

## **Definitions**

**Youth:** For the purposes of this project, youth are regarded as any young person up to the age of 24. Minors are young people under the age of 18.

**Trauma informed:** 1. Realizing the prevalence of trauma. 2. Recognizing how trauma affects all individuals involved with the program, organization, or system, including its own workforce. 3. Responding by putting this knowledge into practice.<sup>1</sup>

**Implicit bias:** Research on “implicit bias” suggests that people can act on the basis of prejudice and stereotypes without intending to do so.<sup>2</sup>

**DHS:** Department of Human Services

**LE:** Law enforcement

## **Human trafficking statutes, federal and state:**

### **Federal Definition of Human Trafficking: Trafficking Victims’ Protection Act**

1. Human Trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion.
2. Where a person younger than 18 is induced to perform a commercial sex act, it is a crime regardless of whether there is any force, fraud, or coercion.

### **Colorado State Definition of Human Trafficking**

1. Human Trafficking for (Labor Trafficking/Involuntary Servitude) CRS 18-3-503: A person who knowingly sells, recruits, harbors, transports, transfers, isolates, induces, entices, provides, receives, or obtains by any means another person for the purpose of coercing the other person to perform labor or services commits human trafficking for involuntary servitude.
2. Human Trafficking for Sexual Servitude (Sex Trafficking) CRS 18-3-504: A person who knowingly sells, recruits, harbors, transports, transfers, isolates, induces, entices, provides, receives, or obtains by any means a person for the purpose of coercing the person to engage in commercial sexual activity commits human trafficking for sexual servitude. Coercion does not need to be proven for minors under the age of 18.

### **While the federal and state statute definitions of human trafficking differ slightly, in practice there are three types of human trafficking under both definitions:**

1. Those under 18 involved in commercial sex acts.
2. Those 18 and over involved in commercial sex acts through force, fraud, or coercion.
3. Those forced to perform labor and/or services through force, fraud, or coercion

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<sup>1</sup> Office for Victims of Crime Training and Technical Assistance Center (OVCTTAC). “Human Trafficking Task Force eGuide.” <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/>. 4 © 2021 Laboratory to Combat Human Trafficking and Denver Anti-Trafficking Alliance V

<sup>2</sup> Stanford Encyclopedia of Philosophy

## Colorado human trafficking-related legislation since 2014

### 2020 Legislative Session

*\*The Colorado legislative session was suspended in March because of the COVID-19 pandemic. The session reconvened at the end of May, but the disruption significantly reduced the length of the session for the year. Due to the abbreviated session, legislation introduced to address human trafficking was postponed and may be reintroduced in 2021.*

### 2019 Legislative Session

- [SB 19-149](#) – Extending Colorado’s Human Trafficking Council
- [HB 19-1267](#) - Creates felony penalties for violations of Colorado's Wage Theft Act
- [SB 19-185](#) – Provides immunity for minor victims of trafficking
- [HB 19-1051](#) – Requires DCJ to conduct human trafficking training to LE agencies who serve HT victims

### 2018 Legislative Session

- [SB 18-055](#) - Increase Surcharge for Trafficking Children
- [HB 18-1018](#) - Human Trafficking Commercial Driver's License

### 2017 Legislative Session

- [HB17-1040](#) - Interception of Human Trafficking Communications
- [HB17-1072](#) - Human Trafficking Sexual Servitude
- [HB17-1172](#) - Penalties for Child Sex Traffickers

### 2016 Legislative Session

- [HB16-1320](#) - The regulation of massage therapy to modify practices that are linked to criminal behavior
- [SB16-110](#) - Protecting the privacy of child victims when releasing criminal justice records
- [HB16-1033](#) - Concerning the Colorado Human Trafficking Council
- [HB16-1224](#) - Concerning child abuse involving Human Trafficking of minors

### 2015 Legislative Session

- [HB15-1019](#) - Prostitution by a minor and minor victims of human trafficking
- [SB15-30](#) - Removing culpability for prostitution for a victim of human trafficking

## Recommendation for agencies and organizations who will encounter youth survivors of sex or labor trafficking in Colorado

1. All organizations and agencies who may come into contact with a survivor of sex or labor trafficking should have a straightforward internal protocol for both minors and adults which includes:
  - Basic human trafficking indicators for both labor and sex trafficking
  - Red flags based on local trends for both labor and sex trafficking
  - Separation procedures; perpetrator and victim separation (when appropriate)
  - Interview procedures, forensic interviewers if appropriate
  - Safety planning (when appropriate)
  - State's Mandatory reporting policies
  - Referral process and local referral list
  - Follow-up procedures (when appropriate)

*\*The Denver Anti-trafficking Alliance and the Laboratory to Combat Human Trafficking have developed a protocol toolkit that can assist with this task. This document is included as an attachment. Local referral organizations and agencies are listed in each region's resource mapping document.*

2. All recommended referrals should be trained on both labor and sex trafficking and on implementing trauma-informed practice, and should also have internal protocols (per recommendation #1). Agencies and organizations should offer referrals to resources to meet victims' basic needs outside of what they can offer directly. Even in a cooperative victim, the criminal justice system may not move fast enough to meet victims' basic needs in a timely manner.

