



COMMONWEALTH OF VIRGINIA
THE COMMISSION ON HUMAN TRAFFICKING PREVENTION AND SURVIVOR SUPPORT
FINAL REPORT – JANUARY 9, 2023

“Let the Oppressed go Free”



Timothy Schmalz 2022 groundbreaking sculpture features Josephine Bakhita rescuing victims of human trafficking. In 1877, when she was 7–8 years old, Bakhita was seized by Arab slave traders, who had abducted her elder sister two years earlier. She was forced to walk barefoot 600 miles to El-Obeid and was sold and bought twice before she eventually arrived in Europe. Over the course of twelve years (1877–1889) she was sold three more times and then she was finally given her freedom. She spent her entire life in service to others. The Catholic Church declared her the patron saint of human trafficking survivors.

COMBATING HUMAN TRAFFICKING IN VIRGINIA
**Final Report of the Commission on Human Trafficking Prevention
and Survivor Support**

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Members of the Commission

- Mike Lamonea of Chesapeake, Chair, Director at Juniper Networks and Retired DHS/Homeland Security Investigations Special Agent
- Michael J. Brown of Lynchburg, Sheriff (Retired), Bedford County Sheriff's Office
- Brittany Dunn of Alexandria, COO & Co-Founder, Safe House Project
- Sarah-Beth Evans of Norfolk
- Keith Farmer of Roanoke Valley, Director, Straight Street
- Michael Y. Feinmel of Henrico, Deputy County Manager, Henrico County
- Pamela Hock of Richmond, Educator, Advocate, Survivor
- Tyller Holden of Virginia Beach, Junior Board of Directors, EnJewel
- Michael Miller of Bedford, Sheriff, Bedford County
- Deepa Patel of Springfield, Co-Founder and Clinician, Trauma and Hope
- Mea Picone of Richmond
- Susan Young of Fairfax, Executive Director and Founder, Parent Coalition to End Human Trafficking

Ex-officio Members:

- Secretary Robert "Bob" Mosier, Secretary of Public Safety and Homeland Security
- Secretary Aimee Guidera, Secretary of Education
- Secretary Bryan Slater, Secretary of Labor
- Angella Alvernaz, State Trafficking Response Coordinator, Virginia Department of Criminal Justice Services
- Major Caren Sterling, Deputy Director of the Bureau of Criminal Investigations, Lead of VSP Human Trafficking Unit, Virginia State Police
- Tanya Gould, Director, Anti-Human Trafficking, Office of Attorney General

Letter from the Chair to the Governor

Governor Youngkin,

In accordance with Executive Order 7, I am pleased to present the Final Report for the Commission on Human Trafficking Prevention and Survivor Support. Combatting human trafficking remains a priority amongst the unfinished work in society to ensure the respect and inalienable rights of all people throughout the world. It is a privilege to serve as your Chair and the Commission is pleased to contribute to your administration's efforts to make Virginia the best state to live, work, and raise a family for all its residents.

Commission members include survivors of human trafficking, law enforcement professionals, and practitioners who deliver services and resources to rescue victims and prosecute offenders. The perspective of these participants proved invaluable during the Commission's deliberative process, which resulted in recommendations that are grounded in years of applied knowledge and practices.

Our final recommendations include:

- The eradication of illicit massage businesses through the development of comprehensive multidisciplinary teams and enhanced accountability for property owners and customers who create the demand.
- Updating Virginia codes and expanding partnerships with Internet Crimes Against Children task forces to increase available resources and ensure technology companies actively fight human trafficking on their platforms.
- The development of greater resources for victims and survivors, including the implementation of state grants, licensing/certification of providers, and potential funding support through a regimen of fines or asset forfeiture levied against traffickers or those who exploit trafficked persons; and
- Expanding education and training on human trafficking in schools, among health care providers, and law enforcement in coordination with similar work and recommendations undertaken by the Virginia Department of Education in its Standards of Learning and the annual report of Virginia's State Trafficking Response Coordinator.

It is my hope that the Commission's work contributes to the goals that were outlined in Executive Order 7 as we all work together to make the promise of Virginia a reality for those who live and work in our great Commonwealth. The Commission members look forward to continuing their efforts to eradicate human trafficking.

Respectfully submitted,

Michael K. Lamonea
Chair

Executive Summary

On January 15, 2022, Governor Youngkin signed Executive Order Seven, “Establishing the Commission on Human Trafficking Prevention and Survivor Support,” to prevent human trafficking and provide support to its victims in the Commonwealth.¹

The Commission’s purpose is to study human trafficking in the Commonwealth, combat human trafficking, and reduce the number of human trafficking incidents, as well as identify solutions. The Commission was also assigned to make recommendations to the Governor with the goal of identifying ways to reverse increasing human trafficking incidents in the Commonwealth.

Commission Meetings occurred on:

- June 8, 2022
- June 30, 2022
- July 13, 2022
- August 10, 2022
- August 24, 2022
- September 21, 2022
- October 5, 2022
- October 21, 2022
- November 18, 2022

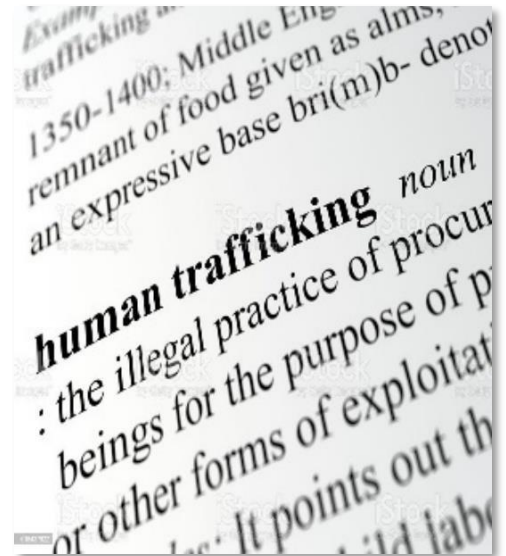
This Final Report of the Commission includes a description of the problem, several policy proposals, and a series of best practices recommendations. The Commission provides this report in response to several critical questions posed in the Governor’s Executive Order. This document contains a directional snapshot about the path that the Commission believes would place the Commonwealth among the leaders in anti-trafficking interdiction and victim care.

¹ “Executive Order 7.” *Office of the Governor.Virginia.gov*, 15 Jan. 2022.

Statement of the Problem

Understanding the Problem of Human Trafficking

The Commission combined the experience of each member to better understand the challenge of human trafficking within the Commonwealth of Virginia. Our common definition of human trafficking is the “obtaining of and coercive control of persons for sexual exploitation or exploitation of a labor force far below market pricing in violation of the laws of the Commonwealth, several international protocols, most nations’ laws, the U.S. Constitution, and several federal statutes.” In Article 7.2 of the International Criminal Court, it was declared that human trafficking is a crime against humanity.² The below heat-map image shows locations of likely human trafficking cases in 2018 and reflects the probable paths and regions plagued with trafficking.



