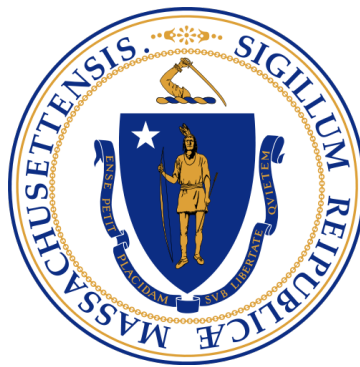


# Massachusetts Interagency Human Trafficking Policy Task Force



## FINDINGS AND RECOMMENDATIONS

AUGUST 19, 2013



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## MESSAGE FROM THE CHAIR

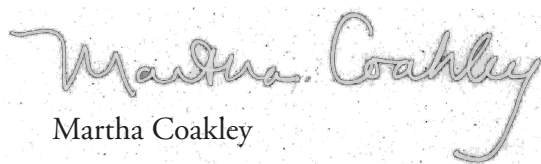
On behalf of the Massachusetts Interagency Human Trafficking Policy Task Force, I am pleased to present this report for your consideration. Human trafficking is a brutal and dehumanizing crime and, because of its nature, it is often unreported. Unlike the sale of guns and drugs, which when sold are gone for good, a trafficked person may be sold over and over for labor, sex or both. Experts estimate that the sale of women, children and men annually generates \$32 billion internationally<sup>1</sup>.

With the passage of Chapter 178 of the Acts of 2011, Massachusetts took a stand to end human trafficking in our state. A task force was formed as part of that effort to examine the issue and make recommendations to help identify trafficking victims, strengthen our ability to assist survivors, and end trafficking in our state. The result is this report.

The recommendations included here reflect a collaborative effort that harnessed the passion and expertise of individuals representing victim services, academia, law enforcement, public policy and state government. Over the past 18 months, we have worked to identify, study, and agree upon the most effective and efficient ways to address trafficking. Our hope is that this report provides a comprehensive approach for Massachusetts to address human trafficking. However, we are also keenly aware that this report is a beginning rather than an end.

At the center of this report are our recommendations relative to victim services, demand reduction, data collection and sharing, training and education, and public awareness. While any of the recommendations can stand alone, we developed them to be complementary and build off each other in a way that supports the most proficient use of resources.

It is seldom that all parties to a project agree on and bring such enthusiasm to the same course of action. It is this agreement and enthusiasm that we hope will motivate all of us to work to implement these recommendations across the Commonwealth. Thank you for the opportunity to examine this important problem and begin to chart a course to end human trafficking in the Commonwealth once and for all.



Martha Coakley

Massachusetts Attorney General

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<sup>1</sup> United Nations Office on Drugs and Crime, *Factsheet on Human Trafficking*, available at [http://www.unodc.org/documents/human-trafficking/UNVTF\\_fs\\_HT\\_EN.pdf](http://www.unodc.org/documents/human-trafficking/UNVTF_fs_HT_EN.pdf) (last visited Aug. 12, 2013).





## STRUCTURE OF THE TASK FORCE

On November 21<sup>st</sup>, 2011, Governor Patrick signed into law, House Bill 3808, *An Act Relative to the Commercial Exploitation of People*, legislation sponsored by House Judiciary Chairman Eugene O’Flaherty and Senator Mark Montigny.<sup>2</sup> The law went into effect on February 19<sup>th</sup>, 2012. In brief, the legislation created the new crimes of trafficking and increased penalties for existing crimes, expanded the reporting obligations of mandated reporters, authorized the forfeiture of trafficking offender assets be placed into a trust fund for victims and created an Interagency Human Trafficking Task Force to continue to address trafficking issues.<sup>3</sup>

Specific to the crimes, the legislation established new state crimes of human trafficking for sexual servitude and forced labor, enticement of a child by means of electronic communication and organ trafficking. Each crime included penalties, along with heightened prison terms if the victim is under 18 years old. Additionally, the legislation increased penalties for solicitation of a prostitute and engaging in sex for a fee.

In addition to amending crimes in the General Laws, the legislation also made four other significant changes. First, the law now requires mandated reporters to report victims of human trafficking. Additionally, the Department of Children and Families, through a qualified multidisciplinary team, must assess whether a child has been sexually exploited and create a plan to protect the child. Second, the law provides a safe harbor provision for child victims, a presumption that any child charged with common night walking or prostitution is indeed a victim of trafficking and not a criminal. Third, the law established a Victims of Human Trafficking Trust Fund to assure assets forfeited and assessments collected from trafficking related offenses are deposited and then distributed to victims. Lastly, the law mandated an inter-agency Task Force, chaired by the Attorney General, to address all aspects of human trafficking.

This Human Trafficking Task Force is responsible for examining and developing recommendations for all aspects of human trafficking, including policy changes. Through these well examined facets, the Task Force is able to recommend how to strengthen state and local efforts to combat and prevent human trafficking, as well as assist human trafficking victims and alert the public of this ongoing problem.

Since its first meeting on February 29<sup>th</sup> 2012, the Task Force has formally met nine times. Chaired by Attorney General Martha Coakley, the legislation mandated membership from various state agencies and gubernatorial appointments in the areas of victim service and academia. The Task Force is made up of representatives from 19 different organizations. Following are the individuals who represent their organizations on the committee:

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2 2011 Mass. Acts of 2011 chapter 178.

3 The legislation also made changes to the rape shield MASS. GEN. LAWS ch. 233, § 21B law c. 233 section 21B and created confidentiality protection with human trafficking caseworkers MASS. GEN. LAWS ch. 233, § 20M.

- Timothy Alben, Colonel and Superintendent, Massachusetts State Police
- Andrea Cabral, Secretary, Executive Office of Public Safety
- Chris Carroll, Division of Professional Licensure
- Martha Coakley, Attorney General, Office of the Attorney General
- Ronald P. Corbett Jr., Acting Commissioner, Office of Probation
- Julie Dahlstrom, Lutheran Social Services and Boston University School of Law Human Trafficking Clinic
- Edward Davis, Commissioner, Boston Police Department
- Stephanie DeCandia, Boston Area Rape Crisis Center
- Amy Farrell, Northeastern University's Institute on Race and Justice
- Janet Fine, Executive Director, Massachusetts Office for Victim Assistance
- Lisa Goldblatt Grace, My Life My Choice
- Susan Goldfarb, Children's Advocacy Center of Suffolk County
- Sheridan Haines, Executive Office of Public Safety
- Mary Elizabeth Heffernan, Secretary, Executive Office of Public Safety
- Pi Heseltine, Sergeant, Massachusetts State Police
- Cherie Jimenez, The E.V.A. Center
- Mark Kmetz, Division of Professional Licensure
- Ellen Lemire, Massachusetts District Attorneys' Association
- Liam Lowney, Massachusetts Office for Victim Assistance
- Josiane Martinez, Office for Refugee and Immigrants
- Mary McCauley, Sergeant, Massachusetts State Police
- Angelo McClain, Commissioner, Department of Children and Families
- Marian J. McGovern, Colonel and Superintendent, Massachusetts State Police
- Colin Moore, Department of Children and Families
- Audrey Morrissey, My Life My Choice
- Dave Murphy, Department of Children and Families
- Kelly Nee, Deputy Superintendent, Boston Police Department
- Michael O'Keefe, Massachusetts District Attorneys Association
- Tom Pasquarello, Chief of Police at Somerville Police Department, Massachusetts Police Chiefs Association
- Diane Richard, Office of Probation
- Olga I. Roche, Acting Commissioner, Department of Children and Families
- Heather E. Rowe, Director, Department of Labor Standards
- Wayne Sampson, Executive Director, Massachusetts Police Chiefs Association
- Ellen Slaney, Commissioner, Office of Probation
- Geline Williams, Executive Director, Massachusetts District Attorneys' Association

In order to engage members in the most effective way possible, the responsibilities and members of the Task Force were divided into subcommittees.<sup>4</sup> Each subcommittee was chaired by two members of the Task Force and subcommittee membership comprised of Task Force Members and additional subject matter experts. This structure provided for a place for members to engage effectively in the work. It also provided a way for the Task Force to engage as many relevant experts as possible who were not formally named to the Task Force. Finally, it enabled the Task Force to build effective and long term working relationships between non-governmental and governmental agencies and service provider that would exist past the life of the Task Force.

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<sup>4</sup> Please see Appendix N for subcommittee membership.

## EXECUTIVE SUMMARY

The Massachusetts state legislature, in creating the Interagency Human Trafficking Task Force, created a forum for the appropriate governmental agencies and human trafficking experts to convene and draft innovative, comprehensive solutions to prevent human trafficking when possible, address perpetrators when not, and attend to the needs of survivors in the aftermath of the crime.<sup>5</sup> This report the task force hopes provides a clear road map to address the issue of human trafficking in Massachusetts.

These recommendations are neither complex nor resource intensive. The Task Force is confident that these recommendations will save the Commonwealth resources over the long term, and if implemented correctly, can act as a model for other states, as law enforcement and victim services are coordinated in new ways.

The Commonwealth is fortunate to have nationally renowned human trafficking service providers and researchers. These experts brought their local, state, national and international expertise to the table. The recommendations reflect best practices in addressing trafficking across the nation.

The report makes recommendations in the areas of victim services, demand reduction, data collection and information sharing, education and training, and public awareness.

Each recommendation section is divided by subcommittee topic area. Within each section, there are: (1) subcommittee responsibilities, (2) a summary of recommendations, (3) the importance of the particular subject area to the fight against trafficking, (4) an evaluation of current practices in Massachusetts and nationally, where applicable, and (5) in-depth recommendations.

In addition to legislatively mandated area of focus, the report supports a set of short, mid and long term goals for Massachusetts to address human trafficking (see appendix M). The purpose of these objectives is to provide an outcome based and achievable road map for the work in the Commonwealth and to ensure a clear understanding of what steps need to be taken and how they intersect. It is critical that all dimensions of human trafficking are addressed if solutions are to be effective and sustainable. While portions of the report can be used on their own, the recommendations are more effective when implemented in conjunction with one another.

Below please find a summary of the recommendations by subject area:

### **Victim Services**

Currently, services for victims are the biggest human trafficking related need in Massachusetts. There are a very limited number of organizations that support and lack of financial resources to assist survivors of trafficking as they work to rebuild their lives. Without this critical support, there is no way to effectively address the human trafficking.

A summary of the recommendations are as follows:

1. Develop capacity to serve survivors using existing survivor-led, comprehensive trafficking programs;
2. Conduct research and create tailored initiatives to better address the needs of men and LGBTQ youth;
3. Increase access to trauma-informed evidence-based therapeutic interventions;
4. Provide additional funding to support existing trafficking-specific services programs;

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<sup>5</sup> Throughout this report the terms trafficking and human trafficking are used interchangeably.

5. Evaluate the overall benefits to the Commonwealth of providing funding to trafficking programs;
6. Increase the availability of financial and other resources to identified trafficking victims; and
7. Establish a Massachusetts safe house/home pilot program.

## **Demand Reduction**

Traffickers operate on basic economic principles; if there were no demand for commercial sex or trafficked labor, human trafficking would not exist. Targeting demand is a critical element in a comprehensive approach to combating trafficking. An effective approach addresses each element of the economic model: supporting those who have been exploited, and holding the perpetrators – including the buyers - accountable. If demand is not addressed, thereby shrinking or destroying the market, traffickers will continue to victimize their prey for profit.

A summary of the recommendations are as follows:

1. Explore the creation of a statewide technical assistance unit;
2. Develop statewide capacity to enable a first offender program option for all sex-buying arrestees; and
3. Integrate demand reduction in all anti-trafficking.

## **Data Collection and Information Sharing**

Data collection and information sharing across governmental and victim services agencies is critical to quantifying the problem, preventing the crime, detecting traffickers, and assisting victims.

A summary of the recommendations are as follows:

1. Establish a human trafficking victim definition for data collection purposes;
2. Deploy the screening tools and guidelines developed to support victim identification;
3. Pilot a coordinated data collection response across the state; and
4. Use the information from the data collection pilot to create a state wide data collection tool and protocol.

## **Education and Training**

Often the people most able to identify victims and curb criminal action are unaware of the problem and how to address it. The education and training of law enforcement, health care providers, first responders, victim services providers, and educators is crucial if we are to address and prevent the crime.

A summary of the recommendations are as follows:

1. Make a basic level of human trafficking training available to all health care, law enforcement, first responder, and education providers;
2. Support a fundamental shift in understanding, identification, response to victims, and systemic change through the trainings;
3. Use consistent language reflecting the lives of survivors;
4. Include screening and data collection protocols in the training; and
5. Design trainings to be as effective as possible through the use of a tiered approach, face to face delivery, multidisciplinary method for at least a portion of the training, and well qualified trainers.

## **Public Awareness**

The public has an important role to play in identifying victims, reducing demand and catching criminals. There are pervasive and harmful myths perpetuated by mass media. An effective public awareness campaign can help change the public perception of the issue and support a reduction in the crime.

A summary of the recommendations are as follows:

1. Leverage existing work of other states to tailor a successful campaign for Massachusetts;
2. Identify a state agency to lead the public awareness campaign;
3. Establish a web portal to act as a clearinghouse for information;
4. Provide a Massachusetts call referral map for the national hotline to support victim identification.



# TRAFFICKING IN MASSACHUSETTS

It is estimated that across the United States nearly 300,000 children are trafficked for sex every year.<sup>6</sup> The U.S. Justice Department has identified the average age of entry into prostitution is 13.<sup>7</sup> These cases involve tremendous violence, are complex and expensive to prosecute. Victims are brutalized in the worst ways imaginable. In Massachusetts, there is currently no systematic way to quantify the problem much less identify and meet the needs of victims.

Trafficking victims are individuals lured into this country and Massachusetts with false promises of legitimate work, only often to be forced into the sex or labor industry upon arrival. They are also domestic and Massachusetts born runaways being taken in by traffickers and forced to trade sex for a place to sleep, or girls being baited into “the life” by a presumed boyfriend who later reveals himself as a pimp. Much like a victim of domestic violence, human trafficking victims are trapped by fear, isolation, and brutality at the hands of their traffickers.

The Task Force recognizes that frequently one victim is subjected to both sex and labor trafficking. However, because these two types of trafficking are often addressed differently, a separate and in-depth discussion of each is provided below to best understand their specific aspects.

## SEX TRAFFICKING

Sex trafficking of U.S. citizens and foreign nationals occurs across the Commonwealth of Massachusetts. For example, in 2011, The E.V.A. Center, a Boston-based program that works with adult women involved in the sex trade, reported that the program served 225 adult women since the program began in 2006.<sup>8</sup> Of these women, 20 were identified as foreign nationals and 145 were between the ages of 17 and 25. The E.V.A. Center reports that over half of the women were court involved with an over representation of young women aging out of government systems, such as the custody of the Massachusetts Department of Children and Families (“DCF”) and the Department of Youth Services (“DYS”). The majority of women were referred at a point of crisis, largely from law enforcement (“LE”), community clinics, hospitals, the Massachusetts Department of Transitional Assistance, the Probation Department, and SafeLink, the Massachusetts domestic violence hotline.

Similarly, the commercial sexual exploitation of youth occurs across the Commonwealth. Although state-wide statistics are not available, in a 2012 report the Children’s Advocacy Center (“CAC”) of Suffolk County noted that, “[i]n recent years, hundreds of girls in the Boston area have been drawn into ‘the life’ of commercial sexual exploitation; countless others remain at risk.”<sup>9 10</sup> The report documented more than 480 child victims of sexual

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6 Richard J. Estes & Neil Alan Weiner, *The Commercial Sexual Exploitation of Children In the U. S., Canada and Mexico*, University of Pennsylvania, Philadelphia, 2001.

7 M.H. Silbert & A.M. Pines, *Victimization of Street Prostitutes*, *Victimology: An International Journal*, 7: 122-133 (1982).

8 The E.V.A. Center provided these statistics as part of the victim services questionnaire completed by members of the Victim Services Subcommittee.

9 Credible statistics about the nature and extent of child sexual exploitation remain difficult to gather. See generally Michelle Stransky & David Finkhor, *How many juveniles are involved in prostitution in the U.S.?*, Crimes Against Children Research Center (2008), available at [http://www.unh.edu/ccrc/prostitution/Juvenile\\_Prostitution\\_factsheet.pdf](http://www.unh.edu/ccrc/prostitution/Juvenile_Prostitution_factsheet.pdf) (last visited Aug. 12, 2013).

10 Suzanne Piening and Theodore Cross, *From “The Life” to My Life: Sexually Exploited Children Reclaiming Their Futures: Suffolk County Massachusetts’ Response to Commercial Sexual Exploitation of Children*, May 2012, at 4, available at [http://www.suffolkcac.org/assets/pdf/From\\_the\\_Life\\_to\\_My\\_Life\\_Suffolk\\_Countys\\_Response\\_to\\_CSEC\\_Executive\\_Summary\\_2012.pdf](http://www.suffolkcac.org/assets/pdf/From_the_Life_to_My_Life_Suffolk_Countys_Response_to_CSEC_Executive_Summary_2012.pdf) (last visited Aug. 12, 2013).



exploitation received services in Suffolk County between 2005 and 2012.<sup>11</sup> Of these children, 98% were girls, and 65% of the girls were girls of color. Moreover, the majority were runaways and/or victims of child abuse.<sup>12</sup> The CAC report also acknowledges that “[b]oys and transgendered youth are also involved in commercial sexual exploitation of children (“CSEC”), but less visible.”<sup>13</sup> There is a lack of understanding of the nature and extent of trafficking of men and boys. Furthermore, there is a dearth of information regarding children being trafficked in other regions of the Commonwealth, and the identification of child victims outside of Boston remains a challenge.

There is also a connection between homelessness and trafficking in Massachusetts, irrespective of age. According to a 2005 report from the Massachusetts Department of Education (“DOE”), approximately 12,000 Massachusetts high school students are homeless with 5,000 unaccompanied or without a guardian.<sup>14</sup> Of these youth, 47% experienced mental illness, 21% of homeless youth have substance abuse issues (compared to 2% of housed youth), and 20% of youth are involved in the criminal justice system.<sup>15</sup> According to Steven Procopio, staff member at Boston GLASS Surviving Our Struggle and subcommittee member, homeless men and boys are more vulnerable to become commercially exploited. Procopio reports that sexually exploited youth are often former runaways due to family violence, sexual abuse, and sexual identity issues. Many turn to the sex industry as a survival mechanism to obtain food or shelter. Survivors report high rates of HIV and sexually transmitted diseases, and they are often exploited sexually by men and/or women with economic means.

## **Labor Trafficking**

Labor trafficking takes a variety of forms in Massachusetts, including forced labor, domestic servitude, or debt bondage in workplaces such as restaurants, bars, nail salons, and factories. Throughout Massachusetts, many individuals work in industries where they are increasingly vulnerable to exploitation, and this is compounded by fact that many of these industries function in the underground economy. In 2011, Governor Deval Patrick recognized the hazards of these jobs, noting that the underground economy “exploits vulnerable workers and deprives them of legal benefits and protections.”<sup>16</sup>

While trafficking involves both U.S. citizen and foreign nationals, undocumented workers are often particularly vulnerable to abuse due to their lack of immigration status and fear of deportation. According to a 2012 study by The Immigrant Learning Center, large industries in Massachusetts thrive off of immigrant workers, including accommodations and food services (10.5%), health care and social assistance (15.6%), manufacturing (13.6%), and retail (9.6%).<sup>17</sup> Furthermore, the report states, “immigrants are much more highly concentrated

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11 *Id.*

12 *Id.*

13 *Id.* The report recognizes the lack of information about the commercial sexual exploitation of men and boys, and the need for further study about its prevalence. In 2012, Boston GLASS at Justice Resource Institute hired a new staff member, Steven Procopio, to spearhead the initiative to develop greater services for men and boys who are victims of child sexual exploitation. He is a member of the Victim Services Subcommittee and a contributor to this report.

14 Massachusetts Dept. of Education, “*A Snapshot of Homelessness in Massachusetts Public High Schools*,” July 2007, at 12, available at [www.doe.mass.edu/mv/05homelessreport.doc](http://www.doe.mass.edu/mv/05homelessreport.doc) (last visited: Aug. 12, 2013).

15 *Id.*

16 Governor Deval Patrick in his Executive Order recognized the dangers of the underground economy and established a Joint Enforcement Task Force on the Underground Economy and Employee Misclassification to study and address the harms. Exec. Order No. 499, available at <http://www.mass.gov/governor/legislationexecorder/executiveorder/executive-order-no-499.html> (last visited: Aug. 12, 2013).

17 Alan Clayton-Matthews & Paul Watanabe, The Immigrant Learning Center, *Massachusetts Immigrants by the Numbers, Second Edition: Demographic Characteristics and Economic Footprint*, May 2012, at 32, available at <http://www.ilctr.org/wp-content/uploads/2012/03/ILC-Mass-Immigrants-by-the-Numbers-2nd-ed.pdf> (last visited: Aug. 12, 2013).



in occupations that require little education such as building and grounds cleaning and maintenance (3.13%), production (2.24%), health care support (1.74%), food preparation and serving (1.67%) and farming, fishing, and forestry (1.43%)” - industries where workers are more prone to abuse and exploitation.<sup>18</sup>

While labor statistics are not available, Lutheran Social Services of New England, an organization that provides case management and legal services to labor trafficking survivors, confirmed recent cases of labor trafficking in Massachusetts. Cases included:

- Workers living in restaurants and subject to poor working conditions and nonpayment of wages;
- Domestic workers from Brazil, Bolivia, Kenya, Tanzania, and Rwanda, employed to provide housekeeping or child care services;
- Dancers in strip clubs throughout Massachusetts;
- Employees of diplomats brought to the United States to work;
- Women working in massage parlors or apartments providing sexual and massage services (mixed sex/labor cases);
- Factories employing workers using threats of deportation and poor working conditions;
- Agricultural and seasonal workers;
- H-2B workers employed by companies providing substandard working conditions and housing to workers;<sup>19</sup>
- Women lured by promises to marry or of romance who are then coerced to work; and
- Children coerced to beg for money on the street.<sup>20</sup>

Workers in certain sectors were more prone to abuse. For example, temporary workers in Massachusetts have been particularly vulnerable to exploitation. According to a 2011 report by the University of Massachusetts at Amherst, more than 941 temporary agencies employed 65,720 workers each day, working in industries such as construction, manufacturing, warehousing, and landscaping.<sup>21</sup> Mirna Montano, Massachusetts Coalition for Occupational Safety and Health (“MassCOSH”) Worker Center organizer, reports “We had so many frustrated and upset workers coming to us for help with unpaid wages, injuries, illegal fees,” and “bad employers [knew] that they could get away with leaving workers in the dark regarding almost everything: pay rate, who was covering workers’ compensation insurance, [and] how much transportation would cost.”<sup>22</sup> In July 2012, the Massachusetts legislature passed a statute aimed at extending greater protection to temporary workers. However, little is yet known about the legislation’s impact on exploitation and trafficking.

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18 *Id.*

19 This classification allows foreign workers to enter the U.S. temporarily to perform non-agricultural services or labor on a one-time, seasonal, peak load, or intermittent basis.

20 These case examples were provided by Lutheran Social Services as part of the victim services questionnaire completed by members of the Victim Services Subcommittee.

21 Harris Freeman & George Gonos, *Temporary Work in Twenty-First Century Labor Markets: Flexibility With Fairness For The Low-Wage Temporary Workforce*, Univ. of Mass. at Amherst, 2011, at 9-10, [http://drupal.masscosh.org/files/The%20Challenge%20of%20Temporary%20Work%20in%20Twenty-First%20Century%20Labor%20Markets%206-14-11\\_1.pdf](http://drupal.masscosh.org/files/The%20Challenge%20of%20Temporary%20Work%20in%20Twenty-First%20Century%20Labor%20Markets%206-14-11_1.pdf) (last visited: Aug. 12, 2013).

