

GOAL 5: To have strong and effective local and state programs, law enforcement, social services, justice system and other community responses that protect and support victims and punish traffickers, especially among those communities that are disproportionately affected by human trafficking.

This goal is important to addressing the issue of how to develop and sustain effective programs that will assist victims of trafficking, particularly those who are in communities that are most affected. The section is divided into three parts. The focus of the first is on the need for government, particularly at the state level, to address human trafficking. The second section describes the issue of effective and safe services for victims of trafficking and how Florida can more effectively assist survivors. The third section recaps some information regarding law enforcement responses and offers specific recommendations for action.

**Introduction and Recommendations for
Florida State, County and City Governments**

Government at all levels is essential to addressing and ending human trafficking in Florida. The potential roles that Florida's cities, county and state government can play in ending human trafficking are great: from overall public awareness, to training its employees and contractors on human trafficking so that they can recognize if they encounter it while carrying out their duties, to arresting and prosecuting traffickers and assisting trafficking victims. Florida has 67 counties and over 400 cities. The State of Florida has 35 agencies (plus the Courts and the Legislature). Not all of these entities of government are specifically reported on here. In fact, only fifteen state entities have brief sections in this *Plan* that describe their function and offer specific recommendations for action that are tailored to their operation within state government. This is not to imply that local governments or those state entities that are not specifically described in this *Plan* do not have any role to play, because they do.

The intent here is to feature those agencies whose role in identifying and responding to human trafficking is most immediately significant. For instance, the Department of Corrections (DC)

does not have its own section in this *Plan*. However, this agency is important as it has jurisdiction over some 217,000 offenders including just over 102,000 inmates and the remainder who are under community supervision. Many of these individuals could be traffickers or could become traffickers upon their release. The Department of Correction also provides notification to victims upon offenders' release – another area where human trafficking could be at issue and where DC staff should be trained to be able to identify human trafficking and respond appropriately. Additionally, this *Plan* also does not detail actions for the State University System (SUS) *per se*. The section on the Department of Education, which includes Florida's community colleges, should be seen as a guide to what the SUS should do to address awareness and prevention of human trafficking as well as how it should intervene to protect its staff and student populations from traffickers.

There are also a host of other state governmental entities, committees, commissions and other organizations which, except for the Florida Commission on Human Relations, also are not described in this *Plan*. For completeness, therefore, the recommendations in this Introduction are for *all* agencies and organizations of state government, whether or not they are the focus of an individual section in this *Plan*.

Local city and county governments are important to human trafficking awareness and response. Local law enforcement, in particular, has been at the forefront of Florida's responses to human trafficking. In addition, many agencies of local government, like their counterparts at the state level, also can benefit by learning about human trafficking, understanding its scope in Florida and taking action to improve their responses to actual or suspected local trafficking activity.

Many local governmental employees have already assisted in human trafficking investigations, but much more can be done. For instance, city code inspectors and county tax collector's offices all have duties that require them to enter and inspect a variety of residences, businesses, construction sites, agricultural operations and other places where they could encounter human trafficking. All of these governmental employees, therefore, are the "eyes

and ears” who should learn about human trafficking so that if they suspect it might be present, they will know who to contact for assistance. They should also be familiar with the benefits available to assist victims of trafficking, know about local anti-trafficking task forces and coalitions and be able to access resources, such as state and national websites and national anti-trafficking help lines.

These recommendations are made at a time of economic stress, when government’s budgets are stressed and being reduced. All agencies of government, as well as those in non-profit and for profit businesses and organizations are also stressed and are forced to do more with less. Many of this *Plan’s* recommendations anticipate that current resources can be leveraged to include training and awareness on human trafficking. However, there is also a very strong and justified need for there to be additional resources directed to assisting victims, tailoring training to personnel and for other activities.

Finally, it should be noted that the recommendations contained in this *Plan* are based on a review of what state agencies could and should do to address human trafficking; they are not based on a legal analysis of an agency’s statutory or rule authority. If recommendations made in this *Plan* cannot be accomplished within an agency’s current statutory authority, it is recommended that the Legislature amend the relevant law to authorize the recommended activity.

All Governmental Agency Recommendations

31. Each agency should have at least one identified person who is the point of contact on matters related to human trafficking. That person should be trained and understand basic laws and the dynamics of human trafficking, know about local, state and national resources and be able to assist and, when necessary, refer agency personnel and the public for assistance.
32. Each agency should train its staff and contractors on the dynamics of human trafficking and resources, at the most basic level for most all employees, and at advanced levels for

those more likely to encounter human trafficking. Specifically, each agency should evaluate whether personnel and contractors should receive more extensive training on human trafficking and if so, tailor those training efforts to the job duties and needs of those employees or contractors.

33. Each agency should be willing to participate in regular conference calls (quarterly or semi-annually) and receive periodic information concerning human trafficking in Florida through list serves or other convenient electronic means. The main purpose of both the conference calls and information sharing is to keep agencies updated and to help Florida to form and maintain a network of professionals who can assist one another, share training materials and do whatever tasks are needed to offer support and technical assistance.
34. Agencies should post and set out information about human trafficking in conspicuous places in governmental offices such as on public bulletin boards, break and food service areas, and restrooms. (Free public information posters, handouts and other materials in multiple languages are available at <http://www.acf.hhs.gov/trafficking/index.html>.)
35. Agencies regularly should include information about human trafficking in agency communications efforts such as internal and external e-newsletters, bulletins and any other methods used by that agency. Human trafficking features should include how to identify human trafficking, resources, local efforts and best practices.
36. Personnel and agencies as a whole that are members of existing multi-disciplinary efforts or collaborations should examine whether human trafficking is an appropriate matter to include in work of that body and if it is, raise the issue so that it can be addressed. For instance, there are several state agencies that are members of Florida's Cabinet on Children and Youth and who participate in local "Children's Cabinets." Each of these coordinated efforts is an appropriate place for child trafficking to be on the agenda.
37. Each agency should consider including the topic of human trafficking in agency sponsored or agency- funded conferences, webinars, training conference calls or other

events where staff and those who contract with that agency receive training and information relevant to carrying out their duties.

38. Any agency staff that does outreach to the public or inspects work places should be properly trained on human trafficking and, where appropriate, incorporate human trafficking awareness information into their presentations and inspections.
39. Each agency should provide a link to the Department of Children and Families' website on human trafficking. <http://www.dcf.state.fl.us/initiatives/humantrafficking/>
40. Agencies should have all local and national human trafficking contact information available for their employees statewide and agency staff should build linkages with these local efforts. Agency personnel who are already active on federal task forces should explore how to include human trafficking in current partnerships.

Department of Agriculture and Consumer Services

Background and Observations

The Department of Agriculture and Consumer Services (DOACS) has a significant role to play in the identification and response to human trafficking in Florida. The Department is primarily a regulatory agency and it employs approximately 3200 employees. It is organized by Divisions and specialty groups of operation referred to as Offices. Many Department inspectors have unique access to farms, farm workers and a wide range of other workplaces and so could have an impact in the detection and investigation of human trafficking.

The Division of Agricultural Environmental Services administers various state and federal regulatory programs concerning environmental and consumer protection issues. These include state mosquito control program coordination; agricultural pesticide registration, testing and regulation; pest control regulation; and feed, seed and fertilizer production inspection and testing. The Division has field inspectors who perform a variety of regulatory functions. Similarly, the Bureau of Compliance Monitoring employs Agricultural Inspectors who routinely work in the food production areas around the state. (A number of these inspectors recently received specific human trafficking training at a regional training event.)

The Division of Animal Industry is responsible for enforcing animal health regulations in Florida and protecting the state from animal pests and diseases, which could have major economic and public health consequences. The Division includes the Bureau of Diagnostic Laboratories and the Bureau of Animal Disease Control, and carries out active animal disease prevention, surveillance, and control programs. District veterinarians and animal health inspectors throughout the State work with producers, animal owners, and private veterinarians. Animal Industry Inspectors work various animal auction/sales facilities throughout the state and have the potential to encounter individuals from the migrant labor communities where human trafficking may be present.

The Division of Dairy insures that dairy products are wholesome, produced under sanitary conditions, and correctly labeled. The Division regulates the production, transporting, processing, distribution, and labeling of milk and milk products. The Division's Bureau of Dairy Inspection enforces Florida's Milk and Milk Products Law, the Frozen Desserts Law, and rules and regulations covering both categories. This Bureau's responsibilities begin with milk production on the dairy farm and end at the retail store. The Dairy Division's 12 field inspectors are stationed from Miami to Pensacola. They make regular visits to dairy farms and processing plants to inspect, consult, and collect samples.

The Division of Food Safety is responsible regulatory enforcement related to safe, wholesome and properly represented food supply through permitting and inspection of food establishments, inspection of food products, and performance of specialized laboratory analyses on a variety of food products sold or produced. The Division monitors food from farm gate through processing and distribution to the retail point of purchase. This includes the regulation of mobile vendors. Food Safety Inspectors also have the potential to encounter people who are vulnerable to human trafficking.

The Division of Fruit and Vegetables administers rules that regulate standards, grades and marketing orders for various fruit and vegetable commodities that include citrus, limes, avocados, peanuts and tomatoes. The Division may employ up to 300 inspectors annually, many in a seasonal capacity, to complete its mission. This includes the hiring of new employees and the rehiring of experienced personnel. These inspectors work in agriculture production areas, processing and packing areas, as well as points of sale and distribution. Like many other inspectors within DOACS, these agriculture inspectors have a great potential to encounter victims of human trafficking.

The Division of Plant Industry works to detect, intercept and control plant and honey bee pests that threaten Florida's native and commercially grown plants and agricultural resources. The Division's Bureau of Plant and Apiary Inspection is responsible for protecting Florida's

agricultural industry and the public from the introduction and spread of serious plant and apiary pests. The bureau, composed of plant inspection and apiary inspection sections, enforces Florida statutes and departmental rules pertaining to the movement of plants, plant products, honey bees and beekeeping equipment. The bureau employs approximately 137 inspectors in offices throughout Florida and their work takes them into production areas where victims of human trafficking may be present.

The Department's Office of Agricultural Law Enforcement is an accredited state law enforcement agency responsible for conducting inspections of highway shipments of agricultural, horticultural, aquacultural and livestock commodities, as well as investigations of consumer fraud, enforcement of criminal and civil violations occurring within forests or any crimes involving agriculture or related offenses. Within that office, the Bureau of Uniform Services is the "first line of defense" at Florida's borders in protecting agriculture. The Bureau operates 23 agricultural interdiction stations located on every paved highway, and crossing the natural boundary of the Suwannee and St. Mary's rivers. Agricultural vehicle inspections are conducted at each location around the clock, 365 days a year, by 246 law enforcement personnel. These officers support and supplement all of the Department's regulatory and law enforcement programs by conducting inspections of highway shipments of agricultural, horticultural, aquacultural and livestock commodities. Officers at these inspection stations have a great potential to intercept vehicles used in transporting victims of human trafficking.

The Bureau of Investigative Services provides regulatory and law enforcement support to all divisions of the Department and has seven regions of operation mirroring the FDLE and Regional Domestic Security Task Force (RDSTF) regions. The Bureau has a staff of 50 sworn personnel with offices from Miami to Pensacola. It has three employees who have received formal Immigration Customs Enforcement (ICE) training through the U.S. Department of Homeland Security (DHS). Law Enforcement personnel receive awareness training, bulletins and educational updates on human trafficking. One officer has received training on human

trafficking and to date, no one has taken the 40 hour advanced FDLE investigator training on human trafficking.

DOACS also conducts a great deal of public outreach with farm workers and their families, in schools and in other places in the community. Training programs on a range of relevant topics take place within the Department on a regular basis. These opportunities range from new employee orientation to supervisor training. Also, each division within DOACS has some form of job related training. These training opportunities provide ready-made venues for additional information about human trafficking.

Analysis of Needs and Gaps

Since the Department of Agriculture has a strong regulatory program throughout the state that reaches from the farm to the retail sale of products, its inspectors regularly deal with the migrant worker population in Florida. In their work, some inspectors have suspected and possibly encountered victims of human trafficking in farm labor camps. Because of the diversity of the Department's programs, inspectors have the potential to provide valuable insight to law enforcement regarding labor conditions, including human trafficking.

There is a clear need to expand awareness and possibly implement policy changes in the area of human trafficking within the Department. DOACS should to support its staff and officers participation in human trafficking training programs like those sponsored by the Attorney General and other programs promoted by local anti-trafficking task forces and coalitions. The many different functions of the Department's work in the agriculture and food inspection area should be closely examined to see if and how training programs might be developed to reflect how the employees of each of the Offices within DOACS might encounter human trafficking and when they do, how they should best respond. This is particularly important for those who work at the state's inspection stations because, as one Department employee noted, "the U.S. highway system is the trafficker's best friend."

Human trafficking is not specifically mentioned in agency protocols and practices related to the reporting of criminal activity. The responses of Department officers, inspectors and other staff can vary depending on the situation presented. For instance, drug interdiction would require a call to the U.S. Drug Enforcement Administration. The Department should consider amending current protocols and directives to specifically mention human trafficking responses, where appropriate.

The Department also has a strong law enforcement component engaged in border security and that provides law enforcement support to Division programs. This is another place where enhanced attention to human trafficking detection and response should be expanded. Personnel who routinely work with other state, local and federal law enforcement authorities in their respective regions, particularly those who are trained and cross-sworn with federal immigration law enforcement, should receive updated training on human trafficking. It would be beneficial for this training to occur in partnership with ICE on human trafficking due to its significant responsibility regarding human trafficking.

DOACS has not assigned anyone specifically to a local human trafficking task force or coalition and it does have a designee on the Statewide Human Trafficking Task Force. DOACS interacts with local representatives from regulatory agencies, task forces and other law enforcement agencies whose work may overlap with human trafficking cases. For instance, officers participate in several different task forces such as regional and statewide components of the Domestic Security Task Force, the Child Abduction Response Team, and several Economic Crimes Task Forces. DOACS officers also work with the various divisions within the Department as well as the U.S. Department of Agriculture, the DEA, and the Food and Drug Administration. Other criminal matters such as those handled by the Department's representatives on arson and cargo theft task forces could also involve human trafficking.

Human trafficking expands the area of possible collaboration and coordination among agriculture officials and federal, state and local officials. DOACS officials, inspectors and other

personnel should become familiar with state, regional and local human trafficking task forces and coalitions and those law enforcement officers who are point persons on human trafficking. They should also have information on anti-trafficking victim service providers on the national, state, and local levels. A Guide to anti-trafficking efforts, contact persons and important linkages should be available in each region so that all staff and the public in that local area can know whom they can contact.

DOACS has a vast network of public awareness activity and apparatus from specific topics like pesticide safety to Chinese drywall dangers to the H1N1 flu virus. Since Florida is third in the nation regarding the prevalence of human trafficking, it would be helpful for the DOACS website to feature human trafficking and to provide links and other resource information specific to human trafficking projects and resources in Florida.

Recommendations

41. DOACS should create training and outreach opportunities for all DOACS staff that may come in contact with victims to learn about human trafficking.
42. The Department should provide local, regional and national human trafficking contact information for staff throughout the state; encourage staff to link with these local efforts.
43. Agency communications staff should explore the ways in which human trafficking resources and help lines could be added to current public outreach information on food safety, pesticide safety, and other matters within the Department's jurisdiction.
44. The Department should permanently feature human trafficking (how to identify human trafficking, resources, local efforts) in agency communications efforts, including the website.
45. Personnel throughout the state should actively engage with and/or inform local human trafficking task forces and law enforcement colleagues about how DOACS staff can be a resource to investigate human trafficking and assist victims.

46. DOACS staff should examine current agency protocols or directives to determine if they should be amended to include human trafficking information, including how to respond.
47. The DOACS website should include information on human trafficking and links to other key anti-trafficking information. At a minimum, it should provide a link to the Department of Children and Families' human trafficking website. <http://www.dcf.state.fl.us/initiatives/humantrafficking/>.

The Office of the Attorney General and Florida's Legal Community

Background and Observations

The Office of the Attorney General

The Office of the Attorney General (OAG) is central, in many ways, to Florida's response to human trafficking. Within the Attorney General's Office there are a number of different units and programs that have authority to include human trafficking in their work. Moreover, the Attorney General occupies a special place of authority, and is often called the state's "top lawyer," thus giving that person the ability to encourage and inspire attorneys, law enforcement and the public to develop expertise on certain issues of law and to assist those in need of legal representation.

The OAG established a vital precedent by filing a 2008 lawsuit against a Miami employment service and two Boca Raton business owners, alleging employment and housing violations and fraud. The complaint filed in this action describes the Filipino workers who were defrauded and "indentured" and states that the defendants confiscated workers' passports and return tickets home.¹ This lawsuit was filed by the Office's Economic Crimes Unit pursuant to its enforcement authority over multi-circuit violations of the Florida Deceptive and Unfair Trade Practices Act and was important to the fight against human trafficking. The OAG also assisted victims in this case by certifying their status so that they can receive federal benefits as victims of trafficking.

The OAG's Division of Victim Services and Criminal Justice Programs have featured human trafficking seminars for victim advocates and others. That Division's Bureau of Criminal Justice Programs offers many different statewide public education and training programs for law enforcement personnel, school resource officers, victim advocates and others. Human trafficking is included in "Victim Services Practitioner Designation Training." Training topics range from crime prevention to victim advocacy, all of which can be relevant to human

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http://myfloridalegal.com/__852562220065EE67.nsf/0/B9F1E066A1A05E85852573EF0069ECCC?Open&Highlight=0,human,trafficking

trafficking. Relatedly, the Florida Crime Prevention Training Institute (FCPTI) within the OAG also offers crime prevention training to the law enforcement community and others; this is another area where human trafficking could be included.

The Bureau of Victim Compensation has authority to provide compensation to victims of trafficking, regardless of immigration status. Compensation to trafficked persons is rare relative to other crimes due to the requirements of the program and the limited types of injuries for which compensation is available under law. As is true nationally, victims of trafficking rarely come forward due to their fear of the traffickers and their lack of understanding of their rights and the help that is available to them under law.

The OAG also houses the Office of Civil Rights which enforces civil rights laws through litigation, education, outreach and legislative proposals. Florida's Civil Rights Act of 1992 provides:

The general purposes of the Florida Civil Rights Act of 1992 are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.²

Florida law does not provide specific legal authority for this Office to pursue cases of "human trafficking." However, the Attorney General can pursue civil rights actions³ when someone is discriminated against on the bases listed above. This specific authority requires reasonable cause to believe a civil rights violation covered by the Florida Civil Rights Act of 1992 is one of a pattern or practice of discrimination, or is an issue of great public interest.

² Section.760.01, Florida Statutes

³ Section 760.021, Florida Statutes

The Attorney General is recognized in Section 760.51, Florida Statutes with the authority to seek civil or administrative relief including civil penalties of up to \$10,000 for each violation, against a person who uses threats, intimidation, or coercion against another person in the exercise or enjoyment of their rights as secured by the state constitution or laws of this state. Federally, human trafficking cases have been successfully prosecuted to protect individuals who are discriminated against on the basis of national origin.⁴ Florida law parallels these federal civil rights protections and they are enforceable regardless of the victim's immigration status. To date, civil rights enforcement related to human trafficking has not been addressed by the Attorney General's Office of Civil Rights.

The Child Predator CyberCrime Unit (the Unit) is another office within the OAG which deals with the issue of human trafficking as traffickers often use on-line services to sell and advertise both child and adult victims of trafficking, primarily in the area of sex trafficking. To date, the Unit has participated in several undercover internet operations which overlap with issues of human trafficking such as those involving child prostitution rings and internet-based advertising of sexual services or prostitution involving sexual exploitation of children. The Unit includes law enforcement investigators, prosecutors and victim advocates whose primary mission is to target child predators, child pornographers and individuals using the Internet to exploit children sexually. Coordination between the Unit and human trafficking specialists is critical as under Florida and federal law, any child who is induced to perform a commercial sex act is, by definition, a victim of trafficking. Many of the agencies the Unit works with share expertise in this area and these groups often collaborate on cases and share resources. Some of these agencies include federal and state prosecutors, FBI, ICE, the Florida Department of Law Enforcement (FDLE), the National Center for Missing and Exploited Children (NCMEC), other State Attorneys General, and local Florida law enforcement agencies.

