

**The Report of the
Washington State Work Group
On Human Trafficking**

December 2005

State of Washington

**Department of Community, Trade
and Economic Development**

Office of Crime Victims Advocacy

**Human Trafficking Work Group Report
December 2005**

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Executive Summary

An obscure yet widespread form of slavery persists in our modern world. Known as human trafficking, this deep-rooted phenomenon involves the criminal transportation of people as commodities within or across borders to perform forced labor. Trafficking victims may be forced to work in the sex industry, to labor in sweatshops, to perform domestic labor, or to do agricultural work, for example, without their consent and without adequate compensation.

Trafficking in human beings has reached epidemic proportions. No country is immune, including the United States. The U.S. is strongly committed to the fight against the terrible, and regrettably widespread, form of modern-day slavery called trafficking in persons, both internationally and domestically. Domestic efforts at punishing traffickers and providing services to their victims are working, but reinforcement and resolve at the state level are necessary.

Washington State continues to lead the country in statewide efforts to address human trafficking. In 2002 it was the first state to pass trafficking legislation and establish an anti-trafficking state task force. In 2003 Washington was the first to enact legislation to criminalize trafficking. Moreover, earlier this year, Washington again led other states by passing legislation aimed at improving the services available for trafficking victims.

The legislation requires the Department of Community, Trade, and Economic Development to convene and chair a work group to develop written protocols for delivery of services to trafficking victims. It requires the trafficking work group to report these protocols to the Legislature and Governor on January 1, 2006, and this report provides those required protocols for the named agencies.

Additionally, in the course of developing these protocols, the appointed work group observed a number of issues that require further attention, discussion, or action. These observations are included because, while Washington has led the pack in the fight against human trafficking to date, there is still much work to be done.

Enacting the ensuing recommendations will ensure Washington continues to lead other states, not just in legislative successes, but also in achieving real results that make a difference in the lives of individuals who have suffered. We respectfully submit these recommendations as a part of this report to the Legislature and the Governor.

- A. Reestablish an Ongoing Human Trafficking Task Force
- B. Fund the Development and Implementation of a Public Awareness and Training Plan
- C. Fund Direct Services for Pre-Certified Victims of Trafficking
- D. Amend the Address Confidentiality Program to Include Victims of Human Trafficking

Enacting these recommendations and funding them sufficiently is necessary to enable further progress in this worthwhile and essential fight against trafficking in humans.

I. Introduction: Framing The Issue Of Trafficking In Worldwide, National, And Statewide Terms

The Worldwide Scope of Trafficking

An obscure yet widespread form of slavery persists in our modern world. Known as human trafficking, this deep-rooted phenomenon involves the criminal transportation of people as commodities within or across borders to perform forced labor. Trafficking victims may be forced to work in the sex industry, to labor in sweatshops, to perform domestic labor, or to do agricultural work, for example, without their consent and without adequate compensation. Traffickers can lure victims with promises of money, education, or opportunity in an unfamiliar land, and then capitalize on the victim's vulnerabilities once isolated.

"Trafficking in human beings has reached epidemic proportions. No country is immune."¹ "A wide range of estimates exists on the scope and magnitude of modern-day slavery. The International Labor Organization (ILO)—the United Nations (UN) agency charged with addressing labor standards, employment, and social protection issue—estimates that there are 12.3 million people enslaved in forced labor, bonded labor, forced child labor, sexual servitude, and involuntary servitude at any given time. The nationalities of these people are as diverse as the world's cultures."²

In 2000, the member states of the United Nations took an important step forward in coordinating an international response to trafficking by adopting the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This protocol defined trafficking, sought to protect and assist trafficking victims, offered tools for law enforcement and border control, and established prevention policies in a worldwide arena.

Fortunately, "nations are increasingly working together to close trafficking routes, prosecute and convict traffickers, and protect and reintegrate trafficking victims," according to the 2005 Trafficking in Persons Report published by the United States Department of State.³

"Because the United States is a destination country for trafficked people, U.S. government activities abroad are of particular importance in the prevention of human trafficking," the Assessment of U.S. Government Activities to Combat Trafficking in Persons, September 2005 affirms. "Through the DOS [Department of State], DOL [Department of Labor], and USAID [United States Agency for International Development], the U.S. government gives a substantial amount of international assistance

¹ United Nations Office on Drugs and Crime. Fact Sheet on Human Trafficking. http://www.unodc.org/unodc/en/trafficking_victim_consent.html

² U.S. Department of State, Office to Monitor and Combat Trafficking. *Trafficking in Persons Report*. June 3, 2005. 3. <http://www.state.gov/g/tip/rls/tiprpt/2005/46606.htm>

³ *Ibid.* 5.

aimed at preventing trafficking in persons, protecting victims, and prosecuting traffickers abroad. In Fiscal Year 2004, the U.S. government supported 251 international anti-trafficking programs, totaling approximately \$82 million and benefiting 86 countries.”⁴

In addition to providing substantial international assistance to address trafficking abroad, the U.S. government takes trafficking seriously at home.

