and multi-racial, at 9 (4%).

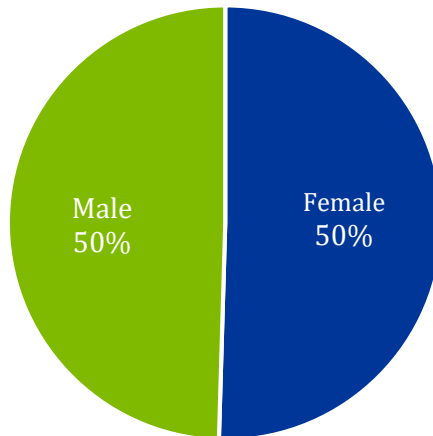
**Figure 11: Breakdown by Race of Children/Youth Screened with the HRV Tool, CY 2018**



Data source: Colorado Department of Human Services.

As Figure 12 shows, the gender breakdown of the children/youth who were screened with the HRV tool was roughly even: 108 were female (or 50%), and 109 were male (or 50%).

**Figure 12: Breakdown by Gender of Children/Youth Screened with the HRV Tool, CY 2018**



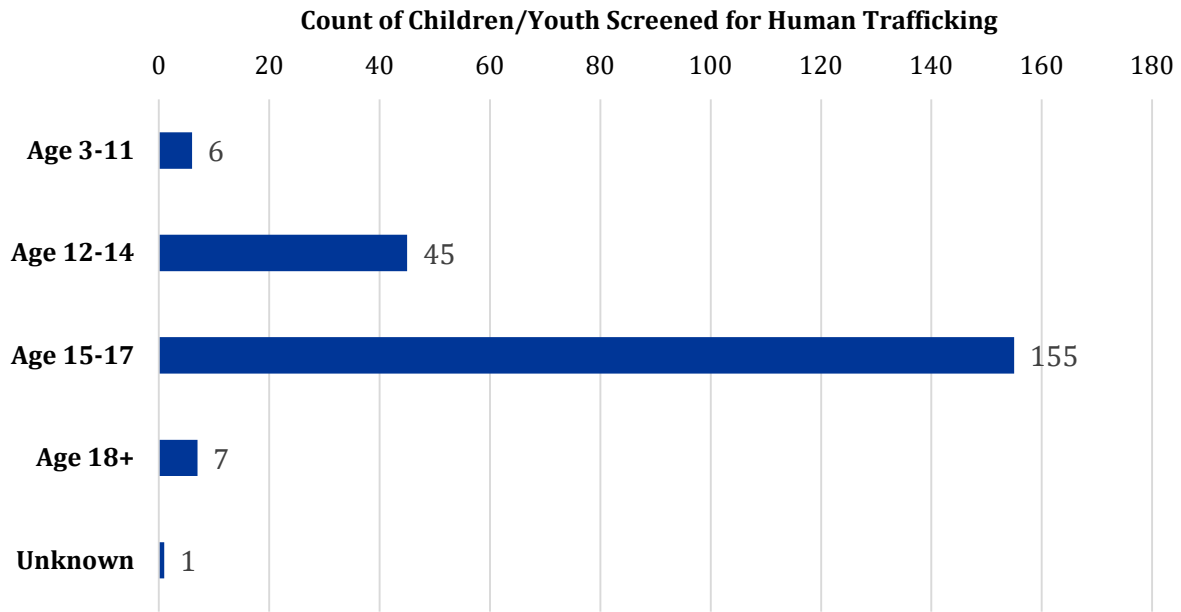
Data source: Colorado Department of Human Services.

As Figure 13 shows, the vast majority of those who were screened with the HRV tool were 15 to 17 years of age, followed by the 12-to-14 age group. Under certain circumstances, the Division of Child Welfare (DCW) may maintain custody and/or work with youth between the ages of 18 and 21.<sup>30</sup> County workers are required to screen this population for trafficking using the HRV tool if they meet the criteria outlined on p. 43. This information is reflected in Figure 13: Breakdown by age of children screened for human trafficking.

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<sup>30</sup>Youth between the ages of 18 and 21 are aging out of care. Services are primarily offered through the Chaffee/Independent Living program.

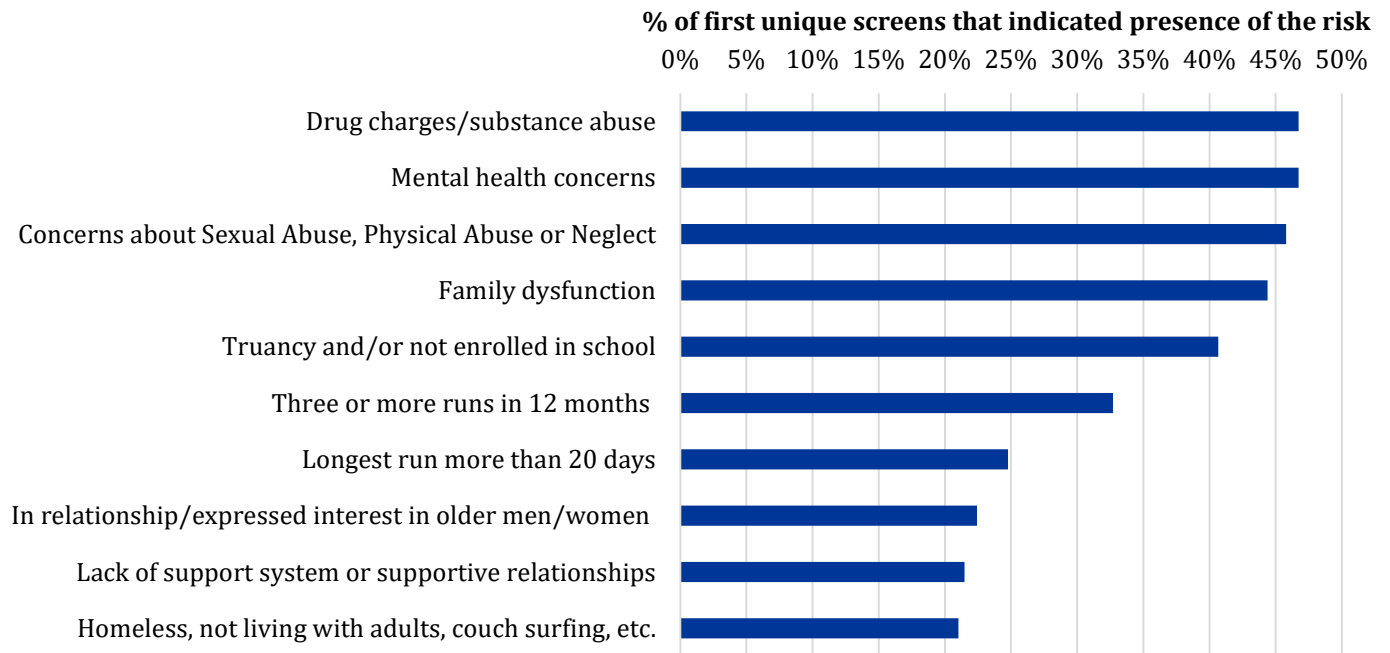
**Figure 13: Breakdown by Age of Children/Youth Screened with the HRV Tool, CY 2018**



Data source: Colorado Department of Human Services.

Figure 14 illustrates the top 10 risk factors from the HRV tool, in order from the highest percentage of the presence of the listed risk to the lowest. These numbers represent the percentage of total unique clients that had an indication of the presence of a risk during their first unique screen. The total number of unique clients screened was 214.

**Figure 14: Top 10 Risk Factors Identified Using the HRV Tool, CY 2018**



Data source: Colorado Department of Human Services.

Overall, the 2018 CDHS data demonstrates that there was an increase in information received about potential human trafficking and the overall use of the HRV tool. Meanwhile, there were fewer situations that met the threshold for assessment. The Council will continue to closely track CDHS data and will seek to identify potential trends in the data over time.

## 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. Calls to these hotlines come from concerned citizens, frontline professionals, victims of human trafficking, and those who are vulnerable to human trafficking or are experiencing some level of exploitation that has yet to meet the definition of human trafficking. The National Human Trafficking Hotline (NHTH) administered by Polaris (based in Washington, DC) tracks information about the contacts it receives nationwide as well as those related to Colorado. Over the past three years, the term “contacts” has included different methods of communication for reaching NHTH, as new ways to reach the NHTH were introduced, including texting and webchats. In 2018, “contacts” to NHTH included phone calls, text messages, webchats, webforms, and emails, while in 2016 and 2017, “contacts” included three modes of communication: phone calls, webforms,

and emails. NHTH reported an increase in contacts from 33,894 contacts in CY 2017 to 41,088 contacts in CY 2018 (see Table 14). Likewise, in CY 2018, the number of total contacts to the NHTH involving Colorado increased to 554 contacts in CY 2018, from 492 in CY 2017. Because additional methods of reaching the NHTH were added for 2018, it was not possible to determine whether the increase from 2017 to 2018 was due to increased reporting of situations of human trafficking or to the addition of texts and webchats as a means of reaching the NHTH.

NHTH defines “situations of human trafficking” as potential situations of human trafficking reported that may “involve one or more potential victims of trafficking.”<sup>31</sup> Of the contacts received by NHTH that reference Colorado, NHTH reported 178 situations of human trafficking in CY 2018, an increase from 116 situations of human trafficking reported in CY 2017. As in years past, the majority of situations of human trafficking reported to the NHTH at both the national and Colorado levels involved alleged sex trafficking. It should be noted that while this report employs the term “situation of human trafficking” as it relates to data from NHTH, these situations may or may not result in a law enforcement report and/or confirmation of a human trafficking case.

The Colorado Network to End Human Trafficking (CoNEHT) hotline is a state-level hotline currently administered by the Laboratory to Combat Human Trafficking (LCHT). In 2018, CoNEHT reported a steady increase in calls and unique callers: 608 calls and 451 unique callers in CY 2018, up from 423 calls and 251 unique callers in CY 2017. In CY 2018, of the 451 unique calls, CoNEHT reported 15 calls referencing possible labor trafficking and 71 calls referencing possible sex trafficking, while 11 calls indicated both labor and sex trafficking. CoNEHT’s protocol is to indicate labor or sex trafficking only when the distinction is made by the caller.

LCHT also reported that 25% of the unique calls came from unique victims/survivors, a positive indication that individuals may be more likely than in the past to self-identify and report their situations. 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 because of the

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<sup>31</sup> “National Human Trafficking Hotline-States,” Polaris (Washington, DC), accessed November 13, 2019, <https://humantraffickinghotline.org/states>.



high potential for duplication in contacts between the two hotlines. The two hotlines do have a protocol for making referrals to each other.

<b>Table 14: Human Trafficking Hotline Call Data, CY 2016–2018</b>						
National Human Trafficking Hotline						
	2016		2017		2018	
	National	Colorado	National	Colorado	National	Colorado
Total Number of Contacts*	32,152	603	33,894	492	41,088	554
Total Number of Situations of Human Trafficking Reported**, ***	<b>7,748</b> situations of HT reported, of which <b>5,678</b> ST, <b>1,072</b> LT, <b>279</b> both, and <b>719</b> not specified	<b>129</b> situations of HT reported, of which <b>91</b> ST, <b>22</b> LT, <b>7</b> both, and <b>9</b> not specified	<b>8,773</b> situations of HT reported, of which <b>6,261</b> ST, <b>1,276</b> LT, <b>396</b> both, and <b>840</b> not specified	<b>116</b> situations of HT reported, of which <b>82</b> ST, <b>22</b> LT, <b>4</b> both, and <b>8</b> not specified	<b>10,949</b> situations of HT reported, of which <b>7,859</b> ST, <b>1,249</b> LT, <b>639</b> both, and <b>1,202</b> not specified	<b>178</b> situations of HT reported, of which <b>127</b> ST, <b>23</b> LT, <b>14</b> both, and <b>14</b> not specified
Colorado Network to End Human Trafficking (CoNEHT) Hotline						
	2016		2017		2018	
	Colorado		Colorado		Colorado	
Total Number of Calls	310 (194 unique callers)		423 (251 unique callers)		608 (451 unique callers)	
Types of Human Trafficking Reported by Unique Callers****, *****	<b>129</b> involved indicators of sex trafficking, <b>22</b> involved indicators of labor trafficking, and <b>18</b> involved indicators of both		<b>76</b> involved indicators of sex trafficking, <b>21</b> involved indicators of labor trafficking, and <b>11</b> indicated both		<b>71</b> involved indicators of sex trafficking, <b>15</b> involved indicators of labor trafficking, and <b>11</b> indicated 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.

\* Contacts in 2018 included phone calls, texts, webchats, webforms, and emails. In 2017 and 2016, contacts included phone calls, webforms, and emails. Previously, the Council reported the “Total Number of Substantive Calls.” The Council updated this table to reflect updated data, changes to data collection methods, and terminology provided by NHTH.

\*\* NHTH reports this data point as cases, which are defined as: situations of human trafficking, which may involve more than one victim. Previously, the Council reported “Total Number of Unique Tips.” The Council updated this table to reflect updated data, changes to data collection methods, and terminology provided by NHTH.

\*\*\* HT indicates 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 was involved.

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

## Colorado Data Collection Summary

In 2018, the number of investigative activities in Colorado varied depending on the agency, but overall continued to focus on sex trafficking investigations. Investigations conducted by the RMILTF decreased from 167 in CY 2017 to 118 in CY 2018. In contrast, investigations conducted by HSI increased during 2018 from 14 in CY 2017 to 34 in CY 2018. It is important to note that in 2018, the activities of the RMILTF and CTOCC merged under the Child

Exploitation and Human Trafficking Task Force (CEHTTF). While the priority of this renamed task force will be on domestic minor sex-trafficking cases, its members will also handle human trafficking cases involving adults and international victims of both labor and sex trafficking. The U.S. Attorney's Office in the District of Colorado reported two indictments during FFY 2018. At the state level, 32 state criminal cases were filed and 3 cases received human trafficking convictions in 2018.

Both service providers funded by OVC grants reported serving more foreign national clients than U.S. citizen and legal permanent residents for FFY 2018. As a note, nationally the trend is reversed; OVC grantees reported serving more U.S. citizens and legal permanent residents than foreign national clients. Additionally, OVC grantees in Colorado also served more labor trafficking survivors than sex trafficking survivors, which continues the trend from previous years.

In CY 2018, 42 assessments were completed with at least one allegation of sex trafficking. These 42 assessments included a total of 45 clients, as a few of the assessments had more than one client assessed specifically for sex trafficking. Of the 45 assessments, 25 were unfounded and 10 were determined to be inconclusive. The other 10 assessments were either founded or had an outcome of FAR or PA4. However, CDHS does not provide specified data when it represents a count of five or fewer.

Both the National Human Trafficking Hotline and Colorado Network to End Human Trafficking hotline reported increases in the number of contacts or calls received in CY 2018. In addition, both hotlines reported receiving more contacts or calls related to sex trafficking than labor trafficking, when disclosed by the reporter.

The data collected by the Council in 2018 indicates that stakeholders in Colorado continue to identify victims of human trafficking, prosecute potential traffickers, and provide essential services to victims and survivors. Of note is that there is still a strong focus from law enforcement on sex trafficking, while federally funded service providers report a higher number of labor trafficking survivors under their case management.

## 2019 Service Provider Study

In addition to the Council's data collection efforts, it also conducts original research and analysis to provide more context and address gaps in information. In 2015, the Council conducted a study to better understand the efforts of law enforcement investigators, specifically to document the populations of trafficked persons that investigators were identifying, as well as the successes and challenges of anti-trafficking case work from the perspective of investigators. In 2017, the Council conducted a study of prosecutors and prosecution activities related to human trafficking.

In 2019, the Council focused its research efforts on service provision in the state.<sup>32</sup> The goal of this study was to gain an accurate picture of how victims and survivors in the state access services and the different types of service providers addressing victim and survivor needs. This provides valuable insight for the public and lawmakers about how this work is accomplished and which victims may be underserved by the state's current service landscape. In addition, as a follow up to the 2016–2017 Colorado Prosecution study, this research documented the perspectives of service providers on why cooperation between victims and prosecutors is perceived as a challenge for prosecuting human trafficking cases.

This study also aimed to meet the Council's mandate to collect data on the incidence of human trafficking and to communicate the status of statewide efforts to serve and meet the needs of survivors. In addition, this study can help contextualize the challenges of "counting" the victim population in the state, including when, why, and how some individuals do not make it into the official count of human trafficking incidence.

Although the legislature did not explicitly include research with service providers in their mandate, service providers play a critical role in the state's collective efforts to combat human trafficking, especially in terms of helping victims and survivors achieve restorative justice.<sup>33</sup>

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<sup>32</sup> DCJ staff obtained Institutional Review Board (IRB) approval from the University of Southern Maine using an expedited review procedure per Title 45 CFR Part 46.110 to conduct this study. The IRB protocol number is 19-06-1300.

<sup>33</sup> Restorative justice is "an approach to achieving justice through voluntary and cooperative processes that include those who have a stake in a specific offense. These approaches create opportunities for empowerment of crime victims to identify their own needs and requirements for justice, and those who have harmed have an opportunity to take action to repair the harm caused by criminal behavior." "Glossary," Office of Justice Programs, Office for Victims of Crime, <https://www.ovc.gov/model-standards/glossary.html>.

## Methodology

The Council developed the following research questions for the study with service providers:

1. Which communities of human trafficking victims/survivors do Colorado service providers currently reach?
2. What are the primary referral pathways to human trafficking services for survivors?
3. How do service providers identify human trafficking survivor needs?
4. What do the service providers identify as the strengths and gaps in their efforts to serve human trafficking survivors?