22 Paul Drake, *Massachusetts Legislature Passes Bill to Halt Temp Worker Exploitation*, Talking Union, August 3, 2012, at 1, available at <http://talkingunion.wordpress.com/2012/08/03/massachusetts-legislature-passes-bill-to-halt-temp-worker-exploitation/> (last visited: Aug. 12, 2013).

Consequently, domestic workers often suffer conditions rising to the level of human trafficking in Massachusetts. According to Lydia Edwards, attorney at the Domestic Worker Law and Policy Clinic at the Brazilian Immigrant Center, domestic workers are prone to exploitation because they are not “protected like ‘real’ workers, deserving of bargaining rights, anti-discrimination protection, overtime or minimum wage.”<sup>23</sup> As a result, both American born and foreign national domestic workers are exploited. Attorney Edwards describes, as an example, the “wide spread [sic] exploitation of domestic workers in the Brazilian community” as “a result of older Brazilian women with English skills, using “helpers” to clean 8-10 houses a day.” Similarly, Natalicia Tracy, Executive Director of the Brazilian Immigrant Center, described how she was subject to domestic servitude working as a domestic worker in Brookline, Massachusetts, as a teenager.<sup>24</sup> At the age of 17, she began working as a nanny, working 80-90 hours per week and making \$25/week. Her employers restricted her communication with her family and made her sleep outside in the cold. Tracy now participates in the Massachusetts Coalition for Domestic Workers, a coalition dedicated to ensuring domestic workers are protected like all other Massachusetts employees.

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23 Lydia Edwards, *The Help is on the Move in Massachusetts*, Mass Dissent, March 2012, available at <http://www.nlgmass.org/2012/03/the-help-is-on-the-move-in-massachusetts/> (last visited: Aug. 12, 2013).

24 Sheila Bapat, The Immigrant Learning Ctr., *Refocusing Our Lens: Domestic Workers' Rights Are a Neglected Feminist Issue*, January 20, 2013, available at [http://www.braziliancenter.org/index.php?page=news&family=Domestic\\_Workers](http://www.braziliancenter.org/index.php?page=news&family=Domestic_Workers) (last visited: Aug. 12, 2013).

# RECOMMENDATIONS FOR EFFECTIVELY ADDRESSING HUMAN TRAFFICKING IN MASSACHUSETTS

## VICTIM SERVICES

The Victim Services Subcommittee was responsible for the following:<sup>25</sup>

“(iii) identify and review the existing services and facilities that meet the needs of victims of human trafficking including, but not limited to, health and mental health services, housing, education and job training, legal services and victim compensation;

(vi) examine the costs associated with establishing a safe house pilot program for adult and child victims of human trafficking and identify public and private funding sources that may be used to develop and implement a safe house pilot program;”

### I. SUMMARY OF RECOMMENDATIONS

After performing an assessment of the current victim services available in Massachusetts and an analysis of a safe house pilot project, the subcommittee recommends the following:

- a. Develop capacity to serve survivors using existing survivor-led, comprehensive trafficking programs;
- b. Conduct research and create tailored initiatives to better address the needs of men and LGBTQ youth;
- c. Increase access to trauma-informed evidence-based therapeutic interventions;
- d. Provide additional funding to support existing trafficking-specific services programs;
- e. Evaluate the overall benefits to the Commonwealth of providing funding to trafficking programs;
- f. Increase the availability of financial and other resources to identified trafficking victims; and
- g. Establish a Massachusetts safe house/home pilot program.

### 2. IMPORTANCE OF VICTIM SERVICES

Victim services are critical to combating human trafficking and ensuring protection for victims. Human trafficking is a crime that feeds off the poor and vulnerable. Without comprehensive and effective services, victims are unable effectively exit trafficking and are at an extremely high risk of becoming re-victimized. Human trafficking prosecutions are also heavily dependent on victim testimony, and survivors often find it difficult if not impossible to cooperate in investigations without adequate support and resources. Existing services in the state are currently underfunded and overburdened.

It is expected that the demand for services will only continue to grow as the general public is educated further. Therefore, it is essential that the Commonwealth act now to ensure that victims receive protection and much needed services.

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<sup>25</sup> Throughout the report, the terms victim and survivor are used interchangeably. Under the current law, a human trafficking victim is defined as “a person who is subjected to the conduct prohibited under sections 50 or 51 of chapter 265.” MASS. GEN. LAWS ch. 233, § 20M (2013).

### 3. CURRENT PRACTICES

The Task Force, working through the Victim Services subcommittee, identified what services are currently available to human trafficking victims. Through presentations by a diverse group of victim service providers, the subcommittee reviewed the nature and extent of existing social service and government programs serving human trafficking survivors in the Commonwealth.

The subcommittee found that programs generally fell into one of three categories: (1) comprehensive programs targeted to trafficking survivors; (2) social services programs that may be accessible to trafficking survivors for specific services, such as housing, mental health, advocacy, and medical services; and (3) governmental services that provide court advocacy, and/or public benefits to trafficking survivors. In all categories, the subcommittee noted a chronic lack of funding to meet the emergent needs of trafficking survivors. Existing resources (e.g. rape crisis centers and domestic violence agencies) are not necessarily appropriate or equipped to respond effectively to victims of trafficking. In addition, they are serving their identified populations with already limited resources and unable to fully meet the needs of trafficking victims. The subcommittee found that the availability of services varied greatly depending on geographic area, with a majority of programs concentrated in the Greater Boston area.

#### A. CHARACTERISTICS OF EFFECTIVE VICTIM SERVICES PROGRAMMING

The subcommittee noted that successful trafficking programs nationwide exhibit certain hallmark characteristics.<sup>26</sup> In particular, the subcommittee identified the need for comprehensive, holistic, survivor-led services with long-term support over a period of years. Additionally, the subcommittee found that such services must be individualized to take into account the survivor's unique circumstances and particular vulnerabilities. By developing a service plan, shaped by the survivor's goals and talents, services are more likely to be successful. While a number of trafficking-specific organizations exist in Massachusetts, the chronic lack of funding prevents agencies from building effective safety nets for survivors.

There are a myriad programs across the Commonwealth that provide one service or a range of services that may be accessed by a survivor, such as housing, counseling, or medical services. As an example, rape crisis centers throughout Massachusetts provide advocacy, mental health, and other services to victims of sexual assault. Similarly, community health centers throughout Massachusetts provide high quality medical and mental health services to a wide population, including victims of sex and labor trafficking.

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26 Section 20M of chapter 233 defines a "human trafficking victims' program" as "any refuge, shelter, office, safe house, institution center established for the purpose of offering assistance to human trafficking victims through crisis intervention, medical, legal or support counseling." MASS. GEN. LAWS ch. 233, § 20M (2013). The statute further delineates "appropriate services" for trafficked youth to include: "Governmental or non-governmental organizations or entities providing the assessment, planning and care provided through congregate care facilities, whether publicly or privately funded, emergency residential assessment services, family/community-based child foster care, including provisions for food, clothing, medical care, counseling and appropriate crisis intervention services, provided by organizations or entities that have expertise in providing services to persons who are human trafficking victims; and that services are provided in accordance with such regulations that the department of children and families may adopt, or the policies of such department." *Id.*

The subcommittee noted that while these programs provide a lifeline to important services, survivors may have difficulty accessing them for a variety of reasons, including stigma and shame.<sup>27</sup> Many advocates note that the lack of understanding among traditional social service providers may cause survivors to be labeled as problematic, delinquents, or noncompliant with services. Also, such programs have existing mandates and limited funding, which often limits them from serving trafficking survivors.

## B. EXISTING TRAFFICKING SPECIFIC PROGRAMS IN MASSACHUSETTS

There are a small number of highly effective programs providing comprehensive, targeted services to victims of human trafficking. Such programs generally focus on a particular trafficking population (e.g., minors, adults, sex, or labor) and provide a wide range of services geared towards their target population. Provided in this Report, is a synopsis of current effective service programs reviewed by the subcommittee. The subcommittee acknowledges this is not a complete list of all trafficking-specific programs in Massachusetts. Rather, these are examples of effective programs throughout various locations in the Commonwealth.

### **1). Sex Trafficking**

Specific to sex trafficking, there are a number of agencies providing peer advocacy, legal, and/or social services to victims of sex trafficking. The following existing programs are examples of effective comprehensive programs serving sex trafficking survivors:

- Gaining Independence for Tomorrow (“GIFT”) is a community-based program at Roxbury Youthworks that provides intensive case management services to assist DCF-involved youth to exit out of commercial sexual exploitation.
- The Josephine Butler Education Vision and Activism Center (“E.V.A. Center” and formerly ‘Kim’s Project’) is a Boston-based program with the goal of creating a sustainable comprehensive exit program for adult women wanting out of the sex trade. The E.V.A. Center is a survivor-led program that offers long-term support, services, information and resources, understanding that each woman has her own experiences and needs that vary tremendously.
- Lutheran Social Services (“LSS”) provides legal and social services to noncitizen victims of labor and sex trafficking throughout Massachusetts. Through case management, advocacy, and legal representation, LSS seeks to remove the barriers faced by survivors - adults and minors - when leaving exploitation
- My Life My Choice (“MLMC”), a program of Justice Resource Institute, is a survivor-led, Boston-based program offering a continuum of services, including prevention education, training, and intervention services for commercial sexually exploited girls. Survivor support mentor girls who have been victims of commercial sexual exploitation or are at high risk of exploitation.
- The Support to End Exploitation Now (“SEEN”) is a ground-breaking partnership operated by the Children’s Advocacy Center of Suffolk County that unites more than 35 public and private agencies who partner to coordinate services to commercially exploited youth in order to apprehend adult offenders and best connect exploited youth to needed services.

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27 As Rachel Lloyd, Executive Director of Girls Educational and Mentoring Services (“GEMS”), a survivor-led program in New York, writes, “The opportunity to have a space where [survivors] could relax and be themselves without fear of judgment or shame was a critical factor for the young women’s engagement and participation in programming.” Rachel Lloyd, *From Victim to Survivor, From Survivor to Leader: The Importance of Leadership Programming and Opportunities for Commercially Sexually Exploited and Trafficked Young Women & Girls*, at 8, available at <http://www.gems-girls.org/WhitePaper.pdf> (last visited Aug. 12, 2013).



- Surviving Our Struggle at Boston GLASS is a survivor mentor program for men, boys, and LGBTQ youth. Boston GLASS, a Boston-based program of Justice Resource Institute, is one of the few programs in Massachusetts that have any capacity to serve commercially exploited young men, trans-identified boys, and LGBTQ youth.

## **2.) Labor Trafficking**

The following programs provide services targeted to victims of human trafficking and/or labor exploitation.

- Lutheran Social Services - see above
- Metrowest Worker Center is a worker-led program that is available throughout the Commonwealth. This initiative identifies exploited workers and trafficking survivors to support them to receive a just wage and support to redress labor exploitation.
- Massachusetts Coalition of Occupational Safety and Health (MassCOSH) organizes and trains workers to protect themselves against abusive work conditions. Such centers also support collective action by workers and provide a space for workers to express and address their common grievances. For example, MassCOSH and other worker centers throughout Massachusetts recently provided extensive support and advocacy for temporary workers, subject to nonpayment of wages and exploitation throughout the Commonwealth.

Also, some immigrant advocacy organizations have developed programs to support specific types of workers who are particularly prone to labor trafficking. For example, the Domestic Worker Law and Policy Clinic at the Brazilian Immigrant Center provides free legal representation for domestic workers prone to exploitation and abuse.

## **3.) Government Programs and Benefits for Trafficking Survivors**

There are a variety of government benefits potentially available to survivors of human trafficking. For example, eligible survivors may access public benefits provided by the Massachusetts Division of Transitional Assistance, victim compensation from the Massachusetts Office of the Attorney General, and housing from the Department of Housing and Community Development and other local housing authorities.

However, social service providers reported that governmental benefits are limited and not all survivors qualify. Furthermore, under reporting negatively impacts service eligibility. In addition, other realities inherent to victims of human trafficking, such as a survivor's criminal history, lack of housing history, and/or immigration status, may make it difficult or impossible for survivors to qualify for government services.

### **C. ISSUES FACED BY EXISTING SERVICE PROVIDERS**

While performing a review of current programs that provide services to human trafficking victims and survivors, the subcommittee recognized various challenges involved in providing services to survivors in Massachusetts. Provided below is a list of these challenges:

- There are very few agencies that offer targeted services to victims of sex and labor trafficking, which provide peer advocacy, legal, and/or social services.

- Existing programs, while very effective, are limited by funding constraints. Consequently, existing programs generally only have the capacity to focus on the most immediate needs, such as housing, food, and basic necessities.
- Grant funding is not a stable source of funding, running in yearly increments and often including “match” or other programmatic or fiscal requirements.
  - As an example, the SEEN Coalition, which coordinates victim services to minor victims of sexual exploitation in Suffolk County, is largely dependent on one grant funded full-time case coordinator. The position is funded year-to-year, and has no stable source of funding.<sup>28</sup>
- Existing programs are not effectively staffed to meet the needs of survivors. For example:
  - The E.V.A. Center, the primary program serving adult female victims of sex trafficking in the Greater Boston area, is staffed by one full-time employee
  - Surviving Our Struggle at Boston GLASS hired a staff person in 2012 to develop mentorship services targeted to boys, young men and transgendered identified individuals. But services remain very limited due to fiscal constraints.
  - Lutheran Social Services has only one attorney for trafficking and one part-time case manager.
- Existing services lack the ability to provide a wide array of services necessary for survivors to exit sexual exploitation.
- Location of existing services makes it difficult to respond effectively to referrals outside of Eastern Massachusetts.
- There is a gap in services available to men, boys and LGBTQ individuals.

#### D. CURRENT PRACTICES FOR VICTIM HOUSING

There are few housing services for human trafficking victims in Massachusetts. When responding to a call or an event that involves the identification of a trafficking victim, law enforcement is often left with no choice but to house victims in jail in order to provide shelter for the night either in a cell or a cot in the police station. Similarly, victim service providers will call a domestic violence shelter to try and secure a bed. There are no dedicated beds in these shelters for trafficking victims. When providers are unable to find a bed at a domestic abuse shelter, they are often forced to dip into their general fund to put victims up in a hotel. Amirah is a privately funded safe house that hopes to open in the fall. Bakhita Safe House run by the Catholic Sisters in the Boston area has 3 beds but they are currently at capacity.

Nonetheless, there are some effective national models for providing safe houses or homes. The subcommittee reviewed the following model programs and evaluated them for their applicability here in Massachusetts: (1) Breaking Free (Minnesota); (2) Children of the Night (California); (3) GEMS (New York); (4) The Poppy Project (London); and (5) SAGE Project (California). Many of these programs have been in existence for over ten years and have built a record of success in service provision.

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28 Suzanne Piening & Theodore Cross, From “*The Life*” to *My Life: Sexually Exploited Children Reclaiming Their Futures: Suffolk County Massachusetts’ Response to Commercial Sexual Exploitation of Children*, May 2012, at 12, available at [http://www.suffolkcac.org/assets/pdf/From\\_the\\_Life\\_to\\_My\\_Life\\_Suffolk\\_Countys\\_Response\\_to\\_CSEC\\_June\\_2012.pdf](http://www.suffolkcac.org/assets/pdf/From_the_Life_to_My_Life_Suffolk_Countys_Response_to_CSEC_June_2012.pdf) (last visited Aug. 12, 2013).

Common trends emerged from each program:

- Onsite services/walk-in centers that provide a comprehensive continuum of care;
- Survivor-led programming;
- Long-term support over a period of years;
- Availability of both transitional and long-term options;
- Multiple funding streams; and
- Connection to diversion, re-entry and immigration detention programs.

#### 4. RECOMMENDATIONS

In light of the above, the Task Force agrees with the subcommittee's findings that there is an imminent need to provide access to and funding for survivor-led, comprehensive trafficking programs in Massachusetts while expanding other available resources to ensure that survivors are able to exit out of exploitation. In order to achieve these overarching goals, the Task Force recommends the following:

##### A. DEVELOP CAPACITY TO SERVE SURVIVORS USING EXISTING SURVIVOR-LED, COMPREHENSIVE TRAFFICKING PROGRAMS

As detailed above, there exists a profound need for more comprehensive programs and for sufficient funding to ensure success. The subcommittee suggests that the following are characteristics of an effective program:

- **Comprehensive Trauma Informed Evidence Based Programming.** This approach is necessary and effective to ensure survivors successfully exit trafficking without re-victimization. Programs must meet a survivor's need for emergency services (e.g., basic needs, emergency shelter, safety planning), transitional services (e.g., transitional housing, skills building, legal services), and long-term services (e.g., family reunification, job placement, leadership building). Services must be consistent and continuous over the long-term addressing the reality that survivor's needs change over time. Comprehensive services for children must also include child-specific therapeutic services that are trauma-informed and evidence-based. Childhood trauma left untreated will have a tremendous, lifelong impact on health and quality of life. Research shows dramatic links between childhood trauma and risky behaviors, psychological issues, serious illness and the leading causes of death.<sup>29</sup> Evidence-based treatments and other practices with strong empirical support can reduce the impacts of trauma.<sup>30</sup>
- **Survivor-Led Programs: Sex Trafficking.** Peer-led advocacy and leadership is a well-recognized component of successful programs and is commonplace in servicing other victim populations (e.g., domestic violence, sexual assault, and homicide). Peer leadership is essential given that survivors often lack trust with traditional social service providers and law enforcement. Advocates from survivor-led programs attest to the success of this model, emphasizing that survivor mentors or advocates are able to develop stronger bonds with program participants and are viewed as more "credible" supporters. Given their shared experiences, survivors are more willing to trust survivor

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29 V.J. Felitti & R.F. Anda, *The Adverse Childhood Experience (ACE) Study*, Ctrs. for Disease Control and Prevention, 1997, available at <http://www.cdc.gov/ace/> (last visited Aug. 12, 2013).

30 Kimberly Shipman, K., & Heather Taussig, H. *Mental health treatment of child abuse and neglect: The promise of evidence-based practice*. Pediatric Clinics of N. America, 2009, at 417-428.



advocates that understand their unique challenges in exiting out of exploitation.<sup>31</sup> Such support is particularly critical to the success of survivors in exiting out of commercial sexual exploitation.

- **Worker-Led Programs: Labor Trafficking.** Similarly, in the labor context, worker-led programs are recognized as effective in organizing workers, promoting collective change, and advocating for workers' rights. Workers who are victims of labor exploitation and abuse often fear stepping forward because of the risk of retaliation, deportation or termination. Worker-led initiatives are successful in building trust within communities in order to educate workers about their rights and to encourage workers to speak openly about any abuse.<sup>32</sup>

### **Specific Programs**

- *Sex Trafficking:* The subcommittee recognized that there needs to be at least one program with sufficient staff to provide services to sex trafficking survivors and ensure that a coherent, comprehensive "package" of services is available. Also, a successful exit program will offer a continuum of services and support, as well as a skilled staff of survivor peers that are viewed as "credible supporters." The program needs to include shelter and housing options but should not include housing alone.
- *Labor Trafficking:* The subcommittee noted that there needs to be at least one program funded sufficiently to provide comprehensive social and legal services geared towards workers employing a worker-led or worker-informed model. Advocates would work with survivors to create an individualized service plan, guided by the worker. Furthermore, workers would have the opportunity to not only assume roles as advocates but also take leadership roles.
- *Marginalized or Distinct Populations:* The subcommittee recognized that certain populations of survivors have unique needs, requiring a tailored approach to service. For example, minor victims of commercial sexual exploitation are often placed in the custody of DCF, and programs for children must take into account the unique needs of minors and DCF requirements. Also, in the context of men and boys, any approach must address the challenges in exiting out of exploitation, such as lack of shelter options and prejudice or stigma.
- *Legal Services:* The subcommittee recognized the need for legal services attorneys with developed expertise in human trafficking to serve the diverse legal needs of survivors of human trafficking, including in the areas of immigration, civil restitution, family law, public benefits, housing and criminal law. Many survivors have complex civil and criminal legal needs and cannot afford private counsel, however currently there are no public legal services that specialize in assisting survivors. Absent legal representation, they may find it difficult to qualify for important benefits and protections. Accordingly, the development of resources that would provide for targeted legal services to assist survivors would fill an identified gap. Ideally, attorneys would meet with survivors on-site at a survivor-led program, and work closely with survivor-advocates to ensure that the survivor's legal needs are met in a non-judgmental, supportive manner.

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31 *Supra* note 27 at 7. Rachel Lloyd notes that, "CSEC [commercial sexual exploitation of children] survivors are accustomed to be being judged and stigmatized by their families, communities, institutions, traditional service providers, and society at large" and for this reason, "a truly non-judgmental environment in the first critical step in supporting them in their transitions." In addition, Lloyd emphasized that, "[s]eeing their peers in leadership positions creates a healthy form of peer-pressure and provides support to young women."

32 For example, Colectiva de Mujeres ("Women's Collective"), was created in 2001 in San Francisco by primarily undocumented immigrant domestic workers and seeks to achieve economic and social justice for Latina immigrant women. Similarly, Domestic Workers United (DWU) is a membership-based organization of nannies, housecleaners, and elder caregivers in New York, who are organized to support workers and promote social change.

- *Use of Existing Infrastructure and Programs:* Massachusetts has a number of cutting-edge anti-trafficking programs that are currently providing services, and that provide a strong infrastructure to further develop innovative, effective programming for trafficking survivors. These include My Life My Choice (Boston); The E.V.A. Center (); Boston GLASS (); Lutheran Social Services (Worcester); Roxbury Youthworks; and the GIFT Program (). Targeted resources would help to develop geographic capacity; expand populations served; and proliferate tested models for helping survivors exit the sex trade and build skills to succeed.

#### B. CONDUCT RESEARCH AND CREATE TAILORED INITIATIVES TO BETTER ADDRESS THE NEEDS OF MEN AND LGBTQ YOUTH

The subcommittee identified a lack of knowledge/research about particular victim populations, such as boys, LGBTQ individuals, and undocumented youth. Greater resources should be dedicated to understanding the unique needs of these populations and to develop appropriate, successful initiatives to meet their specific needs. In particular, regarding LGBTQ and non-LGBTQ men, the subcommittee recommends increased training to law enforcement and non-governmental agencies about the unique stigma and challenges. Additionally, distinct screening and intake systems should be developed to help workers identify commercially exploited men and boys and to elicit information from boys to address shame and stigma. When appropriate, agencies and service providers that focus on girls should be encouraged to expand their mandate to include boys and to hire/train male workers. In general, further research should be conducted regarding this population on advantages and disadvantages of gender specific or co-ed programs.

#### C. INCREASE ACCESS TO TRAUMA-INFORMED EVIDENCE-BASED THERAPEUTIC INTERVENTIONS

The subcommittee recommends efforts to ensure survivors of all ages are able to access trauma informed evidence supported therapeutic interventions that are client focused and tailored to meet individual needs. Linkage agreements should be forged between agencies who currently work with trafficked individuals and agencies offering trauma informed evidence based therapeutic interventions. Examples of such arrangements can be found with the SEEN Coalition as well within the current statewide Children's Advocacy Center service delivery system.

The Commonwealth should support statewide efforts to increase availability of clinicians who can provide such therapeutic services. An example of a successful initiative exists at Baystate Medical Center with its Substance Abuse and Mental Health Services Administration's (SAMHSA) funded Learning Collaborative as well as the federally funded Massachusetts Child Trauma Project in which DCF, in partnership with LUK Inc., Justice Resource Institute, Boston Medical Center's Child Witness to Violence Project, and the University of Massachusetts Medical School, collaborate to integrate trauma-informed and trauma-focused practice into child protection service delivery.

#### D. PROVIDE ADDITIONAL FUNDING TO SUPPORT EXISTING TRAFFICKING-SPECIFIC PROGRAMS

The Human Trafficking Trust Fund was established as part of the statute to provide funding for victim services and other human trafficking specific initiatives.<sup>33</sup> However, the processes associated with asset seizure and forfeiture can take up to three years. There is an immediate need for additional victim services funding.