⁴ "...a federal judge has ordered John Pickle Company, Inc. (JPC) and its president, John Pickle, to pay \$1.24 million to 52 male victims of national origin discrimination and "human trafficking" who were recruited from India as skilled laborers and then subjected to widespread abuse, intimidation and exploitation." See <http://www.eeoc.gov/eeoc/newsroom/release/5-26-06.cfm>

The website for the OAG lists resources and links to human trafficking resources in Florida and nationally.⁵ These resources are available when one searches for “human trafficking” on the OAG website. In addition, the OAG has issued regular press statements discussing human trafficking and promoting public awareness of it.

The Office of Statewide Prosecutor is appointed by the Attorney General and the Office is housed within the OAG. All cases handled by the Statewide prosecutor must have occurred in more than one judicial circuit or be part of a conspiracy affecting more than one judicial circuit. Many of the crimes committed by traffickers cross county and judicial circuit boundaries and fit squarely within the mandate of the Office of the Statewide Prosecutor. This mandate includes a focus on kidnapping, theft, murder, prostitution, perjury, robbery, narcotics violations, crimes involving fraud and deceit, computer crimes, racketeering, and attempts, solicitations, or conspiracies to commit these offenses. Further, the Statewide Prosecutor’s efforts highlight violent offenses, including narcotics trafficking, especially when perpetrated by organized groups. The Office of the Statewide Prosecutor therefore constitutes a vital Florida resource in the prosecution of trafficking cases that continue to erupt throughout Florida.

Sworn law enforcement officers receive basic training on human trafficking, so those who work with the OAG should have received training. Many of the victim advocates within the OAG have received training and coordinate at the local level with anti-trafficking task forces and coalitions. In one area of the state, the OAG’s regional victim advocate chairs the local human trafficking coalition.

Some within the OAG have received staff training regarding human trafficking and the OAG has sponsored several workshops and advocate training programs. To date, these training efforts have not been geared to attorneys. Sworn law enforcement officers and investigators within

⁵ See http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/1329E23708A799C08525726B005D1807?Open&Highlight=0,human,trafficking

the OAG have access to the 40-hour Florida Department of Law Enforcement human trafficking training curriculum for investigators.

Florida's Legal Community

Florida's lawyers are vitally important to assisting victims of trafficking. Trafficked persons need representation in areas such as immigration law, family law, criminal matters, public benefits advocacy, labor rights (wage and hour and related laws) employment law, personal injury, and many other arenas. Many attorneys who are not informed about human trafficking, may not see how their specialty areas can be applied to assist victims of trafficking. To date, only the Committee on the Legal Needs of Children of the Florida Bar, has sponsored a Continuing Legal Education (CLE) program on human trafficking. Other statewide bar associations such as the Florida Association of Women Lawyers (FAWL) have featured human trafficking in their publications and several local bar associations, including the Jacksonville Bar Association and the Tallahassee Women's Lawyers have featured human trafficking programs.

Analysis of Needs and Gaps

The need for the OAG to maintain and expand current training efforts is clear. The work done on human trafficking over the past several years provides a good foundation for this effort to continue. The Attorney General's Office can also expand its efforts to prosecute human trafficking. As the above case brought under the "Unfair and Deceptive Trade Practices Act" and involving Filipino workers in Boca Raton illustrates, there are many aspects of human trafficking that the OAG can prosecute when it creatively examines how its current statutory authority can include trafficking activities.

Human trafficking regularly involves many laws that the OAG is charged with enforcing. The crime of human trafficking is often the umbrella under which many other crimes are committed such as money laundering, drug trafficking, extortion, kidnapping, sexual battery, conspiracy and crimes under the Racketeer Influenced and Corrupt Organizations (RICO) Act. Traffickers also commit a range of civil offenses (such as civil rights violations; labor, health and safety

violations; torts; civil RICO and breaches of contract) all of which are actionable under Florida law. In addition, the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) allows for a civil right of action and cases under it can be brought in federal or state court. It is not clear that the Attorney General could directly bring a cause of action under the TVPRA. However, the issue can be one where he or she could use the “bully pulpit” to encourage other attorneys to take up the cause on behalf of trafficked persons.

In terms of further prosecution of cases, the Office of Statewide Prosecutor and its multi-jurisdictional reach lends itself readily to the investigation and prosecution of human trafficking cases. In 2007, the Attorney General noted:

I believe an important tool in combating trafficking was the passage of a law in 2004 that makes it a felony in Florida to engage in sexual trafficking of minors and categorizes human trafficking as a form of racketeering. This racketeering law allows our Office of Statewide Prosecution to actively pursue cases involving human traffickers. I know that our Statewide Prosecutor feels very strongly about the responsibility to protect those within Florida’s borders and I am confident our prosecutors will rise to this challenge.⁶

A number of criminal incidents in Florida, including suspected brothel networks, have recently been investigated as potential human trafficking crimes by the Office of Statewide Prosecutor. This will be an important trend to expand upon, and the Office of the Statewide Prosecutor remains a vital Florida weapon for combating trafficking in state courts.

The absence of specific legislative authority for the OAG’s Office of Civil Rights to pursue human trafficking cases is not necessarily a bar to pursuing a human trafficking case on the grounds of civil rights violations; however, the Office has suggested that specific authority would help. Such a statute should not require the lengthy procedural steps that are required under current

⁶ See <http://www.myfloridalegal.com/NewsBrie.nsf/OnlineBrief/01A7EFE18B8E6A26852572DF006CF3BC>

law for victims of housing discrimination in order for the Attorney General to commence a private right of action on that person's behalf. Human trafficking has not been the subject of a civil rights action brought by this Office.

The need for additional resources to pursue human trafficking cases is clear. At the same time, it is possible for human trafficking to be added as an additional count to cases already being investigated and prosecuted where human trafficking might also be present. Increased resources, training and awareness would help attorneys, investigators and OAG staff to detect human trafficking and other illegal activity.

The OAG should continue and expand its efforts to connect with those in their community who work on human trafficking, particularly those working on the Child Predator CyberCrime Unit. This includes knowing about local anti-trafficking task forces and community coalitions and being familiar with federal and state law enforcement officers who specialize in human trafficking cases. The OAG also should continue to publicize and provide updates – both to professionals and the public at large – regarding the resources available to assist victims of trafficking in the local and national arenas.

There is a need for the Attorney General to use the “bully pulpit” to expand public awareness efforts so that Floridians can better understand human trafficking and report it to law enforcement. There is also a need for the Attorney General to encourage attorneys, and the Florida Bar, to do more to learn about human trafficking and to represent trafficked persons in both civil and criminal cases.

Florida's Legal Community

There are numerous sections of the Florida Bar including the Criminal Law, Equal Opportunities Law, Family Law, Health Law, International Law, Labor and Employment Law, Public Interest Law and other groups such as the Young Lawyers Division, and the committees on Legal Needs of Children and Law-Related Education who could, and should, include human trafficking in

their sponsored CLE programming and activities. Registered paralegals should also receive education on human trafficking if their work could bring them in contact with human trafficking causes of action.

The Florida Bar also has two important publications, the *Florida Bar News* and the *Florida Bar Journal*. In October, 1994 the *Florida Bar Journal* featured domestic violence on its cover and highlighted the topic with articles submitted by section and committee leaders and legal experts on the topic. The Bar should consider a similar issue and focus with human trafficking, as it too is a multi-disciplinary and multi-leveled topic where attorneys, judges and the staffs within these disciplines could all benefit from increased education and awareness.

Similarly, practice areas of local and other statewide legal bar associations should increase the attention to human trafficking and what attorneys should know.

Recommendations

48. The OAG should continue its current efforts to educate staff and other professionals within the criminal justice system on human trafficking.
49. Current OAG website links and resources should continue and be regularly updated.
50. OAG staff throughout the state should continue working with local anti-trafficking task forces and coalitions and other experts in the field.
51. The Office should encourage each of its Divisions, where appropriate, to explore how and if human trafficking can be prosecuted within existing laws or how civil lawsuits can be filed to shut down organized Human Trafficking schemes.
52. The OAG should explore whether and if a new law should be enacted to give the OAG specific authority to investigate and prosecute human trafficking as a civil rights violation.
53. The Office of Civil Rights should expand its work to include the investigation and prosecution of civil rights violations of human trafficking victims.
54. The State should increase resources to the OAG as needed to fully incorporate and enforce Florida law against traffickers.

55. The Office of Statewide Prosecution should expand its work to include the investigation and prosecution of human trafficking.
56. The OAG should explore and assist in the development of Continuing Legal Education (CLE) programming on human trafficking for attorneys, in conjunction with the Florida Bar.
57. The Florida Bar as well as state and local Bar associations should continue and expand their current efforts and provide greater access to legal education through CLE programming and featured awareness articles in their publications.

Agency for Workforce Innovation

Background and Observations

Human trafficking is an issue that has direct relevance to Florida business and the state's workforce. The Agency for Workforce Innovation (AWI) and 24 Regional Workforce Boards are overseen by Workforce Florida Inc., a statewide workforce investment board that is led by representatives of business and government. Workforce Florida, Inc. is charged with policy-setting and oversight of Florida's workforce system as well as AWI and the Regional Workforce Boards. Florida's workforce system, through the state's 24 Regional Workforce Boards, provides services including job search, referral and placement assistance through direct services carried out by more than 90 One-Stop Centers located throughout Florida's 67 counties.

The Agency for Workforce Innovation (which contracts with Workforce Florida to provide fiscal and administrative services in support of state workforce policy) has two main functions related to Florida's workplaces, protections for workers and where human trafficking might be at issue: the Agricultural Services Program and the Alien Labor Certification Program. Additionally, the Disability Program Navigator may also be relevant as many victims of trafficking are vulnerable due to disabilities. AWI, at the State level, does not have direct responsibility for the "on the ground" functions related to jobs and workers. Rather, these functions are handled at the local level by the Regional Workforce Boards. Each Board tailors its work and has direct knowledge that is relevant to its locale and each operates independently of the others. The State can create and provide informational and training materials and make them available at the Regional Board level.

AWI oversees the State's Employment Service Complaint-Resolution System, in which a worker can file a formal complaint against an employer. In addition, AWI staffs a Florida Farmworker Helpline (800-633-3572) which provides the opportunity for workers to file a complaint against an employer who has abused their labor rights. The helpline is operated from 8am to 5pm and has an automated answering after hours capability.

Among the Regional Workforce Boards are nine “Migrant and Seasonal Farmworker Significant Offices.” As part of the Agricultural Services Program, these significant offices each has an outreach worker whose duties are to provide outreach services to farmworkers in their working, living and gathering areas. It is also their duty to report any apparent farm labor violations if the farmworker does not wish to file a formal complaint. These apparent violations get treated as complaints and undergo the Agency’s Complaint-Resolution System. This represents a vital “on the ground” presence on the part of AWI that allows it to discern human trafficking when and where it may be occurring in Florida’s agricultural sector.

AWI’s Alien Labor Certification (ALC) Program includes two Federal visa programs. The H-2B Temporary Non-agricultural Worker Visa process is limited to job order entry on the Employ Florida Marketplace Labor Exchange System for those employers who do not enter their own orders. H-2B Visas are requested for many non-professional occupations such as hotel and restaurant staff, landscape workers, and domestic workers in private homes. H-2A Temporary Alien Agricultural Worker Visas may be requested for all levels of agricultural workers including hand laborers, equipment operators, truck drivers, mechanics and supervisory personnel. H-2A applications are subjected to a more complex process that includes comprehensive review for compliance with Federal regulations and employer labor and wage practices, followed by employer correction of deficiencies. Other steps in the process include Job Order entry and monitoring, as well as pre-occupancy inspection of employer supplied housing by Agency staff in coordination with the Florida Department of Health. The task of inspecting housing is jointly shared by AWI and the Department of Health, with DOH having responsibility for inspection of approximately 90% of employer-supplied housing. AWI, however, exercises the important role of inspecting employer-owned or employer-operated housing for H-2A agricultural workers throughout the state. In this capacity, AWI conducts over 400 inspections annually, affording it regular access to the living quarters of many of Florida’s migrant workers. This access is important not only for discerning indications of trafficking, but also as a potential means of

communicating information about trafficking and worker rights to a vulnerable segment of Florida's farm worker population.

Program staff conduct wage and labor practices surveys and field checks. ALC staff also coordinates Agricultural Recruitment System (ARS) applications by employers who want to recruit workers from other states or Florida locals outside daily commuting distance, but do not want to import foreign workers. The ARS closely parallels the H-2A Program and includes many of the same requirements and worker protections. AWI also has an Office for Civil Rights whose mission it is to: update and monitor affirmative action plans, provide equal-opportunity and civil rights training, carry out nondiscrimination program monitoring, and conduct complaint resolution. Many successful human trafficking cases have included civil rights complaints, making this Office relevant to human trafficking.

There are statewide efforts where the Director or other leaders in the Agency could raise the issue of human trafficking in collaboration with others. One such effort is Florida's Children and Youth Cabinet. The vision of this Cabinet is that "All children in Florida grow up safe, healthy, educated and prepared to meet their full potential" and its mission is "To ensure that the public policy of Florida relating to children and youth promotes interdepartmental collaboration and program implementation in order for services designed for children and youth to be planned, managed and delivered in a holistic and integrated manner to improve the self-sufficiency, safety, economic stability, health and quality of life of all children and youth in Florida."⁷ Children who are trafficked could be greatly helped by those on this Cabinet working together to raise the issue of human trafficking and coordinate their work to help them.

Analysis of Needs and Gaps

Because of the high level of contact Florida's workforce system has with employers, it is well-positioned to be a detection point for human trafficking activities. How this can be carried out most efficiently and in ways that complement the work of each entity could be determined by

⁷ See http://www.flgov.com/youth_cabinet.

Workforce Florida, Inc. and the Regional Workforce Boards. Each Regional Board should be familiar with local law enforcement and victim service providers should they encounter employers who are suspected of human trafficking. They should also be able to inform employers how to report human trafficking as well as how to inform and warn workers who may be vulnerable to human trafficking. Staff from each of these entities should also be aware of local anti-trafficking efforts and linkages. At the statewide level as well as at the regional level, staff and Regional Boards should raise the issue of human trafficking on any multi-disciplinary, coordinating efforts where human trafficking is relevant. For instance, AWI should raise the issue of human trafficking in statewide efforts such as Florida's Cabinet on Children and Youth so that trafficking of children and vulnerable adults can be effectively addressed in this already-established multidisciplinary venue.

The Agricultural Services and Alien Labor Certification programs offer great potential for assisting in anti-trafficking efforts. It is very important for staff of these programs to be fully informed about human trafficking issues and resources, just as it is for many of the staff at the local Workforce Boards.

Human trafficking currently is not included in agency protocols or directives that describe what inspectors and others should do if they suspect human trafficking is present. Current protocols or directives that detail responses to other illegal activity could include specific mention of human trafficking and prescribe agency responses. AWI's website is replete with a great deal of information regarding jobs and work in Florida. Information on human trafficking and related resources is currently absent and would be a helpful addition for both workers and for those who want to assist a victim of trafficking.

The Florida Farmworker Helpline rarely receives calls regarding worker exploitation or human trafficking. Further exploration is warranted to see if this could be a useful resource. The presence of the Helpline could be one way that a worker could alert authorities regarding labor exploitation (including human trafficking) and training and awareness regarding human

trafficking and could provide the Helpline with expertise to make the appropriate referrals to law enforcement or other authorities for investigation.

Recommendations⁸

58. AWI should create training opportunities for staff to learn about human trafficking and to communicate their valuable experiences with one another. Such training is especially critical for the outreach workers who regularly visit and monitor fields and labor camps throughout the state
59. AWI should provide local and national human trafficking contact information for staff and Regional Workforce Boards throughout the state and encourage local Boards to link with these local efforts.
60. AWI should explore the ways in which current outreach information on safe workplaces could be expanded to include information about human trafficking and places that people can go for help and information. Florida's Creole-speaking Haitian farm worker community is especially in need of such information, along with greater awareness training of their rights under U.S. law. Similar information should be made available to the new wave of Asian farm workers arriving to Florida (especially those from Thailand and the Philippines) in their native languages.
61. AWI should feature human trafficking (how to identify human trafficking, resources, local efforts) in agency communications efforts, including the website.
62. Since human trafficking is not included in agency protocols or directives that describe what inspectors and others should do if they suspect human trafficking is present, AWI should evaluate current protocols or directives that detail responses to other illegal activity to include specific mention of human trafficking and prescribe agency responses as appropriate.

⁸ While these recommendations are directed to AWI, it may be the case that Workforce Florida, Inc., or the Regional Workforce Boards more appropriately would have jurisdiction and authority to carry out these strategies. Or, there may be joint authority and implementation could take place at all levels. If so, each should consider acting accordingly.

63. AWI should disseminate information about human trafficking in employer-owned housing premises around Florida that AWI annually licenses and inspects and ensure that part of the licensing process involves the introduction of a requirement that information about human trafficking is posted in workers' native languages onsite in the employer-owned or leased accommodations where migrant workers are temporarily housed.
64. AWI staff should make sure that if they respond to calls on the Florida Farmworker Helpline that they understand human trafficking; AWI should promote the Florida Farmworker Helpline more extensively as a resource for exploited and trafficked workers.
65. Regarding the work of the "Children's Cabinet" and other multidisciplinary efforts, AWI and Regional Workforce Boards should join with other agencies and organizations and make human trafficking of children and vulnerable adults a priority issue area for attention and reform.
66. AWI's website should include information on human trafficking and links to other key anti-trafficking information. At a minimum, it should provide a link to the Department of Children and Families' human trafficking website.
[://www.dcf.state.fl.us/initiatives/humantrafficking/](http://www.dcf.state.fl.us/initiatives/humantrafficking/).

Department of Business and Professional Regulation

Background and Observations

The work of the Department of Business and Professional Regulation (DBPR) is extremely important to the potential identification of human trafficking in Florida. DBPR inspectors and regulators have regular access to workplaces to ensure that they are operating legally. Business Regulation and Professional Regulation have offices throughout the state and tentacles into hundreds of thousands of workplaces. While not all of these are potential sites for human trafficking, many could be.

The Business Regulation has oversight over all hotels and restaurants and its staff regularly inspects and regulates public lodging and food service establishments. In FY 2009/10, the Division of Hotels and Restaurants alone accomplished over 165,000 inspections of the 82,600 licensed food service and lodging establishments in Florida. There are many ways an inspector might uncover human trafficking during the course of a routine food safety or public lodging inspection. For instance, inspectors are required to make sure that food service establishments have completely separate living and sleeping areas from food service areas. Because many victims of trafficking are forced to work in restaurants seven days a week, victims are often forced to work and live in the same place.

The Division of Alcoholic Beverages and Tobacco (ABT) licenses alcoholic beverage and tobacco sales, and its agents regularly inspect places where alcohol is sold, including strip clubs and other similar establishments where sex trafficking could take place. Law enforcement agents regularly conduct investigations in these establishments if they suspect illegal activity such as gambling or narcotics sales and use. They also have access to other data relevant to criminal investigations such as licensee addresses and social security numbers, all of which can assist law enforcement in its investigation of human trafficking cases.

Professional Regulation is the enforcement authority for professional boards, councils and programs. It enforces the laws and rules for a wide range of professions and related businesses such as construction workers, cosmetologists, employee leasing companies, and talent agencies (including modeling). This area of DBPR investigates and prosecutes complaints of wrongdoing, issues notices of noncompliance and citations for minor violations, and performs statutorily mandated inspections. Its inspectors have regular access to a wide range of workplaces where human trafficking could be present.

Also extremely relevant to the issue of human trafficking is the Farm Labor and Child Labor program within Professional Regulation. The Farm Labor Program employs sixteen inspectors who have the responsibility to ensure that farm workers' health, safety and welfare are protected. Many of these sixteen inspectors have responsibility for inspecting between 300 and 500 licensed farm labor contractors in their geographic area, overseeing farms that grow everything from blueberries to tomatoes to citrus, throughout the state. This program also provides training to its inspectors to ensure compliance with farm labor laws which include licensing, payroll, sanitation and transportation. DBPR's Farm Labor Contractor Inspectors have been involved with the investigation and prosecution of several human trafficking cases in Florida and many are trained on and familiar with the issue of human trafficking.

The Bureau of Child Labor enforces Florida's child labor laws as well as educates employers, public school officials, students, parents, and the general public. Many of its responsibilities may impact, or be impacted by, human trafficking as children are often victims of trafficking.