Service providers selected for the study were Colorado-based providers offering human trafficking service provision. For the purpose of this study, human trafficking service provision is defined as a practice in which the service professional works with human trafficking victims/survivors to assess needs, define service outcomes, obtain services and treatment, and mitigate crises.<sup>34</sup> Participating organizations either have a specific program within their agency to provide services to victims/survivors of human trafficking—and take a holistic view of service provision, or the entire organization is dedicated to providing services to human trafficking survivors. In addition, these service providers represent a geographic diversity in the state. Due to DCJ staffing limitations, time constrictions, and the selection criteria, a sample size of six to eight service providers was determined for the study. A total of seven service providers participated in the study.

Two methods of data collection were utilized for this study. First, an online questionnaire was administered to seven service providers selected to participate in the study (see Appendix 4, Service Provider Survey Pre-Questionnaire). This pre-interview questionnaire was administered from June 17 to July 2, 2019, and had a response rate of 100% (n=7). The questionnaire included questions about the respondent's professional experience, the populations and geographic regions served by the organization, characteristics of the human

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<sup>34</sup> Definition is derived from the National Association of Case Management definition of "case management" and content from Heather J. Clawson and Nicole Dutch, "Case Management and the Victim of Human Trafficking: A Critical Service for Client Success," Office of the Assistant Secretary for Planning and Evaluation, Washington, DC: U.S. Department of Health & Human Services, June 9, 2008, 2, accessed November 13, 2019, <https://aspe.hhs.gov/report/case-management-and-victim-human-trafficking-critical-service-client-success>.

trafficking clients served, length of time of cases, and the source of referrals to the service provider.

Prior to the in-person interviews, the Council's Data and Research Task Force (DRTF) reviewed and provided feedback on the interview guide, which was utilized by the DCJ's staff to administer the interviews (see Appendix 5, Service Provider Interview Guide).

DCJ staff conducted in-person semi-structured interviews with service providers utilizing the interview guide. The interviewees were either frontline staff or directors from the service provider organization. Interviews were conducted from June 20 to July 1, 2019.

## Study Limitations

This study, by design, only included seven service providers. This was due to both the purpose of the study and resource limitations. Consequently, the results from the online questionnaire and interviews only provide a snapshot of service provision to victims and survivors in the state of Colorado. It is important to note that the results of this study are not intended to be generalizable. Additionally, the service provider agencies vary in the types of services they provide, the clients they serve, and geographical scope. The respondents from the service provider organizations also hold different roles within their organizations. Therefore, this study represents multiple perspectives from individuals with different levels of interaction with survivors and may not be representative of the service provider field in Colorado as a whole.

## Findings

*Which communities of human trafficking victims/survivors do Colorado service providers currently reach?*

In the pre-interview questionnaire, service providers were asked about the populations eligible for their services that they were also equipped to serve. Table 15 demonstrates which populations of survivors are eligible for services and which may experience gaps in services from the surveyed service providers. Only four out of seven (57%) of the responding service providers reported that individuals with intellectual or cognitive disabilities can access services through their organizations. In addition, only five of seven service providers reported that they were equipped to serve individuals with physical disabilities, male-identified

individuals, transgender individuals or labor trafficking victims, or individuals whose primary language is not English. In terms of geographic coverage, four of seven service providers reported that their agency does not serve a specific geographic area, and three of seven reported that they do cover a specific region, but each of those agencies reported serving the entire state of Colorado.

<b>Table 15: Populations Eligible for Services/Populations Service Providers are Equipped to Serve (n=7)</b>	
Percentage of service providers providing services to the populations listed	
Suspected victims of trafficking	100%
Confirmed victims of trafficking	100%
U.S. citizen/legal permanent residence holders	100%
Individuals for whom English <i>is</i> the primary language spoken	100%
Sex trafficking victims	100%
Female-identified individuals	100%
Racial and/or ethnically marginalized populations	100%
Individuals experiencing homelessness	100%
Heterosexual individuals	100%
Lesbian, gay, bisexual, queer, or asexual identifying populations	100%
Adults	86%
Minors	86%
Foreign nationals	86%
Individuals facing or convicted of criminal charges	86%
Individuals with substance use challenges	86%
Individuals for whom English <i>is not</i> the primary language spoken	71%
Labor trafficking victims	71%
Both sex and labor trafficking victims	71%
Male-identified individuals	71%
Transgender, gender non-conforming, and/or non-binary individuals	71%
Individuals with physical disabilities	71%
Individuals with intellectual or cognitive disabilities	57%

*What are the primary referral pathways to human trafficking services for survivors?*

During interviews, service providers reported receiving referrals from a variety of government, nonprofit organizations, and social services agencies. These included: CDHS, law enforcement, district attorneys, self-referrals, the National Human Trafficking Hotline, CoNEHT hotline, other crisis lines, social workers, legal and other service providers, word of mouth, and other

survivors. One service provider also reported receiving clients through their own outreach efforts.

Data on the source of referrals of trafficking clients to the service providers interviewed was also collected during the pre-interview questionnaire. Service providers were asked to rank the source of referrals for their trafficking clients from most common to least common (most common=1; least common=12). Table 16 includes the top sources of referral reported by service providers, ranked from most common to least common.

As the data indicates, the service providers that participated in the study indicated that clients were most commonly referred to them by legal service providers, law enforcement, and NGO partners. It is interesting to note that the second most common source of referral reported was law enforcement. This finding indicates a strong level of cooperation between law enforcement and service providers when it comes to service provision, despite other perceived challenges related to the relationships between victims and law enforcement.

<b>Table 16: Top Sources of Referrals for Trafficking Clients to the Service Providers (n=6)</b>	
Count of service providers that listed the source as one of the top 3 sources of referral, ranked from most common to least common	
Legal service provider referrals	4
Law enforcement referrals (e.g., local, state, or federal investigators; criminal justice-based victim advocates; prosecutors, etc.)	3
Non-governmental organization partner referrals (non-hotline agencies)	3
Calls or walk-ins to your agency	3
Internal agency referral	1
Department of Human Services referrals (county or state)	1
Hotline calls (e.g., referrals from the CoNEHT hotline, the NHTH, etc.)	1
Other	1

This data was confirmed during the in-person interviews with service providers. Five service providers reported during their interviews that they received client referrals from other service providers, and four reported receiving client referrals from law enforcement or through their own outreach.

*How do service providers identify human trafficking survivor needs?*

Six service providers reported that their organization has a formal screening tool available to screen clients to make a determination of human trafficking. However, five of the six service providers reported that they do not utilize the formal screening tool, and instead implement an informal screening with clients. In addition, the majority of service providers interviewed reported that many of their clients had already been identified as victims of trafficking prior to referral (by CDHS, law enforcement, or other service providers) and therefore did not need to conduct an additional screening for those clients.

Only one interviewee reported using a formal needs assessment. The majority of service providers reported that they employ an informal and client-led approach to identifying client needs. One service provider interviewed described the process as “very client-led and initially very casual,” and another interviewee described it as “one hundred percent client-centered.” Another interviewee stated that he or she “may say [to a client], ‘What’s your number one need? Or what are your top three needs right now?’ What I perceive to be a need may not be a priority to them.” The reported focus on client-specified needs indicates a strong overall trend among the interviewed Colorado service providers for survivor-led service provision.

*What do the service providers identify as the strengths in their efforts to serve human trafficking survivors?*

One of the major strengths reported by most of the interviewed service providers is their focus on trauma-informed service provision. Six service providers described in their interviews their trauma-informed approaches to providing services to clients. Four service providers described that one way in which they implement a trauma-informed model of care involved prioritizing safety and safety plans when they initially encounter a new client. All of the service providers demonstrated this focus through the implementation of informal needs assessments, which indicates their commitment to a survivor-led process. In addition to conducting informal needs assessments, three service providers also explicitly conveyed that another trauma-informed practice they employ is allowing survivors to share their stories on their own terms.

Interviewed service providers described additional competencies in their efforts to provide survivors services. One reported strength was service providers’ ability to provide survivors with warm handoffs to other service providers when making referrals (a total of five of seven).



Warm handoffs are important to the facilitation of a smooth transition for the survivor between providers, helping the survivor feel safe working with a new agency. Another strength noted by four interviewees focused on situations when they were able to participate and support clients with court cases that then led to improved outcomes and facilitated client cooperation with law enforcement.

*What do service providers identify as the gaps or challenges in their efforts and the state's efforts to serve human trafficking survivors?*

As noted above in Table 15, the pre-interview questionnaire identified gaps in the populations that can access services. Specifically, only 57% of respondents reported the capacity to provide services to individuals with intellectual or cognitive disabilities or those with physical disabilities. Additionally, the questionnaire identified that services are not universally available from the participating agencies for the following populations: male-identified individuals, transgender individuals, labor trafficking victims, or individuals whose primary language is not English.

At least three service providers specifically reported challenges in serving Spanish-speaking clients during the follow-up interviews, due to a lack of Spanish speakers on staff. Of these, two noted that this limitation results in the exclusion of Spanish-speaking clients from receiving services at their agency. Additionally, interviewees reported other challenges with serving clients whose primary language is not English. These include the high cost of translation, finding ad hoc language interpretation services in times of crisis, and challenges to identifying appropriate interpreters in small language communities, to preserve privacy and confidentiality.

In interviews by DCJ staff, service providers also reported that collaborations with other stakeholders can be challenging, and the lack of collaboration can be detrimental to efforts to serve the state's human trafficking survivors. One interviewee described that service providers do not see an advantage to collaboration with other stakeholders when they cannot see how their programming or cases would benefit from collaboration. Relatedly, service providers have resource limitations and are typically overstretched, limited, or at capacity. Staff do not have the bandwidth to prioritize collaborations if they do not identify it as beneficial. Additionally, several interviewees cited that confidentiality concerns come into play when it

comes to collaborations; as service providers who work with human trafficking clients, they do not have legal privilege under state law like providers who work with domestic violence or sexual assault clients. As such, service providers are limited in their ability to discuss cases or refer clients, which hinders the ability to collaborate with other stakeholders.

Several service providers reported recent changes to federal policy as bureaucratic challenges to their ability to serve human trafficking survivors. Three service providers reported that changes related to T-visas<sup>35</sup> have created significant obstacles for survivors. One service provider specified that it can take between 17.5 and 34 months for a survivor to receive a T-visa, which was up from the eight months it would take to process a T-visa in the past. The U.S. Department of State reported in its *2019 Trafficking in Persons Report* that “[t]he processing time for T visas was between 16 months to 23.5 months in FY 2018.”<sup>36</sup> Also, interviewees reported an increased reluctance among potential T-visa applicants because recent policy changes mean that if a T-visa was denied, deportation was a possible outcome. One interviewee described how those processing T-visa requests “[are] just scrutinizing applications more. They’re not allowing fee waivers very readily.” Not providing fee waivers creates a significant financial burden for trafficking survivors to obtain legal status.

Two service providers that serve minor clients discussed how the Family First Prevention Services Act has impacted service provision for minors. One interviewee noted that the legislation shortens their time with minor clients and “doesn’t take into account some of these siloed areas that clearly need more time for safety reasons.” Another service provider noted one issue that they encounter with implementation of the legislation is that for housing minors “[t]here still aren’t alternatives” and “there [are] not enough foster homes.”

### *Victim/Survivor Cooperation with Law Enforcement*

Members of the Council, as a follow up to the 2016–2017 Colorado prosecution study, wanted to document service providers’ perspectives on why cooperation between victims and

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<sup>35</sup> A T Non-immigrant Status (T Visa) is set aside for those who are or have been victims of human trafficking and are willing to assist law enforcement in the investigation or prosecution of acts of trafficking. “Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status,” U.S. Citizenship and Immigration Services, last reviewed December 29, 2014, accessed November 11, 2019, <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-human-trafficking-t-nonimmigrant-status>.

<sup>36</sup> *Trafficking in Persons Report*, p. 487.

prosecutors was perceived as a challenge for prosecuting human trafficking cases. Three service providers interviewed cited survivors' distrust of law enforcement, due to previous negative experiences, as a contributing factor to a victim's reduced cooperation with law enforcement. Interviewees also reported survivors' concerns for their safety and the safety of their families or fear of retaliation as a hindrance to cooperation with law enforcement. The majority of service providers also reported that victims/survivors often have different priorities after surviving a situation of human trafficking. Many survivors' motivation is to move on and avoid re-traumatization. Additionally, survivors may have a different vision for achieving justice. One service provider stated that "[h]ow a survivor defines their justice may not be a conviction."

Service providers had several suggestions for improving cooperation between victims/survivors and law enforcement. One suggestion was "to bring in a peer advocate immediately at the point of identification or as close to that as possible," and another was to "have a well-staffed victim assistance presence." Additionally, one service provider stressed the importance of law enforcement building trust with victims/survivors and employing trauma-informed protocols. Specifically, they recommended "giving [victims/survivors] time to get familiar" and "giving them space to start opening up when they are ready."

## Conclusion

While the small size of participants in this study limits the generalizability of the trends found through the research, it does provide some important insights into efforts in Colorado to provide services to victims/survivors of human trafficking. Those interviewed noted that service providers are a strong source for referral for each other and also exhibit promising practices for survivor service provision, including employing trauma-informed care. At the same time, service providers did report several gaps in service provision, including that not all service providers are able to serve Spanish-speaking clients or clients with cognitive and physical disabilities. While interviewees noted several perceived challenges of victims/survivors cooperating with law enforcement, they did recommend several tactics and practical steps that law enforcement could take to improve the likelihood of cooperation and positive outcomes.

## Summary of Recommendations

The following recommendations were derived from the Council's 2019 service provider study and respond to the findings from the study. Specifically, these recommendations discuss next steps to address the findings and improve collaboration in Colorado to more effectively provide services to victims and survivors.

The participants in the service provider study identified several gaps in the services for victims and survivors of human trafficking and service delivery in Colorado (see pp. 57-58). The Council made the following recommendation to provide stakeholders with concrete next steps to address the gaps identified through the study.

### *Recommendation 1:*

*Based on the service provider study and others conducted in Colorado, this report highlighted the gaps in services and gaps in the way services are delivered within the state and invite the engagement of nonprofits, government entities, and other stakeholders to address those gaps by:*

- *Conducting additional research with survivors regarding strengths and gaps in the state and what they perceive as the most pressing needs. Ensure outreach to survivors is representative of underserved populations, including but not limited to, labor, LGBTQI, males, immigrants, and others.*
- *Encouraging future research efforts to take into account geographical differences within Colorado (e.g., rural, suburban, urban, and other).*
- *Consulting with stakeholders addressing the "Protection Recommendations" from the Colorado Project 2.0, which specifically highlight gaps in services for survivors.*

As part of the service provider study, data was collected regarding collaborations between service providers and law enforcement. As a result of the findings from that data, the Council made the following recommendation to improve collaboration between the two groups.

### *Recommendation 2:*

*Stronger relationships between service providers and law enforcement should be fostered by:*

- *Compiling a list of resources and services for multi-disciplinary use (e.g., social services, nonprofits, law enforcement, etc.).*

- *Supporting the creation and utilization of mechanisms to connect service providers and law enforcement when survivors wish to participate in criminal cases.*

Members of the Council, as a follow up to the 2016–2017 Colorado prosecution study, wanted to document service providers' perspectives on why cooperation between victims and prosecutors is perceived as a challenge for prosecuting human trafficking cases. The Council collected data on this topic as part of the service provider study and solicited suggestions for improving working relationships between survivors and law enforcement. The Council made the following recommendation to bridge this perceived gap.

### *Recommendation 3:*

*Convene a series of critical dialogues designed to bridge perspectives of service providers and law enforcement. These facilitated dialogues will promote promising practices in engaging and working with survivors, including, but not limited to, the following ideas:*

- *Regional and local policies and limitations (e.g., law enforcement policies on forensic interviews, service provider confidentiality policies as it relates to disclosure of information to third parties, etc.)*
- *A joint training of service providers and law enforcement on trauma-informed practices and other topics identified by the Council's research. Further recommendations for training include:*
  - *Increase statewide reach by convening the training at an annual statewide conference.*
  - *Build on past successes by presenting case studies of communities where collaboration has been successful and works well for survivors.*

The Council made recommendation four based on previous annual report data regarding law enforcement investigations and arrests, which have focused on sex trafficking over the past few years. The Council had robust discussion about how to address this issue and made this recommendation to enhance law enforcement capacity to address labor trafficking investigations and prosecutions.

Recommendation 4:

*Due to the limited numbers of labor trafficking cases that have been investigated and prosecuted in the state over the last several years, a training program should be developed, informed by subject matter experts, and delivered to law enforcement and prosecution communities on labor trafficking investigations and prosecution.*



## SECTION 3

# Post-Enactment Review of Senate Bill 15-030

### Introduction

In 2015, Senate Bill 15-030 was signed into law. The purpose of this legislation was two-fold:

- Create an affirmative defense for the charge of prostitution (C.R.S. § 18-7-201) at the state level or any corresponding municipal offenses committed on or after July 1, 2015, if the criminal act was found to have been, based on the preponderance of the evidence, committed as a direct result of the person being a victim of human trafficking; and
- Establish a procedure to petition the court, on or after January 1, 2016, to seal (for adults) or expunge (for juveniles) convictions for state or municipal offenses of prostitution committed prior to July 1, 2015.<sup>37</sup>

Additionally, this law required the Colorado Human Trafficking Council to, “on or after January 1, 2019 perform a post-enactment review of 18-7-201.3 [SB15-030] and report its findings to the judiciary committees of the senate and house of representatives, or any successor committees.”<sup>38</sup> Traditionally post-enactment reviews are assigned to the Office of Legislative

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<sup>37</sup> Language derived from Affirmative defense - human trafficking - expungement of record protective order - definitions, C.R.S. § 18-7-201.3. For the complete language of SB15-030, see Appendix 1.

<sup>38</sup> Ibid.