For more information on trainings, please contact:

- Laboratory to Combat Human Trafficking (LCHT): <https://combathumantrafficking.org/get-involved/book-training/>
- Colorado Human Trafficking Council: <https://sites.google.com/state.co.us/human-trafficking-council/training>

For more information on a trauma-informed response please visit these websites:

- SAMHSA Concept of Trauma and Guidance for a Trauma-informed Approach: <https://store.samhsa.gov/product/SAMHSA-s-Concept-of-Trauma-and-Guidance-for-a-Trauma-Informed-Approach/SMA14-4884>
- Colorado Department of Human Services: <https://cdhs.colorado.gov/colorado-trauma-informed-system-of-care>

3. There should be at least one (preferably more than one) designated point of contact in ALL law enforcement agencies, child welfare agencies, and all community partners regarding any suspected human trafficking. If appropriate there could be different points of contact for different identities or types of trafficking. These points of contact should be

clearly identified and their contact information be made available. If they are out on vacation or leave their position, a new point of contact should be identified.

For more information regarding partnership and collaboration, please visit the following:

- LCHT Colorado Project 2.0 <https://combathumantrafficking.org/our-research/>
- LCHT Partnership Toolkit: <https://combathumantrafficking.org/toolkit/>
- National Human Trafficking Training and Technical Assistance Center (NHTTAC), <https://nhttac.acf.hhs.gov/resource/toolkit-grant-management-building-sustainable-anti-trafficking-programs>

4. MDTs can be an excellent way to share information between agencies and should take human trafficking into their purview when possible. If no MDT exists, consider creating one, or tapping into an existing partnership in the region.

For more information on MDT's, and task forces, please visit the following websites:

- OVC TTAC E-Guide <https://www.ovcttac.gov/taskforceguide/eguide/>
- Colorado Evaluation and Action Lab (University of Denver): <https://coloradolab.org/mdt-response/>
- National Human Trafficking Training and Technical Assistance Center (NHTTAC): <https://nhttac.acf.hhs.gov/resource/toolkit-grant-management-building-sustainable-anti-trafficking-programs>

5. Sharing information between law enforcement agencies (local PDs, Sheriff's offices, DHS, State Patrol, FBI, CBI, and other agencies) is vital. A system should be put in place (preferably a secure online portal) in each community for sharing information. (JeffCo is a great example, HTI Labs provides software and consultation on developing information sharing processes.)

For more information on trauma-informed information sharing please visit the following websites:

- Jefferson County Human Trafficking Unit: <https://www.jeffco.us/2178/Human-Trafficking>
- HTI Labs: <https://htilabs.org/about/>
- National Human Trafficking Training and Technical Assistance Center (NHTTAC): <https://nhttac.acf.hhs.gov/resource/toolkit-grant-management-building-sustainable-anti-trafficking-programs>

6. DHS and local law enforcement must be made aware of CRS 19-1-103(1)(a)(VIII) (HB 16-1224) mandates. The legislation requires that DHS professionals should be trained to respond to third party abusers and makes both child sex and labor trafficking a mandatory report for anyone required to report child abuse. It also states that there should be MOUs in place between local LE and DHS.

For more information on this change in Colorado law please visit the following websites:

- Colorado General Assembly: <https://leg.colorado.gov/bills/hb16-1224>
- Colorado Department of Human Services: <https://co4kids.org/child-trafficking>
- Colorado Child Abuse and Neglect Hotline <https://cdhs.colorado.gov/colorado-child-abuse-and-neglect-hotline-reporting-system>

7. Sharing resources and creating LE task forces and/or MDT's (per recommendation #4) across jurisdictions is vital as many rural agencies struggle with capacity. A group of trained investigators across jurisdictions (like a critical response team or possibly CBI) would increase capacity and accountability since most agencies simply don't have the HT call volume to have a full program.

To learn more about critical response teams please visit the following:

- National Human Trafficking Training and Technical Assistance Center (NHTTAC): <https://nhttac.acf.hhs.gov/resource/toolkit-grant-management-building-sustainable-anti-trafficking-programs>
- FBI (Innocence Lost Program): <https://www.fbi.gov/contact-us/field-offices/washingtondc/news/press-releases/innocence-lost-national-initiative-and-operation-independence-day-2019>
- Colorado Bureau of Investigation: <https://cbi.colorado.gov/sections/investigations/human-trafficking>

8. For a victim who is 18 or older internal protocols should always include a call to the Colorado Human Trafficking Hotline, regardless of whether or not the victim is ready for law enforcement to be contacted. This will create a record of the experience so that when/if they eventually would like to report to LE we would be able to search those dispatch records. When/if the victim comes forward, investigators can go back historically and make/build a case. Calling the hotline also provides referral resources for survivors across the spectrum of needs and across Colorado.