DBPR also licenses employee leasing companies which are where an employer has employees who are employed for at least one year. An employee leasing company assigns its employees to a client and allocates the control over the leased employees between the leasing company and the client. The state does not license temporary employment agencies, or those entities that provide employees for less than one year. It is important to note that these "temp"

agencies are required to pay workers compensation for its employees just as employee leasing companies are required to do.

DBPR and the Farm Labor program also have hosted a quarterly Florida Interagency Farm worker Focus Group. This group includes representation from a wide range of state agencies, advocacy groups and other interested persons. Its main focus is on health, safety and welfare issues and in the past has included human trafficking in its deliberations.

Some offices within DBPR, including Farm Labor Contractor Inspectors and other professional inspectors, have begun to educate staff regarding human trafficking. Moreover, DBPR's training director has indicated a willingness to undertake a "train the trainers" program so that human trafficking can be a regular part of the Department's training efforts. The Division of Alcoholic Beverages and Tobacco has held limited training and the Division of Hotels and Restaurants has not held training programs on human trafficking. Some of its agents and employees have attended training programs offered by entities outside of the Department. Sworn law enforcement officers within the Department also have access to the Florida Department of Law Enforcement human trafficking basic training and advanced investigator 40 hour training curriculum although none have received this training.

DBPR licenses employee leasing programs. DBPR currently does not have any agency protocols, directives or training materials relevant to each area's field of expertise and that are specific as to how employees can recognize human trafficking and respond if it is discovered. Currently, Hotels and Restaurant inspectors and others contact supervisors if they encounter or suspect illegal activity. Farm Labor investigators have called law enforcement directly in the past.

Analysis of Needs and Gaps

The most important need faced by DBPR is for regular training and information on human trafficking. Since the special agents, inspectors and other staff have significant access to labor

situations around Florida, this training is a prerequisite to helping them to identify and respond to human trafficking.

It is well known that farm labor contractors can be some of the most notorious exploiters of workers. Some of the most egregious cases of human trafficking in Florida have resulted in these contractors serving long sentences in federal prison. However, with the huge geographic area facing the state's sixteen Farm Labor Contractor inspectors, it is difficult if not impossible for these inspectors to detect that these contractors may also be human traffickers. Increased resources would help these inspectors keep closer watch on these contractors for human trafficking and other illegal activity.

Several inspectors have already become involved in assisting law enforcement in the investigation of human trafficking cases. They have responded by contacting federal and local law enforcement. Law enforcement has also enlisted help from Farm Labor Contractor Inspectors in the form of requests for licensing applications and other documentation that employers and suspected traffickers have submitted to the State. This kind of cooperative effort is a model for how other divisions within DBPR could respond.

Temporary employment agencies, where employment is for less than one year, are not licensed by the State and should be the subject of state regulation. Law enforcement has reported that these entities can easily be fronts for human trafficking operations. Requiring licensure for "temp" agencies would close this gap.

In addition, DBPR staff needs to be familiar with those in their community who work on human trafficking. This includes knowing about local anti-trafficking task forces and being familiar with federal and state law enforcement officers who specialize in human trafficking cases. DBPR also should know the resources available to assist victims of trafficking in the local and national arenas.

Awareness efforts also can extend to the workplaces and the public that DBPR oversees. For instance, DBPR could add human trafficking to currently posted signs and notices, and other information so that workers can understand the law and the protections it affords to victims of trafficking. Human trafficking hotline numbers and resources could be shared with workers statewide.

Human trafficking currently is not included in agency protocols or directives that describe what inspectors and others should do if they suspect human trafficking is present. Current protocols or directives that detail responses to other illegal activity could include specific mention of human trafficking and prescribe agency responses. In most cases, inspectors are required to note illegal activity and report it to their supervisors. As such, DBPR should ensure that these supervisors are familiar with human trafficking and with local human trafficking task forces and coalitions and law enforcement officers in their local area who are key contacts and responders.

Human trafficking has been featured in some of the Department's training programs but not yet in the media that the agency currently uses to communicate to staff and the public, such as in *Business Works*, its quarterly publication. Since DBPR has an important role to play in inspecting workplaces around the state, human trafficking should be highlighted in these public awareness and internal outreach efforts.

Recommendations

67. The Department should expand training and outreach opportunities for DBPR employees, across-the-board, to learn about human trafficking and to communicate their valuable experiences with one another.
68. DBPR should provide local and national human trafficking contact information to DPBR staff and inspectors throughout the state and encourage staff to build linkages with these local efforts.

69. The agency should explore the ways in which current mandated information on safety and health which is posted at work sites can be expanded to include information about human trafficking and places workers can go for help and information. If legislative authority is required, the Department should consider the recently enacted Texas law that mandates the posting of the national human trafficking hotline wherever alcohol is sold.⁹ Agency communication efforts should feature human trafficking (how to identify human trafficking, resources, local efforts, and work done by DPBR in conjunction with successful anti-trafficking prosecutions).
70. Since human trafficking is not included in agency protocols or directives that describe what inspectors and others should do if they suspect human trafficking is present, DBPR should evaluate current protocols or directives that detail responses to other illegal activity to include specific mention of human trafficking and prescribe agency responses as appropriate.
71. The Legislature should pass legislation to regulate temporary employment agencies where employment is for less than one year and place the licensure of these entities within DBPR.
72. The state should increase resources to the Farm Labor program to assist in the inspection of Farm Labor Contractors and the Department should make recommendations for increases in staff in other areas as needed.
73. The DBPR website should include information on human trafficking and links to other key anti-trafficking information like the Department of Children and Families' human trafficking website. <http://www.dcf.state.fl.us/initiatives/humantrafficking/>.

⁹ See <http://www.capitol.state.tx.us/tlodocs/80R/billtext/html/SB012871.htm>

Department of Children and Families

Background and Observations

The Department of Children and Families (DCF) has a wide variety of responsibilities related to the health and safety of people in Florida. These responsibilities range from protecting vulnerable children and adults to administering refugee programs and Florida's Temporary Assistance to Needy Families (TANF) programs. Its staff and contractors come in contact with the state's most vulnerable residents and, by definition, this includes victims of trafficking.

Starting in 2002, initiatives of DCF have included statewide human trafficking awareness and education efforts, major policy changes and in-depth internal work to train and focus the Department's Office of Family Safety and other key DCF staff and contractors on children who are victims of trafficking. In 2004, Florida State University, under contract with the Department's Office of Refugee Services, issued the State's first comprehensive report on human trafficking: *Florida Responds to Human Trafficking*.¹⁰ This report was the culmination of a multi-year effort that included the State's first statewide human trafficking multidisciplinary working group. DCF also has created a special position, a Statewide Human Trafficking Coordinator within the Office of Refugee Services.

The Florida Department of Children and Families serves victims of human trafficking in a variety of ways. The Department provides public benefits to certified victims of human trafficking. These benefits include refugee medical assistance, refugee cash assistance and access to the supplemental nutrition assistance program (SNAP). Certified victims of human trafficking are also eligible for services through the Department's Refugee Services' providers. These services, located in many places around Florida and available through the Office of Refugee Services, include education and vocational training, employment assistance and child care. The Department assists trafficked persons on a regular basis. For instance, in 2009, DCF obtained, on behalf of a trafficked child, the first interim benefits letter through the federal government.

¹⁰ http://www.cahr.fsu.edu/sub_category/thereport.pdf

This letter is only for non-U.S. citizen minors of human trafficking and allows them to receive public assistance from the government.

In May 2009, the Department implemented a human trafficking maltreatment code for children.¹¹ (This Code does not include vulnerable adults.) The Human Trafficking Maltreatment Code helps the Department to identify minor victims of trafficking so that they can receive with direct services and appropriate referrals. The Code also allows DCF to track the numbers of cases in Florida where human trafficking is suspected or found. When entered by the Abuse Hotline worker taking a report where trafficking is suspected, the Human Trafficking Maltreatment Code alerts the child protective investigator (CPI) reading the report that trafficking might be present. The CPI, in turn, can focus her or his investigation on this possibility so that if human trafficking is present, that child can be helped to receive benefits and relief under federal and state law.

When a human trafficking case is discovered and brought to the Department's attention, a DCF Operating Procedure¹² requires a collaborative approach on human trafficking cases by stating that each case must be staffed by a multi-disciplinary team, which can include law enforcement, CPIs, case management staff and refugee services. This Operating Procedure and the other work done by the Office of Family Safety is a national model for responses to human trafficking of children.¹³

The Department of Children and Families has undertaken a number of significant steps toward highlighting human trafficking. DCF co-hosted a statewide, interdisciplinary Human Trafficking Summit in October 2009. DCF Secretary George Sheldon co-chairs the State's first legislatively-created Statewide Human Trafficking Task Force with the Commissioner of the Florida

¹¹ See Appendix A, of the Legal Best Practices Guide found at:

<http://www.dcf.state.fl.us/initiatives/humantrafficking/docs/LegalBestPracticesOct2009.pdf>

¹² CFOP 175-14, available at: http://centerforchildwelfare.fmhi.usf.edu/kb/humantraf/CFOP_175-14-IntakesInvestigativeResponseToHumanTraffickingOfChildren.pdf

¹³ See noted recognition by the American Bar Association at its sponsored June 25, 2010 webinar at: http://www.nrccps.org/slo_support/teleconferences.php

Department of Law Enforcement (FDLE), Gerald Bailey. DCF's Office of Family Safety and Children's Legal Services have received intensive human trafficking training and many other offices have also received training on human trafficking.

From 2007–09, DCF contracted with the Florida Immigrant Advocacy Center (FIAC) to develop human trafficking related training and protocols. This work has resulted in significant changes within the Department, including:

- Adoption of an Operating Procedure that outlines responsibilities for Family Safety, Abuse Hotline and Community-Based Care Agency staff regarding assisting child victims of trafficking;
- Implementation of a maltreatment code for “human trafficking”;
- A four-page “Information Kit” which contains critical information on human trafficking;
- Distribution of a *Legal Best Practices Guide* for attorneys and other justice system personnel both within and outside of DCF, which has its focus on children who are trafficked;
- A comprehensive Literature Review which is available to the public; and
- Widely disseminated webinars and other on-line training tools on human trafficking including a two module interactive video link for Child Protective Investigator training.

The Department of Children and Families initially focused its anti-trafficking work in two principal offices, the Office of Family Safety and the Office of Refugee Services. In December of 2009, it hosted a training session for other program areas including Substance Abuse and Mental Health, Adult Protective Services, Domestic Violence, Homelessness and Economic Self-Sufficiency.

Children's Legal Services (CLS) is a statewide law firm within the Department, with offices in each region of the state and with seventeen managing attorneys who oversee the work of CLS attorneys in each of Florida's 20 judicial circuits. CLS attorneys represent the State of Florida, and act through the Department in its *parens patriae* role. CLS's duty in representing the State

is to ensure the health, safety and well-being of children and the integrity of families when they come into contact with the Department as a result of an allegation of abuse, abandonment or neglect, allegations which are always present in human trafficking cases. Attorneys within the Office of General Counsel and CLS within the Department have sponsored two Continuing Legal Education (CLE) programs on human trafficking and some attorneys also have participated in local and regional training programs. CLS attorneys have received the *Legal Best Practices Guide for Protection of Child Victims of Human Trafficking*.

DCF has also developed a comprehensive website on human trafficking which has a great deal of statewide human trafficking information.¹⁴ While a work in progress, it does include reports, information on local task forces, a calendar and relevant proposed legislation. Many other agencies in state government also link to this website.

DCF continues to enhance its data collection efforts on human trafficking in terms of numbers of cases that come into the Abuse Hotline and those seen by Family Safety. Data collected from the inception of the human trafficking maltreatment code in May 1, 2009 through June 30, 2010 shows that there have been 156 trafficking investigations with 22 verified cases of human trafficking. Most cases are coming from Broward, Hillsborough, Lee, and Miami-Dade counties. There have been a total of 180 cases involving children where human trafficking has been investigated and of this number 136 were age 13 or older and the majority of these victims are female.

The Department collaborates with local law enforcement, the Department of Juvenile Justice, federal immigration authorities, child protection teams, the Department of Health and many others. Since human trafficking cases require extensive community collaboration, it is important that DCF knows and works with local partners to assist victims of trafficking.

¹⁴ <http://www.dcf.state.fl.us/initiatives/humantrafficking/>

Children who are victims of trafficking suffer from multiple victimizations and harm. Many of the U.S. citizen minors who run away from home or who are within DCF care (foster care or other out-of-home placements) are at high risk for being lured into human trafficking. Moreover, when children are trafficked either for labor or commercial sex, they must receive appropriate care and placement. Currently, Florida lacks housing and adequate services that are tailored specifically for victims of domestic sex trafficking.

There are statewide efforts where the Secretary or other leaders in the Department could raise the issue of human trafficking in collaboration with others. One such effort is Florida's Children and Youth Cabinet. The vision of this Cabinet is that "All children in Florida grow up safe, healthy, educated and prepared to meet their full potential" and its mission is "To ensure that the public policy of Florida relating to children and youth promotes interdepartmental collaboration and program implementation in order for services designed for children and youth to be planned, managed and delivered in a holistic and integrated manner to improve the self-sufficiency, safety, economic stability, health and quality of life of all children and youth in Florida."¹⁵ Children who are trafficked could be greatly helped by those on this Cabinet working together to raise the issue of human trafficking and coordinate their work to help them.

While U.S. citizen and non-U.S. citizens may need many similar services and suffer similar harm, there are important distinctions, including that non-U.S. citizens require immigration assistance and that they are not eligible for federal programs that U.S. citizens can access. One example of this programming is the Unaccompanied Refugee Minors Program, which DCF oversees in Florida. This is a federal foster care system for foreign-born trafficked youth. U.S. citizens have access to welfare benefits and other services, but it is important to note that very few of these services are tailored to their specific needs as victims of sex trafficking.

¹⁵ See http://www.flgov.com/youth_cabinet .

Florida law governing Adult Protective Services allows the investigation of possible abuse and neglect for vulnerable adults between the ages of 18 and 59. A vulnerable adult is defined as someone who is "18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protections is impaired due to a mental, emotional, long-term physical, or developmental disability or dysfunctioning, or brain damage or the infirmities of aging."¹⁶ Adult Protective Investigators can respond when issues pertain to "disabled adults or elderly persons" in need of services.¹⁷ The law limits APS staff to investigating only those cases between the vulnerable adult and a "caregiver, household member or relative." The statute further defines caregiver as "a person who has been entrusted with or has assumed the responsibility for frequent and regular care of or services to a vulnerable adult on a temporary or permanent basis and who has a commitment, agreement, or understanding with that person or that person's guardian that a caregiver role exists."¹⁸ Adult Protective Services' has taken the position is that it is not feasible for them to investigate cases of human trafficking where adults are involved, that they have had no reported cases of human trafficking, that Florida law poses a bar to their investigating and helping such victims of trafficking and that such cases are rare or non-existent.

DCF has carried out significant awareness and policy changes in the area of human trafficking. In addition to the already-developed work of the Offices of Family Safety, the Florida Abuse Hotline and Refugee Services, other entities within the Department have also begun to benefit from awareness and education about human trafficking that specifically is targeted to their client populations.

Analysis of Needs and Gaps

Several key program offices within the Department have continued or recently have begun work to integrate human trafficking awareness and responses into their existing work. Program offices -- with the exception of Adult Protective Services, and Substance Abuse and Mental

¹⁶ Section 415.102 (26), Florida Statutes

¹⁷ Section 415.101(2), Florida Statutes

¹⁸ Section 415.102(4), Florida Statutes

Health -- have developed or have begun to implement action plans to address human trafficking. These efforts are solid first steps and should continue.

Specifically, the Family Safety Program Office continues to educate internal staff about the resources available to them, including dissemination of information noting that Florida's Center for Advancement of Child Welfare Practice (Center) has created a dedicated webpage specific to human trafficking resources that both internal staff and community members can view.¹⁹ Additionally, this Office is continuing efforts to train staff on how to identify human trafficking including programming at the annual Dependency Summit and through multiple on-line training presentations on the Center's webpage which are dedicated to human trafficking. (One such video has been viewed by over 1,400 people statewide.) This Office is in contact with FDLE to conduct a joint training between FDLE and the Department specific to child human trafficking. On the subject of victims of trafficking who are U.S. citizens, current programs within the Office of Family Safety that include care for children who are victims of domestic trafficking should develop screening and treatment responses that can help prevent children from becoming victims of domestic minor sex trafficking and that assist children who are currently being prostituted or forced into other aspects of the sex industry.

Florida's ACCESS (Automated Community Connection to Economic Self-Sufficiency) Program is responsible for public assistance eligibility determination and ongoing case management of Food Stamps, Temporary Cash Assistance and Medicaid. Since traffickers prey on economically vulnerable people, it is important that the public who visit these offices and the staff who assist them understand human trafficking. Moreover, trafficked persons are eligible to receive these benefits if they are certified as victims by the U.S. Department of Health and Human Services. The ACCESS program has provided posters in its service centers, store fronts, and community ACCESS partner sites to promote awareness of human trafficking among the population they serve. This office is in the process of enhancing the ACCESS web application so that it allows applicants to identify themselves or family members as victims of human trafficking when one or more household members is a non-citizen. The ACCESS office has also included information

¹⁹ <http://centerforchildwelfare.fmhi.usf.edu/kb/humantraf/Forms/AllItems.aspx>

on public assistance eligibility for trafficking victims in pre-service training for ACCESS eligibility staff. All of these efforts are important to facilitating the delivery of benefits to certified trafficking victims and should continue.

The Domestic Violence Program Office oversees and administers contracts with the Florida Coalition Against Domestic Violence (FCADV), the statewide association of 42 local domestic violence centers that provide technical assistance and funding to certified centers. The Domestic Violence Program Office's actions regarding integrating human trafficking into its work principally involve monitoring FCADV to ensure that it is training and informing local domestic violence center staff about human trafficking, as well as ensuring that specific training on the intersection of domestic violence and human trafficking takes place.²⁰ In addition, this office is proposing a series of other training programs for other significant sectors of the state that it supports with technical assistance and funding. These include contracting with the Florida Prosecuting Attorneys Association for a training of at least 75 prosecutors on human trafficking, working with the Florida Council Against Sexual Violence to train Sexual Assault Response Teams (SART) and others on human trafficking through live and webinar-based training, and working with the state's Batterer Intervention Programs to add human trafficking to their training agenda in a variety of ways. These training efforts, which are projected to occur through 2012, make significant progress toward informing and supporting a range of professionals who are likely to come in contact with victims of trafficking.

The Child Care Licensing Program Office is another Office which has a role to play in public awareness of human trafficking and should distribute public awareness campaign materials. They should also add a link to DCF's human trafficking website as well as the federal Rescue and Restore website from its child care provider page.

DCF's Office on Homelessness is including the topic of human trafficking in its annual conference; however, it does not have information on what local homeless programs are doing

²⁰ See pps. 46-63 for information about services provided to trafficked women and children, including services provided by some local domestic violence centers.

to address this issue. Florida's homeless population is extremely vulnerable to human trafficking and it is very important for this Office to provide stronger leadership on this topic. An important case to recall here is the *Evans* case where traffickers from a family farm in Palatka, Florida, combed the homeless shelters of South Florida luring homeless, mainly African American men, to work on their family farms. They targeted this particularly vulnerable population in Florida and North Carolina, recruiting homeless U.S. citizens from shelters across the Southeast, including New Orleans, Tampa, and Miami. The Evans' deducted the cost of rent, food, crack cocaine and alcohol from workers' pay, holding them "perpetually indebted" in what the Department of Justice called "a form of servitude morally and legally reprehensible." The Coalition of Immokalee Workers and a Miami-based homeless outreach organization, Touching Miami with Love, reported the case to federal authorities in 2003.²¹

Adult Protective Services has not undertaken comprehensive human trafficking awareness among its staff and contracted providers due to its position that the population it serves could not be trafficked, thus making any training and awareness irrelevant. APS believes that the addition of a "human trafficking" maltreatment code for vulnerable adults is not needed for the same reason. While the statute may present some barriers to services, this Office should reconsider its position that none of those whom it serves could be trafficked. Instructive to this point is a case from Kansas where a "caregiver" couple was sentenced to a combined 37 years in federal prison for trafficking mentally ill U.S. citizen adults in a residential treatment group home.²² Other crimes for which they were convicted include involuntary servitude and forced labor. It would appear that Florida law, as written, would allow APS to investigate a similar case were it to occur in Florida. If there are statutory barriers to complete service, DCF should consider and propose amendments to the law to allow for greater protection of those vulnerable adults between the ages of 19 and 59 who could be trafficked. One amendment might be to change the definition of "caregiver" in the context of adults so that the lack of an identified caregiver would not be a bar to investigation and help. This change was made to the law pertaining to children so that if the "caregiver" is unavailable the child can still be assisted.