Legal Services (OLLS). In response, OLLS provides guidance to the appropriate agency in order to collect the necessary data for the review. This guidance is derived from C.R.S. § 2-2-1201(2), which outlines a series of questions that helps the legislature understand the use and impact of the legislation:

- Whether the bill has been implemented, in whole or in part;
- If the bill has been implemented in whole or in part, how the bill has been implemented including whether the bill has been implemented in the most efficient and cost-effective manner;
- If the bill has been implemented in part, the reasons why the bill has not been implemented in whole;
- The extent to which the desired results or benefits of the bill, as specified in the legislative declaration of the bill, are being achieved;
- Whether there has been any unintended consequences or problems caused by the implementation of the bill;
- Whether the implementation of the bill has been impeded by any existing state or federal statutes, rules, procedures, or practices;
- Whether any administrative or statutory changes are necessary to improve the implementation of the bill;
- Whether the actual costs of implementing the bill have been within the estimated costs, if any, set forth in the fiscal note for the bill;
- Whether any increase in state funding is necessary to improve the implementation of the bill.<sup>39</sup>

In this instance, the post-enactment review was assigned directly to the Colorado Human Trafficking Council. To honor the pre-established process for these reviews, the Council utilized the same guidance outlined in C.R.S. § 2-2-1201(2) for their review.

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<sup>39</sup> Accountability clauses--post-enactment review of implementation of bills by legislative service agencies--definitions--repeal, C.R.S. § 2-2-1201(2).



## **Post-Enactment Review Limitations and Challenges**

During the Council's data collection efforts to understand how and whether the affirmative defense for prostitution was implemented, the Council found that there is no mechanism for tracking the use of the affirmative defense in the state's judicial database or the case management system utilized by either the District Attorney's Offices or the Office of the State Public Defender (OSPD). Additionally, there is no tracking of human trafficking victimization as the underlying reason for petitioning to seal or expunge prostitution charges and/or convictions (i.e., no flag within the state/county judicial databases). These challenges were compounded by the fact that prostitution is more commonly charged at the municipal level. Since there are no requirements on the part of municipalities to track or report on the use of the affirmative defense, the sheer scale and practical challenges of surveying every Colorado municipality made a comprehensive post-enactment review unattainable. Despite these challenges, what follows is a summary of the Council's post-enactment review findings as they relate to the use of affirmative defense and sealing and expungement petitions filed due to human trafficking victimization.

## **Methodology and Results**

The Council, with the assistance of the OSPD, was able to collect limited quantitative data regarding cases that include a charge of prostitution filed in district court, county court, and juvenile court, along with some qualitative data from the attorneys of record. Data collection that involved charges filed in district court, county court, and juvenile court were limited to cases where the Office of the State Public Defender was appointed. To gain a sense of the implementation of the affirmative defense aspect of the law at the municipal level, Division of Criminal Justice (DCJ) staff conducted a case study review of the use and impact of the affirmative defense in the City and County of Denver. The results of the case study were derived from an interview with Alice L. Norman, Chief Public Defender of the Office of the Municipal Public Defender, City and County of Denver.

### **The Use and Impact of the Affirmative Defense to the Charge of Prostitution**

Quantitative data were retrieved from OSPD's case management database, reflecting all public defender cases that included a charge of prostitution filed in district court, county court, and

juvenile court after the passage of SB15-030, which had an effective date of July 1, 2015. Data was collected through December 31, 2018. It is important to note that there was no mechanism within the OSPD case management database that records/tracks the use of an affirmative defense. The data collection effort resulted in the discovery of 140 cases that included a charge of prostitution filed in district court, county court, and juvenile court. Those 140 cases involved 133 females, eight males, and four where the gender was unknown. Four of the clients were involved in multiple cases.

### *Cases Filed in District Court*

From the query of the database, 51 felony cases were filed in district court containing a charge of prostitution, of which 42 were criminal cases where felony drug possession was also charged. For the nine cases where no drug possession was charged, the additional offenses are listed in the chart below:

<b>Table 17: Additional Offenses Charged along with Prostitution Charge</b>	
Type of Charge	Count
Drug possession	42
Criminal impersonation	2
Assault on a peace officer	1
Aggravated robbery	1
Human trafficking	1
Identity theft	1
Soliciting for a child prostitute	1
Violation of bail bond conditions	1
Unknown	1

Data Source: Office of the State Public Defender

The 51 cases that included a charge of prostitution took place in 10 different counties: Adams (11 cases), Arapahoe (2 cases), Boulder (1 case), Denver (14 cases), El Paso (5 cases), Jefferson (3 cases), Larimer (4 cases), Mesa (1 case), Pueblo (8 cases), and Weld (2 cases). Since the OSPD database does not record/track the use of the affirmative defense, additional qualitative data was sought by sending out emails to attorneys indicated in the case records. In many cases, the attorney was no longer in the system. In other cases, the attorney had limited

memory because the case was opened and then closed shortly thereafter. Therefore, this data cannot be considered complete. However, it does provide some information that could be informative and of some value in assessing the impact of the affirmative defense created with the passage of SB15-030. None of the 51 felony

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*“The DA was more focused on the drug possession charge. There was some evidence that the client’s husband was pimping her out but the client pled to the drug possession.” ~OSPD Attorney*

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cases filed in district court reported that the affirmative defense pursuant to SB15-030 was pled. Attorneys reported that the felony drug charge (which was present in 42 of the 51 cases) meant that the affirmative defense was irrelevant. A handful of attorneys reported that the presence of facts relating to human trafficking led to a disposition/dismissal of the prostitution charge but not of the other charges. One attorney provided this comment regarding a case where the client pled guilty to a prostitution and assault charge,

*“The case resolved with an offer, so affirmative defense was never raised. The fact that the client had previously been trafficked was very much a part of plea negotiations.”*

Another attorney provided this anecdote of a case involving a female client:

*“[The] client was a sad case in XXX because her behaviors were born mostly [out] of economic desperation. There was a ‘drag-net’ operation that X [police department] misguidedly put on, resulting in arrests [of] the most vulnerable people in our community, and that included this client.... The most tragic part about this ... is that the client was found dead in XXX.... She was sweet, patient, smart and a victim of a criminal code that penalizes sex workers and rarely if ever prosecute[s] the solicitors.”*

### *Misdemeanor Cases Filed in County Court*

In addition to the 51 felony cases that were filed in district court, 85 misdemeanor cases were filed in county court. Of those, 32 cases had prostitution only or prostitution and disorderly conduct charges. The remaining 53 cases had a variety of misdemeanor charges also filed. The 85 misdemeanor cases were filed in 15 different counties: Adams (18 cases), Arapahoe (5 cases), Boulder (4 cases), Broomfield (2 cases), Denver (7 cases), Douglas (3 cases), El Paso (11 cases), Jefferson (13 cases), Larimer (6 cases), Mesa (2 cases), Montrose (1 cases), Otero (1

cases), Pueblo (4 cases), Rio Grande (1 cases), Weld (7 cases). Of the 85 misdemeanor cases, there was one case where it was reported that the affirmative defense was pled. The attorney on the case reported that “the case was set for trial and I [the attorney] endorsed the affirmative defense regarding human trafficking. The DA dismissed all of the charges ‘in the interests of justice’ prior to our motions hearing.” One attorney who worked on a misdemeanor case had the following anecdote to share:

*“Our client did not want to have a trial or really anything [to do] with her case because she was so embarrassed. I [the attorney] am not sure how that can become part of the conversation but just the fact that a person who is charged with this might have to go in front of six people and have these details told about them is a significant harm to them. It is a massive deterrent to litigating the case.”*

Another attorney working on a misdemeanor case provided this insight:

*“I do recall that [the] facts of the case suggest[ed] that the client was working for a man who was shuttling her around and taking money from her. I believe that is largely why the case was dismissed.”*

### Cases Filed in Juvenile Court

There were also four juvenile cases that involved a charge of prostitution filed in juvenile court during the time period for this review. Those cases took place in Denver (1 case), El Paso (2 case), and Pueblo (1 case) counties. Out of the four cases filed in juvenile court there was one case where it was reported that the affirmative defense was raised. The attorney on that case provided the following statement regarding the case:

*“I [the attorney] told the DA about the affirmative defense and his response was, ‘she has to have been a victim the DAY she was caught in the sting when the cop met up with her for the blowjob’.... The trial was set and [the defense attorney] endorsed the affirmative defense and filed jury instructions re: the affirmative defense. The DA ultimately dismissed [the case]. And YES ... she was a victim that day and every other day and she continues to be a victim.”*

Based on the data provided by OSPD, it is clear that the affirmative defense for prostitution was raised only a few times since its enactment in July 2015. According to the qualitative data provided by the various attorneys at OSPD, a few reasons were cited: a large number of these

cases included other charges besides prostitution, making it irrelevant to raise the affirmative defense; due to concerns that the client may be a victim of human trafficking, the prosecutor in the case would occasionally dismiss charges, making the affirmative defense unnecessary; and clients would often rather take a plea in order to avoid a trial and raise the affirmative defense.

### *The Use and Impact of the Affirmative Defense at the Municipal Level: A Case Study*

To gain a sense of the use and impact of the affirmative defense at the municipal level, the Council performed a case study review with the City and County of Denver's Office of the Public Defender. Similar to OSPD, the case management database used by the Denver's Office of the Public Defender does not track/record the use of an affirmative defense. Additionally, their database only contains cases that go to trial, resulting in no quantitative data to review. Therefore, the Chief Public Defender, Alice L. Norman reached out to survey attorneys in her office to obtain anecdotal information. Chief Norman reported that the attorneys in her office were aware of the SB15-030 and raised it in negotiations. However, no one reported ever litigating the affirmative defense since its enactment. Attorneys reported that clients have been unwilling to raise the affirmative defense in a trial and would rather take a plea bargain. Without client cooperation, the defense has no way of proving the affirmative defense on behalf of their clients. Finally, the vast majority of cases are pled out, which eliminates any opportunity to utilize the affirmative defense.

### [A Review of Sealing and Expungement Petitions](#)

SB15-030 also established a procedure to petition the court, on or after January 1, 2016, to seal or expunge convictions for state and municipal prostitution offenses committed prior to July 1, 2015. To understand the implementation of this part of the law, DCJ engaged its Office of Research and Statistics to conduct a query of sealing and expungement petitions for prostitution stored within the Judicial Branch's Integrated Colorado Online Network (ICON) information management system. The timeframe for this review was January 1, 2016, through December 31, 2018. It is important to note that Denver County does not participate in the ICON system, thus their cases were not included in this review. The review of the ICON database found seven cases with a prostitution charge that had a petition for sealing or expungement. Three of the cases originated from the 1<sup>st</sup> judicial district, two originated from the 17<sup>th</sup> judicial district, and the remaining two took place in the 4<sup>th</sup> and 10<sup>th</sup> judicial districts.

Five of the seven cases were a sealing petition, and the remaining two were expungement petitions. All but one case involved female defendants. Because ICON does not provide the petition itself, DCJ staff were unable to find out whether the underlying reason for the petition was a result of SB15-030. To gain this information, the case numbers were sent to the Council member representing Colorado District Attorney's Council (CDAC). The CDAC discovered that none of the seven petitions for sealing or expungement were a result of the procedure established by SB15-030.

## **Conclusion and Recommendations**

The post-enactment review of SB15-030 illustrates that its usage was limited and therefore its intended results and benefits were not wholly achieved. Despite the narrow use of the components of SB15-030, it did spur conversations among the legal community and practitioners within the anti-trafficking field about how to best handle issues of criminality that were a direct result of a person's human trafficking experience. SB15-030 was a first step in addressing these concerns with the codification of an affirmative defense specifically related to human trafficking victimization. The major challenges discovered through this review process primarily revolve around the fact that there was no significant benefit to the client to utilize the affirmative defense. Often there were other charges involved, which could not be resolved with the affirmative defense. The data collected suggest that the most common charge filed in conjunction with prostitution was drug possession. In March of 2020, due to the passage of House Bill 19-1263, certain drug possession charges will be reclassified from a felony charge to a misdemeanor. This reclassification may result in an increased use of the affirmative defense in the future. In some cases, there was stigma, shame, or fear of retribution involved in raising the affirmative defense at a trial. It was also reported that in many cases a plea deal was offered, resulting in no need or opportunity to utilize the affirmative defense.

The lessons learned from SB15-030's limited implementation can help inform policy makers in the future. In fact, in 2019 the General Assembly took the next step in this area with the passage of SB19-182. SB19-182 provides a full immunity for the charge of prostitution for juveniles, resolving some of the challenges that were uncovered with the affirmative defense approach. SB19-182 also offers an affirmative defense for all other crimes, except for first-degree felonies, that are a direct result of a minor's human trafficking experience. This

approach will hopefully overcome the challenge SB15-030 faced with its limitation to the single charge of prostitution.

There were many limitations in conducting this post-enactment review, leaving the conclusions from this review partially incomplete. Given that SB19-182 also includes a post-enactment review to be conducted in five years, the Council offers these recommendations:

- Create a mechanism for tracking/recording the use of an affirmative defense in the Judicial Branch's ICON system, OSPD's case management system, the case management systems used by district attorney offices, and any case management database utilized by municipal public defender offices.
- Develop a human trafficking indicator flag in the Judicial Branch's ICON system that can be queried for future reviews and research in this area.
- Provide training for public defenders and prosecutors about the components of SB15-030 and SB19-182, to encourage greater usage of these laws that are designed to help protect and serve human trafficking victims.







## SECTION 4

# Addressing Labor Trafficking in Colorado

### **Summary of Recommendations**

#### Recommendation 1:

Make a legislative change to C.R.S. § 38-12-511(1)(e) (Obligation to Maintain Residential Premises - Unlawful Removal - Application), which exempts employers that provide housing from complying with the provision of sanitary housing conditions. Employees would have the right to be moved into housing that meets the characteristics of safe and sanitary housing. In addition, the change would clarify that it is a form of wage theft to charge or deduct rent from an employee when the employer is in violation of the warranty of habitability statute.

#### Recommendation 2:

Narrow the language in C.R.S. § 8-4-123 (Termination of Occupancy Pursuant to Contract of Employment) to close the loophole that allows employers to avoid the court process for eviction for reasons other than health and safety concerns. This recommendation includes clarification in the law that the threat to convict is considered a form of coercion under the human trafficking statute and therefore a criminal offense. In addition, an employee would still maintain a private right of action for damages.

### Recommendation 3:

Introduce new legislation in Colorado that supports victim services access to employer-provided housing that defines “authorized persons” to include victim service agencies/non-governmental organizations attempting to speak with employees. The employee will maintain the right to say “yes” or “no” to persons trying to gain access, and the employer maintains the right to permit reasonable access.

### Recommendation 4:

Training for law enforcement (specifically patrol) regarding removal from housing law, to cover what is and what is not required for removal (i.e., a court order is not required but they do need to have a termination notice and a written agreement according to C.R.S. § 8-4-123 [License to Occupy statute]). Training would be created by the Council and provided to Peace Officer Standards and Training (POST) to minimize the burden on POST or law enforcement agencies.

### Recommendation 5:

Create a housing brochure specific to rights regarding employer-provided housing that is provided to and distributed by law enforcement officers, criminal justice victim advocates, and nonprofit victim service agencies. The brochure would also be provided to individuals coming into the U.S. on various visas, including the H2A visa for agricultural workers.

## Introduction

The Council’s Labor Trafficking Task Force (LTF) continued its work from 2018. Its primary goal was to elevate the visibility of labor trafficking, which included using the task force to activate different stakeholders into the work of the Council. The second goal was to improve understanding on how the state interacts with labor trafficking.

Through monthly meetings, the task force reviewed workplace regulations and violations of those regulations to better understand issues surrounding labor trafficking. An issue that became the primary focus of the task force was employer-provided housing. Employer-provided housing stretches across various industries, including food and hospitality as well as agriculture. The provision exists across Colorado, regardless of population, and is used in both rural and metropolitan contexts as a benefit for employees. But it can also be used as a means

to coerce an employee into complying with demands of the employer for the purpose of exploited labor.

## **Framework**

Members of the task force felt they did not have a sufficient depth of knowledge around workplace regulations within the Colorado context in order to make helpful recommendations. To assist in increasing the knowledge of the task force around workplace regulations and how they function in Colorado, the task force invited as a guest presenter Department of Justice fellow, Erin Albright, who has developed a framework for understanding the context surrounding labor trafficking. She explained that, before you can identify an extreme form of exploitation, you must first understand an industry's "normal."

Her method identifies which industries are vulnerable by using data already available to the public. Workplace violations such as those related to Occupational Safety and Health Administration (OSHA) standards and H2A and H2B visa policies are used as proxies for employee vulnerabilities, as they demarcate instances where employers are not protecting their workers. The next step was to review workplace regulations and industry standards to better understand the context in which these vulnerabilities take place. By looking at workplace violations as proxies for vulnerabilities and adding that alongside workplace statutes and industry standards, Albright's framework attempts to understand which industries are most vulnerable to extreme forms of labor exploitation.

Leading up to her presentation with the LTTF, the framework was used to assist groups with targeted outreach efforts in collaboration with community partners. This framework, plus geographic information system (GIS) techniques, maps workplace violations for targeted outreach in specific locations and within particular industries.

## **Employer-Provided Housing: Context and Recommendations**

As the LTTF explored this framework, the data revealed many workplace violations within the food and hospitality industry. Task force members explored various levels of power that employers possess within the food and hospitality industry, based on the task force members' professional expertise and the laws within those industries.

Several laws that disproportionately protected employers and disenfranchised employees involved employer-provided housing. Legal experts within the task force facilitated presentations and conversations on C.R.S. § 38-12-503 (Warranty of Habitability statute) and C.R.S. § 8-4-123 (License to Occupy and Termination of Occupancy statute). Task force members representing two nonprofits, Colorado Legal Service and Towards Justice, explained how these two laws included loopholes that traffickers could exploit to coerce employees into compelled labor.