The National Scope of Trafficking

“The United States is strongly committed to the fight against the terrible, and regrettably widespread, form of modern-day slavery called trafficking in persons, both internationally and domestically.”⁵ In 2004, the Department of Justice (DOJ) and the U.S. Attorneys’ Offices across the country filed 29 human trafficking cases—more than twice as many as in 2003—against a total of 59 traffickers and obtained convictions against 43 traffickers. The Department of Health and Human Services (HHS) issued 163 certification and eligibility letters to victims. The Department of Homeland Security (DHS) issued 136 T visas to victims and granted 484 continued presence requests.⁶

The fight against human trafficking is gaining ground and momentum; nonetheless, domestic efforts must continue to grow if we will win this uphill battle. The government must “address the incongruity between the estimated number of victims trafficked into the United States—between 14,500 and 17,500—and the number of victims found—only 611 in the last four years.”⁷

The centerpiece of U.S. government domestic efforts is the Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. 106-386 and the amended Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA). These statutes uphold the constitutional rights extended in the 13th Amendment in 1865, which promise that neither slavery nor involuntary servitude will exist within the United States.

The TVPA defines a ‘severe form of trafficking in persons’ as: (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person who is induced to perform such act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or service, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”⁸

Once an individual is formally certified as a trafficking victim in the United States, the federal government provides services similar to those received by refugees. “The Office

⁴ *Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2004*. September 2005. 19. <http://www.usdoj.gov/ag/annualreports/tr2005/assessmentofustipactivities.pdf>

⁵ *Ibid.* 1.

⁶ *Ibid.* 3.

⁷ *Ibid.* 4.

⁸ *Ibid.* 5.

of Refugee Resettlement (ORR) in the Administration for Children and Families within HHS [Health and Human Services] issues certification letters to adults, and eligibility letters to minors, who are determined to be victims of a ‘severe form of trafficking in persons.’ To meet statutory certification requirements, a victim must (1) be willing to assist with the investigation and prosecution, or (2) make a bona fide application for a T-visa, or (3) be a person whose continued presence in the U.S. is necessary for investigation and prosecution of traffickers. Victims under 18 years of age do not need to meet the statutory requirements for certification; they are provided letters of eligibility.⁹

“The victims can present the certification letters to social services agencies as proof that they are eligible for federally funded or administered programs to the same extent as refugees.”¹⁰ “In fiscal Year 2004, ORR issued 163 letters on behalf of victims, of which 144 were certification letters to adults and 19 were eligibility letters to minors.”¹¹ These contribute to the total of 611 letters issued during the first four fiscal years in which the program has operated.

Unfortunately, during the interim period prior to receiving formal certification, victims are ineligible for federal services, except as generally extended to victims of federal crimes by the United States Attorneys’ offices and federal law enforcement agencies. This presents a challenge in providing them with the extensive services they require. To fill this gap, the Office of Victims of Crime (OVC) within the Department of Justice provides grants to non-governmental organizations that offer comprehensive or specialized services to trafficking victims.

“The period between being rescued and receiving certification is the time when victims are most vulnerable and typically have a host of needs that includes housing, clothing, and food; medical, dental, and psychological care; legal assistance and immigration advocacy; and interpretation services; but few organizations or communities have the resources to provide or fund these services. The OVC grant program helps communities fill this critical service gap and, in the process, supports victims’ abilities to cooperate with law enforcement.”¹²

Domestic efforts at punishing traffickers and providing services to their victims are working, but reinforcement and resolve at the state level are necessary to fortify effectiveness in this fight against human trafficking.

The Statewide Scope of Trafficking

Washington State continues to lead the country in statewide efforts to address human trafficking. It was the first state to pass trafficking legislation in 2002, establishing the first anti-trafficking state task force in the United States. In 2003, Washington again led other states by enacting legislation to criminalize trafficking. The Washington State Task

⁹ *Ibid.* 5.

¹⁰ *Ibid.* 5.

¹¹ *Ibid.* 5.

¹² *Ibid.* 8.

Force Against Trafficking in Persons published two reports, in November 2002 and June 2004.¹³ In 2004, federal, state, and local law enforcement and non-government agencies joined efforts to form the Washington State Advisory Committee on Trafficking, which has developed partnerships to broaden awareness on victim identification and services and contribute to increased investigations and prosecutions.

Moreover, earlier this year “Washington became the first state in the nation to move beyond enacting criminalizing legislation by passing legislation aimed at improving the services available for human trafficking victims.”¹⁴ This legislation, SB5127, requires the Department of Community, Trade, and Economic Development (CTED) to convene and chair a work group to develop written protocols for delivery of services to trafficking victims that will:

- Apply to CTED, the Department of Health, the Department of Social and Health Services, the Attorney General’s office, the Department of Employment Security, the Department of Labor and Industries, and the Washington State Patrol.
- Provide policies and procedures for interagency coordinated operations and cooperation with government agencies and non-governmental organizations, agencies, and jurisdictions, including law enforcement agencies and prosecuting attorneys.
- Include the establishment of an electronic database of agencies that provide services to victims of human trafficking.
- Provide guidelines for providing for the social service needs of victims, including housing, health care, and employment.

The new law requires the trafficking work group to report these protocols to the Legislature and Governor on January 1, 2006;¹⁵ hence, the impetus for this report.

II. Agency Trafficking Protocols, Guided by Service Requirements and Agency Requirements

To ensure interagency consistency and comprehensiveness in trafficking protocols, the work group developed a series of guiding principles. These principles fell into two categories: service requirements and agency requirements.