Polaris: Likely Human Trafficking Cases in 2018³



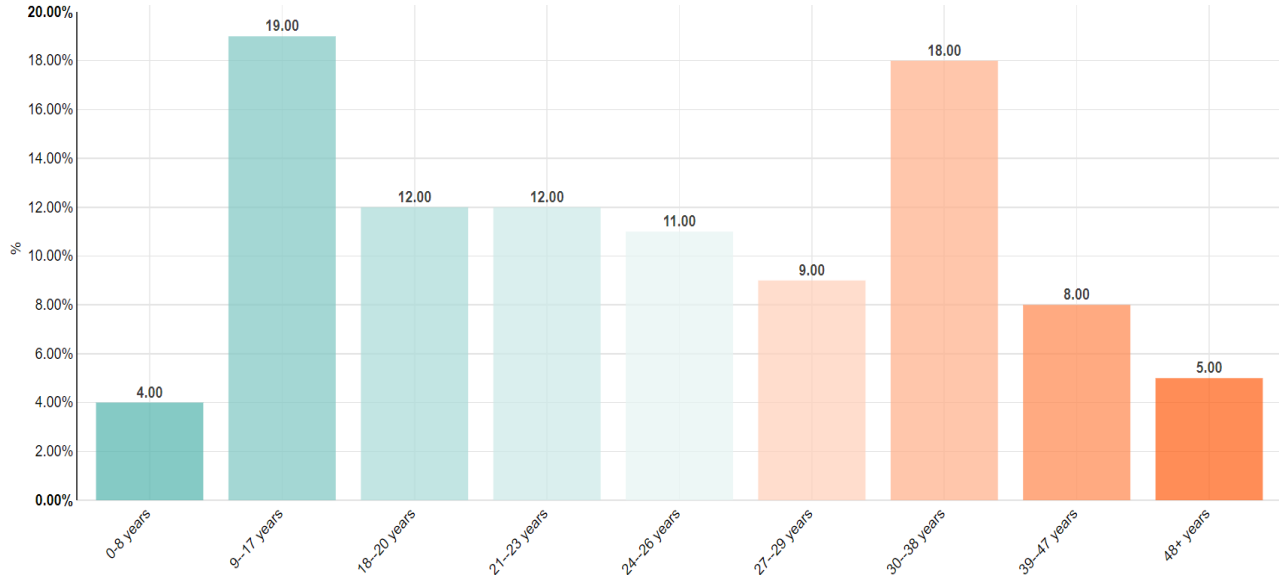
² Smith, 2014 as cited in Doherty, Oludele C. Human Trafficking in Richmond, Virginia: An Exploratory Case Study. Diss. The University of the Rockies, 2018.

³ “2018 U.S. National Human Trafficking Hotline Statistics.” *Polaris*, 13 Feb. 2020, <https://polarisproject.org/2018-us-national-human-trafficking-hotline-statistics>.

The Historic Motive of Human Trafficking

The primary purpose of human trafficking is the same today as it has been throughout human history: to own another person, their time, their work, their future, and their well-being. Throughout history, human trafficking has caused untold misery and pain and solely occurs to increase financial gain for illicit individuals or businesses. Measuring the prevalence of human trafficking is difficult, but on September 28, 2022, John Cotton Richmond, former Ambassador at Large for the Department of State's Office to Combat and Monitor Trafficking in Persons announced at a roundtable with the World Health Organization at the United Nations that there is a global rise in human trafficking of approximately 12.5% from 24 million to 27 million individuals, and that only .32% of victims are currently identified. In the United States, the FBI reports that 81% of cases involve commercial sex trafficking, while 19% involve labor trafficking.⁴

**The Counter Trafficking Data Collaborative:
Global Data Hub on Human Trafficking Victims Across the World⁵**

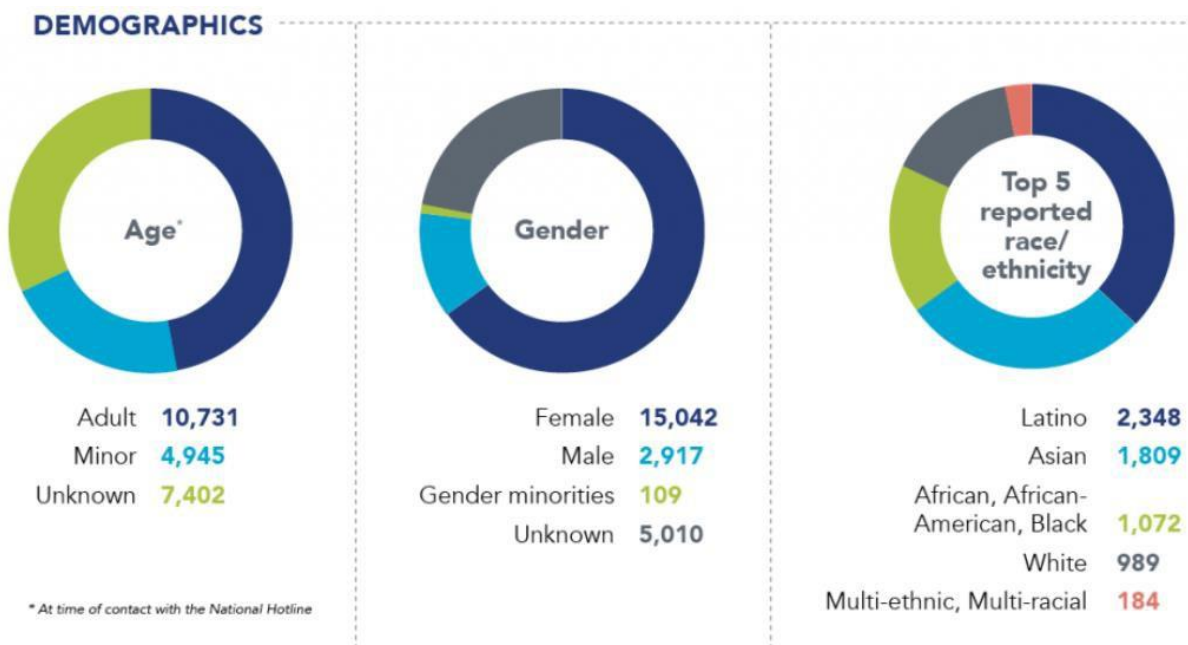


⁴ "Crime in the U.S. 2015." *FBI*, FBI, 3 May 2016, <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015>.

⁵ "Counter-Trafficking Data Collaborative (CTDC)." *CTDC*, Initiative by the International Organization for Migration, 2022, <https://www.ctdatacollaborative.org/story/age-victims-children-and-adults>.