## Warranty of Habitability

The Warranty of Habitability, codified in C.R.S. § 38-12-503, aims to protect individuals from living in unsanitary and unsafe housing conditions. An exemption exists in C.R.S. § 38-12-511(1)(e), the applicability of the statute, where employers who provide housing are not bound by this law, allowing them to condemn employees to live in deplorable and uninhabitable housing conditions. Some victims of labor trafficking in Colorado described living in deplorable and uninhabitable housing conditions, including housing that was pest-infested or lacked electricity, running water, heat, lighting, and functional locks.

Task force members discussed possible remedies to this loophole. Recommendation 1 is a proposed solution to this problem. This first step would remove the current exemption for employee housing in Colorado's Warranty of Habitability statute set forth in C.R.S. § 38-12-511(1)(e).

Recommendation 1: Make a legislative change to C.R.S. § 38-12-511(1)(e) (Obligation to Maintain Residential Premises - Unlawful Removal - Application), which exempts employers that provide housing from complying with the provision of sanitary housing conditions. Employees would have the right to be moved into housing that meets the characteristics of safe and sanitary housing. In addition, the change would clarify that it is a form of wage theft to charge or deduct rent from an employee when the employer is in violation of the warranty of habitability statute.

Continued discussion resulted in further steps, like providing employees the following remedies similar to the remedies provided to tenants under the warranty of habitability:

- If the employee living in employer provided housing gives an employer notice of a condition that materially interferes with the employee's life, health, or safety,

the employer, at the request of the employee, shall provide the employee a comparable dwelling unit, as selected by the employer, at no expense or cost to the employee, or a hotel room, as selected by the employer, at no expense or cost to the employee;<sup>40</sup> the comparable dwelling should meet all of the requirements outlined in the warranty of habitability statute.<sup>41</sup>

- It would be illegal for an employer to deduct rent or withhold wages when there is a breach of the warranty of habitability. This would be treated as wage theft under current Colorado law.
- Employees should be allowed to seek damages when there is a breach of the warranty of habitability.<sup>42</sup>

## Termination of Occupancy

The task force also reviewed how certain language within C.R.S § 8-4-123 allows employers other than those intended by the statute to avoid the court process for eviction. The law allows employers to threaten removal from employer-provided housing in as short as three days' time. According to a task force member, the stated intention of this statute was to allow businesses that desire or are required to have staff on the premises at all times, such as nursing homes and building management companies, to terminate the on-site staff person's housing around the same time the employment relationship terminates in order to protect the safety of the businesses' patients, clients, customers, or tenants. Instead, it is used in situations where there are no health or safety concerns as a way to coerce employees to comply with employers' demands or find themselves homeless with no right to a court process.

One trend task force members discussed was removal of employees from employer-provided housing. Traffickers can threaten to remove their victims from housing at any time, rendering them homeless in three days. This practice could be used as a means to manipulate or coerce labor. In some circumstances, traffickers may actually do so to demonstrate their power over the trafficking victim.

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<sup>40</sup> Warranty of Habitability, C.R.S. § 38 - 12 - 503(4).

<sup>41</sup> Warranty of Habitability, C.R.S. § 38 - 12 - 503.

<sup>42</sup> Breach of Warranty of Habitability - Tenant's Remedies, C.R.S. § 38-12-507(d).

Recommendation 2: Narrow the language in C.R.S. § 8-4-123 (Termination of Occupancy) to close the loophole that allows employers to avoid the court process for eviction for reasons other than health and safety concerns. This recommendation includes clarification in the law that threat to convict is considered a form of coercion under the human trafficking statute and therefore a criminal offense. In addition, an employee would still maintain a private right of action for damages. Part of these recommendations is to prevent the three-day eviction that currently can happen under the License to Occupy statute.

The task force created recommendation 2 out of a discussion of the following two solutions:

1. Include a provision in the appropriate section of the Colorado Revised Statutes regarding the License to Occupy statute (C.R.S. § 8-4-123) to clarify that an employer using employee housing as means of coercion constitutes human trafficking based on the definition of coercion as defined in C.R.S. § 18-3-502(2). This includes when an employer threatens to evict an employee from employee housing or to discharge, demote, suspend from employment, or in any other manner discriminate or retaliate against an employee or any member of the employee's household for: (a) reporting or complaining about conditions of the employee housing (i.e., breach of the warranty of habitability); (b) conferring with or inviting authorized persons and invited persons to residential areas; or (c) otherwise enforcing their rights under federal, state, and local laws. In addition, an employee/victim under this crime will also have a private right of action, including punitive damages.
2. Due to rampant misuse and abuse, C.R.S. § 8-4-123, and its three-day eviction provision in particular, needs to be amended to make it clear that it only applies to: 1) businesses that house tenants or patients and need to have staff on the premises at all times (such as nursing homes or building management companies), and 2) the procedure to terminate the license to occupy set forth in C.R.S. § 8-4-123(2) and (3) may only be utilized if necessary to protect the health and safety of an employer's tenants, patients, or employees.

## Access to Authorized Persons

A final trend task force members examined was the exploitation by employers involving visitation rights while an employee is occupying employer-provided housing. Some employers currently impose curfews on employees living in employer-provided housing, restrict

employee movement, and restrict the times visitors can be on the premises. This includes not only individuals visiting on social calls but also healthcare providers, government officials, legal services, and religious groups.

Traffickers often prohibit their victims from receiving visitors and are known to prevent health providers, government officials, legal services, and religious group representatives from gaining access to the premises where trafficking victims reside, leading to social and geographical isolation. This is done by either posting “No Trespass” signs or threatening visitors with violations of the trespass laws. The employer will claim a right, as the owner or person in control of the property, to prohibit or unreasonably restrict visitors of employees. Employees may also suffer or be threatened with serious harm if they allow visitors on the premises without the employer’s permission. To mitigate any possible exploitation by the employer involving visitors, the Council offers this solution:

**Recommendation 3: Introduce new legislation in Colorado that supports victim services access to employer-provided housing that defines “authorized persons” to include victim service agencies/non-governmental organizations that are trying to speak with employees. The employee will maintain has the right to say “yes” or “no” to persons trying to gain access and the employer maintains the right to permit reasonable access.**

Include a provision in the appropriate section of the Colorado Revised Statutes stating that employers are prohibited from restricting access to employee housing by authorized persons or invited persons. A review of Oregon’s Revised Statutes offered potential examples for provisions and language for this recommendation.<sup>43</sup> For example, define “authorized persons” to include government officials, physicians, certified education providers, local health officials, representatives of religious organizations, victim advocacy agencies, or NGOs that are providing services to victims, and any other providers of services for farmworkers funded in whole or in part by state, federal, or local government.<sup>44</sup>

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<sup>43</sup> O.R.S. § 659A.250 through 659A.262 (2017), “Unlawful Discrimination in Employment, Public Accommodations and Real Property Transactions; Administrative and Civil Enforcement,” OregonLaws.org, accessed November 13, 2019, <https://www.oregonlaws.org/ors/chapter/659A>.

<sup>44</sup> O.R.S. § 659A.250(2) (2017), “Definitions for 659A.250 to 659A.262,” OregonLaws.org, accessed November 13, 2019, <https://www.oregonlaws.org/ors/659A.250>.

Key considerations when drafting legislation for Recommendation 3 are threefold. First, employees should maintain their current right to say “no” to any visitors they do not want on the premises. Second, law enforcement’s role when contacted regarding access issues under this law would be similar to their role when they are helping with a civil assist.<sup>45</sup> Finally, the intent of this recommendation is not to remove an employer’s current right to consider what reasonable access means. For example, an employer should still be able to turn away a known trafficker or drug dealer.

## Rights Education

A major goal of the LTTF was to better understand the way the state interacts with and responds to labor trafficking. Members felt it was important to not only amend these loopholes but also support law enforcement by including two educational tools to help them navigate these complicated topics.

Recommendation 4: Training to law enforcement (specifically patrol) regarding removal from housing law, to cover what is and what is not required (i.e., a court order is not required) but they do have to have a termination notice and a written agreement according to C.R.S. § 8-4-123 (License to Occupy statute). Training would be created by the Council and provided to Peace Officer Standards and Trainings (POST) to minimize the burden on POST or law enforcement agencies.

Recommendation 5: Create a housing brochure specific to rights regarding employer-provided housing that is provided to and distributed by law enforcement officers, criminal justice victim advocates, and nonprofit victim service agencies. The brochure would also be provided to individuals coming into the U.S. on various visas, including the H2A visa for agricultural workers.

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<sup>45</sup> A civil assist (or civil standby) is a situation where an officer/deputy is present at the request of a party to a civil dispute in order to prevent violence or when a person is allowed access to a location to retrieve property after a protection order has been issued. An officer/deputy monitors a location during a civil assist to ensure the peace is kept and no law violations occur.





## SECTION 5

# Public Awareness and Outreach Campaign

### **Introduction**

In 2017, the Council prioritized its legislative mandate to “develop an implementation plan for a public awareness campaign to educate the public about human trafficking and place victim services contact information in places where victims of human trafficking are likely to see it.” A Public Awareness Work Group was established to work toward completing this goal. The first step the Council took was to contract with a marketing and communication firm with experience and expertise in statewide public awareness campaigns. Through a competitive process, the Council selected the firm Orange Circle Consulting (OCC), which specializes in public health and behavioral health campaigns that mobilize people to take action. Over the past two years, led by the expertise of OCC, the Council conducted formative research to understand the knowledge and perception that Colorado residents have about human trafficking, and this research served as the basis for the development of a multiyear statewide public awareness campaign plan (hereafter, the Campaign Plan). The Campaign Plan provides a broad stepwise approach for a multiyear outreach effort across the state of Colorado. In addition to the Campaign Plan, a robust evaluation plan was developed that aims to regularly measure the impact of the campaign on the target audience’s perceptions and knowledge about

human trafficking. The insights garnered from the evaluation will help to inform future adjustments to the campaign.

## Formative Research Results

As part of the campaign's formative research efforts, Colorado residents were surveyed and key informants were interviewed to identify what the general public understands about human trafficking as well as the motivators and barriers of the target audience. Notable results include:

- Current Knowledge and Perceptions
  - Colorado residents are aware of human trafficking, but they do not necessarily believe it is affecting their community or family.
  - Many residents have skewed or narrowed perceptions about human trafficking but also believe it is a critical issue to combat.
- Barriers to Action
  - The top reasons cited for not taking action is that residents do not have the time, money, or enough knowledge to act.
- Motivators
  - The general public do believe they play a role in combatting human trafficking.
  - A focus on community safety and a personal connection could help motivate residents to take action.
- Additional Insights
  - Trusted resources for message delivery include public service announcements, healthcare providers, faith organizations, and law enforcement. These trusted resources should be leveraged as part of messaging.
  - Consulting partners across Colorado will be essential in the campaign development process.

The formative research established the current status (or baseline) of the perception, attitudes, barriers, and motivators of Colorado residents that will be used to measure the impact of the campaign. The formative research was also used to inform the development of the Campaign Plan, which outlines communication goals, campaign audience, communication strategies, and calls to action.

## Communication Goals from Campaign Plan

As the Campaign Plan outlines, its purpose is to increase knowledge about all types of human trafficking in the state of Colorado. Its goals are to shift preconceived ideas about human trafficking, elevate the belief that human trafficking can exist in any Colorado community, and create a statewide culture that does not tolerate human trafficking. The communication goals specific to this campaign are to:

- Clarify and expand the public's understanding of what human trafficking is
- Increase the belief that human trafficking happens everywhere, including Colorado
- Evoke an emotional connection to the topic that drives action (seek information, report, stop participating or enabling)
- Increase knowledge about essential facts of all aspects of human trafficking (its true story)
- Ignite the confidence and/or obligation to do something about human trafficking (similar to other crimes)

The first one to two years of the outreach campaign will target Colorado residents with little-to-no awareness about all aspects of human trafficking, such as anyone who might be called to serve on a jury for a human trafficking case. This diverse group encompasses varied demographic, geographic, and psychographic biases. When creating campaign messaging and collateral, it will be important to consider the various types of communities that make up Colorado. Messaging should be tailored to best serve urban, suburban, and rural communities.

It is important to note that providing information about resources for victims impacted by human trafficking was a part of the legislative mandate. This particular audience will require different messaging than the general public that has little awareness about human trafficking. This campaign will not focus on victims/survivors at inception but will provide a simple call to

action for all audiences (e.g., hotline) for anyone to access help and information. As the campaign evolves from year to year, a sub-campaign specific to this audience will be created.

Moving audiences from obliviousness/misperceptions to awareness and into action is the intended goal for the long-term duration and stepwise nature of the campaign and will take time to achieve. Broad calls to action include:

- Learn about human trafficking (what it is, its broad prevalence and impact)
- Share knowledge about human trafficking with family, friends, and social networks
- Recognize warning signs of potential human trafficking situations
- Report suspicious or questionable circumstances (hotline/text line)
- Make informed purchasing choices

More specific and complex calls to action that will require adequate time and resources can include:

- Purchase fair trade goods and services
- Stand for and support law-abiding companies that do not engage in human trafficking

With the Campaign Plan<sup>46</sup> approved by the Council in 2018, the Council, at its annual retreat in January 2019, elevated the work on this mandate and established a Public Awareness Task Force (PATF) to meet monthly to ensure completion of the next phase of this project. The next phase encompassed researching funding opportunities for the campaign, developing a campaign creative concept, and adding partnership collaboration and feedback to inform the effort.

## **The Purpose of Creative Concept Development**

“A creative concept is an overarching ‘Big Idea’ that captures audience interest, influences their emotional response and inspires them to take action. It is a unifying theme that can be used across all campaign messages, calls to action, communication channels and audiences.”<sup>47</sup> To infuse the creative concept process with relevant data and feedback from the campaign’s target

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<sup>46</sup> To learn more about the Campaign Plan, see the *2018 Annual Report*, pp. 10–16.

<sup>47</sup> “How to Develop a Creative Concept,” *Compass*, 2015, accessed October 23, 2019, <https://www.thecompassforsbc.org/how-to-guides/how-develop-creative-concept>.

audience, a thoughtful data collection effort was undertaken. Stakeholders from across the state were engaged to provide input through in-person discussion sessions and surveys. This input was vital to the creation of the creative concept, as the Council wanted to ensure that the campaign was responsive to the needs and concerns about human trafficking unique to the Colorado context. It was especially important that any creative concept designed was survivor-informed. As such, an additional effort was made to gain insights from a range of survivors. The results of this research are summarized later in this section. The final creative concepts mixed ideas, words, and images, all inspired by various insights obtained through the stakeholder research. Message platforms and visual mood boards were developed to help illustrate how a concept would come to life in different mediums. This visioning process included colors and typefaces as well as the campaign voice, using a specific tone and writing style. These elements were all intentionally chosen to convey the campaign purpose, calls to action, and strategy. Each idea tells the story of how and why that concept would be effective in reaching the audience and moving them toward the intended outcome of the campaign.

## Stakeholder Meetings and Survey Results

The purpose of conducting research with statewide stakeholders was twofold: 1) to maintain positive relationships with organizations across the state that either provide direct services or prevention work for those impacted by human trafficking, and 2) to inform the creative concept development process with community-based information. The research objectives were to:

- Increase stakeholder knowledge about the Council's intent to develop and implement an outreach campaign that starts with awareness and moves people into action
- Collect feedback about existing communication efforts, their community, and expertise they have when communicating about human trafficking
- Maintain support from partner organizations and other stakeholders for the statewide awareness and outreach campaign, with the goal of providing a unified message about human trafficking

Stakeholder participants were recruited from across the state using community forums focused on human trafficking and the Council's electronic newsletter database. Because survivor

stakeholders are a unique and key audience, recruitment tactics included a more personalized outreach, with personal email invitations sent promoting an open survey and discussion group to share within this network. The invitation to participate in the survivor research was also announced at a networking conference that many statewide survivor leaders attended in May 2019. The stakeholder and survivor leader research included in-person discussion groups and online surveys.

The online surveys contained a series of questions asking the participant to identify what they believe the general public knows about human trafficking and identify what the participant believes keeps them from acting. Additionally, participants were asked about trigger words and images that could be considered negative or positive and should be taken into account when communicating about human trafficking. Surveys contained several open-ended questions to allow participants to fully express their ideas, thoughts, and knowledge regarding what they knew about the general public and, more specially, residents in their communities.

The group discussion for both the stakeholder and survivor groups included similar topics and questions to the online survey. The nature of the in-person discussions allowed for deep and rich conversations within the different topics and enabled exploration of different participant points of views.

### *Participants*

The stakeholder and survivor research efforts yielded the following participant insights:

- In total, 135 stakeholders statewide completed the online survey.
- Seven human trafficking survivor leaders completed the online survey.
- About 25 stakeholders participated in the in-person group discussion in the Denver metro area.
- About 20 stakeholders participated in the in-person group discussion in Southwest Colorado.
- Three human trafficking survivor leaders participated in the in-person group discussion in the Denver metro area.

- Online stakeholder participants included 23% of individuals whose work involved more than 25% of direct human trafficking work.

More than half of the online stakeholder participants were from the Denver metro areas (52%), 18% from the southwestern region, 13% from the northeast, 9% from the southwest, and 8% from the northwest. Online survivor participants were from Denver, Ft. Collins, Greeley, Elizabeth, and Cortez.