Service Requirements

Services delivered to trafficking victims will embrace the following set of principles:

¹³State of Washington Department of Community, Trade, and Economic Development, Office of Crime Victims Advocacy. *Washington State Task Force Report on Trafficking in Persons*. November 2002. State of Washington Department of Community, Trade, and Economic Development, Office of Crime Victims Advocacy. *The Report of the Washington State Task Force Against Trafficking of Persons: Human Trafficking: Present Day Slavery*. June 2004.

¹⁴ International Rescue Committee. *Trafficking Watch*. Issue No. 8, Summer 2005. 12.

¹⁵ Chapter 7.68 RCW

- **Services are client-centered.** Services are responsive to the needs of the individual victim, within statutory eligibility requirements. Precise service types, duration, intensity, and sequence are based on the specific needs of the victim.
- **Services are culturally competent.** Services are delivered in the context of the victim's culture, identifying and using linguistically appropriate resources and providing interpretation/translation as needed. Service providers remain aware of differences in cultural values and beliefs. Service providers maintain responsibility to train staff to expect cultural differences, which may include victimization and immigration issues, socioeconomic, and political factors.
- **Services are available to all eligible victims.** Non-discriminatory services are tailored to meet the victim's need. Because trafficking takes so many forms, victims may present in a variety of contexts; therefore, service delivery is extended indiscriminately.

Agency Requirements

Agencies providing services to victims of trafficking will meet these standards:

- **Confidentiality is paramount.** Confidentiality of victim-identifying information is protected by federal regulation, state statute, and/or program policy. Exceptions occur only in cases of mandatory reporting laws, which require notification to the victim/client of mandatory reporting obligations. Staff are trained in client confidentiality and client/staff safety concerns.
- **Staff is trained in trafficking identification and service provision.** Staff that provides direct services to victims is required to attend training on trafficking identification and service provisions available to trafficking victims. This includes staff that may be likely to encounter trafficking victims and contractors with service eligibility for trafficking victims.
- **Services are delivered proactively.** Identification as a trafficking victim increases the services available to those victims. Victims of trafficking are eligible for a wide variety of services, such as legal, immigration, and benefits services, that may not be available to other crime victims. Therefore, timely referrals to other accessible services are vital to ensuring trafficking victims receive all necessary and available services.
- **Communication is coordinated.** Proactive service delivery requires coordinated communication among and within service providers. In addition to other efforts to coordinate communication, this includes sharing trafficking protocols between agencies, incorporating protocols into existing agency manuals, and persistent monitoring and updating of the electronic database.

These guiding principles, service and agency requirements, serve as the foundation upon which participating agencies prepared their individual trafficking protocols. These agency-specific protocols follow:

CTED, OFFICE OF CRIME VICTIMS ADVOCACY

Service Requirements

OCVA is both a direct service provider and an administrator of state and federally funded service delivery programs for victims of crime. Direct services are available to victims of any crime category. While there is no state program specifically aimed at victims of trafficking, such victims are eligible under some federal programs. Adult women, for instance, could be eligible under the Violence Against Women Act, for experiences that included sexual assault, domestic violence, or stalking. Any victim of trafficking could be an eligible service recipient through the Victims of Crime Act. Both of these federally funded programs are contracted to community agencies throughout Washington.

The services by or contracted through OCVA are client-centered in that they are to be responsive to the needs of the victim, within eligibility requirements. The specific service type, duration, intensity, and sequence are based on the needs of the victim.

Services provided directly by OCVA are delivered, to the extent possible, in the context of the victim's culture, being respectful and mindful of cultural values and beliefs. OCVA identifies and uses linguistically appropriate resources and provides interpretation/translation as needed. OCVA also supports contractors' use of funds for interpretation/translation costs. Some programs for which victims of trafficking could be eligible also include specific standards of practice or requirements that staff and services be provided in a culturally competent manner. OCVA recognizes the responsibility to train staff and set expectations of cultural competency, to include victimization and immigration issues, socioeconomic and political factors. OCVA is also committed to increasing the awareness, knowledge, and skill of service providers under contract through OCVA programs.

OCVA recognizes that victims of trafficking are as diverse as the human experience. Any person who has been trafficked is eligible for services, within program requirements. Trafficking takes many forms, such as domestic work, sex industry, farm labor, sweat shops, etc., and no particular context will be considered inappropriate or ineligible for service.

Agency Requirements

Confidentiality of victim-identifying information is protected by federal regulation, state statute, and/or program policy. Only in cases of mandatory reporting laws is there an exception. For services directly from OCVA, the victim is informed of the obligations of mandatory reporting. OCVA staff are trained in client confidentiality and client/staff safety concerns. For services delivered through contracts with community agencies, client confidentiality requirements are part of the federal program guidelines and/or specific program standards.

OCVA staff who provide direct services are skilled professionals who are trained both before and during their employment with OCVA. OCVA staff is encouraged to obtain additional training to assure the highest quality of service delivery. Training topics include human trafficking and services for victims. New direct service staff will receive at least 4 hours of training on human trafficking, to include identification of victims. Contractors having service eligibility for victims of human trafficking must meet a variety of training requirements. OCVA will encourage and provide opportunities for training on human trafficking and appropriate services.