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33 MASS. GEN. LAWS ch. 10 § 66A (2013).

The Task Force recommends other ways in which money can be added to that fund.

- *State Funding:* The subcommittee recommends the expenditure of funds specifically targeted at supporting programming for human trafficking survivors. The legislature dedicate additional resources. Currently, there is no dedicated state funding.
- *Federal Funding:* The subcommittee also recommends that the Attorney General's Office and the Massachusetts Office for Victims Assistance ("MOVA") support attempts by local social services agencies to pursue federal funding, including grants through the Office of Victims of Crime.<sup>34</sup>
- *Private Funding:* In addition, the Commonwealth should pursue public-private partnerships as a means to generate private funding for human trafficking organizations.
- *Potential Sources of Funding:* The subcommittee noted the potential for additional revenue from the following sources:
  - Asset Forfeiture: The subcommittee recommends that Commonwealth increase training on asset forfeiture to ensure that law enforcement seize assets pursuant to the mandate in the human trafficking legislation. This will ensure that funding is available in the Victims of Human Trafficking Fund ("HT Fund") for non-governmental agencies working with trafficking survivors. To date, no funding has been allocated to the HT Fund.
  - Revenue Through Other State-Funded Sources: The subcommittee has identified a number of potential avenues to generate revenue, including:
    - Court Fines: Courts should be encouraged to impose fines on defendants charged with offenses under G.L. c. 272 §§ 8 and 53A. Additionally, 45% of the fines should be places in the HT fund to support victim services with another 45% going to law enforcement and the last 10% going to the courts. The legislature should amend G.L. c. 10 § 66A and G.L. c. 265 § 54 to direct fines imposed on "buyers" of commercial sex to the HT Fund to support victim services. This amendment may also provide incentives to hold buyers accountable.

#### E. EVALUATE BENEFITS TO STATE GOVERNMENT OF PROVIDING FUNDING TO TRAFFICKING PROGRAMS

*Cost/Benefit Analysis:* The subcommittee noted that several states, including Minnesota and Oregon, have conducted studies on the costs and benefits to state government if human trafficking survivors receive appropriate services.<sup>35</sup> Such studies have found that investments in prevention and support services to trafficking survivors ultimately saves the government money in a variety of sectors, including public health, criminal justice, and homeless initiatives. The subcommittee suggests a future study be commissioned to evaluate the costs and benefits of investing in victim services. This study could then be used to support efforts to secure greater private and public funding. Moreover, such a study would likely encourage multidisciplinary collaboration.

<sup>34</sup> Recently, the Massachusetts Attorney General's Office applied for the FY 2013 Enhanced Collaborative Model to Combat Human Trafficking Grant through the Bureau of Justice Assistance and the Office for Victims of Crime. The grant would provide our office and victim services providers with \$1,000,000 over two years for investigations and victim services.

<sup>35</sup> Lauren Martin, et al, *Early Intervention to Avoid Sex Trading and Trafficking of Minnesota's Female Youth: A Benefit-Cost Analysis*, 2012, available at [http://www.miwrc.org/system/uploaded\\_files/0000/0147/Benefit-Cost-Study\\_Full\\_Report\\_9-4-2012.pdf](http://www.miwrc.org/system/uploaded_files/0000/0147/Benefit-Cost-Study_Full_Report_9-4-2012.pdf); What is Human Trafficking?, Oregonians Against Human Trafficking, available at [http://www.mcso.us/public/human\\_trafficking/what\\_is.html](http://www.mcso.us/public/human_trafficking/what_is.html) (last visited Aug. 12, 2013).

## F. INCREASE SERVICE AVAILABILITY TO IDENTIFIED TRAFFICKING VICTIMS

The Task Force makes several recommendations to increase benefits available to trafficking survivors, and therefore decrease the overall financial burden on the Commonwealth and non-governmental organizations.

- *Provide Access to State Public Benefits for Confirmed Trafficking Survivors:* Establish a system of state certification for public benefits for victims of human trafficking. For example, in New York, a human trafficking survivor who is confirmed by the state government may be eligible for certain state public benefits. Any model should improve resources available to survivors, especially at the emergency stage, while allowing the Commonwealth to collect data about the prevalence of trafficking.
- *Ensure Certain Access to Existing Federal Protections:* The subcommittee made the following recommendations related to undocumented survivors:
  - Recommendations for Undocumented Victims: Pursuant to the Victims of Trafficking and Violence Protection Act of 2000, certain undocumented victims of human trafficking are eligible for special immigration statuses known as U nonimmigrant status and T nonimmigrant status (i.e., “U visas” and “T visas”).<sup>36</sup> The following efforts should be made to ensure that undocumented survivors receive adequate protection and support:
    - Training: State and local law enforcement agencies should receive training regarding immigration benefits available to victims of human trafficking, including U nonimmigrant status, T nonimmigrant status, and Continued Presence. Training should be provided by reputable legal services agencies with experience working with human trafficking victims. Such training should also address the unique barriers that immigrant victims face when reporting crimes and how to conduct outreach to ethnic communities in a culturally appropriate manner.
    - Protocol for Certification: All state and local law enforcement agencies should issue protocols within their respective offices establishing a policy for issuance of T and U visa certification. The establishment of a protocol will standardize the process of issuing certification within agencies and ensure that victims receive well-deserved protection in an efficient and just manner. Please see Appendix B for more information about the law enforcement certification process.
- *Improving Access to Victim Compensation for Human Trafficking Crimes:* Victims of violent crime are eligible for compensation and assistance pursuant to G.L. c. 258C. In order to ensure that claims for Victim Compensation and Assistance made by victims of human trafficking are reviewed efficiently, the Commonwealth should encourage the sharing of necessary information by federal, state, and local law enforcement authorities investigating state and federal human trafficking crimes with the Office of the Attorney General Victim Compensation and Assistance Division. The development of training and coordination of internal policies to encourage the exchange of information is critical. This will help to ensure that victims of human trafficking receive

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<sup>36</sup> T nonimmigrant status is designed for victims of human trafficking whose presence in the United States is related to human trafficking and who are willing to cooperate with law enforcement in the investigation of the crime. Similarly, U nonimmigrant status is available to victims of a wider variety of violent crimes, including human trafficking, who have suffered substantial mental or physical abuse as a result of the crime and are helpful in the investigation or prosecution of the crime. For more information, please see: <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=02ed3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=02ed3e4d77d73210VgnVCM100000082ca60aRCRD> (last visited Aug. 12, 2013).

compensation for injuries related to the crime in an appropriate, timely manner.

- *Improving Access to Public Housing for Human Trafficking Survivors:* The subcommittee found that human trafficking survivors are often denied access to subsidized and public housing due to a criminal history related to their victimization. For example, survivors with arrests for prostitution or drug-related crimes that occurred during their victimization may be barred from public housing and unable to obtain long-term affordable housing. Currently, state regulations require that local housing authorities allow an applicant demonstrate “mitigating circumstances” prior to rejecting an application.<sup>37</sup> “Mitigating circumstances” may include evidence of rehabilitation, length of time since criminal conduct occurred, and a variety of other factors. The subcommittee recommends that such regulations be modified to explicitly take into account human trafficking victimization. In particular, the subcommittee recommends that Section 5.08(2) of Title 760 of the Code of Massachusetts Regulations should be amended such that “mitigating circumstances” will include human trafficking victimization as defined under sections 50 or 51 of chapter 265 of the Massachusetts General Laws.<sup>38</sup> In addition, the subcommittee recommends that funding be allocated to train housing authorities about human trafficking and how to implement this new “mitigating circumstances” standard.
- *Vacating Convictions to Improve Access to Benefits:* The subcommittee recognizes that often human trafficking victims are unable to obtain employment, housing, and other financial supports due to a criminal history resulting from their victimization. For example, a human trafficking victim may be denied employment due to a history of arrests for prostitution, preventing the individual from obtaining gainful employment. As a result, such individuals are often dependent on non-governmental agencies for financial support and vulnerable to re-victimization. In an effort to address this issue, the Task Force recommends legislation to allow human trafficking victims the ability to vacate trafficking-related convictions if he or she can demonstrate to the court that he or she is a victim of human trafficking. By passing such legislation, victims will receive increased access to benefits, thus limiting the financial burden on underfunded governmental and non-governmental agencies. This measure would also increase the self-sufficiency and the long-term success of victims to exit exploitation by empowering them to find employment.<sup>39</sup>
- *Additional Recommendations to Increase Housing Options for Survivors.* The following actions would increase housing options for survivors and help to meet the short-term, urgent need for housing: (1) increase access to existing state housing programs; (2) secure greater supportive housing vouchers for human trafficking victims through U.S. Department of Housing and Urban Development (“HUD”); (3) provide funding from existing domestic violence shelters to earmark a number of beds for trafficking survivors in multiple shelters; (3) identify appropriate shelter spaces and programs appropriate for vulnerable populations, such as male or LGBTQ victims; and (4) secure space, specifically segregated space in traditional homeless shelters for male victims of labor trafficking.

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37 See 760 C.M.R. § 5.08(2) (requiring a housing authority to consider certain mitigating circumstances in adjudicating housing applications).

38 MASS. GEN. LAWS ch. 233, § 20M (2011). Under Massachusetts law, a “human trafficking victim” is “a person who is subjected to the conduct prohibited under sections 50 or 51 of chapter 265” of the Massachusetts General Laws.

39 Please see Appendix C for a legislative brief prepared by the Polaris Project that describes the impact of vacating convictions and examples of relevant legislation in other states; Polaris Project, *Human Trafficking Legislative Issue Brief: Vacating Convictions* (2012), available at [http://www.polarisproject.org/storage/documents/policy\\_documents/Issue\\_Briefs/vacating\\_convictions\\_issue\\_brief\\_september\\_2012.pdf](http://www.polarisproject.org/storage/documents/policy_documents/Issue_Briefs/vacating_convictions_issue_brief_september_2012.pdf) (last visited Aug. 12, 2013).



### G. MASSACHUSETTS SAFE HOUSE/HOME PILOT PROGRAM

The subcommittee defined a “safe house” as a separate and secure housing space for victims of commercial sexual exploitation and/or labor trafficking who seek to avoid further victimization. The safe house should be staffed with survivors and/or specially trained individuals with experience working with vulnerable populations who can offer survivors individualized exiting services and access to survivor-led programming.

The Task Force recommends a safe house pilot program with the following essential guiding principles:

- The program pilot should be implemented in the Greater Boston area, to build upon established infrastructures. The nature of the program pilot will be determined by the needs of the specific population being served (such as women, men, boys, girls, LGBTQ and/or labor trafficking victims);
- The program should include comprehensive exiting services, survivor-led programming and both short and long-term housing accommodations;
- Funding and in-kind services will be sought through the City of Boston, District Attorneys’ Offices, Department of Probation, Department of Children and Families, Department of Public Health and private partners and others; and
- A working group should be established to make decisions regarding age, population, and location.

The goal of comprehensive exiting services is to provide a continuum of care for victims exiting exploitation and to build self-sufficiency by providing support services. Through providing a continuum of care, the number of barriers present for victims to exit will decrease dramatically. Services should include and not be limited to:

- Onsite services whenever possible that are easily accessible from housing component;
- Walk/in drop-in center with 24 hour access;
- Case management and safety planning;
- Individual/group therapy;
- Education and job/life skills;
- Assistance with chemical dependency and relapse prevention;
- Health care (with transportation to local clinics);
- Assistance with filing for benefits (e.g., health care, social security, housing, etc.);
- Legal assistance (immigration, court advocacy, domestic relations);
- Spiritual work with local faith based community; and
- Worker-Led model/worker-led mediation similar to workers center model for victims of labor trafficking.<sup>40</sup>

Survivor-led programming should be an integral part of any housing pilot. Survivor-designed and survivor-led programming supports trust with participants and a more non-judgmental setting, allowing for more appropriate safety planning and individualized services. Survivor-led programming also increases the likelihood that survivors will engage in services in the short and long-term. In addition to providing unique support, survivors have an increased ability to identify and assess safety and risk as well as provide a sense of community and model success. Survivor-leaders may play roles in a variety of contexts, including educational groups, alumni networks, mentoring

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<sup>40</sup> For examples of model programs, please refer to Appendix A.

groups, relapse prevention groups, youth outreach and development and leadership programs.<sup>41</sup>

The housing component should be provided in conjunction with comprehensive exiting services and survivor-led programming. Accommodations should include emergency and long-term housing that is a safe and secure place for victims of human trafficking. Additionally, accommodations should also include the following elements:

- Accessible to walk/drop-in center;
- Programming/groups should be held on site;
- Transitional housing that is short-term and emergency, staffed 24/7; and
- Longer term accommodations should also be available.<sup>42</sup>

Diverse housing options may speak to the different needs and requirements for specific populations including women/men, boys/girls, LGBTQ and labor trafficking. Safety concerns should be addressed by having various housing locations in order to ensure the location is not easily identified by the general public.

The comprehensive exiting services in conjunction with the housing pilot should be positioned in a location where it would be possible to maximize established infrastructures and existing services. The city of Boston would be an ideal location as Boston has shown a commitment through policy and funding to the issue of human trafficking. Existing services in Boston can also serve as multi-disciplinary partners. Other general considerations for Boston being the chosen location would include: (1) close proximity to culturally diverse services and language capabilities; (2) proximity to public transportation; and (3) existence of a wide range of services including job training and schools.

Regarding funding, multiple funding streams would be required to increase the sustainability of the program. Funding streams may be determined by population and would address the various needs of the program. While the exact cost has not been identified, it would be a recommendation of the Victim Services subcommittee that a cost-benefit analysis be done regarding current practices and how those practices could be further maximized.<sup>43</sup>

In addition to state and local sources, funding can be leveraged through the following programs:

- *Diversion Programs:* Many programs across the county receive funding through the District Attorney's Office for Diversion Programs. The program works in collaboration with the Diversion Program to ensure that victims are afforded the opportunity to connect with comprehensive services as well as avoiding the collateral consequences that result from criminal charges. This collaboration increases the amount of referrals coming into the program.<sup>44</sup>
- *Sex Buyer Education Programs:* A percentage of fees collected from sex buyer education programs could be dedicated to direct victim services. It would also assist in decreasing recidivism.<sup>45</sup>
- *Asset Forfeiture:* Asset forfeiture is an additional funding stream. While the Task Force recognizes that these funds may not be sufficient to fully sustain a program, it could supplement existing programs and services.

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41 *Id.*

42 *Id.*

43 For a detailed list of public and private funding options and partners, refer to Appendix A.

44 For examples of model programs, please refer to Appendix A.

45 *Supra* note 40.

## **DEMAND REDUCTION**

The Demand Reduction Subcommittee was responsible for the following:

“(v) examine ways to curtail the demand side of trafficking such as self-sustaining first offender diversion programs;”

### **I. SUMMARY OF RECOMMENDATIONS**

After performing an assessment of the current demand for sex trafficking in Massachusetts and effective demand reduction tactics, Task Force recommends the following:

- a. Explore the creation of a statewide technical assistance unit;
- b. Develop statewide capacity to enable a first offender program option for all sex-buying arrestees; and
- c. Integrate demand reduction in all anti-trafficking initiatives.

### **2. IMPORTANCE OF DEMAND REDUCTION**

Demand for commercial sex (prostitution) is the driving force behind sex trafficking. Traffickers and pimps operate on the basic economic principles of supply and demand. If there are no buyers, there is no business. Those who purchase sex (the majority of which are male) drive the illegal sex trade fuel sex trafficking making it the fastest growing criminal industry by filling the pockets of pimps and traffickers. Targeting demand is a critical element to a comprehensive approach to combating sex trafficking and should target each element of the economic model: supporting those who have been exploited, and holding the perpetrators – including the buyers – accountable.

To combat demand, it is essential to understand that sex trafficking and prostitution are inextricably linked. The vast majority of individuals trafficked for sex (mostly women and girls) are sold through the commercial sex industry. Additionally, a minor in the sex trade, whether under a pimp’s control or not, fits the federal and the Massachusetts definition of being “trafficked.” Pimp-controlled prostitution often fits the federal and other states definition of severe forms of trafficking, as pimps often operate through “force, fraud, or coercion.” It is impossible to target the demand for trafficked sex exclusively – as buyers do not distinguish between someone who fits the federal definition of “trafficked” and someone who does not. Targeting the demand for sex trafficking is accomplished only by targeting the demand for commercial sex.

Evidence suggests that combating demand reduces sex trafficking and other forms of prostitution. There is a growing recognition, especially among law enforcement, that tackling demand is a strategic, preventative approach to sex trafficking. Arresting prostituted women and trafficked girls is inefficient at best, and leads to re-victimization at worst.

### **3. CURRENT PRACTICES**

A U.S. Department of Justice-funded landscape analysis has identified over 900 U.S. communities that have or currently are addressing demand. There are twelve demand reduction tactics commonly employed in these arrests. These include auto seizure, community service, letters home to families, license suspension, public shaming, education programs in schools, public awareness campaigns and sex buyer education programs, commonly referred to as “Johns’ schools” and described in detail below. The



implementation of most of these tactics depends on buyers first being arrested through “reverse stings,” stings geared toward the John instead of the prostituted individual. Though anecdotal evidence suggests these tactics are effective in reducing demand, only reverse stings and sex buyer education programs have been formally evaluated; the results of those studies showing a deterrent effect on buyers.

Historically, prostitution arrests have been geared toward the sellers – while the buyers often walk free. For every 10 arrests for prostitution, only 1 involves the buyer.<sup>46</sup> However, there are a significant number of jurisdictions throughout the US that are focusing on arresting the buyers instead. While 32 Massachusetts towns have conducted reverse stings, the towns of Boston, Brockton, Lawrence, Lynn, Haverhill, New Bedford, and Worcester target sex buyers most consistently. Nationally, Polk County Florida, Cook County IL, Nashville TN, and Los Angeles are the most systematic and committed to arresting Johns. Recently, there was a large scale, highly publicized set of reverse stings of 104 buyers on Long Island NY, followed by a high-profile shaming effort by the District Attorney. Over the past year, the commercial sex market has exploded in North Dakota as a result of the Bakken oil boom, and several small towns have newly- adopted reverse stings in their efforts to control the problem.

Under Sheriff Tom Dart’s leadership, the Cook County (IL) Sheriff’s Office has organized six “National Day of Johns’ Arrests,” an ongoing campaign launched two years ago to hold buyers accountable for the role they play in perpetuating an exploitative, often violent industry. The campaign now encompasses 36 law enforcement agencies, including the Federal Bureau of Investigations (“FBI”), from 17 states, and including cities such as Boston, Las Vegas, and Los Angeles. Participating jurisdictions simultaneously conduct sting activities on the streets, in hotels and brothels and via the Internet to arrest potential Johns. Combined, the six operations have resulted in 1,473 arrests of sex buyers.

Another tactic that is gaining popularity throughout the U.S. is education programs aimed at arrested Johns. The programs can be structured as a sentencing option and combined with other criminal sanctions, or as a diversion program, resulting in dismissed charges. These programs are appealing as a revenue-neutral or even revenue-producing tactic that is evidence-based, and carries few risks or opportunity costs. There are roughly 50 sex buyer education programs around the U.S., including the Community Approach to Reduce Demand (C.A.R.D) Program in Worcester, Massachusetts.

These programs function by receiving referrals through the court process of arrested offenders. However, offenders are not eligible if they have purchased sex from a minor. Although the programs are offered typically only to first offenders, there is no reason why repeat offenders could not go through the program multiple times as part of sentencing. Typically, cases are dismissed and the education is used as a deferment if the men volunteer to attend the program (session range from 1 to 10 classes), pay a fee (ranges from \$0 - \$1500), and meet other conditions (community service, etc.).

The curriculum elements include health consequences, impact on communities, impact on the victims (e.g., many programs have survivors speak), victimization risks, impact on sex buyers, legal consequences and the realities of prostitution. Other topics can include sex trafficking, pimping, sexual addiction, importance of healthy relationships and impact on families.

In Massachusetts, the C.A.R.D. Program is a Worcester based, court-ordered program coordinated by Spectrum Health, in collaboration with the Worcester Department of Health & Human Services, police

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46 Alexander, Priscilla. *Prostitution: A Difficult Issue for Feminists.* in *SEX WORK: Writings by Women in the Sex Industry*, (Frederique Delacoste & Priscilla Alexander eds., 1987). Pittsburgh, PA: Cleis Press

department, district court, and district attorney. The program is currently offered on a quarterly basis for four hours on a Saturday morning at the Worcester police department. There is a \$200 program fee and in 2012, 18 men completed the program. The curriculum is based on evidenced-based models adapted for the Worcester community. Topics include legal consequences, health risks, impact on families and community, correlation to intimate partner violence, and realities of the sex industry. Additionally, information and referrals are provided to participants as needed. Upon request, completion certificates are provided to all participants at the conclusion of the class. Designated court personnel are notified of all program completions. Participants are surveyed following class completion and the results are used to improve future programming.

#### 4. RECOMMENDATIONS

##### A. EXPLORE THE CREATION OF A STATEWIDE TECHNICAL ASSISTANCE UNIT

In reviewing the subcommittee's analysis on demand reduction, the Task Force's first recommendation is to explore the creation of a statewide technical assistance unit to lend support to municipal police departments targeting demand, particularly through sex buyer-focused reverse stings, and to consult with Massachusetts State Police or other law enforcement agencies identified by the Administration for the most effective approach.

Law enforcement cites two main reasons for not engaging in reverse stings: a lack of female decoys and a lack of technical expertise. To address the lack of female decoys for in person stings, the subcommittee recommend departments work together to deploy female officers in other jurisdictions by exchanging staff. This will help ensure that decoys do not become recognizable. There are a number of ways in which these decoys can be used. There is the traditional street-level operation in which the decoy elicits offers to buy sex. These decoys can also be used to replace brothel staff while continuing the illusion of business as usual. Alternatively, the decoy could be deployed in conjunction with an internet sting.

Regarding technical expertise required to operate a reverse sting operation, a training team of law enforcement who have experience with the method could provide training to organizations across the state. Specifically to online stings, the Attorney General's Office has a cyber-crime lab that has provided extensive training to law enforcement across the nation on how to use the internet as an effective law enforcement and investigative tool. These are incredibly effective as the crime of buying sex is prevalent over the internet.

In order to address funding challenges associated with these tactics, like overtime costs, deployment decisions and grant funds could be used. Additionally, the limited resources (including technical equipment) departments have to contend with could be improved through an exchange program. A technical assistance unit would also help to address the need to share female resources across departments.<sup>47</sup> Data collection would be facilitated through this unit, as would the identification of best practices.

Finally, the Task Force recommends that police departments designate one staff person to identify female personnel willing to serve as a resource for reverse stings and create a database to be shared with all MA police jurisdictions.

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<sup>47</sup> As an example, the Task Force suggests the use of the Pennsylvania State Police model as a guide for this type of collaboration.

## **B. DEVELOP STATEWIDE CAPACITY TO ENABLE A FIRST OFFENDER PROGRAM OPTION FOR ALL SEX-BUYING ARRESTEES**

The Task Force recommends the Commonwealth build upon the existing sex buyer education program and support the creation of similar, regionally-based programs. Additionally, it may be possible to refer offenders from other jurisdictions to the Worcester C.A.R.D. program, as they are not at capacity and have a scalable program. Additional costs in adding participants to the C.A.R.D. program would be marginal, as the class can currently seat 50 and the number of attendants depends on arrests and sentencing. Recently, Westborough District Court started sending arrestees to the Worcester program. The Task Force recognizes that jurisdictions may have different ideas on how to implement a sex buyer program, and that jurisdictions do not need to have the same protocols, fees, etc. for buyers to attend the program.