Human trafficking affects individuals of every race, gender, socio-economic class, community type, and immigration status. Of those identified in the United States, 60% of survivors identify as female, 36% as male, and just over 4% transgender.⁶ African American and people of color are disproportionately impacted by human trafficking with approximately 40% of identified adult survivors being Black females.⁷ The following chart depicts the demographics of the victims of human trafficking.

Polaris: Victim Demographics in 2018⁸



Currently, labor trafficking is not identified as frequently as sex trafficking but is estimated to impact hundreds of thousands of individuals in the United States every year. Perpetrators often target prey of individuals to fulfill labor or repayment. The debt bondage places an "invisible chain" that binds a victim and often their family to the trafficker.⁹ Most victims of human trafficking "fall into two broad categories—sex trafficking and labor trafficking."¹⁰ The invisible chain that one has on a victim "tightens with unmet quotas and may become a physical one."¹¹ For children there are many trajectories into human trafficking. Children are often the first victim; their innocence and trust of adults makes them prey to predators. Children "reported that

⁶ Swaner, Rachel, et al. "Youth involvement in the sex trade: A national study." (2016).

⁷ Davey, Samantha. Snapshot on the State of Black Women and Girls: Sex Trafficking in the U.S. Congressional Black Caucus Foundation, 2020.

⁸ "2018 U.S. National Human Trafficking Fact Sheet" *Polaris*, 13 Feb. 2020, <https://polarisproject.org/2018-us-national-human-trafficking-hotline-statistics/>.

⁹ Ladd M, Jones EB. Texas Human Trafficking. StatPearls Publishing; 2022 <https://www.ncbi.nlm.nih.gov/books/NBK573077/>

¹⁰ Busch-Armendariz, Noël, Maura B. Nsonwu, and Laurie Cook Heffron. "Human trafficking victims and their children: Assessing needs, vulnerabilities, strengths, and survivorship." *IDVSA Journal Articles* (2011).

¹¹ Ladd M, Jones EB. Texas Human Trafficking. StatPearls Publishing; 2022 <https://www.ncbi.nlm.nih.gov/books/NBK573077/>.

traffickers gained their trust by taking care of them or helping them out of a difficult situation.”¹² The following chart from Polaris Project shows the breakdown of the entry points that facilitate sex trafficking, labor trafficking and sex and labor trafficking combined.

Polaris: Top Three Types of Trafficking Cases in 2018¹³



In 2021, the National Center for Missing and Exploited Children received 17,200 reports of child sex trafficking in all 50 states.¹⁴ Child trafficking cases have involved stripping, pornography, forced begging, commercial sex, magazine crews, drug sales, and the cultivation of various products. According to the Counter Trafficking Data Collaborative “over 40% of children were recruited by a family member or relative compared to 9% for adults.”¹⁵ In 2021, there were “roughly 25,000 children reported missing to the National Center for Missing & Exploited Children who ran away. One in 6 were likely to be sex trafficking victims.¹⁶ The number of victims who fall into the categories of being trafficked individuals’ shows steady increases. The following chart shows the date of “23,078 survivor records” that “give insight into the systems and tactics that traffickers use to conduct their businesses.”¹⁷ “[T]raffickers frequently prey on an individual’s vulnerabilities, and the data spotlight factors that may have placed these victims at risk—as well as the variety of tactics used to recruit and keep them in a trafficking situation.”¹⁸

Polaris: Top Five Categories of Risk Factors, Methods of Force, Fraud, Coercion and Points of Access to Potential Help¹⁹



¹² Reid, Joan A. “Entrapment and enmeshment schemes used by sex traffickers.” *Sexual Abuse* 28.6 (2016): 491-511.

¹³ “2018 U.S. National Human Trafficking Fact Sheet” *Polaris*, 13 Feb. 2020, <https://polarisproject.org/2018-us-national-human-trafficking-hotline-statistics/>.

¹⁴ *Child Sex Trafficking Overview - National Center for Missing & Exploited Children*. 2022, <https://www.missingkids.org/content/dam/missingkids/pdfs/CST%20Identification%20Resource.pdf>.

¹⁵ “Counter-Trafficking Data Collaborative (CTDC).” *CTDC*, Initiative by the International Organization for Migration, 2022, <https://www.ctdatacollaborative.org/story/age-victims-children-and-adults>.

¹⁶ *Child Sex Trafficking Overview - National Center for Missing & Exploited Children*. 2022, <https://www.missingkids.org/content/dam/missingkids/pdfs/CST%20Identification%20Resource.pdf>.

¹⁷ “2018 U.S. National Human Trafficking Fact Sheet” *Polaris*, 13 Feb. 2020, <https://polarisproject.org/2018-us-national-human-trafficking-hotline-statistics/>.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

Victims of human trafficking may experience extensive poly-victimization, multiple contact with government agencies, complex trauma, multiple Adverse Childhood Experiences (ACEs), and have a high likelihood of re-exploitation without specialized, trauma-informed, culturally appropriate services. Common themes among those who are trafficked or are vulnerable to trafficking include prior sexual abuse or molestation, poverty, unstable home environments that involve substance abuse, and truancy that often prevents high school graduation. According to the Rape, Abuse & Incest National Network (RAINN), “One in 9 girls and 1 in 53 boys under the age of 18 experience sexual abuse or assault at the hands of an adult.”²⁰ As a result, individuals who have experienced sexual abuse are at a higher risk for substance abuse, mental health issues, and lack the “concept of social norms, belonging, or sense of family.”²¹ According to the ACE Pyramid, neurodevelopment is disrupted or stunted by an adverse childhood experience. As “[S]ocial, emotional, and cognitive impairments result, which progress to high-risk behaviors that negatively impact overall health. Disease, disability, and social problems ensue, cascading to an early death.”²² A Florida study, conducted between 2009 and 2015, shows that trafficking abuse reports were highest among children with an ACE score of six or greater.²³ Below is a graph that shows common forms of violence and abuse in sex trafficking:

**Beazley Institute for Health Law and Policy, Loyola University School of Law
Violence and Abuse in Sex-trafficking²⁴**

Common Forms of Violence/Abuse	% Reporting (N=103)
<i>Some form of violence/abuse</i>	<i>95.1%</i>
Forced sex	81.6%
Punched	73.8%
Beaten	68.9%
Kicked	68.0%
Forced unprotected sex	68.0%
Threatened with weapon	66.0%
Strangled	54.4%
Abused by person of authority	50.5%

²⁰ David Finkelhor, Anne Shattuck, Heather A. Turner, & Sherry L. Hamby, *The Lifetime Prevalence of Child Sexual Abuse and Sexual Assault Assessed in Late Adolescence*, 55 *Journal of Adolescent Health* 329, 329-333 (2014) as cited in “Children and Teens: Statistics.” Rape, Abuse & Incest National Network (RAINN), <https://www.rainn.org/statistics/children-and-teens>.

²¹ Toney-Butler TJ, Ladd M, Mittel O. *Human Trafficking*. StatPearls Publishing; 2022 <https://www.ncbi.nlm.nih.gov/books/NBK430910/>.