OCVA acknowledges the important of identification and awareness as critical to increasing services available to victims. Victim of trafficking may be eligible for a wide variety of services, most of which are provided by other entities and agencies. In addition, trafficking victims have some specific additional/enhanced state and/or federal services available to them that are not available to other crime victims. When assessing victim needs and services, OCVA staff is aware and attentive to the variety of resources that could be available. OCVA staff is trained to be aware of and to actively refer individuals to appropriate services. OCVA recognizes the important of this in relationship to victims of trafficking.

It is incumbent on every state agency to communicate and coordinate service delivery for victims of crime, including trafficking. OCVA acknowledges and remains committed to such coordination and communication. Through the distribution of the Human Trafficking Work Group Report, these protocols will be shared with a variety of state and local agencies. OCVA is committed to incorporating these protocols into the policies, manuals, contracts, and other documents as appropriate.

The authorizing legislation also calls for the development of an electronic database that would include resources for assistance for victims of trafficking. OCVA currently maintains an electronic database on its web page, named the Guide to Services for Victims of Crime, that includes national, state, and county lists of crime victim service agencies. Each entry includes contact information, the types of clients served, crime types, some insurance information, services provided, and service area. County entries include law enforcement based victim assistance units, prosecutors, prosecutor-based victim/witness assistance units, community sexual assault programs, domestic violence shelters and programs, and other such agencies. Since this database has already been established and is available via the OCVA web page, the work group decided to expand this database to include additional resources specific to victims of human trafficking. The work group determined additional categories of service, and OCVA staff are beginning the process of adding additional resources to the database. OCVA is committed to the expansion of the current victim services directory database and will make a conscientious effort to maintain the accuracy of information.

DEPARTMENT OF HEALTH

The Department of Health (DOH) recognizes that human trafficking or present day slavery constitutes a public health problem. Victims of trafficking pay a horrible price. Physical and psychological harm, including disease, stunted growth and separation from home and family affects the health of individuals and communities. DOH contracts with local health jurisdictions for a variety of services and as such can be a leader in increasing awareness about human trafficking.

Service Requirements

DOH does not provide direct services to victims of trafficking. Contracts with local health jurisdictions and health care providers may pay in whole or part:

- Food through the Women, Infants, and Children Nutrition Program (WIC)
- Immunizations
- Treatment for sexually transmitted diseases
- Treatment for HIV/AIDS
- Family planning and reproductive health services
- Treatment for tuberculosis
- Treatment for breast and cervical cancer
- Services for children with special health care needs.

DOH regulatory programs inspecting migrant farmworker housing sites may encounter trafficking victims. These programs include the Migrant Farmworker Housing Program, Transient Accommodations (hotels and motels), the Tuberculosis Control Program, the Office of Drinking Water, and the Office of Pesticide Surveillance.

Services provided to eligible victims through DOH contracts are responsive to client needs and input.

Services provided to eligible victims through DOH contracts are delivered in the context of the victim's culture with attention to cultural values and beliefs.

Services provided to eligible victims through DOH contracts are non-discriminatory.

Agency Requirements

Victim identification information is protected by federal and state regulations as well as program policies.

DOH staff is trained about how to identify a probable trafficking situation and who to contact if they believe an individual is a trafficking victim. Training also includes an orientation to referral sources and how to make those connections.

DOH will implement the following communication efforts:

- DOH will share its protocol about human trafficking with other agencies.

- DOH will incorporate its protocol regarding human trafficking into the agency policy manual.
- DOH will include Human Trafficking on its website topic list. This reference will refer to the CTED OCVA Trafficking Website.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Within DSHS we provide a wide range of services to families and children who may be impacted by human trafficking. DSHS is committed to improving our response to helping trafficking victims by ensuring a coordinated system that recognizes victim needs, by establishing protocols for training service agencies, identifying upfront appropriate services and strategies to deliver them timely, and to improve investigation and prosecution of trafficking crimes.

This document is in response to Senate Bill 5127 Human Trafficking legislation that asks state agencies to coordinate their approach with local level community-based agencies and law enforcement by establishing protocols, coordination, and a shared database of service and information.

Service Requirements

Federal Services to Trafficking Victims

The centerpiece of U.S. government domestic efforts is the Trafficking Victims Protection Act of 2000, Pub. L. 106-386 and the amended Trafficking Victims Protection Reauthorization Act of 2003. These statutes uphold the constitutional rights extended in the 13th Amendment in 1865, which promise that neither slavery nor involuntary servitude will exist within the United States.

The TVPA defines a ‘severe form of trafficking in persons’ as: (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person who is induced to perform such act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or service, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

Once an individual is formally certified as a trafficking victim in the United States, the federal government provides services similar to those received by refugees. The Office of Refugee Resettlement (ORR) in the Administration for Children and Families within HHS [Health and Human Services] issues certification letters to adults, and eligibility letters to minors, who are determined to be victims of a ‘severe form of trafficking in persons.’ To meet statutory certification requirements, a victim must (1) be willing to assist with the investigation and prosecution, or (2) make a bona fide application for a T-visa, or (3) be a person whose continued presence in the U.S. is necessary for

investigation and prosecution of traffickers. Victims under 18 years of age do not need to meet the statutory requirements for certification; they are provided letters of eligibility.