### **1. Working Group**

In the short term, the Task Force recommends the education of as many Johns as possible. Education should include information about the links between sex trafficking and prostitution and the harm their actions inflict on those they are buying, the buyers themselves, their families, and their communities. To facilitate this endeavor, the Subcommittee recommends a working group be convened to explore establishing sex buyer education programs in other Massachusetts jurisdictions where law enforcement is already conducting reverse sting operations. This group could also draft program guidelines or standards that would provide a minimum set of curriculum expectations, including survivor participation, legal consequences, health risks, impact on families and community, and realities of the sex industry. In order to offset costs, these guidelines should also define a fiscal model that creates revenue for survivor services, as well as to partners involved in the education program operations. Although the Subcommittee does not recommend that the programs be either a sentencing option or a diversion option, the committee does agree that if a diversion option is offered to buyers, diversion option must also be offered to the sellers.<sup>48</sup> Recommended guidelines should also provide physical and mental health resources to be offered to attendees. Moreover, to be effective, the program should be offered in other languages or translators should be made available.

### **2. Fines and Fees**

The Task Force recommends that fines from sex buyer arrest be split between victim services, law enforcement, and the courts. The subcommittee recommends 45% of the fines go to the HT fund, 45% to the criminal justice entities involved in the reverse stings, and 10% go to the courts. This model has worked with the First Offender Prostitution Program in San Francisco. Their program generated about \$3.1 million over the course of 10 years and gave about \$1 million each to the San Francisco District Attorney, the San Francisco Police Department, and SAGE.

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<sup>48</sup> The Standing Against Global Exploitation (“SAGE”) project ([www.sagesf.org](http://www.sagesf.org)) in San Francisco provides a national model for first time seller diversion programs.

### C. INTEGRATE DEMAND REDUCTION IN ALL ANTI-TRAFFICKING INITIATIVES

There are a number of ways that demand reduction tactics can be integrated into other anti-trafficking initiatives. When designing and implementing training for law enforcement, it is important to ensure that every police officer, prosecutor, and judge understands the role demand for commercial sex plays in fueling sex trafficking. The Task Force recommends training on innovative practices to stem demand, such as education on the impact of the crime and reverse stings. Additionally, demand reduction can be addressed in trainings with law enforcement to ensure cases are investigate, pursued, prosecuted, and not merely dismissed.

In educating students, the goal is to prevent them from becoming buyers in the first place. Demand reduction education should be linked with related school health and sex curricula in age and language appropriate ways.

In terms of public awareness, the subcommittee recommends communicating the realities and harm involved in prostitution to try and address the myth of the victimless crime. The subcommittee recommends that the role buyers play in sex trafficking and the new, higher fines are highlighted.

Regarding data collection, the subcommittee recommends establishing baselines by which to measure success in the future and to be able to identify displacement of purchasing sex. This would include tracking not only buyer arrests, but also how many buyers are charged the minimum \$1,000 fine as well as obtaining accurate numbers year to year about the prevalence of men arrested for buying as compared to women arrested for selling.

Finally, in terms of the demand for trafficked labor, the new labor group that is also recommended in this report (see Recommendations - Labor Trafficking) should examine clean supply chain legislation.<sup>49</sup> The labor group should also examine government contracting and industry best practices.

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<sup>49</sup> See e.g. CAL. CIV. CODE § 1714.43 (2013); CAL REV. & TAX CODE § 19547.5 (2013).

## **DATA COLLECTION AND INFORMATION SHARING**

The Data Collection and Information Sharing Subcommittee was responsible for the following:

- “(i) coordinate the collection and sharing of human trafficking data among government agencies; provided, however, that such data collection shall respect the privacy of victims of human trafficking; coordinate strategies and make recommendations for law enforcement to share information for the purposes of detecting individuals and groups engaged in human trafficking;
- (ii) review and recommend policies and procedures to enable state government to work with non-governmental organizations and other elements of civil society to prevent human trafficking and to protect and provide assistance to victims of trafficking;”

### **1. SUMMARY OF RECOMMENDATIONS**

After performing an assessment of the current data collection practices in Massachusetts and nationally, the subcommittee recommends the following:

- a. Establish a human trafficking victim definition for data collection purposes;
- b. Deploy the screening tools and guidelines developed to support victim identification;
- c. Pilot a coordinated data collection response across the state; and
- d. Use the information from the data collection pilot to create a state wide data collection tool and protocol.

### **2. IMPORTANCE OF DATA COLLECTION AND INFORMATION SHARING**

The importance of collecting, analyzing, and sharing data is two-fold: it aids in identifying and serving victims of human trafficking, and provides law enforcement with a tool to further identify and prosecute traffickers. Unless victims of human trafficking are accurately identified, they cannot receive appropriate services. Consequently, the identification of victims directly and indirectly leads to the identification of trafficking perpetrators or enterprises and human trafficking situations. Without making this correlation, it is difficult to hold traffickers accountable and prevent further victimization.

At the outset, tools used to collect data assist in the identification of victims. This is the initial and often the most critical step in pulling victims out of the life. Additionally, data collection provides law enforcement and service providers with the ability to better understand who is being trafficked, how they are engaged and kept as victims, and how they received help. Quantifying the problem is critical if service providers are to secure funds to help victims. Understanding how victims move through the system allows for the evaluation of how to efficiently use resources. Data analysis also enables law enforcement to more effectively identify, investigate, arrest, and prosecute perpetrators. For example, it provides critical support in identifying best practices as they relate to preventing and addressing trafficking.

### **3. CURRENT DATA COLLECTION PRACTICES**

Human trafficking identification and response is largely uncoordinated throughout the state. Law enforcement, social service and victim service providers traditionally rely on victims to self-identify and there is not a current process to screen for human trafficking victims. Practitioners and agencies, such as

educators, public health officials, medical practitioners, and community and faith-based organizations that presently come into contact with victims of human trafficking, do not have the training or screening tools to help identify human trafficking victims. As a result, human trafficking is likely under-identified in Massachusetts.

Currently in Massachusetts, the Boston Police Department, Massachusetts State Police and Suffolk District Attorney's Office (through the Children's Advocacy Center) all have systems to collect information on human trafficking victims and minor victims of commercial sexual exploitation, including at risk individuals. The data collection systems are not integrated, and information about potential victims or suspects is shared informally and generally on a case-by-case basis. The Boston Police Department, Massachusetts State police and other local law enforcement agencies in the state capture information about human trafficking incidents, suspects and victims in traditional records management systems. However, there are generally no specific flags or designations within these systems to identify human trafficking incidents or arrests.

Information gathering in the state is less routine. For example, regulatory agencies such as the Division of Professional Licensure do not regularly track human trafficking activity, but do collect the information in other fields such as "unprofessional conduct." State government agencies like DCF and the Department of Probation may collect information on human trafficking in individual client records, but there are no specific designations for this information within their regular client information systems.

In the service provider arena, data collection faces similar challenges. While some providers collect information on both current human trafficking victims and potential victims, others that service victims with sensitive legal issues (e.g., immigration) or are connected with government entities, face restrictions on collecting information that will be shared outside the particular provider.

Federally in Massachusetts, data on human trafficking is collected by the Federal Bureau of Investigation, Department of Homeland Security and the U.S. Attorney's Office. There is one major caveat, the data collected is not routinely shared across federal agencies and is not shared with state and local law enforcement except in specific situations.<sup>50</sup>

Indeed, even when government agencies or service providers report basic information about the number of human trafficking victims identified or served, these statistics are generally collected using agency-specific definitions of human trafficking. Disagreement about the definition of human trafficking has undermined efforts to collect, share and aggregate data on human trafficking for either operational or statistical purposes in agencies throughout the commonwealth. Additionally, identifying information about victims typically cannot be shared, making it impossible to determine if victims are counted in multiple data collection systems.

#### OTHER MODELS OF HUMAN TRAFFICKING DATA COLLECTION AND INFORMATION SHARING

Nationally, there are few good models for statewide information sharing and data collection. The federal government supports three human trafficking data collection efforts:

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50 The U.S. Attorney General's Office in Massachusetts leads a quarterly intelligence sharing meeting where federal partners including FBI, U.S. Immigration and Customs Enforcement ("ICE") and U.S. Dept. of Labor ("DOL"), along with the Massachusetts State Police, the Boston Police Department and District Attorneys may share information about ongoing investigations. However, this information is not recorded in any centralized database or shared through any digital medium.



- Human Trafficking Reporting System (HTRS) – a web-based data entry system that collects investigation level information, including detailed information about suspects and victims for all investigations opened by law enforcement partners working in federally funded human trafficking Task Forces. HTRS is funded by the Bureau of Justice Assistance and managed by Northeastern University and Urban Institute.
- Trafficking Information Management System (TIMS) – the Office of Victims of Crime (OVC) counterpart to HTRS. Access-based data collection system that collects information about victims that are served under the OVC grants for the victim service provider partners in the federally funded human trafficking Task Forces. Funded by OVC and managed by Caliber ICF.
- National Human Trafficking Resource Center (HTRC) –Database that collects information about the characteristics of cases that are reported to the national hotline. Funded by the U.S. Department of Health and Human Services and managed by the Polaris Project.

On the state level, data collection varies greatly.<sup>51</sup> Arguably no state has a centralized data collection system or registry that tracks human trafficking across multiple state agencies according to a common definition. The systems that do exist largely rely on data from law enforcement, which tends to be incomplete because not all human trafficking victims are recognized by law enforcement. Moreover, the lack of unity in one human trafficking definition poses challenges to sharing and aggregating data for those state law enforcement, government and non-government entities that to collect data.

#### 4. RECOMMENDATIONS

##### A. ESTABLISH A HUMAN TRAFFICKING VICTIM DEFINITION FOR DATA COLLECTION PURPOSES

The subcommittee recognized the need for a uniform and simple definition of human trafficking victim to guide identification and collaboration. The definition is not to replace the legal definition, rather it is to guide the entry and sharing of information about human trafficking across government and non-government agencies (see discussion of definition in Appendix G).

##### B. DEPLOY A SCREENING TOOL AND GUIDELINES DEVELOPED TO SUPPORT VICTIM IDENTIFICATION

The second recommendation focuses on employee screening tools and protocols to guide the victim identification process (Appendix D-F). The Task Force recommends practitioners throughout the Commonwealth be trained to use a set of screening questions in making referrals about potential victimization. These screening questions should be used as a guide, rather than a tool, to assist the practitioner in a conversation with potential victims about their experiences to identify indicators of human trafficking. Moreover, the Task Force recommends a process to regularly screen all individuals arrested for prostitution offenses for potential human trafficking victimization. In addition to the detailed screening questions, the subcommittee recommends a few questions be

51 For example: The Texas Attorney General's Office uses HTRS for its federally funded task force cases and voluntarily for non-funded cases; New York collects information on trafficking victims through the New York State Division of Criminal Justice; the California Attorney General collects statistics on human trafficking cases identified across the nine regional task forces that report information quarterly through the California Emergency Management Agency, and the California Department of Justice collects information on human trafficking arrests and case dispositions through their criminal justice information system; and Florida Department of Law Enforcement began a process to develop a statewide human trafficking information sharing and centralized database in 2009, but the effort was halted due to state funding cuts.

added to a broad range of regular intake forms to help alert different types of practitioners that they should be screening for human trafficking victimization.<sup>52</sup>

In the process of screening for victimization, it is the Task Force's recommendation that the screener only refer an adult victim to government agency if the victim or potential victim consents that information about them be shared. Both adult and minor victims should be advised of their rights as victims during the screening process. The protocol should guide users to be as honest as possible about the possible consequences of a victim's participation in the screening process. For example, if they are referred to law enforcement what are the potential outcomes? It may be important to notify a person that DCF may need to be notified if there are concerns about the safety of a person's children. Screeners should identify but not overstate possible risks. As a result of the law, exploitation of minors must be reported to DCF. A minor's consent in this report is not required. Therefore, screeners should be encouraged to be honest with victims about this required reporting.

Importantly, ensuring the safety of the adult victim or potential victim should be at the forefront of the screening process. The screener will not be able to guarantee the safety of adults once they leave the situation where they are screened. Therefore, it is important for the screener to make a safety plan with people before they leave regardless of referral. Thus, the screening process should include the development of a one page "if you need help" handout with information about where to get various types of assistance and support.

Additionally, there are immigration and cultural issues that need to be addressed in order to best screen for and serve victims from other countries. The subcommittee expressed concern that the protocol offer guidance about how to assess the language and literacy issues of a person before starting the screening. If interpreters are needed it is critical to ensure that the potential victim feels comfortable with the interpreter and that the interpreter is not connected to the trafficker or the trafficking situation. These issues become even more important when we consider the duality of interrogation and screening. The subcommittee recommends that these concerns be addressed in the labor group proposed in this report

Moving forward, the Task Force recommends that over the next year, the screening tool and protocol be disseminated through the training plan. The subcommittee also recommends that a clear protocol be drafted that identifies when the tool is to be used to screen for trafficking and when police interrogation should be used.

A broad range of service providers and government officials need to be trained in screening potential victims and use of protocols to guide response to victims and incidents. Case coordinators and multi-disciplinary team members need more extensive training on adult and minor human trafficking identification and response.

Because the tool and the protocols are already created, the cost associated with the dissemination of the tool would be absorbed into training and the website recommendation in this report.

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52 For example, these questions may include: "Is anyone making you do something you do not want to do?" "Has there been a time when you felt you could not leave your job/pressured to work" "Have you ever exchanged sex for money or something of value" or "Is anyone threatening you?") If the answer to these basic screening questions was "yes" the practitioner screen further using the recommended screening questions.



### C. PILOT A COORDINATED DATA COLLECTION RESPONSE ACROSS THE STATE

Effective data collection serves many purposes. Achieving each purpose may require different types of data be collected. Some of the goals of data collection include: (1) statistics on number of human trafficking victims and incidents to measure the scope and characteristics of the problem in Massachusetts; (2) information for intelligence sharing and case development to improving police operations; and (3) information for coordinated case management to effectuate improving victim services.

The foundation of the data collection and information sharing database is that it engages the right people and tracks the right information. Consequently, the first critical step in any effective data collection process is to fully understand the roles of the stakeholders and ensure that each is involved in the process. Therefore, the Task Force recommends a piloted, county based multi-disciplinary human trafficking response approach process by which information about potential human trafficking victims could be coordinated. This would ensure that the state has a clear understanding about what data should be collected and how it should be done before an investment is made in an expensive data collection software program. The pilot would be revisited at 12 months, and an action plan for the creation of a state wide data collection system should then be created.

Absent a centralized system to collect and share information about human trafficking incidents, data that is collected about human trafficking or potential human trafficking situations by governmental and non-governmental agencies is not collected according to a uniform definition and generally cannot be shared across agencies. The subcommittee recommends the development of human trafficking data and information sharing system in the Commonwealth.

#### **Next Steps**

Over the next year, we recommend that Multidisciplinary Teams (“MDT”) in each county be brought together to draft their own model protocols for collecting data and addressing trafficking. There are a number of organizations in those counties who could be included in the process:

- Attorney General Office
- District Attorney
- Massachusetts Chiefs of Police and Major City Chiefs Associations
- Department of Children and Families
- Professionals trained to assess and serve sexually exploited children
- Social service providers who serve adult and child human trafficking victims
- Legal advocates who serve foreign national human trafficking victims
- Victim service provider agencies including Information Technology (“IT”) personnel from victim service provider agencies
- Other agencies such as the Committee for Public Counsel Services, Child Advocacy Centers, and the Department of Youth Services

Every county has different strengths and challenges in addressing trafficking. Because of this, we recommend that counties work together to draft specific protocols that reflect these differences. These protocols should address work flow and privacy issues. Protocols should include information on how to share data across jurisdictions, when to interrogate and when to screen for trafficking, how to work with outside partners, and what data should be screened for and how it should be shared.

In some parts of the state (e.g. Suffolk County) there are partnerships between law enforcement and victim service that could serve as models for information sharing and coordination. For example, the Support to End Exploitation Now (SEEN) Coalition in Suffolk County has a protocol for identifying and responding to minor sex trafficking and commercial sexual exploitation of children (CSEC) built around the child abuse/neglect reporting system.<sup>53</sup> Partners in the county could build upon the model of the SEEN protocol and response strategy to better identify, respond and share information about adult sex trafficking victims and labor trafficking victims. Unfortunately, these types of partnerships do not exist statewide. As a result, in most parts of the state it is necessary to build the capacity of law enforcement, victim service providers and other relevant agencies to work collaboratively in order to facilitate information sharing and coordinated response processes to improve the identification and assistance of human trafficking victims.

In order to support this initiative, the subcommittee recommends that a state wide group convene made up of representatives from each of the agencies above and chaired by the Massachusetts District Attorneys Association or another organization identified by the Administration to help guide the work of these groups and provide additional technical support when needed. A neutral facilitator for this group would be extremely helpful to the process in ensuring that all voices around the table are heard and understood.

Additionally, the Task Force recommends that each District Attorney's Office (DAO) identify a case coordinator for these victims and that each case coordinator is connected to both state and federal partners, victim service providers, and has positive working relationships with all partners. The subcommittee recognized that it may be necessary for the case coordinator to vet referrals before being sent to the multidisciplinary team, but recognized that vetting comes with challenges that necessitate a high level of skill for each case coordinator. For both adults and minors a MDT approach requires multiple law enforcement and victim service providers to work together as a team. The multidisciplinary team would need to agree on what the goals are for cases generally and for individual cases. While some models for the case coordinator and multi-disciplinary team exist in Massachusetts, most agencies do not have experience working collaboratively on human trafficking. As a result, the subcommittee recommends a model with associated referral systems and data collection and information sharing be piloted across counties, with evaluation and reassessment before being established statewide.

The data collected from the counties can be used across the state to address crime trends. Additionally, the data can be collected state wide to get a better understanding of trafficking in Massachusetts. These county based MDTs will be able to identify how to best work together. This learning will then be used to draft a statewide system and protocol.

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53 MASS GEN. LAWS. c. 119, § 51A (2013).

D. USE THE INFORMATION FROM THE DATA COLLECTION PROJECT TO CREATE A STATE WIDE DATA COLLECTION TOOL AND PROTOCOL

In the longer term, the Task Force recommends the development of a centralized information sharing system and database. Such system would collect data about potential victims, suspects and incidents in an operationally useful manner to both law enforcement and victim service providers, while protecting privacy and maintaining confidentiality where appropriate. There are models for data collection and information sharing in Massachusetts and elsewhere for other crimes/events that should be consulted. For example, the subcommittee examined the data system developed for the City of Boston Partnership Advancing Communities Together program (PACT) – this project includes a centralized data system where service providers would have access to see some of the information on at risk kids and their families from law enforcement, though the service providers do not currently report their case management information or client information into the PACT system. The subcommittee identified a series of principles to help guide the development of such a system. The data system could collect information similar to that specified in Appendix I, which lists data field identified in other human trafficking data collection systems.

## EDUCATION AND TRAINING

The Education and Training Subcommittee was responsible for the following:

- “(iv) ... and offer recommendations for programs and educational and training opportunities for law enforcement and social service providers including, but not limited to, methods used to identify human trafficking victims including preliminary interviewing and questioning techniques, methods of protecting the special needs of women and child human trafficking victims, developments in state and federal laws regarding human trafficking and methods to increase effective collaboration between state and local agencies, law enforcement, social service providers and non-governmental organizations;
- (viii) recommend strategy and relevant methodologies for training providers in health and human services in the recognition of signs and circumstances indicating that an individual is the victim of human trafficking and the appropriate steps to report the individual to the appropriate law enforcement personnel or agencies;
- (ix) recommend ways to develop and promulgate educational materials and health curricula that may be used by school administrators and educators to identify human trafficking victims and the appropriate actions to be undertaken when such victims are identified and to educate school officials as to the scope and magnitude of human trafficking in the nation and the commonwealth including, but not limited to, how to prevent it and developing a parent guide and teacher training material on internet safety and methods of preventing the exploitation of minors over the internet;”

### I. SUMMARY OF RECOMMENDATIONS

After evaluating human trafficking training and strategies nationwide, the Task Force recommends the following:

- a. Make a basic level of human trafficking training available to all health care, law enforcement, first responder, and education providers;
- b. Support a fundamental shift in understanding, identification, response to victims, and systemic change through the trainings;
- b. Use consistent language reflecting the lives of survivors;
- d. Include screening and data collection protocols in the training; and
- e. Design trainings to be as effective as possible through the use of a tiered approach, face to face delivery, multidisciplinary method for at least a portion of the training, and well qualified trainers.

### 2. IMPORTANCE OF EDUCATION AND TRAINING

Currently, schools, parents, students, law enforcement, first responders, and social services providers are not consistently aware of what trafficking is, how to identify a victim, and what to do when the victim is identified. It is critical to the successful implementation of the current law, that these parties have the knowledge and the skills to prevent trafficking when they can, and to address the situation and help the victim when they cannot.

Additionally, consistent messaging across the state is necessary. All providers need to understand best practices regarding addressing the crime and its victims.

### 3. CURRENT PRACTICES

Significant strides have been made in the last decade regarding training in exploitation and sex trafficking. However, there are no human trafficking requirements for schools, law enforcement, first responders, or medical providers, and there is no systematic training plan for these entities. Rather, trainings are offered as a result of grant funding or specific requests. Often, these trainings are aimed at awareness raising rather than technical support.

Many school personnel remain unaware of commercial sexual exploitation and domestic trafficking amongst students. There is a commonly held misconception that “this doesn’t happen in my school,” especially in smaller communities. Additionally, many school personnel do not realize they are mandated reporters for human trafficking under the current law.

Some state law enforcement agencies are very well informed about trafficking and how to best address the issues. On the other hand, other law enforcement personnel do not know trafficking is a problem, what trafficking looks like, or how to address its attendant issues. It is necessary to address this gap in expertise in order to be consistent across the state in trafficking law enforcement and victim services.

For first responders and social services providers, trainings are mostly provided on an as needed basis. Here, too, there is inconsistent messaging about how to address trafficking victims. The greatest volume of training is focused on domestic minor sex trafficking, with a greater emphasis on girls than on boys and transgender youth. However, some significant training on adult sex trafficking and labor is available.<sup>54</sup>

### 4. RECOMMENDATIONS

For schools, parents, students, law enforcement, first responders, and social services providers, the Task Force recommends the following:

All schools, parents, teachers, law enforcement, social service providers, and first responders receive some form of trafficking education. Not everyone will need the same amount of training. For some, the training should raise awareness and address common misconceptions. For others, technical assistance on how to address the issue is required. In order to use resources most effectively, the Task Force

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<sup>54</sup> According to a 2008 study done by the Massachusetts General Hospital (“MGH”) regarding human trafficking awareness amongst health care providers, research found that general awareness is low except when there is an organic in-house champion.

Currently in Massachusetts there are various collaborations, publications and presentations being done regarding human trafficking and health services. A special collaboration between Northeastern university School Health Institute and the Massachusetts Dept. of Public Health Human trafficking and Training Subcommittee under the guidance of the Director of School Health Services, produced 6 modules that address a variety of issues concerning human trafficking for school personnel, especially school nurses. The site has had over 300 hits this school year.

Modules (45 minutes to an hour) include: Overview of Human Trafficking; Law Enforcement; Mandated Reporter Requirements and Resources for Victims of HT; Health Care for Victims of HT; Exploitation of Male Children and Adolescents; Guidelines for School Nurses.