²² *Ibid.*

²³ Austin A, Herrick H, Proescholdbell S. Adverse Childhood Experiences Related to Poor Adult Health Among Lesbian, Gay, and Bisexual Individuals. *Am J Public Health*. 2016 Feb;106(2):314-20.

²⁴ *Annals of Health Law*, Beazley Institute for Health Law and Policy, Loyola University School of Law. Vol. 23, no. 1, 2014. P. 75

As a result of violence and abuse in trafficking, survivors experience complex mental health challenges. The psychological health consequences suffered by many victims or survivors includes “acute stress (38.7%), bipolar (30.2%), depersonalization (19.8%), multiple personality (13.2%), disorder, and 96.4% of survivors reported at least one psychological symptom.”²⁵ In this study, “41.5% had attempted suicide.”²⁶ Survivors experience medical challenges as a direct result of their trafficking situation. Many need to detox due to an “estimated 84.3% using alcohol, drugs, or both, and 27.9% of those saying they were forced to use substances as part of their trafficking experience”²⁷ Victims of trafficking have substantial decline in health as a result of being trafficked.

**Beazley Institute for Health Law and Policy, Loyola University School of Law
Physical Health Problems²⁸**

Category	% of respondents reporting at least one symptom ²⁶
<i>Any Physical Health Problem</i>	99.1% (N=106)
Neurological	91.7% (N=106)
General Health	86.0% (N=105)
Injuries	69.2% (N=102)
Cardiovascular/Respiratory	68.5% (N=106)
Gastrointestinal	62.0% (N=106)
Dental	54.3% (N=105)

In terms of reproductive health, “55.2% of survivors have had an abortion and 54.7% have had at least one miscarriage, with a prevalence of forced abortions amongst those surveyed. Twenty-nine percent of survivors reported multiple miscarriages and 29.9% reported multiple abortions.”²⁹ As a result of increased mental health and medical needs “87.8% of human trafficking survivors report interacting with a healthcare provider during their victimization.”³⁰ Health provider contact and victim identification is critical to connecting survivors to resources to break the cycles of victimization. An increase in victim identification will require a corresponding increase in available services. Right now, there are an “estimated 1,632 beds in 272 residential therapeutic homes for human trafficking victims across the United States.”³¹ In 2020, the National Human Trafficking Hotline reported 10,583 human reported trafficking cases³².

²⁵ Ibid.p70.

²⁶ Ibid.p70.

²⁷ Ibid.p76.

²⁸ Ibid.p69.

²⁹ Ibid.p73.

³⁰ Long E, Dowdell EB. Nurses’ Perceptions of Victims of Human Trafficking in an Urban Emergency Department: A Qualitative Study. J Emerg Nurs. 2018 Jul;44(4):375-383.

³¹ “Landscape Analysis for Restorative Care & 2022 Grant Details.” Safe Hour Project: Uniting to End Domestic Trafficking, 2022, p 12. https://doi.org/https://www.safehouseproject.org/files/ugd/2dbc84_94a60dc39cea444989a9e3c9318596a0.pdf.

³² “Understanding and Characterizing Labor Trafficking Among U.S. Citizen Victims.” National Institute of Justice, 2022, <https://nij.ojp.gov/topics/articles/understanding-and-characterizing-labor-trafficking-among-us-citizen-victims>.

Estimates vary for non-reported cases but based on just those confirmed cases through the hotline, 84.6% of survivors would not have access to residential therapeutic care. Without a safe place to go, 80% of survivors end up being revictimized.³³ It is critical that we close the service gap to prevent further victimization and to prevent an even greater number of illicit trafficking businesses.³⁴

³³ Counter Trafficking Data Collaborative. Counter Trafficking Data Collaborative, <https://www.ctdatacollaborative.org>. Accessed 1 September 2021.

³⁴ Fritz, Gregory K. "A National Perspective on Children's Mental Health." Hampton Roads Community Foundation. Hampton Roads Community Foundation, 15 May 2019.

Who are Trafficking Victims?

Human trafficking can affect anyone and, within the United States, victims of a variety of backgrounds have been identified. These include United States citizens who are trafficked within their own communities and country, undocumented people who enter the United States illegally, people entering legally who are lured by false promises of good working conditions, people paying off a debt, and other refugee populations.

Human trafficking does not require movement or travel. Domestically, individuals are often groomed through tactics such as “boyfriending” or are trafficked by their own families. School aged trafficking victims have been lured into sexual exploitation through targeted social media or gang activity and many youth victims are “runaway, homeless, kidnapped children or children in or leaving foster care who are at elevated risk of forced prostitution and trafficking.”³⁵

The coercive tools used to manipulate and control trafficking victims may include debt bondage owed by the victim and often by another family member. In internationally based cases, these debts may be incurred as smuggling expenses. Cases involving organized crime reflect the sale of recently smuggled persons for the “payment” they are owed. Additionally, workers who have legitimate immigration papers or work visas have had their documents confiscated and used as an extortion tool to control and underpay workers. These same workers are told that law enforcement is corrupt and will not help them. Foreign nationals are unfamiliar with the anti-trafficking laws in the United States and the rights that are provided under the Constitution. The photographs shown below provide insight into one location that was used for sex trafficking; however, a variety of venues from all socio-economic classes are utilized by traffickers.



Rural Brothel viewed from the outside and inside where young women were forced to sell sex to migrant Farm Workers.

³⁵ Fong, Rowena, and Jodi Berger Cardoso. “Child human trafficking victims: Challenges for the child welfare system.” *Evaluation and program planning* 33.3 (2010): 311-316.

How does Human Trafficking Impact all of Society?

Many local officials in some of the Commonwealth's largest jurisdictions do not believe they have a "trafficking problem." This belief is in part due to lack of awareness and because victims rarely self-report due to the coercive methods that are used and the trauma that has been endured. Effects of human trafficking on the victims also "have serious repercussions for local communities."³⁶ The adverse impacts occur on both macro (group) and micro (individual) levels within communities; including mental health, medical, and familial effects that can also be the result of vicarious trauma.

Human trafficking is the fastest growing source of profit for organized crime worldwide and leads to corruption in the countries of origin, as well as during transit and at the destination. The Commission cataloged the following trafficking crimes which have an impact on all of society: abduction, kidnapping, illegal confinement, deprivation of liberty, sexual exploitation, sexual violence, assault, torture, fraud, wage and labor offenses, debt bondage, extortion, and child sexual abuse.

The criminal networks that traffic human beings commit additional crimes including illegal entry to the United States, falsification of travel documents, smuggling, fraud, corruption of public officials, debt bondage, money laundering, and tax evasion.

Human trafficking even occurs inside American classrooms.



³⁶ Lane & Batchelor, 2015 as cited in Doherty, Oludele C. *Human Trafficking in Richmond, Virginia: An Exploratory Case Study*. Diss. The University of the Rockies, 2018.