### *Key Findings from Stakeholder and Survivor Research*

The findings from the stakeholder and survivor research were consistent with the 2017 information collected as part of the formative research to inform the Campaign Plan. Common key points collected from all research include:

- The public lacks understanding of what human trafficking looks like and often thinks in terms of the media's and Hollywood's portrayal of human trafficking, which primarily includes victims being kidnapped and held with restraints.
- The public does not believe human trafficking happens in their community, especially rural communities.
- The relationship between the trafficker and the victim is extremely complex and can be difficult for the general public to understand.
- Because of the complexity and lack of understanding of the trafficker-victim relationship, victim shaming and blaming occurs.
- Traffickers can be of any race, gender, educational background, or social economic status. What traffickers do have in common is the way they manipulate and groom their victims.

The stakeholder and survivor research included some information that will be helpful when building the public awareness and outreach campaign. Important points to considered include:

- Images should be diverse and include individuals of all races, genders, ages, and backgrounds.
- The terms "victim" and "rescue" should not be used. Instead use "survivor" and "recovery."

- Messages and images should not include anything that perpetuates the Hollywood version of human trafficking (e.g., kidnapping, chains, restraints, young white girls).
- Traffickers should be portrayed as anyone a victim could know or not know. Traffickers can be portrayed as manipulative, self-serving, narcissistic, and charming.
- Public agencies, organizations, and survivors want to be included in the development, implementation, and distribution of campaign messages and communications.
- Cultural sensitivity is always important but is especially important when including rural communities.

## Creative Brief

Upon completion of the research derived from stakeholders statewide, findings were summarized into a Creative Brief<sup>48</sup> to provide clear direction for developing campaign concepts for review, refinement, and selection. The Creative Brief serves as the foundation for concept development, which includes audience, stakeholder, and survivor insights. It describes the key attributes, personality, and tone of the campaign as well as the intended action to be evoked as part of the design and messaging. With the Creative Brief completed, the creative team of OCC developed four campaign concepts, which were reviewed by the PATF against specific criteria generated by the formative research and the partnership collaboration input. The PATF used the following concept review criteria to determine which of the four campaign concepts they would recommend to the Council. The selected concept must:

- Support the research results
- Evoke emotion
- Be unique from other campaigns
- Not use sensational imagery
- Start with building awareness but expand into helping to shift perceptions, attitude, and encourage action
- Have a lasting creative that can grow, develop, and endure over time

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<sup>48</sup> To see the full Creative Brief, see Appendix 6.



It is important to note that creative concepts presented by OCC were only samples of the concept and not the final art; full creative exploration of the concept will be developed in the next phase of the project.

## **Conclusion and Next Steps**

After the PATF's review, one concept was recommended to the Council for their approval that was based on a particular insight and strategy derived from the research and partnership input. At the September 2019 meeting, the Council, by a strong majority, approved the creative concept recommended by the task force. Additionally, the Council was able to secure a one-year grant to launch the campaign in 2020. The next phase of this project will be to complete the creative exploration of the concept, develop final art pieces that will be translated into various types of collateral (e.g., billboards, TV Spots, flyers, posters, etc.), create a campaign website, and launch the statewide public awareness and outreach campaign.





## SECTION 6

# Human Trafficking Training Outcomes

### Introduction

In 2019, the Council continued to respond to the training mandate and build its training response as required by C.R.S. § 18-3-505(e), which 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.

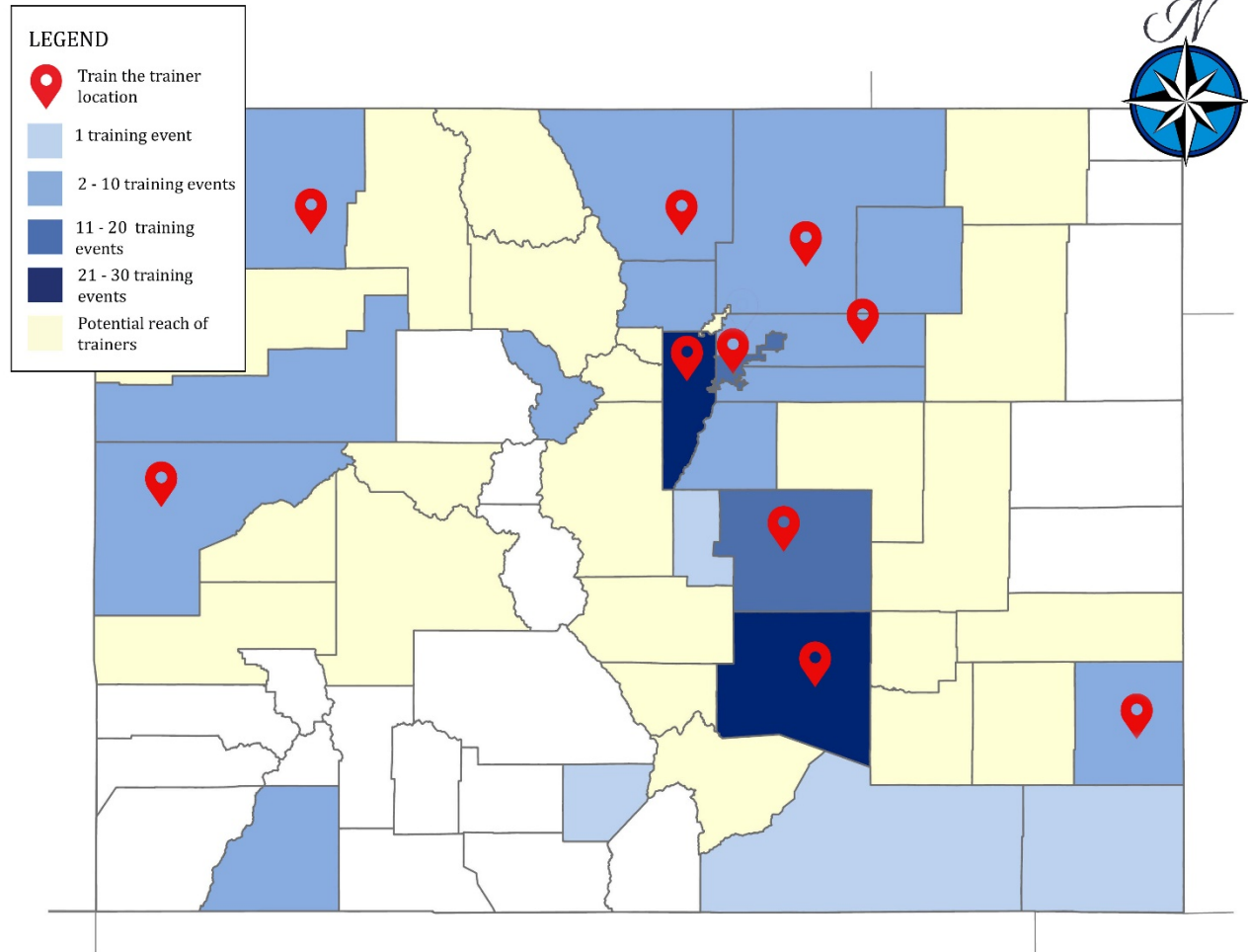
The Council continued with dissemination of its two introductory programs developed in 2016 and 2017 and finalized the creation of an advanced workshop for service provider professionals. *Meeting Human Trafficking Survivors' Needs: An Advanced Course for Service Providers* is the newest course developed by the Council, which is the result of 18 months of work by subject matter experts. While the two aforementioned introductory curricula teach professionals to have a holistic understanding of the issue and how to identify potential cases of trafficking, the advanced workshop is designed to help service providers answer the question: now what? In addition, the Council launched an online version of its *An Introduction to Human Trafficking in Colorado* program in May to users across the state.

Year Training Curricula Launched	2017	2018	2019
An Introduction to Human Trafficking in Colorado	X		Online
Human Trafficking Investigations: An Introductory Course		X	
Meeting Human Trafficking Survivors' Needs: An Advanced Course for Service Providers			X

Data Source: Colorado Department of Public Safety, Division of Criminal Justice.

Trainings of the Council’s two introductory programs were completed by both Division of Criminal Justice (DCJ) staff and volunteer facilitators who completed the Council’s two-day train-the-trainer (TTT) program. The goal of the TTT program is to maintain consistent messaging on the issue throughout the state. Facilitators commit to one-year agreements outlining that they will train a minimum of 50 professionals over the course of the year. Facilitators are located all over the state, allowing the Council to have a much farther reach than the Denver metro area.

**Figure 15: Locations of Trainings Delivered in the State from January 1 to November 30, 2019**

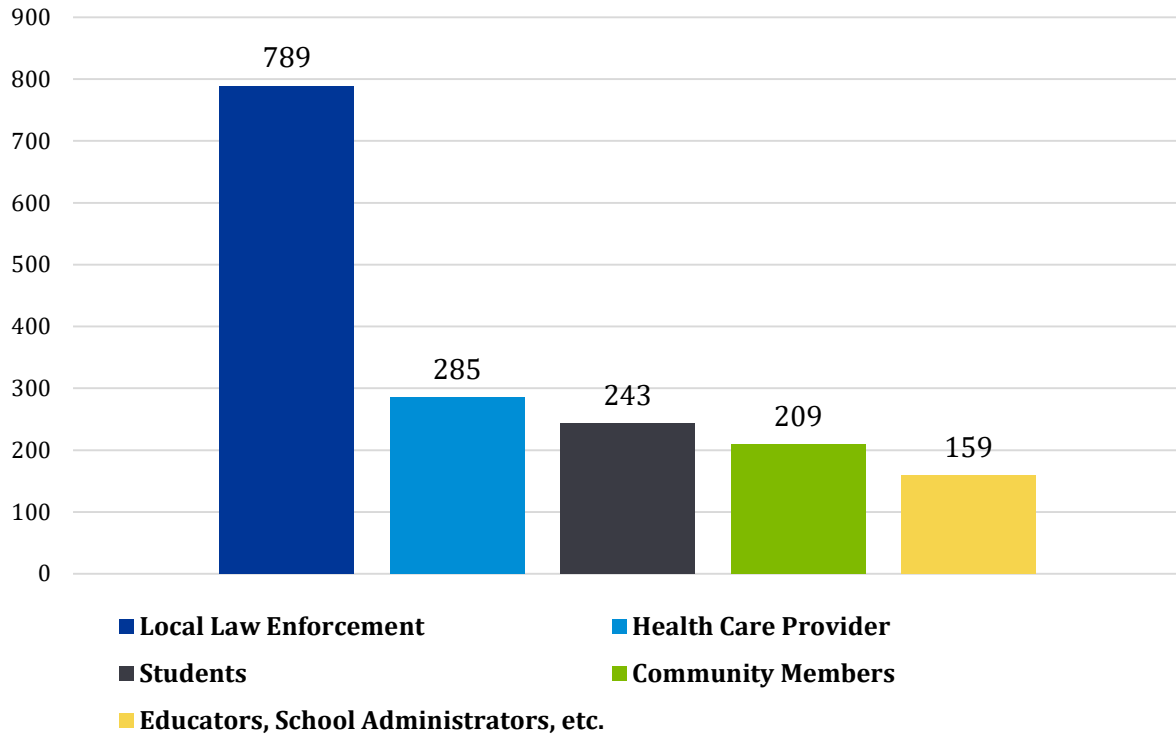


Data Source: Colorado Department of Public Safety, Division of Criminal Justice. Figure 15 reflects trainings delivered by both trained facilitators and DCJ staff. Trainings are shaded on a gradient, reflecting 1–30 trainings in increasing darkness of blue. Train-the-trainer programs are demarcated with a red marker to reflect where facilitators are based. Potential reach of facilitators reflects all counties that border the areas where those facilitators are based and are indicated on the map in light yellow.

DCJ staff and volunteer facilitators delivered a total of 118 trainings across the state, from January 1 to November 30, 2019, resulting in 2,480 professionals trained on what human trafficking is and how to identify human trafficking victims. These training numbers involved the two introductory programs: *An Introduction to Human Trafficking in Colorado*, a program created for a wide range of professional sectors, and *Human Trafficking Investigations: An Introductory Course*, a program created exclusively for law enforcement personnel. These two curricula were designed as foundational programs to establish a common language surrounding the phenomenon. As Figure 16 illustrates, the top five sectors who received

training from January 1 to November 30, 2019 include: local law enforcement (789), health care providers (285), students (243), community members (209), and educators and school administrators (159).

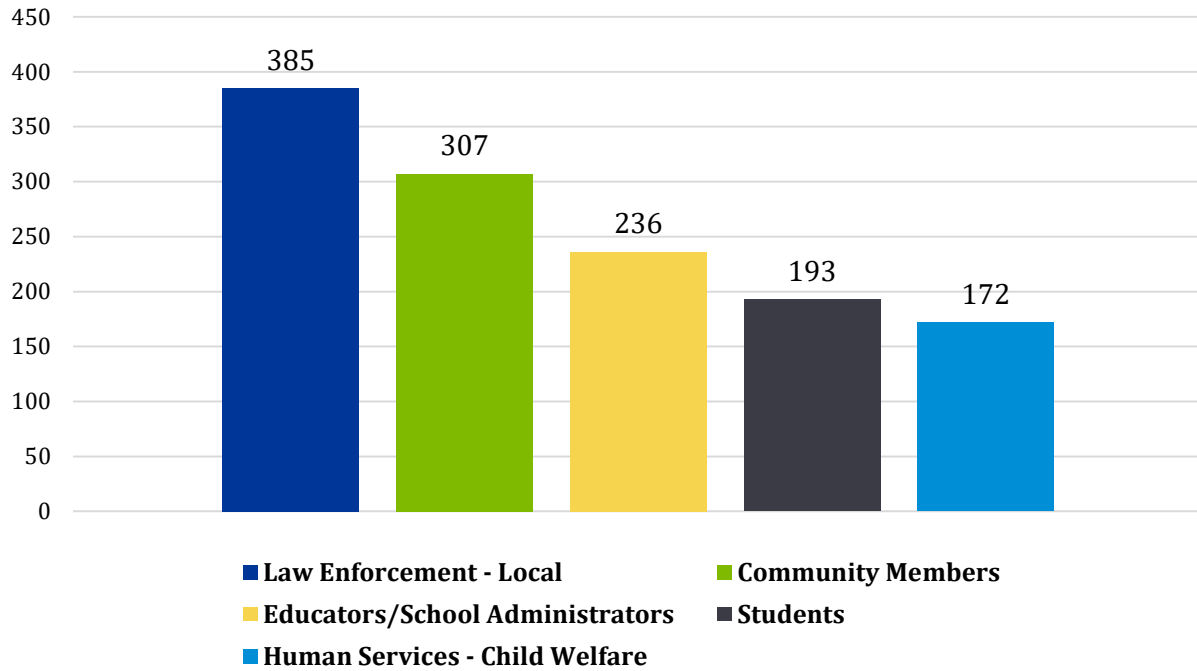
**Figure 16: Number of Individuals Trained in Top Five Sectors, January 1 thru November 30, 2019**



Data Source: Colorado Department of Public Safety, Division of Criminal Justice.

To give a more in-depth snapshot of the Council’s training impact, this report will highlight the training results from the full 2018 calendar year. In 2018, DCJ staff and volunteer facilitators responded to a total of 106 trainings, resulting in 2,392 individuals trained. The most common professional sectors trained in 2018 were local law enforcement (385), community members (307), educators and school administrators (236), students (193), and county departments of human services—child welfare (172).

**Figure 17: Number of Individuals Trained in Top Five Sectors, CY 2018\***



Data Source: Colorado Department of Public Safety, Division of Criminal Justice. \*This chart is an addendum to Figure 12 in the Council’s 2018 Annual Report, p. 53, and now reflects the entire 2018 calendar year.

Besides highlighting the top five professional sectors trained in CY 2018, it is important to understand the breadth of sectors reached by the Council’s introductory programs. Table 19 showcases all the professional sectors that were impacted by the Council’s training programs; in total, 25 different sectors are represented (not including the “other” category).

<b>Table 19: Individuals Trained By Professional Sector (Alpha Order), CY 2018</b>	
Professional Sector	Number of Individuals Trained
Community-Based Victim Advocates	5
Criminal Justice Victim Advocates	71
Community Members	307
Court Staff	16
Human Services Staff—Adult	11
Human Services Staff—Child Welfare	172
Educators/School Administrators	236
Faith-Based Community Members	94
First Responders (EMS, Fire)	3

Government Staff—Local	42
Government Staff—State	79
Homeless Serving Organization Staff	30
Healthcare Providers	148
Immigrant Serving Organization Staff	2
Law Enforcement Personnel—Local	385
Law Enforcement Personnel—State	50
Legal Service Providers	2
Mental Health Providers	78
Multi-disciplinary Group Members	151
Prosecutors	3
Probation/Corrections Officers—Adult	15
Probation/Corrections Officers—Juvenile	1
Social Service Providers	120
Students	193
Telecommunication Professionals	7
Other	171
<b>TOTAL</b>	<b>2,392</b>

Data Source: Colorado Department of Public Safety, Division of Criminal Justice.

In addition to delivering the Council’s training programs, DCJ staff is asked to provide presentations or serve on panels at various gatherings, including national conferences. These presentations often provide an overview of the Council’s history, its current work, and its impact in Colorado. In CY 2018, DCJ staff delivered five of these presentations to 296 individuals.

### ‘Innovate Colorado’ Grant Continues

DCJ staff continued their work as a sub-awardee of the Colorado Department of Human Services (CDHS) three-year grant project called, *Innovate Colorado*, awarded to CDHS in October 2017 by the Department of Justice.<sup>49</sup> Under this grant, DCJ’s main responsibilities are

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<sup>49</sup> To read more about the “Innovate Colorado” project see the *2018 Annual Report*, pp. 16–18



to identify gaps in training of law enforcement and youth-facing organizations across the state and build on the training efforts already in progress at CDHS and with the Council. To date, DCJ staff have worked in tandem with CDHS staff to conduct workshops in the Northwest, San Luis Valley, Southeast, and Southwest regions of the state. These workshops acted as catalysts to bring the region together to address child/youth trafficking in their community. The workshops aimed to build capacity in the region and identify a human trafficking regional specialist to continue the work, with the support of CDHS and DCJ. As regional specialists were chosen, DCJ staff conducted one-on-one train-the-trainer sessions of the *An Introduction to Human Trafficking in Colorado* to ensure that a common understanding was being dispersed across the state. Trainings delivered by regional specialists or facilitators who work in child-facing professions were counted toward the grant. As the grant is intended to prevent and reduce the impact of child/youth trafficking, trainings conducted by DCJ staff for professionals who work with children/youth were also under the grant. To date, 97 trainings have been completed as part of DCJ's efforts under the grant.