MGH’s Division of Global Health & Human Rights, Department of Emergency Medicine, is collaborating with the Massachusetts Medical Society to produce a training manual for physicians on human trafficking. MGH’s Division has a Human Trafficking Initiative that has designed and deployed a training program on human trafficking for health care workers. To date, the MGH group has provided more than 40 trainings/grand rounds/invited lectures on human trafficking in the US and in the Caribbean.

recommends a tiered approach to the trainings. Due to the complex nature of the crimes and the pre-existing misconceptions, face-to face training is recommended.<sup>55</sup>

Language must be consistent statewide across all trainings and reflect the realities of the survivor's lives. For example, recent awareness trainings sought to paint a picture of a badly beaten and shackled woman to create an image of a sex trafficking survivor. While this may be an accurate representation of some experiences, it does not encompass the full breadth and complexity sex industry survivor experiences. While phrases such as "modern day slavery" are useful for painting a national picture for communities, it is not useful in the training context. Trainings and screenings should use phrases and words such as:

- inherent harm of the commercial sexual industry
- commercially sexually exploited
- complicated lives
- power/control
- marginalized people
- recovery
- exit
- resilience

Trainings and screenings should avoid phrases and words that may sensationalize or minimize, such as:

- slavery
- sex work
- any derogatory term for a person in the sex industry
- forced prostitution
- promiscuous
- throwaway youth
- resistant
- rescue

All trainings should be nuanced and reference an understanding of the societal factors that drive trafficking such as greed, money and power, and that allow or cosign trafficking such as economic inequality, racism and sexism. The Task Force recommends that trainings offered that are both single discipline and multidisciplinary for they are both necessary and powerful to the trainees.<sup>56</sup> In all trainings, it is useful to cultivate an in house champion. In addition, it is ideal to develop ongoing mechanisms for cross collaboration post-training. Lastly, all trainings should incorporate screening and data collection protocol and victim services recommendations.

For all trainings, it is recommended that trainers have experience as trafficking victim service providers. Training should be survivor-led or survivor-informed, and integrate voices and expertise of survivors in the service delivery model. Trainers should be in the field more than three years and have the ability to make connections and synthesize best practices in the field nationally. Finally, trainers should be able to integrate clinical framework, practical knowledge, and understanding of MDT response.

## **A. SCHOOLS**

In order to implement trainings within schools and among school personnel, individual superintendent and school board buy-in is critical. School nurses are particularly important individuals to target when training staff on human trafficking.

<sup>55</sup> The Health Belief Model posits that in order for behavior change to occur, one must shift attitudes, knowledge, and skills (rather than only knowledge which is targeted through awareness training). The importance of behavior change has been proven through HIV prevention and other public health campaigns. N.K. Janz & M.H. Becker. The Health Belief Model: A Decade Later. *Health Education & Behavior*. (1 January 1984). 11 (1): 1–47; I.M. Rosenstock ET AL. Social Learning Theory and the Health Belief Model. *Health Education & Behavior*. (1 January 1988). 15 (2): 175–183.

<sup>56</sup> Multidisciplinary trainings are trainings that have a multidisciplinary team as trainers and as attendees. This form of training is useful in that it provides all members of the team a common language, knowledge, and skill set to work from. An example of multidisciplinary trafficking training in Massachusetts is the SEEN 2 day MDT training. Day one provides attendees with an introduction to CSEC and how to address their needs. Day two teams participants in multidisciplinary groups and asks them to discuss cases, dispel myths about various roles and mandates, and build relationships.



Their open-door policies, opportunities to observe students across grade levels, and experience in child-abuse reporting, place school nurses in a unique position to identify potential victims.

Based on the research the subcommittee conducted, the Task Force recommends:

1. A tiered training program for all school personnel;
2. Information sharing amongst students, parents and young people in General Educational Development (“GED”) and alternative education programs; and
3. A computer lab policy that incorporates internet safety.

#### SCHOOL RECOMMENDATION 1: TIERED TRAINING PROGRAM

An in-person training conducted by members of an MDT is the most effective approach in ensuring staff understand the issue and how to react appropriately. It is recommended that members of law enforcement, DCF, and medical and mental health professionals lead trainings.

##### **Tier One Personnel and Curriculum**

Personnel includes:

- Teachers/Teachers Aids;
- Coaches/athletic department personnel;
- Janitors;
- Cafeteria workers;
- Parent volunteers;
- Bus drivers;
- Substitute teachers; and
- Afterschool program workers

Basic curriculum would be provided during staff meetings or as part of back-to-school trainings.

At the end of the training, participants will be able to describe:

- Human trafficking in terms of the Massachusetts law;
- The fundamentals of human trafficking including the types of tactics traffickers use to lure and keep victims;
- An overview of the crimes surrounding trafficking;
- Their responsibility if they suspect someone is being trafficked; and
- The dynamics of trafficking and signs of potential victimization.

Training should be mandated for all existing and new staff, and materials regarding trafficking should be included in new-hire packets distributed to personnel.

##### **Tier Two Personnel and Curriculum**

Personnel include:

- School nurses;
- Guidance counselors;
- Health Ed teachers;
- School Administrators; and
- School police/resource officers/attendance officers.

Advanced curriculum would use outside training and have a goal of cultivating an in-house champion. In addition to the abilities above, at the end of the advanced curriculum, staff will be able to explain:



- Additional aspects of the trafficking law include the Safe Harbor provision and privileged communications;
- The steps schools can take to prevent human trafficking;
- Victims' need in the short, medium, and long term for recovery;
- Details about their obligations as mandated reporters;
- Their role in the school as it relates to trafficking; and
- Resources available to staff in offering support to victims.

### SCHOOL RECOMMENDATION 2: TRAINING FOR STUDENTS AND PARENTS

To effectively educate students and parents on human trafficking and exploitation, the Task Force recommends that elementary, high school, and college age students be educated on trafficking in an age appropriate manner. Teachers should incorporate curriculum into lessons that address anti-bullying, online safety, domestic violence and healthy relationships.

In addition, information about human trafficking should be provided to adolescents who are not in schools, but instead are engaged in GED programs or other alternative educational programs.

Schools can send home brochures and packets to parents at the beginning of the school year to increase their awareness of human trafficking. These brochures and packets should be provided in multiple languages. After school programs should also provide information to parents. The provided information should include a definition of human trafficking, signs and ways to identify trafficking, what parents can do if they suspect that their child or someone they know is involved in trafficking, and ways to report concerns to the proper authorities.

The Task Force recommends the NetSmartz program from the National Center for Missing and Exploited Children ("NCMEC") and My Life My Choice ("MLMC") as two organizations to assist schools in this training.<sup>57</sup>

### SCHOOL RECOMMENDATION 3: INCORPORATE INTERNET SAFETY

The subcommittee recommends internet safety is incorporated into the technology use policy that all students must sign. Currently, there are several programs available on internet safety throughout Massachusetts. In addition to the afore mentioned web-based NCMEC's NetSmartz program, there is an online safety program offered through the Suffolk County District Attorney's Office which is targeted at children and parents of children from fifth grade through high school. The program addresses issues of human trafficking and bullying. This program is also being employed by private and parochial schools, DCF to train their foster parents, and at after school programs and Boys' and Girls' Clubs. Boston Public Schools also offers online safety workshops through its Parent University program, which occurs three times a year.

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<sup>57</sup> My Life My Choice works to address commercial sexual exploitation of adolescent girls in the United States. Through victim-centered mentoring, prevention education, and advocacy, MLMC is educating and empowering girls to find a positive life path and working to eliminate the violence of sexual exploitation. MLMC offers a unique continuum of services spanning provider training, prevention groups for vulnerable adolescent girls, case consultation, and survivor mentoring to young victims of commercial sexual exploitation. MLMC has successfully trained over 5,500 youth providers in Massachusetts and nationally, has provided prevention groups to 1,200 girls and mentored over 200 girls in the metro-Boston area. MLMC is able to have a significant impact on a hard-to-reach population by employing survivors as group leaders, trainers and mentors. Their first-hand accounts of victimization have informed group and training curricula and are the voice of authenticity to girls entrapped in a life of abuse. Furthermore, two employees from MLMC, Lisa Goldblatt-Grace the Executive Director and Audrey Morrissey, Program Director, are both governor appointees to the Task Force.

**B. LAW ENFORCEMENT**

Currently there are several gaps in the education and training of law enforcement:

- Officers remain unaware of the new trafficking statute and how to best approach these cases/investigations;
- Officers do not realize that they are mandated reporters when it comes to trafficking;
- Officers are unaware of the benefits and procedures of the Human Trafficking Victim Trust Fund, and often do not take full advantage of seizing property; and
- Often officers still see minor victims of human trafficking as delinquents; and all sex trafficking victims as “prostitutes” who have made what the officer believes to be a “choice”.

**LAW ENFORCEMENT RECOMMENDATION 1: INCORPORATE INFORMATION INTO EXISTING PROGRAMS**

Currently, an existing training structure is in place for all sworn officers across the Commonwealth. That structure includes basic recruit, in-service and advanced trainings. The Task Force recommends building upon this existing structure and the relationship between the Municipal Police Training Committee (MPTC) and any other law enforcement training organizations identified by the Administration and the Massachusetts State Police to facilitate any added curriculum specific to human trafficking training for law enforcement.<sup>58</sup> Additionally, Massachusetts has a very qualified group of local experts, whose trainings can be leveraged for all state law enforcement.

The Boston Police Human Trafficking Unit and the Massachusetts State Police have performed the vast majority of law enforcement training in Massachusetts. They, or other law enforcement agencies identified by the Administration, should be consulted in the development of the training. These two units have a great deal of experience investigating human trafficking cases and collaborating with social service agencies, such as My Life My Choice, on the development and deployment of the trainings. These entities have frequently worked together to provide training. More recently, the Attorney General Office’s Enterprise and Major Crimes Division and U. S. Attorney’s Office, in conjunction with local District Attorneys’ Offices, FBI, Homeland Security, MSP, the Boston Police Department, and the Department of Labor, have organized trainings for law enforcement state-wide.<sup>59</sup>

**LAW ENFORCEMENT RECOMMENDATION 2: TIERED TRAINING FOR LAW ENFORCERS AND CRIMINAL JUSTICE PERSONNEL**

A model training using the “train-the-trainer” format where law enforcement leads trainings is recommended. Historically, the Executive Office of Public Safety and Security facilitated the development of a standardized training curriculum specific to Sexual Assault and Domestic Violence trainings. Identified trainers throughout the state participated in a train-the-trainer sessions to develop curriculum and certify new trainers, and these certified trainers went on to teach for the Massachusetts Police Training Committee and the State Police using the identified curriculum. This train-the-trainer format has been very effective at reaching the entire state, while simultaneously standardizing the information being taught. The subcommittee recommends consulting with these and any other Administration identified law enforcement agencies in the development of training.

<sup>58</sup> Assistant District Attorneys (“ADAs”), clerks, Dept. of Corrections (“DOC”) officers, campus police, Dept. of Youth Services (“DYS”), and probation can be trained using some iteration of the curriculum developed for sworn officers.

<sup>59</sup> ADAs, clerks, DOC officers, campus police, DYS, and probation have recently requested and participated in these trainings.

The Task Force recommends face-to-face training modules that incorporate e-learning. E-learning can be an effective method of reaching high numbers of officers and criminal justice personnel; however, it is best used to provide legal update-type information. All departments have access to e-learning systems, making these updates easily disseminated.

Starting in 2013, the Federal Bureau of Investigations began collecting data on sex and labor trafficking as part of the Uniform Crime Report program. Nationally, law enforcement will need training on the change, and incident and arrest forms throughout the Commonwealth will need to be changed to include human trafficking offense categories. The need for training on this issue provides an opportunity for the state to make several updates to training, data collection and law enforcement records as they relate to human trafficking.<sup>60</sup>

### **Tier One Personnel and Curriculum**

Personnel include:

- New recruits; and
- Probation officers

Additionally, the task force recommends that training be provided to prosecutors in separate sessions.

The first tier of training can be built into the new recruit sexual assault curriculum.

At the end of the training, tier one participants will be able to describe:

- Victim dynamics associated with human trafficking;
- The need to treat victims as victims, not as offenders;
- Basics of the new human trafficking statute;
- Who to contact to refer potential human trafficking cases;
- Preliminary interviewing and questioning techniques;
- Appropriate referral options; and
- The processes involved in U and T visas (prosecutors only, see the victim services section of the report and Appendix B).

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60 Most law enforcement agencies in Massachusetts have a strong working relationship with each other. However, the multi-jurisdictional nature of crimes involving human trafficking sometimes makes the balance of boundaries and collaboration challenging. Clarified policies on when and how to share information between jurisdictions disseminated through trainings would be extremely effective in addressing this issues.

## Tier Two Personnel and Curriculum

Personnel include:

- Veteran officers

The second tier can be incorporated into the mandated annual 40-hour in-service training.

In addition to everything in tier one, at the end of the second tier training, participants will be able to describe:

- Information on up to date case law;
- Best practices for responding effectively to victims;
- The importance of reverse stings and how to conduct them; and
- How to work within the multidisciplinary team framework.

## Tier Three Personnel and Curriculum

Personnel include:

- Officers and other members of the criminal justice system who specialize in human trafficking

This training would be self-selected by interested individuals and would be focused on advanced topics in conducting human trafficking investigations.

In addition to tier one and two, at the end of the third tier training, participants will be able to:

- Understand and use multi-jurisdictional investigative techniques to successfully investigate, arrest, and prosecute offenders.

## C. MEDICAL AND SOCIAL SERVICES

Here, too, an interactive model using the train-the-trainer format would be most effective in reaching medical and social services providers. Ideally, the training would occur in multi and single disciplinary teams. Updates and ongoing training could be provided through e-learning.

The task force recommends training a wide spectrum of social service and medical providers. Social service providers could include:

- Department of Children and Families<sup>61</sup>;
- Department of Mental Health;
- Department of Youth Services;
- Independent therapists;

61 Because a disproportionately large percentage of commercially sexually exploited children are at some point in DCF custody, and because the legislature asks that DCF provide services to these victims, we have provided specific recommendations to DCF on the type of trainings that could support this initiative. DCF workers are not required to get annual continuing education units like other social workers. However, new DCF workers are required to attend a 30 day new worker training and there are additional non-mandatory training options for current DCF workers. The new worker training occurs 3 days a week, 2 of which are in office, for the first 10 weeks of employment. Within this new worker training, 45 minutes are devoted to human trafficking with a focus on domestic minor sex trafficking and commercially sexually exploited children. We recommend DCF provide training that would give all case managers the skills listed above in tier two of the social services training and that they mandate trafficking training to area managers and provide on-going trafficking training to existing employees. Boston's DCF is the most knowledgeable with regards to human trafficking and we recommend they help support the development of training for the other DCF regions.

- Community-based programs;
- Substance abuse treatment programs; and
- Shelter and housing treatment providers.

The Task Force also recommends reaching out to a large variety of medical providers such as doctors, nurses, nurse practitioners, social workers, and medical students practicing in the following health centers and clinics:

- Hospitals (inpatient, outpatient and emergency);
- Community health centers;
- Family planning centers;
- Woman's health clinics;
- Health care providers indigenous to racial and ethnic communities; and
- Allied health professionals (psychologists, dentists, massage therapists).

In addition to reaching these traditional social service and medical providers, the Task Force recommends educating staff at other organizations that are in a position to identify victims and encourage them to come forward. Often these nontraditional service providers have earned the trust of people who would be less likely to self-identify in a more traditional setting. This is especially true in the case of labor trafficking where victims sometimes face additional language and cultural barriers. These providers include:

- Hairstylists;
- Manicurists;
- Massage therapists;
- Fire Inspectors;
- Board of Health Agents; and
- Building Inspectors.

#### MEDICAL AND SOCIAL SERVICES RECOMMENDATION: A TIERED TRAINING APPROACH FOR ALL HEALTH CARE PROVIDERS

As with other trainings, a tiered approach is recommended. The first tier training would use medical rounds, webinars, and annual conferences to deliver the training.

##### **Tier One Personnel and Curricula**

Personnel includes:

- All social services and medical providers

This training would occur through a grand rounds format, webinars, and annual conferences.

At the end of the first tier of training, participants will be able to describe:

- What human trafficking entails;
- The health consequences and clinical presentation of trafficking;
- How to screen for trafficking in medical setting (when/how/what); and
- The responsibility of medical personnel if trafficking is suspected or victim is identified (i.e. protocol for mandated reporters).

Second tier training would have additional goals of cultivating an in-house champion and creating additional provider-specific protocols.



## **Tier Two Personnel and Curriculum**

Personnel include:

- Potential in-house champions including professionals with experience in domestic violence, child protection, OB/GYN, adolescent medicine, pediatrics, emergency medicine
- In addition to tier one, at the end of the second tier training the participants will be able to describe:
  - How to responding to victims effectively;
  - What victims need in the short and long term;
  - How to maximize hospital/clinic resources (i.e child protection team, etc.);
  - How to create protocols in the hospital for addressing victim needs (i.e. including mandated reporting, adults vs. minors, involvement of LE, etc.); and
- Local resources.

## **PUBLIC AWARENESS**

The Public Awareness Subcommittee was responsible for addressing the following:

- “(iv) evaluate approaches to increase public awareness of human trafficking;
- (vii) examine cost-effective notices, announcements or advertisements that may be displayed in public places, such as airports, train stations, bus stations, hotels, massage parlors, spas, strip clubs and other sexually-oriented businesses providing information relating to services for human trafficking victims;”

### **1. SUMMARY OF RECOMMENDATIONS**

After evaluating public awareness campaigns and strategies nationwide, the Task Force recommends the following:

- a. Leverage existing work of other states to tailor a successful campaign for Massachusetts;
- b. Identify a state agency to lead the public awareness campaign;
- c. Establish a web portal to act as a clearinghouse for information;
- d. Provide a Massachusetts call referral map for the national hotline to support victim identification.

### **2. IMPORTANCE OF PUBLIC AWARENESS**

A comprehensive approach to combat trafficking includes informing the general public and spreading awareness around commercial sexual exploitation, exploited trafficked labor, and victim identification. Even after passage of the law, there persists a prevalent myth that trafficking does not happen in Massachusetts or that prostitution is a victimless crime. These beliefs are often held by people who could help address the issue. For example, people who work in the hospitality, transportation, restaurant and agriculture industries are in a position to see trafficking victims exploited. Even more troubling is that Johns often do not see their seller as anything more than a willing participant. Similarly, exploited workers are laboring in the marketplace with little consumer awareness about their plight and vulnerabilities. By changing these views we can reduce demand for trafficked labor and sex and increase the number of victims identified.

### **3. CURRENT PRACTICES**

Department of Homeland Security and the Office for Refugee Resettlement are responsible for public awareness and public information on the federal level.<sup>62</sup> Currently in Massachusetts, there is no state agency responsible for human trafficking public awareness campaigns or public information resources. The Polaris Project, a non-profit, non-governmental organization, based in Washington D.C. provides the National Human Trafficking Resource Center hotline, which is a widely published toll free number that individuals can call to report a tip, receive general information or specific anti-trafficking resources, and connect with local anti-trafficking services or request training and technical assistance.<sup>63</sup> When a Massachusetts call is received, the information from the call is forwarded to a number of local, state, and

62 U.S. Dept. of Homeland Sec., *End Human Trafficking*. <https://www.dhs.gov/blue-campaign/blue-campaign>, (last visited Aug. 12, 2013).;

Office of Refugee Resettlement, “Rescue & Restore Victims of Human Trafficking,” *available at* <http://www.acf.hhs.gov/programs/ort/resource/about-rescue-restore> (last visited: Aug. 12, 2013).

63 Polaris Project, *Combating Human Trafficking and Modern-day Slavery*. <http://www.polarisproject.org/resources/resources-by-topic> (last visited Aug. 12, 2013).



federal law enforcement resources. Presently in Massachusetts, there is no consistent way of addressing these referrals.

Additionally, there are numerous effective, multilingual anti-trafficking campaigns being deployed across the country. A list of these campaigns and their relevance for Massachusetts can be found in Appendix K. Recognizing the need for an enhanced approach in Massachusetts, some established campaigns have generously offered technical assistance and free creative work, should the state decide to replicate their campaign in our state.

#### 4. RECOMMENDATIONS:

##### A. LEVERAGE EXISTING WORK OF OTHER STATES TO TAILOR A SUCCESSFUL CAMPAIGN FOR MASSACHUSETTS

The Task Force recommends using a statewide campaign modeled on other campaigns and tailoring the message for Massachusetts' specific needs. The campaign would inform the general public about the nature of the problem, the punishment and consequences under state and federal statutes, and target potential victims of sex and labor trafficking. The subcommittee has done extensive research on what exists with regards to public awareness and human trafficking in other states.

The statewide campaign should: (1) establish a cohesive brand and centralized facilitation that allows sustainability and leadership by a state-wide entity; (2) ensure strategies and deliverables are sensitive and culturally-appropriate for potential victims, empowering victims to self-identify and for the general public to take action; (3) leverage and align with existing anti-trafficking activities and cross-sector partnerships on multiple levels; and (4) employ cost-effective and creative methods.

In developing a statewide campaign, or tailoring an existing campaign to fit Massachusetts' specific needs, the Task Force recommends the following be taken into careful consideration:

- **Messaging:** Campaign materials should include the Polaris Project's National Human Trafficking Resource Center Hotline (1-888-373-7888), their text number (BeFree or 233733), and a state wide trafficking website. This will allow for tracking, which campaigns are most effective, and to route inquiries consistently to the appropriate resource. Additionally, it is important to keep the message content consistent across mediums. It is also imperative that this consistent message reach a diverse body of individuals in a variety of languages, as trafficking is an international issue. The message must be culturally competent, use effective and appropriate language and be survivor-informed and audience tested.<sup>64</sup>
- **Platforms:** When considering a public awareness campaign, various platforms, (or delivery mediums) should be explored, as they help determine who will be reached. Where one platform might specifically target survivors to step forward, others might be better suited to educate the

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<sup>64</sup> Cultural Competency: Ensure all materials are translated into at least the top five non-English languages and are culturally appropriate, especially materials targeting victims such as info cards, brochures and other notices in order that the terms, images, and tone have maximum potential to reach the intended populations. Effective and Appropriate Language: While terms like "modern day slavery" may catch the eye of the general public, it perpetuates the myths of what trafficking is and is not. This type of language can be counter-productive when trying to encourage self-identification of victims. Survivor-informed and Audience-tested: Ensure all outreach materials produced are informed through a process with input, contribution and evidence from the survivors and service providers, by conducting focus groups, interviews and surveys with survivors and sample pool of intended audience

general public on the facts and recognizing the signs of human trafficking. Budget can also play an important role in this piece of the campaign strategy as platforms vary in price. After reviewing the subcommittee's detailed findings, the Task Force recommends specifics on the following platforms: Out of the Box Vehicles, Website URLs, Commonwealth Blogosphere, Public Notices (Print), Public Notices (Audio & Video), Ethnic Media Outlets and Events (See Appendix J for detailed recommendations).

#### B. IDENTIFY A STATE AGENCY TO LEAD THE PUBLIC AWARENESS CAMPAIGN

The Task Force recommends that a state governmental agency manage human trafficking public awareness initiatives for the state of Massachusetts. The agency must have experience in addressing public awareness campaigns across the state and be in a position to provide communications across a number of different mediums. As part of the campaign, the Task Force recommends the agency identify an appropriate mechanism for fundraising and facilitation of public-private partnerships to coordinate, meet public awareness objectives, and increase the funds to support survivors of trafficking.

#### C. ESTABLISH A WEB PORTAL TO ACT AS A CLEARINGHOUSE FOR INFORMATION

Similarly, the Task Force recommends the establishment of a web portal to support public awareness. In the short term, the agency responsible for the public awareness campaign could immediately establish a web portal under the state domain as a clearinghouse for information, including but not limited to links to state and national resources and trainings. Over the longer term, the site could be developed to become more dynamic to engage the public and our target audiences. In this scenario, a partnership could be established with a creative firm to develop the site into a consumer-facing website. The consumer site will include national data, local stories, a toolkit for news media, activists and opinion-leaders, dynamic and sharable video, graphics and educational content; optimized search result matched and social media integration.

#### D. PROVIDE A MASSACHUSETTS CALL REFERRAL MAP FOR THE NATIONAL HOTLINE TO SUPPORT VICTIM IDENTIFICATION

The state needs an effective way to harness the tips from the public and from providers that public awareness campaigns will be designed to generate. The Task Force recommends that the Attorney General's Office work with local and state law enforcement, in consultation with our federal partners to provide Polaris Project, to develop how Massachusetts calls should be referred to law enforcement. The Task Force recommends a concise road map system be developed and provided to Polaris Project so moving forward, calls are referred in a consistent and effective manner. This will provide for more effective coordination across law enforcement and a better communication between all involved parties. Polaris Project is willing to adopt any recommendations regarding referral mechanism. The Polaris Hotline number can then be used in trainings and victim services material as well.