EXECUTIVE ORDER GOAL 1: Increase Enforcement through Focused Initiatives

- **Holding both Traffickers and Customers Accountable.**
- **Expanding Partnerships with Internet Crimes Against Children Task Forces.**
- **Developing an Executable Plan to Eliminate Illicit Massage Businesses from the Commonwealth.**

The Commission recognizes that criminal enforcement of human trafficking is inconsistent throughout the Commonwealth and strongly advocates for the development of designated multi-jurisdictional and multi-disciplinary teams to effectively coordinate anti-trafficking efforts. This regional approach emphasizes greater cooperation between state and local law enforcement, federal law enforcement, Commonwealth's Attorneys, U.S. Attorneys, non-profit organizations, and various other agencies/entities to increase prosecution and seek appropriate accountability for human traffickers, those who benefit from the criminal conduct, and those who create demand for an abused work force.

INCREASE PROSECUTION AND SEEK INCARCERATION AS OPPOSED TO FINES FOR THOSE WHO SOLICIT PROSTITUTION

In response to, and to encourage, further arrests for solicitation, the Commission recommends that the Commonwealth develop a uniform "Demand Diversion Program," with a three-tiered approach:

1. Leverage 18 VAC 125-30-101 and VA Code § 19.2-301 to create an assessment to determine the basis of purchasing sex (i.e., sexual addiction, lack of education) and whether sex offender counseling/treatment is appropriate to prevent recidivism;
2. Development a Treatment Plan; and,
3. Treatment/Education.

Each tier is equally important and builds upon the previous tier. The assessment stage relies upon development of an assessment tool to determine the basis of purchasing sex and whether sex offender counseling or further treatment would be effective. A working committee is necessary to develop an assessment approach. Virtual platforms will enable both centralized assessments as well as consistency in the treatment response.

Legislative Change

The buyer should bear the financial burden of both the assessment and the treatment; incentivized by the opportunity for reduction or dismissal of charges when the education process is completed. The Commission recommends a review of the Commonwealth's forfeiture laws and whether the Commonwealth-wide anti-trafficking fund, or a similar fund, can be utilized to assist with program responses for purchasers who qualify as indigent or lack the resources to pay for the assessment/counseling. The anti-trafficking fund should be supported by costs and fines for those charged with solicitation and other human trafficking related charges.

It is further recommended that the solicitation statute (*Code of Virginia* section 18.2-346.01) be amended to reflect that a first offense solicitation of a non-minor include a path towards a dismissal for that first offense based on completion of the Demand Diversion Program and community service. A second offense (either with the defendant having been previously convicted or previously participating in the Demand Diversion Program) would result in a mandatory conviction with jail time. A third offense would result in a felony conviction. Either a second or third offense can also mandate completion of the Demand Diversion Program but present no pathway for a dismissal.

To avoid the ability of a defendant to have unlimited opportunities for participation in the Demand Diversion Program, it is recommended that an amended statute include a ten-year period in which any participant is ineligible for expungement.

ENHANCE ENFORCEMENT BY INCREASING TARGETING OF ILLICIT MASSAGE BUSINESSES BY COORDINATING WITH LAW ENFORCEMENT, PRIVATE PROPERTY OWNERS, AND REGULATORY BOARDS

Successful investigations and prosecutions of Illicit Massage Businesses (IMBs) present a myriad of difficulties for law enforcement that may serve as a barrier to conducting these investigations. Many of these IMBs are operated by organized crime syndicates that exploit these difficulties, not the least of which are language barriers, lack of victim services, and massive distrust of governmental and other supportive entities. “Raiding” and shutting down an IMB may create for local law enforcement an entirely new problem, as these “raids” often leave victims without the shelter, food, clothing and other necessities that the IMB provides for them. Without community resources to respond to the ability to effectively communicate with survivors and provide appropriate wrap-around services, a locality may decide to allow the IMB to remain in operation if the community has no viable response team.

Masseuses in the Commonwealth are licensed by the Board of Nursing, and massage parlors must maintain these licenses and business licenses. Law enforcement experience tends to reveal that when IMBs are raided, most victims working as masseuses are unlicensed. Generally, the owner/operator and one or two others may have Board of Nursing licenses displayed in common areas, but they are not present. Violations of fire ordinances, zoning laws, and business inspections could be used to suggest a revocation of either Board of Nursing licenses or localities’ business licenses.

Legislative Change

The Commission recommends that all masseuses working in massage parlors be legally required to obtain licenses and subsequently display licenses in the room in which they are performing massages. Localities could then revoke business and/or occupancy licenses for a mandatory minimum period before the entity can reapply. To avoid situations in which an entity merely re-organizes under a different business name and applies for a new license upon revocation, regulations could be established to making it impermissible for a massage business to occupy the impacted premises for a mandatory minimum period of time as well.

Of important note is that formal coordination between the Board of Nursing and Virginia State Police would be crucial in identifying businesses that are shuttered due to licensing violations. If

a business does have its business license revoked, the Board of Nursing must be aware to prevent the IMB from simply relocating to an adjacent county and reopening the same business.



INCREASE ENFORCEMENT THROUGH LEGAL AMENDMENTS AND ENHANCED COLLABORATION TO ENSURE SOCIAL MEDIA AND TECHNOLOGY COMPANIES ACTIVELY FIGHT HUMAN TRAFFICKING ON THEIR PLATFORMS

Improving Tools to Address Tech Companies – Legislative Change

Law enforcement and prosecutors have found tech companies to be resistant to law enforcement efforts to secure information about human trafficking efforts, identify individuals involved with trafficking, and keep law enforcement efforts confidential. *Code of Virginia* § 19.2-70.3, utilized by law enforcement to secure records of electronic communications, only authorizes nondisclosure in the case where a juvenile is alleged to be the victim. Both law enforcement and survivor members of the subcommittee could all detail incidents of cyber-bullying or cyber-stalking designed to recruit or intimidate. Disclosure by tech platforms is prohibitive in investigative strategies to identify these individuals. Therefore, the Commission recommends that the *Code of Virginia* §19.2-70.3 (D) be amended to add all of Title 18.2, Article

3. Further, *Code of Virginia* §19.2-70.3 (L) should be amended to remove the language: “that there is a reason to believe that the victim is under the age of 18 and”.

The Commission also recommends that the Commonwealth expand Internet Crimes Against Children (ICAC) task force partnerships by collaborating with respective authorities, non-profits, and other to ensure social media and technology companies actively fight human trafficking on their platforms. ICACs are a federally funded and authorized grant program under The PROTECT Our Children Act of 2008. The ICAC program is administered through the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention. There are 61 task forces across the US, two of which are in Virginia. The Northern Virginia ICAC is housed at the Virginia State Police and the Southern Virginia ICAC is housed at the Bedford County Sheriff’s Office. ICACs are required to partner with federal, state and local agencies including investigative bureaus, prosecutors, schools, other ICACs, and community stakeholders in their region to conduct both reactive and proactive investigations. They receive cyber-tips from the National Center for Missing and Exploited Children along with various other private and public entities, and conduct undercover peer-to-peer, dark web, chat, and other types of investigations into child sexual abuse, child pornography, and child trafficking. ICACs are resource (personnel, real estate, hardware, software, vehicles, etc.) challenged due to funding and agency priority constraints and are consistently overwhelmed by both reactive and proactive leads for investigation and forensics.