## **Helping Service Providers Problem-Solve**

At the Council's annual retreat in 2018, a training working group was established to create a half-day advanced workshop for service providers working with individuals who had experienced human trafficking. The anti-human trafficking field has become more adept at identifying human trafficking victims, but limited resources exist to help communities identify the next steps. The workshop aims to answer the question: now what? Once a Colorado-based organization is skilled at identifying human trafficking victims, how do they become partners in the next steps of healing? While promising practices identify the importance of organizations having strong trauma-informed service provision and survivor-driven partnership, many barriers can stand in the way to implementing these practices. This workshop addresses some of the specific needs an individual may express during these partnerships, and guides participants in identifying ways their organization may meet those survivor-determined needs in a trauma-informed way. In delivering the training program, the aim is to bring together service providers from a range of organizations, allowing them to learn from each other's triumphs and struggles, and root the solutions in a Colorado context.

The workshop's learning objectives guide the participants in:

- Describing the impact of trauma on survivors of human trafficking
- Developing a survivor-driven approach
- Identifying potential service needs of survivors
- Understanding the challenges of service delivery to this population
- Creating a referral network and using local resources to develop intensive service plans
- Recognizing secondary trauma and highlighting a self-care plan

The intended audience for this workshop includes community-based victim advocates, mental/behavioral health professionals, case managers, and others who provide direct care to survivors of human trafficking. *Meeting Human Trafficking Survivors' Needs: An Advanced Course for Service Providers* contains a cursory overview on trauma and vicarious trauma, with no intention to replace advanced education or in-depth training on either subject.

*Meeting Human Trafficking Survivors' Needs: An Advanced Course for Service Providers* was completed at the end of 2018 and then beta-tested before it was sent to the Council for review. In April 2019, an abbreviated version was presented to the Council, accompanied by the facilitator guide and handouts in their entirety, and the Council approved the curriculum at the following May meeting.

### **Innovate Colorado Grant partnership expands!**

The grant awarded to Colorado Department of Human Services in partnership with Colorado Division of Criminal Justice (DCJ) added Colorado State University (CSU) Social Work Research Center as the grant evaluator. DCJ staff partnered with the evaluation team in efforts to create an effective evaluation for the service provider workshop. The CSU team helped DCJ staff develop a three-page evaluation tool to be used in reflective practice as the workshops roll out. Thanks, CSU!

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(Read more about the Innovate Colorado Grant in the *2018 Annual Report*, pp. 16-18.)

## An Introduction to Human Trafficking in Colorado Training Impact

The longest-standing training of the Council, *An Introduction to Human Trafficking in Colorado* was created in 2016 after a year of work by subject matter experts. The training was designed to help professionals from various sectors gain a holistic understanding of human trafficking through a common definition, which was also rooted in the Colorado context. The training is intended to provide a base level of understanding around the who, what, where, and why of human trafficking.

*An Introduction to Human Trafficking in Colorado* is delivered through a combined effort of DCJ staff and dedicated volunteer facilitators. Since the launch of the TTT program, 11 cohorts have completed the program for this curriculum, for a total of 59 trained facilitators. As of November 30, 2019, 20 facilitators were actively delivering this training program in various regions across the state. As a result, 71 trainings were delivered, for a total of 1,690 individuals trained.

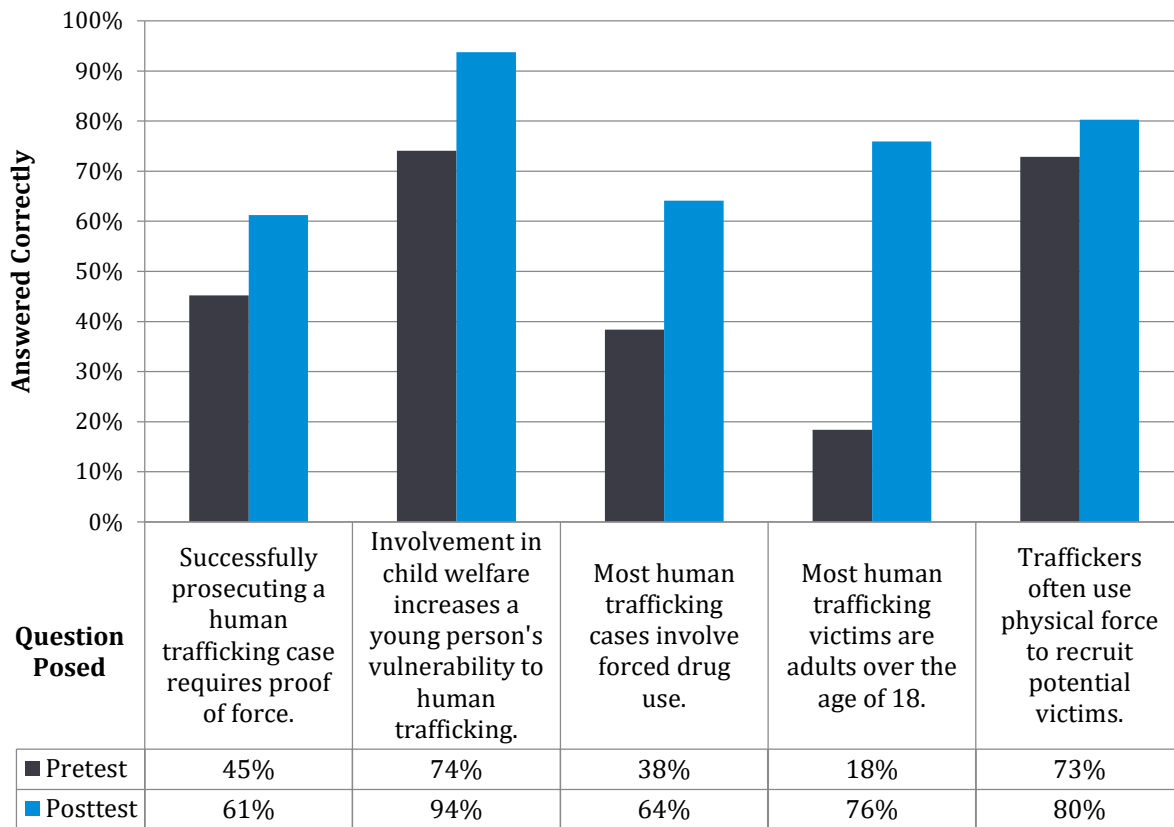
In 2018, DCJ staff and volunteer facilitators delivered 77 trainings, for a total of 1,936 individuals trained. This represents a 32% increase of professionals trained from 2017 to 2018.

Table 20: An Introduction to Human Trafficking in Colorado Training Activities	
Year	Number of Individuals Trained
2016	931
2017	1,461
2018	1,936

Data Source: Colorado Department of Public Safety, Division of Criminal Justice.

To better understand the impact of this program and the knowledge gained by participants, an evaluation process was created that utilizes a pre-/post-test evaluation methodology. Based on the information gathered through the evaluation process in 2018, professionals showed, on average, knowledge gain as seen in Figure 18.

**Figure 18: An Introduction to Human Trafficking in Colorado Knowledge Impact, CY 2018**



Data Source: Colorado Department of Public Safety, Division of Criminal Justice

Over the course of the last two years, a need for an online format arose in order to address geographical and financial barriers. In-person trainings can pose as a barrier to dispersing information in situations where personnel are needed to answer hotlines or respond to emergency calls. Colorado’s roads outside of metro areas can be unpredictable during multiple seasons due to inclement weather. Additionally, it can be difficult for individuals with sensory problems to participate in a group training. In response to these barriers, and to extend accessibility of the program, *An Introduction to Human Trafficking in Colorado* was converted into an online program, which launched in May 2019. The online training is a mirror version of the two-hour facilitated program. From the launch of the program in May 2019 to November 30, 2019, 13 individuals completed the online program.

## Human Trafficking Investigations: An Introductory Course Training Program Impact

*Human Trafficking Investigations: An Introductory Course* continued to be disseminated around the state, with volunteer facilitators and DCJ staff both creating and responding to opportunities. Facilitators for the training are exclusively law enforcement personnel, allowing for a more cohesive learning environment. To date, four cohorts have completed the TTT program for this curriculum, for a total of 23 trained facilitators. As of November 30, 2019, 47 trainings were delivered and 790 law enforcement personnel were trained.

### Partnership with Law Enforcement Agencies

In six law enforcement agencies, all officers completed the *Human Trafficking Investigations: An Introductory Course* training program.

In 2018, one facilitator organized and trained all law enforcement officers from Douglas County Sheriff's Department. Following this accomplishment, several other facilitators worked diligently and were able to train five additional law enforcement agencies in 2019. From February through June, three law enforcement facilitators partnered with community leaders to train the entirety of Pueblo Police Department in 11 sessions. Simultaneously, several other facilitators combined efforts to coordinate and train the Wheat Ridge, Edgewater, Arvada, and Breckenridge Police Departments during the same time period, for a total of 433 individuals trained.

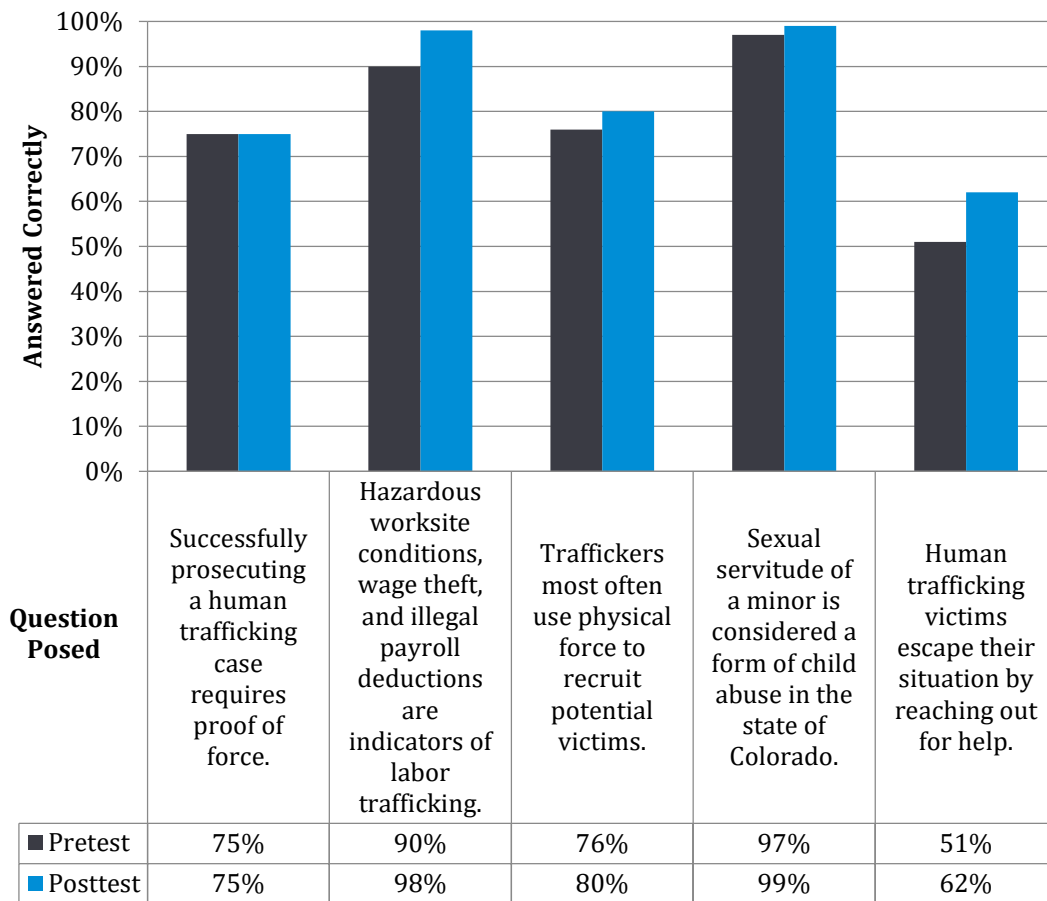
To better understand the impact of this program and the knowledge gained by

Through the incredible efforts of several of the Council's facilitators, six law enforcement agencies were trained across Colorado. The following expert facilitators delivered many of the trainings to make this huge accomplishment happen. Thank you to:

Andrea Bradbury  
Jeremiah Brunner  
Kris Charland  
Meghan Clark  
Penny Gallegos  
Reyna Johnson  
Crystal Littrell  
Nicole Olonia  
Diya Rattan  
Dianna Rodriguez  
Erika Vida

participants, an evaluation process was created that utilizes a pre-/post-test evaluation methodology. Based on the information gathered through the evaluation process, law enforcement in these agencies showed, on average, knowledge gains as demonstrated in Figure 19.

**Figure 19: Human Trafficking Investigations: An Introductory Course Knowledge Impact, March - December 2018**



Data Source: Colorado Department of Public Safety, Division of Criminal Justice

## Moving Forward: Training Goals for 2020

Facilitators and DCJ staff are busy planning trainings for 2020. The Denver Sheriff's Department (DSD) approached DCJ staff to partner with them in creating a customized training program in recognition of their distinct organizational structure and unique responsibility of overseeing the Denver County jail. Facilitators are expected to deliver trainings to all frontline

staff, including peace officers, case managers, and medical examiners working at DSD in early 2020.

Northern Colorado service providers plan to receive a second round of the *Meeting Human Trafficking Survivors' Needs* workshop early in 2020. Additionally, law enforcement facilitators plan to deliver *Human Trafficking Investigations* trainings to Colorado State Patrol cadets throughout 2020 during their academy training.

Based on the findings from the Laboratory to Combat Human Trafficking's Colorado Project 2.0, more comprehensive training was stated as a need by a diverse range of Colorado communities.<sup>50</sup> Several frontline professionals were identified in the study, including school staff and educators, law enforcement, healthcare workers, judges, and prosecutors. While several of these professional sectors and more have been touched with the Council's training programs, there is still more work to be done.

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<sup>50</sup> Laboratory to Combat Human Trafficking, *The Colorado Project 2.0: To Comprehensively Combat Human Trafficking* (Denver, CO: Laboratory to Combat Human Trafficking, 2019), pp. 10, 64–66.







## SECTION 7

# References

Boczkiewicz, Robert. "Rocky Ford business owners ordered to pay attorney fees." *La Junta Tribune*, February 17, 2019. <https://www.lajuntatribunedemocrat.com/news/20190217/rocky-ford-business-owners-ordered-to-pay-attorney-fees>.

Clawson, Heather J., and Nicole Dutch. "Case Management and the Victim of Human Trafficking: A Critical Service for Client Success." Washington, DC: United States Department of Health & Human Services, Office of the Assistant Secretary for Planning and Evaluation, June 9, 2008. <https://aspe.hhs.gov/report/case-management-and-victim-human-trafficking-critical-service-client-success>.

Colorado Division of Criminal Justice, Office for Victims Programs. *2016 Colorado Human Trafficking Council Annual Report*. Lakewood, CO: Colorado Department of Public Safety, 2017. [https://cdpsdocs.state.co.us/ovp/Human\\_Trafficking/report/2016-Annual-Report-Composite.pdf](https://cdpsdocs.state.co.us/ovp/Human_Trafficking/report/2016-Annual-Report-Composite.pdf).

Colorado Division of Criminal Justice, Office for Victims Programs. *2017 Colorado Human Trafficking Council Annual Report*. Lakewood, CO: Colorado Department of Public Safety,

2018. [https://cdpsdocs.state.co.us/ovp/Human\\_Trafficking/report/2017-Annual-Report-Full.pdf](https://cdpsdocs.state.co.us/ovp/Human_Trafficking/report/2017-Annual-Report-Full.pdf).

Colorado Division of Criminal Justice, Office for Victims Programs. *2018 Colorado Human Trafficking Council Annual Report*. Lakewood, CO: Colorado Department of Public Safety, 2019. <https://sites.google.com/state.co.us/human-trafficking-council/the-council/annual-report/2018-report>.

Colorado Secretary of State. *Code of Regulations, Department of Human Services, Social Services Rules: Overview of Child Welfare Services*. 12 CCR 2509-1. Denver: Colorado Secretary of State, 2016. <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=7344&fileName=12%20CCR%202509-1>.

Compass. "How to Develop a Creative Concept." Compass. 2015. <https://www.thecompassforsbc.org/how-to-guides/how-develop-creative-concept>.

Laboratory to Combat Human Trafficking. *The Colorado Project 2.0: To Comprehensively Combat Human Trafficking*. Denver: Laboratory to Combat Human Trafficking, 2019. [https://combathumantrafficking.org/report-downloads/Colorado\\_Project\\_2\\_0-by\\_LCHT.pdf](https://combathumantrafficking.org/report-downloads/Colorado_Project_2_0-by_LCHT.pdf).

Polaris. "Colorado." National Human Trafficking Hotline, December 31, 2018. <https://humantraffickinghotline.org/state/colorado>.

Polaris. "Hotline Statistics." National Human Trafficking Hotline. December 31, 2018. <https://humantraffickinghotline.org/states>.