## LABOR TRAFFICKING

Chapter 178 of the Acts of 2011 directs the task force to:

“(x) submit a report of its findings and recommendations to the clerks of the senate and the house of representatives who shall forward the report to the chairs of the joint committee on the judiciary not later than 18 months after the effective date of this act. The Task Force shall determine if subsequent reports are necessary in order to properly address human trafficking.”

Labor trafficking is a complex issue and, as with human trafficking generally, an often unreported or under-reported occurrence. Given the complexities of the issue, the Task Force recommends convening a separate group to understand more about labor trafficking.

Labor trafficking victims often face cultural, language and legal barriers that make their identification that much more difficult. While it is true that often these victims are reluctant to come forward because of the additional issues they face, it is also true that as a society they are often invisible to us. Our traditional service models are not currently equipped to identify or address English speaking, native born victims much less understand the significance that culture and language play in indoctrination and captivity.

To look more closely at the issue of labor trafficking, the Task Force suggests a collaboration among individuals representing public and private entities, including but not limited to the following groups:

- The Secretary of Labor and Workforce Development or the Secretary's designee;
- The Director of Massachusetts Coalition for Occupational Safety and Health (MassCOSH) or her designee;
- A representative of a nonprofit that addresses labor trafficking from the perspective of the business community appointed by the chair of the Task Force;
- A survivor of labor trafficking appointed by the chair of the Task Force;
- A labor trafficking case worker appointed by the chair of the Task Force;
- The Executive Director of the Massachusetts Office for Victim Assistance or his designee;
- The Director of the Department of Professional Licensure or the his designee;
- A representative of a group dedicated to immigrant and refugee issues appointed by the chair of the Task Force;
- A university researcher with experience in labor trafficking appointed by the chair of the Task Force; and
- The director of the Massachusetts Department of Public Health or his designee.

This group should submit any recommendations to the Director of the Task Force within 18 months of the filing of this report. Any addenda to this report based on the recommendations will be prepared and submitted to the Task Force for consideration as necessary.

## IMPLEMENTATION PLAN

The task force recognizes that in order to effectively implement the recommendations in this report, further work needs to be accomplished. We therefore recommend the formation of implementation groups, the purpose of which are to advance the recommendations included in this report and determine the next steps to implement the recommendations. The implementation groups may consider, but are not limited to considering, what resources are necessary; what public and private funding sources are available; and what collaborations between and among public and private entities may be desirable. Recommendations of the implementation groups should be submitted within one year of the filing of this report to the Director of the Task Force. Addenda to this report based on the recommendations will be prepared and submitted to the Task Force for consideration as necessary.

### **DISTRICT ATTORNEY OFFICES MULTIDISCIPLINARY TEAMS (DAO MDTs)**

The District Attorneys' Office Multidisciplinary Teams (DAO MDTs) will create a consistent statewide infrastructure for multidisciplinary teams to work together to address victims' needs and create a data tracking, sharing, and analysis protocol. In order to implement the recommendations around the DAO MDTs, the Task Force suggests a collaboration that includes, but is not limited to, the following individuals:

- The Director of a trafficking victim services/law enforcement anti-human trafficking coalition appointed by the chair of the task force
- The Executive Director of Massachusetts District Attorneys Association or their designee;
- The Executive Director of Massachusetts Chiefs of Police Association or their designee;
- An academic researcher with experience in human trafficking appointed by the chair of the task force;
- The Director of a law enforcement intelligence agency appointed by the chair of the task force;
- The Colonel of the State Police or their designee; and
- The Commissioner of the Department of Children and Families or their designee.

Recommendations may include, but should not be limited to, the following:

- Developing a definition of human trafficking victim for data collection purposes alone
- Identifying a budget and funding sources for the project
- Creating and disseminating guidelines to DAOs to create their own protocols
- Determine if a state wide MDT is necessary and how it will interact with the DAO MDTs
- Clarify jurisdictional protocols between counties
- Determining the appropriateness of incorporating elements from the Washington State Model Protocol for Commercially Sexually Exploited Children into a Massachusetts protocol
- Drafting a plan to train MDTs on trafficking and data collection
- Defining overarching data collection protocols including data storage protocols

### **MINOR VICTIMS OF SEX TRAFFICKING**

The "safe harbor" provisions included in Chapter 119 of the General Laws as amended by Chapter 178 of the Acts of 2011 have had the effect of shifting from a probation model to a child welfare model for the treatment of minor victims of sex trafficking. Pursuant to the law, the Department of Children and Families is responsible for providing appropriate services to these victims. In order to support this effort, the Task Force suggests a collaboration that includes, but is not limited to, the following individuals:

- The Commissioner of the Department of Children and Families or their designee;
- The Commissioner of the Department of Youth Services or their designee;
- The Executive Director of the Massachusetts Office for Victim Assistance or their designee;
- The director of an organization that provides legal representation to children and parents in child welfare matters or their appointee;
- A representative of an entity dedicated to prevention of and intervention in the trafficking of children appointed by the chair of the task force; and
- A representative from a police department with experience in trafficking appointed by the chair of the task force.

Recommendations may include, but should not be limited to, the following:

- Determining whether or not DCF should accept reports of suspected human trafficking as child protection cases without the identification of a guardian or caretaker listed as the alleged perpetrator
- Make recommendations around the implementation around the safe harbor provision
- Identifying appropriate best practice models from other states that should be implemented in Massachusetts
- Identifying appropriate federal and state legislation to support minor victims
- Drafting protocols and regulations around the treatment of child victims of sex trafficking
- Providing detailed recommendations for training for the DCF staff

## **SAFE HOUSE**

Safe homes and exit strategy planning requires a comprehensive approach to the issue. In order to effectively implement the safe house recommendations, the Task Force suggests a collaboration that includes, but is not limited to, the following individuals:

- The Executive Director of the Massachusetts Office for Victim Assistance or their designee;
- A victim of human trafficking appointed by the chair of the task force;
- A provider of human trafficking victim services appointed by the chair of the task force;
- A representative from the City of Boston Mayor's Office;
- A representative from a police department with experience in trafficking investigations;
- The Undersecretary of Massachusetts Department of Housing and Community Development or their designee;
- The Director of Massachusetts Housing and Urban Development or their designee;
- The Executive Director of MassHousing or their designee; and
- The Commissioner of the Department of Probation or their designee.

Recommendations may include, but should not be limited to, the following:

- Identifying emergency, short, mid, and long term solutions for victims including recommending specific regulation changes
- Determining appropriate services and service partners to be included as part of the safe homes project
- Drafting a budget for the pilot safe house and potential funding sources
- Identify pilot population served
- Identify location(s) of structure(s)

## **EDUCATION AND TRAINING**

In order to effectively implement the Education and Training recommendations in this report, the task force recommends convening a group to craft an execution plan. The Task Force suggests a collaboration that includes, but is not limited to, the following individuals:

- A human trafficking social services provider appointed by the chair of the Task Force;
- A trainer with experience in human trafficking appointed by the chair of the Task Force;
- The Commissioner of the Boston Police Department, or their designee;
- The Secretary of the Executive Office of Public Safety, or their designee;
- The Executive Director of the Massachusetts District Attorneys Association, or their designee;
- The chair of a hospital association appointed by the chair of the task force;
- The Commissioner of the Department of Elementary and Secondary Education, or their designee; and
- The Secretary of the Executive Office of Health and Human Services.

Recommendations may include, but should not be limited to, the following:

- Identifying a budget for the trainings and potential funding sources
- Defining recommended roles and responsibilities of state agencies and private agencies to craft and deploy the training
- Creating a plan to measure the effectiveness of the training

## APPENDICES





## **APPENDIX A: VICTIM SERVICES - MODEL PROGRAMS**

### Examples from Model Safe House Programs:

- Breaking Free: Provides a dependency counselor from a local treatment center that works with a group once a week.
- Children of the Night: Assists youth with job placement and financial assistance with paying for books/school supplies and college placement.
- GEMS: Provides legal advocacy for girls in family court and cases that involved the Administration of Children's Services.
- The Poppy Project: Provides micro-enterprise loans and business training/mentorship in conjunction with a local college to give women life skills and the confidence that they need to set up their own businesses, find work, or get back into education.
- The SAFE Project: Provides individualized treatment plans to overcome the effects of trauma through a full continuum of care.

### Examples from Model Survivor Led Programs:

- Breaking Free:
  - All staff are survivors.
  - Survivors run Sisters of Survival, a 14-week intensive education group.
  - Survivors run Journey to Success/Alumni Group, an ongoing group that supports the diverse needs of survivors.
  - Paid internships opportunities are offered to survivors with the highest recidivism rates.
- GEMS:
  - The Youth Outreach Team consists of members who have transitioned to permanent staff members.
  - The Youth Leadership Program is survivor-led with curriculum created by survivors to help transition members from victims to survivors.

### Example from Model Housing Accommodation Programs:

- Breaking Free:
  - Availability of both short and long-term housing accommodations:
    - "House of Hope" – 3 separate homes for the short-term.
    - "The Village Place" – apartment buildings for single women and children.
  - Short-Term housing is staffed 24/7 while longer term accommodations being monitored.
  - Between both types of housing programs, women can live within the program indefinitely until permanent housing is an option (per Breaking Free – it takes a woman five years to secure an income level that would support a family).
- GEMS: Transitional Living Program
  - Program is staffed 24/7 and is similar to a domestic violence shelter or runaway youth model.
  - Accommodates 9 girls for up to 18 months.
- Children of the Night:
  - Children are able to live in a school/campus environment.
  - Bedrooms with 2 single beds and bathrooms.
  - Children stay until they graduate.

### Detailed list of Possible Funding Streams

- Violence Against Women Act (VAWA)
- Victims of Crime Act (VOCA)
- Housing and Urban Development (HUD)
- Department of Justice
- Office of Juvenile Justice and Delinquency Programs
- District Attorney's Offices
- Funding for Youth and Runaways
- Department of Children and Families
- Department of Public Health
- Department of Youth and Community Development
- Substance Abuse and Mental Health Counseling
- Executive Office of Public Safety and Security
- Police Departments
- Probation Departments

#### Private Funding:

- Philanthropic groups
- Faith based organizations
- Private donations
- Grants from national and local companies
- Women's foundations

#### Consistently Identified Partners from Model Programs:

- District Attorney's Offices
- Probation Departments
- Department of Children and Families
- Department of Health
- Funds established for homeless and runaway youth

### Examples of Model Funding Programs

- The SAGE Project: Early Intervention Prostitution Program
  - Provides comprehensive services to women referred to the program through the District Attorney's Office and community courts.
  - Victims/survivors referred to the program will receive a wide range of comprehensive services
- The Poppy Project: First Offender Prostitution Program
  - Assists women and girls who have been detained for trafficking related crimes or who have been identified as victims/survivors to provide support.
- Breaking Free: Pre-Court Diversion Program
  - Enables law enforcement to intervene on the victim's behalf by diverting them to a community based agency.
  - GEMS: Alternative to Incarceration (ATI)
  - Provide defender cased alternative sentencing services and support for young women who are survivors of commercial sexual exploitation.
  - Breaking Free's John School: The Johns can elect through community courts to serve their sentences through community service. Johns can also be sentenced to attend John School. John Schools also assists in reducing recidivism as the Johns learn the harm of their actions. The fees from the John School are directed to Breaking Free for direct victim services.

## APPENDIX B: VICTIM SERVICES - INFORMATION FOR LAW ENFORCEMENT



Homeland  
Security  
Blue Campaign



U.S. Citizenship  
and Immigration  
Services

### INFORMATION FOR LAW ENFORCEMENT OFFICIALS

#### Immigration Relief for Victims of Human Trafficking and Other Crimes

In addition to upholding U.S. immigration law, the Department of Homeland Security (DHS) administers immigration benefits to victims of human trafficking and other serious crimes. U.S. Citizenship and Immigration Services (USCIS) adjudicates T and U visas, which help protect immigrant victims of human trafficking and other crimes.

**1. What is a T visa?**

- The T nonimmigrant status visa (also known as the T visa) provides immigration protection to victims of severe forms of human trafficking who assist law enforcement in the investigation or prosecution of human trafficking cases.
- A law enforcement declaration is evidence of a victim's cooperation; it **may** be submitted in support of a T-visa application.

**2. What is a U visa?**

- The U nonimmigrant status visa (also known as the U visa) provides immigration protection for victims of qualifying crimes who are helpful to law enforcement in the detection, investigation or prosecution of the criminal activity.
- A law enforcement certification is required evidence of a victim's cooperation; it **must** be submitted in support of a U-visa application. Without a law enforcement certification, the U-visa application will be denied.

**3. Why would a victim ask me for a law enforcement declaration or certification?**

- An applicant for a T visa or a U visa must demonstrate assistance to law enforcement. The applicant will submit a law enforcement declaration or certification along with the T- or U-visa application. This document serves to inform USCIS about assistance the applicant provided toward an investigation or prosecution of the crime. The law enforcement declaration or certification must be signed by a certifying official, as described below in Questions 8-11.

**4. How do T and U visas help law enforcement with criminal investigations?**

- T and U visas can greatly benefit law enforcement, as they encourage immigrant victims to work with law enforcement, prosecutors and courts to investigate and prosecute human trafficking and other serious crimes.
- A victim applying for a T visa or a U visa can help law enforcement by providing information about a crime and assisting in an investigation or prosecution of serious criminals, making the entire community safer.

**5. Does a signed declaration or certification automatically grant an immigration benefit?**

- No. A signed law enforcement declaration or certification is just one piece of evidence submitted as part of a T- or U-visa application. Only USCIS has the authority to approve T- and U-visa applications and grant immigration benefits.
- USCIS also requires additional evidence from the applicant, and will conduct a full background investigation that includes an FBI fingerprint and name/date-of-birth check and a full review of the applicant's immigration history.

**6. May I certify the victim's helpfulness if no prosecution, arrest or conviction has been made, or if the case has been closed?**

- Yes. A certifying official may sign a declaration or certification if the case is closed, or if a prosecution, arrest or conviction was not made. Neither formal charges nor the launch of a formal investigation are required.
- There is no requirement that the victim's assistance lead to a prosecution, arrest or conviction, as criminals/victimizers may flee the jurisdiction once a crime is reported or may have already been deported from the U.S.
- There is no statute of limitations on a victim's helpfulness to law enforcement. A declaration or certification may be provided for cases that are closed or for investigations for crimes that occurred months or years ago, as long as the victim was helpful to law enforcement.

**7. If I sign a declaration or certification form, will I be liable for the applicant's future actions?**

- No. A law enforcement agency will not be liable for any future criminal activity a victim engages in.
- A declaration or certification only provides USCIS with information available about the victim, the crime and the victim's assistance to law enforcement in an investigation or prosecution at the time it is signed.

**8. What is the law enforcement certification process for a U visa?**

- If certifying, the law enforcement agency must use USCIS [Form I-918, Supplement B](#) (part of Form I-918, Petition for U Nonimmigrant Status) and provide it to the victim upon completion.
- The victim will submit the certification to USCIS with the application for a U visa.
- The signed law enforcement certification states that the victim has been a victim of a qualifying crime; possesses information about the crime; and has been, is being, or is likely to be helpful to an investigation or prosecution of the qualifying crime.
- A U-visa application that is not submitted with a law enforcement certification will not be considered complete. Without a certification, the U visa will be denied.

**9. Who may sign a law enforcement certification for a U visa?**

- Certifying agencies include:
  - Federal, state or local law enforcement agencies, including prosecutors and judges, and;
  - Other agencies that have criminal investigative jurisdiction in their respective areas of expertise, such as child protective services, the Equal Employment Opportunity Commission and the Department of Labor.
- Certifying officials include any person in a supervisory role in a certifying agency who is designated by the head of that agency to issue U nonimmigrant certifications. They also include federal, state and local judges.

**10. What is the law enforcement declaration process for a T visa?**

- If signing a declaration, the law enforcement agency must use USCIS [Form I-914, Supplement B](#) (part of Form I-914, Application for T Nonimmigrant Status) and return it to the victim upon completion.
- The victim will submit the declaration to USCIS with the application for a T visa.
- The signed law enforcement declaration states that the victim was or is a victim of a severe form of human trafficking, and has complied with any reasonable requests for assistance in a trafficking investigation or prosecution.
- A law enforcement declaration is optional evidence that an applicant may submit in support of a T-visa application.

**11. Who may sign a law enforcement declaration for a T visa?**

- Agencies that may sign a declaration include any federal, state, or local law enforcement agency that has the authority for the investigation or prosecution of human trafficking, including but not limited to the Department of Justice, the FBI, DHS, the U.S. Marshals Service, and the Department of State's Diplomatic Security Service.
- The declaration must be signed by a supervising official responsible for the investigation or prosecution of the trafficking offense.

**12. Am I legally required to sign this declaration or certification?**

- No. A law enforcement agency is under no legal obligation to complete a declaration or certification. Signing is at the discretion of each law enforcement agency, in accordance with that agency's policy.
- **Note:**
  - Without a certification, a U-visa application will be denied.
  - The declaration is not required for a T visa, but it is an important piece of evidence submitted by the applicant.

**13. Is the victim required to offer continued support in the investigation and prosecution of the criminal who committed the crime against him or her? What if the victim stops cooperating with law enforcement?**

- Yes, the victim is required to offer continued support in the investigation and prosecution.
- A law enforcement agency may withdraw its declaration or certification after the document is submitted to USCIS.
- If at any time the petitioner unreasonably refuses to assist law enforcement, or if the agency wishes to withdraw its declaration or certification for any other reason, the law enforcement agency should notify USCIS in writing.
- The law enforcement agency should send the petitioner's name, date of birth, and A-file number if available, along with the reason for the certification's withdrawal, to:

U.S. Citizenship and Immigration Services/Vermont Service Center  
ATTN: T/U-Visa Unit  
75 Lower Welden St.  
St. Albans, VT 05479-0001

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**Resources for More Information:**

- Law enforcement should email their inquiries to [LawEnforcement\\_UTVAWA.vsc@uscis.dhs.gov](mailto:LawEnforcement_UTVAWA.vsc@uscis.dhs.gov).
- Additional information is available at [www.uscis.gov/humantrafficking](http://www.uscis.gov/humantrafficking) and [www.dhs.gov/humantrafficking](http://www.dhs.gov/humantrafficking).

## APPENDIX C: VICTIM SERVICES - LEGISLATIVE ISSUE BRIEF

### HUMAN TRAFFICKING LEGISLATIVE ISSUE BRIEF: VACATING CONVICTIONS



**POLARIS PROJECT**  
FOR A WORLD WITHOUT SLAVERY

Human trafficking is a crime that exploits individuals through force, fraud, or coercion for the financial gain of traffickers. Sex trafficking victims are compelled to engage in acts of prostitution by their trafficker, which oftentimes results in the victim being arrested, prosecuted, and convicted of prostitution or prostitution-related offenses. As a result, these victims are hindered from getting jobs, safe housing, immigration visas, loans, and continuing education because of the prostitution offenses on their records. A vacating convictions law for sex trafficking victims will provide a mechanism to have convictions removed from the victim's criminal record so he or she can pursue a future uninhibited by the past.

#### Impact of Vacating Convictions

A vacating convictions law helps ensure that the victims of human trafficking are treated as victims, rather than criminals. On many job, loan, and educational applications, a person is required to disclose any prior convictions. Having these convictions removed from a victim's record would ensure that the victim does not miss out on opportunities as a result of having been victimized. A clean record will give a victim confidence to move ahead and seek opportunities without having to worry about a criminal conviction for prostitution. It thus provides increased protection and a second chance for survivors of human trafficking to begin living normal lives and become fully functioning members of society.

#### Current and Pending Policy for Vacating Convictions

In 2010, New York became the first state to enact legislation that would provide victims of human trafficking with an appeals process to vacate convictions for prostitution related offenses that took place while the person was a victim of trafficking. The law has already been used by victims and considered by courts.

In 2011 the Criminal Court of Queens County in New York, in *Matter of People v. GM*, vacated the convictions of a sex trafficking victim who had been arrested and convicted of prostitution as a result of being trafficked. The court reasoned that "the Defendant had provided a compelling narrative....her arrests...were the product of years of brutal physical, psychological and sexual violence by her husband, which resulted in having been trafficked by him." The Court went on to say, "Victims of sex trafficking who are forced into prostitution are frequently arrested for prostitution-related offenses and saddled with the criminal record. They are blocked from decent jobs and other prospects of rebuilding their lives. Even after they escape from sex trafficking, the criminal record victimizes them for life."

Other states have followed New York's lead. Hawaii, Illinois, Maryland, Nevada, Vermont and Washington have all passed vacating convictions statutes.

Vacating convictions legislation offers victims a clean slate and allows them to live their lives free of the repercussions of crimes they were forced to commit. This type of legislation makes a tangible difference in the life of victims.

#### Suggested Language for Vacating Convictions Legislation

*While no state law is perfect and there is no uniform model that fits every state, the language below is a good example of what to consider when working on this issue in your state. Please contact Polaris Project ([policy@polarisproject.org](mailto:policy@polarisproject.org)) if you would like assistance implementing these statutory provisions in your state.*

#### **New York Statute § 440.10 Motion to vacate judgment.**

1. At any time after the entry of a judgment, the court in which it was entered may, upon motion of the defendant,

For additional information or assistance please contact Polaris Project at [policy@polarisproject.org](mailto:policy@polarisproject.org)

vacate such judgment upon the ground that:

- i. The judgment is a conviction where the arresting charge was under section 240.37 (loitering for the purpose of engaging in a prostitution offense, provided that the defendant was no alleged to be loitering for the purpose of patronizing a prostitute or promoting prostitution) or 230.00 (prostitution) of the penal law, and the defendant's participation in the offense was a result of having been a victim of sex trafficking under section 230.34 of the penal law or trafficking in persons under the Trafficking Victims Protection Act (United States Code, title 22, chapter 78); provided that:
  - (i). a motion under this paragraph shall be made with due diligence, after the defendant ceased to be a victim of such trafficking or has sought services for victims of such trafficking, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by the bringing of such motion, or for other reasons consistent with the purpose of this paragraph; and
  - (ii). official documentation of the defendant's status as a victim of sex trafficking or trafficking in persons at the time of the offense from a federal, state, or local government agency shall create a presumption that the defendant's participation in the offense was a result of having been a victim of sex trafficking or trafficking in persons, but shall not be required for granting a motion under this paragraph.

**Illinois Statute (725 ILCS 5/116-2.1) Sec. 116-2.1. Motion to vacate prostitution convictions for sex trafficking victims**

- (a) A motion under this Section may be filed at any time following the entry of a verdict or finding of guilty where the conviction was under Section 11-14 (prostitution) or Section 11-14.2 (first offender; felony prostitution) of the Criminal Code of 1961 or similar local ordinance and the defendant's participation in the offense was a result of having been a trafficking victim under Section 10-9 (involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services) of the Criminal Code of 1961; or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. Section 7103(13)); provided that:
  1. A motion under this Section shall state why the facts giving rise to this motion were not presented to the trial court, and shall be made with due diligence, after the defendant has ceased to be a victim of such trafficking or has sought services for victims of trafficking, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by the bringing of such a motion, or for other reasons consistent with the purpose of this Section; and
- (b) The court may grant the motion if, in the discretion of the court, the violation was a result of the defendant having been a victim of human trafficking. Evidence may include, but is not limited to:
  1. Certified records of federal or state court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a trafficking offense under Section 10-9 of the Criminal Code of 1961 or under 22 U.S.C. Chapter 78;
  2. Certified records of "approval notices" or "law enforcement certifications" generated from federal immigration proceedings available to such victims; or
  3. A sworn statement from a trained professional staff of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the defendant has sought assistance in addressing the trauma associated with being trafficked. Alternatively, the court may consider such other evidence as it deems of sufficient credibility and probative value in determining whether the defendant is a trafficking victim or a victim of a severe form of trafficking
- (c) If the court grants a motion under this Section, it must vacate the conviction and may take such additional action as is appropriate in the circumstances.