The Commission further recommends that Commonwealth officials formally coordinate with tech companies to mutually pursue human trafficking educational components. Training tech companies about the prevalence, signs, and indicators of human trafficking, as well as the positive impact law enforcement investigations can have, will be a major first step in fostering sustainable public-private partnerships. Survivor involvement in meetings with tech companies will be key to growing these professional relationships.

INCREASE ENFORCEMENT BY ENSURING ALL LAW ENFORCEMENT OFFICERS ARE THOROUGHLY TRAINED IN IDENTIFYING TRAFFICKING CASES AND PROTOCOLS FOR WORKING WITH VICTIMS.

Creation of a state-wide, standardized training for law enforcement is the most substantial first step in delivering increased enforcement. These trainings must have:

1. A defined plan with goals to accomplish; and,
2. An understanding of the audience – backgrounds, motivations, and experience.

Law enforcement trainings must include law enforcement officials because law enforcement will only respond when trainers understand the work being done. However, equally important in training law enforcement are survivor experiences presented by the survivors who lived them. Non-Governmental Organizations (NGO’s) can and should be part of presentations but must do so in combination with law enforcement officials and survivors collaborating on the curriculum. These trainings must be trauma-informed, survivor informed and victim-centered.

The trainings themselves must be tailored both to fit the geographic differences between the sections of the state and the experience levels of the target audience. For example, training looks different between a responding (“boots on the ground”) officer and a long-term

investigating human trafficking detective. However, each member of the law enforcement team must be able to fulfill their role in the process of interacting with the human trafficking victim and must be able to do so in a trauma-informed supportive manner. The highly trained empathetic detective will have difficulty creating traction in his/her investigation if the responding officer demonstrated a lack of empathy and patience at the point of first interaction with the victim. Likewise, an understanding of how cases and human trafficking differ in the various geographic regions of the Commonwealth will inform law enforcement's successful approaches to trafficking victims.

The desired outcome for all human trafficking cases, as outlined in the training, should be pursuant to the response of a multidisciplinary team that combines victim services, law enforcement and prosecutorial personnel to ensure the protection and support of survivors and the prosecution of traffickers. The "response team" approach, integrating partners from government and non-government entities, provides the most supportive response to balancing trauma-informed support and case development. Child Advocacy Centers (CACs) can also be a tremendous resource in the development of a "response team" and should be further explored to be a part of training.

The Commission recommends that human trafficking training schedules of approximately once every two years, in addition to academy trainings, be incorporated into ongoing training efforts. A working group should be formed to develop curriculum, plan training, and develop processes for virtual trainings to meet geographic needs. This working group must include both survivors and law enforcement.

EXECUTIVE ORDER GOAL 2: Empowering Trafficking Survivors through a Regime of Direct Funding and Partnerships

Providing equitable access to care for trafficking survivors to empower their path to freedom requires an understanding of who is being victimized, the complexity of the trauma, and effective support solutions.

Partnering with non-profits and the private sector to increase the provision of resources survivors need for mental and behavioral recovery and wellness.

Healthcare Identification Training

The Commission recommends a requirement that those who are licensed or seeking licensure through the Virginia Board of Health Professionals to complete an approved human trafficking training. Approved trainings must contain certain elements as outlined by stakeholders within the healthcare community that elevate trauma-informed, survivor-informed, and evidence-based practices, as well as reporting protocols and effective resourcing of survivors.

The Commission recommends that training describe trafficking business models including: familial trafficking, boy friending, pimp/trafficker controlled, organized crime, and labor. Training should describe vulnerable populations including racial minorities, LGBTQ, homeless, runaway and disconnected youth, underage youth, and youth experiencing neglect or abuse.

Grooming techniques that need to be highlighted include in-person interactions, online and gaming interactions, peer to peer recruitment, blackmail, isolation, and abduction.

Finally, the Commission recommends an annual virtual training on Human Trafficking for Virginia Board of Health Professions to continue their certification.

Emergency Response

The Commission recommends that the Commonwealth fund a survivor hotline that is a centralized resource for survivors to receive emergency assistance and service referrals.

Funding is also recommended for regional intake centers (separate for minor and adults-within same place) that allow survivors to enter care 24/7 and be provided with initial assessments, medical care, and initial interviews. Initial service plans would be created at these sites to ensure that the survivors had supportive services in place when they are discharged. A best practice is to assign survivors as advocates to help victims navigate service options such as housing, legal, education, medical, and mental health.

General Support Services

Another best practice is to assign a case manager who can register victims for all state or federally funded support services (regardless of income), such as Medicaid, disability assistance, Social Security income/benefits, housing subsidy. Currently, minors suspected or confirmed to be trafficking survivors are included in mandated reporting calls and assessed and managed by the Virginia Department of Social Services. Similar case management services are

needed for adult survivors. Minor victims should be assessed for special education services and be approved for accommodations under an Emotional Disability identifier to receive educational services through the school system.

Additional resources would include grants for privately run organizations to run drop-in centers to support survivors who may not be fully ready to exit their exploitation, but who are seeking support services as they explore their options.

The Commission recommends that the Virginia Department of Criminal Justice Services (DCJS) certify organizations that provide services to trafficking survivors.

Residential Program

The Commission recommends provision of capacity building grants for organizations that provide programmatic training to support the launch of new human trafficking programs that ensure that they are meeting standards of care while providing ongoing support for certified organizations providing residential care and therapeutic treatment to trafficking survivors. The Capacity expansion would include establishing and funding an approved virtual education program for minor survivors in residential treatment facilities to achieve their academic milestones.

Fostering public-private partnerships to educate, train, and empower survivors towards a career path.

The following recommendations foster public-private partnerships to educate, train, and empower survivors towards a career path. Eligibility for services can be validated by law enforcement, a government agency, non-profit, or therapist to confirm status as a trafficking survivor. Recommendations are as follow:

- **Funding for a private organization(s) to assist survivors in educational pursuits and career readiness activities to centralize resources. Responsibilities should include best practices such as:**
 - a. Dedicated educational/support person to help a survivor navigate education/career opportunities.
 - b. Provide free access to GED completion programs or full diploma programs (ex. K-12). Have public and private schools provide free virtual tutoring to trafficking survivors.
 - c. Establish partnerships with certification and training institutes that will create, host, and provide career training for trafficking survivors (e.g., Microsoft Office).
 - d. Partner to provide Career Opportunity & Personality Assessment tools that help survivors understand various career paths, skill sets/capabilities, and define a pathway to achieving that career aspiration.
 - e. Workforce readiness skilling, including to resume building, interview techniques, and etiquette.
 - f. Corporate mentorship/shadow program with pathways for hiring survivors.