United States Department of Health & Human Services. "Human Trafficking Leadership Academy." Administration for Children & Families, Office on Trafficking in Persons, National Human Trafficking Training and Technical Assistance Center. Last reviewed, December 3, 2019. <https://www.acf.hhs.gov/otip/training/nhttac/human-trafficking-leadership-academy>.

United States Department of Homeland Security. "Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status." United States Citizenship and Immigration Services. Last reviewed December 29, 2014. <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-human-trafficking-t-nonimmigrant-status>.

United States Department of Justice. "Glossary." Office of Justice Programs, Office for Victims of Crime. <https://www.ovc.gov/model-standards/glossary.html>.

United States Department of State. *2017 Trafficking in Persons Report*. Washington, DC: Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, June 2017. <https://www.state.gov/j/tip/rls/tiprpt/2017/>.

United States Department of State. *2018 Trafficking in Persons Report*. Washington, DC: Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, June 2018. <http://www.state.gov/j/tip/rls/tiprpt/2018/>.

United States Department of State. *2019 Trafficking in Persons Report*. Washington, DC: Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, June 2019. <https://www.state.gov/reports/2019-trafficking-in-persons-report/>.





# SECTION 8

# Appendices

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# Appendix 1: Affirmative Defense - Human Trafficking | SB15-30<sup>51</sup>

**SECTION 1.** In Colorado Revised Statutes, **add** 18-7-201.3 as follows:

**18-7-201.3. Affirmative defense - human trafficking - expungement of record protective order - definitions.** (1) A PERSON CHARGED WITH PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201 OR ANY CORRESPONDING MUNICIPAL CODE OR ORDINANCE, FOR AN OFFENSE

COMMITTED ON OR AFTER JULY 1, 2015, WHICH OFFENSE WAS COMMITTED AS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING, MAY ASSERT AS AN AFFIRMATIVE DEFENSE THAT HE OR SHE IS A VICTIM OF HUMAN TRAFFICKING AS DEFINED IN SUBSECTION (4) OF THIS SECTION. TO ASSERT THE AFFIRMATIVE DEFENSE PURSUANT TO THIS SUBSECTION (1), THE PERSON CHARGED WITH THE OFFENSE MUST DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE THAT HE OR SHE WAS A VICTIM OF HUMAN TRAFFICKING AT THE TIME OF THE OFFENSE. AN OFFICIAL DETERMINATION OR DOCUMENTATION IS NOT REQUIRED TO ASSERT AN AFFIRMATIVE DEFENSE PURSUANT TO THIS SUBSECTION (1), BUT OFFICIAL DOCUMENTATION FROM A FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT AGENCY INDICATING THAT THE DEFENDANT WAS A VICTIM AT THE TIME OF THE OFFENSE CREATES A PRESUMPTION THAT HIS OR HER PARTICIPATION IN THE OFFENSE WAS A DIRECT RESULT OF BEING A VICTIM.

(2) (a) ON OR AFTER JANUARY 1, 2016, A PERSON CHARGED WITH OR CONVICTED OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201 OR ANY CORRESPONDING MUNICIPAL CODE OR ORDINANCE, FOR AN OFFENSE COMMITTED BEFORE JULY 1, 2015, WHICH OFFENSE WAS COMMITTED AS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING, AS DEFINED IN SUBSECTION (4) OF THIS SECTION, MAY APPLY TO THE COURT FOR A SEALING OF HIS OR HER RECORDS PURSUANT TO SECTION 24-72-702 OR 24-72-706, C.R.S., AS APPLICABLE.

(b) A JUVENILE CHARGED WITH OR ADJUDICATED OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201 OR ANY CORRESPONDING MUNICIPAL CODE OR ORDINANCE, FOR AN OFFENSE COMMITTED BEFORE JULY 1, 2015, WHICH OFFENSE WAS COMMITTED AS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING, AS DEFINED IN SUBSECTION (4) OF THIS SECTION, MAY APPLY TO THE COURT FOR EXPUNGEMENT OF HIS OR HER RECORD PURSUANT TO SECTION 19-1-306, C.R.S.

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<sup>51</sup> Appendix 1 represents the entirety of the enacted legislation. 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.

(c) AN OFFICIAL DETERMINATION OR DOCUMENTATION IS NOT REQUIRED TO GRANT A MOTION PURSUANT TO THIS SUBSECTION (2), BUT OFFICIAL DOCUMENTATION FROM A FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT AGENCY INDICATING THAT THE DEFENDANT WAS A VICTIM AT THE TIME OF THE OFFENSE CREATES A PRESUMPTION THAT HIS OR HER PARTICIPATION IN THE OFFENSE WAS A DIRECT RESULT OF BEING A VICTIM.

(3) AT THE REQUEST OF A PERSON WHO ASSERTED THE AFFIRMATIVE DEFENSE PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT MAY AT ANY TIME ISSUE A PROTECTIVE ORDER CONCERNING PROTECTING THE CONFIDENTIALITY OF THE PERSON ASSERTING THE AFFIRMATIVE DEFENSE.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "HUMAN TRAFFICKING" MEANS AN OFFENSE DESCRIBED IN PART 5 OF ARTICLE 3 OF THIS TITLE OR ANY CONDUCT THAT, IF IT OCCURRED PRIOR TO THE ENACTMENT OF SUCH PART 5, WOULD CONSTITUTE AN OFFENSE OF HUMAN TRAFFICKING PURSUANT TO PART 5 OF ARTICLE 3 OF THIS TITLE.

(b) "VICTIM OF HUMAN TRAFFICKING" MEANS A "VICTIM" AS DEFINED IN SECTION 18-3-502 (12).

**SECTION 2.** In Colorado Revised Statutes, 18-3-505, **add** (4) (i) as follows:

**18-3-505. Human trafficking council - created - duties - repeal.**

(4) The council shall hold its first meeting on or before November 1, 2014, at a time and place to be designated by the executive director of the department of public safety, or by his or her designee. The council shall meet at least four times each year and shall carry out the following duties:

(i) ON OR AFTER JANUARY 1, 2019, PERFORM A POST-ENACTMENT REVIEW OF SECTION 18-7-201.3 AND REPORT ITS FINDINGS TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

**SECTION 3. 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 2: Colorado Department of Human Services | List of Counties by Size Category

List of counties by Size Category		
Small Sized Counties	Medium Sized Counties	Large Sized Counties
Archuleta	Alamosa	Adams
Baca	Broomfield	Arapahoe
Bent	Chaffee	Boulder
Cheyenne	Conejos	Denver
Clear Creek	Delta	El Paso
Costilla	Douglas	Jefferson
Crowley	Eagle	Larimer
Custer	Fremont	Mesa
Dolores	Garfield	Pueblo
Elbert	Huerfano	Weld
Gilpin	La Plata	
Grand	Las Animas	
Gunnison	Logan	
Hinsdale	Moffat	
Jackson	Montezuma	
Kiowa	Montrose	
Kit Carson	Morgan	
Lake	Otero	
Lincoln	Prowers	
Mineral	Rio Grande	
Ouray	Saguache	
Park	Teller	
Phillips		
Pitkin		
Rio Blanco		
Routt		
San Juan		
San Miguel		
Sedgwick		
Summit		
Washington		
Yuma		

This table shows a breakdown of county size based on populations provided by the Colorado Department of Human Services. The counties are listed in alphabetical order.



# Appendix 3: Colorado High Risk Victim Identification Tool

## Colorado High Risk Victim Identification Tool

Youth Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Screening Date: \_\_\_\_\_ Completed by: \_\_\_\_\_

Agency: \_\_\_\_\_ Case #: \_\_\_\_\_

Identifiers:	Source: (Indicate self-report or documentation)
<input type="checkbox"/> Three or more runs in 12 months	
<input type="checkbox"/> First run at the age of 12 or younger	
<input type="checkbox"/> Longest run more than 20 days	
<input type="checkbox"/> Credible report of commercial sexual exploitation	
<input type="checkbox"/> Found in a motel/hotel or area known for commercial sex. (See local guide for details)	

Enhancers:	Source: (Indicate self-report or documentation)
<input type="checkbox"/> Drug charges/substance abuse	
<input type="checkbox"/> Tattoos/Brands-unexplained, reluctance to explain	
<input type="checkbox"/> Truancy and/or not enrolled in school	
<input type="checkbox"/> In relationship/expressed interest in older men/women who may be intimate partner, friend or relative	
<input type="checkbox"/> Possession of expensive items, large amounts of cash, unexpected travel	
<input type="checkbox"/> Giving false info/no ID/lying about age/NOT in control of ID	
<input type="checkbox"/> Homeless, not living with adults, couch surfing, etc.	
<input type="checkbox"/> History of, or current concern about Sexual Abuse, Physical Abuse or Neglect	
<input type="checkbox"/> History of law enforcement contact related to prostitution or other charges that may occur while being trafficked (theft, drugs, assault). May have multiple curfew violations.	
<input type="checkbox"/> Stays with individual(s) who require payment for housing. Payment could be sexual favors, drugs or money.	
<input type="checkbox"/> Family, friends, peers known to be involved in illegal commercial sex and/or criminal activities	

Additional Red Flags:	Source: (Indicate self-report or documentation)
<input type="checkbox"/> Sexually explicit social networking profiles/chat room engagement	
<input type="checkbox"/> Demeanor: unable to make eye contact, afraid to speak	
<input type="checkbox"/> Not in control of money earned, owes a debt or has intense sense of financial responsibility toward family or intimate partner.	
<input type="checkbox"/> Using the language of the commercial sex industry (“the life”). Ask local experts for examples	
<input type="checkbox"/> Relationships/found in the presence of older, non-related adults	
<input type="checkbox"/> STIs, pregnancy, abortions	
<input type="checkbox"/> Lack of support system or supportive relationships	
<input type="checkbox"/> Cannot identify address or residence	
<input type="checkbox"/> Gang Involvement	
<input type="checkbox"/> Family dysfunction	
<input type="checkbox"/> Bruises/unexplained marks	
<input type="checkbox"/> Mental health: Fear, anxiety, depression, paranoia, PTSD, suicidal, etc.	
<input type="checkbox"/> Physical: malnourished, poor hygiene, skin rash, exhaustion, etc.	
<input type="checkbox"/> Not in control of eating and/or sleeping	
<input type="checkbox"/> Inconsistent stories-different accounts of relationships, events, etc. to different people or at different times.	
<input type="checkbox"/> Has received threats to self, family or friends if they do not work or participate in criminal activity.	
<input type="checkbox"/> Appears to be monitored-unable to have private meetings, phone conversations, whereabouts are being monitored, fear of not sharing location/who they are with	

**If your MDT does not have this expertise, please call the CONEHT Hotline (866-455-5075) for assistance and resources.**

Labor Trafficking Indicators	Source: (Indicate self-report or documentation)
<input type="checkbox"/> Recruited with false promises of work conditions or pay	
<input type="checkbox"/> Works long hours with few or no breaks	
<input type="checkbox"/> Pay is inconsistent	
<input type="checkbox"/> Some or all pay goes towards debt, housing , food, etc.	
<input type="checkbox"/> Some or all pay is given to someone else	
<input type="checkbox"/> Unexplained signs of injury or illness, possibly untreated	
<input type="checkbox"/> Shows anxiety in maintain job for duty to family, intimate partner or to pay a debt to employer	

<input type="checkbox"/> Desperation to make a sale (magazines, beauty products, etc) or for money while begging	
<input type="checkbox"/> Resides with a number of unrelated co-workers and others	
<input type="checkbox"/> Forced, threatened or coerced to participate in illegal activities including drug sales	

*Disclaimer: While this checklist can be a useful tool to improve identification of potential victims of exploitation, it is not a validated diagnostic tool. The checklist is intended to be used to supplement comprehensive screening, assessment and/or intake processes that explore a multitude of domains such as family, peers, school, employment, substance abuse, protective factors, etc. Even if a youth's profile suggests a presence of multiple indicators on the checklist, it does not confirm trafficking/victimization, but highlights a need for further assessment. Information noted on this checklist will be part of a confidential database and only shared by professionals involved in the youth's care.*

# Appendix 4: Colorado Human Trafficking Council | Service Provider Survey Pre-Questionnaire<sup>52</sup>

## **Demographic Information:**

1. Agency Name
2. What is your job title?
3. How long have you been working with your current agency?
4. Previous to your current role, do you have any experience working with trafficking victims/survivors, or do you have other experiences that have prepared you for working with human trafficking survivors?
5. If you answered yes, please describe your previous experience.
6. Do you have any trainings, certifications, and/or degrees relevant to serving trafficking victims/survivors?
7. If you answered yes, please describe your trainings, certifications or degrees relevant to serving the trafficked population.

## **Detail about Agency Service Provision to Human Trafficking Population:**

8. Describe the trafficking population(s) you have experience serving. Please check all populations that apply. There is also space to list other populations not listed here or an option to select not applicable.
  - suspected victims of trafficking
  - confirmed victims of trafficking
  - foreign nationals
  - U.S. citizen/ legal permanent residence holders
  - individuals for whom English is the primary language spoken
  - individuals for whom English is not the primary language spoken
  - minors (under 18 years of age)

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<sup>52</sup> Service provider survey pre-questionnaire was administer online using Survey Monkey. Participants had to provide a digital consent prior to filling out the survey.

- adults
- labor trafficking victims
- sex trafficking victims
- both sex and labor trafficking
- unspecified victimization
- male-identified individuals
- female-identified individuals
- transgender, gender non-conforming, and/or non-binary individuals
- heterosexual
- lesbian, gay bisexual, queer or asexual identifying populations
- racially and/or ethnically marginalized populations
- individuals with an intellectual or cognitive disabilities
- individuals with physical disabilities
- individuals experiencing homelessness
- individuals facing or convicted of criminal charges
- individuals with substance use challenges
- not applicable (e.g. professional background geared towards program management and not direct service experience)
- Other (please specify)

9. Which populations are eligible for your services and represent populations your agency is currently equipped to serve? Please check all that apply. There is also space to list other populations not listed here.

- suspected victims of trafficking
- confirmed victims of trafficking
- foreign nationals
- U.S. citizen/ legal permanent residence holders
- individuals for whom English is the primary language spoken
- individuals for whom English is not the primary language spoken
- minors (under 18 years of age)
- adults
- labor trafficking victims
- sex trafficking victims
- both sex and labor trafficking
- unspecified victimization
- male-identified individuals
- female-identified individuals
- transgender, gender non-conforming, and/or non-binary individuals
- heterosexual
- lesbian, gay bisexual, queer or asexual identifying populations
- racially and/or ethnically marginalized populations
- individuals with an intellectual or cognitive disabilities
- individuals with physical disabilities
- individuals experiencing homelessness
- individuals facing or convicted of criminal charges
- individuals with substance use challenges

- Other (please specify)

10. Which populations are not eligible for your services, or represent populations your agency is not currently equipped to serve? Please check all that apply. There is also space to list other populations not listed here.

- suspected victims of trafficking
- confirmed victims of trafficking
- foreign nationals
- U.S. citizen/ legal permanent residence holders
- individuals for whom English is the primary language spoken
- individuals for whom English is not the primary language spoken
- minors (under 18 years of age)
- adults
- labor trafficking victims
- sex trafficking victims
- both sex and labor trafficking
- unspecified victimization
- male-identified individuals
- female-identified individuals
- transgender, gender non-conforming, and/or non-binary individuals
- heterosexual
- lesbian, gay bisexual, queer or asexual identifying populations
- racially and/or ethnically marginalized populations
- individuals with an intellectual or cognitive disabilities
- individuals with physical disabilities
- individuals experiencing homelessness
- individuals facing or convicted of criminal charges
- individuals with substance use challenges
- Other (please specify)

11. Does your agency serve a specific geographic region?

12. If you answered yes, please describe the geographical region you serve.

13. How many victims/survivors of human trafficking has your agency served in the past year?

14. Based on those you have served in the past year, estimate as percentages the trafficked population who were/are: suspected victims of human trafficking/confirmed victims of human trafficking.

15. Based on the those you have served in the past year, estimate as percentages the population who were/are: foreign nationals/US Citizen or legal permanent resident holders.

16. Based on those you have served in the past year, estimate as percentages the trafficked population who were/are: adults/minors.
17. Based on those you have served in the past year, estimate as percentages the trafficked population whose first language were/are: English/a language other than English.
18. Based on those you have served in the past year, estimate as a percentage the trafficked population who has experienced both labor and sex trafficking. (This question plus the following three questions should add up to 100%)
19. Based on those you have served in the past year, estimate as a percentage the trafficked population who has experienced labor trafficking.
20. Based on those you have served in the past year, estimate as a percentage the trafficked population who has experienced sex trafficking.
21. Based on those you have served in the past year, estimate as a percentage the trafficked population whose form of human trafficking is unknown or unspecified.
22. Based on those you have served in the past year, estimate as a percentage the trafficked population who was/is male-identified. (This question plus the following three questions should add up to 100%)
23. Based on those you have served in the past year, estimate as a percentage the trafficked population who was/is female-identified.
24. Based on those you have served in the past year, estimate as a percentage the trafficked population who was/is transgender, gender non-conforming, and/or non-binary individual.
25. Based on those you have served in the past year, estimate as a percentage the trafficked population who did/does not express a gender identity or whose gender identity is unknown.
26. Based on those you have served in the past year, estimate as a percentage the trafficked population who identified/identifies as heterosexual. (This question plus the following two questions should add up to 100%)

27. Based on those you have served in the past year, estimate as a percentage the trafficked population who identifies/ed as gay, lesbian, bisexual, and/or non-binary individuals.
28. Based on those you have served in the past year, estimate as a percentage the population whose sexual orientation is not known and/or has not expressed a preference of sexual orientation.
29. Based on those you have served in the past year, estimate as a percentage the trafficked population with an intellectual or cognitive disability.
30. Based on those you have served in the past year, estimate as a percentage the trafficked population with a physical disability.
31. Based on those you have served in the past year, estimate as a percentage the trafficked population who experienced/is experiencing homelessness.
32. Based on those you have served in the past year, estimate as a percentage the trafficked population facing or convicted of criminal charges.
33. Based on those you have served in the past year, estimate as a percentage the trafficked population with substance use challenges.
34. Based on those you have served in the past year, estimate as a percentage the trafficked population with an identity or status not listed above. Describe status and assign a percentage to this population.
35. On average, how many months are your human trafficking cases open? (please list in months)
36. Rank the source of referrals for your trafficking clients from the most common to the least common (most common=1 and least common=12).
  - Calls or walk-ins to your agency
  - Hotline calls (e.g. referrals from the Colorado Network to End Human Trafficking, CoNEHT, the National Human Trafficking Hotline, etc.)
  - Legal service provider referrals
  - Housing provider referrals
  - Medical provider referrals
  - Behavioral health/mental health provider referrals



- Law enforcement referrals (e.g. local, state, or federal investigators, criminal justice-based victim advocates, prosecutors, etc.)
- Other law enforcement/regulatory agencies (Parole/probation; Department of Labor, Equal Employment Opportunity Commission, etc.)
- Internal agency referral
- Non-governmental organization partner referrals (non-hotline agencies)
- Department of Human Services referrals (county or state)
- Other (please specify)

37. Do human trafficking clients have the opportunity to provide anonymous feedback on services they received from your agency?