²¹ See <http://www.ciw-online.org/slavery.html>

²² See *United States vs. Kaufman*, http://www.justice.gov/opa/pr/2005/November/05_crt_599.html

Finally, since the focus of work within DCF to date has been principally on children who are trafficked, this effort has resulted in a specific maltreatment code for this population. Similarly, since there is not an official maltreatment code for vulnerable adults who are victims of trafficking, this code could be helpful, just as with children, to direct and assist these trafficking victims.

It will be very important for the Department to continue to follow up on these action plans with each program office and provide necessary technical assistance and other needed support.

Children's Legal Services attorneys should have regular training and updates on human trafficking relevant to their duties. Specialized Continuing Legal Education (CLE) programming that is geared to child welfare attorneys is also important to develop and implement. There are multiple opportunities for CLS attorneys to receive this training including the Department's annual Dependency Summit, and its regular CLE programming and through webinars. This training should focus on both non-U.S. citizen children of trafficking and domestic victims, particularly victims of domestic minor sex trafficking.

It is also important that all DCF staff and contractors who can come in contact with victims of trafficking receive regular, ongoing training, that the training is accommodated to staff's particular responsibilities and that new employees are trained on human trafficking. Work product from contracts such as that with FIAC also needs to be updated regularly as the laws and their implementation are in a constant state of flux. The Department should also continue to ensure that human trafficking is on the agenda for all relevant training programs it sponsors or funds such as the Dependency Summit and The Southeast Institute on Homelessness and Supportive Housing.

Most DCF staff and contractors collaborate with their local law enforcement and victim service providers on issues such as sexual abuse or domestic violence. Similarly, it would be important that these local circuit staff know who to call when they encounter victims of human trafficking,

including CLS attorneys in that circuit and region. Some DCF staff is aware of local of anti-trafficking efforts and they participate in these meetings, but this is not the case in every circuit. A Guide to anti-trafficking efforts, contact persons and important linkages should be available in each DCF Circuit so that all staff and the public in that local area know who to contact.

The Office of Family Safety has developed a data collection effort on child human trafficking cases. Other program offices should also include human trafficking data collection so that trafficked adults will also be counted.

DCF's website should continue and be enhanced to include an up-to-date calendar of all human trafficking trainings and links and other resource information specific to human trafficking projects and resources in Florida and nationally. Agency intranet services, such as the Abuse Hotline, do provide regular information and updates about human trafficking, and this is a good lead to follow, in terms of making information about human trafficking be available to the public. For instance, the State Department released the 2010 Trafficking in Persons (TIP) Report in June 2010, and this could be a good resource for those visiting the Florida site to access. Finally, DCF should raise the issue of human trafficking in statewide efforts such as Florida's Cabinet on Children and Youth so that trafficking of children and vulnerable adults can be effectively addressed in already-established multidisciplinary venues.

Recommendations

74. DCF should create training and outreach opportunities for all DCF staff that may come in contact with victims of trafficking to learn about human trafficking. This training should be specific and tailored to the staff responsibilities so that, all staff receive training relevant to their duties and responsibilities.
75. The Office of Family Safety within DCF should develop intake, screening and treatment responses that can help prevent children from becoming victims of domestic minor sex trafficking and that assist children who are currently being prostituted or forced into other aspects of the sex industry.

76. The ACCESS (Automated Community Connection to Economic Self-Sufficiency) Program should continue to provide posters in its service centers, store fronts, and community ACCESS partner sites to promote awareness of human trafficking among the population they serve.
77. The Child Care Licensing Office should promote human trafficking awareness on its website and among the populations they serve.
78. The Domestic Violence Program office should continue and where appropriate, begin training efforts, to ensure that domestic violence program staff and others to whom they provide technical assistance and support receive training on human trafficking.
79. The Office on Homelessness should not only include the topic of human trafficking in its annual conferences and meetings but also promote human trafficking awareness and education among those who provide help to the homeless.
80. DCF should adopt a specific maltreatment code for adults who are victims of trafficking so that human trafficking can be coded by the hotline and Adult Protective Investigators, as it can now be coded and tracked for children.
81. The Office on Adult Protective Services should receive more training on human trafficking and how it could encounter and assist victims of trafficking within their jurisdiction.
82. Children’s Legal Services attorneys should have regular training and updates on human trafficking relevant to their duties.
83. Regarding the work of the “Children’s Cabinet” and other multidisciplinary efforts, DCF should join with other agencies and make human trafficking of children and vulnerable adults a priority issue area for attention and reform.
84. DCF should provide circuit-by-circuit local and national human trafficking contact information for staff and contractors throughout the state and encourage them to link with these local efforts.
85. Agency communications should regularly and prominently feature human trafficking including how to identify human trafficking, resources, local efforts and best practices.

86. The Human Trafficking Coordinator should ensure that information created for DCF on human trafficking is regularly supplemented and updated to reflect current laws, trends and resources.
87. The Department should continue to provide assistance and follow up on program office action plans with regard to human trafficking as many action items are ongoing in nature.
88. Since traffickers target the most vulnerable people, it is important that Substance Abuse and Mental Health develop and implement efforts to assist the populations they serve. These efforts should focus on training for all front-line staff on prevention and awareness efforts with their clients as well as how to identify and respond to a suspected trafficking case.
89. DCF should consider and propose amendments to the law to allow for greater protection of those vulnerable adults between the ages of 19 and 59 who could be trafficked.
90. The Department should support “Safe Harbor” legislation that provides services to victims of domestic minor sex trafficking.
91. The human trafficking website should be updated and include important information such as local task force or coalition meetings, training programs, important national human trafficking information, and other human trafficking related events.
92. DCF should evaluate current data collection efforts and make sure that all relevant program offices are collecting data on human trafficking.
93. The Department should ensure that all current training programs such as the two on-line training modules for Child Protective Investigators and video links on human trafficking available on the Center for Child Welfare (<http://centerforchildwelfare.fmhi.usf.edu/kb/humantraf/Forms/AllItems.aspx>) are utilized by all relevant staff and that these programs are tracked in terms of numbers of times that they are viewed.

Courts

Background and Observations

The issue of human trafficking has the potential to impact the court system at many different levels and divisions. Judges who sit on the bench in family court, criminal court including delinquency matters, dependency court, or emergency and duty judges, and in general civil matters, all have the potential to have human trafficking be at issue.

The Office of State Courts Administrator (OSCA) provides general training to new and experienced judges, and some court staff, such as court administrators and appellate law clerks. About 900 hours of instruction are offered each year. Judges and judicial staff attend multidisciplinary programs such as the Dependency Summit sponsored by the Department of Children and Families. Regional and local educational programs also take place statewide. Each year there are county and circuit judges' conferences where educational programs occur and where human trafficking has been an available workshop for attendees. On-line training is available as well. For instance, there is a virtual training on domestic violence where judges and staff can be introduced to issues commonly confronted in civil domestic violence cases. There are also training videos available on line and electronic publications such as the quarterly Full Court Press. In an example of this in action, The OCI Files, a former monthly electronic newsletter of the Office of Court Improvement, featured an article about human trafficking in November 2007.

There are also specialized courts such as the Unified Family Court program, whose staff includes case managers. In such courts, knowledge about human trafficking is very important. Like others organizations and agencies that are dependent on public funding, the courts have suffered budget cuts, including travel and training budgets, making the challenge of providing training even greater.

Judges need to know when and if to ask about human trafficking in cases as it may be the keystone event that helps the rest of the case make sense. For instance, what should a dependency judge conclude when a 15 year old desperately pleads with him to let him go back to the farm and work instead of living with a family and going to school? What questions should that judge ask caseworkers? How would a judge know whether a woman who is a non-U.S. citizen and is beaten by her alleged “fiancé” is a victim of domestic violence, human trafficking or both? Can witnesses, court personnel and litigants be in even more danger from trafficking rings if human trafficking goes unrecognized? Judges are in the best place to ask important questions of counsel, and these are questions that could bring human trafficking to light.

Jails and booking personnel also do not currently receive information about human trafficking and this practice should change so that county judges can know whether or not to release defendants prior to first appearance (if that person is a trafficker, there is an extremely high flight risk) as well as how to help potential victims of trafficking who may have been mistakenly arrested.

There are numerous places in the justice system for awareness of human trafficking and professional education for judges such as local bar associations, the Florida Bar, and other associations that are specific to counsel such as the Florida Prosecuting Attorneys Association, the Florida Public Defender Association and the Florida Association of Criminal Defense Lawyers.

Analysis of Needs and Gaps

The most important need faced by judges and the courts is for greater awareness and education about how human trafficking can underlie the cases that come before them. Judges and staff need to know about anti-trafficking programs, resources and how to respond. Judges and/or staff need to become familiar with those in their community who comprise local anti-trafficking task forces and, in the absence of formal efforts, know who key federal and state law

enforcement are who have significant responsibility in anti-trafficking work. Court advocates and assistants should know about resources available to assist victims of trafficking in the local, state and national arenas.

The issue of human trafficking is not relevant to only one or two kinds of courtrooms but could arise in a wide range of judicial venues, thus making the need for materials such as bench guides and of distance learning programs on human trafficking significant and urgent. OSCA has laid the groundwork with preliminary training and awareness.

Recommendations

94. The court system should expand training and outreach opportunities for judges and judicial staff to learn about human trafficking.
95. The court system should provide local and national human trafficking contact information for each of the 20 judicial circuits and distribute widely among all courts, jails and other offices.
96. OSCA should explore the ways in which current training venues, including New Judges' College and advanced judicial education programs, can include human trafficking in case examples and training hypotheticals.
97. The court system should feature human trafficking (how to identify human trafficking, resources, local efforts, Florida cases of anti-trafficking prosecutions) in newsletters and other communications developed by the OSCA.
98. OSCA should create bench guides or other materials that can help judges identify and inquire about human trafficking in court.

Department of Environmental Protection

Background and Observations

Human trafficking may not be the first topic that comes to mind when one thinks about the work of the Department of Environmental Protection (DEP). However, like many other state agencies, those who work for and with DEP can play important roles in recognizing and responding to human trafficking in Florida. DEP's jurisdiction is vast and includes all of the public lands and waters of the State of Florida as well as private lands within Florida where regulated activities occur. Moreover, like other agencies, DEP's many regulatory functions require personnel to be in a variety of workplaces and remote areas in order to inspect areas for permitting and compliance purposes, and to carry out administrative and civil enforcement of Florida's environmental laws. DEP's regulatory functions extend to protection of Florida's land, air and water quality and govern matters from air emissions to coastal construction, development in wetlands, landfills, marinas, public water systems, wastewater plants and paper mills.

Under certain circumstances, violations of the Department's laws may constitute criminal offenses. To investigate whether criminal violations have occurred, the Department has 138 sworn law enforcement officers, including Special Agents from the Criminal Investigations Bureau, with full arrest powers. Special Agents most often investigate crimes and violations that have a negative impact on Florida's environment, including the improper storage, transport, or disposal of hazardous waste; destruction or illegal filling of wetlands; or the burying or burning of prohibited materials. However, they are accredited to investigate and make arrests for all crimes, not just those related to the environment. Crimes associated with organized crime such as fraud, forgery, and conspiracy can be associated with environmental violations just as these crimes are also associated with human trafficking, making it likely that DEP will encounter human trafficking.

DEP's Division of Law Enforcement oversees the bureaus of Emergency Response, Criminal Investigations, Park Police and the Training Center and provides assistance in disasters that threaten or endanger life or property. The Division of Law Enforcement's Bureau of Park Police also has full arrest powers. They patrol more than 800,000 acres of Florida's state-owned lands, providing law enforcement and public service within 160 state parks, as well as preserves, recreational areas, greenways and trails. The officers also patrol more than four million acres of submerged coastal and aquatic managed areas.

Like human trafficking cases, DEP's investigations, whether civil or criminal, are often long-term and complex. Foundational to these cases is the expert assessment and testimony of the Department's regulatory and scientific professionals. In fact, one estimate is that upwards of 85% of DEP's staff of over 5000 are "in the field," and so, if properly trained, could report suspected trafficking. Like the legions of inspectors for local government and other agencies of state government, DEP's professionals have access to places such as fields, construction sites, migrant worker camps, factories, fuel storage areas, waste facilities, water bodies and a host of other areas where victims could be enslaved. For example, State Park Police have reported seeing non-U.S. citizens (assumed to be migrant farm workers) illegally camping in state parks for weeks at a time. Many of DEP's investigations are triggered by citizen complaints and observation of unsafe conditions such as tire burning or dump sites near water supplies.

DEP's federal counterpart, the Environmental Protection Agency, was the first to discover the enslavement of workers at the Evans farm in Palatka, Florida.²³ In this 2006 case, federal prosecutors successfully obtained a conviction against Evans family members on a number of counts including the Clean Water Act and labor law violations. This successful prosecution began when the EPA investigated the dumping of human waste into the St. Johns River, saw workers and the deplorable conditions where they lived and worked and reported this to their federal counterparts who proceeded to convict the defendants on trafficking-related crimes.

²³ See the EPA press release on *U.S. v. Evans* at <http://www.epa.gov/compliance/resources/cases/criminal/highlights/2007/robertevans-07.pdf>

DEP has encountered human smuggling that instead may have been human trafficking, including some of the large numbers of Cuban refugees who land on state park lands in Monroe County. Officers also investigated a case involving workers who could not leave a migrant worker camp, had to buy supplies from the “company store” at exorbitant prices, lived in horrendous conditions and were held in indentured servitude. (While there were convictions in that case, none were related to treatment of the workers.) Staff has also seen cases where foreign workers were employed in dangerous settings such as asbestos removal where the employer (who was the low bidder on a contract) exploited foreign workers and did not provide them with adequate safety gear or follow the law regarding asbestos removal. Again, it is possible this was a human trafficking case.

DEP works with many local, state and federal task forces and the agency supports broad and active involvement in these cooperative endeavors so long as they are in furtherance of DEP’s mission. When DEP law enforcement officers have encountered smuggling, they work in conjunction with the local law enforcement and federal Immigration and Customs Enforcement (ICE).

Regarding training, human trafficking has not been a topic for training or awareness among law enforcement or non-law enforcement staff, except for those DEP law enforcement recruits who undergo basic academy training that recently has included human trafficking and at least one DEP officer who has taken the 40 hour FDLE advanced investigator training. There is great interest among other officers in receiving more in-depth training on human trafficking.

There also is a recognition that a basic training on human trafficking is needed agency-wide beyond law enforcement officers, as well as a need for training that is tailored to the work done by the specific regulatory staff and law enforcement so that they can see the kinds of cases that are most likely to arise in the areas where they conduct their duties. Law enforcement, in particular, greatly prefers face-to-face training as opposed to distance learning. Additionally, law enforcement has a decided preference for prosecutors to assist in training and so that they

can inform officers regarding the kinds of evidence and investigations needed for successful prosecutions.

When they suspect criminal activity, DEP's regulatory staff contact DEP law enforcement officers. A DEP crime analyst regularly disseminates intelligence bulletins about many different matters such as smuggling and other crimes related to human trafficking. To date, DEP has not been part of any local human trafficking task force or coalition.

Analysis of Needs and Gaps

The most important need faced by the Department is for regular training and information on human trafficking. The many aspects of both law enforcement and other regulatory activities that bring law enforcement and regulatory staff into workplaces makes it imperative that *all* DEP staff and contractors understand how to recognize human trafficking and how to respond if trafficking is found or suspected. To the same extent that regulatory staff can observe and report on any other illegal activity, they should be informed and aware so that they, similarly, could recognize and respond to trafficking. Training should be tailored to the job functions of those who are being trained. While a general, basic training on the elements of human trafficking, and how to respond could be used Department-wide, specific training modules should be developed to allow law enforcement, regulatory staff and others to learn how they might encounter human trafficking during permitting, compliance, enforcement or law enforcement patrol. Cases like *U.S. v. Evans* should be highlighted as examples of where environmental compliance standards can lead to uncovering human trafficking. Law enforcement training should be face-to-face and allow for questions and interactions.

DEP law enforcement could also widely share information on the availability of the 40-hour advanced investigator training course on human trafficking offered by FDLE, and officers and investigators whose work might bring them into contact with human trafficking cases on a more regular basis should be encouraged to attend. DEP could also explore the opportunity to

put the issue of human trafficking on the in-service agenda or include it in web-based training software, where that training method is favored.

DEP, like other agencies of state government, is an important resource for information that its officers observe and report. Therefore, DEP's reports about human trafficking should be communicated to and supplement the FDLE data base on human trafficking case information. Conversely, DEP's crime analyst(s) should receive information from FDLE and other federal, state, and local partners and distribute it to DEP officers.

DEP's ongoing partnerships with state and federal partners in their communities should be expanded to include work on and familiarity with human trafficking cases. This includes knowing about local anti-trafficking task forces and coalitions as well as those federal and state law enforcement officers who specialize in human trafficking cases. DEP also should be aware of the resources and social services available to assist victims of trafficking in the local and national arenas. DEP staff and officers encountering a victim of trafficking would not provide these services, but should know whom to contact and that victims of trafficking are eligible for a range of benefits as well as immigration relief. Human trafficking hotline numbers and resources should be considered as additional information that could be shared with staff and the public statewide.

Human trafficking is not specifically included in agency protocols or directives that describe what officers and others should do if they suspect human trafficking is present. Current protocols or directives that detail responses to other illegal activity could be evaluated to assess whether human trafficking should be specifically mentioned.

Recommendations

99. DEP should expand training and outreach activities for officers and staff on human trafficking as well as outreach to the public, where appropriate.

100. DEP's officers and investigators should be made aware of the FDLE 40 hour advanced course on human trafficking and, where appropriate, be encouraged to take this course.
101. DEP should examine current agency protocols or directives to determine if they should be amended to include human trafficking information, including how to respond.
102. DEP staff should all have local and national human trafficking contact information and officers and others throughout the state should build linkages with these local efforts. In particular, many DEP officers and regulatory staff who are already active on state and federal task forces should explore how to include human trafficking in current partnerships, as appropriate.
103. Federal immigration authorities should be responsive when state law enforcement authorities request assistance concerning undocumented persons who may be victims of trafficking.
104. Webmasters at DEP should post human trafficking contact information to the DEP web page which includes a link to the Department of Children and Families' human trafficking website: <http://www.dcf.state.fl.us/initiatives/humantrafficking/>.

Florida Fish and Wildlife Conservation Commission

Background and Observations

The Florida Fish and Wildlife Conservation Commission (FWC) has an important role to play regarding identifying and responding to human trafficking. This is primarily due to the significant law enforcement presence in the agency. Secondly, like the Department of Environmental Protection, FWC performs a regulatory function and non-law enforcement sworn staff, such as biologists who collect samples from wildlife areas, monitor wildlife and come in contact with a variety of workplaces. FWC's sworn officers remain a most important links to recognition and reporting of human trafficking cases.

The Commission's Division of Law Enforcement is constitutionally mandated to provide law enforcement services to protect fish and wildlife resources, the citizens and visitors of Florida, and provide boating safety patrol for all state waters. FWC officers, who are uniquely trained and equipped, patrol the most rural and remote parts of the state. These patrol activities provide FWC officers opportunities to discover criminal activity which may not be readily detected by other law enforcement entities.

FWC law enforcement officers provide a supporting role to local and federal law enforcement through mutual aid agreements for a variety of law enforcement services, which could include identifying and responding to human trafficking. FWC officers have previously encountered human smuggling operations and apprehended violators. When this occurs, the case is worked in conjunction with the local sheriff and federal Immigration and Customs Enforcement (ICE). The FWC has 721 sworn officers with full police powers and statewide jurisdiction. They also are federally deputized through joint enforcement agreements with U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration (NOAA), and the National Marine Fisheries Service. FWC Officers patrol wilderness, inshore, and offshore areas and have built cooperative relationships with local and federal law enforcement entities, thus providing another link to help those officials identify and report suspected human trafficking.