Within DSHS this means that certified trafficking victims, as described above, are eligible for Refugee Cash/Medical Assistance and social services such as ESL and employment placement as provided by DSHS's Refugee and Immigrant Assistant Program (RIA). Trafficking minors who receive an eligibility letter are eligible for DSHS Unaccompanied Minor Program as administered by RIA.

Key Points of Contact

Office of the Assistant Secretary for Economic Services Administration's Refugee Program

Within DSHS in the Office of the Assistant Secretary for Economic Services is the Refugee and Immigrant Program (RIA) that administers and coordinates services to Refugees and Immigrants. RIA also has the responsibility to coordinate and keep current on federal programs for Trafficking victims.

Children's Services

The Children's Administration will take the lead for providing services or referrals for trafficking victims identified in DSHS programs. Importantly, one-third to one-half of trafficking victims are minors. The Children's Administration will coordinate within the Department with RIA, JRA, and other administrations impacted by trafficking victims—this coordination shall include interagency protocols, training for trafficking awareness, and provision of services.

CTED's Office of Crime Victims Advocacy (OCVA)

OCVA has been designated to play a key role in coordinating protocols, working with public, private, and law enforcement, and expanding its database that will share federal, state, and local programs as well as other information regarding trafficking both locally and nationally. This database will include services provided in the community by non-profits, state agencies, and local law enforcement.

Agency Requirements

All services provided by DSHS shall be client-centered and culturally competent to meet the needs of the victim within statutory eligibility requirements.

Confidentiality of victim-identifying information is protected by federal regulation, state statute, and /or program policy. DSHS shall look at all applicable rules and regulations as we work with trafficking victims.

Staff training in trafficking identification and service provision is seen as essential. A plan will be developed within the department across administrations to ensure staff and management understands the issue and are trained to respond. Given the size of DSHS,

this training may take place in various forms, such as web-based, staff trainings, and management training.

DSHS shall take a proactive approach to identifying victims and determining which federal, state, or local program they are eligible for in-house and through referral.

Inter-agency communication and coordination is seen as an on-going effort and DSHS will continue to work with its partner agencies, the Office of Crime Victims Advocacy, community-based agencies, and law enforcement to improve information sharing, delivery of services, and inter/intra agency protocols.

Within DSHS the Children's Administration and the Economic Services Administration are most impacted by trafficking victims; however, DSHS will work across administrations to ensure trafficking awareness is ensured at both the line staff level and by management and that services to trafficking victims are well coordinated within and outside the department.

ATTORNEY GENERAL'S OFFICE

The Attorney General's Office (AGO) recognizes that human trafficking of adults and children is an increasingly significant problem in our nation and our state and, as a modern-day form of slavery, is one of the greatest threats to human dignity. Washington State is, and intends to continue to be, a national leader in the fight against human trafficking. That fight takes the form of (1) identifying and rescuing victims of human trafficking, (2) assisting them in accessing immediate and long term services needed to repatriate or to adjust to life in this state, and (3) prosecuting traffickers.

AGO recognizes that a wide range of services is available to victims of human trafficking from federal and state agencies, as well as from private organizations.

By its handling of thousands of cases involving vulnerable children and adults, the AGO is in a unique position to assist its client agencies in identifying and meeting the needs of human trafficking victims.

Services

AGO does not provide direct services to victims of trafficking. Instead, it advises and represents state agencies and elected officials who may offer those services. In this role, AGO will provide the following:

- **Advice**

AGO will make efforts to inform its client agencies of the need to educate employees about the problem of human trafficking. AGO will assist agencies in understanding their legal responsibilities to victims of human trafficking. AGO will provide systemic and case-specific advice on the range, nature and delivery of federal, state and private services that may be available to agency clients who

are victims of human trafficking. In advising client agencies on issues relating to confidentiality, disclosure or mandatory reporting, AGO will discuss and provide options available under the law that protect the safety of victims and possible victims of human trafficking.

- **Training**

AGO will offer training to Assistant Attorneys General who represent the relevant state agencies to enable them to appropriately advise those agencies regarding the identification and rights of human trafficking victims and regarding services that may be available to these victims. AGO will assist in offering training to employees of client agencies to help them better understand the law and the legal implications that arise when working with victims of human trafficking.

- **Prosecutorial Functions**

At the request of a prosecuting attorney, AGO will provide assistance or consultation in cases criminally charging an individual with human trafficking.

- **Interagency coordination and communication**

AGO will assist in facilitating communication and coordination of service delivery for victims of human trafficking by advising client agencies and officers as to form and legality of agreements between agencies, as well as the advisability of including specific provisions.

AGO will continue to participate in the statewide workgroup established by SB 5127, or its successor organization.

EMPLOYMENT SECURITY DEPARTMENT

Service Requirements

Employment Security will provide Unemployment Insurance and WorkSource services to trafficking victims in accordance with state and federal statutory requirements.

The services offered by Employment Security are client-centered in that they are as responsive to the needs of the victim as possible within state and federal statutory requirements.