For more information, please contact the Colorado Human Trafficking Hotline:

<https://combathumantrafficking.org/hotline/>

9. For child welfare specifically: If you are a mandated reporter, or have the desire to report for someone who is under the age of 18, call the Child Abuse Hotline. Call the number and explain the situation. The immediacy of the response depends on whether there is an imminent safety concern. Most likely HT calls will not fall under that. Therefore, it might take DHS 72-120 hours to respond if the child is NOT in imminent danger. So if you have a minor who has needs and it is not safe or willing to return home, you would just revert to your normal protocol to meet the needs of the youth (i.e. offer resources and services as needed, make warm handoffs, get the youth's needs met). Disclosure is not the primary aim of first contact, primarily needs must be met, disclosure will come later if trust can be established (by meeting needs).

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- Colorado Child Abuse and Neglect Hotline <https://cdhs.colorado.gov/colorado-child-abuse-and-neglect-hotline-reporting-system>

10. All agencies and organizations who interact with a victim/survivor of trafficking should receive implicit bias training. This training can support agency staff in recognizing not only their own bias but also how implicit bias from family, community members and institutions impacts disclosure, service provision, and long-term sustainability in healing/recovery.

Please visit the following links for more information regarding implicit bias training:

- Showing Up for Racial Justice: <https://www.surjdenver.org/>.
- Colorado Nonprofit Association: <https://coloradononprofits.org/nonprofit-resources-0>,
- Institute for Racial Equity and Excellence: <https://ireeinc.com/>

11. Confidentiality with regard to minors, mandatory reporting, youth who are 18+, or immigration status should always be a consideration. Adhere to state policies and procedures regarding mandatory reporting that is directly connected to profession/role/and or agency requirements. Discuss and disclose mandatory reporting policies to client/participant when applicable upfront and at the beginning of the relationship, understanding this may impact disclosure but can ultimately build trust and rapport in the relationship.

Please visit the following links for additional resources regarding mandatory reporting:

- The Colorado Child Abuse Hotline and training on mandatory reporting <https://co4kids.org/mandatoryreporting>
- Colorado Department of Public Safety list of resources on mandatory reporting <https://cssrc.colorado.gov/mandatory-reporting>
- Colorado Revised Statutes Children's Code <https://leg.colorado.gov/sites/default/files/images/olls/crs2018-title-19.pdf>
- You can visit this website to receive a mandatory reporter training <https://coloradocwts.com/mandated-reporter-training>.

12. Within your local capacity, identify personnel within law enforcement or victim advocacy who can connect survivors with victim compensation, including but not limited to law enforcement Victim Compensation, VAWA and VOCA funding, private litigation, or civil litigation. Be mindful of disclosure requirements to obtain different forms of victim compensation and how that may impact the survivor and possible revictimization.

Please visit the following links for additional resources around victim compensation:

- Colorado Organization for Victim Assistance (COVA): <https://www.coloradocrimevictims.org/voca-emergency-fund.html>
- Colorado Division of Criminal Justice: <https://dcj.colorado.gov/dcj-offices/victims-programs/crime-victim-compensation>
- Denver District Attorney's Office: <https://www.denverda.org/crime-victim-compensation/>
- Crime Victim Compensation for Adams and Broomfield Counties: <http://crimevictimcompensation.org/>
- Colorado Attorney General's Office: <https://coag.gov/resources/victim-assistance/>

13. Have trauma-informed protocols in place where appropriate or mandated locally with regard to Covid 19 (may include remote access, intake, telehealth, more flexibility with meeting deadlines).

For more information on how to understand and implement trauma-informed protocols please visit the following websites:

- SAMHSA Concept of Trauma and Guidance for a Trauma-informed Approach: <https://store.samhsa.gov/product/SAMHSA-s-Concept-of-Trauma-and-Guidance-for-a-Trauma-Informed-Approach/SMA14-4884>
- Colorado Department of Human Services: <https://cdhs.colorado.gov/colorado-trauma-informed-system-of-care>
- Child Welfare Information Gateway: [https://www.childwelfare.gov/pubpdfs/trauma\\_informed.pdf](https://www.childwelfare.gov/pubpdfs/trauma_informed.pdf)
- Office for Victims of Crime Training and Technical Assistance Center(OVCTTAC): <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/41-using-a-trauma-informed-approach/>

For more information on Covid 19 resources specific to human trafficking:

- Walk Free Foundation: <https://www.walkfree.org/reports/protecting-people-in-a-pandemic/>
- Polaris Project: <https://polarisproject.org/category/coronavirus/> and <https://polarisproject.org/wp-content/uploads/2020/06/Crisis-in-Human-Trafficking-During-the-Pandemic.pdf>
- Restore NYC Reports on how HT organizations have and are pivoting to meet needs during the Covid crisis: <https://restorenyc.org/updates/2021/human-trafficking-awareness>