Legislative Change

Provide tax incentives to educational institutions that provide scholarships to trafficking survivors and report back on the steps they have taken to:

Accommodate the needs of trafficking survivors, including extensions, counseling, asynchronous courses, online courses.

Provide human trafficking and trauma-informed training to faculty and staff.

Create eligibility criteria for a tax incentive for corporations that provide work opportunities for survivors. The eligibility criteria would include:

- Adopt a Human Trafficking Training for all employees as part of their annual compliance trainings.
- Provide on the job training for survivors through internship or entry level positions.
- Outline long-term career opportunities with the organization.

Mandate training for workforce development boards to identify suspected trafficking and resource survivors and provide employment opportunities.

Fostering public-private partnerships to assist victims in securing temporary and long-term housing options.

Recommendations outlined below are divided by adult or emancipated youth trafficking survivors and minors for *independent* temporary or long-term housing and excludes opportunities through non-profits or behavioral health systems.

Adults and Emancipated Youth:

The following recommendations are to provide temporary and long-term housing solutions to adult or emancipated youth survivors. Eligibility for housing support is predicated on a survivor adhering to a service contract. Based upon best practices and recommendations decided upon by the service provider and the trafficking survivor, the following options should be available to trafficking survivors:

- 1) **Identify viable methods to create low barrier housing options that do not rely solely on Section 8 housing through HUD.**
- 2) **State funded rental subsidies (adjusted according to need).**
 - a. Recommend to match housing subsidies with career opportunities.
 - b. Create a standard practice for rental agreements to allow non-profits to cosign lease agreements on behalf of trafficking survivors.
- 3) **Legislative Change – Provide tax incentives or establish partnerships with rental companies, real estate brokers, and property management companies who commit to the following:**

- a. Approve residential applications for trafficking victims regardless of trafficking situation and/or background check (only in relation to charges as part of the trafficking situation).
 - b. Reduce or waive the security deposits associated with rental agreements.
- 4) **Provide tax incentives to utility companies that provide discounted or flat rate costs to trafficking survivors, allowing a survivor to create a financial plan that is consistent as they get back on their feet.**
- 5) **Create and fund a case management division within VDSS for assisting adult/emancipated youth trafficking survivors with housing. Roles and responsibilities should include:**
- a. Case managers must have regular touchpoints with the survivor.
 - b. Case manager and survivor must develop a housing and financial plan with corresponding activities for long-term success of housing placement.
 - c. This division should work closely with the private organizations to provide career opportunities to survivors to achieve economic independence and long-term stability.

Minors:

The Commission recommends provision of access to housing opportunities that are survivor and trauma-informed for all minor victims of trafficking, regardless of whether the minor is a ward of the state. Minor victims of trafficking are currently provided housing in independent living programs, residential therapeutic safe house programs, group homes, foster care, behavioral health institutions, or at their primary residence. We recommend the following housing options for minor victims of trafficking:

Fund the increased capacity of safe, therapeutic, well-resourced, and certified environments to help survivors overcome the trauma they have endured.

- Require human trafficking training, trauma-informed training, and continuing education around interpersonal and complex trauma for anyone housing trafficking survivors.
- If the child can maintain a relationship with their family, family should be included in the above trainings.

Review and expand Virginia’s current DFS/DSS Protocol for placement and housing of minor trafficking survivors:

- Mandate a trauma-informed assessment and human trafficking screening for youth and families within DFS/DSS:
 - Develop a protocol for suspicion of familial trafficking and ongoing engagement with the family.
 - Create a triage component where trafficking survivor cases are triaged for a defined period to ensure youth and family are connected to resources and services.
 - Assign a dedicated case worker in each local social service department to respond to trafficking allegations comprehensively.

- DSS should revamp the current training and protocols in place for each department: family preservation, foster care, hotline, adult/aging.
 - Create human trafficking-specific therapeutic foster care pathways: including structured training for foster parents to create more short-term and long-term housing options.

- Improve protocols for oversight of housing locations and complaints:
 - Office of the Children’s Ombudsman should assess the reason that local social services offices are not properly reporting alleged human trafficking cases to the Virginia Department of Social Services.
 - Routine audit for independent living situations if the survivor is receiving state assistance or a program must be certified by the state.

EXECUTIVE ORDER GOAL 3: Enhance Education and Training of Law Enforcement and First Observers

Every day, people are unknowingly the “first observers” of a trafficking victim. By increasing awareness of the signs of potential trafficking and appropriate ways to intervene, including for teachers, school officials and students, the likelihood of victim rescue and perpetrator accountability is dramatically increased. As trafficking numbers continue to increase in the Commonwealth, the average age at which a child is trafficked is between 12 and 15 years old. It is estimated that human trafficking is the 2nd Largest Criminal Enterprise Worldwide.

Communities and schools being easy access points for traffickers to interact with and groom unsuspecting adolescents. Of the 22,326 trafficking victims and survivors identified through contacts with the National Human Trafficking Hotline in 2019, at least 5,359 were under age 18. Many underage victims of human trafficking are students in the local school system. The Commonwealth must protect its younger citizens by mandating prevention curricula in all schools while highlighting how each demographical area is unique and specific to trafficking. Teachers and school officials play a vital role in the fight against trafficking.

Requiring Schools to Provide Online Safety Training and Education

As the need for technology both inside and outside the classroom increases, so must our commitment to protect children from online predators. Students across the Commonwealth are provided personal computers to enhance their educational experience and prepare them for careers of the future. Many parents provide their children with mobile phones to maintain communication and ensure the safety of their children. Widespread access to computers, phones and other digital technology is a necessity in the 21st Century. While access to this technology allows students to reach their full potential and prepares them for life in the modern world, we must take the necessary steps to protect their online identity and ensure their safety as they navigate the web.

The National Center for Missing and Exploited Children (NCMEC) developed a national Cyber Tipline focused on how the online cyber network exploits children. Of the total reported offenders, 98% were individuals seemingly unknown to the children in real life, while only 2% were likely known. Of the 5,917 offenders named in the reports, the majority were male at 82% while only 9% were female. (For 9% of offenders, gender could not be determined). While an overall offender age range and average age could not be calculated, some reported offenders were as young as early teens and others as old as late adulthood and even into their late seventies.