Services offered by Employment Security are delivered in a culturally sensitive manner. Employment Security will identify and use linguistically appropriate resources, when available, and provide interpretation and translation as needed. Employment Security will also coordinate and make appropriate staff available for training or other technical assistance provided by experts in human trafficking victim issues. Training will focus on cultural competency, including respect for cultural values and beliefs, and victimization issues.

Non-discriminatory services are provided to all customers, including victims of trafficking.

Agency Requirements

Individual confidentiality is currently protected from public disclosure by federal and state statutes. For Unemployment Insurance (UI) claims and benefits, federal and state statutes provide for disclosure of an individual's name and address to an individual's employer, as well as information about the individual's UI claim for the purposes of verifying separation and an employer's right to appeal and request relief from benefit charges. Employment Security recognizes, however, that in cases of human trafficking, the employer may be the victimizer and may use that information for the purposes of ill-intent. As such, Employment Security staff will notify the client-victim as to the agency's obligation for employer notification before processing a claim.

Individuals seeking employment and training services through WorkSource have the option of requesting that their information not be shared with partner programs. Information is provided to an employer during the job referral process only if the customer agrees. Employers do not otherwise have access to customer information. Note: If a job-seeking customer uses the on-line resume and job matching system, Go2WorkSource.com, it is possible that employers would have access to that information unless identifying information is suppressed, which would need to be "flagged" in the system.

Employment Security staff will coordinate and make appropriate staff available for training or other technical assistance on two other topics:

- Identifying trafficking victims and whom to contact if they believe a client is a trafficking victim
- Orientation to referral resources (trafficking victims are eligible for a wide range of services, including some available only to victims of trafficking).

Employment Security will coordinate service delivery for victims of trafficking by implementing the following communication efforts:

- Employment Security will share its policy regarding victims of human trafficking with other agencies and will maintain information on other state agency policies.
- Employment Security will incorporate its policy regarding victims of human trafficking into the agency policy manual.
- Employment Security will periodically check its information on the human trafficking website maintained by the Office of Crime Victim Advocacy and update that information as necessary.

DEPARTMENT OF LABOR AND INDUSTRIES

Trafficking can take place in a variety of labor situations such as factory and sweatshops, restaurants, migrant agricultural work, etc. The Department of Labor and Industries will work along side other agencies and community based groups to ensure that eligible victims receive necessary service.

Labor and Industries administers the Crime Victim Compensation (CVC) program. This is a statewide program. Benefits may only be provided if a criminal act results in the physical or emotional injury of a victim that requires medical or mental health treatment. To qualify for benefit the applicant must meet certain statutory requirements, i.e. the applicant must notify law enforcement of the crime within one year, complete a program application, the criminal act must be either a gross misdemeanor or a felony, and the victim was not in the commission of a felony at the time of the injury.

Service Requirements

CVC does not provide direct services to victims; however, assistance to victims includes payment for the treatment of physical injury and mental health trauma, wage loss, awards for partial disabilities, burial, and for emergency sexual assault forensic exams.

The services paid for by the program are all client-centered in that they are to be responsive to the needs of the victim, and curative in nature. The specific service type, duration, intensity, and sequence are based on the needs of the victim

CVC will identify and provide appropriate language translation of our documents when possible. Uses the language line for non-readers and non-English speaking victims.

CVC does not provide direct services to victims. The program however, reimburses providers for services they provide to victims. CVC expects all providers to provide non-discriminatory, services to all eligible victims.

Agency Requirements

Confidentiality of victim-identifying information is protected by federal regulation, state statute, and/or program policy. Only in cases of mandatory reporting laws is there an exception.

CVC staff will be trained on identification of victims of human trafficking and the unique needs of the victim of human trafficking.

Identification increases services available to victims; therefore, CVC understands the importance of timely referrals and linkage with other agencies and community-based groups.

It is incumbent on every state agency to communicate and coordinate service delivery for victims of trafficking. CVC will share protocols among agencies. CVC will take the lead in coordinating programs within L&I, such as Worker Compensation, Employment Standards, and the Washington Industrial Safety and Health Act (WISHA).

WASHINGTON STATE PATROL

The Washington State Patrol (WSP) may come into contact with victims of human trafficking through its enforcement activities, inspections, and investigations. When WSP personnel come into contact with victims of human trafficking, they will provide emergency and law enforcement services as required by the function of their job. The WSP will also provide victims of human trafficking with information about geographically specific victim assistance services.

Service Requirements

The WSP does not provide direct services to victims of human trafficking unless victims are in need of emergency services such as medical aid or law enforcement protection. However, the WSP will provide human trafficking victims with information about geographically specific victim assistance services. The provided information will ensure victims of human trafficking are informed of programs available to meet their social service needs.

The WSP will identify and provide appropriate language translation of victim assistance documents when feasible.

Agency Requirements

Confidentiality of victim-identifying information is protected by federal regulation, state statute, and/or program policy. Only in cases of mandatory reporting laws is there an exception.

The WSP enforcement officers and communications officers will be trained in identifying human trafficking victims and trained on what information to provide victims. WSP enforcement officer responsibilities and training requirements will be placed in the agency's regulation manual.

The WSP will partner with other agencies such as those in the Human Trafficking Work Group to produce information of services brochures. The WSP will incorporate its protocol regarding human trafficking into the agency policy manual and will provide training to its officers.