Florida law provides all certified law enforcement officers the authority to board and inspect boats to ensure compliance with laws regarding boating safety, fishing, marine sanitation and fuel carriage, among others. Approximately fifty percent of FWC officers' patrol activity is dedicated to the fresh and salt waters of the state, which provides for the annual inspection of over 300,000 vessels each year. Additionally, FWC officers' diverse duties include responding to natural disasters and working with other agencies on homeland security issues. To assist officers in land and water patrol, the FWC Aviation Unit provides quality aerial support. Aircraft perform life saving search and rescue operations. Aircraft and pilots act as force multipliers, providing law enforcement coverage over large expanses of land or water in a short period of time. Pilots are able to observe activity or lack of activity and report that information to area officers. The ability to act as the field officers "eye in the sky" increases the efficiency of the ground or water officer, saving them time and equipment operation expense, and increasing contacts and arrests. FWC pilots cover over 74,000 square miles of Florida's lands and waters.

When criminal activity is suspected, officers write a report or call it into FWC dispatch. This information then goes to FWC crime intelligence analysts and is sent to FDLE where the information is reviewed and integrated into existing data.

FWC currently utilizes the FDLE Criminal Justice Standards and Training (CJST) curriculum to train law enforcement officers at the academy on protocols and directives that specify how officers can recognize human trafficking and respond if human trafficking is discovered. To date, none of the FWC officers have taken the 40 hour FDLE advanced investigator training. The FWC regularly disseminates intelligence bulletins about many different matters such as smuggling and other crimes related to human trafficking.

Analysis of Needs and Gaps

The most important need faced by the Fish and Wildlife Conservation Commission is for regular training and information on human trafficking. The many aspects of both law enforcement and other regulatory activities that bring law enforcement and other staff into workplaces makes it

imperative that all understand how to recognize human trafficking and how to respond if trafficking is found or suspected. To the extent that non-sworn staff can observe and report on any other illegal activity, they should be informed and aware so that they, similarly, could recognize and report on suspected trafficking of persons.

The FWC should continue to use the existing basic academy training to educate officers about human trafficking. The FWC also should disseminate intelligence bulletins and news reports about human trafficking, as it does for other law enforcement matters.

FWC could benefit from additional training developed by FDLE on how to increase intelligence functions between agencies to target violations related to human trafficking. Human trafficking training also should specifically cover how human trafficking could be encountered during water, land and air patrol while enforcing Florida's boating safety and fishery laws. Areas where human trafficking could be occurring and not be observed include isolated areas, heavy boating and fishery zones and with luxury yachts or sailing vessels. FWC could also widely share information on the availability of the 40-hour advanced investigator training course on human trafficking offered by FDLE, and the course also could be shared with officers and investigators who in particular should be encouraged to attend. FWC could also explore the opportunity to put the issue of human trafficking on the in-service agenda or include it in web-based training software used by FWC if there is an electronic version of the training.

FWC is an important resource for information that its officers observe and report to FWC dispatch. This is a point where information about human trafficking could supplement the FDLE data base on human trafficking case information. Conversely, FWC crime intelligence analysts receive information from FDLE and other federal, state, and local partners and distribute it to FWC officers.

The FWC should continue to partner with state and federal partners in their community who work on human trafficking. This includes becoming familiar with local anti-trafficking task forces

and coalitions as well as federal and state law enforcement officers who specialize in human trafficking cases. FWC also should be aware of the resources available to assist victims of trafficking in the local and national arenas. For instance, an officer encountering a victim of trafficking would not provide social services, but that officer should know whom to contact and that victims of trafficking are eligible for a range of social services benefits as well as immigration relief. This information can help inform victims of their rights. Human trafficking hotline numbers and resources should be considered as additional information that could be shared with staff and the public statewide. At present, human trafficking is not specifically included in agency protocols or directives that describe what officers and others should do if they suspect human trafficking is present. Current protocols or directives that detail responses to other illegal activity could be evaluated to assess whether human trafficking should be specifically mentioned.

Recommendations

105. The FWC should expand training and outreach activities for officers and staff on human trafficking as well as outreach to the public, where appropriate.
106. The FWC should continue to utilize mandatory CJSTC training to familiarize officers with the crime of human trafficking.
107. FWC officers and investigators should be made aware of the FDLE 40 hour advanced course on human trafficking and, where appropriate, be encouraged to take this course.
108. FWC staff should examine current agency protocols or directives to determine if they should be amended to include human trafficking information, including how to respond.
109. FWC staff should all have local and national human trafficking contact information and officers and others throughout the state should build linkages with these local efforts. In particular, many FWC officers who are already active on federal task forces should explore how to include human trafficking in current partnerships.
110. Webmasters at FWC should post human trafficking contact information to the FWC FDLE web page which includes a link to the Department of Children and Families' human trafficking website: <http://www.dcf.state.fl.us/initiatives/humantrafficking/>.

Department of Financial Services

Background and Observations

The Department of Financial Services (DFS) has a significant role to play regarding identifying and responding to human trafficking. Like the other agencies of state government, DFS has regular access to workplaces through its inspection and enforcement duties. The two entities who have these responsibilities are the Division of Workers' Compensation, which has civil enforcement authority and the Division of Insurance Fraud, which has criminal enforcement authority.

Division of Workers' Compensation investigators have statutory authorization to enter businesses and jobsite locations statewide to conduct onsite investigations to ensure that employers are in compliance with the workers' compensation law. During the course of the investigation, investigators often question employees directly to ask them about their pay, how long they have been employed, and for identification. The authority DFS has to enforce both criminal and civil law against violators is important and can overlap. For instance, if an investigator from the Division of Workers' Compensation issues a Stop-Work Order to an employer who commits a civil violation of the workers' compensation law, and that employer ignores the Stop-Work Order and continues to operate, that would constitute a third degree felony.

Relevant to the issue of human trafficking, Florida's workers' compensation laws exclude domestic workers, non-construction employers who employ fewer than 4 employees and agricultural employers who employ fewer than six regular or 12 seasonal employees: all areas of work where there have been a number of human trafficking prosecutions in Florida. Violations of the workers' compensation law include making false statements regarding coverage, failure to cover employees, and making deductions from an employee's pay to pay for the employer's required contributions under the law.

The Division of Insurance Fraud enforces the criminal laws of Florida related to insurance transactions. Investigators are certified law enforcement officers with the authority to bear arms and make arrests. It is not far fetched to say that an organized crime operation could include many activities including both insurance fraud and human trafficking. For instance, the Division of Insurance fraud has seen a trend where criminal enterprises stage fake accidents against insured drivers in order to collect benefits. In another example, a criminal could buy an expensive boat, claim that boat is “stolen” and then make a claim on the policy – when in fact that boat has been used by that claimant in a crime to smuggle drugs or people and then is destroyed. Other types of insurance fraud include mortgage fraud and cases where criminals buy “grow houses” and where undocumented persons often work in these houses tending marijuana plants. The home owner in such a case claims ignorance regarding the use of the rental property and seeks to collect insurance – when in fact it is all part of a complex drug crime enterprise. Again, human trafficking could also be present in these cases.

DFS coordinates with federal, state and local authorities including regular participation in federal task forces related to cases involving insurance fraud. At the state level, if there is a violation of another state law, Division of Workers’ Compensation investigators make referrals to other agencies, as appropriate. For instance, a roofer who lacks a roofing license and who is not in compliance with the workers’ compensation law would be reported to the Department of Business and Professional Regulation for violation of its licensing laws.

Division of Workers’ Compensation investigators can encounter undocumented workers during investigations and in the course of their work. When they do encounter undocumented workers, they make a referral to Immigration and Customs Enforcement (ICE).

DFS currently does not have any agency protocols, directives or training materials that are specific as to how employees can recognize human trafficking and respond if human trafficking is discovered. Currently, if illegal activity is discovered or suspected during an inspection, workers’ compensation investigators would notify local law enforcement. To date, workers’

compensation investigators have not encountered human trafficking during the course of their work.

On the criminal side, sworn law enforcement officers within the Department have access to the Florida Department of Law Enforcement human trafficking basic training and advanced investigator 40-hour training curricula. It is not known if any have taken this advanced course.

There are numerous avenues used by DFS to inform and educate employees and the public regarding important issues. These include internal training programs, newsletters, weekly “e-views,” consumer corner/citizen tips, and other venues where DFS distributes information.

Analysis of Needs and Gaps

The most important need faced by DFS is for regular training and information on human trafficking for those employees who could suspect or actually encounter human trafficking. Since special agents, investigators and other staff have significant access to workplaces and criminal activity associated with crimes such as mortgage fraud, this training is a prerequisite to helping them to identify and respond to human trafficking. Information on the availability of the 40-hour advanced investigator training course on human trafficking offered by FDLE should be shared and investigators, in particular, should be encouraged to attend.

Because the very foundation of the employer-employee relationship is clandestine and illegal in human trafficking cases, it is extremely unlikely that the trafficker/employer will be in compliance with workers’ compensation laws. Further, traffickers often give trafficked persons false documents, such as visas, passports and social security cards, which, in turn, they force or coerce the trafficked person to use. This makes possible identification of victims important in these cases: an investigator may be the only person to have access to an employee to ask questions about his or her employment situation. Moreover, if the investigator suspects human trafficking and reports this to the proper authorities, that employee/trafficking victim could be

freed from his or her enslavement as well as be eligible to receive benefits and immigration relief.

Trafficking victims – including children and undocumented persons – are often in dangerous jobs, making injury a likely possibility. If injured and covered under workers' compensation, they too would be eligible to receive benefits, and the failure to pay these benefits could be a crime. Moreover, as DFS staff inspects the records or workplaces, they may be able to identify suspected trafficking, report it to other law enforcement, as well as be active in sharing information about employers with other enforcement entities that are investigating human trafficking. DFS can also proceed with its own investigations and prosecutions of traffickers on the basis of violations that are solely within their statutory purview to enforce: not all human trafficking cases need to be prosecuted as "human trafficking."

In addition, DFS staff around the state should be familiar with those in their community who work to combat human trafficking. This includes knowing about local anti-trafficking task forces or coalitions and being familiar with federal and state law enforcement officers who specialize in human trafficking cases. DFS also should know the resources available to assist victims of trafficking in the local and national arenas.

Human trafficking currently is not included in agency protocols or directives that describe what officers, investigators and others should do if they suspect human trafficking is present. Current protocols or directives that detail responses to other illegal activity could include specific mention of human trafficking and prescribe agency responses such as suggesting that DFS contact with local human trafficking task forces, coalitions and law enforcement officers in their area who are key contacts and experts. In addition, the Department's internal and external media outreach efforts could feature human trafficking.

Recommendations

111. The Department should expand human trafficking training and outreach opportunities for DFS employees whose work might bring them in contact with trafficking situations.
112. DFS should provide local and national human trafficking contact information to its staff and investigators throughout the state, as appropriate to their responsibilities, and encourage staff to build linkages with these local efforts.
113. DFS law enforcement investigators who work in areas where human trafficking could be present should take the FDLE 40 hour advanced course on human trafficking.
114. The agency should explore the ways in which current mandated information on workers' compensation, insurance fraud or any other information which is distributed to the public can be expanded to include information about human trafficking and detail where those who want additional information can go for help and information.
115. Agency communication efforts should feature human trafficking (how to identify it, resources, local efforts, and work done by DFS in conjunction with any successful anti-trafficking prosecutions).
116. The DFS website should include information on human trafficking and links to other key anti-trafficking information. At a minimum it should provide a link to the Department of Children and Families' human trafficking website.
<http://www.dcf.state.fl.us/initiatives/humantrafficking/>.

Department of Health

Background and Observations

The work of the Florida Department of Health (DOH) is important to Florida's response to human trafficking. DOH administers a vast number of health-related programs, many of which are carried out through its 67 county health departments (CHDs). In fact, the programs administered within DOH are wide-ranging, diverse, and well-positioned to assist victims of trafficking who come into contact with DOH services, staff, or hear its public health messages.

DOH program staff, particularly those in county health departments, is in regular contact with the public. Programs such as Brain and Spinal Cord Injury, Migrant Farmworker Housing, Emergency Medical Operations, Family Planning, Medical Quality Assurance/Health Care Practitioner/Unlicensed Activity Program, Public Health Nursing, Rural Health, Tuberculosis (TB) and Refugee Health, Disease Control/Bureau of HIV/AIDS, Infant Maternal and Reproductive Health, Healthy Start Programs, School Health, and Sexually Transmitted Diseases (STD) Prevention and Control provide onsite services, clinical services, or home visitation. Certified victims of trafficking can receive health care services from CHDs and have received assistance from DOH's Refugee Services program.

The Bureau of Community Environmental Health's Migrant Labor Housing Program is an example of how a human trafficking victim may be identified during routine inspections. CHD inspectors conduct two quarterly inspections on permitted migrant housing establishments, investigate complaints of non-permitted migrant housing, perform exterior and interior inspections, and inspect all rooms in the housing units. The inspectors, because of the location and nature of their job, may be the first ones to observe suspicious activities in a migrant labor camp that may be involved with human trafficking.

The DOH has been an active member of the Statewide Human Trafficking Task Force and has mobilized internally to develop an action plan to implement greater awareness and integration

of human trafficking into its policies and programs. Many DOH and CHD staff and employees have received training and information concerning human trafficking through a variety of programs offered statewide and locally for DOH staff and surrounding CHDs. These opportunities help staff to learn about human trafficking and provide a foundation for each program office to be able to build in specific information relevant to its work and mission.

An example of integrating human trafficking education into health care Continuing Medical Education (CME) requirements has been demonstrated by the Florida Medical Association (FMA) who incorporated human trafficking into a two hour mandated domestic violence training. DOH was instrumental in moving this initiative forward.²⁴ Physicians are able to fulfill the education licensure requirement for domestic violence while learning about human trafficking. To date, this is the only example of a formalized integration of human trafficking into statutorily-mandated health care professional domestic violence education in Florida. Other health care professionals who are required to obtain domestic violence education as a condition of licensure and re-licensure include nurses, psychologists, licensed clinical social workers, dentists and dental hygienists.

DOH currently does not have any agency protocols, directives or training materials relevant to each program office's mission that are specific as to how staff can recognize human trafficking and respond if human trafficking is discovered.

Analysis of Needs and Gaps

In county health departments (CHDs), in general, there is a need for increased information about how to recognize and assist victims of trafficking, most of whom lack access to any regular health care. An undocumented immigrant could potentially be a victim of trafficking, who, with assistance from the appropriate resources, could apply for health care services.

²⁴ The resulting curriculum, completed in February 2010, can be found at <http://www.fmaonline.org/uploadedFiles/CME/files/domviolence.pdf>.

Many DOH-administered programs afford opportunities for staff to come in contact with trafficking victims, offer assistance or information and alert authorities. For example, one CHD reports having coordinated with the local sheriff's office on human trafficking cases, and has seen and treated Eastern European and Russian women who were trafficked to Florida. There are many other instances of CHD staff having come into contact with non-U.S. citizens (some of whom are undocumented and non-English speaking) as well as a number of U.S. citizens who may be trafficking victims. DOH staff can benefit from general information relating to human trafficking, much of which is available on existing websites. The U.S. Department of Health and Human Services also offers free posters, pamphlets and other key materials, many of which could be obtained by CHDs and other relevant DOH programs at no cost.²⁵ This general information should be complemented with information and training specifically tailored to the program's mission and priorities. Its current action plan takes the first step toward acquainting the program areas within the DOH with basic and general information about human trafficking.

Some DOH and CHD employees make home visits that can provide an ideal opportunity for detecting victims of human trafficking. For instance, one CHD staff person who made Maternal and Child Health Quality Improvement visits suspected human trafficking on a home visit, alerted the local law enforcement, and the traffickers were arrested. Similarly, there are other DOH and CHD staffs, including inspectors and field workers who focus on contagious diseases, who are providing hands-on work in the field and could potentially be trained to identify and respond to human trafficking. Those who are educated can also become educators – so, for instance, an immigrant woman who is not trafficked, but receives a visit from a home health care nurse who talks to her about trafficking, can share information with others in her community who may be victims.

Training, awareness, and information on whom to contact when staff suspect human trafficking, both internally and outside the agency, however, is needed. Therefore, CHDs and relevant DOH programs should consider incorporating the topic of human trafficking into

²⁵ <http://www.acf.hhs.gov/trafficking/>

existing training as well as to incorporate information into agency protocols or directives as to how staff can recognize human trafficking and respond if it is suspected or discovered.

Recommendations

117. DOH should identify, obtain, and distribute culturally appropriate public health messages, educational materials, radio and television Public Service Announcements (PSAs), posters and flyers on human trafficking that are relevant to department programs. (CHDs should be able to access and obtain this information.)
118. CHDs should post information on human trafficking in appropriate multiple languages wherever the public sees public health messages in their facilities. In addition, CHD staff, where appropriate, should receive training on how to recognize human trafficking and respond appropriately.
119. DOH should identify or develop articles on human trafficking and include them in newsletters and publications.
120. DOH should develop agency policies and train staff on what to do if human trafficking is suspected.
121. DOH should provide local and national human trafficking contact information to County Health Departments, staff, and contractors, and encourage partnerships and collaborations to support local and state anti-trafficking efforts.
122. DOH should encourage health care providers to be trained on human trafficking.
123. DOH should consider including patient screening questions to identify human trafficking and when trafficking is suspected, refer to appropriate resources.
124. DOH should include human trafficking information on its website, including a link to the Department of Children and Families human trafficking website URL <http://www.dcf.state.fl.us/initiatives/humantrafficking/>.

Department of Juvenile Justice

Background and Observations

The Department of Juvenile Justice (DJJ) has a wide range of responsibilities and initiatives regarding Florida's youth. Many of these responsibilities may impact, or be impacted by, human trafficking. Programs of DJJ include Prevention and Victim Services Detention Services, Residential Commitment Services, Detention, Probation and Community Intervention, Education, and Health Services.

The Department's prevention services reached over 29,000 youth during FY 2008/09 through programs such as the PACE Center for Girls and Outward Bound Discovery. Regarding Detention Services, over 1,800 officers at over 26 detention centers regularly come in contact with youth under the age of 18 who are arrested by law enforcement. Several PACE Center programs have become active in participating with local anti-trafficking task forces and coalitions as well as incorporating awareness and prevention programming on human trafficking into their curricula.

During FY 2008/09 there were almost 47,000 admissions into juvenile detention. When arrested, youth are evaluated by the DJJ to determine if they should be detained. Detention screening is performed at Juvenile Assessment Centers (JAC) or by juvenile probation staff. Like those in the Probation and Community Intervention unit, screeners at the JACs and detention officers could come in contact with minor victims of trafficking or with minors who are traffickers themselves. A minor might be arrested for prostitution, retail theft, or a host of other crimes that are linked to his or her status as a victim or perpetrator of trafficking and it is important that those who are assessing and dealing with these youth be able to detect whether this is the case. JACs do not have specific intake screening questions regarding human trafficking.

In addition to detention, DJJ staff and its contract providers counsel and work with youth in residential programs such as runaway shelters and probation and community intervention programs. As is true for many other programs, runaway shelters may include in their populations both victims of trafficking and traffickers themselves. Shelter residents can include gang members, too. This is relevant to trafficking, as law enforcement reports that human trafficking by gangs is growing. Traffickers both within and outside of these programs can also threaten victims who are trying to escape a trafficking situation. These residential programs do not have specific intake questions and limited staff have been trained to be able to identify whether a minor is a victim of trafficking or at risk of being trafficked.

The Department also has extensive educational programming and works with the Department of Education, local school boards and juvenile justice providers to provide education to youth. Over 13,500 students received education through these programs and coordinated efforts last year. As is true of non-DJJ related schools, the classroom can provide prime opportunities to give children information about the dangers of human trafficking.

The Department works in communities across Florida with the Department of Children and Families, local law enforcement and other community partners. Very often, children seen by DJJ have also been involved with DCF and law enforcement. They may have been in DCF custody and run away from a foster care family due to abuse. Florida lacks facilities and programming geared to help trafficked youth, particularly those who are victims of domestic minor sex trafficking.

Analysis of Needs and Gaps

One of the most significant needs faced by DJJ is for education and training of both DJJ staff and DJJ contractors. For instance, if a minor is a victim of trafficking and has been forced to commit a crime or induced to perform a commercial sex act, that child should be identified by those within the system, such as staff of the Juvenile Assessment Centers and Probation, and given appropriate assistance. These youth should neither be prosecuted nor punished for acts

committed while trafficked because those acts were coerced by the traffickers. DJJ could benefit from training in human trafficking so that they can fully understand the dynamics of human trafficking, the trauma and situations faced by trafficked minors and know how to work within their communities to assist them. DJJ should develop and implement specific intake questions that allow staff (and DJJ providers) to be able to assess whether a child is a victim of trafficking. DJJ should also be fully aware of the range of specific services and benefits available to non-U.S. citizen youth who are trafficked as well as what is available to help U.S. citizens.