**Protect victims of sex-trafficking in your state and support vacating convictions legislation!**

For additional information or assistance please contact Polaris Project at [policy@polarisproject.org](mailto:policy@polarisproject.org)



## APPENDIX D: DRAFT SCREENING INSTRUMENTS FOR MINORS AND ADULTS

### **Guiding principles**

- i. The subcommittee recognized the need for a uniform and simple definition of human trafficking to guide identification and collaboration. However, the subcommittee agreed that definitions of human trafficking are often complex and ambiguous. Instead, we recommend that practitioners throughout the Commonwealth be trained to use a set of screening questions or questions should guide the development of indicators or red flags that would guide practitioners in making referrals about potential victimization.
- ii. The screening questions should not be asked as a checklist. Rather they should help guide conversations with potential victims about their experiences to identify indicators of human trafficking.
- iii. The subcommittee recommends a process to regularly screen all individuals arrested for prostitution offenses for potential human trafficking victimization.
- iv. In addition to the detailed screening questions, the subcommittee recommends a few questions be added to a broad range of regular intake forms to help alert different types of practitioners that they should be on the lookout for human trafficking victimization. (These questions might include “Is anyone making you do something you do not want to do?” “Has there been a time when you felt you could not leave your job/pressured to work” “Have you ever exchanged sex for money or something of value” or “Is anyone threatening you?”) If the answer to these basic screening questions was “yes” we would recommend the practitioner screen further using the recommended screening questions.

### **Screening Tool for Minors:**

1. How old are you?
2. Are you in school?
  - a. If yes, where do you go to school?
3. Where do you live?
  - a. Who else lives there?
  - b. Can you come and go as you please?
  - c. Have you ever been threatened if you tried to leave?
4. Who would you contact in an emergency?
5. Do you work or how do you get money?
6. Have you ever exchanged sex for food, clothing, shelter or money?
7. Has anyone forced you to do something that you don't want to do?
8. Did someone ever touch you in a way you did not like?
9. Has anyone hurt or tried to hurt you?
10. How are you feeling?
  - a. Do you need any medical assistance?
  - b. Do you feel safe?
  - c. Are you lonely? Do you get to see your friends?

**Screening for Adults:**

1. How old are you? (Question used to screen whether or not the victim is a minor.)
2. Where do you live (where do you sleep and eat)?
  - a. Who else lives there?
  - b. Do you feel that you can leave if you want? Do you have to ask permission to leave?
  - c. Have you ever been threatened if you tried to leave?
3. Does anyone stop you from getting food, water, sleep or medical care?
4. Do you work? (Alternative: Do you get paid for what you do?)
  - a. How do you get to and from work?
  - b. Do you get paid for your work?
  - c. How did you find your job?
  - d. Do you owe anyone money because they helped you find your job?
  - e. Have you ever felt like you could not leave your job or felt pressured to work?
5. Have you ever exchanged sex for anything of value such as shelter, food, clothing or money?
6. Have your identification or travel documents been taken from you?
7. Have you ever been physically harmed in any way or seen anyone else harmed?
8. Has anyone ever threatened you or your family?
9. Has anyone ever threatened you with calling immigration authorities or the police?
10. Is anyone making you do anything that you do not want to do?
11. How are you feeling?
  - a. Do you need any medical assistance?
  - b. Do you feel safe?

## APPENDIX E: DRAFT PROTOCOL FOR SCREENING AND REFERRING MINOR VICTIMS

### **Step 1: Screening**

- Screening should be conducted for any youth who raise concern about being victim of trafficking or who provider/agent thinks may be potential victim of sex or labor trafficking based on red flags or basic questions outlined in this protocol. Youth should be asked the full list of screening questions from the proposed child trafficking screening tool.
- Attention to screening for human trafficking should be part of the regular processes of police, victim service providers, health care workers, and school officials.
- Screening questions should be asked in a conversational style and not read as part of a checklist.
- Screener should identify any language or cognitive barriers to screening. Trained third party translators should be used where appropriate for screening.
- Explanation should be provided to child in advance of asking questions that the screening is being conducted because the interviewer is worried that the child may not be safe. The child should be warned that the interviewee cannot promise that the child won't get in trouble or that all information can be kept confidential but the intent of the screening is to help keep them safe. Explain that questions are not intended to identify immigration status issues. Law enforcement should be provided specific guidance that the screening is not an interview.
  - Need to address issue of confidential communication of human trafficking caseworker as defined in the statute. Not clear that this caseworker is exempt from mandatory reporting requirements.
- Screener should ensure the safety of victims before he/she leaves. Screener should determine if any immediate safety planning, medical or mental health needs exist.

### **Step 2: Reporting potential victimization**

- If the provider or agent suspects a child may be a victim of labor or sex trafficking he or she should file a suspected child abuse report (51A)<sup>65</sup> with DCF.
- At a minimum any child involved in commercial sexual exploitation or trafficking or who has exchanged sex for money, shelter, food or drugs should be reported to DCF.
- A human trafficking case coordinator in the county should be notified about the 51A<sup>66</sup> report.  
*(note: this requires the group recommending the development of such a coordinator in each county, maybe associated with the DA's office, might be a child abuse specialist or separate person designated to all human trafficking)*

### **Step 3: DCF review and referral**

- DCF will review each 51A<sup>67</sup> report and make an immediate referral to the DA when human trafficking is suspected.

### **Step 4: DA referral and reporting**

- The DA will receive referral from DCF electronically, or by other means, and conduct a review.
- The DA referral will also be sent electronically to the human trafficking case coordinator in the county.

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<sup>65</sup> Mass. Gen. Laws ch. 119 § 51A.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

### **Step 5: Notification to and action of multi-disciplinary team**

- Legislation specifies the multi-disciplinary team to respond to sexually exploited children should include *“professionals trained or otherwise experienced and qualified to assess the needs of sexually exploited children or children who are otherwise human trafficking victims including, but not limited to, a police officer, as defined by section 1 of chapter 90C, or other person designated by a police chief, as defined in said section 1 of said chapter 90C, an employee of the department of children and families, a representative of the appropriate district attorney, a social service provider, a medical professional or a mental health professional.”*
- The human trafficking case coordinator (or DA’s office) will contact key members of a multi-disciplinary team established in each county to respond to human trafficking of minors.
- The multi-disciplinary team will conference to share information that they have about the victim’s involvement in or risk for human trafficking and establish if any other agencies have contact with the minor victim.
- The team will develop a plan of action for the victim based on their immediate and long term needs including a formal assessment, possible investigation, and where, needed assistance with housing, mental health services, medical services, legal advocacy, safety planning and education.

## APPENDIX F: DRAFT PROTOCOL FOR SCREENING AND REFERRING ADULT VICTIMS

### **Guiding principles**

- i. The subcommittee recommends that it be clear for adult victims that the screener will only make referrals to government agency if the victim or potential victim consents that information about them be shared.
- ii. Both adult and minor victims should be advised of their rights during the screening process.
- iii. The protocol should guide users to provide both negative and positive information about options. For example, if they are referred to law enforcement what are the potential outcomes? It may be important to notify a person that DCF may have to be notified if there are concerns about the safety of a person's children. Screeners should identify but not overstate possible risks.
- iv. It is important to be clear in the protocol that the screener may not be able to ensure the safety of adults once they leave the situation where they are screened. It is important for the screener to make a safety plan with people before they leave regardless of referral. The subcommittee recommends developing a one page "if you need help" handout with information about where to get various types of assistance and support.
- v. The subcommittee expressed concern that the protocol offer guidance about how to assess the language and literacy issues of a person before starting the screening. If interpreters are needed it is critical to ensure that the potential victim feels comfortable with the interpreter and that the interpreter is not connected to the trafficker or the trafficking situation.

### **Step 1: Screening**

- A broad range of service providers, medical professionals, legal advocates and law enforcement should be trained to screen clients for signs of potential human trafficking. The screening tool should be used to develop questions or red flag indicators that could be discussed with clients to determine if a referral is warranted.
- Screening questions or discussion of potential red flag indicators should be asked in a conversational style and not read as part of a checklist.
- Screeners should identify any language or cognitive barriers to screening. Trained third party translators should be used where appropriate for screening.
- Adults should be informed that the questions are being asked because of concerns about their safety. In many cases screeners will need to obtain consent of the person being screened before referring information about their situation to law enforcement or members of the multi-disciplinary team. Depending on the practices of the screening agency and relevant law, in certain circumstances the screener may not be able to promise that the person being screened will not get in trouble or that all information can always be kept confidential. The screener should clarify these situations depending on their practices and governing law. The intent of the screening should be to help keep people safe. People should be informed that the screening questions are not intended to identify immigration status issues. Law enforcement should be provided specific guidance that the screening is not an interview.
  - Need to address issue of confidential communication of human trafficking caseworker as defined in the statute. Not clear that this caseworker is exempt from mandatory reporting requirements.
- Screeners should ensure the safety of potential victims before he/she leaves. Screeners should determine if any immediate safety planning, medical or mental health needs exist.

## **Step 2: Reporting potential victimization**

- If the provider or agent suspects a person may be a victim of labor or sex trafficking he or she should refer information about the situation to the human trafficking case coordinator in the county responsible for coordinating the multi-disciplinary team.
- Depending on the practices of the referring agency this may require consent of the person being screened.

## **Step 3: Notification to and action of multi-disciplinary team**

- The multi-disciplinary team specified in the human trafficking legislation to respond to referrals of sexually exploited children should have the additional responsibility of responding to all human trafficking referrals including adults sex trafficking and labor trafficking victims. In addition to the members specified in the legislation, the team may also include legal advocates, immigration service providers and victim service provider experienced working with adult victims.
- The human trafficking case coordinator (or DA's office) will contact key members of a multi-disciplinary team established in each county to respond to each human trafficking referral.
- The multi-disciplinary team will conference to share information that they have about the victim's involvement in or risk for human trafficking and establish if any other agencies have contact with the potential victim.
- The team will develop a plan of action for the victim based on their immediate and long term needs including a formal assessment and where needed assistance with housing, mental health services, medical services, legal advocacy, safety planning and education.

## APPENDIX G: DRAFT DEFINITIONS OF HUMAN TRAFFICKING

The Data collection and information sharing subcommittee believes that a simple definition of human trafficking according to the Massachusetts statute is needed for data collection purposes. There is some concern that without a simple definition, law enforcement and service providers will default to the federal definition which has a higher burden. The definition of human trafficking should guide the identification of minor and adult, U.S. citizen and foreign national and sex trafficking and labor trafficking victims. The definition should also be used in making decisions about what people or incidents to report into a human trafficking information sharing/data collection systems.

The subcommittee has not developed a definition but did identify some considerations in drafting such a definition. These include the fact that:

- agencies have different needs and worldviews about trafficking,
- trafficking is at the intersection of other criminal elements and as a result trafficking crimes or victims may be classified under other crime types,
- some elements of trafficking may be subjective,
- the scope and characterization of human trafficking victimization varies,
- the Massachusetts law defines aspects of human trafficking in multiple different sections (e.g. sexual exploitation of children, trafficking for sexual servitude, trafficking for forced labor).

The group agreed that a simple and uniform definition of human trafficking may not be necessary for screening. Practitioners should use screening questions to make an initial decision that someone is a potential victim of human trafficking. A definition of human trafficking would be critical to guide entry and use of information about human trafficking incidents, victims and/or suspects in any human trafficking data collection and information sharing system.

*The following elements from the definitions specified in H3808 may be useful in the development of a simple and uniform definition of human trafficking.*

**“Sexually exploited child” or a “child who is otherwise a human trafficking victim”** is any person under the age of 18 who has been subjected to sexual exploitation because such person:

- (1) is the victim of the crime of sexual servitude pursuant to section 50 of chapter 265 or is the victim of the crime of sex trafficking as defined in 22 United States Code 7105;
- (2) engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, in violation of subsection (a) of section 53A of chapter 272, or in exchange for food, shelter, clothing, education or care;
- (3) is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under by section 4A of chapter 272; or
- (4) engages in common night walking or common streetwalking under section 53 of chapter 272.

**Trafficking of persons for sexual servitude (Section 50a):** “Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful



pornography in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause”

**Sex trafficking of a minor (50b):** Whoever knowingly entices a child under the age of 18 years, to engage in prostitution” The term "entice" shall mean to lure, induce, persuade, tempt, incite, solicit, coax or invite.” Enticement can be in-person or by electronic communication.

**Trafficking for forced services (section 51a):** “Whoever knowingly: (i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that such person will be subjected to forced services; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause.”

**Organ trafficking:** “Whoever: (i) recruits, entices, harbors, transports, delivers or obtains by any means, another person, intending or knowing that an organ, tissue or other body part of such person will be removed for sale, against such person’s will; or (ii) knowingly receives anything of value, directly or indirectly as a result of a violation of clause.”

### **Other relevant terms:**

“Commercial sexual activity”, any sexual act on account of which anything of value is given, promised to or received by any person.

“Financial harm”, a detrimental position in relation to wealth, property or other monetary benefits that occurs as a result of another person’s illegal act including, but not limited to, extortion under by section 25, a violation of section 49 of chapter 271 or illegal employment contracts.

"Forced services", services performed or provided by a person that are obtained or maintained by another person who: (i) causes or threatens to cause serious harm to any person; (ii) physically restrains or threatens to physically restrain another person; (iii) abuses or threatens to abuse the law or legal process; (iv) knowingly destroys, conceals, removes, confiscates or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; (v) engages in extortion under section 25; or (vi) causes or threatens to cause financial harm to any person.

"Services", acts performed by a person under the supervision of or for the benefit of another including, but not limited to, commercial sexual activity and sexually-explicit performances.

“Sexually-explicit performance”, an unlawful live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

## APPENDIX H: DATA COLLECTION AND INFORMATION SHARING - ITEMS FOR CONSIDERATION

The Data Collection and Information Sharing subcommittee recommends the following guiding principles for the District Attorney's Offices Multidisciplinary Teams.

### Guiding principles

- i. The subcommittee agreed that the basic principles of a case coordinator and multidisciplinary team approach should be recommended for both adults and minors.
- ii. Case coordinators and multi-disciplinary teams could be located within each county or within regions across the state. The subcommittee agreed that a statewide coordinator and multi-disciplinary team would be too onerous.
  - Note: There are examples of multidisciplinary information sharing/review processes in the state that could guide this model. The child fatality review team utilizes multidisciplinary model – Legislature gives authority to DA's to compile information from medical examiner, medical files, service provider records and case/government agency records for review by the review team. The legislature also grants team members access to review this information covered under the Health Insurance Portability & Accountability Act of 1996, also known as "HIPAA".<sup>68</sup>
- iii. There was some disagreement about where the case coordinator should be located. There were positive and negative aspects to locating the case coordinator with in the county District Attorney's office. It might also be possible to house human trafficking case coordinators out of the Massachusetts Office for Victim Assistance.
- iv. The subcommittee discussed whether a single coordinator could handle both adult and minor cases. There are benefits to someone who understands all types of trafficking and is holistic in their approach. But the volume of cases could become overwhelming in some counties or regions and the law is different between adults and minors so different areas of specialization might be needed.
- v. It is essential that each case coordinator is connected to both state and federal partners and victim service providers and has positive working relationships with all partners.
- vi. The subcommittee recognized that it may be necessary for the case coordinator to vet referrals before being sent to the multidisciplinary team, but recognized that vetting comes with challenges that necessitate a high level of skill for each case coordinator.
- vii. For both adults and minors a multi-disciplinary team approach requires multiple law enforcement and victim service providers to work together as a team. The multidisciplinary team would need to agree on what the goals are for cases generally and for individual cases.
- viii. While some models for the case coordinator and multi-disciplinary team exist in Massachusetts, most agencies do not have experience working collaboratively on human trafficking. As a result, the subcommittee recommends that model with associated referral systems and data collection and information sharing be piloted in one county, with evaluation and reassessment before being established statewide.

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68 Health Insurance Portability & Accountability Act of 1996, Pub. L. No. 104–191, 110 Stat 1936

In addition to identifying who should be involved in the process and what information should be collected, the subcommittee also identified some potential challenges to the data collection processes:

- a. We must strike a balance between having enough information in the system to make it useful and protecting the confidentiality of victim information and information about ongoing investigations. More clarity is needed about how information in the system will be used. All users and those who may have data on their experiences entered into the system must understand how that data will be used by various agencies/organizations and how that data will not be used.
- b. Information on human trafficking will likely have to be entered twice. Most agencies and service provider have their own internal records management or case management systems. A new system would require them to enter this information a second time. There would have to be a benefit of entering this information into a shared system. The group was interested in the possibility that some information could be automatically populated from existing data systems. For example, DCF currently allows for limited access to their system that is conditional around service provision.
- c. It is easier to share data on children. The 51A process mandates filing information with the understanding of the fact that this information will be reviewed and shared where appropriate. Adults generally must consent to have their data shared or entered into a system used by multiple agencies or organizations.
- d. There are conflicting needs regarding victim/suspect identification – the need to keep victim identification and information about ongoing investigations confidential and the need to include names in an information sharing system to make it operationally useful. Members of the subcommittee raised concern about information in the data collection system or information sharing process being discoverable in legal proceedings. Law enforcement generally tries not to know what specific services victims are receiving to prevent information about victim mental or physical health or history unnecessarily entering the court process.
- e. There are challenges recording information about exploited immigrant populations. For example, it would be potentially helpful to have information on immigration status (this may determine types of services available and protections needed from law enforcement) but this information puts victims at risk and they may be less likely to come forward if they know that information would be entered in a shared database. Law enforcement agencies throughout the state operate with different rules about recording immigration status of victims or offenders. The subcommittee raised concerns about ICE/HSI having access to immigration status information about potential victims.
- f. It is extremely unlikely that federal law enforcement partners would agree (or get permission) to enter information about ongoing investigations (or closed investigations) in a state information sharing database. Federal agencies did express interest in having the ability to access information about human trafficking that is collected by state and local agencies and organizations.
- g. Trust and strong working relationship among those who will potentially have access to information in the data sharing system is critical.
- h. Some agencies may not be willing to participate. Getting agreement to share information across multiple partners including victim service providers, local law enforcement and federal law enforcement will be very challenging. Law enforcement will have particular concerns about sharing any information that involves an ongoing investigation or intelligence on a criminal enterprise.
- i. Information technology departments within participating agencies would have to participate in conversation about the development of the system but they would not likely be able to develop or manage the system themselves.
- j. Need expertise of organizations with experience working with government agencies to develop a request

for proposals that document what the state would want a vendor to do in creating an information sharing system. Experts would need to be well versed in the issues related to federal and state laws governing information in an intelligence sharing system (e.g. 28 CFR part 23). Possible that the system will need to meet National Crime Information Service Standards (e.g. every terminal that has access to the data has to meet security standards to access the information, standards about records schedule for pursuing and accessing information). It might be possible to work with the state Fusion center to help coordinate the development of a human trafficking data system.

- k. Building a system with the appropriate security controls to convince people to enter data will be expensive.
- l. A data collection system or database program can only be successful when those who enter information into the system agree to a process for routinely and systematically entering and updating the data. Data collection systems fail despite sophisticated designs because those who utilize the system do not regularly enter and update data. The data collection and information sharing process should support and enhance existing agency operations and activities.
- m. The subcommittee did not identify any existing platforms for data collection that could be modified to collect data on human trafficking from government and non-government agencies statewide. As a result, the development of a data collection and information sharing system will likely be costly.



## APPENDIX I: DATA COLLECTION AND INFORMATION SHARING SYSTEM CONSIDERATIONS

### **Guiding principles**

The subcommittee identified a series of principles to help guide the development of a data collection and information sharing system. The system should:

- a. Collect information for victims and suspects into a single system – though access to victim or suspect information might be restricted by user or user groups. Previous data collection efforts in the Commonwealth have been plagued by the problem of victims being recorded in multiple systems with no way to determine the extent of double counting.
- b. Have a look up system so you could see if a person was already in the system.
- c. Have access controls over specific data fields so that information can remain protected or confidential when needed. Who enters data and who has access to view data are two separate questions.
- d. Include the ability to enter information about persons who are at risk for trafficking that could be kept separate and information de-identified. Service providers may want to collect and track some basic information about this population but may not want this information shared with law enforcement. Law enforcement may have similar interest in ongoing investigations where victims or suspects have not been identified or trafficking confirmed.
- e. Limit system access to a single individual within an agency or organization that has been properly trained on the system requirements. The subcommittee was concerned that too many users threaten the security of the system, raises concerns about breeches of confidentiality, and may result in poor data quality. The person entering information should have sufficient knowledge of cases, clients or investigations to ensure data entry is accurate and complete. Additionally, the responsibility of data entry should not distract a professional from their regular duties. There was a recommendation from the group that the Victim-Witness Advocate, mental health clinician or crime analyst within law enforcement may be the most appropriate roles for human trafficking data entry.
- f. Designate a person or agency (maybe within the AG's office) to have access to oversee access and use of the system. This person would likely need to have the capacity to view all the information in the system.
- g. Restrict access within each agency/organization that reports information into the system to a single person who has been trained to enter information and follow appropriate security controls.
- h. Allow information to be shared even in situations where federal law enforcement are involved. This is will require agreements from federal agency leadership.
- i. Be accompanied by protocols that are informed by appropriate statute and legislation concerning information sharing to guide data collection and information sharing. Protocols should comprehensively outline the confidentiality controls and regulations for the data entry and information sharing.
- j. In most municipal law enforcement agencies in the Commonwealth, IT officers can make changes to internal records management systems to add fields to capture information about human trafficking.

## **Potential Data Fields**

- Person information
  - First and last name of victim or suspect (protected information, names could be replaced with unique identifiers in the system)
  - Home address/city
  - Basic information about victim or suspect
    - Age range (classification as juvenile or adult)
    - Gender
    - Race
    - Citizenship (collected in federal systems but may not be needed in state system)
    - Custody status for children
    - Abuse/trauma history
    - Criminal history
    - Gang affiliation
    - School/work affiliation
    - Indicators of substance abuse
    - Involvement with DYS, DCF, other government agencies
    - Indication of how person was identified
    - Arrest been made
      - Date
      - Arresting agency
      - Bail status
      - Arrest charge
      - Prosecution status, charges, adjudication, sentence
    - Narrative about victim or suspect information such as risk factors, history of running away, aliases, known associates
    - Indication of types of services provided or needed
- Incident or characteristics of the victimization information
  - Date, time and location of incident or victim identification
  - Location of incident or victim identification
  - Type of trafficking involved
    - Sex
    - Labor
  - Characteristics of the trafficking/exploitation
    - Recruitment
    - Movement
    - Type of exploitation
  - Narrative
- Agencies involved



## APPENDIX J: PUBLIC AWARENESS

Below are additional details on campaign platforms:

- **Out of the Box Vehicles:** Develop inexpensive message delivery, such as a coaster or napkin to be used in restaurants, bars, and other establishments that feature a vignette of a trafficking victim, criminal consequences and the hotline.
- **Website URLs:** As we know, trafficking has gone online. In order to reach traffickers and victims, our campaigns need to as well.
- **Commonwealth Blogosphere:** Write blog posts or newsletter entries from state agencies, legislative offices, and executive offices to highlight the connection between anti-trafficking efforts and each office's work, especially around awareness days, news coverage of the issue, and legislative milestones.
- **Public Notices (Print):** Collaborate with the MA Department of Labor Standards to encourage employers to post the U.S. Department of Homeland Security's Blue Campaign and/or the U.S. Administration for Children and Families' Rescue & Restore Campaign notices. Collaborate with appropriate government agencies to encourage public spaces such as hotels, restaurants, bars, hospitals, massage parlors, nail salons, and other to post and distribute said materials. Partner with Truckers Against Trafficking to display materials at roadway check points, truck stops, and rest stops.