The WSP will continue to participate in the statewide work group established by SB 5127, or its successor.

III. Observations

As required by the authorizing legislation, the named agencies present the above protocols to improve service delivery to trafficking victims. Additionally, in the course of developing these protocols, the appointed work group observed a number of issues that

require further attention, discussion, or action. While Washington has led the pack in the fight against human trafficking to date, there is still much work to be done.

A. A Need Exists for an Ongoing Human Trafficking Task Force

Human trafficking is an extremely complex, multi-faceted issue that necessitates the involvement and coordination of several state agencies, local and federal law enforcement and prosecution, and the invaluable service provision by non-governmental organizations. Continued progress in combating the problem of human trafficking will require the sustained effort of an ongoing human trafficking task force. Several issues surface for continued consideration by the proposed ongoing task force.

1. Measuring and evaluating progress is essential to ensuring continued improvement, but current methods for collecting data are inadequate.

There is a recognized and significant gap between the number of trafficking victims identified in Washington and the number of suspected victims within the state. Washington's coastal location, geographic proximity to both Canada and Mexico, and position as an international gateway with major airports and seaports situate it as a premier destination for the importation of trafficking victims. Law enforcement, service-providing agencies, and policymakers do not know the true scope of human trafficking in Washington because of inadequate and incomplete data. Further, information about the effectiveness and efficiency of service delivery available to trafficking victims is also unavailable.

An ongoing task force could advance the development of data collection methods, leading to better evaluation and understanding of trafficking in Washington especially regarding prevention, protection, assistance, and prosecution. The availability of more complete information could facilitate continuous service needs assessment.

2. The complexity of human trafficking requires considerable coordination between agencies.

While Washington is an acknowledged, national leader in addressing human trafficking that has made important policy accomplishments, it lingers in the early stages of responding to victims' needs. Victims face overwhelming circumstances and monumental obstacles as they escape or are rescued from their trafficking situations. These obstacles could include problems handling federal benefits applications, immigration issues, complications of culture or language, or a fear of law enforcement. The structured coordination effected by an ongoing task force could pave the way to developing a comprehensive, statewide network of service delivery to assist victims in these struggles.

Additionally, legislation (SB 5127) requires biennial review of the agency protocols incorporated in this report to determine whether revisions are

appropriate. The stability and consistency provided by an ongoing work group will ensure the quality of these reviews and continuous improvement in the protocols. Increased understanding of service needs may drive legislative recommendations.

3. Mandatory notification procedures, intended to safeguard the rights of parents, employers, or other parties, may jeopardize the safety of rescued trafficking victims.

Several state agencies require mandatory notification procedures. For example, the Washington Department of Employment Security is required to provide notification to the employer if an unemployment claim is filed. However, in a trafficking situation the employer could also be a participant in the trafficking enterprise and a danger to the claimant. Similarly, Child Protective Services must notify a parent or legal guardian if a minor is to be removed from a home and of subsequent dependency proceedings. Unfortunately, a child may be in an exploitive trafficking situation with the person acting as legal guardian in this country, and there may be no possibility of contacting parents abroad. The inherent conflict contained within the mandatory notification procedures of state law, Washington Administrative Code, and/or state agency policy needs careful consideration by an ongoing task force to resolve and eliminate further risks to the safety of trafficking victims.

4. Federal funding may be available for trafficking victim service programs.

An ongoing task force could pursue the availability of grants under the Trafficking Victim Protection Act, as amended, to states, local government, and non-profit organization for service programs.

Valuable learning and progress has come from our work group experience to date. We want to expand that learning and continue to work together collaboratively towards a coordinated, comprehensive response to human trafficking in Washington.

B. Awareness is Lacking and Training is Needed

Identification is the gateway to investigation, prosecution, and services to victims of trafficking, but the first requirement for identification is awareness of what human trafficking looks like. Trafficking depends on secrecy, and traffickers are good at keeping their activities and victims under cover. To mitigate this secrecy, public awareness and training efforts must be developed to include outreach aimed at potential service providers, law enforcement, state agencies, and the general public.

Incorporating agency protocols presented in this report is a first small step in this effort. The next steps must include developing a plan for a strategic public awareness campaign, developing a system for training those who may encounter trafficking victims in their

jobs, and implementing both efforts to ensure consistent identification and appropriate service referral.

A training plan should include law enforcement, other potential first responders, staff of state agencies who work in programs for which victims would be eligible, and others who may encounter a victim of trafficking in their work, such as education, medical, and health professionals, social services, etc. Assistant Attorneys General need training to appropriately counsel and advise state agency clients regarding complicated issues such as notification, confidentiality, and even some service delivery issues. Child welfare workers need training to raise staff awareness and increase early identification of victims. Identification of child victims, specifically, has lagged behind efforts to identify adult victims. Awareness outreach should also target neighbors, recreational and religious activity groups, and others to help identify and respond to victims of trafficking.

Clearly, with so many to train throughout the state, taking advantage of technological efficiencies will make sense for both cost and access. Computer-based training materials implemented via Internet or disc may be available to assist in developing specific training for Washington's diverse needs in targeting agencies and individuals. The proposed ongoing task force would develop and continue to guide public awareness and training efforts, which would include maintaining a current electronic database that provides information about services and benefits.