Children who are in DJJ programs, such as runaway and homeless youth shelters, usually lack strong community ties and support and so are extremely vulnerable to trafficking. Law enforcement and many others report that large numbers of these children are also under supervision of the state already as they are very often victims of abuse and neglect. If, for instance, a young girl is running away from an abusive stepfather, she is likely to be extremely vulnerable to the promises made by a pimp/trafficker and become trafficked by that pimp. Coupled with a history of violence and abuse from an early age is often drug use and addiction – another vulnerability that is exploited by a trafficker. The severe trauma that youth who are trafficked usually suffer should be understood by Department staff and contractors – particularly counselors – who work with these youth.

DJJ has many programs geared to prevention, and these programs should include information on human trafficking and, where appropriate, staff should be trained to sensitively ask questions so they can determine if a child is a victim of trafficking. Additionally, training young people as well as staff is important to preventing human trafficking. “Life skills” training on human trafficking that is taking place at programs such as the Girls Advocacy Program (GAP) or at PACE Centers for Girls should be continued and expanded so that all of these kinds of prevention and educational efforts include information on human trafficking. Prevention and intervention training should also focus on such matters as how gangs seek out young and vulnerable minors, particularly girls, and force them into prostitution. Those gangs have begun

to be active in human trafficking is relatively new and it is incumbent upon anyone whose work brings them into contact with gangs to understand human trafficking.

The number of victims of trafficking in general is hard to assess, and this is especially true of minors who are trafficked. DJJ should evaluate and make internal recommendations as to how this agency can better track human trafficking victims who come within DJJ's jurisdiction.

Staff at DJJ and its many allied contractors and providers currently do not have needed information on what their responses should be if they encounter human trafficking in their work. They need to know what other government agencies are doing, where they can seek assistance, and whom to call if they have questions. They also need to know about local, state and national anti-trafficking efforts and how to form linkages with them.

Relatedly, DJJ collaborates with law enforcement throughout Florida but it is unclear the extent to which collaboration occurs on human trafficking cases. In some areas, Juvenile Assessment Centers include juvenile justice and law enforcement agencies in collaboration agreements. DJJ also collaborates with FDLE specific to gangs, Department of Children and Families on interagency issues, Department of Education on juvenile justice education issues, Agency for Persons with Disabilities on children of mutual concern and the Agency for Workforce Innovation on workforce related issues. Knowing what other state agencies are doing or could do around human trafficking also would be helpful to DJJ's efforts. Additionally, it is important for DJJ staff who works with youth to be aware of their local community human trafficking task forces, coalitions and other initiatives.

DJJ recently trained some staff on human trafficking at its headquarters where trainers shared The Department of Children and Families' (DCF) training materials and other documents such as an Operating Procedure, Child Trafficking Indicator Tool and Information Kit. A Legal Best Practices Manual for the Protection of Children Victims of Human Trafficking was also presented and is available for DJJ legal and other justice-system staff. These tools, while

developed for DCF, might be easily used or adapted by DJJ to assist its staff and help those youth in its care.

Recommendations

125. DJJ staff and private providers who provide counseling and are working with youth should receive training so that they can understand human trafficking and how to recognize it among the population they are helping.
126. All “life skills” training and any other relevant prevention programming that is taking place at programs such as the Girls Advocacy Program (GAP) or at PACE Centers for Girls should be supplemented with human trafficking information.
127. Contract monitors and the Department’s Quality Assurance program should include human trafficking on their monitoring instruments to make sure human trafficking is looked for at every given chance. This disclosure, if revealed to a counselor, should immediately provide any young person who is trafficked with additional help including referrals to assist with immigration rights and other benefits to which victims of trafficking are entitled.
128. Shelter staff and other key staff who house and work with youth should receive safety planning training because the safety of youth and staff at residential and non-residential programs is also at risk due to human trafficking.
129. DJJ should consider the development of programs and residential facilities that are geared to assist minors who are victims of sex trafficking. Legislative initiatives such as the “Safe Harbor Act” should be evaluated and implemented.
130. DJJ should add data collection fields to be able to track the numbers of human trafficking related cases in DJJ and to assess demographics so that more can be done to effectively help these youth. (Other data elements could include when a case was discovered to be human trafficking as well as when and how a minor is likely to disclose information.)
131. Local providers and DJJ staff should contact their local anti-trafficking task forces, coalitions and others in their area who are collaborating on human trafficking issues.

132. DJJ should work with other state and local agencies to add “human trafficking” to their regular meeting agendas, cross-train where needed and identify specific partners they would contact when a case arises.
133. Regarding the work of the “Children’s Cabinet” DJJ should join with other agencies and make human trafficking of children a priority issue area for attention and reform.
134. DJJ should evaluate the training tools and other materials that DCF has developed on human trafficking to see if they might be adapted for DJJ.
135. DJJ should require that all minors who are admitted to any DJJ runaway or homeless youth facility be screened at intake for human trafficking.
136. JACs should develop screening and intake criteria for children who are admitted to their facilities.
137. DJJ should add human trafficking to its website information and link with the DCF Statewide Human Trafficking website:
<http://www.dcf.state.fl.us/initiatives/humantrafficking/>

Department of Law Enforcement (FDLE)

Background and Observations

The Florida Department of Law Enforcement provides services in partnership with local, state, and federal criminal justice agencies, in order to prevent, investigate, and solve crimes throughout Florida. It maintains seven Regional Operations Centers and Crime Laboratories, through which it delivers investigative, forensic, and information system services to Florida's criminal justice community.

As Florida's statewide law enforcement agency, FDLE has played a leading role in efforts to combat human trafficking here. The caliber of FDLE's efforts and leadership has already been discernible in a number of vital areas:

- FDLE has created not only the basic academy training on human trafficking for all Florida law enforcement recruits but also a 40 hour advanced investigator training. The latter advanced training yielded almost immediate results when a Pinellas County Sheriff's officer completed it and within two weeks launched an investigation that led to one of Florida's first sex trafficking cases to be prosecuted under its state law.
- FDLE personnel proved essential in connecting what began as separate sex trafficking investigations in Tallahassee and Clearwater. Recognizing the criminal *modus operandi* that was common to both sex trafficking conspiracies, FDLE provided critical resources in the joint investigation that led to federal criminal convictions of the Colombian perpetrators in the *Melchor* and *Monsalve* cases.
- Telephone records and FDLE phone analysis proved crucial in demonstrating to the federal jury in the *Melchor* case that the criminal incidents in question were not merely a local prostitution venture (as the defense claimed) but rather a sex trafficking scheme

that spanned several states and foreign countries, in which immigrant women were lured to Florida for sexual exploitation.

- An FDLE officer continues to serve fulltime as a member of the Tampa-Clearwater Human Trafficking Task Force. Recognized nationally as a model Task Force that brings together federal, state, and local law enforcement officials with non-governmental service providers, the Tampa-Clearwater Task Force has investigated trafficking crimes that have involved both immigrant and U.S. citizen victims.
- FDLE Commissioner Gerald Bailey co-chairs Florida’s first Statewide Human Trafficking Task Force.

Three of FDLE’s programs are particularly vital to Florida law enforcement efforts to combat human trafficking:

Through its **Criminal Investigations and Forensic Science** Program, FDLE provides criminal laboratory and investigative services throughout the state. As the agency tasked with coordinating multi-jurisdictional and special criminal investigations, FDLE plays a crucial role in investigating Florida human trafficking operations—almost all of which by definition cross and transcend the jurisdictional boundaries of local and county law enforcement agencies. FDLE’s multi-jurisdictional investigative mandate is one of the principal strengths that the agency brings to Florida’s anti-trafficking efforts.

Forensic evidence is of tremendous importance in trafficking prosecutions in order to corroborate the testimony of victim witnesses, and FDLE’s expertise and capabilities in this area are of great importance to the successful prosecution of trafficking cases. Because increasing numbers of trafficking cases involve organized crime, FDLE’s experience in pursuing RICO (Racketeer Influenced and Corrupt Organization) cases is also vital. In general, FDLE resources

and investigative experience are crucial in the investigation of intricate cases and for dismantling extended criminal organizations such as trafficking rings.

Intelligence-led policing is the foundation of FDLE operations. The agency's Office of Statewide Intelligence (OSI), housed in the Investigations and Forensic Sciences Program area, exercises a key role in combating trafficking. OSI coordinates FDLE's intelligence functions through the fusion of information and intelligence used in support of criminal investigations. It completes strategic assessments of emerging crime trends, and through its InSite system maintains secure statewide databases containing intelligence information on violent crimes, gangs, narcotics, etc. Access to InSite is provided at no cost to all Florida law enforcement agencies and is located on CJNET, a secure law enforcement only web-based site.

Because InSite provides authorized law enforcement officials with active criminal intelligence and active criminal investigative information, it is the optimal means for the exchange of human trafficking intelligence between law enforcement agencies throughout the state. The Violent Crime Module of InSite includes human trafficking as a crime sub-type and can be utilized to document human trafficking intelligence/information without further amendment

FDLE's **Criminal Justice Information** Program comprises another important tool that the agency brings to the anti-trafficking field. A vital element of the Criminal Justice Information Program is the clearinghouse that FDLE maintains of missing children information. Called the **Missing Endangered Persons Information Clearinghouse**, this division of FDLE tracks the estimated 50,000 incidents of missing children that are reported to Florida law enforcement agencies each year. Given the vulnerability especially of U.S. citizen runaway and throwaway children to domestic sex trafficking, this Clearinghouse represents a tremendously important Florida tool for combating trafficking. The information collected and disseminated through this clearinghouse is accessible not only to Florida law enforcement officials, but also to public and private organizations and to the Florida general public. It therefore represents a key means for

heightening public awareness about human trafficking in general, and domestic minor sex trafficking in particular.

FDLE's **Criminal Justice Professionalism** Program promotes the competency and professional conduct of Florida's criminal justice officers. It works with Florida criminal justice agencies to provide entry-level and in-service officer training through the development of law enforcement training curricula. FDLE's Florida Criminal Justice Executive Institute and its Leadership Center provide additional training to criminal justice executives and managers on contemporary law enforcement issues.

Under the aegis of the Criminal Justice Professionalism Program, FDLE has already created an excellent introductory unit on human trafficking for all Florida Law enforcement recruits, as well as a very comprehensive 40 hour advanced investigator course. FDLE has superb resources and capabilities in this area, which make it the obvious choice to create an additional in-service training component on human trafficking for Florida law enforcement officers who are neither recent recruits nor investigators.

Analysis of Needs and Gaps

The leading role that FDLE has already assumed in Florida anti-trafficking efforts could be strengthened and enhanced in a number of ways.

State and local law enforcement agencies should be made aware that the Violent Crime Module within FDLE's Statewide Intelligence System (InSite) already includes human trafficking as a crime sub-type. Training on the use of InSite is offered free of charge, and several levels of access (including read-only and full access) are available to local law enforcement agencies throughout Florida. The system already has the capability of centralizing much of the information that local law enforcement officials have noted is crucial for successful trafficking investigations: the names and aliases of suspected perpetrators, license plates of vehicles suspected of being used in human trafficking operations, cell phone or landline telephone

numbers under investigation, and businesses with suspected links to traffickers. Since the inception of InSite in 2005, trainings have been conducted in each of the seven FDLE regions throughout the state. These ongoing trainings on the use of InSite could include a particular focus on the system's capabilities for investigating and tracking human trafficking conspiracies.

A statewide gap appears to currently exist in the training of Florida law enforcement officials on human trafficking indicators and first response options. Recruits since 2007 have received such training, and investigators who have opted to take the advanced 40 hour training have even more in-depth knowledge of the crime. However, the vast majority of Florida law enforcement officers have not undergone any training on human trafficking (unless such training was facilitated by their local agencies or through the Florida Regional Community Policing Institute in St. Petersburg). Closing this gap should be a high priority for Florida. FDLE is ideally situated to do so, and could create both a short roll call training video in addition to an online training of four to eight hours that would focus on how an officer on the street might recognize human trafficking, along with information on who should be contacted (both in law enforcement and the service provider community) when cases are identified. Curricula that are currently in use throughout Florida for training law enforcement officers should furthermore be assessed and standardized, and should include information and case studies on domestic minor sex trafficking.

FDLE should ensure that its agents and investigators complete the 40 hour human trafficking training course. The substance and nature of crimes investigated by FDLE make it likely that its agents will encounter cases where human trafficking could be present. In addition, non-sworn staff who work in criminal intelligence, with the Missing Endangered Persons Information Clearinghouse, or other sections of FDLE that deal with violent or organized crime should also receive training on human trafficking.

FDLE's Missing Endangered Persons Information Clearinghouse represents an important tool that should be used to combat the commercial sexual exploitation of children. As a website

accessible to the Florida public, it has tremendous potential for enhancing the awareness of Florida's citizens about domestic minor sex trafficking trends. No such section or link currently exists on the Clearinghouse website, and one should be developed.

Given FDLE's statewide base of operations, it brings unparalleled expertise and resources to Florida's anti-trafficking operations. In recent years, the federal government has implemented a nationwide campaign to counter human trafficking by the formation of local anti-trafficking task forces and coalitions, a number of which operate in Florida. The participation of an FDLE agent assigned to the Tampa Clearwater Task Force has been a vital part of its success. While limited financial resources would most likely not allow the fulltime assignment of an FDLE officer to every Florida Task Force, an FDLE officer serving as a point of contact for each task force or coalition would still be a critical contribution to statewide efforts.

A final area of need in Florida law enforcement policy regards the question of how domestic minor sex trafficking victims are to be treated under Florida law. A 2008 change in Section 796.035 of the Florida Statutes removed the previous requirement that minors demonstrate that someone used force, fraud, or coercion against them to induce them to participate in commercial sex. By removing the "force, fraud, or coercion" requirement, the Florida Legislature brought state law into conformity with federal anti-trafficking law. Both federal and Florida law now regard minors who have been sold or transferred by a third party into prostitution or stripping as victims rather than criminals. Any parent, legal guardian, or person having custody or control of a minor who facilitates their prostitution is now deemed a sex trafficker.

This change in the law keeps open the possibility that minors engaged in commercial sex but whose actions have not been facilitated by a pimp, procurer, or third party are still liable for their actions. In any situation where their participation in prostitution has been induced by a third party, however, Florida law now regards them as victims.

How Florida law enforcement policy should reflect this legal change is still being discussed and debated. FDLE is an important voice in this policy discussion, and should remain a party to the discussion. In general, Florida needs to explore alternatives to traditional incarceration for domestic minors engaged in commercial sex, especially those not deemed to be chronic offenders.

Recommendations

138. Continue to promote trainings on the InSite intelligence database system that will allow local law enforcement agencies throughout Florida to share intelligence information regarding statewide trafficking trends and investigative information.
139. Devise and implement an online training curriculum on human trafficking that would become a part of the required ongoing training for all active duty Florida law enforcement officers. Such training could comprise a one-time requirement for active officers, and should focus on trafficking indicators, follow-up options for first responders, and information about trafficking victim assistance resources throughout Florida.
140. Create a link or section on the Missing Endangered Persons Information Clearinghouse website regarding domestic minor sex trafficking in Florida, explaining its frequent link to runaway and throwaway children.
141. Designate an FDLE point of contact with each of Florida's task forces and coalitions that have formed in response to human trafficking, so as to become aware of local resources and service providers available to trafficking victims.
142. Ensure that FDLE investigators complete the advanced 40 training on human trafficking.
143. Track human trafficking crimes in Florida through arrest data, much as the agency does violent crime, drug trafficking, gang activity, etc. Effective data collection in this area will likewise require that charges lodged by arresting officers include references to human trafficking.

144. Continue to assist in the formulation of policy that will explore alternatives to traditional incarceration for domestic minor sex trafficking victims whose participation in commercial sex has been facilitated or induced by a third party.
145. Post human trafficking contact information on its website that includes a link to the Department of Children and Families' website
[http://www.dcf.state.fl.us/initiatives/human trafficking/](http://www.dcf.state.fl.us/initiatives/human%20trafficking/).

Department of Highway Safety and Motor Vehicles

Background and Observations

The Department of Highway Safety and Motor Vehicles (DHSMV) has a very important role to play regarding identifying and responding to human trafficking, particularly as this agency includes the Florida Highway Patrol (FHP). FHP's duties, as they extend to Florida's highways and highway rest stops, place troopers at the forefront of being able to detect criminal activity, particularly in those arenas. The Florida Highway Patrol is one of four divisions within DHSMV, which also consists of the Divisions of Driver Licenses, Motor Vehicles, Administrative Services and an Information Systems Administration. Through its law enforcement role performed by FHP, DHSMV and with the vast majority of county tax collectors who issue Florida driver licenses and registrations and titles for vehicles, vessels and motor homes, can assist in promoting awareness of important issues facing Floridians by posting materials in their licensing offices.²⁶

The Florida Highway Patrol is divided into 10 Troops statewide. FHP's Patrol Operations Command is responsible for day-to-day law enforcement activities that include the Bureau of Investigations, Office of Domestic Security and Intelligence and Contraband Interdiction Program. The Bureau of Investigations conducts investigations on a wide range of criminal activities including auto and cargo theft, driver license fraud, identity theft, title fraud, odometer fraud, as well as assisting members of the patrol investigating crimes committed on the highways or within rest areas. The FHP conducted an estimated 56,199 investigations in 2007-08.²⁷ The Patrol Operations Command works closely with local, state, and federal law enforcement agencies and is responsible for overseeing activities related to homeland security in response to domestic security concerns related to the mission of the agency.

²⁶ The DHSMV function in issuing driver licenses is transitioning to local county tax collectors and all but two Florida counties will be undertaking this responsibility. Therefore, the observations and recommendations relating to public awareness activities at drivers license offices apply to either local tax collectors or the DHSMV, depending on where the licenses are being issued.

²⁷ <http://www.flhsmv.gov/html/FactsFiguresFY2006/PerStaFHP.htm>

Other day-to-day law enforcement activities include directing the movement of traffic on state highways and apprehending fugitives from justice, conducting patrol and enforcement of traffic laws and responding to and investigating crashes. FHP has direct responsibilities for all rest areas within the State and staffs sixteen rest areas, as well as all of the service plazas on the Florida Turnpike 4PM - 8AM daily. The remaining rest stops are staffed from 4pm – 8am by private security firms.

FHP troopers have previously encountered human smuggling operations and participated in smuggling investigations. Addressing the smuggling of undocumented people has been a focus for the FHP. In these cases, FHP works with local law enforcement and federal Immigration and Customs Enforcement (ICE). The FHP has approximately 1,685 sworn officers with full police powers and statewide jurisdiction. These officers receive a 30 week basic training at the FHP academy, which does include mandated training on human trafficking. To date, none of FHP's officers have received the advanced FDLE 40 hour training for investigators in human trafficking.

FHP troopers receive periodic notice to attend specialized training on topics that are relevant to their duties, such as recent announcements of training offered by ICE on smuggling. When on-duty, troopers are constantly on the move patrolling Florida's highways and responding to calls, making it difficult to attend lengthy training programs on line or in person. The most effective training tools are brief electronic presentations that include factual information about real or recent cases and that can be viewed and absorbed by officers during breaks. FHP officers do not have "roll call" opportunities for training. They stay in contact via laptop computers mounted in their vehicles. FHP often uses its internal training website to facilitate reaching Troopers in an expeditious manner. Human trafficking has not been a specific subject for training to date, although some officers have taken a number of training programs on human smuggling. It is possible that prior smuggling cases that Troopers have investigated may have been human trafficking cases but had not been recognized as such.

DHSMV no longer employs victim advocates and so coordinates with victim advocates who are part of local law enforcement offices. The FHP regularly disseminates criminal intelligence bulletins about a wide variety of matters including smuggling and other crimes related to human trafficking.

Analysis of Needs and Gaps

The most important need faced by the FHP is for training and information on human trafficking. Both Florida's highways and rest stops are places where traffickers and victims could be detected. In particular, sex trafficking occurs at rest stops where truckers seek out prostitutes. Rest areas also are places where traffickers allow victims to use the facilities. Troopers who are posted at these rest stops or who pull over a suspicious vehicle must be able to detect the signs that victims of trafficking may be in that vehicle. Private security firms who work at the majority of Florida's rest stops should also receive training and information on how to detect and respond to human trafficking in these areas. Current cooperative partnerships between FHP and federal, state and local law enforcement are central to the investigation and prosecution of human trafficking cases just as they are with the wide range of other criminal matters investigated by FHP.