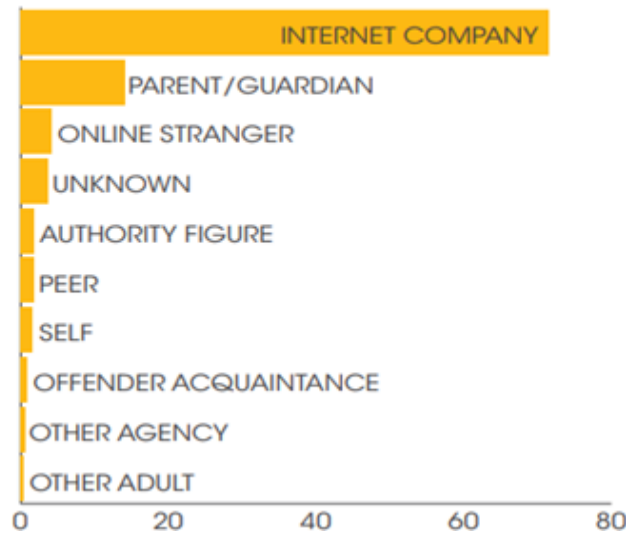
The goals of offenders include (for 3% of offenders, more than one goal was indicated) most commonly, the desire for sexually explicit images of children (60%); to meet and have sexual contact with children (32%); to engage in sexual conversation/role-play with children online (8%); and to acquire some type of financial goal (2%).³⁷ In addition, there were other, less

³⁷ Ibid. p2.

common and/or more difficult goals to determine, including trying to use children for sex trafficking purposes, whether in person or online; wanting revenge on children by distributing their content to others; having some form of exhibitionist goals; and for children to offend upon other children. Internet companies were the most frequent reporter of online enticement to the Cyber Tipline (71%), followed distantly by parents/guardians (14%) and members of the general public unknown to the child victim (4%). The child victims only reported to the Cyber Tipline on their own behalf in ~2% of reports.³⁸

National Center for Missing & Exploited Children:³⁹

Reporters to the CyberTipline



³⁸ "National Human Trafficking Hotline An Office of the Administration for Children & Families." *U.S. Department of Health & Human Services*, 2019, <https://www.acf.hhs.gov/otip/victim-assistance/national-human-trafficking-hotline>.

³⁹ Virginia | National Human Trafficking Hotline; <https://humantraffickinghotline.org/state/virginia>.

The Following Sections Offer Best Practices for Implementation Detail Recommendations from the Commission

Ensure Human Trafficking Training for All Staff and Students in Public Schools

- Mandate a human trafficking training program and curriculum for all teachers and school officials within one year. Appropriate enforcement could include withholding school funding can be withheld or reduced for non-compliance.
- All teachers seeking licensure within Virginia or renewing their state license should undergo an annual human trafficking training program to include a trauma-informed explanation of human trafficking and how to recognize, understand and report it.
- Mandate a no-opt-out policy for school superintendents. (Parents should have the opportunity to opt their child out of the human trafficking prevention curriculum.)
- Require all school resource officers, counselors, and support staff to complete annual training on how to recognize and report human trafficking cases. All training will include a trauma-informed and best practices approach curriculum.
- Ensure appropriate healthy relationship awareness and communication criteria starting in the first grade and presented on a continuum.
- Develop district and school-wide policies for identifying a suspected victim and the appropriate ways to interact and report to authorities.
- If a student is identified as a possible victim, they will only interact with trauma-informed staff and will initiate a triage of safety protocols and procedures to ensure victims' safety.
- Establishment of a state-wide parent portal for education, training, and support services.

Outreach and Communications

- Create and fund a Human Trafficking Awareness Campaign, including billboards, TV commercials, and posters in public areas, in addition to partnering with local television stations that will advertise the awareness campaign.
- Partner with online platforms to raise safety awareness.
- Parent and student awareness campaign to provide greater insight into the laws regarding sexting and pornography to students and parents.
- Create online platforms, or private technology companies create can create a virtual game.
- Investigate alternative ways to teach/reach students via Artificial Intelligence and virtual reality technologies.
- Create an online safety for parents training portal for parents to participate in safety training annually.

Funding

- Establish State funding with an annual budget for all schools to obtain human trafficking prevention curriculum training and education.
- Provides tax incentives to all companies willing to develop and implement technology in the school system.

Organizational Structure

- Develop a help/tipline for students, teachers, and community members who seek additional information regarding human trafficking or need to report suspicious activity or possible trafficking cases. Some may want to do so anonymously.

Implement / Distribute Training

- The human trafficking curriculum could be taught as a separate program and not in the FLE classroom.
- Rely upon the experience of survivors to develop a comprehensive plan to identify and interdict a suspected victim of human trafficking. Best practices and trauma-informed methods will be used.
- Each school should have a trafficking response team comprised of the school social worker, SRO, school nurse, and principal, who will coordinate with the county level multi-disciplinary team.
- Before any interaction with the victim, the school response team will formulate a well-educated plan before interacting with the victim to limit any additional trauma.
- Trauma-informed caseworkers should alert the parents (not if familial trafficking) and ensure the child has a safe environment. Recommend using those with life experience to inform and teach the curriculum, and peer-to-peer interaction and engagement are strongly encouraged.
- Work with online platforms to create an App to educate students and parents about techniques used by the traffickers.

Audit the effectiveness of the training program

- Review and revise all training modules for teachers and staff every two years as new trafficking data emerges.
- Audit and review to ensure all schools comply with the mandate to report human trafficking cases. If a school is found to be non-compliant; the penalty is running the risk of losing State funding for the following school year.
- Gather and track statistical data from each school system to ensure the curriculum is an effective training method.

Other considerations

- Work with cell carriers to prevent the sharing or blocking of underage/inappropriate images.
- Enforce a greater penalty in schools and the community concerning underage sexting and sending inappropriate (pornographic) images between underage minors.
- Report trafficking data at regular intervals to the established *Virginia's Analytics System for Trafficking (VAST)* which is maintained by the Virginia Department of Criminal Justice Services (DCJS).

National Trafficking Hotline

Expanding awareness of the National Trafficking Hotline and other resources for victims to report and receive assistance to escape trafficking.

The National Human Trafficking Hotline has been a staple in the trafficking community since 2007. In that time frame the hotline has answered more than 368,000 calls, including more than 27,000 from potential victims, and identified more than 47,000 cases of human trafficking across the United States.⁴⁰ With a significant decrease in cases between 2019 and 2020. In 2019,⁴¹ Virginia reported 189 human trafficking cases, dropping to 119 in 2020. There are some discrepancies within the data listed above in section (A).⁴² The National Human Trafficking Hotline is recommended to process verifying all data.

Recommendations:

- Establish a hotline through a State-funded entity to work directly with the Taskforce and statewide service providers.
- Conduct an independent review to determine the effectiveness of the National Human Trafficking Hotline to ascertain if another organization is better suited for the position.
- Audit and review standards of practice of the National Trafficking Hotline and submit for review by the Commission members and State officials.

⁴⁰ Human Trafficking in America's Schools (PDF) (ed.gov); <https://www2.ed.gov/documents/human-trafficking/human-trafficking-americas-schools.pdf>

⁴¹ <https://humantraffickinghotline.org/state/virginia>

⁴² <https://humantraffickinghotline.org/state/virginia>