Implementing training and public awareness is essential to achieving results in the serious work of responding to trafficking in Washington.

C. A Service Gap Exists During the Pre-Certification Period

As discussed above, victims are eligible for federal benefits once they receive formal certification as victims of a severe form of trafficking, but there is a gap in benefits eligibility during the pre-certification period. Currently, the DOJ Office of Victims of Crime provides service grants to local non-governmental organizations to fill this gap; however, the funding may expire, potentially leaving newly rescued trafficking victims without access to services in their hours of greatest need. Washington must protect against this eventuality by funding services to victims during the pre-certification period. Services required in the pre-certification period include, but are not limited to, emergency and transitional housing, case management, health care, trauma therapy, and life skill development.

D. Minors have Special Needs

Issues facing victims of trafficking are even more complicated when the victim is a child because children depend on adults to shelter, protect, and assist them. An estimated one third to one half of trafficking victims are children. Trafficked children are eligible for federally funded foster care services and refugee/immigration benefits, but they need special assistance in accessing services and applying for benefits.

The Children's Administration (CA) within Washington's Department of Social and Health Services has statutory authority for minors who are without a parent or other caregiver responsible for the minor child and for whom no other entity has assumed responsibility. Therefore, CA is responsible for assisting identified child trafficking victims with federal benefits application. Since children receive letters of eligibility not formal certification, this process of federal eligibility determination is shortened, but it still may take several days or a week. The CA is also responsible for providing services or referrals for child victims during this period. Currently, local non-governmental organizations provide broader case management services for trafficked children during this time, as provided by the federal funding that applies to the pre-certification period previously discussed, but this funding source is unstable and cannot be relied on long term.

E. Victim Safety is Crucial

Human trafficking creates a situation where the victims are often in grave danger. Traffickers come in a wide range of forms – from extensive organized crime syndicates to small “mom-and-pop” organizations and exploitative perpetrators. Traffickers will pursue their liberated victims for a variety of reasons, including to reclaim their “property,” to silence them, or even to provide a deterrent so that other victims will be demoralized and not attempt to escape. Once a victim has been liberated, the foremost concern for service providers is to ensure that person's safety. Caseworkers will develop a safety plan when working with these clients, and frequently law enforcement will be involved as an added layer of protection. For most victims, safety demands that the traffickers have no information about their whereabouts, the governmental agencies and non-governmental organizations that are helping them, and their cooperation with law enforcement.

In 1991 the Washington legislature created the Address Confidentiality Program (ACP), RCW 40.24, to help crime victims stay safe by preventing offenders from using state and local government records to locate their victims. Originally, the ACP applied to just domestic violence victims, but it was amended to include victims of sexual assault and stalking. The ACP specifically gives participants a substitute mailing address and offers confidentiality for two normally public records: voter registration and marriage records. Expanding the ACP to include victims of human trafficking would be an important intermediate step to protecting the safety of trafficking victims.

IV. Recommendations

Enacting the following recommendations will ensure Washington continues to lead other states not just in legislative successes, but also in achieving real results that make a difference in the lives of individuals who have suffered. We respectfully submit these recommendations as a part of this report to the Legislature and the Governor.

A. Reestablish an Ongoing Human Trafficking Task Force

To provide Washington leaders the information needed to respond to human trafficking and to provide services to victims of human trafficking, we recommend reestablishing an ongoing human trafficking task force. The task force shall be authorized from July 1, 2006 through June 30, 2011 and be administered by the Department of Community, Trade and Economic Development's Office of Crime Victims Advocacy. Task force membership will consist of the following:

- Department of Health
- Department of Social and Health Services
- Gender and Justice
- Immigration advocate
- Immigration lawyer or agency
- Labor and Industry's Crime Victim Compensation Program
- Office of Crime Victims Advocacy
- Office of the Attorney General
- Public Defender's Association
- Service Providers (4-6)
- Washington Association of Prosecuting Attorneys
- Washington Association of Sheriffs and Police Chiefs
- Washington Coalition of Crime Victim Advocates
- Washington Coalition of Sexual Assault Programs
- Washington Courts
- Washington State Coalition Against Domestic Violence
- Washington State Patrol
- Washington State Advisory Committee on Trafficking

The ongoing task force would issue two reports to the Governor and the Legislature: the first in January 2008 and the second in June 2011.

B. Fund the Development and Implementation of a Public Awareness and Training Plan

C. Fund Direct Services for Pre-Certified Victims of Trafficking

Services for pre-certified trafficking victims, including minors prior to receiving federal eligibility, will be funded directly with a program administered by CTED's Office of Crime Victims Advocacy.

D. Amend the Address Confidentiality Program to Include Victims of Human Trafficking

V. Conclusion

Washington has made strides in the fight against human trafficking. In fact, it is a national leader at the state level in this fight, but the struggle is far from over. There is still much work to be done to improve response of state, local, and private entities to incidents of trafficking. Implementing the enclosed agency protocols will help, but it will take a concentrated effort by many entities to continue a successful campaign and uphold Washington's status as a leader. Enacting the recommendations submitted by the work group and funding them sufficiently is necessary to enable further progress in this worthwhile and essential fight against trafficking in humans.