The FHP should continue to use the Florida Department of Law Enforcement's (FDLE) existing Criminal Justice Standards and Training basic academy instruction to educate officers about human trafficking. Troopers could benefit from additional training developed by FDLE on how to increase intelligence functions between agencies to target violations related to human trafficking. Human trafficking training also should specifically cover how human trafficking could be encountered during routine traffic stops, drug and smuggling interdiction, at highway rest stops and during investigations of other criminal matters. FHP could also disseminate information on the availability of the 40 hour advanced investigator training course on human trafficking offered by FDLE and encourage officers within the Bureau of Investigations to attend. FHP should also work with ICE, FDLE and others to develop electronic training programs that highlight actual human trafficking cases, comparing and contrasting them with smuggling, and

detail how law enforcement and troopers could encounter and detect trafficking. The FHP officers that observe and report human trafficking could report this information to dispatch and supplement the FDLE human trafficking data base by filing incident reports.

The Florida Highway Patrol should become familiar with and continue existing collaborations with local, state and federal partners in their community who work on human trafficking. This includes establishing professional relationships with local anti-trafficking task forces and federal and state law enforcement officers who specialize in human trafficking cases. The FHP also should be aware of the resources available to assist victims of trafficking in the local and national arenas. For instance while an officer encountering a victim of trafficking would not be qualified to provide social services, that officer should know whom to contact and be aware that victims of trafficking are eligible for a range of social services benefits as well as immigration relief. Human trafficking hotline numbers and resources should be shared with staff and the public statewide. Human trafficking currently is not specifically included in agency protocols or directives that describe what officers and others should do if they suspect human trafficking activity. Current protocols or directives that detail responses to other illegal activity could be evaluated to assess whether human trafficking should be specifically mentioned.

Offices (whether within DHSMV or those of the local county tax collector) that issue driver licenses, registrations and titles for vehicles, vessels and motor homes should post human trafficking awareness information for use by their employees and the public. This multi-lingual information can be obtained free of cost²⁸ and will allow the members of the public – and people who may be trafficked or suspect a friend or family member is at risk – to learn about human trafficking and the resources that are available to assist victims.

²⁸ <http://www.acf.hhs.gov/trafficking/>

Recommendations

146. The DHSMV should expand human trafficking training for the Florida Highway Patrol.
147. The FHP Office of Domestic Security should focus a portion of their intelligence collection and dissemination efforts on human trafficking issues.
148. FHP officers and investigators should be made aware of the FDLE 40 hour advanced course on human trafficking and, where appropriate, be encouraged to take this course.
149. FHP should examine current agency protocols or directives to determine if they should be amended to include human trafficking information, including how to respond.
150. Private security firms who work at the majority of Florida's rest stops should receive training and information on how to detect and respond to human trafficking in highway rest stop areas.
151. The DHSMV should have all local and national human trafficking contact information available for its local staff and FHP officers and others throughout the state should build linkages with these local efforts. In particular, FHP officers who are already active on federal task forces should explore how to include human trafficking in current partnerships.
152. Offices of the DHSMV and local county tax collectors that issue driver licenses or registrations and titles for vehicles, vessels and motor homes should obtain and post human trafficking awareness information.
153. Human trafficking contact information should be posted electronically to the DHSMV web page to be readily available to officers and a link to the Department of Children and Families' human trafficking website:
<http://www.dcf.state.fl.us/initiatives/humantrafficking/> should be added so that the latest information on human trafficking in Florida is available both internally and to the public who visit this site.

Florida Commission on Human Relations

Background and Observations

The Florida Commission on Human Relations (FCHR) enforces Florida law in the areas of employment discrimination based on race, color, religion, sex, disability, national origin, age and marital status; and discrimination in housing based on race, color, national origin, sex, disability, religion and familial status. Since 1969, when the Commission was established, state and federal laws extended the jurisdiction of the Commission from a community relations-based agency to include enforcement responsibilities. The Commission can investigate and resolve employment discrimination complaints of employment both administratively and in court. The Commission also has jurisdiction to enforce Florida's Whistle-blower's Act which protects state employees from retaliation when they disclose actual or suspected violations. The Commission's work in the community is important as it fulfills its mission to "...promote mutual respect among groups through education and partnerships." According to its FY 2008/09 Annual Report, the Commission has investigated and closed more than 74,000 cases and has negotiated close to \$13 million in settlements for more than 1,500 people through its mediation services since 1969. The Commission's work in both the areas of enforcement and community education and relations is significant to human trafficking; although to date human trafficking cases have not been part of the Commission's workload.

The Commission currently features a link to the Florida Task Force on Human Trafficking on its website and a letter to the editor from one of its commissioners raising awareness about human trafficking. The Commission sees efforts to combat human trafficking as important to its mission and is attempting to integrate it into current programming: a difficult task in light of recent and persistent budget reductions.

Analysis of Needs and Gaps

There are a number of places where the work of the FCHR and human trafficking intersect. Clearly, workplace sexual harassment is common, particularly for women who are trafficked:

the U.S. Special Ambassador on Human Trafficking Luis CdeBaca said recently that practically any woman who is trafficked is also likely to be a victim of sexual violence. For instance, even if the female worker is picking tomatoes, she is likely also being raped by the crew boss. Non-U.S. citizen workers are often taken advantage of by employers who also discriminate against them on the basis of their national origin. Because these workers are undocumented, it is harder for them and less likely that they will pursue relief, even though their rights as workers are enforceable regardless of their immigration status. One case provides an excellent illustration of the intersection of employment discrimination and human trafficking. As stated in the press release by the U.S. Equal Employment Opportunity Commission (EEOC):

In a significant legal victory for the U.S. Equal Employment Opportunity Commission (EEOC), a federal judge has ordered John Pickle Company, Inc. (JPC) and its president, John Pickle, to pay \$1.24 million to 52 male victims of national origin discrimination and “human trafficking” who were recruited from India as skilled laborers and then subjected to widespread abuse, intimidation and exploitation.²⁹

Further, if workers are victims of trafficking, and identified by Commission staff, they could be referred to any number of local, state and federal agencies and non-governmental organizations for assistance and could be eligible to receive a range of federal assistance, including immigration relief.

Therefore, the most important need faced by the Commission is to receive regular training and information on human trafficking. Since the Commission staff and specialists hear complaints from workers as part of their mission, this training is important to their being able to identify and respond to human trafficking.

²⁹ <http://www.eeoc.gov/eeoc/newsroom/release/5-26-06.cfm>

An employer that is exploiting workers and violating the laws in the areas covered by the Commission could well be an employer who carries exploitation to the extreme of human trafficking. Increasing resources to Commission staff who conduct community outreach and education about workplace rights would help the public and workers feel safer and more informed, as well as be a way to bring traffickers to justice.

In addition, Commissioners and staff should be familiar with those in their community who work on human trafficking. This includes knowing about local anti-trafficking task forces, coalitions and being familiar with non-profit organizations that assist victims of trafficking and provide legal assistance for trafficked persons. Commissioners and staff should also know federal and state law enforcement officers who specialize in human trafficking cases and be aware of resources that are available to assist victims of trafficking in the local and national arenas.

Awareness efforts also can extend to the workplaces and the members of the public where the Commission does its community education work. The Commission could begin to incorporate human trafficking statistics and resource information into the materials and electronic information they currently provide. This effort has already begun with information on their website. Clearly, human trafficking hotline numbers and resources should be considered as additional information that could be shared with workers statewide.

Agency training materials or directives do not currently contain information that describes what staff might do if they suspect human trafficking is present. Current protocols or directives could be supplemented to include specific mention of human trafficking and prescribe responses. It might be that, in some cases, human trafficking itself will constitute discrimination and could be the first remedy a victim or an advocate on behalf of that victim, might pursue, particularly if law enforcement is not responsive.

Recommendations

154. The Commission should expand training and outreach opportunities for staff and brainstorm how human trafficking can part of cases of employment discrimination, such as discrimination on the basis of national origin.
155. The Commission should provide local and national contact information about anti-trafficking organizations and their points of contact to staff throughout the state and encourage them to build linkages with these local efforts.
156. The agency should explore the ways in which current mandated information on employment rights which is distributed or posted at work sites can include information about human trafficking and places workers can go for help and information.
157. Commission communication efforts should continue to feature human trafficking (how to identify human trafficking, resources, local efforts, and work done by other similar organizations such as EEOC in conjunction with successful anti-trafficking prosecutions).
158. The Commission's website should continue to feature information on human trafficking and links to other key anti-trafficking information.

Strengthening Social Services for Trafficked Persons

Introduction

People who are trafficked have endured a great deal of trauma and have a range of services needs. These survivors of trafficking have suffered greatly at the hands of their traffickers and many were vulnerable and victimized prior to their being trafficked. This is true of victims who are non-U.S. citizens as well as U.S. citizen victims of trafficking.

A survivor of human trafficking, once found and identified, requires assistance from a variety of different social service providers.³⁰ A wide range but extremely limited number of Florida organizations provide services specific to trafficking victims that include: legal representation, safe emergency and longer-term housing, case management, access to health care, public

Two Kinds of Certification for Victims of Trafficking:

- 1) HHS Certification
- 2) I-914B Certification

benefits, job skills and training, transportation, financial literacy, education, cultural competency, and language training.³¹

The vast majority of these organizations also offer services that assist non-trafficked

persons. For example, homeless shelters that serve the community as a whole and provide housing and other services also can shelter victims of trafficking, and legal services organizations that represent the poor also assist trafficked persons. Additionally, some of these service providers may focus exclusively on individuals born or naturalized in the United States, while others will work with victims who are non-U.S. citizens.³² All of these organizations may differ but their goal is the same: to provide the best assistance possible.

To understand the service provision to victims of trafficking, it is important to recall that the federal Trafficking Victims Protection Act (TVPA) provides that adults can receive social services benefits *only* if they cooperate with law enforcement in the investigation and prosecution of

³⁰ Please see pps. 44 through 63 for a listing of human trafficking service providers in Florida.

³¹ The entities that provide services to victims of trafficking will be referred to in this section as: service providers, organizations or non-governmental organizations (NGOs). Also, “service provider” and “organization” can refer to both private and governmental providers of victim services.

³² Please see Appendix D for a description of trafficked persons and the varying needs for services.

the trafficker. Children who are trafficked do not face this legal requirement, but practically speaking, they often similarly cooperate. Immigration relief, such as the T visa and the grant of Continued Presence, also required evidence that the trafficked adult has cooperated with law enforcement. However, not all services are linked with law enforcement cooperation. A number of anti-trafficking NGOs will assist victims regardless of this requirement. For instance, a local domestic violence center can shelter a victim of trafficking regardless of immigration status or willingness to cooperate with law enforcement.

Funding streams often are attached with “strings” and limit the kinds of victims that a service provider can assist. For instance, federal law requires that anyone receiving housing grants has to work or go to school, making it difficult for some undocumented victims of trafficking to access housing at a federally funded facility. Some organizations can only provide services to victims once they have received a certification from the U.S. Department of Health and Human Services (HHS), whereas others must stop their provision of assistance to survivors of trafficking once HHS confers certified victim status.³³

The federal government has contracted with the U.S. Conference of Catholic Bishops (USCCB)³⁴ to provide funding support and a number of providers in Florida are part of this effort. Approximately eleven service providers in Florida currently subcontract with USCCB for services funds. However, this effort has been fraught with difficulties with many service providers finding funding to be unduly restricted and inadequate, the process of obtaining support being onerous or not suited to the services being provided and the reimbursement process as unreasonably long.

³³ There are two main kinds of certification: HHS Certification and the I-914B certification. The former relates to accessibility of various public benefits, the latter leads to potential immigration benefits. For a clear picture of the certification process for HHS, see http://www.acf.hhs.gov/trafficking/about/cert_victims.pdf. For an explanation of the I-914B certification, see <http://www.uscis.gov/files/form/i-914supbinstr.pdf>.

³⁴ USCCB administers the Anti-Trafficking Per Capita Services Program through a contract with the U.S. Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR) to provide services to survivors of human trafficking across the country.

Services available to trafficked persons in Florida are scattered, sometimes hard to find and understand, and at times, provided by persons unfamiliar with many aspects of human trafficking. Frequently these services are not connected to one another in any coherent or dependable way. Indeed, the web of services in Florida, a geographically large and diverse state, is difficult even for U.S. born and educated adults to navigate. This system is infinitely more complex for an individual who has only recently left a trafficking situation, who may not speak English, who may not know the laws of this country, who may have come from a country with a corrupt police force, who needs health care, who is worried about the safety of relatives in their country of origin, who is scared, exhausted, malnourished, or who even may be a U.S. citizen juvenile runaway vulnerable to commercial sexual exploitation.

One organization cannot provide for all of the services that a formerly trafficked person requires. Therefore, it is imperative that organizations and agencies form partnerships to work collaboratively. In some parts of the state, organizations have partnered with law enforcement and other service providers to create task forces and coalitions that specialize in combating human trafficking. These partnerships operate throughout the state and offer some insight into how to protect and provide comprehensive care to victims of trafficking.

Direct Services Organizations

1. Legal Assistance

Background and Observations

Legal assistance to victims of trafficking includes representation from non-profit attorneys, private attorneys working *pro bono* on specific trafficking cases, Legal Services and Legal Aid. There is a dearth of attorneys offering free or even low-cost services to victims of trafficking in Florida. Few Florida attorneys are aware of human trafficking and even fewer have received training on the topic. To date, one entity of the Florida Bar has sponsored a program on human trafficking: the Committee on Legal Needs of Children.³⁵

³⁵ See pp. 111, 113-115

The legal services available for trafficked persons in Florida cover many different aspects of the law. If the victim of trafficking in question lacks secure immigration status, then immigration attorneys are an essential piece of the puzzle. Immigration attorneys can represent clients eligible for T, U, and Special Immigrant Juvenile status visas as well as asylum and Violence Against Women Act (VAWA) benefits. Immigrant legal representation can include evaluation for potential civil remedies (or finding an attorney who can competently pursue this aspect of a case) as well as continuous meetings with law enforcement: this is not just about filling out forms for a T visa or other immigration relief. Immigration attorneys often assist victims of trafficking in preparing applications for a T visa. That process requires that clients demonstrate that they will suffer “extreme hardship involving unusual and severe harm upon removal” from

Various Potential Legal Remedies for Trafficked Persons:

- 1) Criminal (restitution)
- 2) Immigration (T and U visa, SIJ, Asylum, VAWA)
- 3) Civil (Labor, private right of action, torts, contract)

the U.S. back to a client’s country of origin. Despite the fact that trafficking rings operate with impunity in many countries and law enforcement protection for families and friends of the victims is scarce, this standard is unclear and difficult to communicate to some law enforcement and prosecutors in a way that they can feel comfortable signing certifications for these visas.

Additionally, counsel can meet with law enforcement or prosecuting attorneys, and, if need be, can walk the client through all aspects of a criminal case. If the trafficked person is a child, U.S. citizen or lawful permanent resident, then the attorney can provide counsel and representation related to a range of civil and criminal issues. For example, if an individual was trafficked for labor, he or she might be entitled to back wages and other labor law remedies, matters where a civil attorney with this kind of expertise could provide needed representation.

Analysis of Needs and Gaps

Legal representation is one of the greatest unmet needs trafficked persons face: Florida is highly populated and geographically large, funding to provide these services is extremely limited, few attorneys are trained to represent trafficked persons, and the needs of these clients are varied and complex. However, since the enactment of the TVPA and its subsequent reauthorizations, access to legal representation has marginally improved. These services are provided by non-profit legal advocacy organizations such as the Florida Immigrant Advocacy Center (FIAC) whose work representing victims of trafficking predated the TVPA. In 2000, Congress granted Legal Services organizations specific authorization to represent undocumented persons who are victims of domestic violence, sexual violence or human trafficking.³⁶ However, many legal services and legal aid organizations that are allowed to represent victims of trafficking do not represent victims of trafficking on account of limited resources and their decision to prioritize other kinds of cases.

Attorney/client relationships function best when legal services are tailored to each client's specific needs and when counsel both understands and explains the civil, criminal and immigration consequences of each of their client's decisions. Despite some success, there are huge needs and gaps in the provision of legal assistance to trafficked persons. Several attorneys who represent or are ready to represent victims of trafficking have difficulty in finding partners in their respective regions of the state for effective case management (including safe shelter and counseling) or they wrestle with the decision to take on a case because of the immense responsibilities of case management that often come with human trafficking case representation. For instance, it is very normal for an attorney to be either the broker or the provider of non-legal services for the human trafficking client. That attorney may be the only one who can conceivably provide what that client needs whether it is

³⁶ Congress effectively increased access to legal representation for trafficked persons through passage of the Trafficking Victims Protection Act of 2000, with its mandate that LSC-funded services be made available to victims of human trafficking regardless of immigration status. The Trafficking Victims Protection Reauthorization Act of 2003 further expanded this category of representable victims to include trafficking victims' family members who have been granted "derivative" visas under the first act. See Trafficking Victims Protection Reauthorization Act § 4, Pub. L. No. 108-193, 117 Stat. 2875, 2877 (2003); 22 U.S.C. § 7105.

transportation for doctor's appointments or help finding housing. Understandably, these attorneys are unable to provide legal services as well as to take care of the many other unmet service needs that clients face. They must be able to link with local and dependable service providers.

Funding for lawyers to represent victims of trafficking is practically non-existent in Florida. This funding is vital to that survivor's ability to access benefits for which they are eligible and work, live, feed themselves and their children and remain in the U.S. U.S. citizens, including domestic minor sex trafficking victims also desperately need legal assistance as they are often arrested for crimes such as prostitution and treated as perpetrators instead of as victims as the law provides. Clients who are trafficked often need representation over the long term and they rarely, if ever, can pay for legal fees. This means that non-profit legal assistance organizations must apply for grants from government, private sector and other sources to ensure continuity of representation.

One impediment to obtaining effective legal assistance is how long human trafficking cases can take to move through the justice system. Attorneys and victim advocates work hard to convince state and federal prosecutors to interview their clients and open trafficking investigations and prosecutors they can be reluctant to do so, especially if the case involves a single victim and if they do not see the matter worth the investment of time and resources as compared to cases that involve multiple victims. Attorneys and their clients in Florida have been frustrated that prosecutors have been unwilling to interview potential victims or to sign certifications for T visas if a prosecution is unlikely. This frustration is understandable because victims of trafficking are still eligible for immigration remedies regardless of whether an investigation or prosecution proceeds. Another complication that arises involves the difficulty in persuading prosecutors to file paperwork for the T visa while a prosecution is ongoing; some prosecutors are reluctant to do this because they are concerned that defense counsel will argue that the victim has colored her testimony if she receives their certification and help with obtaining the T visa. When prosecutors refuse to provide this documentation, Immigration and

Customs Enforcement (ICE) frequently will not certify “continued presences” once the prosecution is finished.³⁷ Finally, it is difficult for attorneys to meet and explain the “extreme and unusual harm” standard so that law enforcement and prosecutors can feel comfortable signing certifications for T visas. In sum, prosecutors and law enforcement officials have expressed reluctance to sign certifications for T visas for a number of reasons, which in turn increases the need for strong advocacy by immigrant legal representatives.

Legal Assistance Recommendations

159. The Florida Legislature should fund legal representation for trafficked persons throughout their respective immigration, criminal and civil cases in Florida.
160. Private foundations and other potential funders in Florida should fund legal representation so that trafficked persons could be represented in civil actions such as those authorized by the TVPA, civil rights enforcement, labor remedies and other private actions to which they may be able to obtain relief against traffickers. Often these actions include attorneys’ fees as a form of relief and where this is not the case, funds recovered against the traffickers could be paid to the trafficked person and used to defray legal fees for their representation.
161. The Florida Human Trafficking Task Force, and other concerned citizens and organizations should inform Congress of the harms that the current standard of “extreme and unusual severe harm” is inflicting on trafficked persons and advocates should inform the Department of Homeland Security that regulations should be amended to clarify what this standard entails so that deserving trafficked persons can qualify for T visas for their efforts to assist in the prosecution of their traffickers.
162. The Florida Bar and other statewide and local bar associations should provide CLE programs for attorneys to learn about human trafficking and recruit *pro bono* attorneys to represent trafficked persons.