Cost Estimate: In order to provide the legislature with insight into the cost of certain platforms, the subcommittee has provided estimates for print notices on public transportation

- MBTA Backlit Bus Shelters: \$1,300 per space 4 weeks
- MBTA Train cars: 60 cards: \$4,600 per month
- MBTA Station posters: \$3,200

- **Public Notices (Audio & video):** Collaborate with the Department of Transportation ("MassDOT") and other regional transit hubs and routes to identify required public service display times on highway electronic billboards, Logan Airport displays, RMV waiting area displays, MBTA billboards, screens, turnstiles, and audio announcements to broadcast Public Service Announcements ("PSAs"), digital, and print ads. Partner with privately-owned and local public access TV stations to broadcast PSAs.

Cost Estimate: In order to provide the legislature with insight into the cost of certain platforms, the subcommittee has provided estimates for public notices broadcast in the following ways:

- Estimated Costs: Movie Theater (:30 spot, 20 screens in one cinema) \$6,900
- Zoned Cable TV (100 :30 spots per week, Boston coastal zone) \$5,250 weekly
- ClearChannel Billboards: \$6,900 - \$16,500 per month

- **Ethnic Media Outlets:** Working with ethnic media outlets including print media, TV and radio to deliver campaign message would allow us to reach a broader market.

Cost Estimate: In order to provide the legislature with insight into the cost of using ethnic media, subcommittee has provided estimates for notices broadcast in the following ways:

- Digital:
  - Tuboston.com (400k impressions) \$5,000
- Print
  - El Planeta (1/2 page), \$853.00
  - El Mundo (Full Page), \$750.00

- Brazilian Times (Full Page) \$ 500.00
  - Sampan News (Full Page), \$550.00
- Radio
  - Independent producers (30 sec spots), \$ 50
  - La Mega (30 sec spot), \$80
- TV
  - Univision (On average 30 sec. spot), \$150
  - Telemundo (On average 30 sec. spot), \$150
- **Events:** Creating or participating in events to promote the state’s efforts to combat human trafficking is also another platform to consider. We recommend coordinating activities under the National Human Trafficking Awareness Day in January or at strategic legislative milestones such as the Trafficking Victims Protection Reauthorization Act (“TVPRA”).
  - Collaborations and Partnerships - We believe that to produce the most effective human trafficking campaign, the state must create collaborations and partnerships with other organizations in an effort to leverage resources. The collaborations and partnerships the subcommittee examined and the Task Force recommends include: sports and cultural institutions, spokespeople, corporations with social representation, technology companies, colleges and universities, and grassroots & faith based community outreach.
- **Sports and Cultural Institutions:** Identify innovative fundraising and public awareness opportunities such as proceeds from ticket sales at major and minor league, as well as amateur sports events; Identify opportunities for material distribution and proceeds of ticket sales from concert halls, theaters, film festivals, museums that have themes and performances that are relevant to human rights, migrant rights, women’s rights and workers’ rights.
- **Spokespeople:** Identify local celebrities, elected officials, faith and community leaders and media personalities as ambassadors for the campaign, through appearances in PSAs, posters and events.
- **Corporate Social Responsibility:** Promote responsible business through exploring a “responsible business guide” with restaurant reviews or labor rights organizations similar to San Francisco’s “Dining With Justice” guide, and promote tools such as the Slavery Footprint and Made in a Free World and mobile apps such as Free2Work and U.S. Department of Labor’s Eat Shop Sleep. Identify brand and values alignment among companies and corporations to co-sponsor projects, public awareness events, and PSAs. Explore ways to prevent trafficking through the Massachusetts Gaming Commission.
- **Technology Companies:** Collaborate with technology firms and initiatives such as the Microsoft Digital Crimes Unit to research and disrupt how Johns search for victims online, and partner with search engines, social media and other firms’ meta-data analysis capability to display (pro-bono) advertisements of John schools, and enforcement messages through search results and web advertising.
- **Colleges and Universities:** Explore opportunities to partner with the tens of thousands of students throughout the 110 colleges and universities in Massachusetts on research, awareness campaigns and the schools’ communications channels. A curriculum exists which is already field-tested and developed by the UNICEF End Trafficking Campaign for middle- and high-school teachers to educate students about modern-day slavery at home and across the globe. Explore collaboration with the Education & Training Subcommittee’s efforts and training for social studies and health teachers via public school meetings or professional development opportunities.
- **Grassroots Outreach & Faith-Based Community:** Equip and mobilize grassroots organizations and engage faith-based constituencies to spread the message and educate the public, especially in harder-to-reach communities, foreign language audiences, and those for which mainstream media and broadband internet access have limited reach.

## APPENDIX K: SECONDARY PUBLIC AWARENESS RESEARCH FINDINGS SUMMARY

Campaign / Initiative	Highlights	Outcomes	Takeaway for MA
<b>Gay Men Domestic Violence Prevention (Massachusetts, 1999-2001)</b>	Statewide public awareness plan (funded by the state Dept. of Public Health at \$450,000 for three years); extensive surveys for two years prior to launch; outreach package of videos posters, t-shirts, press kits, etc.	Tripled hotline calls, considerable local and national media coverage	Pro-bono consulting/design, free ad-space on MBTA \$150,000 per year, market research and strong input throughout process from key constituencies
<b>“Can you See It” LGBT DV Campaign (Massachusetts, 2003)</b>	Statewide outreach informed by community-based forums from previous campaigns; face-to-face outreach; MBTA and print media ads	High profile media coverage; website received 20,000 hits per month; activities spawned out of campaign included literature, community forums, and professional trainings; reached measurable goals (number of gay men who prioritized DV as a top issue, self-identifications of victims, and volunteers/activists)	Sponsorships from sports teams, pro-bono consulting/design, well-designed and used website is key; activated and partnered with on-the-ground activists/volunteers
<b>Sexual Assault Awareness Campaign “SAAM” (Massachusetts and national, annual)</b>	Prevention-focused, resources for adults and parents, strong branding and materials (resource CDs, media, social media, PSAs, fact sheets, press conferences)	Individual states track success of campaign based on collaborate events, reach fund-raising goals, hotline calls, and hits on website	Coordinated with national campaign, full time staff + benefits and funding for materials totaled \$68,000 per year
<b>Dear John Campaign (Atlanta, 2006)</b>	Strong presence and leadership by Mayor Shirley Franklin; built-in study commissioned in 2005; very high profile launch	Emmy award-winning PSA; Fund-raised \$100,000 2 years after launch to extend the campaign; free network time for PSAs, local non-profit flooded with phone calls from volunteers, Dear John campaign spread to other states	Leadership + personal story from official; strong partnerships with providers and media; fundraising component; timing was ripe in the aftermath of the Boy Scouts sexual abuse scandal

Campaign / Initiative	Highlights	Outcomes	Takeaway for MA
<b>Polaris Project (nation-wide, ongoing)</b>	Emphasis on helping victims, enhance anti-trafficking laws and building partnerships; 10 year report concludes that work still needs to be done in unmasking the realities of trafficking and correct misconceptions	Provided resources for many activists and campaigns, organized public marches and lobby days; increased usage of website and hotline;	Offered technical assistance and consulting to review public awareness campaigns; data-gathering mechanism of hotline to track campaign efficacy; the importance of knowing and targeting audience; innovations - coasters at Texas bars and restaurants with vignette and hotline #; strong social media usage; two-way links for website
<b>NYC End Human Trafficking (Five Boroughs, ongoing)</b>	Lead by Mayor's office, with funding for NGOs and service providers	Strong local media engagement; Polaris hotline results pending	Stand-alone website that also has strong branding with the Mayor's Office and easily sharable resources
<b>End Demand – Voices and Faces Project (Illinois, ongoing)</b>	Emphasis on targeting buyers and consumers; challenge public attitudes about sexual exploitation ("The Ugly Truth," "The Prostitution Myth"); focused on major metro areas; posters on all transit modes and hubs	Report on results pending	Very balanced messaging and tone; \$950,000 cost, including in-kind media; offered assistance with designing campaign
<b>Maria Talks (Massachusetts, 2008-2010)</b>	Partnership between AIDS Action Committee and Dept. of Public Health to create website containing medically accurate info about sexuality for teens; Funding for 2008-2011 averaged \$140,000/year	High usage of website, although some might not be youth but opponents of public sexual education	Strong marketing and social media presence and collateral marketing materials; training for stakeholders to use the materials
<b>San Jose / CA Taskforce (ongoing)</b>	Targeted potential first responder/report; created info-cards for potential victims (especially in the agricultural/fruit sales industry); translated materials in key languages; in-person trainings/human billboards; film screenings	Active partnerships with Stanford University Hospital, trainings conducted for ER staff; ongoing and engaged grassroots groups	Translated materials and info-cards for potential victims; effective use of materials and film screenings; received funding from CA and federal grants; local partners (faith, NGOs) linked to website

Campaign / Initiative	Highlights	Outcomes	Takeaway for MA
<b>DC Taskforce / Washington Nationals (ongoing)</b>	Strong partnerships between law enforcement and NGOs; emphasis on identifying domestic and foreign-born victims for both sex and labor trafficking to increase services and prosecution	Integration with MLB games as public outreach opportunities (i.e. first pitch, 7th inning stretch); collaboration with DC Taxi Commissioner to display stickers in cabs; ads displayed in public transit; started partnership with selected hotel chains; coverage by NPR	Funded from ticket sales (via taskforce) and benefactor; private-public partnerships; timed activities around legislative milestones
<b>DHS Blue Campaign (nation-wide, ongoing)</b>	Strong message and branding with messages catered for difference audiences/partners; separate hotline for law enforcement, Polaris # for general public	Ongoing engagement with stakeholders to track effectiveness and seek feedback; partnership with Dept. of Transportation and Amtrak	Free toolkits and notices for workplaces
<b>USA Fund for UNICEF (nation-wide, ongoing)</b>	Emphasis on child trafficking; new effort to raise awareness about domestic issues; strong branding and media kit; wide reach and recognition	National results and local observations pending	Develop similar infographic and fact-sheet, utilize film screenings as way to engage activists and the general public; middle and high school curriculum
<b>ACF Rescue &amp; Restore (nation-wide, ongoing)</b>	Emphasis on public education: “look beneath the surface”; focus on victim identification	Usage of materials from a variety of partners	Free translated materials available that targets general public and victims; strong connection to victims identification and services;
<b>California Taskforce (2012)</b>	Supply chain monitoring embedded in CA law; eliminating force labor from state contractors; strong public-private partnerships	Collaboration with Microsoft to disrupt online activities of traffickers; foundation and academic support	Consumer awareness websites and mobile apps (i.e. Slavery Footprint, Eat Shop Sleep App; alignment with state labor laws and procurements; utilize partnerships and internet technology
<b>Truckers Against Trafficking (nation-wide, ongoing)</b>	Decal on many trucks directing victims and drivers to hotline; specific reach into hard-to-reach areas; training videos for truckers and general public	Strong partnership with local networks and recognition by the U.S. Department of Transportation.	Relatively low cost for well-used print materials (i.e. \$2,000 for 100,000 wallet cards); training video cost \$50,000

Campaign / Initiative	Highlights	Outcomes	Takeaway for MA
<b>San Francisco – End Wage Theft (ongoing)</b>	Strengthen enforcement among agencies; support and promote responsible business practices	Published revised “Dining with Justice” guide after strong demand for 1st edition; City-ordinances	Incentivize responsible labor practices; labor-focused prevention and empowerment of workers
<b>My Life My Choice (2011)</b>	Victim- and community-informed and well-designed posters; pro-bono design from Corey; designed to attract youth; displayed on specific MBTA routes	A large response from concerned parents and from girls who were victims themselves; increased referrals from first responders and educators; spawned partnership with Mass. Housing	Survivor-informed, audience-tested and community-driven approach; social-services and government partnerships
<b>Not for Sale MA / MA Freedom Network (ongoing)</b>	Grassroots campaigns and public awareness events (Freeze, Boston Marathon, forums) to discuss the usage of language, empowering individuals and groups to create counter-trafficking networks	Committed network of activists from all walks of life; strong showing at events (freedom walks, flash mobs); growing newsletter and social media engagement	Activate “boots on the ground”; effective and timely public events; engaging network of activists and stakeholders that builds leadership and citizen-led activities to equip the public to understand signs of trafficking and spread the word
<b>ARGUS Projects (Drunk Driving, anti-tobacco, seatbelts, DV)</b>	Range from strong enforcement and behavioral change (drive drunk, get busted; click it or ticket) to very culturally-sensitive materials (Punch & Scratch campaign in 13 languages), to innovative approaches to counter norms (Big Tobacco Carnival of Tricks)	600 individuals signed to oppose tobacco industry in one day; driving behavior results pending; partnership with law enforcement re: DV by passing out cards to providers and victims	Innovative approaches, strong buy-in from law enforcement, culturally-sensitive
<b>Existing Massachusetts workplace notices and public spaces</b>	Under law, only a certain set of notices of required; MBTA and Highways have available space and PSA requirements/protocols	High-exposure via key transportation hubs and routes	Utilize PSA requirements in E-billboards (20 seconds), RMV screen-time, MBTA and regional transit hub ad space; identify private-partnership in development/delivery of PSAs; partner with local TV/Radio stations



## APPENDIX L: LEGISLATIVE LANGUAGE

SECTION 31. (a) There shall be an interagency Task Force to address all aspects of human trafficking, including sex trafficking and labor trafficking. The Task Force shall consist of the attorney general or the attorney general's designee, who shall serve as the chair, the colonel of state police or the colonel's designee, a representative of the Massachusetts police chiefs association, a representative of the Massachusetts district attorneys' association, the commissioner of the Boston police department or the commissioner's designee, the director of the division of professional licensure or the director's designee, a representative of the Massachusetts office for victim assistance, the director of the department of labor standards or the director's designee, the commissioner of the department of children and families or the commissioner's designee, the secretary of the executive office of public safety or the secretary's designee, the commissioner of the office of probation or the commissioner's designee; a representative of a group dedicated to immigrant and refugee issues appointed by the governor; a representative of a group dedicated to the prevention of violence against women appointed by the governor; a representative of an entity dedicated to prevention of and intervention in the trafficking of children appointed by the governor; a survivor of human trafficking appointed by the governor; a human trafficking attorney appointed by the governor; a human trafficking caseworker appointed by the governor; a mental health professional appointed by the governor and a university researcher with a background in human trafficking appointed by the governor.

(b) Subject to appropriation, the Task Force shall:

- (i) coordinate the collection and sharing of human trafficking data among government agencies; provided, however, that such data collection shall respect the privacy of victims of human trafficking; coordinate strategies and make recommendations for law enforcement to share information for the purposes of detecting individuals and groups engaged in human trafficking;
- (ii) review and recommend policies and procedures to enable state government to work with non-governmental organizations and other elements of civil society to prevent human trafficking and to protect and provide assistance to victims of trafficking;
- (iii) identify and review the existing services and facilities that meet the needs of victims of human trafficking including, but not limited to, health and mental health services, housing, education and job training, legal services and victim compensation;
- (iv) evaluate approaches to increase public awareness of human trafficking and offer recommendations for programs and educational and training opportunities for law enforcement and social service providers including, but not limited to, methods used to identify human trafficking victims including preliminary interviewing and questioning techniques, methods of protecting the special needs of women and child human trafficking victims, developments in state and federal laws regarding human trafficking and methods to increase effective collaboration between state and local agencies, law enforcement, social service providers and non-governmental organizations;
- (v) examine ways to curtail the demand side of trafficking such as self-sustaining first offender diversion programs;
- (vi) examine the costs associated with establishing a safe house pilot program for adult and child victims of human trafficking and identify public and private funding sources that may be used to develop and implement a safe house pilot program;



- (vii) examine cost-effective notices, announcements or advertisements that may be displayed in public places, such as airports, train stations, bus stations, hotels, massage parlors, spas, strip clubs and other sexually-oriented businesses providing information relating to services for human trafficking victims;
- (viii) recommend strategy and relevant methodologies for training providers in health and human services in the recognition of signs and circumstances indicating that an individual is the victim of human trafficking and the appropriate steps to report the individual to the appropriate law enforcement personnel or agencies;
- (ix) recommend ways to develop and promulgate educational materials and health curricula that may be used by school administrators and educators to identify human trafficking victims and the appropriate actions to be undertaken when such victims are identified and to educate school officials as to the scope and magnitude of human trafficking in the nation and the commonwealth including, but not limited to, how to prevent it and developing a parent guide and teacher training material on internet safety and methods of preventing the exploitation of minors over the internet; and
- (x) submit a report of its findings and recommendations to the clerks of the senate and the house of representatives who shall forward the report to the chairs of the joint committee on the judiciary not later than 18 months after the effective date of this act. The Task Force shall determine if subsequent reports are necessary in order to properly address human trafficking.

## **APPENDIX M: SHORT, MID, AND LONG TERM GOALS**

The following are a list of short, mid, and long term goals for Massachusetts with regards to addressing human trafficking.

### **Victim Services**

#### **Short Term**

1. A plan to increase funding for victim services moving forward both in the private and public sector
2. A group convened to implement pilot safe houses or homes in Massachusetts
3. Safe house capacity for five trafficking victims

#### **Mid Term**

1. Appropriate regulations to allow for victims to be eligible for services
2. A public-private partnership to support safe houses
3. A clear understanding by victim service providers about what services are most effective in meeting the needs of victims

#### **Long Term**

1. A funded comprehensive set of services for victims of human trafficking

### **Demand Reduction**

#### **Short Term**

1. A state wide technical assistance team identified to assist municipal police departments in in-person and technical reverse stings and a plan to make police departments aware of their existence
2. A state agency identified to manage the roll out of a statewide first offender program

#### **Mid Term**

1. A clear understanding by municipal police departments about the resources available to them through the technical assistance program, the role demand plays in human trafficking, and the importance of asset forfeiture and arresting offenders for the appropriate crime
2. Statewide first offender program availability
3. An equal number of arrests between sex buyers and sellers
4. Demand reduction efforts integrated into all anti-trafficking strategies

#### **Long Term**

1. A pervasive public understanding of how the buying of sex supports human trafficking and the damage trafficking does to its victims and society
2. A model technical assistance program for reverse stings
3. A model first offender program

## **Data Collection and Information Sharing**

### **Short Term**

1. A standard definition of human trafficking to be used to support data collection and victim services
2. Necessary members of the District Attorneys' Offices (DAO) multidisciplinary team (MDT) pilots identified and developed working protocols for each
3. A plan for the dissemination of the victim screen tool and protocol
4. A process for the DAO MDTs to share information with each other about their protocols

### **Mid Term**

1. A process for collecting, storing, and analyzing state-wide trafficking data
2. Clear protocols on interrogation versus screening and how to share data across jurisdictions
3. A budget for the data collection software and storage program
4. An RFP plan for the data collection software
5. Identified and dedicated funding for the software project
6. A plan to train all relevant parties in the data collection process

### **Long Term**

1. A pervasive understanding of what a human trafficking victim is, how to screen for it, and who to contact when there is suspicion of a problem, and where to send the data
2. A model set of data collection and information sharing protocols and the software to support them

## **Education and Training**

### **Schools**

#### **Short Term**

1. Identified providers for internet safety training/who is responsible for developing parent guide
2. Identified trainers for teachers
3. A clear understanding of which staff needs to know what about trafficking
4. A dedicated and stable budget for the program

#### **Mid Term**

1. A comprehensive and effective training plan for school staff and students
2. Parent guide material offered to all parents in the public school system

#### **Long Term**

1. School personnel who understand how to keep students safe from traffickers and who to refer to when trafficking is suspected
2. Students who understand the impact of the sex industry and how to keep themselves safe

## **Law Enforcement**

### **Short Term**

1. A law enforcement training plan
2. Identified staff that needs to be trained and what that training will entail
3. A training budget
4. An established protocol for interrogations versus screenings

### **Mid Term**

1. A comprehensive training program for all new and existing members of law enforcement
2. A dedicated and stable budget for trainings

### **Long Term**

By the end of five years, Massachusetts should have:

1. A law enforcement well educated in the signs of trafficking, how to investigate for trafficking, and how to conduct reverse stings.

## **Medical and Social Services Providers**

### **Short Term**

1. A final list of all personnel (hospitals /services) that would attend trainings
2. Identified trainers
3. Training budget
4. Established protocol for tending to victims in hospitals and social services organizations
5. A plan in place to educate medical and social services providers

### **Mid Term**

1. An implemented training plan
2. Human trafficking information incorporated into all appropriate existing trainings
3. Cultivated in house champions for at least half of Massachusetts' hospitals

### **Long Term**

1. A hospital and social service workforce who understands what trafficking is and how to address the issue
2. A dedicated and stable source of funding for continuing training

## **Public Awareness**

### **Short Term**

1. An agency responsible for the website portal and public awareness campaign
2. A work flow plan for call referrals for the national toll-free telephone number
3. An immediate and short term human trafficking information website
4. A plan for what data should be on the site and the scope of its abilities
5. An RFP process for the designer/host of the website
6. A budget for the site and dedicating funding to support it over five years
7. A five year plan to increase the public's understanding of what trafficking is and to increase the number of victims identified
8. A list of potential partners for the campaign

### **Mid Term**

1. A dedicated human trafficking website (like the one NY has) with high traffic that is incorporated into trainings and public awareness campaigns
2. A process in place whereby the public can donate money to the victims trust fund via the site
3. Dedicated funding for a pilot "plug and play" campaign
4. A "plug and play campaign" disseminated on a pilot basis with measurement for the call to action
5. An RFP pro bono process drafted and deployed that engages an advertising company to create, manage, and measure the success of the campaign

### **Long Term**

1. A model trafficking website and public awareness campaign
2. A strong public knowledge base about what trafficking is and how they can help address the problem

## **APPENDIX N: SUBCOMMITTEE MEMBERSHIP**

### **Victim Services**

#### Co-Chairs:

- Julie Dahlstrom, Lutheran Social Services and Boston University School of Law Human Trafficking Clinic
- Liam Lowney, Massachusetts Office for Victim Assistance
- Audrey Morrissey, My Life My Choice

#### Members:

- Stephanie Decandia, Boston Area Rape Crisis Center
- Cherie Jimenez, The E.V.A. Center
- Tom King, Massachusetts Children's Alliance
- Joe McKown, National Center on Time and Learning
- Steven Procopio, JRI Health and Boston GLASS

### **Demand Reduction**

#### Co-Chairs:

- Sheridan Haines, Executive Office of Public Safety
- Lina Nealon, Demand Abolition

#### Members:

- Maureen Casey, Spectrum Health Systems
- Ellen Slaney and Diane Richard, Department of Probation
- Michael Shively, Abt Associates

### **Education and Training**

#### Co-Chairs:

- Lisa Goldblatt Grace, My Life My Choice
- Ellen Lemire, Suffolk County District Attorney's Office and Geline Williams, Massachusetts District Attorneys Association

#### Members:

- Lieutenants Pi Heseltine and Mary McCauley, Mass State Police
- Deputy Superintendent Kelly Nee, Boston Police
- Anne Sheetz, Department of Public Health School Nursing

## **Data Collection and Information Sharing**

### Co-Chairs:

- Amy Farrell, Northeastern University
- Chief Tom Pasquarello, Somerville Police Department

### Members:

- Lori Ann Bertram, Department of Children and Family Services
- David Carabin, Boston Regional Information Center
- Chris Carroll, Division of Professional Licensure
- Mike Coelho, Executive Office of Public Safety and Security
- Susan Goldfarb, Children's Advocacy Center

## **Public Awareness**

### Co-Chairs:

- Brian Heffron, Conover Tuttle Pace
- Josiane Martinez, Office for Refugees & Immigrants

### Members

- Linda Brown, Department of Public Health
- Lucas Guerra, ARGUS
- Javier Marin, El Planeta / MasTV
- Heather Rowe, Department of Labor Standards
- Franklin Soult, Massachusetts Immigration and Refugee Advocacy Coalition

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