38. If you answered no to the question regarding client feedback, why not?

39. If you answered yes, how do you use this information from the anonymous client feedback?

# Appendix 5: Colorado Human Trafficking Council | Service Provider Interview Guide

\*\*For the purpose of the current analysis, human trafficking service provision is defined as a practice in which the service professional works with the victim/survivor to assess needs, define service outcomes, obtain services, treatment and supports, and to prevent and

## **Overarching Research Questions:**

5. Which communities of human trafficking victims/survivors do Colorado service providers currently reach?
6. What are the primary referral pathways to human trafficking services for survivors?
7. How do service providers identify human trafficking survivor needs?
8. What do the service providers identify as the strengths and gaps in their efforts to serve human trafficking survivors?

## Overview/Background Questions (can be geared toward directors and/or front-line staff)

- What is your title? How long have you been in this role? With the agency?
- Previous to your current role, do you have experience working with trafficking victims/survivors or do you have other experiences that have prepared you for working with human trafficking survivors? If yes, please explain your prior experiences.
- Do you have any trainings, certifications and/or degrees relevant to serving trafficking victims/survivors? If yes, please describe. [Prompts: when did you receive the relevant trainings, certification/degree and who offered it/them? Any in-house training offered?]

## Eligibility (can be geared toward directors and/or frontline staff)

- Please describe your agency's intake process. [Prompts: who is eligible for your agency's services? Is anyone ineligible for your services? Why? How are the referrals for ineligible individuals handled? Does the response differ based on gender, age, citizenship, or other type of status?]

- Per agency and/or funder guidelines, can you work with both suspected and confirmed trafficking victims? Why or why not? How is the “trafficking victimization” determination made? [Prompts: Is this assessed in-house or by the referring agency, e.g. law enforcement, legal service provider, etc.]?
- Does your agency serve a specific geographic region? If so, please describe the geographic region you serve?

In-Referral Sources/Outreach Activities (can be geared toward directors and/or frontline staff)

- Please describe how and by whom are cases referred to you?
- Does your agency conduct outreach with populations at-risk or vulnerable to human trafficking as a method to identify potential victims and/or to spread the word about your agency’s human trafficking services? If so, please explain your outreach activities.

Service Provision (Preferable for front-line staff if director is not involved in direct service activities)

- Needs Assessment: As part of your work with human trafficking clients, do you conduct a formal needs assessment (whether social or legal needs assessment)? How do you use the information you obtain from the needs assessment? [Ask for copies of the needs assessment and/or protocol]
- Service Plan: Do you develop a service plan with your human trafficking clients? If so, please describe the process you use to create a service plan. [Prompts: How and when are service plans developed and updated? Is the plan developed jointly with the client? Does anyone else participate in this effort? To what extent does the service plan reflect client-identified needs?]
- Safety Planning: Do you create a safety plan as part of your work with human trafficking clients? What does your safety plan consist of?
- Client Contact: Briefly describe the from and frequency that your contact with human trafficking clients takes. [Prompts: On average, how often do you meet with an individual client per month? How long do these meetings last? How are meetings set

up? Where do you meet clients? Are your facilities accessible by public transport? Do you provide vouchers or help with transportation? How do you maintain contact and engage clients assigned to you? Is client accompaniment part of your work with individual clients Why or why not?]

- Confidentiality: Briefly describe the role that confidentiality plays in your work with human trafficking clients. [Prompts: Are there limits to confidentiality? A formal policy?]
- Case coordination/Out-referrals: Briefly describe your agency's referral process for services identified in the human trafficking client's service plan that are not provided in-house. [Prompts: How are decisions about when and where to refer made? Any vetting by your agency of referral sources? How is the client is referred (e.g., case manager or volunteer escorts client, case manager talks directly to service provider)? What information is provided about the client? Do you communicate with client, referred agency (or both) about services received by your client? Any formal tracking process to document progress, services completed or discontinued with external providers?] What is an example of one or two common referrals you make on behalf of a trafficking client?
- Geography: What impact does geography have on the services you provide? [Prompts: What challenges and opportunities do you see in terms of establishing client rapport and maintaining contact; identifying appropriate referral sources for aspects of your client's service plan; assisting your client to prevent and manage crisis?]
- Service Philosophy/culture: Please describe key models/approaches that guide how your agency works with trafficking survivors. [Prompts: Which of the following evidence-supported service approaches does your agency use? When applicable, provide examples].
  - Client-self-determination/client-centered
  - culturally appropriate service provision
  - trauma-informed service provision [Probe for allowing victim to tell own story, e.g. experience-based vs. the who, what, where, when, why, elimination of trauma trigger words]
  - developmentally-appropriate service provision

- Overall Strengths/Gaps in Services. What do you consider the successes of your services and key challenges in terms of?
  - Working with victims/survivors
  - Your agency's own services
  - Agency partnerships and the service array available to you in order to meet victim/survivor needs that can't be met in-house
  - Other (please specify)
- Case closing practices: How do you determine when it is time to close a person's case? [Prompts: Have you ever had to terminate a client? If so, why? Are there requirements for sobriety? Meeting Goals? Are services time-limited? Is there a financial cap? Have clients you served opted or dropped out of services? If yes, why do you think the client(s) discontinued services?]

Interaction and Cooperation with Law Enforcement (Preferable for front-line staff)

- Please describe your agency's approach to law enforcement case coordination? [Prompts: Do you obtain consent from clients to discuss details of their case with law enforcement (investigators, prosecutors, immigration agents, probation/parole? Do you have an official protocol and/or MOU with law enforcement? Does your agency ever take a position on whether a client should cooperate with law enforcement?]
- Results from the CHTC's 2015 law enforcement investigators survey and its 2017 prosecutor survey, victim cooperation is listed as the biggest challenge. Why do you think this might be?
- What might your recommendations to law enforcement be about how to encourage victim cooperation?
- Often there are risks to immigration status when clients work with law enforcement. How do you talk to your clients about this risk?

Evaluation (can be geared toward directors and/or front-line staff)

- How do you evaluate your services? Do you provide clients with opportunities to provide anonymous feedback? If so, how do you use this information?
- What are your data collection practices?

- Would you be willing to submit de-identified client information to a central state repository to improve state-level data collection efforts? Why or why not? [Prompts: any suggestions or innovative strategies providers can offer about how to do this in a way that allows us to de-conflict numbers without jeopardizing confidentiality is welcomed!]

# Appendix 6: Human Trafficking Public Awareness and Outreach Campaign | Creative Brief<sup>53</sup>

**Prepared for the Colorado Human Trafficking Council**

*Approved June 2016*

## **Background**

Widespread public knowledge about the hidden crime of human trafficking in Colorado is inadequate. In recent history, state government and partnering organizations have accomplished strides in criminalizing and addressing this inhumane act through legislation, law enforcement training, a focus on prosecution, and survivor services. Yet a small group of statewide stakeholders remain the sole group responsible for drawing attention to and combating this injustice in Colorado.

At its core, human trafficking is the severe exploitation of another person by means of force, fraud, or coercion for some kind of labor, including commercial sex. Human trafficking has a variety of forms but all of them involve the exploitation of one individual by another for some kind of benefit – often economic. Human trafficking involves the denial of a person's human right to freedom and basic dignity.

In 2014 the Colorado Human Trafficking Council was established to coordinate statewide anti- human trafficking efforts to better prevent trafficking in Colorado. In 2017, the Council was mandated by the state legislature to “create an implementation plan for the development of an awareness campaign that will educate the public about human trafficking and place victims services contact information in places where victims of human trafficking are likely to see it.”

The prevalence of human trafficking is unmeasured. Incidence data has been tracked over time and is reported by the Council annually, but it does not provide an accurate depiction of this hidden crime. It is a complex challenge to accurately provide any conclusions about which Colorado “industry” human trafficking is most prevalent. More information about the types of human trafficking can be found at <https://polarisproject.org/typology>.

Formative research was conducted with a statewide audience and a Campaign Plan was developed. Partnership collaboration across the state has been initiated and the next step is to develop campaign concepts to communicate with Colorado residents about human trafficking.

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<sup>53</sup> The Public Awareness and Outreach Campaign Creative Brief was prepared by Orange Circle Consulting.

## **Campaign Purpose/Goals**

The Council campaign purpose is to increase knowledge about all types of human trafficking in the state of Colorado. Its goals are to shift preconceived ideas about human trafficking, elevate the belief that human trafficking can exist in any Colorado community, and create a statewide culture that does not tolerate human trafficking.

## **Campaign Objectives**

The communication goals specific to this public-facing campaign are:

- Clarify what human trafficking is
- Increase the belief that human trafficking happens everywhere, including Colorado
- Evoke an emotional connection to the topic that drives action (seeking information; reporting, stop participating or enabling)
- Increase knowledge about essential facts of all aspects of human trafficking (it's true story)
- Ignite the confidence and/or obligation to do something about human trafficking (similar to other crimes)

## **Audience**

When a human trafficking case is brought into the courtroom, a prosecuting attorney must address a diverse group of people in the jury that will determine the outcome of the case. This group will represent different ages, ethnicities, genders, skills, education, and income levels. They will have varied perceptions as well as different levels of understanding the facts about human trafficking.

The initial outreach campaign will target Colorado residents with little to no awareness about all aspects of human trafficking – anyone that might be called to serve on a jury for a human trafficking case. This diverse group encompasses varied demographic, geographic, and psychographic biases. Some may even be traffickers or buyers themselves. Segmentation by urban and rural regions should be a consideration.

*NOTE: Providing information about resources for victims impacted by human trafficking was identified in the legislative mandate. This statement identifies a segmented audience that would require different messaging than the general public that has little awareness about human trafficking. This campaign will not focus on victims/survivors at inception yet will provide a simple call-to-action for all audiences (e.g. hotline) for anyone to access help and information.*

## **Audience Insights (Barriers/Motivators)**

Target audience research shows that Coloradans are aware of the terminology of human trafficking, but they have very specific and narrow perceptions (or misperceptions) about the topic (i.e., young girls and sex trafficking). They do not necessarily believe that human trafficking exists in their own communities or that their lives are impacted by it.

Coloradans report that the government bears a significant amount of responsibility in addressing human trafficking, yet distrust of government/law enforcement agencies is a common thread reported by many actual survivors. Coloradans believe that the general public also plays a significant role in combating human trafficking but most lack the



appropriate understanding and knowledge to do anything about it. The fear of getting involved is a significant barrier that hinders the audience from acting against human trafficking.

Perceived motivators to taking action against human trafficking includes community safety and having a personal connection to the topic. Most Coloradoans rated “calling the police” as the action they were most willing to move forward with and many stated that they were also willing to purchase fair trade goods.

### **Stakeholder Insights**

Community Stakeholders reinforced findings from the formative research with the target audience and also provided anecdotal insights about specific topics related to human trafficking when talking about the general public:

- Lack of awareness and disbelief that it happens in their community keep people from understanding human trafficking
- Fear and anger/outrage are the emotions most associated to human trafficking
- Lack of understanding about the survivor/trafficker relationship
- Traffickers can be anyone (traits include: manipulation; preying on trust; controlling, jealous, persuasive, predator; similar to an abuser)
- The general public also calls (or confuses) human trafficking with prostitution/pimping; modern day slavery; sex trafficking; labor trafficking; smuggling; exploitation; kidnapping; indentured servants, sex-ploitation, self-exploitation

Elements of communications campaigns that should be avoided include:

- stereotypes (only girls; only sex, only foreign nationals); violence; oversexualization; sensationalism; chains; images of bondage, beating/abuse, kidnapping; slavery; conflation with domestic violence; immigration or focus on other countries; pity
- words/phrases such as: victim; child prostitution;

### **Survivor Insights**

Survivors provide valuable information to help frame a story about human trafficking. When asked to provide insights about specific topics related to human trafficking when talking about the general public, stakeholders that are categorized as survivors stated:

- Too often the focus is on survivor blame; judgment of a victim’s circumstance as their own choice; “self-exploitation”; shifting the responsibility away from the trafficker/buyer;
- Audience doesn’t have a clear understanding of/connection to coercion; cycle of the survivor and need to stay alive; fear of trafficker; shame/guilt;
- Emotions needed to evoke: personal connection; passion; “you are being tricked”; everyone is a buyer; social obligation/personal responsibility
- System needs to follow through; victims don’t report because nothing happens; need more successful prosecution and convictions

### Trafficker Characteristics/Resistance to Reporting

- Manipulation; corruption; money-centered; narcissistic; trauma history; personality disorder; power; repercussions from trafficker can be worse than the trafficking

### Segmentation of Human Trafficking Approaches

- Rescue & Restore
- Human Rights
- Public Health
- Abolition (End Demand)

### **Intended Actions**

Moving audiences from obliviousness/misperceptions to awareness into action is the intended goal for the long-term duration of the campaign and will take time to achieve.

Broad calls-to-action include:

- Learn about human trafficking (what it is, it's broad prevalence and impact)
- Share knowledge about human trafficking with family, friends, and social networks
- Recognize warning signs of potential human trafficking situations
- Report suspicious or questionable circumstances (hotline/text line)
- Make informed purchasing choices

More specific and complex calls to action that will require adequate time and resources can include:

- Purchase fair trade goods and services
- Stand for and support law-abiding companies that do not engage in human trafficking

### **Brand Positioning**

Established as a part of a state legislation in 2014, the Council represents a wide range of agencies including law enforcement, legal services, prosecutors, non-governmental organizations, regional coalitions and task forces, victim service providers, academia, faith-based organizations, etc. the Council is housed under the Colorado Department of Public Safety, Division of Criminal Justice, Office for Victims Programs and is designed to:

- Bring together leadership from community-based and statewide anti-trafficking efforts;
- Build and enhance collaboration among communities and counties within the state;
- Establish and improve comprehensive services for victims and survivors of human trafficking
- Assist in the successful prosecution of human traffickers; and
- Help prevent human trafficking in Colorado

The Council's Guiding Principles are listed on their website. They visually represent themselves using a consistent logo but have not established a formal brand platform with supporting elements such as vision, mission, essence, persona, tone, etc.

With representation from this diverse group of agencies across the state, the Council is an

established authority in addressing human trafficking in Colorado. They hold a position that is supported by a government entity that gives legitimacy to their work, but also upholds a certain amount of autonomy that helps remove perceived threats.

The Council is originating this statewide campaign for a collective group of organizations across the state. The Council logo will be included on all campaign materials but will only be a supporting element to the campaign brand that is established. Some campaign materials may need to provide space for an additional partner logo to highlight a specific agency/region.

### **Reason to Believe/Promise**

The Council is a multi-sector entity representing a diverse group of organizations working towards the same goal of preventing human trafficking. They are survivor informed, experts in the fields of prevention, services, prosecution, legislation, enforcement and more. Most importantly all members of the Council are passionate about stopping the injustice (crime) of human trafficking.

Coloradoans should feel well-informed about the realities of human trafficking because the Council has done its job to dispel myths and provide essential/necessary information. They should feel confident that they can depend on others to help find the solutions. They should feel supported and reassured that any action they take – from seeking out more information to reporting a questionable circumstance – will be confidential and free from repercussions. They should be comforted that they have contributed to a safer community for themselves, their families, and survivors of human trafficking.

### **Key Attributes/Personality/Tone**

Justice; Safety; Helpful; Reassuring; Confident

### **Takeaway**

Identifying one takeaway for a campaign of this complexity and scale is a challenge. A phased approach to support both the campaign objective and calls-to-action over several years should be considered to help tell the story and move the campaign from simply raising awareness, to an actionable appeal.

- Human trafficking is a hidden crime – this is the real story.
- Human Trafficking happens everywhere, even in your community.
- Learn more about the reality of human trafficking.
- You play a role to help stop the injustice (crime) of human trafficking, we are ready to help.

### **Competition**

- Previous and/or existing campaign efforts (and media such as movies/television shows) addressing human trafficking often depicting human trafficking with harmful stereotypes that have created misperceptions
- Lack of factual/complete information in a way that is consumable for the general public
- Hidden crime; wrongly prosecuted as a different crime

- A variety of organizations/positions that address human trafficking, each with their own mission/vision (Human Rights; Abolitionists; Rescue & Restore)
- Concern about “vigilantes” being evoked by anger

**Considerations/Caveats**

- Include the Council logo
- Council’s Public Awareness Task Force must review/approve
- Pending funding for campaign implementation which impact type of outreach





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