³⁷ Continued Presence (CP): Only a federal law enforcement agency may petition the Department of Homeland Security (DHS) for CP (which means that a victim’s continued presence in the United States is required for the prosecution of her traffickers). CP is an essential element that enables an adult victim to be certified as a victim of trafficking by Health and Human Services (HHS), and to access the public benefits that flow from that status.

163. The Florida Supreme Court and the Florida Bar should dedicate a specific award to recognize lawyers that provide pro bono representation to trafficking victims.
164. The Florida Board of Bar Examiners should consider adding questions related to human trafficking to the Bar examinations so that law school might begin to incorporate human trafficking law into their curricula and students would become familiar with the idea of representing victims of trafficking.
165. Law schools in Florida should include courses or clinics relating to assisting human trafficking victims so that law students would become familiar with the need for pro bono legal representation for victims of human trafficking.

2. Social Services

Background and Observations

Social service organizations provide a range of services to victims of trafficking. These services include, but are not limited to, food, housing, clothing, case management, health care, education, job training, childcare, and transportation. Although each of these services is vital, housing remains one of the most pressing unmet needs facing formerly trafficked persons. Housing is sought and found in piecemeal ways and at any given time, human trafficking victims have no guarantee that there will be long or short-term housing available for them or their families.

In addition to the ever-increasing demands for shelter, housing providers face a range of challenges when assisting victims of trafficking, because these victims are often very different from the primary populations they usually assist. “House rules,” and other requirements that non-trafficking program residents must participate in can be diametrically opposed to best practices for victims of trafficking. For instance, some programs require that residents undergo random drug testing, participate in group counseling sessions, or undertake other tasks that are designed for people who are not victims of trafficking and can actually do great harm to human trafficking victims, place them in potential danger from the traffickers and, according to prosecutors, negatively affect the government’s case against the traffickers. In short, any

program whose primary mission is not to serve victims of trafficking, must evaluate and adjust the mode of service provision when they shelter or otherwise assist victims of trafficking. Additionally, there are great differences among the many different kinds of victimizations suffered by between victims of trafficking. So, for instance, even if a program competently and safely shelters a female victim of sex trafficking, that does not mean that that same program would know how to provide housing services to a male victim of labor trafficking.

There are other challenges to housing victims of trafficking. Many are mothers with children, and some shelter providers do not always have space to house families. While certified domestic violence centers and other agencies provide shelter services to men (often outside the main shelter facility), there remains a particular need for shelter beds for male victims of trafficking and for adolescent males who are the children of women who are trafficked. (Some domestic violence centers do not allow these children to reside with their mothers in emergency shelter.)

It is very difficult to ascertain just how many beds or apartments are available for victims of trafficking in Florida. Some beds are available on an ad hoc basis only and census figures among organizations that provide housing can vary greatly and unpredictably. Some survivors of trafficking will require secure facilities to ensure protection from their traffickers and some will not if they are not at risk. Some survivors may need housing that would accommodate their children, some cannot stay in a federally funded facility if they lack the immigration status to work or go to school, and sometimes a domestic violence center or other shelter runs out of bed space when a large-scale trafficking bust occurs. Given this range of difficulties regarding housing, Florida would benefit from housing programming that is dedicated exclusively to serving the needs of trafficked persons and that would allow for an array of shelter options.

The current system of emergency residential services available to minors in Florida is responding to the need for shelter and counseling for victims aged 10-21 through federal funding and agency operating funds. This network of community-based agencies under the direction of the Youth and Family Services Network “Reaching Out” Project is engaged in

immediate and long-term capacity-building to adapt to the needs of DMST victims and Foreign-born victims. These organizations: identify victims and survivors, contribute to local and state anti-trafficking coalitions and perform community education and outreach to victims. These agencies also provide necessary prevention training to youth care workers who can identify early warning signs and educate at-risk youth to the dangers of exploitive relationships.

Many service providers throughout the state have worked hard to establish successful models in the provision of services to trafficked persons. One aspect of a model that has proved to work is when at least one staff member is specially trained and designated as that organization's "trafficking expert." This expert supervises others or would provide direct services, such as case management, directly to trafficked persons. This person would also most likely be the "face" of the agency on trafficking issues and so would be in regular contact with law enforcement and other community partners, as needed.

Partnerships between service providers and law enforcement agencies greatly improve access to benefits for trafficked persons. These relationships can work best when duties and responsibilities of each partner are explained and detailed in a Memorandum of Understanding or shared protocols. When community organizations, law enforcement, state agencies and others build relationships and clearly communicate with one another, whether through task-forces, joint training programs, monthly meetings or other connections *before* a trafficking situation is discovered, the trafficked person benefits enormously. In parts of the state where these pre-existing relationships are in place, services such as medical, dental, and pre and post-natal care are available to survivors at no cost. Longstanding community relationships also work to the benefit of survivors who have a difficult time accessing emergency housing. One anti-trafficking non-profit agency sits on the board of the local homeless coalition and knows every homeless organization in the county. These ongoing community bonds and networks help organizations address the many challenges arising from serving trafficking victims.

Another useful model is when many services can be provided for trafficked persons in-house. One Florida organization has a mental health therapist and a licensed clinical social worker on staff to make immediate referrals, which reduces the lag time faced by survivors in accessing vital mental health services. In addition, if the providers are on call and available 24/7, and law enforcement is aware of the services that they provide, then detectives can notify service providers in advance of when they might be needing services for victims of trafficking so that the service provider can prepare. This advance notice gives a non-profit adequate time to prepare items such as backpacks with clothing, toiletries and basics for each newly rescued victim; find necessary translators; and set up needed services based on the victims' particular needs. These needs will vary depending on issues such as the victim's health, country of origin, age, sex, and how that person was enslaved.

Funding for direct services for victims of trafficking is sorely insufficient. Competition for grant funding is keen because so little of it is available relative to the need. The reality that most grants are for less than two years and our state and nation are in a faltering economy are just two of the many reasons funding is inadequate and programs cannot sustain effective services.

Analysis of Needs and Gaps

Inconsistent Levels of Service

There are vast inconsistencies statewide in terms of the kind and quality of services provided to victims of human trafficking. For example, of the 67 counties in Florida, only a few have any kind of coordinated services to offer victims. The rest of the services are provided in an ad hoc manner. Organizations that provide services to trafficked persons are understaffed, under supported, and overworked. This leads to frequent turnover, which then reduces institutional memory, and perpetuates the need to train and retrain staff. Adequate funding remains a major and perennial challenge for all service providers.

Moreover, despite tireless efforts from various social service providers from around the state, challenges remain in the depth and breadth of provision of services to trafficked persons. One

of the most challenging areas for service providers is that of case management, where the many aspects of victim assistance are coordinated. Here, service providers can face difficulty in earning trust with clients if they cannot help that client to obtain the services they need quickly and effectively. The ability of the service providers to provide this assistance rapidly can hinge on many factors. One is that law enforcement may not respond to service providers when they call, or can take months to conduct the initial victim interview. These delays directly hinder federal determinations of the victims' eligibility for federal benefits. They also lead the clients to distrust law enforcement, the service providers and others who are trying to assist them.

Accurate Intake and Assessment

Service providers need to conduct proper intake and understand the victim's needs. For example, some victims are functionally illiterate, and do not have the capacity to learn English easily. Therefore, assessing a trafficking victim's skills and vulnerabilities should occur immediately when the service provider meets with a victim, often after a law enforcement investigation commences, to ensure appropriate and effective service provision. After a sufficiently trustworthy relationship is built between provider and survivor, law enforcement agencies should work with the social services agencies to help the trafficked person to obtain the necessary certifications so that they can become "certified" and access social services quickly. Victims frequently require immediate housing (that is secure, confidential in its location, and affordable), health care, counseling and therapy, legal services, jobs and child care, just to name a few.

The Need for Collaboration

For the past several years, certified domestic violence centers have provided shelter and other services to victims of human trafficking. Generally, domestic violence centers allow center residents to leave the center's emergency shelter at any time. One challenge faced by domestic violence centers and other shelter providers is that such these kinds of policies may conflict with the need that law enforcement and prosecutors have to ensure that a victim of trafficking is safe, has not returned to or been in contact with the trafficker and is available as a witness in

the trafficking case. Generally, law enforcement does not want the victim to leave the shelter on her own and they would like a victim's movements and activities to be monitored. Because these dual needs can conflict, it is crucial that all parties who intend to work together to assist victims of trafficking develop a working relationship, protocols or an MOU to reflect how each will respond in these situations. While some areas of the state have not been able to reach a level of functional cooperation and collaboration on these issues, but others have. Their ability to do so has resulted in better, safer and more effective services for survivors.

Challenges for Service Provision

Law and institutional practices can pose a wide range of challenges and barriers to service providers who are assisting victims of trafficking. These include:

- Many transitional housing programs require victims to be employed or in school (a federal HUD requirement). Trafficking survivors are not permitted to do either if they are undocumented. The best way to solve this access issue in terms of employment is through pursuing immigration remedies for the client as soon as possible to increase access to work permits. In terms of making sure a client is in school, a service provider needs to make the client aware of publicly funded educational opportunities.
- USCCB does not timely reimburse for expenses to service providers who have provided food, transportation, education and other allowable services for victims of trafficking. Although the USCCB is eager to assist victims, their requirement that the local provider first cover expenses and then later be reimbursed presents a problem for service providers because there are significant delays in reimbursement, sometimes as long as several months. This reimbursement process is flawed and disadvantages providers, and so the victims they serve.
- Case managers are not prepared for the volume or longevity of victim needs when human trafficking investigations are long-term. After eight to twelve months, the investigators and the victim assistance personnel are frequently frustrated by the delays involved with trafficking cases. In one human trafficking case, it took federal

investigators six months to interview a victim for the first time. Moreover, a victim who is certified by the federal government can access federal social services benefits for only eight months and then they are cut off. Finding work is doubly difficult for this population as they may be still recovering from the trafficking situation, may not know English or have marketable skills, and may find it difficult to find work in these times of high unemployment.

- Finding secure, confidential, and long-term housing is one of the greatest obstacles for service providers. Trafficked persons need access to housing where they can receive the care that is appropriate to their needs. Florida needs to have safe and reliable housing options where there staff is trained and qualified to assist victims of trafficking. For some survivors, they will require an advocate to work with them (with language capacity or an interpreter) immediately.
- Access to mental health services is crucial and extremely limited. Many victims have endured unspeakable trauma, may be addicted to drugs or alcohol, and may need counseling and mental health assessments to help them adjust from a trafficking situation, deal with lengthy interactions with the justice system, cope with abuse both before and during their enslavement, and in general, move toward greater mental health and well-being. Trauma specialists and others who can provide culturally appropriate mental health services to victims of trafficking are sorely lacking in Florida.
- Transportation is a major issue for service providers seeking to ferry clients to their many appointments in a geographically large state without an effective public transportation system.
- It can be difficult to find interpreters (for many different languages, including sign language for deaf or hearing impaired victims) who are qualified, who understand human trafficking and who are not allied with the traffickers and so are safe to work on human trafficking cases.
- The current system of emergency residential services available to minors in Florida has the ability to provide the resources needed based on their location and experience;

however, a higher staff to youth ratio is needed as well as intensive and ongoing training. Emergency shelters can serve a large part of the continuum of the youth who are exploited or vulnerable to exploitation. Through cooperative training agreements these community-based agencies are well-positioned to expand services to provide the secure services needed as a completion of the continuum and/or as an essential partner to that part of the continuum. These activities are documented with the Federal Anti-Trafficking in Persons program and the United States Conference of Catholic Bishops.

- Resources and funding for trafficking victim services are extremely limited. Programs should continue to expand their efforts to collaborate and partner with others in the community such as law enforcement, homeless assistance programs and others as the chances of receiving funding most often increase when a service provider shows strong collaborations with key community members. Partners should work to support one another and strategically allocate scarce resources so that programs can be sustained over the long term. Not doing so can contribute to well-functioning partnerships ending prematurely. Relatedly, funders should encourage community partnerships in this arena, and provide long-term assistance to service providers who work well with other key members of the community to assist victims of trafficking. Grant applications could require meaningful MOUs or other documents that attest to the provider's history and ability to collaborate on behalf of human trafficking victims. Funding should support long-term care for victims and recognize that federal support is short in duration to the multi-year assistance many survivors need in order to become self-sufficient. In addition, a gap in services exists between when a victim is certified and when the benefits kick in. There needs to be a layer of care to cover that time.
- Victim confidentiality is always a concern in human trafficking cases and becomes more urgent when many different agencies and parties are involved in victim care. While there are confidentiality privileges available to certain social services, health care and legal providers,³⁸ human trafficking advocates lack similar confidentiality privileges thus making their client communications potentially discoverable by the traffickers in during

³⁸ Pursuant to Florida Statute Section 39.908, staff and volunteers of certified domestic violence centers are required to keep confidential all information about clients receiving services from the center.

criminal cases. Regardless of the absence of this privilege, human trafficking advocates must take care and never disclose confidential information. Not only can such disclosures endanger the victim, they can erode prior relationships of trust between victims and their service providers. The Florida legislature should create a privilege for anti-trafficking advocates to protect their communications similar to those that exist for domestic violence and sexual violence advocates.³⁹

Standards and Accountability

There are many credible organizations that provide much needed services to victims of trafficking. However, there are others where valid questions have been raised concerning the quality of care and capacity of these organizations to meet even basic human trafficking survivor needs. This is a problem of statewide concern. Although each organization can engage in its own vetting process for its employees, the larger concern is how to evaluate the many non-profits and NGOs that have appeared around the state pledging to “fight human trafficking.” While these organizations may appear to be legitimate, upon closer examination, they may be seeking to turn a profit more than they are trying to assist victims.

Others may be well-meaning but may be staffed with unqualified persons. Still others may not be assisting victims by using an “empowerment” model. The focus of the “empowerment” model of victim care is on helping the victim to gain a strong sense of worth. It allows the victim to act and make choices and with the goal of assisting them toward greater control in their lives. This victim-centered approach is individual to the person being helped and is the opposite of paternalistic models of care that are based on the victim being sick, damaged or in need of being “cured” or subject “social engineering.”

No current mechanism exists to evaluate the efficacy of organizations purporting to serve victims of trafficking. Neither protocols nor guidelines exist that outline acceptable minimum practices in providing assistance to trafficked persons such as those that exist for state-certified

³⁹ See Sections 90.5035 and 90.5036, Florida Statutes.

domestic violence centers or community based care agencies. Clearly, a set of standards and protocols for services for victims of trafficking is needed so that communities, and most importantly the survivors of human trafficking, can be assured that they are safe and are receiving a high quality of care. These standards should be developed in collaboration with representatives from all relevant areas of human trafficking services and practice and, if appropriate, be adopted into state law. Such standards should also be accompanied by guidelines and an entity should monitor quality and provide assurances that the services provided to victims of trafficking are legitimate and of meet appropriate levels of care and quality.

Policy Recommendations:

166. USCCB should consult with service provider recipients in Florida and assess ways it can improve services, including expediting its reimbursement process so that reimbursement occurs no later than 30 days after submission.
167. USCCB and other federal sources of funding should establish clear and open communication with state and local case managers so that they have adequate resources to provide victims with what they need throughout the lengthy process of interviewing, prosecutions, and adjudication of trafficking cases.
168. Law enforcement agencies should expeditiously review cases of potential victims of trafficking, certify victims where appropriate and pursue investigations so that qualified victims can gain meaningful access to social services.
169. The Legislature should fund and social service organizations should focus on providing a full range of appropriate transportation options for victims of trafficking. Options could include funding to provide taxi and jitney service vouchers, public transportation passes, insurance coverage for advocates and others, and for the purchase of vehicles.
170. The Florida legislature should provide increased funding for housing and training to providers of shelter services to ensure focused care for victims of human trafficking. Ideally, funding should allow for a menu of housing options so that communities around the state could collaborate and determine they type, size, staffing and other needs it

has for housing victims of trafficking. Options could include providing additional assistance to already-existing shelter programs to accommodate and staff trafficking survivors, a housing voucher system, funding for hotels for short term stays and apartments or other facilities for longer term residence and funding for a shelter specifically for victims of trafficking.

171. The Legislature should establish a body to develop minimum standards for services for trafficking victims in Florida. This body should be comprised of members of long-established anti-trafficking victim services programs that use the victim empowerment model, certified domestic violence and sexual violence programs, representatives from law enforcement and key agencies of state government including the Departments of Children and Families and the Office of the Attorney General, representation from local anti-trafficking task forces or coalitions, mental health and substance abuse experts, an attorney with experience in representing victims of trafficking and others as needed. Standards should include all matters relevant to safe and effective assistance to trafficked persons.
172. Service providers should have staff that is specially trained in trauma care or have access to these critical mental health professionals.
173. Substance abuse programs and service providers who assist victims of trafficking should collaborate, cross train and assist one another as victims of trafficking often have substance abuse issues related to their enslavement.
174. Service providers should have access to language interpreters who can interpret for them in human trafficking cases.
175. Service provider staff should receive training that includes, where appropriate, basic, continuous and updated information as well as higher-level training for the trafficking points of contact at that agency.
176. Service providers should link with local anti-trafficking taskforces and coalitions and build strong collaborations with community partners to better assist victims of trafficking.

177. The legislature should amend state law to provide privileged communication for human trafficking advocates.
178. The Center for the Advancement of Human Rights (CAHR) should maintain an updated list containing the contact information for service providers, law enforcement, state agencies, prosecutors, and all other relevant parties and participants in local and statewide taskforces and coalitions. In addition, CAHR should serve as a clearinghouse for coalition protocols, MOUs, toolkits, and any other useful information related to providing services to victims of trafficking.
179. Service providers, law enforcement, prosecutors and others who currently or should collaborate on human trafficking cases should develop and regularly revisit protocols and MOUs so that they can build respectful and productive partnerships, ensure regular and communication among one another and sustain effective, victim-friendly and supportive collaborations.
180. Through local task force and coalition meetings, service providers should develop and maintain a support network with other service providers so that they can mentor and inform one other on emerging trends in law, case management, partnerships with providers, and law enforcement issues, funding availability and other matters. This network has been achieved in some locations via a secured email list-serve, a biannual conference, and/or a list of confidential contact information.

Law Enforcement

CAHR conducted extensive interviews with state and local law enforcement officials, especially Florida police and sheriffs, to elicit a description of their needs and recommendations on how human trafficking could better be combated in Florida. The following is a summary of their responses, and recommendations.

181. Florida should promote the use of FDLE’s statewide law enforcement database (InSite) that already contains a human trafficking crime sub-type that is part of the larger Violent Crime Module. As a database that is secure and accessible only to law enforcement officers, InSite has the capabilities to compile the following information that is crucial to successful trafficking investigations and prosecutions:
 - Addresses and telephone numbers related to ongoing investigations
 - Names and aliases of suspected traffickers
 - Arrests
 - Related vehicles and license plate numbers
 - Known criminal activities
 - Modus operandi of suspected traffickers
 - Related financial instruments
 - Businesses or contractors suspected of ties to human trafficking
 - Ownership information on massage parlors
182. Pro-active trafficking investigations should be pursued, and should replicate the same tactics used to combat organized crime or drug trafficking (i.e., use of confidential informants, wiretaps, and plea bargains with lower level perpetrators so as to prosecute “up the chain of command” of trafficking operations).
183. Florida should have a list of regional service providers throughout the state whom law enforcement officers can contact when there is a need a need for victim care and advocacy in trafficking investigations and law enforcement agencies should ensure that its officers are aware of this resource and have ready access to it.

184. Florida should consider deputizing local officers so as to allow them to cross jurisdictional or county lines when investigating human trafficking cases.
185. Law enforcement agencies should make general training on human trafficking available to all active duty sworn officers in Florida. Any required curriculum should be supplemented with shorter in-service trainings for front-line officers, including station briefings and roll-call trainings
186. Local law enforcement agencies should be given more training and support on how to investigate labor trafficking cases.
187. Non-governmental organizations (NGOs) should be pro-active in bringing human trafficking cases and leads to state and local law enforcement and law enforcement expeditiously should review cases and leads brought to them by NGOs. Law enforcement agencies, where appropriate, should expeditiously issue law enforcement certifications, to assist victims of trafficking in obtaining services and benefits for which they are eligible.
188. Non-governmental organizations should be mindful that they are not investigators, nor can they duplicate the role of law enforcement as rescuers of human trafficking victims. Rescue operations should be conducted only by sworn law enforcement officers in any situation where danger exists to a victim.